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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 916 and 917

[Docket No. FV03–916–4 IFR]

Nectarines and Peaches Grown in California; Increased Assessment Rates

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule increases the assessment rates established for the Nectarine Administrative Committee and the Peach Commodity Committee (committees) for the 2003–04 and subsequent fiscal periods from $0.19 to $0.20 per 25-pound container or container equivalent of nectarines and peaches handled. The committees locally administer the marketing orders which regulate the handling of nectarines and peaches grown in California. Authorization to assess nectarine and peach handlers enables the committees to incur expenses that are reasonable and necessary to administer the programs. The fiscal periods run from March 1 through the last day of February. The assessment rates will remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Effective August 16, 2003. Comments must be received by October 14, 2003.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938, or E-mail: *moab.docketclerk@usda.gov*. Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.ams.usda.gov/fv/moab.html*.

FOR FURTHER INFORMATION CONTACT: Toni Sasselli, Marketing Assistant, California Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721, (559) 487–5901, Fax: (559) 487–5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, Fax: (202) 720–8938.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; telephone: (202) 720–2491, Fax: (202) 720–8938, or E-mail: *Jay.Guerber@usda.gov*.

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement Nos. 85 and 124 and Order Nos. 916 and 917, both as amended (7 CFR parts 916 and 917), regulating the handling of nectarines and peaches grown in California, respectively, hereinafter referred to as the ''orders.'' The marketing agreements and orders are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing orders now in effect, California nectarine and peach handlers are subject to assessments. Funds to administer the orders are derived from such assessments. It is intended that the assessment rates as issued herein will be applicable to all assessable nectarines and peaches beginning on March 1, 2003, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule increases the assessment rates established for the committees for the 2003–04 and subsequent fiscal periods from $0.19 to $0.20 per 25-pound container or container equivalent of nectarines and peaches.

The nectarine and peach marketing orders provide authority for the committees, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the programs. The members of the Nectarine Administrative Committee (NAC) and Peach Commodity Committee (PCC) are producers of California nectarines and peaches, respectively. They are familiar with the committees' needs, and with the costs for goods and services in their local area and are, thus, in a position to formulate appropriate budgets and assessment rates. The assessment rates are formulated and discussed in public meetings. Thus, all directly affected persons have an opportunity to participate and provide input.

NAC Assessment and Expenses

The NAC recommended, for the 2002–03 fiscal period, and USDA approved, an assessment rate of $0.19 that would continue in effect from fiscal period to fiscal period unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the committee or other information available to USDA.

The NAC met on May 1, 2003, and recommended 2003–04 expenditures of $4,173,438 and an assessment rate of $0.20 per 25-pound container or container equivalent of nectarines on a 7 to 1 vote. In comparison, last year's budgeted expenditures were $4,671,342. The assessment rate of $0.20 is $0.01 higher than the rate currently in effect.

The dissenting voter stated that the growers he represented did not support increasing the assessment rate. However, later in the meeting, following a discussion about the development of a nectarine fruit beverage, the dissenter indicated he no longer opposed the assessment increase because the CTFA intended to fund beverage development. He further stated that funds used to create more outlets for nectarines will provide a service to the industry.

The rate increase was recommended to ensure that the NAC could meet its 2003–04 anticipated expenses and carry over a financial reserve that will provide adequate funds at the beginning of the 2004 season before assessment collections begin. A financial reserve carryover of about $400,000 is desirable because major expense outlays for seasonal promotions and other activities occur before assessments are received. Increasing the assessment rate from $0.19 to $0.20 per 25-pound container is expected to provide about $220,400 in additional assessment revenue, and will allow the NAC to start the 2004 season with about $438,374.

The major expenditures recommended by the NAC for the 2003–04 fiscal period include $226,121 for salaries and benefits, $142,612 for general expenses and industry activities, $1,210,220 for inspection, $138,929 for research, and $2,263,061 for domestic and international promotion. Budgeted expenses for these items in 2002–03 were $505,000 for salaries and benefits, $309,039 for general expenses and industry activities, $1,050,000 for inspection, $138,018 for research, and $2,574,160 for domestic and international promotion.

The 2002–03 and 2003–04 budgeted expenses differ somewhat because the NAC reorganized some expense categories for 2003–2004. NAC's total expenses are significantly lower this fiscal year compared to last fiscal year.

The 2003–04 NAC assessment rate was derived after considering the total NAC expenses of $4,173,438; the estimated assessable nectarines of 22,004,000 25-pound containers or container equivalents; the estimated income from other sources, such as interest; and the need for an adequate financial reserve to carry the NAC into the 2004 season. The committee decided that a financial reserve of $400,000 is necessary to meet its obligations in the early part of each season, before handler assessments are billed and received. To meet these goals, the NAC recommended an assessment rate of $0.20 per 25-pound containers or container equivalent. According to the committee, that assessment rate will result in an adequate financial reserve, yet one well within the maximum permitted by the order (one year's expenses; § 916.42).

PCC Assessment and Expenses

The PCC recommended, for the 1996–97 fiscal period, and USDA approved, an assessment rate of $0.19 that would continue in effect from fiscal period to fiscal period unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the committee or other information available to USDA.

The PCC also met on May 1, 2003, and recommended 2003–04 expenditures of $4,086,316 and an assessment rate of $0.20 per 25-pound container or container equivalent of peaches on a vote of 12 to 1. In comparison, last year's budgeted expenditures were $4,678,883. The assessment rate of $0.20 is $0.01 higher than the rate currently in effect.

The dissenting voter stated that the growers he represented did not support increasing the assessment rate, and he, therefore, could not support the increase.

The rate increase was recommended to ensure that the PCC could meet its 2003–04 anticipated expenses and carry over a financial reserve for the PCC which will provide adequate funds at the beginning of the 2004 season before assessment collections begin. A financial reserve carryover of $500,000 is desirable because major expense outlays for seasonal promotions and other activities occur before assessments are received. Increasing the assessment rate from $0.19 to $0.20 per 25-pound container is expected to provide about $213,360 in additional assessment revenue, and will allow the PCC to start the 2004 season with about $530,586.

The major expenditures recommended by the PCC for the 2003–04 fiscal period include $226,121 for salaries and benefits, $144,743 for general expenses and industry activities, $1,206,414 for inspection, $138,930 for research, and $2,211,346 for domestic and international promotion. Budgeted expenses for these items in 2002–03 were $505,000 for salaries and benefits, $206,747 for general expenses, $1,100,000 for inspection, $142,186 for research, and $2,529,036 for domestic and international promotion.

The 2002–03 and 2003–04 budgeted expenses differ somewhat because the PCC reorganized some expense categories for 2003–2004. PCC's total expenses are significantly lower this fiscal year compared to last fiscal year.

The 2003–04 PCC assessment rate was derived after considering the total PCC expenses of $4,086,316; the estimated assessable peaches of 21,336,000 25-pound containers or container equivalents; the estimated income from other sources, such as interest; and the need for an adequate reserve to carry the PCC into the 2004 season. The committee decided that a financial reserve of $500,000 is necessary to meet its obligations in the early part of each season, before handler assessments are billed and received. To meet these goals, the PCC recommended an assessment rate of $0.20 per 25-pound container or container equivalent. According to the committee, that assessment rate will result in an adequate financial reserve, yet one well within the maximum permitted by the order (one year's expenses; § 917.38).

Continuance of Assessment Rates

The assessment rates established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the committees or other available information.

Although these assessment rates will be in effect for an indefinite period, the committees will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rates. The dates and times of committee meetings are available from the committees' website or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA will evaluate the committees' recommendations and other available information to determine whether modification of the assessment rate for each committee is needed. Further rulemaking will be undertaken as necessary. The committee's 2003–04 budget and those for subsequent fiscal periods will be reviewed and, as appropriate, approved by USDA.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly,

AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 300 California nectarine and peach handlers subject to regulation under the orders covering nectarines and peaches grown in California, and about 1,800 producers of these fruits in California. Small agricultural service firms, which include handlers, are defined by the Small Business Administration [13 CFR 121.201] as those whose annual receipts are less than $5,000,000. Small agricultural producers are defined by the Small Business Administration as those having annual receipts of less than $750,000. A majority of these handlers and producers may be classified as small entities.

The committees' staff has estimated that there are less than 20 handlers in the industry who could be defined as other than small entities. For the 2002 season, the committees' staff estimated that the average handler price received was $9.00 per container or container equivalent of nectarines or peaches. A handler would have to ship at least 556,000 containers to have annual receipts of $5,000,000. Given data on shipments maintained by the committees' staff and the average handler price received during the 2002 season, the committees' staff estimates that small handlers represent approximately 94 percent of all the handlers within the industry.

The committees' staff has also estimated that less than 20 percent of the producers in the industry could be defined as other than small entities. For the 2002 season, the committees' estimated the average producer price received was $4.00 per container or container equivalent for nectarines and peaches. A producer would have to produce at least 187,500 containers of nectarines and peaches to have annual receipts of $750,000.

With data maintained by the committees' staff and the average producer price received during the 2002 season, the committees' staff estimates that small producers represent more than 80 percent of the producers within the industry. With an average producer price of $4.00 per container or container equivalent, and a combined packout of nectarines and peaches of 43,340,000 containers, the value of the 2002 packout level is estimated to be $173,360,000. Dividing this total estimated grower revenue figure by the estimated number of producers (1,800) yields an estimate of average revenue per producer of about $96,311 from the sales of peaches and nectarines.

This rule will increase the assessment rates established for the committees and collected from handlers for the 2003–04 and subsequent fiscal periods from $0.19 to $0.20 per 25-pound container or container equivalent of nectarines and peaches. The committees recommended 2003–04 expenditures of $4,173,438 for nectarines and expenditures of $4,086,316 for peaches and an assessment rate of $0.20 per 25-pound container or container equivalent of nectarines and peaches. The assessment rate of $0.20 is $0.01 higher than the current rate.

Analysis of NAC Budget

The quantity of assessable nectarines for the 2003–04 fiscal year is estimated at 22,004,000 25-pound container or container equivalents. Thus, the $0.20 rate should provide $4,400,800 in assessment income. Income derived from handler assessments will be adequate to cover budgeted expenses and permit an adequate reserve.

The major expenditures recommended by the NAC for the 2003–04 year include $226,121 for salaries and benefits, $142,612 for general expenses and industry activities, $1,210,220 for inspection, $138,929 for research, and $2,263,061 for domestic and international promotion.

Budgeted expenses for these items in 2002–03 were $505,000 for salaries and benefits, $309,039 for general expenses and industry activities, $1,050,000 for inspection, $138,018 for research, and $2,574,160 for domestic and international promotion.

The NAC recommended an increase in the assessment rate to meet anticipated 2003–04 expenses and preserve an acceptable financial reserve. A reserve of $400,000 is needed to fund expenses for the following year until assessments for that year are received. The NAC reviewed and recommended 2003–04 expenditures of $4,173,438 and the increased assessment rate.

Analysis of PCC Budget

The quantity of assessable peaches for the 2003–04 fiscal year is estimated at 21,336,000 25-pound container or container equivalents. Thus, the $0.20 rate should provide $4,267,200 in assessment income. Income derived from handler assessments will be adequate to cover budgeted expenses and permit a small increase in reserves.

The major expenditures recommended by the PCC for the 2003–04 year include $226,121 for salaries and benefits, $144,743 for general expenses and industry activities, $1,206,414 for inspection, $138,930 for research, and $2,211,346 for domestic and international promotion.

Budgeted expenses for these items in 2002–03 were $505,000 for salaries and benefits, $206,747 for general expenses, $1,100,000 for inspection, $142,186 for research, and $2,529,036 for domestic and international promotion.

The PCC recommended an increase in the assessment rate to meet anticipated 2003–04 expenses and preserve an acceptable financial reserve. A reserve of $500,000 to $550,000 is needed to fund expenses for the following year until assessments for that year are received. The PCC reviewed and recommended 2003–04 expenditures of $4,086,316 and the increased assessment rate.

Considerations in Determining Expenses and Assessment Rates

Prior to arriving at these budgets, the committees considered information and recommendations from various sources, including, but not limited to: The Executive Committee, the Research Subcommittee, the International Programs Subcommittee, the Grade and Size Subcommittee, and the Domestic Promotion Subcommittee.

Each of the committees then reviewed the proposed expenses; the total estimated assessable 25-pound containers or container equivalents; and the estimated income from other sources, such as interest income, prior to recommending a final assessment rate. The NAC decided that an assessment rate of $0.20 per 25-pound container or container equivalent will allow it to meet its 2003–04 expenses and carry over an operating reserve of about $438,374, which is in line with the committee's financial needs. The PCC decided that an assessment rate of $0.20 per 25-pound container or container equivalent will allow it to meet its 2003–04 expenses and carry over an operating reserve of $530,586, which is in line with the committee's financial needs. The committees then recommended this rate to USDA with one dissenting vote from each committee.

A review of historical and preliminary information pertaining to the upcoming fiscal period indicates that the grower price for the 2003–04 seasons could range between $4.00 and $6.00 per 25-

pound container or container equivalent. Therefore, the estimated assessment revenue for the 2003–04 fiscal period as a percentage of total grower revenue could range between 3.33 and 5.0 percent.

This action increases the assessment obligation imposed on handlers. While assessments impose some additional costs on handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs would be offset by the benefits derived from the operation of the marketing orders. In addition, the committees' meetings were widely publicized throughout the California nectarine and peach industries and all interested persons were invited to attend the meetings and participate in the committees' deliberations on all issues. Like all committee meetings, the May 1, 2003, meetings were public meetings and all entities of all sizes were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This rule will impose no additional reporting or recordkeeping requirements on either small or large handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab.html.* Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

A 60-day comment period is provided to allow interested persons to respond to this rule. All written comments received will be considered before a final decision is made on this matter.

After consideration of all relevant material presented, including the Committees' recommendations, and other information, it is found that this interim final rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary and contrary to the public interest to give preliminary notice prior to putting this rule into effect and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The 2003–04 fiscal periods began on March 1, 2003, and the marketing orders require that the rates of assessment for each fiscal period apply to all assessable nectarines and peaches handled during such fiscal period; (2) the committees need to have sufficient funds to pay their expenses which are incurred on a continuous basis; and (3) handlers are aware of this action which was recommended by the committees at public meetings and is similar to other assessment rate actions issued in past years; (4) this interim final rule provides a 60-day comment period, and all comments timely received will be considered prior to finalization of this rule.

List of Subjects

7 CFR Part 916

Marketing agreements, Nectarines, Reporting and recordkeeping requirements.

7 CFR Part 917

Marketing agreements, Peaches, Pears, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, 7 CFR parts 916 and 917 are amended as follows:

■ 1. The authority citation for 7 CFR parts 916 and 917 continues to read as follows:

Authority: 7 U.S.C. 601–674.

PART 916—NECTARINES GROWN IN CALIFORNIA

■ 2. Section 916.234 is revised to read as follows:

§ 916.234 Assessment rate.

On and after March 1, 2003, an assessment rate of $0.20 per 25-pound container or container equivalent of nectarines is established for California nectarines.

PART 917—PEACHES GROWN IN CALIFORNIA

■ 3. Section 917.258 is revised to read as follows:

§ 917.258 Assessment rate.

On and after March 1, 2003, an assessment rate of $0.20 per 25-pound container or container equivalent of peaches is established for California peaches.

Dated: August 11, 2003.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 03–20875 Filed 8–14–03; 8:45 am]

BILLING CODE 3410–02–U

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Parts 1000 and 1032

[Docket # DA–03–09; AO–313–A45]

Milk in the Central Marketing Area

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; technical amendment.

SUMMARY: In a final rule published in the **Federal Register** on December 17, 1999 (64 FR 70868) the Agricultural Marketing Service (AMS) consolidated Federal milk marketing orders. This document adds ''Broomfield'' to the Adjusted Class I differentials table.

EFFECTIVE DATE: August 16, 2003.

FOR FURTHER INFORMATION CONTACT: Jack Rower, Marketing Specialist, Order Formulation and Enforcement Branch, USDA/AMS/Dairy Programs, Stop 0231–Room 2971, 1400 Independence Avenue, SW., Washington, DC 20250–0231, (202) 720–9363, e-mail: *jack.rower@usda.gov*.

SUPPLEMENTARY INFORMATION:

Background

On December 17, 1999, the Agricultural Marketing Service published a final rule consolidating the Federal milk marketing orders and changing the Class I differentials contained therein. Subsequent to adoption of this final regulation, on November 15, 2001, Broomfield became Colorado's 64th county as a result of an amendment to the Colorado State constitution.

This document amends the regulations by adding the county of Broomfield, CO, to both parts 1000 and 1032 in the General Provisions of Federal milk marketing orders and the Central marketing area, respectively.

List of Subjects in 7 CFR Parts 1000 and 1032

Milk marketing orders.

■ Accordingly we are amending 7 CFR parts 1000 and 1032 as follows:

■ 1. The authority citation for 7 CFR parts 1000 and 1032 continues to read as follows:

Authority: 7 U.S.C. 601–674.

PART 1000—[AMENDED]

■ 2. Section 1000.52 is amended by adding ''Broomfield, CO'' immediately following ''Boulder, CO'' in the table to read as follows:

§ 1000.52 Adjusted Class I differentials.

* * * * *

County/parish/city	State	FIPS code	Class I differential adjusted for location
* * * *	*	*	*
BROOMFIELD	CO	08014	2.45
* * * *	*	*	*

PART 1032—[AMENDED]

■ 3. In § 1032.2, the county ''Broomfield'' is added immediately following ''Boulder''.

Dated: August 11, 2003.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 03–20817 Filed 8–14–03; 8:45 am]

BILLING CODE 3410–02–U

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 24

[Docket No. 03–20]

RIN 1557–AC09

Community and Economic Development Entities, Community Development Projects, and Other Public Welfare Investments

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Final rule.

SUMMARY: The Office of the Comptroller of the Currency (OCC) is amending 12 CFR part 24, the regulation governing national bank investments that are designed primarily to promote the public welfare. This final rule updates the regulation to reflect the additional types of public welfare investment structures that have become more common in recent years and that are permissible under the governing statute. It also clarifies the statutory standard that applies to the activities of those entities; simplifies the standards for making public welfare investments; clarifies how a national bank calculates the value of its public welfare investments for purposes of complying with the rule's investment limits; simplifies the regulation's investment self-certification and prior approval processes; and expands the list of examples of qualifying public welfare investments that satisfy the rule's requirements. The final rule also appends the form national banks may use to inform the OCC about an investment made under part 24. These changes are intended to encourage additional public welfare investments by national banks by simplifying the regulation and further reducing unnecessary burden associated with part 24 investments.

EFFECTIVE DATE: September 15, 2003.

FOR FURTHER INFORMATION CONTACT: Michele Meyer, Counsel, Legislative and Regulatory Activities Division, (202) 874–5090; Stephen Van Meter, Assistant Director, Community and Consumer Law Division, (202) 874–5750; or Barry Wides, Director, or Karen Bellesi, Investments Manager, Community Development Division, (202) 874–4930.

SUPPLEMENTARY INFORMATION:

The Proposal

On January 10, 2003, the OCC published a notice of proposed rulemaking (NPRM) to amend 12 CFR part 24.[1] Part 24 implements 12 U.S.C. 24 (Eleventh), which authorizes national banks to make investments designed primarily to promote the public welfare, including the welfare of low- and moderate-income communities and families, subject to certain percentage-of-capital limitations. The NPRM sought to eliminate unnecessary regulatory requirements associated with these investments and thus make it easier for national banks to use the public welfare investment authority that the statute and regulation provide, consistent with statutory requirements and safety and soundness considerations.

Description of Comments Received and Final Rule

The NPRM comment period closed March 11, 2003, and we received 10 comments. Commenters included banks, a banking trade association, community groups, and individuals. The majority of the commenters supported the proposed changes. A summary of the comments and a description of the final rule follows.

Definitions (§ 24.2)

The NPRM proposed adding a new definition of ''community and economic development entity'' to replace the current definition of ''community development corporation.'' A community development corporation was defined in the former regulation as a corporation established by one or more insured financial institutions (with or without other investors) ''to make one or more investments that meet the requirements of § 24.3.'' [2] The proposal defined a community and economic development entity (CDE) as an entity—such as a national bank community development subsidiary, community development financial institution, limited liability company, or limited partnership—that makes investments or conducts activities that primarily benefit low- and moderate-income individuals or areas or other areas targeted for redevelopment. In our view, this proposed definition better reflected the scope of the statute and its legislative history, neither of which restricts the entities in which a national bank may invest to a particular form of organization, provided the bank is not exposed to unlimited liability.

None of the commenters objected to the substance of this proposed definition. Several, however, pointed out that the abbreviation ''CDE'' could cause confusion because that term is used in the context of the New Markets Tax Credit to refer to an entity that may have similar activities but must meet additional qualifications. To avoid this

[1] 68 FR 1394 (January 10, 2003).

[2] The prior rule set forth the criteria for a public welfare investment, including that the investment primarily benefits low- and moderate-income individuals or areas or other areas targeted for redevelopment, and that the bank demonstrates non-bank community support for the investment.

confusion, the final rule abbreviates the term ''community and economic development entity'' as ''CEDE.''

In addition, the final rule modifies the definition of ''CEDE'' to reflect a change to § 24.3. As explained below, the final rule modifies § 24.3 to permit a national bank to make an investment that either primarily benefits low- and moderate-income individuals or areas or other areas targeted for redevelopment or would receive consideration as a ''qualified investment'' under the CRA regulations. The final rule accordingly defines a CEDE as an entity that makes investments or conducts activities that primarily benefit low- and moderate-income individuals, low- and moderate-income areas, or other areas targeted by a governmental entity for redevelopment *or* that would receive consideration as ''qualified investments'' under the CRA.

Finally, because an investment in a small farm may receive CRA consideration under certain circumstances, the final rule modifies the definition of ''small business'' to include a reference to small farms. Thus, under the final rule, a ''small business'' is ''a business, *including a small farm* or minority-owned business, that meets the qualifications for Small Business Administration Development Company or Small Business Investment Company programs in 13 CFR 121.301.''

Public Welfare Investments (§ 24.3)

Section 24 (Eleventh) authorizes national banks to make investments ''designed primarily to promote the public welfare, including the welfare of low- and moderate-income communities or families (such as through the provision of housing, services, or jobs).'' Section 24.3 of the prior rule implemented this authority by providing that a national bank may make an investment under part 24 if two conditions were met. The first, set forth in the former rule at § 24.3(a), was that the investment primarily benefit low- and moderate-income individuals, low- and moderate-income areas, or other areas targeted for redevelopment by providing or supporting one or more of four enumerated public welfare activities.[3] The second condition, set forth in the former rule at § 24.3(b), was that the bank demonstrate non-bank community support for, or participation in, the investment.[4] The NPRM proposed simplifying the text of § 24.3(a) and deleting § 24.3(b).

1. Simplifying former § 24.3(a). Proposed § 24.3 would have permitted a national bank to make a part 24 investment if the investment primarily benefited low- and moderate-income individuals or areas or government-targeted redevelopment areas. The proposal deleted the four enumerated public welfare activities set forth in former § 24.3(a)(1)-(4) because they were merely illustrative of the types of investments a national bank may make under this part. In fact, the last is a catch-all provision that would cover all part 24 investments not covered by the first three. As we explained in the preamble to the proposal, the list is unnecessary in light of § 24.6, which sets forth examples of public welfare investments a national bank may make under part 24.

Several commenters proposed further revisions to § 24.3. These commenters suggested that we either eliminate the requirement that an investment primarily benefit low- and moderate-income individuals or areas, or change the regulation so that these individuals or areas need not be the only, or even the primary, beneficiaries of such investments. These commenters note that the ''primary benefit'' test is not required by statute and that many investment activities that do not meet this test nonetheless promote the public welfare. Several bank commenters also noted that some investments that would receive consideration under the CRA as ''qualified investments'' do not necessarily satisfy the requirements of part 24. This comment was made, in particular, with respect to small business investments that do not meet part 24's ''primary benefit'' test.

We believe that the elimination of the ''primary benefit'' test in its entirety is inappropriate. First, the primary benefit test provides an objective criterion—the benefit to low- and moderate-income individuals or areas or targeted redevelopment areas—for determining whether an investment ''primarily promotes the public welfare'' under the statute. Eliminating this objective test would create significant uncertainty concerning what types of investments are permitted under part 24. Second, removal of the primary benefit test may dilute the public welfare purpose of the statute by weakening the incentive for national banks to identify investments that are sound and profitable but not widely perceived as such.[5]

However, we believe that many of the benefits of the commenters' suggestions can be achieved by including, as an alternative to investments that satisfy the primary benefit test, investments that would receive consideration as ''qualified investments'' under the CRA regulations. The CRA regulations provide their own set of objective criteria. Under the CRA regulations, a qualified investment must have as its primary purpose community development, which is defined to include affordable housing; community services targeted to low- or moderate-income individuals; activities that promote economic development by financing small businesses or farms; or activities that stabilize low or moderate-income geographies.[6] The final rule incorporates these standards by modifying § 24.3 to permit a bank to make a part 24 investment if the investment primarily benefits low- and moderate-income individuals or areas or government-targeted redevelopment areas *or would receive consideration as a ''qualified investment'' under the CRA regulations.*[7] Examples of such investments are included in new § 24.6.

2. *Eliminating former § 24.3(b) (the community support requirement).*

The NPRM proposed deleting the community support requirement because it is not required by statute or the comparable rules that apply to other financial institutions that have Federal statutory investment authority similar to section 24 (Eleventh) [8], and the OCC's

[3] Under the prior rule, these included affordable housing, equity or debt financing for small businesses, area revitalization or stabilization, and ''other activities, services, or facilities that primarily promote the public welfare.''

[4] Under the prior rule, a bank could demonstrate community support in a variety of ways, including: having non-bank community representatives as members of the board of directors of a CEDE or on a separate advisory board for the bank's community development activities; formation of formal business relationships between the bank and a community organization; contractual agreements with community partners to provide services in connection with the proposed investment; joint ventures with local small businesses; and financing for the proposed investment from the public sector or community development organizations or the receipt of Federal low-income housing tax credits by the project in which the investment is made.

[5] For examples of the diverse and creative investments national banks have made under part 24, *see* ''National Bank Community Development Investments, 2001 Directory.''

[6] 12 CFR 25.12(h) and (s).

[7] It is important to note that an investment that is permitted under part 24 will not always receive positive consideration under the CRA regulations. Under the CRA regulations, a national bank will receive consideration for qualified investments that benefit its assessment areas or a broader statewide or regional area that includes the bank's assessment areas. 12 CFR 25.23(a). For example, a retail national bank located only in California would be permitted under part 24 to invest in an entity that provides affordable housing for low- or moderate-income individuals in New York. The California bank would not receive positive consideration for this investment under the CRA regulations, however, because New York is outside its California assessment area and the broader statewide or regional area that includes its assessment area.

[8] The Federal Reserve Board's community development regulation (12 CFR 208.22) implements statutory authority (12 U.S.C. 338a) that

experience in implementing part 24 suggests that investments that otherwise meet the requirements of part 24 will receive the support of the communities benefitted.

The OCC received several comments from banks in support of the proposed deletion of this requirement. These commenters echoed our statement in the preamble to the NPRM that most investments that otherwise meet the requirements of part 24 will receive the support of the communities benefited. In addition, the supporting commenters said that mandating community involvement may limit management's ability to realize its own business strategy.

The OCC received no comments voicing opposition to the proposed deletion of the community support requirement either banks or community groups. The final rule therefore deletes the community support requirement.

Investment Limits (§ 24.4)

Section 24.4 of the rule implements the investment limits imposed by 12 U.S.C. 24 (Eleventh). Under both the regulation and the statute, a national bank's aggregate public welfare investments may not exceed 5 percent of its capital and surplus, unless the bank is at least adequately capitalized and the OCC determines that a higher amount will pose no significant risk to the deposit insurance fund. In no case, however, may a bank's aggregate outstanding part 24 investments exceed 10 percent of its capital and surplus.[9]

The OCC proposed amending § 24.4 to clarify that a bank should follow generally accepted accounting principles (GAAP) when calculating the aggregate amount of its part 24 investments, unless otherwise directed or permitted in writing by the OCC for prudential or safety and soundness reasons. We received two comments on this proposal seeking a further explanation of this clarification.

National banks prepare statements and reports required to be filed with the OCC using accounting standards that are consistent with GAAP. Under GAAP, the valuation method applied to an investment in an entity depends on the nature of the investment [10] and the degree of the investor's control reflected by the percentage that the investment represents in the entity. Generally, investments over 50 percent are fully consolidated; investments between 20 and 50 percent are valued according to the equity method; and investments under 20 percent may be valued at cost, unless the asset becomes permanently impaired. There are certain circumstances, however, when the application of a particular GAAP valuation method to a part 24 investment may lead to unintended results.

For example, if the equity method of GAAP is applied to a part 24 investment, the value of a bank's part 24 investment carried on the bank's books would be originally recorded at cost but subsequently adjusted periodically to reflect the bank's proportionate share of the investment's earnings or losses, and decreased by any cash dividends or similar distributions from the investment. The use of the equity method would mean that the valuation of the bank's part 24 investment would fluctuate with the profits and losses of the investment. As the investment's profits increase under the equity method, the carrying value of the bank's investment would also increase. Consequently, even if the bank's investment was within the part 24 investment limits when made, this increase in the carrying value under the equity method could cause the investment to later exceed the investment limits.

Conversely, if the part 24 investment incurred losses, the value of the bank's investment would decrease, which would permit the bank to make additional investments without exceeding the investment limit. Thus, although the equity method may better reflect the current value of the bank's investment, its application could limit the investment capacity of banks with the most profitable part 24 investment programs while, contrary to safety and soundness, increasing the investment capacity of banks that make unprofitable part 24 investments.

In such circumstances, it may be appropriate for a bank to use a different method to calculate the aggregate amount of its part 24 investments. For example, under the cost method, the actual cost of a bank's part 24 investment would be used in determining compliance with the statutory investment limit. No further adjustments would be required. As a result, as long as the part 24 investment was within the investment limits when made (and assuming there has been no change in the bank's capital and surplus), a bank's compliance with these limits would be unaffected by profits or losses on the investment.

In order to provide flexibility where the application of a specific GAAP valuation method would be inappropriate, the final rule follows the proposal and amends § 24.4 to provide that a bank should follow GAAP when calculating the aggregate amount of its part 24 investments, unless otherwise directed or permitted in writing by the OCC for prudential or safety and soundness reasons.

Public Welfare Self-Certification and Prior Approval Procedures (§ 24.5)

An eligible national bank may make qualifying public welfare investments without prior notification to, or approval by, the OCC by submitting a self-certification letter to the OCC within 10 working days after it makes the investment. For all other investments under part 24, a national bank must submit an investment proposal application to the OCC for prior approval. Unless otherwise notified in writing by the OCC, the proposed investment is deemed approved 30 calendar days from the date on which the OCC receives the proposal application.[11]

To emphasize that eligible national banks are not required to seek prior approval of eligible public welfare investments, the NRPM proposed changing the title of § 24.5 to ''Public welfare investment after-the-fact notice and prior approval procedures,'' and changed references in the section from ''self-certification'' to ''after-the-fact notice.'' The OCC further proposed to simplify the part 24 investment notification processes and make them more consistent with the notification processes established under 12 CFR part 5 for certain equity investments. Under those provisions of part 5, a national bank's written after-the-fact notice of certain equity investments must set forth simply ''a description, and the amount, of the bank's investment.''[12]

The NPRM proposed revising § 24.5 to make it more consistent with the part 5 equity investment notification procedures and to remove unnecessary administrative impediments to national bank public welfare investments. Thus, the proposal provided that a national

is identical in all material respects to 24 (Eleventh) and does not require the demonstration of community support for an investment.

[9] As explained in § 24.1(d), national banks that make loans or investments that are designed primarily to promote the public welfare and that are authorized under provisions other than section 24 (Eleventh) may do so without regard to the provisions—including the capital limitations—of 24 (Eleventh) or part 24.

[10] For example, Statement of Financial Accounting Standards Board No. 115, *Accounting for Certain Investments in Debt and Equity Securities,* identifies the categories among which national banks must divide their securities holdings as held-to-maturity, trading, and available-for-sale, and provides a different accounting treatment for each category.

[11] *See* 12 CFR 24.5 and 24.6.

[12] *See* 12 CFR 5.36(d)(2).

bank may make an investment without prior notification to the OCC if the bank submits an after-the-fact notice to the OCC that includes: a description of the bank's investment; the amount of the investment; the percentage of the bank's capital and surplus represented by the current investment being self-certified and by the bank's aggregate outstanding part 24 investments, including the investment being self-certified; and a certification that the investment complies with the requirements of §§ 24.3 and 24.4.

The NPRM also proposed applying these modified requirements to the investment prior approval process described in § 24.5(b). As a result, the after-the-fact notices and the investment proposals submitted in accordance with these modified requirements would be significantly less burdensome to prepare than are the materials submitted under the current rule while still providing the OCC with sufficient information to determine whether an investment is consistent with safe and sound practices.[13]

The OCC received no comments opposed to these streamlined procedures and several comments in favor of them. Several commenters suggested, however, that we further streamline the self-certification process. One commenter proposed eliminating the required inclusion in the self-certification letter of the percentage of the bank's capital and surplus represented by the current investment and by the bank's aggregate outstanding investments. This commenter noted that neither part 5 nor the FRB's rule requires this information. On the other hand, this information is necessary to enable the OCC to ascertain whether a bank is complying with the statutory investment limit, and requiring its inclusion poses minimal additional burden because the bank itself must calculate the percentage of its capital and surplus represented by the current investment and by its aggregate outstanding investments in order to determine whether it is in compliance with the rule's investment limits. The final rule thus retains this requirement.

A bank commenter also suggested that we eliminate two other differences between the part 24 procedures and the procedures set forth in the FRB's rule. First, the bank suggested that the OCC change the requirement that a bank must notify the OCC within 10 days of making an investment to be consistent with the 30-day period permitted by the FRB. Second, the bank proposed that we eliminate the requirement that a bank must be well-capitalized in order to submit after-the-fact notices because the FRB only requires that a bank be adequately capitalized. We decline to adopt in part 24 the timing and capitalization requirements applied by the FRB in its community development investment regulation. The requirements in part 24 are consistent with requirements applied in connection with certain equity investments under part 5 and achieve the twin objectives of minimizing burden while providing adequate safeguards. The OCC believes that changing these requirements in the context of part 24 may have the unintended consequence of increasing burden on banks by imposing a new and different set of rules applicable to a subset of investments that national banks may make. For these reasons, we have retained the current requirements.

The OCC has revised the sample form (OCC form CD–1) for investment notification and prior approval to reflect the streamlined requirements set forth in this final rule. This sample form is added to the final rule as Appendix 1, is available for downloading on the OCC's Web site at *http://www.occ.treas.gov/cdd/pt24toppage.htm*, and will be available through the OCC's Community Development Division.[14]

Examples of Qualifying Public Welfare Investments (§ 24.6)

The NPRM proposed revising § 24.6 to provide additional examples of the types of investments that meet the requirements of § 24.3. For ease of reference, this list is organized by type of activity (such as affordable housing, economic development and job creation, and investments in community and economic development entities). As we explained in the preamble to the NPRM, this list is merely illustrative of the types of investments a bank may make under this part, and national banks are not limited to the listed investments in creating or expanding their public welfare investment programs. The expanded list of eligible investments would help to streamline the notice and application processes, however, by making clear the scope of investments that are eligible and reducing the need for staff to do case-by-case reviews of the permissibility of such investments.

Two commenters suggested additions to this list of examples consistent with the view that we should eliminate or reduce the emphasis in § 24.3 on whether an investment primarily benefits low- and moderate-income persons or areas. Because the final rule amends § 24.3 to permit banks to make investments that would receive consideration as ''qualified investments'' under the CRA regulations, the final rule includes an additional example in § 24.6 of such an investment.

This example, set forth at § 24.6(b)(2), is of an investment that finances small businesses or small farms that, although not located in low- and moderate-income areas, create a significant number of permanent jobs for low- or moderate-income individuals. As explained in the Interagency Questions and Answers Regarding Community Reinvestments,[15] a national bank would receive positive CRA consideration for such an investment,[16] but would not have been permitted to make it under former § 24.3 because the small businesses or small farms are not located in a low- or moderate-income area or redevelopment area and a majority of the permanent jobs created are not for low- and moderate-income individuals.

Examination, Records, and Remedial Action (§ 24.7)

As explained above, this rulemaking expands the investment opportunities available to national banks under part 24 by modifying § 24.3 to permit a bank to make a part 24 investment if the investment primarily benefits low- and moderate-income individuals or areas or government-targeted redevelopment areas or would receive consideration as a ''qualified investment'' under the CRA regulations. With the expanded examples of qualifying investments, it becomes increasingly important that the bank be able to readily demonstrate that the investment meets the criteria for an eligible investment under part 24. Where a bank relies on an investment being a ''qualified investment'' under the CRA regulations in order to be

[13] Neither the proposal nor the final rule changes the triggers for the prior approval process. Thus, a bank that is not an ''eligible bank'' under our rules must seek prior approval of its investments. 12 CFR 24.5(b)(1). So must an eligible bank that seeks to exceed the five percent investment limit or to invest in other real estate owned or make some other investment determined by the OCC to be ineligible for the after-the-fact notice process. 12 CFR 24.4 and 24.5(a)(5).

[14] The Community Development Division may be contacted at (202) 874–4930.

[15] 66 FR 36620 (July 12, 2001).

[16] Interagency Questions and Answers Regarding Community Reinvestments, Q & A _____ .12(h)(3)–1, 66 FR at 36625. A national bank would be permitted to make this investment under the Small Business Investment Act (SBIA), 15 U.S.C. 661 *et seq.* The SBIA authorizes the Small Business Administration to charter private Small Business Investment Companies (SBICs), and authorizes banks to invest in those SBICs. Under the final rule, a national bank could make a similar investment using, for example, a CEDE rather than an SBIC.

eligible under part 24, this means that the bank's records of its part 24 investment must clearly support the investment as a ''qualified investment'' under the standards of the CRA regulations. The final rule therefore amends § 24.7(b) to emphasize that a national bank ''maintain in its files information adequate to demonstrate that its investments meet the standards set out in § 24.3 and that the bank is otherwise in compliance with the requirements of this part.''

Conforming Amendments

As we have explained, the proposal changes the definition of ''community development corporation'' to ''community and economic development entity'' to better reflect the range of investment vehicles that may be used for making part 24 investments. The final rule revises the title of part 24 to reflect this change. Thus, the title of the final rule is ''Community and Economic Development Entities, Community Development Projects, and Other Public Welfare Investments.''

The final rule also revises the authority statement of the rule (§ 24.1) to refer to ''community and economic development entities'' rather than ''community development corporations.''

Regulatory Flexibility Act Analysis

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b) (RFA), the regulatory flexibility analysis otherwise required under section 604 of the RFA is not required if the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities and publishes its certification and a short, explanatory statement in the **Federal Register** along with its rule.

Pursuant to section 605(b) of the RFA, the OCC hereby certifies that this rulemaking will not have a significant economic impact on a substantial number of small entities. The OCC has reviewed the impact this final rule will have on small national banks. For purposes of this Regulatory Flexibility Analysis and final rule, the OCC defines ''small national banks'' to be those banks with less than $150 million in total assets. Based on that review, the OCC certifies that the final rule will not have a significant economic impact on a substantial number of small entities. The final rule would reduce regulatory burden on all national banks by simplifying the requirements and procedures applicable to part 24 investments. The economic impact of this final rule on national banks, regardless of size, is not expected to be significant, though some national banks may benefit from a modest reduction in compliance costs. Accordingly, a regulatory flexibility analysis is not needed.

Executive Order 12866

The OCC has determined that this final rule is not a significant regulatory action under Executive Order 12866.

Unfunded Mandates Reform Act of 1995

Section 202 of the Unfunded Mandates Reform Act of 1995, Pub. L. 104–4 (2 U.S.C. 1532) (Unfunded Mandates Act), requires that an agency prepare a budgetary impact statement before promulgating any rule likely to result in a federal mandate that may result in the expenditure by state, local, and tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year. If a budgetary impact statement is required, section 205 of the Unfunded Mandates Act also requires an agency to identify and consider a reasonable number of regulatory alternatives before promulgating a rule. The OCC has determined that the final rule will not result in expenditures by state, local, and tribal governments, or by the private sector, of $100 million or more in any one year. Accordingly, this rulemaking requires no further analysis under the Unfunded Mandates Act.

Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act of 1995, the OCC may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number.

The information collection requirements contained in the notice of proposed rulemaking (68 FR 1394, January 10, 2003) were submitted to OMB for review and approved by OMB under OMB Control Number 1557–0194.

The OCC solicited comments for 60 days on the information collection requirements contained notice of proposed rulemaking. The OCC received no comments.

The revisions of the information collections contained in the final rule are unchanged from the proposed rule and are expected to reduce annual paperwork burden for respondents because it eliminates certain application and notification requirements. The information collection requirements in this final rule are contained in §§ 24.5(a) and 24.5(b). Section 24.5(a) requires a national bank to submit an after-the-fact notice of public welfare investments to the OCC. The time per response to complete an after-the-fact notice is estimated to be 1.5 hours and the number of respondents is estimated to be 195 national banks. Section 24.5(b) requires a national bank to submit an investment proposal to the OCC if the bank does not meet the requirements for after-the-fact notification. The time per response to complete an investment proposal is estimated to be 1.5 hours and the number of respondents is estimated to be 22.

Section 24.5(a)(4) contains an existing requirement for certain national banks to submit a letter requesting authority to submit after-the-fact notices of their investments. The time per response is approximately 30 minutes and the number of respondents is estimated to be four.

The likely respondents are national banks.

Estimated number of respondents: 221 hours.

Estimated number of responses: 221 responses.

Estimated total burden hours: 327.5 hours.

List of Subjects in 12 CFR Part 24

Community development, Credit, Investments, National banks, Reporting and recordkeeping requirements.

Authority and Issuance

■ For the reasons set forth in the preamble, the OCC amends part 24 of chapter I of title 12 of the Code of Federal Regulations as follows:

■ 1. Revise the part heading of part 24 to read as follows:

PART 24—COMMUNITY AND ECONOMIC DEVELOPMENT ENTITIES, COMMUNITY DEVELOPMENT PROJECTS, AND OTHER PUBLIC WELFARE INVESTMENTS

■ 2. The authority citation for part 24 continues to read as follows:

Authority: 12 U.S.C. 24 (Eleventh), 93a, 481 and 1818.

■ 3. In part 24, revise all references to ''community development corporation'' and ''CDC'' to read ''community and economic development entity'' and ''CEDE,'' respectively.

■ 4. In § 24.2, revise paragraphs (c) and (h) to read as follows:

§ 24.2 Definitions.

* * * * *

(c) *Community and economic development entity* (CEDE) means an entity that makes investments or conducts activities that primarily

benefit low- and moderate-income individuals, low- and moderate-income areas, or other areas targeted by a governmental entity for redevelopment, or would receive consideration as ''qualified investments'' under 12 CFR 25.23. The following is a non-exclusive list of examples of the types of entities that may be CEDEs:

(1) National bank community development corporation subsidiaries;

(2) Private or nonbank community development corporations;

(3) CDFI Fund-certified Community Development Financial Institutions or Community Development Entities;

(4) Limited liability companies or limited partnerships;

(5) Community development loan funds or lending consortia;

(6) Community development real estate investment trusts;

(7) Business development companies;

(8) Community development closed-end mutual funds;

(9) Non-diversified closed-end investment companies; and

(10) Community development venture or equity capital funds.

* * * * *

(h) *Small business* means a business, including a small farm or minority-owned small business, that meets the qualifications for Small Business Administration Development Company or Small Business Investment Company loan programs in 13 CFR 121.301.

■ 5. Revise § 24.3 to read as follows:

§ 24.3 Public welfare investments.

A national bank may make an investment under this part if the investment primarily benefits low- and moderate-income individuals, low- and moderate-income areas, or other areas targeted by a governmental entity for redevelopment, or the investment would receive consideration under 12 CFR 25.23 as a ''qualified investment.''

■ 6. In § 24.4, revise paragraph (a) to read as follows:

§ 24.4 Investment limits.

(a) *Limits on aggregate outstanding investments.* A national bank's aggregate outstanding investments under this part may not exceed 5 percent of its capital and surplus, unless the bank is at least adequately capitalized and the OCC determines, by written approval of the bank's proposed investment pursuant to § 24.5(b), that a higher amount will pose no significant risk to the deposit insurance fund. In no case may a bank's aggregate outstanding investments under this part exceed 10 percent of its capital and surplus. When calculating the aggregate amount of its aggregate outstanding investments under this part, a national bank should follow generally accepted accounting principles, unless otherwise directed or permitted in writing by the OCC for prudential or safety and soundness reasons.

* * * * *

■ 7. In § 24.5:

■ a. Revise the section heading;

■ b. Revise paragraph (a) and;

■ c. Revise paragraphs (b)(1) and (b)(2) to read as follows:

§ 24.5 Public welfare investment after-the-fact notice and prior approval procedures.

(a) *After-the-fact notice of public welfare investments.* (1) Subject to § 24.4(a), an eligible bank may make an investment authorized by 12 U.S.C. 24 (Eleventh) and this part without prior notification to, or approval by, the OCC if the bank follows the after-the-fact notice procedures described in this section.

(2) An eligible bank shall provide an after-the-fact notification of an investment, within 10 working days after it makes the investment, to the Director, Community Development Division, Office of the Comptroller of the Currency, Washington, DC 20219.

(3) The bank's after-the-fact-notice must include:

(i) A description of the bank's investment;

(ii) The amount of the investment;

(iii) The percentage of the bank's capital and surplus represented by the investment that is the subject of the notice and by the bank's aggregate outstanding public welfare investments and commitments, including the investment that is the subject of the notice; and

(iv) A statement certifying that the investment complies with the requirements of §§ 24.3 and 24.4.

(4) A bank may satisfy the notice requirements of paragraph (3) of this section by completing form CD–1, attached as Appendix 1 to this part.

(5) A national bank that is not an eligible bank but that is at least adequately capitalized, and has a composite rating of at least 3 with improving trends under the Uniform Financial Institutions Rating System, may submit a letter to the Community Development Division requesting authority to submit after-the-fact notices of its investments. The Community Development Division considers these requests on a case-by-case basis.

(6) Notwithstanding the provisions of this section, a bank may not submit an after-the-fact notice of an investment if:

(i) The investment involves properties carried on the bank's books as ''other real estate owned''; or

(ii) The OCC determines, in published guidance, that the investment is inappropriate for after-the-fact notice.

(b) *Investments requiring prior approval.* (1) If a national bank does not meet the requirements for after-the-fact investment notification set forth in this part, the bank must submit an investment proposal to the Director, Community Development Division, Office of the Comptroller of the Currency, Washington, DC 20219. The bank may use form CD–1, attached to this part as Appendix 1, to satisfy this requirement.

(2) The bank's investment proposal must include:

(i) A description of the bank's investment;

(ii) The amount of the investment;

(iii) The percentage of the bank's capital and surplus represented by the proposed investment and by the bank's aggregate outstanding public welfare investments and commitments, including the proposed investment; and

(iv) A statement certifying that the investment complies with the requirements of §§ 24.3 and 24.4.

* * * * *

■ 8. Revise § 24.6 to read as follows:

§ 24.6 Examples of qualifying public welfare investments.

Investments that primarily support the following types of activities are examples of investments that meet the requirements of § 24.3:

(a) Affordable housing activities, including:

(1) Investments in an entity that finances, acquires, develops, rehabilitates, manages, sells, or rents housing primarily for low- and moderate-income individuals;

(2) Investments in a project that develops or operates transitional housing for the homeless;

(3) Investments in a project that develops or operates special needs housing for disabled or elderly low- and moderate-income individuals; and

(4) Investments in a project that qualifies for the Federal low-income housing tax credit;

(b) Economic development and job creation investments, including:

(1) Investments that finance small businesses (including equity or debt financing and investments in an entity that provides loan guarantees) that are located in low- and moderate-income areas or other targeted redevelopment areas or that produce or retain permanent jobs, the majority of which are held by low- and moderate-income individuals;

(2) Investments that finance small businesses or small farms that, although

not located in low- and moderate-income areas or targeted redevelopment areas, create a significant number of permanent jobs for low- or moderate-income individuals;

(3) Investments in an entity that acquires, develops, rehabilitates, manages, sells, or rents commercial or industrial property that is located in a low- and moderate-income area or targeted redevelopment area and occupied primarily by small businesses, or that is occupied primarily by small businesses that produce or retain permanent jobs, the majority of which are held by low- and moderate-income individuals; and

(4) Investments in low- and moderate-income areas or targeted redevelopment areas that produce or retain permanent jobs, the majority of which are held by low- and moderate-income individuals;

(c) Investments in CEDEs, including:

(1) Investments in a national bank that has been approved by the OCC as a national bank with a community development focus;

(2) Investments in a community development financial institution, as defined in 12 U.S.C. 4742(5);

(3) Investments in a CEDE that is eligible to receive New Markets tax credits under 26 U.S.C. 45D; and

(d) Other public welfare investments, including:

(1) Investments that provide credit counseling, job training, community development research, and similar technical assistance services for non-profit community development organizations, low- and moderate-income individuals or areas or targeted redevelopment areas, or small businesses located in low- and moderate-income areas or that produce or retain permanent jobs, the majority of which are held by low- and moderate-income individuals;

(2) Investments of a type approved by the Federal Reserve Board under 12 CFR 208.22 for state member banks that are consistent with the requirements of § 24.3; and

(3) Investments of a type previously determined by the OCC to be permissible under this part.

■ 9. In § 24.7, revise paragraph (b) to read as follows:

§ 24.7 Examination, records, and remedial action.

(a) * * *

(b) *Records.* Each national bank shall maintain in its files information adequate to demonstrate that its investments meet the standards set out in § 24.3 of this part, including, where applicable, the criteria of 12 C.F.R. 25.23, and that the bank is otherwise in compliance with the requirements of this part.

* * * * *

■ 10. Appendix 1 is added to read as follows:

BILLING CODE 4810–33–P

Comptroller of the Currency
Administrator of National Banks

CD-1 – National Bank Community Development (Part 24) Investments

For Official Use Only

OMB Number 1557-0194

National banks may make investments designed primarily to promote the public welfare under the community development investment authority in 12 USC 24(Eleventh) and its implementing regulation, 12 CFR 24 (Part 24). Part 24 contains the OCC guidelines to determine whether an investment is designed primarily to promote the public welfare and procedures that apply to those investments. National banks must submit the completed form to provide an after-the-fact notice or to request prior approval of a public welfare investment to the Director, Community Development Division, Office of the Comptroller of the Currency, Washington, DC 20219. Please contact the Community Development Division at (202) 874-4930 for more information.

PLEASE PROVIDE THE FOLLOWING INFORMATION ABOUT THE INVESTING BANK.

Bank name:	Mailing address *(street or P.O. box):*
Bank charter number:	City, State, ZIP Code:
Telephone number:	Fax number:
E-mail address:	URL:

CONTACT FOR INFORMATION:

Name of bank contact responsible for form's information:	Name of bank contact responsible for CD investment (if different):
Mailing address *(street or P.O. box):*	Mailing address *(street or P.O. box)*:
City, State, ZIP Code:	City, State, ZIP Code:
Telephone number:	Telephone number:
Fax number:	Fax number:
E-mail address:	E-mail address:

PLEASE INDICATE THE PROCESS THE BANK REQUESTS BY CHECKING THE APPROPRIATE BOX, BELOW.

After-the-fact notice (12 CFR 24.5(a)) - complete sections 1 and 2. ☐

Prior approval (12 CFR 24.5(b)) - complete section 2. ☐

Section 1 – After-The-Fact Notice Only (12 CFR 24.5(a))

A bank may provide an after-the-fact notice of its Part 24 investment if the bank responds affirmatively to all of the following requirements.

The bank is "well-capitalized," as defined in 12 CFR 6.4(b)(1). Yes ☐ No ☐

The bank has a composite rating of 1 or 2 under the Uniform Financial Institutions Rating System. Yes ☐ No ☐

The bank's most recent Community Reinvestment Act rating is satisfactory or outstanding. Yes ☐ No ☐

The bank is not under a cease and desist order, consent order, formal written agreement, or Prompt Corrective Action directive.

Yes ☐ No ☐

Including this investment, the bank's aggregate outstanding investments and commitments under Part 24 are less than 5 percent of its capital and surplus, unless the OCC has provided written approval allowing the bank to provide after-the-fact notices for investments that would raise the aggregate amount of the bank's Part 24 investments beyond 5 percent of its capital and surplus.

Yes ☐ No ☐

The investment does not involve properties carried on the bank's books as "other real estate owned." Yes ☐ No ☐

The OCC has not determined, in published guidance, that the investment is inappropriate for the after-the-fact notification.

Yes ☐ No ☐

Has the bank responded affirmatively to all of the above requirements in order to provide an after-the-fact notice of its Part 24 investment? [The OCC may have provided written notification that the bank may submit Part 24 after-the-fact notices. If so, please provide the date or a copy of the OCC's written notification.]

Yes ☐ (The bank may make an investment authorized by 12 USC 24(Eleventh) and this part and notify the OCC within 10 working days by submitting a completed after-the-fact notice.)

No ☐ (The bank must seek prior OCC approval of its investment and submit a completed investment proposal before making the investment.)

(To complete the after-the-fact notice process or to request prior OCC approval, please proceed to section 2 of this form.)

Section 2 — All Requests

1. **Please indicate how the bank's investment is consistent with Part 24 requirements for public welfare investments, under 12 CFR 24.3.**

   a. Check at least one of the following that applies to the bank's investment:

   The investment primarily benefits low- and moderate-income individuals. ☐

   The investment primarily benefits low- and moderate-income areas. ☐

   The investment primarily benefits areas targeted for redevelopment by a government entity. ☐

   The investment is a "qualified investment" under 12 CFR 25.23 for purposes of the Community Reinvestment Act. ☐

2. **Please indicate how the bank's investment is consistent with Part 24 requirements for investment limits under 12 CFR 24.4 by responding to the following questions.**

   a. Dollar amount of the bank's investment that is the subject of this submission: _____.

   b. Percentage of the bank's capital and surplus represented by the bank's investment that is the subject of this submission. _____%.

   c. Percentage of the bank's capital and surplus represented by the aggregate outstanding Part 24 investments and commitments, including this investment: _____%.

   d. Does this investment expose the bank to unlimited liability?

   Yes ☐ (This investment cannot be made under Part 24.)

   No ☐

3. **Please attach a brief description of the bank's investment. (*See* 12 CFR 24.5(a)(3)(i) and (b)(2)(i)). Include the following information in the description.**

   a. The name of the community and economic development entity (CEDE) into which the bank's investment has been (or will be) made.

   b. The type of bank investment (equity, debt, or other).

   c. The activity or activities of the CEDE in which the bank has invested (or will invest). (*See* examples of investment activities described in 12 CFR 24.6 (a), (b), (c), and (d).)

   d. How the investment is structured so that it does not expose the bank to unlimited liability, such as by describing the structure of the CEDE (*e.g.*, CDC subsidiary, multibank CDC, multi-investor CDC, limited partnership, limited liability company, community development bank, community development financial institution, community development entity, community development venture capital fund, community development lending consortia, community development closed-end mutual funds, non-diversified closed-end investment companies, or any other CEDE) and by providing any other relevant information.

   e. The geographic area served by the CEDE.

   f. The total funding or other support by community development partners involved in the project (*e.g.*, government or public agencies, nonprofits, other investors), if known.

g. Supplemental information (*e.g.*, prospectus, annual report, web address that contains information about the CEDE in which the investment is or will be made), if available.

4. Evidence of qualification is readily available for examination purposes.

The bank maintains information concerning this investment in a form readily accessible and available for examination that supports the certifications contained in this form and demonstrates that the investment meets the standards set out in 12 CFR 24.3, including, where applicable, the criteria of 12 CFR 25.23.

Yes ☐ No ☐

5. Certification

The undersigned hereby certifies that the foregoing information in this form is accurate and complete. It is further certified that the undersigned is authorized to file this form on Part 24 investments for the bank.

Name: _____

Title: _____

Signature: _____

Date: _____

DESCRIPTION OF THE BANK'S CD INVESTMENT. (See *information previously requested*)

(*Type the description of the bank's Part 24 investment here. You may type as much text as necessary. You will have access to all of MS Word's editing features.*)

Dated: July 10, 2003.

John D. Hawke, Jr.,

Comptroller of the Currency.

[FR Doc. 03–20801 Filed 8–14–03; 8:45 am]

BILLING CODE 4810–33–C

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–322–AD; Amendment 39–13221; AD 2003–14–02 R1]

RIN 2120–AA64

Airworthiness Directives; Bombardier Model CL–600–2B19 (Regional Jet Series 100 & 440) Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; correction.

SUMMARY: This document corrects information in an existing airworthiness directive (AD) that applies to certain Bombardier Model CL–600–2B19 (Regional Jet series 100 & 440) airplanes. That AD currently requires a one-time inspection of the aft edge of the left and right main windshields to determine whether a certain placard is installed, and corrective actions if necessary. This document corrects several incorrect references to the affected airplane models. This correction is necessary to ensure that model designations are specified as published in the most recent type certificate data sheet for the affected models.

DATES: Effective August 14, 2003.

The incorporation by reference of Bombardier Service Bulletin 601R–56–004, dated August 16, 2001, as listed in the regulations, was approved previously by the Director of the Federal Register as of August 14, 2003 (68 FR 41059, July 10, 2003).

FOR FURTHER INFORMATION CONTACT: Serge Napoleon, Aerospace Engineer, Airframe and Propulsion Branch, ANE–171, FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York 11581; telephone (516) 256–7512; fax (516) 568–2716.

SUPPLEMENTARY INFORMATION: On July 1, 2003, the Federal Aviation Administration (FAA) issued airworthiness directive (AD) 2003–14–02, amendment 39–13221 (68 FR 41059, July 10, 2003), which applies to certain Bombardier Model CL–600–2B19 (Regional Jet series 100 & 440) airplanes. That AD requires a one-time inspection of the aft edge of the left and right main windshields to determine whether a certain placard is installed, and corrective actions if necessary. That AD was prompted by a significant number of cracking incidents that occurred in the inner and middle panes of the main windshields during taxi, takeoff, climb, cruise, and descent of the airplane. The actions required by that AD are intended to prevent stress-related cracking of the windshields, and subsequent excessive frequency of abnormal procedures specified in the airplane flight manual and/or an emergency descent be accomplished, which poses an increased risk to passengers and crew members.

Need for the Correction

As published, that AD contains several incorrect references to the affected airplane models. As discussed in the preamble of that AD, we intended to revise the applicability of the final rule to identify model designations as published in the most recent type certificate data sheet. However, Regional Jet series ''400,'' which does not exist, was inadvertently indicated in several references instead of the correct model designation Regional Jet series ''440.'' The correct model designation (Bombardier Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes) was listed in the title of the AD.

The FAA has determined that a correction to AD 2003–14–02 is necessary. The correction will properly specify model designations as published in the most recent type certificate data sheet for the affected models.

Correction of Publication

This document corrects the error and correctly adds the AD as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13).

The AD is reprinted in its entirety with the changes incorporated for the convenience of affected operators. The effective date of the AD remains August 14, 2003.

Since this action only specifies model designations as published in the most recent type certificate data sheet for the affected models, it has no adverse economic impact and imposes no additional burden on any person. Therefore, the FAA has determined that notice and public procedures are unnecessary.

Restatement of Supplemental Information Section of AD 2003–14–02

A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that is applicable to certain Bombardier Model CL–600–2B19 series airplanes was published in the **Federal Register** on May 20, 2002 (67 FR 35461). That action proposed to require a one-time inspection of the aft edge of the left and right main windshields to determine whether a certain placard is installed, and corrective actions if necessary.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Correction

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Corrected]

■ 2. Section 39.13 is amended by correctly adding the following airworthiness directive (AD):

AD 2003–14–02 R1 Bombardier, Inc. (Formerly Canadair): Amendment 39–13221. Docket 2001–NM–322–AD.

Applicability: Model CL–600–2B19 (Regional Jet series 100 & 440) airplanes; certificated in any category; serial numbers 7003 and subsequent; equipped with main windshield units, part numbers 601R33033–1, –2, –5, –6, –9, or –10.

Compliance: Required as indicated, unless accomplished previously.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent stress-related cracking of the windshields, and subsequent excessive frequency of abnormal procedures specified in the airplane flight manual and/or an emergency descent be accomplished, which poses an increased risk to passengers and crew members; accomplish the following:

Inspection and Corrective Action

(a) For airplanes equipped with windshield units that have accumulated fewer than 2,500 total flight cycles as of the effective date of this AD: Within 6 months after 3 the effective date of this AD, accomplish a one-time general visual inspection of the aft edges of the left and right main windshields to determine whether a placard having part number (P/N) CSB–NP–139321–002–1 is installed, per the Accomplishment Instructions of Bombardier Service Bulletin 601R–56–004, dated August 16, 2001.

(1) If a placard having P/N CSB–NP–139321–002–1 is installed, no further action is required by this AD.

(2) If a placard having a P/N other than CSB–NP–139321–002–1 is installed, before further flight, accomplish the corrective actions (including modifying the main windshields by replacing nine of the hi-lok pins installed in the lower forward corner of the windshields with hi-lok pins having a reduced diameter shank, installing a placard having the correct P/N on the inner retainer near the part identification placard located along the aft edge of the window, and replacing any torn or deformed gasket), per the Accomplishment Instructions of the service bulletin.

Note 2: For the purposes of this AD, a general visual inspection is defined as: ''A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made from within touching distance unless otherwise specified. A mirror may be necessary to enhance visual access to all exposed surfaces in the inspection area. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.''

Note 3: Bombardier Service Bulletin 601R–56–004, dated August 16, 2001, references PPG Industries, Inc., Service Bulletin CSB–NP–139321–002, Revision C, dated July 31, 2001, as an additional source of service information for accomplishment of the modification of the left and right main windshields.

Alternative Methods of Compliance

(b) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, New York Aircraft Certification Office (ACO), FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, New York ACO.

Note 4: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the New York ACO.

Special Flight Permit

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(d) The actions shall be done in accordance with Bombardier Service Bulletin 601R–56–004, dated August 16, 2001. The incorporation by reference of that document was approved previously by the Director of the Federal Register as of August 14, 2003 (68 FR 41059, July 10, 2003). Copies may be obtained from Bombardier, Inc., Canadair, Aerospace Group, PO Box 6087, Station Centre-ville, Montreal, Quebec H3C 3G9, Canada. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, New York Aircraft Certification Office, 10 Fifth Street, Third Floor, Valley Stream, New York; or at the *Office of the Federal Register*, 800 North Capitol Street, NW., suite 700, Washington, DC.

Note 5: The subject of this AD is addressed in Canadian airworthiness directive CF–2001–35R1, dated September 27, 2001.

Effective Date

(e) The effective date of this amendment remains August 11, 2003.

Issued in Renton, Washington, on August 11, 2003.

Neil D. Schalekamp,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–20834 Filed 8–14–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 522

Implantation or Injectable Dosage Form New Animal Drugs; Trenbolone and Estradiol

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental abbreviated new animal drug application (ANADA) filed by Ivy Laboratories, Division of Ivy Animal Health, Inc. The supplemental ANADA provides for an additional dose of trenbolone acetate and estradiol implant for use in feedlot steers for increased rate of weight gain and improved feed efficiency.

DATES: This rule is effective August 15, 2003.

FOR FURTHER INFORMATION CONTACT: Lonnie W. Luther, Center for Veterinary Medicine (HFV–104), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 301–827–8549, e-mail: *lluther@cvm.fda.gov*.

SUPPLEMENTARY INFORMATION: Ivy Laboratories, Division of Ivy Animal Health, Inc., 8857 Bond St., Overland Park, KS 66214, filed a supplement to ANADA 200–346. The supplemental ANADA provides for the use of COMPONENT TE–200 (trenbolone acetate and estradiol), a subcutaneous implant containing 200 milligrams (mg) trenbolone acetate and 20 mg estradiol in steers fed in confinement for slaughter for increased rate of weight gain and improved feed efficiency. Ivy Laboratories' COMPONENT TE–200 is approved as a generic copy of Intervet, Inc.'s REVALOR–200, approved under NADA 140–992. The application is approved as of April 21, 2003, and the regulations are amended in 21 CFR 522.2477 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

In accordance with the freedom of information provisions of 21 CFR part 20 and 21 CFR 514.11(e)(2)(ii), a summary of safety and effectiveness data and information submitted to support approval of this application may be seen in the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852, between 9 a.m. and 4 p.m., Monday through Friday.

The agency has determined under 21 CFR 25.33(a)(1) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

List of Subjects in 21 CFR Part 522

Animal drugs.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act and under the authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 522 is amended as follows:

PART 522—IMPLANTATION OR INJECTABLE DOSAGE FORM NEW ANIMAL DRUGS

■ 1. The authority citation for 21 CFR part 522 continues to read as follows:

Authority: 21 U.S.C. 360b.

§ 522.2477 [Amended]

■ 2. Section 522.2477 *Trenbolone acetate and estradiol* is amended in paragraph (b)(1) by adding ''(d)(1)(i)(C),'' after ''(d)(1)(i)(B),''.

Dated: August 1, 2003.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 03–20797 Filed 8–14–03; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 300

[TD 9086]

RIN 1545–BA54

User Fees for Processing Offers To Compromise

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Final regulations.

SUMMARY: This document contains amendments to the regulations relating to user fees to provide for the imposition of user fees for the processing of offers to compromise. The charging of user fees implements the Independent Offices Appropriations Act.

EFFECTIVE DATE: November 1, 2003.

FOR FURTHER INFORMATION CONTACT: Concerning cost methodology, Eva Williams, 301–492–5395; concerning the regulations, G. William Beard, 202–622–3620 (not toll free numbers).

SUPPLEMENTARY INFORMATION:

Background

This document amends the regulations relating to user fees to provide for the imposition of user fees for the processing of offers to compromise. The charging of user fees implements the Independent Offices Appropriations Act (IOAA), which is codified at 31 U.S.C. 9701. On November 6, 2002, a notice of proposed rulemaking (REG–103777–02) was published in the **Federal Register**. Approximately 149 comments were received. A public hearing on the regulations was held on February 13, 2003. The final regulations adopt the rules of the proposed regulations.

Offers To Compromise

Section 7122 of the Internal Revenue Code (Code) gives the IRS the authority to compromise any civil or criminal case arising under the internal revenue laws, prior to the referral of that case to the Department of Justice. Section 7122 also directs the IRS to prescribe guidelines for officers and employees of the IRS to determine whether an offer to compromise is adequate and should be accepted. Guidelines are contained in § 301.7122–1. Pursuant to § 301.7122–1(b), an offer may be accepted if there is doubt as to liability, if there is doubt as to collectibility, or if acceptance will promote effective tax administration. Pursuant to § 301.7122–1(b)(3), offers may be accepted to promote effective tax administration if either: (1) The IRS determines that, although collection in full could be achieved, collection of the full liability would cause the taxpayer economic hardship within the meaning of § 301.6343–1, or (2) there are no other grounds for compromise and there are compelling public policy or equity considerations.

When an offer to compromise is received, an initial determination is made as to whether the offer is processable. Currently, an offer is returned as nonprocessable if the taxpayer is in bankruptcy, has not filed required tax returns, or has not submitted the offer to compromise on the proper form. Absent these conditions, the offer is accepted for processing and cannot be rejected without an independent administrative review of the decision to reject and, if the taxpayer chooses to appeal the rejection, independent review by the Office of Appeals. Even though an offer accepted for processing may later be returned to the taxpayer if the taxpayer fails to provide requested information or the IRS determines that the offer was submitted solely to delay collection, such an offer may not be returned before a managerial review of the proposed return is completed pursuant to § 301.7122–1(f)(5)(ii).

Explanation of Provisions

The final regulations establish a $150 user fee for the processing of certain offers to compromise tax liabilities pursuant to § 301.7122–1. The user fee will not apply to offers based solely on doubt as to liability and offers made by low income taxpayers whose incomes are at or below the poverty guidelines set by the Department of Health and Human Services (DHHS), or such other measure the IRS may adopt.

Offers based on doubt as to liability are excepted from the user fee based on the inequity of the IRS charging a fee to compromise an uncertain liability when a compromise is based upon a redetermination or reevaluation of the taxpayer's liability for a tax (and the agreed upon amount may, in fact, provide for the full payment of the amount actually owed).

Offers from low income taxpayers are excepted from the fee in light of section 7122(c)(3)(A), which prohibits the IRS from rejecting an offer from a low income taxpayer solely on the basis of the amount offered. Section 7122(c)(3)(A) literally applies to the rejection of an offer, rather than the return of an offer for failure to pay a user fee. Requiring payment of a user fee from a low income taxpayer would undermine section 7122(c)(3)(A) in cases where the taxpayer does not have the ability to pay the fee. Offers from low income taxpayers are therefore excepted.

Taxpayers with offers that do not fall within the doubt as to liability or low income exceptions will submit the user fee along with the offer to compromise. If the offer is accepted to promote effective tax administration or is accepted based on doubt as to collectibility and a determination that collecting more than the amount offered would create economic hardship within the meaning of §§ 301.6343–1, the fee will be applied to the amount of the offer or, if the taxpayer requests, refunded to the taxpayer. In other cases, the payment of the fee will be taken into account in determining the acceptable amount of the offer and therefore the taxpayer in total will pay no more than the taxpayer would have paid without the fee. While the fee will not be refunded if an offer is withdrawn, rejected, or returned as nonprocessable after acceptance for processing, no additional fee will be charged if a taxpayer resubmits an offer the IRS determines to have been rejected or returned in error.

Comments on the Proposed Regulation

Most of the comments on the proposed regulations did not favor the fee. The comments focused on three concerns: The fee would create an additional financial hardship on taxpayers who are already experiencing hardship; the income level for the low income exception to the fee was too low; and the fee should not be imposed until the offer to compromise is administered more effectively and efficiently. For the following reasons, these final regulations follow the proposed regulations without change.

The most frequent concern in the comments was that the fee would cause additional financial hardship for taxpayers who are already experiencing financial hardship. The exception for low income taxpayers, however, excludes those taxpayers most likely to be disadvantaged by the user fee.

Further, the imposition of the fee on other taxpayers will not change the net amount paid by the taxpayer to reach a compromise; the fee will be taken into account when considering whether the amount offered is acceptable. Although taxpayers who must pay the fee will not receive a refund if the offer is withdrawn, rejected, or returned after being accepted for processing, the IRS will work closely with taxpayers to perfect incomplete or inadequate offers before returning or rejecting them.

A number of commentators were concerned that the DHHS poverty guidelines used for purposes of the low income exception are too low and recommended that the exception for low income taxpayers should be extended to 250% of the DHHS guidelines. The 250% level corresponds to one of the criteria used for funding low income taxpayer clinics: In order to receive funding pursuant to section 7526 of the Code, 90% of a clinic's clients must fall below 250% of the DHHS poverty level. The commentators pointed to the relationship between section 7526 and offers to compromise. Section 7526 was enacted contemporaneously with section 7122(c)(3), which prohibits the IRS from rejecting an offer from a low income taxpayer based on the amount of the offer. Commentators argued that imposing a user fee on taxpayers whose incomes are within 250% of the poverty level thwarts the objective of section 7526 to assist such taxpayers.

The DHHS poverty guidelines are retained as the measure of the exception for the low income taxpayer. The 250% criteria in section 7526 only applies for purposes of that section; it does not extend to offers to compromise under section 7122. Had Congress intended to extend the 250% criteria to offers in compromise under section 7122, it could have done so. The DHHS poverty guidelines are a reasonable standard for offers to compromise in light of the fact that the amount of the fee will be reflected in the amount of the offer. Although some taxpayers may not be able to pay the fee because the fee exceeds their collectible assets and income, the DHHS standard will generally cover such taxpayers. Further, the IRS retains the authority under the final regulations to adjust the definition of low income taxpayer. The IRS could, therefore, change the low income standard if, in practice, there are a significant number of taxpayers with incomes above the DHHS standard who are experiencing hardship as a result of the fee.

A number of commentators urged that the fee should not be imposed until inefficiencies and errors in the processing of offers to compromise are eliminated. In the past year, however, the IRS made substantial improvements to its offer in compromise program and is now able to process offers to compromise much more accurately, effectively and efficiently. The IRS acknowledges that further improvements are needed and is taking steps to achieve greater accuracy and efficiency, but the user fee is an integral part of that effort. The user fee should help reduce the number of frivolous offers and the number of offers that are either withdrawn, returned, or rejected because the offeror would not provide adequate information for the IRS to process the offer or would not offer an amount that reflects the taxpayer's ability to pay. Limiting the number of offers that will be withdrawn, returned, or rejected will enable the IRS to direct its resources towards the timely and efficient processing of acceptable offers. In addition, the final regulation was amended to make clear that no additional fee will be charged if a taxpayer resubmits an offer the IRS determines to have been rejected or returned in error after acceptance for processing.

Authority

The IOAA authorizes agencies to prescribe regulations that establish charges for services provided by the agency (user fees). The charges must be fair and be based on the costs to the Government, the value of the service to the recipient, the public policy or interest served, and other relevant facts. The IOAA provides that regulations implementing user fees are subject to policies prescribed by the President, which are currently set forth in OMB Circular A–25, 58 FR 38142 (July 15, 1993).

The OMB Circular encourages user fees for Government-provided services that confer benefits on identifiable recipients over and above those benefits received by the general public. Under the OMB Circular, an agency that seeks to impose a user fee for Government-provided services must calculate its full cost of providing those services. In general, the amount of a user fee should recover the cost of providing the special service, unless the Office of Management and Budget grants an exception. Pursuant to the guidelines in the OMB Circular, the IRS calculated its cost of providing services under the offer in compromise program. The IRS determined that the full cost of investigating doubt as to collectibility and effective tax administration offers averages $471 when streamlined procedures are used to investigate the financial condition of the taxpayer, and $3,983 when more detailed investigations are used. The IRS estimates that 70% of offers are processed under streamlined procedures. OMB granted an exception to the ''full cost'' requirement of the OMB Circular.

The Treasury, Postal Service, and General Government Appropriations Act of 1995, Public Law 103–329 (108 Stat. 2382) (the 1995 Appropriations Act) provides that the Secretary may establish new fees for services provided by the IRS where such fees are authorized by another law, such as the IOAA.

The user fees are implemented under the authority of the IOAA, the OMB Circular, and the 1995 Appropriations Act.

Special Analysis

It has been determined that this Treasury decision is not a significant regulatory action as defined in Executive Order 12866. Therefore, a regulatory assessment is not required. It is hereby certified that these regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required. This certification is based on the information that follows. The economic impact of these regulations on any small entity will result from the entity being required to pay a fee prescribed by these regulations in order to obtain a particular service. The dollar amount of the fee is not, however, substantial enough to have a significant economic impact on any entity subject to the fee. Pursuant to section 7805(f) of the Code, the preceding notice of proposed rulemaking was submitted to the Chief Counsel for Advocacy of the Small Business Administration for comment on its impact on small business.

Drafting Information

The principal author of these regulations is G. William Beard, Office of Associate Chief Counsel (Procedure and Administration), Collection, Bankruptcy and Summonses Division.

List of Subjects in 26 CFR Part 300

Estate taxes, Excise taxes, Gift taxes, Income taxes, Reporting and recordkeeping requirements, User fees.

Adoption of Amendments to the Regulations

■ Accordingly, 26 CFR part 300 is amended as follows:

PART 300—USER FEES

■ **Paragraph 1.** The authority citation for part 300 continues to read as follows:

Authority: 31 U.S.C. 9701.

■ **Par. 2.** Section 300.0 is amended as follows:

■ 1. Paragraph (b)(3) is added.

■ 2. Paragraph (c) is revised.

The addition and revision read as follows:

§ 300.0 User fees; in general.

* * * * *

(b) * * *

(3) Processing an offer to compromise.

(c) *Effective Date.* This part 300 is applicable March 16, 1995, except that the user fee for processing offers to compromise is applicable November 1, 2003.

■ **Par. 3.** Section 300.3 is added to read as follows:

§ 300.3 Offer to compromise fee.

(a) *Applicability.* This section applies to the processing of offers to compromise tax liabilities pursuant to § 301.7122–1 of this chapter. Except as provided in this section, this fee applies to all offers to compromise accepted for processing.

(b) *Fee.* (1) The fee for processing an offer to compromise is $150.00, except that no fee will be charged if an offer is—

(i) Based solely on doubt as to liability as defined in § 301.7122–1(b)(1) of this chapter; or

(ii) Made by a low income taxpayer, that is, an individual who falls at or below the dollar criteria established by the poverty guidelines updated annually in the **Federal Register** by the U.S. Department of Health and Human Services under authority of section 673(2) of the Omnibus Budget Reconciliation Act of 1981 (95 Stat. 357, 511) or such other measure that is adopted by the Secretary.

(2) The fee will be applied against the amount of the offer, unless the taxpayer requests that it be refunded, if the offer is—

(i) Accepted to promote effective tax administration pursuant to § 301.7122–1(b)(3) of this chapter; or

(ii) Accepted based on doubt as to collectibility and a determination that collection of an amount greater than the amount offered would create economic hardship within the meaning of § 301.6343–1 of this chapter.

(3) Except as otherwise provided in this paragraph (b), the fee will not be refunded to the taxpayer if the offer is accepted, rejected, withdrawn, or returned as nonprocessable after acceptance for processing.

(4) No additional fee will be charged if a taxpayer resubmits an offer the Secretary determines to have been rejected in error or returned in error after acceptance for processing.

(c) *Person liable for the fee.* The person liable for the processing fee is the taxpayer whose tax liabilities are the subject of the offer.

Robert E. Wenzel,

Deputy Commissioner for Services and Enforcement.

Approved: July 17, 2003.

Pamela F. Olsen,

Assistant Secretary of the Treasury (Tax Policy).

[FR Doc. 03–20933 Filed 8–14–03; 8:45 am]

BILLING CODE 4830–01–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044

Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

SUMMARY: The Pension Benefit Guaranty Corporation's regulations on Benefits Payable in Terminated Single-Employer Plans and Allocation of Assets in Single-Employer Plans prescribe interest assumptions for valuing and paying benefits under terminating single-employer plans. This final rule amends the regulations to adopt interest assumptions for plans with valuation dates in September 2003. Interest assumptions are also published on the PBGC's Web site (*http://www.pbgc.gov*).

EFFECTIVE DATE: September 1, 2003.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005, 202–326–4024. (TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: The PBGC's regulations prescribe actuarial assumptions—including interest assumptions—for valuing and paying plan benefits of terminating single-employer plans covered by title IV of the Employee Retirement Income Security Act of 1974. The interest assumptions are intended to reflect current conditions in the financial and annuity markets.

Three sets of interest assumptions are prescribed: (1) A set for the valuation of benefits for allocation purposes under section 4044 (found in appendix B to part 4044), (2) a set for the PBGC to use to determine whether a benefit is payable as a lump sum and to determine lump-sum amounts to be paid by the PBGC (found in appendix B to part 4022), and (3) a set for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology (found in appendix C to part 4022).

Accordingly, this amendment (1) adds to appendix B to part 4044 the interest assumptions for valuing benefits for allocation purposes in plans with valuation dates during September 2003, (2) adds to appendix B to part 4022 the interest assumptions for the PBGC to use for its own lump-sum payments in plans with valuation dates during September 2003, and (3) adds to appendix C to part 4022 the interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology for valuation dates during September 2003.

For valuation of benefits for allocation purposes, the interest assumptions that the PBGC will use (set forth in appendix B to part 4044) will be 4.90 percent for the first 20 years following the valuation date and 5.25 percent thereafter. These interest assumptions represent an increase (from those in effect for August 2003) of 0.50 percent for the first 20 years following the valuation date and are otherwise unchanged.

The interest assumptions that the PBGC will use for its own lump-sum payments (set forth in appendix B to part 4022) will be 3.50 percent for the period during which a benefit is in pay status and 4.00 percent during any years preceding the benefit's placement in pay status. These interest assumptions represent an increase (from those in effect for August 2003) of 0.50 percent for the period during which a benefit is in pay status and are otherwise unchanged.

For private-sector payments, the interest assumptions (set forth in appendix C to part 4022) will be the same as those used by the PBGC for determining and paying lump sums (set forth in appendix B to part 4022).

The PBGC has determined that notice and public comment on this amendment are impracticable and contrary to the public interest. This finding is based on the need to determine and issue new

interest assumptions promptly so that the assumptions can reflect, as accurately as possible, current market conditions.

Because of the need to provide immediate guidance for the valuation and payment of benefits in plans with valuation dates during September 2003, the PBGC finds that good cause exists for making the assumptions set forth in this amendment effective less than 30 days after publication.

The PBGC has determined that this action is not a ''significant regulatory action'' under the criteria set forth in Executive Order 12866.

Because no general notice of proposed rulemaking is required for this amendment, the Regulatory Flexibility Act of 1980 does not apply. See 5 U.S.C. 601(2).

List of Subjects

29 CFR Part 4022

Employee benefit plans, Pension insurance, Pensions, Reporting and recordkeeping requirements.

29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

■ In consideration of the foregoing, 29 CFR parts 4022 and 4044 are amended as follows:

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

■ 1. The authority citation for part 4022 continues to read as follows:

Authority: 29 U.S.C. 1302, 1322, 1322b, 1341(c)(3)(D), and 1344.

■ 2. In appendix B to part 4022, Rate Set 119, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix B to Part 4022—Lump Sum Interest Rates For PBGC Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*		*	*
119	9–1–03	10–1–03	3.50	4.00	4.00	4.00	7	8

■ 3. In appendix C to part 4022, Rate Set 119, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix C to Part 4022—Lump Sum Interest Rates For Private-Sector Payments

* * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*		*	*
119	9–1–03	10–1–03	3.50	4.00	4.00	4.00	7	8

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

■ 4. The authority citation for part 4044 continues to read as follows:

Authority: 29 U.S.C. 1301(a), 1302(b)(3), 1341, 1344, 1362.

■ 5. In appendix B to part 4044, a new entry, as set forth below, is added to the table. (The introductory text of the table is omitted.)

Appendix B to Part 4044—Interest Rates Used to Value Benefits

* * * * *

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
*	*		*	*		*
September 2003	.0490	1–20	.0525	>20	N/A	N/A

Issued in Washington, DC on this 7th day of August 2003.

Joseph H. Grant,

Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation.

[FR Doc. 03–20860 Filed 8–14–03; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 938

[PA–137–FOR]

Pennsylvania Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement (OSM), Interior.

ACTION: Final rule; approval of amendment.

SUMMARY: We are approving an amendment to the Pennsylvania permanent regulatory program (the ''Pennsylvania program'') under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Pennsylvania proposed to revise its regulations regarding licensing of blasters and the storage, handling and use of explosives. Pennsylvania intends to reorganize and clarify its blasting regulations to reflect the advances in technology and research associated with blasting.

EFFECTIVE DATE: August 15, 2003.

FOR FURTHER INFORMATION CONTACT: George Rieger, Acting Field Office Director, Harrisburg Field Office, Telephone: (717) 782–4036, e-mail: *grieger@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Pennsylvania Program
II. Submission of the Proposed Amendment
III. OSM's Findings
IV. Summary and Disposition of Comments
V. OSM's Decision
VI. Procedural Determinations

I. Background on the Pennsylvania Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its State program includes, among other things, ''* * * a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of the Act * * *; and rules and regulations consistent with regulations issued by the Secretary pursuant to the Act.'' *See* 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Pennsylvania program on July 30, 1982. You can find background information on the Pennsylvania program, including the Secretary's findings, the disposition of comments, and conditions of approval in the July 30, 1982, **Federal Register** (47 FR 33050). You can also find later actions concerning Pennsylvania's program and program amendments at 30 CFR 938.11, 938.12, 938.15 and 938.16.

II. Submission of the Amendment

By letter dated February 25, 2002, Pennsylvania sent us an amendment to its program (Administrative Record No. PA 878.02) under SMCRA (30 U.S.C. 1201 *et seq.*). The amendment includes changes to Title 25, Part I, Subpart D, Article IV, Chapters 210 Blaster's License, and 211 Storage, Handling and Use of Explosives. We announced receipt of the proposed amendment in the April 30, 2002, **Federal Register** (67 FR 21187). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the amendment's adequacy. We did not hold a public hearing, as one was not requested. The public comment period ended on May 30, 2002. We received comments from two Federal agencies and from one State agency. The Federal agencies were the U.S. Department of Labor, Mine Safety and Health Administration's (MSHA) New Stanton Office and the U.S. Environmental Protection Agency (EPA), Region III. The State agency was the Pennsylvania Historical and Museum Commission (PHMC).

III. OSM's Findings

Following are the findings we made concerning the amendment under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17. We are approving the amendment as described below. Any revisions that we do not specifically discuss below concern nonsubstantive wording or editorial changes and are approved here without discussion.

A. Minor Revisions to Pennsylvania's Rules

Pennsylvania proposed minor wording and recodification changes to the following previously approved rules:

Previously approved section	Recodified section (These sections may include minor wording changes from the original language.)	Subject
210.1(a)	210.16(a)	Examinations for Blaster's License.
210.1(b)	210.16(b)	Frequency of Examinations.
210.1(e)	210.15(b)	License Application.
210.2(d)	210.14(a)(4)	Requirement to Pass Examination.
210.2(e)	210.13(c)	Exhibiting License.
210.2(g)	210.16(c) and (d)	Forfeiture of Fees.
210.3(b)	210.17(f)	Lapsed Licenses.
210.5(a)	210.13(a) and 211.154(a)	Blaster in Charge.
210.5(b)	211.154(c)	Another person present during blast.
210.5(c)	211.102(a)	Scope.
211.2(2)	211.101	Definition—Magazine.
211.2(4)	211.101	Definition—Primer.
211.2(5)	211.101	Definition—Stemming.
211.2(6)	211.101	Definition—Building.
211.2(12)	211.101	Definition—Person.
211.2(18)	211.101	Definition—Charge Weight.
211.2(20)	211.101	Definition—Delay Interval.
211.32(1)	211.112(a)	Location of magazine.
211.36(1)	211.121(a)	Records of Disposition of explosives.
211.36(2)	211.101	Definitions of ''purchase,'' and ''sale or sell''.
211.36(6), (7)	211.122(b), (c) and 211.123(b), (c)	Permits to sell/purchase explosives.
211.42(1), (3)–(12), and (15)–17)	211.141	Transportation of Explosives.

Previously approved section	Recodified section (These sections may include minor wording changes from the original language.)	Subject
211.46(1)–(15), (20)	211.133(a)(1), (2)–(14), (16)–(20), (22)	Blast reports.
211.51(3)	210.13(a) and 211.153(f)	General/General requirements for handling explosives.
211.51(6)	211.154(e) and 211.154(b)	Preparing the blast.
211.51(9)	211.159(j)	Electric detonation.
211.51(11)	211.162(c)	Safety fuse.
211.51(14)	211.154(n) and 211.161(b)	Preparing the blast/Detonating cords.
211.51(16)	211.156(b) and 211.157(b)	Detonating the blast/Postblast measures.
211.51(19)	211.154(h)	Preparing the blast.
211.51(20)	211.153(d)	General requirements for handling explosives.
211.51(22)	211.161(1)	Detonating cords.
211.51(23)	211.154(k)	Preparing the blast.
211.51(24)	211.154(l)	Preparing the blast.
211.51(25)	211.154(f)(4)	Preparing the blast.
211.51(26)	211.159(a)	Electric detonation.
211.51(28)	211.159(c)	Electric detonation.
211.51(29)	211.154(i)	Preparing the blast.
211.51(30)	211.159(d)	Electric detonation.
211.51(31) and (32)	211.159(e)	Electric detonation.
211.51(34)	211.159(g)	Electric detonation.
211.51(35)	211.158	Mudcapping.
211.51(36)	211.154(j)(2)	Preparing the blast.
211.51(37)	211.54(f)(5)	Preparing the blast.
211.51(38)	211.157(a)	Postblast measures.
211.51(41)	211.154(j)(1)	Preparing the blast.
211.52	211.181	Blasting activities near utility line.
211.52(2)	211.182(a) and (b)	General provisions—Blasting activities near utility line.
211.61(4)	211.115	Standards for classifying and storing explosives and constructing, maintaining and siting magazines.
211.65(7)	211.154(f)(3)	Preparing the blast.

Because these changes are minor and do not affect the meaning or the application of the previously approved rules, we find that they will not make Pennsylvania's rules less effective than the corresponding Federal regulations.

B. Previously Approved Pennsylvania Rules That Have Been Eliminated in This Amendment

The following rules that we previously approved as part of the Pennsylvania program have been eliminated in this rulemaking.

Previously approved section	Subject
210.1(c)	Sealed examinations for the blaster's license test.
210.1(f)	Notification of blaster's license examination.
210.2(h)	Issuance and status of licenses—fees.
210.5(d)	Use of explosives in waters of the Commonwealth.
211.1	Safety devices for machinery.
211.2; the definitions for the following terms were eliminated: ''establishment,'' ''explosive plant,'' ''factory building,'' ''railroad,'' ''highway,'' ''barricade,'' ''Department,'' ''Board,'' ''Secretary,'' ''approved,'' ''vehicle,'' and ''actual distance.''.	Definitions.
211.36(10)	Inventory records for explosives and blasting caps.
211.37	Regulations for magazines used for storing explosives.
211.51(5)	Firing horizontal holes.
211.51(8)	Use of blasting machines.
211.51(12)	Clearing black powder or dynamite from around holes.
211.51(18)	Counting explosions.
211.51(21)	Back primed holes.
211.51(33)	Explosives in underground mines.
211.51(39)	Returning remaining explosives after loading.
211.51(40)	Stemming holes when loose dynamite is used.
211.52(1)	Showing utility lines on plans.
211.61(3), (5)	Storage of ammonium nitrates.
211.62	Blasting prohibited.
211.63	Building, Operation and Storage Requirement.
211.64	Mobile Equipment for mixing prohibited.
211.71	Special precautions for storage and use of propellants.
211.72	Storehouses—Distances—limitations.
211.73	Protection from Fire.
211.74	Storehouses.

Previously approved section	Subject
211.75	Transporting of Propellants in vehicles.
211.76	Smoking prohibited.
211.77	Tools for opening containers.
211.78	Permit to sell.
Appendix A	Radio Transmitters.

There are no Federal counterparts to the rules listed in the above table. Our review found that elimination of these sections does not make the Pennsylvania program less effective than the Federal regulations. We are approving their elimination.

In addition to the above sections, Pennsylvania also eliminated section 210.5(e) that we had also previously approved. This section provides that blasting operations near streams are prohibited when the effect of the blasting is liable to change the course or channel of any stream unless a permit is obtained from the Pennsylvania Department of Environmental Protection (PADEP). The Federal counterpart to this section is found in 30 CFR 816/817.67(a), which provides that blasting must be conducted to prevent, among other things, a change in the course, channel, or availability of surface water outside the permit area. Pennsylvania's approved program at 25 Pennsylvania Code (Pa. Code) 87.127(g) provides that blasting shall be prohibited in cases when the effect of the blasting is liable to change the course or channel of a stream. Because Pennsylvania's program still provides protection to streams from the effects of blasting that is no less effective than the Federal regulations, we find that elimination of section 210.5(e) is not inconsistent with the Federal regulations.

C. Revisions to Pennsylvania's Rules That Have the Same Meaning as the Corresponding Provisions of the Federal Regulations

Pennsylvania added a definition for the term ''blaster'' in section 210.11. Both the State and Federal definition of ''blaster'' as defined in 30 CFR 850.5 include in the term that the person must have a blaster's license/certification and must be responsible for the blasting. Since this definition means the same as the term ''blaster'' in the Federal rules, we find it no less effective and we are approving this definition.

Pennsylvania also added definitions for terms in Chapter 211 that are not specifically defined in Federal regulations, but the use of the terms in the Federal regulations indicate they mean the same as Pennsylvania's definitions. In section 211.101, Pennsylvania added a definition for the term ''air blast'' which means, ''An airborne shock wave resulting from an explosion, also known as air overpressure, which may or may not be audible.'' The Federal regulations at 30 CFR 816/817.67(b) provide specific limits for monitoring and controlling air blast including a chart indicating the maximum limit, in decibels, for air blast. This limitation indicates that air blast is air overpressure as defined by Pennsylvania. As a result, we find this definition consistent with the Federal rules and we are approving it.

Pennsylvania also added a definition for the term, ''blaster,'' to section 211.101. The term was defined to be, ''An individual who is licensed by the Department under Chapter 210 (relating to blasters' licenses) to detonate explosives and supervise blasting activities.'' As discussed above with the definition found at Chapter 210, this definition is no less effective than the definition of blaster in the Federal regulations at 30 CFR 850.5. We are approving it.

Pennsylvania added a definition for the term, ''flyrock,'' to section 211.101. Pennsylvania defined flyrock as overburden, stone, clay, or other material ejected from the blast area by the force of the blast. There is no Federal definition for ''flyrock.'' The definition is consistent with the way we use the term in 30 CFR 816/817.67(c) which indicates that flyrock traveling in the air or along the ground shall not be cast from the blasting site. Pennsylvania's definition of ''flyrock'' serves to clarify its use in Chapter 211 and in 25 Pa. Code 87.127(f)(5). We are approving this addition.

Pennsylvania added a definition for the term, ''peak particle velocity,'' to section 211.101. Pennsylvania defined the term to mean, ''A measure of the intensity of ground vibration, specifically the time rate of change of the amplitude of ground vibration.'' This definition is consistent with the way we use the term peak particle velocity in 30 CFR 816/817.67 where we indicate ground vibration cannot exceed maximum peak particle velocities. Pennsylvania's definition clarifies the use of the term in Chapter 211 and we are approving it.

Pennsylvania added a definition for the term, ''utility lines,'' to section 211.101. Pennsylvania defined the term as, ''An electric cable, fiber optic line, pipeline or other type of conduit used to transport or transmit electricity, gases, liquids and other media including information.'' The term is used in Chapter 211, Subchapter H to provide additional protections to utility lines from blasting. The use of this term is not inconsistent with the Federal regulations at 30 CFR 816/817.180 which regulate the effects of surface coal mining operations on utilities. We are approving this definition.

Pennsylvania also changed its definition of ''scaled distance'' that was formerly found in section 211.2(21). The definition is now found in section 211.101. The revised definition defines the actual distance portion of the scaled distance equation as the distance in feet measured in a horizontal line from the blast site to the nearest building or structure, neither owned or leased by the blasting activity permittee or customer. The former definition did not define what structures were to be included in the actual distance measurement. The revised definition is no less effective than the Federal definition at 30 CFR 816/817.67(d)(3).

Former section 211.41(24) provided that blasting must not be done in such a manner as to eject debris into the air or to constitute a hazard or danger or do harm or damage to persons or property in the area of the blasting. There is no equivalent section in the current blasting regulations in Chapter 210 or 211 for this provision. However, we previously approved 25 Pa. Code 87.127(f)(6) which contains substantively the same language as former section 211.41(24). For this reason, we are approving its deletion.

Former section 211.45 provided the requirements for monitoring blasts. Some of the information was incorporated into current section 211.171. Additionally, Pennsylvania has incorporated monitoring requirements into 25 Pa. Code 87.127 that we previously approved. We have found that the requirements of section 211.171, when coupled with the requirements of section 87.127, are no less effective than the monitoring requirements of 30 CFR 816/817.67.

Section 211.151(a) was added by this amendment. This section provides that

blasting may not damage real property except for real property under the control of the permittee. Pennsylvania has an additional provision dealing with damage at 25 Pa. Code 87.127(g) which provides that blasting shall be conducted to prevent, among other things, damage to public or private property outside the permit area. We previously approved this section. Taken together these sections provide the same level of protection to property as found in the Federal regulations at 30 CFR 816/817.67(a). As a result, we are approving this section.

Section 211.151(b) was added by this amendment. This section provides that blasting may not cause flyrock. Pennsylvania has an additional provision regarding flyrock at 25 Pa. Code 87.127(f)(5) that we previously approved. Section 87.127(f)(5) provides specific limits from which flyrock cannot be cast. These limits are the same as the Federal regulations at 30 CFR 816/817.67(c). For these reasons, we are approving this section.

Section 211.151(c) was added by this amendment. This section provides limitations on blasting using either a scaled distance of 90 or a maximum allowable peak particle velocity as indicated in a chart designated as Figure 1. The scaled distance and maximum allowable peak particle velocity do not apply at a building or other structure owned or leased by the permittee or its customer. Pennsylvania has additional provisions regarding limitations on blasting at 25 Pa. Code 87.127(h) and (p) that we previously approved. The Federal regulations at 816/817.67(e) also allow for ground vibrations to exceed the established velocity. However, the Federal rules go on to state that the ground vibration standards of 816/817.67(d) shall not apply at structures owned by the permittee and leased to another person if a written waiver by the lessee is submitted to the regulatory authority before blasting. Section 211.151(c) does not provide for written waiver by the lessee. Nonetheless, Pennsylvania has provided protections for people leasing structures from a permittee in its approved regulations at 25 Pa. Code 87.127(i) which requires a waiver from the lessee before a blast is fired that exceeds the vibrations limitations. In a July 23, 2003, conversation (Administrative Record No. PA 878.10), the Chief of the Explosives and Safety Section of PADEP clarified that the ground vibration limits cannot be lessened if the people leasing the structure from the operator do not waive the limitations. This would apply regardless of whether the operator was using scaled distance for prediction of ground vibration or whether a seismograph was used to measure ground vibration. For these reasons, we find that this section is no less effective than the comparable regulations at 30 CFR 816/817.67(d) and (e) are we are approving it.

Section 211.151(d) was added by this amendment. This section provides that blasts must be designed and conducted to control airblast so that it does not exceed the noise levels specified in an included table at a building or other structure designated by Pennsylvania unless the building is owned or leased by the permittee. The Federal regulations at 816/817.67(b) provide an identical table listing the noise levels. However, this section provides that the airblast cannot exceed the maximum limits at the location of any dwelling, public building, school, church, or community or institutional building outside the permit area. Pennsylvania's regulations are more inclusive because they are applied at any building or structure and not limited to the structures noted in the Federal regulations. While this section does not provide for a waiver of the airblast levels by a person leasing a structure from a permittee, the regulations at 25 Pa. Code 87.127(e) do provide for such a waiver. As a result, we have found that this provision is no less effective than the Federal regulations.

Section 211.151(e) was added by this amendment. This section provides that Pennsylvania may establish an alternative peak particle velocity or airblast level if it determines that an alternative standard is appropriate because of density of population, land use, age or type of structure, geology or hydrology of the area, frequency of blasts or other factors. The Federal regulations at 30 CFR 816/817.67(d)(5) provides that the maximum allowable ground vibration shall be reduced if determined to be necessary to provide damage protection. Similarly 30 CFR 816/817.67(b)(1)(ii) provides that the maximum airblast levels shall be reduced if necessary to prevent damage. Pennsylvania's approved program at 25 Pa. Code 87.127(e)(2) provides that Pennsylvania will specify lower airblast levels if necessary to prevent damage. Pennsylvania's approved program at 25 Pa. Code 87.127(h) provides that it may reduce the maximum peak particle velocity allowed if it determines that a lower standard is required. Taken together we have found that Pennsylvania's regulations are no less effective than the Federal regulations in requiring alternative airblast and peak particle velocity levels when necessary to prevent damage.

Section 211.156(a) provides that a blast may only be detonated between sunrise and sunset unless Pennsylvania authorized a blast at another time of day. This is similar to Pennsylvania's approved program at 25 Pa. Code 87.127(a) which provides that blasting shall be conducted between sunrise and sunset, at times announced in the blasting schedule. The Federal regulations at 30 CFR 816.64(a)(2) and 817.64(c) provide that all blasting shall be conducted between sunrise and sunset, except that nighttime blasting can be approved under certain circumstances. The Pennsylvania regulations are no less effective than the Federal regulations in restricting the times for blasting and therefore, we are approving them.

Section 211.157(c) provides the signal to be given after a blast has been detonated. This section indicates that the signal must be of sufficient power to be heard 1,000 feet from the blast site. Pennsylvania's regulations on surface mining at 25 Pa. Code 87.127(c) indicate the all-clear signal must be capable of being heard ½ mile from the point of the blast. We previously approved 25 Pa. Code 87.127(c) which is similar to the Federal regulation at 30 CFR 816/817.66(b). We are approving section 211.157(c) even though the all-clear signal may not have to be audible from as great an area, because of the provision of 25 Pa. Code 211.102(b). Section 211.102(b) provides that a person will not be relieved from compliance with other applicable laws or regulations even if they are in compliance with Chapter 211. Therefore, the more strict limitation of 25 Pa. Code 87.127(c) will be in effect for blasting on surface mining operations.

D. Revisions to Pennsylvania's Rules That Are Not the Same as the Corresponding Provisions of the Federal Regulations

Section 210.4 formerly required that a blaster's license could not be transferred and any attempt to transfer the license will automatically cancel the license. This section was previously approved by OSM on July 30, 1982 (47 FR 33050). In the current amendment, section 210.4 was recodified to section 210.13(d). Section 210.13(d) states that a blaster's license is not transferable. The recodified section does not contain the provision regarding attempts to transfer the license resulting in cancellation of the license. However, section 210.19 provides that Pennsylvania may suspend, modify or revoke a blaster's license for violations of chapter 210. The deletion of the provision regarding

attempts to transfer the license does not make this section less effective than the Federal regulations because of section 210.19. An attempt to transfer the license would constitute a violation of Chapter 210 and would give Pennsylvania the authority to take action on the license. Taken together these two sections are no less effective than 30 CFR 850.15(e)(2) in preventing the transfer of blaster's licenses.

Section 210.14(a)(2) of the current regulations provides that a person must have at least one year of experience as a blaster learner in preparing blasts to be eligible for a blaster's license. The Federal regulations at 30 CFR 850.14(a)(2) require the regulatory authority to ensure that candidates for blaster certification have practical field experience. The Federal requirement does not specify how much experience is needed before someone can apply for certification. Less than a year of experience could suffice under the Federal rules. Therefore, we find that Pennsylvania's regulation is no less effective than the Federal regulation and we are approving it.

Section 210.14(a)(3) provides that a person must take Pennsylvania's class on explosives to be eligible for a blaster's license. Section 30 CFR 850.13(b) of the Federal regulations requires the regulatory authority to ensure that courses are available to train persons responsible for the use of explosives in surface coal mining operations. In a rulemaking dated April 4, 1985 (50 FR 13315), we noted that Pennsylvania submitted a Blaster Training Course Outline, and Assorted Blasting Training Course Materials (among other documents) in consideration for approval of its blaster certification program. We approved the submission of these documents noting that the materials submitted were no less effective than the Federal blaster training and examination requirements at 30 CFR 850.13 and 850.14. In an e-mail dated July 15, 2003 (Administrative Record No. PA 878.08), Pennsylvania confirmed that these materials were still used in its blaster certification program. Accordingly, based on Pennsylvania's July 15 response, we find that this section is no less effective than the Federal regulations and we are approving it.

Section 210.19 of the current regulations provides that Pennsylvania may suspend, modify, or revoke a blaster's license for violations of Chapter 210 and 211. Former section 210.2(f) contained similar provisions, but it did not provide for modification of the blaster's license, only for suspension or revocation of the license. Additionally, former section 210.2(f) provided that an appeal of a revocation of a blaster's license may be made to the Environmental Hearing Board and only allowed a suspension for due cause. The right to appeal was not stated in 210.19. The Federal regulations at 30 CFR 850.15(b) provide for suspension *or* revocation of a blaster's certification, but it also notes that the regulatory authority can take other necessary actions with regard to the certification. While the term ''other necessary actions'' was not defined in the Federal regulations, it is not unreasonable to interpret this phrase as allowing a modification of a blaster's license. The Federal rules at 30 CFR 850.15(b) require written notice and a hearing whenever a blaster's certification is suspended, revoked or other adverse action is taken. While the right to appeal a revocation, suspension, or modification was not stated in section 210.19, Pennsylvania in an e-mail dated July 15, 2003 (Administrative Record No. PA 878.08), confirmed, through copies of Notice of Suspension of Blaster's License it submitted to us, that blasters served with suspension or revocation notices are provided the right of appeal to the Environmental Hearing Board. Additionally, Pennsylvania law at 2 Pa. Consolidated Statutes (C.S.) 504 and 35 Pennsylvania Statute (P.S.) 7514, requires an opportunity for a hearing before the Environmental Hearing Board of all orders, permits, licenses or decisions of the Pennsylvania Department of Environmental Resources (now known as PADEP, pursuant 71 P.S. 1340.101). Thus, Pennsylvania provides the same level of hearing requirements as the Federal regulations. For these reasons, we are approving this provision as being no less effective than the Federal counterpart.

Section 211.133(a) provides that blasting records must be made available to Pennsylvania upon request. The section also lists the items that must be noted on the blasting report. The Federal regulations at 30 CFR 816/817.68 require that the records be made available to the public as well as the regulatory authority. Pennsylvania's approved program at 25 Pa. Code 87.129 requires that the blasting records be made available to the public. The items to be noted on blast reports are the same as in the approved program at 25 Pa. Code 87.129 except that it includes two additional items: the blasting activity permit or mining permit number and a description of the nearest building location not owned or leased by the permittee based upon local landmarks. Taken together these two sections are no less effective than the requirements at 30 CFR 816/817.68. As a result, we are approving this section.

Section 211.155 lists the duties a blaster-in-charge must perform prior to detonating a blast. There is no Federal counterpart for the duties listed in subsections (1) through (4). These duties apply to safety in and around the blast area. The duties listed in subsections (5) and (6) apply to protecting the public on public roads and to sounding a warning signal prior to detonating a blast. These sections are similar to the Federal regulations at 30 CFR 816/817.66(b) which provide for warning signals and 30 CFR 816/817.67(a) which provides for prevention of injury to persons and property damage outside the permit area. These provisions, when taken with the provisions from 25 Pa. Code 87.127, such as subsection (c) that we already approved, are no less effective than the corresponding Federal requirements.

E. Revisions to Pennsylvania's Rules With No Corresponding Federal Regulation

Several sections of Pennsylvania's program that we previously approved and that have no Federal counterparts were modified by this amendment. Each of these sections is described below.

Former section 210.1(d) regarding examinations for a blaster's license requires a notarized application form to be mailed to Pennsylvania with a check or money order for $10.00. This section was recodified as section 210.15(a). Section 210.15(a) dropped the requirement for the application to be notarized and increased the fee to $50.00. This section also requires the application to be submitted at least two weeks prior to the examination. There are no corresponding Federal regulations to this section and we have found that the modification does not make Pennsylvania's program less effective than the Federal regulations.

Former section 210.2(a) regarding the issuance and status of licenses required the applicant to be at least nineteen years of age in order to apply for a blaster's license. This section was recodified as section 210.14(a)(1). Section 210.14(a)(1) increased the age requirement to twenty-one. There is no Federal counterpart to the age requirement, however this section is consistent with the Federal regulations at 30 CFR 850.14 that requires the regulatory authority to verify that applicants for blaster certification are competent and have practical field experience. This requirement is also similar to the age requirement for blaster certification in Federal program States

as found in 30 CFR 955.11(a). As a result, we are approving the change.

Former sections 210.2(b) and (c) provide the different types of blasting categories for which blasters will be examined and provide that each category requires an examination. New sections 210.17(a) and (b) slightly modified these requirements. These new sections describe the classifications for which a blaster's license is issued and allows people to amend the classifications if they meet the requirements of section 210.14. There is no direct Federal counterpart to this section, but we find that it does not make the Pennsylvania program inconsistent with the Federal regulations and we are approving it.

Former section 210.3(a) provides the procedures for the annual renewal of blaster's licenses. This section was recodified as section 210.17(e). Subsection (e) changes the term for renewal from one year to three years and the application fee was increased from $3.50 to $30.00. Former section 210.3(a) also provided that the renewal may be refused for due cause after notification to the applicant and a hearing. This provision was dropped from the recodified section 210.17. However, section 210.19 provides that Pennsylvania may issue orders suspending, modifying or revoking a blaster's license. This section gives Pennsylvania the authority to take action regarding the license at any time, which makes it more effective than the provision of former section 210.13(a) that provides for refusal to renew a license application. As stated earlier, we found section 210.19 to be no less effective than the Federal regulations. There is no Federal counterpart to section 210.17 and the changes do not make this less effective than the Federal regulations.

Former section 210.5(c) provides that use of explosives must be in accordance with all rules and regulations for storage, handling and use of explosives. Portions of this provision are now found in current section 211.102(a). Section 211.102(a) provides that Chapter 211 applies to persons engaging in blasting activities. However, it also exempts persons using and storing explosives at underground mines from the requirements of the chapter. The Federal regulation at 30 CFR 817.61(a) states that the performance standards of 817.61 through 817.68 apply to surface blasting activities incident to underground coal mining. We asked the Chief of the Explosives and Safety Section of PADEP if this section exempts blasting activities incident to underground mining. In an e-mail dated June 17, 2003 (Administrative Record No. PA 878.09), he replied that this section pertains to blasting or storage within the underground mine not blasting incident to underground mining. He further replied that blasting incident to underground mining is regulated by Chapter 87. Since PADEP confirmed that this section does not apply to surface blasting activities incident to underground coal mining, we find that there is no corresponding Federal regulation to this section and it does not render the Pennsylvania program inconsistent with the Federal regulations. Therefore, we are approving it.

Former section 210.6 provides that conditions under which blaster learners may work with a licensed blaster. Portions of this provision are now found in current sections 210.11, 211.101, and 211.154(e). There is no direct Federal counterpart to these provisions; however, they are consistent with the Federal regulations at 30 CFR 850.13(a) that requires the regulatory authority to establish procedures for persons who are not certified blasters to receive direction and on-the-job training from a certified blaster.

Former section 211.2(3) provided a definition for the term, ''explosives.'' The definition for the term was modified in current section 211.101. There is no Federal counterpart for the definition of the term, ''explosive,'' however we find that Pennsylvania's definition of the term is not inconsistent with the Federal regulations and we are approving it.

Former section 211.31 provided for licensing and fees for storage magazines. This section was recodified as section 211.112(a) and (d), and 211.114. The recodified sections increase the fees and modify the locations at which the license must be displayed. There is no Federal counterpart to these sections and we have found that the changes do not make Pennsylvania's program less effective than the Federal regulations.

Former section 211.32(2) provides specifications for the location of, and storage of materials in, magazines. Some of these requirements were placed in current section 211.115. There are no Federal counterparts to this section and we have found that these requirements are not inconsistent with the Federal regulations.

Former section 211.33 provided construction specifications for magazines for storing explosives. Former sections 211.35 and 211.43 provided for the handling, housekeeping and storage of explosives around magazines. These sections were recodified as section 211.115. Section 211.115 shortened the provisions of former sections 211.33, 211.35, and 211.43 and incorporated Federal standards at 27 CFR Part 55, Subpart K by reference. There were no Federal counterparts to the former sections and there are no Federal counterparts in Title 30 of the Federal regulations for section 211.15. We have found that the changes do not make Pennsylvania's program inconsistent with the Federal regulations.

Former section 211.34 gives the requirements for plans for locating storage magazines on sites. Some of these requirements were placed in current section 211.115. There are no Federal counterparts to either section and we have found that these changes are not inconsistent with the Federal regulations.

Former section 211.36(3) provides requirements for selling explosives including a permit to sell. Some of these requirements were placed in current sections 211.121(a) and 211.122(a) and (d). There are no Federal counterparts to the former section or its requirements that were placed in sections 211.121 or 211.122. We have found that the changes are not inconsistent with the Federal regulations.

Former section 211.36(4) provides requirements for selling explosives including a permit to sell them. Some of these requirements were placed in current section 211.123(a). There are no Federal counterparts to the former section or its requirements that were placed in section 211.123. We have found that the changes are not inconsistent with the Federal regulations.

Former section 211.36(8) provides the circumstances under which permits for the manufacture, storage, handling, use or sale of explosives can be suspended or revoked. The permit can be suspended for due cause and may be revoked after written notice to the permit holder and a hearing before the Environmental Hearing Board. The revised regulation at section 211.103(a) provides that Pennsylvania can issue orders to modify or revoke a permit but it doesn't indicate that a permit can be suspended for due cause nor does it provide appeal of a permit revocation to the Environmental Hearing Board. Federal regulations do not require specific permits for blasting activities. Instead, there must be a permit to conduct surface coal mining operations which also includes blasting activities. Pennsylvania does require a permit for surface coal mining operations. See 25 Pa. Code 86.11 *et seq.* Additionally, surface coal mining operations must contain a blasting plan as noted in the

requirements at 30 CFR 780.13. Pennsylvania's regulations at 25 Pa. Code 87.64 also require a blasting plan for surface coal mines. As a result, we have found that the changes to this section are not inconsistent with the Federal regulations.

Former section 211.36(9) provides additional requirements for selling explosives. Some of these requirements were placed in current section 211.131. There are no Federal counterparts to this former section or its requirements that were placed in section 211.131. We have found that these changes are not inconsistent with the Federal regulations.

Former section 211.38 provided specifications for transporting blasting caps. This section was recodified as section 211.141(9). The construction specifics for the containers for transporting blasting caps were dropped and now the section requires containers to conform to the current version of Institute of Makers of Explosives Safety Library Publication # 22. There are no Federal counterparts to these provisions and we have found that the changes do not make Pennsylvania's program less effective than the Federal regulations.

Former section 211.41 provides safety precautions for physically handling explosives. Some of these requirements were placed in current section 211.153. There are no Federal counterparts to the former section or its requirements that were placed in section 211.153. We have found that these changes are not inconsistent with the Federal regulations.

Former section 211.44 provides specification for instruments to monitor explosives. The requirements were modified in current section 211.172. There are no Federal counterparts to the former section or the new section. We have found that these changes are not inconsistent with the Federal regulations.

Former section 211.51(1) provides limitations for the use of open fire and smoking around explosives. Some of these requirements were placed in current section 211.153(b). There are no Federal counterparts to the former section or its requirements that were placed in section 211.153(b). We have found that these changes are not inconsistent with the Federal regulations.

Former section 211.51(2) provides the types of tools that can be used to open containers of explosives and blasting implements. The types of tools that can be used to open containers of explosives have been modified in current section 211.153(a). There are no Federal counterparts to the former section or the new section. We have found that these changes are not inconsistent with the Federal regulations.

Former section 211.51(4) provides for the use of wooden tamping sticks. This section was recodified to section 211.154(f) and was changed to provide for the use of non-ferrous tamping sticks. There are no Federal counterparts to the former section or the new section. We have found that these changes are not inconsistent with the Federal regulations.

Former section 211.51(7) provides the means by which explosives are to be fired. These provisions were modified in current section 211.159(h) and (k). There are no Federal counterparts to the former section or the new section. We have found that these changes are not inconsistent with the Federal regulations.

Former section 211.51(17) provides for procedures to be used in the event of a misfired hole. Some of these provisions have been placed in current sections 211.157(d) and (e). There are no Federal counterparts to the former section or the new section. We have found that these changes are not inconsistent with the Federal regulations.

Former section 211.52(3) provides specifications for blasting in the vicinity of utility lines. This section was recodified in Subchapter H. Blasting Activities Near Utility Lines. New sections 211.181 and 211.182 now contain the requirements for conducting blasting near utility lines. These sections contain information concerning the design of the blast, the type of explosives to be used, the size of holes, and the specifics of excavation for blasts. There is no direct Federal counterpart for former section or the proposed section, however our review found it to be consistent with 30 CFR 816/817.180 regarding how surface mining operations are to be conducted to minimize damage, destruction, or disruption to utilities. We are approving these changes.

Former sections 211.61(1) and (2) regarding handling and storing of ammonium nitrate were incorporated into new section 211.115. Section 211.115 provides regulations for classifying and storing explosives. There are no Federal counterparts for these regulations, however our review found that these regulations do not make Pennsylvania's program inconsistent with the Federal regulations. We are approving the change.

Pennsylvania also added definitions and new sections to its regulations. These additions are discussed below.

Pennsylvania added definitions of terms that have no Federal counterpart to Chapters 210 and 211. In section 210.11, Pennsylvania added definitions for the terms, ''blaster learner,'' ''blaster license,'' ''demolition and demolition blasting,'' and ''person.'' These definitions are used to clarify various sections of Pennsylvania's blaster license program. There are no Federal counterparts, however, these definitions do not make Pennsylvania's program inconsistent with the Federal regulations.

In section 211.101, Pennsylvania added definitions for the terms, ''blast area,'' ''blast site,'' ''blaster-in-charge,'' ''blasting activity,'' ''detonator,'' ''misfire,'' ''purchase,'' ''sale or sell,'' and ''structure.'' These definitions are used to clarify various sections of Pennsylvania's rules on the storage, handling and use of explosives. There are no Federal counterparts to the definitions. However, these definitions do not make Pennsylvania's program inconsistent with the Federal regulations.

Section 210.13(b) was added by this amendment. This section of the regulations provides that Pennsylvania may exempt individuals from a blaster's license if the person is detonating extremely small amounts of explosives for industrial or research purposes. The Federal regulations do not provide an exemption for quantity. It was unclear if surface coal mining operations were included in this provision. We asked Pennsylvania if individuals conducting blasting on surface coal mining operations could be exempt. In an e-mail dated July 15, 2003 (Administrative Record No. PA 878.08), the Chief of the Explosives and Safety Section of PADEP indicated that this exemption does not pertain to mining. It pertains to non-excavation activities such as industrial applications or research. We find this provision is not inconsistent with the Federal regulations and we are approving it with the understanding that Pennsylvania will not exempt blasters on surface coal mining operations from the licensing requirements.

Section 210.14(b) was added by this amendment. This section of the regulations provides that Pennsylvania will not issue or renew a license if the applicant has or had violations or demonstrated a lack of ability or intention to comply with the blasting regulations. There is no direct Federal counterpart. However, this provision is consistent with the Federal rules at 30 CFR 850.14(a)(2) which require that the blaster candidate ''exhibit a pattern of conduct consistent with the acceptance

of responsibility for blasting operations' and 30 CFR 850.15 which requires the suspension and revocation of blaster certification for specified violations.

Section 210.17(d) was added by this amendment. This section provides that a blaster's license is renewable if the blaster can demonstrate that he has had 8 hours of continuing education in Department-approved courses related to blasting and safety within the 3 year period. There is no direct Federal counterpart to this section, but it is consistent with the goals of the Federal regulations at 30 CFR 850.13 regarding continuing blaster competency. We find that this requirement does not make the Pennsylvania program inconsistent with the Federal regulations and we are approving it.

Section 210.17(g) was added by this amendment. This section provides for demolition blasting. There is no Federal counterpart for this definition, as we do not regulate demolition blasting. We are approving this definition.

Section 210.18 was added by this amendment. This section provides for recognition of out-of-state blaster's licenses. Pennsylvania may license a person who holds a blaster's license in another State if Pennsylvania determines that State has an equivalent licensing and training program. There is no counterpart to this provision in 30 CFR Subchapter M, Part 850 of the Federal regulations. However, there is nothing in Part 850 that prevents Pennsylvania from accepting a certification from another State. We are approving this provision with the understanding that blasters from other States seeking a license in Pennsylvania must be certified or licensed under that State's equivalent to 30 CFR Part 850 of the Federal regulations.

Section 211.103(b) was added by this amendment. This section provides that before Pennsylvania issues an order modifying peak particle velocity or airblast limits in a blasting activity permit, it will provide the permittee an opportunity to meet and discuss the modifications. There is no direct Federal counterpart to this provision, however 30 CFR 816/817.67(b)(1)(ii) and (d)(5) give the State regulatory authority discretion to specify lower levels for airblast and ground vibrations than set forth in the regulations. We have found that that the opportunity to discuss required revisions with the permittee does not make this provision less effective than the Federal regulations requiring the regulatory authority to specify lowered levels if necessary to prevent damage. Therefore, we have found that this provision is not inconsistent with the Federal regulations.

Section 211.111 was added by this amendment. This section defines the scope of Subchapter B. Storage and Classification of Explosives. There is no Federal counterpart to this provision. We are approving it because it is not inconsistent with the Federal regulations.

Section 211.113 was added by this amendment. This section requires a magazine license and the contents of such a magazine license application. There is no Federal counterpart to this provision. We are approving it because it is not inconsistent with the Federal regulations.

Section 211.121(c) was added by this amendment. This section provides an exception to subsection (d), which requires a blasting activity permit to conduct blasting activities. The exception provided by subsection (c) is that blasting activities authorized under a permit issued under Pennsylvania's coal mining program serves to act as a blasting activity permit. There is no provision in the Federal regulations requiring a blasting activity permit separate from that required as part of a permit for mining activities. As a result, we are approving this section because it does not make Pennsylvania's program inconsistent with the Federal regulations. Accordingly, we are also approving subsections (d) and (e) as not inconsistent with the Federal rules as these sections are intended to apply to blasting activities other than those conducted on surface coal mining operations and therefore, there is no Federal counterpart.

Section 211.152 was added by this amendment. This section provides for control of gases generated by blasts. There is no Federal counterpart to this provision. We are approving this section because it is not inconsistent with the Federal regulations.

Section 211.157(g) was added by this amendment. This section requires a blaster-in-charge to notify Pennsylvania of the occurrence of a misfire within 24 hours. There is no Federal counterpart to this provision. We are approving this section because it is not inconsistent with the Federal regulations.

Sections 211.162(a) and (b) were added by this amendment. These sections provide for the use of safety fuses in blasting. There is no Federal counterpart to this provision. We are approving this section because it is not inconsistent with the Federal regulations.

Section 211.173(a) was added by this amendment. This section provides that, ''Anyone using a monitoring instrument shall be trained on the proper use of that instrument by a representative of the manufacturer or distributor, or other competent individual. A record of that training is to be maintained and available for review by the Department.'' There is no Federal counterpart to this provision. We are approving this section because it is not inconsistent with the Federal regulations.

IV. Summary and Disposition of Comments

Public Comments

We asked for public comments on the amendment (Administrative Record No. PA 878.03), but did not receive any.

Federal Agency Comments

Under 30 CFR 732.17(h)(11)(i) and section 503(b) of SMCRA, we requested comments on the amendment from various Federal agencies with an actual or potential interest in the Pennsylvania program (Administrative Record No. PA 878.03). In a letter dated April 5, 2002 (Administrative Record No. PA 878.06), the United States Department of Labor, Mining Safety and Health Administration's District 2 New Stanton Office found the changes were not in conflict with 30 CFR, Part 77, Subpart N–Explosives and Blasting.

Environmental Protection Agency (EPA) Concurrence and Comments

Under 30 CFR 732.17(h)(11)(i), we requested comments on the amendment from EPA (Administrative Record No. PA 878.03). EPA responded on March 26, 2002, that there were no apparent inconsistencies with the Clean Water Act or other statutes under its jurisdiction (Administrative Record No. PA 878.04).

State Historic Preservation Officer (SHPO) and the Advisory Council on Historic Preservation (ACHP)

Under 30 CFR 732.17(h)(4), we are required to request comments from the SHPO and ACHP on amendments that may have an effect on historic properties. On March 1, 2002, we requested comments on Pennsylvania's amendment (Administrative Record No. PA 878.03) from the Pennsylvania Historical and Museum Commission (PHMC). The PHMC responded on March 26, 2002 (Administrative Record No. PA 878.05) that it had no comment on the amendment.

V. OSM's Decision

Based on the above findings, we approve the amendment Pennsylvania sent to us on February 25, 2002, as clarified on July 15, 2003, and July 23, 2003.

To implement this decision, we are amending the Federal regulations at 30 CFR part 938, which codify decisions concerning the Pennsylvania program. We find that good cause exists under 5 U.S.C. 553(d)(3) to make this final rule effective immediately. Section 503(a) of SMCRA requires that the State's program demonstrate that the State has the capability of carrying out the provisions of the Act and meeting its purposes. Making this regulation effective immediately will expedite that process. SMCRA requires consistency of State and Federal standards.

VI. Procedural Determinations

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart Federal regulation. Similarly there are no takings implications for the portions of the amendment that have no Federal counterpart because the provisions are administrative and procedural in nature and are not expected to have an economical or substantive effect on the regulated industry. The amendment concerns only the regulation of blasting operations and does not imply the taking of private property by the Federal government.

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget under Executive Order 12866.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments because each program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR parts 730, 731, and 732 have been met.

Executive Order 13132—Federalism

This rule does not have Federalism implications. SMCRA delineates the roles of the Federal and State governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to ''establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations.'' Section 503(a)(1) of SMCRA requires that State laws regulating surface coal mining and reclamation operations be ''in accordance with'' the requirements of SMCRA, and section 503(a)(7) requires that State programs contain rules and regulations ''consistent with'' regulations issued by the Secretary pursuant to SMCRA.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

In accordance with Executive Order 13175, we have evaluated the potential effects of this rule on Federally-recognized Indian tribes and have determined that the rule does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. Pennsylvania does not regulate any Native Tribal lands.

Executive Order 13211—Regulations That Significantly Affect the Supply, Distribution, or Use of Energy

On May 18, 2001, the President issued Executive Order 13211 which requires agencies to prepare a Statement of Energy Effects for a rule that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not expected to have a significant adverse effect on the supply, distribution, or use of energy, a Statement of Energy Effects is not required.

National Environmental Policy Act

This rule does not require an environmental impact statement because section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This determination is based on the fact that the deletions, revisions, and additions by the Pennsylvania Department of Environmental Protection listed in Chapters 210 and 211 are administrative and procedural in nature and are not expected to have an economical or substantive effect on the regulated industry.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) Does not have an annual effect on the economy of $100 million; (b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based on the fact that the deletions, revisions, and additions by the Pennsylvania Department of Environmental Protection listed in Chapters 210 and 211 are administrative and procedural in nature and are not expected to have an economical or substantive effect on the regulated industry.

Unfunded Mandates

This rule will not impose an unfunded mandate on State, local, or tribal governments or the private sector of $100 million or more in any given year. This determination is based on the fact that the deletions, revisions, and additions by the Pennsylvania Department of Environmental Protection listed in Chapters 210 and 211 are administrative and procedural in nature and are not expected to have an economical or substantive effect on the regulated industry.

List of Subjects in 30 CFR Part 938

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 24, 2003.

Brent Wahlquist,

Regional Director, Appalachian Regional Coordinating Center.

■ For the reasons set out in the preamble, 30 CFR part 938 is amended as set forth below:

PART 938—PENNSYLVANIA

■ 1. The authority citation for part 938 continues to read as follows:

Authority: 30 U.S.C. 1201 *et seq.*

■ 2. Section 938.15 is amended in the table by adding a new entry in chronological order by ''*Date of final publication*'' to read as follows:

§ 938.15 Approval of Pennsylvania regulatory program amendments.

* * * * *

Original amendment submission date	Date of final publication	Citation/description
* *	* *	* * *
February 25, 2002	August 15, 2003	25 Pa. Code 210.11; 210.13—210.19; 211.101–211.103; 211.111–211.115; 211.121–211.125; 211.131–211.133; 211.141; 211.151–211.162; 211.171–211.173; 211.181–211.182

[FR Doc. 03–20916 Filed 8–14–03; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[CGD01–02–104]

RIN 1625–AA00, AA11

Regulated Navigation Areas, Safety and Security Zones; Long Island Sound Marine Inspection and Captain of the Port Zone

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a regulated navigation area (RNA) and two safety and security zones. The rule regulates the circumstances under which certain vessels may enter, transit or operate within the RNA and excludes all vessels from operating within the prescribed safety and security zones without first obtaining authorization from the Captain of the Port. This action is necessary to ensure public safety and prevent sabotage or other subversive acts.

DATES: This rule is effective August 16, 2003.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket CGD01–02–104, and are available for inspection or copying at Group/MSO Long Island Sound, New Haven, CT, between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays

FOR FURTHER INFORMATION CONTACT: Lieutenant A. Logman, Waterways Management Officer, Coast Guard Group/Marine Safety Office Long Island Sound at (203) 468–4429.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On March 20, 2003, we published a notice of proposed rulemaking (NPRM) entitled ''Regulated Navigation Areas, Safety and Security Zones; Long Island Sound Marine Inspection and Captain of the Port Zone'' in the **Federal Register** (68 FR 13643). We received two (2) letters commenting on the proposed rule. No public hearing was requested, and none was held.

Good cause exists for making this regulation effective on August 16, 2003, in less than 30 days after **Federal Register** publication. Delaying publication is unnecessary for the following reasons: Several of the permanent regulations described herein have been in effect as temporary regulations since December 10, 2001 with no adverse impact; the public has had significant and adequate advanced knowledge of the intent to implement these as permanent regulations through the notice and comment rulemaking process, as well as through outreach to the maritime community by the Captain of the Port (COTP) Long Island Sound; and the NPRM stated this regulation was designed to replace temporary security measures expiring on August 15, 2003. Thus the public has had significant advanced knowledge of these regulations and that it was necessary that they be effective by August 16, 2003. Any delay encountered in this regulation's effective date would also be contrary to public interest. As discussed in the *Background and Purpose* section below, these regulations are necessary to address potential terrorist threats in the Long Island Sound Marine Inspection and Captain of the Port Zone on a permanent basis. If the temporary regulations were to expire on August 15, 2003 without permanent regulations being implemented, vessels, waterfront facilities, the maritime community, public infrastructure, and the public in general in the Long Island Sound Marine Inspection and Captain of the Port Zone would be left vulnerable to possible sabotage or other subversive acts, accidents or other causes of a similar nature.

Background and Purpose

On September 11, 2001, two commercial aircraft were hijacked from Logan Airport in Boston, Massachusetts and flown into the World Trade Center in New York, NY inflicting catastrophic human casualties and property damage. A similar attack was conducted on the Pentagon with a plane launched from Newark, NJ on the same day. National security and intelligence officials warn that future terrorist attacks are likely.

Vessels operating within the Long Island Sound Marine Inspection and Captain of the Port (COTP) Zone present potential targets of terrorist attack or platforms from which terrorist attacks may be launched upon other vessels, waterfront facilities and adjacent population centers. Following the September 11 attacks, we published a temporary rule (67 FR 517–520, January 4, 2002), which was effective December 10, 2001, that established a temporary regulated navigation area (RNA) and safety and security zones in the Long Island Sound Marine Inspection and COTP Zone. We revised the temporary rule three times (67 FR 40859–40861, June 14, 2002, 67 FR 69132, November 15, 2002, and 68 FR 12304, March 14, 2003) to extend its effective period to August 15, 2003. These temporary measures were taken to safeguard human life, vessels and waterfront facilities from sabotage or terrorist acts while we assessed the security environment within the area and determined the need for and

advisability of permanent security measures.

The Coast Guard is now establishing a permanent RNA and two permanent safety and security zones within Long Island Sound as part of a comprehensive, port security regime designed to safeguard human life, vessels and waterfront facilities from sabotage or terrorist acts. This permanent RNA incorporates the provisions of the temporary RNA that have been in place since December 10, 2001, and expands the operating requirements for vessels within the RNA. This rule also establishes two permanent safety and security zones. The zones have been tailored to fit the needs of security, while minimizing the impact on the maritime community.

Discussion of Comments and Changes

We received two (2) letters commenting on the notice of proposed rulemaking. The first comment letter recommended that proposed regulation 33 Code of Federal Regulations (CFR) 165.153(d)(3) be amended to include not only towing vessels engaged in towing tank barges carrying petroleum oil in bulk as cargo, but rather to include all primary towing vessels engaged in towing. The section has been revised to include all towing vessels engaged in towing. In addition, we have included a provision in the rule that exempts towing vessels engaged in coastwise trade. This revision reflects the intention of the proposed rulemaking, which was, in part, to facilitate trade in the COTP Long Island Sound Zone consistent with the needs of safety and security. This exemption permits coastwise tug and barge units to move freely within United States waters.

In addition, the comment indicated to us that combining the inspection and advanced authorization requirements into one regulation in proposed section 165.153(d)(3) may have been confusing with respect to the two distinct requirements imposed. To clarify these requirements, section 165.153(d)(3) has been revised into two separate regulations for inspection and authorization, located in the final rule in sections 165.153(d)(3) and 165.153(d)(4), respectively. Subsequent paragraphs (4) through (8) in the proposed regulation 165.153(d) have been renumbered as paragraphs (5) through (9), respectively.

The second letter contained 12 distinct comments and/or recommendations regarding the proposed regulations. Each of these comments, and the response taken to each in the final regulations, are addressed below:

The first comment questioned the need for defining ''public vessels'' both in sections 165.153(b) and (c)(3). We agree that this is unnecessary repetition of the definition of ''public vessels;'' as such, the definition of ''public vessels'' has been removed from the final rule in section 165.153(b).

The second comment asked for clarification regarding the definition of ''commercial vessel.'' Specifically, the comment asked whether a commercial vessel is a vessel in commercial service or a vessel engaged in commerce. The proposed regulation used the term ''commercial vessel'' as the title of section 165.153(d)(6). While the content of this section is clear in its applicability of the vessel operating requirements to those vessels in commercial service, the use of the term ''commercial vessel'' in this section is potentially confusing. This regulation was intended to apply to those vessels engaged in commercial service, as that term is defined in section 165.153(c)(1). For clarification, the title of the final rule section 165.153(d)(7) has been changed to ''vessels engaged in commercial service.'' In addition, the text of the regulation has been revised to prohibit vessels from entering within a 100-yard radius of any vessel ''engaged in commercial service,'' vice the proposed regulation language of ''vessel in commercial service.''

The third comment asked whether ''engaged in commerce'' used in the definition of public vessel in proposed section 165.153(c)(3) differs from the definition of ''commercial service'' in proposed section 165.153(c)(1). The definitions were intended to be the same in the proposed regulation. The use of ''engaged in commerce'' in the proposed regulation has been revised to read ''engaged in commercial service''; this reflects the intention of the original proposed regulation, and is consistent with the derivation of the definition of ''public vessel,'' which is found in title 46 United States Code, sections 2101(24)(A) and (B).

The fourth comment asked whether the tonnage threshold in proposed section 165.153(d)(2) applies to individual vessels or whether these apply to the combined tonnage of towing vessels and their tows. As proposed, and as implemented here, the tonnage limitation applies to individual vessels. The standard industry practice is for the tugboat operator to issue the security call for both manned and unmanned barges. It was not the intention of the proposed regulation to require vessels under tow to make their own securité call in addition to that made by the tugboat. In addition, this section was only intended to address vessels engaged in towing of barges, and was not intended to encompass recreational vessels or commercial assistance towing. The final regulation located in section 165.153(d)(2) has been revised as a result of this comment to include all vessels engaged in towing barges.

The fifth comment recommended applying an exemption for vessels in innocent passage to proposed regulation 165.153(d)(4), since one was applied in proposed section 165.153(d)(3). Innocent passage, as defined under Articles 18 and 19 of the 1982 United Nations Convention on the Law of the Sea (UNCLOS II), involves ''navigation through the territorial sea for the purpose of (a) traversing that sea without entering internal waters or calling at a roadstead or port facility outside internal waters; or (b) proceeding to or from internal waters or a call at such roadstead or port facility.'' Proposed section 165.153(d)(4) (now section 165.153(d)(5)) requires vessels over 1600 gross tons operating within three nautical miles from the territorial sea baseline to receive COTP authorization prior to vessel movements. As the internationally recognized rights of ''innocent passage'' could potentially be impacted in this proposed section as well as proposed section 165.153(d)(3), we addressed this comment in regards to both proposed sections and made appropriate changes in the regulation.

The inspection and authorization requirements in proposed section 165.153(d)(3) (now final sections 165.153(d)(3) and (d)(4)) were intended to require all vessels bound for a port or place in the United States, and not otherwise exempted, to be inspected and/or obtain COTP authorization prior to entering within three nautical miles of the territorial sea baseline. It contained a complete exemption for vessels in innocent passage. The intention of the requirements in proposed section 165.153(d)(4) (now section 165.153(d)(5)) was for vessels over 1600 gross tons, operating within three nautical miles of the territorial sea baseline or within internal waters, to be required to receive authorization prior to any intentional vessel movements. As originally proposed, these two sections, 165.153(d)(3) and (d)(4) were intended to protect against vessels entering within or operating within three nautical miles of the territorial sea baseline and in the internal waters of the United States. These vessels present potential security concerns which these regulations were designed to protect against.

A complete exception for vessels in ''innocent passage'', as proposed in section 165.153(d)(3) and sought by the comment in section 165.153(d)(4) would permit any vessel bound for a port or place in the United States to transit within three nautical miles of the territorial sea baseline without invoking the regulation's inspection and authorization requirements. This would negate the operation and purpose of these protective measures. As a result, proposed sections 165.153 (d)(3) and (d)(4) were rewritten, and references to ''innocent passage'' were changed as described herein to allow certain exceptions as allowable or required by Treaty and Law, while still allowing for effective regulation.

Innocent passage rights will and must be impacted in certain situations in final sections 165.153(d)(3), (d)(4), and (d)(5), to maintain the purpose and effectiveness of this regulation. For example, any vessel transiting to a port in Unites States internal waters, by definition, is considered in ''innocent passage'' while still in the territorial sea (which includes the area within three nautical miles of the territorial sea baseline) during its transit. Final sections 165.153(d)(3), (d)(4), and (d)(5) impact the right of ''innocent passage'' because they impose requirements which vessels must meet before entering within three nautical miles of the territorial sea baseline when they are bound for ports or places in United States.

Even when within three nautical miles of the territorial sea baseline, these vessels are in ''innocent passage'' if they are en route to a United States port in United States internal waters because they are still within United States territorial waters and ''proceeding to or from internal waters'' as per Article 18 of UNCLOS II. Yet, if the COTP were not permitted to impose requirements on vessels in these situations, sections 165.153(d)(3), (d)(4), and (d)(5) of this regulation would be meaningless, and potentially dangerous vessels claiming ''innocent passage'' bound for United States internal ports could transit up to the territorial sea baseline without being investigated by the COTP.

Thus, with regards to innocent passage, only those vessels which are not bound for a port or place in the United States will be exempted from the requirements of sections 165.153(d)(3), (d)(4), and (d)(5). These vessels are of minimal security interest to the COTP. Additionally, under 33 U.S.C. 1223(d) such vessels are statutorily exempted from the requirements herein (33 U.S.C. 1223(d) falls under the Port and Waterways Safety Act, which is one of the authorities under which this regulation is promulgated).

Vessels ''bound for a port or place located in the United States or that must transit the internal waters of the United States'' as dictated in final sections 165.153(d)(3), (d)(4), and (d)(5) will be subject to these regulations, even if in ''innocent passage'' by definition under Article 18 1. (b) of the UNCLOS II. Such vessels are not exempted from the Port and Waterways Safety Act under 33 U.S.C. 1223(d). In addition, imposing certain conditions on vessels in ''innocent passage'' is supported by Article 21 under UNCLOS II, which states that coastal nations may adopt laws and regulations relating to innocent passage through the territorial sea with respect to, among other items, ''the safety of navigation and the regulation of maritime traffic * * *, * * * the protection of navigational aids and facilities and other facilities or installations * * * and * * * the prevention of infringement of the customs, fiscal, immigration or sanitary laws and regulations of the coastal State.''

The sixth comment addressed the appropriateness of proposed section 165.153(d)(3)'s applicability to all tonnages and recreational vessels, as many of the vessels impacted by this section are not required to carry radios, making it impossible for them to obtain authorization. Proposed section 165.153(d)(3) specifically exempted recreational vessels from these requirements, as well as other vessels. The intention of this section was to be able to monitor those vessels not engaged in commercial service arriving into the United States from a foreign port and ensure compliance with appropriate customs and immigration requirements. As such, this exemption has been narrowed and we have revised final rule sections 165.153(d)(3) and (d)(4) to exempt only those vessels not engaged in commercial service whose last port of call was in the United States. Vessels to which the regulation applies may obtain authorization from the Captain of the Port, Long Island Sound, in several ways, including via marine radio, telephone, facsimile, or letter. Final rule sections 165.153(d)(3) and (d)(4) have been revised to include these options for contacting the COTP.

The seventh comment raised concern with excluding primary towing vessels engaged in towing tank barges carrying petroleum oil in bulk as cargo from the inspection and authorization requirements of proposed regulation 165.153(d)(3). Specifically, it questioned why this requirement was not applicable to tank barges carrying petroleum, and questions why these vessels are considered less of a safety and security threat. As discussed above, this section is being expanded to include all towing vessels engaged in towing in coastwise trade. This exemption permits coastwise tug and barge units to move freely within United States waters.

The eighth and ninth comments raised concern with the ability of vessels to contact commercial vessels which are moored or anchored to request permission to enter the restricted navigation area imposed by proposed section 165.153(d)(6). This comment recommended that anchored or moored commercial vessels be required to maintain a continuous radio watch, and also recommended that the regulation provide for delegation of the authority to authorize entry into the zone by the licensed master or operator of the vessel to subordinates. As discussed above in paragraph 3, the scope of the requirement in the final rule has been clarified to include vessels engaged in commercial service, vice all commercial vessels, which significantly limits the scope of this regulation. For example, this requirement would not apply to a small passenger vessel moored at a marina which is not engaged in carrying passengers or goods. The master of a vessel is responsible for ensuring compliance with this regulation, however, nothing in this regulation prohibits the master from developing procedures/orders for the crew to ensure its operation is in compliance with the laws and/or regulations herein. As such, it is unnecessary to specifically address the delegation of this authority in the regulatory text. Vessels seeking permission to enter within 100-yards of a vessel engaged in commercial service should use all means available to communicate with the vessel; if unable to contact the vessel to obtain permission, vessels are not permitted to enter within this 100-yard zone. No changes have been made to the final rule based on this comment.

The tenth comment raised questioned whether section 165.153(d)(6) created a ''no authorized entry zone'' around commercial vessels of any size. There is no size limitation within this regulation; the prohibition on entry within 100-yards of a vessel engaged in commercial service applies to all vessels engaged in commercial service, irrespective of size. No changes have been made to the final rule based on this comment.

The eleventh comment questions whether safety and security zones can be implemented around anchored Coast

Guard vessels in proposed regulation section 165.154(a)(2), because proposed section 165.153(b) excludes ''public vessels'' from the applicability of the regulations. The public vessel exclusion in section 165.153 only applies to that section. It does not apply to those regulations in section 165.154. Even if this exclusion was applicable to section 165.154, it would not exclude creation of safety and security zones around Coast Guard vessels: the applicability section addresses who the regulation may be enforced against, not what regulations may be imposed. No changes have been made to the final rule based on this comment.

The twelfth and final comment of this letter recommended allowing other federal, state and municipal agencies to assist the Coast Guard in enforcement of proposed sections 165.153(d)(5)–(7), as is provided in section 165.153(d)(1). Section 165.153(d)(1) provides that the U.S. Navy and other Federal, State and municipal agencies may assist the U.S. Coast Guard in the enforcement of the speed restrictions imposed in the vicinity of Naval Submarine Base New London. Title 33 CFR 6.04–11 provides that the Captain of the Port may enlist the aid of Federal, State, municipal and private agencies to assist in the enforcement of regulations. It is not necessary to restate this authority in the regulatory text. No changes have been made to the regulatory text of the final rule based on this comment.

Lastly, a definition of ''territorial sea baseline'' has been included as section 165.153(c)(4). This definition adopts the definition of ''territorial sea baseline'' as found in 33 CFR subchapter A, and aids in clarity of the requirements imposed by section 165.153.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS).

The Coast Guard expects the economic impact of this final rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. This regulation may have some impact on the public, but these potential impacts will be minimized for the following reasons: there is ample room for vessels to navigate around each of the safety and security zones; it is contemplated that vessels will be able to operate elsewhere within the RNA once the Captain of the Port has determined that the vessels do not pose a threat to individuals, other vessels or waterfront facilities; to the extent that the rule tracks the provisions of temporary rules that have been in place since December 10, 2001, our experience demonstrates that it not burdensome on the maritime public; and the local maritime community will be informed of the zones via marine information broadcasts. While recognizing the potential for some minimal impact from the rule, the Coast Guard considers it de minimus in comparison to the compelling national interest in protecting the public, vessels, and vessel crews from the further devastating consequences of the aforementioned acts of terrorism, and from potential future sabotage or other subversive acts, accidents, or other causes of a similar nature.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities. This rule may affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in those portions of Long Island Sound and the Thames River covered by the RNA and/or safety and security zones.

This rule will not have a significant impact on a substantial number of small entities because the safety and security zones are limited in size, leaving ample room for vessels to navigate around the zones. The zones will not significantly impact commuter and passenger vessel traffic patterns, and mariners will be notified of the zones via local notice to mariners and marine broadcasts. Also, the Captain of the Port will make broad allowances for individuals to enter the zones during periods when the potential threats to the area are deemed to be low. The regulations imposed under the RNA will impact a minimal number of commercial and recreational vessels, as several of the regulations only apply to large commercial vessels. The regulated areas around ferry vessels and vessels engaged in commercial service will minimally impact those vessels to whom these regulations apply while waiting for authorization to enter the regulated area from the licensed operator, licensed master, or the designated COTP on-scene patrol. Moreover, the ferry vessel regulated navigation area only applies to vessels of 300 gross tons or greater; the 100-yard regulated navigation area around commercial vessels leaves ample room for vessels to navigate outside of this area. To the extent that this rule tracks the provisions of temporary rules that have been in place since December 10, 2001 our experience demonstrates that it has not been burdensome on the maritime public.

Assistance for Small Entities

Under subsection 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), the Coast Guard wants to assist small entities in understanding this rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call Lieutenant A. Logman, Waterways Management Officer, Group/Marine Safety Office Long Island Sound, at (203) 468–4429.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or imposes a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have

determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not concern an environmental risk to health or risk to safety that may disproportionately affect children.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that Order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. It has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

The Coast Guard considered the environmental impact of this rule and concluded that, under figure 2–1, paragraph 34(g), of Commandant Instruction M16475.1D, this rule is categorically excluded from further environmental documentation. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

■ For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.

■ 2. Add § 165.153 to read as follows:

§ 165.153 Regulated Navigation Area: Long Island Sound Marine Inspection and Captain of the Port Zone.

(a) *Regulated Navigation Area location.* All waters of the Long Island Sound Marine Inspection and Captain of the Port (COTP) Zone, as delineated in 33 CFR 3.05–35, extending seaward 12 nautical miles from the territorial sea baseline, are established as a regulated navigation area (RNA).

(b) *Applicability.* This section applies to all vessels operating within the RNA excluding public vessels.

(c) *Definitions.* The following definitions apply to this section:

Commercial service means any type of trade or business involving the transportation of goods or individuals, except service performed by a combatant vessel.

Ferry means a vessel that:

(1) Operates in other than ocean or coastwise service;

(2) Has provisions only for deck passengers or vehicles, or both;

(3) Operates on a short run on a frequent schedule between two points over the most direct water route; and

(4) Offers a public service of a type normally attributed to a bridge or tunnel.

Public vessels means vessels owned or bareboat chartered and operated by the United States, or by a State or political subdivision thereof, or by a foreign nation, except when such vessel is engaged in commercial service.

Territorial sea baseline means the line defining the shoreward extent of the territorial sea of the United States drawn according to the principles, as recognized by the United States, of the Convention on the Territorial Sea and the Contiguous Zone, 15 U.S.T. 1606, and the 1982 United Nations Convention on the Law of the Sea (UNCLOS), 21 I.L.M. 1261. Normally, the territorial sea baseline is the mean low water line along the coast of the United States.

(d) *Regulations.* (1) Speed restrictions in the vicinity of Naval Submarine Base New London and Lower Thames River. Unless authorized by the Captain of the Port (COTP), vessels of 300 gross tons or more may not proceed at a speed in excess of eight knots in the Thames River from New London Harbor channel buoys 7 and 8 (Light List numbers 21875 and 21880 respectively) north through the upper limit of the Naval Submarine Base New London Restricted Area, as that area is specified in 33 CFR 334.75(a). The U.S. Navy and other Federal, State and municipal agencies may assist the U.S. Coast Guard in the enforcement of this rule.

(2) *Enhanced communications.* Vessels of 300 gross tons or more and all vessels engaged in towing barges must issue securité calls on marine band or Very High Frequency (VHF) radio channel 16 upon approach to the following locations:

(i) Inbound approach to Cerberus Shoal; and

(ii) Outbound approach to Race Rock Light (USCG Light List No. 19815).

(3) All vessels operating within the RNA that are bound for a port or place located in the United States or that must transit the internal waters of the United States, must be inspected to the satisfaction of the U. S. Coast Guard, before entering waters within three nautical miles from the territorial sea baseline. Vessels awaiting inspection will be required to anchor in the manner directed by the COTP. This section does not apply to vessels operating exclusively within the Long Island Sound Marine Inspection and COTP Zone, vessels on a single voyage which depart from and return to the same port or place within the RNA, all towing vessels engaged in coastwise trade, vessels in innocent passage not bound

for a port or place subject to the jurisdiction of the United States, and all vessels not engaged in commercial service whose last port of call was in the United States. Vessels requiring inspection by the COTP may contact the COTP via marine band or Very High Frequency (VHF) channel 16, telephone at (203) 468–4401, facsimile at (203) 468–4418, or letter addressed to Captain of the Port, Long Island Sound, 120 Woodward Ave., New Haven, CT 06512.

(4) All vessels operating within the RNA that are bound for a port or place located in the United States or that must transit the internal waters of the United States, must obtain authorization from the Captain of the Port (COTP) before entering waters within three nautical miles from the territorial sea baseline. Vessels awaiting COTP authorization to enter waters within three nautical miles from the territorial sea baseline will be required to anchor in the manner directed by the COTP. This section does not apply to vessels operating exclusively within the Long Island Sound Marine Inspection and COTP Zone, vessels on a single voyage which depart from and return to the same port or place within the RNA, all towing vessels engaged in coastwise trade, vessels in innocent passage not bound for a port or place subject to the jurisdiction of the United States, and all vessels not engaged in commercial service whose last port of call was in the United States. Vessels may request authorization from the COTP by contacting the COTP via marine band or Very High Frequency (VHF) channel 16, telephone at (203) 468–4401, facsimile at (203) 468–4418, or letter addressed to Captain of the Port, Long Island Sound, 120 Woodward Ave., New Haven, CT 06512.

(5) Vessels over 1,600 gross tons operating in the RNA within three nautical miles from the territorial sea baseline that are bound for a port or place located in the United States or that must transit the internal waters of the United States must receive authorization from the COTP prior to transiting or any intentional vessel movements, including, but not limited to, shifting berths, departing anchorage, or getting underway from a mooring. This section does not apply to vessels in innocent passage not bound for a port or place subject to the jurisdiction of the United States.

(6) *Ferry vessels.* Vessels of 300 gross tons or more are prohibited from entering all waters within a 1200-yard radius of any ferry vessel transiting in any portion of the Long Island Sound Marine Inspection and COTP Zone without first obtaining the express prior authorization of the ferry vessel licensed operator, licensed master, COTP, or the designated COTP on-scene patrol.

(7) *Vessels engaged in commercial service.* No vessel may enter within a 100-yard radius of any vessel engaged in commercial service while that vessel is transiting, moored, or berthed in any portion of the Long Island Sound Marine Inspection and COTP zone, without the express prior authorization of the vessel's licensed operator, master, COTP, or the designated COTP on-scene representative.

(8) *Bridge foundations.* Any vessel operating beneath a bridge must make a direct, immediate and expeditious passage beneath the bridge while remaining within the navigable channel. No vessel may stop, moor, anchor or loiter beneath a bridge at any time. No vessel may approach within a 25-yard radius of any bridge foundation, support, stanchion, pier or abutment except as required for the direct, immediate and expeditious transit beneath a bridge.

(9) This section does not relieve any vessel from compliance with applicable navigation rules.

■ 3. Add § 165.154 to read as follows:

§ 165.154 Safety and Security Zones: Long Island Sound Marine Inspection Zone and Captain of the Port Zone.

(a) *Safety and security zones.* The following areas are safety and security zones:

(1) *Dominion Millstone Nuclear Power Plant Safety and Security Zones.* (i) All waters north and north east of a line running from Bay Point, at approximate position 41–18.57 N, 072–10.41 W, to Millstone Point at approximate position 41–18.25 N, 072–09.96 W.

(ii) All waters west of a line starting at 41–18.700 N, 072–09.650 W, running south to the eastern most point of Fox Island at approximate position 41–18.400 N, 072–09.660 W. All coordinates are North American Datum 1983.

(2) *Coast Guard Vessels Safety and Security Zones.* All waters within a 100-yard radius of any anchored Coast Guard vessel. For the purposes of this section, Coast Guard vessels includes any commissioned vessel or small boat in the service of the regular Coast Guard and does not include Coast Guard Auxiliary vessels.

(b) *Regulations.* (1) The general regulations contained in § 165.23 and § 165.33 of this part apply.

(2) In accordance with the general regulations in § 165.23 and § 165.33 of this part, entry into or movement within this zone is prohibited unless authorized by the Captain of the Port Long, Island Sound.

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or on-scene patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U. S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: August 8, 2003.

Vivien S. Crea,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA 207–4213; FRL–7544–7]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Motor Vehicle Inspection and Maintenance Program—Revised Final Standards for the Acceleration Simulation Mode Exhaust Emissions Test

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Pennsylvania. This revision amends Pennsylvania's SIP-approved Enhanced Vehicle Inspection and Maintenance Program (or I/M program) to implement final tailpipe test standards for the Acceleration Simulation Mode (ASM) tailpipe emissions test. This is being done through the substitution of revised ASM test standards in place of the previously adopted and SIP-approved final ASM test standards. Under Pennsylvania's SIP-approved I/M program, ASM testing is conducted only in the Philadelphia I/M program area comprised of Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties. Therefore, this action affects only motorists in those counties subject to the ASM test as part of the I/M program for the Philadelphia area. The intended effect of this action is to approve Pennsylvania's SIP revision request. This action is being taken under authority of the Clean Air Act.

EFFECTIVE DATE: This final rule is effective on September 15, 2003.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and at the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 1301 Constitution Avenue, NW., Room B108, Washington, DC 20460. Copies are also available for public inspection at the Pennsylvania Department of Environmental Protection, Bureau of Air Quality, PO Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Brian Rehn, (215) 814–2176, or by e-mail at *rehn.brian@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On June 27, 2003 (68 FR 38266), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Pennsylvania. EPA's NPR proposed to approve a revision to Pennsylvania's SIP-approved enhanced I/M program SIP to revise final exhaust emission standards for Pennsylvania's ASM exhaust emissions test. The Commonwealth submitted a request for parallel processing of the state-proposed version of this SIP revision on June 5, 2003. Parallel processing is a means by which EPA proposes rulemaking action concurrently with the state's procedures for adoption of regulations. Upon completion of the state adoption process, EPA can then take final rulemaking action. Pennsylvania formally submitted its final, adopted SIP revision (amending the final test cutpoints for the ASM test) to EPA on July 23, 2003.

II. Summary of SIP Revision

The Commonwealth's SIP revision substitutes a set of revised final ASM test cutpoints (recently released by EPA as a compliance alternative) for the cutpoints previously approved in Pennsylvania's I/M program SIP.

The ASM test is a test method used to measure tailpipe emissions from cars. In Pennsylvania, the test is performed on a portion of the I/M-subject fleet in five counties in the Philadelphia severe ozone nonattainment area (Bucks, Chester, Delaware, Montgomery, and Philadelphia counties). The ASM tailpipe emissions test employs tailpipe emissions sensing equipment that measures emissions while the vehicle is driven, under load, at a steady speed on a chassis dynamometer. This SIP revision serves to substitute a different set of final test cutpoints than was previously SIP-approved—that utilize a different methodology and which are expressed in different units of measurement, and which are different than the prior approved phase-in or final ASM cutpoints. Since the Commonwealth is utilizing a set of alternative final ASM cutpoints that were developed by EPA for the purpose of providing a compliance alternative in implementing an ASM-based I/M program, EPA proposed approval of the Commonwealth's proposed SIP revision.

A more detailed explanation of the Commonwealth's SIP revision or the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

III. Final Action

EPA is approving Pennsylvania's July 23, 2003 formal SIP revision to substitute an alternative set of final ASM test cutpoints to the I/M program as a revision to the Pennsylvania SIP.

IV. Statutory and Executive Order Reviews

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This rule also does not have tribal implications because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit 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 United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this approval of an alternative set of final ASM test cutpoints to Pennsylvania's I/M program SIP must be filed in the United States Court of Appeals for the appropriate circuit by October 14, 2003. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: August 6, 2003.

Donald S. Welsh,

Regional Administrator, Region III.

■ 40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart NN—Pennsylvania

■ 2. Section 52.2020 is amended by adding paragraph (c)(211) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(211) Revisions to the Pennsylvania Emission Inspection Program Regulations to adopt revised alternative final ASM test cutpoints submitted on July 23, 2003 by the Department of Environmental Protection:

(i) Incorporation by reference.

(A) Letter of July 23, 2003 from the Secretary of the Department of Environmental Protection transmitting a regulatory amendment to the motor vehicle emissions testing program to adopt an alternative set of final ASM test cutpoints developed by EPA.

(B) Revisions to Chapter 177, Appendix A, Section 1 of the Pennsylvania motor vehicle emission inspection program regulations (codified in the Pennsylvania Code at Title 67, Part I, Subpart A, Article VII), effective on May 24, 2003.

(ii) Additional Material.—Remainder of the State submittal pertaining to the revisions listed in paragraph (c)(211)(i) of this section.

[FR Doc. 03–20895 Filed 8–14–03; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Part 424

[CMS–0008–IFC]

RIN 0938–AM22

Medicare Program; Electronic Submission of Medicare Claims

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Interim final rule with comment period.

SUMMARY: This interim final rule with comment period implements the statutory requirement that claims for reimbursement under the Medicare Program be submitted electronically as of October 16, 2003,except where waived. This rule identifies those circumstances for which mandatory submission of electronic claims to the Medicare Program is waived.

DATES: *Effective date:* October 16, 2003. These regulations are applicable for Medicare claims submitted on or after October 16, 2003.

Comment date: Comments will be considered if we receive them at the appropriate address, as provided below, no later than 5 p.m. on October 14, 2003.

ADDRESSES: In commenting, please refer to file code CMS–0008–IFC. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission or e-mail. Mail written comments (one original and three copies) to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–0008–IFC, P.O. Box 8010, Baltimore, MD 21244–8010.

Please allow sufficient time for mailed comments to be timely received in the event of delivery delays. If you prefer, you may deliver (by hand or courier) your written comments (one original and three copies) to one of the following addresses: Room 445–G, Hubert H. Humphrey (HHH) Building, 200 Independence Avenue, SW., Washington, DC 20201, or Room C5–14–03, 7500 Security Boulevard, Baltimore, MD 21244–8010.

(Because access to the interior of the HHH Building is not readily available to persons without Federal Government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for commenters wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed, and could be considered untimely.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Kathleen Simmons, (410) 786–6157. Stewart Streimer, (410) 786–9318.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: Comments received timely will be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, contact Sharon Jones (410) 786–9994.

Copies: Additional copies of the **Federal Register** containing this interim final rule with comment period can be made at most libraries designated as Federal Depository Libraries and at many other public and academic libraries throughout the country that receive the **Federal Register**.

This **Federal Register** document is also available from the **Federal Register** online database through *GPO Access,* a service of the U.S. Government Printing Office. The Web site address is: *http://www.access.gpo.gov/nara/index.html.*

I. Background

Section 3 of the Administrative Simplification Compliance Act (ASCA), Pub. L. 107–105, was enacted by the Congress to improve the administration of the Medicare Program by facilitating program efficiencies gained through the electronic submission of Medicare claims. Section 3 of ASCA amends subsection (a) of section 1862 of the Social Security Act (the Act) (42 U.S.C. 1395y(a)) and adds a new subsection (h) to section 1862 (42 U.S.C. 1395y). The amendment to subsection (a) requires

the Medicare Program, subject to subsection (h), to deny payment under Part A or Part B for services ''for which a claim is submitted other than in an electronic form specified by the Secretary.'' Subsection (h) provides that the Secretary shall waive such denial in two types of cases and may also waive such denial ''in such unusual cases as the Secretary finds appropriate.''

Section 3 of ASCA operates in the context of the Administrative Simplification provisions of the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Pub. L. 104–191. Those provisions require the Secretary to adopt, among other standards, standards for financial and administrative transactions for the health care industry, including the health care claim transaction (see section 1173(a) of the Act). In 2000, the Secretary of Health and Human Services (HHS) adopted standards for eight electronic transactions, including the Health Care Claim or Equivalent Encounter Information transaction, 65 FR 50312 (August 17, 2000). These rules, which are codified at 45 CFR part 162, subparts A and I through R, are generally known as the Transactions Rule.

The HIPAA standards apply to health plans, health care clearinghouses, and certain health care providers; collectively, these entities are known as ''covered entities.'' Covered entities are required to comply not only with the Transactions Rule, but also with the other HIPAA Administrative Simplification rules—the Privacy Rule, the Employer Identifier Rule, and the Security Rule—when the respective applicable compliance dates for those rules occur.

Compliance with the standards for the electronic transactions covered by the Transactions Rule was required for all covered entities other than small health plans by October 16, 2002; compliance by small health plans is required by October 16, 2003. However, section 2 of ASCA extended the October 16, 2002 compliance deadline to October 16, 2003 for covered entities that submitted a compliance plan by October 15, 2002. Covered entities that were not small health plans and that did not timely submit a compliance plan under ASCA were required to comply with the Transactions Rule by October 16, 2002. Regardless, no later than October 16, 2003, all covered entities must be in compliance with the Transactions Rule.

By statute, the Medicare Program is a health plan under HIPAA (see section 1171(5)(D) of the Act). It is, therefore, a covered entity. Health care providers are covered entities if they transmit health information in electronic form in connection with a transaction for which the Secretary has adopted a standard (covered transaction) (see 45 CFR 160.102). Under the Transactions Rule, if a covered entity electronically conducts a covered transaction with another covered entity, it must conduct it as a standard transaction (see 45 CFR 162.923(a)).

Approximately 86.1 percent of claims submitted to the Medicare Program are submitted electronically, which means that approximately 139 million claims are submitted on paper per year (fiscal year (FY) 2002). Section 3 of ASCA requires Medicare providers to submit claims electronically by October 16, 2003, unless one of the specified grounds for waiver applies. Section 3 of ASCA, thus, in general has the effect of requiring Medicare providers that are not already covered entities to conduct a covered transaction (the health care claim transaction) electronically and, thereby, become covered entities. In submitting claims electronically, the providers will be required to comply with the applicable HIPAA standard for the health care claim transaction, by virtue of the Transactions Rule. Thus, section 3 of ASCA promotes the submission of standard transactions and will further the goal of improved health care delivery by reducing the administrative burden and paperwork associated with Medicare claims submission.

Although 86.1 percent of Medicare claims are submitted electronically, the volume of Medicare claims submitted in paper form is substantial, and moving from paper to electronic submission has the potential for significant savings and efficiencies for Medicare physicians, practitioners, facilities, suppliers, and other health care providers, as well as for the Medicare program itself. Although these Medicare physicians, practitioners, facilities, suppliers, and other health care providers would incur a cost to comply with the mandatory electronic billing requirement, we believe their savings will offset the cost. Further, the use of the HIPAA electronic claim standard could result in additional savings should these entities begin electronically billing other payers. However, the statute recognizes that certain circumstances may preclude or make less attractive converting from a paper to an electronic environment. ASCA, thus, identifies exceptions to the mandatory submission of electronic Medicare claims. These exceptions are interpreted and provided for by this interim final rule with comment period.

We considered whether the amendment to section 1862(a) in section 3 of ASCA could be interpreted to apply to payments made by Medicare + Choice (M+C) organizations to providers for services provided to Medicare beneficiaries. The question was raised by the provision in section 4 of ASCA which expressly adds Medicare Part C, found in Part C of Title XVIII, to the definition of Medicare ''health plans'' found in section 1171(5)(D).

The plain language of section 1862(a), however, provides that ''payment may not be made under Part A or Part B'' for a number of activities. The Congress could have amended this provision, just as it amended section 1171(5), if it had wanted to prohibit M+C organizations from paying for claims for services given to M+C enrollees by the M+C organization's participating providers. The fact that it did not so amend this provision indicates that it did not intend to apply the ASCA payment prohibition to the M+C organizations. The Congress's intent to apply the broader definition of ''health plan'' in section 4 of ASCA solely to the Administrative Simplifications provisions of HIPAA and not to the electronic submission requirement for Medicare claims is further suggested by in the title of section 4 of ASCA: ''Clarification with Respect to Applicability of Administrative Simplification Requirement to M+C Organizations.''

The M+C organizations, as health plans for the purposes of HIPAA Administrative Simplification, are required to come into compliance with the requirements of the HIPAA Transactions Rule no later than October 16, 2003. We understand that all M+C organizations properly filed ASCA compliance plans prior to October 16, 2002. They, therefore, obtained extensions and have a compliance date of October 16, 2003.

An M+C organization that pays a non-compliant electronic claim after October 16, 2003, would accordingly be out of compliance with the HIPAA Transactions Rule requirements, but would not violate the provisions of section 1862(a)(22) or the requirements of this regulation. This regulation applies only to providers, practitioners and suppliers who submit claims under Part A or Part B of Medicare. It does not apply to the submission of claims by providers to M+C organizations. Moreover, the waiver provisions for small providers, practitioners and suppliers established by section 3 of ASCA and this regulation do not extend to claims submitted by such providers to any health plans other than Medicare.

II. Provisions of the Interim Final Rule With Comment Period

Section 3 of ASCA established the requirements and exceptions under the Medicare Program for the mandatory submission of claims submitted in electronic form. 45 CFR 162.1101(a) defines a health care claim as the transmission of ''A request to obtain payment, and the necessary accompanying information from a health care provider to a health plan, for health care.'' 45 CFR 160.103 defines electronic media as—

(1) Electronic storage media including memory devices in computers (hard drives) and any such removable/transportable digital memory medium, such as magnetic tape or disk, optical disk, or digital memory card; or (2) Transmission media used to exchange information already in electronic storage media. Transmission media include, for example, the internet (wide-open), extranet (using internet technology to l ink a business with information accessible only to collaborating parties), leased lines, dial-up lines, private networks, and the physical movement of removable/transportable electronic storage media. Certain transmissions, including of paper, via facsimile, and of voice, via telephone, are not considered to be transmissions via electronic media, because the information being exchanged did not exist in electronic form before the transmission.

In this interim final Rule with comment period, we integrate the definitions of ''electronic media'' and ''claims submitted in electronic form'' into the newly defined term, ''electronic claim.'' Furthermore, for brevity, and to reflect common use, the term ''electronic claim(s)'' is considered to be synonymous with and is being used in lieu of the term ''claims submitted in electronic form'' in this Rule.

A. Definitions Used for Electronic Claim Submission

In § 424.32(d)(1), we are adding a definition section to define terms used in paragraph (d). We define the following terms: claim; electronic claim; direct data entry; electronic media; initial Medicare claim; physician, practitioner, facility or supplier; provider of services; and small provider or small supplier. We define ''claim'' to mean the transaction defined at 45 CFR 162.1101(a), which is the regulatory definition of ''health care claim'' in the Transactions Rule. We specify the definition of ''electronic claim'' to mean a claim that is submitted via electronic media. We specify that the definitions of ''direct data entry'' and ''electronic media'' are defined as those terms are defined in 45 CFR 162.103, and 160.103, respectively.

In § 424.32(d)(1)(iv), we define an ''initial Medicare claim'' as a claim submitted to Medicare for payment under Part A or Part B of the Medicare Program for the first time for processing, including claims sent to Medicare for the first time for secondary payment purposes. *Initial Medicare claim* excludes any adjustment or appeal of a previously submitted claim.

We specify in § 424.32(d)(1)(vi) that a ''Physician, practitioner, facility, or supplier'' is a Medicare provider other than a *provider of services.* In § 424.32(d)(1)(vii), we define a ''Provider of services'' as a provider of services as defined in section 1861(u) of the Act. We define in § 424.32(d)(1)(viii), a ''Small provider or small supplier'' as a provider of services with fewer than 25 full-time equivalent employees; or a physician, practitioner, facility, or supplier (other than provider of services) with fewer than 10 full-time equivalent employees.

B. Submission of Electronic Claims Required

Electronic submission of Medicare claims is required for *initial* Medicare claims, including initial claims with paper attachments, submitted for processing by the Medicare fiscal intermediary (FI) or carrier that serves the physician, practitioner, facility, supplier, or other health care provider. No other transactions, including changes, adjustments, or appeals to the initial claim, are required to be submitted electronically.

In § 424.32(d)(2), we specify that except for claims to which § 424.32(d)(3) applies, an initial Medicare claim under Part A and/or Part B may be paid only if submitted as an electronic claim for processing by the Medicare FI or carrier that serves the physician, practitioner, facility, supplier, or provider of services. This requirement does not apply to any other transactions, including adjustment or appeal of the initial Medicare claim.

C. Exceptions to Requirement To Submit Electronic Claims

The regulation set forth at 45 CFR 162.923 states that ''Except as otherwise provided in this part, if a covered entity conducts with another covered entity (or within the same covered entity), using electronic media, a transaction for which the Secretary has adopted a standard under this part, the covered entity must conduct the transaction as a standard transaction.'' HIPAA does not require that a health care plan be able to accept claims via every type of electronic media, only that claims received via such media comply with the standard format and content requirements of HIPAA *(www.wpc-edi.com/HIPAA).* Only electronic media accepted by Medicare, and as defined in the Medicare Carrier and Intermediary Manuals and Program Memoranda issued by CMS, are affected by this requirement of ASCA. At present, Medicare does not accept claims via the internet, an extranet or, in many cases, via removable/transportable storage media. This rule does not change this Medicare policy. Advance notice of any future plans for expansion or contraction in the electronic media accepted for submission of Medicare claims would be published in Medicare program instructions and via routine contractor notification and instructional media.

Claims submitted via a direct data entry screen maintained for Medicare, and as permitted by 45 CFR 162.923, are considered to be electronic claims for purposes of this requirement. Claims transmitted to a Medicare contractor using the free or low cost claims software issued by Medicare fee-for-service plans are also electronic claims for purposes of this requirement.

The ASCA provides for exceptions to the mandatory electronic submission of Medicare claims. Under the ASCA, the Secretary of Health and Human Services will waive the application of the electronic claim requirement for specific cases. This interim final rule with comment period provides more explicit requirements to implement the statutory mandate that we specify in the regulations at § 424.32(d). Specifically, in § 424.32(d)(3), we specify the exceptions when electronic submission of initial Medicare claims can be waived. In § 424.32(d)(3)(i), we specify that electronic submission will be waived when: (a) there is no method available for the submission of an electronic claim. We cannot reasonably expect Medicare beneficiaries to submit electronic claims. (Even though, the statute requires, with very few exceptions, that providers of health care bill Medicare on behalf of a beneficiary (sections 1814(a) and 1848(g)(4) of the Act) some beneficiaries will still submit claims to Medicare. However, those relatively few beneficiaries who submit claims are not likely to possess the capability to submit a HIPAA compliant claim). Further, there is no method available in those situations in which the standard adopted by the Secretary at 45 CFR 162.1102 does not support all of the information necessary for payment of the claim. At this time, we have identified three situations which fall into this category, in addition to beneficiary claims: (1) Roster billing of

vaccinations covered by the Medicare Program (In order to promote an increase in the flu vaccinations for Medicare beneficiaries, since 1993 Medicare allowed mass immunizers to bill the program using a single claim form with an attached list of beneficiaries to which a flu vaccine was administered. Generally, mass immunizers bill electronically, but in a non-standard format. This roster billing simplified provider billing but is not available in electronic form under the HIPAA Transaction Rule); (2) claims for payment under Medicare demonstration projects (Medicare demonstration projects often allow for unusual situations not normally handled by the standard transactions.); and (3) claims where more than one plan is responsible for payment prior to Medicare. The standard electronic formats do not currently have a clear method for the reporting of per service payments made by more than one primary payer. Efforts are being made to resolve this deficiency. These claims can continue to be submitted to Medicare on paper, but once a solution is reached we will notify the public, and providers will then be required to submit these claims electronically. Specific program guidance will be issued to Medicare providers concerning submission of these claims on paper effective October 16, 2003. We will also issue specific guidance or regulations, as necessary, informing covered entities if this or another exception no longer applies. (b) In 424.32(d)(3)(ii), we provide that electronic submission will be waived when the entity submitting the claim is a small provider or small supplier. The statute is quite specific as to the size requirements and the rule simply incorporates the statutory requirements.

D. Unusual Circumstances

The Secretary may waive the electronic submission requirement in certain situations as the Secretary finds appropriate. In § 424.32(d)(4), we specify three circumstances that will provide for an exception to exist in the following situations: (1) The submission of dental claims (This exception is being included because, under HIPAA, dentists are required to submit electronic transactions to other payers in a format different from that generally used in the Medicare Program. Since Medicare does not generally cover dental services, this exception is added to minimize the burden on dentists who may, at times, need to bill the Program.); (2) A service interruption in the mode of submitting the electronic claim that is outside of the control of the entity submitting the claim, for the period of the interruption (This exception will apply only if the physician, practitioner, facility, supplier, or other health care provider has no telephone or other communication service. If telephone service exists but is unavailable for a period of time (for example, because of inclement whether or due to telephone company technical breakdowns), paper claims will be accepted during the period of disrupted telephone service.); and (3) On demonstration, satisfactory to the Secretary, of other extraordinary circumstances precluding submission of electronic claims.

Entities will not generally need to make a special request to determine whether an exception applies that would make them eligible for a mandatory waiver under § 424.32(d)(3) or a discretionary waiver under § 424.32(d)(4). A special request must be submitted to a Medicare FI or carrier when an entity does not meet the mandated or discretionary waiver criteria being established but believes there are other extraordinary circumstances that preclude their submission of electronic claims. We will issue program guidance to Medicare FIs and carriers to enable them to handle, on a case-by-case basis, requests for relief in extraordinary circumstances.

E. Enforcement

ASCA's amendment to section 1862(a) of the Act prescribes that ''no payment may be made under Part A or Part B of the Medicare Program for any expenses incurred for items or services'' for which a claim is submitted in a non-electronic form. Consequently, absent an applicable exception, paper claims submitted to Medicare will not be paid.

The Secretary may audit entities that bill Medicare non-electronically. Entities determined to be in violation of the statute or this rule may be subject to claim denials, overpayment recoveries, and applicable interest on overpayments.

F. Effective Date

In § 424.32(d)(6), we specify the effective date for these amendments will be for claims submitted on or after October 16, 2003. This effective date is specified in section 3(b) of ASCA.

III. Response to Comments

Because of the large number of items of correspondence we normally receive on **Federal Register** documents published for comment, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, if we revise this final rule, we will respond to the major comments in the preamble to that document.

IV. Waiver of Proposed Rulemaking

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** and invite public comment on the proposed rule. The notice of proposed rulemaking includes a reference to the legal authority, under which the rule is proposed, and the terms and substances of the proposed rule or a description of the subjects and issues involved. This procedure can be waived, however, if an agency finds good cause that a notice-and-comment procedure is impracticable, unnecessary, or contrary to the public interest and incorporates a statement of the finding and its reasons in the rule issued.

We find that it would be contrary to the public interest to undertake prior notice and comment procedures before implementing this interim final rule with comment period. The ASCA evidences the Congress' intent to increase electronic claims submission to the Medicare Program through mandatory electronic billing requirements and to tie the mandatory Medicare electronic billing requirement's October 16, 2003 effective date to the compliance date for national implementation of the electronic transactions standards required under the Administrative Simplification provisions of HIPAA (*see* 45 CFR parts 160 and 162). However, the ASCA also provides that not all Medicare health care providers must engage in electronic billing and identifies, in general terms, those circumstances under which health care providers will be exempt from the requirements.

The implementation of the HIPAA standards by health care providers requires detailed planning, budgeting, implementation, and testing in order for those covered entities to be ready to submit HIPAA transactions by the October 16, 2003 compliance date. Since section 3 of ASCA mandates electronic billing for Medicare providers, these entities must come into compliance with the HIPAA requirements on the same date and, in turn, they must plan appropriately like those covered entities that were already planning to be electronic billers. It is imperative that the affected Medicare billers have sufficient time to ascertain whether they must transition to electronic billing as a result of section 3 of ASCA and, if so, begin the implementation process for the HIPAA transaction standards. This interim final rule with comment period allows those

Medicare paper billers to fully understand their obligations under ASCA and, in turn, begin preparing for HIPAA implementation, if required to do so. We believe any delay in implementing this rule, effective October 16, 2003, would hinder Medicare providers' ability to meet the October 16, 2003 HIPAA compliance date or determine that they did not have to file electronically with Medicare and so incur unnecessary costs.

Thus, we find, for good cause, that providing notice and opportunity to comment under 5 U.S.C. 553(b) would be impracticable and contrary to the public interest. We are providing a 60-day public comment period.

This rule is effective October 16, 2003, as required by section 3(b) of the ASCA.

V. Collection of Information Requirements

Under the Paperwork Reduction Act (PRA) of 1995, we are required to provide 60-day notice in the **Federal Register** and solicit public comment before a collection of information requirement is submitted to the Office of Management and Budget (OMB) for review and approval. In order to fairly evaluate whether an information collection should be approved by OMB, section 3506(c)(2)(A) of the PRA of 1995 requires that we solicit comment on the following issues:

- The need for the information collection and its usefulness in carrying out the proper functions of our agency.
- The accuracy of our estimate of the information collection burden.
- The quality, utility, and clarity of the information to be collected.
- Recommendations to minimize the information collection burden on the affected public, including automated collection techniques.

Therefore, we are soliciting public comments on each of these issues for the information collection requirements discussed below.

The information collection requirements and associated burdens in § 424.32 are subject to the PRA. The burden of submitting the information required is addressed under OMB approval number:

0938–0866, HIPAA Standards for Coding Electronic Transactions, with a one-time burden of 34,000,000 hours. The current approval expires 5/31/05.

0938–0279, Medicare Uniform Institutional Provider Bill, with an annual burden of 1,666,208 (form CMS–1450). The current approval expires 12/31/05.

0938–0042, Request for Medicare Payment—Ambulance, with an annual burden of 390,418 hours (form CMS–1491). The current approval expires 3/31/04.

0938–0008, Common Claim form, instructions, and supporting regulations at §§ 414.40, 424.32, and 414.40, with an annual burden of 44,189,007 (form CMS–1500). The current approval expires 3/31/06.

Approximately 205,409 providers and suppliers will be affected by this rule and will have to change the format for the claims they submit (the information collected does not change). They will incur some costs, either that of switching to clearinghouses, which will not affect the time it takes to submit the information for a claim, but will cost them $.30 per claim, or that of purchasing computer equipment, which we estimate at $500 to $1,000.

For our rule published to implement the electronic transactions in general, we estimated that it would take an average of ten hours per entity to switch over to the mandated standard transaction. (The switch could be from paper to electronic or from another electronic format to the standard format.)

For purposes of this discussion, we are estimating that 37.5 percent of the affected providers and suppliers (that is, those not meeting one of the exceptions) already own computers and will not incur capital costs. We are also estimating that 50 percent of the affected providers and suppliers will start using a clearinghouse or billing service, which will not impose any capital costs subject to the PRA. The remaining 12.5 percent (25,676) will buy computers at an average of $750, for a total capital cost of $19.3 million.

On the other hand, the providers and suppliers who own or who will buy a computer will require less time to submit claims. Form CMS–1450 takes approximately 9 minutes to submit in hard copy and .5 minutes to submit electronically; form CMS–1500 takes 15 minutes and 1 minute, respectively; form CMS–1491 takes 10 minutes and 1 minute, respectively.

If the 50 percent of the entities that will bill us directly are responsible for 25 percent of the paper bills (we assume that half of the bills are submitted by entities that will be excepted from the requirements, and that 25 percent will be submitted through an intermediate party), they will save 7,651,089 million hours for form 1500, 58,850 hours for form 1491, and 129,196 hours for form 1450. Mailing costs will be reduced by approximately $.40 per claim on average and the cost of the forms by $.03 for the form 1450 and form 1500 (the third form is furnished by CMS). We welcome comments on this aspect of the collection.

We are submitting a copy of the revision to § 424.32 to OMB for its review of the information collection requirements. The revision is not effective until OMB has approved it. If you comment on any of these information collection and record keeping requirements, please mail copies directly to the following: Office of Strategic Operations and Regulatory Affairs, Centers for Medicare and Medicaid Services, 7500 Security Boulevard, Attn: PRA Reports Clearance Officer, Baltimore, MD 21244, Attn: Julie Brown, CMS–0008–IFC, and Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10235, New Executive Office Building, Washington, DC 20503, Attn: Brenda Aguilar, Desk Officer, CMS–0008–IFC.

VI. Regulatory Impact Analysis

A. Overall Impact

We have examined the impacts of this rule as required by Executive Order 12866 (September 1993, Regulatory Planning and Review), the Regulatory Flexibility Act (RFA) (September 16, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), and Executive Order 13132.

For the purpose of this analysis, CMS uses a pre-statute baseline; therefore, all costs and benefits identified in this impact analysis are attributed to this rulemaking. Nevertheless, the ASCA mandates most aspects of this rulemaking. In particular, the ASCA requires Medicare providers to submit claims electronically and stipulates exceptions that will and may be granted. However, CMS did have discretion in setting the conditions for exceptions, and believes that these exceptions reduce the burden relative to the burden that may have been imposed by ASCA without this enabling regulation.

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). This is not a major rule. While additional costs will be imposed on those entities that do not meet any of the exception requirements and which must purchase the capability to

bill Medicare electronically, we estimate the impact to be less than $100 million. Our estimates of the cost impact are based on the following analysis. (**Note:** The primary sources of data contained herein are the Medicare Program's ''Contractor Reporting of Operational Workload Data'' (CROWD), the ''2002 CMS Statistics'' Handbook), and the Year 2000 ''Statistics of U.S. Business'' issued by the U.S. Census Bureau.

The Administrative Simplification provisions under HIPAA establish the standards for electronic data transmission when transactions are conducted electronically, but they do not require physicians, practitioners, facilities, suppliers, and other health care providers to transmit claims and other transactions electronically. ASCA, however, does require Medicare physicians, practitioners, facilities, suppliers, and other health care providers (except those for which this rule provides for an exception) to submit claims electronically to Medicare. Consequently, Medicare claims must be submitted in the HIPAA-prescribed electronic format. Thus, this rule will only have an impact on that group of entities that now submit paper claims to the Medicare Program and who do not fall into one of the excepted groups.

Approximately 139 million paper claims were submitted to Medicare in FY 2002. This represents about 13.9 percent of all claims processed. Broken down between paper claims submitted to FIs and carriers, the number of paper claims in FY 2002 was 3.4 million and 136 million, respectively (source of data is CROWD).

Over the past 4 years, Medicare's electronic media claims rate (EMC) has slowly grown at an average of 0.3 percent per year for FIs and 0.9 percent per year for carriers (source of data is CROWD). We do not expect a change in this trend for the immediate future. Therefore, we assume that similar changes will continue for, at least, FY 2003 and FY 2004, the first year of implementation of mandatory Medicare EMC. Using workload growth projections from the CMS FY 2004 budget submission to the Congress, we estimate the FY 2004 volume of paper claims impacted by the ASCA, factoring out Medicare's continuing trend of higher EMC rates, will be 2.5 million for Medicare FIs and 133.7 million for carriers. Please note that these volumes could be even smaller in FY 2004 due to the simultaneous implementation of HIPAA. However, the impact of HIPAA, coupled with Medicare's EMC trends, cannot be quantified, though the impact would only further reduce the cost/savings impact of ASCA and further support that a RIA is not needed.

We do not know at this time how many providers will be excepted from the ASCA requirements, but projections have been made based upon the percentage of health care providers reported in the Census Bureau's ''Year 2000 Statistics of U.S. Businesses,'' which includes data on the number of health care providers by type with fewer than 20 employees and the numbers of physician, practitioner, and supplier entities with fewer than 10 employees. The Census figures do not differentiate between part-time and full-time employees, and would be expected to result in inflated numbers on the whole when applied to Medicare, but that is acceptable for impact assessment purposes. The Census did not have a category for fewer than 25 employees; fewer than 20 employees was their closest statistic. Overall, the Census data would still be reliable indicators of the anticipated worse case scenario of the maximum number of Medicare providers, physicians, practitioners, and suppliers likely to be impacted by this regulation. The percentages of small providers, physicians, practitioners, and suppliers based on employment numbers for the universe of all U.S. providers, physicians, practitioners, and suppliers should be comparable to the percentage of the subset of those providers that bill the Medicare program.

The Census figures did not include each of the same provider, physician, practitioner, and supplier breakouts as tracked by Medicare's statistics, but the Census figures did include the largest provider, physician, practitioner, and supplier types. The Census figures included 90 percent of all Medicare providers, physicians, practitioners, and suppliers by type. The provider types track differently by CMS and the Census Bureau include regional referral centers, Christian Science Sanitoria, rural health clinics, critical access facilities, and hospices. The ''2002 CMS Statistics'' directory and the 2000 Census data health care establishment totals reported the following:

Provider type	Number of providers	Percentage of providers with less than 20 employees	Likely number excepted
Hospitals	6,031	10.6	639
Home Health Agencies	7,099	69.2	4,913
ESRD Facilities	3,991	16.6	663
Skilled Nursing Facilities	14,841	25.7	3,814
Totals	31,962	31.4	10,029
Type of physician, practitioner or supplier	**Number of providers**	**Percentage of providers with less than 10 employees**	**Likely number excepted**
Clinical Labs	168,333	41.4	69,690
Ambulatory Surgical Centers	3,147	34.9	1,098
Physicians	567,412	70.6	400,593
All Other Practitioners	297,967	71.8	213,940
Totals	1,036,859	66.1	685,321

As there was a 10 percent difference between the Census provider, physician, practitioner, and supplier types and the Medicare provider types, dues to differences in type collection, the numbers impacted would need to be increased by 10 percent to account for the difference. Increased by 10 percent, approximately 11,032 (31.4 percent) of

all Medicare providers, and 753,853 (66.1 percent) of all Medicare physicians, practitioners and suppliers could qualify for an exception of the electronic claim filing requirement based on provider size, leaving approximately 24,126 providers and 386,692 physicians, practitioners, and suppliers (a total of 410,818 potentially affected by the ASCA Medicare requirement nationally).

Approximately 98 percent of providers, and 83 percent or physicians, practitioners, and suppliers already submit claims to Medicare electronically though, and are expected to continue doing so, so the total impacted must be further reduced to determine the approximate number of current paper claim submitters that would likely be affected. It is reasonable to assume that the majority of the paper claims received by Medicare are submitted by smaller providers, physicians, practitioners, and suppliers. As a result, it would not be accurate to reduce the number of affected providers by the full 98 percent of 83 percent. In the absence of reliable statistics to project the current source of all paper claims however, the number of providers potentially affected by the mandatory Medicare electronic claim requirement will be conservatively estimated at a maximum of 50 percent of the entities that would not qualify for a waiver. This leaves 12,063 providers and 193,346 physicians, practitioners, and suppliers (a total of 205,409) that would need to begin submitting claims to Medicare electronically.

Statistics collected for PRA clearance of the Medicare paper claim forms and referenced in the ''Collection of Information Requirements'' section of this preamble indicate that in the absence of a mandatory electronic claim requirement effective for FY 2004, 2.5 million paper claims are expected to be sent to Medicare intermediaries and 133.7 million paper claims are to be sent to Medicare carriers.

Today, many Medicare providers use billing agents or clearinghouses to bill the Medicare program. Many providers, physicians, practitioners, and suppliers that currently submit paper claims have indicated anecdotally that they use paper as they would rather avoid the ''hassle'' of dealing with the multiple electronic claim formats currently required by payers, and the need to have staff keep abreast of the updates to those formats. HIPAA will largely eliminate format differences among payers, but there will continue to be differences concerning use of certain ''situational'' segments and data elements in the formats. It is reasonable to assume that up to half (205,409 × 50 percent = 102,704) of those entities that do not submit claims to Medicare electronically today would prefer to contract with third party to deal with such differences on their behalf.

A small sampling of Medicare contractors indicated an average cost of $0.30 per claim for billing agent and clearinghouse services. The total cost to physicians, practitioners, facilities, suppliers, and other health care providers to use a billing agent or clearinghouse should not be more than $7,055,895 (that is, $.30 × {the sum of 2.5 million paper claims sent to intermediaries as estimated previously for FY 2004 multiplied by the 68.6 percent of providers that would not meet the exception criteria plus 133.7 million paper claims estimated to be sent to carriers multiplied by the 33.9 percent of physicians, practitioners, and suppliers that would not meet the exception criteria}, reduced by 50 percent to account for the assumption that 50 percent of the firms will contract with the third party claims processors).

Finally, in regard to the balance of 102,704 (205,409 × 50 percent) providers, physicians, practitioners, and suppliers that would not be expected to meet the criteria to submit paper claims, we conservatively estimate that approximately 75 percent of these already own personal computers that are used to prepare the paper claim forms they currently submitted to Medicare. Very few hand-written or manually typed claims are submitted to Medicare. Although many paper claim submitters have not used personal computers for electronic billing, they have used them for claim preparation, patient scheduling and other aspects of their practice.

We estimate that at a maximum, the remaining total of 25,676 (25 percent of 102,704) providers, physicians, practitioners, and suppliers will obtain personal computers to allow them to submit their claims directly to Medicare electronically. A recent review of ads in Sunday newspapers indicated that personal computers sufficient to meet the mandatory electronic claim requirement could be obtained for between $500 to $1,000 for hardware (personal computer, monitor, printer, and modem). Billing software is available free or at low cost (less than $25 for shipping and handling) from Medicare. At the average rate of $750, it would cost $19.3 million to purchase 25,676 personal computer systems. More expensive equipment and peripherals could be used, but would not be necessary for basic compliance. Therefore, the total maximum cost should be no higher than $26.4 million ($7.1 million for users of clearinghouses or billing services, and $19.3 million for those that obtain personal computers).

Following the HIPAA savings calculation used in the Transaction Rule, but projected to FY 2004 to account for inflation, a savings of $615 per provider could result in a total provider savings of approximately $15.8 million (that is, 25,676 times $615).

We note that pages 50353 through 50359 of the August 17, 2000 transaction final rule for HIPAA used a 10-year time frame to capture the full extent of costs and savings that could be attributed to the use of the transactions adopted under HIPAA. Data from the 2000 edition of Faulkner and Gray's ''Health Data Directory,'' from a Workgroup for Electronic Data Interchange study report, and from the Department of Labor was used in those calculations to determine total claims in the health care industry, costs to use the transactions electronically, savings expected to be realized, the historical growth rate for claims overall as well as electronic claims, the percentage of electronic health care claims nationally in 2000, and the anticipated inflation rate for the 10-year period.

The RFA requires agencies to analyze options for regulatory relief of small businesses. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and government agencies. According to the Small Business Administration's (SBA's) data, approximately 95 percent of offices of physicians are considered small businesses (see the Small Business Administration's final rule titled ''Small Business Size Standards, Health Care,'' published in the **Federal Register** on November 17, 2000, 65 FR 69432). Most practitioners, facilities, suppliers, and other providers are small entities either because of nonprofit status or because of having revenues of $6 million to $29 million or less in any 1 year. For purposes of the RFA, all physicians, practitioners, facilities, suppliers, and other health care providers that serve Medicare beneficiaries are considered to be small entities. However, as stated earlier, this rule in and of itself does not impose a regulatory burden. The ASCA mandates most aspects of this rule, in particular, the ASCA requires Medicare providers to submit claims electronically and stipulates exceptions that will and may be granted. We did have discretion; however, in setting conditions for exceptions, and believe these exceptions reduce the burden relative to the burden that may have been imposed by ASCA without this enabling regulation.

Individuals and States are not considered small entities. Therefore, no regulatory relief options are considered. A rule has a significant economic impact if it exceeds 3–5 percent of its total costs or revenues according to criterion set by the SBA. The statute exempts many small firms from this rulemaking, affording considerable relief to small entities. At most, small firms that are not exempt will incur an average of either $69 per firm ($7.1 million/102,704 firms) to contract out their claims filing, or purchase computer equipment at an average net cost of $135 per firm ($750 cost − $615 savings.) Therefore, we expect the impact of this rulemaking to fall well below the SBA threshold.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 100 beds. As indicated above, this rule could have an impact on those small rural hospitals that bill Medicare and that do not meet one of the exceptions. However, we do not believe the impact is significant since the cost of compliance is relatively small ($500 to $1,000) and small rural hospitals may be able to qualify for the small provider exception. Therefore, no regulatory impact analysis is required as the impact on small rural hospitals is not significant.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule that may result in an expenditure in any 1 year by State, local, or tribal governments, in the aggregate, or by the private sector, of $110 million. This interim final rule with comment period will not have an impact on State, local, or tribal governments or on the private sector. Instead, the primary impact on State, local, or tribal governments, or the private sector will be that entities that must begin billing Medicare electronically as a result of the ASCA are likely to use that capability to also bill other payers (such as State, local, or tribal governments and the private sector).

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a final rule that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has federalism implications. This interim final rule with comment period will not have a substantial effect on State or local governments for the reasons noted above.

B. Anticipated Effects

1. Effects on Beneficiaries, Physicians, Practitioners, Facilities, Suppliers, and Other Health Care Providers

The anticipated effects on Medicare's beneficiaries will be that additional attention and services may be provided by their health care physician because, for example, electronic billing should reduce administrative paperwork. (This assertion has been made by the medical community in numerous forums over the years, though documentation to this effect is not available.)

The anticipated effects on the entities required to bill electronically will reduce or eliminate paper in their administrative operations, realizing increased efficiencies and indeterminable savings. These savings may be increased by the fact that the Administrative Simplification provisions of HIPAA mandate a standard transaction for electronic claim submissions, and this will facilitate electronic claims submissions to all health care payers. At this time, we do not have additional data to estimate those savings to Medicare physicians, practitioners, facilities, suppliers, and other healthcare providers. As previously stated, there will be a cost incurred by those entities that cannot satisfy one of the exceptions and would be required to bill Medicare in electronic form.

2. Effects on the Medicare and Medicaid Programs

Implementation of this interim final rule with comment period will result in a savings to the Medicare program. If the FY 2004 projected paper claims submissions of 136.2 million (HHS FY 2004 Budget submission to the Congress and estimated electronic media claims rate), are reduced by half and we assume a savings of $1.40 per claim as a result, the program could realize administrative savings of over $95 million per year. (**Note:** The $1.40 per claim savings is the CMS estimate of savings based upon a 1990 Industrial Engineering Study, contracted by CMS (then HCFA). The study documented that FI paper claims cost about $3.30 more to process than electronic claims and, similarly, carrier paper claims cost about $1.00 more to process than electronic claims. Weighing these differences by the 2004 workloads and combining them yields the $1.40 estimated per claim savings.)

We might expect similar types of savings for the States, which administer the Medicaid Program. That is, Medicare providers who become electronic billers due to ASCA may decide to begin billing Medicaid electronically as well. However, this would depend on which of the affected Medicare physicians, practitioners, facilities, suppliers, and other healthcare providers also bill Medicaid. Again, the fact that the Administrative Simplification provisions of HIPAA mandate a standard transaction for electronic claim submissions will facilitate electronic claims submissions to all health care payers.

C. Alternatives Considered

Section 3 of ASCA requires electronic claims submission by those who bill Medicare. There is little room for us to consider alternatives, though we expect that public comment may focus upon further definition regarding the mandatory waivers or regarding those ''unusual cases'' for which the Secretary may waive the mandatory electronic claims submission requirement.

D. Conclusion

As described above, this interim final rule with comment period establishes the requirements for implementing the statutory provisions under section 3 of the ASCA. The law requires, with few exceptions, that physicians, practitioners, facilities, suppliers, and other health care providers that bill Medicare must do so electronically. Coupled with the electronic standard transaction requirements under HIPAA, this rule facilitates greater administrative efficiencies for the Medicare program as well as for those that bill Medicare. There will be a cost incurred for those entities that are unable to meet one of the statutory exceptions, but we expect these initial costs to be offset by increased efficiencies and ongoing lower costs attributable to Medicare claims processing.

In accordance with the provisions of Executive Order 12866, the Office of Management and Budget reviewed this regulation.

List of Subjects in 42 CFR Part 424

Emergency medical services, Health facilities, Health professions, Medicare, Reporting and recordkeeping requirements.

■ For the reasons set forth in the preamble, CMS proposes to amend 42 CFR chapter VI part 424 as set forth below:

PART 424—CONDITIONS FOR MEDICARE PAYMENT

■ 1. The authority citation for part 424 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

■ 2. In § 424.32, add a new paragraph (d) to read as follows:

§ 424.32 Basic requirements for all claims.

* * * * *

(d) *Submission of electronic claims.*

(1) *Definitions.* For purposes of this paragraph, the following terms have the following meanings:

(i) *Claim* means a transaction defined at 45 CFR 162.1101(a).

(ii) *Electronic claim* means a claim that is submitted via electronic media. A claim submitted via direct data entry is considered to be an electronic claim.

(iii) *Direct data entry* is defined at 45 CFR 162.103.

(iv) *Electronic media* is defined at 45 CFR 160.103.

(v) *Initial Medicare claim* means a claim submitted to Medicare for payment under Part A or Part B of the Medicare Program under title XVIII of the Act for the first time for processing, including claims sent to Medicare for the first time for secondary payment purposes. *Initial Medicare claim* excludes any adjustment or appeal of a previously submitted claim, and claims submitted for payment under Part C of the Medicare program under Title XVIII of the Act.

(vi) *Physician, practitioner, facility, or supplier* is a Medicare provider other than a *provider of services.*

(vii) *Provider of services* means a provider of services as defined in section 1861(u) of the Act.

(viii) *Small provider of services or small supplier* means—

(A) A provider of services with fewer than 25 full-time equivalent employees; or

(B) A physician, practitioner, facility, or supplier with fewer than 10 full-time equivalent employees.

(2) *Submission of electronic claims required.* Except for claims to which paragraph (d)(3) or (d)(4) of this section applies, an initial Medicare claim may be paid only if submitted as an electronic claim for processing by the Medicare fiscal intermediary or carrier that serves the physician, practitioner, facility, supplier, or provider of services. This requirement does not apply to any other transactions, including adjustment or appeal of the initial Medicare claim.

(3) *Exceptions to requirement to submit electronic claims.* The requirement of paragraph (d)(2) of this section is waived for any initial Medicare claim when—

(i) There is no method available for the submission of an electronic claim. This exception includes claims submitted by Medicare beneficiaries and situations in which the standard adopted by the Secretary at 45 FR 162.1102 does not support all of the information necessary for payment of the claim. The Secretary may identify situations coming within this exception in guidance.

(ii) The entity submitting the claim is a small provider or small supplier.

(4) *Unusual circumstances.* The Secretary may waive the requirement of paragraph (d)(2) of this section in such unusual circumstances as the Secretary finds appropriate. Unusual circumstances are deemed to exist in the following situations:

(i) The submission of dental claims.

(ii) There is a service interruption in the mode of submitting the electronic claim that is outside the control of the entity submitting the claim, for the period of the interruption.

(iii) On demonstration, satisfactory to the Secretary, of other extraordinary circumstances precluding submission of electronic claims.

(5) *Effective date.* This paragraph (d) is effective October 16, 2003, and applies to claims submitted on or after October 16, 2003.

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

Dated: April 22, 2003.

Thomas A. Scully,

Administrator, Centers for Medicare & Medicaid Services.

Approved: August 12, 2003.

Tommy G. Thompson,

Secretary.

[FR Doc. 03–20955 Filed 8–14–03; 8:45 am]

BILLING CODE 4120–01–P

Proposed Rules

Federal Register
Vol. 68, No. 158
Friday, August 15, 2003

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

LOCAL TELEVISION LOAN GUARANTEE BOARD

7 CFR Parts 2200 and 2201

RIN 0572–AB82

LOCAL Television Loan Guarantee Program

AGENCY: LOCAL Television Loan Guarantee Board.

ACTION: Proposed rule.

SUMMARY: The LOCAL Television Loan Guarantee Board (Board) is proposing regulations to implement the LOCAL Television Loan Guarantee Program (Program or LOCAL TV Program) as authorized by the Launching Our Communities' Access to Local Television Act of 2000 (the Act). Section 1002 of the Act sets forth the primary purpose of the Act to facilitate access, on a technologically neutral basis to signals of local television stations for households located in Nonserved Areas and Underserved Areas. The Act establishes a LOCAL Television Loan Guarantee Board (the Board) to approve Guarantees made under the Act. The Board is comprised of the Secretary of the Treasury, the Chairman of the Board of Governors of the Federal Reserve System, the Secretary of Agriculture, and the Secretary of Commerce, or their designees.

This rule proposes to establish eligibility and Guarantee requirements, the application and approval process, as well as the administration of Guarantees made by the Board. Additionally, this rule proposes the process through which the Board will consider applications under the priority considerations required in the Act.

DATES: Written comments must by received by the LOCAL Television Loan Guarantee Board, or bear a postmark or equivalent, no later than September 15, 2003. Comments regarding the information and recordkeeping requirements must be received by October 14, 2003.

ADDRESSES: Written comments should be addressed to Jacqueline G. Rosier, Secretary, LOCAL Television Loan Guarantee Board, 1400 Independence Avenue, SW., STOP 1575, Room 2919–S, Washington, DC 20250–1575. Telephone (202) 720–0530; Facsimile (202) 720–2734; e-mail *localtv@rus.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Jacqueline G. Rosier, Secretary, LOCAL Television Loan Guarantee Board, 1400 Independence Avenue, SW., STOP 1575, Room 2919-S, Washington, DC 20250–1575. Telephone (202) 720–0530; Facsimile (202) 720–2734; E-mail *localtv@rus.usda.gov.*

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This proposed rule has been determined to be significant for purposes of Executive Order 12866, and therefore has been reviewed by the Office of Management and Budget (OMB). In accordance with Executive Order 12866, an Economic Impact Analysis was completed, outlining the costs and benefits of implementing this program. The complete analysis is available from the Board upon request.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. The Board has determined that this rule meets the applicable standards provided in section 3 of the Executive Order, to minimize litigation, eliminate ambiguity, and reduce burden.

Administrative Procedure Act

Pursuant to authority at 5 U.S.C. 553 (a)(2), this rule related to loans is exempt from the rulemaking requirements of the Administrative Procedure Act, 5 U.S.C. 551 *et seq.*, including the requirement to provide prior notice and an opportunity for public comment.

Regulatory Flexibility Act

Because this rule is not subject to a requirement to provide prior notice and an opportunity for public comment pursuant to 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* are inapplicable.

Information Collection and Recordkeeping Requirements

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Board invites comments on this information collection for which the Board intends to request approval from the Office of Management and Budget (OMB).

Comments on the information collection and recordkeeping requirements in this proposed rule must be received by October 14, 2003.

Comments are invited on (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments on the information collection and recordkeeping requirements in this proposed rule may be sent to F. Lamont Heppe, Jr., Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, 1400 Independence Ave. SW., Stop 1522, Room 4034 South Building, Washington, DC 20250–1522.

Title: LOCAL Television Loan Guarantee Program.

Type of Request: New collection.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 9 hours per response.

Respondents: Public bodies, commercial companies, cooperatives, nonprofits, Indian tribes, and limited dividend or mutual associations and must be incorporated or a limited liability company.

Estimated Number of Respondents: 10.

Estimated Number of Responses per Respondent: 19.4

Estimated Total Annual Burden on Respondents: 1,830 hours.

Copies of this information collection can be obtained from Michele Brooks,

Program Development and Regulatory Analysis, at (202) 690–1078.

All responses to this information collection and recordkeeping notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Catalog of Federal Domestic Assistance

The Program described by this rule is listed in the Catalog of Federal Domestic Assistance Programs under No. 10.853, LOCAL Television Loan Guarantee Program. This catalog is available on a subscription basis from the Superintendent of Documents, the United States Government Printing Office, Washington, DC 20402. Telephone: (202) 512–1800.

Executive Order 12372

No intergovernmental consultation with State and local officials is required because this rule is not subject to the provisions of Executive Order 12372, Intergovernmental Consultation.

Unfunded Mandates

This rule contains no Federal mandates (under the regulatory provision of Title II of the Unfunded Mandates Reform Act of 1995) for State, local, and tribal governments or the private sector. Thus, this rule is not subject to the requirements of sections 202 and 205 of the Unfunded Mandates Reform Act of 1995.

National Environmental Policy Act

It has been determined that this rule does not constitute a major Federal action significantly affecting the quality of the human environment, and in accordance with the National Environmental Policy Act of 1969 [42 U.S.C. 4321 *et seq.*] (NEPA), an Environmental Impact Statement is not required. If necessary, Loans sought to be guaranteed under this Program will be assessed individually to determine appropriate compliance with NEPA.

Government Paperwork Elimination Act

The Board is committed to compliance with the Government Paperwork Elimination Act, which requires Government agencies to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

Civil Rights

The LOCAL TV Board is an equal opportunity lender. Applicants are required to comply with regulations on nondiscrimination and equal employment opportunity.

Executive Order 12630

This rule does not contain policies that have takings implications.

Executive Order 13132

This rule does not contain policies having federalism implications requiring preparation of a Federalism Summary Impact Statement.

Background

On December 21, 2000, the President signed Public Law 106–553, the Federal Funding Act for Fiscal Year 2001. Title X of Pub. L. 106–553, entitled the ''Launching our Communities'' Access to Local Television Act of 2000'' established the LOCAL Television Loan Guarantee Board and authorized the Board to guarantee Loans to facilitate access, on a technologically neutral basis, to signals of local television stations for households located in Nonserved Areas or Underserved Areas. The Board is comprised of the Secretaries of Agriculture, Treasury, and Commerce, and the Chair of the Board of Governors of the Federal Reserve System, or their designees. Individuals have been designated as Board members for each of the agencies represented on the Board. The LOCAL Television Act does not, however, designate a chair of the Board. Pursuant to procedural regulations previously published in the **Federal Register** on December 11, 2002 (67 FR 76105), the Board has chosen the designee of the Secretary of the Treasury as Chair. The Board is authorized to approve Guarantees up to 80 percent of the principal amount of up to $1.25 billion in Loans. The Board's authority to guarantee Loans under the Program expires on the earlier of the date the Secretary of Agriculture determines that at least 75 percent of Designated Market Areas, other than the top 40 Designated Market Areas, have access to Local Television Broadcast Signals for virtually all households or December 31, 2006.

The Act requires the issuance of regulations to implement its provisions. Specifically, the Act requires that these regulations set forth: (1) The form of any application to be submitted to the Board; (2) the time periods for the review and consideration by the Board of applications submitted to the Board, as well as any other actions to be taken by the Board with respect to such applications; (3) appropriate safeguards against evasions of the Act; (4) circumstances in which an Applicant, together with any Affiliate of an Applicant, shall be treated as an Applicant for a Guarantee; (5) requirements that appropriate parties submit to the Board any documents and assurances that are required for the administration of the Act's provisions; (6) requirements governing defaults on Loans guaranteed under the Act, including the administration of the payment of guaranteed amounts upon Default; and (7) other provisions consistent with the Act's purposes as the Board considers appropriate.

On March 14, 2001, the Rural Utilities Service (RUS), U.S. Department of Agriculture, published in the **Federal Register** a request for public comment and a notice of public discussion meetings on implementing the provisions of the Act (66 FR 14880). This notice requested comments and encouraged participation in informal meetings regarding the implementation of the Act. RUS requested information regarding all aspects of the Program, including any financial and technological implications, as well as analyses of any provisions of the Act that may present issues or problems in implementing the Program. On April 30, 2002, RUS issued a Notice of Inquiry (NOI) in the **Federal Register** (67 FR 21216) seeking additional public comment on the implementation of the Act. Specifically, the NOI was issued to assess the interest of eligible entities in pursuing application for funding under the Act taking into account: (1) The recent commercial and regulatory developments, including pending industry mergers; (2) the impacts of new technology capable of providing local TV signals; (3) the effects of the Satellite Home Viewer Improvement Act; and (4) the ability to accomplish the Act's objectives utilizing current appropriations.

Comments and Responses

RUS received nine written comments in response to its March 14, 2001, request for public comment and notice of public discussion meetings. Five of the nine commenters participated in public discussion meetings with RUS and other Board staff.

RUS received three written comments in response to its April 30, 2002, NOI.

The twelve respondents included: satellite and internet services providers, cable, telecommunications & television trade associations, the interest of rural utilities companies and cooperatives, TV station owners and operators, a rural financial lender, a financial consultant and a terrestrial system local TV provider.

RUS submitted the comments to the Board and the Board considered the oral and written comments as it formulated

these regulations implementing the Program.

The comments received in response to both notices are available on the RUS Web site at: *http://www.usda.gov/rus/telecom/initiatives/index_initiatives.htm#comment.*

Description of Proposed Rule

The LOCAL TV Act is intended to help spread local television into Nonserved Areas and Underserved Areas. The Act defines these terms in relation to the ability to receive the Local Television Broadcast Signals serving a particular Designated Market Area. What comprises these Local Television Broadcast Signals is not defined. This proposed rule would define Local Television Broadcast Signals to create a reasonable, meaningful, and administratively workable distinction between Nonserved Areas and Underserved Areas, so that priority is given to Projects that provide signals to areas without access to local signals.

The Act refers to signals (plural). As such, receiving a single local television signal does not constitute access. The various technologies used to provide a multichannel system (typically a cable television system or a Direct Broadcast Satellite) do not inherently dictate the number of local signals provided. Therefore, Local Television Broadcast Signals must be defined on a different basis.

As of August 15, 2003, the Federal Communications Commission (FCC) recognizes four major national television broadcast networks in its rulings. In addition, the Board determined that it is reasonable to define a practical set of ''Local Television Broadcast Signals'' as a set most likely to provide the local news, weather, sports and other programming of local interest that are the reason people need access to local signals. As such, the Board proposes a technologically neutral definition of ''Local Television Broadcast Signals'' so that Nonserved Areas and Underserved Areas are determined by whether that area has access to the local signals of the major national television broadcast networks. Further, the Act defines ''Nonserved Area'' to mean any area that is outside the grade B contour (as determined using standards employed by the FCC) of the Local Television Broadcast Signals serving a particular Designated Market Area and does not have access to such signals by any commercial, for profit, multichannel video provider. ''Underserved Area'' is defined in the Act to mean any area that is outside the grade A contour (as determined using standards employed by the FCC) of the Local Television Broadcast Signals serving a particular Designated Market Area and has access to Local Television Broadcast Signals from not more than one commercial, for-profit multichannel video provider.

The definitions of nonserved area and underserved area contained in this proposed rule are directly from the Act. We interpret these statutory definitions as follows. An area outside of the grade A contour, but within the grade B contour, can never be considered a nonserved area. Areas outside of the grade B contour, which by definition are always not included in the grade A contour, may be considered either a nonserved area or an underserved area. However, any one geographic area outside of the grade B contour can never be both nonserved and underserved. An area outside of the grade B contour would be nonserved if it does not have access to local television broadcast signals from any commercial, for profit, or multichannel video provider. An area outside of the grade B contour would be underserved if it has access to local television broadcast signals from only one commercial, for profit, multichannel video provider.

The LOCAL TV Act requires the Board to develop and utilize underwriting criteria to determine which loans may be eligible for a loan guarantee under the Act. The underwriting criteria have been embodied within these proposed rules. The underwriting criteria will be posted on the LOCAL TV Web site at *http://www.usda.gov/rus/localtvboard.*

In Section 2201.11(g)(2) of the proposed rule, the Board proposes that an Applicant applying for a guarantee for a loan greater than some minimum amount be required to submit a preliminary credit rating opinion letter prepared by a nationally recognized statistical rating organization. The proposed rule provides for a minimum amount of $5 million. The Board Is interested in receiving comment on where this minimum should be set within the range of $5 million to $25 million. Comments must include relevant information in support of their positions.

These proposed rules implement the requirements of the Act and provide a procedure to administer the Program.

List of Subjects in 7 CFR Parts 2200 and 2201

Loan programs—Communications, Rural areas, Telecommunications, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, chapter XX of title 7 of the Code of Federal Regulations is proposed to be amended as follows:

PART 2200—ACCESS TO LOCAL TELEVISION SIGNALS GUARANTEED LOAN PROGRAM; GENERAL POLICIES AND PROCEDURES

1. The authority citation for part 2200 continues to read as follows:

Authority: 47 U.S.C. 1101 *et seq.*; Pub. L. 106—553; Pub. L. 107–171.

2. The title of part 2200 is proposed to be revised to read as set out above.

3. Section 2200.1 is proposed to be amended by adding a new paragraph (d) to read as follows:

§ 2200.1 Definitions.

* * * * *

(d) *Person* means any individual, corporation, cooperative, partnership, joint venture, association, joint-stock company, limited liability company or partnership, trust, unincorporated organization, government entity, agency or instrumentality or any subdivision thereof.

4. Part 2200 is proposed to be amended by adding sections 2200.10 through 2200.12 to read as follows:

§ 2200.10 Restrictions on lobbying.

(a) No funds received through a Loan guaranteed under the Program in this chapter may be expended by the recipient of a Federal contract, grant, loan, loan guarantee, or cooperative agreement to pay any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with any of the following covered Federal actions: the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan or loan Guarantee, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, loan Guarantee, or cooperative agreement.

(b) Each person who requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan shall file with that agency a statement, set forth in the application form, whether that person has made or has agreed to make any payment to influence or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in

connection with that loan insurance or Guarantee.

(c) Each person who requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan shall file with that agency a Standard Form—LLL if that person has made or has agreed to make any payment to influence or attempt to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with that loan insurance or Guarantee.

(d) Each person shall file a certification, contained in the application form, and a disclosure form (Standard Form—LLL), if required, with each submission that initiates agency consideration of such person for:

(1) Award of a Federal contract, grant, or cooperative agreement exceeding $100,000; or

(2) An award of a Federal loan or a commitment providing for the United States to insure or guarantee a loan exceeding $150,000.

(e) Each person shall file a certification, and a disclosure form, if required, upon receipt by such person of:

(1) A Federal contract, grant, or cooperative agreement exceeding $100,000; or

(2) A Federal loan or a commitment providing for the United States to insure or guarantee a loan exceeding $150,000, unless such person previously filed a certification, and a disclosure form, if required, under paragraph (c) of this section.

(f) Each person shall file a disclosure form at the end of each calendar quarter in which there occurs any event that requires disclosure or that materially affects the accuracy of the information contained in any disclosure form previously filed by such person under paragraphs (d) or (e) of this section. An event that materially affects the accuracy of the information reported includes:

(1) A cumulative increase of $25,000 or more in the amount paid or expected to be paid for influencing or attempting to influence a covered Federal action; or

(2) A change in the person(s) or individual(s) influencing or attempting to influence a covered Federal action; or

(3) A change in the officer(s), employee(s), or Member(s) contacted to influence or attempt to influence a covered Federal action.

§ 2200.11 Government-wide debarment and suspension (nonprocurement).

(a) Executive Order (E.O.) 12549 provides that, to the extent permitted by law, Executive departments and agencies shall participate in a governmentwide system for nonprocurement debarment and suspension. A person who is debarred or suspended shall be excluded from Federal financial and nonfinancial assistance and benefits under Federal programs and activities. Debarment or suspension of a participant in a program by one agency shall have governmentwide effect. The Board shall review the List of Debarred entities prior to making final loan Guarantee decisions. Suspension or debarment may be a basis for denying a loan Guarantee.

(b) This section applies to all persons who have participated, are currently participating or may reasonably be expected to participate in transactions under Federal nonprocurement programs. For purposes of this section such transactions will be referred to as ''covered transactions.''

(1) *Covered transaction.* For purposes of this section, a covered transaction is a primary covered transaction or a lower tier covered transaction. Covered transactions at any tier need not involve the transfer of Federal funds.

(i) *Primary covered transaction.* Except as noted in paragraph (b)(2) of this section, a primary covered transaction is any nonprocurement transaction between an agency and a person, regardless of type, including: grants, cooperative agreements, scholarships, fellowships, contracts of assistance, loans, loan guarantees, subsidies, insurance, payments for specified use, donation agreements and any other nonprocurement transactions between a Federal agency and a person.

(ii) *Lower tier covered transaction.* A lower tier covered transaction is:

(A) Any transaction between a participant and a person other than a procurement contract for goods or services, regardless of type, under a primary covered transaction;

(B) Any procurement contract for goods or services between a participant and a person, regardless of type, expected to equal or exceed the Federal procurement small purchase threshold fixed at 10 U.S.C. 2304(g) and 41 U.S.C. 253(g) (currently $100,000) under a primary covered transaction;

(C) Any procurement contract for goods or services between a participant and a person under a covered transaction, regardless of amount, under which that person will have a critical influence on or substantive control over that covered transaction. Such persons may include loan officers or chief executive officers acting as principal investigators and providers of federally required audit services.

(2) *Exceptions.* The following transactions are not covered:

(i) Statutory entitlements or mandatory awards (but not subtier awards thereunder which are not themselves mandatory), including deposited funds insured by the Federal Government;

(ii) Direct awards to foreign governments or public international organizations, or transactions with foreign governments or foreign governmental entities, public international organizations, foreign government owned (in whole or in part) or controlled entities, entities consisting wholly or partially of foreign governments or foreign governmental entities;

(iii) Benefits to an individual as a personal entitlement without regard to the individual's present responsibility (but benefits received in an individual's business capacity are not accepted);

(iv) Federal employment;

(v) Transactions pursuant to national or agency-recognized emergencies or disasters;

(vi) Incidental benefits derived from ordinary governmental operations; and

(vii) Other transactions where the application of this section would be prohibited by law.

(3) *Board covered transactions.* This section applies to the Board's Loan Guarantees, subcontracts and transactions at any tier that are charges as direct or indirect costs, regardless of type.

(c) *Primary covered transactions.* Except to the extent prohibited by law, persons who are debarred or suspended shall be excluded from primary covered transactions as either participants or principals throughout the Executive Branch of the Federal Government for the period of their debarment, suspension, or the period they are proposed for debarment under 48 CFR part 9, subpart 9.4. Accordingly, no agency shall enter into primary covered transactions with such excluded persons during such period, except as permitted pursuant to paragraph (l) of this section.

(d) *Lower tier covered transactions.* Except to the extent prohibited by law, persons who have been proposed for debarment under 48 CFR part 9, subpart 9.4, debarred or suspended shall be excluded from participating as either participants or principals in all lower tier covered transactions (see paragraph (b)(1)(ii) of this section for the period of their exclusion.

(e) *Exceptions.* Debarment or suspension does not affect a person's eligibility for:

(1) Statutory entitlements or mandatory awards (but not subtier awards thereunder which are not themselves mandatory), including deposited funds insured by the Federal Government;

(2) Direct awards to foreign governments or public international organizations, or transactions with foreign governments or foreign governmental entities, public international organizations, foreign government owned (in whole or in part) or controlled entities, and entities consisting wholly or partially of foreign governments or foreign governmental entities;

(3) Benefits to an individual as a personal entitlement without regard to the individual's present responsibility (but benefits received in an individual's business capacity are not accepted);

(4) Federal employment;

(5) Transactions pursuant to national or agency-recognized emergencies or disasters;

(6) Incidental benefits derived from ordinary governmental operations; and

(7) Other transactions where the application of this section would be prohibited by law.

(f) Persons who are ineligible are excluded in accordance with the applicable statutory, executive order, or regulatory authority.

(g) Persons who accept voluntary exclusions are excluded in accordance with the terms of their settlements. The Board shall, and participants may, contact the original action agency to ascertain the extent of the exclusion.

(h) The Board may grant an exception permitting a debarred, suspended, or voluntarily excluded person, or a person proposed for debarment under 48 CFR part 9, subpart 9.4, to participate in a particular covered transaction upon a written determination by the agency head or an authorized designee stating the reason(s) for deviating from the Presidential policy established by Executive Order 12549. However, in accordance with the President's stated intention in the Executive Order, exceptions shall be granted only infrequently. Exceptions shall be reported in accordance with the Executive Order.

(i) Notwithstanding the debarment, suspension, proposed debarment under 48 CFR part 9, subpart 9.4, determination of ineligibility, or voluntary exclusion of any person by an agency, agencies and participants may continue covered transactions in existence at the time the person was debarred, suspended, proposed for debarment under 48 CFR part 9, subpart 9.4, declared ineligible, or voluntarily excluded. A decision as to the type of termination action, if any, to be taken should be made only after thorough review to ensure the propriety of the proposed action.

(j) Agencies and participants shall not renew or extend covered transactions (other than no-cost time extensions) with any person who is debarred, suspended, proposed for debarment under 48 CFR part 9, subpart 9.4, ineligible or voluntary excluded, except as provided in paragraph (h) of this section.

(k) Except as permitted under paragraphs (h) or (i) of this section, a participant shall not knowingly do business under a covered transaction with a person who is:

(1) Debarred or suspended;

(2) Proposed for debarment under 48 CFR part 9, subpart 9.4; or

(3) Ineligible for or voluntarily excluded from the covered transaction.

(l) Violation of the restriction under paragraph (k) of this section may result in disallowance of costs, annulment or termination of award, issuance of a stop work order, debarment or suspension, or other remedies as appropriate.

(m) A participant may rely upon the certification of a prospective participant in a lower tier covered transaction that it and its principals are not debarred, suspended, proposed for debarment under 48 CFR part 9, subpart 9.4, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. An agency has the burden of proof that a participant did knowingly do business with a person that filed an erroneous certification.

§ 2200.12 Freedom of Information Act.

(a) *Definitions.* All terms used in this section, which are defined in 5 U.S.C. 551 or 5 U.S.C. 552 shall have the same meaning in this section. In addition the following definitions apply to this section:

(1) *FOIA*, as used in this section, means the ''Freedom of Information Act,'' as amended, 5 U.S.C. 552.

(2) *Commercial use request* means a request from or on behalf of one who seeks information for a use or purpose that furthers the commercial, trade, or profit interests of the requester or the person on whose behalf the request is made.

(3) *Direct costs* mean those expenditures that the Board actually incurs in searching for, reviewing, and duplicating documents in response to a request made under paragraph (c) of this section. Direct costs include, for example, the labor costs of the employee performing the work (the basic rate of pay for the employee, plus 16 percent of that rate to cover benefits). Not included in direct costs are overhead expenses such as the costs of space and heating or lighting of the facility in which the records are kept.

(4) *Duplication* means the process of making a copy of a document in response to a request for disclosure of records or for inspection of original records that contain exempt material or that otherwise cannot be inspected directly. Among others, such copies may take the form of paper, microfilm, audiovisual materials, or machine-readable documentation (*e.g.*, magnetic tape or disk).

(5) *Educational institution* means a preschool, a public or private elementary or secondary school, or an institution of undergraduate higher education, graduate higher education, professional education, or an institution of vocational education that operates a program of scholarly research.

(6) *Noncommercial scientific institution* refers to an institution that is not operated on a ''commercial'' basis (as that term is used in this section) and which is operated solely for the purpose of conducting scientific research, the results of which are not intended to promote any particular product or industry.

(7) *News* means information about current events or that would be of current interest to the public. Examples of news media entities include, but are not limited to, television or radio stations broadcasting to the public at large, and publishers of newspapers and other periodicals (but only in those instances when they can qualify as disseminators of ''news'') who make their products available for purchase or subscription by the general public. ''Freelance'' journalists may be regarded as working for a news organization if they can demonstrate a solid basis for expecting publication through that organization, even though not actually employed by it.

(8) *Representative of the news media* means any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the general public.

(9) *Review* means the process of examining documents, located in response to a request for access, to determine whether any portion of a document is exempt information. It includes doing all that is necessary to excise the documents and otherwise to prepare them for release. Review does not include time spent resolving general

legal or policy issues regarding the application of exemptions.

(10) *Search* means the process of looking for material that is responsive to a request, including page-by-page or line-by-line identification within documents. Searches may be done manually or by computer.

(b) *Records available for public inspection and copying.* (1) *Types of records made available.* The information in this section is furnished for the guidance of the public and in compliance with the requirements of the FOIA. This section sets forth the procedures the Board follows to make publicly available the materials specified in 5 U.S.C. 552(a)(2). These materials shall be made available for inspection and copying at the Board's offices pursuant to 5 U.S.C. 552(a)(2). Information routinely provided to the public as part of a regular Board activity (for example, press releases) may be provided to the public without following this section.

(2) *Reading room procedures.* Information available under this section is available for inspection and copying, from 9 a.m. to 5 p.m. weekdays, at 1400 Independence Avenue, SW., Washington, DC.

(3) *Electronic records.* Information available under this section shall also be available on the Board's Web site found at *www.usda.gov/rus/localtvboard.*

(c) *Records available to the public on request.* (1) *Types of records made available.* All records of the Board that are not available under paragraph (b) of this section shall be made available upon request, pursuant to the procedures in this section and the exceptions set forth in the FOIA.

(2) *Procedures for requesting records.* A request for records shall reasonably describe the records in a way that enables the Board's staff to identify and produce the records with reasonable effort and without unduly burdening or significantly interfering with any of the Board's operations. The request shall be submitted in writing to the Secretary of the Board at LOCAL Television Loan Guarantee Board, 1400 Independence Avenue, SW., STOP 1575, Room 2919–S, Washington, DC 20250–1575, or sent by facsimile to the Secretary of the Board at (202) 720–2734. The request shall be clearly marked *FREEDOM OF INFORMATION ACT REQUEST.*

(3) *Contents of request.* The request shall contain the following information:

(i) The name and address of the requester, and the telephone number at which the requester can be reached during normal business hours;

(ii) Whether the requested information is intended for commercial use, or whether the requester represents an educational or noncommercial scientific institution, or news media;

(iii) A statement agreeing to pay the applicable fees, or a statement identifying any fee limitation desired, or a request for a waiver or reduction of fees that satisfies paragraph (f) of this section.

(d) *Processing requests.* (1) *Priority of responses.* The date of receipt for any request, including one that is addressed incorrectly or that is referred to the Board by another agency, is the date the Secretary of the Board actually receives the request. The Secretary of the Board shall normally process requests in the order they are received. However, in the Secretary of the Board's discretion, the Board may use two or more processing tracks by distinguishing between simple and more complex requests based on the number of pages involved, or some other measure of the amount of work and/or time needed to process the request, and whether the request qualifies for expedited processing as described in paragraph (d)(2) of this section. When using multitrack processing, the Secretary of the Board may provide requesters in the slower track(s) with an opportunity to limit the scope of their requests in order to qualify for faster processing. The Secretary of the Board shall contact the requester by telephone or by letter, whichever is most efficient in each case.

(2) *Expedited processing.* (i) A person may request expedited access to records by submitting a statement, certified to be true and correct to the best of that person's knowledge and belief, that demonstrates a compelling need for the records, as defined in 5 U.S.C. 552(a)(6)(E)(v).

(ii) The Secretary of the Board shall notify a requester of the determination whether to grant or deny a request for expedited processing within ten working days of receipt of the request. If the Secretary of the Board grants the request for expedited processing, the Board shall process the request for access to information as soon as practicable. If the Secretary of the Board denies a request for expedited processing, the requester may file an appeal pursuant to the procedures set forth in paragraph (e) of this section, and the Board shall respond to the appeal within twenty days after the appeal was received by the Board.

(3) *Time limits.* The time for response to requests shall be 20 working days, except:

(i) In the case of expedited treatment under paragraph (d)(2) of this section;

(ii) Where the running of such time is suspended for payment of fees pursuant to paragraph (f)(2)(ii) of this section;

(iii) Where the estimated charge is less than $250, and the requester does not guarantee payment pursuant to paragraph (f)(2)(i) of this section; or

(iv) In unusual circumstances, as defined in 5 U.S.C. 552(a)(6)(B)(iii), the time limit may be extended for a period of time not to exceed 10 working days as provided by written notice to the requester, setting forth the reasons for the extension and the date on which a determination is expected to be dispatched; or such alternative time period as mutually agreed to by the Secretary of the Board and the requester when the Secretary of the Board notifies the requester that the request cannot be processed in the specified time limit.

(4) *Response to request.* In response to a request that satisfies paragraph (c) of this section, an appropriate search shall be conducted of records in the custody and control of the Board on the date of receipt of the request, and a review made of any responsive information located. The Secretary of the Board shall notify the requester of:

(i) The Secretary of the Board's determination of the request and the reasons therefor;

(ii) The information withheld, and the basis for withholding; and

(iii) The right to appeal any denial or partial denial, pursuant to paragraph (e) of this section.

(5) *Referral to another agency.* To the extent a request covers documents that were created by, obtained from, classified by, or is in the primary interest of another agency, the Secretary of the Board may refer the request to that agency for a direct response by that agency and inform the requester promptly of the referral. The Secretary of the Board shall consult with another Federal agency before responding to a requester if the Board receives a request for a record in which:

(i) Another Federal agency subject to the FOIA has a significant interest, but not the primary interest; or

(ii) Another Federal agency not subject to the FOIA has the primary interest or a significant interest. Ordinarily, the agency that originated a record will be presumed to have the primary interest in it.

(6) *Providing responsive records.* (i) A copy of records or portions of records responsive to the request shall be sent to the requester by regular U.S. mail to the address indicated in the request, unless the requester elects to take delivery of the documents at the Board's Freedom of Information Office or makes other acceptable arrangements, or the

Secretary of the Board deems it appropriate to send the documents by another means. The Secretary of the Board shall provide a copy of the record in any form or format requested if the record is readily reproducible in that form or format, but the Secretary of the Board need not provide more than one copy of any record to a requester.

(ii) The Secretary of the Board shall provide any reasonably segregable portion of a record that is responsive to the request after deleting those portions that are exempt under the FOIA or this section.

(iii) Except where disclosure is expressly prohibited by statute, regulation, or order, the Secretary of the Board may authorize the release of records that are exempt from mandatory disclosure whenever the Board or designated Board members determine that there would be no foreseeable harm in such disclosure.

(iv) The Board is not required in response to the request to create records or otherwise to prepare new records.

(7) *Prohibition against disclosure.* Except as provided in this part, no officer, employee, or agent of the Board shall disclose or permit the disclosure of any unpublished information of the Board to any person (other than Board officers, employees, or agents properly entitled to such information for the performance of official duties), unless required by law.

(e) *Appeals.* (1) Any person denied access to Board records requested under paragraph (c) of this section, denied expedited processing under paragraph (d) of this section, or denied a waiver of fees under paragraph (f) of this section may file a written appeal within 30 calendar days after the date of such denial with the Board. The written appeal shall prominently display the phrase *FREEDOM OF INFORMATION ACT APPEAL* on the first page, and shall be addressed to Chairman of the Board, LOCAL Television Loan Guarantee Board, 1400 Independence Avenue, SW., STOP 1575, Room 2919–S, Washington, DC 20250–1575, or sent by facsimile to (202) 720–2734. The appeal shall include a copy of the original request, the initial denial, if any, and a statement of the reasons why the requested records should be made available and why the initial denial was in error.

(2) The Chairman of the Board shall make a determination regarding any appeal within 20 working days of actual receipt of the appeal, and the determination letter shall notify the appealing party of the right to seek judicial review in the event of denial.

(f) *Fee schedules and waiver of fees.*

(1) *Fee schedule.* The fees applicable to a request for records pursuant to paragraph (c) of this section are set forth in the uniform fee schedule at the end of this paragraph (f).

(i) *Search.* (A) Search fees shall be charged for all requests other than requests made by educational institutions, noncommercial scientific institutions, or representatives of the news media, subject to the limitations of paragraph (f)(1)(iv) of this section. The Secretary of the Board shall charge for time spent searching even if no responsive record is located or if the Secretary of the Board withholds the record(s) located as entirely exempt from disclosure.

Search fees shall be the direct costs of conducting the search by the involved employees.

(B) For computer searches of records, requesters will be charged the direct costs of conducting the search, although certain requesters (as provided in paragraph (f)(3) of this section) will be charged no search fee and certain other requesters (as provided in paragraph (f)(3)) are entitled to the cost equivalent of two hours of manual search time without charge. These direct costs include the costs, attributable to the search, of operating a central processing unit and operator/programmer salary.

(ii) *Duplication.* Duplication fees will be charged to all requesters, subject to the limitations of paragraph (f)(1)(iv) of this section. For a paper photocopy of a record (no more than one copy of which need be supplied), the fee shall be 15 cents per page. For copies produced by computer, such as tapes or printouts, the Secretary of the Board shall charge the direct costs, including operator time, of producing the copy. For other forms of duplication, the Secretary of the Board will charge the direct costs of that duplication.

(iii) *Review.* Review fees shall be charged to requesters who make a commercial use request. Review fees shall be charged only for the initial record review—the review done when the Secretary of the Board determines whether an exemption applies to a particular record at the initial request level. No charge will be made for review at the administrative appeal level for an exemption already applied. However, records withheld under an exemption that is subsequently determined not to apply may be reviewed again to determine whether any other exemption not previously considered applies, and the costs of that review are chargeable. Review fees shall be the direct costs of conducting the review by the involved employees.

(iv) *Limitations on charging fees.* (A) No search fee will be charged for requests by educational institutions, noncommercial scientific institutions, or representatives of the news media.

(B) No search fee or review fee will be charged for a quarter-hour period unless more than half of that period is required for search or review.

(C) Whenever a total fee calculated under this paragraph is $25 or less for any request, no fee will be charged.

(D) For requesters other than those seeking records for a commercial use, no fee will be charged unless the cost of search in excess of two hours plus the cost of duplication in excess of 100 pages totals more than $25.

(2) *Payment procedures.* All persons requesting records pursuant to paragraph (c) of this section shall pay the applicable fees before the Secretary of the Board sends copies of the requested records, unless a fee waiver has been granted pursuant to paragraph (f)(6) of this section. Requesters must pay fees by check or money order made payable to the Treasury of the United States.

(i) *Advance notification of fees.* If the estimated charges are likely to exceed $25, the Secretary of the Board shall notify the requester of the estimated amount, unless the requester has indicated a willingness to pay fees as high as those anticipated. Upon receipt of such notice, the requester may confer with the Secretary of the Board to reformulate the request to lower the costs. The processing of the request shall be suspended until the requester provides the Secretary of the Board with a written guarantee that payment will be made upon completion of the processing.

(ii) *Advance payment.* The Secretary of the Board shall require advance payment of any fee estimated to exceed $250. The Secretary of the Board shall also require full payment in advance where a requester has previously failed to pay a fee in a timely fashion. If an advance payment of an estimated fee exceeds the actual total fee by $1 or more, the difference shall be refunded to the requester. The time period for responding to requests under paragraph (d)(4) of this section, and the processing of the request shall be suspended until the Secretary of the Board receives the required payment.

(iii) *Late charges.* The Secretary of the Board may assess interest charges when fee payment is not made within 30 days of the date on which the billing was sent. Assessment of such interest will commence on the 31st day following the day on which the billing was sent.

Interest is at the rate prescribed in 31 U.S.C. 3717.

(3) *Categories of uses.* The fees assessed depend upon the fee category. In determining which category is appropriate, the Secretary of the Board shall look to the identity of the requester and the intended use set forth in the request for records. Where a requester's description of the use is insufficient to make a determination, the Secretary of the Board may seek additional clarification before categorizing the request.

(i) *Commercial use requester.* The fees for search, duplication, and review apply when records are requested for commercial use.

(ii) *Educational, non-commercial scientific institutions, or representatives of the news media requesters.* The fees for duplication apply when records are not sought for commercial use, and the requester is a representative of the news media or an educational or noncommercial scientific institution, whose purpose is scholarly or scientific research. The first 100 pages of duplication, however, will be provided free.

(iii) *All other requesters.* For all other requests, the fees for search and duplication apply. The first two hours of search time and the first 100 pages of duplication, however, will be provided free.

(4) *Nonproductive search.* Fees for search may be charged even if no responsive documents are found. Fees for search and review may be charged even if the request is denied.

(5) *Aggregated requests.* A requester may not file multiple requests at the same time, solely in order to avoid payment of fees. If the Secretary of the Board reasonably believes that a requester is separating a request into a series of requests for the purpose of evading the assessment of fees or that several requesters appear to be acting together to submit multiple requests solely in order to avoid payment of fees, the Secretary of the Board may aggregate such requests and charge accordingly. It is considered reasonable for the Secretary of the Board to presume that multiple requests by one requester on the same topic made within a 30-day period have been made to avoid fees.

(6) *Waiver or reduction of fees.* A request for a waiver or reduction of the fees, and the justification for the waiver, shall be included with the request for records to which it pertains. If a waiver is requested and the requester has not indicated in writing an agreement to pay the applicable fees if the waiver request is denied, the time for response to the request for documents, as set forth in under paragraph (d)(4) of this section, shall not begin until a determination has been made on the request for a waiver or reduction of fees.

(i) *Standards for determining waiver or reduction.* The Secretary of the Board may grant a waiver or reduction of fees where it is determined both that disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operation or activities of the government, and that the disclosure of information is not primarily in the commercial interest of the requester. In making this determination, the following factors shall be considered:

(A) Whether the subject of the records concerns the operations or activities of the government;

(B) Whether disclosure of the information is likely to contribute significantly to public understanding of government operations or activities;

(C) Whether the requester has the intention and ability to disseminate the information to the public;

(D) Whether the information is already in the public domain;

(E) Whether the requester has a commercial interest that would be furthered by the disclosure; and, if so,

(F) Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

(ii) *Contents of request for waiver.* A request for a waiver or reduction of fees shall include a clear statement of how the request satisfies the criteria set forth in paragraph (f)(6)(i) of this section.

(iii) *Burden of proof.* The burden shall be on the requester to present evidence or information in support of a request for a waiver or reduction of fees.

(iv) *Determination by Secretary of the Board.* The Secretary of the Board shall make a determination on the request for a waiver or reduction of fees and shall notify the requester accordingly. A denial may be appealed to the Board in accordance with paragraph (e) of this section.

(7) Uniform fee schedule.

Service	Rate
(i) Manual search	Actual salary rate of employee involved, plus 16 percent of salary rate.
(ii) Computerized search.	Actual direct cost, including operator time.
(iii) Duplication of records:	
(A) Paper copy reproduction.	$.15 per page.
(B) Other reproduction (*e.g.*, computer disk or printout, microfilm, microfiche, or microform).	Actual direct cost, including operator time.
(iv) Review of records (includes employee preparation for release, *i.e.* excising).	Actual salary rate of conducting review, plus 16 percent of salary rate.

(g) *Request for confidential treatment of business information.* (1) *Submission of request.* Any submitter of information to the Board who desires confidential treatment of business information pursuant to 5 U.S.C. 552(b)(4) shall file a request for confidential treatment with the Board at the time the information is submitted or a reasonable time after submission.

(2) *Form of request.* Each request for confidential treatment of business information shall state in reasonable detail the facts supporting the commercial or financial nature of the business information and the legal justification under which the business information should be protected. Conclusory statements that release of the information would cause competitive harm generally will not be considered sufficient to justify confidential treatment.

(3) *Designation and separation of confidential material.* All information considered confidential by a submitter shall be clearly designated ''*PROPRIETARY*'' or ''*BUSINESS CONFIDENTIAL*'' in the submission and separated from information for which confidential treatment is not requested. Failure to segregate confidential commercial or financial information from other material may result in release of the nonsegregated material to the public without notice to the submitter.

(h) *Request for access to confidential commercial or financial information.* (1) *Request for confidential commercial or financial information.* A request by a submitter for confidential treatment of any business information shall be considered in connection with a request for access to that information.

(2) *Notice to the submitter.* (i) The Secretary of the Board shall notify a submitter who requested confidential treatment of information pursuant to 5 U.S.C. 552(b)(4), of the request for access.

(ii) Absent a request for confidential treatment, the Secretary of the Board may notify a submitter of a request for access to submitter's business information if the Secretary of the Board

reasonably believes that disclosure of the information may cause substantial competitive harm to the submitter.

(iii) The notice given to the submitter by mail, return receipt requested, shall be given as soon as practicable after receipt of the request for access, and shall describe the request and provide the submitter seven working days from the date of notice, to submit written objections to disclosure of the information. Such statement shall specify all grounds for withholding any of the information and shall demonstrate why the information which is considered to be commercial or financial information, and that the information is a trade secret, is privileged or confidential, or that its disclosure is likely to cause substantial competitive harm to the submitter. If the submitter fails to respond to the notice within the time specified, the submitter will be considered to have no objection to the release of the information. Information a submitter provides under this paragraph may itself be subject to disclosure under the FOIA.

(3) *Exceptions to notice to submitter.* Notice to the submitter need not be given if:

(i) The Secretary of the Board determines that the request for access should be denied;

(ii) The requested information lawfully has been made available to the public;

(iii) Disclosure of the information is required by law (other than 5 U.S.C. 552); or

(iv) The submitter's claim of confidentiality under 5 U.S.C. 552(b)(4) appears obviously frivolous or has already been denied by the Secretary of the Board, except that in this last instance the Secretary of the Board shall give the submitter written notice of the determination to disclose the information at least seven working days prior to disclosure.

(4) *Notice to requester.* At the same time the Secretary of the Board notifies the submitter, the Secretary of the Board also shall notify the requester that the request is subject to the provisions of this section.

(5) *Determination by Secretary of the Board.* The Secretary of the Board's determination whether or not to disclose any information for which confidential treatment has been requested pursuant to this section shall be communicated to the submitter and the requester immediately. If the Secretary of the Board determines to disclose the business information over the objection of a submitter, the Secretary of the Board shall give the submitter written notice via mail, return receipt requested, or similar means, which shall include:

(i) A statement of reason(s) why the submitter's objections to disclosure were not sustained;

(ii) A description of the business information to be disclosed; and

(iii) A statement that the component intends to disclose the information seven working days from the date the submitter receives the notice.

(6) *Notice of lawsuit.* The Secretary of the Board shall promptly notify any submitter of information covered by this section of the filing of any suit against the Board to compel disclosure of such information, and shall promptly notify a requester of any suit filed against the Board to enjoin the disclosure of requested documents.

5. Part 2201 is proposed to be added to read as follows:

PART 2201—LOCAL TELEVISION LOAN GUARANTEE PROGRAM—PROGRAM REGULATIONS

Subpart A—General

Sec.

2201.1 Definitions.
2201.2–2201.9 [Reserved]

Subpart B—Loan Guarantees

2201.10 Loan amount and Guarantee percentage.
2201.11 Application requirements.
2201.12 Applicant.
2201.13 Lender.
2201.14 Eligible Loan purposes.
2201.15 Ineligible Loan purposes.
2201.16 Environmental requirements.
2201.17 Submission of applications.
2201.18 Application selection.
2201.19 Loan terms.
2201.20 Collateral.
2201.21 Fees.
2201.22 Issuance of Guarantees.
2201.23 Funding for the Program.
2201.24 Insurance.
2201.25 Performance Agreement.
2201.26 Lender standard of care.
2201.27 Assignment or transfer of Loans.
2201.28 Participation in guaranteed Loans.
2201.29 Supplemental guarantees.
2201.30 Adjustments.
2201.31 Indemnification.
2201.32 Termination of obligations.
2201.33 Defaults
2201.34 OMB Control Number

Authority: 47 U.S.C. 1101 *et seq.;* Pub. L. 106–553; Pub. L. 107–171.

Subpart A—General

§ 2201.1 Definitions.

Act means Title X of Public Law 106–553, entitled the Launching our Communities' Access to Local Television (LOCAL TV) Act of 2000, as amended.

Administrator means the Administrator of the Rural Utilities Service, U.S. Department of Agriculture, acting pursuant to the Act and on behalf of the Board.

Affiliate means any person or entity that controls, or is controlled by, or is under common control with, another person or entity; and may include any individual who is a director or senior management officer of an Affiliate, a shareholder controlling more than 25 percent of the voting securities of an Affiliate, or more than 25 percent of the ownership interest in an Affiliate not organized in stock form.

Agent means that Lender authorized to take such actions, exercise such powers, and perform such duties on behalf and in representation of all Lenders party to a Guarantee of a single Loan, as is required by, or necessarily incidental to, the terms and conditions of the Guarantee.

Applicant means any party that is seeking financing under the Act in order to provide access to Local Television Broadcast Signals for households in Nonserved Areas and Underserved Areas.

Asset means anything owned by the Applicant that has commercial or exchange value including, but not limited to, cash flows and rights thereto.

Banking Institution means a bank or bank holding company.

Board means the LOCAL Television Loan Guarantee Board authorized by the Act to approve Guarantees to facilitate access, on a technologically neutral basis, to Local Television Broadcast Signals for households located in Nonserved Areas and Underserved Areas.

Borrower means the entity liable for the payment of principal and interest on any Loan guaranteed under the Act, where such entity shall be a corporation, partnership, joint venture trustee or government entity, agency or instrumentality. An individual cannot be a Borrower.

Collateral means all Assets economically pledged by the Applicant, any Affiliate of the Applicant, or both that is required under the provisions of the Act or the Loan Documents to secure the repayment of the indebtedness of the Borrower under the Loan Documents.

Default means a failure by a Borrower, other than a Payment Default, on its obligations under the Loan Documents which has not been cured by the Borrower or duly waived by the Lender within any applicable cure period.

Designated Market Area (DMA) means an area designated as such by Nielsen Media Research and published in the most recent Nielsen Station Index Directory and Nielsen Station Index

United States Television Household Estimates.

Generally Accepted Accounting Principles (GAAP) means a common set of accounting standards and procedures that are either promulgated by an authoritative accounting rulemaking body or accepted as appropriate due to wide-spread application in the United States.

Guarantee means the written agreement, including all terms and conditions and all exhibits thereto, guaranteeing repayment of a specified percentage of the principal of a Loan pursuant to the Act.

Guaranteed Portion means the portion of the principal of a loan that is subject to the Guarantee.

High-Speed Internet means a data connection to the Internet providing an information rate exceeding 200 kilobits per second (kbps) in the consumer's connection to the network in at least one direction, either from the provider to the consumer (downstream) or from the consumer to the provider (upstream).

Lender means an entity that has committed to make a Loan to an Applicant, where such entity shall be:

(1) An entity currently engaged in commercial lending in the normal course of its business; or

(2) A nonprofit corporation, including the National Rural Utilities Cooperative Finance Corporation, engaged primarily in commercial lending, but does not include any governmental entity or any Affiliate thereof, the Federal Agricultural Mortgage Corporation, any institution supervised by the Office of Federal Housing Enterprise Oversight, the Federal Housing Finance Board, or any Affiliate of such entities.

Loan means a Loan guaranteed pursuant to the Act and includes the funds made available to the Borrower by the Lender.

Loan Agreement means the contract between the Lender and the Borrower, approved by the Board, setting forth the terms applicable to the Loan.

Loan Documents means the Loan Agreement, Guarantee and all other instruments, and all documentation between or among the Lender, the Borrower, and the Board or Administrator, evidencing the making, disbursing, securing, collecting, or otherwise administering of the Loan.

Local Television Broadcast Signals means the television signals that carry the local network broadcasts of the four major national television broadcast networks as recognized by the Federal Communications Commission (as of August 15, 2003 these networks are ABC, CBS, Fox, and NBC). When a particular national television broadcast network is carried by more than one broadcaster in a DMA, the signal of any one of these local broadcasters will qualify as the Local Television Broadcast Signal of the network at that location. In a DMA where one or more of these networks do not have a local affiliate, the set of Local Television Broadcast Signals only includes the local affiliates of the aforementioned networks that are present in that DMA. In areas not included in a DMA but under the jurisdiction of the FCC, an appropriate set of Local Television Broadcast Signals will be determined on a case-by-case basis, subject to the approval of the Board.

Net equity means the value of the total Assets of an entity, less the total liabilities of that entity, as recorded under Generally Accepted Accounting Principles for the fiscal quarter ended immediately prior to the date on which the subject Loan is approved.

Net Worth Ratio means the book value of equity over total Assets.

Nonserved Area means any area that is outside the grade B contour (as determined using standards employed by the Federal Communications Commission (FCC)) of the Local Television Broadcast Signals serving a particular Designated Market Area and does not have access to such signals by any commercial, for profit, multichannel video provider.

Offer of Guarantee means the Board's decision to approve an application for, and extend a Guarantee under, the LOCAL TV Act.

Payment Default means any failure of a Borrower to pay any amount of principal or interest on the Loan when and as due under the Loan Agreement (including, without limitation, following any acceleration thereunder) which has not been cured within any applicable cure period.

Payment Demand means a request, by the Lender or Agent, following a Payment Default, in writing to the Board, for payment under the Guarantee in respect of the defaulted principal.

Performance Agreement means the written agreement between the Administrator and the Borrower (and Lender, if applicable), pursuant to which the Borrower provides stipulated performance schedules with respect to Local Television Broadcast Signals provided through the Project.

Program means the LOCAL Television Loan Guarantee Program (LOCAL TV Program) established under the Act.

Project means a proposal for the acquisition, improvement, enhancement, construction, deployment, launch, or rehabilitation of the means to deliver Local Television Broadcast Signals to a Nonserved Area or Underserved Area.

Regulatory Capital Ratio means tier 1 and total capital ratios as shown on a Banking Institution's balance sheet.

Security means all Collateral required by the provisions of the Act or the Loan Documents to secure repayment of any indebtedness of the Borrower under the Loan Documents.

Separate Tier of Local Television Broadcast Signals means a category or package of services provided by the applicant, to include the Local Television Broadcast Signals and all over-the-air television broadcast signals carried pursuant to the must-carry requirement of the Communications Act of 1934, as amended, offered as a distinct and separate service choice to the applicant's subscribers at a specified lower rate when compared to other program service choices.

Term Sheet means an executed agreement between the Applicant and the Lender or Agent that sets forth the key business terms and conditions of the proposed Loan. Execution of this agreement represents evidence of the commitment between the Applicant and Lender or Agent.

Underserved Area means any area that is outside the grade A contour (as determined using standards employed by the Federal Communications Commission) of the Local Television Broadcast Signals serving a particular Designated Market Area and has access to such signals from not more than one commercial, for profit, multichannel video provider.

Unguaranteed Portion means the portion of the principal of a Loan that is not covered by the Guarantee.

§§ 2201.2—2201.9 [Reserved]

Subpart B—Loan Guarantees

§ 2201.10 Loan amount and Guarantee percentage.

(a) *Aggregate value of loans.* The aggregate value of all Loans for which Guarantees are issued under the Program, including the Unguaranteed Portions of such Loans, may not exceed $1,250,000,000.

(b) *Guarantee percentage.* (1) A Guarantee approved by the Board may not exceed an amount equal to 80 percent of the principal amount of a Loan made to finance the acquisition, improvement, enhancement, construction, deployment, launch, or rehabilitation of the means by which Local Television Broadcast Signals are delivered to a Nonserved Area or Underserved Area;

(2) If only a portion of a Loan is meant to achieve the purposes described in paragraph (b)(1) of this section, the Board shall determine that portion of the Loan meant to achieve such purpose and may approve a Guarantee in an amount not exceeding 80 percent of that portion of the Loan.

(c) *Minimum loan amount.* The Board will not approve a Guarantee for a Loan in an amount less than $1,000,000 (inclusive of both the Guaranteed and Unguaranteed Portions of the Loan).

(d) *Form of Guarantee.* The Board shall adopt a form of Guarantee to be used under the Program, and shall publish the Guarantee on its website. Modifications to the provisions of the form of Guarantee must be approved and adopted by the Board.

§ 2201.11 Application requirements.

A completed application consists of the following information:

(a) *An executive summary of the Project.* The Applicant must provide the Board with a general Project overview that addresses each of the following six categories:

(1) A general overview of the system to be developed and description of the Project including the types of equipment, technologies, and facilities to be used;

(2) An explanation of how the Applicant will provide Local Television Broadcast Signals to Nonserved Areas and Underserved Areas;

(3) A short description of the Applicant including a written narrative describing its demonstrated capability and experience in providing access to Local Television Broadcast Signals for households;

(4) An explanation of the total Project cost including a breakdown of the Loan required and the source of funding for the remainder of the Project, if a portion of the Project is to be paid with non-Loan funds;

(5) The name of the Lender or Agent (including a listing of other participating Lenders, if applicable) and a description of the financing structure of the proposed Loan; and

(6) A general description of the geographic area to be served.

(b) *Background information.* General information concerning the Applicant, its Affiliates, and its Lender or Agent, including a description of any financial and contractual arrangements among the parties. Specific information required of all Applicants is as follows:

(1) *Evidence of legal authority and existence of the applicant.* The Applicant must provide evidence of its legal existence and authority to execute the Loan Documents under the proposed Loan and perform the activities proposed under the Project. Such evidence must include Articles of Incorporation and bylaws for incorporated Applicants; other types of Applicants should submit appropriate documentation for their forms of organization. If the Applicant is a special purpose entity (SPE) formed for the purpose of the Project, then the Applicant must provide a copy of the Deed of Partnership or Articles of Organization for the SPE.

(2) *Affiliates descriptions.* A listing of all Affiliates of the Applicant including a description of the nature of the Applicants relationship to each Affiliate. Any existing or proposed contractual arrangements with each Affiliate should be described.

(3) *Legal name.* The legal name and form of organization of the proposed Lender or Agent.

(4) *Cover Form.* A signed copy of Standard Form 424.

(c) *A business plan.* A plan, satisfactory to the Board, presenting in detail the fundamentals of the business and providing sufficient financial data to indicate that the business will be economically sustainable. The business plan should include, at a minimum:

(1) *Risk assessments.* An assessment of the risks related to construction, performance, demand, and financing structure, including a narrative statement detailing planned risks mitigation strategies;

(2) *Plans.* A comprehensive operations and maintenance plan;

(3) *Economic and financial analysis.* A review of economic and financial factors affecting the business in general and the Project in particular, including:

(i) The adequacy and stability of the business' customer base;

(ii) The demand for services;

(iii) The sensitivity of the business to economic cycles;

(iv) Future capital needs;

(v) The adequacy, competitiveness and affordability of service fees; and

(vi) An overview of the prevailing economic and demographic trends in the target service area.

(4) *Project Market Analysis.* A breakdown of the key elements of the Project, including:

(i) All proposed services to be offered, including High-speed Internet Service, and whether a Separate Tier of Local Television Broadcast Signals will be provided;

(ii) The total number of households, by DMA, and by Nonserved and Underserved Area, which will have access to Local Television Broadcast Signals under the Project;

(iii) The total number of households, by DMA, and by Nonserved and Underserved Area, which will have access under the Project to any other services as described pursuant to paragraph (c)(4)(i) of this section, including an explanation if this number is greater than the total identified in paragraph (c)(4)(ii);

(iv) Estimates of the number of households identified in paragraphs (c)(4)(ii) and (c)(4)(iii) which will subscribe to each of the services identified in paragraph (c)(4)(i) of this section by DMA, including a breakdown of Nonserved and Underserved households;

(v) A breakdown of the Applicant's proposed pricing coupled with an evaluation of any competitor's services offerings and pricings.

(vi) A service deployment plan and a deployment performance schedule, by DMA, for the services to access the Local Television Broadcast Signals.

(d) *Financial forecast and information.* The Applicant must demonstrate its financial ability to complete and maintain the Project and repay its obligations. The financial data must include the following:

(1) *Audited financial statements.* Income statements, balance sheets, and cash flow statements for at least the last three years or from the date of inception if less than three years. If the Applicant is an SPE, then the Applicant must provide at least the last three years of audited financial statements of the shareholders or partners of the SPE. If an Affiliate has been designated by the Applicant as a source of credit support, then at least three years audited financial statements for the Affiliate must be submitted as well;

(2) *Plan of finance.* An identification and explanation of all sources and uses of funds throughout the proposed loan period, including, but not limited to, any payments to Affiliates or shareholders of the Applicant, estimated Project costs, and proposed terms.

(3) *A Pro-forma financial forecast* covering the life of the proposed loan, including balance sheets, income statements and cash flow statements, with an explanation of assumptions. These Projections must be prepared in accordance with Generally Accepted Accounting Principles and should discuss such issues as the effects of inflation, competition, ongoing repair and replacement needs, technological obsolescence, working capital requirements, and other factors that may affect the Applicant's ability to meet its debt service obligations.

(4) *Project budget.* A detailed cost breakdown of all facilities to be constructed as part of the Project. This breakdown should be on a per unit

basis. It should also clearly show what will be financed with guaranteed loan funds and what will be financed with other funds, consistent with the plan of finance in paragraph (d)(2) of this section.

(5) *Commitments.* The Applicant must disclose all reasonably foreseeable financial obligations, contingent liabilities, or other commitments that could affect its financial health over the proposed financing term. At the Board's request, the Applicant must take all reasonable measures to insulate the Project and the Loan from external factors that could affect timely payment of principal and interest. The Board may ask for additional detailed information on commitments where it is deemed necessary.

(6) *Credit enhancement.* In cases where an Affiliate provides credit enhancement, the Applicant must provide documentation demonstrating the Affiliate is sufficiently capitalized and evidencing the strength, extent, limitations, and priority of the credit enhancement relative to the other obligations of the Affiliate.

(e) *A certified system plan, technical analysis, and design.* Prepared by qualified personnel on the Applicant's staff or by a licensed consulting engineer, consisting of the following:

(1) A detailed description of the proposed service area including maps of the service area;

(2) A TV Signals Coverage Diagram and detailed description of all existing and proposed facilities. The diagram must include proposed route miles of cable plant, if applicable, the estimated area served, types of facilities to be deployed (terrestrial microwave or satellite microwave, wireless, translator, fiber optic cable or coaxial cable, electronic equipment, *etc.*), the capacity of the facilities (number of fibers, size of the cables, and intended number of channels, frequencies used, bandwidth capacity, *etc.*), and the serving area of the proposed facilities;

(3) The intended capabilities of the Project's facilities, including bandwidth, proposed television signal topology, standards, and television signal transmission protocols. In addition, the Applicant must explain the manner in which the transmission facilities will deliver the proposed Local Television Broadcast Signals, including any equipment necessary to receive the signals which will be located at the subscribers premise, and/or, near or/on the subscribers' television set;

(4) A listing of all regulatory approvals required to operate facilities, including licenses, permits, and franchises and the status of any required approvals not obtained at the time of the application. For any approvals not yet received, the Applicant should provide details on the nature of the needed approval, the justification for expecting such an approval, the track-record of the Applicant in obtaining such approvals, and the contingency plan in the event the approval is delayed;

(5) A description of the television signal sources (including, but not limited to local, regional and national television signal broadcasters, other television signal providers, content providers, cable television operators and providers, enhanced service providers, providers of satellite services, and the anticipated role of such providers in the proposed Project);

(6) The results of discussions, if any, with local television broadcasters serving the Project area;

(7) An identification of all Local Television Broadcast Signals that will be carried by the Project;

(8) An identification of the digital signal quality and capacity in megabits per second (Mb/s) that will be required to digitally broadcast all Local Television Broadcast Signals to be provided by the Project;

(9) An identification of the net usable bandwidth, in Mb/s, that are surplus to the provision of the Local Television Broadcast Signals to be provided by the Project and that will be used to provide High Speed Internet Service; and

(10) A description of the extent to which the Project will enable the delivery of Local Television Broadcast Signals by a means reasonably compatible with existing systems or devices predominantly in use for the reception of television signals.

(f) *Lender information.* (1) *Lender.* The Application shall include the information described in § 2201.13(b), (c) and (d) of this part concerning the Lender or Lenders.

(2) *Term Sheet.* The Application shall include a signed Term Sheet.

(3) *Lender's analysis.* The Applicant shall submit the Lender's detailed analysis of the creditworthiness of the transaction at the time of application and any supporting due diligence documentation, including a complete underwriting analysis of the Project (assessing Applicant creditworthiness and Project feasibility) exercising the Lender's standard of care as set forth at § 2201.26(a).

(4) *Certification.* The Lender must certify that the information provided pursuant to paragraphs (f)(1), (2) and (3) of this section is true and accurate.

(5) *Additional Information.* The Board will request any other information the Board deems material to its assessment of the Lender.

(g) *Other Financial Information.* (1) *Collateral.* The Applicant shall provide a detailed description and valuation of all Collateral to be used to secure the Loan. This valuation shall be supported by an independent, third party appraisal for existing Assets, and/or adequate cost substantiation for Assets to be constructed for purposes of the Project, and in all cases shall be acceptable to the Board. Such a valuation should address, at a minimum, pledged Assets of the Applicant, any designated Affiliate of the Applicant, or both as identified in the Loan Documents, including primary Assets to be used in the delivery of the service for which the Loan sought would be guaranteed. The Applicant also must provide a depreciation schedule (as classified under and in accordance with GAAP) for the major Assets in order for the Board to determine the economically useful life of the primary Assets to be used in delivery of the signals concerned. Appraisals of real property must be prepared by State licensed or certified appraisers, and be consistent with the ''Uniform Standards of Professional Appraisal Practice,'' promulgated by the Appraisal Standards Board of the Appraisal Foundation.

(2) *Credit Opinion.* With respect to applications for a Loan of $5 million or more, the Applicant is required to obtain and submit to the Board a preliminary credit rating opinion letter on the proposed transaction at the time of application, prepared by a nationally recognized statistical rating organization (rating agency) approved by the Board. This preliminary credit rating opinion shall be based on the financing structure proposed by the Applicant for the Project absent the Federal Guarantee. The Board will utilize this preliminary credit assessment to assist in evaluating the creditworthiness of the proposed transaction and determining whether it provides a reasonable assurance of repayment. In addition, applicants for loans less than $5 million that have a credit rating shall provide that credit rating to the Board. The Board will utilize this preliminary credit assessment (for loans over $5 million) or an existing credit rating (for loans less than $5 million) to assist in evaluating the creditworthiness of the proposed transaction and determining whether it provides a reasonable assurance of repayment. The Board may approve a Guarantee over $5 million only if it receives a final credit rating opinion letter from the rating agency on the Loan that is in form and substance acceptable to the Board.

(3) *Evidence of lack of credit elsewhere.* The Applicant shall provide the information required pursuant to § 2201.12(b)(2)(v) of this part.

(h) *Compliance with other Federal statutes, regulations and Executive Orders.* The Applicant must certify compliance with other applicable Federal statutes, regulations, and Executive Orders.

(i) *Environmental impact.* The Applicant must provide an environmental assessment that details of the Project's impact on the environment as required pursuant to § 2201.16 of this part.

(j) *Federal debt certification.* The Applicant must provide a certification that it is not delinquent on any obligation owed to the government (7 CFR parts 3016 and 3019). No Guarantee will be made if either the Applicant or Lender has an outstanding, delinquent Federal debt until:

(1) The delinquent account has been paid in full;

(2) A negotiated repayment schedule is established and at least one payment has been received; or

(3) Other arrangements, satisfactory to the agency responsible for collecting the debt, are made.

(k) *Supplemental information.* The Applicant should provide any additional information it considers relevant to the Project and likely to be helpful in determining the extent to which the Project would further the purposes of the Act.

(l) *Additional information required by the Board.* The Applicant must provide any additional information the Board determines is necessary to adequately evaluate the application.

(m) *Application fee.* For an application to be considered complete, the Applicant must submit a check payable to the United States Treasury in the amount of the application fee as set forth in § 2201.21(a) of this part.

(n) *Incomplete application.* An incomplete application, including any fee submitted therewith, will be returned to the Applicant without action.

§ 2201.12 Applicant.

(a) *Eligibility.* (1) The Board will make a determination of eligibility of an Applicant to be a Borrower under the Program based upon the Applicant's ability to directly provide, as a result of financing received under the Program, Local Television Broadcast Signals to households in Nonserved Areas and/or Underserved Areas and the information provided pursuant to paragraph (b) of this section.

(2) A determination that an Applicant is eligible does not assure that the Board will approve a Guarantee sought, or otherwise preclude the Board from declining to approve a Guarantee.

(b) *Documentation for Eligibility Determination.* (1) An Applicant must provide a Term Sheet evidencing a commitment of that Lender or Agent, and the Lenders it represents, to make a Loan to the Applicant upon an Offer of Guarantee by the Board, subject to the requirements of the Act and the regulations set forth in this part.

(2) An Applicant must provide documentation demonstrating that:

(i) The Assets, facilities, or equipment covered by the Loan will be utilized economically and efficiently;

(ii) The terms, conditions, security, and schedule and amount of repayments of principal and the payment of interest with respect to the Loan protect the financial interests of the United States and are reasonable;

(iii) Appropriate and adequate Collateral secures the Loan sought to be guaranteed;

(iv) All necessary and required regulatory and other approvals, spectrum licenses, and delivery permissions have been received for the Loan and the Project under the Loan;

(v) The Loan would not be available on reasonable terms and conditions without a Guarantee under this Program. To satisfy this requirement, an Applicant must provide, with its application, documentation from at least one lending institution other than the Lender to which the Applicant has applied for financial assistance dated within six months of submission of the application, indicating that the Applicant was unable to obtain substantially the same Loan it is applying for on reasonable terms and conditions; and

(vi) Repayment of the Loan can reasonably be expected.

§ 2201.13 Lender.

(a) *Eligibility.* (1) The Board will make a determination of eligibility of a Lender to make a Loan to be guaranteed under the Program based upon the criteria set forth in paragraphs (b) and (c) of this section.

(2) A determination that a Lender is eligible does not assure that the Board will approve a Guarantee sought, or otherwise preclude the Board from declining to approve a Guarantee.

(b) *Qualifications.* In addition to evaluating an application pursuant to § 2201.18, in making a determination to approve a Guarantee to a Lender, the Board will assess:

(1) The Lender's Regulatory Capital Ratios, in the case of Banking Institutions, or Net Worth Ratios, in the case of other institutions;

(2) Whether the Lender possesses the ability to administer the Loan, including its experience with loans to telecommunications companies;

(3) The scope, volume and duration of the Lender's activity in administering loans, including federally guaranteed loans;

(4) The performance of the Lender's loan portfolio, including its current delinquency rate;

(5) The Lender's charge-off rate, expressed as a percentage of outstanding loans for its current fiscal year;

(6) If the Lender intends to sell participation interests in the Loan, the plan of syndication; and

(7) Any other matter the Board deems material to its assessment of the Lender.

(c) A Loan will not be guaranteed unless:

(1) If the Lender is not a nonprofit corporation and is subject to loan-to-one-borrower and Affiliate transaction restrictions under applicable law, the Loan is made in accordance with such restrictions;

(2) If the Lender is not a nonprofit corporation and is not subject to the restrictions described in paragraph (c)(1) of this section, the Loan is made to a Borrower that is not an Affiliate of the Lender and the amount of the Loan, and all outstanding loans by the Lender to the Borrower and any of its Affiliates, does not exceed 10 percent of the Net Equity of the Lender;

(3) If the Lender is a nonprofit corporation, the Board determines that:

(i) Such nonprofit corporation has one or more issues of outstanding long-term debt that is rated within the highest 3 rating categories of a nationally recognized statistical rating organization, as evidenced by written confirmation from the nationally recognized statistical rating organization, subject to updating upon request of the Board; and

(ii) The making of the Loan would not cause a decline in the rating of such Lender's long-term debt below the highest 3 rating categories of a nationally recognized statistical rating organization, as evidenced by written confirmation from the nationally recognized statistical rating organization, subject to updating upon request of the Board.

(d) *Agent.* (1) An application for a Guarantee of a single Loan that includes participation of more than one Lender must identify one of the Lenders participating in such Loan to act as Agent for all Lenders. This Agent is

responsible for administering the Loan and shall have those duties and responsibilities required of an Agent, as set forth in the Guarantee.

(2) If more than one Lender is seeking a Guarantee of a single Loan, each one of the Lenders on the application must meet the qualifications set forth in paragraphs (b) and (c) of this section. However, only the Agent must meet the qualifications set forth in paragraph (b)(2) and (3) of this section.

(3) Each Lender, irrespective of any indemnities or other agreements between the Lenders and the Agent, shall be bound by all actions, and/or failures to act, of the Agent. The Board and the Administrator shall be entitled to rely upon such actions and/or failures to act of the Agent as binding all Lenders.

§ 2201.14 Eligible Loan purposes.

To be guaranteed under the Program, a Loan must be made for the purpose of financing the acquisition, improvement, enhancement, construction, deployment, launch, or rehabilitation of the means by which Local Television Broadcast Signals will be delivered to a Nonserved Area or Underserved Area.

§ 2201.15 Ineligible Loan purposes.

(a) The proceeds of the Loan shall not be used for operating, advertising, or promotion expenses, or for the acquisition of licenses for the use of spectrum in any competitive bidding.

(b) The Applicant shall not transfer proceeds of the Loan to any Affiliate(s).

(c) A Loan shall not be guaranteed unless the proposed Project, as determined by the Board in consultation with the National Telecommunications and Information Administration, is not likely to have a substantial adverse impact on competition that outweighs the benefits of improving access to Local Television Broadcast Signals in a Nonserved Area or Underserved Area and is commercially viable.

(d) The Board will not fund a Project that is designed primarily to serve one or more of the top 40 Designated Market Areas.

(e) The Board will not fund a Project that would alter or remove National Weather Service warnings from Local Television Broadcast Signals.

(f) No Guarantee may be granted or used to provide funds to a Project that extends, upgrades, or enhances the services provided over any cable system to an area that, as of the enactment of the Act, is covered by a cable franchise agreement that expressly obligates a cable operator to serve such area.

§ 2201.16 Environmental requirements.

(a) *General.* (1) Environmental assessments of the Board's actions will be conducted in accordance with applicable statutes, regulations, and Executive Orders. Therefore, each application for a Guarantee under the Program must be accompanied by information necessary for the Board to meet the requirements of applicable law.

(2) *Actions requiring compliance with NEPA.* (i) The types of actions classified as ''major Federal actions'' subject to NEPA procedures are discussed in 40 CFR parts 1500 through 1508.

(ii) With respect to this Program, these actions typically include:

(A) Any Project, permanent or temporary, that will involve construction and/or installations;

(B) Any Project, permanent or temporary, that will involve ground disturbing activities; and

(C) Any Project supporting renovation, other than interior remodeling.

(3) *Environmental information required from the Applicant.* (i) Environmental data or documentation concerning the use of the proceeds of any Loan guaranteed under this Program must be provided by the Applicant to the Board to assist the Board in meeting its legal responsibilities.

(ii) Such information includes:

(A) Documentation for an environmental threshold review from qualified data sources, such as a Federal, State or local agency with expertise and experience in environmental protection, or other sources, qualified to provide reliable environmental information;

(B) Any previously prepared environmental reports or data relevant to the Loan at issue;

(C) Any environmental review prepared by Federal, State, or local agencies relevant to the Loan at issue; and

(D) Any other information that can be used by the Board to ensure compliance with environmental laws.

(iii) All information supplied by the Applicant is subject to verification by the Board.

(b) The regulations of the Council on Environmental Quality implementing NEPA require the Board to provide public notice of the availability of Project specific environmental documents such as environmental impact statements, environmental assessments, findings of no significant impact, records of decision, etc., to the affected public. See 40 CFR 1506.6(b). Environmental information concerning specific Projects can be obtained from the Board by contacting: Secretary, LOCAL Television Loan Guarantee Board, 1400 Independence Ave., SW., Room 2919–S, Stop 1575; Washington, DC 20250–1575.

(c) *National Environmental Policy Act.* (1) *Purpose.* The purpose of this paragraph (c) is to adopt procedures for compliance with the National Environmental Policy Act, 42 U.S.C. 4321 *et seq.*, by the Board. This paragraph supplements regulations at 40 CFR Chapter V.

(2) *Definitions.* For purposes of this section, the following definitions apply:

Categorical exclusion means a category of actions which do not individually or cumulatively have a significant effect on the human environment and for which neither an environmental assessment nor an environmental impact statement is required.

Environmental assessment means a document that briefly discusses the environmental consequences of a proposed action and alternatives prepared for the purposes set forth in 40 CFR 1508.9.

EIS means an environmental impact statement prepared pursuant to section 102(2)(C) of NEPA.

FONSI means a finding of no significant impact on the quality of human environment after the completion of an environmental assessment.

NEPA means the National Environmental Policy Act, 42 U.S.C. 4321, *et seq.*

Working capital loan means money used by an ongoing business concern to fund its existing operations.

(3) *Delegations to the Secretary of the Board.* (i) All incoming correspondence from Council on Environmental Quality (CEQ) and other agencies concerning matters related to NEPA, including draft and final EIS, shall be brought to the attention of the Secretary of the Board. The Secretary of the Board will prepare or, at his or her discretion, coordinated replies to such correspondence.

(ii) With respect to actions of the Board, the Board will:

(A) Ensure preparation of all necessary environmental assessments and EISs;

(B) Maintain a list of actions for which environmental assessments are being prepared;

(C) Revise this list at regular intervals, and send the revisions to the Environmental Protection Agency;

(D) Make the list available for public inspection;

(E) Maintain a list of EISs; and

(F) Maintain a file of draft and final EISs.

(4) *Categorical exclusions.* (i) This paragraph describes various classes of Board actions that normally do not have a significant impact on the human environment and are categorically excluded. The word ''normally'' is stressed; there may be individual cases in which specific factors require contrary action.

(ii) Subject to the limitations in paragraph (c)(4)(iii) of this section, the actions described in this paragraph have been determined not to have a significant impact on the quality of the human environment. They are categorically excluded from the need to prepare an environmental assessment or an EIS under NEPA.

(A) Guarantees of working capital loans; and

(B) Guarantees of loans for the refinancing of outstanding indebtedness of the Applicant, regardless of the purpose for which the original indebtedness was incurred.

(iii) Actions listed in paragraph (c)(4)(ii) of this section that otherwise are categorically excluded from NEPA review are not necessarily excluded from review if they would be located within, or in other cases, potentially affect:

(A) A floodplain;

(B) A wetland;

(C) Important farmlands, or prime forestlands or rangelands;

(D) A listed species or critical habitat for an endangered species;

(E) A property that is listed on or may be eligible for listing on the National Register of Historic Places;

(F) An area within an approved State Coastal Zone Management Program;

(G) A coastal barrier or a portion of a barrier within the Coastal Barrier Resources System;

(H) A river or portion of a river included in, or designated for, potential addition to the Wild and Scenic Rivers System;

(I) A sole source aquifer recharge area;

(J) A State water quality standard (including designated and/or existing beneficial uses and anti-degradation requirements); or

(K) The release or disposal of regulated substances above the levels set forth in a permit or license issued by an appropriate regulatory authority.

(5) *Responsibilities and procedures for preparation of an environmental assessment.* (i) The Board will request that the Lender and Applicant prepare an environmental assessment that provides information concerning all potentially significant environmental impacts of the Applicant's proposed Project. The Board, consulting at its discretion with CEQ, will review the information provided by the Lender and Applicant. Though no specific format for an environmental assessment is prescribed, it shall be a separate document, suitable for public review and should include the following in conformance with 40 CFR 1508.9:

(A) *Description of the environment.* The existing environmental conditions relevant to the Board's analysis determining the environmental impacts of the proposed Project should be described. The no action alternative also should be discussed;

(B) *Documentation.* Citations to information used to describe the existing environment and to assess environmental impacts should be clearly referenced and documented. These sources should include, as appropriate, but not be limited to, local, tribal, regional, State, and Federal agencies, as well as, public and private organizations and institutions;

(C) *Evaluating environmental consequences of proposed actions.* A brief discussion should be included of the need for the proposal, of alternatives as required by 42 U.S.C. 4332(2)(E) and their environmental impacts. The discussion of the environmental impacts should include measures to mitigate adverse impacts and any irreversible or irretrievable commitments of resources to the proposed Project.

(ii) An environmental assessment, may:

(A) Tier upon the information contained in a previous EIS, as described in 40 CFR 1502.20;

(B) Incorporate by reference reasonably available material, as described in 40 CFR 1502.21; and/or

(C) Adopt a previously completed EIS reasonably related to the Project for which the proceeds of the Loan sought to be guaranteed under the Program will be used, as described in 40 CFR 1506.3.

(iii) If, on the basis of the environmental assessment, the Board determines that an EIS is not required, a FONSI, as described in 40 CFR 1508.13 will be prepared. The FONSI will include the environmental assessment or a summary of it and be available to the public from the Board. The Board shall maintain a record of these decisions, making them available to interested parties upon request. Requests should be directed to LOCAL Television Loan Guarantee Board, 1400 Independence Ave., SW., Room 2919–S, Stop 1575; Washington, DC 20250–1575. Prior to a final Guarantee decision, a copy of the NEPA documentation shall be sent to the Board for consideration.

(6) *Responsibilities and procedures for preparation of an environmental impact statement.* (i) If after the environmental assessment has been completed, the Board determines that an EIS is necessary, it and other related documentation will be prepared by the Board in accordance with section 102(2)(c) of NEPA, this section, and 40 CFR parts 1500 through 1508. The Board may seek additional information from the Applicant in preparing the EIS. Once the document is prepared, the Board will transmit the document to the Environmental Protection Agency.

(ii) *EIS.* (A) The following procedures, as discussed in 40 CFR parts 1500 through 1508, will be followed in preparing an EIS:

(*1*) The format and contents of the draft and final EIS shall be as discussed in 40 CFR part 1502.

(*2*) The requirements of 40 CFR 1506.9 for filing of documents with the Environmental Protection Agency shall be followed.

(*3*) The Board, consulting at its discretion with CEQ, shall examine carefully the basis on which supportive studies have been conducted to assure that such studies are objective and comprehensive in scope and in depth.

(*4*) NEPA requires that the decision making ''utilize a systematic, interdisciplinary approach that will ensure the integrated use of the natural and social sciences and the environmental design arts.'' 42 U.S.C. 4332(A). If such disciplines are not present on the Board staff, appropriate use should be made of personnel of Federal, State, and local agencies, universities, non-profit organizations, or private industry.

(B) Until the Board issues a record of decision as provided in 40 CFR 1502.2 no action concerning the proposal shall be taken which would:

(*1*) Have an adverse environmental impact; or

(*2*) Limit the choice of reasonable alternatives.

(*3*) 40 CFR 1506.10 places certain limitations on the timing of Board decisions on taking ''major Federal actions.'' A Guarantee shall not be made before the times set forth in 40 CFR 1506.10.

(iii) A public record of decision stating what the decision was; identifying alternatives that were considered, including the environmentally preferable one(s); discussing any national considerations that entered into the decision; and summarizing a monitoring and enforcement program if applicable for mitigating the environmental effects of a proposal will be prepared. This record of decision will be prepared at the time the decision is made.

§ 2201.17 Submission of applications.

(a) Applications should be submitted as follows:

(1) Applications for Guarantees shall be submitted to the LOCAL Television Loan Guarantee Board, 1400 Independence Avenue, SW., Stop 1575, Room 2919–S, Washington, DC 20250–1575. Applications should be marked Attention: Secretary, LOCAL Television Loan Guarantee Board.

(2) Applications must be submitted postmarked not later than the application filing deadline established by the Board if the applications are to be considered during the period for which the application was submitted.

(3) All Applicants must submit an original and two copies of a completed application.

(b) *Application deadline.* One or more application windows will be announced. The duration of each application window for submission of applications will be approximately 120 days. Notice of an application window will be published in the **Federal Register**.

§ 2201.18 Application selection.

(a) *Application priority.* When evaluating applications to determine which Project or combinations of Projects will best facilitate access to Local Television Broadcast Signals, the Board shall give priority in the approval of Guarantees to the following categories:

(1) First, to applications for Projects that will serve households in Nonserved Areas.

(2) Second, to applications for Projects that will serve households in Underserved Areas.

(3) Within each category, the Board shall balance applications for Projects that will serve the largest number of households with applications for Projects that will serve remote, isolated communities (including noncontiguous States) in areas that are unlikely to be served through market mechanisms. The Board shall consider the Project's estimated cost per household and shall give priority to those applications for Projects that provide the highest quality service at the lowest cost per household.

(b) *Additional considerations.* (1) The Board shall give higher consideration to applications for Projects that, in addition to providing Local Television Broadcast Signals, also provide High-speed Internet service.

(2) The Board shall consider other factors, which shall include applications for Projects that:

(i) Offer a separate tier of Local Television Broadcast Signals at a lower cost to consumers, except where prohibited by applicable Federal, State, or local laws or regulations;

(ii) Enable the delivery of Local Television Broadcast Signals consistent with the purpose of the Act by means reasonably compatible with existing systems or devices predominantly in use.

(c) *Other considerations.* All other evaluation factors and priority considerations being equal, the Board will give a preference in approving Guarantees to those applications for Projects that provide greater amounts and higher quality Collateral.

(d) *Protection of United States financial interests.* The Board may not approve the Guarantee of a Loan unless:

(1) The Board has been given documentation, assurances, and access to information, persons, and entities necessary, as determined by the Board, to address issues relevant to review of the Loan by the Board for purposes of the Act; and

(2) The Board makes a determination in writing that:

(i) To the best of its knowledge upon due inquiry, the Assets, facilities, or equipment covered by the Loan will be utilized economically and efficiently;

(ii) The terms, conditions, security, and schedule and amount of repayments of principal and the payment of interest with respect to the Loan protect the financial interests of the United States and are reasonable;

(iii) The value of Collateral provided by an Applicant is at least equal to the unpaid balance of the Loan amount; and if the value of Collateral provided by an Applicant is less than the Loan amount, the additional required Collateral is provided by the Applicant or an Affiliate designated by the Applicant and acceptable to the Board;

(iv) All necessary and required regulatory and other approvals, spectrum licenses, and delivery permissions have been received for the Loan and the Project under the Loan;

(v) The Loan would not be available on reasonable terms and conditions without a Guarantee under the Act; and

(vi) Repayment of the Loan can be reasonably expected.

(e) *Non approvals.* A Guarantee will not be approved if it is determined that:

(1) The Applicant's proposal does not indicate financial feasibility, or the Collateral is determined to not adequately secure the Loan;

(2) The Applicant's proposal indicates technical flaws, which, in the opinion of the Board, would prevent successful implementation, or operation of the Project;

(3) Any other aspect of the Applicant's proposal fails to adequately address any requirements of the Act or the regulations in this part or contains inadequacies which would, in the opinion of the Board, undermine the ability of the Project to meet the general purpose of the Act or comply with requirements of the regulations in this part; or

(4) Proceeds for the Loan will be used for any of the ineligible purposes set forth in § 2201.15.

§ 2201.19 Loan terms.

(a) All Loans guaranteed under the Program shall be due and payable in full no later than the earlier of 25 years from date of the closing of the Loan or the economically useful life of the primary Assets to be used in delivery of the signals concerned, as determined by the Board.

(b) Loans guaranteed under the Program must:

(1) Bear a rate of interest determined by the Board to protect the financial interests of the United States and to be reasonable. This determination will be based on the Board's comparison of the:

(i) Difference, or interest rate spread, between the interest rate on the Loan sought to be guaranteed and the current average yield on outstanding marketable obligations of the United States of comparable maturity; and

(ii) The interest rate spread between the rates on recently issued and similarly rated and structured obligations and the current yields on outstanding marketable obligations of the United States of comparable maturity.; and

(2) Have terms that, in the judgment of the Board, are consistent in material respects with the terms of similar obligations in the private capital market.

(c) So long as any principal and interest is due and payable on a Loan guaranteed under the Act, a Borrower shall:

(1) Maintain Assets, equipment, facilities, and operations on a continuing basis;

(2) Not make any discretionary dividend payments that impair its ability to repay obligations guaranteed under the Act;

(3) Remain sufficiently capitalized; and

(4) Submit to and cooperate fully with any audit or Collateral review required by the Board.

§ 2201.20 Collateral.

(a) *Existence of adequate Collateral.* An Applicant shall provide the Board such documentation as is necessary, in the judgment of the Board, to provide satisfactory evidence that appropriate and adequate Collateral secures a Loan

guaranteed under the Program. Prior to approving a Guarantee, the Board shall require that the value of the Collateral pledged to be at least equal to the unpaid balance of the Loan Amount.

(b) *Form of Collateral.* Collateral required by paragraph (a) of this section shall consist solely of Assets of the Applicant, any Affiliate of the Applicant, or both, as identified in the Loan Documents, including primary Assets to be used in the delivery of the service for which the Loan is guaranteed. Such Assets may include, but are not limited to, the following:

(1) Tangible Assets, including current Assets (such as cash, accounts receivable, and inventory), reserve funds, land, buildings, machinery, fixtures, and equipment;

(2) Assignments of all relevant contractual agreements, including contractual rights to certain cash flows, marketing arrangements, third-party guarantees, insurance policies, contractors' bonds, and other agreements or rights that may be of value;

(3) All permits, governmental approvals, franchises and licenses, necessary to carry out and operate the required equipment or service; and

(4) Other Assets, which, in the judgment of the Board, possess Collateral value suitable for securing the Loan, including a pledge of all or part of the Applicant's ownership interest in the Project or company, and any after-acquired property.

(c) *Applicant's compliance findings.* An Applicant's compliance with paragraphs (a) and (b) of this section does not assure a finding of reasonable assurance of repayment, or assure the Board's Guarantee of the Loan.

(d) *Collateral for entire loan.* The same Collateral shall secure the entire Loan, including both the Guaranteed Portion and the Unguaranteed Portion.

(e) *Review of valuation.* The value of Collateral securing a Loan is subject to review and approval by the Board, and may be adjusted downward by the Board if the Board reasonably believes such adjustment is appropriate. The Board's evaluation of the proposed Collateral for the Loan will be based on several factors, including but not limited to:

(1) The expected value of the pledged Collateral in the event of defaults with specific consideration given to the residual value of Project Assets to third-parties and the liquidity of such Assets;

(2) The cash flow characteristics of the Project;

(3) The contractual characteristics of the Project to the extent Project-related agreements underpin the Project's estimated cash flows;

(4) The competitiveness of the Project's economics and the associated certainty of cash flows in the future; and

(5) The creditworthiness of any designated Affiliates(s) that provides services to the Applicant or provides any credit support.

(f) *Ongoing Collateral assessment.* The Board shall require that the value of the Collateral shall be at all times at least equal to the unpaid balance of the Loan Amount. To ensure that the ongoing value of the Collateral is properly maintained, the Board may require the borrower to have an ongoing third-party inspection and valuation of the Collateral that is acceptable to the Board. If the Collateral value at the measurement date is less than the unpaid balance of the Loan Amount, the Borrower or its designated Affiliates(s) will be required to pledge additional acceptable Collateral to cover any deficit.

(g) *Lien on Collateral.* (1) Upon the Board's approval of a Guarantee, the Administrator shall have liens on Collateral securing the Loan, which shall be superior to all other liens on such Collateral. The value of the Collateral (based on a determination satisfactory to the Board) shall be at least equal to the unpaid balance of the Loan amount, giving significant consideration to the expected value of the Collateral in the event of defaults with specific consideration given to the residual value of the Project Assets to third-parties and the liquidity of such Assets.

(2) Both the Administrator and the Lender or Agent shall have a perfected security interest in the Collateral fully sufficient to protect the financial interests of the United States and the Lenders. However, the security interest perfected by the Administrator shall ensure that the Administrator has first priority in such Collateral.

§ 2201.21 Fees.

(a) *Application fee.* The Board shall charge each Applicant for a Guarantee under the Program a non-refundable fee, payable to the United States Treasury, to cover the costs of making necessary determinations and findings with respect to an application for a Guarantee under the Program. The amount of the fee is $10,000 for Loans of $1 million up to $50 million, $15,000 for Loans of $50 million up to $100 million, $30,000 for Loans of $100 million up to $500 million, and $40,000 for Loans of $500 million or greater.

(b) *Guarantee Origination Fee.* The Board shall charge and collect from a Borrower, at the closing of the Loan, a Guarantee Origination Fee to cover the administrative costs of Board related to such Loan. The amount of such fee shall be the lesser of two percent of the Loan amount or $500,000.

(c) *Lender fees.* A Lender or Agent may assess and collect from the Borrower such fees and costs associated with the application and origination of the Loan as are reasonable and customary, taking into consideration the amount and complexity of the credit. The Board may take such fees and costs into consideration when determining whether to offer a Guarantee.

§ 2201.22 Issuance of Guarantees.

(a) The Board's decisions to approve an application and extend an Offer of Guarantee under the Program is conditioned upon:

(1) The Lender or Agent and Applicant obtaining any required regulatory or judicial approvals;

(2) The Lender or Agent and Applicant being legally authorized to enter into the Loan under the terms and conditions submitted to the Board in the application;

(3) The Board's receipt of the Loan Documents and any related instruments, in form and substance satisfactory to the Board all properly executed by the Lender or Agent, Applicant, and any other required party other than the Board;

(4) No material adverse change in the Applicant's ability to repay the Loan between the date of the Board's approval and the date the Guarantee is to be issued;

(5) Entering into the Guarantee violates no Loan covenants or existing contractual obligations of the Borrower; and

(6) Such other conditions as determined by the Board.

(b) The Board may withdraw its approval of an application and rescind its Offer of Guarantee if the Board determines that the Lender or Agent or the Applicant cannot, or is unwilling to, provide adequate documentation and proof of compliance with paragraph (a) of this section within the time provided for in the Offer of Guarantee.

(c) Only after receipt of all the documentation required by this section will the Administrator sign and deliver the Guarantee.

§ 2201.23 Funding for the Program.

(a) *Costs incurred by the Government.* The Act provides funding for the costs incurred by the Government as a result of granting Guarantees under the Program. While pursuing the goals of the Act, it is the intent of the Board to

minimize the cost of the Program to the Government. The Board will estimate the risk posed by the guaranteed Loans to the funds appropriated for the costs of the Guarantees under the Program and operate the Program accordingly.

(b) *Credit risk premium.* (1) *Establishment and approval.* The Board may establish and approve the acceptance of credit risk premiums with respect to a Guarantee under this Act in order to offset the cost, as defined in section 502(5) of the Federal Credit Reform Act of 1990, of the Guarantee. To the extent that appropriations of budget authority are insufficient to cover the cost, as so determined, of a Guarantee, and the Board approves such a Guarantee, credit risk premiums shall be accepted from a non-Federal source on behalf of a Borrower.

(2) *Credit risk premium amount.* (i) *General.* The Board shall determine the amount of any credit risk premium to be accepted with respect to a Guarantee on the basis of:

(A) The financial and economic circumstances of the Borrower, including the amount of Collateral offered;

(B) The proposed schedule of Loan disbursements;

(C) The business plans of the Borrower;

(D) Any financial commitment from a broadcast signal provider; and

(E) The concurrence of the Director of the Office of Management and Budget as to the amount of the credit risk premium.

(ii) *Proportionality.* To the extent that appropriations of budget authority are sufficient to cover the cost, as determined under section 502(5) of the Federal Credit Reform Act of 1990, of Guarantees, the credit risk premium with respect to each Guarantee shall be reduced proportionately.

(iii) *Payment of premiums.* Credit risk premiums under this paragraph shall be paid to an escrow account established in the Treasury, which shall accrue interest. Such interest shall be retained by the escrow account, subject to paragraph (b)(2)(iv) of this section.

(iv) *Deductions from escrow account.* If a liquidation of the Collateral occurs pursuant to § 2201.33(h), any shortfall between the proceeds of the liquidation net of costs and expenses relating to the liquidation, and the guarantee amount paid shall be deducted from funds in the escrow account and credited to the Administrator for payment of such shortfall. At such time as all Loans guaranteed under this Program have been repaid or otherwise satisfied in accordance with the Act and the regulations in this part, remaining funds in the escrow account, if any, shall be refunded, on a pro rata basis, to Borrowers whose Loans guaranteed under the Program were not in Payment Default or Default, or where any Payment Default or Default was cured in accordance with the terms of the Loan Documents.

§ 2201.24 Insurance.

The Borrower of a Loan guaranteed under the Program shall obtain, at its expense, insurance sufficient to protect the financial interests of the United States, as determined by the Board.

§ 2201.25 Performance Agreement.

(a) The Borrower of a Loan guaranteed under the Program shall enter into a Performance Agreement with the Administrator with respect to the Local Television Broadcast Signals to be provided through the Project.

(b) The Administrator may assess against and collect from a Borrower a penalty not to exceed 3 times the interest accrued on the Loan during the period of noncompliance if the Borrower fails to meet its stipulated Performance Agreement entered into under paragraph (a) of this section.

§ 2201.26 Lender standard of care.

(a) The Lender or Agent shall exercise due care and diligence in analyzing and administering the Loan as would be exercised by a responsible and prudent Banking Institution when analyzing and administering a secured loan of such Banking Institution's own funds without a Guarantee. Such standards shall also apply to any and all underwriting analysis, approvals, determinations, permissions, acceptances, requirements, or opinion made, given, imposed or reached by Lender.

(b) The Lender or Agent shall have such other obligations and duties to the Board and the Administrator as are set forth in the Act or Loan Documents.

§ 2201.27 Assignment or transfer of Loans.

(a) *Modifications.* The Loan Documents may not be modified, in whole or in part, without the prior written approval of the Board.

(b) *Requirements.* (1) Subject to the provisions of paragraphs (c) and (d) of this section and other provisions of this part, a Lender or Agent may assign or transfer the Loan including the Loan Documents to another Lender that meets the eligibility requirements of § 2201.13 of this part.

(2) Any assignment or transfer of a Loan, or any pledge or other use of a Loan as security, including but not limited to any derivatives transaction, will require the prior written approval of the Board.

(c) The provisions of paragraph (b) of this section shall not apply to transfers which occur by operation of law.

(d) The Agent must hold an interest in a Loan guaranteed under the Program equal to at least the lesser of $25 million or fifteen percent of the aggregate amount of the Loan. Of this amount, the Agent must hold an interest in the Unguaranteed Portion of the Loan equal to at least the minimum amount of the Loan required to be held by the Agent under the preceding sentence multiplied by the percentage of the entire Loan that is not guaranteed. A non-Agent Lender must hold an interest in the Unguaranteed Portion of the Loan representing no less than five percent of such Lender's total interest in the Loan; provided, that a non-Agent Lender may transfer its interest in the Unguaranteed Portion after payment of the Guaranteed Portion has been made under the Guarantee.

(e) The Guarantee shall have no force or effect if any part of the Guaranteed Portion of the Loan is transferred separate and apart from the Unguaranteed Portion of the Loan. At least five percent of any assignment or transfer interest in a Loan must be unguaranteed to ensure that no part of the Guaranteed Portion of the Loan is transferred separate and apart from the Unguaranteed Portion of the Loan.

§ 2201.28 Participation in guaranteed Loans.

(a) Subject to paragraphs (b), (c) and (d) of this section, a Lender may distribute the risk of a portion of a Loan guaranteed under the Program by sale of participations therein if:

(1) Neither the Loan note nor the Guarantee is assigned, conveyed, sold, or transferred in whole or in part as a result of the sale of such participations;

(2) The Lender remains solely responsible for the administration of the Loan as an Agent; and

(3) The Board's ability to assert any and all defenses available to it under the law and under the Loan Documents is not adversely affected.

(b) The following categories of entities may purchase participation interests in Loans guaranteed under the Program:

(1) Lenders that meet the eligibility requirements of § 2201.13 of this part;

(2) Qualified institutional buyers as defined in 17 CFR 230.144A (a), known as Rule 144A (a) of the Securities and Exchange Commission and issued under the Securities Act of 1933 (15 U.S.C. 77a *et seq.*); or

(3) Any other entity approved by the Board on a case-by-case basis.

(c) An Agent may not grant participations in that portion of its interest in a Loan that may not be assigned or transferred under § 2201.27(d) of this part. A Lender, other than the Agent, may not grant participations in that portion of its interest in a Loan that may not be assigned or transferred under § 2201.27(d) of this part.

(d) At least five percent of any participation interest in a Loan must be unguaranteed.

§ 2201.29 Supplemental guarantees.

The Board will allow the structure of a guaranteed Loan to include one or more supplemental guarantees only from a State or local governmental or tribal entity that cover the Unguaranteed Portion of the Loan, provided that:

(a) There shall be no supplemental guarantee with respect to the Unguaranteed Portion required to be held by the Agent or sole Lender pursuant to § 2201.27(d) of this part;

(b) The Loan Documents relating to any supplemental guarantee shall be acceptable in form and substance to the Board; and

(c) In approving the issuance of a Guarantee, the Board may impose any conditions with respect to supplemental guarantee(s) relating to the Loan that it considers appropriate.

§ 2201.30 Adjustments.

(a) The Board must approve the adjustment of any term or condition of the Loan Documents under this Program, including the rate of interest, time of payment of principal or interest, or Collateral requirements. Adjustments may be approved by the Board only if:

(1) The adjustment is consistent with the financial interests of the United States;

(2) Consent has been obtained from the parties to the Loan Agreement;

(3) The adjustment is consistent with the underwriting criteria developed for the Program;

(4) The adjustment does not adversely affect the interest of the Federal Government in the Assets or Collateral of the Borrower;

(5) The adjustment does not adversely affect the ability of the Borrower to repay the Loan; and

(6) The National Telecommunications and Information Administration of the Department of Commerce has been consulted by the Board regarding the adjustment.

(b) A Lender's decision to forego remedial action in the event of a breach of financial covenants required under the Loan Agreement will not constitute an adjustment under this section.

§ 2201.31 Indemnification.

(a) The United States shall be indemnified by any Affiliate of a Borrower designated in the Loan Documents for any losses that the United States incurs as a result of:

(1) A judgment against the Borrower or any of its Affiliates;

(2) Any breach by the Borrower or any of its Affiliates of their obligations under the Loan Documents;

(3) Any violation of the provisions of the Act, or the regulations in this part, by the Borrower or any of its Affiliates;

(4) Any penalties incurred by the Borrower or any of its Affiliates for any reason, including violation of a performance schedule stipulated in a Performance Agreement; and

(5) Any other circumstances that the Board considers appropriate.

(b) The Board may require more than one Affiliate of a Borrower to make the indemnifications referred to in paragraph (a) of this section.

(c) The indemnifications referred to in paragraph (a) of this section shall be included in the Loan Documents.

§ 2201.32 Termination of obligations.

The Board shall have such rights to terminate the Guarantee as are set forth in the Act and Loan Documents.

§ 2201.33 Defaults.

(a) In determining, following any Payment Default or Default, whether to accelerate the maturity of any amounts outstanding under the Loan Documents or otherwise to declare such amounts to be immediately due and payable, or pursue other remedial actions available under the Loan Documents, the Agent or Lender, as the case may be, shall act at all times in accordance with the standard of care and diligence required under § 2201.26(a) of this part.

(b) Following any Payment Default, the Agent or Lender shall promptly notify the Board and be entitled to make a Payment Demand. Any Payment Demand shall:

(1) Identify the amount and due date of the defaulted payment of principal and the outstanding amounts of principal and interest under the Loan;

(2) Describe briefly the circumstances leading to the Payment Default, including, without limitation, the nature of any precipitating Default, whether an acceleration has occurred, and whether a bankruptcy proceeding has been instituted or threatened; and

(3) Be accompanied by a copy of each of the Loan Documents and all notices and other correspondence with the Borrower or other Lender relating to the Payment Default and any precipitating Default.

(c) Following any Payment Demand being made, the Agent or Lender shall furnish to the Board promptly upon request from the Board and, in any event, not later than ninety (90) days from the date of such request, each of the following:

(1) A written, detailed and reasonable plan for the partial or complete foreclosure on and liquidation of the Collateral, including, without limitation, detailed estimates by the Agent or Lender of the time and reasonable costs of collection anticipated to be necessary in order to carry out such plan; and

(2) A written, detailed and reasonable work-out plan, if such a plan is feasible, for the continued operation of the Borrower calculated, in the Agent's or Lender's judgment, to assure the best prospect for repayment of principal and interest under the Loan without partial or complete foreclosure and liquidation of the Collateral, including, without limitation, detailed estimates of the time and expense required for such work-out and an assessment of the risks to the Agent or Lender and the Board associated therewith relative to such risks associated with complete foreclosure and liquidation; and, if any partial foreclosure and liquidation is a part of such proposed work-out plan, a detailed estimate of the time and reasonable costs of collection anticipated by the Agent or Lender to be required to effect such partial liquidation.

(d) By making a Payment Demand, the Agent or Lender shall be conclusively deemed to have certified, with full knowledge of the provisions of 18 U.S.C. 1001 and 31 U.S.C. 3729 including, without limitation, the provisions thereof for penalties and damages, to the Board that it has fully and timely complied with all material provisions and obligations under the Guarantee and the Loan Documents, that the amount demanded is past due and owed by the Borrower under the Loan Agreement, and that the demand is properly made and required to be satisfied by the Board under the terms of the Guarantee.

(e) Following receipt of any Payment Demand, the Board or, on its behalf, any duly authorized representative or designee, may conduct an audit and investigation of compliance with all material provisions and obligations under the Guarantee. The Agent and/or Lender shall cooperate fully and diligently with any such audit and investigation.

(f) Within a reasonable period of time from receipt by the Board of a Payment Demand, the Board shall approve

payment of the amount to be paid in respect of the unpaid principal amount under the Loan to which the Payment Demand relates. The Board may withhold such payment if any audit or investigation is pending or if information remains to be furnished by the Agent or Lender. Further, payment shall not be made to the extent it is determined by the Board, whether as the result of an audit, investigation or otherwise, that the Board's payment obligation has terminated. Payment shall be made by wire transfer in immediately available funds to the bank and account designated by the Agent or Lender for such purpose.

(g) The Board may take, or direct to be taken any action in liquidating the Collateral that the Board determines to be necessary or proper, consistent with Federal law and regulations.

(h) Pursuant to the Guarantee, upon Payment Demand by the Agent or Lender, and whether the Board has approved any payment under the Guarantee or any payment has been made under the Guarantee, the Board, through the Administrator, shall have the right to liquidate, or cause to be liquidated, the Collateral. The Board, at its sole discretion, shall have the right to require that the Agent or Lender, solely or with the Administrator, conduct to completion any liquidation of any of the Collateral. Such liquidation shall be conducted by the Agent or Lender in accordance with the standards of care specified in § 2201.26(a) of this part.

§ 2201.34 OMB Control Number.

The information collection requirements in this part are approved by the Office of Management and Budget and assigned OMB control number 0572–XXXX.

Dated: August 11, 2003.

Jacqueline G. Rosier,

Secretary, LOCAL Television Loan Guarantee Board.

[FR Doc. 03–20786 Filed 8–14–03; 8:45 am]

BILLING CODE 3410–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–296–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 777–200 and –300 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Boeing Model 777–200 and –300 series airplanes. This proposal would require replacing existing ceiling and sidewall light connectors in the passenger cabin with new connectors, and follow-on actions. This action is necessary to prevent overheating of the light connectors, which could result in smoke and a possible fire in the passenger cabin. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by September 29, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–296–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov*. Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–296–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 or 2000 or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, PO Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Binh V. Tran, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 917–6485; fax (425) 917–6590.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–296–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–296–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received several reports that ceiling and sidewall light connectors have overheated on several Boeing Model 777–200 and –300 series airplanes. Investigation following failure

of ceiling and sidewall lights and, in two cases, tripped circuit breakers, revealed burned and charred light connectors. This damage has been attributed to moisture contamination within light connectors in which 115-volt power is present, which caused arcing within the connectors, and consequent melting, burning, and charring of the connectors. This condition, if not corrected, could result in smoke and a possible fire in the passenger cabin.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Special Attention Service Bulletin 777–33–0019, dated July 19, 2001, which describes procedures for replacing existing ceiling and sidewall light connectors with new connectors in the forward, middle, and aft passenger cabin. The procedures in the service bulletin include replacing ceiling and sidewall light assemblies with improved assemblies, replacing jumper bundles on ceiling lights (if installed) with new bundles, replacing connectors on certain wire bundles with new improved connectors, and performing functional tests. Accomplishment of the applicable actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Boeing Special Attention Service Bulletin 777–33–0019 refers to Diehl Service Bulletin 3352–33–01, dated June 20, 2001, as an additional source of service information for accomplishment of the connector replacements.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the Boeing service bulletin described previously.

In developing an appropriate compliance time for this AD, we considered the manufacturer's recommendation, the degree of urgency associated with the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the proposed actions. In light of all of these factors, we find that an 18-month compliance time represents an appropriate interval of time for affected airplanes to continue to operate without compromising safety.

Changes to 14 CFR Part 39/Effect on the Proposed AD

On July 10, 2002, we issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs the FAA's airworthiness directives system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance (AMOCs). Because we have now included this material in part 39, only the office authorized to approve AMOCs is identified in each individual AD.

Change to Labor Rate Estimate

We have reviewed the figures we have used over the past several years to calculate AD costs to operators. To account for various inflationary costs in the airline industry, we find it necessary to increase the labor rate used in these calculations from $60 per work hour to $65 per work hour. The cost impact information, below, has been revised to reflect this increase in the specified hourly labor rate.

Cost Impact

There are approximately 341 airplanes of the affected design in the worldwide fleet. The FAA estimates that 108 airplanes of U.S. registry, 22 Model 777–200 series airplanes and 86 Model 777–300 series airplanes, would be affected by this proposed AD.

For those Model 777–200 series airplanes, it would take approximately 72 work hours per airplane to accomplish the proposed actions, at an average labor rate of $65 per work hour. Required parts would cost approximately $4,631 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators of Model 777–200 series airplanes is estimated to be $204,842, or $9,311 per airplane.

For those Model 777–300 series airplanes, it would take approximately 82 work hours per airplane to accomplish the proposed actions, at an average labor rate of $65 per work hour. Required parts would cost approximately $5,488 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators of Model 777–300 series airplanes is estimated to be $930,348, or $10,818 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 2001–NM–296–AD.

Applicability: Model 777–200 and –300 series airplanes, certificated in any category, line numbers 001 through 341 inclusive.

Compliance: Required as indicated, unless accomplished previously.

To prevent overheating of ceiling and sidewall light connectors, which could result in smoke and a possible fire in the passenger cabin, accomplish the following:

Service Bulletin References

(a) The following information pertains to the service bulletin referenced in this AD:

(1) The term ''service bulletin,'' as used in this AD, means the Accomplishment Instructions of Boeing Special Attention Service Bulletin 777–33–0019, dated July 19, 2001.

(2) Although the service bulletin referenced in this AD specifies to submit information to the manufacturer, this AD does not include such a requirement.

Replacement of Light Connectors

(b) Within 18 months after the effective date of this AD: Replace, with improved parts, the existing ceiling and sidewall light connectors and wire bundle connectors in the areas specified in the service bulletin; by accomplishing all actions in steps A. through S. in Work Packages 1, 2, and 3, of the Accomplishment Instructions of the service bulletin.

Note: Boeing Special Attention Service Bulletin 777–33–0019 refers to Diehl Service Bulletin 3352–33–01, dated June 20, 2001, as an additional source of service information for accomplishment of the connector replacements.

Alternative Methods of Compliance

(c) In accordance with 14 CFR 39.19, the Manager, Seattle Aircraft Certification Office, FAA, is authorized to approve alternative methods of compliance for this AD.

Issued in Renton, Washington, on August 11, 2003.

Neil D. Schalekamp,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–20836 Filed 8–14–03; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2003–NM–70–AD]

RIN 2120–AA64

Airworthiness Directives; McDonnell Douglas Model MD–11 and –11F Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the supersedure of an existing airworthiness directive (AD), applicable to certain McDonnell Douglas Model MD–11 series airplanes, that currently requires performing a general visual inspection to detect chafing or damage of the parallel power feeder cables of the number 2 integrated drive generator (IDG); repairing any chafed cable and damaged structure; and repositioning the parallel power feeder cables of the number 2 IDG. This action would revise the applicability of the existing AD by adding certain airplanes and removing certain other airplanes. The actions specified by the proposed AD are intended to prevent chafing and arcing of the parallel feeder cables of the number 2 IDG, which could result in smoke and/or fire in the right aft galley area. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by September 29, 2003.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2003–NM–70–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: *9-anm-nprmcomment@faa.gov.* Comments sent via fax or the Internet must contain ''Docket No. 2003–NM–70–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 or 2000 or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Aircraft Group, Long Beach Division, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Data and Service Management, Dept. C1–L5A (D800–0024). This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California.

FOR FURTHER INFORMATION CONTACT: Brett Portwood, Aerospace Engineer, Systems and Equipment Branch, ANM–130L, FAA, Los Angeles Aircraft Certification Office, 3960 Paramount Boulevard, Lakewood, California 90712–4137; telephone (562) 627–5350; fax (562) 627–5210.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (*e.g.*, reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2003–NM–70–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2003–NM–70–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

On August 14, 2001, the FAA issued AD 2001–17–08, amendment 39–12399 (66 FR 44043, August 22, 2001), applicable to certain McDonnell Douglas Model MD–11 series airplanes, to require performing a general visual inspection to detect chafing or damage of the parallel power feeder cables of the number 2 integrated drive generator (IDG); repairing any chafed cable and damaged structure; and repositioning the parallel power feeder cables of the number 2 IDG. That action was prompted by an incident in which smoke permeated the right aft galley area and an electrical power generator system fault alert occurred on a McDonnell Douglas Model MD–11

airplane. The requirements of that AD are intended to prevent chafing and arcing of the parallel feeder cables of the number 2 IDG, which could result in smoke and/or fire in the right aft galley area.

Actions Since Issuance of Previous Rule

Since the issuance of that AD, the airplane manufacturer has informed the FAA that it inadvertently omitted 43 airplanes from the effectivity listing of McDonnell Douglas Alert Service Bulletin MD11–24A157, dated August 10, 2000 (which was referenced in AD 2001–17–08 an appropriate source of service information for accomplishing the required actions) that are subject to the identified unsafe condition and included 24 other airplanes that are not subject to the identified unsafe condition.

Explanation of Relevant Service Information

We have reviewed and approved Boeing Alert Service Bulletin MD11–24A157, Revision 01, dated March 11, 2003, which revises the effectivity of the initial release of the service bulletin by adding 43 additional airplanes and removing 24 other airplanes. The inspection, repositioning, and corrective actions if necessary specified in Revision 01 are essentially identical to those described in initial release of the service bulletin. No more work is necessary on airplanes changed per the initial release of this service bulletin. Accomplishment of the actions specified in the service bulletin is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would supersede AD 2001–17–08 to require performing a general visual inspection to detect chafing or damage of the parallel power feeder cables of the number 2 IDG; repairing any chafed cable and damaged structure; and repositioning the parallel power feeder cables of the number 2 IDG. The proposed AD also would revise the applicability of the existing AD by adding certain airplanes and removing certain other airplanes. The actions would be required to be accomplished in accordance with the applicable service bulletin revision described previously.

Explanation of Change to Applicability

The applicability of AD 2001–17–08 identified the affected airplanes as ''Model MD–11 series airplanes, as listed in McDonnell Douglas Alert Service Bulletin MD11–24A157, dated August 10, 2000.'' Although Model MD–11F airplanes are not specifically identified by model name in the applicability of that AD, those airplanes are identified by the manufacturer's fuselage numbers in the referenced service bulletin. This proposed AD would identify those model designations as published in the most recent type certificate data sheet for the affected models (*i.e.*, Model MD–11 and –11F airplanes).

Changes to 14 CFR Part 39/Effect on the AD

On July 10, 2002, we issued a new version of 14 CFR part 39 (67 FR 47997, July 22, 2002), which governs our AD system. The regulation now includes material that relates to altered products, special flight permits, and alternative methods of compliance (AMOCs). Because we have now included this material in part 39, for purposes of this proposed AD, it is only necessary to identify the office authorized to approve AMOCs and previously approved AMOCs that are acceptable for compliance with the applicable requirements of this proposed AD. Therefore, Note 1 and paragraph (c) of AD 2001–17–08 are not included in this proposed AD, and paragraph (b) of AD 2001–17–08 has been revised in this proposed AD.

Change to Labor Rate Estimate

We have reviewed the figures we have used over the past several years to calculate AD costs to operators. To account for various inflationary costs in the airline industry, we find it necessary to increase the labor rate used in these calculations from $60 per work hour to $65 per work hour. The cost impact information, below, reflects this increase in the specified hourly labor rate.

Cost Impact

There are approximately 85 airplanes of the affected design in the worldwide fleet. The FAA estimates that 15 airplanes of U.S. registry would be affected by this proposed AD.

For Group 1 airplanes listed in Boeing Alert Service Bulletin MD11–24A157, Revision 01, dated March 11, 2003: The actions that are currently required by AD 2001–17–08 take approximately 4 work hours per airplane to accomplish, at an average labor rate of $65 per work hour. Based on these figures, the cost impact of the currently required actions on these U.S. operators is estimated to be $260 per airplane.

For Group 2 airplanes listed in Boeing Alert Service Bulletin MD11–24A157, Revision 01, dated March 11, 2003: The new actions that are proposed in this AD action would take approximately 5 work hours per airplane to accomplish, at an average labor rate of $65 per work hour. Required parts would cost approximately $673 per airplane. Based on these figures, the cost impact of the proposed requirements of this AD on these U.S. operators is estimated to be $998 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the current or proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions. The manufacturer may cover the cost of replacement parts associated with this proposed AD, subject to warranty conditions. Manufacturer warranty remedies may also be available for labor costs associated with this proposed AD. As a result, the costs attributable to the proposed AD may be less than stated above.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the

location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–12399 (66 FR 44043, August 22, 2001), and by adding a new airworthiness directive (AD), to read as follows:

McDonnell Douglas: Docket 2003–NM–70–AD. Supersedes AD 2001–17–08, Amendment 39–12399.

Applicability: Model MD–11 and –11F airplanes, as listed in Boeing Alert Service Bulletin MD11–24A157, Revision 01, dated March 11, 2003; certificated in any category.

Compliance: Required as indicated, unless accomplished previously.

To prevent chafing and arcing of the parallel feeder cables of the number 2 integrated drive generator (IDG), which could result in smoke and/or fire in the right aft galley area, accomplish the following:

Inspection

(a) Do a general visual inspection to detect chafing or damage of the parallel power feeder cables of the number 2 IDG at the applicable time and per the applicable service bulletin specified in Table 1 of this AD. Table 1 is as follows:

TABLE 1.—COMPLIANCE TIME/SERVICE BULLETIN

Airplanes	Compliance Time	Service Bulletin
For Group 1 airplanes listed in Boeing Alert Service Bulletin MD11–24A157, Revision 01, dated March 11, 2003.	Within 6 months after September 26, 2001 (the effective date of AD 2001–17–08, amendment 39–12399).	McDonnell Douglas Alert Service Bulletin MD11–24A157, dated August 10, 2000.
For Group 2 airplanes listed in Boeing Alert Service Bulletin MD11–24A157, Revision 01, dated March 11, 2003.	Within 6 months after the effective date of this AD.	Boeing Alert Service Bulletin MD11–24A157, Revision 01, dated March 11, 2003.

Note 1: For the purposes of this AD, a general visual inspection is defined as ''A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or droplight, and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.''

Condition 1 (No Chafing and No Structure Damage)

(1) If no chafing and damage is detected, before further flight, reposition the parallel power feeder cables of the number 2 IDG, per the applicable service bulletin.

Condition 2 (Chafing or Structure Damage)

(2) If any chafing or damage is detected, before further flight, repair the chafed cable and damaged structure, as applicable, and reposition the parallel power feeder cables of the number 2 IDG, per the applicable service bulletin.

Alternative Methods of Compliance

(b)(1) In accordance with 14 CFR 39.19, the Manager, Los Angeles Aircraft Certification Office, FAA, is authorized to approve alternative methods of compliance for this AD.

(2) Alternative methods of compliance, approved previously per AD 2001–17–08, amendment 39–12399, are approved as alternative methods of compliance with the requirements of this AD.

Issued in Renton, Washington, on August 11, 2003.

Neil D. Schalekamp,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 03–20835 Filed 8–14–03; 8:45 am]

BILLING CODE 4910–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1260

RIN 2700–AC75

NASA Grant and Cooperative Agreement Handbook—Public Acknowledgements

AGENCY: National Aeronautics and Space Administration.

ACTION: Proposed rule.

SUMMARY: This proposed rule would amend the NASA Grant and Cooperative Agreement Handbook to include public acknowledgement of NASA's photographs and illustrations in reports or publications spawned by NASA's award of grants or cooperative agreements.

DATES: Interested parties should submit comments in writing on or before October 14, 2003 to be considered in formulation of a final rule.

ADDRESSES: Submit written comments to Paul Brundage, NASA Headquarters, Office of Procurement, Code HK, Washington, DC 20546. Comments may also be submitted by via the Internet to *paul.d.brundage@nasa.gov*.

FOR FURTHER INFORMATION CONTACT: Paul Brundage, Code HK, (202) 358–0481, e-mail: *paul.d.brundage@nasa.gov*.

SUPPLEMENTARY INFORMATION:

A. Background

In publications spawned from NASA's award of grants and cooperative agreements, principal investigators sometimes fail to acknowledge NASA's photographs and illustrations. This proposed change sets forth NASA's desire for acknowledgement in 14 CFR 1260.22.

B. Regulatory Flexibility Act

NASA certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, because (a) few grants and cooperative agreements under 14 CFR part 1260 are awarded to small businesses, (b) it will only affect the few recipients of awards that make use of NASA photographs and illustrations in their publications, and (c) this proposed rule has no economic impact on award recipients since it only requests acknowledgment of the source of photographs and illustrations in the recipients' publications.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this proposed rule

does not impose any new recordkeeping or information collection requirements, or collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management (OMB) and Budget under 44 U.S.C. 3501, *et. seq.*

List of Subjects in CFR Part 1260

Grant Programs—Science and Technology.

Tom Luedtke,

Assistant Administrator for Procurement.

Accordingly, 14 CFR part 1260 is proposed to be amended as follows:

1. The authority citation for 14 CFR part 1260 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1), Pub. L. 97–258, and 96 Stat. 1003 (31 U.S.C. 6301, *et seq.*).

PART 1260—GRANTS AND COOPERATIVE AGREEMENTS

2. Amend the provision at § 1260.22 by revising the date of the provision and adding paragraph (a)(3) to read as follows:

§ 1260.22 Technical publications and reports.

Technical Publications and Reports

(Month/Year)

(a) * * *

(3) As a courtesy, any release of a NASA photograph or illustration should list NASA first on the credit line followed by the name of the Principal Investigator's Institution. An example follows:

''Photograph <or illustration, figure, etc.> courtesy of NASA <or NASA Center managing the mission or program> and the <Principal Investigator's institution>.''

* * * * *

[FR Doc. 03–20920 Filed 8–14–03; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1260

RIN 2700–AC74

NASA Grant and Cooperative Agreement Handbook—Investigative Requirements

AGENCY: National Aeronautics and Space Administration.

ACTION: Proposed rule.

SUMMARY: This rule proposes to amend the existing ''Investigative Requirements'' provision of the NASA Grant and Cooperative Agreement Handbook to require recipients of grants and cooperative agreements to ensure that individuals needing access to a NASA Center, facility, or computer system, or to NASA technical information, provide the personal background and biographical information requested by NASA.

DATES: Comments should be submitted on or before October 14, 2003.

ADDRESSES: Interested parties should submit written comments to Paul Brundage, NASA Headquarters, Office of Procurement, Contract Management Division (Code HK), Washington DC 20546.

FOR FURTHER INFORMATION CONTACT: Paul Brundage, (202) 358–0481, e-mail: *Paul.D.Brundage@nasa.gov.*

SUPPLEMENTARY INFORMATION:

A. Background

NASA sometimes, albeit infrequently, requires information for investigations of individuals working on grants and cooperative agreements in order to determine whether to permit, deny, or restrict access to a NASA Center, facility, or computer system, or to NASA technical information. The provision at 1260.35, Investigative Requirements, is inserted in all grants and cooperative agreements to ensure recipients provide the information requested by NASA for any required investigation. This proposed change is needed because recipients of grants and cooperative agreements, especially educational institutions, often do not maintain or have access to the types of information required by the provision at 1260.35 about their staff, faculty, and students because of policy and legal restrictions. Instead of requiring the recipients to obtain and submit personal information, this proposed rule makes it clear that the individuals needing access may provide the requisite information directly to NASA. This proposed rule also clarifies that access is to NASA Centers, facilities, computer systems, and NASA technical information.

B. Regulatory Flexibility Act

NASA certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq,* because there are few grants and cooperative agreements that require access to NASA Centers, facilities, and computer systems, or to NASA technical information. Furthermore, only a small portion of NASA's grants and cooperative agreements are awarded to small entities as defined in the statute.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because this proposed rule does not impose any new recordkeeping or information collection requirements, or collection of information from offerors, contractors, or members of the public that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et. seq.*

List of Subjects in CFR Part 1260

Grant Programs—Science and Technology.

Tom Luedtke,

Assistant Administrator for Procurement.

Accordingly, 14 CFR part 1260 is proposed to be amended as follows:

1. The authority citation for 14 CFR 1260 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1), Pub. L. 97–258, and 96 Stat. 1003 (31 U.S.C. 6301, *et seq.*)

PART 1260—GRANTS AND COOPERATIVE AGREEMENTS

2. Section 1260.35 is revised to read as follows:

§ 1260.35 Investigative requirements.

Investigative Requirements

(XX/XX)

(a) NASA reserves the right to perform security checks and to deny or restrict access to a NASA Center, facility, or computer system, or to NASA technical information, as NASA deems appropriate. To the extent the Recipient needs such access for performance of the work, the Recipient shall ensure that individuals needing such access provide the personal background and biographical information requested by NASA. Individuals failing to provide the requested information will be denied such access.

(b) All requests to visit a NASA Center or facility must be submitted in a timely manner in accordance with instructions provided by that Center or facility.

[FR Doc. 03–20921 Filed 8–14–03; 8:45 am]

BILLING CODE 7510–01–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

RIN: 1513–AA50

[Notice No. 14]

Proposed Dundee Hills Viticultural Area (2002R–218P)

AGENCY: Alcohol and Tobacco Tax and Trade Bureau (TTB), Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau proposes to establish the Dundee Hills viticultural area in Yamhill County, Oregon. Located entirely within the established Willamette Valley viticultural area, the proposed Dundee Hills area covers 6,490 acres, of which 1,264 are planted to grapes. We invite comments on this proposal.

DATES: We must receive written comments on or before October 14, 2003.

ADDRESSES: You may send comments to any of the following addresses:

- Chief, Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau, PO Box 50221, Washington, DC 20091–0221 (Attn: Notice No. 14);
- (202) 927–8525 (facsimile);
- *nprm@ttb.gov* (e-mail); or
- *http://www.ttb.gov* (An online comment form is posted with this notice on our Web site.)

You may view copies of this notice and any comments received at *http://www.ttb.gov/alcohol/rules/* or by appointment at the ATF Reference Library, 650 Massachusetts Avenue, NW., Washington, DC 20226; phone (202) 927–7890.

See the ''Public Participation'' section of this notice for specific instructions and requirements, and for information on how to request a public hearing.

FOR FURTHER INFORMATION CONTACT: N. A. Sutton, Specialist, Regulations and Procedures Division (Oregon), TTB, 946 NW Circle Blvd., #286, Corvallis, OR 97330; telephone (415) 271–1254.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

The Federal Alcohol Administration Act (FAA Act) at 27 U.S.C. 205(e) requires that alcohol beverage labels provide the consumer with adequate information regarding a product's identity, while prohibiting the use of deceptive information on such labels. The FAA Act also authorizes the Secretary of the Treasury to issue regulations to carry out the Act's provisions. The Secretary has delegated this authority to the Alcohol and Tobacco Tax and Trade Bureau (TTB).

Regulations in 27 CFR part 4, Labeling and Advertising of Wine, allow the establishment of definitive viticultural areas and the use of their names as appellations of origin on wine labels and in wine advertisements. Title 27 CFR part 9, American Viticultural Areas, contains the list of approved viticultural areas.

Definition

Title 27 CFR 4.25a(e)(1) defines an American viticultural area as a delimited grape-growing region distinguishable by geographic features whose boundaries have been delineated in subpart C of part 9. The establishment of viticultural areas allows the identification of regions where a given quality, reputation, or other characteristics of the wine is essentially attributable to its geographic origin. We believe that the establishment of viticultural areas allows wineries to describe more accurately the origin of their wines to consumers and helps consumers identify the wines they purchase. Establishment of a viticultural area is neither an approval nor endorsement by TTB of the wine produced there.

Requirements

Section 4.25a(e)(2) outlines the procedure for proposing an American viticultural area. Anyone interested may petition TTB to establish a grape-growing region as a viticultural area. The petition must include—

- Evidence that the proposed viticultural area is locally and/or nationally known by the name specified in the petition;
- Historical or current evidence that the boundaries of the proposed viticultural area are as specified in the petition;
- Evidence that the proposed area's growing conditions, such as climate, soils, elevation, physical features, *etc.,* distinguish it from surrounding areas;
- A description of the proposed viticultural area's specific boundaries, based on features found on maps approved by the United States Geological Survey (USGS); and
- A copy of the appropriate USGS-approved map(s) with the boundaries prominently marked.

Impact on Current Wine Labels

If this proposed viticultural area is established, bottlers who use brand names like the name of the viticultural area may be affected. Such bottlers must ensure that their existing products are eligible to use the name of the viticultural area as an appellation of origin. For a wine to be eligible, at least 85 percent of the grapes in the wine must have been grown within the viticultural area and must meet the other conditions listed in 27 CFR 4.25a(e)(3).

If the wine is not eligible to use the appellation, the bottler must change the brand name of that wine and obtain approval of a new label. Different rules apply to a wine in this category bearing a brand name traceable to a label approved before July 7, 1986. *See* 27 CFR 4.39(i) for details. In addition, if you use the viticultural area name on a wine label in a context other than an appellation of origin, the general prohibitions against misleading representation in 27 CFR part 4 apply.

Dundee Hills Petition

TTB has received a petition from Mr. Alex Sokol Blosser, secretary of the North Willamette Valley AVA Group, proposing the establishment of a new viticultural area to be called ''Dundee Hills'' in Yamhill County, Oregon. The petition states that within the 6,490-acre proposed viticultural area, 1,264 acres are currently planted to grapes with another 800 acres available for future vineyard use.

This proposed area is entirely within the northern portion of the established Willamette Valley viticultural area in northwestern Oregon. It is located about 28 miles southwest of Portland, Oregon, and about 40 miles inland from the Pacific Ocean near the town of Newberg. The township of Dundee straddles the proposed area's eastern border, the Yamhill River runs near its southern boundary, Millican Creek and the Trappist Abbey of Our Lady of Guadalupe anchor its west side, and the Chehalem Valley lies beyond its northern boundary.

The Dundee Hills rise above the low, flat floors of the surrounding Willamette and Chehalem Valleys. These hills have peaks generally above 700 feet in elevation, with the highest rising to 1,067 feet. The petition states that in addition to their higher elevation, the hills have warmer nighttime temperatures and less low-elevation fog and frost than the surrounding valleys.

The North Willamette Valley AVA Group originally proposed the name ''Red Hills,'' but upon learning of other

petitioners proposing the same (or a similar) name for other viticultural areas, the Group amended its petitioned name to ''Red Hills of Dundee.'' After continuing concern, the Group again renamed petitioned area ''Dundee Hills'' to avoid confusion with other domestic and international ''Red Hill'' or ''Red Hills'' viticultural areas.

Name Evidence

The revised petition states that local residents, vintners, and others know the proposed viticultural area as the ''Dundee Hills.'' Noting that several area businesses use the Dundee Hills name, the petition includes references to the October 2002 Yamhill County, Oregon, Verizon Super Pages telephone book, which lists ''Dundee Hills Estate,'' and the ''Shop Newberg'' Web site, which lists ''Dundee Hills Farm.''

The updated petition also includes over 30 other examples of the proposed name's use from academic journals, magazines, newspapers, and Web sites. These include Ellen C. McCornack's March 1912 Oregon Historical Society Quarterly article, ''A Glimpse into Prehistoric Oregon.'' The Willamette Valley was, she noted, a large, prehistoric body of water, and that ''[a]cross a narrow straight from Chehalem was the island of the Dundee Hills * * *.''

An article in the fall/winter 1998 issue of Wine Press Northwest, ''In with the New World,'' lists several pioneer Oregon wine growers, including David Lett, who arrived in 1965 with:

> a degree in viticulture from the University of California-Davis and a plan to find a cool climate suitable for planting pinot noir and other varieties from Burgundy. Lett decided on the Dundee Hills in the Willamette Valley * * *. Another early pioneer is Dick Erath of Erath Vineyards, also still producing great wine in the Dundee Hills near Newberg.

Fred Delkin, in a 2002 Oregon Magazine article, ''Papa Pinot Still Preaching Gospel That Created an Industry,'' also notes that, in 1966, Lett planted ''Pinot Noir and its cousin, Pinot Gris, in the Dundee hills area.'' A November 14, 2002, Seattle Times article, ''Wine Is the Main Course this Thanksgiving Celebration,'' adds, ''Erath Vineyards, high in the Dundee hills, is one of the Willamette Valley's pioneer wineries.''

The 1989 Parker's Wine Buyer's Guide (page 814) explains that ''Pinot Noir from the Dundee Hills, a subregion of the Willamette Valley, has a more herbaceous, bing-cherry fruitiness.'' In Marne Coggan's Vineyards and Winery Management article, ''Vineyard Land Values Part 2: What's Happening Beyond the North Coast'' (Vol. 27, No. 4, 2001), states:

> The premier Oregon wine growing area is called the Dundee Hills * * * Vacant land values in the Dundee Hills have climbed from $8,000–$10,000 to $10,000–$15,000 per acre. But those prices drop dramatically as you head south toward Salem and the Polk County area, where values are probably half of the Dundee Hills levels.

In addition, the revised petition contains an October 2001 Oregon Wine Magazine article (page 20) that describes a French-owned gravity-fed winery, Domaine Drouhin, which ''clings to the heights of the Dundee Hills.'' The revised petition's remaining name evidence contains similar references to Dundee Hills.

Boundary Evidence

According to the petition, the proposed Dundee Hills viticultural area's boundaries are based on a combination of geographical features, including elevation, terrain, climate, and soil, as well as the modern viticultural history of the area.

The proposed area consists of a single, continuous uplifted landmass that rises above the surrounding valley floors. The petition states that the level lands along the Willamette River and its tributary, the Yamhill River, define the Dundee Hills to the east and south. Millican Creek, a southward flowing tributary of the Yamhill River, and a smaller drainage flowing north into Chehalem Creek, which empties into the Willamette River, border the hills to the west. The petition notes that the Chehalem Valley defines the hills' northern limits.

The area's proposed boundary line is an irregular circle encompassing the Dundee Hills. The 200-foot contour line constitutes most of the proposed area's boundary line, which, the petition states, divides the base of the hills' slopes from the surrounding valley floors. On much of its western side, a roadway that varies between 200 and 300 feet in elevation is used in lieu of the 200-foot elevation line, which, the petition notes, meanders far from the logical perimeter of the proposed viticultural area.

Wine grapes planted in 1969 at Erath Vineyards produced 216 cases of Pinot noir in 1972, and, in 1971, five acres of Pinot noir grapes were planted at the Sokol Blosser vineyard, according to the petition. Statistics from the petition show the viticultural growth of the proposed Dundee Hills area:

VITICULTURE GROWTH IN DUNDEE HILLS AREA

	Decade ending 1980	Decade ending 1990	Decade ending 2000	As of 2002
Acreage	299	577	1,161	1,264
Vineyards	13	22	38	44

Growing Conditions

A combination of elevation, terrain, climate, and soil factors that contrast with the surrounding valley floors define the proposed viticultural area, according to the petition. As noted earlier, the 200-foot contour line defines most of the boundary between the proposed Dundee Hills viticultural area and the surrounding, flatter valley floors. The petition proposes to use a roadway to mark much of the area's western boundary.

Elevation and Terrain

The proposed area's elevation rises from the 200-foot contour line to the highest hill's peak of 1,067 feet. These heights contrast with the Chehalem and Willamette Valleys, which flank the north, east, and south sides of the proposed area. The petition states that the western boundary line, along Abbey and Kuehne Roads, is marked by a natural depression with drainage south to the Yamhill River via Millican Creek, while a smaller, unnamed drainage flows north into the Chehalem Valley.

The proposed Dundee Hills viticultural area's topography consists of a north-south spine with ridges and small valleys on the east, south and west sides. This hilly area is above the Willamette and Chehalem Valleys' flood plains. Numerous small streams originate in the hills' higher elevations, according to the petitioner, and the proposed area is dotted with small reservoirs. Light-duty and unimproved dirt roads service the proposed area.

The petition cites the 5th edition of the ''Geology of Oregon'' by Elizabeth

and William Orr to explain that the geological history of the Dundee Hills area dates back 66 million years with the uplifting of the North American tectonic plate, which formed the Coast Range of mountains and the inland ridges and valleys. Lava flows, dating back 15 million years, pushed into the area from northeast Oregon, depositing Columbia River basalts and restructuring the landscape with hills and broken ridges, according to the petition.

To the west, the Coast Range, a huge uplifted landmass paralleling the Pacific Ocean coastline, provides a rain shadow for the Dundee Hills proposed viticultural area, according to the petition. The Yamhill-Carlton area is between the petitioned area and the Coast Range, to the immediate northwest and west of the Dundee Hills area. The petition notes that the Yamhill-Carlton area has small uplifted slopes that drain entirely into the Yamhill River system, while only the west side of the Dundee Hills area drains into this watershed.

To the north, the petition states that the Chehalem Mountains, with an east to west orientation, have a large footprint covering more land surface area than the proposed viticultural area. Taller than the Dundee Hills, these mountains provide some protection to the petitioned area from climatic extremes created by the Columbia River Gorge to the north.

The petition also explains that to the east and immediate south of the proposed area, the lower-elevation Willamette Valley floor has different growing conditions and is subject to standing water in the winter and spring.

The petitioner adds that the Eola Hills, 20 miles south of the proposed Dundee Hills viticultural area, have a north-south orientation, a large footprint, and a strong marine climate. The Van Duzer Corridor, a mountain gap in the Coast Range, pushes the cooling marine summer breezes inland toward the Eola Hills area and Salem, Oregon.

Climate

The petition also examines the differences in climate between the proposed Dundee Hills viticultural area and the surrounding regions. The petition states that the Dundee Hills is a foothill area protected from great climatic variations, with warmer nights and less frost than the adjacent valley floors. The mountain ranges to the west and north lessen the climatic effect of the strong Pacific Ocean winds and storms. These mountain ranges also lessen the influence of the Columbia River Gorge effect.

In examining these climatic differences, the petition notes, for example, that the proposed Dundee Hills viticultural area lies in the rain shadow of the Coast Range. The proposed viticultural area receives 30 to 45 inches of rain annually, while the Coast Range annually receives 90 to 135 inches, about three times as much rain as the proposed area. The Coast Range is also cooler in the summer and warmer in the winter, the petition comments, based on its proximity to the Pacific Ocean's marine influence. It also states that this mountain range buffers the proposed area from the Pacific Ocean's heavy rainfall pattern, windy storms, and temperature-moderating marine influence.

The Yamhill-Carlton area is located between the Coast Range and the Dundee Hills proposed viticultural area. This district averages 60 inches of annual precipitation, has 150 fewer degree-growing days, and receives a stronger marine influence, with more wind and rainfall, than the proposed Dundee Hills viticultural area, according to the petitioner.

The petition also explains that the Columbia River Gorge funnels cold air in the winter, and warm air in the summer, into the Willamette Valley area from the interior of northern Oregon. With the Chehalem Mountains standing between the Columbia River Gorge and the proposed Dundee Hills viticultural area, the petition notes that these large mountains protect the petitioned area from the climatic influences of the Columbia River Gorge weather effect.

In addition, the petitioner states that the Willamette Valley floor, to the east and south of the Dundee Hills area, has seasonal fog and frost. Cool night air drains from the higher elevation hillsides onto the valley floor, creating fall and spring fog and frost.

The petition also explains that the Eola Hills, 20 miles to the south, receive a strong cooling marine influence that pushes inland from the Pacific Ocean through the Van Duzer Corridor, an opening in the Coast Range. This marine effect loses most of its cooling benefit before reaching north to the proposed Dundee Hills area, according to the petition.

Soils

The petition relies on the ''Soil Survey of the Yamhill Area, Oregon,'' issued by the U.S. Department of Agriculture's Soil Conservation Service in January 1974 for its evidence regarding the proposed viticultural area's soils. The petition states that the reddish color in the proposed area's soil is derived from the Columbia River basalt lavas, including the Jory soil series that covers approximately 80 percent of the proposed area. These lava-based soils decompose quickly with the high rain levels of the northwest Oregon area and produce the Jory series reddish silt, clay, and loam soils. This soil series, found predominantly on the Dundee Hills's eastern side, is moderately fertile and well-drained, with slight to moderate erosion levels, according to the petition.

The petition adds that the west side of the proposed viticultural area, with its steeper slopes, is primarily covered by the sedimentary-derived Willakenzie soil series. This series is categorized as well drained with moderate to high erosion levels. A smaller amount of the Jory series exists on the area's western side where the Columbia River lava flows cover the sedimentary formations, the petition notes.

The petition states that, outside the petitioned area's boundaries, the soils of the Coast Range, the Yamhill-Carlton area, the Chehalem Mountains, the Willamette Valley floor, and the Eola Hills contrast with the soils found within the proposed Dundee Hills viticultural area. The petition explains that the Coast Range to the west has marine volcanic and sediment soils, with high water holding capacity silts and basalt layers sandwiched between marine sediments. The Yamhill-Carlton area, to the west and northwest, has soils derived from marine sediments and ocean floor volcanic basalt with high water holding capacity. The Chehalem Mountains, to the north and northeast, have the Columbia River basalt, ocean sedimentation, and wind-blown loess derivation soil types. The Willamette Valley floor, to the east and south, has deep, alluvial soils with high water holding capacity. The Eola Hills area, to the south, has predominantly Gelderman and Ritner basalt soil series that are characterized by their low water holding capacity, slow permeability, and moderate erosion level.

Boundary Description

The proposed Dundee Hills viticultural area covers 6,490 acres, of which 1,264 acres are planted to wine grapes. It is located entirely within the established Willamette Valley viticultural area and Yamhill County, Oregon. The area is west of the town of Newberg, approximately 28 miles southwest of Portland and 40 miles east and inland from the Pacific Ocean coastline. Portions of the townships of Dundee and Lafayette are included within the proposed area where the 200-

foot contour line crosses their boundaries of incorporation.

Oregon State Route 99W, a heavy-duty road to the east and south, and State Route 240, a medium-duty road to the north, are generally outside the proposed boundary line, but occasionally cross into the proposed Dundee Hills viticultural area. See the narrative boundary description in the proposed regulation below.

Maps

The USGS maps required for determining the boundary of the proposed Dundee Hills viticultural area are: (1) Dundee Quadrangle, Oregon, 7.5 Minute Series, 1956, revised 1993; (2) Newberg Quadrangle, Oregon, 7.5 Minute Series, 1961, photorevised 1985; and (3) Dayton Quadrangle, Oregon, 7.5 Minute Series, 1957, revised 1992. The petitioner submitted the required maps, and we list them in the proposed regulation below.

Public Participation

Comments Sought

We request comments from anyone interested. Please support your comments with specific information about the proposed area's name, growing conditions, or boundaries. All comments must include your name and mailing address, reference this notice number, and be legible and written in language acceptable for public disclosure.

Although we do not acknowledge receipt, we will consider your comments if we receive them on or before the closing date. We will consider comments received after the closing date if we can. We regard all comments as originals.

Confidentiality

We do not recognize any submitted material as confidential. All comments are part of the public record and subject to disclosure. Do not enclose in your comments any material you consider confidential or inappropriate for disclosure.

Submitting Comments

You may submit comments in any of four ways:

- *By mail:* You may send written comments to TTB at the address listed in the **ADDRESSES** section.
- *By facsimile:* You may submit comments by facsimile transmission to 202–927–8525. Faxed comments must—

(1) Be on 8.5- by 11-inch paper;

(2) Contain a legible, written signature; and

(3) Be five or less pages long. This limitation assures electronic access to our equipment. We will not accept faxed comments that exceed five pages.

- *By e-mail:* You may e-mail comments to *nprm@ttb.gov.* Comments transmitted by electronic-mail must—

(1) Contain your e-mail address;

(2) Reference this notice number on the subject line; and

(3) Be legible when printed on 8.5- by 11-inch paper.

- *By online form:* We provide a comment form with the online copy of this notice on our Web site at *http://www.ttb.gov/alcohol/rules/.* Select ''Send comments via e-mail'' under this notice number.

You may also write to the Administrator before the comment closing date to ask for a public hearing. The Administrator reserves the right to determine, in light of all circumstances, whether a public hearing will be held.

Disclosure

You may view copies of the petition, the proposed regulation, the appropriate maps, and any comments received by appointment at the ATF Reference Library, 650 Massachusetts Avenue, NW., Washington, DC 20226. You may also obtain copies at 20 cents per 8.5- x 11-inch page. Contact the ATF Librarian at the above address or telephone 202–927–7890 to schedule an appointment or to request copies of comments.

For your convenience, we will post this notice and the comments received on the TTB Web site. All posted comments will show the names of commenters but not street addresses, telephone numbers, or e-mail addresses. We may also omit voluminous attachments or material that we consider unsuitable for posting. In all cases, the full comment will be available in the TTB Reference Library. To access the online copy of this notice, visit *http://www.ttb.gov/alcohol/rules/* and select the ''View Comments'' link under this notice number to view the posted comments.

Regulatory Analyses and Notices

Paperwork Reduction Act

We propose no requirement to collect information. Therefore, the provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507, and its implementing regulations, 5 CFR part 1320, do not apply.

Regulatory Flexibility Act

We certify that this proposed regulation, if adopted, will not have a significant economic impact on a substantial number of small entities. This proposed regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of a viticultural area name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

This proposed rule is not a significant regulatory action as defined by Executive Order 12866, 58 FR 51735. Therefore, it requires no regulatory assessment.

Drafting Information

The principal author of this document is N.A. Sutton (Oregon), Regulations and Procedures Division, Alcohol and Tobacco Tax and Trade Bureau.

List of Subjects in 27 CFR Part 9

Wine.

Authority and Issuance

For the reasons discussed in the preamble, we propose to amend Title 27, Code of Federal Regulations, Part 9, American Viticultural Areas, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

2. Subpart C is amended by adding § 9.____ to read as follows:

Subpart C—Approved American Viticultural Areas

§ 9.____ Dundee Hills.

(a) The name of the viticultural area described in this section is ''Dundee Hills''.

(b) *Approved maps.* The appropriate maps for determining the boundaries of the Dundee Hills viticultural area are three 1:24,000 Scale U.S.G.S. topography maps. They are titled:

(1) Dundee Quadrangle, Oregon, 1956, revised 1993;

(2) Newberg Quadrangle, Oregon, 1961, photorevised 1985;

(3) Dayton Quadrangle, Oregon, 1957, revised 1992.

(c) *Boundaries.* The Dundee Hills viticultural area is located entirely within the Willamette Valley viticultural area and Yamhill County, Oregon, near the town of Newberg.

(1) Beginning on the Dundee Quadrangle map at the intersection of the 200-foot contour line with Kuehne Road at the common boundary line of Section 47 and 48, T3S, R3W, proceed east, followed by south, along the

meandering 200-foot contour line, crossing over to and back off the Newberg Quadrangle map, and then cutting diagonally southwest through Dundee township to Hess Creek, Section 34, T3S, R3W (Dundee Quadrangle); then

(2) Proceed south, followed by west and then northeast, along the meandering 200-foot contour line, twice crossing over to and back off the Dayton Quadrangle map, to its intersection with Abbey Road after the 200-foot contour line passes a quarry and crosses the two forks of Millican Creek in Section 52, T3S, R3W (Dundee Quadrangle); then

(3) Proceed generally north on Abbey Road to Kuehne Road and follow Kuehne Road northeast, returning to the point of beginning.

Signed: August 5, 2003.

Arthur J. Libertucci,

Administrator.

[FR Doc. 03–20914 Filed 8–14–03; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1926

[Docket No. S–030]

RIN 1218–AC01

Safety Standards for Cranes and Derricks

AGENCY: Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.

ACTION: Notice of the second meeting of the Negotiated Rulemaking Committee.

SUMMARY: The Occupational Safety and Health Administration (OSHA) announces the second meeting of the Crane and Derrick Negotiated Rulemaking Advisory Committee (C–DAC). The Committee will review summary notes of the first meeting, adopt ground rules (including a definition of consensus) and continue to address substantive issues. The meeting will be open to the public.

DATES: The meeting will be on September 3, 4, 5, 2003. It will begin each day at 8:30 a.m.

ADDRESSES: The meeting will be held at the U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. The September 3rd session will be in conference room C5310–1A/B. The September 4th and 5th sessions will be in conference room N3437 A, B and C.

Written comments to the Committee may be submitted in any of three ways: by mail, by fax, or by e-mail. Please include ''Docket No. S–030'' on all submissions.

By mail, submit three (3) copies to: OSHA Docket Office, Docket No. S–030, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N–2625, Washington, DC 20210, telephone (202) 693–2350. Note that receipt of comments submitted by mail may be delayed by several weeks.

By fax, written comments that are 10 pages or fewer may be transmitted to the OSHA Docket Office at fax number (202) 693–1648.

Electronically, comments may be submitted through OSHA's Web page at *http://ecomments.osha.gov*. Please note that you may not attach materials such as studies or journal articles to your electronic comments. If you wish to include such materials, you must submit three copies to the OSHA Docket Office at the address listed above. When submitting such materials to the OSHA Docket Office, clearly identify your electronic comments by name, date, subject, and Docket Number, so that we can attach the materials to your electronic comments.

FOR FURTHER INFORMATION CONTACT: Michael Buchet, Office of Construction Standards and Guidance, Occupational Safety and Health Administration, U.S. Department of Labor, Room N–3468, 200 Constitution Avenue, NW., Washington, DC 20210; Telephone: (202) 693–2345.

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I. Background
II. Agenda
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I. Background

On July 16, 2002, OSHA published a notice of intent to establish a negotiated rulemaking committee, requesting comments and nominations for membership (Volume 67 of the **Federal Register**, page 46612). In subsequent notices the Department of Labor announced the establishment of the Committee (Volume 68 of the **Federal Register**, page 35172, June 12, 2003), requested comments on a list of proposed members (68 FR 9036, February 27, 2003), published a final membership list (68 FR 39877, July 3, 2003), and announced the first meeting, (68 FR 39880, July 3, 2003), which was held July 30–August 1, 2003.

II. Agenda

The Committee will address the schedule for future meetings, adopt ground rules, review draft text prepared by the Agency on issues discussed at the first meeting, and address additional issues.

III. Anticipated Key Issues for Negotiation

OSHA anticipates that key issues to be addressed will include:

1. The identification/description of what constitutes ''cranes and derricks'' for purposes of determining the equipment that will be covered by the proposed rule.
2. Qualifications of individuals who operate, maintain, repair, assemble, and disassemble cranes and derricks.
3. Work zone control.
4. Crane operations near electric power lines.
5.Qualifications of signal-persons and communication systems and requirements.
6. Load capacity and control procedures.
7. Wire rope criteria.
8. Crane inspection/certification records.
9. Rigging procedures.
10. Requirements for fail-safe, warning, and other safety-related devices/technologies.
11. Verification criteria for the structural adequacy of crane components.
12. Stability testing requirements.
13. Blind pick procedures.

IV. Public Participation

All interested parties are invited to attend this public meeting at the time and place indicated above. Note, however, that a government issued photo ID card (State or Federal) is required for entry into the Department of Labor building. No advanced registration is required. The public must enter the Department of Labor for this meeting through the 3rd and C Street, NW entrance. Seating will be available to the public on a first-come, first-served basis. Individuals with disabilities wishing to attend should contact Luz DelaCruz by telephone at 202–693–2020 or by fax at 202–693–1689 to obtain appropriate accommodations no later than Wednesday, August 20, 2003. The C–DAC meeting is expected to last two and a half days.

In addition, members of the general public may request an opportunity to make oral presentations to the Committee. The Facilitator has the authority to decide to what extent oral presentations by members of the public may be permitted at the meeting. Oral presentations will be limited to statements of fact and views, and shall not include any questioning of the

committee members or other participants.

Minutes of the meetings and materials prepared for the Committee will be available for public inspection at the OSHA Docket Office, N–2625, 200 Constitution Ave., NW., Washington, DC 20210; Telephone (202) 693–2350.

The Facilitator, Susan Podziba, can be reached at Susan Podziba and Associates, 21 Orchard Road, Brookline, MA 02445; telephone (617) 738–5320, fax (617) 738–6911.

Signed at Washington, DC, this 8th day of August, 2003.

John L. Henshaw,

Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 03–20856 Filed 8–14–03; 8:45 am]

BILLING CODE 4510–26–U

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

30 CFR Part 943

[TX–050–FOR]

Texas Regulatory Program

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Proposed rule; public comment period and opportunity for public hearing on proposed amendment.

SUMMARY: We, the Office of Surface Mining Reclamation and Enforcement (OSM), are announcing receipt of a proposed amendment to the Texas regulatory program (Texas program) under the Surface Mining Control and Reclamation Act of 1977 (SMCRA or the Act). Texas proposes revisions to its regulations regarding annual permit fees. Texas intends to revise its program to improve operational efficiency.

This document gives the times and locations that the Texas program and proposed amendment to that program are available for your inspection, the comment period during which you may submit written comments on the amendment, and the procedures that we will follow for the public hearing, if one is requested.

DATES: We will accept written comments on this amendment until 4 p.m., c.d.t., September 15, 2003. If requested, we will hold a public hearing on the amendment on September 9, 2003. We will accept requests to speak at a hearing until 4 p.m., c.d.t. on September 2, 2003.

ADDRESSES: You should mail or hand deliver written comments and requests to speak at the hearing to Michael C. Wolfrom, Director, Tulsa Field Office, at the address listed below.

You may review copies of the Texas program, this amendment, a listing of any scheduled public hearings, and all written comments received in response to this document at the addresses listed below during normal business hours, Monday through Friday, excluding holidays. You may receive one free copy of the amendment by contacting OSM's Tulsa Field Office.

Michael C. Wolfrom, Director, Tulsa Field Office, Office of Surface Mining Reclamation and Enforcement, 5100 East Skelly Drive, Suite 470, Tulsa, Oklahoma 74135–6547, Telephone: (918) 581–6430, Internet address: *mwolfrom@osmre.gov*

Surface Mining and Reclamation Division, Railroad Commission of Texas, 1701 North Congress Avenue, Capitol Station, P.O. Box 12967, Austin, Texas 78711–2967, Telephone: (512) 463–6900

FOR FURTHER INFORMATION CONTACT: Michael C. Wolfrom, Director, Tulsa Field Office. Telephone: (918) 581–6430. Internet address: *mwolfrom@osmre.gov.*

SUPPLEMENTARY INFORMATION:

I. Background on the Texas Program
II. Description of the Proposed Amendment
III. Public Comment Procedures
IV. Procedural Determinations

I. Background on the Texas Program

Section 503(a) of the Act permits a State to assume primacy for the regulation of surface coal mining and reclamation operations on non-Federal and non-Indian lands within its borders by demonstrating that its program includes, among other things, ''a State law which provides for the regulation of surface coal mining and reclamation operations in accordance with the requirements of this Act * * *; and rules and regulations consistent with regulations issued by the Secretary pursuant to this Act.'' See 30 U.S.C. 1253(a)(1) and (7). On the basis of these criteria, the Secretary of the Interior conditionally approved the Texas program effective February 16, 1980. You can find background information on the Texas program, including the Secretary's findings, the disposition of comments, and the conditions of approval of the Texas program in the February 27, 1980, **Federal Register** (45 FR 12998). You can also find later actions concerning the Texas program and program amendments at 30 CFR 943.10, 943.15 and 943.16.

II. Description of the Proposed Amendment

By letter dated July 10, 2003 (Administrative Record No. TX–655), Texas sent us an amendment to its program under SMCRA (30 U.S.C. 1201 *et seq.*). Texas sent the amendment at its own initiative. Below is the full text of the proposed revised regulation.

§ 12.108 Permit Fees.

(a) Each application for a surface coal mining and reclamation permit or renewal or revision of a permit shall be accompanied by a fee. The initial application fee and the application fee for renewal of a permit may be paid in equal annual installments during the term of the permit. The fee schedule is as follows:

(1) application for a permit''—$5,000.00

(2) application for revision of a permit—$500.00

(3) application for renewal of a permit—$3,000.00

(b) In addition to application fees required by this section, each permittee shall pay to the Commission an annual fee in the amount of $300 for each acre of land within the permit area on which the permittee actually conducted operations for the removal of coal and lignite during the calendar year. The total amount of this fee is due and payable not later than March 15th of the year following the year of removal operations. For calendar year 2003 only, the annual fee shall be calculated as follows: for each acre of land on which the permittee actually conducted operations for the removal of coal and lignite during the period January 1, 2003 through August 31, 2003, the permittee shall pay to the Commission an annual fee of $120 per acre. For each acre of land on which the permittee actually conducted operations for the removal of coal and lignite during the period September 1, 2003, through December 31, 2003, the permittee shall pay to the Commission an annual fee of $300 per acre.

(c) Fees paid to the Commission under this section shall be deposited in the State treasury and credited to the general revenue fund.

III. Public Comment Procedures

Under the provisions of 30 CFR 732.17(h), we are seeking your comments on whether the amendment satisfies the applicable program approval criteria of 30 CFR 732.15. If we approve the amendment, it will become part of the State program.

Written Comments

Send your written or electronic comments to OSM at the address given above. Your written comments should be specific, pertain only to the issues proposed in this rulemaking, and include explanations in support of your recommendations. We will not consider or respond to your comments when developing the final rule if they are received after the close of the comment period (*see* **DATES**). We will make every

attempt to log all comments into the administrative record, but comments delivered to an address other than the Tulsa Field Office may not be logged in.

Electronic Comments

Please submit Internet comments as an ASCII or Word file avoiding the use of special characters and any form of encryption. Please also include ''Attn: TX–050–FOR'' and your name and return address in your Internet message. If you do not receive a confirmation that we have received your Internet message, contact the Tulsa Field Office at (918) 581–6430.

Availability of Comments

We will make comments, including names and addresses of respondents, available for public review during normal business hours. We will not consider anonymous comments. If individual respondents request confidentiality, we will honor their request to the extent allowable by law. Individual respondents who wish to withhold their name or address from public review, except for the city or town, must state this prominently at the beginning of their comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public review in their entirety.

Public Hearing

If you wish to speak at the public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT** by 4 p.m., c.d.t. on September 2, 2003. If you are disabled and need special accommodations to attend a public hearing, contact the person listed under **FOR FURTHER INFORMATION CONTACT.** We will arrange the location and time of the hearing with those persons requesting the hearing. If no one requests an opportunity to speak, we will not hold a hearing.

To assist the transcriber and ensure an accurate record, we request, if possible, that each person who speaks at the public hearing provide us with a written copy of his or her comments. The public hearing will continue on the specified date until everyone scheduled to speak has been given an opportunity to be heard. If you are in the audience and have not been scheduled to speak and wish to do so, you will be allowed to speak after those who have been scheduled. We will end the hearing after everyone scheduled to speak and others present in the audience who wish to speak, have been heard.

Public Meeting

If only one person requests an opportunity to speak, we may hold a public meeting rather than a public hearing. If you wish to meet with us to discuss the amendment, please request a meeting by contacting the person listed under **FOR FURTHER INFORMATION CONTACT.** All such meetings are open to the public and, if possible, we will post notices of meetings at the locations listed under **ADDRESSES.** We will make a written summary of each meeting a part of the administrative record.

IV. Procedural Determinations

Executive Order 12630—Takings

This rule does not have takings implications. This determination is based on the analysis performed for the counterpart Federal regulation.

Executive Order 12866—Regulatory Planning and Review

This rule is exempted from review by the Office of Management and Budget (OMB) under Executive Order 12866.

Executive Order 12988—Civil Justice Reform

The Department of the Interior has conducted the reviews required by section 3 of Executive Order 12988 and has determined that this rule meets the applicable standards of subsections (a) and (b) of that section. However, these standards are not applicable to the actual language of State regulatory programs and program amendments because each program is drafted and promulgated by a specific State, not by OSM. Under sections 503 and 505 of SMCRA (30 U.S.C. 1253 and 1255) and the Federal regulations at 30 CFR 730.11, 732.15, and 732.17(h)(10), decisions on proposed State regulatory programs and program amendments submitted by the States must be based solely on a determination of whether the submittal is consistent with SMCRA and its implementing Federal regulations and whether the other requirements of 30 CFR Parts 730, 731, and 732 have been met.

Executive Order 13132—Federalism

This rule does not have Federalism implications. SMCRA delineates the roles of the Federal and State governments with regard to the regulation of surface coal mining and reclamation operations. One of the purposes of SMCRA is to ''establish a nationwide program to protect society and the environment from the adverse effects of surface coal mining operations.'' Section 503(a)(1) of SMCRA requires that State laws regulating surface coal mining and reclamation operations be ''in accordance with'' the requirements of SMCRA, and section 503(a)(7) requires that State programs contain rules and regulations ''consistent with'' regulations issued by the Secretary pursuant to SMCRA.

Executive Order 13175—Consultation and Coordination With Indian Tribal Governments

In accordance with Executive Order 13175, we have evaluated the potential effects of this rule on Federally-recognized Indian tribes and have determined that the rule does not have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. This determination is based on the fact that the Texas program does not regulate coal exploration and surface coal mining and reclamation operations on Indian lands. Therefore, the Texas program has no effect on Federally-recognized Indian tribes.

Executive Order 13211—Regulations That Significantly Affect The Supply, Distribution, or Use of Energy

On May 18, 2001, the President issued Executive Order 13211 which requires agencies to prepare a Statement of Energy Effects for a rule that is (1) considered significant under Executive Order 12866, and (2) likely to have a significant adverse effect on the supply, distribution, or use of energy. Because this rule is exempt from review under Executive Order 12866 and is not expected to have a significant adverse effect on the supply, distribution, or use of energy, a Statement of Energy Effects is not required.

National Environmental Policy Act

This rule does not require an environmental impact statement because section 702(d) of SMCRA (30 U.S.C. 1292(d)) provides that agency decisions on proposed State regulatory program provisions do not constitute major Federal actions within the meaning of section 102(2)(C) of the National Environmental Policy Act (42 U.S.C. 4332(2)(C)).

Paperwork Reduction Act

This rule does not contain information collection requirements that require approval by OMB under the Paperwork Reduction Act (44 U.S.C. 3507 *et seq.*).

Regulatory Flexibility Act

The Department of the Interior certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an economic analysis was prepared and certification made that such regulations would not have a significant economic effect upon a substantial number of small entities. In making the determination as to whether this rule would have a significant economic impact, the Department relied upon the data and assumptions for the counterpart Federal regulations.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule: (a) Does not have an annual effect on the economy of $100 million; (b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises. This determination is based upon the fact that the State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation was not considered a major rule.

Unfunded Mandates

This rule will not impose an unfunded mandate on State, local, or tribal governments or the private sector of $100 million or more in any given year. This determination is based upon the fact that the State submittal, which is the subject of this rule, is based upon counterpart Federal regulations for which an analysis was prepared and a determination made that the Federal regulation did not impose an unfunded mandate.

List of Subjects in 30 CFR Part 943

Intergovernmental relations, Surface mining, Underground mining.

Dated: July 25, 2003.

Nancy L. Shaw,

Acting Regional Director, Mid-Continent Regional Coordinating Center.

[FR Doc. 03–20915 Filed 8–14–03; 8:45 am]

BILLING CODE 4310–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[CGD05–03–109]

RIN 1625–AA08

Special Local Regulations for Marine Events; Sunset Lake, Wildwood Crest, NJ

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to establish temporary special local regulations during the ''Sunset Lake Hydrofest'', a marine event to be held September 27 and 28, 2003, on the waters of Sunset Lake, Wildwood Crest, New Jersey. These special local regulations are necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in portions of Sunset Lake during the events.

DATES: Comments and related material must reach the Coast Guard on or before September 15, 2003.

ADDRESSES: You may mail comments and related material to Commander (oax), Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704–5004, hand-deliver them to Room 119 at the same address between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays, or fax them to (757) 398–6203. The Auxiliary and Recreational Boating Safety Branch, Fifth Coast Guard District, maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the above address between 9 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: S. L. Phillips, Project Manager, Auxiliary and Recreational Boating Safety Branch, at (757) 398–6204.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD05–03–109), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

In order to provide notice and an opportunity to comment before issuing an effective rule, we are providing a shorter than normal comment period. A 30-day comment period is sufficient to allow those who might be affected by this rulemaking to submit their comments because the regulations have a narrow, local application, and there will be local notifications in addition to the **Federal Register** publication such as press releases, marine information broadcasts, and the Local Notice to Mariners.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the address listed under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

On September 27 and 28, 2003, the Sunset Lake Hydrofest Association will sponsor the ''Sunset Lake Hydrofest'', on the waters of Sunset Lake near Wildwood Crest, New Jersey. The event will consist of approximately 80 inboard hydroplanes, Jersey Speed Skiffs and flat-bottom Ski boats racing in heats counter-clockwise around an oval racecourse. A fleet of approximately 100 spectator vessels is expected to gather nearby to view the competition. Due to the need for vessel control during the event, vessel traffic will be temporarily restricted to provide for the safety of participants, spectators and transiting vessels.

Discussion of Proposed Rule

The Coast Guard proposes to establish temporary special local regulations on specified waters of Sunset Lake. The

temporary regulations would be enforced from 7:30 a.m. to 2:30 p.m. on September 27 and 28, 2003, and would restrict general navigation in the regulated area during the event. Except for participants and vessels authorized by the Coast Guard Patrol Commander, no person or vessel would be allowed to enter or remain in the regulated area. These regulations are needed to control vessel traffic during the event to enhance the safety of participants, spectators and transiting vessels.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Homeland Security (DHS).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary.

Although this proposed regulation would prevent traffic from transiting a portion of Sunset Lake during the event, the effect of this proposed regulation would not be significant due to the limited duration that the regulated area will be in effect and the extensive advance notifications that will be made to the maritime community via the Local Notice to Mariners, marine information broadcasts, and area newspapers, so mariners can adjust their plans accordingly. Additionally, the proposed regulated area has been narrowly tailored to impose the least impact on general navigation yet provide the level of safety deemed necessary. Vessel traffic would be able to transit Sunset Lake by navigating around the regulated area.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we have considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule would affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in a portion of Sunset Lake during the event.

This proposed rule would not have a significant economic impact on a substantial number of small entities for the following reasons. This proposed rule would be in effect for only a limited period. Vessel traffic could pass safely around the regulated area. Before the enforcement period, we would issue maritime advisories so mariners can adjust their plans accordingly.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this proposed rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this proposed rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the address listed under **ADDRESSES.**

Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 or more in any one year. Though this proposed rule would not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

This proposed rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Protection of Children

We have analyzed this proposed rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and would not create an environmental risk to health or risk to safety that might disproportionately affect children.

Indian Tribal Governments

This proposed rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Energy Effects

We have analyzed this proposed rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. We have determined that it is not a ''significant energy action'' under that order because it is not a ''significant regulatory action'' under Executive Order 12866 and is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The Administrator of the Office of Information and Regulatory Affairs has not designated it as a significant energy action. Therefore, it does not require a Statement of Energy Effects under Executive Order 13211.

Environment

We have analyzed this proposed rule under Commandant Instruction M16475.1D, which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have concluded that there are no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, this rule is categorically excluded, under figure 2–1, paragraph (34)(h), of the Instruction, from further environmental documentation. Special local regulations issued in conjunction with a regatta or marine parade permit are specifically excluded from further analysis and documentation under that section.

Under figure 2–1, paragraph (34)(h), of the Instruction, an ''Environmental Analysis Check List'' and a ''Categorical Exclusion Determination'' are not required for this rule. Comments on this section will be considered before we make the final decision on whether to categorically exclude this rule from further environmental review.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water), Reporting and recordkeeping requirements, Waterways.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

1. The authority citation for part 100 continues to read as follows:

Authority: 33 U.S.C. 1233 through 1236; Department of Homeland Security Delegation No. 0170.1, 33 CFR 100.35.

2. Add a temporary § 100.35–T05–109 to read as follows:

§ 100.35–T05–109 Sunset Lake, Wildwood Crest, NJ

(a) *Definitions*—(1) *Coast Guard Patrol Commander* means a commissioned, warrant, or petty officer of the Coast Guard who has been designated by the Commander, Coast Guard Group Atlantic City.

(2) *Official Patrol* means any vessel assigned or approved by Commander, Coast Guard Group Atlantic City with a commissioned, warrant, or petty officer on board and displaying a Coast Guard ensign.

(3) *Participant* includes all vessels participating in the Sunset Lake Hydrofest under the auspices of the Marine Event Permit issued to the event sponsor and approved by Commander, Coast Guard Group Atlantic City.

(4) *Regulated area* includes all waters of Sunset Lake, New Jersey, from shoreline to shoreline, south of latitude 38° 58′32″ N. All coordinates reference Datum: NAD 1983.

(b) *Special local regulations.* (1) Except for event participants and persons or vessels authorized by the Coast Guard Patrol Commander, no person or vessel may enter or remain in the regulated area.

(2) The operator of any vessel in the regulated area shall:

(i) Stop the vessel immediately when directed to do so by any Official Patrol.

(ii) Proceed as directed by any Official Patrol.

(iii) Unless otherwise directed by the Official Patrol, operate at a minimum wake speed not to exceed six (6) knots.

(c) *Enforcement period.* This section will be enforced from 7:30 a.m. to 2:30 p.m. on September 27 and 28, 2003.

Dated: August 5, 2003.

Sally Brice-O'Hara,

Rear Admiral, Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 03–20928 Filed 8–14–03; 8:45 am]

BILLING CODE 4910–15–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

[CA087–DESIG; FRL–7544–8]

Clean Air Act Area Designations; California

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to make minor changes in the boundaries between areas in Southern California established under the Clean Air Act for purposes of addressing the national ambient air quality standards (NAAQS) for 1-hour ozone, particulate matter (PM–10), carbon monoxide (CO), nitrogen dioxide (NO_2), and sulfur dioxide (SO_2), and the prior NAAQS for total suspended particulate matter (TSP).

We are taking comments on this proposal and plan to follow with a final action.

DATES: Any comments must arrive by September 15, 2003.

ADDRESSES: Please address your comments to: Dave Jesson, Air Planning Office (AIR–2), Air Division, EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901, or to *jesson.david@epa.gov*.

A copy of the State's submittal is available for public inspection during normal business hours at EPA's Region IX office. Please contact Dave Jesson if you wish to schedule a visit. A copy of the submittal is also available at the following location: California Air Resources Board, 1001 ''I'' Street, Sacramento, CA 95812.

FOR FURTHER INFORMATION CONTACT: Dave Jesson, EPA Region IX, at (415) 972–3957, or *jesson.david@epa.gov*.

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us,'' and ''our'' refer to EPA.

I. Background

A. Current Area Boundaries, Designations, and Classifications

Areas of the country were originally designated as attainment, nonattainment, or unclassifiable following enactment of 1977 Amendments to the Clean Air Act (''CAA'' or ''the Act''). 43 FR 8962 (March 3, 1978). These designations were generally based on monitored air quality values compared to the applicable NAAQS.

On November 15, 1990, the date of enactment of the 1990 CAA Amendments, each ozone and CO area designated nonattainment, attainment, or unclassifiable immediately before enactment of the Amendments was designated, by operation of law, as a nonattainment, attainment, or unclassifiable area, respectively. CAA section 107(d)(1)(C). The specific boundaries of the areas were determined subsequently based on requests by each state and final determinations by EPA. 56 FR 56694 (November 6, 1991). Ozone and CO nonattainment areas were also given classifications according to the design values prescribed in the 1990 Amendments. CAA sections 181(a)(1) and 186(a)(1), respectively.

PM–10 areas meeting the requirements of either (i) or (ii) of CAA section 107(d)(4)(B) were designated nonattainment for PM–10 by operation of law and classified ''moderate'' at the time of enactment of the 1990 CAA Amendments. EPA later designated additional PM–10 nonattainment areas (*see,* for example, 58 FR 67335, December 21, 1993) and amended the initial classifications in accordance with CAA section 188(b).

SO_2 and NO_2 areas designated as nonattainment or attainment/unclassified before enactment of the 1990 CAA Amendments retained those designations by operation of law. CAA section 107(d)(1)(C)(i) and (ii), respectively.

Area boundaries and (for ozone, CO, and PM–10) area classifications have been amended over the years under the

applicable CAA provisions, either by request of each state, by operation of law, or by EPA initiative. For the State of California, the current area designations and classifications are codified at 40 CFR 81.305. For historical reference, this regulatory section also includes designations for TSP, a NAAQS which was replaced in 1987 when we promulgated the PM–10 NAAQS.

B. California's Request for Area Changes

Under CAA section 107(d)(3)(D), the Governor of any state, on the Governor's own motion, is authorized to submit to the Administrator a revised designation of any nonattainment area or portions thereof within the State.[1] On November 18, 2002, the California Air Resources Board (CARB) submitted to EPA a request under CAA section 107(d)(3)(D) to revise the boundaries of the Los-Angeles-South Coast Air Basin Area (''South Coast Air Basin'') and the Southeast Desert Air Basin.[2] The purposes of CARB's request are to:

(1) Enlarge the South Coast Air Basin to include the Banning Pass area, thereby excluding the area from the Southeast Desert;

(2) harmonize the PM–10 and ozone boundaries of the Coachella Valley area [3] by changing the ozone area boundaries to match the PM–10 area boundaries; and

(3) correct the eastern boundary of the South Coast Air Basin with respect to CO.

II. EPA Review of the State's Request

A. Applicable Criteria

In determining whether to approve or deny a state's request for a revision to the designation of an area under section 107(d)(3)(D), we use the same factors Congress directed us to consider when we initiate a revision to a designation of an area on our own motion under section 107(d)(3)(A). These factors include ''air quality data, planning and control considerations, or any other air quality-related considerations the Administrator deems appropriate.''

B. Expansion of the South Coast Air Basin to Include the Banning Pass

The Banning Pass area in Riverside County is also known as the San Gorgonio Pass area. The area is a mountain saddle about 15 miles long by 5 miles wide in northwestern Riverside County. There are only 4 communities in this area: Banning, Beaumont, Cabazon, and Cherry Valley. This area is currently part of the Southeast Desert severe-17 ozone nonattainment area and the Coachella Valley serious PM–10 nonattainment area, and the area has been designated as attainment or unclassifiable with respect to CO, NO_2, SO_2, and TSP.[4] The populated portion of the Southeast Desert-Coachella Valley area is primarily low desert. Palm Springs is the largest community, and tourism and agriculture are the major industries in the Coachella Valley.

The South Coast Air Quality Management District (SCAQMD) has local jurisdiction over the South Coast Air Basin, the Banning Pass area, and the Coachella Valley portion of the Southeast Desert. Both CARB and SCAQMD conclude that the Banning Pass area is more similar to the South Coast Air Basin in climate and topography and measured air quality, and that air pollution levels within the Banning Pass area are far more heavily influenced by emissions originating in the South Coast Air Basin than in the Southeast Desert-Coachella Valley.

The climate of the Banning Pass area closely resembles the ''steppe'' (semi-arid) climate of the South Coast Air Basin in terms of rainfall and temperature. Precipitation levels recorded in the Banning Pass are much higher than those of the Coachella Valley, which has a ''desert'' (arid) climate classification. For example, the annual average rainfall is 17 inches in Beaumont, and only 5.2 inches in Palm Springs. On average, summer temperatures in the Coachella Valley are 10–15 degrees F warmer than those recorded at the Banning Pass and in the central South Coast Air Basin. The mean temperature in Palm Springs for July is 92 degrees F, compared to 77 degrees F in Beaumont.

Pollution from western and central portions of the South Coast Air Basin is typically transported eastward by prevailing ocean breezes. This results in high ozone concentrations measured in mountain sites at the eastern boundary of the basin, including Banning (elevation 2300 feet), which recorded a total of 25 exceedances with a design value of 0.143 parts per million (ppm) during the period 1999 to 2001. During this same period, Palm Springs (elevation 200 feet) recorded only 7 exceedances, with a design value of 0.128 ppm. Similarly, the Banning Pass is much more closely linked to the South Coast Air Basin than to the Southeast Desert with respect to emissions and ambient concentrations for the other pollutants, such as NO_2 and SO_2.

In terms of ozone generation, the South Coast Air Basin has far greater emissions than the Southeast Desert generally and the Coachella Valley specifically, and the easterly direction of the prevailing winds also ensures that elevated pollution levels in Banning Pass are a consequence of the air mass shared with the western and central portions of the South Coast Air Basin, and are not associated with the Coachella Valley or other portions of the Southeast Desert.

For these reasons, the Banning Pass area was moved to the South Coast Air Basin under State law in 1996. CARB and SCAQMD therefore request that the Federal boundaries be adjusted to match the boundaries used for State air quality purposes, by moving the Banning Pass area from the Southeast Desert-Coachella Valley area to the South Coast Air Basin.

The table below labeled ''Banning Pass Area'' shows the current federal designations and classifications of this area, and the changes that would result from approval of the State's proposed revision.

[1] Boundary changes are an inherent part of a designation or redesignation of an area under the CAA. *See* CAA section 107(d)(1)(B)(ii).

[2] The Los Angeles-South Coast Air Basin Area includes all of Orange County and the more populated portions of Los Angeles, San Bernardino, and Riverside Counties. The Southeast Desert Air Basin includes portions of Los Angeles, San Bernardino, and Riverside Counties. For a description of the current boundaries of the basins and subareas, *see* 40 CFR 81.305.

[3] The Coachella Valley area is part of the Southeast Desert nonattainment area for ozone and is its own PM–10 nonattainment area.

[4] CAA sections 181(a)(1) and (2) establish an ozone classification scheme based on 1-hour ozone design values, and set attainment deadlines for each classification. CAA section 182 then provides progressively more stringent requirements for the State Implementation Plans (SIPs) depending upon an area's classification. The 1-hour ozone classifications are marginal, moderate, serious, severe, and extreme, and the severe classification is divided into those areas with attainment deadlines 15 years after enactment of the 1990 CAA Amendments and those areas with deadlines 17 years after enactment. Similarly, the CAA sets moderate and serious classifications for CO (in section 186(a)(1)) and for PM–10 (in sections 188(a) and (b)).

BANNING PASS AREA

	Ozone		CO		PM–10		NO_2	SO_2
	Designation	Classification	Designation	Classification	Designation	Classification	Designation	Designation
Current	Non-attainment (area is part of SE Desert Modified AQMA Area).	Severe 17	Unclassifiable/ Attainment (part of SE Desert Air Basin, Riverside County, AQMA portion).	N/A	Non-attainment (part of Riverside County, Coachella Valley planning area).	Serious	Cannot be classified or better than national standards (part of Riverside County, non-AQMA portion).	Cannot be classified (part of SE Desert Air Basin, excluding Imperial County).
Proposed	Non-attainment (area becomes part of South Coast Air Basin).	Extreme	Non-attainment (area becomes part of South Coast Air Basin).	Serious	Non-attainment (area becomes part of South Coast Air Basin).	Serious	Cannot be classified or better than national standards (area becomes part of South Coast Air Basin).	Cannot be classified (area becomes part of South Coast Air Basin).

We believe that Banning is more similar to the South Coast than the Coachella area, and that it would support efficient planning and control to move the federal boundary of the South Coast Air Basin eastward to encompass the Banning Pass area.

C. Revision to the Southeast Desert Ozone Nonattainment Boundary to Align It's Eastern Border With the Coachella Valley PM–10 Nonattainment Boundary

At present, the boundary of the Coachella Valley portion of the Southeast Desert ozone nonattainment area is different from the boundary of the Coachella Valley nonattainment area for PM–10. The existing ozone nonattainment area boundary differs from the Riverside portion of the Southeast Desert Air Basin boundary by: (1) Excluding a sparsely populated, 550 square mile portion of the Coachella Valley area, and (2) including a tiny portion of the Southeast Desert Air Basin. The State has proposed to align the Coachella Valley nonattainment area boundaries by using for all pollutants the boundary of the Coachella Valley nonattainment area for PM–10. This boundary tracks the mountain ridge line that separates the air basins and thus reflects air quality considerations. The change will simplify and make more consistent the planning activities for ozone and PM–10, and will reconcile boundaries for Federal and State planning purposes. As a result of the change, a sparsely-populated mountainous area above the Coachella Valley would shift from an ozone attainment area to a nonattainment area, with a severe-17 classification.

We agree with the State's argument that it is appropriate to align the federal boundaries of the Coachella Valley portion of the Southeast Desert Air Basin ozone nonattainment area to match the Coachella Valley PM–10 nonattainment area.

D. Typographical Correction to the Boundaries of the South Coast Air Basin for Carbon Monoxide

The CO boundaries of the South Coast Air Basin in 40 CFR 81.305 are incorrect because they mistakenly incorporate the following phrase: ''and that portion of San Bernardino County which lies south and west of a line described as follows: 3. latitude 35 degrees, 10 minutes north and longitude 115 degrees, 45 minutes west.'' Neither EPA nor CARB intended the South Coast CO nonattainment area to include this portion of San Bernardino County, which was inadvertently incorporated in the designations promulgated on November 6, 1991 (56 FR 56724). California requests that we correct this typographical mistake in the original designation by deleting the portion of the boundary description quoted above. Correction of this error will result in the CO boundaries conforming to the 1-hour ozone boundaries for the South Coast Air Basin. We agree that this correction is appropriate.

III. Summary of Proposed Action and Request for Comment

EPA is proposing to take the following actions:

(1) Approve the State's request to revise the boundary of the South Coast Air Basin to incorporate the Banning Pass;

(2) Approve the State's request to amend the 1-hour ozone boundary of the Coachella Valley area (Riverside County portion of the Southeast Desert Air Basin to correspond to the PM–10 boundary; and

(3) Approve the State's request to make a typographical correction to the boundary of the South Coast Air Basin with respect to CO.

Because EPA believes the proposed boundary revisions, reorganizations, and corrections are consistent with relevant requirements, we are proposing to fully approve them under CAA section 107(d)(3)(D). We will accept comments from the public on this proposal for the next 30 days. Unless we receive convincing new information during the comment period, we intend to publish a final approval of the designation changes.

IV. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This proposed action merely proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule proposes to approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4).

This proposed rule also does not have tribal implications because it will not

have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000). This action also does not have Federalism implications because it does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This action merely proposes to approve a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This proposed rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: August 6, 2003.

Deborah Jordan,

Acting Regional Administrator, Region IX.

[FR Doc. 03–20894 Filed 8–14–03; 8:45 am]

BILLING CODE 6560–50–U

OFFICE OF PERSONNEL MANAGEMENT

48 CFR Parts 1601, 1602, 1604, 1615, 1631, 1632, 1644, and 1652

RIN 3206–AJ20

Federal Employees Health Benefits; Acquisition Regulation: Large Provider Agreements, Subcontracts, and Miscellaneous Changes

AGENCY: Office of Personnel Management.

ACTION: Proposed regulation.

SUMMARY: The Office of Personnel Management (OPM) is issuing a proposed regulation to amend the Federal Employees Health Benefits Acquisition Regulation (FEHBAR). We are proposing a new policy that establishes notification and information requirements, including audit, for Federal Employees Health Benefits (FEHB) Program experience rated carriers' large provider agreements. The proposed regulation also modifies the threshold for review of carrier subcontracts; revises the definitions of Cost or Pricing Data and Experience Rate to reflect mental health parity requirements effective with the 2001 contract year; updates the records retention period, updates the FEHB Program Clause Matrix, and conforms various subpart and paragraph references in the Federal Acquisition Regulation (FAR) revisions made since we last updated the FEHBAR.

DATES: Comments must be received on or before October 14, 2003.

ADDRESSES: Send written comments to Abby L. Block, Deputy Associate Director, Employee and Family Services, Strategic Human Resources Policy Division, Office of Personnel Management, Washington, DC 20415–3601; or deliver to OPM, Room 3425, 1900 E Street NW., Washington, DC; or FAX to (202) 606–0633.

FOR FURTHER INFORMATION CONTACT: Michael W. Kaszynski, (202) 606–0004; or send email to *mwkaszyn@opm.gov.*

SUPPLEMENTARY INFORMATION: The primary purpose of this rulemaking is to provide for additional OPM oversight of the FEHB Program carriers' contract costs that are charged to the Government. Since the beginning of the Program, we have maintained oversight of FEHB carriers' costs, including their subcontractor costs. We have specified standard contracting requirements for review and audit of those costs and have routinely updated our requirements as necessary. Historically, we did not consider providers of medical services or supplies to be subcontractors as the term is defined in the Federal Acquisition Regulation (FAR) because hundreds of thousands of such agreements between carriers and providers are in place, and until recently, the dollar value of each individual agreement was relatively small. However, the healthcare delivery system has changed over the years and new large healthcare delivery entities now play a significant role in the healthcare industry. FEHB carriers contract with those types of entities for the delivery of services that represent a significant portion of individual carriers total costs charged to the FEHB Program, and in the aggregate represent a sizeable portion of overall Program costs. Because of the impact of these costs on the FEHB Program, we are expanding our oversight in this area. Even though large providers of medical services or supplies are not defined as subcontractors under the FEHB Program, the proposed regulatory changes would bring them under the umbrella of the FEHBAR and subject them to audit requirements currently applicable to carriers and their subcontractors. Some but not all FEHB carriers' large provider agreements already provide for a limited right to audit. We believe the provision should be in regulation rather than in individual contracts to make the context clear, explicit and consistent for all experience-rated carriers by mirroring the regulatory requirements for subcontracting arrangements that are already in place. As is currently the case with audit findings in subcontract arrangements, any audit findings regarding large providers would be referred to the FEHB carriers holding the provider contract.

For FAR audit purposes, we define a *large provider agreement* as an agreement between (1) an FEHB carrier, at least 25 percent of whose total contracts are comprised of FEHB enrollee contracts, and (2) a provider, where the total costs charged to the FEHB carrier for a contract term for FEHB members, including benefits and services, are reasonably expected to exceed 5 percent of the carrier's total FEHB benefits costs, or 5 percent of the carrier's total FEHB administrative costs (where the provider is not responsible for benefits costs under the agreement). We will use the FEHB Program Annual Accounting Statement for the prior contract year to determine the 5 percent threshold.

The proposed regulation requires experience rated carriers to meet minimum notification and information requirements with respect to any new

procurement, renewal, significant modification, or option relating to such a provider agreement. Examples of information to be provided are a description of the supplies or services required, basis for reimbursement, reason the proposed provider was selected, method of contracting and competition obtained, methodology used to compute profit, and provider risk provisions. This new oversight initiative reflects OPM's need to be informed of the types of carrier large provider agreements and their terms and conditions, because of the value and cost of such agreements to the FEHB Program.

The proposed regulation authorizes the contracting officer to request additional information after he or she receives the carrier's notification and required information and prior to award of a large provider agreement, and any time during the performance of the agreement. The contracting officer will give the carrier either written comments on the agreement, or will give written notice that there will be no comments. If the contracting officer provides comments, the carrier must tell the contracting officer how it intends to address the contracting officer's concerns.

In the event the carrier awards the large provider agreement without providing notification and addressing each of the contracting officer's written concerns, the contracting officer may disallow the carrier's costs incurred under the agreement.

Under the proposed regulation, large providers must retain and make available for Government inspection all records applicable to the carrier's provider contractual agreement. The Government will have audit rights with respect to large provider contractual agreements that are the same as for carriers. The contract clause at 1652.204–74, Large provider agreements, contains a flow-down provision that requires the carrier to insert the clause in all large provider agreements.

We are updating our policy for FEHB Program subcontracting consent which currently requires advance approval of carrier subcontracts or modifications that exceed $100,000. The proposed regulation increases the threshold so that subcontracts and modifications will require advance approval only if they equal or exceed $550,000. The regulation also clarifies the cost components the carrier must consider in determining the $550,000 threshold. Under the Competition in Subcontracting Clause (FAR 52.244–5), however carriers must still comply with the competition requirements even when the subcontract does not require OPM approval.

We have added a new section in part 1631, Contract Cost Principles and Procedures, concerning the inferred reasonableness of a subcontract's costs. If the carrier follows the notification and consent requirements of 1652.244–70, Subcontracts, and later obtains the contracting officer's consent or ratification of the subcontract's costs, then the reasonableness of the subcontract's costs will be inferred.

The modified definitions of Cost or Pricing Data and Experience Rate incorporate mental health benefits capitation rates to reflect the new mental health parity requirements in the FEHB Program effective as of the 2001 contract year. Specifically, we are clarifying that mental health capitation rates are considered to be cost or pricing data and are included as actual paid claims and administrative expenses in experience rating.

We are also updating the contractor records retention requirement for carrier rate submissions, patient claims, large provider agreements, and subcontracts to 6 years. Earlier in the history of the Program when virtually all records were maintained in paper format, we established a requirement for carriers to retain claims records for three years and financial records for five years. Since electronic data storage significantly reduces the maintenance burden and the Program can benefit from having records available for a slightly longer period, we are modifying and standardizing the records retention requirement. All carriers' records are subject to The Health Insurance Portability and Accountability Act (HIPAA) standards for privacy of individually identifiable health information.

To conform with the current FAR sections, we have redesignated and/or retitled certain sections and references in FEHBAR parts 1615, 1632, and 1652. No material changes were made to these three Parts. Old FEHBAR 1615.1, General Requirements for Negotiation, is retitled ''Source Selection Processes and Techniques.'' Old FEHBAR 1615.170, Negotiation authority, is now section 1615.070. Old FEHBAR 1615.4, Solicitations and Receipt of Proposals and Quotations, is now 1615.2, Solicitations and Receipt of Proposals and Information. Old 1615.401, Applicability, is now 1615.270. Old FEHBAR 1615.6, Source Selection, is now 1615.3. Old FEHBAR 1615.602, Applicability, is now 1615.370. We moved the provisions in old FEHBAR Subparts 1615.8, Price Negotiation, and 1615.9, Profit, to Subpart 1615.4, Contract Pricing, to correspond with the FAR. We removed and reserved sections 1615.8 and 1615.9 because there are no longer corresponding references in the FAR. Old Section 1615.802, Policy, is now 1615.402, Pricing policy. Old paragraph 1615.804–70, Certificate of accurate cost or pricing data for community rated carriers, is now 1615.406–2, Certificate of accurate cost or pricing data for community rated carriers. Old paragraph 1615.804–72, Rate reduction for defective pricing or defective cost or pricing data, is now 1615.407–1. Old paragraph 1615.805–70, Carrier investment of FEHB funds, is now 1615.470. Old paragraph 1615.805–71, Investment income clause, is now 1615.470–1. Old Section 1615.902, Policy, is now 1615.404–4, Profit, and old Section 1615.905, Profit analysis factors, is now 1615.404–70.

In 1632.170, Recurring premium payments to carriers, we removed paragraph (c) relating to the 3-Year DoD Demonstration Project (10 U.S.C. 1108) because the term of the demonstration project expired December 31, 2002.

In 1632.771, Non-commingling of FEHB Program funds, and 1632.772, Contract clause, we removed the incorrect reference to paragraph 1652.232–70 and replaced it with the reference 1652.232–72.

We removed the reference to ''1615.804–72'' in the introductory text of ''1652.215–70, Rate reduction for defective pricing or defective cost or pricing data,'' and replaced it with ''1615.407–1.'' In the same section, we removed the reference to ''15.804–2(a)(1)'' and replaced it with ''15.403–4(a)(1).'' We also replaced the clause date with ''2003.'' In paragraph (a) of the clause, we replaced ''1615.804–70 ''with ''1615.406–2.'' Finally, we removed paragraph (d) relating to the 3-Year DoD Demonstration Project (10 U.S.C. 1108) because the term of the demonstration project expired December 31, 2002.

In the introductory text of 1652.215–71, Investment income, we replaced ''1615.805–71'' with ''1615.470–1.''

In 1652.216–70, Accounting and price adjustment, we changed the clause date to ''2003'' and removed paragraph (c) because the term of the 3-Year DoD Demonstration Project (10 U.S.C. 1108) expired December 31, 2002.

In 1652.216–71, Accounting and allowable cost, we changed the clause date to ''2003'' and removed paragraph (d) because the term of the 3-Year DoD Demonstration Project (10 U.S.C. 1108) expired December 31, 2002.

In 1652.222–70, Notice of significant events, we revised paragraph (d) of the clause to increase the threshold for

inserting the clause in the carrier's subcontracts and subcontract modifications.

In 1652.232–70, Payments—Community-rated contracts, we changed the clause date to ''2003'' and removed paragraph (f) because the term of the 3-Year DoD Demonstration Project (10 U.S.C. 1108) expired December 31, 2002.

In 1652.232–71, Payments—Experience-rated contracts, we changed the clause date to ''2003'' and removed paragraph (f) because the term of the 3-Year DoD Demonstration Project (10 U.S.C. 1108) expired December 31, 2002.

We have also updated the FEHB Clause Matrix by removing clauses that relate to the Cost Accounting Standards.

Collection of Information Requirement

This rulemaking imposes additional oversight and audit requirements on individual Federal contractors. The requirements do not represent routine information collection. Carriers are required to provide the information on an individual case by case basis only when they are initiating a new large provider contract or renewing an existing contract. It does not impose information collection and recordkeeping requirements that meet the definition of the Paperwork Reduction Act of 1995's term ''collection of information'' which means obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes * * * Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Regulatory Flexibility Act

The RFA requires agencies to analyze options for regulatory relief of small businesses. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and government agencies with revenues of $11.5 million or less in any 1 year. This rulemaking primarily affects FEHB Program experience rated carriers and their large provider contractual arrangements which exceed that dollar threshold. Therefore, I certify that this regulation will not have a significant economic impact on a substantial number of small entities.

Regulatory Impact Analysis

We have examined the impacts of this final rule as required by Executive Order 12866 (September 1993, Regulatory Planning and Review), the Regulatory Flexibility Act (RFA) (September 16, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act (the Act), the Unfunded Mandates Reform Act of 1995 (UMRA), (Pub. L. 104–4), and Executive Order 13132. Executive Order 12866 (as amended by Executive Order 13258, which merely assigns responsibility of duties) directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). This proposed rule is not considered a major rule, as defined in Title 5, United States Code, section 804(2), because we estimate its impact will only affect FEHB carriers and their large provider agreements and would mirror current FEHB Program practice with regard to carriers' subcontract arrangements. Any economic impact resulting from oversight or audit efforts would not be expected to exceed the dollar threshold.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects in 48 CFR Parts 1601, 1602, 1604, 1615, 1631, 1632, 1644, and 1652

Government employees, Government procurement, Health insurance, Reporting & recordkeeping requirements.

Office of Personnel Management.

Kay Coles James,

Director.

Accordingly, OPM proposes to amend chapter 16 of title 48, CFR as follows:

CHAPTER 16—OFFICE OF PERSONNEL MANAGEMENT FEDERAL EMPLOYEES HEALTH BENEFITS ACQUISITION REGULATION

1. The authority citation for 48 CFR parts 1601, 1602, 1604, 1615, 1631, 1632, 1644, and 1652 continues to read as follows:

Authority: 5 U.S.C. 8913; 40 U.S.C. 486(c); 48 CFR 1.301.

SUBCHAPTER A—GENERAL

PART 1601—FEDERAL ACQUISITION REGULATIONS SYSTEM

Subpart 1601.1—Purpose, Authority, Issuance.

2. Section 1601.105 is redesignated as 1601.106.

PART 1602—DEFINITIONS OF WORDS AND TERMS

Subpart 1602.1—Definitions of FEHB Program Terms

3. In 1602.170–5, paragraph (a) is revised to read as follows:

1602.170–5 Cost or pricing data.

(a) *Experience rated carriers.* Cost or pricing data for experience rated carriers includes:

(1) Information such as claims data;

(2) Actual or negotiated benefits payments made to providers of medical services for the provision of healthcare, such as capitation not adjusted for specific groups, including mental health benefits capitation rates, per diems, and Diagnostic Related Group (DRG) payments;

(3) Cost data;

(4) Utilization data; and

(5) Administrative expenses and retentions, including capitated administrative expenses and retentions.

* * * * *

4. Section 1602.170–7 is revised to read as follows:

1602.170–7 Experience rate.

Experience rate means a rate for a given group that is the result of that group's actual paid claims, administrative expenses (including capitated administrative expenses), retentions, and estimated claims incurred but not reported, adjusted for benefit modifications, utilization trends, and economic trends. Actual paid claims include any actual or negotiated benefits payments made to providers of medical services for the provision of healthcare such as capitation not adjusted for specific groups, including mental health benefits capitation rates, per diems, and Diagnostic Related Group (DRG) payments.

5. Section 1602.170–15 is added to read as follows:

1602.170–15 Large provider agreement.

(a) *Large provider agreement* means an agreement between—

(1) An FEHB carrier, at least 25 percent of whose total contracts are comprised of FEHB enrollee contracts, and

(2) A provider of services or supplies (including organizations that own or contract with direct providers, or organizations that process claims or manage patient care),

(i) Where the total costs charged to the FEHB carrier for a contract term for FEHB members, including benefits and services, are reasonably expected to exceed 5 percent of the carrier's total FEHB benefits costs, or

(ii) Where the total administrative costs charged to the FEHB carrier for the contract term for FEHB members are reasonably expected to exceed 5 percent of the carrier's total FEHB administrative costs (applicable to agreements where the provider is not responsible for FEHB benefits costs).

(b) The FEHB Program Annual Accounting Statement for the prior contract year will be used to determine the 5 percent threshold under large provider agreements.

(c) Large provider agreements are subject to the audit provisions of FAR 52.215–2, ''Audit and Records-Negotiation.''

PART 1604—ADMINISTRATIVE MATTERS

6. Subpart 1604.72 is added to read as follows:

Subpart 1604.72—Large Provider Agreements

Sec.

1604.7201 FEHB Program large provider agreements.
1604.7202 Large provider agreement clause.

Authority: 5 U.S.C. 8913; 40 U.S.C. 486(c); 48 CFR 1.301.

Subpart 1604.72—Large Provider Agreements

1604.7201 FEHB Program large provider agreements.

The following provisions apply to all experience rated carriers participating in the FEHB Program:

(a) *Notification and information requirements.* (1) All experience rated carriers must provide notice to the contracting officer of its intent to enter into or to make a significant modification of a large provider agreement:

(i) Not less than 60 days before entering into any large provider agreement; and

(ii) Not less than 60 days before exercising renewals or other options, or making a significant modification.

(2) The carrier's notification to the contracting officer must be in writing and must, at a minimum:

(i) Describe the supplies and/or services the proposed provider agreement will require;

(ii) Identify the proposed basis for reimbursement;

(iii) Identify the proposed provider agreement, explain why the carrier selected the proposed provider, and what contracting method it used, where applicable, including the kind of competition obtained;

(iv) Describe the methodology the carrier used to compute the provider's profit; and,

(v) Describe provider risk provisions.

(3) The contracting officer may request from the carrier any additional information on a proposed provider agreement and its terms and conditions prior to a provider award and during the performance of the agreement.

(4) Within 30 days of receiving the carrier's notification, the contracting officer will either give the carrier written comments or written notice that there will be no comments. If the contracting officer comments, the carrier must respond in writing within 10 calendar days and explain how it intends to address any concerns.

(5) The contracting officer may inform the carrier that if it awards the provider agreement before addressing OPM's concerns, it may not charge costs incurred under the agreement to the contract.

(6) When computing the carrier's annual service charge, the contracting officer will consider how well the carrier complies with the provisions of this section, including the advance notification requirements, as an aspect of the carrier's performance factor.

(7) The contracting officer's review of any provider agreement, option, renewal, or modification shall not constitute a determination of the acceptability of terms or conditions of any provider agreement or the allowability of any costs under the carrier's contract, nor shall it relieve the carrier of any responsibility for performing the contract.

(b) *Records and Inspection.* The carrier must insert in all large provider agreements the requirement that the provider will retain and make available to the Government all records relating to the agreement as follows:

(1) Records that support the annual statement of operations—Retain for 6 years after the agreement term ends.

(2) Enrollee records, if applicable—Retain for 6 years after the agreement term ends.

(c) *Audit.* The provisions of FAR 52.215–2, Audit and Records—Negotiation, apply to all experience rated carriers' large provider agreements.

1604.7202 Large provider agreement clause.

The Contracting Officer shall insert the clause set forth at section 1652.204–74 in all experience rated FEHB Program contracts.

SUBCHAPTER C—CONTRACTING METHODS AND CONTRACT TYPES

PART 1615—CONTRACTING BY NEGOTIATION

7. A new § 1615.070 is added to read as follows:

1615.070 Negotiation authority.

The authority to negotiate FEHB contracts is conferred by 5 U.S.C. 8902.

8. Subpart 1615.1 is revised to read as follows:

Subpart 1615.1—Source Selection Processes and Techniques.

Sec.

1615.170 Applicability.

Authority: 5 U.S.C. 8913; 40 U.S.C. 486(c); 48 CFR 1.301.

1615.170 Applicability.

FAR subpart 15.1 has no practical application to the FEHB Program because prospective contractors (carriers) are considered for inclusion in the FEHB Program according to criteria in 5 U.S.C. chapter 89 and 5 CFR part 890 rather than by competition between prospective carriers.

9. Subpart 1615.2 is added to read as follows:

Subpart 1615.2—Solicitation and Receipt of Proposals and Information

Sec.

1615.270 Applicability.

Authority: 5 U.S.C. 8913; 40 U.S.C. 486(c); 48 CFR 1.301.

1615.270 Applicability.

FAR subpart 15.2 has no practical application to the FEHB Program because OPM does not issue formal procurement solicitations to health benefits carriers. Eligible contractors (*i.e.,* qualified health benefits carriers) are identified in accordance with 5 U.S.C. 8903. Offerors voluntarily come forth in accordance with procedures provided in 5 CFR part 890.

Subpart 1615.6—[Amended]

10. Subpart 1615.6 is redesignated as 1615.3 and Section 1615.602 is redesignated as 1615.370. In newly redesignated 1615.370 remove ''15.6'' and add in its place ''15.3''.

11. Subpart 1615.4 is revised to read as follows:

Subpart 1615.4—Contract Pricing

Sec.
1615.402 Pricing policy.
1615.404–4 Profit.
1615.404–70 Profit analysis factors.
1615.406–2 Certificate of accurate cost or pricing data for community rated carriers.
1615.407–1 Rate reduction for defective pricing or defective cost or pricing data.
1615.470 Carrier investment of FEHB funds.
1615.470–1 Investment income clause.

Authority: 5 U.S.C. 8913; 40 U.S.C. 486(c); 48 CFR 1.301.

Subpart 1615.4—Contract Pricing

1615.402 Pricing policy.

Pricing of FEHB contracts is governed by 5 U.S.C. 8902(i), 5 U.S.C. 8906, and other applicable law. FAR subpart 15.4 shall be implemented by applying its policies and procedures—to the extent practicable—as follows:

(a) For both experience rated and community rated contracts for which the FEHB Program premiums for the contract term will be less than the threshold at FAR 15.403–4(a)(1), OPM shall not require the carrier to provide cost or pricing data in the rate proposal for the following contract term.

(b) Cost analysis shall be used for contracts where premiums and subscription income are determined on the basis of experience rating.

(c)(1) A combination of cost and price analysis shall be used for contracts where premiums and subscription income are based on community rates. For contracts for which the FEHB Program premiums for the contract term will be less than the threshold at FAR 15.403–4(a)(1), OPM shall not require the carrier to provide cost or pricing data. The carrier is required to submit only a rate proposal and abbreviated utilization data for the applicable contract year. OPM will evaluate the proposed rates by performing a basic reasonableness test on the information submitted. Rates failing this test will be subject to further review.

(2) For contracts with fewer than 1,500 enrollee contracts for which the FEHB Program premiums for the contract term will be at or above the threshold at FAR 15.403–4(a)(1), OPM shall require the carrier to submit its rate proposal, utilization data, and the certificate of accurate cost or pricing data required in 1615.406–2. In addition, OPM shall require the carrier to complete the proposed rates form containing cost and pricing data, and the Community Rate Questionnaire, but shall not require the carrier to send these documents to OPM. The carrier shall keep the documents on file for periodic auditor and actuarial review in accordance with 1652.204–70. OPM shall perform a basic reasonableness test on the data submitted. Rates that do not pass this test shall be subject to further OPM review.

(3) For contracts with 1,500 or more enrollee contracts for which the FEHB Program premiums for the contract term will be at or above the threshold at FAR 15.403–4(a)(1), OPM shall require the carrier to provide the data and methodology used to determine the FEHB Program rates. OPM shall also require the data and methodology used to determine the rates for the carrier's similarly sized subscriber groups. The carrier shall provide cost or pricing data required by OPM in its rate instructions for the applicable contract period. OPM shall evaluate the data to ensure that the rate is reasonable and consistent with the requirements in this chapter. If necessary, OPM may require the carrier to provide additional documentation.

(4) Contracts shall be subject to a downward price adjustment if OPM determines that the Federal group was charged more than it would have been charged using a methodology consistent with that used for the SSSGs. Such adjustments shall be based on the lower of the two rates determined by using the methodology (including discounts) the Carrier used for the two SSSGs.

(5) FEHB Program community rated carriers shall comply with SSSG criteria provided by OPM in the rate instructions for the applicable contract period.

(d) The application of FAR 15.402(b)(2) should not be construed to prohibit the consideration of preceding year surpluses or deficits in carrier-held reserves in the rate adjustments for subsequent year renewals of contracts based, in whole or in part, on cost analysis.

1615.404–4 Profit.

(a) When the pricing of FEHB Program contracts is determined by cost analysis, OPM will determine the profit or fee prenegotiation objective (service charge) portion of the contracts by use of a weighted guidelines structured approach. The service charge so determined shall be the total service charge that may be negotiated for the contract and shall encompass any service charge (whether entitled service charge, profit, fee, contribution to reserves or surpluses, or any other title) that may have been negotiated by the prime contractor with any subcontractor or underwriter.

(b) OPM will not guarantee a minimum service charge.

1615.404–70 Profit analysis factors.

(a) OPM contracting officers will apply a weighted guidelines method in developing the service charge prenegotiation objective for FEHB Program contracts. The following factors, as defined in FAR 15.404–4(d), will be applied to projected incurred claims and allowable administrative expenses:

(1) *Contractor performance.* OPM will consider such elements as the accurate and timely processing of benefit claims and the volume and validity of disputed claims as measures of economical and efficient contract performance. This factor will be judged apart from the contractor's basic responsibility for contract performance and will be a measure of the extent and nature of the contractor's contribution to the FEHB Program through the application of managerial expertise and effort. Evidence of effective contract performance will receive a plus weight, and poor performance or failure to comply with contract terms and conditions a negative weight. Innovations of benefit to the FEHB Program will generally result in a positive weight; documented inattention or indifference to cost control will generally result in a negative weight.

(2) *Contract cost risk.* In assessing the degree of cost responsibility and associated risk assumed by the contractor as a factor to be considered in negotiating profit, OPM will consider such underwriting elements as the availability of margins, group size, enrollment demographics and fluctuation, and the probability of conversion and adverse selection, as well as the extent of financial assistance the carrier renders to the contract. However, the ''loss carry forward basis'' of experience rated group insurance practices, which mitigates contract risk, will likely serve to diminish this profit analysis factor in an overall determination of profit. This factor is intended to provide profit opportunities commensurate with the contractor's share of cost risks only, taking into account elements such as the adequacy and reliability of data for estimating costs.

(3) *Federal socioeconomic programs.* OPM will consider documented evidence of successful, contractor-initiated efforts to support Federal socioeconomic programs such as drug and substance abuse deterrents and concerns of the type enumerated in FAR 15.404–4(d)(iii), as a factor in negotiating profit. This factor will be

assessed by considering the quality of the contractor's policies and procedures and the extent of unusual effort or achievement demonstrated. Evidence of effective support of Federal socioeconomic programs will receive a positive weight; poor support will receive a negative weight.

(4) *Capital investments.* This factor is generally not applicable to FEHB Program contracts because facilities capital cost of money may be an allowable administrative expense. Generally, this factor shall be given a weight of zero. However, special purpose facilities or investment costs of direct benefit to the FEHB Program that are not recoverable as allowable or allocable administrative expenses may be taken into account in assigning a positive weight.

(5) *Cost control.* OPM will consider contractor-initiated efforts such as improved benefit design, cost-sharing features, innovative peer review, or other professional cost containment efforts as a factor in negotiating profit. OPM shall use this factor to reward contractors with additional profit opportunities for self-initiated efforts to control contract costs.

(6) *Independent development.* OPM will consider any profit opportunities that may be directly related to relevant independent efforts such as the development of a unique and enhanced customer support system that is of demonstrated value to the FEHB Program and for which developmental costs have not been recovered directly or indirectly through allowable administrative expenses. OPM will use this factor to provide additional profit opportunities based upon an assessment of the contractor's investment and risk in developing techniques, methods, and practices having viability to the program at large. OPM will not consider improvements and innovations recognized and rewarded under any of the other profit factors.

(b) The weight ranges for each factor to be used in the weighted guidelines approach are set forth as follows:

Profit factor	Weight ranges (percent)
1. Contractor performance.	−.2 to + .45
2. Contract cost risk*.	+.02 to + .2
3. Federal socio-economic programs.	−.05 to + .05
4. Capital investments.	0 to +.02
5. Cost control	0 to +.35
6. Independent development.	0 to +.03

*The contract cost risk factor is subdivided into two parts: group size (.02 to .10) and other risk elements (0 to .10). With respect to the group size element, subweights should be assigned as follows:

Enrollment	Weight (percent)
10,000 or less	.06 to .10
10,001–50,000 ...	.05 to .09
50,001–200,000	.04 to .07
200,001–500,000	.03 to .06
500,001 and over	.02 to .04

1615.406–2 Certificate of accurate cost or pricing data for community rated carriers.

The contracting officer shall require a carrier with a contract meeting the requirements in 1615.402(c)(2) or 1615.402(c)(3) to execute the Certificate of Accurate Cost or Pricing Data contained in this section. A carrier with a contract meeting the requirements in 1615.402(c)(2) shall complete the Certificate and keep it on file at the carrier's place of business in accordance with 1652.204–70. A carrier with a contract meeting the requirements in 1615.402(c)(3) shall submit the Certificate to OPM along with its rate reconciliation, which is submitted during the first quarter of the applicable contract year.

Certificate of Accurate Cost or Pricing Data for Community Rated Carriers

This is to certify that, to the best of my knowledge and belief: (1) The cost or pricing data submitted (or, if not submitted, maintained and identified by the carrier as supporting documentation) to the Contracting Officer or the Contracting Officer's representative or designee, in support of the _____* FEHB Program rates were developed in accordance with the requirements of 48 CFR Chapter 16 and the FEHB Program contract and are accurate, complete, and current as of the date this certificate is executed; and (2) the methodology used to determine the FEHB Program rates is consistent with the methodology used to determine the rates for the carrier's Similarly Sized Subscriber Groups.

Firm:_____

Name: _____

Signature: _____

Date of Execution: _____

*Insert the year for which the rates apply. Normally, this will be the year for which the rates are being reconciled.

(End of Certificate)

1615.407–1 Rate reduction for defective pricing or defective cost or pricing data.

The clause set forth in section 1652.215–70 shall be inserted in FEHB Program contracts, at or above the threshold in FAR 15.403–4(a)(1), that are based on a combination of cost and price analysis (community rated).

1615.470 Carrier investment of FEHB funds.

(a) Except for contracts based on a combination of cost and price analysis (community rated), the carrier is required to invest and reinvest all funds on hand, including any attributable to the special reserve or the reserve for incurred but unpaid claims, exceeding the funds needed to discharge promptly the obligations incurred under the contract.

(b) The carrier is required to credit income earned from its investment of FEHB funds to the special reserve on behalf of the FEHB Program. If a carrier, for any reason, fails to invest excess FEHB funds or to credit any income due to the contract, it shall return or credit any investment income lost to OPM or the special reserve.

(c) Investment income. Investment income is the net amount earned by the carrier after deducting investment expenses.

1615.470–1 Investment income clause.

The clause set forth in 1652.215–71 shall be inserted in all FEHB contracts based on cost analysis.

Subpart 1615.8 [Reserved]

12. Subpart 1615.8 is removed and reserved.

Subpart 1615.9 [Reserved]

13. Subpart 1615.9 is removed and reserved.

Subpart 1615.70—Audit and Records—Negotiation

14. Section 1615.7001 is added to read as follows:

1615.7001 Audit and records.

The Contracting Officer shall modify 52.215–2 in all FEHB Program experience rated contracts by amending paragraph (g) of that section to replace the words ''exceed the simplified acquisition threshold'' with ''equals or exceeds $550,000.''

SUBCHAPTER E—GENERAL CONTRACTING REQUIREMENTS

PART 1631—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 1631.2—Contracts With Commercial Organizations

15. A new 1631.205–81, is added to read as follows:

1631.205–81 Inferred Reasonableness.

If the Carrier follows the notification and consent requirements of paragraphs (a), (b) and (c) of 1652.244–70, and subsequently obtains the Contracting Officer's consent or ratification, then the reasonableness of the subcontract's costs will be inferred.

PART 1632—CONTRACT FINANCING

Subpart 1632.1—General

1632.170 [Amended]

16. In 1632.170, remove paragraph (c).

Subpart 1632.7—Contract Funding

1632.771 [Amended]

17. In 1632.771 paragraph (d), remove ''1652.232–70'' and add in its place ''1652.232–72.''

1632.772 [Amended]

18. In 1632.772, remove ''1652.232–70'' and add in its place ''1652.232–72.''

SUBCHAPTER G—CONTRACT MANAGEMENT

PART 1644—SUBCONTRACTING POLICIES AND PROCEDURES

Subpart 1644.1—General

19. Section 1644.170 is revised to read as follows:

1644.170 Policy for FEHB Program subcontracting consent.

For all experience rated contracts, the Carriers shall notify the Contracting Officer in writing at least 60 days in advance of entering into any subcontract or subcontract modification, or as otherwise specified by the contract, if the amount of the subcontract or modification charged to the FEHB Program equals or exceeds $550,000. Failure to provide advance notice may result in the Contracting Officer's disallowance of the costs. In determining whether the amount chargeable to the FEHB Program contract for a given subcontract or modification equals or exceeds the $550,000 threshold, the following rules apply:

(a) For initial advance notification, the Carrier shall add the total price for the base year and all options, including quantity or service options and option periods, and

(b) The Carrier shall give advance notification of modifications not accounted for in paragraph (a) of this section that cause the total price to equal or exceed the threshold. Carriers shall follow appropriate procurement procedures that comply with the Federal Acquisition Regulation's (FAR) policies and procedures relating to competition and contract pricing for the acquisition of both commercial and non-commercial items. All subcontracts or subcontract modifications that equal or exceed the threshold are subject to audit under FAR 52.215–2 Audit and Records—Negotiation.

SUBCHAPTER H—CLAUSES AND FORMS

PART 1652—CONTRACT CLAUSES

Subpart 1652.2—Texts of FEHB Program Clauses

20. Section 1652.204–70 is revised to read as follows:

1652.204–70 Contractor Records Retention.

As prescribed in 1604.705 the following clause shall be inserted in all FEHB Program contracts.

Contractor Records Retention (Jan 2003)

Notwithstanding the provisions of Section 5.7 (FAR 52.215–2(f)) Audit and Records—Negotiation, the Carrier shall retain and make available all records applicable to a contract term that support the annual statement of operations and, for contracts that equal or exceed the threshold at FAR 15.403–4(a)(1), the rate submission for that contract term for a period of 6 years after the end of the contract term to which the records relate. This includes all records of large provider agreements and subcontracts that equal or exceed the threshold requirements. In addition, individual enrollee and/or patient claim records shall be maintained for 6 years after the end of the contract term to which the claim records relate.
(End Clause)

21. Section 1652.204–74 is added to read as follows:

1652.204–74 Large provider agreements.

As prescribed by 1604.7202, the contracting officer shall insert the following clause in all FEHB Program contracts based on cost analysis (experience rated):

Large Provider Agreements (JAN 2003)

(a) *Notification and Information Requirements.* (1) The experience rated Carrier must provide notice to the contracting officer of its intent to enter into or to make a significant modification of a large provider agreement:

(i) Not less than 60 days before entering into any large provider agreement; and

(ii) Not less than 60 days before exercising a renewal or other option, or significant modification to a large provider agreement.

(2) The Carrier's notification to the contracting officer must be in writing and must, at a minimum:

(i) Describe the supplies and/or services the proposed provider agreement will require;

(ii) Identify the proposed basis for reimbursement;

(iii) Identify the proposed provider agreement, explain why the Carrier selected the proposed provider, and what contracting method it used, where applicable, including the kind of competition obtained;

(iv) Describe the methodology the carrier used to compute the provider's profit; and,

(v) Describe provider risk provisions.

(3) The Contracting Officer may request from the Carrier any additional information on a proposed provider agreement and its terms and conditions prior to a provider award and during the performance of the agreement.

(4) Within 30 days of receiving the Carrier's notification, the Contracting Officer will give the Carrier either written comments or written notice that there will be no comments. If the Contracting Officer comments, the Carrier must respond in writing within 10 calendar days, and explain how it intends to address any concerns.

(5) The Contracting Officer may inform the Carrier that if it awards the provider agreement before addressing OPM's concerns, it may not charge costs incurred under the agreement to the contract.

(6) When computing the carrier's service charge, the Contracting Officer will consider how well the Carrier complies with the provisions of this section, including the advance notification requirements, as an aspect of the Carrier's performance factor.

(7) The Contracting Officer's review of any provider agreement, option, renewal, or modification shall not constitute a determination of the acceptability of the terms and conditions of any provider agreement or of the allowability of any costs under the Carrier's contract, nor shall it relieve the Carrier of any responsibility for performing the contract.

(b) *Records and Inspection.* The Carrier must insert in all large provider agreements the requirement that the provider will retain and make available to the Government all records relating to the agreement that support the annual statement of operations and enrollee records—Retain for 6 years after the agreement term ends.

(c) *Audit.* The provisions of FAR 52.215–2, Audit and Records—Negotiation, apply to all experience rated Carriers' large provider agreements. The Carrier shall insert the clause, 52.215–2, in all large provider agreements and shall substitute

(1) The term ''provider'' for the term ''Contractor'' throughout the clause, and

(2) The term ''large provider contracts'' for the term ''Subcontracts'' in paragraph (g) of FAR 52.215–2. The term ''Contracting Officer'' shall mean the FEHB Program Contracting Officer at OPM. The Carrier shall be responsible for ensuring the large provider complies with the provisions set forth in the clause.

(d) *Prohibited Agreements.* No provider agreement made under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis.

(e) The Carrier shall insert this clause, 1652.204–74, in all large provider agreements.
(End of Clause)

1652.215–70 (Amended)

22. In the introductory text of section 1652.215–70, remove ''1615.804.72'' and add in its place ''1615.407–1,'' remove ''15.804–2(a)(1)'' and add in its place ''15.403–4(a)(1),'' in the clause title, remove ''JAN 2000'' and add in its place ''JAN 2003,'' in paragraph (a)(1) of the clause remove ''1615.804.70'' and add in its place ''1615.406–2,'' and remove paragraph (d).

1652.215–71 [Amended]

23. In the introductory text of section 1652.215–71, remove ''1615.805–71'' and add in its place ''1615.470–1.''

1652.216–70 [Amended]

24. In 1652.216–70, remove ''JAN 2000'' in the clause title and add in its place ''JAN 2003,'' and remove paragraph (c) of the clause.

1652.216–71 [Amended]

25. In 1652.216–71, remove ''JAN 2000'' in the clause title and add in its place ''JAN 2003,'' and remove paragraph (d) of the clause.

26. In 1652.222–70, paragraph (d) of the clause is revised to read as follows:

1652.222–70 Notice of Significant Events.

* * * * *

Notice of Significant Events (Jan 2001)

* * * * *

(d) The Carrier shall insert this clause in any subcontract or subcontract modification if the amount of the subcontract or modification charged to the FEHB Program (or in the case of a community rated carrier, applicable to the FEHB Program) equals or exceeds $550,000.

(End of Clause)

27. Section 1652.244–70, is revised to read as follows:

1652.244–70 Subcontracts.

As prescribed in section 1644.270, the following clause shall be inserted in all FEHB Program contracts based on cost analysis (experience rated):

Subcontracts (Jan 2003)

(a) The Carrier shall notify the Contracting Officer in writing at least 60 days in advance of entering into any subcontract or subcontract modification, or as otherwise specified by this contract, if the amount of the subcontract or modification charged to the FEHB Program equals or exceeds $550,000. Failure to provide advance notice may result in the Contracting Officer's disallowance of the costs. In determining whether the amount chargeable to the FEHB Program contract for a given subcontract or modification equals or exceeds the $550,000 threshold, the following rules apply:

(1) For initial advance notification, the Carrier shall add the total price for the base year and all options, including quantity or service options and option periods, and

(2) The Carrier shall give advance notification of modifications not accounted for in paragraph (a) of this clause, if they cause the total price to equal or exceed the threshold. The Carrier shall follow appropriate procurement procedures that comply with the Federal Acquisition Regulation's (FAR) policies and procedures relating to competition and contract pricing for the acquisition of both commercial and non-commercial items. All subcontracts or subcontract modifications that equal or exceed the threshold are subject to audit under FAR 52.215–2 Audit and Records-Negotiations.

(b) The advance notification required by paragraph (a) of this clause shall include the information specified below:

(1) A description of the supplies or services to be subcontracted;

(2) Identification of the type of subcontract to be used;

(3) Identification of the proposed subcontractor and an explanation of why and how the proposed subcontractor was selected, including the competition obtained;

(4) The proposed subcontract price and the Carrier's cost or price analysis;

(5) An explanation of why the subcontract has been categorized as a subcontract for a commercial item as defined in 48 CFR 2.101. If the subcontract is not for a commercial item, then the subcontractor's current, complete, and accurate cost or pricing data and a Certificate of Current Cost or Pricing Data must be submitted to the Contracting Officer.

(6) (Reserved)

(7) A negotiation memorandum reflecting—

(i) The principal elements of the subcontract price negotiations;

(ii) The most significant consideration controlling establishment of initial or revised prices;

(iii) An explanation of the reason cost or pricing data are not required, if the item is not a commercial item but the carrier believes that cost or pricing data are not required.

(iv) The extent, if any, to which the Carrier did not rely on the subcontractor's cost or pricing data in determining the price objective and in negotiating the final price;

(v) The extent, if any, to which it was recognized in the negotiation that the subcontractor's cost or pricing data were not accurate, complete, or current; the action taken by the Carrier and the subcontractor; and the effect of any such defective data on the total price negotiated;

(vi) The reasons for any significant difference between the Carrier's price objective and the price negotiated; and

(vii) A complete explanation of the incentive fee or profit plan, when incentives are used. The explanation shall identify each critical performance element, management decisions used to quantify each incentive element, reasons for the incentives, and a summary of all trade-off possibilities considered.

(c) The Carrier shall obtain the Contracting Officer's written consent before placing any subcontract for which advance notification is required under paragraph (a) of this clause. However, the Contracting Officer may ratify in writing any such subcontract for which written consent was not obtained. Ratification shall constitute the consent of the Contracting Officer.

(d) The Contracting Officer may waive the requirement for advance notification and consent required by paragraphs (a), (b) and (c) of this clause where the Carrier and subcontractor submit an application or renewal as a contractor team arrangement as defined in FAR Subpart 9.6 and—

(1) The Contracting Officer evaluated the arrangement during negotiation of the contract or contract renewal; and

(2) The subcontractor's price and/or costs were included in the Plan's rates that were reviewed and approved by the Contracting Officer during negotiation of the contract or contract renewal.

(e) If the Carrier follows the notification and consent requirements of paragraphs (a), (b) and (c) of this clause and subsequently obtains the Contracting Officer's consent or ratification, then the reasonableness of the subcontract's costs will be inferred as provided for in 1631.205–81. However, consent or ratification by the Contracting Officer will not constitute a determination

(1) Of the acceptability of any subcontract terms or conditions;

(2) Of the allowability of any cost under this contract; or

(3) That the Carrier should be relieved of any responsibility for performing this contract.

(f) No subcontract placed under this contract shall provide for payment on a cost-plus-a-percentage-of-cost basis. Any fee payable under cost reimbursement type subcontracts shall not exceed the fee limitations in FAR 15.404–4(c)(4)(i). Any profit or fee payable under a subcontract shall be in accordance with the provision of Section 3.7, Service Charge.

(g) The Carrier shall give the Contracting Officer immediate written notice of any action or suit filed and prompt notice of any claim made against the Carrier by any subcontractor or vendor that, in the opinion of the Carrier, may result in litigation related in any way to this contract with respect to which the Carrier may be entitled to reimbursement from the Government.

(End of Clause)

Subpart 1652.3–FEHB Program Clause Matrix

28. In section 1652.370, the FEHB Program Clause Matrix, is revised to read as follows:

1652.370 Use of the Matrix.

* * * * *

BILLING CODE 6325–50–P

FEHBP CLAUSE MATRIX

Clause No.	Text Reference	Title	Use Status	Use With Experience Rated Contracts	Use With Community Rated Contracts
FAR 52.202-1	FAR 2.201	Definitions	M	T	T
FAR 52.203-3	FAR 3.202	Gratuities	M	T	T
FAR 52.203-5	FAR 3.404	Covenant Against Contingent Fees	M	T	T
FAR 52.203-7	FAR 3.502-3	Anti-Kickback Procedures	M	T	T
FAR 52.203-12	FAR 3.808(b)	Limitation on Payments to Influence Certain Federal Transactions	M	T	T
1652.203-70	1603-7003	Misleading, Deceptive, or Unfair Advertising	M	T	T
1652.204-70	1604.705	Contractor Records Retention	M	T	T
1652.204-71	1604.7001	Coordination of Benefits	M	T	T
1652.204-72	1604.7101	Filing Health Benefit Claims/Court Review of Disputed Claims	M	T	T
1652.204-73	1604.970	Taxpayer Identification Number	M	T	T
1652.204-74	1604.7202	Large Provider Agreements	M	T	
FAR 52.209-6	FAR 9.409(b)	Protecting the Government's Interest When Subcontracting With Contractors Debarred, Suspended, or Proposed for Debarment	M	T	T
FAR 52.215-2	FAR 15.209(b)	Audit & Records—Negotiation	M	T	T
FAR 52.215-10	FAR 15.408(b)	Price Reduction for Defective Cost or Pricing Data	M	T	
FAR 52.215-12	FAR 15.408(d)	Subcontractor Cost or Pricing Data	M	T	
FAR 52.215-15	FAR 15.408(g)	Pension Adjustments and Asset Reversions	M	T	
FAR 52.215-16	FAR 15.408(h)	Facilities Capital Cost of Money	M	T	
FAR 52.215-17	FAR 15.408(i)	Waiver of Facilities Capital Cost of Money	A	T	
FAR 52.215-18	FAR 15.408(j)	Reversion or Adjustment of Plans for Postretirement Benefits (PRB) Other Than Pensions	M	T	

Clause No.	Text Reference	Title	Use Status	Use With Experience Rated Contracts	Use With Community Rated Contracts
1652.215-70	1615.407-70	Rate Reduction for Defective Pricing or Defective Cost or Pricing Data	M		T
1652.215-71	1615.407-72	Investment Income	M	T	
1652.216-70	1616.7001	Accounting and Price Adjustment	M		T
1652.216-71	1616.7002	Accounting and Allowable Cost	M	T	
FAR 52.219-8	FAR 19.708(a)	Utilization of Small Business Concerns	M	T	T
FAR 52.222-1	FAR 22.103-5(a)	Notice to the Government of Labor Disputes	M	T	T
FAR 52.222-3	FAR 22.202	Convict Labor	M	T	T
FAR 52.222-4	FAR 22.305	Contract Work Hours and Safety Standards Act--Overtime Compensation	M	T	T
FAR 52.222-21	FAR 22.810(a)(1)	Prohibition of Segregated Facilities	M	T	T
FAR 52.222-26	FAR 22.810(a)	Equal Opportunity	M	T	T
FAR 52.222-29	FAR 22.810(g)	Notification of Visa Denial	A	T	T
FAR 52.222-35	FAR 22.1308(a)	Equal Opportunity for Special Disabled Veterans, and Other Eligible Veterans	M	T	T
FAR 52.222-36	FAR 22.1408(a)	Affirmative Action for Workers With Disabilities	M	T	T
FAR 52.222-37	FAR 22.1308(b)	Employment Reports on Special Disabled Veterans, Veterans of the Vietnam Era, and Other Eligible Veterans	M	T	T
1652.222-70	1622.103-70	Notice of Significant Events	M	T	T
FAR 52.223-6	FAR 23.505	Drug-Free Workplace	A	T	T
1652.224-70	1624.104	Confidentiality of Records	M	T	T
FAR 52.227-1	FAR 27.201-2(a)	Authorization and Consent	M	T	T
FAR 52.227-2	FAR 27.202-2	Notice and Assistance Regarding Patent and Copyright Infringement	M	T	T
FAR 52.229-3	FAR 29.401-3	Federal, State and Local Taxes	M		T

Clause No.	Text Reference	Title	Use Status	Use With Experience Rated Contracts	Use With Community Rated Contracts
FAR 52.229-4	FAR 29.401-4	Federal, State and Local Taxes (Noncompetitive Contract)	M	T	
FAR 52.229-5	FAR 29.401-5	Taxes—Contracts Performed in U.S. Possessions or Puerto Rico	A	T	T
1652.229-70	FEHBAR 1629.402	Taxes—Foreign Negotiated Benefits Contracts	A	T	T
FAR 52.232-8	FAR 32.111(c)(1)	Discounts for Prompt Payment	M	T	T
FAR 52.232-17	FAR 32.617(a) Modification: 1632.617	Interest	M	T	T
FAR 52.232-23	FAR 32.806(a)(1)	Assignment of Claims	A	T	T
FAR 52.232-33	FAR 32.1103(a)	Payment by Electronic Funds Transfer---Central Contractor Registration	M	T	T
1652.232-70	1632.171	Payments—Community-Rated Contracts	A		T
1652.232-71	1632.172	Payments—Experience-Rated Contracts	A	T	
1652.232-72	1632.772	Non-Commingling of FEHBP Funds	M	T	
1652.232-73	1632.806-70	Approval for Assignment of Claims	M	T	T
FAR 52.233-1	FAR 33.215	Disputes	M	T	T
FAR 52.242-1	FAR 42.802	Notice of Intent to Disallow Costs	M	T	
FAR 52.242-3	FAR 42.709-6	Penalties for Unallowable Costs	M	T	
FAR 52.242-13	FAR 42.903	Bankruptcy	M	T	T
1652.243-70	1643.205-70	Changes--Negotiated Benefits Contracts	M	T	T
FAR 52.244-5	FAR 44.204(c)	Competition in Subcontracting	M	T	
FAR 52.244-6	FAR 44.403	Subcontracts for Commercial Items	M	T	
1652.244-70	1644.270	Subcontracts	M	T	
1652.245-70	1645.303-70	Government Property (Negotiated Benefits Contracts)	M	T	T

Clause No	Text Reference	Title	Use Status	Use With Experience Rated Contracts	Use With Community Rated Contracts
FAR 52.246-25	FAR 46.805(a)(4)	Limitation of Liability—Services	M	T	
1652.246-70	1646.301	FEHB Inspection	M	T	T
FAR 52.247-63	FAR 47.405	Preference for U.S.-Flag Air Carriers	M	T	T
1652.249-70	1649.101-70	Renewal and Withdrawal of Approval	M	T	T
1652.249-71	1649.101-71	FEHBP Termination for Convenience of the Government--Negotiated Benefits Contracts	M	T	T
1652.249-72	1649.101-72	FEHBP Termination for Default--Negotiated Benefits Contracts	M	T	T
FAR 52.251-1	FAR 51.107	Government Supply Sources	A	T	
FAR 52.252-4	FAR 52.107(d)	Alterations in Contract	A	T	T
FAR 52.252-6	FAR 52.107(f)	Authorized Deviations in Clauses	M	T	T

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DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 380

[Docket No. FMCSA–97–2199]

RIN 2126–AA09

Minimum Training Requirements for Entry-Level Commercial Motor Vehicle Operators

August 4, 2003.

AGENCY: Federal Motor Carrier Safety Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM); request for comments.

SUMMARY: The Federal Motor Carrier Safety Administration (FMCSA) is proposing standards for mandatory training requirements for entry-level operators of commercial motor vehicles (CMVs) who are required to hold or obtain a commercial driver's license (CDL). This action responds to a study mandated by the Intermodal Surface Transportation Efficiency Act of 1991 that found the training of entry-level drivers in the heavy truck, motorcoach, and school bus industries was not adequate. The purpose of this proposal is to enhance the safety of CMV operations on our nation's highways.

DATES: Submit comments on or before October 14, 2003.

ADDRESSES: You may submit comments identified by DOT DMS Docket Number FMCSA–1997–2199 by any of the following methods:

- *Web Site: http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic docket site.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001.
- *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number or Regulatory Identification Number (RIN) for this rulemaking. Note that all comments received will be posted without change to *http://dms.dot.gov,* including any personal information provided. Please see the Privacy Act heading for further information.

Docket: For access to the docket to read background documents or comments received, go to *http://dms.dot.gov* at any time or to Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov.*

Comments received after the comment closing date will be included in the docket and we will consider late comments to the extent practicable. The FMCSA may, however, issue a final rule at any time after the close of the comment period.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Finn, Office of Safety Programs, (202) 366–0647, Federal Motor Carrier Safety Administration, 400 Seventh Street SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m. e.t., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Background

Training Curricula

In the early 1980's, the agency determined that there was a need for technical guidance in the area of truck driver training. Research showed that few driver training institutions offered a structured curriculum or a standardized training program for any type of CMV.

In 1984, the agency developed the ''Proposed Minimum Standards for Training Tractor-Trailer Drivers'' as a curriculum standard based upon research conducted by the agency. The proposed minimum curriculum standards were used by the agency to produce a curriculum for the heavy truck industry. This Model Curriculum contains standardized minimum core curriculum requirements and training materials as well as guidelines pertaining to vehicles, facilities, instructor hiring practices, graduation requirements, and student placement. Curriculum content addresses the following areas: basic operation, safe operating practices, vehicle maintenance, and non-vehicle activities. In 1995, the agency created a similar curriculum, the ''Model Curriculum for Training Motorcoach Drivers,'' that can be used to train motorcoach drivers.

In 1986, the motor carrier, truck driver training school, and insurance industries created the Professional Truck Driver Institute (PTDI) to certify training programs offered by training institutions. The PTDI used the truck driver Model Curriculum as the basis for its training institute certification criteria and has recently made major revisions to its curriculum. As of December 2002, 71 training schools were PTDI certified.

The Commercial Motor Vehicle Safety Act of 1986 and the CDL Program

The Commercial Motor Vehicle Safety Act of 1986 (CMVSA) (49 U.S.C. 31301 *et seq.*) established national minimum testing and licensing standards for operators of CMVs. The goal was to ensure that drivers of large trucks and buses possess the knowledge and skill necessary to safely operate on public highways. The CMVSA established the CDL program and directed the agency to establish minimum Federal standards that States must meet when licensing CMV drivers. The CMVSA applies to anyone who operates a CMV in interstate or intrastate commerce, including employees of Federal, State, and local governments. As defined by the implementing regulation in 49 CFR 383.5, a CMV is a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

(a) Has a gross combination weight rating (GCWR) of 11,794 or more kilograms (26,001 or more pounds) inclusive of a towed unit with a gross vehicle weight rating (GVWR) of more than 4,536 kilograms (10,000 pounds); or

(b) Has a GVWR of 11,794 or more kilograms (26,001 or more pounds); or

(c) Is designed to transport 16 or more passengers, including the driver; or

(d) Is of any size and is used in the transportation of *hazardous materials* as defined in this section.

See the FMCSA's recently published interim final rule entitled ''Limitations on the Issuance of Commercial Driver's Licenses with a Hazardous Materials Endorsement'' (68 FR 23844, 23849; May 5, 2003) implementing certain requirements in section 1012 of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001 (USA PATRIOT Act) [Pub. L.

107–56, October 26, 2001, 115 Stat. 272]. The definition of the term ''hazardous of materials'' was changed to include any material listed as a select agent or toxin by the Centers for Disease Control and Prevention (CDC) in 42 CFR part 73.

In accordance with the CMVSA, all drivers of CMVs must possess a valid CDL in order to be properly qualified to operate the vehicle(s) they drive. In addition to passing the CDL knowledge and skill tests required for the basic vehicle group, all persons who operate or anticipate operating the following vehicles, which have special handling characteristics, must obtain endorsements under § 383.93:

(a) Double/triple trailers;

(b) Passenger vehicles;

(c) Tank vehicles; or

(d) Vehicles required to be placarded for hazardous materials.

The driver is required to pass a knowledge test for all endorsements. The driver must also pass a skill test to obtain a passenger vehicle endorsement.

The CDL requirements address driver testing and licensing. The CMVSA does not contain any provisions specifically addressing driver training. Accordingly, there are no prerequisite Federal training requirements to obtain a CDL. Generally, drivers individually prepare for the CDL tests by studying such areas as vehicle inspection procedures, off-road vehicle maneuvers and operating a CMV in traffic.

The agency here is proposing required training in the following four additional areas: driver qualifications, hours of service of drivers, driver wellness, and whistle blower protection. The CDL tests do not cover these subject areas and the agency believes that a driver's knowledge of these areas is vital to large truck and bus safety.

This proposal is part of an overall FMCSA effort to improve the CDL program, which also involves improvements to the CDL tests, and a graduated licensing study. Section 4019 of the Transportation Equity Act for the 21st Century (Pub.L. 105–178; June 9, 1998) required the agency to determine if the current system of CDL testing is an accurate measure of an applicant's knowledge and skill needed to operate a CMV. As a result, the questions used in the CDL knowledge tests are currently being revised to insure that test questions and answers adequately cover the required knowledge the driver needs to operate a CMV.

The agency is examining the various skill test components to determine whether testing modifications are necessary. If testing modifications are needed, the agency may develop a future rulemaking, which modifies the testing procedures. Section 4019 also required the agency to identify the costs and benefits of a graduated licensing system. The agency published a notice in the **Federal Register** on February 25, 2003, asking for public comment on whether a graduated licensing system for CMV operators is a workable concept (68 FR 8798). The agency plans to use this information to help determine the costs and benefits of the graduated CDL.

Advance Notice of Proposed Rulemaking

Pursuant to Section 4007(a)(2) of the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), the agency began a rulemaking proceeding on the need to require training of all entry-level CMV drivers. On June 21, 1993, the agency published in the **Federal Register** an advance notice of proposed rulemaking (ANPRM) entitled ''Commercial Motor Vehicles: Training for All Entry Level Drivers'' (58 FR 33874). The agency asked 13 questions, which addressed training adequacy standards, curriculum requirements, the CDL, the definition of ''entry-level driver;'' and training, pass rates and costs. There was no consensus on the issue of mandated entry-level driver training. The heavy truck and bus industries were against mandated training; the International Brotherhood of Teamsters was in favor.

The agency received a total of 104 comments. When the agency published a notice on April 25, 1996, reopening the docket (61 FR 18355), it received 48 additional comments on an adequacy study, and cost-benefit analysis, both of which are discussed below. On November 13, 1996, the agency held a public meeting at the Department of Transportation headquarters in Washington, DC, to discuss mandatory training for entry-level CMV drivers. There were 26 persons who participated at the public meeting.

A detailed analysis of the questions and comments appears later in this document under the heading, ''Information from the ANPRM and the Public Meeting.''

Training Adequacy Study

Concurrent with the development of the ANPRM, the agency conducted a study, as required by Section 4007(a)(1) of the ISTEA, on the effectiveness of private sector efforts to train entry-level drivers in the heavy truck, motorcoach, and school bus industries. The first step of the study involved development of a baseline training standard for both the cargo and passenger-transporting segments of the CMV industry. The next step involved collecting information on training currently being offered by the cargo and passenger-transporting segments of the CMV industry. A comparison of current training to the baseline standards was then made to determine if employer-provided training was adequate. In the final step of the study, driver and employer surveys were performed to determine what percentage of drivers were adequately trained by employers. Drivers were also asked what percentage of drivers were adequately trained by training schools.

The agency assembled two groups of experts: one from the trucking sector and the other from the motorcoach and school bus sectors. The experts identified driver training baselines. The truck experts selected the Model Curriculum as a baseline. The bus experts selected a combination of the Model Curriculum and the National Highway Traffic Safety Administration (NHTSA) ''School Bus Driver Instructional Program,'' developed in 1974 and currently being updated. The experts reached a consensus on minimum requirements for the numbers of class and practice driving hours, student/teacher ratios, and course topics. They then developed an algorithm to quantitatively compare existing driver training with the baselines. An overall negative score demonstrated that the program was judged to be less effective than the baseline. An overall positive score showed that the program was judged to be more effective. Based on this analysis, the percentage of employers that provide entry-level drivers with adequate training was: heavy truck employers (8 percent), motorcoach employers (19 percent), and school bus operators (24 percent).

One-hundred ninety-two (192) drivers were surveyed to determine the adequacy of training provided by training schools in the opinion of the drivers. Based on this survey, the percentage of drivers adequately trained by heavy truck training schools was 31 percent. The survey found that no heavy truck training school adequately trained drivers to operate school buses, and that the motor coach industry had no training school for motor coach drivers. According to the survey, the percentage of heavy truck training schools providing adequate training was 50 percent.

The agency also surveyed a total of 641 employers. The percentage of employers who train drivers, according to the employer survey, was as follows: heavy truck 39 percent, motor coach 37.4 percent, and school bus 93.5 percent.

The conclusion of both the training analysis and the driver survey, using this methodology, was that neither the heavy truck, motorcoach, nor school bus segments of the CMV industry were providing adequate entry-level driver training. At the same time, the adequacy study found that the only research-based evidence on the relationship between training and accident reduction indicated that drivers with formal training are somewhat more likely to have accidents. However, the researchers concluded that the lack of uniform training standards may have masked the real effects of good training.

The adequacy study found few studies within the motor carrier industry that had examined the relationship between training and accident reduction. However, Builder's Transport, Inc., a motor carrier, did a study of 2,600 trained drivers in 1994, that showed a two percent reduction in accidents per million miles driven in contrast to drivers who had no training. Schneider National, Inc., a motor carrier, also performed a study involving its training on hazard-driving conditions, and found a 40 percent reduction in accidents. In both of these studies, drivers with training had fewer accidents.

Adequacy Study Cost-Benefit Analysis

As part of the adequacy study, the agency performed a cost-benefit analysis of training in the heavy truck industry. The analysis was limited to heavy trucks due to a scarcity of available cost data among motorcoach and school bus training programs. However, the agency believes that the findings are generally applicable to the other industries, because motor coaches and most school buses are over 11,794 kilograms (26,001 pounds), and the drivers of all three have similar responsibilities. The cost benefit analysis applied the definition of CMV contained in the CMVSA, but did not include placarded hazardous material vehicles with a GVWR less than 11,794 kilograms (26,001 pounds). The results of this earlier analysis showed a much higher cost than today's proposal, because it was based on 65.8 hours of required training. This NPRM, however, does not specify a minimum number of hours. The regulatory evaluation for this proposal is based on a total of 10½ hours of training for heavy truck and motorcoach drivers, and 4.5 hours for school bus drivers, as discussed later in this proposal.

Report to Congress

The Secretary of Transportation submitted the adequacy study entitled, Assessing the Adequacy of Commercial Motor Vehicle Driver Training: Final Report and the first Cost-Benefit analysis to the U.S. Congress on February 5, 1996, as required by the ISTEA.

Information from the ANPRM and the Public Meeting

The agency received a total of 154 comments to the ANPRM and the public meeting. Some commenters responded more than once, and some commenters provided more than one answer to a particular question.

Question 1: How Can the Adequacy of Training Be Defined? What Mechanisms Exist to Measure Adequacy?

A total of forty-seven comments were received regarding Question 1.

Defining Adequacy: Sixteen commenters, including the PTDI, stated that adequacy was defined either by the PTDI tractor-trailer curriculum or the Model Curriculum referenced above. Fourteen commenters, including the National Private Truck Council, stated that either the CDL in general, or the CDL tests in particular, define adequate training. The remaining comments included statements that training adequacy is defined by a job skills analysis, or that it is defined by the Model Curriculum modified for straight trucks.

Measuring Adequacy: Seven commenters, including the ATA, stated that the PTDI Model Curriculum is a measurement of training adequacy. Nine commenters, including the California Department of Motor Vehicles, stated that training adequacy is measured by the CDL tests. The remaining comments included statements that training adequacy is determined by comparing accident rates of trained versus untrained drivers, or that it is determined by gaining employment as a CDL driver.

The agency believes that the Model Curriculum represents the basis for training adequacy. It is based on minimum training standards that were adopted by the agency after an analysis of heavy truck driver training being provided by the industry in the 1980's. Likewise, both the PTDI curriculum and the Model Curriculum for Training Motorcoach Drivers are adequate because they are based on the Model Curriculum. Finally, the agency believes that the NHTSA School Bus Driver Instructional Program is adequate. It was developed by school bus driver employers in conjunction with NHTSA. The school bus driver employers and NHTSA periodically meet to review the instructional program and make any necessary revisions. Moreover, all of the above curricula were selected as training program baselines by experts in the adequacy study. They were also developed based on the regulations and technology current at the time of development. However, the agency disagrees with commenters indicating that the knowledge to pass the CDL test is sufficient to determine training adequacy.

Finally, the agency believes employers that wish to train entry-level drivers should ensure that the curriculum is suitable for the type of vehicle the driver intends to operate. For example, a modified Model Curriculum could be used to train drivers who operate straight trucks exclusively.

Question 2: What Standards Exist to Ensure That Training Provided by Schools and Employers Is Adequate for Entry-Level Truck Driver Training?

A total of forty-three commenters responded to this question. Thirteen commenters, including the Owner-Operator Independent Drivers Association, cited either the PTDI organization or the PTDI certification process, as a standard to ensure that training provided by schools is adequate. Again, eight commenters, including the American Bus Association, cited the CDL tests. The remaining comments cited the Model Curriculum as an adequate training standard, or stated that no standard exists.

The discussion to Question 1 also contains relevant information on the adequacy of driver training. In addition, the agency agrees with commenters that although the CDL requirements are a licensing standard and not a training standard, the driver must study to pass the CDL tests.

Question 3: What Should an Adequate Truck Driver Training Program Include (*e.g.* Night Driving, Behind-the-Wheel Training, and Classroom Instruction)? What Is the Minimum Amount of Time or Number of Hours That Should Be Devoted to Each of These Components?

A total of seventy-one commenters addressed this question.

Eight commenters, including the ATA, stated that the training should be the PTDI curriculum for both course content and length. Three commenters, including the American Bakers Association, cited the Model Curriculum as the standard for both course content and length. The remaining comments recommend specific topics for classroom, off-road maneuvers, or on-road driving, which included down hill speed control for

automatic transmission-equipped vehicles, railroad grade crossing safety, and work zone safety.

The ATA and the American Bakers Association stated that both the PTDI curriculum and Model Curriculum have acceptable course content and length for heavy truck drivers. The agency agrees that both curricula are acceptable because experts use the agency's Model Curriculum as a training standard in the adequacy study.

In addition, all drivers who wish to obtain a CDL are required to pass specified knowledge tests. The agency and the American Association of Motor Vehicle Administrators (AAMVA) have developed a Commercial Driver's Manual to assist drivers in passing these tests. The manual instructs drivers to shift to a lower gear before starting down a steep grade in order to maintain a safe speed. The manual also has a section for railroad highway grade crossing safety, as well as work zones where the work can create a distraction for drivers and the workers may not see the driver.

Question 4: Can Government or Private Standards That Guide the Training of Entry-Level Drivers Be Used To Determine the Adequacy of Entry-level Driver Training? Why Are These Standards Appropriate?

A total of forty-five commenters responded to this question.

Eight commenters, including the ATA, mentioned either the PTDI organization or the PTDI certification process as standards for determining the adequacy of entry-level driver training. Two commenters, including the Michigan Truck Safety Commission, cited the Model Curriculum, and again, six commenters, including the American Bus Association, cited the CDL test as a standard for determining the adequacy of entry-level driver training. One employer, ITC, stated that a motor carrier approves of a training institution by hiring its students. The remaining commenters stated that the agency should establish minimum entry-level training standards and that no standard exists.

As discussed above, the agency agrees with commenters that the PTDI curriculum and Model Curriculum are both voluntary government-industry developed standards that can be used to determine the adequacy of entry-level driver training.

Question 5: To Obtain a CDL, a CMV Driver Must Demonstrate Knowledge and Skill Needed To Operate a CMV. Are These Tests Sufficiently Comprehensive To Accurately Measure a Driver's Performance? Please Explain Why or Why Not. Provide Information of Specific Deficiencies.

A total of eighty-one commenters responded to this question. Forty-two commenters, including the ATA, stated that the CDL accurately measures a driver's performance. Thirty-nine commenters, including the International Brotherhood of Teamsters, stated that the CDL does not accurately measure a driver's performance. The Teamsters stated further that mere possession of a CDL does not guarantee that the driver has the necessary experience and skill.

The agency believes that the CDL gives the novice driver the basic knowledge and skill necessary to operate a CMV. However, the employer may have to provide additional safety training, or allow the driver to gain CMV-operating experience before permitting the driver to drive, for example, in hazardous weather conditions. Because of the differences in operating practices among various CMV industries, the employer should be responsible for ensuring that the driver receives the appropriate training.

Question 6: Should Training Requirements for Entry-Level CMV Drivers be Federally Mandated?

A total of one hundred and fifty-one commenters responded to this question. Fifty-one commenters, including the Fox Valley Technical College, stated that training should be mandated. The Fox Valley Technical College stated that if training were not federally mandated, many companies would not comply. Sysco Food Services stated that training should only be mandated for companies with 50 or more new drivers. Ninety-two commenters, including the National Private Truck Council, stated that training should not be federally mandated. The National Private Truck Council stated that because the CDL is a performance based standard, training should not be mandated. Citizens Gas and Coke Utility stated that training should only be required for combination vehicles.

The agency believes that mandating training only for groups of 50 or more new drivers is not consistent with the need to train all entry-level drivers. A large majority of motor carriers have six or fewer power units, and would therefore be excluded from a 50 or more driver mandate. Moreover, larger employers could limit the number of drivers hired at one time to less than 50 to avoid being subject to mandatory entry-level training requirements. The adequacy study found that neither the heavy truck, motorcoach, nor the school bus industries provided adequate entry-level driver training. As the study surveyed drivers and employers that use both single and combination vehicles, its findings lead the agency to conclude that training should be mandatory for all entry-level drivers, irrespective of the kind of vehicle they drive or the size of the employing carrier.

Question 7: What Is an Entry-Level Driver?

A total of forty-four commenters responded to this question. Eighteen commenters, including the PTDI, stated that an entry-level driver is one who has never driven a CMV. The adequacy study found that entry-level training is training received in the first three years of driving. However, the Truckload Carriers Association and ATA indicated three years was too long. A representative of the Truckload Carriers Association stated during the public meeting that the term ''entry level'' is limited to the driver's first six months of driving. A representative of the ATA indicated during the public meeting that an ''entry-level driver'' is a person who has ''a couple of years of experience.'' In written comments, the ATA stated that the definition of an entry-level driver should include a driver who moves to a higher class of CMV.

The agency agrees with the ATA and the Truckload Carriers Association that the three-year experience requirement cited in the adequacy study is too long, because operating experience helps CMV drivers reduce accidents caused by driver error. This rule proposes to define entry-level driver as a driver with less than two years experience operating a CMV with a CDL.

Question 8: What Industry-Wide Initiatives or Policies, If Any, Assure That the Majority of All Entry-Level Drivers Are Trained?

A total of thirty-five commenters responded to this question.

Twelve commenters, including the Distribution LTL Association, cited the PTDI curriculum, the Model Curriculum or both. Fifteen commenters, including Schneider National, cited the CDL license. Three commenters, including the Washington Department of Licensing, stated that no such initiatives or policies exist. Five commenters, including the ATA, cited insurance companies, which promote training programs for entry-level drivers.

Question 9: How Many Truck Driver Training Schools and Motor Carrier Programs Train Entry-Level Drivers? What Percentage of Those Enrolled, Successfully Complete Such Training?

A total of thirty commenters responded to this question.

The Association of Publicly Funded Truck Driving Schools stated that there are approximately 85 such schools in the country, and that 88 to 92 percent of students successfully complete training. The ATA stated that there are 150 to 300 training schools nationwide, and that 60 to 70 percent of students successfully complete training. Mike Byrnes and Associates stated that there are approximately 375 training schools and motor carrier training programs in the United States. A representative of Robert Forman Associates stated at the public meeting that there were no motorcoach training schools in the country.

Question 10: Is the Successful Completion of an Entry-Level CMV Driver Training Program (Either Before or After Hiring) a Requirement for the Drivers Employed by Your Company?

A total of thirty commenters responded to this question.

The ATA stated that company policies generally require that new drivers receive additional training relating to the motor carrier's specific equipment and type of operation. Federal Express requires its entry-level drivers to complete a 3-week training program. Eleven commenters cited the PTDI standard. Eight commenters stated that motor carriers trained drivers to motor carrier's own standards. One commenter stated that its insurance company set training standards.

Question 11: Describe the Training Opportunities Available for Drivers of Smaller Trucking Companies/Owner-Operators. What Percentage of Those Enrolled Successfully Completes Such Training?

A total of twenty commenters responded to this question.

The National Solid Waste Management Association stated that small companies rely primarily on supervised on-the-job training to qualify new drivers. Mike Byrnes and Associates stated that some trucking schools offer weekend training for drivers of small trucking companies. The ATA believes that the percentage of truck drivers employed by small employers, who complete training, is 60 to 70 percent; the same percentage as for large employers.

Question 12: Describe the Expected Benefits and Estimated Dollar Costs for the Following Types of Training: Residential Training at Public and Private Truck Driver Training School (e.g. Trade, Vocational, and Community College Program); a Combination of a Home Study Course and Behind-the-Wheel Training; Formal School Training; and Externships (i.e. Combination Truck Driver Training School and Motor Carrier Operation)?

A total of twenty-eight persons responded to this question.

The Michigan Truck Safety Commission stated that it did not endorse home study training. The International Trucking School stated that an externship, involving both a truck driver school and a motor carrier, is the best form of training available to the student. The Association of Publicly Funded Truck Driving Schools agreed with this comment. The PTDI stated that the cost of both private schools and motor carrier training ranges from $1,500 to $6,000. The ATA stated that the costs of motor carrier-run training programs range from $3,000 to $5,000; externships cost between $3,000 and $6,000. The other cost comments were similar. At the public meeting, Northeast Career Schools stated that longer entry-level training courses involve better equipment and more qualified instructors.

Question 13: Although the Primary Purpose of This ANPRM Is to Gather Information on Entry-Level Truck Driver Training, the Agency Would Like To Collect Some Information on the Training Experienced Drivers Receive. Please Describe the Type and Frequency of Training, If Any, That You Offer or Financially Support for the More Experienced CMV Drivers of Your Company: Is This Training Required at Certain Specific Intervals or Provided Only on an ''as Needed'' Basis?

A total of 18 comments responded to this question.

The Association of Publicly Funded Truck Driving Schools stated that their members teach defensive driving courses, advanced driving techniques, and specialized training. Schneider National offers training in preparing logs, backing, defensive driving, injury prevention, trip planning, and efficient driving. CRST, Inc. requires all experienced drivers to be trained in a 2-day program. The ATA stated that the training for experienced drivers varies significantly from fleet to fleet. Fox Valley Technical College stated that the industry generally provides no formal training for its experienced truck drivers. The Advocates for Highway and Auto Safety stated training should be given every five years. The ATA and J.B. Hunt stated that training should be given either after accident involvement or to correct hours of service problems.

Other Issues Raised By Commenters

The Advocates for Highway and Auto Safety stated that the adequacy study should not have excluded transit buses.

Transportation performed by the Federal government, a State, or any political subdivision of a State, or an agency established under a compact between States that has been approved by the Congress of the United States, is exempt from parts 350 through 399 of the Federal Motor Carrier Safety Regulations. Transit bus operators are subject to the jurisdiction of the Federal Transit Administration (FTA) and are generally local government employees. Transit systems utilize training materials developed by the FTA. These materials cover basic vehicle controls and vehicle maneuvers in traffic. Transit systems report total bus mileage to FTA as a condition for receiving Federal grants. These grantees operated CMVs approximately 1.8 billion miles in calendar year 2000 according to the FTA's Transit Safety & Security Statistics & Analysis 2000 Annual Report. The report also states that there were 90 total fatalities for transit buses in calendar year 2000. Therefore, the fatal accident frequency per million miles for calendar year 2000 is approximately .048, which is very low. The agency believes that the FTA can effectively monitor transit bus system training. For these reasons, the agency is not including transit bus drivers in the proposed rule.

The ATA also provided comments on the adequacy study-cost benefit analysis referenced above. ATA stated that the cost of providing adequate entry-level training exceeded the 450 million dollar per year estimate cited in that analysis.

Summary of NPRM Provisions

This proposal is in response to a Congressional mandate in ISTEA, which directed the Secretary of Transportation to promulgate safety regulations for entry-level training of heavy truck, motorcoach, and school bus drivers. Congress was specifically concerned about the number of heavy truck crashes caused by inadequate driver training, and believed that better training would reduce these types of crashes. In addition, an agency study found that training for entry-level drivers in these industries was inadequate.

Both the Model Curriculum and the Model Curriculum for Training

Motorcoach Drivers instruct drivers on the basic operational skills, such as vehicle inspection, vehicle backing, hazard perception, proper communications procedures, and speed and space management, which are necessary to operate CMVs on the public road, plus the specialized knowledge and skill a driver needs to obtain the passenger, double/triple, tank vehicle, and hazardous materials endorsements. These curricula also contain instruction in vehicle inspection procedures, off-road skill test maneuvers, and operating CMVs in vehicular traffic. The CDL tests examine CMV drivers on the knowledge and skill the drivers learn in these curricula.

The agency is not requiring entry-level drivers to receive training in areas that are covered in the CDL test. Such training would be redundant. Instead, the required training would address: (1) driver qualifications—medical, and drug and alcohol testing, (2) driver hours of service limitations, (3) driver wellness, and (4) whistle blower protection. These are training areas that are not covered in the current CDL test. The agency is only requiring drivers to be trained in the areas appropriate to their driving occupation as entry-level drivers. Each of these areas focuses on the commercial motor vehicle driver, who the agency believes is key to promoting motor carrier safety on our nation's highways. The agency believes that training in these four areas would serve to set a minimum floor of safety for entry-level CMV drivers, and at the same time not be overly burdensome for drivers or motor carriers to implement. Although the proposal does not specify a required number of hours for the training, the agency estimates that it would require approximately 10.5 hours for heavy truck and motorcoach drivers, and 4.5 hours for school bus drivers. The Texas Department of Public Safety stated in comments to the ANPRM that the State of Texas currently requires a school bus driver to receive twenty hours of initial training and 8 hours of refresher training every three years. The Michigan Department of Education requires a school bus driver to pass an initial training course and a road test. The State also requires the school bus driver to receive 6 hours of refresher training every two years. The NHTSA has developed the ''School Bus Driver Instructional Program'' as a voluntary training standard. However, the NHTSA training standard does not cover either driver wellness or whistle blower protection. In addition, the agency's review of school bus driver training data indicates that school districts do not include instruction in driver wellness and whistle blower protection. The agency estimates that driver wellness and whistle blower training would mean an additional 4.5 hours of training for school bus drivers.

The agency requests comments on whether entry-level training in other areas, such as fire extinguisher training, should be required.

Driver Qualification

Examples of topics that could be covered are minimum vision and hearing standards, the recommended hypertension standard, the recommended monitoring practices for mild hypertension, and standards for other health-related problems. Emphasis could be placed on medical disqualification caused by illegal drug use, alcoholism, or epilepsy.

Hours of Service

There is evidence that many crashes occur as a result of CMV driver error, and that driver error is often the result of inattention. Inattention can often be the result of fatigue, which may be related to sleep deprivation. Sleep deprivation can often be related to working conditions.

Examples of possible topics for hours of service would include awareness of the causes of fatigue, its effect on driving safety, sleep disorders, fatigue-prevention strategies (including good sleep hygiene), the procedures used to complete a driver's daily log including the use of quarter-hour increments to indicate time, the different types of duty statuses, the hours of service rules, and the importance of keeping up-to-date and accurate logs.

Driver Wellness

According to Roberts and York, ''Design, Development and Evaluation of Truck and Bus Driver Wellness Programs,'' FMCSA, No. DOT–MC–00–200, June 2000, obesity, high blood pressure, alcohol and drug abuse, and stress are major health issues, among truck and bus drivers. The Roberts and York report cited a study by Stoohs, Guilleminault, and Dement, ''Sleep Apnea and Hypertension in Commercial Truck Drivers,'' Sleep, Vol. 16 No. 8 (1993) that 71 percent of the 125 drivers in the Stoohs, Guilleminault, and Dement study were obese because they had a body mass/fat index greater than 28. In addition, the Roberts and York report cited data from ''Heart and Stroke Facts, 1996 Statistical Supplement,'' American Heart Association, that nationally 26.3 percent of men and 25.0 percent of woman have blood pressures greater than 140 over 90 millimeters of mercury (mm Hg). Hypertension is defined as blood pressure greater than or equal to 140 over 90 mm Hg. Additionally, the Roberts and York report cited data from ''Accident Facts:'' 1996 edition that indicates that alcohol is a factor in 41 percent of all traffic fatalities. Finally, the Roberts and York report cited data from Orris, *et. al.*, ''Stress Among Package Truck Drivers,'' American Journal of Industrial Medicine, Vol. 31, (1997), that indicates that the drivers in that study had higher stress levels than 91 percent of the U.S. population.

In light of these data, examples of topics that could be covered in driver wellness training include information on how to maintain healthy blood cholesterol, blood pressure, and weight, as well as the importance of periodic health monitoring and testing, diet, and exercise.

Whistleblower

Topics that the agency anticipates would be covered include: the right of a driver to refuse to drive if there is an unsafe vehicle condition, the requirement for an employer to provide the driver a safe place to work, the prohibition against the motor carrier to pressure the driver to violate the hours-of-service requirements, and the complaint process of the U.S. Department of Labor if a driver feels that he or she has been discriminated against for filing a safety-related complaint.

Under the proposal, employers would have to ensure that new entry-level drivers receive the required training before driving. The agency solicits comments on whether a 90-day period or some other time period would be more appropriate for new entry-level drivers. Commenters are requested to provide supporting rationale.

Drivers with up to one year of driving experience would have 90 days to complete the training. Drivers having between one to two years of experience who do not qualify for grandfathering would also have 90 days to complete the required training. The agency solicits comments on whether the 90-day time period is appropriate for these two groups of drivers, and specifically whether a lesser period of time should be required. Commenters are requested to provide supporting rationale.

The motor carrier, a training school, or a class conducted by a consortium or association of motor carriers could provide the training. Examples include a classroom setting and a professional instructor, a one-on-one office meeting between the entry-level driver and a representative of his or her employer working from a prepared outline, or

exposure of the entry-level driver to a professionally prepared video covering the required topics. In all cases, the motor carrier would have to maintain some evidence of the content of the instruction for a Safety Investigator seeking to verify that the requirements of the training have been met. Informal, unverifiable, or undocumented communication between the entry-level driver and his or her employer would not be acceptable. Evidence that a driver has received the training would be maintained in the driver's personnel file. An entry-level driver would be one with less than two years of experience operating a CMV with a CDL. However, drivers with one year of experience operating a CMV with a CDL, who have a good driving record, would be grandfathered and therefore would not have to take the proposed training.

The FMCSA believes that for many entry-level drivers, the combination of a good driving record and at least one year of experience operating a CMV with a CDL is an appropriate indication that the individual has the minimum knowledge and driving skills to operate such a vehicle. Accordingly, the FMCSA would allow certain drivers to substitute a good driving record and experience for the completion of the proposed driver-training requirements. The FMCSA believes grandfathering such drivers would not diminish public safety or overall safe operation of CMVs.

The FMCSA is proposing that a motor carrier issue a Certificate of Grandfathering to those drivers whose experience and driving record qualify them to be grandfathered under this proposal. A copy of the certificate would be filed in the driver's personnel file. Grandfathered drivers would not be subject to the training requirements of this new subpart. This action is consistent with that taken when the agency grandfathered certain drivers from the CDL skills tests contained in part 383. Qualified drivers, who want to obtain a Certificate of Grandfathering, must do so within one year of the effective date of the final rule. After the one-year period, only those drivers who present an employer with a Certificate of Grandfathering would be exempted from entry-level driver training requirements.

The agency recognizes that, in order to develop the training curriculum required by this proposal, a phase-in period would be necessary. The agency believes that a 2-month phase-in period is adequate and would provide sufficient time for motor carriers and training schools to develop the required training material. The effective date of the rule would be 2 months after its publication in the **Federal Register**.

The FMCSA solicits comments on all aspects of this proposal.

Rulemaking Analyses and Notices

Executive Order 12866 (Regulatory Planning and Review) and DOT Regulatory Policies and Procedures

The FMCSA has determined that this action is a significant regulatory action within the meaning of E.O. 12866, and is significant within the meaning of the Department of Transportation's regulatory policies and procedures (DOT Order 2100.5 dated May 22, 1980; 44 FR 11034, February 26, 1979) because of significant public interest in the issues relating to CMV safety and training of certain CMV drivers. This proposed rule has been reviewed by the Office of Management and Budget under E.O 12866.

Summary of Benefit-Cost Analysis for this Proposal

Background

This proposed rule is required by the Intermodal Surface Transportation Efficiency Act of 1991. The FMCSA is proposing that entry-level commercial drivers receive mandatory training in the following content areas: driver qualifications, hours of service of drivers, driver wellness, and whistle blower rights. This NPRM would require an applicant to complete entry-level driver training that includes these four content areas and furnish a copy of the training certificate to the employer in cases where someone other than the employer provides the training. An employer could not allow a new entry-level driver to operate a CMV on the public road unless the driver has received the required training and documentation of training is in the employer's possession.

The agency seeks to ensure high standards of safety among more experienced drivers without imposing an undue burden on these drivers by imposing an immediate training requirement. Such a requirement could mean an interruption of the driver's work schedule and a substantial loss in wages. In order to eliminate an overly burdensome approach to training, the NPRM proposes that drivers with up to one year of driving experience would have 90 days to complete the training. Drivers having between one to two years of experience who do not qualify for grandfathering would also have 90 days to complete the required training. The agency solicits comments on the economic impact of requiring training within the 90-day time period for these two groups of experienced drivers as well as the costs associated with a lesser period of time. Commenters are requested to provide supporting rationale.

The FMCSA has conducted a regulatory evaluation of this proposed rule in accordance with Executive Order 12866, ''Regulatory Planning and Review.'' This rule is estimated to cost $25.1 million in the first year of implementation and $22.7 million annually thereafter (undiscounted). The higher costs in the first year are the result of this rule's effect on some existing drivers (*i.e.*, those with less than two years of experience), where a certain percentage would be required to undertake the required training within the first 90 days of the rule's implementation. Total discounted costs of this rule are $173.3 million over the 10-year period.

Our analysis of this proposed rule indicates that it would have to prevent 315 truck-related crashes (*i.e.*, combined fatal, injury-related, and property-damage-only crashes) in the first year to be cost-beneficial (*i.e.*, to offset the $25.1 million in first-year costs). The rule would have to prevent 285 crashes in each year thereafter to be cost-beneficial. The 285–315 truck-related crashes to be avoided represent less than seven one-hundredths of one percent (or 0.07 percent) of the average total number of truck-related crashes reported annually (estimated at 445,000 in 1999 and 2000). This 0.07-percent reduction in truck-related crashes is obviously much less than the size of crash reductions experienced in studies cited earlier in this NPRM, where case studies revealed crash reductions of 2 and 40 percent from implementation of new driver training programs and is also well below the 15-percent reduction in crashes used in the regulatory evaluation prepared in 1995 for the ANPRM (which involved a more comprehensive training program than proposed here). A summary of costs is provided in the next section. For a complete discussion of the assumptions made, data used, and analysis performed in this regulatory evaluation, the reader is referred to the docket, where a copy of the full regulatory evaluation is contained.

Costs

The largest cost component of this rule is the cost of providing training to entry-level operators of heavy trucks, school buses, and motor coaches. Training costs include both the direct cost to train drivers and the (opportunity) cost of drivers' time. The two key factors in estimating the

training costs are the number of drivers who will need training and the hours of training they will have to undertake.

The FMCSA estimates that the proposed rule would require 10.5 hours of training of the entry-level drivers of heavy trucks in the proposed four subject areas. The two content areas of driver qualifications and hours of service together would require about 6 hours of training. The driver wellness training would also require about 4 hours, while training on whistle blower protection is estimated at 30 minutes. However, the FMCSA believes that the entry-level drivers of school buses would only require 4.5 hours of training, comprised of 4 hours of driver wellness instruction and 30 minutes of whistle blower protection training (given that the Federal driver qualifications and hours-of-service content would not apply). The FMCSA also estimates that the proposed rule would require 10.5 hours of training of the entry-level drivers of motorcoaches. The training hours estimate for heavy truck drivers was based on information provided in the instructor's guide for the Professional Truck Drivers Institute's (PTDI) accredited training courses and discussions held with FMCSA CDL Program staff. The training hours estimate for motor coach drivers was estimated using the instructor's guide for the Model Curriculum for motor coach drivers and discussions with FMCSA CDL Program staff.

Using data from the Bureau of Labor Statistics, the total number of entry-level truck drivers is estimated at 58,600 per year for the next 10 years, while the entry-level drivers required for growth and replacement for the school bus and motorcoach industry are estimated at 17,800 and 2,100 per year, respectively, also over the next 10 years.

In this analysis, we assumed that 30 percent of the entry-level heavy truck drivers, or 17,580, would not need any additional training, as they are assumed to attend a PTDI or similar accredited training program (*i.e.*, PTDI accredited courses already include these content areas in their curriculum). This assumption is based on information obtained regarding the number of accredited programs as a percent of total driver training programs. For the remaining 70 percent (or 41,020, entry-level drivers), we assumed that they either receive training from a non-accredited training program or they receive informal training from their employer. Therefore, this 70 percent of entry-level drivers would require 10.5 hours of training per driver on the four subject areas mentioned above. Therefore, the total hours of training required by the proposed rule for the entry-level heavy truck drivers is estimated at 430,710 hours per year. For those drivers who already receive some type of formal (yet non-accredited) employer-or third-party training, it is quite possible that employers (or third-party training providers) might reduce the amount of training time spent on other, non-required subject matter, so that the net increase in training per truck driver would be less than 10.5 hours. However, in the absence of specific information on the types of subject matter than might be omitted from these driver training programs to offset the new training costs, we assumed a net increase of 10.5 hours for estimating the costs of this rule.

Regarding school bus driver training, neither the Federal driver qualifications nor the Federal Hours of Service rules are applicable to these drivers. Therefore, this entry-level training rulemaking will result in only 4.5 hours of additional training for each entry-level driver, since these training programs would include primarily driver wellness (4 hours) as well as whistle blower protection (0.5 hours). States have long required school bus drivers to take written exams designated to test an entry-level driver's knowledge of state laws and regulations affecting school transportation. Additionally, behind-the-wheel road tests are used to evaluate an applicant's driving skills. For example, as a comment to the ANPRM, the Texas Department of Public Safety stated that Texas requires classroom and behind-the-wheel training totaling 20 hours. In our review of the school bus driver training information, we concluded that no districts were providing instruction in driver wellness and whistle blower protection, since the NHTSA voluntary training standard, known as the School Bus Driver Training Program, did not include such content. Therefore, FMCSA estimates that all 17,800 entry-level school bus drivers would need an additional 4.5 hours of training for a total of 80,100 hours of training per year.

FMCSA assumes that the additional hours of training for an entry-level motorcoach driver would be 10.5 hours. The instructor's guide to the model curriculum for training motor coach drivers includes 5 hours of logbook training but only about an hour on safety and wellness issues (including topics such as the correct lifting of heavy objects and identifying prohibited cargo). The FMCSA does not have information on the proportion of entry-level motorcoach drivers following training as per the model curriculum. Therefore, the FMCSA estimates that 2,100 entry-level drivers of motorcoaches would require 10.5 hours of training on driver qualifications, hours of service for drivers, driver wellness and whistle blower protection for a total of 22,050 hours of training per year.

To be conservative, a figure of $25 per hour of training was used in this analysis to calculate the direct costs of training (calculated via an average cost of $4,000 per training course divided by 4 weeks divided by 40 hours per week). This translates into $262.50 of direct training costs for a 10.5-hour course and $112.50 for 4.5-hour course. The agency believes that this was a reasonable estimate of the total hourly cost to train drivers (whether or not the training is provided by the employer or a third party) because it falls well within the range of training cost estimates provided in comments to the ANPRM. In reality, employer-based training could very well be less than $25/hour in certain cases (*i.e.*, assuming new physical space is not leased by the employer to conduct the training, or the training is self-directed by the driver), but to be conservative the agency used the same figure whether the training was employer-or third party-based so as to ensure not underestimating employer and/or driver costs.

To arrive at a truck driver's wage rate, we use a figure of $14.75 per hour, which is an average from three recent national wage/employment surveys (including the Current Population Survey). We added 31 percent to cover the cost of fringe benefits, an estimate developed in the Hours of Service regulatory evaluation. (It is a weighted average of the fringe benefits for private and for-hire carriers, based on data from the ATA and the BLS.) The 31 percent increase brings total compensation to $19.32.

Regarding a school bus driver's wage, we use a figure of $7.67 per hour obtained from the BLS 2001 National Occupational Employment and Wage survey. This figure represents the 25th percentile wage estimate for an entry-level school bus driver and we used it because entry-level drivers generally earn at the low range of the industry wage standards. Again, 31 percent is added to cover the cost of fringe benefits, resulting in a total hourly wage estimate of $10.05 per hour.

Regarding a motorcoach driver's wage, we use a figure of $9.98 per hour obtained from the BLS 2001 National Occupational Employment and Wage survey. This figure represents the 25th percentile wage estimate for an entry-level motorcoach driver and we used it

because entry-level drivers generally earn at the low range of the industry wage standards. Again, 31 percent is added to cover the cost of fringe benefits, resulting in a total hourly wage estimate of $13.07 per hour.

To get the total unit cost of training per hour (*i.e.*, including both direct training costs and the drivers' cost of time), the relevant estimate of the driver's wage rate for truck, school bus, and motor coach drivers was added to the average hourly cost of training discussed earlier. For example, for an entry-level truck driver, the unit cost of training is $44.32 an hour ($19.32 of foregone driver wages plus $25 in actual training costs). For entry-level school bus drivers, the total training cost is estimated at $35.05 per hour ($10.05 of foregone driver wages plus $25 in actual training costs), and for entry-level motor coach drivers, it is $38.07 per hour ($13.07 of foregone driver wages plus $25 in actual training costs.

Taking these hourly training costs for each type of entry-level driver (based on median wage rates and an average hourly cost of training) and applying them to the hours of required training for each type of driver (discussed earlier) and the number of entry-level drivers in each category, we can develop an estimate of total annual costs of this rule.

To do so, we multiplied the hours of training required for each type of driver by the total number of drivers in that driver group per year by the applicable hourly wage rate to drivers in each group (including direct wage and costs of training). The result is a total first-year cost of $25.1 million and $22.7 million (undiscounted) annually in each subsequent year of the rule. Using the 7 percent discount rate recommended by the OMB, the present value of training costs of the proposed rule is calculated as $173.3 million over 10 years, or a discounted average of $17.3 million per year for next 10 years.

The reason first year costs are higher than the annual costs in subsequent years is that within the first year (90 days to be exact), some portion of the entry level drivers who received training between 12–24 months prior to implementation of this rule (*i.e.*, those effectively with chargeable crashes) would be required to undertake training in these four content areas. Our analysis indicates that almost 6,000 drivers who received training between 12–24 months prior to the rule's implementation would have to undertake the training required under this rule. As such, first-year costs increase because a larger pool of drivers must initially undertake the required training. Full details of these costs are provided in the stand-alone regulatory evaluation contained in the docket.

Benefits

The total number of accidents potentially avoided by the proposed rule is difficult to quantify largely because of the variability in study results on the impact of training on the truck crash reduction. This variability is most likely due to the wide variation in quality of driver training programs and the difficulty associated with estimating (statistically speaking) the relationship between a single input (training) and an output (safety) when working with very large data sets. However, several case studies, including two cited earlier in this NPRM, reveal that driver training programs reduced crashes by two to 40 percent. Because of the relatively modest costs (estimated at $22.7 million to $25.1 million annually (undiscounted)), this proposed rule would have to deter between 285 and 315 truck-related crashes (fatal, injury-related, and property-damage-only crashes combined) each year in order to be cost beneficial (*i.e.*, where the rule's benefits exceed its costs).

To develop the above estimate of the number of truck- and bus-related crashes that must be avoided each year for the rule to be cost beneficial, the researchers used crash cost estimates from a recent study by Zaloshnja, *et al.*, which estimated the average cost of a crash involving a large truck (*i.e.*, those > 10,000 lbs GVW) at almost $80,000 (in 2001 dollars). Dividing the annual costs of the rule ($22.7 million to $25.1 million) by this average cost per truck-related crash ($80,000) allows us to arrive at the cost-beneficial threshold of 285–315 annual crashes. This range (285–315 avoided crashes) represents less than seven one-hundredths of one percent (or 0.07 percent) of the total average number of truck-related crashes annually (estimated at 445,000 using 1999–2000 data). This 0.07-percent reduction is obviously much smaller than the size of crash reductions experienced in studies cited earlier in this NPRM, where case studies revealed crash reductions of 2 and 40 percent from implementation of new driver training programs and is also well below the 15-percent reduction in crashes used in the regulatory evaluation prepared in 1995 for the ANPRM (which involved a more comprehensive training program than proposed here). Therefore, we believe the rule would be cost-beneficial upon implementation.

A complete copy of the preliminary regulatory evaluation is in the public docket described above under **ADDRESSES.**

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), the agency has evaluated the effects of this rulemaking on small entities. In addition, DOT policy requires an analysis of the impact of all regulations (or proposals) on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses. The Interim Regulatory Flexibility Analysis must cover the following topics.

(1) A description of the reasons why the action by the agency is being considered.

(2) A succinct statement of the objectives of, and legal basis for, the proposed rule.

(3) A description, and where feasible, an estimate of the number of small entities to which the proposed rule would apply.

(4) A description of the projected reporting, record-keeping, and other compliance requirements of the proposed rule, including an estimate of the classes of small entities that will be subject to the requirement and the types of professional skills necessary for preparation of the report or record.

(5) An identification, to the extent practicable, of all relevant federal rules that may duplicate, overlap, or conflict with the proposed rule.

Reason the Action Is Being Considered

This action is required by Congressional direction. Specifically, section 4007 of the Intermodal Surface Transportation Efficiency Act of 1991 directed the Secretary of Transportation to promulgate regulations requiring training for entry-level heavy truck, school bus, and motorcoach drivers.

Objective and Legal Basis for This Action

The objective for this action is to reduce the number of crashes caused by entry-level drivers of heavy trucks, school buses, and motorcoaches. Congress was specifically concerned about the number of heavy truck crashes caused by inadequate driver training, and believes that better training will reduce these types of crashes. As noted above, the legal basis for this rule is section 4007 of the Intermodal Surface Transportation Efficiency Act of 1991.

Number of Small Entities to Which the Action Would Apply

This action would apply to all small entities regulated by the FMCSA. The FMCSA is currently conducting

research to specify the size of the small motor carrier population. Presently we consider motor carriers with 6 or fewer drivers to be small entities. Using this number of drivers as a proxy for size, the majority of carriers can reasonably be described as small. As of April of 2002, there were 610,000 motor carriers on the FMCSA's Motor Carrier Management Information System (MCMIS) census file. Among the 500,000 of these motor carriers for which the agency has driver data, 435,000 (87 percent) have 6 or fewer drivers. Assuming that 87 percent of the 110,000 motor carriers with no driver information are also small, the total number of motor carriers with six or fewer drivers would exceed half a million.

Reporting, Recordkeeping, and Other Compliance Requirements of the Proposed Rule

This action would impose a very modest burden on small entities, since it largely proscribes the actions of drivers rather than motor carriers. Nonetheless, this action does impose some reporting and recordkeeping requirements on motor carriers. The primary motor carrier requirement would be to verify drivers' eligibility before allowing them to operate a CMV. In addition, motor carriers must maintain a copy of the required driver's training certificate in each personnel file. Motor carriers are currently required to maintain a driver qualification file for each driver, as outlined in Part 391 of the FMCSRs. No special skill is required to verify eligibility to operate a CMV or to place a driver's training certificate in a personnel file.

Duplicative, Overlapping, or Conflicting Federal Rules

The FMCSA is not aware of any other rules that duplicate State, local, or tribal governments, in the aggregate, or overlap, or conflict with the proposed action.

Accordingly, the FMCSA hereby certifies that the proposed action discussed in this document will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (the Act) requires each agency to assess the effects of its regulatory actions on State, local, tribal governments, and the private sector. This proposed rule does not impose an unfunded Federal mandate resulting in the expenditure by State, local, or tribal governments, in the aggregate, or the private sector, of $100 million, adjusted for inflation, or more in any one year. (2 U.S.C. 1531 et. seq.).

Executive Order 13132 (Federalism)

This action has been analyzed in accordance with the principles and criteria contained in Executive Order 13132. It has been determined that this rulemaking does not have a substantial direct effect on States, nor would it limit the policy-making discretion of the States. Nothing in this document preempts any State law or regulation.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501 *et seq.*), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct, sponsor, or require through regulations. An analysis of this proposal was made by the FMCSA, and it has been determined that the final rule, when promulgated, would create a new collection of information requiring OMB's approval. This PRA section addresses the information collection burden for activities associated with training certification forms and grandfathering eligible drivers.

The FMCSA estimates that operators of heavy trucks, operators of motor coaches, and operators of school buses will require additional training due to requirements contained in this proposed rule. The agency further estimates 58,600 new drivers will be needed annually in the heavy truck industry, 2,100 new drivers in the motor coach industry, and 17,800 new drivers in the school bus industry. However, it is estimated that for the heavy truck industry 30 percent of the entry level drivers already receive training through an accredited program and will not require additional training. The remaining 70 percent, or 41,020 drivers, would require additional training.

There would be an annual burden to the motor carrier or other training entity to complete, photocopy, and file the certification form. FMCSA estimates this will take 10 minutes, resulting in an additional annual burden of 10,153 hours [60,920 (41,020 + 2,100 + 17,800) drivers × 10 minutes per motor carrier/ training entity, divided by 60 minutes = 10,153].

For the first year after the rule becomes effective, there would also be burdens associated with the estimated 121,840 drivers currently employed with less than 2 years experience who have not already received accredited training [41,020 (heavy truck) + 2,100 (motor coach) + 17,800 (school bus) = 60,920 × 2 years = 121,840 drivers]. Based on eligibility criteria previously described in this proposed rule, the FMCSA estimates that 75 percent of these 121,840 drivers would be eligible to be grandfathered and 25 percent would not be eligible.

Using these estimates, there would be an additional 21,560 drivers in the heavy truck and motor coach industries [(41,020 × 2 = 82,040) + (2,100 × 2 = 4,200) = 86,240 × 25 percent = 21,560] that would need additional training, because they would be ineligible to be grandfathered. Using the same percentage as above (25 percent), the school bus industry would have 8,900 drivers (17,800 × 2 years × 25 percent) who would be ineligible for grandfathering and would thus require additional training. Each of these 30,460 (21,560 + 8,900) drivers would need to be issued certificates following their training. At 10 minutes per certificate, that burden is estimated to be 5,077 hours (30,460 drivers × 10 minutes, divided by 60 minutes).

For grandfathering the estimated 91,380 remaining drivers (75 percent of 121,840 drivers eligible for grandfathering during the first year), there would be a one-time burden, since drivers could only be grandfathered during the first year after the rule becomes effective. There are two parts to the burden for these 91,380 drivers: (1) the burden for the driver to collect and provide the information to the motor carrier, and (2) the burden for the motor carrier to review the documents, complete, duplicate, and file the certification form. FMCSA estimates that it would take approximately 10 minutes for a driver to collect the necessary information and provide the document to the motor carrier, and 10 minutes for the motor carrier to review the information, complete the certification, and duplicate and file the document. Therefore, the one time burden associated with grandfathering the 91,380 drivers would be 30,460 hours [(91,380 × 10 minutes per driver / 60 minutes = 15,230) + (91,380 × 10 minutes per motor carrier / 60 minutes = 15,230) = 30,460]. This 30,460-hour estimate represents the first-year only burden associated with certifying drivers who are grandfathered.

Accordingly, the burden associated with the 121,840 current drivers is 35,537 burden hours [5,077 hours (for current entry level drivers not eligible for grandfathering) + 30,460 hours (for certifying drivers who are eligible to be grandfathered)].

Thus, the total first-year burden is estimated to be 45,690 hours [10,153

(annual burden) + 35,537 (first year burden of 5,077 + 30,460)].

Activity	Burden Hours
Annual Certification form for new entry level drivers	10,153
Certification form for drivers *not* eligible to be grandfathered (following training) (first year only)	5,077
Grandfathering certificate for those eligible (first year only)	30,460
Total	45,690

The information collection burden for subsequent years would drop to 10,153 hours [45,690 − 35,537 (first year only burden hours)].

Interested parties are invited to send comments regarding any aspect of these information collection requirements, including, but not limited to: (1) Whether the collection of information is necessary for the performance of the functions of the FMCSA, including whether the information has practical utility, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the collected information, and (4) ways to minimize the collection burden without reducing the quality of the information collected.

You may submit comments on this *information collection burden* directly to OMB. The OMB must receive your comments by October 14, 2003. You must mail or hand deliver your comments to: Attention: Desk Officer for the Department of Transportation, Docket Library, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, 725 17th Street, NW., Washington, DC 20503.

Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations)

The agency evaluated the environmental effects of the proposed action and alternatives in accordance with Executive Order 12898 and determined that there were no environmental justice issues associated with this proposed rule. Environmental justice issues would be raised if there were a ''disproportionate'' and ''high and adverse impact'' on minority or low-income populations. The agency determined that there were no high and adverse impacts associated with the proposal. In addition, the agency analyzed the demographic makeup of the trucking industry, potentially affected, and determined that there was no disproportionate impact on minority or low-income populations. This is based on the finding that low-income and minority populations are generally underrepresented in the trucking occupation.

Executive Order 13045 (Protection of Children)

Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (April 23, 1997, 62 FR 19885), requires that agencies issuing ''economically significant'' rules that also concern an environmental health or safety risk, or that an agency has reason to believe may disproportionately affect children, must include an evaluation of these effects on children. Section 5 of Executive Order 13045 directs an agency to submit for a ''covered regulatory action'' an evaluation of its environmental health or safety effects on children.

The agency evaluated the possible effects of the proposed action and determined that they would not create disproportionate environmental health risks or safety risks to children.

Executive Order 12988 (Civil Justice Reform)

This action meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Executive Order 12630 (Taking of Private Property)

This rule will not effect a taking of private property or otherwise have taking implications under E. O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Executive Order 12372 (Intergovernmental Review)

Catalog of Federal Domestic Assistance Program Number of 20.217, Motor Carrier Safety. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this program.

National Environmental Policy Act

The agency has analyzed this rulemaking for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and has determined that this action would not have an adverse effect on the quality of the environment.

List of Subjects in 49 CFR Part 380

Driver Training, instructor requirements.

In consideration of the foregoing, the FMCSA hereby proposes to amend title 49, Code of Federal Regulations, chapter III, subchapter B, part 380 as set forth below:

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

Authority: 49 U.S.C. 31136, 31307, and 31502; and Sec. 4007(b) of Pub. L. 102–240 (105 Stat. 2152); and 49 CFR 1.73.

2. Part 380 is revised by adding a new subpart E to read as follows.

PART 380—SPECIAL TRAINING REQUIREMENTS

Subpart E—Entry-Level Driver Training Requirements

Sec.
380.501 Applicability.
380.502 Definitions.
380.503 Entry-level driver training requirements.
380.505 Substitute for driver training.
380.507 Proof of training.
380.509 Driver responsibilities.
380.511 Employer responsibilities.
380.513 Employer recordkeeping responsibilities.
380.515 Required information on the training certificate.

Subpart E—Entry-Level Driver Training Requirements

§ 380.501 Applicability.

All entry-level drivers who drive in interstate commerce and are subject to the CDL requirements of part 383 of this subchapter must comply with the rules of this subpart, except drivers who are subject to the jurisdiction of the Federal Transit Administration.

§ 380.502 Definitions.

(a) The definitions in part 383 of this subchapter apply to this part, except where otherwise specifically noted.

(b) As used in this subpart:

Entry-level driver is a driver with less than 2 years experience operating a CMV with a CDL.

Entry-level driver training is training the CDL driver receives in driver qualification requirements, hours of service of drivers, driver wellness, and whistle blower protection as appropriate to the entry-level driver's current position in addition to passing the CDL test.

§ 380.503 Entry-level driver training requirements.

Entry-level driver training must include instruction addressing the following four areas:

(1) Driver qualification requirements: The federal rules on medical

certification, medical examination procedures (49 CFR part 391, subparts B and E), and drug and alcohol testing (49 CFR part 382).

(2) Hours of service of drivers: The limitations on driving hours and the requirement to be off-duty for certain periods of time (49 CFR part 395).

(3) Driver wellness: Basic health maintenance including diet and exercise. The importance of avoiding alcohol and drug abuse. Fatigue countermeasures as a means to avoid accidents.

(4) Whistleblower protection: The right of an employee to question the safety practices of an employer without the employee's risk of losing a job or being subject to reprisals simply for stating a safety concern (29 CFR part 1978).

§ 380.505 Substitute for Driver Training.

(a) *Grandfather clause.* The driver training requirements specified in subpart E of this part do not apply to an individual who meets the conditions set forth in paragraphs (b), (c), and (d) of this section. A motor carrier must ensure that an individual claiming eligibility to operate a CMV on the basis of this section meets these conditions before allowing him/her to operate a CMV.

(b) An individual must certify that, during the 1-year period immediately preceding the date of application for a Certificate of Grandfathering, he/she had:

(1) A valid CDL;

(2) No more than one driver's license;

(3) No suspension, revocation, or cancellation of his/her CDL;

(4) No convictions for a major offense while operating a CMV as defined in § 383.51(b) of this subchapter;

(5) No convictions for a railroad-highway grade crossing offense while operating a CMV as stated in § 383.51(d) of this subchapter;

(6) No convictions for violating an out-of-service order as defined in § 383.51(e) of this subchapter;

(7) No more than one conviction for a serious traffic violation, as defined in § 383.5 of this subchapter, while operating a CMV;

(8) No convictions for a violation of State or local law relating to motor vehicle traffic control arising in connection with any traffic accident while operating a CMV; and

(9) No accident in which he/she was found to be at fault, while operating a CMV.

(c) An individual must certify and provide evidence that he/she:

(1) Is regularly employed in a job requiring the operation of a CMV that requires a CDL; and

(2) Has operated a CMV for at least 1 year immediately preceding the date of application for a Certificate of Grandfathering.

(d) An employer must issue a Certificate of Grandfathering, which is substantially in accordance with the form below, to an individual that meets the requirements of this section and maintain a copy of the certificate in his/her personnel file.

(e) The grandfather provisions of this section are available to eligible drivers for a limited period of one year after [*The effective date of the final rule.*].

Entry-level Driver-Training Certificate of Grandfathering I certify that _____ has presented evidence of meeting the prerequisites set forth in the Federal Motor Carrier Safety Regulations (49 CFR § 380.505) as a substitute for entry-level driver training and is qualified to operate a CMV.	
DRIVER NAME (First name, MI, Last name)	
Commercial Driver's License Number	STATE
ADDRESS OF DRIVER (Street Address, City, State and Zip Code)	
FULL NAME OF EMPLOYER	Telephone Number
ADDRESS OF PRINCIPAL PLACE OF BUSINESS (Street Address, City, State, and Zip Code)	
SIGNATURE OF EMPLOYING OFFICIAL	DATE ISSUED

§ 380.507 Proof of training.

(a) An entry-level driver who receives the required training must receive an original training certificate containing all the information contained in § 380.515 from the training provider.

(b) The entry-level driver must also receive a copy of the training certificate if the training provider is not the driver's employer or potential employer.

§ 380.509 Driver responsibilities.

The driver must present a training certificate, containing the information specified in § 380.515, to the employer or potential employee that the driver received training as specified in § 380.503, if the employer or potential employer is not the training provider.

§ 380.511 Employer responsibilities.

(a) Employers must ensure that all new entry-level drivers receive the required training on or after [*Insert the effective date of the final rule*].

(b) Employers must ensure that entry-level drivers, who do not qualify for grandfathering, receive the required training no later than 90 days after [*The effective date of the final rule*].

(c) The employer must place evidence of training completion or a Certificate of Grandfathering, as appropriate, in the driver's qualification file.

§ 380.513 Employer recordkeeping responsibilities.

The employer must keep the records specified in § 380.511 for as long as the driver is employed by the employer and for three years thereafter.

§ 380.515 Required information on the training certificate.

(a) The training provider must provide a training certificate to the entry-level driver, which contains the following six items of information.

(1) Name of training institution;

(2) Mailing address of training institution;

(3) Name of driver;

(4) A statement that the driver has completed driver qualification requirements, hours of service of drivers, driver wellness, and whistle blower protection;

(5) The printed name of the person attesting that the driver has received the required training.

(6) The signature of the person attesting that the driver has received the required training.

(b) The training provider must issue a Driver Training Certificate that is substantially in accordance with the following form.

(1) Driver-Certification

I certify that _____ has completed training requirements set forth in the Federal Motor Carrier Safety Regulations (49 CFR 380.503) for entry-level driver training.

_____

Full name of training entity

_____

Business address (Street Address, City, State and Zip code)

_____

Telephone number:

_____

Name of training certifying official

_____

Signature of training certifying official

Issued on: August 12, 2003.

Warren E. Hoemann,

Deputy Administrator.

[FR Doc. 03–20888 Filed 8–14–03; 8:45 am]

BILLING CODE 4910–EX–P

Notices

Federal Register
Vol. 68, No. 158
Friday, August 15, 2003

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Notice of Federal Invention Available for Licensing and Intent To Grant Exclusive License

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of availability and intent.

SUMMARY: Notice is hereby given that the federally owned invention disclosed in U.S. Patent Application No. 09/774,810 ''Intermediate-Moisture Formed Food Products Made From Partially Dehydrated Fruit and/or Vegetables and Novel Methods of Packaging Thereof'', filed January 30, 2001, is available for licensing and that the U.S. Department of Agriculture, Agricultural Research Service, intends to grant to Fiorini Ranch of Turlock, California, an exclusive license to this invention.

DATES: Comments must be received within ninety (90) calendar days of the date of publication of this notice in the **Federal Register**.

ADDRESSES: Send comments to: USDA, ARS, Office of Technology Transfer, 5601 Sunnyside Avenue, Room 4–1174, Beltsville, Maryland 20705–5131.

FOR FURTHER INFORMATION CONTACT: June Blalock of the Office of Technology Transfer at the Beltsville address given above; telephone: 301–504–5989.

SUPPLEMENTARY INFORMATION: The Federal Government's patent rights to this invention are assigned to the United States of America, as represented by the Secretary of Agriculture. It is in the public interest to so license this invention as Fiorini Ranch of Turlock, California has submitted a complete and sufficient application for a license. The prospective exclusive license will be royalty-bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within ninety (90) days from the date of this published notice, the Agricultural Research Service receives written evidence and argument which establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Michael D. Ruff,

Assistant Administrator.

[FR Doc. 03–20876 Filed 8–14–03; 8:45 am]

BILLING CODE 3410–03–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Application for the Senior Community Service Employment Program

AGENCY: Forest Service, USDA.

ACTION: Notice; Request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the U.S. Department of Agriculture, Forest Service is seeking comments from all interested individuals and organizations on the extension of a currently approved information collection for application to the Senior Community Service Program. The Forest Service surveys senior applicants for enrollment into the Senior Community Service Employment Program (SCSEP). Questions asked are personal information such as: Name, age, income residency, gender, education, ethnic group, English speaking ability, veteran, and disability status. This information is used to qualify individuals for enrollment into the SCSEP and assist with subsidized placement for the agency's special use program. The collected information will help the Forest Service determine eligibility for enrollment in the Senior Community Service Employment Program. Information will be collected from prospective applicants and enrollees age 55 years or older.

DATES: Comments must be received in writing on or before October 14, 2003.

ADDRESSES: All comments should be addressed to Director, Senior, Youth, & Volunteer Programs Staff, (MAIL STOP 1136), Forest Service, USDA, 1400 Independence Avenue, SW., Washington, DC 20090–1136. Comments also may be submitted via facsimile to (703) 605–5115 or by e-mail to: *syvp/wo@fs.fed.us*. The public may inspect comments received at 1621 N. Kent Street, Room 1010, Rosslyn, VA 22209. Visitors are encouraged to call ahead to (703) 605–4853.

FOR FURTHER INFORMATION CONTACT: Priscella McCray, Senior, Youth, & Volunteer Programs Staff, at (703) 605–4853.

SUPPLEMENTARY INFORMATION:

Background

The Senior Community Service Employment Program (SCSEP) is designed to provide part-time employment opportunities and training to low-income and disadvantaged persons age 55 or above. To establish the eligibility of each individual for enrollment into the program, it is necessary to collect income information and age data. The application document is the tool needed to collect this pertinent data and other relevant information required by the Department of Labor. The Department of Labor is the grantor for the SCSEP and provides guidelines for the program's operation. The authority for data collection is contained in the **Federal Register** Rules and Regulations, section 641.100, prepared by the Department of Labor, Employment and Training Administration. The application is used by Forest Service Staffs to collect information required to determine eligibility for enrollment in the SCSEP. Information attesting that the applicant meets the current income guidelines and age requirements to participate and benefit from the SCSEP, is documented on the application, signed by the applicant, and the Forest Service staff. The application also becomes a part of the participant's official personnel folder and is maintained with other personnel documents related to the employment and work history of the individual.

Description of Information Collection

The following describes the information collection to be extended:

Title: Application for the Senior Community Service Employment Program.

OMB Number: 0596–0099.

Expiration Date of Approval: December 31, 2003.

Type of Request: Extension of a previously approved information collection.

Abstract: Sections I and II are completed by the applicant or a Forest

Service official on behalf of the applicant, to determine eligibility for the program or continued participation in the program. The remaining sections, III, IV, and V are completed by a Forest Service official with responsibility for determining eligibility for participation in the program. The statistical data in these sections are collected and used for a Quarterly Progress Report (QPR) prepared by the Forest Service and transmitted to the Department of Labor. The QPR is a requirement of the current program regulations. The data collected from the Forest Service is used by the Department of Labor to prepare a composite activity report highlighting the program's accomplishments and demographic efforts over the program year and is transmitted annually to Congress.

Data gathered in this information collection are not available from other sources.

Estimate of Annual Burden: 12 minutes.

Type of Respondents: Economically disadvantaged individuals, including legal aliens, age 55 or older.

Estimated Annual Number of Respondents: 6,500.

Estimated Annual Number of Responses per Respondent: 1.

Estimated Total Annual Burden on Respondents: 1,300 hours.

Request for Comments

The agency invites comments on the following: (a) The necessity of the proposed information collection for the proper performance of agency functions, including the practical utility of the information; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) the enhancements of the quality, utility, and clarity of the information to be collected; and (d) the minimization of the burden of collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Use of Comments

All comments received in response to this notice, including names and addresses when provided, will become a matter of public record. Comments will be summarized and included in the request for Office of Management and Budget approval.

Dated: July 30, 2003.

Irving W. Thomas,

Acting Deputy Chief, Business Operations.

[FR Doc. 03–20798 Filed 8–14–03; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Seek Approval To Revise a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, (USDA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 44 U.S.C. 3501 *et seq.* and Office of Management and Budget regulations at 5 CFR part 1320 (60 FR 44978, August 29, 1995), this notice announces the intent of the National Agricultural Statistics Service (NASS) to request revision to a currently approved information collection, (OMB No. 0535–0244) the Nursery Production Survey and Nursery and Floriculture Chemical Use Survey.

DATES: Comments on this notice must be received by October 20, 2003, to be assured of consideration.

ADDRESSES: Comments may be sent to Ginny McBride, NASS OMB Clearance Officer, USDA, Room 5336 South Building, 1400 Independence Avenue SW., Washington, DC 20250 or to *gmcbride@nass.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Carol House, Associate Administrator, NASS, USDA, (202) 720–4333.

SUPPLEMENTARY INFORMATION:

Title: Nursery Production Survey and Nursery and Floriculture Chemical Use Survey.

OMB Control Number: 0535–0244.

Expiration Date of Approval: January 31, 2004.

Type of Request: Intent to Seek Approval to Revise a Currently Approved Information Collection.

Abstract: This NASS information collection will again measure production and value of key nursery products as well as chemical use in nursery and floriculture operations. The first Nursery Production Survey, covering the year 2000, revealed that gross value of sales for 9 categories of nursery products totaled $3.32 billion in seventeen selected States. Although nursery production continues to be the fastest growing segment of American agriculture, the USDA has not previously made regular estimates of nursery production. The Nursery Production Survey will update the production and economic contribution of the nursery industry to U.S. agriculture every 2 years by conducting a census of nursery and greenhouse operations with sales over $10,000 in the 17 major producing States. These operations will receive the production mail questionnaire with some telephone and personal interview follow-up for non-response.

The first Nursery and Floriculture Chemical Use Survey measured chemical use, covering the year 2000, related to the production of nursery and floriculture crops in the six major producing States. The resulting publication, part of the NASS series on Agricultural Chemical Usage, summarized rates of application, total amount of active ingredients applied, and use of pest management practices. NASS collects on-farm chemical use data to enhance the quality of information used in the evaluation of issues related to agricultural chemicals, including pesticide registrations. Pest management data are used to measure integrated pest management (IPM) adoption levels and evaluate the impact of alternative pesticide regulations, policies, and practices. A sample of nursery and floriculture operations with sales over $10,000 in the major States will be personally interviewed, since chemical use data are not accurately collected by telephone or mail. Data collection for both surveys is scheduled to coincide with the annual Commercial Floriculture Survey (of production, OMB docket #0535–0093) in January—March 2004. These data will be collected under the authority of 7 U.S.C. 2204(a). Individually identifiable data collected under this authority are governed by Section 1770 of the Food Security Act of 1985, 7 U.S.C. 2276, which requires USDA to afford strict confidentiality to non-aggregated data provided by respondents.

Estimate of Burden: Based on data collected on the 2000 Nursery Production Survey, the nursery production questionnaire is expected to average 35 minutes per respondent. Based on the 2000 Nursery and Floriculture Chemical Use Survey, it is estimated that the chemical use questionnaire will average 60 minutes per respondent.

Respondents: Producers of nursery, greenhouse, and floriculture products.

Estimated Number of Respondents: 8,800.

Estimated Total Annual Burden on Respondents: 6,000 hours.

Copies of this information collection and related instructions can be obtained without charge from Ginny McBride, NASS OMB Clearance Officer, at (202) 720–5778.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will become a matter of public record and be included in the request for OMB approval.

Signed at Washington, DC, July 14, 2003.

Carol House,

Associate Administrator.

[FR Doc. 03–20877 Filed 8–14–03; 8:45 am]

BILLING CODE 3410–20–P

DEPARTMENT OF AGRICULTURE

National Agricultural Statistics Service

Notice of Intent To Request a Revision to a Currently Approved Information Collection

AGENCY: National Agricultural Statistics Service, (USDA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 44 U.S.C.301 *et seq.* and Office of Management and Budget regulations at 5 CFR part 1320 (60 FR 44978, August 29, 1995), this notice announces the intent of the National Agricultural Statistics Service (NASS) to request a revision to a currently approved information collection, (OMB No. 0535–0220) the Cotton Ginning Survey.

DATES: Comments on this notice must be received by October 20, 2003, to be assured of consideration.

ADDRESSES: Comments may be sent to Ginny McBride, NASS OMB Clearance Officer, U.S. Department of Agriculture, Room 5336 South Building, 1400 Independence Avenue SW., Washington, DC 20250 or to *gmcbride@nass.usda.gov.*

FOR FURTHER INFORMATION CONTACT: Carol House, Associate Administrator, NASS, USDA, (202) 720–4333.

SUPPLEMENTARY INFORMATION:

Title: Cotton Ginning Survey.

OMB Control Number: 0535–0220.

Expiration Date of Approval: March 31, 2004.

Type of Request: To Revise a Currently Approved Information Collection.

Abstract: The primary objective of the NASS is to prepare and issue state and national estimates of crop and livestock production. The Cotton Ginning Survey provides statistics concerning cotton ginning for specific dates and geographic regions and aids in forecasting cotton production.

Estimate of Burden: Public reporting burden for this collection of information is estimated to average 6 minutes per response.

Respondents: Cotton Ginners.

Estimated Number of Respondents: 10,000.

Estimated Total Annual Burden on Respondents: 1,000 hours.

Copies of this information collection and related instructions can be obtained without charge from Ginny McBride, NASS OMB Clearance Officer, at (202) 720–5778.

Comments: Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology. Comments may be sent to: Ginny McBride, Agency OMB Clearance Officer, USDA, 1400 Independence Avenue SW., Room 5336 South Building, Washington, DC 20250–2009. All responses to this notice will become a matter of public record and be summarized in the request for OMB approval.

Signed at Washington, DC, July 14, 2000.

Carol House,

Associate Administrator.

[Editorial note: This document was received at the Office of the Federal Register on August 12, 2003.]

[FR Doc. 03–20878 Filed 8–14–03; 8:45 am]

BILLING CODE 3410–20–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from procurement list.

SUMMARY: The Committee is proposing to add to the Procurement List services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and to delete products and services previously furnished by such agencies. Comments must be received on or before: September 14, 2003.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly, (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C 47(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice for each product or service will be required to procure the services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the services to the Government.

2. If approved, the action will result in authorizing small entities to furnish the services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the services proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

(End of Certification)

The following services are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Services

Service Type/Location: Custodial Services, FAA, New Air Traffic Control Tower & Administrative Office Space, Located on 3rd & 4th floor of the Old ATCT, Cleveland, Ohio.
NPA: Murray Ridge Production Center, Inc., Elyria, Ohio.
Contract Activity: Federal Aviation Administration, North Olmsted, Ohio.
Service Type/Location: Janitorial/Custodial, USDA, Forest Service, Shasta Trinity National Forest, Redding, California.
NPA: Shasta County Opportunity Center, Redding, California.
Contract Activity: USDA, Northern Province Operations, Redding, California.

Deletions

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. If approved, the action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. If approved, the action may result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products and services proposed for deletion from the Procurement List.

(End of Certification)

The following products and services are proposed for deletion from the Procurement List:

Products

Product/NSN: Bag, Vacuum Cleaner, Disposable, M.R. 1001, M.R. 1002, M.R. 1003, M.R. 1004, M.R. 1005, M.R. 1006, M.R. 1007, M.R. 1008.
NPA: New York City Industries for the Blind, Inc., Brooklyn, New York.
Contract Activity: Defense Commissary Agency, Fort Lee, Virginia.
Product/NSN: Broom, Whisk, M.R. 909.
NPA: None currently authorized.
Contract Activity: Defense Commissary Agency (DeCA), Ft. Lee, Virginia.
Product/NSN: Dustpan, M.R. 995.
NPA: None currently authorized.
Contract Activity: Defense Commissary Agency (DeCA), Ft. Lee, Virginia.
Product/NSN: Egg Slicer, M.R. 843.
NPA: Alabama Industries for the Blind, Talladega, Alabama.
Contract Activity: Defense Commissary Agency (DeCA), Ft. Lee, Virginia.
Product/NSN: Fabric Softener Sheets, Reusable, M.R. 520.
NPA: Industries of the Blind, Inc., Greensboro, North Carolina.
Contract Activity: Defense Commissary Agency (DeCA), Ft. Lee, Virginia.
Product/NSN: Kitchen, Utensils, M.R. 821.
NPA: Cincinnati Association for the Blind, Cincinnati, Ohio.
Contract Activity: Defense Commissary Agency (DeCA), Ft. Lee, Virginia.
Product/NSN: Nylon & Plastic Kitchen Utensils, M.R. 839, M.R. 840.
NPA: The Lighthouse for the Blind, Inc. (Seattle Lighthouse), Seattle, Washington.
Contract Activity: Defense Commissary Agency (DeCA), Ft. Lee, Virginia.
Product/NSN: Pencil, Mechanical, Dual Action, M.R. 052.
NPA: San Antonio Lighthouse, San Antonio, Texas.
Contract Activity: Defense Commissary Agency (DeCA), Ft. Lee, Virginia.
Product/NSN: Pens and Markers, M.R. 062, M.R. 063, M.R. 064, M.R. 065, M.R. 066, M.R. 067.
NPA: West Texas Lighthouse for the Blind, San Angelo, Texas.
Contract Activity: Defense Commissary Agency (DeCA), Ft. Lee, Virginia.
Product/NSN: Potpourri, M.R. 400, M.R. 401, M.R. 403.
NPA: Envision, Inc., Wichita, Kansas.
Contract Activity: Defense Commissary Agency (DeCA), Ft. Lee, Virginia.
Product/NSN: PVA Mop, M.R. 1027.
NPA: The Lighthouse for the Blind, Inc. (Seattle Lighthouse), Seattle, Washington.
Contract Activity: Defense Commissary Agency (DeCA), Ft. Lee, Virginia.
Product/NSN: Scrubber, M.R. 543.
NPA: Beacon Lighthouse, Inc., Wichita Falls, Texas.
Contract Activity: Defense Commissary Agency (DeCA), Ft. Lee, Virginia.
Product/NSN: Scrubber, Sponge, M.R. 548.
NPA: Mississippi Industries for the Blind, Jackson, Mississippi.
NPA: New York City Industries for the Blind, Inc., Brooklyn, New York.
Contract Activity: Defense Commissary Agency (DeCA), Ft. Lee, Virginia.
Product/NSN: Towels, Seasonal, M.R. 1009.
NPA: Chester County Branch of the PAB, Coatesville, Pennsylvania.
Contract Activity: Defense Commissary Agency, Fort Lee, Virginia.
Product/NSN: Wipes, Scrubber, M.R. 588.
NPA: Mississippi Industries for the Blind, Jackson, Mississippi.
Contract Activity: Defense Commissary Agency (DeCA), Ft. Lee, Virginia.

Services

Service Type/Location: Food Service Attendant, Charleston Naval Weapons Station, Building 306, Charleston, South Carolina.
NPA: Goodwill Industries of Lower South Carolina, Inc., North Charleston, South Carolina.
Contract Activity: Department of the Navy.
Service Type/Location: Food Service Attendant, Charleston Naval Weapon Station, Building NS–43, Charleston, South Carolina.
NPA: Goodwill Industries of Lower South Carolina, Inc., North Charleston, South Carolina.
Contract Activity: Department of the Navy.
Service Type/Location: Food Service Attendant, Orlando Naval Training Center, Orlando, Florida.
NPA: Goodwill Industries of Central Florida, Orlando, Florida.
Contract Activity: Department of the Navy.
Service Type/Location: Janitorial/Custodial, U.S. Army Reserve Center, Memphis, Tennessee.
NPA: Shelby Residential and Vocational Services, Inc., Memphis, Tennessee.
Contract Activity: Department of the Army.

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. 03–20880 Filed 8–14–03; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to procurement list.

SUMMARY: This action adds to the Procurement List products and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: The effective date for addition of the service CD–Rom Replication, Government Printing Office, Program 5455–S, Chicago, Illinois will be March 1, 2004. The addition for all other products and services in this notice will be effective September 14, 2003.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia, 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly, (703) 603–7740.

SUPPLEMENTARY INFORMATION: On February 7, May 2, June 6, and June 13, 2003, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice (68 FR 6403, 23441, 33908, and 35380) of proposed additions to the Procurement List. After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the products and services and impact of the additions on the current or most recent contractors, the Committee has determined that the products and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the products and services to the Government.

2. The action will result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the products and services proposed for addition to the Procurement List.

(End of Certification)

Accordingly, the following products and services are added to the Procurement List:

Products

Product/NSN: Candle
3″ x 3″ Pillar, Gardenia/M.R. 481.
3″ x 3″ Pillar, Vanilla/M.R. 480.
6″ x 3″ Pillar, Gardenia/M.R. 483.
6″ x 3″ Pillar, Vanilla/M.R. 482.
Jar, Lavender/M.R. 485.
Jar, Vanilla/M.R. 484.
NPA: South Texas Lighthouse for the Blind, Corpus Christi, Texas.
Contract Activity: Defense Commissary Agency (DeCA), Ft. Lee, Virginia.

Product/NSN: Pen, Gel Ink, Aristocrat.
7520–00–NIB–1461
7520–00–NIB–1481
NPA: Industries of the Blind, Inc., Greensboro, North Carolina.
Contract Activity: Office Supplies & Paper Products Acquisition Center, New York, New York.

Product/NSN: Pen, Gel, Executive.
7520–00–NIB–1491
NPA: West Texas Lighthouse for the Blind, San Angelo, Texas.
Contract Activity: Office Supplies & Paper Products Acquisition Center, New York, New York.

Services

Service Type/Location: CD–ROM Replication, Government Printing Office, Program 5455–S, Chicago, Illinois.
NPA: Assoc for the Blind & Visually Impaired & Goodwill Industries of Greater Rochester, Rochester, New York.
Contract Activity: Government Printing Office, Chicago, Illinois.

Service Type/Location: Custodial Services. Army Corps of Engineers, Jadwin Building, Galveston, Texas.
NPA: Training, Rehabilitation, & Development Institute, Inc., San Antonio, Texas.
Contract Activity: U.S. Army Corps of Engineers, Galveston, Texas.

Service Type/Location: Food Service, U.S. Property and Fiscal Officer, Wisconsin Military Academy, Fort McCoy, Wisconsin.
NPA: Challenge Unlimited, Inc., Alton, Illinois.
Contract Activity: U.S. Property and Fiscal Officer for Wisconsin, Camp Douglas, Wisconsin.

Service Type/Location: Janitorial/Custodial, The Dalles Dam, The Dalles, Oregon.
NPA: Hood River Sheltered Workshop, Hood River, Oregon.
Contract Activity: Army Corps of Engineers, Portland, Oregon.

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Sheryl D. Kennerly,

Director, Information Management.

[FR Doc. 03–20881 Filed 8–14–03; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A-449–804]

Notice of Preliminary Results of Antidumping Duty Administrative Review: Steel Concrete Reinforcing Bars from Latvia

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

EFFECTIVE DATE: August 15, 2003..

FOR FURTHER INFORMATION CONTACT: Jim Kemp or Daniel O'Brien, at (202) 482–5346 or (202) 482–1376, respectively; AD/CVD Enforcement Office 5, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue, NW, Washington, DC 20230.

SUMMARY: The Department of Commerce is conducting an administrative review of the antidumping duty order on steel concrete reinforcing bar (rebar) from Latvia. We preliminarily determine that sales of subject merchandise by Joint Stock Company Liepajas Metalurgs (Liepajas Metalurgs) have been made below normal value (NV). If these preliminary results are adopted in our final results, we will instruct the U.S. Bureau of Customs and Border Protection (BCBP) [1] to assess antidumping duties on appropriate entries based on the difference between the export price (EP) and the NV.

Interested parties are invited to comment on these preliminary results. Parties that submit arguments are requested to submit with each argument: (1) a statement of the issue and (2) a brief summary of the argument. Further, we ask that parties submitting comments provide the Department of Commerce (the Department) with an additional copy of the public version of any such comments on diskette.

SUPPLEMENTARY INFORMATION:

Background

On September 7, 2001, the Department issued an antidumping duty order on rebar from Latvia. *See Antidumping Duty Orders: Steel Concrete Reinforcing Bars From Belarus, Indonesia, Latvia, Moldova, People's Republic of China, Poland, Republic of Korea and Ukraine*, 66 FR 46777 (September 7, 2001). On September 3, 2002, the Department issued a notice of opportunity to request the first administrative review of this order. *See Antidumping or Countervailing Duty*

[1] Formerly the U.S. Customs Service.

Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review, 67 FR 56267 (September 3, 2002).On September 3, 2003, in accordance with 19 CFR 351.213(b), Liepajas Metalurgs requested an administrative review. On October 24, 2002, the Department published the notice of initiation of this antidumping duty administrative review, covering the period January 30, 2001, through August 31, 2002 (the POR). *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 67 FR 65336 (October 24, 2002).

On October 25, 2002, the Department issued its antidumping questionnaire to Liepajas Metalurgs, specifying that the responses to Section A and Sections B-D would be due on November 15, and December 2, 2003, respectively.[2] We received timely responses to Sections A-C of the initial antidumping questionnaire and associated supplemental questionnaires. Based on a timely allegation filed by the petitioners[3] on January 6, 2003, we initiated a cost of production (COP) investigation of Liepajas Metalurgs. The company submitted timely responses to Section D of the antidumping questionnaire, as well as to supplemental questionnaires.

Scope of the Order

For purposes of this review, the product covered by this order is all steel concrete reinforcing bars sold in straight lengths, currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item number 7214.20.00 or any other tariff item number. Specifically excluded are plain rounds (*i.e.*, non-deformed or smooth bars) and rebar that has been further processed through bending or coating. HTSUS subheadings are provided for convenience and customs purposes. The written description of the scope of this proceeding is dispositive.

[2] Section A of the questionnaire requests general information concerning a company's corporate structure and business practices, the merchandise under review that it sells, and the manner in which it sells that merchandise in all of its markets. Section B requests a complete listing of all home market sales, or, if the home market is not viable, of sales in the most appropriate third-country market (this section is not applicable to respondents in non-market economy cases). Section C requests a complete listing of U.S. sales. Section D requests information on the cost of production of the foreign like product and the constructed value of the merchandise under review. Section E requests information on further manufacturing.

[3] The petitioners in this case are the Rebar Trade Action Coalition (''RTAC'') and its individual members.

Verification

As provided in section 782(i)(3) of the Tariff Act of 1930, as amended (the Act), we verified information provided by Liepajas Metalurgs. We used standard verification procedures, including on-site inspection of Liepajas Metalurgs' facilities and examination of relevant sales and financial records. *See* Memorandum from Daniel O'Brien and Jim Kemp, International Trade Compliance Analysts, to Gary Taverman, Director, Office 5, Re: Verification of the Sales and Cost Responses of Joint Stock Company Liepaja Metalurgs in the First Administrative Review of Steel Concrete Reinforcing Bars from Latvia, dated July 30, 2003 (the Verification Report).

Facts Available

When responding to the questionnaire, Liepajas Metalurgs did not report all of the product characteristics for certain home market sales made by its affiliated reseller, Armaturas Servisa Centrs (ASC). Additionally, Liepajas Metalurgs did not report certain sales of merchandise that Liepajas Metalurgs produced but which was commingled at ASC's warehouse with incoming rebar produced by other companies and sold by ASC. Finally, we found that Liepajas Metalurgs' calculation of home market freight expense was unreliable for rebar shipments from the plant to the warehouse and shipments from Liepajas Metalurgs' Riga sales office (RSO) to the customer. We examined these issues closely at verification and found that Liepajas Metalurgs, in the normal course of business, did not maintain the necessary records to report the data as requested by the Department.

With regard to sales of merchandise commingled with different manufacturers' products, we found that ASC developed a system to identify the producer based on the customer, grade and size of the rebar, and location of the merchandise in inventory. However, ASC could not provide documentation to support its segregation of rebar and acknowledged that even by this method, the company was unable to identify the manufacturer for every sale. Concerning sales of merchandise with incomplete matching characteristics, we found that ASC only recorded all of the product characteristics (*i.e.* type of steel, yield strength, and size) of its merchandise when a customer ordered a specific grade of rebar. Therefore, ASC was unable to the report yield strength, and sometimes size, for sales where no such request was made by its customers. Finally, for the freight calculations in question, Liepajas Metalurgs could not properly document the type of merchandise shipped (i.e. rebar or other products) and the quantity relating to the freight invoices. For a further discussion of these issues, *see* the Verification Report.

Section 776(a)(2) of the Act provides that, if an interested party or any other person (A) withholds information that has been requested by the administering authority; (B) fails to provide such information by the deadlines for the submission of the information or in the form and manner requested, subject to subsections (c)(1) and (e) of section 782 of the Act; (C) significantly impedes a proceeding under this title; or (D) provides such information but the information cannot be verified as provided in section 782(i) of the Act, the Department shall, subject to section 782(d) of the Act, use the facts otherwise available in reaching the applicable determination under this title.

In applying facts otherwise available, section 776(b) of the Act provides that the Department may use an inference adverse to the interests of a party that has failed to cooperate by not acting to the best of its ability to comply with the Department's requests for information. *See, e.g., Notice of Final Determination of Sales at Less Than Fair Value and Final Negative Critical Circumstances: Carbon and Certain Alloy Steel Wire Rod from Brazil*, 67 FR 55792, 55794–96 (August 30, 2002). Adverse inferences are appropriate ''to ensure that the party does not obtain a more favorable result by failing to cooperate than if it had cooperated fully.'' *See* Statement of Administrative Action accompanying the Uruguay Round Agreements Act, H.R. Rep. No. 103–316, (1994) (SAA) at 870. Furthermore, ''{a}ffirmative evidence of bad faith on the part of a respondent is not required before the Department may make an adverse inference.'' *See Antidumping Countervailing Duties: Final Rule*, 62 FR 27296, 27340 (May 19, 1997).

In this case, we have found that an adverse inference is not appropriate for Liepajas Metalurgs because the company acted to the best of its ability to report the data requested by the Department. In its December 16, 2002, Section B response, Liepajas Metalurgs explained that ASC had some sales for which it did not track the necessary product information. Thereafter, the company answered all the Department's supplemental questions on this issue. At verification, we confirmed the information contained in Liepajas Metalurgs' responses regarding the sales with incomplete product information.

Likewise, Liepajas Metalurgs attempted to the best of its ability to identify the manufacturer of all of ASC's sales. The company developed a method to accomplish this task, but, as we found at verification, due to ASC's manner of conducting business, it had no means to document its segregation of rebar by producer. ASC opened in May 2002 and was only in business and had sales for approximately four months during the POR. During this time frame, ASC was still in the process of developing a record keeping system and establishing routine procedures for the sales process. At verification, we confirmed that ASC conducted business and tracked sales in a manner that did not provide for the proper reporting of all the information requested by the Department, in spite of ASC's best efforts to do so.

Therefore, we preliminarily determine that Liepajas Metalurgs (and its affiliate, ASC) acted to the best of their ability and no adverse inference is warranted. Moreover, we expect that in future reviews ASC will have had sufficient time to establish its record keeping procedures in full awareness of the Department's reporting requirements. Thus, the Department will expect the company to properly report the source and matching characteristics for all of its home market sales and failure to do so may result in an adverse inference in the application of facts available.

Instead of an adverse inference, we have applied neutral facts available in response to Liepajas Metalurgs' inability to provide all the requested information. For purposes of the margin calculation, we were able to find an identical match at the same level of trade for the vast majority of Liepajas Metalurgs' U.S. sales (ASC's sales are at a distinct (more advanced) level of trade than Liepajas Metalurgs' direct home market and EP sales). *See* the *Level of Trade Adjustment* section below. Since we do not have all the information pertaining to ASC's sales, we cannot determine whether we may have found ''most similar'' matches among ASC's sales, if the company had correctly reported all of the information. Therefore, rather than attempting to match to similar home market sales, we applied neutral facts available pursuant to section 776(a)(2)(D) of the Act and compared the U.S. sales with no identical match to constructed value (CV), as described in the *Calculation of Normal Value Based on Constructed Value* section of this notice.

We have also applied a neutral facts available adjustment to Liepajas Metalurgs' home market freight expense calculated on shipments from the plant to the warehouse. In its calculation, Liepajas Metalurgs combined the cost for train and truck shipments into one expense allocated over all sales through the RSO or ASC warehouse. At verification, we found that the component of the expense based on truck shipments was unreliable. We found that in spite of Liepajas Metalurgs' best effort to properly calculate the expense, the documentation available to Liepajas Metalurgs did not provide the necessary information to do so. *See* the Verification Report at 17. Therefore, we have applied neutral facts available pursuant to section 776(a)(2)(D) of the Act and relied on the portion of the expense based on train freight for all shipments to the RSO or ASC warehouses.

While we found similar deficiencies with the calculation of freight expense for shipments from the RSO to the customer, we concluded that the expense calculated by the RSO was reasonable when compared to other verified and properly reported freight expenses incurred by Liepajas Metalurgs to the same or similar destinations. Therefore, we made no adjustment to the freight expense for shipments from the RSO to the customer.

Fair Value Comparisons

We compared the EP to the NV, as described in the *Export Price* and *Normal Value* sections of this notice. We first attempted to compare contemporaneous sales of products sold in the United States and comparison markets that are identical with respect to the matching characteristics. Pursuant to section 771(16) of the Act, all products produced by the respondent that fit the definition of the scope of the order and were sold in the comparison market during the POR fall within the definition of the foreign like product. We have relied on three criteria to match U.S. sales of subject merchandise to comparison market sales of the foreign like product: type of steel, yield strength, and size. Where there were no sales of identical merchandise in the comparison market, we compared U.S. sales to sales of the next most similar foreign like product on the basis of the characteristics listed above.

Export Price

We calculated an EP for all of Liepajas Metalurgs' sales because the merchandise was sold directly by Liepajas Metalurgs to the first unaffiliated purchaser for delivery to the United States, and constructed export price (CEP) was not otherwise warranted based on the facts of record. We made deductions from the starting price for movement expenses in accordance with section 772(c)(2)(A) of the Act. These included inland freight and domestic brokerage and handling expenses.

Normal Value

A. Selection of Comparison Markets

Section 773(a)(1) of the Act directs that NV be based on the price at which the foreign like product is sold in the home market, provided that the merchandise is sold in sufficient quantities (or value, if quantity is inappropriate), that the time of the sales reasonably corresponds

to the time of the sale used to determine EP, and that there is no particular market situation that prevents a proper comparison with the EP. The statute contemplates that quantities (or value) will normally be considered insufficient if they are less than five percent of the aggregate quantity (or value) of sales of the subject merchandise to the United States.

We found that Liepajas Metalurgs had a viable home market for rebar. As such, Liepajas Metalurgs submitted home market sales data for purposes of the calculation of NV.

In deriving NV, we made adjustments as detailed in the *Calculation of Normal Value Based on Home Market Prices* section below.

B. Cost of Production Analysis

Based on a timely allegation filed by the petitioners, we initiated a COP investigation of Liepajas Metalurgs to determine whether sales were made at prices below COP. *See* Memorandum From Daniel O'Brien, International Trade Compliance Analyst, to Gary Taverman, Director, Office 5, Re: Petitioners' Allegation of Sales Below the Cost of Production for Liepajas Metalurgs, dated January 29, 2003.

1. Calculation of Cost of Production

In accordance with section 773(b)(3) of the Act, we calculated the weighted-average COP, by model, based on the sum of materials, fabrication, and general and administrative (G&A) expenses. We relied on Liepajas Metalurgs' submitted COP except in the specific instances noted below, where the submitted costs were not appropriately quantified or valued. See Memorandum from Daniel O'Brien and Jim Kemp, International Trade Compliance Analysts, to Constance Handley, Program Manager, Re: Analysis Memorandum for Joint Stock Company Liepajas Metalurgs, dated August 4, 2003 (the Analysis Memorandum).

a. We revised the G&A and interest expense factor by removing packing expenses from the denominator of Liepajas Metalurgs' original calculation. Additionally, we removed net exchange rate gains and losses from G&A and included them in the calculation of the financial expense factor.

b. We recalculated ASC's reported expense for cutting rebar.

2. Test of Comparison Market Sales Prices

We compared the adjusted weighted-average COP for Liepajas Metalurgs to its home-market sales prices of the foreign like product, as required under section 773(b) of the Act, to determine whether these sales had been made at prices below the COP within an extended period of time (*i.e.*, a period of one year) in substantial quantities and whether such prices were sufficient to permit the recovery of all costs within a reasonable period of time.

On a model-specific basis, we compared the revised COP to the home market prices, less any applicable movement charges, discounts, rebates, and direct and indirect selling expenses.

3. Results of the COP Test

We disregarded below-cost sales where (1) 20 percent or more of Liepajas Metalurgs' sales of a given product were made at prices below the COP and such sales were made within an extended period of time in substantial quantities in accordance with sections 773(b)(2)(B) and (C) of the Act, and (2) based on comparisons of price to weighted-average COPs for the POR, we determined that the below-cost sales of the product were at prices which would not permit recovery of all costs within a reasonable time period, in accordance with section 773(b)(2)(D) of the Act. We found that Liepajas Metalurgs made sales below cost and we disregarded such sales where appropriate.

C. Calculation of Normal Value Based on Comparison-Market Prices

We determined NV for Liepajas Metalurgs as follows. We made adjustments for any differences in packing and deducted home market movement expenses pursuant to sections 773(a)(6)(A) and 773(a)(6)(B)(ii) of the Act. In addition, we made adjustments for differences in circumstances of sale (COS) pursuant to section 773(a)(6)(C)(iii) of the Act. We made COS adjustments for Liepajas Metalurgs's EP transactions by deducting direct selling expenses incurred for home market sales (credit expenses) and adding U.S. direct selling expenses (credit expenses). We made the following additional adjustment to the calculation of normal value. *See* the Analysis Memorandum.

We recalculated Liepajas Metalurgs' and ASC's indirect selling expense calculation to incorporate certain expenses found at verification.

As reported in its December 16, 2002, Section B Questionnaire Response (Section B), Liepajas Metalurgs made sales of ''non-commercial length'' rebar during the POR. Liepajas Metalurgs considers the merchandise corresponding to these sales to be a ''by-product from production of commercial length'' rebar. *See* Section B at B-6. Accordingly, Liepajas Metalurgs sold the non-commercial length products at ''salvage value'' in the home market. Therefore, we have designated the non-commercial length rebar as non-prime in our calculation of Liepajas Metalurgs' antidumping duty margin. We confirmed at verification that Liepajas Metalurgs sold no such merchandise in the U.S. market.

In addition to these adjustments, we have made modifications to the calculation of normal value based on the facts otherwise available, as discussed in the *Facts Available* section of this notice.

D. Calculation of Normal Value Based on Constructed Value

For those comparisons with no identical matches, we compared EP to CV, as a neutral facts available adjustment, because of ASC's inability to report all of the sales data requested by the Department. *See* the *Facts Available* section above. Section 773(e) of the Act provides that CV shall be based on the sum of the cost of materials and fabrication for the foreign like product, plus amounts for selling, G&A expenses, profit, and U.S. packing.

We calculated CV based on the methodology described in the COP section, above. In accordance with section 773(e)(2)(A) of the Act, we used the actual amounts incurred and realized by Liepajas Metalurgs in connection with the production and sale of the foreign like product, in the ordinary course of trade, for consumption in the comparison market to calculate selling expenses and profit. For price-to-CV comparisons, we made adjustments to CV for COS differences, pursuant to section 773(a)(8) of the Act. Specifically, we made COS adjustments by deducting direct selling expenses incurred for home market sales (credit expenses) and adding U.S. direct selling expenses (credit expenses).

E. Level of Trade Adjustment

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determine NV based on sales in the comparison market at the same level of trade as the EP transaction. The NV level of trade is that of the starting-price sales in the comparison market. For EP sales, the U.S. level of trade is also the level of the starting-price sale, which is usually from exporter to importer.

To determine whether NV sales are at a different level of trade than EP transactions, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison-market sales are at a different level of trade and the difference affects price comparability, as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison-market sales at the level of trade of the export transaction, we make a level-of-trade adjustment under section 773(a)(7)(A) of the Act.

In implementing these principles in this administrative review, we obtained information from Liepajas Metalurgs about the marketing stages involved in the reported U.S. and home market sales, including a description of the selling activities performed by the respondent for each channel of distribution. In identifying levels of trade for EP and home market sales we considered the selling functions reflected in the starting price before any adjustments.

In conducting our level-of-trade analysis for Liepajas Metalurgs, we examined the specific types of customers, the channels of distribution, and the selling practices of the respondent. Generally, if the reported levels of trade are the same, the functions and activities of the seller should be similar. Conversely, if a party reports levels of trade that are different for different categories of sales, the functions and activities may be dissimilar. We found the following.

Liepajas Metalurgs reported three channels of distribution in the home market: 1) direct sales by Liepajas Metalurgs; 2) sales by Liepajas Metalurgs' RSO; and 3) sales by ASC. In the U.S. market, Liepajas Metalurgs reported one channel of distribution: direct sales by Liepajas Metalurgs. The company reported three customer categories in the home market: 1) traders; 2) end users; and 3) service centers. We found that the selling functions performed by Liepajas Metalurgs differed significantly for

home market customers depending on the channel of distribution. The activities performed by ASC and the RSO were in greater number and more advanced than those provided by Liepajas Metalurgs on direct sales. ASC and RSO both provided selling functions such as customer negotiation, warehousing, sorting, repacking, and freight delivery, while Liepajas Metalurgs only negotiated with customers and arranged delivery of the product. Therefore, we have preliminarily determined that sales through ASC and RSO are at the same level of trade and Liepajas Metalurgs' direct sales are at a different level of trade in the home market.

Liepajas Metalurgs has reported one customer category in the U.S. market: traders. In comparing EP sales to the direct sales in the home market sales, we found that the selling functions performed by Liepajas Metalurgs for its direct customers and channels of distribution were very similar in the U.S. and Latvian markets. For U.S. sales, Liepajas Metalurgs conducts negotiations with the traders and arranges delivery to the port. Therefore, we concluded that the EP and home market direct sales were made at the same level of trade. Since Liepajas Metalurgs' direct home market and U.S. sales are at the same level of trade, and RSO's and ASC's home market sales are at a more advanced level of trade and a consistent pattern of price differences exist, we have preliminarily determined that a level of trade adjustment is warranted.

Currency Conversion

We made currency conversions into U.S. dollars in accordance with section 773A of the Act, based on exchange rates in effect on the date of the U.S. sale, as certified by the Federal Reserve Bank.

Preliminary Results of Review

As a result of this review, we preliminarily determine that the following weighted-average margin exists for the period January 30, 2001, through August 31, 2002:

Producer	Weighted-Average Margin (Percentage)
Joint Stock Company Liepajas Metalurgs	0.87

The Department will disclose calculations performed in accordance with 19 CFR 351.224(b). An interested party may request a hearing within 30 days of publication of these preliminary results. *See* 19 CFR 351.310(c). Any hearing, if requested, will be held 44 days after the date of publication, or the first working day thereafter. Interested parties may submit case briefs and/or written comments no later than 30 days after the date of publication of these preliminary results. Rebuttal briefs and rebuttals to written comments, limited to issues raised in such briefs or comments, may be filed no later than 37 days after the date of publication. Parties who submit arguments are requested to submit with the argument (1) a statement of the issue,

(2) a brief summary of the argument, and (3) a table of authorities. Further, the parties submitting written comments should provide the Department with an additional copy of the public version of any such comments on diskette. The Department will issue the final results of this administrative review, which will include the results of its analysis of issues raised in any such comments, within 120 days of publication of these preliminary results.

Assessment

Upon completion of this administrative review, pursuant to 19 CFR 351.212(b), the Department will calculate an assessment rate on all appropriate entries. We will calculate importer-specific duty assessment rates on the basis of the ratio of the total amount of antidumping duties calculated for the examined sales to the total entered value of the examined sales for that importer. Since the delivery terms for all of Liepajas Metalurgs' U.S. sales were FOB Latvian seaport, we will calculate entered value using the gross unit price reported in the U.S. sales database. Where the assessment rate is above *de minimis*, we will instruct the BCBP to assess duties on all entries of subject merchandise by that importer.

Cash Deposit Requirements

The following deposit rates will be effective upon publication of the final results of this administrative review for all shipments of rebar from Latvia entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Act: (1) the cash deposit rate listed above for Liepajas Metalurgs will be the rate established in the final results of this review, except if a rate is less than 0.5 percent, and therefore *de minimis*, the cash deposit will be zero; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm covered in this or any previous review conducted by the Department, the cash deposit rate will be 17.21 percent, the ''All Others'' rate established in the LTFV investigation. These cash deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entities during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: August 4, 2003.

Joseph A. Spetrini,

Acting Assistant Secretary for Grant Aldonas, Under Secretary.

[FR Doc. 03–21058 Filed 8–14–03; 8:45 am]

BILLING CODE 3510–DS–S

DEPARTMENT OF COMMERCE

International Trade Administration

The Research Foundation of the State University of New York; Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5 p.m. in Suite 4100W, U.S. Department of Commerce, Franklin

Court Building, 1099 14th Street, NW., Washington, DC.

Docket Number: 03–030.

Applicant: The Research Foundation of the State University of New York, Buffalo, NY 14260.

Instrument: Scanning Near-field Optical Microscope, Model Alpha*SNOM*.

Manufacturer: Wissenschaftliche Instrumente und Technologie GmbH, Germany.

Intended Use: See notice at 68 FR 42007, July 16, 2003.

Comments: None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

Reasons: The foreign instrument provides: (1) Easy switching between 3 types of microscopy (scanning near-field optical, confocal and atomic force) without moving the sample, (2) 50 nm resolution and (3) optimal flexibility for operation in a multi-user environment. The National Institutes of Health advised in its memorandum of July 21, 2003 that (1) these capabilities are pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

Gerald A. Zerdy,

Program Manager, Statutory Import Programs Staff.

[FR Doc. 03–20934 Filed 8–14–03; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Visiting Committee on Advanced Technology

AGENCY: National Institute of Standards and Technology, Department of Commerce.

ACTION: Notice of partially closed meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the Visiting Committee on Advanced Technology, National Institute of Standards and Technology (NIST), will meet Tuesday, September 9, 2003, from 8:25 a.m. to 5:30 p.m. and Wednesday, September 10, 2003, from 8:15 a.m. to Noon. The Visiting Committee on Advanced Technology is composed of thirteen members appointed by the Director of NIST; who are eminent in such fields as business, research, new product development, engineering, labor, education, management consulting, environment, and international relations. The purpose of this meeting is to review and make recommendations regarding general policy for the Institute, its organization, its budget, and its programs within the framework of applicable national policies as set forth by the President and the Congress. The agenda will include a NIST Update, Remarks by the Acting Deputy Director and Acting Chief of Staff on Goals and Priorities, a Boulder Update, The New Office of the CIO, an Overview of NRC Board on Assessment FY 2002 Evaluation of NIST Labs, laboratory tours, Time and Frequency Measurements and Standards and Quantum Measurements and Standards. Discussions scheduled to begin at 8:25 a.m. and to end at 9 a.m., on September 9, and to begin at 8:15 a.m. and to end at 9 a.m. and to begin at 9:45 a.m. and to end at noon on September 10, 2003, on the NIST budget, planning information and feedback sessions will be closed. Agenda may change to accommodate Committee business. Final agenda will be posted on Web site. All visitors to the National Institute of Standards and Technology site will have to pre-register to be admitted. Please submit your name, time of arrival, e-mail address and phone number to Carolyn Peters no later than Thursday, September 4, 2003, and she will provide you with instructions for admittance. Ms. Peter's e-mail address is *carolyn.peters@nist.gov* and her phone number is (301) 975–5607.

DATES: The meeting will convene September 9, 2003 at 8:25 a.m. and will adjourn at Noon on September 10, 2003.

ADDRESSES: The meeting will be held in the Radio Building, Room 1107 (seating capacity 60, includes 35 participants), at NIST, Boulder, Colorado. Please note admittance instructions under **SUMMARY** paragraph.

FOR FURTHER INFORMATION CONTACT: Carolyn J. Peters, Visiting Committee on Advanced Technology, National Institute of Standards and Technology, Gaithersburg, Maryland 20899–1004, telephone number (301) 975–5607.

SUPPLEMENTARY INFORMATION: The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on February 25, 2003, that portions of the meeting of the Visiting Committee on Advanced Technology which deal with discussion of sensitive budget and planning information that would cause harm to third parties if publicly shared be closed in accordance with Section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. app. 2.

Dated: August 8, 2003.

Arden L. Bement, Jr.,

Director.

[FR Doc. 03–20859 Filed 8–14–03; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 080803B]

North Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The North Pacific Fishery Management Council's (Council) Gulf of Alaska (GOA) and Bering Sea/Aleutian Islands (BS/AI) groundfish plan teams will meet in Seattle, WA.

DATES: The meetings will be held on September 8–11, 2003.

ADDRESSES: The meetings will be held at the Alaska Fisheries Science Center, 7600 Sand Point Way N.E., Bldg. 4, Room 2076 (BS/AI Plan Team) and Room 2039 (GOA Plan Team), Seattle, WA.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Jane DiCosimo, North Pacific Fishery Management Council; telephone: 907–271–2809.

SUPPLEMENTARY INFORMATION: The meetings will begin at 1 p.m. on Monday, September 8, and continue through Thursday September 11. The plan teams will review available stock assessments and catch statistics for Gulf of Alaska and Bering Sea/Aleutian Islands groundfish fisheries, review methodology for and adopt overfishing level and available biological catch projections for preliminary 2004 groundfish fisheries, review draft ecosystem chapter, review draft ecosystem assessment chapter, and review other potential Council actions on management on non-target groundfish and the total allowable catch setting process.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Benidxen, 907–271–2809, at least 5 working days prior to the meeting date.

Dated: August 8, 2003.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 03–20918 Filed 8–14–03; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Establishment of the Defense Advisory Board for Employer Support of the Guard and Reserve

AGENCY: Department of Defense.

ACTION: Notice of establishment.

SUMMARY: The Defense Advisory Board for Employer Support of the Guard and Reserve (ESGR) is being established in consonance with the public interest and in accordance with the provisions of Pub. L. 92–463, the ''Federal Advisory Committee Act,'' title 5 U.S.C., Appendix 2. The ESGR will provide advice to the Secretary of Defense about issues concerning Reservists and their civilian employers, to include recommending policies and priorities for employer support actions and programs.

The board will be composed of a national cross-section of industry, public and private sector leaders whose understanding of employer issues, as they are affected by employee membership in the guard and reserve, will serve as a foundation for providing input and recommendations to the Secretary of Defense on guard and reserve employment issues of public and private employers.

FOR FURTHER INFORMATION CONTACT: Contact Mr. Michael E. Naylon, 703–696–1386.

Dated: August 11, 2003.

Patricia Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 03–20868 Filed 8–14–03; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Manual for Courts-Martial; Proposed Amendments

AGENCY: Joint Service Committee on Military Justice (JSC).

ACTION: Notice of Proposed Amendments to the Manual for Courts-Martial, United States (2002 ed.) and Notice of Public Meeting.

SUMMARY: The Department of Defense is considering recommending changes to the *Manual for Courts-Martial, United States* (2002 ed.) (MCM). The proposed changes constitute the 2003 annual review required by the MCM and DoD Directive 5500.17, ''Role and Responsibilities of the Joint Service Committee (JSC) on Military Justice,'' May 3, 2003. The proposed changes concern the rules of procedure and evidence and the punitive articles applicable in trials by courts-martial. These proposed changes have not been coordinated within the Department of Defense under DoD Directive 5500.1, ''Preparation and Processing of Legislation, Executive Orders, Proclamations, and Reports and Comments Thereon,'' May 21, 1964, and do not constitute the official position of the Department of Defense, the Military Departments, or any other Government agency.

This notice also sets forth the date, time and location for the public meeting of the JSC to discuss the proposed changes.

This notice is provided in accordance with DoD Directive 5500.17, ''Role and Responsibilities of the Joint Service Committee (JSC) on Military Justice,'' May 3, 2003. This notice is intended only to improve the internal management of the Federal Government. It is not intended to create any right or benefit, substantive or procedural, enforceable at law by any party against the United States, its agencies, its officers, or any person.

In accordance with paragraph III.B.4 of the Internal Organization and Operating Procedures of the JSC, the committee also invites members of the public to suggest changes to the Manual for Courts-Martial in accordance with the described format.

DATES: Comments on the proposed changes must be received no later than October 31, 2003 to be assured consideration by the JSC. A public meeting will be held on October 1, 2003 at 11 a.m. in Room 808, 1501 Wilson Boulevard, Rosslyn, VA 22209–2403.

ADDRESSES: Comments on the proposed changes should be sent to Lieutenant Commander James Carsten, Office of the Judge Advocate General, 716 Sicard St. SE., Suite 1000, Washington, DC 20374–5047.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander James Carsten, Executive Secretary, Joint Service Committee on Military Justice, Office of the Judge Advocate General, 716 Sicard St. SE., Suite 1000, Washington, DC 20374–5047, (202) 685–7298, (202) 685–7687 fax.

SUPPLEMENTARY INFORMATION: The proposed amendments to the MCM are as follows:

Amend the Discussion section of Part I (Preamble) by twice replacing the word ''Transportation'' with the words ''Homeland Security.''

Amend Discussion section following R.C.M. 103(19), Definition for 10 U.S.C. 801(1) by replacing the phrase ''the General Counsel of the Department of Transportation'' with the phrase ''an official designated to serve as Judge Advocate General of the Coast Guard by the Secretary of Homeland Security.

[**Note:** The Secretary of Homeland Security has designated the Chief Counsel, U.S. Coast Guard, to serve as the Judge Advocate General of the Coast Guard.]''

Amend R.C.M. 201(e)(2)(B) by adding the word ''general'' before ''courts-martial'' and inserting the following at the end thereof:

''assigned or attached to a combatant command or joint command.''

Amend R.C.M. 201(e)(2)(C), inserting the phrase ''assigned or attached to a joint command or joint task force,'' immediately before the words ''under regulations which the superior command may prescribe.''

Amend the Analysis accompanying R.C.M. 201(e)(2) by inserting the following paragraph:

''*200__Amendment:* Subsections (e)(2)(B) and (C) were revised to clarify that the reciprocal jurisdiction authority of joint commanders designated in either subsections (A), (B), or (C), is limited. This limitation is intended to preclude a joint commander from convening courts upon members who are not assigned or attached to a joint command.''

Amend R.C.M. 201(e)(3) by inserting the following immediately after the words ''armed force'':

''using the implementing regulations and procedures prescribed by the Secretary concerned of the military service of the accused,''

Amend the Analysis accompanying R.C.M. 201(e)(3) by inserting the following paragraph:

''*200__Amendment:* This rule clarifies that when a service member is tried by a court-martial convened by a combatant or joint commander, the implementing regulations and procedures of the service to which the accused is a member shall apply.''

Amend R.C.M. 201(e)(4) by adding the words ''member, or counsel'' after the words ''military judge.''

Amend the Analysis accompanying R.C.M. 201(e)(4) by inserting the following paragraph:

''*200__Amendment:* Subsection (e)(4) was amended to clarify that members and counsel from different services may be detailed to a court-martial convened by a combatant or joint commander.''

Amend the Discussion following R.C.M. 201(e)(7)(B) by adding this sentence to the beginning of the Discussion:

''As to the authority to convene courts-martial, see R.C.M. 504.''

Amend R.C.M. 503(a)(3) by inserting an ''s'' to the word ''court'' of the term ''court-martial.''

Amend R.C.M. 503(b)(3) by inserting '', a combatant command or joint command'' after the words ''A military judge from one armed force may be detailed to a court-martial convened in a different armed force''.

Amend the Analysis accompanying R.C.M. 503(b)(3) by inserting the following paragraph:

''*200__Amendment:* Subsection (b)(3) was amended to clarify that a military judge from any service may be detailed to a court-martial convened by a combatant or joint commander.''

Amend R.C.M. 503(c)(3) by inserting the phrase '', a combatant command or joint command'' after the words ''A person from one armed force may be detailed to serve as counsel in a court-martial in a different armed force''.

Amend the Analysis accompanying R.C.M. 503(c)(3) by inserting the following:

''*200__Amendment:* Subsection (c)(3) was amended to clarify that counsel from any service may be detailed to a court-martial convened by a combatant or joint commander.''

Amend R.C.M. 504(b)(2)(A) by inserting the following at the end thereof:

''A subordinate joint command or joint task force is ordinarily considered to be 'separate or detached.' ''

Amend R.C.M. 504(b)(2)(B) by inserting the following as a third element thereof:

''(iii) In a combatant command or joint command, by the officer exercising general court-martial jurisdiction over the command.''

Amend the Analysis accompanying R.C.M. 504(b)(2)(B) by inserting the following paragraph:

''*200__Amendment:* Subsection (b)(2)(B) was amended to clarify those authorized to determine when a unit is 'separate or detached.' ''

Amend R.C.M. 912(f)(4) by deleting the entirety of the fifth sentence and inserting the following words immediately after the words ''When a challenge for cause has been denied'' in the fourth sentence:

''the successful use of a peremptory challenge by either party, excusing the challenged member from further participation in the court-martial, shall preclude further consideration of the challenge of that excused member upon later review. Further,''

Amend the Analysis to R.C.M. 912(f)(4) by inserting the following paragraph:

''*200__Amendment:* This rule change is intended to conform military practice to federal practice and limit appellate litigation when the challenged panel member could have been peremptorily challenged or actually did not participate in the trial due to a peremptory challenge by either party. This amendment is consistent with the President's lawful authority to promulgate a rule that would result in placing before the accused the hard choice faced by defendants in federal district courts—to let the challenged juror sit on the case and challenge the ruling on appeal or to use a peremptory challenge to remove the juror and ensure an impartial jury. *See United States* v. *Miles,* 58 M.J. 192 (C.A.A.F. 2003); *United States* v. *Wiesen,* 56 M.J. 172 (C.A.A.F. 2001), petition for reconsideration denied, 57 M.J. 48 (C.A.A.F. 2002); *United States* v. *Armstrong,* 54 M.J. 51 (C.A.A.F. 2000).

Amend R.C.M. 1004(c)(10) by deleting the words ''death is authorized under the law of war for the offense'' and replacing with the words ''the violation constitutes a grave breach of the law of war.''

Insert the following Discussion to accompany R.C.M. 1004(c)(10):

''Grave breaches of the laws and customs of war are defined by the 1949 Geneva Conventions and customary international law. For the definition of what may constitute a grave breach see The First Geneva Convention, Aug. 12, 1949, art. 50, 6 U.S.T. 3114, T.I.A.S. 3362; The Second Geneva Convention, Aug. 12, 1949, art. 51, 6 U.S.T. 3217, T.I.A.S. 3363; The Third Geneva Convention, Aug. 12, 1949, art. 130, 6 U.S.T. 3316, T.I.A.S. 3364; and The Fourth Geneva Convention, Aug. 12, 1949, art. 147, 6 U.S.T. 3516, T.I.A.S. 3365.''

Amend the Analysis accompanying R.C.M. 1004(c)(10) by inserting the following paragraph:

''*200__Amendment:* Subsection (c)(10) was amended to clarify which law of war violations may subject the accused to capital punishment.''

Amend R.C.M. 1301(a) by inserting the following after the second sentence:

''Summary courts-martial shall be conducted in accordance with the regulations of the military service to which the accused belongs.''

Amend the Analysis accompanying R.C.M. 1301(a) by inserting the following paragraph:

''*200__Amendment:* Subsection (a) was amended to clarify that summary courts-martial convened by a combatant or joint commander are to be conducted in accordance with the implementing regulations and procedures of the service to which the accused is a member.''

Amend M.R.E. 317(b) replacing the word ''Transportation'' with the words ''Homeland Security.''

Amend the Analysis to M.R.E. 317(b) by replacing the word ''Transportation'' with the words ''Homeland Security.''

Amend the Analysis to M.R.E. 801(d)(1)(B) by substituting the following therefor:

''Rule 801(d)(1)(B) makes admissible on the merits a statement consistent with the in-court testimony of the witness and 'offered to rebut an express or implied charge against the declarant of recent fabrication or improper influence or motive.' Unlike Rule 801(d)(1)(A), which addresses prior inconsistent statements given under oath, the earlier consistent statement need not have been made under oath or at any type of proceeding.

Rule 801(d)(1)(B) provides in pertinent part that a statement is not hearsay if the declarant testifies at the trial or hearing and is subject to cross-examination concerning the statement, and the statement is consistent with the declarant's testimony and is offered to rebut an express or implied charge against the declarant of recent fabrication or improper influence or motive. The court has interpreted the rule to require that a prior statement,

admitted as substantive evidence, precede any motive to fabricate or improper influence that it is offered to rebut. *United States* v. *Allison,* 49 M.J. 54 (C.A.A.F. 1998). Where multiple motives to fabricate or multiple improper influences are asserted, the statement need not precede all such motives or inferences, but only the one it is offered to rebut. *United States* v. *Faison,* 49 M.J. 59 (C.A.A.F. 1998). This interpretation of the rule is consistent with the Supreme Court's decision in *Tome* v. *United States,* 513 U.S. 150 (1995).''

Delete the Analysis to M.R.E. 803(24).

Delete the Analysis to M.R.E. 804(b)(5).

Insert the following Analysis for M.R.E. 807:

''MRE 807 was adopted on 30 May 1998 without change from the Federal Rule and represents the residual exception to the hearsay rule formerly contained in MRE 803(24) and MRE 804(b)(5).

''The Rule strikes a balance between the general policy behind the Rules of Evidence of permitting admission of probative and reliable evidence and the congressional intent that 'that the residual hearsay exceptions will be used very rarely, and only in exceptional circumstances.' S. Rep. No. 1277, 93d Cong., 2d Sess., reprinted in 1974 U.S. Code Cong. & Admin. News 7051, 7066. MRE 807 represents the acceptance of the so-called 'catch-all' or 'residual' exception to the hearsay rule. Because of the Constitutional concerns associated with hearsay statements, the courts have placed specific foundational requirements in order for residual hearsay to be admitted. *See United States* v. *Haner,* 49 M.J. 72 (C.A.A.F. 1998). These requirements are: necessity, materiality, reliability, and notice.

''The necessity prong 'essentially creates a ''best evidence'' requirement.' *United States* v. *Kelley,* 45 M.J. 275 (C.A.A.F. 1996) (citing *Larez* v. *City of Los Angeles*, 946 F.2d 630, 644 (9th Cir. 1991)). Coupled with the rule's materiality requirement, necessity represents an important fact that is more than marginal or inconsequential and is in furtherance of the interests of justice and the general purposes of the rules of evidence. *See United States* v. *Gonzalez,* 2003 CCA Lexis 57 (A.F.Ct.Crim.App. 2003).

''In order to fulfill the reliability condition, the proponent of the statement must demonstrate that the statement has particularized guarantees of trustworthiness as shown from the totality of the circumstances. *Idaho* v. *Wright,* 497 U.S. 805 (1990). The factors surrounding the taking of the statement and corroboration by other evidence should be examined to test the statement for trustworthiness. The Court of Appeals for the Armed Forces has held that the Supreme Court's prohibition against bolstering the indicia of reliability under a Sixth Amendment analysis does not apply to a residual hearsay analysis. Therefor, in addition to evidence of the circumstances surrounding the taking of the statement, extrinsic evidence can be considered. *United States* v. *McGrath,* 39 M.J. 158 (C.M.A. 1994).''

Amend Part IV, Punitive Articles, para. 16(c)(1)(a) by replacing the word ''Transportation'' with the words ''Homeland Security.''

Amend Part V, Nonjudicial Punishment Procedure, paragraph 1(h), by renaming existing paragraph 1(h) to 1(i) and inserting the following new paragraph 1(h):

(h) ''Applicable standards. Unless otherwise provided, the service regulations and procedures of the servicemember shall apply.''

Amend the Analysis section of Part V, Nonjudicial Punishment Procedure, paragraph 1(h), by renaming it paragraph 1(i) and inserting the following as paragraph 1(h):

''*200__Amendment:* Subsection (h) is new. This subsection was added to clarify that nonjudicial punishment proceedings conducted in a combatant or joint command are to be conducted in accordance with the implementing regulations and procedures of the service to which the accused is a member.''

Amend Part V, Nonjudicial Punishment Procedure, paragraph 2(a) by deleting ''Unless otherwise'' and replacing with ''As.''

Amend Part V, Nonjudicial Punishment Procedure, paragraph 2(a) by inserting the following after the second sentence:

''Commander includes a commander of a joint command.''

Amend Part V, Nonjudicial Punishment Procedure, paragraph 2(a) by inserting the phrase ''of a commander'' in the third sentence after the words ''the authority.''

Amend the Analysis accompanying Part V, Nonjudicial Punishment Procedure, paragraph 2 by inserting the following paragraph:

''*200__Amendment:* Subsection (2) was amended to clarify the authority of the commander of a joint command to impose nonjudicial punishment upon service members of the joint command.''

Amend Part V, Nonjudicial Punishment Procedures, paragraph 7(e), by replacing the word ''Transportation'' with the words ''Homeland Security.''

Delete Appendix 3.1.

Amend Appendix 21, Introduction, paragraph b (Supplementary Materials) by replacing the word ''Transportation'' with the words ''Homeland Security.''

Amend the Introduction to Appendix 22 by inserting the following at the end of the first sentence:

''(the department under which the Coast Guard was operating at that time.)''

Amend the Introduction to Appendix 22 by replacing the word ''Transportation'' located at the second paragraph with the words ''Homeland Security.''

Dated: August 11, 2003.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 03–20870 Filed 8–14–03; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Office of the Secretary

List of Institutions of Higher Education Ineligible for Federal Funds

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: This document is published to identify institutions of higher education that are ineligible for contracts and grants by reason of a determination by the Secretary of Defense that the institution prohibits or in effect prevents military recruiter access to the campus, students on campus, or student directory information. It also implements the requirements set forth in section 983 of title 10, United States Code, and 32 CFR part 216. The institution of higher education so identified is: William Mitchell College of Law, St. Paul, Minnesota.

ADDRESSES: Director for Accession Policy, Office of the Under Secretary of Defense for Personnel and Readiness, 4000 Defense Pentagon, Washington, DC 20301–4000.

FOR FURTHER INFORMATION CONTACT: Major Brenda K. Leong, (703) 695–5529.

Dated: August 11, 2003.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 03–20865 Filed 8–14–03; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the Secretary of Defense's Historical Records Declassification Advisory Panel

AGENCY: Department of Defense.

ACTION: Notice of open meeting.

SUMMARY: Notice is hereby given of the forthcoming meeting of the Historical Records Declassification Advisory Panel (HRDAP). THe purpose of this meeting is to discuss and form recommendations to the Secretary of Defense on issues involving the declassification and management of DoD classified historical documents. This is the first meeting held in 2003. The OSD Historian will chair this meeting.

DATES: Friday, September 12, 2003. The meeting is scheduled from 9 a.m. to 3 p.m.

ADDRESSES: National Archives and Records Administration, Room 503, 700 Pennsylvania Avenue, Washington, DC 20408.

FOR FURTHER INFORMATION CONTACT: Ms. Chris Bromwell, Office of the Deputy Under Secretary of Defense (Counterintelligence and Security), Office of the Under Secretary of Defense (Intelligence), 5000 Defense Pentagon, Washington, DC 20302–5000, telephone (703) 697–1988.

Dated: August 11, 2003.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 03–20867 Filed 8–14–03; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Threat Reduction Advisory Committee

AGENCY: Department of Defense, Office of the Under Secretary of Defense (Acquisition, Technology and Logistics).

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Threat Reduction Advisory Committee will meet in closed session on Thursday, October 9, 2003, at the Institute for Defense Analyses (IDA), and on Friday, October 10, 2003 in the Pentagon, Washington, DC.

The mission of the Committee is to advise the Under Secretary of Defense (Acquisition, Technology and Logistics) on counterproliferation, chemical and biological defense, transformation of the nuclear weapons stockpile, and other matters related to the Defense Threat Reduction Agency's mission.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. 92–463, as amended (5 U.S.C. Appendix II), it has been determined that this Committee meeting concerns matters listed in 5 U.S.C. 552b(c)(1), and that accordingly the meeting will be closed to the public.

DATES: Thursday, October 9, 2003, (8 a.m. to 4 p.m.) and Friday, October 10, 2003, (8 a.m. to 9:30 a.m.).

ADDRESSES: Institute for Defense Analyses, (boardroom), 4850 Mark Center Drive, Alexandria, Virginia and the USD (AT&L) Conference Room (3D1019), the Pentagon, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Contact Lieutenant Colonel Don Culp, USAF, Defense Threat Reduction Agency/AST, 8725 John J. Kingman Road MS 6201, Fort Belvoir, VA 22060–6201. Phone: (703) 767–5717.

August 11, 2003.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 03–20866 Filed 8–14–03; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the Defense Department Advisory Committee on Women in the Services

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: Pursuant to Section 10(a), Pub. L. 92–463, as amended, notice is hereby given of a forthcoming meeting of the Defense Department Advisory Committee on Women in the Services (DACOWITS). The purpose of the Committee meeting is to provide further briefings on various topics to Committee members. The meeting is open to the public, subject to the availability of space.

DATES: 4 September 2003, 8:30 a.m.–6:30 p.m.

5 September 2003, 8:30 a.m.–5 p.m.

ADDRESSES: Double Tree Hotel, 300 Army Navy Drive, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Shannon Thaeler, USN, DACOWITS, 4000 Defense Pentagon, Room 3D769, Washington, DC 20301–4000. Telephone (703) 697–2122.

SUPPLEMENTARY INFORMATION: Meeting agenda:

Thursday, September 4, 2003

Welcome & Administrative Remarks.
Caliber Associates Question and Answer Period.
Committee Time.
Lunch (by invitation only).
Committee Time.
Senior Defense Official (tentative).
Committee Time.
Review of Caliber Reports.
Wrap-up.

Friday, September 5, 2003

Renewal Paperwork.
Committee Time.
Conclusions/Recommendations—Vote.
Lunch (by invitation only).
Committee Time.
Public Forum.

Interested persons may submit a written statement for consideration by the Committee and make an oral presentation of such. Persons desiring to make an oral presentation or submit a written statement to the Committee must notify the point of contact listed above no later than noon, August 29, 2003. Oral presentations by Members of the public will be permitted only on Friday, September 5, 2003, from 4:45 p.m. to 5:00 p.m. before the full Committee. Presentations will be limited to two minutes. Number of oral presentations to be made will depend on the number of requests received from members of the public. Each person desiring to make an oral presentation must provide the point of contact listed above with only one (1) Copy of the presentation by noon, September 4, 2003 and bring 35 copies of any material that is intended for distribution at the meeting. Persons submitting a written statement only must submit one (1) Copy of the statement to the DACOWITS staff by the close of the meeting on September 5, 2003.

Dated: August 11, 2003.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 03–20869 Filed 8–14–03; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Department of the Air Force

HQ USAF Scientific Advisory Board

AGENCY: Department of the Air Force, DoD.

ACTION: Notice of meeting.

SUMMARY: Pursuant to Pub. L. 92–463, notice is hereby given of the forthcoming meeting of the Technology for Machine-to-Machine (MTM)

Integration. The purpose of the meeting is to allow the SAB leadership to brief the Chief of Staff of the Air Force on the outcome of the Technology for Machine-to-Machine Integration. Because classified and contractor-proprietary information will be discussed, this meeting will be closed to the public.

DATES: September 2, 2003.

ADDRESSES: Pentagon.

FOR FURTHER INFORMATION CONTACT: The Air Force Scientific Advisory Board Secretariat, 1180 Air Force Pentagon, Room 5D982, Washington DC 20330–1180, (703) 697–4811.

Pamela D. Fitzgerald,

Air Force Federal Register Liaison Officer.

[FR Doc. 03–20815 Filed 8–14–03; 8:45 am]

BILLING CODE 5001–5–P

DEPARTMENT OF DEFENSE

Department of the Army

Armed Forces Epidemiological Board; Meeting

AGENCY: Department of the Army; DoD.

ACTION: Notice of open meeting.

SUMMARY: In accordance with section 10(a)(2) of Public Law 92–463, The Federal Advisory Committee Act, announcement is made of the following meeting:

Name of Committee: Armed Forces Epidemiological Board (AFEB).

Dates: September 16–17, 2003.

Times: 7:30 a.m.–6:30 p.m. (September 16, 2003). 7:30 a.m.–5 p.m. (September 17, 2003).

Location: Conference Room on the 2nd Deck of the Submarine Force Museum.

Agenda: The purpose of the meeting is to address pending and new Board issues, provide briefings for Board members on topics related to ongoing and new Board issues, conduct subcommittee meetings, and conduct an executive working session.

FOR FURTHER INFORMATION CONTACT: Colonel James R. Riddle, Executive Secretary, Armed Forces Epidemiological Board, Skyline Six, 5109 Leesburg Pike, Room 682, Falls Church, VA 22041–3258.

SUPPLEMENTARY INFORMATION: This meeting will be open to the public, but limited by space accommodations. Any interested person may attend, appear before or file statements with the committee at the time and in the manner permitted by the committee.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 03–20910 Filed 8–14–03; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Intent To Grant an Exclusive or Partially Exclusive License to ANP Technologies, Inc.

AGENCY: Department of the Army, DoD.

ACTION: Notice of intent to license.

SUMMARY: In compliance with 37 CFR 404 *et seq.,* the Department of the Army hereby gives notice of its intent to grant to ANP Technologies, Inc., of 1201 Technology Drive Aberdeen, MD 21001, an exclusive license relative to a U.S. Army Research Laboratory patent application entitled ''Compositions and Methods for Enhancing Bioassay Performance Through Nanomanipulation'', Yin, *et al.,* filed on August 27, 2001. Anyone wishing to object to the granting of this license has 15 days to file written objections along with supporting evidence, if any.

DATES: File written objections by September 2, 2003.

FOR FURTHER INFORMATION CONTACT: Michael D. Rausa, U.S. Army Research Laboratory, Office of Research and Technology Applications, ATTN: AMSRL–DP–T/Bldg. 459, Aberdeen Proving Ground, MD 21005–5425, telephone: (410) 278–5028.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 03–20911 Filed 8–14–03; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Draft Environmental Impact Statement—Supplement 1.0 for Lower Mud River at Milton, West Virginia, Milton Local Protection Project

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of availability.

SUMMARY: In accordance with the requirements of the National Environmental Policy Act (NEPA), the U.S. Army Corps of Engineers (USACE), Huntington District has prepared this Limited Reevaluation Report and Environmental Impact Statement—Supplement 1.0 (LRR/SEIS) in response to Section 580 of the Water Resources Development Act of 1996 (WRDA) which authorizes the USACE to ''* * * conduct a limited reevaluation of the watershed plan and environmental impact statement prepared for the Lower Mud River, Milton, W.V., by the Natural Resources Conservation Service, pursuant to the Watershed Protection and Flood Prevention Act (16 U.S.C. 1001 *et seq.*) and may carry out the project,'' and Section 340 of the WRDA of 2000, which reads: ''Modifies Lower Mud River project at Milton authority (Section 580 of WRDA of 1996) to direct the COE to construct the project as selected in the COE reevaluation report.'' This report focuses on providing flood protection for the City of Milton, Cabell County, WV against flooding such as occurred in December 1978, March 1997, and February 2003. In accordance with the requirements of NEPA, the potential impacts to the natural, physical, and human environment associated with proposed flood damage reduction measures for the City of Milton (Milton Local Protection Project) are evaluated.

The flood of record for the City of Milton occurred in March 1997. The flood had an estimated return frequency of 3.7% chance (27-year) flood event, causing over $23 million dollars in damage (1997 price level). The need for local flood protection at Milton is well documented as flooding has played a significant role in the town's history. Milton lies approximately 19 miles upstream from the confluence of the Mud River with the Guyandotte River. Within the town, approximately 736 structures (both residential and nonresidential) stand within the 100-year floodplain and potential annual damages for this reach of the Mud River are estimated to be $3.58 million (2003 dollars).

In addition to evaluating the flood damage reduction measures for Milton and the surrounding area, the natural resources that will be impacted by these measures have been examined. Potential significant impacts from the final levee alternatives include those to aesthetics, aquatic and terrestrial resources, and socioeconomic resources. Social impacts associated with construction of a project include principally traffic and noise impacts, economic gains and losses, impacts to community cohesion due to acquisition of residences and businesses to construct a project, and aesthetic impacts from the visual prominence of the levee in the community. The document includes a detailed description of the existing

environment and describes impacts anticipated from the final flood damage reduction alternatives considered, including the no action alternative.

DATES: Comments should be submitted by September 30, 2003.

ADDRESSES: Submit comments by letter to: Mr. S. Michael Worley, Chief, Planning Branch, Planning Programs and Project Management Division, U.S. Army Corps of Engineers, Huntington District, 502 Eighth Street, Huntington, WV 25701–2070; FAX: 304–529–5136; or e-mail: *Michaelw@Lrh.usace.army.mil.*

FOR FURTHER INFORMATION CONTACT: For additional information about the proposed project, contact Mr. Louis Aspey, Project Manager, PM–P, U.S. Army Corps of Engineers, Huntington District, 502 Eighth Street, Huntington, WV, 25701–2070, telephone: 304–528–7446, or e-mail: *Louisa@Lrh.usace.army.mil.*

SUPPLEMENTARY INFORMATION:

1. Background

Under authority of the Watershed Protection and Flood Prevention Act (Pub. L. 83–566), the Natural Resources Conservation Service (NRCS), formerly Soil Conservation Service, began an investigation of land and water resource problems, including flooding, in the Lower Mud River watershed in 1972. This early investigation culminated with completion of the Lower Mud River Watershed Plan and Environmental Impact Statement in May 1993, in which a channel modification project of the Mud River in the vicinity of Milton was recommended. Section 580 of WRDA 1996 and Section 340 of WRDA 2000 provided the USACE authority to re-evaluate that study and construct a project.

A notice of intent to prepare a SEIS was published in the **Federal Register** on August 14, 2002 (67 FR 52959). The USACE invited full public participation to promote open communication and better decision-making. Persons and organizations interested in the Mud River flooding problems as they affect the community of Milton, WV and the affected environment were urged to participate in this public environmental analysis process. To keep the Milton community informed throughout the study process, a citizen's action group consisting of community members in the vicinity of Milton was formed and the first meeting held in November 2002, with the USACE as an invited guest. They have continued meeting on the fourth Thursday of each month at 9:30 a.m. in the Milton City Hall. Members include the City Council, West Virginia Conservation Agency, Cabell County Floodplain Coordinator, and concerned citizens. Meetings are informal and open to the public. Assistance will continue to be provided upon request to anyone having difficulty with learning how to participate.

As stated in the notice of intent, public comments are welcomed anytime throughout the NEPA process. Formal opportunities for public participation include: (1) Public meetings held near the community of Milton; (2) Anytime during the NEPA process via mail, telephone or e-mail; (3) During review and comment on the draft LRR/SEIS—approximately August 11 through September 30, 2003; and (4) Review of the final LRR/SEIS—winter 2003–2004. Schedules and locations for public meetings will be announced in local news media. Interested parties may also request to be included on the mailing list for public distribution of meeting announcements and documents.

To ensure that all issues related to the proposed project are addressed, the USACE has conducted an open process to define the scope of the LRR/SEIS. Recommendations from interested agencies, local and regional stakeholders and the general public were encouraged to provide input in identifying areas of concern, issues and impacts to be addressed in the LRR/SEIS, and the alternatives that would be analyzed.

2. Alternatives Considered

Detailed project studies have included consideration of a number of local flood damage reduction alternatives including tributary impoundments, floodwall/levee combinations, channel modification and various nonstructural measures. As part of the study, various alternatives considered were found effective for protecting Milton from flooding, including a floodwall, levees, floodproofing, and floodplain evacuation options. More detailed evaluations determined that none of the alternatives were economically feasible except a protective levee on the north bank of the Mud River (Plan B) and a protective levee with relocation of a segment of the Mud River channel (Plan D). These two alternatives along with the No Action alternative have been evaluated in detail and the results documented in the LRR/SEIS.

The primary planning objective was to develop the most economically feasible plan and the most environmentally acceptable plan to reduce flood damages at Milton. Plan B provides a high level of protection, but includes modification to the Mud River channel. Plan B has the greatest net benefits and is the National Economic Development (NED) plan. Plan D provides a lower level of protection, to approximately that of the 1997 flood; however, the project first cost is about 30 percent less than Plan B. Although Plan D affects several businesses and residences, the impacts on the natural environment are minor; therefore it is the environmentally preferred plan. Because Plan B provides the highest level of flood protection, has the greatest net benefits, and all significant environmental impacts can be mitigated by special project features, Plan B is the selected plan.

3. Availability of the Draft LRR/SEIS

USACE has distributed copies of the draft LRR/SEIS to appropriate Members of Congress, State and local government official in West Virginia, Federal agencies, and other interested parties. Copies of the document may be obtained by contacting USACE Huntington District Office of the Corps of Engineers at 304–529–5712. Comments pertaining to the documents should be sent to the address above. Copies of the draft LRR/SEIS are also available for inspection at the locations identified below:

(1) Cabell County Library, 455 Ninth Street Plaza, Huntington, WV 25701.

(2) Milton Public Library, 11401 Smith Street, Milton, WV 25541.

(3) Barboursville Public Library, 728 Main Street, Barboursville, WV 25504.

(4) *http://www.lrh.usace.army.mil/.*

After the public comment period ends (*see* **DATES**), USACE will consider all comments received, revise the draft SEIS as appropriate, and issue a final LRR/SEIS.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 03–20912 Filed 8–14–03; 8:45 am]

BILLING CODE 3710–6M–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Federal Interagency Steering Committee on Multimedia Environmental Modeling

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of open meeting.

SUMMARY: The annual public meeting of the Federal Interagency Steering Committee on Multimedia Environmental Modeling (ISCMEM) will convene to review progress by the

working groups and to discuss initiatives for FY 2004.

Date of Meeting: September 24, 2003.

Place: U.S. Nuclear Regulatory Commission Headquarters Auditorium, 11545 Rockville Pike, Rockville, MD, 20852.

Time: 9:30 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT: Inquiries and notice of intent to attend the meeting may be addressed to Dr. Mark S. Dortch, ISCMEM Chair, Environmental Laboratory, U.S. Army Engineer Research and Development Center, 3909 Halls Ferry Road, Vicksburg, MS 39180–6199, or phone 601–634–3517.

SUPPLEMENTARY INFORMATION:

Background: On July 5, 2001, six Federal agencies entered into a Memorandum of Understanding (MOU) on research and development of multimedia environmental modeling (for a copy of the MOU with addendums, and details of the activities please see *http://www.ISCMEM.Org).* In 2002 and 2003, two additional Federal Agencies joined the interagency cooperative project. The MOU establishes a framework for facilitating cooperation and coordination among the following agencies (the specific research organization within the agency is in parenthesis): U.S. Army Corps of Engineers (Engineer Research and Development Center); U.S. Department of Agriculture (Agricultural Research Service); U.S. Department of Agriculture (Natural Resources Conservation Service); U.S. Department of Energy (Office of Research and Development); U.S. Geological Survey; U.S. National Oceanographic and Atmospheric Administration; and U.S. Nuclear Regulatory Commission (Office of Nuclear Regulatory Research). These agencies are cooperating and coordinating in research and development (R&D) of multimedia environmental models, software and related databases, including development, enhancements, applications and assessments of site-specific, generic, and process-oriented multimedia environmental models as they pertain to human and environmental health risk assessment. Specifically, the MOU supports collaboration and the exchange of technical information in support of multimedia environmental modeling focusing on environmental risk assessments, including development/enhancements of models and model frameworks or infrastructure and advancement of related technical activities, such as considering uncertainty and model application procedures.

Purpose of the Public Meeting: The annual public meeting provides an opportunity for the scientific community, other Federal and State agencies, and the public to be briefed on the progress of the MOU working groups and their initiatives for the upcoming year, and to discuss technological advancements in multimedia environmental modeling.

Proposed Agenda: The ISCMEM Chair will report on new participating Federal agencies. The four MOU working groups, Software System Design and Implementation, Uncertainty and Parameter Estimation, Modeling Reactive Transport, and Watershed Modeling, will report on their progress during the year. A series of technical presentations will focus on: progress on the Geospatial Library for Environmental Modeling (GEOLEM) project as related to integration of modeling frameworks and GIS; results of the *International Workshop on Uncertainty, Sensitivity and Parameter;* and activities towards conceptualized model development for subsurface reactive transport modeling of inorganic contaminants, radionuclides, and nutrients. Participation with this MOU of similar coordinating groups and consortia outside the U.S. will be discussed. A detailed agenda with presentation titles and speakers will be posted on the MOU public Web site: *http://ww.ISCMEM.Org.*

Meeting Access: The U.S. Nuclear Regulatory Commission (NRC) Headquarters Auditorium is located in Two White Flint North Building at 11545 Rockville Pike, Rockville, Maryland. To access the NRC Auditorium, please use the Two White Flint North building entrance to proceed through security. The most convenient transportation to the meeting venue is via Metro. Please take Metro to the White Flint Metro stop on the Red Line. NRC is directly across the street from the White Flint Metro exit on Marinelli Road. Please inform the security personnel that you are attending the public meeting on multimedia environmental modeling in the NRC Auditorium.

Mark S. Dortch,

Chair, Federal Interagency Steering Committee on Multimedia Environmental Modeling.

[FR Doc. 03–20909 Filed 8–14–03; 8:45 am]

BILLING CODE 3710–61–M

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before October 14, 2003.

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, *e.g.* new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: August 12, 2003.

Angela C. Arrington,

Leader, Regulatory Information Management Group, Office of the Chief Information Officer.

Office of Postsecondary Education

Type of Review: Revision.

Title: Comprehensive Program Annual Performance Report.

Frequency: One time.

Affected Public: Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden:

Responses: 140.

Burden Hours: 2,800.

Abstract: The Comprehensive Program is a discretionary grant program that makes competitive awards to support reform and innovations through projects that improve educational practice at the postsecondary level. Grantees annually submit a performance report to demonstrate that substantial progress is being made toward meeting the objectives of their projects. Reporting requirements are currently based on broad criteria from the Education Department General Administrative Regulations (EDGAR). This request is to use a reporting format that elicits needed information on program-specific outcomes within the annual report without posing additional burden to the grantee.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, by selecting the ''Browse Pending Collections'' link and by clicking on link number 2319. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651 or to the e-mail address *vivian_reese@ed.gov*. Requests may also be electronically mailed to the Internet address *OCIO_RIMG@ed.gov* or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be directed to Joseph Schubart at his e-mail address *Joe.Schubart@ed.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 03–20913 Filed 8–14–03; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Notice of Intent To Prepare an Environmental Impact Statement for the Colorado Springs Utilities Next-Generation CFB Coal Generating Unit, Fountain, CO

AGENCY: Department of Energy.

ACTION: Notice of intent.

SUMMARY: The U.S. Department of Energy (DOE) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) NEPA regulations (40 Code of Federal Regulations [CFR] parts 1500–1508), and the DOE NEPA regulations (10 CFR part 1021) to assess the potential environmental impacts of a project proposed by Colorado Springs Utilities to design, construct, and operate a Next-Generation Circulating Fluidized Bed (CFB) Coal Generating Unit demonstration plant near Fountain, El Paso County, Colorado. The plant is proposed for a site adjacent to the existing 227 megawatt (MW) Ray D. Nixon Power Plant on the Clear Springs Ranch, a 5,000-acre Colorado Springs Utilities-owned property located approximately 17 miles south of Colorado Springs.

The proposed project, selected under the Clean Coal Power Initiative solicitation, would demonstrate advanced technologies to produce electricity using a variety of fuels, including subbituminous coal from the Powder River Basin (PRB) in Wyoming, which would provide the primary fuel for long-term operation of the plant, bituminous coals from Illinois and Pennsylvania, and blends of PRB coal with waste coal and wood waste. Colorado Springs Utilities would also consider combusting several other fuels, including waste tires and processed municipal solid waste sludge, in blends with the PRB coal. Technologies to be integrated into the proposed plant would include a circulating fluid-bed combustion system to achieve low emissions of sulfur oxides, an advanced staged-combustion process to achieve low nitrogen oxide levels, an advanced selective non-catalytic reduction system to further reduce nitrogen oxide emissions, and a low-cost, integrated trace metal control system having potential to remove virtually all acid gases and up to 90% of mercury from the combustion gas. Upon completing a successful demonstration of the advanced technologies, the new CFB unit would be operated as a commercial power plant to supply approximately 150 MW of electricity to the Colorado Springs Utilities power grid.

The EIS will help DOE decide whether to provide 10% (approximately $30 million in financial assistance) of the total estimated cost of $301 million for the proposed project. The purpose of this Notice of Intent is to inform the public about the proposed project; invite public participation in the EIS process; announce the plans for a public scoping meeting and explain the EIS scoping process; and solicit public comments for consideration in establishing the proposed scope and content of the EIS.

DATES: To ensure that all of the issues related to this proposal are addressed, DOE invites comments on the proposed scope and content of the EIS from all interested parties. Comments must be received by September 19, 2003, to ensure consideration. Late comments will be considered to the extent practicable. In addition to receiving comments in writing and by telephone, (*See* **ADDRESSES** below), DOE will conduct a public scoping meeting in which agencies, organizations, and the general public are invited to present oral comments or suggestions with regard to the range of actions, alternatives, analysis methods, and environmental issues to be considered in the EIS. The scoping meeting will be held at the Fountain Middle School, 515 North Santa Fe Avenue, Fountain, CO, on September 3, 2003, beginning at 7 pm (*See* ''Public Scoping Process''). The public is invited to an informal session at this location beginning at 5 pm to learn more about the proposed action.

Displays and other forms of information about the proposed agency action and the demonstration plant will be available, and DOE personnel will be present at the informal session to discuss the proposed project and the EIS process.

ADDRESSES: Written comments on the proposed EIS scope and requests to participate in the public scoping meeting should be addressed to the NEPA Document Manager for the CFB Generating Unit project (hereafter termed the ''Project''): Mr. Lloyd Lorenzi, National Energy Technology Laboratory, U.S. Department of Energy, P.O. Box 10940, Pittsburgh, PA 15236–0940.

Individuals who would like to otherwise participate in the public scoping process should contact Mr. Lloyd Lorenzi directly by telephone: 412–386–6159; toll free number for recording messages: 1–800–276–9851; fax: 412–386–4604; or electronic mail: *lorenzi@netl.doe.gov.*

FOR FURTHER INFORMATION CONTACT: For information regarding the Project or to receive a copy of the draft EIS for review when it is issued, contact Mr. Lloyd Lorenzi as described above. Those seeking general information on the DOE NEPA process, contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0119, Telephone: (202) 586–4600, Facsimile: (202) 586–7031, or leave a toll-free message at 1–800–472–2756.

SUPPLEMENTARY INFORMATION:

Background and Need for Agency Action

Since the early 1970s, DOE and its predecessor agencies have supported research and development programs for a wide variety of innovative coal technologies through the proof-of-concept stage. However, the availability of a technology at the proof-of-concept stage is not sufficient to ensure continued development and subsequent commercialization. Before any technology can be considered seriously for commercialization, it must be demonstrated. The financial risk associated with technology demonstration is, in general, too high for the private sector to assume in the absence of strong incentives. The Clean Coal Power Initiative (CCPI) was established in 2002 as a government/industry partnership to implement the President's National Energy Policy recommendation to increase investment in clean coal technology. That recommendation addresses a national challenge of ensuring the reliability of electric supply while simultaneously protecting the environment.

The goal of the CCPI program is to accelerate commercial deployment of advanced coal technologies that provide the United States with clean, reliable, and affordable energy. Through cooperative agreements established pursuant to the CCPI program, DOE would accelerate deployment of innovative technologies to meet near-term energy and environmental goals; to reduce technological risk to the business community to an acceptable level; and to provide private sector incentives required for continued activity in innovative research and development directed at providing solutions to long-range energy supply problems.

Proposed Action

The proposed action is for DOE to provide, through a cooperative agreement with Colorado Springs Utilities, financial assistance for the proposed Project. The CFB Generating Unit to be constructed under the Project would be designed for long-term commercial operation following completion of an approximately 12-month period of operation to demonstrate performance of advanced technologies under the cooperative agreement with DOE. The cost of the Project is approximately $301 million; DOE's share would be approximately $30 million (10%).

The CFB Generating Unit would produce approximately 150 MW of electricity, at extremely high environmental performance levels, for export to the local grid. The primary fuel for the plant would be subbituminous coal from the Powder River Basin (PRB) in Wyoming. During the demonstration phase of operation for DOE, other fuels would be tested, including bituminous coals from Illinois and Pennsylvania and blends of PRB coal with waste coal and forest biomass (non-commercial timber removed during forest thinning and fire risk reduction activities on National Forest lands). Colorado Springs Utilities would also consider combustion of PRB coal in blends with other fuels, including pelletized or shredded rubber from waste tires and processed sludge from wastewater treatment activities of Colorado Springs Utilities, to demonstrate the range of environmental performance capabilities of the advanced CFB generating unit.

The CFB generating unit would be constructed on an approximately 10-acre site adjacent to the existing 151-acre Ray D. Nixon Power Plant, which has been operating since 1980. The existing power plant features a 227 MW pulverized coal-fired boiler using PRB coal, two 35 MW combustion turbines, a coal storage area, and coal handling facilities. All facilities for the new CFB Unit would be located on the 5,000-acre Clear Springs Ranch property that Colorado Springs Utilities owns and uses for power generation, ash disposal, wastewater treatment, and land application sludge disposal. Site preparation would require grading, clearing of vegetation, and the addition of infrastructure improvements, such as roads, fencing, and drainage. Construction preparations would include installation of foundations for the plant equipment and structures.

The CFB Generating Unit would feature an advanced staged-combustion process that can achieve low nitrogen oxide levels, and an advanced selective non-catalytic reduction system that can further reduce nitrogen oxide emissions. Limestone would be added to the combustion furnace for sulfur removal. The CFB Generating Unit would also include a three-stage system for sulfur oxide control to achieve up to 98 percent sulfur removal. Requirements for limestone, which would be the only reagent added to the combustion furnace for sulfur control, would be reduced to less than half the amount required by conventional CFB systems.

In addition to the advanced sulfur oxide and nitrogen oxide control technologies, the low emission combustion system would feature an integrated trace metal control system with potential to remove virtually all acid gas emissions and up to 90 percent of mercury from the combustion gas. The CFB generating unit would include an advanced system for solids separation, whereby solids separators would be integrated into the traditional furnace structure to reduce cost and improve reliability. This design would allow reduced size of the overall combustion system and eliminate hot expansion joints, thus potentially achieving improved operational performance and reduced maintenance costs.

The primary feed material for the new CFB Unit would be up to approximately 2,200 tons-per-day of subbituminous coal that would be delivered to the site using the existing rail loop and coal handling facilities. Coal would be stored in the same coal storage area that is currently serving the Nixon Power Plant, though a separate conveyor would be constructed to service the CFB Unit.

Construction of the proposed plant would take approximately 36 months. Plant start-up, system and feedstock testing, and long-term performance and reliability demonstration under the cooperative agreement with DOE would require approximately 12 months, after which the plant could continue in commercial operation.

Alternatives

NEPA requires that agencies evaluate the reasonable alternatives to the proposed action in an EIS. The purpose for agency action determines the range of reasonable alternatives.

The Clean Coal Power Initiative (CCPI) was established to help implement the President's National Energy Policy (NEP) recommendation to increase investment in clean coal technology by addressing national challenges of ensuring the reliability of domestic electric and energy supplies while simultaneously protecting the environment. The CCPI program was structured to achieve NEP goals by promoting private sector initiatives to invest in demonstrations of advanced

technologies that could be widely deployed commercially to ensure that the United States has clean, reliable, and affordable energy. Private sector investments and deployment of energy systems in the United States places DOE in a more limited role than if the Federal government were the owner and operator of the energy systems. In the latter situation, DOE would be responsible for a comprehensive review of reasonable alternatives for siting the system. However, in dealing with applicants under the CCPI solicitation, the scope of alternatives is necessarily more restrictive, because DOE must give substantial consideration to the applicant's needs, as reflected in its CCPI application, in establishing a project's reasonable alternatives.

The range of reasonable alternatives to be considered in the EIS for the Project is determined in accordance with the overall NEPA strategy. Because of DOE's limited role of providing cost-shared funding for the Project, DOE currently plans to give primary emphasis to the proposed action and the no-action alternative. Under the proposed action, Project activities would include equipment design and fabrication, process engineering, plant permitting and construction, and testing and demonstration of the technology. Under the no-action alternative, DOE would not provide partial funding for the design, construction, and operation of the plant.

In the absence of DOE funding, the new CFB Unit may be constructed, but likely would not include demonstration of operation with the range of fuel sources that has been proposed. In the absence of DOE funding, Colorado Springs Utilities could also consider building a natural gas combustion turbine plant at the Clear Spring Ranch Site. This alternative will be examined in the EIS. DOE will consider other reasonable alternatives that may be suggested during the public scoping period.

DOE plans to complete the EIS within 15 months following publication of this Notice of Intent, and to issue a Record of Decision no sooner than 30 days following completion of the Final EIS. Upon completing the demonstration effort for DOE, Colorado Springs Utilities could continue commercial operation of the new CFB Unit constructed under the Project.

Preliminary Identification of Environmental Issues

The following environmental issues have been tentatively identified for analysis in the EIS. This list is presented to facilitate public comment on the planned scope of the EIS, and is not intended to be a pre-determined set of potential impacts. Additions to or deletions from this list may occur as a result of the public scoping process. The environmental issues include:

(1) Atmospheric resources: Potential air quality effects resulting from emissions during construction and operation of the proposed CFB Unit;

(2) Water resources: Potential effects on surface water and groundwater resources, including effects of water usage, wastewater management, and storm water management;

(3) Aesthetic and scenic resources: Visual effects associated with plant structures and operations;

(4) Ecological resources: Potential on-site and off-site impacts to vegetation, terrestrial wildlife, threatened and endangered species, and ecologically sensitive habitats, including the Fountain Creek riparian corridor and the Clear Springs Ranch Wildlife Management area;

(5) Land use requirements and compatibility for disposal of power plant ash;

(6) Noise: Potential effects resulting from construction and operation of the proposed plant and from transportation of feed materials and plant products;

(7) Health and safety impacts, including construction-related safety and process-related safety associated with handling and management of chemical materials;

(8) Socioeconomic effects resulting from influx of construction laborers and plant operating staff;

(9) Soils and geology compatibility for plant construction and ash disposal;

(10) Utility and transportation infrastructure requirements for delivery of fuels and chemicals to the power plant;

(11) Resource utilization;

(12) Cumulative effects that result from the incremental impacts of the proposed plant when added to the other past, present, and reasonably foreseeable future activities, including the adjacent Nixon Power Plant and the nearby recently-completed Front Range Power Plant;

(13) Connected actions associated with recovery of other fuels, including wood waste, and feed materials for the plant; and

(14) Regulatory compliance and environmental monitoring.

Public Scoping Process

To ensure that all issues related to this proposal are addressed, DOE will conduct an open process to define the scope of the EIS. The public scoping period will end on September 19, 2003. Interested agencies, organizations, and the general public are encouraged to submit comments or suggestions concerning the content of the EIS, issues and potential impacts to be addressed in the EIS, and alternatives that should be considered. Scoping comments should identify specific issues or topics that the EIS should address in order to assist DOE in identifying significant issues for analysis. Written, e-mailed, or faxed comments should be communicated by September 19, 2003 (*See* **ADDRESSES**).

DOE will conduct a public scoping meeting at the Fountain Middle School, 515 North Santa Fe Avenue, Fountain, CO, on September 3, 2003, at 7 pm. In addition, the public is invited to an informal session beginning at 5 pm, to learn more about the proposed action. Displays and other information about the proposed agency action and the demonstration plant will be available, and DOE personnel will be present to discuss the proposed action and the NEPA process.

The formal scoping meeting will begin on September 3, 2003, at 7 pm. DOE requests that members of the public who wish to speak at this public scoping meeting contact Mr. Lloyd Lorenzi, either by phone, fax, computer, or in writing (*See* **ADDRESSES** in this Notice).

Members of the public who do not arrange in advance to speak may register at the meeting (preferably at the beginning of the meeting) and will be provided opportunities to speak following previously scheduled speakers. Speakers who need more than five minutes should indicate the length of time desired in their request. Depending on the number of speakers, DOE may need to limit speakers to five minutes initially but will provide additional opportunities as time permits. Speakers may also provide written materials to supplement their presentations. Oral and written comments will be given equal consideration.

DOE will begin the meeting with an overview of the proposed Project. The meeting will not be conducted as an evidentiary hearing, and speakers will not be cross-examined. However, speakers may be asked questions to help ensure that DOE fully understands their comments or suggestions. A presiding officer will establish the order of speakers and provide any additional procedures necessary to conduct the meeting.

Issued in Washington, DC, on this 11th day of August, 2003.

Beverly A. Cook,

Assistant Secretary, Environment, Safety and Health.

[FR Doc. 03–20862 Filed 8–14–03; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Office of Science Financial Assistance Program Notice DE-FG01–03ER03–26; Fusion Science Centers

AGENCY: U.S. Department of Energy.

ACTION: Notice inviting grant applications.

SUMMARY: The Office of Fusion Energy Sciences (OFES) of the Office of Science (SC), U.S. Department of Energy (DOE), announces its interest in receiving grant applications for Fusion Science Centers with a research focus in fusion plasma science. The duration of the Center grant will be five years, with the possibility of a one time renewal for five more years. All institutions or groups planning to submit applications for funding a new center in Fiscal Year 2004 should submit in response to this Notice. Applicants are not being asked, in any way, to fund or establish a Federally Funded Research and Development Center (FFRDC).

DATES: To permit timely consideration for awards in Fiscal Year 2004, applicants are required to submit a Preliminary Application by November 14, 2003. Following a review of the Preliminary Application, applicants may be invited to submit a Full Application in response to this notice which must be received by DOE no later than 4:30 p.m., March 1, 2004. Electronic submission of formal applications in PDF format is required.

Applicants are requested to submit a letter-of-intent by October 15, 2003. Letters-of-Intent should be sent by e-mail to the following e-mail address: *john.sauter@science.doe.gov* and the subject line should state: Letter-of-Intent regarding Program Notice DE–FG01–03ER03–26.

ADDRESSES: A copy of the Preliminary Application should be sent by e-mail to: *john.sauter@science.doe.gov* with a subject line titled Preliminary Application Regarding Program Notice DE–FG01–03ER03–26. In addition, you must provide two CDs, with one PDF file copy of the Preliminary Application on each, to be sent Federal Express to: John Sauter, SC–55, Office of Fusion Energy Sciences, Germantown Building, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874–1290. Full Applications in response to this solicitation Number DE–FG01–03ER03–26 are to be electronically submitted by an authorized institutional business official through DOE's Industry Interactive Procurement System (IIPS) at: *http://e-center.doe.gov/.* IIPS provides for the posting of solicitations and receipt of applications in a paperless environment via the Internet. In order to submit applications through IIPS, your business official will need to register at the IIPS Web site. It is suggested that this registration be completed several days prior to the date on which you plan to submit the formal application. The Office of Science will include attachments as part of this notice that provide the appropriate forms in PDF fillable format that are to be submitted through IIPS. *IIPS offers the option of submitting multiple files—please limit submissions to only one file within the volume if possible, with a maximum of no more than four files.* Questions regarding the operation of IIPS may be e-mailed to the IIPS Help Desk at: *helpdesk@pr.doe.gov,* or you may call the help desk at: (800) 683–0751. Further information on the use of IIPS by the Office of Science is available at: *http://www.sc.doe.gov/production/grants/grants.html.*

FOR FURTHER INFORMATION CONTACT: Dr. Michael D. Crisp, Research Division, SC–55, Office of Fusion Energy Sciences, Germantown Building, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–1290. Telephone: (301) 903–4883, or by e-mail address: *michael.crisp@science.doe.gov.*

SUPPLEMENTARY INFORMATION: General information about development and submission of applications, eligibility, limitations, evaluations and selection processes, and other policies and procedures may be found in the Application Guide for the Office of Science Financial Assistance Program and 10 CFR part 605. Electronic access to SC's Financial Assistance Guide and required forms is possible via the Internet using the following Web site address: *http://www.sc.doe.gov/production/grants/grants.html.* DOE is under no obligation to pay for any costs associated with the preparation or submission of an application if an award is not made.

Program Objectives

The development of new investigative techniques and research tools presents a window of opportunity for fundamental advances in the understanding of fusion plasma science. Many of the issues in plasma science are sufficiently complex that significant progress requires closely interacting, critical-mass groups of scientists with a broad mix of skills and backgrounds. There is also a need to strengthen the connection between the fusion research community and the broader scientific community. The objective of this initiative is to establish one or two university-based Fusion Science Centers (FSC), which will focus on fundamental issues in plasma science. The FSC will be supported to perform fusion plasma science research in areas of such wide scope and complexity that it would not be feasible for individual investigators or small groups to make progress. For example, understanding the dynamics of plasma turbulence and transport requires the development of appropriate physical models, computational algorithms for treating disparate space and times scales, as well as complex magnetic geometries, efficient programming on massively parallel computing platforms, and an understanding of nonlinear physics. A well coordinated collaboration of a team of scientists is more likely to have the breadth of knowledge and skills required to tackle such large and complex problems successfully. The research team that will be assembled for the FSC should also promote connectivity with the broader scientific community.

Areas of Focus

The FSC will be a university-based center of excellence that will emphasize scientific issues that are of fundamental importance to fusion plasma science. Examples of topics that could serve as a focus of a FSC include, but are not limited to: turbulence and transport, chaos and self-organization, energetic particle dynamics, and high energy density plasma physics.

Educational Component

Since future manpower requirements of the fusion energy sciences program are an important concern, proposals should discuss effective ways in which education and training are integrated within their research programs. Centers should be expected to sponsor multidisciplinary workshops and summer schools that will bring together students and researchers from various fields and institutions to focus on basic plasma science. The workshops should also serve to communicate the advances and challenges of fusion science to the broader scientific community.

Eligibility Information

Applications are sought from academic institutions and groups,

within the United States, which have research and educational programs in plasma science. The Center is expected, and encouraged, to participate in collaborations with other research institutions. The FSC is envisioned to combine the expertise and approaches of national laboratories and universities. However, since the thrust of this initiative is for university-based institutions, any participation of a (FFRDC), including a Department of Energy National Laboratory, should be limited to no more than 20 percent of the Center funding.

Cost Sharing

The host institution is required to provide at least 15 percent matching funds for the Center.

Application Process

Applicants are requested to submit a letter-of-intent as stated above. Applicants will be required to submit a detailed Preliminary Application that will be reviewed by a panel of experts. Following the review of the Preliminary Application, applicants may be invited to submit a Full Application. The Full Application will receive an extensive review which may include oral presentations by the Principal Investigator and his collaborators.

Letter-of-Intent

Letters-of-intent must include the title of the application, the name of the Principal Investigator(s), the requested funding and a one-page abstract. These letters-of-intent will be used to organize and expedite review processes. Failure to submit a letter-of-intent will not negatively prejudice a responsive formal application submitted in a timely fashion.

Preliminary Application

The Preliminary Application should consist of a description of the research proposed to be undertaken by the Fusion Science Center including a clear explanation of its importance to the advancement of fusion plasma science. The Preliminary Application should be limited to a maximum of 30 pages (including text and figures) of technical information. It should briefly describe the institutional setting of the FSC, its proposed scope and organization, activities in research and education and their integration, development of human resources and shared experimental facilities, links with related major research centers, on campus or off campus, and a management plan. The application should emphasize the synergy of collaborations that will be facilitated by the Center. A clear case should be made that the Center's research program will contribute more to the advancement of fusion plasma science than would be expected from the independent efforts of its individual investigators. Also included should be a description of educational activities that will be an integral part of the Center's research program and other information necessary for a concise overview of the FSC activities. The FSC application should describe proposed efforts to communicate concepts, methods, tools, and results to the wider world of science in order to raise awareness of the fusion science community's scientific accomplishments.

Full Application

The Department of Energy will accept Full Applications for a Fusion Science Center by invitation only, based upon the results of an evaluation of the Preliminary Application. The Full Application should consist of a more detailed description of the material contained in the Preliminary Application. The Full Application may be modified in response to the reviewers' comments concerning the Preliminary Application. The review process for the Full Application may also include oral presentations, made to a review panel, by the proposed Center's key people.

Program Funding

It is anticipated that about $2,000,000 of Fiscal Year 2004 funding will be available to fund one or two new Fusion Science Centers from applications received in response to this Notice. Because future year funding is not anticipated to increase, applications should propose constant effort in future years (allowing for inflation). Future year funding will depend upon suitable progress and the availability of funds. The cost-effectiveness of the application will be considered when comparing applications with differing funding requirements.

Merit Review

Applications will be subjected to formal merit review and will be evaluated against the following criteria, which are listed in descending order of importance as set forth in 10 CFR part 605.

1. Scientific and/or technical merit of the project,
2. Appropriateness of the proposed method or approach,
3. Competency of the applicant's personnel and adequacy of the proposed resources,
4. Reasonableness and appropriateness of the proposed budget.

The Office of Fusion Energy Sciences will also consider, as part of the evaluation, other available advice or information as well as program policy factors, such as ensuring an appropriate balance among and within the program areas, ensuring support for major computational efforts, ensuring support for experiments, and quality of previous performance.

Additional Review Criteria

In order to encourage innovation and originality in the application, preconceived specifications are being kept to a minimum in this announcement. A proposal for a center should have a plan to identify, pose, and answer scientific questions of widely recognized importance. In all cases, however, a Center's application should demonstrate that the whole of the Center's effort will be substantially greater than the sum of its parts. Attention will be paid to the management plan, which should include a description of how the FSC will operate. The plan should also describe proposed activities that will be undertaken to enhance connectivity between the Center and the broad scientific community.

In addition to the information required by 10 CFR part 605 each application should contain the following items: (1) A succinct statement of the goal of the research, (2) a detailed research plan, (3) the specific results expected at the end of the project period, (4) an analysis of the adequacy of the budget, (5) a discussion of the impact of the proposed research on other fields of science, and (6) for projects requiring significant computational resources (*e.g.*, at the National Energy Research Scientific Computing Center), an estimate and justification of the resources that will be required.

With respect to the enhanced productivity that one would expect from the synergy of a Center, additional review criteria are:

(1) Clear evidence of collaborative work.

(2) The extent to which the group addresses difficult problems requiring a team effort.

(3) Clear evidence of scientific leadership.

(4) The extent to which the management will evaluate the relevance and scientific impact of the group's work.

Selection of applications for award will be based upon the findings of the technical evaluations, the importance and relevance of the proposed research

to the Office of Fusion Energy Sciences' mission, and funding availability.

The Catalog of Federal Domestic Assistance Number for this program is 81.049, and the solicitation control number is ERFAP 10 CFR part 605.

Issued in Washington, DC on: August 7, 2003.

John Rodney Clark,

Associate Director of Science for Resource Management.

[FR Doc. 03–20863 Filed 8–14–03; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC03–118–000, et al.]

Allegheny Energy Supply Company, LLC, et al., Electric Rate and Corporate Filings

August 6, 2003.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. Allegheny Energy Supply Company, LLC, Allegheny Trading Finance Company, J. Aron & Company, Power Receivable Finance, LLC

[Docket No. EC03–118–000]

Take notice that on July 31, 2003, Allegheny Energy Supply Company, LLC, (AESC), Allegheny Trading Finance Company, (ATF), J. Aron & Company (J.Aron) and Power Receivable Finance, LLC (PRF) (together, the Applicants) filed with the Federal Energy Regulatory Commission a joint application pursuant to Section 203 of the Federal Power Act for authorization of a disposition of jurisdictional facilities whereby AESC and ATF will sell and transfer to J.Aron and PRF contracts for the wholesale sale of power. The Applicants have requested Commission action on an expedited basis to permit the transaction to close on or about September 1, 2003.

Comment Date: August 19, 2003.

2. Florida Power & Light Company

[Docket No. ER02–766–005]

Take notice that on August 1, 2003, Florida Power & Light Company filed with the Federal Energy Regulatory Commission a refund compliance filing in the above captioned proceeding.

FPL states that a copy of this filing has been served on DeSoto County Generating Company, L.L.C., parties to Docket No. ER02–766, and the Florida Public Service Commission.

Comment Date: August 22, 2003.

3. Public Service Company of Colorado

[Docket No. ER03–971–001]

Take notice that on August 1, 2003, Public Service Company of Colorado (PS Colorado) tendered for filing a supplement to its general rate case filing, made in Docket ER03–971–000 on June 19, 2003 (June 19 Filing). PS Colorado states that this filing corrects a tax calculation error in the cost of service underlying the rates proposed in the June 19 Filing.

Comment Date: August 22, 2003.

4. PJM Interconnection, L.L.C.

[Docket No. ER03–1145–000]

Take notice that on July 31, 2003, PJM Interconnection, L.L.C. (PJM), submitted for filing amendments to the Amended and Restated Operating Agreement of PJM Interconnection, L.L.C., the Reliability Assurance Agreement Among Load Serving Entities in the MAAC Control Zone, and the PJM West Reliability Assurance Agreement Among Load Serving Entities in the PJM West Region to revise the PJM stakeholder committee structure and to make other changes to facilitate the stakeholder process in PJM.

PJM states that copies of this filing have been served on all PJM members, and each state electric utility regulatory commission in the PJM region.

Comment Date: August 21, 2003.

5. Power Receivable Finance, LLC

[Docket No. ER03–1151–000]

Take notice that on August 1, 2003, Power Receivable Finance, LLC (PRF) petitioned the Federal Energy Regulatory Commission for an order: (1) Accepting for filing PRF's Rate Schedule FERC No. 1; (2) granting waiver of certain requirements of the Commission's regulations; and (3) granting the blanket approvals normally accorded to sellers permitted to sell at market-based rates. PRF also requests that the Commission grant waiver of the 60-day prior notice requirement.

Comment Date: August 22, 2003.

6. Michigan Electric Transmission Company, LLC

[Docket No. ER03–1154–000]

Take notice that on August 1, 2003, Michigan Electric Transmission Company, LLC (METC) filed an executed Wholesale Distribution Service Agreement (Agreement) with Consumers Energy Company (Consumers). METC seeks an effective date of September 1, 2003.

METC states that a copy of this filing has been served on Consumers and the Midwest ISO.

Comment Date: August 22, 2003.

7. California Independent System Operator Corporation

[Docket No. ER03–1155–000]

Take notice that on August 1, 2003, the California Independent System Operator Corporation (ISO) tendered for filing Amendment No. 1 to the Interconnected Control Area Operating Agreement (ICAOA) between the ISO and Sacramento Municipal Utility District (SMUD). The ISO requests that the agreement be made effective as of July 7, 2003. ISO states that the purpose of Amendment No. 1 is to revise Service Schedule 6 (Real-Time Operating Limits) to update certain rating information for the Hurley Interconnection and for the Elverta Interconnection.

The ISO states that this filing has been served on SMUD and the Public Utilities Commission of the State of California.

Comment Date: August 22, 2003.

8. Soyland Power Cooperative, Inc.

[Docket No. ES03–47–000]

Take notice that on August 1, 2003, Soyland Power Cooperative, Inc. (Soyland), filed an application for authorization to issue and pledge up to and including $18,000,000 of debt securities under Section 204 of the Federal Power Act, and a request for waiver of the competitive bidding requirements and negotiated placement requirements of 18 CFR 34.2(a). Soyland requests expedited treatment of its application.

Comment Date: August 27, 2003.

9. Soyland Power Cooperative, Inc.

[Docket No. ES03–48–000]

Take notice that on August 1, 2003, Soyland Power Cooperative, Inc. (Soyland), filed an application for authorization to issue and pledge up to and including $2,858,000 of debt securities under Section 204 of the Federal Power Act, and a request for waiver of the competitive bidding requirements and negotiated placement requirements of 18 CFR 34.2(a). Soyland requests expedited treatment of its application.

Comment Date: August 27, 2003.

10. Soyland Power Cooperative, Inc.

[Docket No. ES03–49–000]

Take notice that on August 1, 2003, Soyland Power Cooperative, Inc. (Soyland), filed an application for authorization to issue and pledge up to and including $20,000,000 of debt securities under Section 204 of the Federal Power Act, and a request for

waiver of the competitive bidding requirements and negotiated placement requirements of 18 CFR 34.2(a). Soyland requests expedited treatment of its application.

Comment Date: August 27, 2003.

Standard Paragraph

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov* , using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866)208–3676, or for TTY, contact (202)502–8659. Protests and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. 03–20852 Filed 8–14–03; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–3155–005, et al.]

New York Independent System Operator, Inc., et al., Electric Rate and Corporate Filings

August 6, 2003.

The following filings have been made with the Commission. The filings are listed in ascending order within each docket classification.

1. New York Independent System Operator, Inc.

[Docket Nos. ER01–3155–005, ER01–1385–014 and EL01–45–013]

Take notice that on July 11, 2003, New York Independent System Operator, Inc. (NYISO) tendered for filing with the Federal Energy Regulatory Commission (Commission) its response to the Commission's Order on Requests for Rehearing and Motion dated June 5, 2003 in Docket Nos. ER01–3155–003, ER01–1285–012 and EL01–45–011.

Comment Date: August 20, 2003.

2. Portland General Electric Company

[Docket No. ER03–1019–001]

Take notice that on August 1, 2003, Portland General Electric Company (PGE) tendered for filing Amended Revised Tariff Sheets to the Second Revised Volume No. 8 of PGE's FERC Electric Tariff. PGE states that the revisions are intended to broaden the application of Energy Imbalance Service Schedule 4 pursuant to PGE's Open Access Transmission Tariff (OATT), effective April 2, 2001.

PGE requests a waiver of the Commission's 60-day notice requirement and an effective date of June 1, 2003. PGE states that a copy of the filing was served upon the Oregon Public Utility Commission.

Comment Date: August 22, 2003.

3. Ameren Services Company

[Docket No. ER03–1146–000]

Take notice that on August 1, 2003, Ameren Services Company (ASC) tendered for filing Service Agreements for Network Integration Transmission Service and a Network Operating Agreement between ASC and the City of Jackson, Missouri (Customer). ASC states that the purpose of the Agreement is to permit ASC to provide transmission service to Customer pursuant to Ameren=s Open Access Transmission Tariff.

Comment Date: August 22, 2003.

4. Ameren Services Company

[Docket No. ER03–1147–000]

Take notice that on August 1, 2003, Ameren Services Company (ASC) tendered for filing Service Agreements for Network Integration Transmission Service and a Network Operating Agreement between ASC and Ameren Energy Marketing Company as agent for Caterpillar (Customer). ASC asserts that the purpose of the Agreement is to permit ASC to provide transmission service to Customer pursuant to Ameren's Open Access Transmission Tariff.

Comment Date: August 22, 2003.

5. New England Power Pool

[Docket No. ER03–1148–000]

Take notice that on August 1, 2003, the New England Power Pool (NEPOOL) Participants Committee filed for acceptance materials to permit NEPOOL to expand its membership to include Powerex Corp. (Powerex), and to terminate the membership of SmartEnergy, Inc. (SmartEnergy). The Participants Committee requests a August 1, 2003 effective date for commencement of participation in NEPOOL by Powerex and a July 1, 2003 effective date for the termination of SmartEnergy.

The Participants Committee states that copies of these materials were sent to the New England state governors and regulatory commissions and the Participants in NEPOOL.

Comment Date: August 22, 2003.

6. Reliant Energy Services, Inc., as agent for Reliant Energy Hunterstown, LLC

[Docket No. ER03–1164–000]

Take notice that on August 1, 2003, Reliant Energy Services, Inc., as agent for Reliant Energy Hunterstown, LLC (Hunterstown, LLC) tendered for filing, pursuant to Section 205 of the Federal Power Act (16 U.S.C.824d), and part 35 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure, a rate schedule for reactive power to be provided to the PJM Interconnection, LLC transmission grid. Hunterstown, LLC requests an effective date of September 1, 2003.

Comment Date: August 22, 2003.

7. Texas-New Mexico Power Company

[Docket No. ES03–45–000]

Take notice that on July 31, 2003, Texas-New Mexico Power Company (Texas-New Mexico) submitted an application pursuant to section 204 of the Federal Power Act seeking authorization to issue long-term, unsecured debt in an amount not to exceed $250 million.

Texas-New Mexico also requests a waiver from the Commission's competitive bidding and negotiated placement requirements at 18 CFR 34.2.

Comment Date: August 27, 2003.

8. Florida Keys Electric Cooperative Association, Inc.

[Docket No. ES03–46–000]

Take notice that on August 1, 2003, Florida Keys Electric Cooperative Association, Inc. (Florida Keys) submitted an application pursuant to section 204 of the Federal Power Act

seeking authorization to issue long-term, mortgage notes in an amount equal to $11.2 million. Florida Keys also requests a waiver from the Commission's competitive bidding and negotiated placement requirements at 18 CFR 34.2.

Comment Date: August 27, 2003.

Standard Paragraph

Any person desiring to intervene or to protest this filing should file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. All such motions or protests should be filed on or before the comment date, and, to the extent applicable, must be served on the applicant and on any other person designated on the official service list. This filing is available for review at the Commission or may be viewed on the Commission's Web site at *http://www.ferc.gov* , using the ''FERRIS'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at (866)208–3676, or for TTY, contact (202)502–8659. Protests and interventions may be filed electronically via the Internet in lieu of paper; *see* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Magalie R. Salas,

Secretary.

[FR Doc. 03–20853 Filed 8–14–03; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6642–9]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under Section 309 of the Clean Air Act and Section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated April 4, 2003 (68 FR 16511).

Draft EISs

ERP No. D–AFS–E65061–SC Rating EC2, Sumter National Forest Revised Land and Resource Management Plan, Implementation, Oconee, Chester, Fairfield, Laurens, Newberry, Union-Abbeville, Edgefield, Greenwood, McCormick and Saluda Counties, SC.

Summary: EPA has environmental concerns related primarily to water quality improvement goals and objectives for the National Forest. EPA recommends inclusion of several forest-wide goals, objectives and standards to improve water quality and identified several individual, watershed-specific, management prescriptions for implementation.

ERP No. D–AFS–E65062–TN Rating EC2, Cherokee National Forest Revised Land and Resource Management Plan, Implementation, Carter, Cocke, Greene, Johnson, McMinn, Monroe, Polk, Sullivan and Unicoil, TN.

Summary: EPA has environmental concerns related primarily to water quality improvement goals and objectives for the National Forest. EPA recommends inclusion of several forest-wide goals, objectives and standards to improve water quality and identified several individual, watershed-specific, management prescriptions for implementation.

ERP No. D–AFS–E65063–GA Rating EC2, Chattahoochee-Oconee National Forests Revised Land and Resource Management Plan, Implementation, several Counties, GA.

Summary: EPA has environmental concerns related primarily to water quality improvement goals and objectives for the National Forest. EPA recommends inclusion of several forest-wide goals, objectives and standards to improve water quality and identified several individual, watershed-specific, management prescriptions for implementation.

ERP No. D–AFS–E65064–AL Rating EC2, Alabama National Forests Revised Land and Resource Management Plan, Implementation, Bankhead National Forest, Lawrence, Winston and Franklin Counties, AL.

Summary: EPA has environmental concerns related primarily to water quality improvement goals and objectives for the National Forest. EPA recommends inclusion of several forest-wide goals, objectives and standards to improve water quality and identified several, watershed-specific, management prescriptions for implementation.

ERP No. D–AFS–J65382–SD Rating EC2, Elk Bugs and Fuels Project, Vegetation Management to Reduce the Spread of Mountain Pine Beetles and the Threat and Severity of Potential Wildfires, Black Hills National Forest Land and Resource Management Plan, Implementation, Northern Hills Ranger District, Black Hills National Forest, Lawrence and Meade Counties, SD.

Summary: EPA expressed environmental concerns about adverse impacts of erosion on water quality and riparian habitat, sedimentation of streams and water-storage reservoirs, fish and wildlife impacts to sensitive species; and noxious weeds. EPA recommended focusing fire reducing treatments to wildland-private land interface, allowing large, fire-resistant trees to remain for wildlife habitat in the back country, and maximizing use of existing roads and reducing new roads near private lands.

ERP No. D–BLM–J01080–WY Rating EC2, West Hay Creek Coal Lease Application, Federal Coal Leasing, Buckskin Mine, Powder River Basin, Campbell County, WY.

Summary: EPA expressed environmental concerns with potential impacts to air quality in the Powder River Basin, nitrogen oxides from blasting and wetlands loss.

ERP No. D–DOD–A09832–00 Rating LO, Mercury Management Project, Site Selection and Implementation of a Long-Term (*i.e.*, 40 Years) Management Plan for the Defense Stockpile of Elemental Mercury, Hawthore, NV; New Haven, IN; Oak Ridge, TN; Romulus, NY; Somerville, NJ; Tooele, UT and Warren, OH.

Summary: EPA had no objection to the proposed action.

ERP No. D–DOD–A10075–00 Rating LO, Programmatic EIS—Chemical and Biological Defense Program, Protection of our Soldiers, Sailors, Marines and Airmen on the Battlefield, United States and other Countries.

Summary: EPA had no objection to the proposed action.

ERP No. D–DOE–C22003–NY Rating LO, West Valley Demonstration Project, Waste Management, Onsite Management and Offsite Transportation of Radioactive Waste, West Valley, Cattaraugus County, NY.

Summary: EPA has no objections to the implementation of the proposed project.

ERP No. D–DOE–L91018–OR Rating LO, Northeast Oregon Hatchery Program, Grande Ronde—Imnaha Spring Chinook Hatchery Modification

and Modernization of Two Existing Hatchery Facilities and Construction of Three New Auxiliary Hatchery Facilities, Wallowa County, OR.

Summary: EPA requested additional information in the final EIS to support the need for the hatchery facilities. EPA also requested clarification on: cumulative impacts collection, maintenance and operation criteria; future facility plans and consultation with Native American Tribes.

ERP No. D–FHW–F40412–OH Rating EC1, OH–161/37 Improvement, from OH–161 (New Albany Bypass) to west of OH–161/37 Interchange with OH–16, Funding, Franklin and Licking Counties, OH.

Summary: EPA has environmental concerns with the preferred alternative, specifically with impacts to wetlands, floodplains/streams, and groundwater resources. EPA recommends that the FEIS include specific mitigation measures to minimize these impacts.

ERP No. D–FTA–E54012–FL Rating EC1, MIC/Earlington Heights Connector Study, Earlington Heights Metrorail Station to the Miami-Dade Intermodal Center (MIC) Transit Improvements, Funding and NPDES, U.S. Army COE Section 10 and U.S. Coast Guard Bridge Permits Issuance, Miami-Dade County, FL.

Summary: EPA has environmental concerns with the proposed project regarding potential impacts to floodplains, aquatic resources, and wildlife and aquatic habitat as well as concerns regarding visual and noise impacts.

ERP No. D–NRC–E05101–SC Rating EC1, H.B. Robinson Steam Electric Plant, Unit No. 2 (RNP), Application for Operating License Renewal of Nuclear Plants for 20-Years, Supplement 13, located on the Shore of Lake Robinson, Darlington and Chesterfield Counties, SC.

Summary: EPA notes that radiological monitoring of all plant effluents, and appropriate storage and disposition of radioactive waste, will be necessary during the license renewal period.

ERP No. D–USA–C11021–NY Rating LO, Thomas Jefferson Hall and Other Construction Activities in the Cadet Zone of the United States Military Academy, Implementation, West Point, Hudson River Valley, Orange and Putnam Counties, NY.

Summary: EPA has no objections to the implementation of the proposed project.

ERP No. DC–NOA–B91017–00 Rating LO, Atlantic Sea Scallop Fishery Management Plan (FMP), Amendment 10, Introduction of Spatial Management of Adult Scallops, Essential Fish Habitat (EFH), from the Gulf of Maine and Georges Banks to Cape Hatteras, NC.

Summary: While EPA has no objection to the proposed action, it was suggested that public comments and additional data on protected species be included in the final document.

ERP No. DS–DOE–A06178–00 Rating LO, Programmatic EIS—Stockpile and Management for a Modern Pit Facility (MPF) Construction and Operation, Site Location: Savannah River Site, SC; Los Alamos Site, NM; Nevada Test Site; Carlsbad Site, NM; and Pantex Site, TX, and Plutonium Pit Manufacturing Capabilities Upgrading at Los Alamos National Laboratory (LANL), NM.

Summary: EPA does not object to the proposed action, but requests that the final EIS address several technical comments.

Final EISs

ERP No. F–AFS–H65014–MO, Pineknot Woodland Restoration Project, Open Shortleaf Pine Woodland Restoration, Implementation, Doniphan/ Eleven Point Ranger District, Mark Twain National Forest, Carter County, MO.

Summary: EPA's concerns regarding old growth designations, water quality and soil protection, and a smoke/fire management plan have been adequately addressed.

ERP No. F–COE–G39034–TX, Bayport Channel Container/Cruise Terminal Project, Marine Terminal Complex Construction and Operation, Bayport Ship Channel, U.S. Army COE Section 10 and 404 Permits Issuance, Harris County, TX.

Summary: EPA expressed environmental concern that impacts to wetlands should be fully mitigated and that a mitigation plan be incorporated in the Record of Decision and be made a condition to the Section 10/404 Corps of Engineers permit.

ERP No. F–FHW–E50293–00, Louisville-Southern Indiana Ohio River Bridges Project, Cross-River Mobility Improvement between Jefferson County, KY and Clark County, ID, Coast Guard Bridge and U.S. Army COE Section 10 and 404 Permits Issuance, Jefferson County, KY and Clark County, IN.

Summary: EPA has environmental concerns with the proposed project regarding traffic noise, environmental justice issues, surface water quality, upland forest losses, and loss of agricultural lands. Air quality conformity is a particular area of concern. EPA recommends that all reasonable and feasible mitigation measures be identified in the Record of Decision.

ERP No. F–FRC–J03015–00, Grasslands Pipeline Project, Interstate Natural Gas Pipeline System Construction and Operation, Docket No. CP02–037–000, WY, ND and MT.

Summary: FERC and the project proponent made some revisions in response to EPA's comments, to reduce wetland and aquatic impacts. The project proponent agreed to directionally drill its Sandstone Creek crossing, to eliminate water quality impacts to that sensitive, perennial stream. EPA requested that a plan be developed to prevent and monitor noxious weed introduction and spread before project construction begins. EPA expressed concerns that cumulative environmental impacts from related gas production projects were not addressed in the EIS.

ERP No. F–NOA–E91010–00, Amendment 13 to the Fishery Management Plan for Summer Flounder, Scup, and Black Sea Bass, Implementation, in the Western Atlantic Ocean, from Cape Harteras, NC, northward to the US-Canadian Border.

Summary: While EPA has no objection to the proposed action, EPA did request some clarification information regarding wet storage of fishing pots/traps and the tag program.

ERP No. FS–COE–E67003–FL, PCS Phosphate—White Springs Mine Continuation Mining Operations, Proposal to Discharge Dredged/ Fill Material into 1,858 Acres of Jurisdictional Wetlands, Applications of ''Life of Mine'' Permits, Hamilton County, FL.

Summary: EPA noted that although most of its requests for technical data were provided, there were some environmental concerns that some data was not readily available in the Final EIS and had to be obtained from a project Web site.

Dated: August 12, 2003.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 03–20901 Filed 8–14–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6642–8]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or *http://www.epa.gov/compliance/nepa/.*

Weekly receipt of Environmental Impact Statements
Filed August 4, 2003 Through August 8, 2003
Pursuant to 40 CFR 1506.9.

EIS No. 030365, Final EIS, NPS, PA, Living With The River: Schuylkill River Valley National Area Management Plan, Implementation, Schuylkill, Chester, Philadelphia, Belks, and Montgomery Counties, PA, Wait Period Ends: September 8, 2003, Contact: Peter Samuel (215) 597–1848.

The above NPS EIS should have appeared in the 8/8/2003 **Federal Register**. The 30-day Wait Period is Calculated from 8/8/2003.

EIS No. 030366, Final EIS, NPS, NC, Carl Sandburg Home National Historic Site, General Management Plan, Implementation, Located in the Village of Flat Rock, Henderson County, NC, Wait Period Ends: September 15, 2003, Contact: Connie Hudson-Bucklund (828) 693–4179.

EIS No. 030367, Draft EIS, IBR, CA, Freeport Regional Water Project, To Construct and Operate a Water Supply Project to Meet Regional Water Supply Needs, Sacramento County Water Agency (SCWA) and the East Bay Municipal Utility District (EBMUD), Alameda, Contra Costa, San Joaquin, Sacramento Counties, CA, Comment Period Ends: September 29, 2003, Contact: Rod Schroeder (916) 989–7274.

EIS No. 030368, Draft EIS, NPS, AZ, Coronado National Memorial General Management Plan, Implementation, Cochise County, AZ, Comment Period Ends: October 14, 2003, Contact: John Paige (303) 969–2356.

EIS No. 230369, Draft EIS, BLM, OR, Timbered Rock Fire Salvage and Elk Creek Watershed Restoration Project, Implementation, Northwest Forest Plan, Butte Falls Resource Area, Medford District, Douglas, Jackson and Josephine Counties, OR, Comment Period Ends: October 14, 2003, Contact: Jean Williams (541) 944–6620. This document is available on the Internet at: *http://www.or.blm.gov/Medford/TimbrockEIS.*

EIS No. 030370, Draft EIS, BLM, OR, Upper Siuslaw Late-Successional Reserve Restoration Plan, To Protect and Enhance Late-Successional and Old-Growth Forest Ecosystems, Eugene District Resource Management Plan, Northwest Forest Plan, Coast Range Mountains, Lane and Douglas Counties, OR, Comment Period Ends: October 15, 2003, Contact: Rick Colvin (541) 683–6600.

EIS No. 030371, Final EIS, FRC, CA, El Dorado Hydroelectric Project, Application for a New License, South Fork of the American River Basin and Truckee River Basin (FERC NO. 184–065), El Dorado National Forest, Lake Tahoe Basin Management Unit, Alpine, Amador and El Dorado Counties, CA, Wait Period Ends: September 15, 2003, Contact: Susan O'Brien (202) 502–8449. This document is available on the Internet at: *http://www.ferc.gov.*

EIS No. 030372, Draft Supplement, COE, WV, Lower Mud River at Milton Project, Updated Information on the Milton Local Protection Project, Proposed Flood Damage Reduction Measure, City of Milton, Cabell County, WV, Comment Period Ends: September 29, 2003, Contact: S. Michael Worley (304) 529–5636.

EIS No. 030373, Final Supplement, AFS, CA, Herger-Feinstein Quincy Library Group Forest Act Pilot Project, Proposal to Analyze Options for Maintaining Defensible Fuel Profile Zones (DFPZs), Lassen, Plumas and Tahoe National Forests, Shasta, Lassen, Tehama, Yuba, Plumas and Battle Counties, CA, Wait Period Ends: September 15, 2003, Contact: Linda Kanski (530) 283–7821.

EIS No. 030374, Draft EIS, AFS, CA, South Tahoe Public Utility District (STPUD) B-Line Phase III Wastewater Export Pipeline Replacement Project, Luther Pass Pump Station to U.S. Forest Service Luther Pass Overflow Campground Access Road, Special Use Permit, U.S. Army COE Section 404 and US Fish and Wildlife Service Permits Issuance and EPA Grant, El Dorado and Alpine Counties, CA, Comment Period Ends: September 29, 2003, Contact: Gary Weigel (530) 543–2665.

EIS No. 030375, Final EIS, TVA, TN, NC, VA, Adoption—Patriot Project, Construction and Operation of Mainline Expansion and Patriot Extension in order to Transport 510,000 dekatherms per day (dth/day) of Natural Gas, TN, VA and NC, Contact: Harold M. Draper (865) 632–6889. Tennessee Valley Authority's has adopted the Federal Regulatory Commission's Final EIS, #020401 filed 09–20–2002. TVA was a Cooperating Agency for the above final EIS. Recirculation of the document is not necessary under Section 1506.3(c) of the Council on Environmental Quality Regulations.

Dated: August 12, 2003.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 03–20902 Filed 8–14–03; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[OPPT–2003–0033; FRL–7315–3]

Solicitation of Applications for Lead-Based Paint Program Grants; Notice of Availability of Funds

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's intent to enter into cooperative agreements with States, Territories, Indian Tribes, Intertribal Consortia, and the District of Columbia to provide financial assistance for purposes of developing and carrying out EPA-authorized lead-based paint programs. These programs and this financial assistance are authorized by section 404 of the Toxic Substances Control Act (TSCA). In order for Indian Tribes and Intertribal Consortia to be eligible for financial assistance under this program, the Indian Tribes must demonstrate that they meet the criteria for treatment as a State. The total amount of fiscal year (FY) 2003 funding to be awarded to States, Territories, Indian Tribes, Intertribal Consortia, and the District of Columbia for development and implementation of EPA-authorized lead-based paint programs, and for EPA's direct implementation of such programs for those States, Territories, the District of Columbia, and Indian Tribes that do not have EPA-authorized programs is $12.5 million. For FY2003, the Agency is allocating up to $1.0 million of these funds for the Indian Tribes and Intertribal Consortia.

DATES: Applications submitted by States, Territories, and the District of Columbia for financial assistance, identified by docket ID number OPPT–2003–0033, must be received by EPA Regional staff on or before September 15, 2003. Applications submitted by Indian Tribes and Intertribal Consortia for financial assistance, identified by docket ID number OPPT–2003–0033, must be received by EPA Regional staff on or before September 29, 2003.

ADDRESSES: Applications may be submitted by mail, or in some instances electronically. Please follow the detailed instructions provided in Unit I. of the **SUPPLEMENTARY INFORMATION**. To ensure

proper receipt by EPA, it is imperative that you identify docket ID number OPPT–2003–0033 in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: *For general information contact*: Barbara Cunningham, Director, Environmental Assistance Division (7408M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: *TSCA-Hotline@epa.gov*.

For technical information contact: The appropriate Regional Lead Coordinator listed in Unit I.C. of the **SUPPLEMENTARY INFORMATION.**

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

This action is directed to States, Territories, eligible Indian Tribes, and Intertribal Consortia, and the District of Columbia to develop and carry out authorized lead-based paint programs under TSCA section 404. In order for Indian Tribes and Intertribal Consortia to be eligible for financial assistance under this program, the Tribes or Intertribal Consortia must demonstrate that they meet the criteria at 40 CFR 35.693 for treatment as a State. In order for Intertribal Consortia to be eligible for financial assistance under TSCA section 404(g) they must also meet the requirements at 40 CFR 35.504. If you have any questions regarding the applicability of this action to a particular entity, consult the technical person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of This Document or Other Related Documents?

1. *Docket*. EPA has established an official public docket for this action under docket identification (ID) number OPPT–2003–0033. The official public docket consists of the documents specifically referenced in this action. The official public docket is the collection of materials that is available for public viewing at the EPA Docket Center, Rm. B102–Reading Room, EPA West, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The EPA Docket Center Reading Room telephone number is (202) 566–1744 and the telephone number for the OPPT Docket, which is located in EPA Docket Center, is (202) 566–0280.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*.

You may also access this document on the Home Page for the Office of Pollution Prevention and Toxics at *http://www.epa.gov/lead*. Select ''What's New.'' Hard copies of this document are available from the appropriate Regional Primary Lead person listed in Unit I.C.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

C. How and to Whom Do I Submit an Application?

You may submit an application through the mail, or in some instances electronically, to the Regional Lead Coordinator in the appropriate EPA Regional Office. The mailing addresses and contact telephone numbers for these offices are listed below. To ensure proper receipt by EPA, it is imperative that you identify docket ID number OPPT–2003–0033 in the subject line on the first page of your response.

Region I: (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont), Regional Contact--James Bryson, USEPA Region I, One Congress St., Suite 1100 (CPT), Boston, MA 02114–0203; telephone number: (617) 918–1524; e-mail address: *bryson.jamesm@epa.gov*.

Region II: (New Jersey, New York, Puerto Rico, and the Virgin Islands), Regional Contact--Lou Bevilacqua, USEPA Region II, MS-225, 2890 Woodbridge Ave., Edison, NJ 08837; telephone number: (732) 321–6671; e-mail address: *bevilacqua.lou@epa.gov*.

Region III: (Delaware, Maryland, Pennsylvania, Virginia, West Virginia, and the District of Columbia), Regional Contact--Demian Ellis, USEPA Region III, (3WC33), 1650 Arch Street, Philadelphia, PA 19103–2029; telephone number: (215) 814–3114; e-mail address: *ellis.demian@epa.gov*.

Region IV: (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee), Regional Contact--Keith Bates, USEPA Region IV, 61 Forsyth Street, S.W., Atlanta, GA 30303; telephone number: (404) 562–8992; e-mail address: *bates.keith@epa.gov*.

Region V: (Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin), Regional Contact--David Turpin, USEPA Region V (DT-8J), 77 W. Jackson Blvd., Chicago, IL 60604; telephone number: (312) 886–7836; e-mail address: *turpin.david@epa.gov*.

Region VI: (Arkansas, Louisiana, New Mexico, Oklahoma, and Texas), Regional Contact--Eva Steele, USEPA Region VI, 1445 Ross Ave., 12th Floor, Dallas, TX 75202; telephone number: (214) 665–7211; e-mail address: *steele.eva@epa.gov*.

Region VII: (Iowa, Kansas, Missouri, and Nebraska), Regional Contact--Randall Whipple, USEPA Region VII, ARTD/RALI, 901 North 5th, Kansas City, KS 66101; telephone number: (913) 551–7093; e-mail address: *whipple.randall@epa.gov*.

Region VIII: (Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming), Regional Contact--David Combs, USEPA Region VIII, 999 18th St., Suite 300, Denver, CO 80202; telephone number: (303) 312–6021; e-mail address: *combs.dave@epa.gov*.

Region IX: (Arizona, California, Hawaii, Nevada, American Samoa, and Guam), Regional Contact--Mary Aycock, USEPA Region IX, (CMD-4-2), 75 Hawthorne St., San Francisco, CA 94105; telephone number: (415) 947–4169; e-mail address: *aycock.mary@epa.gov*.

Region X: (Alaska, Idaho, Oregon, and Washington), Regional Contact--Barbara Ross, USEPA Region X, Solid Waste and Toxics Unit (WCM–128), 1200 Sixth Ave., Seattle, WA 98101; telephone number: (206) 553–1985; e-mail address: *ross.barbara@epa.gov*.

D. What Should I Consider as I Prepare My Application for EPA?

1. *Purpose and scope*. EPA awards non-matching cooperative agreements under TSCA section 404(g) to States, Territories, eligible Indian Tribes and Intertribal Consortia, and the District of Columbia to develop and carry out authorized lead-based paint programs. The term ''Territory'' includes the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, and any other Territory or possession of the United States. Also, hereinafter, the term ''States'' includes the ''District of Columbia.'' In the past, recipients of the grants have used the funds to assist in program development and prepare for

program authorization. EPA intends to continue to support the development and authorization of these programs as well as implementation of authorized programs as budget constraints allow. This Notice has been developed based on the knowledge that some States, Tribes, and Territories have received authorization and that several States and Indian Tribes are continuing to develop their programs. This Notice addresses the criteria EPA will consider when evaluating the grant proposals submitted to the Agency.

Under TSCA section 404, EPA authorizes States, Territories, and eligible Indian Tribes and Intertribal Consortia to administer lead-based paint programs in lieu of the corresponding Federal program. These lead-based paint programs are intended to reduce the incidence of childhood lead poisoning by ensuring that individuals conducting lead-based paint activities are properly trained and certified and that renovation contractors provide lead-hazard information to building owners and residents. EPA issued regulations to establish these lead-based paint programs under the authority of TSCA sections 402 and 406.

In 40 CFR part 745, subpart L, EPA promulgated regulations pursuant to TSCA section 402 that cover the training and certification of individuals engaged in lead-based paint activities. In 40 CFR part 745, subpart E, EPA issued regulations pursuant to TSCA section 406. The regulation requires persons performing renovation in residential housing to provide a lead hazard information pamphlet to the owner and occupant of the housing prior to renovation. The procedures for authorizing States, Territories, and eligible Indian Tribes and Intertribal Consortia to implement these lead-based paint programs are found at 40 CFR part 745, subpart Q.

2. *Goal and objectives*. Pursuant to Title IV of TSCA, EPA encourages States, Territories, Indian Tribes, and Intertribal Consortia to seek authorization of their own lead-based paint programs. EPA's goal is to have authorized programs in all States and a large number of Territories, and on a large number of Indian Tribal lands. EPA therefore recommends that parties seek funding through the TSCA Title IV section 404(g) assistance program, which is being implemented to assist with development and implementation of lead-based paint programs.

Since 1994, EPA has been offering financial assistance under TSCA section 404(g) in the form of cooperative agreements without matching-fund requirements. In the upcoming funding cycle, the Agency will continue to work with eligible applicants to develop cooperative agreements consistent with the objectives critical to the ultimate success of implementation of a national lead program, with the emphasis on State, Territorial, Indian Tribal, and Intertribal Consortium programs. Although EPA's goal is to have authorized programs in all States and a large number of Territories, and on a large number of Indian Tribal lands, the Agency and Congress anticipated that there would be a number of States, Territories, and Indian Tribes that would not seek program authorization. Consistent with authority granted in the Agency's FY 1998 Appropriation Act (Ref. 1), and the provisions contained within, EPA is authorized to use section 404(g) funds to implement a Federal lead-based paint program for non-authorized States, Territories, and Indian Tribes. See 40 CFR 35.116 and 40 CFR 35.516. [*Note*: Where the Agency has direct implementation responsibilities, EPA cannot provide financial assistance under this grant program to non-authorized States, Indian Tribes, or Intertribal Consortia, or Territories to assist the Agency in implementing and enforcing a Federal program under TSCA section 404(h).]

The cooperative agreements must be used to develop and implement authorized programs. States, Territories, Indian Tribes, and Intertribal Consortia that do not have authorized programs may receive cooperative agreement funding, but only for the continued development of lead-based paint programs which will meet the requirements of TSCA Title IV. To receive continued funding, States, Territories, Indian Tribes, and Intertribal Consortia without an authorized program must be making progress toward an authorized program. Therefore, the Regional Offices, as part of their grant oversight responsibilities, will work with the grantees to determine the appropriate amount of continued funding based upon the amount of developmental work to be completed as the grantee makes progress toward authorization. Eligible parties may utilize this grant support in a way that complements and does not duplicate activities for which they already receive or could receive financial assistance from other Federal sources (e.g., Center for Disease Control (CDC) and U.S. Department of Housing and Urban Development (HUD)).

This section 404(g) Notice is one of two Notices that announce the availability of funds for Indian Tribes and Intertribal Consortia conducting various lead-based paint activities. A separate **Federal Register** notice titled *Educational Outreach and Baseline Assessment of Existing Exposure and Risks of Exposure to Lead Poisoning of Tribal American Children*, also called Title X Tribal Lead Grant Program, will be published at a later date. As stated in this unit, Indian Tribes and Intertribal Consortium, as well as all grantees, will not be awarded grants to fund the same activities from more than one source. Although a Tribe may apply to receive grant funding from both Notices, they each have very distinct objectives. The grant program opportunities described in the other Notice may serve as precursors to, but not as equivalents or supplements to, the section 404(g) lead-based paint grant program described in this Notice. Grant funds will not be awarded to Tribes who apply for both grant programs during the same time. The section 404(g) lead-based paint grant program, for which funding is provided in this Notice, involves infrastructure development for the anticipated implementation of a lead program and does not include activities (testing for lead in blood, paint, dust, or soil samples, or general outreach and education activities) listed in the other Notice.

Under TSCA, authorized lead-based paint training and certification programs are required to collect fees to cover certain costs incurred by the program. These fees are considered ''program income,'' which is defined as ''gross income received by a grantee or subgrantee directly generated by a grant supported activity, or earned only as a result of the grant agreement during the grant period.'' See 40 CFR 31.25(b). It includes income from fees for services performed by the recipient. Program income generated by activities supported under TSCA section 404(g) grants may include fees that a State, Territory, Indian Tribe, or Intertribal Consortium charges for training, accreditation, certification, licensing or other services performed by the lead training and certification programs, as well as fees that are collected which provide for enforcement of standards and regulations. Consequently, States, Indian Tribes, Intertribal Consortia, and Territories must comply with the rules governing ''program income,'' found at 40 CFR 31.25, and use the funds generated by grant supported activities to assist with program operation costs.

3. *Eligibility*. States, Territories, Indian Tribes, and Intertribal Consortia are eligible to apply for financial assistance under this program if they are either implementing an EPA-authorized lead-based paint program pursuant to 40 CFR part 745, subpart Q or developing

a lead-based paint program that may be authorized in the future. However, funds will be awarded based upon the progress made by the applicant in developing an acceptable program, including implementing regulations. Failure to make satisfactory progress toward program authorization will result in a State, Territory, Indian Tribe, or Intertribal Consortium not receiving funding. The EPA Regional Offices, as part of their grant oversight responsibilities, will have discretion with respect to determining whether sufficient progress is being made by a given State, Territory, Indian Tribe, and/or Intertribal Consortium toward the development and implementation of a program under TSCA Title IV.

States, Territories, eligible Indian Tribes and Intertribal Consortia may choose to combine section 404(g) grant funds with other environmental program grants as part of a performance partnership grant (PPG) if the requirements in 40 CFR 35.130 through 35.138 (which apply to States) and 40 CFR 35.530 through 35.538 (which apply to Indian Tribes and Intertribal Consortia) are adhered to by the grantee.

4. *Authority.* The TSCA Title IV lead-based paint program is a cooperative agreement program administered by EPA under the authority of section 404(g) of TSCA. Regulations governing these cooperative agreements are found at 40 CFR part 31 (Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments). Regulations which supplement the EPA general assistance regulations found in 40 CFR part 31 are found at 40 CFR part 35, subpart A and subpart B. Contained within 40 CFR part 35 are specific sections which govern grants and cooperative agreements for the lead-based paint program under section 404(g); 40 CFR 35.270 through 35.273 (applicable to States, Territories, and the District of Columbia), and 40 CFR 35.690 through 35.693 (applicable to Indian Tribes and Intertribal Consortia). The EPA Regional Offices administer the section 404(g) cooperative agreements pursuant to a delegation of authority which permits the 10 EPA Regional Administrators to enter into cooperative agreements with eligible States, Territories, Indian Tribes, and Intertribal Consortia.

5. *Activities to be funded.* This Notice was developed by EPA's Office of Pollution Prevention and Toxics (OPPT) in cooperation with the Agency's 10 Regional Offices, to describe in more detail the required elements of grant agreements funded under TSCA section 404(g), to describe the eligible activities that will be considered for funding, and to facilitate and support Regional administration of this program. EPA's list of eligible grant activities includes activities that are outlined as required elements of authorized lead-based paint programs, including development of enabling legislation and regulations, enforcement components, as well as other items associated with performance reporting. The elements are specified in 40 CFR 745.325 through 745.327, and are repeated in this unit to assist with the development of applicant work plans.

More recently, EPA promulgated its final TSCA section 403 lead hazard standards. The hazard standards were published on December 22, 2000, and can be found at 40 CFR part 745, subpart D. The final TSCA section 403 standards also amended the work practice standards for lead-based paint activities found at 40 CFR 745.227. These amendments establish clearance standards for dust, limit reuse of abated soil, add a requirement for interpreting composite dust clearance samples, and change risk assessment and clearance sampling requirements to ensure compatibility between sampling results and the TSCA section 403 hazard standards and section 402 clearance standards. In order to maintain their authorization, authorized State, Territory, Indian Tribe, and Intertribal Consortium lead-based paint activities programs must develop lead hazard and clearance standards that are as protective of human health and the environment as the Federal standards (40 CFR 745.324). TSCA section 404(g) funds can be utilized by authorized States, Territories, Indian Tribes, and Intertribal Consortia to develop and/or adopt lead hazard standards and clearance standards for lead in soil, dust, and paint.

Another potential regulatory change should be considered by applicants. Pursuant to TSCA section 402(c)(3), EPA is developing a program that will integrate both regulatory and voluntary components, to the extent that each is feasible, to govern the conduct of renovation and remodeling activities that create lead-based paint hazards. As with existing EPA lead-based paint regulations, States, Territories, Indian Tribes, and Intertribal Consortia will be given the opportunity to seek program authorization. While it may be some time before this program is in place, States, Territories, Indian Tribes, and Intertribal Consortia are encouraged to begin considering the need for such a program in their jurisdiction. TSCA section 404(g) funds can be utilized to assist in the regulatory component of this program. In the interim, EPA has developed a model renovators training curriculum titled ''Minimizing Lead-Based Paint Hazards During Renovation, Remodeling, and Repainting.'' EPA has made this course available, and is encouraging its use voluntarily until the renovation and remodeling rule is effective. The course is available on the internet at *http://www.epa.gov/lead/rrmodel.htm*, and a limited number of printed copies are available from the National Lead Information Center at 1–800–424–LEAD.

Although the list is not exhaustive, the following activities are eligible for funding under section 404(g) if they are conducted in support of developing and implementing lead-based paint programs authorized pursuant to 40 CFR part 745, subpart Q. In addition, the Agency will consider for funding other activities which focus on the development and implementation of authorized programs, such as:

a. Develop and/or adopt lead hazard standards and clearance standards for lead in soil, dust, and paint.

b. Develop and/or enact enabling legislation.

c. Adopt implementing regulations.

d. Develop a system to document certification of inspectors, risk assessors, supervisors, workers and project designers.

e. Adjust or enhance the appropriate infrastructure to accommodate additional program responsibilities.

f. Maintain, improve and/or develop the appropriate infrastructure to successfully administer and enforce a program to ensure that individuals engaged in lead-based paint activities are properly trained, that training programs are accredited, and that contractors and firms engaged in such activities are certified.

g. Maintain, improve and/or develop the appropriate infrastructure to successfully administer and enforce a program to ensure that renovation contractors provide lead-hazard information to building owners and residents.

h. Oversee the conduct of certified contractors engaged in lead-based paint activities to ensure that they are conducting their activities according to all applicable regulations, including monitoring inspection, risk assessment, and abatement activities per the authorized program.

i. Oversee accredited training programs per the authorized program.

j. Develop and/or revise as needed, work practice standards for the conduct of lead-based paint activities associated with inspections, risk assessments, and abatement.

k. Monitor compliance with work practice standards or regulations for the conduct of abatement per the authorized program.

l. Implement the timely training of enforcement inspectors.

m. Implement lead-based paint compliance assistance programs.

n. Implement compliance and enforcement inspection sampling techniques.

o. Adopt or develop specific lead-based paint hazard values or standards.

p. Maintain, improve, and/or develop specific procedures and supporting documentation to carry out the enforcement program as described in an authorized program. Typical activities could include development of administrative or civil action procedures and the associated warning letters, notices of noncompliance, or the equivalent.

q. Maintain, improve, and/or develop specific procedures and supporting documentation to carry out the tracking of tips and complaints as described in the authorized program. Typical activities could include development of methods of recording the receipt of complaints, referring lead-based paint complaints to appropriate State or local agencies, tracking the follow-up investigation, tracking any enforcement action associated with the complaint, and notifying citizens of the disposition of their complaints.

r. Prepare a report per 40 CFR 745.327(d) and/or 40 CFR part 31 grant reporting requirements on the applicant's program progress and performance.

s. Develop and/or revise as needed, the lead-based paint programs, including regulations or procedures for decertification, suspension, revocation or modification of approvals and certificates.

t. Develop and/or revise as needed, requirements for the administration of a third-party certification exam.

u. Develop and/or revise as needed, lead-based paint programs' authority to enter, for purposes of inspection, and other relevant enforcement authorities.

v. Develop and/or revise as needed, enforcement remedies, procedures, etc.

w. Maintain, improve and/or develop techniques for targeting lead-based paint activities' inspections.

x. Improve the timeliness of the processing and follow-up of inspection reports and other information generated through enforcement-related activities associated with a lead-based paint program.

y. Enhance the capacity to improve compliance with Lead Program laws, and effectively develop and issue enforcement remedies/responses to violations.

z. Foster activities that would increase the efficiency of an applicant's program to ensure that individuals engaged in lead-based paint activities are properly trained; that training programs are accredited; and that contractors engaged in such activities are certified. These activities could include initiatives to develop local capacity in low-income and rural areas, to promote increased competition in the regulated community through agreements which permit entities recognized by an outside jurisdiction to operate in the grantees jurisdiction (referred to as ''reciprocity''), and similar efforts.

6. *Award and distribution of funds.* EPA currently expects that up to $12.5 million of FY2003 appropriated funds will be available during the FY2003 funding cycle for financial assistance under TSCA section 404(g) for awards to States, Territories, Indian Tribes, and Intertribal Consortia for development and implementation of EPA-authorized lead-based paint programs, and for EPA's direct implementation of programs in States, Territories, and Indian Tribes that do not have EPA authorized programs. Additional TSCA section 404(g) carry-over funds from previous years may also be available from some Regions. For FY2003 funding, the Agency is setting-aside $1 million of the $12.5 million for eligible Indian Tribes and Intertribal Consortia. The remaining $11.5 million plus any available carry-over dollars will be used to fund State, Territorial, and Federal lead-based paint programs.

a. *Financial assistance to Indian Tribes and Intertribal Consortia.* Each Indian Tribe and Intertribal Consortium that submits a qualifying proposal and is making sufficient progress toward the development and/or implementation of an acceptable lead-based paint program, as determined by the EPA Regional Offices, may receive base funding of $50,000. Though Indian Tribes and Intertribal Consortia may submit qualifying proposals, the award of funds will be based upon the applicant's progress in developing an acceptable program, including implementing regulations and seeking program authorization from EPA. Failure to make satisfactory progress toward program authorization may result in the Indian Tribe or Intertribal Consortium receiving reduced or no funding. The Regional Offices will have the discretion, as part of their grant oversight responsibilities, to determine if the progress being made toward program authorization is sufficient to warrant funding. Further distribution of the Indian Tribal and Intertribal Consortia set-aside funds will be dependent upon the number of applicants, the progress that the grantee is making in developing a program, the status of expenditures of previously awarded funds, population, and the relative strength of the proposal. After the closing date for submittal of Indian Tribe and Intertribal Consortium applications specified in this Notice, EPA Headquarters and Regional Offices will consider each of the proposals, and make decisions about the level of funding to be awarded to each of the applicants. Following those decisions, EPA Headquarters will transfer the funds to the Regional Offices for award to the Tribes and Intertribal Consortia. Indian Tribal and Intertribal Consortia set-aside funds are not included in the formula funds pool for States and Territories discussed in Unit I.D.6.b.

b. *Financial assistance to States and Territories.* The process used by EPA for determining award funding levels for States and Territories involves two steps. EPA Headquarters first determines, based on various factors discussed below, the funding level that will be made available to each of the EPA Regional Offices for grantee awards in the respective regions. Following distribution of the funds to the EPA Regional Offices, the Regional Offices then make decisions on the actual funding level to be received by each of the grantees.

The Agency currently uses a three-tiered system to implement step one: The process for deciding the amount of FY2003 cooperative agreement funds that will be distributed to the EPA Regional Offices. This system is designed to provide a base funding level for each qualified applicant and to provide funding for EPA Headquarters and Regional Offices to address direct program implementation responsibilities, while providing funds targeted to areas with the greatest potential lead burden. The system accomplishes this first by providing a discretionary funding set-aside that is used to fund special needs among the grantees; second by providing a base funding set-aside for every State and Territorial applicant; and third by providing funding based on a formula that considers the relative lead burden estimated to exist within a State or Territory.

The discretionary funding set-aside involves setting aside $200,000 of funds for each of the 10 EPA Regional Offices (total $2.0 million) for discretionary funding of grantee activities as well as the Regional direct implementation activities. These funds are primarily

intended to provide each Region with the means of awarding funds to States and Territories based upon the progress that the grantee is making in developing a program, the overall quality of the program, and/or identified needs. The EPA Regional Offices will also have the discretion to use these dollars to help support the Federal lead-based paint programs in non-authorized States, Territories, and Tribal lands within the Region.

The base funding set-aside provides a base level of funds for every State and Territorial applicant. Each State that submits a qualifying proposal and is making sufficient progress toward development and implementation of an authorized lead-based paint program may receive a base funding allotment of $100,000. Each Territory that submits a qualifying proposal and is making sufficient progress toward implementation of an acceptable program may receive a $50,000 base. However, base level funding for non-authorized States and Territories may be reduced by the Regional Offices depending on progress made toward the development and/or implementation of acceptable programs. Funds are also set aside and are apportioned to EPA Regional and EPA Headquarters Offices based upon direct implementation funding needs. These funds are intended to ensure that EPA has adequate funds to directly implement the lead-based paint program in non-authorized States, Territories, and Indian Tribes.

Once base and discretionary funding set-asides are accounted for, the remaining State and Territorial funds are allocated through the third tier of the process, which involves allocating funds for every State and Territorial applicant based on a formula that considers the relative lead burden estimated to exist within States and Territories. States and Territories whose funding requests exceed their base allotments can be given additional funds (''formula funds'') based upon their relative lead burden, and for this exercise, all 50 States, the District of Columbia, and the Territories are used to calculate the formula distribution.

In calculating the lead burden for the formula rankings, EPA uses readily available data derived from the 2000 Census and the 2001 National Survey of Lead and Allergens in Housing prepared by the U.S. Department of Housing and Urban Development. The formula uses four factors to generate an estimate of the potential lead problem, or ''lead burden,'' in each State and Territory. Two of these factors, the number of housing units with lead-based paint and the number of children under age 6, express the potential magnitude of the lead problem. The remaining two factors, the percentage of young children in poverty and the number of low-income housing units with lead-based paint, express the potential severity of the problem.

In determining formula rankings, each State and Territory is scored independently for each factor, and the four individual factor scores for each of the States and Territories are then summed to obtain an overall score for that applicant (a combined factor score). The combined factor scores of all States and Territories applying for formula funds are then summed, and the percentage of the total sum represented by the individual State's or Territory's score is then identified. The applicant's formula allotment is determined by multiplying the total formula funding by the percentage scores of the individual State or Territory.

After funding levels (base, discretionary, and formula set-asides) are determined for each State and Territory, the funds will be pooled for each Region and transferred in bulk to the respective Regional accounts.

Following distribution of the funds to the Regional Office accounts, then the second step in the distribution process occurs; Regional Offices determining the actual funding level to be received by each of the grantees. Funding levels per grantee will be determined by the Regional Offices based on the application submitted and may be decreased or increased based on performance and/or by fiscal need, which may include an evaluation of the progress that the grantee is making in developing a program, an evaluation of the performance of the grantee in implementing a program, an evaluation of expenditures of previously awarded funds, and/or an evaluation of future funding needs.

7. *Submission requirements.* Applicants are directed to 40 CFR part 35, subpart A and subpart B for details on the submission requirements for grant applications. To be considered for funding, each application must include the following components listed in 40 CFR part 35.104 (applicable to States and Territories) or 40 CFR part 35.505 (applicable to Indian Tribes and Intertribal Consortia):

i. Meet the requirements in 40 CFR part 31, subpart B.

ii. Include a proposed work plan that meets the requirements in 40 CFR 35.107 (for States and Territories) or 40 CFR 35.507 (for Indian Tribes or Intertribal Consortia).

iii. Specify the environmental program and the amount of funds requested.

For TSCA Title IV section 404(g) funding for Indian Tribes, EPA is soliciting pre-application grant proposals prior to the submittal of the forms and certifications listed in this unit. This pre-application procedure entails the applicants initially submitting only a work plan and a budget. The Agency will use the applicants' work plans and budgets to select programs to be funded under this grant program. After EPA conducts a review of all submitted pre-applications, successful applicants will be contacted and requested to submit the other required documents listed in this unit, such as the ''Application for Federal Assistance'' form (Standard Form 424 or SF424), and the ''Budget Information: Non-Construction Programs'' form (SF424A). In addition, as part of the pre-application, Indian Tribes and/or Intertribal Consortia must include all appropriate information to demonstrate that they meet the criteria at 40 CFR 35.693 for treatment as a State. In order for Intertribal Consortia to be eligible for financial assistance under section 404(g), they must include all appropriate information to demonstrate that they meet the requirements at 40 CFR 35.504 concerning eligibility.

The following forms and certifications, which are contained in EPA's ''Application Kit for Assistance,'' must be included in all applications:

a. Standard Form 424 (Application for Federal Assistance).

b. Standard Form 424A (Budget Information: Non-Construction Programs).

c. Standard Form 424B (Assurances: Non-Construction Programs).

d. Standard Form LLL (Disclosure of Lobbying Activities).

e. Certification Regarding Debarment and Suspension.

f. EPA Form 4700–4 (Compliance Review Report Form).

g. Quality Assurance Statement. Application Kits for Assistance are available from any of EPA's 10 Regional Offices.

The following regulations may also be helpful to the applicants as they prepare their financial assistance applications: 40 CFR part 7 (Nondiscrimination in Programs Receiving Federal Assistance from the EPA); 40 CFR part 12 (Nondiscrimination on the Basis of Handicap in Programs or Activities Conducted by the EPA); 40 CFR part 32 (Government Wide Debarment and Suspension and Government Wide Requirements for Drug-Free Workplace); and 40 CFR part 29 (Intergovernmental

Review of EPA Programs and Activities).

Where a single State or Territorial agency has been designated as responsible for coordinating lead activities, EPA encourages that agency to apply for funding under TSCA section 404(g). Coordination of Federally funded lead activities by a single agency is viewed as conducive to achieving integration of lead activities. Early consultations are recommended between prospective applicants and their EPA Regional Offices. Because TSCA grants will be administered at the Regional level, these consultations can be critical to the success of a project or program, and can also contribute substantially to efficient program operations. As part of the work plan, EPA Regional Offices may ask for additional information that will be useful in evaluating the program such as the status of enabling legislation, a detailed line-item budget with sufficient information to clearly justify costs, a list of work products or deliverables, a schedule for their completion and application for program authorization under TSCA, and a description of any financial assistance received from other Federal sources concerning the lead program. Applicants must also include all appropriate information on program income in accordance with 40 CFR 31.25.

Work plans are to be negotiated between applicants and their Regional Offices to ensure that both EPA and State, Territorial, or Tribal priorities are addressed. Any application from a State, Territory, Indian Tribe, or Intertribal Consortium that is not making sufficient progress toward implementation of an acceptable program will not be funded. Also, any applicant proposing the collection of environmental or health related measurements or data generation must adequately address the requirements of 40 CFR 31.45 relating to quality assurance/quality control. EPA issued final guidance that provides details about EPA's requirements for the preparation of ''quality management plans.'' The finalized document is titled ''EPA Requirements for Quality Management Plans'' (EPA QA/R–2, March 2001), and is available from each Regional Office.

8. *Application procedures.* Applications must be submitted to the appropriate EPA Regional Office in duplicate; one copy to the Regional lead program branch and the other to the Regional grants management branch. In the case of electronic applications, if allowed by a particular EPA Regional Office, the applicant should follow the procedures required by the Regional Office for submission of electronic applications. After the formula funding calculations are determined and the funds are transferred to the appropriate EPA Regional account, the Regional Office lead contact person will contact the applicant and discuss the final award allotment. EPA Regional Offices may request the applicant to modify its proposed work plan and cooperative agreement based upon the final cooperative agreement allotment. For Tribal applicants, final negotiations for the award of the grants, including the completion of a final work plan and budget, will be completed after the determination of successful applicants.

9. *Reporting.* Pursuant to 40 CFR 31.40, grantees shall, at a minimum, submit annual performance reports to the appropriate EPA Regional Office. These requirements were approved by the Office of Management and Budget (OMB) under OMB Control Number 2030–0020 (General Administrative Requirement for Assistance Programs). The individual Regional Offices may require that these reports be submitted on a quarterly or semiannual basis, but not more frequently than quarterly. The specific information contained within the report will include, at a minimum, a comparison of actual accomplishments to the objectives established for the period. Regional Offices may ask for the inclusion of specific data (e.g., providing to EPA specific address information associated with the abatement notifications that are received by the grantee) as part of the annual performance report from the grantees which may be useful for Agency reporting under the Government Performance and Results Act. It is assumed that any data that is requested to be submitted by the grantee will already have been collected pursuant to the grantee's work plan.

II. What Action is the Agency Taking?

EPA is soliciting applications from States, Territories, Indian Tribes, Intertribal Consortia, and the District of Columbia for financial assistance for purposes of developing and carrying out EPA-authorized lead-based paint programs. Approximately $12.5 million is available to fund cooperative agreements with States, Indian Tribes, Intertribal Consortia, Territories, and the District of Columbia for development and implementation of EPA-authorized lead-based paint programs.

III. Statutory Authority and Regulations

EPA is authorized under TSCA section 404(g) to make grants to develop and carry out authorized lead-based paint programs. Regulations governing these cooperative agreements are found at 40 CFR part 31 and part 35.

IV. Submission to Congress and the Comptroller General

Grant solicitations such as this are considered rules for the purpose of the Congressional Review Act (CRA). The CRA, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), generally provides that, before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit 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 United States prior to publication of the rule in the **Federal Register**. This rule is not a ''major rule'' as defined by 5 U.S.C. 804(2).

V. Reference

1. Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, Public Law 105–65, 111 Stat. 1374.

List of Subjects

Environmental protection, Grants, Lead, Training and accreditation.

Dated: August 8, 2003.

Susan B. Hazen,

Acting Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

[FR Doc. 03–20898 Filed 8–14–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–2003–0274; FRL–7322–9]

Glufosinate-Ammonium; Notice of Filing a Pesticide Petition to Establish a Tolerance for a Certain Pesticide Chemical in or on Food

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces the initial filing of a pesticide petition proposing the establishment of regulations for residues of a certain pesticide chemical in or on various food commodities.

DATES: Comments, identified by docket ID number OPP–2003–0274, must be

received on or before September 15, 2003.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Joanne I. Miller, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–6224; e-mail address: *miller.joanne@epa.gov*.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected entities may include, but are not limited to:

- Crop production (NAICS 111)
- Animal production (NAICS 112)
- Food manufacturing (NAICS 311)
- Pesticide manufacturing (NAICS 32532)

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in this unit could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether this action might apply to certain entities. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of This Document and Other Related Information?

1. *Docket*. EPA has established an official public docket for this action under docket identification (ID) number OPP–2003–0274. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. This docket facility is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The docket telephone number is (703) 305–5805.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

C. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically*. If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets*. Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at *http://www.epa.gov/edocket*, and follow the online instructions for submitting comments. Once in the system, select ''search,'' and then key in docket ID number OPP–2003–0274. The system is an ''anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail*. Comments may be sent by e-mail to *opp-docket@epa.gov*, Attention: Docket ID Number OPP–2003–0274. In contrast to EPA's electronic public docket, EPA's e-mail system is not an ''anonymous access'' system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM*. You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail*. Send your comments to: Public Information and Records Integrity Branch (PIRIB) (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001, Attention: Docket ID Number OPP–2003–0274.

3. *By hand delivery or courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, Attention: Docket ID Number OPP–2003–0274. Such deliveries are only accepted during the docket's normal hours of operation as identified in Unit I.B.1.

D. How Should I Submit CBI to the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Make sure to submit your comments by the deadline in this notice.

7. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. What Action is the Agency Taking?

EPA has received a pesticide petition as follows proposing the establishment and/or amendment of regulations for residues of a certain pesticide chemical in or on various food commodities under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a. EPA has determined that this petition contains data or information regarding the elements set forth in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data support granting of the petition. Additional data may be needed before EPA rules on the petition.

List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: August 11, 2003.

Peter Caulkins,

Acting Director, Registration Division, Office of Pesticide Programs.

Summary of Petition

The petitioner summary of the pesticide petition is printed below as required by FFDCA section 408(d)(3). The summary of the petition was prepared by the petitioner and represents the view of the petitioner. The petition summary announces the availability of a description of the analytical methods available to EPA for the detection and measurement of the pesticide chemical residues or an explanation of why no such method is needed.

Bayer CropScience

PP 0F06140 and PP 0F06210

EPA has received pesticide petitions (PP 0F06140 and 0F06210) from Bayer CropScience, 2 T.W. Alexander Drive, Research Triangle Park, NC 27709 proposing, pursuant to section 408(d) of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a(d), to amend 40 CFR 180.473 by establishing a tolerance for residues of the herbicide glufosinate-ammonium (butanoic acid, 2-amino-4-(hydroxymethylphosphinyl)-, monoammonium salt) and its metabolite, 3-methylphosphinicopropionic acid expressed as 2-amino-4-(hydroxymethylphosphinyl)butanoic acid equivalents in or on the raw agricultural commodities: Cotton, undelinted seed at 4.0 parts per million (ppm); cotton gin byproducts at 15 ppm; cattle, fat at 0.4 ppm; cattle, meat at 0.15 ppm; cattle meat byproducts at 6.0 ppm; goat, fat at 0.4 ppm; goat, meat at 0.15 ppm; goat meat byproducts at 6.0 ppm; hog, fat at 0.4 ppm; hog, meat at 0.15 ppm; hog meat byproducts at 6.0 ppm; horse, fat at 0.4 ppm; horse, meat at 0.15 ppm; horse meat byproducts at 6.0 ppm; sheep, fat at 0.4 ppm; sheep, meat at 0.15 ppm; sheep meat byproducts at 6.0 ppm; egg at 0.15 ppm; milk at 0.15 ppm; poultry, fat at 0.15 ppm; poultry, meat at 0.15 ppm; and poultry meat byproducts at 0.6 ppm. Bayer CropScience also proposes establishing a tolerance for residues of the herbicide glufosinate-ammonium (butanoic acid,

2-amino-4-(hydroxymethylphosphinyl)-, monoammonium salt) and its metabolites, 3-methylphosphinicopropionic acid, and 2-acetamido-4-methylphosphinico-butanoic acid expressed as 2-amino-4-(hydroxymethylphosphinyl)butanoic acid equivalents in or on the raw agricultural commodities derived from transgenic cotton and rice tolerant to glufosinate-ammonium: Rice, grain at 1.0 ppm; rice, straw at 2.0 ppm; rice, hull at 2.0 ppm; cotton, undelinted seed at 4.0 ppm; and cotton, gin byproducts at 15.0 ppm.

EPA has determined that the petition contains data or information regarding the elements set forth in section 408(d)(2) of the FFDCA; however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the petition. Additional data may be needed before EPA rules on the petition.

A. Residue Chemistry

1. *Plant metabolism*. Metabolism studies have been conducted on crops tolerant to glufosinate-ammonium using radiolabeled parent. As a result, the nature of residues found in cotton, rice, and other transgenic crops tolerant to glufosinate ammonium is well understood. The principal residue in raw agricultural commodities at harvest was 3-methylphosphinicopropionic acid (Hoe 061517). Other relevant residues are *N*-acetyl-*L*-glufosinate (2-acetamido-4-methylphosphinico-butanoic acid, Hoe 099730) and lesser amounts of the parent compound.

2. *Analytical method*. The enforcement analytical method utilizes gas chromatography for detecting and measuring levels of glufosinate-ammonium and metabolites with a general limit of quantification of 0.05 ppm. This method allows detection of residues at or above the proposed tolerances.

3. *Magnitude of residues*. Field residue trials were conducted across the major regions of rice and cotton production in the United States. The treatment regime was selected to represent the use pattern that is the most likely to result in the highest residues. When sampled at 70 days or more after the last application glufosinate-ammonium derived residues did not exceed 0.74 ppm in rice grain and 1.48 ppm in rice straw; whereas, in cotton seed and gin by products the highest mean residue level was 3.2 ppm and 10.58 ppm, respectively. No concentration of the residues occurred when rice whole grain was processed into polished grain and bran, whereas a concentration factor of approximately 2.3 was found for rice hulls. After ginning, the cotton seed was processed into meal, hulls, and refined oil. No concentration of the residues upon processing of the cotton seed was observed.

B. Toxicological Profile

1. *Acute toxicity*. Glufosinate-ammonium has been classified as toxicity category III for acute oral, dermal, and inhalation toxicity; and for eye irritation. Glufosinate-ammonium is not a dermal irritant (toxicity category IV) nor is it a dermal sensitizer. The oral LD_{50} is 2,000 milligrams/kilogram (mg/kg) in male rats and 1,620 mg/kg in female rats.

2. *Genotoxicity*. Based on results of a complete genotoxicity data base, there is no evidence of mutagenic activity in a battery of studies, including: *Salmonella spp.*, *E. coli*, *in vitro* mammalian cell gene mutation assays, mammalian cell chromosome aberration assays, *in vivo* mouse bone marrow micronucleus assays, and unscheduled DNA synthesis assays.

3. *Reproductive and developmental toxicity*. In a developmental toxicity study, groups of 20 pregnant female Wistar rats were administered glufosinate-ammonium by gavage at doses of 0, 0.5, 2.24 10, 50, and 250 mg/kg/day from days 7 to 16 of pregnancy. The no observed adverse effect level (NOAEL) for maternal toxicity is 10 mg/kg/day; the lowest observed adverse effect level (LOAEL) is 50 mg/kg/day based on vaginal bleeding and hyperactivity in dams. In the fetus, the NOAEL is 50 mg/kg/day, based on dilated renal pelvis observations at the LOAEL of 250 mg/kg/day. In a developmental toxicity study, groups of 15 pregnant female Himalayan rabbits were administered glufosinate-ammonium by gavage at doses of 0, 2.0, 6.3, or 20.0 mg/kg/day from days 7 to 19 of pregnancy. In maternal animals, decreases in food consumption and body weight gain were observed at the 20 mg/kg/day dose level. The NOAEL for maternal toxicity was 6.3 mg/kg/day and that for developmental toxicity was 20 mg/kg/day.

In a multi-generation reproduction study, glufosinate-ammonium was administered to groups of 30 male and 30 female Wistar/Han rats in the diet at concentrations of 0, 40, 120, or 360 ppm. The LOAEL for systemic toxicity is 120 ppm based on increased kidney weights in both sexes and generations. The systemic toxicity NOAEL is 40 ppm. The LOAEL for reproductive/developmental toxicity is 360 ppm based on decreased numbers of viable pups in all generations. The NOAEL is 120 ppm.

4. *Subchronic toxicity*.In a subchronic oral toxicity study, glufosinate-ammonium was administered to 10 NMRI mice/sex/ dose in the diet at levels of 0, 80, 320, or 1,280 ppm (equivalent to 0, 12, 48, or 192 millgrams/kilogram/day (mg/kg/day)) for 13 weeks. Significant ($p < 0.05$) increases were observed in serum aspartate aminotransferase and in alkaline phosphatase in high-dose (192 mg/kg/day) males. Also observed were increases in absolute and relative liver weights in mid-(48 mg/kg/day) and high-dose males. The NOAEL is 12 mg/kg/day, the LOAEL is 48 mg/kg/day based on the changes in clinical biochemistry and liver weights.

5. *Chronic toxicity*. In a combined chronic toxicity/oncogenicity study, glufosinate-ammonium was administered to 50 Wistar rats/sex/dose in the diet for 130 weeks at dose levels of 0, 40, 140, or 500 ppm (mean compound intake in males was 0, 1.9, 6.8, and 24.4 mg/kg/day and for females was 0, 2.4, 8.2, and 28.7 mg/kg/day, respectively). A dose-related increase in mortality was noted in females at 140 and 500 ppm, whereas in males increased absolute and relative kidney weights were noted at 140 ppm and 500 ppm. The NOAEL was considered to be 40 ppm. No treatment-related oncogenic response was noted.

In an oncogenicity study, glufosinate-ammonium was administered to 50 NMRI mice/sex/dose in the diet at dose levels of 0, 80, 160 (males only) or 320 (females only) ppm for 104 weeks. The NOAEL for systemic toxicity is 80 ppm (10.82/16.19 mg/kg/day in males/females (M/F)), and the LOAEL is 160/320 ppm (22.60/63.96 mg/kg/day in M/F), based on increased mortality in males, increased glucose levels in males and females, and changes in glutathione levels in males. No increase in tumor incidence was found in any treatment group.

In a chronic feeding study, technical glufosinate-ammonium was fed to male and female beagle dogs for 12 months in the diet at levels of 2.0, 5.0, or 8.5 mg/kg/day. The NOAEL is 5.0 mg/kg/day based on clinical signs of toxicity, reduced weight gain and mortality 8.5 mg/kg/day.

In a rat oncogenicity study, glufosinate-ammonium was administered to Wistar rats (60/sex/group) for up to 24 months at 0, 1,000, 5,000, or 10,000 ppm (equivalent to 0, 45.4, 228.9, or 466.3 mg/kg/day in males and 0, 57.1, 281.5, or 579.3 mg/kg/day in females). The LOAEL for chronic toxicity is 5,000 ppm (equivalent to

228.9 mg/kg/day for male rats and 281.5 mg/kg/day for females), based on increased incidences of retinal atrophy. The chronic NOAEL is 1,000 ppm. Under the conditions of this study, there was no evidence of carcinogenic potential. Dosing was considered adequate based on the increased incidence of retinal atrophy.

6. *Animal metabolism*. Studies conducted in rats using ^{14}C- glufosinate-ammonium have shown that the compound is poorly absorbed (5-10%) after oral administration and is rapidly eliminated primarily as the parent compound. The highest residue levels were found in liver and kidney tissues.

The metabolic profile and the quantitative distribution of metabolites were very similar in both goat and hen. The vast majority of the dose was excreted, primarily as parent compound. The very limited residues found in edible tissues, milk and eggs were comprised principally of glufosinate and 3-methylphosphinico-propionic acid (Hoe 061517), with lesser amounts of *N*-acetyl-*L*-glufosinate (Hoe 099730) and 2-methylohosphinico-acetic acid (Hoe 064619).

7. *Metabolite toxicology*. Additional testing has been conducted with the major metabolites, 3-methylphosphinico-propionic acid, and *N*-acetyl-*L*-glufosinate. Based on subchronic and developmental toxicity study results, a profile of similar or less toxicity was observed for the metabolites as compared to the parent compound, glufosinate-ammonium.

8. *Endocrine disruption.* No special studies have been conducted to investigate the potential of glufosinate-ammonium to induce estrogenic or other endocrine effects. However, no evidence of estrogenic or other endocrine effects have been noted in any of the toxicology studies that have been conducted with this product and there is no reason to suspect that any such effects would be likely.

C. Aggregate Exposure

1. *Dietary exposure*. Tolerances have been established (40 CFR 180.473) for the combined residues of glufosinate-ammonium and metabolites in or on a variety of raw agricultural commodities. No appropriate toxicological endpoint attributable to a single exposure was identified in the available toxicity studies. EPA has, therefore, not established an acute reference dose (RfD) for the general population including infants and children. An acute population adjusted dose (aPAD - 95th percentile) of 0.021 mg/kg/day was established, however, for the females 13+ subgroup based on the results of the developmental toxicity study in rabbits with an uncertainty factor of 300. Therefore, an acute dietary analysis was conducted for this sub-population; whereas, chronic dietary analysis was conducted for the usual populations. A chronic population adjusted dose (cPAD) of 0.007 mg/kg/day (based on the 2–year chronic study in rats and an uncertainty factor of 300) was used to perform the chronic dietary analysis.

i. *Food*. An acute dietary analysis was conducted using the Dietary Exposure Evaluation Model (DEEM™) software version 7.6 and the 1994–1998 Continuing Survey of Food Intake by Individuals (CSFII) consumption data base. The Tier I acute dietary assessment was modified by incorporating percent crop treated (PCT) values for blended items only. Thus, the following PCT values were used: Soybean, 6%; canola, 11%; cotton, 15%, rice, 2%; sugar beet, 1%; and sugar beet molasses, 1%. Tolerance values of blended feed items in the animal diets were also multiplied by PCT. Dietary burdens were then multiplied by the maximum tissue to feed ratios observed in the animal feeding studies. This Tier I analysis resulted in an exposure of 0.002746 mg/kg bw/day (95th percentile) for the female 13+ sub-population (the only population of concern) representing 13% utilization of the aPAD.

Chronic dietary analysis was conducted to estimate exposure to potential glufosinate-ammonium residues in or on registered and proposed commodities. The DEEM™ software (version 7.6) and the 1994–1998 USDA food consumption data were used. Tolerance level residues were assumed for all commodities. Percent crop treated values generated by EPA/BEAD and Bayer CropScience were incorporated as follows: Tree nuts, 1%; apples, 1%; field corn, 3%; grapes, 1%; soybeans, 6%; potatoes, 1%; canola, 11%; and sugar beet, 1%. Bayer CropScience estimates that an upper bound value for cotton at market maturity is 15% and that for rice is 2%. All other crops are included at 100% of crop treated. For the chronic dietary risk assessment, secondary residues that could occur as a result of residues of glufosinate-ammonium and metabolites in the diet of ruminants and poultry were adjusted for percent of the crop treated as indicated above. Chronic dietary exposure estimates from residues of glufosinate-ammonium for the U.S. population represented approximately 3.2% of the chronic PAD; whereas that for children 1-2, the sub-population with the highest exposure, represented approximately 12% of the chronic PAD. The approach used is very conservative, yet still indicates that dietary exposures for all segments of the population are well within the chronic reference doses. This analysis was based on highly conservative assumptions. The Agency has no concerns with PAD utilization up to 100%.

ii. *Drinking water*. U.S. EPA's Standard Operating Procedure (SOP) for Drinking Water Exposure and Risk Assessments was used to perform the drinking water assessment. The models Screening Concentrations in Ground Water (SCI-GROW) and EPA's Pesticide Root Zone Model/Exposure Analysis Modeling System (PRZM/EXAMS) were used to estimate the concentration of glufosinate-ammonium that might occur in water. The acute drinking water level of comparison (DWLOC) for females 13+ is 548 parts per billion (ppb). In comparison, the acute estimated drinking water concentrations (EDWC) calculated by PRZM/EXAMS is 67 ppb.

The chronic DWLOC calculated for adults is 237 ppb and that for children/toddlers is 62 ppb. The chronic EDWC calculated using a worst case scenario is 17 ppb PRZM/EXAMS. The DWLOCs are based on highly conservative dietary (food) exposures and are expected to be much higher in real world situations reducing further the percent utilization of the DWLOC.

2. *Non-dietary exposure*. U.S. EPA's SOP for Drinking Water Exposure and Risk Assessments was used to perform the drinking water assessment. The models SCI-GROW and PRZM/EXAMS were used to estimate the concentration of glufosinate-ammonium that might occur in water. The acute DWLOC for females 13+ is 548 ppb. In comparison, the acute EDWC calculated by PRZM/EXAMS is 67 ppb.

The chronic DWLOC calculated for adults is 237 ppb and that for children/toddlers is 62 ppb. The chronic EDWC calculated using a worst case scenario is 17 ppb PRZM/EXAMS. The DWLOCs are based on highly conservative dietary (food) exposures and are expected to be much higher in real world situations reducing further the percent utilization of the DWLOC.

D. Cumulative Effects

Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' EPA has indicated that, at this time, the Agency does not have available data to determine whether glufosinate-

ammonium has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, glufosinate-ammonium does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance petition, therefore, it has not been assumed that glufosinate-ammonium has a common mechanism of toxicity with other substances.

E. Safety Determination

1. *U.S. population.* Using the conservative assumptions described above and based on the completeness and reliability of the toxicity data, it is concluded that chronic dietary exposure to the registered and proposed uses of glufosinate-ammonium will utilize at most 3.2% of the chronic population adjusted dose for the U.S. population. The actual exposure is likely to be significantly less than predicted by this analysis as data and models that are more realistic are developed. Exposures below 100% of the PAD are generally assumed to be of no concern because the PAD represents the level at or below which daily aggregate exposure over a lifetime will not pose appreciable risk to human health.

The acute population of concern, female 13+ utilizes 13% of the aPAD. This is a Tier I highly conservative assessment and actual exposure is likely to be far less. DWLOCs based on dietary exposures are greater than the conservative estimated levels, and would be expected to be well below the 100% level of the reference dose, if they occur at all.

EPA has concluded that it is not appropriate to aggregate non-dietary exposures with dietary exposures in a risk assessment because the toxicity end-points are different.

Therefore, there is a reasonable certainty that no harm will occur to the U.S. population from aggregate exposure (food, drinking water and nonresidential) to residues of glufosinate-ammonium and metabolites.

2. *Infants and children.* The toxicological data base is sufficient for evaluating prenatal and postnatal toxicity for glufosinate-ammonium. There are no prenatal or postnatal susceptibility concerns for infants and children, based on the results of the rat and rabbit developmental toxicity studies and the 2–generation reproduction study. Based on clinical signs of neurological toxicity in short and intermediate dermal toxicity studies with rats, EPA has determined that an added FQPA safety factor of 3x is appropriate of assessing the risk of glufosinate-ammonium derived residues in crop commodities.

Using the conservative assumptions described in the exposure section above, the percent of the chronic population adjusted dose that will be used for exposure to residues of glufosinate-ammonium in food for children 1–2 (the most highly exposed sub-group) is 12%. Infants utilize 11.6% of the chronic PAD. As in the adult situation, DWLOCs are higher than the worst case EDWC and are expected to use well below 100% of the PAD, if they occur at all.

Therefore, there is a reasonable certainty that no harm will occur to infants and children from aggregate exposure to residues of glufosinate-ammonium.

F. International Tolerances

Maximum residue limits for glufosinate-ammonium and metabolites in or on rice commodities have not been established by the Codex Alimentarius Commission.

[FR Doc. 03–20897 Filed 8–14–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPPT–2003–0050; FRL–7323–6]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from July 14, 2003 to July 31, 2003, consists of the PMNs and TME, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

DATES: Comments identified by the docket ID number OPPT–2003–0050 and the specific PMN number or TME number, must be received on or before September 15, 2003.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier. Follow the detailed instructions as provided in Unit I. of the **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Barbara Cunningham, Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics (7408M), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the premanufacture notices addressed in the action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. How Can I Get Copies of This Document and Other Related Information?

1. *Docket.* EPA has established an official public docket for this action under docket identification (ID) number OPPT–2003–0050. The official public docket consists of the documents specifically referenced in this action, any public comments received, and other information related to this action. Although a part of the official docket, the public docket does not include Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. The official public docket is the collection of materials that is available for public viewing at the EPA Docket Center, Rm. B102-Reading Room, EPA West, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The EPA Docket Center Reading Room telephone number is (202) 566–1744 and the telephone number for the OPPT Docket, which is located in EPA Docket Center, is (202) 566–0280.

2. *Electronic access*. You may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr/*.

An electronic version of the public docket is available through EPA's electronic public docket and comment system, EPA Dockets. You may use EPA Dockets at *http://www.epa.gov/edocket/* to submit or view public comments, access the index listing of the contents of the official public docket, and to access those documents in the public docket that are available electronically. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. Once in the system, select ''search,'' then key in the appropriate docket ID number.

Certain types of information will not be placed in the EPA Dockets. Information claimed as CBI and other information whose disclosure is restricted by statute, which is not included in the official public docket, will not be available for public viewing in EPA's electronic public docket. EPA's policy is that copyrighted material will not be placed in EPA's electronic public docket but will be available only in printed, paper form in the official public docket. To the extent feasible, publicly available docket materials will be made available in EPA's electronic public docket. When a document is selected from the index list in EPA Dockets, the system will identify whether the document is available for viewing in EPA's electronic public docket. Although not all docket materials may be available electronically, you may still access any of the publicly available docket materials through the docket facility identified in Unit I.B.1. EPA intends to work towards providing electronic access to all of the publicly available docket materials through EPA's electronic public docket.

For public commenters, it is important to note that EPA's policy is that public comments, whether submitted electronically or in paper, will be made available for public viewing in EPA's electronic public docket as EPA receives them and without change, unless the comment contains copyrighted material, CBI, or other information whose disclosure is restricted by statute. When EPA identifies a comment containing copyrighted material, EPA will provide a reference to that material in the version of the comment that is placed in EPA's electronic public docket. The entire printed comment, including the copyrighted material, will be available in the public docket.

Public comments submitted on computer disks that are mailed or delivered to the docket will be transferred to EPA's electronic public docket. Public comments that are mailed or delivered to the docket will be scanned and placed in EPA's electronic public docket. Where practical, physical objects will be photographed, and the photograph will be placed in EPA's electronic public docket along with a brief description written by the docket staff.

C. How and To Whom Do I Submit Comments?

You may submit comments electronically, by mail, or through hand delivery/courier. To ensure proper receipt by EPA, identify the appropriate docket ID number and specific PMN number or TME number in the subject line on the first page of your comment. Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments. If you wish to submit CBI or information that is otherwise protected by statute, please follow the instructions in Unit I.D. Do not use EPA Dockets or e-mail to submit CBI or information protected by statute.

1. *Electronically*. If you submit an electronic comment as prescribed in this unit, EPA recommends that you include your name, mailing address, and an e-mail address or other contact information in the body of your comment. Also include this contact information on the outside of any disk or CD ROM you submit, and in any cover letter accompanying the disk or CD ROM. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. EPA's policy is that EPA will not edit your comment, and any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

i. *EPA Dockets*. Your use of EPA's electronic public docket to submit comments to EPA electronically is EPA's preferred method for receiving comments. Go directly to EPA Dockets at *http://www.epa.gov/edocket*, and follow the online instructions for submitting comments. Once in the system, select ''search,'' and then key in docket ID number OPPT–2003–0050. The system is an ''anonymous access'' system, which means EPA will not know your identity, e-mail address, or other contact information unless you provide it in the body of your comment.

ii. *E-mail*. Comments may be sent by e-mail to *oppt.ncic@epa.gov*, Attention: Docket ID Number OPPT–2003–0050 and PMN Number or TME Number. In contrast to EPA's electronic public docket, EPA's e-mail system is not an ''anonymous access'' system. If you send an e-mail comment directly to the docket without going through EPA's electronic public docket, EPA's e-mail system automatically captures your e-mail address. E-mail addresses that are automatically captured by EPA's e-mail system are included as part of the comment that is placed in the official public docket, and made available in EPA's electronic public docket.

iii. *Disk or CD ROM*. You may submit comments on a disk or CD ROM that you mail to the mailing address identified in Unit I.C.2. These electronic submissions will be accepted in WordPerfect or ASCII file format. Avoid the use of special characters and any form of encryption.

2. *By mail*. Send your comments to: Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

3. *By hand delivery or courier*. Deliver your comments to: OPPT Document Control Office (DCO) in EPA East Building Rm. 6428, 1201 Constitution Ave., NW., Washington, DC. Attention: Docket ID Number OPPT–2003–0050 and PMN Number or TME Number. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930.

D. How Should I Submit CBI To the Agency?

Do not submit information that you consider to be CBI electronically through EPA's electronic public docket or by e-mail. You may claim information that you submit to EPA as CBI by marking any part or all of that information as CBI (if you submit CBI on disk or CD ROM, mark the outside of the disk or CD ROM as CBI and then identify electronically within the disk or CD ROM the specific information that is CBI). Information so marked will not be

disclosed except in accordance with procedures set forth in 40 CFR part 2.

In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket and EPA's electronic public docket. If you submit the copy that does not contain CBI on disk or CD ROM, mark the outside of the disk or CD ROM clearly that it does not contain CBI. Information not marked as CBI will be included in the public docket and EPA's electronic public docket without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.

2. Describe any assumptions that you used.

3. Provide copies of any technical information and/or data you used that support your views.

4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

5. Provide specific examples to illustrate your concerns.

6. Offer alternative ways to improve the notice or collection activity.

7. Make sure to submit your comments by the deadline in this document.

8. To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action and the specific PMN number you are commenting on in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Why is EPA Taking this Action?

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from July 14, 2003 to July 31, 2003, consists of the PMNs and TME, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. Receipt and Status Report for PMNs and TME

This status report identifies the PMNs and TME, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in information that is not included in the following tables, you may contact EPA as described in Unit II. to access additional non-CBI information that may be available.

In Table I of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: The EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

I. 61 PREMANUFACTURE NOTICES RECEIVED FROM: 07/14/03 TO 07/31/03

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–03–0686	07/15/03	10/12/03	Lynx Chemical Group, LLC	(S) Scale and corrosion inhibitor for downhole oilfield applications	(G) Ammonium salt of phosphonomethylated diamine
P–03–0687	07/15/03	10/12/03	Lynx Chemical Group, LLC	(S) Scale and corrosion inhibitor for downhole oilfield applications	(G) Potassium salt of phosphonomethylated diamine
P–03–0688	07/15/03	10/12/03	CBI	(G) Pigment dispersant	(G) Phosphated polyalkoxylate
P–03–0689	07/15/03	10/12/03	CBI	(G) Open, non-dispersive use	(G) Blocked isocyanate
P–03–0690	07/16/03	10/13/03	CBI	(S) The pmn substances function as binders in lithographic and publication gravure printing inks, as follows: Heatset web offset printing inks; sheetfed quickset printing inks; publication gravure printing inks	(G) Rosin, polymer with a monocarboxylic acid, a phenol, maleic anhydride, formaldehyde and pentaerythritol
P–03–0691	07/16/03	10/13/03	CBI	(S) The pmn substances function as binders in lithographic and publication gravure printing inks, as follows: Heatset web offset printing inks; sheetfed quickset printing inks; publication gravure printing inks	(G) Rosin, polymer with a monocarboxylic acid, a phenol, formaldehyde and pentaerythritol
P–03–0692	07/16/03	10/13/03	CBI	(S) The pmn substances function as binders in lithographic and publication gravure printing inks, as follows: Heatset web offset printing inks; sheetfed quickset printing inks; publication gravure printing inks	(G) Rosin, polymer with a monocarboxylic acid, phenols, maleic anhydride, formaldehyde and pentaerythritol

I. 61 PREMANUFACTURE NOTICES RECEIVED FROM: 07/14/03 TO 07/31/03—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–03–0693	07/16/03	10/13/03	CBI	(S) The pmn substances function as binders in lithographic and publication gravure printing inks, as follows: Heatset web offset printing inks; sheetfed quickset printing inks; publication gravure printing inks	(G) Rosin, polymer with a monocarboxylic acid, phenols, formaldehyde and pentaerythritol
P–03–0694	07/16/03	10/13/03	CBI	(S) The pmn substances function as binders in lithographic and publication gravure printing inks, as follows: Heatset web offset printing inks; sheetfed quickset printing inks; publication gravure printing inks	(G) Rosin, polymer with a monocarboxylic acid, a phenol, maleic anhydride, formaldehyde and pentaerythritol, metal salts.
P–03–0695	07/16/03	10/13/03	CBI	(S) The pmn substances function as binders in lithographic and publication gravure printing inks, as follows: Heatset web offset printing inks; sheetfed quickset printing inks; publication gravure printing inks	(G) Rosin, polymer with a monocarboxylic acid, phenols, formaldehyde, maleic anhydride and pentaerythritol
P–03–0696	07/16/03	10/13/03	CBI	(S) The pmn substances function as binders in lithographic and publication gravure printing inks, as follows: Heatset web offset printing inks; sheetfed quickset printing inks; publication gravure printing inks	(G) Rosin, polymer with a monocarboxylic acid, phenols, formaldehyde and pentaerythritol
P–03–0697	07/16/03	10/13/03	CBI	(S) The pmn substances function as binders in lithographic and publication gravure printing inks, as follows: Heatset web offset printing inks; sheetfed quickset printing inks; publication gravure printing inks	(G) Rosin, polymer with a monocarboxylic acid, alkylphenol, formaldehyde, maleic anhydride and pentaerythritol
P–03–0698	07/16/03	10/13/03	CBI	(S) The pmn substances function as binders in lithographic and publication gravure printing inks, as follows: Heatset web offset printing inks; sheetfed quickset printing inks; publication gravure printing inks	(G) Rosin, polymer with a monocarboxylic acid, alkylphenols, formaldehyde, maleic anhydride and pentaerythritol
P–03–0699	07/16/03	10/13/03	CBI	(S) The pmn substances function as binders in lithographic and publication gravure printing inks, as follows: Heatset web offset printing inks; sheetfed quickset printing inks; publication gravure printing inks	(G) Rosin, polymer with a monocarboxylic acid, alkylphenol, formaldehyde, maleic anhydride and pentaerythritol
P–03–0700	07/16/03	10/13/03	CBI	(S) The pmn substances function as binders in lithographic and publication gravure printing inks, as follows: Heatset web offset printing inks; sheetfed quickset printing inks; publication gravure printing inks	(G) Rosin, polymer with a monocarboxylic acid, a phenol, maleic anhydride, formaldehyde and glycerine
P–03–0701	07/16/03	10/13/03	CBI	(G) Ingredients for use in consumer products: Highly dispersive	(G) Methylene bicycloalkane
P–03–0702	07/16/03	10/13/03	CBI	(G) Ingredients for use in consumer products: Highly dispersive	(G) Trialkyl oxathiane
P–03–0703	07/16/03	10/13/03	CBI	(G) Redispersible powder	(G) Water redispersible actionic acrylic copolymer
P–03–0704	07/16/03	10/13/03	CBI	(G) Commercial and consumer use in an article	(G) Pyrazolotriazol derivative
P–03–0705	07/17/03	10/14/03	CBI	(G) Polymeric add mixture for cements	(G) Polycarboxylate polymer with alkenyloxyalkylol modified poly(oxyalkylenediyl), calcium potassium salt

I. 61 PREMANUFACTURE NOTICES RECEIVED FROM: 07/14/03 TO 07/31/03—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–03–0706	07/17/03	10/14/03	CBI	(G) Polymeric add mixture for cements	(G) Alkylcarboxyalkenyl dihydroxyalkylate, polymer with carboxyalkenyl and alkylalkenyl sodium sulfonate, calcium salt
P–03–0707	07/17/03	10/14/03	CBI	(G) Polymeric add mixture for cements	(G) Alkylcarboxyalkenyl polymer with carboxyalkenyl dihydroxyalkylate and alkylalkenyl sulfonate sodium salt
P–03–0714	07/18/03	10/15/03	CBI	(G) Solution additive	(G) Aluminum alkoxide complex
P–03–0715	07/21/03	10/18/03	Lonza Inc.	(S) Metal treating Chemical; corrossion inhibitor in process equipment; surfactant in hard cleaning applications	(G) Dialkyl dimethyl ammonium carbonate (1:1)
P–03–0716	07/21/03	10/18/03	Lonza Inc.	(S) Metal treating Chemical; corrossion inhibitor in process equipment; surfactant in hard cleaning applications	(G) Dialkyl dimethyl ammonium carbonate (2:1)
P–03–0717	07/22/03	10/19/03	CBI	(G) Industrial crosslinker	(G) Alcohol blocked polymeric isocyanate
P–03–0718	07/22/03	10/19/03	CBI	(G) Surfactant/dispersant	(G) Aminated polypropylene glycol formate
P–03–0719	07/22/03	10/19/03	Forbo Adhesives, LLC	(G) Hot melt polyurethane adhesive	(G) Isocyanate functional polyester polyether urethane polymer
P–03–0720	07/22/03	10/19/03	CBI	(G) Open, non-dispersive (resin)	(G) Aromatic polyisocyanate
P–03–0721	07/22/03	10/19/03	CBI	(G) Industrial coatings binder	(G) Aminated epoxy formates
P–03–0722	07/23/03	10/20/03	CBI	(G) Thermal transfer ink ribbon	(G) Pyrazolone derivative
P–03–0723	07/23/03	10/20/03	Ciba Specialty Chemicals Corporation, Textile Effects	(S) Exhaust dyeing of polyester fibers	(G) Substituted alkylamino phenyl azo substitute isoindole
P–03–0724	07/23/03	10/20/03	The Dow Chemical Company	(S) Surfactant for waterbourne epoxy dispersions	(G) Polyetherester diepoxide
P–03–0725	07/23/03	10/08/03	The Dow Chemical Company	(S) Surfactant for waterbourne epoxy dispersions	(G) Polyetherester diepoxide
P–03–0726	07/23/03	10/08/03	The Dow Chemical Company	(S) Surfactant for waterbourne epoxy dispersions	(G) Polyetherester diepoxide
P–03–0727	07/23/03	10/08/03	The Dow Chemical Company	(S) Surfactant for waterbourne epoxy dispersions	(G) Polyetherester diepoxide
P–03–0728	07/23/03	10/20/03	CBI	(G) Polyol component in polyester resin synthesis - destructive use	(G) Polyester polyol
P–03–0729	07/24/03	10/21/03	CBI	(G) Component of batteries	(G) Alkyleneoxide derivatives
P–03–0730	07/24/03	10/21/03	CBI	(G) Ingredients for use in consumer products: Highly dispersive	(G) Tert- cycloalkanol
P–03–0731	07/24/03	10/21/03	CBI	(G) Sealant component	(G) Polypropylene glycol, polymer with a carbomonocyclic diisocyanate, substituted-trialkoxysilane-blocked
P–03–0732	07/25/03	10/22/03	CBI	(S) Industrial coating for plastic, metal, wood	(G) Copolymer based on methacrylic acid esters
P–03–0733	07/25/03	10/22/03	CBI	(G) Open, non-dispersive (resin used in coatings applications)	(G) Aspartic ester
P–03–0734	07/25/03	10/22/03	Scotia Ventures, L.L.C.	(S) Paper coating additive; wet-end paper additive	(G) Cationic polyvinyl alcohol
P–03–0735	07/25/03	10/22/03	Scotia Ventures, L.L.C.	(S) Paper coating additive; wet-end paper additive	(G) Cationic polyvinyl alcohol
P–03–0736	07/25/03	10/22/03	Scotia Ventures, L.L.C.	(S) Paper coating additive; wet-end paper additive	(G) Cationic polyvinyl alcohol
P–03–0737	07/25/03	10/22/03	Scotia Ventures, L.L.C.	(S) Paper coating additive; wet-end paper additive	(G) Cationic polyvinyl alcohol
P–03–0739	07/28/03	10/25/03	Dow Corning Corporation	(G) Epoxy molding compound for encapsulation of semiconductor devices	(G) Epoxy functional silsesquioxane
P–03–0740	07/24/03	10/21/03	The Goodyear Tire and Rubber Company	(S) Monomer	(G) Pyrrolidene, Functionzed Styrene
P–03–0741	07/28/03	10/25/03	BASF Corporation	(G) Intermediate in the production of pigments	(G) Diol distillation bottoms.
P–03–0742	07/28/03	10/25/03	BASF Corporation	(G) Intermediate in the production of pigments	(G) Diol distillation bottoms.

I. 61 PREMANUFACTURE NOTICES RECEIVED FROM: 07/14/03 TO 07/31/03—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–03–0743	07/28/03	10/25/03	BASF Corporation	(G) Intermediate in the production of pigments	(G) Diol distillation bottoms.
P–03–0744	07/28/03	10/25/03	Dupont Company	(G) Molded and extruded rubber parts	(G) Modified ethylene/acrylate polymer
P–03–0745	07/28/03	10/25/03	Dupont Company	(G) Molded and extruded rubber parts	(G) Modified ethylene/acrylate polymer
P–03–0746	07/29/03	10/26/03	CBI	(G) Polymeric colorant	(G) Polymeric aromatic amine colorant
P–03–0747	07/30/03	10/27/03	CBI	(G) Automotive coatings	(G) Polyacrylic resin
P–03–0748	07/30/03	10/27/03	CBI	(G) Automotive coatings	(G) Polyacrylic resin
P–03–0749	07/30/03	10/27/03	CBI	(G) Automotive coatings	(G) Polyacrylic resin
P–03–0750	07/30/03	10/27/03	CBI	(G) Automotive coatings	(G) Polyacrylic resin
P–03–0751	07/30/03	10/27/03	CBI	(G) Automotive coatings	(G) Polyacrylic resin
P–03–0752	07/30/03	10/27/03	CBI	(G) Automotive coatings	(G) Polyacrylic resin

In Table II of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the TMEs received:

II. 1 TEST MARKETING EXEMPTION NOTICES RECEIVED FROM: 07/14/03 TO 07/31/03

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
T–03–0005	07/31/03	09/13/03	Gardere Wynne Sewell LLP	(S) For use as a cleaning solvent and insecticide carrier	(S) Alkanes, C**8**–C**12**, branched

In Table III of this unit, EPA provides the following information (to the extent that such information is not claimed as CBI) on the Notices of Commencement to manufacture received:

III. 26 NOTICES OF COMMENCEMENT FROM: 07/14/03 TO 07/31/03

Case No.	Received Date	Commencement/ Import Date	Chemical
P–01–0452	07/17/03	04/21/03	(S) Silicon sodium strontium titanium hydroxide oxide
P–01–0769	07/29/03	07/22/03	(G) Alkylated phenothiazine/diphenylamine mixture
P–01–0770	07/29/03	07/22/03	(G) Alkylated phenothiazine/diphenylamine mixture
P–01–0771	07/29/03	07/22/03	(G) Alkylated phenothiazine/diphenylamine mixture
P–01–0772	07/29/03	07/22/03	(G) Alkylated phenothiazine/diphenylamine mixture
P–02–0651	07/23/03	06/25/03	(G) Bis(phenol), 3,3-bis(3,4-dihydro-3phenyl-2h-1,3-benzoxazin-6-yl) derivative
P–03–0032	07/22/03	07/14/03	(G) Blocked fluoroChemical urethane
P–03–0033	07/22/03	07/09/03	(G) FluoroChemical alcohol
P–03–0039	07/29/03	07/22/03	(G) Amine stabilizer
P–03–0133	07/24/03	06/17/03	(G) Polysilazane
P–03–0215	07/15/03	06/26/03	(S) 4h-1,3,2-benzodioxabismin-4-one, 2-hydroxy-
P–03–0282	07/25/03	06/30/03	(G) Amino-substituted carbopolycycle
P–03–0283	07/23/03	06/26/03	(S) Adenosine, n-benzoyl-5′-o-[bis(4-methoxyphenyl)phenylmethyl]-2′-deoxy-
P–03–0296	07/23/03	06/26/03	(S) Cytidene, n-benzoyl-5′-o-[bis(4-methoxyphenyl)phenylmethyl]-2′-deoxy-
P–03–0298	07/23/03	06/26/03	(S) Guanosine, 5′-o-[bis(4-methoxyphenyl)phenylmethyl]-2′-deoxy-n-(2-methyl-1-oxopropyl)-
P–03–0302	07/15/03	06/20/03	(G) Acrylic copolymer
P–03–0315	07/16/03	06/24/03	(G) Substituted polymethacrylic esters, hydrolyzed, sodium salt
P–03–0331	07/23/03	06/26/03	(S) Thymidine, 5′-o-[bis(4-methoxyphenyl)phenylmethyl]-
P–03–0361	07/21/03	07/10/03	(S) 2-propenoic acid, 2-methyl-, 2-hydroxyethyl ester, polymer with n-[3-(dimethylamino)propyl]-2-methyl-2-propenamide and 1-ethenylhexahydro-2h-azepin-2-one, 2,2′-azobis[2-methylbutanenitrile]-initiated
P–03–0392	07/21/03	06/19/03	(G) Anthranilic acid derivative
P–03–0400	07/14/03	06/10/03	(G) Substituted anthracene ester
P–03–0430	07/28/03	07/02/03	(G) Polymer of methylene diphenyl diisocyanate, polyether polyol and a polyester polyol
P–03–0442	07/24/03	06/26/03	(G) Polysiloxazane
P–03–0459	07/18/03	07/10/03	(G) Carboxylated modified poly(oxyalkylenediyl), calcium salt
P–92–0830	07/24/03	07/16/03	(S) 4-isobutyl benzaldehyde

III. 26 NOTICES OF COMMENCEMENT FROM: 07/14/03 TO 07/31/03—Continued

Case No.	Received Date	Commencement/ Import Date	Chemical
P–93–0563	07/22/03	04/13/98	(G) Alkoxylated alkyl phenol

List of Subjects

Environmental protection, Chemicals, Premanufacturer notices.

Dated: August 12, 2003.

Sandra R. Wilkins,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 03–20900 Filed 8–14–03; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7544–2]

Mission Foods Corporation—Administrative Consent Agreement and Final Order; Notice of Proposed Administrative Consent Agreement and Final Order Pursuant to Section 311(B)(6) of the Clean Water Act

AGENCY: Environmental Protection Agency.

ACTION: Notice, request for public comments.

SUMMARY: In accordance with section 311(b)(6)(C) of the Clean Water Act, (''CWA''), 33 U.S.C. 1321(b)(6)(C), notice is hereby given of a proposed Consent Agreement and Final Order (''CA/FO,'' Region 9 Docket No. OPA 9–2003–0003), which resolves penalties for alleged violations of sections 311(b)(3) and 311(j) of the CWA. The respondent to the CA/FO is the Mission Foods Corporation, a California corporation. Through the proposed CA/FO, the Mission Foods Corporation will pay $60,000 to the Oil Spill Liability Trust Fund as a penalty for alleged violations involving the discharge of oil into waters of the United States, and the failure to prepare and maintain Spill Prevention, Control and Countermeasure plans. The penalty included in this CA/FO was calculated in accordance with the Agency's guidance document, *Civil Penalty Policy for Section* 311(b)(3) *and Section* 311(j) *of the Clean Water Act*, dated August 21, 1998. For thirty (30) days following the date of publication of this Notice, the Agency will receive written comments relating to the proposed CA/FO. Any person who comments on the proposed CA/FO shall be given notice of any hearing held and a reasonable opportunity to be heard and to present evidence. If no hearing is held regarding comments received, any person commenting on this proposed CA/FO may, within 30 days after the issuance of the final order, petition the Agency to set aside the CA/FO, as provided by section 311(b)(6)(C)(iii) of the CWA, 33 U.S.C. 1321(b)(6)(C)(iii).

DATES: Comments must be submitted on or before September 15, 2003.

ADDRESSES: The proposed CA/FO may be obtained from Laurie Williams, telephone (415) 972–3867. Comments regarding the proposed CA/FO should be addressed to Danielle Carr (ORC–1) at 75 Hawthorne Street, San Francisco, California 94105, and should reference the Mission Foods Corporation and Region 9 Docket No. OPA 9–2003–0003.

FOR FURTHER INFORMATION CONTACT: Laurie Williams (ORC–3), Office of Regional Counsel, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, San Francisco, CA 94105, (415) 972–3867.

Dated: August 6, 2003.

Daniel Meer,

Acting Director, Superfund Division, Region 9.

[FR Doc. 03–20896 Filed 8–14–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7544–9]

Public Water System Supervision Program Revision for the State of Colorado

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The State of Colorado has revised its Public Water System Supervision (PWSS) primacy program by adopting regulations for the Interim Enhanced Surface Water Treatment Rule (IESWTR), Disinfectants/Disinfection Byproducts Rule (D/DBPR), Radionuclides Rule, revisions to the Variances and Exemptions Rule, Administrative Penalty Authority, Definition of ''Public Water System,'' and the Public Notification Rule (PNR). Having determined that these revisions meet all pertinent requirements in the Safe Drinking Water Act (SDWA), and EPA's implementing regulations, the EPA approves them.

Today's approval action does not extend to public water systems in Indian country. Please see **SUPPLEMENTARY INFORMATION**, Item B.

DATES: Any member of the public is invited to submit written comments and/or request a public hearing on this determination by September 15, 2003. Please see **SUPPLEMENTARY INFORMATION**, Item C, for information on submitting comments and requesting a hearing. If no hearing is requested or granted, then this action shall become effective September 15, 2003. If a public hearing is requested and granted, then this determination shall not become effective until such time following the hearing as the Regional Administrator (RA) issues an order affirming or rescinding this action.

ADDRESSES: Written comments and requests for a public hearing should be addressed to: Robert E. Roberts, Regional Administrator, c/o Qian Zhang (8P–W–MS), U.S. EPA, Region 8, 999 18th Street, Suite 300, Denver, CO 80202–2466.

All documents relating to this determination are available for inspection at the following locations: (1) U.S. EPA, Region 8, Municipal Systems Unit, 999 18th Street (4th Floor), Denver, CO 80202–2466; (2) Colorado Department of Public Health and Environment (CDPHE), Drinking Water Section, 4300 Cherry Creek Drive South, Denver, CO.

FOR FURTHER INFORMATION CONTACT: Qian Zhang, Municipal Systems Unit, EPA, Region 8 (8P–W–MS), 999 18th Street, Suite 300, Denver, CO 80202–2466, 303–312–6267.

SUPPLEMENTARY INFORMATION: EPA approved Colorado's application for assuming primary enforcement authority for the PWSS program, pursuant to section 1413 of SDWA, 42 U.S.C. 300g–2, and 40 CFR part 142. CDPHE administers Colorado's PWSS program. The State of Colorado has revised its PWSS primacy program by adopting regulations for the IESWTR (December 16, 1998, 63 FR 69478–69521), D/DBPR (December 16, 1998, 63 FR 69390–69476), Radionuclides Rule (December 7, 2000, 65 FR 76708), revisions to the Variances and

Exemptions Rule (August 14, 1998, 63 FR 43833–43851), Administrative Penalty Authority (April 28, 1998, 62 FR 23362), Definition of ''Public Water System'' (April 28, 1998, 63 FR 23362), and the PNR (May 4, 2000, 65 FR 25981–26049), that correspond to the National Primary Drinking Water Regulations (NPDWRs) in 40 CFR part 141.

A. Why Are Revisions to State Programs Necessary?

States with primary PWSS enforcement authority must comply with the requirements of 40 CFR part 142 for maintaining primacy. They must adopt regulations that are at least as stringent as NPDWRs at 40 CFR part 141 (40 CFR 142.10(a)). Changes to state programs may be necessary as federal primacy requirements change, as states must adopt all new and revised NPDWRs in order to retain primacy (40 CFR 142.12(a)).

B. How Does Today's Action Affect Indian Country (18 U.S.C. 1151) in Colorado?

Colorado is not authorized to carry out its PWSS program in Indian country. This includes, but is not limited to, land within formal Indian reservations located within or abutting the State of Colorado, including the Southern Ute Indian Reservation and the Ute Mountain Ute Indian Reservation, any land held in trust by the United States for an Indian tribe, and any other areas which are ''Indian country'' within the meaning of 18 U.S.C. 1151.

C. Requesting a Hearing and Submitting Written Comments.

Any request for a public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) a brief statement of the requesting person's interest in the RA's determination and of information that the requesting person intends to submit at such hearing; and (3) the signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of the responsible official of the organization or other entity.

Notice of any hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing. Such notice will be made by the RA in the **Federal Register** and in newspapers of general circulation in the State of Colorado. A notice will also be sent to the person(s) requesting the hearing as well as to the State of Colorado. The hearing notice will include a statement of purpose, information regarding time and location, and the address and telephone number where interested persons may obtain further information. A final determination will be made upon review of the hearing record.

Frivolous or insubstantial requests for a hearing may be denied by the RA. However, if a substantial request is made within thirty (30) days after this notice, a public hearing will be held.

Please bring this notice to the attention of any persons known by you to have an interest in this determination.

Dated: August 6, 2003.

Robert E. Roberts,

Regional Administrator, Region 8.

[FR Doc. 03–20891 Filed 8–14–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7545–1]

Public Water System Supervision Program Revision for the State of South Dakota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with the provisions of section 1413 of the Safe Drinking Water Act (SDWA), 42 U.S.C. 300g–2, and 40 CFR 142.13, public notice is hereby given that the State of South Dakota has revised its Public Water System Supervision (PWSS) Primacy Program by developing regulations for the Lead and Copper Rule Minor Revisions (LCRMR), the Public Notification Rule (PNR), the Disinfectants/ Disinfection Byproducts Rule (D/DBPR), and the Interim Enhanced Surface Water Treatment Rule (IESWTR) that correspond to 40 CFR parts 141 and 142. The EPA has completed its review of South Dakota's primacy revisions in accordance with the SDWA, and EPA's implementing regulations at 40 CFR parts 141 and 142, and proposes to approve South Dakota's primacy revisions for the LCRMR, PNR, D/DBPR and conditionally approves the IESWTR.

Today's approval action does not extend to public water systems in Indian country, as that term is defined in 18 U.S.C. 1151. Please see **SUPPLEMENTARY INFORMATION**, Item B.

DATES: Any member of the public is invited to submit written comments and/or request a public hearing on this determination by September 15, 2003. Please see **SUPPLEMENTARY INFORMATION**, Item C, for information on submitting comments and requesting a hearing. Should no timely and appropriate request for a hearing be received, and the Regional Administrator (RA) does not elect to hold a hearing on his own motion, this determination shall become effective September 15, 2003. If a hearing is requested or granted, then this determination shall not become effective until such time following the hearing as the RA issues an order affirming or rescinding this action.

ADDRESSES: Written comments and a request for a public hearing should be addressed to: Robert E. Roberts, Regional Administrator, c/o Bruce Suchomel (8P–W–MS), U.S. Environmental Protection Agency, Region 8, 999 18th St., Suite 300, Denver, CO 80202–2466.

Reviewing Documents: All documents relating to this determination are available for inspection at the following locations: (1) U.S. EPA, Region 8, Municipal Systems Unit, 999 18th St. (4th Floor), Denver, CO 80202–2466; (2) South Dakota Department of Environment and Natural Resources, Drinking Water Program, 523 E. Capitol Ave., Pierre, SD 57501–3181.

FOR FURTHER INFORMATION CONTACT: Bruce Suchomel, Municipal Systems Unit, U.S. EPA, Region 8 (8P–W–MS), 999 18th St., Suite 300, Denver, CO 80202–2466; telephone 303–312–6001.

SUPPLEMENTARY INFORMATION: Effective January 9, 1984, EPA approved South Dakota's application for assuming primary enforcement authority for the PWSS program, pursuant to section 1413 of SDWA, 42 U.S.C. 300g–2, and 40 CFR part 142 (*see* 48 FR 55173). The South Dakota Department of Environment and Natural Resources (DENR) administers South Dakota's PWSS program.

A. Why Are Revisions to State Programs Necessary?

States with primary PWSS enforcement authority must comply with the requirements of 40 CFR part 142 for maintaining primacy. They must adopt regulations that are at least as stringent as the National Primary Drinking Water Regulations (NPDWRs) at 40 CFR parts 141 and 142. As new NPDWRs become final, states must adopt all new and revised NPDWRs in order to retain primacy. (40 CFR 142.12(a)).

B. How Does Today's Action Affect Indian Country (18 U.S.C. 1151) in South Dakota?

South Dakota is not authorized to carry out its PWSS program in Indian Country, as defined in 18 U.S.C. 1151. This includes:

1. Lands within the exterior boundaries of the following Indian reservations located within or abutting the State of South Dakota.

a. Cheyenne River Indian Reservation;
b. Crow Creek Indian Reservation;
c. Flandreau Indian Reservation;
d. Lower Brule Indian Reservation;
e. Pine Ridge Indian Reservation;
f. Rosebud Indian Reservation;
g. Standing Rock Indian Reservation; and
h. Yankton Indian Reservation.

2. Any land held in trust by the United States for an Indian tribe, and

3. Any other areas which are ''Indian country'' within the meaning of 18 U.S.C. 1151.

C. Requesting a Hearing and Submitting Written Comments.

Any request for a public hearing shall include the following: (1) The name, address, and telephone number of the individual, organization, or other entity requesting ; (2) a brief statement of the requesting person's interest in the RA's determination and of information that the requesting person intends to submit at such hearing; and (3) the signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of the responsible official of the organization or other entity.

Notice of any hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing. Such notice will be made by the RA in the **Federal Register** and in newspapers of general circulation in the State of South Dakota. A notice will also be sent to the person(s) requesting the hearing as well as to the State of South Dakota. The hearing notice will include a statement of purpose, information regarding time and location, and the address and telephone number where interested persons may obtain further information. The RA will issue the final determination upon review of the hearing record.

Frivolous or insubstantial requests for a hearing may be denied by the RA. However, if a substantial request is made within thirty (30) days after this notice, a public hearing will be held.

Please bring this notice to the attention of any persons known by you to have an interest in this determination.

Dated: August 1, 2003.

Robert E. Roberts,

Regional Administrator, Region 8.

[FR Doc. 03–20892 Filed 8–14–03; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7545–2]

Public Water System Supervision Program Revision for the State of North Dakota

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The State of North Dakota has revised its Public Water System Supervision (PWSS) primacy program by adopting regulations for the Public Water System Definition Rule, Administrative Penalty Authority Rule, Consumer Confidence Report Rule (CCR), Variances and Exemptions Rule, Interim Enhanced Surface Water Treatment Rule (IESWTR), and Disinfectants/Disinfection Byproducts Rule (D/DBPR). Having determined that these revisions meet all pertinent requirements in the Safe Drinking Water Act (SDWA), and EPA's implementing regulations, the EPA approves them.

Today's approval action does not extend to public water systems in Indian Country. Please see **SUPPLEMENTARY INFORMATION,** Item B.

DATES: Any member of the public is invited to submit written comments and/or request a public hearing on this determination by September 15, 2003. Please see **SUPPLEMENTARY INFORMATION,** Item C, for information on submitting comments and requesting a hearing. If no hearing is requested or granted, then this action shall become effective September 15, 2003. If a public hearing is requested and granted, then this determination shall not become effective until such time following the hearing as the Regional Administrator (RA) issues an order affirming or rescinding this action.

ADDRESSES: Written comments and requests for a public hearing should be addressed to: Robert E. Roberts, Regional Administrator, c/o Anthony Q. DeLoach (8P–W–MS), U.S. EPA, Region 8, 999 18th Street, Suite 300, Denver, CO 80202–2466.

All documents relating to this determination are available for inspection at the following locations: (1) U.S. EPA, Region 8, Municipal Systems Unit, 999 18th Street (4th Floor), Denver, CO 80202–2466; (2) North Dakota Department of Health, Environmental Health Section, P.O. Box 5520 Bismarck, ND 58506–5520.

FOR FURTHER INFORMATION CONTACT: Anthony Q. DeLoach, Municipal Systems Unit, EPA, Region 8 (8P–W–MS), 999 18th Street, Suite 300, Denver, CO 80202–2466, 303–312–6070.

SUPPLEMENTARY INFORMATION: EPA approved North Dakota's application for assuming primary enforcement authority for the PWSS program, pursuant to section 1413 of SDWA, 42 U.S.C. 300g–2, and 40 CFR part 142. NDDH administers North Dakota's PWSS program. The State of North Dakota has revised its PWSS primacy program by adopting regulations for the Public Water System Definition Rule, Administrative Penalty Authority Rule, CCR, Variances and Exemptions Rule, IESWTR, and D/DBPR that correspond to regulations for 40 CFR part 141, subpart O.

A. Why Are Revisions to State Programs Necessary?

States with primary PWSS enforcement authority (see 40 CFR 142.10(a)) must comply with the requirements of 40 CFR part 142 for maintaining primacy. They must adopt regulations that are at least as stringent as NPDWRs at 40 CFR part 141. Changes to state programs may be necessary as federal primacy requirements change, as states must adopt all new and revised NPDWRs in order to retain primacy.

B. How Does Today's Action Affect Indian Country (18 U.S.C. 115) in North Dakota?

North Dakota is not authorized to carry out its primacy program in Indian country, as defined in 18 U.S.C. 1151. This includes:

1. Lands within the exterior boundaries of the following Indian Reservations located within or abutting the State of North Dakota:

a. Fort Totten Indian Reservation;
b. Fort Berthold Indian Reservation;
c. Standing Rock Indian Reservation;
d. Turtle Mountain Indian Reservation;

2. Any land held in trust by the U.S. for an Indian tribe, and

3. Any other land, whether on or off a reservation that qualifies as Indian country.

Therefore, this action has no effect in Indian country where EPA will continue to implement and administer the Drinking Water program in these lands.

C. Requesting a Hearing and Submitting Written Comments.

Any request for a public hearing shall include the following: (1) The name,

address, and telephone number of the individual, organization, or other entity requesting a hearing; (2) A brief statement of the requesting person's interest in the RA's determination and of information that the requesting person intends to submit at such hearing; and (3) the signature of the individual making the request, or, if the request is made on behalf of an organization or other entity, the signature of the responsible official of the organization or other entity.

Notice of any hearing shall be given not less than fifteen (15) days prior to the time scheduled for the hearing. Such notice will be made by the RA in the **Federal Register** and in newspapers of general circulation in the State of North Dakota. A notice will also be sent to the person(s) requesting the hearing as well as to the State of North Dakota. The hearing notice will include a statement of purpose, information regarding time and location, and the address and telephone number where interested persons may obtain further information. A final determination will be made upon review of the hearing record.

Frivolous or insubstantial requests for a hearing may be denied by the RA. However, if a substantial request is made within thirty (30) days after this notice, a public hearing will be held.

Please bring this notice to the attention of any persons known by you to have an interest in this determination.

Dated: July 30, 2003.

Robert E. Roberts,

Regional Administrator, Region 8.

[FR Doc. 03–20893 Filed 8–14–03; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[Document Identifier: CMS–10095]

Agency Information Collection Activities: Proposed Collection; Comment Request

Agency: Centers for Medicare and Medicaid Services.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (CMS)), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

1. *Type of Information Collection Request:* New Collection; *Title of Information Collection:* ''Detailed Explanation of Non-Coverage'' 42 CFR 422.626(e)(1), and ''Important Message of Non-Coverage'' 42 CFR 625(b)(1); *Form No.:* CMS–10095 (OMB# 0938–NEW); *Use:* Pursuant of 42 CFR 422.624(b)(1), providers in skilled nursing facilities, home health agencies, and comprehensive outpatient rehabilitation facilities must deliver to M+C enrollees a 2-day advance notice of termination of services. Per requirements at 42 CFR 422.626(e)(1), M+C organizations must deliver detailed notices to the QIO and enrollees upon request for appeal of the termination of services. These notices fulfill the regulatory requirement; *Frequency:* Other: distribution; *Affected Public:* Business or other-for-profit, Not-for-profit institutions, Federal Government, and Individuals or Households.; *Number of Respondents:* 155; *Total Annual Responses:* 12,000; *Total Annual Hours:* 18,000.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS's Web Site address at *http://cms.hhs.gov/regulations/pra/default.asp,* or e-mail your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov,* or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the CMS Paperwork Clearance Officer designated at the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development and Issuances, Attention: Dawn Willinghan, Room: C5–14–03, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: August 7, 2003.

Dawn Willinghan,

Acting CMS Reports Clearance Officer, Division of Regulations Development and Issuances, Office of Strategic Operations and Strategic Affairs.

[FR Doc. 03–20816 Filed 8–14–03; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: HHS/ACF Rural Welfare-to-Work Strategies Demonstration Evaluation Project 30-Month Survey

OMB No.: New collection

Description: The Rural Welfare-to-Work Strategies Demonstration Evaluation Project, which was developed and funded by the Administration for Children and Families (ACF) of the U.S. Department of Health and Human Services (HHS), is a national evaluation to determine the benefits and cost-effectiveness of methods designed to aid current or former Temporary Assistance for Needy Families (TANF) recipients or other low-income families as the transition from welfare to the employment arena. This evaluation addresses four research questions:

- What are the issues and challenges associated with operating the new welfare-to-work services and policy approaches being studied?
- How effective are the welfare-to-work programs under the project in increasing employment and earnings and in improving other measures?
- What are the net costs of the welfare-to-work programs, and do the programs' benefits outweigh the costs?
- What approaches should policymakers and program managers consider in designing strategies to improve the efficacy of welfare-to-work strategies for families in rural areas?

The evaluation employs a multi-pronged approach to answer the research questions. These approaches include: (1) an impact study, which will examine the differences between control and intervention groups with respect to factors such as employment rates, earnings, and welfare receipt; (2) a cost-benefit analysis, which will calculate estimates of net program cost-effectiveness; and (3) an in-depth process study, which will identify implemetation issues and challenges,

examine program costs, and provide details on how programs achieve observed results. The data collected during the conduct of this study will be used for the following purposes:

- To study rural welfare-to-work programs' effects on factors such as employment, earnings, educational attainment and family composition;
- To collect data on a wider range of outcome measures—such as job acquisition, retention and advancement, job quality, educational attainment, and employment barriers—than is available through welfare or unemployment insurance records, in order to understand how individuals are being affected by the demonstrated programs;
- To support research on the implementation of welfare-to-work programs across sites;
- To obtain program participation and service use information important to the evaluation's cost-benefit component; and
- To obtain contact information for a future follow-up survey that will be important to achieving high response rates for that survey.

Respondents: The respondents of the 30-month follow-up survey are current and former TANF recipients, or individuals in families at risk of needing TANF benefits (working poor, hard-to-employ) from the three states participating in the evaluation (Illinois, Nebraska, and Tennessee). The survey will be administered to both intervention and control groups in each participating site. The estimated sample size for the survey is 3,400 individuals, including projected samples of 2,200 in Tennessee, and 600 each in Illinois and Nebraska. The survey will be conducted primarily by telephone, with field interviews conducted with those individuals who cannot be interviewed by telephone. OMB already approved the process evaluation component and 18-month follow-up survey for this study.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
30-month follow-up survey	686	1	30 minutes or .5 hours	343

Estimated Total Annual Burden Hours: 343

In compliance with the requirements of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. E-mail address: *rsargis@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Dated: August 11, 2003.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 03–20884 Filed 8–14–03; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[ACF–ADD–07–11–2003]

Developmental Disabilities: Notice of Availability of Financial Assistance and Request for Applications To Fund Training and Technical Assistance To Improve Voting Access for Individuals With Disabilities

AGENCY: Administration on Developmental Disabilities (ADD), ACF, DHHS.

SUMMARY: The purpose of this notice is to correct errors that were printed in notice 68 FR 46189 on August 5, 2003. The notice contained an incorrect page limit for application submissions and incorrectly lettered requirements within the Instructions for the Development and Submission of Application section. The purpose of this program is to fund training and technical assistance grants that establish and improve voting access for individuals with the full range of disabilities.

FOR FURTHER INFORMATION CONTACT: Administration for Children and Families, Carla R. Brown, Management Analyst, 370 L'Enfant Promenade, SW., Washington, DC 20447, (202) 690–8332, *crbrown@acf.hhs.gov*; or Lois Hodge, Grants Officer, 370 L'Enfant Promenade SW., Washington, DC 20447, (202) 401–2344, *lhodge@acf.hhs.gov*. Copies of this program announcement and many of the required forms may be obtained electronically at the ADD World Wide Web page: *http://www.acf.dhhs.gov/programs/add/*.

Correction: In the **Federal Register** on August 5, 2003, in FR DOC 68–46197, in the third full paragraph please change the 25-page limit to a 50-page limit so that the first sentence of the paragraph reads, ''The length of the application, including the application forms and all attachments, should not exceed 50 pages.'' Also within this paragraph please change the fourth sentence to read, ''These materials, if submitted, will not be included in the review process if they exceed the 50-page limit.''

Also in the **Federal Register** on August 5, 2003 in FR DOC 68–46198, please change the lettering for ''E. Checklist for a Complete Application, F. Application Package, and G. Paperwork Reduction Act of 1995'' to ''C. Checklist for a Complete Application, D. Application Package, and E. Paperwork Reduction Act of 1995.'' The doc had incorrectly lettered these sections.

Dated: August 12, 2003.

Patricia Morrissey,

Commissioner, Administration on Developmental Disabilities.

[FR Doc. 03–20885 Filed 8–14–03; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

Gravina Access Project, Tongass Narrows, Ketchikan Gateway Borough, AK

AGENCY: Federal Highway Administration. U.S. Coast Guard.

ACTION: Notice of public hearing; Request for comments. Notice of availability of draft environmental impact statement (EIS).

SUMMARY: the Federal Highway Administration (FHWA), together with U.S. Coast Guard and the Alaska Department of Transportation and Public Facilities, has issued a Gravina Access Project Draft Environmental Impact Statement (EIS) on August 6, 2003. The agencies will jointly hold two public hearings to receive information concerning the environmental impacts on the project, including marine navigation impacts.

The project would construct a bridge or new ferry across Tongass Narrows in southern Southeast Alaska. The cities of Ketchikan and Saxman, along with surrounding developed areas within the Ketchikan Gateway Borough on Revillagigedo Island, are separated by Tongass Narrows from Ketchikan International Airport and developable land within the borough on Gravina Island. Ferry service currently connects Ketchikan to the airport terminal, but there is no connection to other lands on Gravina Island. The project proposes to improve transportation across Tongass Narrows by enhanced ferry or by bridge. Nine alternatives, plus No Action Alternative, are under consideration. All share in common a spine road around the airport to provide access to the airport and to other developable lands around the airport. Other developable lands include airport reserve lands, State of Alaska Mental Health Trust lands, University of Alaska lands, and private lands. The Ketchikan Gateway Borough is within Tongass National Forest.

DATES: The public hearings will start at 7 p.m. on Wednesday, September 17, and Thursday, September 18, 2003. On Tuesday September 16, from 3 p.m. to 8 p.m., a public information open house will be held to enable interested parties to learn more about the project and ask questions. Display materials will be available during the open house and beginning at 5 p.m., September 17 and 18, prior to the public hearings. Comments must be received by October 6, 2003.

ADDRESSES: The public hearings and associated open house will be held at the West Coast Cape Fox Lodge, 800 Venetia Way, Ketchikan, AK 99901. Comments on the Draft Environmental Impact Statement should be sent to Mr. Reuben Yost, Special Projects Manager, Alaska Department of Transportation and Public Facilities—Southeast Region, 6860 Glacier Highway, Juneau, AK 99801–7999. Please submit all comments in an unbound format no larger than 8½ x 11 inches and suitable for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Tim A. Haugh, Environment and Right-of-Way Programs Manager, Alaska Division FHWA, P.O. Box 21648, Juneau, Alaska 99802, Telephone (907) 586–7418; Mr. James Helfinstine, Chief, Bridge Administration Program, Commander (OAN), Seventeenth Coast Guard District, P.O. Box 25517, Juneau, AK 99802–5517, Telephone (907) 463–2268; Mr. Reuben Yost, P.E., Special Projects Manager, DOT&PF Southeast Region, 6860 Glacier Highway, Juneau, Alaska 99801–7999, Telephone (907) 465–1828

SUPPLEMENTARY INFORMATION:

Background

The Gravina Access Project is one of 17 high-priority infrastructure projects in the State of Alaska to be funded under the Federal Transportation Equity Act for the 21st Century (TEA–21), enacted in 1998. The Draft EIS examines a range of alternatives: Four bridge alternatives that cross Tongass Narrows near the airport, two bridge alternatives that cross Pennock Island southeast of the airport, and three ferry alternatives that would supplement the existing airport ferry service with a second ferry at different locations. All nine build alternatives tie into Tongass Avenue, which parallels the coast of Revillagigedo Island. All nine include a spine road around the western side and southern end of the airport, providing access to the airport terminal and other developable lands.

The road associated with each alternative would consist of two lanes. The length of the road varies from 16,670 fee to 42,100 feet, depending on alternative. The ferry alternatives each include docks, terminal buildings, parking areas, and a ferry vessel. The location of the terminals and crossings vary. The bridge alternatives are either 120 feet high (to pass Alaska Marine Highway vessels) or 200 feet high (to pass the largest cruise ships sailing in Southeast Alaska). Two bridge alternatives cross Pennock Island, which divides Tongass Narrows.

These alternatives require bridges over both the east and west channels. Alternative F1, a Pennock Island option that has a West Channel bridge 120 feet high and an East Channel bridge 200 feet high, is the agency-preferred alternative.

The FHWA is the lead Federal agency for the environmental documentation. The Alaska Department of Transportation and Public Facilities has written the environmental documentation on behalf of FHWA. The U.S. Army Corps of Engineers, U.S. Coast Guard, Ketchikan Gateway Borough, City of Ketchikan, and City of Saxman are cooperating agencies for the project.

The public hearings will provide a public forum that affords a full opportunity for presenting views on the social, economic, and environmental effects of the alternatives including impacts on navigation and marine transportation. Comments are invited from all interested parties and should be directed by October 6, 2003 to Mr. Reuben Yost at the address provided above. Information on the project and the Draft EIS are available electronically at *http://www.gravina-access.com.*

Procedural

Individuals and representatives of organizations that wish to speak at the public hearings may sign in as they arrive at the WestCoast Cape Fox Lodge. Individuals will have 3 minutes to speak and organizations 5 minutes. Each person or organization will be afforded one opportunity to speak only. Speakers will be called in the order they signed in. Those who wish to be placed on the project mailing list may submit a request to Mr. Reuben Yost, listed above under **ADDRESSES**.

Information on Services for Individuals With Disabilities

Appropriate aids and services for qualified individuals with disabilities or non-English-speaking persons will be provided upon request. Please make requests for these services in writing; by telephone or via e-mail to Mr. Reuben Yost at the contacts listed under **ADDRESSES** above, or via teletype 1–907–465–4647; or via e-mail at *Reuben_Yost@dot.state.ak.us.* Any requests for an oral or sign language interpreter must be received by September 9, 2003.

Dated: July 31, 2003.

J. A. Schott,

Captain, U.S. Coast Guard, Commander, 17th Coast Guard District, Acting.

David C. Miller,

Division Administrator, Federal Highway Administration.

[FR Doc. 03–20822 Filed 8–14–03; 8:45 am]

BILLING CODE 4910–22–M; 4910–15–M

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1481–DR]

Florida; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Florida (FEMA–1481–DR), dated July 29, 2003, and related determinations.

EFFECTIVE DATE: July 29, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 29, 2003, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Florida, resulting from severe storms and flooding on June 13, 2003, and continuing is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). I, therefore, declare that such a major disaster exists in the State of Florida.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Other Needs Assistance under Section 408 of the Stafford Act is later requested and warranted, Federal funding under that program will also be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended, Peter Martinasco, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Florida to have been affected adversely by this declared major disaster:

Charlotte, Citrus, DeSota, Hardee, Levy, Manatee, and Sarasota Counties for Public Assistance.

All counties within the State of Florida are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560, Individual and Household Program-Other Needs; 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–20846 Filed 8–14–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1476–DR]

Indiana; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Indiana (FEMA–1476–DR), dated July 11, 2003, and related determinations.

EFFECTIVE DATE: July 30, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Indiana is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 11, 2003:

Union County for Public Assistance.

Cass, Clay, Jay, and Tipton Counties for Public Assistance (already designated for Individual Assistance.)

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program—Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–20840 Filed 8–14–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1480–DR]

Nebraska; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Nebraska (FEMA–1480–DR), dated July 21, 2003, and related determinations.

EFFECTIVE DATE: August 4, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the

State of Nebraska is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 21, 2003:

Butler, Cuming, Deuel, Dixon, Holt, Knox, Pierce, and Polk Counties for Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560, Individual and Household Program-Other Needs; 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–20847 Filed 8–14–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1483–DR]

North Dakota; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of North Dakota (FEMA–1483–DR), dated August 1, 2003, and related determinations.

EFFECTIVE DATE: August 1, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated August 1, 2003, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of North Dakota, resulting from severe storms and high winds on June 24–25, 2003, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121–5206 (the Stafford Act). I, therefore, declare that such a major disaster exists in the State of North Dakota.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas, and Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs. If Other Needs Assistance under Section 408 of the Stafford Act is later requested and warranted, Federal funding under that program will also be limited to 75 percent of the total eligible costs.

The North Dakota Division of Emergency Management (DEM) will manage the Public Assistance operation, including project eligibility reviews, process control, and resource allocation. The Federal Emergency Management Agency (FEMA) will retain obligation authority, the final approval of environmental and historic preservation reviews, and will assist the North Dakota DEM to the extent that such assistance is necessary and requested by DEM.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended, James N. Russo, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following area of the State of North Dakota to have been affected adversely by this declared major disaster:

Barnes County for Public Assistance.

All counties within the State of North Dakota are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560, Individual and Household Program-Other Needs; 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–20851 Filed 8–14–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1478–DR]

Ohio; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Ohio (FEMA–1478–DR), dated July 15, 2003, and related determinations.

EFFECTIVE DATE: August 4, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Ohio is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 15, 2003:

Columbiana and Mahoning Counties for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program—Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–20842 Filed 8–14–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1478–DR]

Ohio; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Ohio (FEMA–1478–DR), dated July 15, 2003, and related determinations.

EFFECTIVE DATE: July 29, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Ohio is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 15, 2003:

Crawford and Pike Counties for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program-Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–20843 Filed 8–14–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1484–DR]

Ohio; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Ohio (FEMA–1484–DR), dated August 1, 2003, and related determinations.

EFFECTIVE DATE: August 1, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated August 1, 2003, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Ohio, resulting from tornadoes, flooding, severe storms, and high winds, on July 21, 2003, and continuing, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). I, therefore, declare that such a major disaster exists in the State of Ohio.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas, and Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act you may deem appropriate. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Hazard Mitigation, and the Other Needs Assistance under Section 408 of the Stafford Act will be limited to 75 percent of the total eligible costs. If Public Assistance is later requested and warranted, Federal funds provided under that program will also be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended, Ron Sherman, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Ohio to have been affected adversely by this declared major disaster:

Mahoning, Medina, Portage, Summit, and Trumbull Counties for Individual Assistance.

All counties within the State of Ohio are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560, Individual and Household Program-Other Needs; 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–20850 Filed 8–14–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1484–DR]

Ohio; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Ohio (FEMA–1484–DR), dated August 1, 2003, and related determinations.

EFFECTIVE DATE: August 5, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Ohio is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of August 1, 2003:

Carroll, Columbiana, Cuyahoga, and Stark

Counties for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560, Individual and Household Program-Other Needs; 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–20854 Filed 8–14–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1482–DR]

Tennessee; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Tennessee (FEMA–1482-DR), dated July 29, 2003, and related determinations.

EFFECTIVE DATE: August 6, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Tennessee is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 29, 2003:

Fayette County for Individual Assistance (already designated for Public Assistance.)

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program—Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–20848 Filed 8–14–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1482–DR]

Tennessee; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Tennessee (FEMA–1482–DR), dated July 29, 2003, and related determinations.

EFFECTIVE DATE: July 29, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated July 29, 2003, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act), as follows:

I have determined that the damage in certain areas of the State of Tennessee, resulting from severe storms, high winds, and heavy rain on July 21–22, 2003, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act). I, therefore, declare that such a major disaster exists in the State of Tennessee.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance and Public Assistance in the designated areas, and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance, Hazard Mitigation, and the Other Needs Assistance under Section 408 of the Stafford Act will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Under Secretary for Emergency Preparedness and Response, Department of Homeland Security, under Executive Order 12148, as amended, Charles M. Butler, of FEMA is appointed to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Tennessee to have been affected adversely by this declared major disaster:

Shelby County for Individual Assistance and Public Assistance.

Fayette County for Public Assistance.

All counties within the State of Tennessee are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560, Individual and Household Program-Other Needs; 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–20849 Filed 8–14–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1479–DR]

Texas; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Texas (FEMA–1479–DR), dated July 17, 2003, and related determinations.

EFFECTIVE DATE: August 5, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Texas is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 17, 2003:

Aransas County for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program-Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–20844 Filed 8–14–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1479–DR]

Texas; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Texas (FEMA–1479–DR), dated July 17, 2003, and related determinations.

EFFECTIVE DATE: August 1, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Texas is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of July 17, 2003:

Atascosa and McMullen Counties for Individual Assistance (already designated for Public Assistance.)

Zavala County for Individual Assistance and Public Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program—Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–20845 Filed 8–14–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[FEMA–1474–DR]

West Virginia; Amendment No. 9 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of West Virginia (FEMA–1474–DR), dated June 21, 2003, and related determinations.

EFFECTIVE DATE: July 30, 2003.

FOR FURTHER INFORMATION CONTACT: Magda Ruiz, Recovery Division, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–2705.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of West Virginia is hereby amended to include the following area among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of June 21, 2003:

Marion County for Individual Assistance.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.556, Fire Management Assistance; 83.558, Individual and Household Housing; 83.559, Individual and Household Disaster Housing Operations; 83.560 Individual and Household Program-Other Needs, 83.544, Public Assistance Grants; 83.548, Hazard Mitigation Grant Program.)

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response.

[FR Doc. 03–20841 Filed 8–14–03; 8:45 am]

BILLING CODE 6718–02–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

Grants to States for Community Emergency Response Teams

AGENCY: U.S. Fire Administration (USFA), Federal Emergency Management Agency, Emergency Preparedness and Response Directorate, Department of Homeland Security.

ACTION: Notice of funds availability.

SUMMARY: FEMA gives notice of the availability of grant funding in the amount of $18.8 million for fiscal year (FY) 2003 for the development or improvement of Community Emergency Response Teams (CERTs).

FOR FURTHER INFORMATION CONTACT: Sam Isenberger, National Emergency Training Center, Training Division, 16825 S. Seton Avenue, Emmitsburg, MD 21727. Telephone No. (301) 447–1071 or e-mail: *sam.isenberger@dhs.gov*.

SUPPLEMENTARY INFORMATION: The CERT concept was developed and implemented by the Los Angeles City Fire Department in 1985. When emergencies occur, CERT members can give critical support to first responders, provide immediate assistance to victims, and organize spontaneous volunteers at a disaster site. CERT members can also help with non-emergency projects that help improve the safety of the community.

The CERT training program, made available nationally by FEMA in 1993, is a 20-hour course typically delivered over a seven-week period. Training sessions cover disaster preparedness, disaster fire suppression, basic disaster

medical operations, light search and rescue, and team operations.

The FY 2003 grant funding is in addition to $17 million distributed under the FY 2002 emergency supplemental appropriation. In the FY 2003 program, FEMA intends to continue, maintain, and expand existing State and local CERT programs while supporting new CERT Train-The-Trainer courses and extending the CERT program into new jurisdictions nationwide.

Authority

Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5121–5206.

Appropriations

The Consolidated Appropriations Resolution, 2003, Pub. L. 108–7, provides $20 million for CERTs of which FEMA is using $18.8 million for grants and $1.2 million for FEMA activities essential for the development and maintenance of the CERT training program.

Applicant Eligibility

States are eligible to apply for the assistance described in this notice. The term ''State'' as used in this notice and consistent with the Stafford Act, 42 U.S.C. 5122(4), means any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Local governments may receive assistance as subgrantees of the States in which they are located. The term ''Local government'' as used in this notice shall have the meaning set forth in the Stafford Act, 42 U.S.C. 5122(6).

Target Funding Allocations

Funds are allocated on the basis of population with minimums, or base amounts, derived using the percentages prescribed in Section 1014 of the USA Patriot Act. Each of the fifty States, the District of Columbia, and Puerto Rico will be allocated a base amount of 0.75 percent of the total funding available. The insular areas of the Virgin Islands, American Samoa, Guam, and the Commonwealth of the Northern Mariana Islands will be allocated a base amount of 0.25 percent of the total funding available. The remainder of the funding available will be allocated on the basis of the most recent official population estimates.

Cost-Share and Pass-Through Requirements

There is no cost-share, or matching, requirement associated with funding under this program. Grantees must pass through at least 75 percent of the funding received to local governments, also with no matching requirement.

Activities To Be Funded

- Grantees conduct CERT Train-The-Trainer courses to prepare program managers and instructional teams who will initiate or expand the CERT training program.
- Local governments initiate, organize, train, and maintain CERTs and use these teams as an emergency management resource and as a volunteer pool to perform special projects that improve a community's preparedness. This may include the purchase of CERT equipment including hard hats, safety vests, goggles, and gloves that will remain the property of the State or local jurisdiction.
- Communities with established CERT programs continue, maintain, and expand these programs.

Grant Application Process

The grant application for CERT funding must include:
- Application for Federal Assistance, Standard Form 424;
- Budget Information—Non-Construction Program, FEMA Form 20–20;
- Budget Narrative;
- Summary Sheet for Assurances and Certification, FEMA Form 20–16;
- Assurances—Non-Construction Program, FEMA Form 20–16A;
- Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements, FEMA Form 20–16C;
- Disclosure of Lobbying Activities, Standard Form LLL; and
- Program Narrative identifying the activities for which funding is requested.

The Program Narrative should include the following:
- A timeline for conducting CERT Train-The-Trainer (TTT) courses for the State's jurisdictions;
- A process for soliciting, evaluating, and awarding subgrants to local governments that will establish or continue CERT programs as part of their community preparedness efforts;
- Criteria for awarding subgrants; and
- Description of the procedure the State will use to meet the reporting requirements to the FEMA Regional office.

Applications should be submitted to the FEMA Regional Offices no later than four weeks after receipt of request for applications from the FEMA Regional offices. The FEMA Regional addresses are found at the end of this notice. FEMA Regional offices will work directly with State points of contact, as needed, on the development of applications. Applications will be reviewed to determine that:
- A time line has been identified for distributing funds to localities.
- A time line has been identified, if applicable, for conducting CERT Train-The-Trainer courses.
- The State has explained how it will solicit, evaluate, and award subgrants to local governments.
- The State has identified the sponsorship for State's and localities' Emergency Management Institute CERT programs: public sector emergency management, response agency, or local Citizen Corps Council.
- The State has given a proposed number of trained CERT instructors.
- The State has given a proposed number of people who will be trained using the CERT program.
- The State provides information on its plans for maintaining CERT members including how they can be used to supplement emergency management activities in disaster and non-disaster situations.
- The State will require as part of the subgrant to local governments that they will list their programs in the Directory of CERT Programs by State on the CERT Internet Web site.

State points of contact will be notified of all relevant time requirements for submission of applications.

Performance Periods

The performance period for grants to support CERT activities is 12 months from the date of the grant award.

Reporting Requirements

The States are required to submit quarterly financial and performance reports 30 days after the end of each quarter, per 44 CFR 13.40 and 41. Reporting dates are: January 30, April 30, July 30, and October 30. The performance reports will provide a comparison of actual accomplishments to the objectives approved for the period. Grantee and subgrantee activities should be reported for the reporting period and for the cumulative period from the grant award date. Program performance reports shall include the following information:
- Total amount of grant funds used to date and for what activities;
- Number of CERT trainers and members trained, by location;

• Concerns regarding a jurisdiction using its grant allocation or meeting its training targets (Include any suggested remedies); and

• Examples of emergency and non-emergency use of CERT in the community.

When the Department of Health and Human Services (HHS) Payment Management System (SMARTLINK) is used for advanced or reimbursement payments, the grantee is required to submit a copy of Federal Cash Transaction Report (HHS/PMS 272) to FEMA when it is submitted to HHS. In addition, final financial and performance reports are required 90 days after the close of the grant, per 44 CFR 13.50.

Addresses: FEMA Regional Offices:

FEMA Region I—*Serving the States of Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and Massachusetts:* 442 J.W. McCormack POCH, Boston, MA 02109–4595.

FEMA Region II—*Serving the States of New York and New Jersey, the Commonwealth of Puerto Rico and the Territory of the U.S. Virgin Islands:* 26 Federal Plaza, Rm. 1337, New York, NY 10278–0002.

FEMA Region III—*Serving the District of Columbia and the States of Delaware, Maryland, Pennsylvania, Virginia, and West Virginia:* 1 Independence Mall, 6th Floor, 615 Chestnut Street, Philadelphia, PA 19106–4404.

FEMA Region IV—*Serving the States of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina and Tennessee:* 3003 Chamblee Tucker Road, Atlanta, GA 30341.

FEMA Region V—*Serving the States of Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin:* 536 S. Clark Street, 6th Floor, Chicago, IL 60605.

FEMA Region VI—*Serving the States of Arkansas, Louisiana, New Mexico, Oklahoma and Texas:* FRC 800 North Loop 288, Denton, TX 76201–3698.

FEMA Region VII—*Serving the States of Iowa, Kansas, Missouri, and Nebraska:* 2323 Grand Blvd., Suite 900, Kansas City, MO 64108.

FEMA Region VIII—*Serving the States of Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming:* Denver Federal Center, Building 710, Box 25267, Denver, CO 80225–0267.

FEMA Region IX—*Serving the States of Arizona, California, Hawaii and Nevada; the Territories of American Samoa and Guam, and the Commonwealth of the Northern Mariana Islands:* 1111 Broadway, Suite 1200, Oakland, CA 94607–4052.

FEMA Region X—*Serving the States of Alaska, Idaho, Oregon and Washington:* Federal Regional Center, 130 228th Street, SW., Bothell, WA 98021–9709.

Michael D. Brown,

Under Secretary, Emergency Preparedness and Response Directorate.

[FR Doc. 03–20855 Filed 8–14–03; 8:45 am]

BILLING CODE 6718–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4809–N–33]

Federal Property Suitable as Facilities to Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

EFFECTIVE DATE: August 15, 2003.

FOR FURTHER INFORMATION CONTACT: Mark Johnston, Department of Housing and Urban Development, Room 7262, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: August 7, 2003.

John D. Garrity,

Director, Office of Special Needs Assistance Programs.

[FR Doc. 03–20487 Filed 8–14–03; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Issuance of Permits

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of issuance of permits for endangered species.

SUMMARY: The following permits were issued.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax 703/358–2281.

FOR FURTHER INFORMATION CONTACT: Division of Management Authority, telephone 703/358–2104.

SUPPLEMENTARY INFORMATION: Notice is hereby given that on the dates below, as authorized by the provisions of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*), the Fish and Wildlife Service issued the requested permits subject to certain conditions set forth therein. For each permit for an endangered species, the Service found that (1) the application was filed in good faith, (2) the granted permit would not operate to the disadvantage of the endangered species, and (3) the granted permit would be consistent with the purposes and policy set forth in section 2 of the Endangered Species Act of 1973, as amended.

Endangered Species

Permit No.	Applicant	Receipt of application **Federal Register** notice	Permit issuance date
067101	Albuquerque Biological Park	68 FR 25620; May 13, 2003.	July 14, 2003.
067587	Patricia Szczys	68 FR 33734; June 5, 2003	July 23, 2003.
071450	William E. Rypkema	68 FR 33179; June 3, 2003	July 14, 2003.
072073	James H. Zindl	68 FR 33734; June 5, 2003	July 14, 2003.
072106	William R. Myers	68 FR 33734; June 5, 2003	July 14, 2003.
072379	Lynn C. Thompson	68 FR 33734; June 5, 2003	July 14, 2003.

Dated: August 1, 2003.

Michael S. Moore,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 03–20802 Filed 8–14–03; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Applications for Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of applications for permit.

SUMMARY: The public is invited to comment on the following applications to conduct certain activities with endangered species and/or marine mammals.

DATES: Written data, comments or requests must be received by September 15, 2003.

ADDRESSES: Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents within 30 days of the date of publication of this notice to: U.S. Fish and Wildlife Service, Division of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203; fax 703/358–2281.

FOR FURTHER INFORMATION CONTACT: Division of Management Authority, telephone 703/358–2104.

SUPPLEMENTARY INFORMATION:

Endangered Species

The public is invited to comment on the following application(s) for a permit to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*). Written data, comments, or requests for copies of these complete applications should be submitted to the Director (address above).

PRT–075020

Applicant: David R. Curl, Carrollton, TX.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

PRT–075282

Applicant: James G. Kehler, III, Woodbury, NJ.

The applicant requests a permit to import the sport-hunted trophy of one male bontebok (*Damaliscus pygargus dorcas*) culled from a captive herd maintained under the management program of the Republic of South Africa, for the purpose of enhancement of the survival of the species.

Endangered Marine Mammals and Marine Mammals

The public is invited to comment on the following application for a permit to conduct certain activities with endangered marine mammals and/or marine mammals. The application was submitted to satisfy requirements of the Endangered Species Act of 1973, *as amended* (16 U.S.C. 1531, *et seq.*) and/or the Marine Mammal Protection Act of 1972, *as amended* (16 U.S.C. 1361 *et seq.*), and the regulations governing endangered species (50 CFR Part 17) and/or marine mammals (50 CFR Part 18). Written data, comments, or requests for copies of the complete applications or requests for a public hearing on these applications should be submitted to the Director (address above). Anyone requesting a hearing should give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Director.

PRT–075190

Applicant: Byron H. Christie, San Angelo, TX.

The applicant requests a permit to import a polar bear (*Ursus maritimus*) sport hunted from the Viscount Melville Sound polar bear population in Canada for personal use.

The U.S. Fish and Wildlife Service has information collection approval from OMB through March 31, 2004, OMB Control Number 1018–0093. Federal agencies may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a current valid OMB control number.

Dated: August 1, 2003.

Michael S. Moore,

Senior Permit Biologist, Branch of Permits, Division of Management Authority.

[FR Doc. 03–20803 Filed 8–14–03; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered Species; Permit

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Finding of No Significant Impact (FONSI) and issuance of permit for Incidental Take of Endangered Species.

SUMMARY: On June 4, 2003, a FONSI determination was made for the action as described in the final Environmental Assessment. As authorized by the provisions of the Endangered Species Act (Act), as amended, the Service issued an Incidental Take Permit to the Long Point Homeowner's Association subject to certain conditions set forth therein.

ADDRESSES: Mr. Peter Fasbender, Regional Permits Coordinator, 1 Federal Drive, Fort Snelling, Minnesota 55111–4056.

FOR FURTHER INFORMATION CONTACT: Additional information on this permit may be requested by contacting Mr. Peter Fasbender, at (612) 713–5343, or *peter_fasbender@fws.gov.* The final Environmental Assessment and final Habitat Conservation Plan can be viewed on the Service's Regional Web site at: *http://midwest.fws.gov/NEPA.*

SUPPLEMENTARY INFORMATION: On March 17, 2003, a notice was published in the **Federal Register** (68 FR 12711) announcing that a draft Environmental Assessment and Habitat Conservation Plan and that a permit application had been filed with the U.S. Fish and Wildlife Service by the Long Point Homeowner's Association, Kellys Island, Erie County, Ohio. The permit was to incidentally take, pursuant to section 10(a)(1)(B) of the Act, Lake Erie water snake (*Nerodia sipedon insularum*) within the Long Point Subdivision pursuant to the terms of the Habitat Conservation Plan.

Notice is hereby given that on June 4, 2003, the Proposed Action (Alternative 3) was selected and a FONSI determination was made for the action as described in the final Environmental Assessment. As authorized by the provisions of the Act, the Service issued a permit (TE–072436) to the above-named party subject to certain conditions set forth therein. The permit was granted only after the Service determined it was applied for in good faith, that granting the permit would not be to the disadvantage of the endangered species, and that granting the permit was consistent with the purposes and policy set forth in the Act.

Dated: July 24, 2003.

TJ Miller,

Acting Assistant Regional Director, Ecological Services, Region 3, Fort Snelling, Minnesota.

[FR Doc. 03–20828 Filed 8–14–03; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of the Higgins' Eye Pearlymussel (Lampsilis higginsii) Draft Revised Recovery Plan for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces availability for public review of the draft revised recovery plan for the Higgins' eye pearlymussel (*Lampsilis higginsii*), a species that is federally listed as endangered under the Endangered Species Act of 1973 (Act). The purpose of this plan is to recover this species so that it can be removed from the list of Threatened and Endangered Species. This species occurs in the Mississippi River and tributaries to the Mississippi River in Illinois, Iowa, Minnesota, Missouri, and Wisconsin. The Service solicits review and comment from the public on this draft plan.

DATES: Comments on the draft recovery plan must be received on or before October 14, 2003.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services Field Office, 4101 E. 80th St., Bloomington, MN 55425 (telephone (612) 725–3548) or by accessing the following Web site: *http://midwest.fws.gov/Endangered*.

FOR FURTHER INFORMATION CONTACT: Mr. Phil Delphey at the above address, or telephone at (612) 725–3548 ext. 206. TTY users may contact Mr. Delphey through the Federal Relay Service at (800) 877–8339.

SUPPLEMENTARY INFORMATION:

Background

Restoring an endangered or threatened animal or plant to the point where it is again a secure self-sustaining member of its ecosystem is a primary goal of the Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the federally listed threatened and endangered species native to the United States. Recovery plans describe actions considered necessary for conservation of the species, establish criteria for reclassification and delisting, and provide estimates of the time and costs for implementing the recovery measures needed.

The Act requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires public notice and opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period before approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into consideration in the course of implementing approved recovery plans.

Higgins' eye pearlymussel is currently listed as endangered. Studies before 1993 indicated healthy populations of Higgins' eye in the Upper Mississippi River drainage, with no apparent significant declines in its distribution or abundance. In fact, new information since completion of the first recovery plan in 1983 extended its known range by 180 river-miles. There was concern, however, that a major flood in 1993 and the infestation of the Mississippi River by the non-native zebra mussel (*Dreissena polymorpha*) may have posed serious threats to the continued existence of Higgins' eye. In response to these threats and information, the Service convened a recovery team to review the status of the species and to revise the initial recovery plan, if necessary. The team commissioned a review of all research conducted on the species since 1980 and a survey of all sites designated as Essential Habitat Areas in the 1983 recovery plan. During the development of this revised recovery plan, new information came forward that suggested a significant impact of zebra mussels on Higgins' eye, and the team believes there is now a significant risk that the distribution and abundance of this species will be severely compromised.

The initial Higgins' Eye Pearlymussel Recovery Plan listed seven locations as primary habitats (called Essential Habitat Areas in this document) and nine locations as potential secondary habitats. This revised plan includes 10 Essential Habitat Areas—6 in the Mississippi River between river-miles 489 and 656, 1 in the Wisconsin River, and 3 in the St. Croix River, which empties into the Mississippi River at river-mile 811. Higgins' eye also occurs elsewhere in the Mississippi River. This revised plan recommends that surveys be conducted in several specific areas to better describe other potentially important habitats and also outlines specific criteria for evaluating additional areas as essential habitat. The plan recommends the development of a uniform protocol for collecting information on populations of Higgins' eye. Use of this protocol will allow for ongoing evaluation of the list of Essential Habitat Areas and progress towards recovery.

The removal of zebra mussels in a manner and scale necessary to benefit Higgins' eye is not currently feasible. Therefore, the plan focuses on developing methods to prevent new infestations, monitoring zebra mussels at Essential Habitat Areas, and developing and implementing contingency plans to alleviate impacts to infested populations. Based on recent activities, the latter may consist largely of removing Higgins' eye from areas where zebra mussels pose an imminent threat and releasing them into suitable habitats within their historical range where zebra mussels are not an imminent threat. Cleaning fouled adults in situ and artificial propagation and release are also currently being implemented in an attempt to alleviate the effects of zebra mussels on the conservation of Higgins' eye.

Although zebra mussels are currently the most important threat to Higgins' eye, construction activities and environmental contaminants may also pose significant threats. Therefore, the U.S. Army Corps of Engineers and other agencies must continue to assess and limit the potential impacts of their actions on Higgins' eye. The plan also outlines tasks needed to improve our understanding of the potential importance that contaminants play in the conservation of Higgins' eye and calls on the U.S. Coast Guard, Environmental Protection Agency, and other agencies to take actions to minimize the potential impacts of toxic spills.

The goal of this plan is to provide a framework for the recovery of the Higgins' eye pearlymussel so that protection by the Act is no longer necessary and the species can be considered for removal from the list of Endangered and Threatened Wildlife and Plants (50 CFR part 17). Higgins' eye may be considered for reclassification from endangered to threatened when at least five identified Essential Habitat Areas contain reproducing, self-sustaining populations of Higgins' eye that are not threatened by zebra mussels. Delisting Higgins' eye

requires that populations of Higgins' eye in at least five Essential Habitat Areas are reproducing, self-sustaining, not threatened by zebra mussels, and are sufficiently secure to assure long-term viability of the species.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified will be considered prior to approval of the plan. Written comments and materials regarding the plan should be sent to the Field Supervisor, Ecological Services Field Office (see **ADDRESSES** section). Comments received will be available for public inspection by appointment during normal business hours.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: July 31, 2003.

Charles M. Wooley,

Assistant Regional Director, Ecological Services, Region 3.

[FR Doc. 03–20830 Filed 8–14–03; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Fiscal Year (FY) 2004 Landowner Incentive Program (Non Tribal Portion) for States, Territories, and the District of Columbia; Notice of Request for Proposals

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; Request for proposals.

SUMMARY: The Service is requesting proposals at this time under the Landowner Incentive Program pending a Department of the Interior and Related Agencies Appropriations Act 2004 allocation of funds for conservation grants to States, the District of Columbia, Puerto Rico, Guam, the United States Virgin Islands, the Northern Mariana Islands, and American Samoa (hereafter referred to collectively as States), and Tribes. The Service will address the Tribal component of LIP under a separate **Federal Register** notice.

DATES: The Service must receive your grant proposal no later than October 14, 2003. We will not accept facsimile grant proposals, but States are encouraged to submit their proposals in electronic format (Word, Word Perfect or PDF files). All parts of the grant proposal must be received prior to the deadline.

ADDRESSES: Grant proposals must be submitted to the Service's Division of Federal Assistance at the following locations:

Region 1. Hawaii, Idaho, Oregon, Washington, California, Nevada, American Samoa, Guam, and Commonwealth of the Northern Mariana Islands.

Regional Director, Division of Federal Assistance, U.S. Fish and Wildlife Service, 911 NE., 11th Avenue, Portland, Oregon 97232–4181, LIP Contact: Verlyn Ebert, (503) 231–6128; *verlyn_ebert@r1.fws.gov.*

Region 2. Arizona, New Mexico, Oklahoma, and Texas.

Regional Director, Division of Federal Assistance, U.S. Fish and Wildlife Service, P.O. Box 1306, 500 Gold Avenue SW., Room 4012, Albuquerque, New Mexico 87102, LIP Contact: Bob Anderson, (505) 248–7459; *bob_anderson@fws.gov.*

Region 3. Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

Regional Director, Division of Federal Assistance, U.S. Fish and Wildlife Service, Bishop Henry Whipple Federal Building, One Federal Drive, Fort Snelling, Minnesota 55111–4056, LIP Contact: Lucinda Corcoran, (612) 713–5135; *lucinda_corcoran@fws.gov.*

Region 4. Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the U.S. Virgin Islands.

Regional Director, Division of Federal Assistance, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345, LIP Contact: Mike Piccirilli, (404) 679–4154; *mike_piccirilli@fws.gov.*

Region 5. Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

Regional Director, Division of Federal Assistance, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, MA 01035–9589, LIP Contact: Colleen Sculley, (413) 253–8509; *colleen_sculley@fws.gov.*

Region 6. Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming.

Regional Director, Division of Federal Assistance, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225–0486, LIP Contact: Jacque Richy, (303) 236–8155 ext. 236; *jacque_richy@fws.gov.*

Region 7. Alaska.

Regional Director, Division of Federal Assistance, U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, Alaska 99503–6199, LIP Contact: Al Havens (907) 786–3435; *al_havens@fws.gov.*

FOR FURTHER INFORMATION CONTACT: Kim Galvan, Policy Analyst, U.S. Fish and Wildlife Service, Division of Federal Assistance, 4401 North Fairfax Drive—Mailstop MBSP 4020, Arlington, VA 22203–1610; telephone 703–358–2420; e–mail *kim_galvan@fws.gov,* or any of the individuals identified previously in the Regional Offices.

SUPPLEMENTARY INFORMATION: The Service will award grants on a competitive basis to State fish and wildlife agency programs that enhance, protect, or restore habitats that benefit federally listed, proposed, or candidate species, or other at-risk species on private lands. A copy of the FY 2004 LIP Guidelines can be obtained at *http://federalaid.fws.gov/index.html* or from the Regional Offices described in the **ADDRESSES** section above.

The Service will distribute any LIP funds made available in the FY 2004 budget in the same manner described in these Guidelines. The Service requests that the States number the pages in their proposals, and limit their proposals to no more than 50 pages, inclusive of attachments.

Dated: July 22, 2003.

Paul R. Schmidt,

Assistant Director, Migratory Birds and State Programs.

[FR Doc. 03–20717 Filed 8–14–03; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Land Acquisitions; Little Traverse Bay Bands of Odawa Indians of Michigan

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of final agency determination to take land into trust under 25 CFR part 151.

SUMMARY: The Assistant Secretary—Indian Affairs made a final agency determination to acquire approximately 96 acres, more or less, of land into trust for the Little Traverse Bay Bands of Odawa Indians of Michigan on July 18, 2003. This notice is published in the exercise of authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 Departmental Manual 8.1.

SUPPLEMENTARY INFORMATION: This notice is published to comply with the requirement of 25 CFR part 151.12(b) that notice be given to the public of the Secretary's decision to acquire land in trust at least 30 days prior to signatory acceptance of the land into trust. The purpose of the 30-day waiting period in 25 CFR part 151.12(b) is to afford interested parties the opportunity to seek judicial review of final administrative decisions to take land in trust for Indian tribes and individual Indians before transfer of title to the property occurs. On July 18, 2003, the Assistant Secretary—Indian Affairs decided to accept approximately 96 acres, more or less, of land into trust for the Little Traverse Bay Bands of Odawa Indians of Michigan under the authority of the Little Traverse Bay Bands of Odawa Indians Act, 25 U.S.C. 1300k–1300k–7 (1994), which also restored Federal recognition to the Little Traverse Bay Bands of Odawa Indians and the Little River Band of Ottawa Indians. In a memorandum dated November 12, 1997, the Associate Solicitor, Division of Indian Affairs, determined that the Little Traverse Bay Bands is a restored tribe within the meaning of Section 20 of the Indian Gaming Regulatory Act (IGRA), 25 U.S.C. 2719 and that the trust acquisition of the parcel known as the ''Mackinaw City Tract'' qualified as restored lands. The Mackinaw Tract is within Emmet County. On August 5, 1999, the Associate Solicitor, Division of Indian Affairs further concluded that the site of the temporary Victories casino qualified as ''restored'' land within the meaning of section 20 of IGRA, because it is within Emmet County and is exempt from the general prohibition against gaming on land acquired in trust after October 17, 1988. On March 24, 2003, the Field Solicitor, Twin Cities concluded that pursuant to 25 U.S.C. 1300k–4(a) the acquisition of land located in Emmet County, Michigan for the Little Traverse Bay Bands is a mandatory acquisition for purposes of 25 CFR 151.10 and is considered ''restored'' land for purposes of 25 U.S.C. 2719(b)(1)(B)(iii) of IGRA.

The land referred to in Commitment No. 60016179, situated in the Township of Resort, County of Emmet, State of Michigan is described as follows:

The Northeast ¼ of the Southeast ¼ and the South one-half of the Northwest ¼ of the Southeast ¼, all in Section 12, Township 34 North, Range 6 West, *except*: Commencing at the East ¼ corner of Section 12, Township 34 North, Range 6 West; Resort Township, Emmet County, Michigan; thence South along the East line of said Section 12, for a distance of 427.29 feet; thence West 33.00 feet to a concrete monument on the West edge of Greenwood Cemetery Road, which is the point of beginning; thence West 217.00 feet to a concrete monument, thence South 160.00 feet to a concrete monument; thence East 217.00 feet to a concrete monument on the West edge of Greenwood Cemetery Road; thence North 160.00 feet to the point of beginning.

The land referred to in Commitment No. 60016178, situated in the Township of Resort, County of Emmet, State of Michigan is described as follows:

The Southeast ¼ of the Southeast ¼ of Section 12, Township 34 North, Range 6 West.

The property consists of approximately 96 acres located in Emmet County, Michigan.

FOR FURTHER INFORMATION CONTACT: George Skibine, Office of Indian Gaming Management, Bureau of Indian Affairs, MS–4543 MIB, 1849 C Street, NW., Washington, DC 20240; Telephone (202) 219–4066.

Dated: July 18, 2003.

Aurene M. Martin,

Assistant Secretary—Indian Affairs.

[FR Doc. 03–20935 Filed 8–14–03; 8:45 am]

BILLING CODE 4310–4N–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–090–5900, HAG03–0062]

Notice of Availability of the Draft Environmental Impact Statement for the Upper Siuslaw River Late-Successional Reserve Restoration Plan

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Availability (NOA) of the Draft Environmental Impact Statement (DEIS) for the Upper Siuslaw River Late-Successional Reserve (LSR) Restoration Plan.

SUMMARY: Pursuant to section 102(2)(C) of the National Environmental Policy Act (NEPA) of 1969, a DEIS has been prepared by the Bureau of Land Management (BLM), Eugene District, with the U.S. Fish and Wildlife Service as a cooperating agency, for the Upper Siuslaw River Late-Successional Reserve (LSR) Restoration Plan. The DEIS was prepared to analyze the impacts of a long-term management approach and specific actions needed to achieve the LSR goals and Aquatic Conservation Strategy objectives set out in the Northwest Forest Plan. The Upper Siuslaw LSR Restoration Plan will address management of approximately 25,000 acres of BLM-managed lands within LSR 267 in the upper portion of the Siuslaw River fifth-field watershed.

DATES: Written comments on the DEIS must be postmarked or otherwise delivered by 4:15 p.m., 60 days following the date the Environmental Protection Agency (EPA) publishes the NOA and filing of the DEIS in the **Federal Register**.

ADDRESSES: Written comments on the document should be addressed to: Rick Colvin, P.O. Box 10226, Eugene, OR, 97440; or e-mail to: *or090mb@or.blm.gov* Attn: Rick Colvin. Written comments may also be hand-delivered to the Eugene District Office, 2890 Chad Drive, Eugene, OR. Comments, including names and street addresses of respondents, will be available for public review at the Eugene District office during regular hours (7:45 a.m. to 4:15 p.m.), Monday through Friday, except holidays, and may be published as part of the environmental analysis or other related documents. Individual respondents may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your written comment. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organization or businesses, will be made available for public inspection in their entirety.

Copies of the DEIS will be mailed to individuals, agencies, or companies who previously requested copies. A limited number of copies of the document will be available at the Eugene District Office. The DEIS is also available online from the Eugene District Internet Web site at *http://www.edo.or.blm.gov*. All public meetings will be announced through the local news media, newsletters, and the Eugene District Internet Web site (*http://www.edo.or.blm.gov*) at least 15 days prior to the event.

FOR FURTHER INFORMATION CONTACT: Rick Colvin at (541) 683–6600 or 1–888–442–3061.

SUPPLEMENTARY INFORMATION: The DEIS addresses alternatives for forest and aquatic restoration within a Late-Successional Reserve in the Coast Range Mountains west of Eugene, Oregon. The purpose of the action is to protect and enhance late-successional and old-growth forest ecosystems; foster the development of late-successional forest structure and composition in

plantations and young forests; and reconnect streams and reconnect stream channel to their riparian areas and upslope areas.

The DEIS analyzes in detail the following six alternatives:

Alternative A—no active management (No Action);

Alternative B—restoration limited to forest plantations and road management with no commercial timber harvest;

Alternative C—continuation of the current management approach;

Alternative D—restoration focused on recovery of threatened and endangered species;

Alternative E—restoration that would reduce forest stand densities as quickly as possible; and

Alternative F—restoration based on multi-entry and multi-trajectory thinning.

All alternatives analyzed in the DEIS would be in conformance with the 1995 Eugene District Resource Management Plan (RMP) and would not require any amendment or revision of the RMP. The Preferred Alternative is *Alternative D.*

The DEIS analyzes the following issues:

—How would thinning affect development of late-successional forest habitat characteristics?

—What are the effects of restoration activities on the northern spotted owl, marbled murrelet, and coho salmon habitat?

—What level of risk to existing late-successional forest would result from restoration activities?

—How would actions meet the objectives of the Aquatic Conservation Strategy?

—How much new road construction would be needed to implement restoration actions?

—How would road decommissioning and road management actions alter public access to BLM lands?

—How would restoration actions affect the presence and spread of noxious weeds?

—What would be the economic effects of restoration activities?

—What would the restoration program cost?

Steven Calish,

Field Manager.

[FR Doc. 03–19255 Filed 8–14–03; 8:45 am]

BILLING CODE 4310–AG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WY–920–1430–FM, WYW 148816]

Notice of Public Interest Hearing

AGENCY: Bureau of Land Management, Interior and Forest Service, Agriculture.

ACTION: Notice of a public interest determination hearing on the proposed Pittsburg & Midway Coal exchange.

SUMMARY: A public hearing as required under regulations at 43 CFR 2203.3, is scheduled to accept oral and written testimony and comments on the public interest factors associated with the proposed Pittsburg and Midway (P&M) Coal Exchange. Pertinent information regarding the proposed exchange is contained in a Final Environmental Impact Statement (FEIS) which documents and discloses the results of an environmental analysis of the proposed P&M Coal Exchange. The FEIS may be viewed and downloaded from the BLM Wyoming Web site *http://www.wy.blm.gov.*

DATES: The public hearing will be held from 7–9 p.m. m.d.t., September 17, 2003, at Sheridan College, 3059 Coffeen Avenue, Whitney Building, Room W–136, Sheridan, Wyoming 82801.

ADDRESSES: Copies of the FEIS are also available for public inspection at the following BLM Offices: Wyoming State Office, 5353 Yellowstone Road, Cheyenne, WY 82009; Buffalo Field Office, 1425 Fort Street, Buffalo, WY 82834; Rawlins Field Office, 1300 N. Third Street, Rawlins, WY 82301; Casper Field Office, 2987 Prospector Drive, Casper, WY 82604; and the Pinedale Field Office, 432 E. Mill Street, Pinedale, WY 82941.

FOR FURTHER INFORMATION CONTACT: For more information contact Nancy Doelger at 307–261–7627, Mel Schlagel at 307–775–6257, or Tamara Gertsch at 307–775–6115.

SUPPLEMENTARY INFORMATION: After completion of the FEIS and prior to making a public interest determination and issuing a notice of decision, the BLM is required to hold a public hearing to receive public comments on the public interest factors on the proposed exchange. BLM will provide an attendance register at the door to record names of the parties attending the meeting. BLM will also provide a register for those desiring to express their views during the formal hearing procedure. The time allotted to each person wishing to make a statement will be determined by the number of attendees wishing to speak.

The hearing will consist of two distinct phases: (1) an informal phase where the BLM and the USFS will explain the exchange proposal in general terms and will respond to any questions about the exchange proposal, and (2) a formal phase where it will be explained that the hearing is afforded to provide an opportunity to receive comments regarding the public interest factors associated with the proposed exchange. BLM will ask each party who registered at the door to proceed to the microphone and provide their comments. Each party will be asked for their name, business affiliation (if any), and a written copy of their comments if one is available. BLM will not respond to any questions during the formal phase of the hearing. A transcript of both the written and verbal comments will be recorded and will become part of the official transcript for the hearing. The complete transcript of the formal phase of the hearing will be forwarded to the Department of Justice for their review, prior to a Record of Decision being issued for the proposed land exchange. Any comments received will be considered in the final decision issued for this exchange.

Dated: August 12, 2003.

Melvin Schlagel,

Realty Officer.

[FR Doc. 03–20829 Filed 8–14–03; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–068–03–1610–DR–241E]

Notice of Availability of Approved Resource Management Plan/Record of Decision

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Notice is hereby given that the Bureau of Land Management (BLM) has prepared an Approved Resource Management Plan/Record of Decision (RMP/ROD) for the Las Cienegas National Conservation Area (NCA) and Sonoita Valley Acquisition Planning District (SVAPD) located in Pima and Santa Cruz Counties, Arizona. The RMP/ROD will be signed by the Arizona State Director and become effective upon publication of this notice.

The RMP/ROD has been prepared pursuant to the National Environmental Policy Act (NEPA), the Federal Land Policy and Management Act (FLPMA), the act establishing the Las Cienegas

National Conservation Area (H.R. 2941), and BLM management policies.

The RMP/ROD was developed with broad public participation through a six-year collaborative planning process. The RMP/ROD addresses management on approximately 49,000 acres of public land within the NCA and SVAPD. The RMP/ROD is designed to achieve or maintain desired future conditions developed through the Sonoita Valley Planning Partnership process. The RMP/ROD also includes a series of management actions to meet the desired resource conditions for upland and riparian vegetation, wildlife habitats, and cultural and visual resources as well as livestock grazing and recreation.

ADDRESSES: Copies of the RMP/ROD are available upon request from the Field Manager, Tucson Field Office, Bureau of Land Management, 12661 East Broadway Boulevard, Tucson, Arizona 85748–7208 or via the Internet at *www.az.blm.gov.*

FOR FURTHER INFORMATION CONTACT: Karen Simms, Ecosystem Planner, Tucson Field Office, Bureau of Land Management, 12661 East Broadway Boulevard, Tucson, Arizona 85748–7208; telephone number (520) 258–7210.

SUPPLEMENTARY INFORMATION: The approved Resource Management Plan is essentially the same as Alternative 2 in the Proposed Las Cienegas RMP/Final Environmental Impact Statement (PRMP/FEIS) that was published in June 2002. BLM received only one protest to the PRMP/FEIS. No inconsistencies with State or local plans, policies, or programs were identified during the Governor consistency review of the PRMP/FEIS. As a result, only minor editorial modifications were made in preparing the RMP/ROD. These modifications corrected errors that were noted during review of Alternative 2 of the PRMP/FEIS and provide further clarification for some of the decisions. An errata sheet is included with the RMP/ROD that identifies the location of the corrections in the PRMP/FEIS.

Elaine Y. Zielinski,

State Director.

[FR Doc. 03–21073 Filed 8–14–03; 8:45 am]

BILLING CODE 4810–32–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

California Bay-Delta Public Advisory Committee Charter Renewal

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of charter renewal.

SUMMARY: This notice is published in accordance with Section 9(a)(2) of the Federal Advisory Committee Act of 1972 (Pub. L. 92–463). Following consultation with the General Services Administration, notice is hereby given that the Secretary of the Interior is renewing the charter for the California Bay-Delta Public Advisory Committee. The purpose of the Committee is to provide recommendations to the Secretary of the Interior, the Governor of California, the California Bay-Delta Authority, and other participating Federal agencies on implementation of the CALFED Bay-Delta Program (Program) as described in the Programmatic Record of Decision which outlines the long-term comprehensive solution for addressing the problems affecting the San Francisco Bay/Sacramento-San Joaquin Delta Estuary. The Committee will provide recommendations on implementation of each element of the Program through the completion of Stage 1 (first 7 years). Specific responsibilities of the Committee include: (1) Making recommendations on annual priorities and coordination of Program actions to achieve balanced implementation of the Program elements; (2) providing recommendations on effective integration of Program elements to provide continuous, balanced improvement of each of the Program objectives (ecosystem restoration, water quality, levee system integrity, and water supply reliability); (3) evaluating implementation of Program actions in Stage 1, including assessment of Program area performance; (4) reviewing and making recommendations on Program Plans and Annual Reports describing implementation of Program elements as set forth in the Programmatic Record of Decision to the Secretary, the Governor, the Congress, the California Legislature, the Authority, and other interested parties; (5) recommending Program actions taking into account recommendations from the Committee's subcommittees; and (6) liaison between the Committee's subcommittee, the State and Federal agencies, the Secretary and the Governor.

The Committee consists of 20 to 30 members who are appointed by the Secretary in consultation with the Governor.

FOR FURTHER INFORMATION CONTACT: Diane Buzard, CALFED Program Manager, 2800 Cottage Way, Sacramento, California 95821–1898, telephone (916) 978–5525.

The certification of Charter renewal is published below:

Certification

I hereby certify that Charter renewal of the California Bay-Delta Public Advisory Committee is in the public interest in connection with the performance of duties imposed on the Department of the Interior.

Gale A. Norton,

Secretary of the Interior.

[FR Doc. 03–20800 Filed 8–14–03; 8:45 am]

BILLING CODE 4310–MN–M

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

Notice of Proposed Information Collection for 1029–0103

AGENCY: Office of Surface Mining Reclamation and Enforcement.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, the Office of Surface Mining Reclamation and Enforcement (OSM) is announcing that the information collection request regarding noncoal reclamation, found at 30 CFR part 875, has been forwarded to the Office of Management and Budget (OMB) for renewal authority. The information collection request describes the nature of the information collection and the expected burden and cost.

DATES: OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days. Therefore, public comments should be submitted to OMB by September 15, 2003, in order to be assured of consideration.

FOR FURTHER INFORMATION CONTACT: To request a copy of the information collection request, explanatory information and related form, contact John A. Trelease at (202) 208–2783, or electronically at *jtreleas@osmre.gov.*

SUPPLEMENTARY INFORMATION: The Office of Management and Budget (OMB) regulations at 5 CFR 1320, which implement provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104–13), require that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8 (d)). OSM has submitted a request to OMB to renew its approval of the collection of information for noncoal reclamation, found at 30 CFR part 875. OSM is requesting a 3-

year term of approval for this information collection activity.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for this collection of information is listed in 30 CFR part 875, which is 1029–0103.

As required under 5 CFR 1320.8(dl), a **Federal Register** notice soliciting comments on these collections of information was published on May 2, 2003 (68 FR 23496). No comments were received. This notice provides the public with an additional 30 days in which to comment on the following information collection activity:

Title: Noncoal reclamation, 30 CFR part 875.

OMB Control Number: 1029–0103.

Summary: This part establishes procedures and requirements for State and Indian tribes to conduct noncoal reclamation using abandoned mine land funding. The information is needed to assure compliance with the Surface Mining Control and Reclamation Act of 1977.

Bureau Form Numbers: OSM–47, OSM–51.

Frequency of collection: Once.

Description of Respondents: State governments and Indian Tribes.

Total Annual Responses: 10.

Total Annual Burden Hours: 189.

Send comments on the need for the collection of information for the performance of the functions of the agency; the accuracy of the agency's burden estimates; ways to enhance the quality, utility and clarity of the information collection; and ways to minimize the information collection burden on respondents, such as use of automated means of collection of the information, to the following address. Please refer to the appropriate OMB control number in all correspondence.

ADDRESSES: Submit comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Department of Interior Desk Officer, by telefax at (202) 395–5806 or via e-mail to *Ruth_Solomon@omb.eop.gov.* Also, please send a copy of your comments to John A. Trelease, Office of Surface Mining Reclamation and Enforcement, 1951 Constitution Ave, NW., Room 210–SIB, Washington, DC 20240; or electronically to *jtreleas@osmre.gov.*

Dated: July 1, 2003.

Richard G. Bryson,

Chief, Division of Regulatory Support.

[FR Doc. 03–20917 Filed 8–14–03; 8:45 am]

BILLING CODE 4310–05–M

INTERNATIONAL TRADE COMMISSION

[Investigation No. TA–421–3]

Certain Brake Drums and Rotors From China

Determination

On the basis of information developed in the subject investigation, the United States International Trade Commission determines, pursuant to section 421(b)(1) of the Trade Act of 1974,[1] that certain brake drums and rotors [2] from the People's Republic of China are not being imported into the United States in such increased quantities or under such conditions as to cause or threaten to cause market disruption to the domestic producers of like or directly competitive products.

Background

Following receipt of a petition, as amended, filed on June 6, 2003, on behalf of the Coalition for the Preservation of American Brake Drum and Rotor Aftermarket Manufacturers, the Commission instituted investigation No. TA–421–3, Certain Brake Drums and Rotors from China, under section 421 of the Trade Act of 1974 to determine whether certain brake drums and rotors from China are being imported into the United States in such increased quantities or under such conditions as to cause or threaten to cause market disruption to the domestic producers of like or directly competitive products.

Notice of the institution of the Commission's investigation and of the scheduling of a public hearing to be held in connection therewith was given by posting a copy of the notice on the Commission's Web site (*http://www.usitc.gov*) and by publishing the notice in the **Federal Register** of June 16, 2003 (68 FR 35702). The hearing was held on July 18, 2003 in Washington, DC; all persons who requested the opportunity were permitted to appear in person or by counsel.

The views of the Commission are contained in USITC Publication 3622 (August 2003), entitled Certain Brake Drums and Rotors from China: Investigation No. TA–421–3.

By order of the Commission.

Issued: August 5, 2003.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 03–20813 Filed 8–14–03; 8:45 am]

BILLING CODE 7020–02–P

[1] 19 U.S.C. 2451(b)(1).

[2] For purposes of this investigation, aftermarket brake drums and aftermarket brake rotors are defined as certain brake drums and certain brake rotors made of gray cast iron, whether finished, semifinished, or unfinished, ranging in diameter from 8 to 16 inches (20.32 to 40.64 centimeters) and in weight from 8 to 45 pounds (3.63 to 20.41 kilograms). The size parameters (weight and dimension) of the brake drums and brake rotors limit their use to the following types of motor vehicles: automobiles, all-terrain vehicles, vans and recreational vehicles under ''one ton and a half,'' and light trucks designated as ''one ton and a half.''

Finished aftermarket brake drums and finished aftermarket brake rotors are those that are ready for sale and installation without any further operations. Semifinished aftermarket brake drums and semifinished aftermarket brake rotors are those on which the surface is not entirely smooth, and has undergone some drilling. Unfinished aftermarket brake drums and unfinished aftermarket brake rotors are those which have undergone some grinding or turning.

The brake drums and brake rotors are for motor vehicles, and do not contain in the casting a logo of an original equipment manufacturer which produces vehicles sold in the United States (e.g., General Motors, Ford, DaimlerChrysler, Honda, Toyota, Volvo). Brake drums and brake rotors covered in this investigation are not certified by OEM producers of vehicles sold in the United States. The scope also includes composite brake drums and composite brake rotors that are made of gray cast iron, which contain a steel plate, but otherwise meet the above criteria.

The imported products are provided for in subheading 8708.39.50 of the HTS at a general duty rate of 2.5 percent *ad valorem.* Although the HTS category is provided for convenience and Customs purposes, the written description of the merchandise under investigation is dispositive.

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1046 (Preliminary)]

Tetrahydrofurfuryl Alcohol From China

Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission (Commission) determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from China of tetrahydrofurfuryl alcohol, provided for in subheading 2932.13.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

Commencement of Final Phase Investigation

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigation. The Commission will issue a final phase

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the Department of Commerce (Commerce) of an affirmative preliminary determination in the investigation under section 733(b) of the Act, or, if the preliminary determination is negative, upon notice of an affirmative final determination in that investigation under section 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigation need not enter a separate appearance for the final phase of the investigation. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation.

Background

On June 23, 2003, a petition was filed with the Commission and Commerce by Penn Specialty Chemicals, Inc., Plymouth Meeting, PA, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of tetrahydrofurfuryl alcohol from China. Accordingly, effective June 23, 2003, the Commission instituted antidumping duty investigation No. 731–TA–1046 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of June 30, 2003 (69 FR 38721). The conference was held in Washington, DC, on July 14, 2003, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on August 7, 2003. The views of the Commission are contained in USITC Publication 3620 (August 2003), entitled *Tetrahydrofurfuryl Alcohol from China: Investigation No. 1046 (Preliminary).*

By order of the Commission.

Issued: August 11, 2003.

Marilyn R. Abbott,

Secretary to the Commission.

[FR Doc. 03–20814 Filed 8–14–03; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Office of the Assistant Attorney General for Civil Rights; Certification of the Maryland Accessibility Code Under the Americans With Disabilities Act

AGENCY: Department of Justice.

ACTION: Notice of preliminary determination of equivalency, the period for submitting public comments and the hearing in Maryland on the proposed determination of equivalency.

SUMMARY: The Department of Justice (Department) has determined that the Maryland Accessibility Code, under .05.02.02 of the Code of Maryland Regulations (COMAR), as adopted pursuant to Article 83B, section 6–102 of the Annotated Code of Maryland (together, the Maryland law), meets or exceeds the new construction and alterations requirements of title III of the Americans with Disabilities Act of 1990 (ADA). The Department proposes to issue a final certification, pursuant to 42 U.S.C. 12188(b)(1)(A)(ii) and 28 CFR 36.601 *et seq.*, which would constitute rebuttable evidence, in any enforcement proceeding, that a building constructed or altered in accordance with the Maryland law meets or exceeds the requirements of the ADA. The Department invites public comment on the proposed certification determination and will hold an informal hearing on the proposed determination in Ellicott City, Maryland.

DATES: To be assured of consideration, comments must be in writing and must be received on or before October 14, 2003. The hearing in Ellicott City, Maryland is scheduled for Thursday, September 4, 2003, at 1 p.m., Eastern Time.

ADDRESSES: Comments on the preliminary determination of equivalency and on the proposal to issue final certification of equivalency of the Maryland law should be sent to: John L. Wodatch, Chief, Disability Rights Section, Civil Rights Division, U.S. Department of Justice, 950 Pennsylvania Avenue, NW., 1425 NYA Building, Washington, DC 20530.

The hearing in Maryland will be held at the office of the Maryland Department of Community Development located at: The Banneker Room, George Howard Building/Howard County Office Complex, Ellicott City, MD 21043.

FOR FURTHER INFORMATION CONTACT: John L. Wodatch, Chief, Disability Rights Section, Civil Rights Division, U.S. Department of Justice, 950 Pennsylvania Avenue, NW., 1425 NYA Building, Washington, DC 20530. Telephone number (800) 514–0301 (Voice) or (800) 514–0383 (TTY).

Copies of this notice are available in formats accessible to individuals with vision impairments and may be obtained by calling (800) 514–0301 (Voice) or (800) 514–0383 (TTY). Copies of the Maryland law and supporting materials may be inspected by appointment at 1425 New York Avenue, NW., Suite 4039, Washington, DC by calling Linda Garrett at (202) 353–0423 TTY, or by e-mail at *Linda.Garrett@usdoj.gov*.

SUPPLEMENTARY INFORMATION:

Background: The ADA authorizes the Department of Justice, upon application by a State or local government, to certify that a State or local law that establishes accessibility requirements meets or exceeds the minimum requirements of title III of the ADA for new construction and alterations. 42 U.S.C. 12188(b)(1)(A)(ii); 28 CFR 36.601 *et seq.* Final certification constitutes rebuttable evidence, in any ADA enforcement action, that a building constructed or altered in accordance with the certified code complies with the new construction and alterations requirements of title III of the ADA.

The Maryland Department of Housing and Community Development requested that the Department of Justice (Department) certify that the Maryland Accessibility Code, under .05.02.02 of the Code of Maryland Regulations (COMAR), as adopted pursuant to Article 83B, section 6–102 of the Annotated Code of Maryland (together, the Maryland law), meets or exceeds the new construction and alterations requirements of title III of the ADA.

The Department has analyzed the Maryland law and has preliminarily determined that it meets or exceeds the new construction and alterations requirements of title III of the ADA. By letter dated May 29, 2003, the Department notified the Maryland Department of Housing and Community Development of its preliminary determination of equivalency.

Effect of Certification: The certification determination will be limited to the version of the Maryland law that has been submitted to the Department. The certification will not apply to amendments or interpretations

that have not been submitted and reviewed by the Department.

Certification will not apply to buildings constructed by or for State or local government entities, which are subject to title II of the ADA. Nor does certification apply to accessibility requirements that are addressed by the Maryland law that are not addressed by the ADA Standards for Accessible Design.

Finally, certification does not apply to variances or waivers granted under the Maryland law. Therefore, if a builder receives a variance, waiver, modification, or other exemption from the requirements of the Maryland law for any element of construction or alterations, the certification determination will not constitute evidence of ADA compliance with respect to that element.

Procedure: The Department will review comments received from the public regarding the proposed determination and, during the 60-day comment period, will hold an informal hearing in Maryland to provide an opportunity for interested persons, including individuals with disabilities, to express their views with respect to the preliminary determination of equivalency of the Maryland law. Interested parties who wish to testify at the hearing should contact Linda Garrett at (202) 353–0423 TTY or by e-mail at *Linda.Garrett@usdoj.gov.*

The hearing site will be accessible to individuals with disabilities. Individuals who require sign language interpreters or other auxiliary aids should contact Linda Garrett at (202) 353–0423 TTY, or by e-mail at *Linda.Garrett@usdoj.gov.* A notice of at least four days before the hearing date would be greatly appreciated if individuals require sign language interpreters or other auxiliary aids.

Dated: August 8, 2003.

J. Michael Wiggins,

Acting Assistant Attorney General for Civil Rights.

[FR Doc. 03–20795 Filed 8–14–03; 8:45 am]

BILLING CODE 4410–13–M

DEPARTMENT OF JUSTICE

Office of the Assistant Attorney General for Civil Rights; Certification of the Maryland Accessibility Code Under the Americans With Disabilities Act

AGENCY: Department of Justice.

ACTION: Notice of hearing.

SUMMARY: The Department of Justice will hold an informal hearing in Washington, DC on the proposed certification that the Maryland Accessibility Code, under .05.02.02 of the Code of Maryland Regulations (COMAR), as adopted pursuant to Article 83B, section 6–102 of the Annotated Code of Maryland (together, the Maryland law), meets or exceeds the new construction and alterations requirements of title III of the Americans With Disabilities Act (ADA).

DATES: The hearing in Washington, DC is scheduled for Wednesday, October 22, 2003, at 2 p.m. Eastern Time.

ADDRESSES: The hearing will be held at: Disability Rights Section, 1425 New York Avenue, NW, Suite 4039, Washington, DC.

FOR FURTHER INFORMATION CONTACT: John L. Wodatch, Chief, Disability Rights Section, Civil Rights Division, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, 1425 NYA Building, Washington, DC 20530. Telephone number (800) 514–0301 (Voice) or (800) 514–0383 (TTY).

Copies of this notice are available in formats accessible to individuals with vision impairments and may be obtained by calling (800) 514–0301 (Voice) or (800) 514–0383 (TTY).

SUPPLEMENTARY INFORMATION:

Background: Elsewhere in this issue of the **Federal Register**, the Department of Justice (Department) is publishing a notice in the **Federal Register** announcing that it had preliminarily determined that the Maryland Accessibility Code, under .05.02.02 of the Code of Maryland Regulations (COMAR), as adopted pursuant to Article 83B, section 6–102 of the Annotated Code of Maryland (together, the Maryland law), meets or exceeds the new construction and alterations requirements of title III of the ADA. The Department noted that it intended to issue final certification of the Maryland law and requested written comments on the preliminary determination and the proposed final certification. The Department also noted that it intended to hold an informal hearing in Ellicott City, Maryland, during the 60-day comment period on the preliminary determination.

Procedure: In addition to the informal hearing in Ellicott City, Maryland, the Department will hold an informal hearing in Washington, DC, after the close of the 60-day comment period to provide an opportunity for interested persons, including individuals with disabilities, to express their views with respect to the issuance of a final determination of equivalency of the Maryland Law. Interested parties who wish to testify at the hearing should contact Linda Garrett at (202) 353–0423 TTY, or by e-mail at *Linda.Garrett@usdoj.gov.*

The meeting site will be accessible to individuals with disabilities. Individuals who require sign language interpreters or other auxiliary aids should contact Linda Garrett at (202) 353–0423 TTY, or by e-mail at *Linda.Garrett@usdoj.gov.* A notice of at least four days before the hearing date would be greatly appreciated if individuals require sign language interpreters or other auxiliary aids.

Dated: August 8, 2003.

J. Michael Wiggins,

Acting Assistant Attorney General for Civil Rights.

[FR Doc. 03–20796 Filed 8–14–03; 8:45 am]

BILLING CODE 4410–13–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—The Digital Subscriber Line Forum

Notice is hereby given that, on July 16, 2003, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), The Digital Subscriber Line Forum (''DSL'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, ASTRI, Tsimshatsui, Kowloon, Hong Kong-China; Bridgewater Systems, Kanata, Ontario, Canada; Celite Systems, Austin, TX; Cidco Communications Corporation, Morgan Hill, CA; DrayTek Corp., Hsinchu, Taiwan; E & E Magnetic Products, Hong Kong, Hong Kong-China; eCommerce Innovation Centre, Cardiff, Wales, United Kingdom; Efficient Networks, Dallas, TX; Entrisphere, Santa Clara, CA; Gemtek Technology Co., Hokou, Hsinchu, Taiwan; Georgia Tech Broadband Institute, Atlanta, GA; Incognito Software, Vancouver, British Columbia, Canada; Infratel Communications, Huntingdon Valley, PA; ITI Limited, Bangalore, Karatka, India; Juniper Networks, Westford, MA; Lite-On Technology, Chung-Ho, Taipei, Hsien, Taiwan; Netgear, Santa Clara, CA; Pine-net, Broken Bow, OK; Point Topic,

London, United Kingdom; Real Communications, Milpitas, CA; Redback Networks, San Jose, CA; Sparnex, Laguna Hills, CA; Stanford University, Stanford, CA; Telenor, Fornebu, Norway; Xignal Technologies, Unterhaching, Germany; and Xilinx, San Jose, CA, have been added as parties to this venture. The following companies have cancelled their memberships: 3Com, San Diego, CA; Acterna Eningen GmbH, Salem, VA; Admit Design Systems, Dalgety Bay, Fife, United Kingdom; Advanced TelCom Group, Santa Rosa, CA; Agilent Technologies, San Jose, CA; Allied Data Technologies, Spijkenisse, The Netherlands; Angeles Design Systems, Inc., Los Angeles, CA: Aspex Technology, Hygh Wycombe, United Kingdom; Atech Technology Co., Taipei, Taiwan; Avail Networks, Ann Arbor, MI; Best Data Products, Chatsworth, CA; BRECIS Communications, San Jose, CA; Broadframe Corporation, Alta Loma, CA; C–DOT, Bangalore, Karataka, India; Calix Networks, Petaluma, CA; Carrier Access Corporation, Boulder, CO; Castlenet Technology, Wu-Ku Hsiang, Taipei Hsien, Taiwan; Celsian Technologies, Tustin, CA; Chaos Telecom, San Diego, CA; CoEv, Inc., Watertown, SD; Communications Standards Review, Palo Alto, CA; Conklin Corporation, Duluth, GA; Corecess, Seoul, Republic of Korea; Croatian Telecom, Zagreb, Croatia; Data Connection, Chester, United Kingdom; DSLB it Hantro Oy, Oulu, Finland; DTI, Newport, South Wales, United Kingdom; Eicon Networks, Montreal, Quebec, Canada; Exigen Group, Saint John, New Brunswick, Canada; FutureSoft, San Jose, CA; Garnet Systems Co., Seoul, Republic of Korea; General Bandwidth, Austin, TX; Hewlett Packard, Piscataway, NJ; Hyundai Electronics, Seoul, Republic of Korea; Integrated Telecom Express, Inc., San Jose, CA; Inventel, Paris, France; Ishoni Networks, Santa Clara, CA; ITRI, Chutung, Hsinchu, Taiwan; Jetstream Communications, San Jose, CA; Kinpo Electronics, Taipei Hsien, Taiwan; KYE Systems, Taipei, Taiwan; Lake Communications, Dublin, Ireland; Marconi Communications, Genoa, Italy; Maxxio Technologies, Vienna, Austria; MDS Gateways, Dublin, Ireland; Metro-OptiX, Allen, TX; Mitel Networks, Kanata, Ontario, Canada; MMG-North America, Patterson, NJ; MTnet, Skopje, Macedonia, Greece; Netergy Networks, Marlow, United Kingdom; NHC Communications, Mount-Royal, Quebec, Canada; OKI Electric Industry, Naples, FL; Optimal Communications LTD, Gerrards Cross, United Kingdom; Partner Voxtream, Vojens, Denmark; Polycom Inc., Milpitas, CA; Prestolite Wire/Krone, Garland, TX; Pulsent Corporation, Milpitas, CA; QSC, Cologne, Germany; RIT Technologies, Tel Aviv, Israel; Santera Systems, Plano, TX; Sasken Communication Technologies, Bangalore, Karataka, India; SercoNet, Ra'anana, Israel; Silicom, Kfar-Sava, Israel; Telcordia Technologies, Red Bank, NJ; Telebyte, Greenlawn, NY; TeleChoice, Mansfield Center, CT; TeliaSonera AB, Farsta, Sweden; Telrad, Rosh Ha'ayin, Israel; Tenovis GmbH & Co. KG, Frankfurt, Germany; Turnstone Systems, Santa Clara, CA; Tut Systems, Pleasanton, CA: Uniden America, Fort Worth, TX; URMET Suds S.p.A., Torino, Italy; VideoTele.com, Lake Oswego, OR; Virtual Access, Foxboro, MA; Vitria Technology, Sunnyvale, CA; VoicePump, Schaumberg, IL; Voyan Technology, Santa Clara, CA; Wind River Systems, Alameda, CA; Wipro, Bangalore, Karataka, India; Yokogawa Electric Corporation, Tokyo, Japan; and Zhone Technologies, Oakland, CA.

Panasonic Semiconductor is now Panasonic Communications, Tokyo, Japan; Pacific Century Cyperworks is now PCCW Limited, Hong Kong, Hong Kong-China; Professional Multimedia Networks is now Sphairon, Bautzen, Germany; and CSI Suttle/Apparatus is now Suttle, Eden Prairie, MN.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and DSL intends to file additional written notifications disclosing all changes in membership.

On May 15, 1995, DSL filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on July 25, 1995 (60 FR 38058).

The last notification was filed with the Department on October 16, 2002. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on December 20, 2002 (67 FR 78014).

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 03–20825 Filed 8–14–03; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Multiservice Switching Forum

Notice is hereby given that, on July 28, 2003, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Multiservice Switching Forum (''MSF'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Operax AB, Lulea, Sweden, has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and MSF intends to file additional written notifications disclosing all changes in membership.

On January 22, 1999, MSF filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on May 26, 1999 (64 FR 28519).

The last notification was filed with the Department on May 6, 2003. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on June 30, 2003 (68 FR 38722).

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 03–20826 Filed 8–14–03; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—The National Center for Manufacturing Sciences, Inc.

Notice is hereby given that, on July 22, 2003, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), The National Center for Manufacturing Sciences, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its

membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Acer America Corporation, Newbury Port, MA; Foster-Miller, Inc., Waltham, MA; Gage Products Company, Ferndale, MI; Leszynski Group Inc., Bellevue, WA; Intel Corporation, Santa Clara, CA; Precon Machining Optimization Technologies, Gross Pointe Park, MI; Rolls Royce Corporation, Indianapolis, IN; and Unigraphics Solutions, Inc., Plymouth Meeting, PA have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and The National Center for Manufacturing Sciences, Inc. intends to file additional written notification disclosing all changes in membership.

On February 20, 1987, The National Center for Manufacturing Sciences, Inc. filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on March 17, 1987 (52 FR 8375).

The last notification was filed with the Department on April 7, 2003. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on May 14, 2003 (68 FR 25906–01).

Dorothy B. Fountain,

Deputy Director of Operations, Antitrust Division.

[FR Doc. 03–20824 Filed 8–14–03; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Petrotechnical Open Standards Consortium, Inc. (''POSC'')

Notice is hereby given that, on July 17, 2003, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Petrotechnical Open Standards Consortium, Inc. (''POSC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, ETL Solutions Limited, Blaenau Ffestiniog, Gwynedd, United Kingdom; and Trust Technical Services, Abu Dhabi, United Arab Emirates, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and Petrotechnical Open Standards Consortium, Inc. (''POSC'') intends to file additional written notification disclosing all changes in membership.

On January 14, 1991, Petrotechnical Open Standards Consortium, Inc. (''POSC'') filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on February 7, 1991 (56 FR 5021).

The last notification was filed with the Department on October 17, 2002. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 22, 2003 (68 FR 3037).

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 03–20823 Filed 8–14–03; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Cordell Clark, M.D., Revocation of Registration

On July 26, 2002, the then-Deputy Administrator of the Drug Enforcement Administration (DEA), issued an Order to Show Cause and Notice of Immediate Suspension of Registration to Cordell Clark, M.D. (Dr. Clark). Dr. Clark was notified of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AC1074892, pursuant to 21 U.S.C. 824(a)(1), (3) and (4), and deny any pending applications for renewal or modification as a practitioner pursuant to 21 U.S.C. 823(f). The Order to Show Cause—Notice of Immediate Suspension further notified Dr. Clark that his DEA registration was immediately suspended as an imminent danger to the public health and safety pursuant to 21 U.S.C. 824(d). Dr. Clark was also notified that should no request for a hearing be filed within 30 days, his hearing right would be deemed waived.

On July 31, 2002, three DEA Diversion Investigators attempted to serve the Order to Show Cause-Notice of Suspension upon Dr. Clark at his registered address in Dallas, Texas. The investigators also attempted delivery at a second business address in Dallas. Dr. Clark was at neither location, and both appeared to have been vacated. On August 1, 2002, two DEA Diversion Investigators along with a DEA Special Agent hand carried the Order to Show Cause—Notice of Immediate Suspension to Dr. Clark's residence in Cedar Hill, Texas. Dr. Clark again was not present, however, a person identifying himself as Christopher Clark (later determined to be Dr. Clark's twenty-year old son) was present at the location. After displaying credentials and identifying themselves as representatives of DEA, the investigators inquired as to the whereabouts of Dr. Clark. Christopher Clark informed DEA personnel that his father was ''at work'' but would not divulge Dr. Clark's location or telephonically contact him so that DEA personnel could speak with him. As a result, DEA personnel left the Order to Show Cause—Notice of Suspension (along with a business card from a Diversion Investigator) with Christopher Clark with instructions that he deliver the same to Dr. Clark. DEA has not received a request for hearing or any other reply from Dr. Clark or anyone purporting to represent him in this matter.

Therefore, the Acting Administrator, finding that (1) 30 days have passed since the receipt of the Order to Show Cause, and (2) no request for a hearing having been received, concludes that Dr. Clark is deemed to have waived his hearing right. After considering material from the investigative file in this matter, the Acting Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43 (d) and (e) and 1301.46.

The Acting Administrator finds that Dr. Clark currently possesses DEA Certificate of Registration AC1974892. While Dr. Clark's DEA registration reflects an expiration date of August 31, 2001, that registration remains valid based upon his timely submission of a DEA renewal application dated August 16, 2001.

The Acting Administrator finds that on September 25, 2000, the Texas State Board of Medical Examiners (Board) issued an order suspending Dr. Clark's license to practice medicine. The Board's order was based in part upon Dr. Clark's failure to evaluate a patent prior to ordering physical therapy and his failure to comply with terms and conditions of a prior Agreed Order that Dr. Clark had entered into with the Board. On September 7, 2001, the Board issued an Order denying Dr. Clark's petition to terminate the suspension of his medical license.

On September 26, 2001, the Texas Department of Public Safety (DPS) notified Dr. Clark of the cancellation of his state Controlled Substances Registration Certificate number Y0042101. The action by DPS was initiated based upon Dr. Clark's failure to meet a necessary precondition for a Texas controlled substance registration—a medical license with the Board that was current and in good standing.

The above referenced Order to Show Cause—Notice of Immediate Suspension further alleged, and a review of information in the investigative file suggests, that Dr. Clark materially falsified his August 16, 2001 application for renewal of his DEA registration by failing to disclose information regarding the suspension of his Texas medical license. The investigative file also reveals that Dr. Clark continued issuing prescriptions for controlled substances despite the lack of state authorization to practice medicine or handle controlled substances, and being advised by DEA personnel on August 30, 2001, to cease writing such prescriptions.

There is no evidence in the record that the Board has lifted the suspension of Dr. Clark's medical license or that his Texas State Controlled Substances Certificate has been reinstated. Therefore, the Acting Administrator finds that Dr. Clark is not currently authorized to handle controlled substances in that state.

DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he conducts business. *See* 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. *See Joseph Thomas Allevi, M.D.,* 67 FR 35581 (2002); *Dominick A. Ricci, M.D.,* 58 FR 51104 (1993); *Bobby Watts, M.D.,* 53 FR 11919 (1988).

Here, it is clear that Dr. Clark is not licensed to handle controlled substances in Texas, where he is registered with DEA. Therefore, he is not entitled to maintain that registration. Because Dr. Clark is not entitled to a DEA registration in Texas due to his lack of state authorization to handle controlled substances, the Acting Administrator concludes that it is unnecessary to address whether Dr. Clark's registration should be revoked based upon the other grounds asserted in the Order to Show Cause—Notice of Immediate Suspension. *See Fereida Walker-Graham, M.D.,* 68 FR 24761 (2003); *Nathaniel-Aikens-Afful, M.D.,* 62 FR 16871 (1997); *San F. Moore, D.V.M.,* 58 FR 14428 (1993).

Accordingly, the Acting Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration, AC1074892, issued to Cordell Clark, M.D., be, and it hereby is, revoked. The Acting Administrator further orders that any pending application for renewal or modification of such registration be, and they hereby are, denied. This order is effective September 15, 2003.

Dated: July 28, 2003.

William B. Simpkins,

Acting Administrator.

[FR Doc. 03–20805 Filed 8–14–03; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 02–50]

Kanwaljit S. Serai, M.D.; Revocation of Registration

On June 28, 2002, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Kanwaljit S. Serai, M.D. (Respondent). The Order to Show Cause notified the Respondent of an opportunity to show cause as to why DEA should not revoke his DEA Certificate of Registration, AS1852715, and deny any pending applications for renewal or modification of that registration. The Order to Show alleged in relevant part that the Respondent is not authorized to handle controlled substances in the State of Florida pursuant to 21 U.S.C. 824(a)(3), and his continued registration would be inconsistent with the public interest as that term is used in 21 U.S.C. 824(a)(4) based, in part, upon allegations that the Respondent inappropriately treated five patients, and that on April 17, 2001, he was arrested and charged with six counts of delivery of a controlled substance.

By letter dated July 17, 2002, the Respondent, through counsel, requested a hearing in this matter. On July 30, 2002, the presiding Administrative Law Judge Mary Ellen Bittner (Judge Bittner) issued an Order for Prehearing Statements. However, in lieu of filing a prehearing statement, the Government filed Government's Motion for Summary Judgement and Stay of Proceedings, arguing that the Respondent is without authorization to handle controlled substances in the State of Florida, and as a result, further proceedings in the matter were not required. Attached to the Government's motion was an Order of Emergency Suspension of License dated August 27, 2001, whereby the State Florida Department of Health (Department of Health) ordered the immediate suspension of the Respondent's license to practice medicine in that state.

On August 15, 2002, Judge Bittner issued a Memorandum to Counsel staying the filing of prehearing statements and afforded the Respondent until September 4, 2002, to respond to the Government's Motion. The Respondent did not file a response.

On September 18, 2002, Judge Bittner issued her Opinion and Recommended Decision of the Administrative Law Judge (Opinion and Recommended Decision). As part of her recommended ruling, Judge Bittner granted the Government's Motion for Summary Disposition and found that the Respondent lacked authorization to handle controlled substances in the State of Florida, the jurisdiction in which he is registered with DEA.

In granting the Government's motion, Judge Bittner also recommended that the Respondent's DEA registration be revoked and any pending applications for modification or renewal be denied. Neither party filed exceptions to her Opinion and Recommended Decision, and on October 28, 2002, Judge Bittner transmitted the record of these proceedings to the Office of the DEA Deputy Administrator.

The Acting Administrator has considered the record in its entirety, and pursuant to 21 CFR 1316.67, hereby issues his final order based upon findings of fact and conclusions of law as hereinafter set forth. The Acting Administrator adopts, in full, the Opinion and Recommended Decision of the Administrative Law Judge.

The Acting Administrator finds that the Respondent currently possesses DEA Certificate of Registration AS1852715, and is registered at an address in Tallahassee, Florida. That registration remains valid until February 28, 2004.

The Acting Administrator further finds that on August 27, 2001, the Department of Health issued an Order of Emergency Suspension of License suspending the Respondent's license to practice medicine. The Acting Administrator's review of the Department of Health's suspension order reveals that in or around January 2000, the Respondent was found to have delivered controlled substances to

several patients as well as to an undercover law enforcement agent without medical justification. In further support of its suspension action, the Department of Health also found that the Respondent engaged in sexual misconduct with respect to his treatment of a patient.

There is no evidence before the Acting Administrator that the suspension of the Respondent's medical license has been stayed or lifted. Therefore, the Acting Administrator finds that the Respondent is currently suspended from the practice of medicine in the State of Florida and as a result, it is reasonable to infer that he is also without authorization to handle controlled substances in that state.

Pursuant to 21 U.S.C. 824(a), the Acting Administrator may revoke a DEA Certificate of Registration if he finds that the registrant has had his state license revoked and is no longer authorized to dispense controlled substances or has committed such acts as would render his registration contrary to the public interest as determined by factors listed in 21 U.S.C. 823(f). *Thomas B. Pelkowski, D.D.S.,* 57 FR 28538 (1992). Nevertheless, despite the findings of the Florida Department of Health related to the Respondent's inappropriate handling of controlled substances, his sexual misconduct with a patient, as well as other public interest factors for the revocation of his DEA registration asserted herein, the more relevant consideration here is the present status of the Respondent's state authorization to handle controlled substances.

DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he conducts business. *See,* 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently upheld. *See Joseph Thomas Allevi, MD.,* 67 FR 35581 (2002); *Dominick A. Ricci, MD.,* 58 FR 51104 (1993); *Bobby Watts, MD.,* 53 FR 11919 (1988).

Here, it is clear that the Respondent is not licensed to handle controlled substances in Florida, the state where he currently possesses a DEA registration. Therefore, the Respondent is not entitled to maintain that registration. Because the Respondent lacks state authorization to handle controlled substances, the Acting Administrator concludes that it is unnecessary to address whether the Respondent's DEA registration should be revoked based upon the public interest grounds asserted in the Order to Show Cause. *See Samual Silas Jackson,* 67 FR 65145 (2002); *Nathaniel-Aikens-Afful, MD.,* 62 FR 16871 (1997); *Sam F. Moore, D.V.M.,* 58 FR 14428 (1993).

Accordingly, the Acting Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration, AS1852715, issued to Kanwaljit S. Serai, M.D., be, and it hereby is, revoked. The Acting Administrator further orders that any pending applications for renewal or modification of such registration be, and they hereby are, denied. This order is effective September 5, 2003.

Dated: July 28, 2003.

William B. Simpkins,

Acting Administrator.

[FR Doc. 03–20806 Filed 8–14–03; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Karen Joe Smiley, M.D.; Revocation of Registration

On September 13, 2002, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order to Show Cause to Karen J. Smiley (Dr. Smiley), notifying her of an opportunity to show cause as to why DEA should not revoke her DEA Certificate of Registration, BS5832868 under 21 U.S.C. 824(a)(3), and deny any pending applications for that registration, pursuant to 21 U.S.C. 823(f). As a basis for revocation, the Order to Show Cause alleged that Dr. Smiley was not currently authorized to practice medicine or handle controlled substances in Tennessee, the State in which she practices. The order also notified Dr. Smiley that should no request for a hearing be filed within 30 days, her hearing right would be deemed waived.

The Order to Show Cause was sent by certified mail to Dr. Smiley at her registered location in Lexington, Tennessee. The show cause order was subsequently returned to DEA unclaimed with a post office notation ''Returned to Sender—Not Deliverable as Addressed'' stamped to the mailing envelope. According to the investigative file, DEA has made diligent attempts to locate Dr. Smiley and serve her with the Order to Show Cause, but such attempts have not met with success. Her current whereabouts are unknown. DEA has not received a request for hearing or any other reply from Dr. Smiley or anyone purporting to represent her in this matter.

Therefore, the Acting Administrator of DEA, finding that (1) thirty days having passed since the attempted delivery of the Order to Show Cause at Dr. Smiley's registered address, (2) the Order to Show Cause having been returned and DEA's unsuccessful attempts at redelivery of the same, and (3) no request for hearing having been received, concludes that Dr. Smiley is deemed to have waived her hearing right. *See David W. Linder,* 67 FR 12579 (2002). After considering material from the investigative file in this matter, the Acting Administrator now enters his final order without a hearing pursuant to 21 CFR 1301.43(d) and (e) and 1301.46.

The Acting Administrator finds that Dr. Smiley currently possesses DEA Certificate of Registration BS5832868, and that registration remains valid until February 29, 2004. A review of the investigative reveals that on September 19, 2001, a majority of a quorum of the Tennessee Board of Medical Examiners (Board) approved an Order of Permanent Revocation of the medical license of Dr. Smiley in that state. The matter involving the disposition of Dr. Smiley's Tennessee medical license came before the Board pursuant to an earlier Notice of Charges and Memorandum of Assessment of Civil (Notice of Charges) with respect to Dr. Smiley's medical license. In the Notice of Charges, it was alleged, and the Board subsequently found that Dr. Smiley was ''guilty of gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of medical practice.'' Specifically, the Board found, among other things, that Dr. Smiley violated the Board's statutes governing the dispensing and/or prescribing of controlled substances.

The investigative file contains no evidence that the Board's Order of Permanent Revocation has been stayed or that Dr. Smiley's medical license has been reinstated. Therefore, the Acting Administrator finds that Dr. Smiley is not currently authorized to practice medicine in the State of Tennessee. As a result, it is reasonable to infer that she is also without authorization to handle controlled substances in that state.

DEA does not have statutory authority under the Controlled Substances Act to issue or maintain a registration if the applicant or registrant is without state authority to handle controlled substances in the state in which he conducts business. *See* 21 U.S.C. 802(21), 823(f) and 824(a)(3). This prerequisite has been consistently

upheld. *See Muttaiya Darmarajeh, M.D.,* 66 FR 52936 (2001); *Dominick A. Ricci, M.D.,* 58 FR 51104 (1993); *Bobby Watts, M.D.,* 53 FR 11919 (1988).

Here, it is clear that Dr. Smiley's medical license has been revoked and she is not licensed to handle controlled substances in the State of Tennessee, where she is registered with DEA. Therefore, Dr. Smiley is not entitled to a DEA registration in that state.

Accordingly, the Acting Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b) and 0.104, hereby orders that DEA Certificate of Registration BS5832868, issued to Karen Joe Smiley, M.D. be, and it hereby is, revoked. The Acting Administrator further orders that any pending applications for renewal or modification of such registration be, and they hereby are, denied. This order is effective September 15, 2003.

Dated: July 28, 2003.

William B. Simpkins,

Acting Administrator.

[FR Doc. 03–20807 Filed 8–14–03; 8:45 am]

BILLING CODE 4410–09–M

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: 30-Day notice of information collection under review: Denial of Federal benefits for drug offenders.

The Department of Justice, Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register**, Volume 67, Number 228, page 70758, on November 26, 2002, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until September 15, 2003. This process is conducted in accordance with 5 CFR 1320.10.

Written comments, or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments may be submitted to OMB via facsimile at (202) 395–7285.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility.

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.

(3) Enhance the quality, utility, and clarity of the information to be collected.

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of this information:

(1) *Type of information collection:* Reinstatement, without change, of a previously approved collection for which approval has expired.

(2) *The title of the form/collection:* Denial of Federal Benefits for Drug Offenders.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form Number: OJP FORM 3500/2, Office of Justice Programs, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract.* Primary: State, local, or Tribal Governments. Other: None. Abstract: The Denial of Federal Benefits (DFB) Program provides courts with the ability to deny all or selected federal benefits to individuals who are convicted of drug trafficking or drug possession. When denial of benefits is part of a sentence, the sentencing court notifies the BJA DFB Clearinghouse via the approved information collection form. The names of individuals who are denied benefits appear on the U.S. General Service Administration's Excluded Parties Listing System.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* There are approximately 7 respondents who will respond approximately 36 times each throughout the year, for a total of 252 responses. Each response will require approximately 5 minutes to complete.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual public burden hours for this information collection is estimated to be 21 hours.

If additional information is required, contact: Ms. Brenda E. Dyer, Deputy Clearance Officer, U.S. Department of Justice, Planning and Policy Staff, Justice Management Division, 601 D Street, NW., Washington, DC 20004, or via facsimile at (202) 514–1590.

Dated: August 8, 2003.

Brenda E. Dyer,

Deputy Clearance Officer, Department of Justice.

[FR Doc. 03–20882 Filed 8–15–03; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: 30-Day notice of information collection under review: Edward Byrne Memorial State and Local Law Enforcement Assistance Program.

The Department of Justice, Office of Justice Programs (OJP), Bureau of Justice Assistance (BJA), has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register**, Volume 68, Number 66, page 16831, on April 7, 2003, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until September 15, 2003. This process is conducted in accordance with 5 CFR 1320.10.

Written comments, or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530.

Additionally, comments may be submitted to OMB via facsimile at (202) 395–7285.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility.

(2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.

(3) Enhance the quality, utility, and clarity of the information to be collected.

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

Overview of this information:

(1) *Type of information collection:* Reinstatement, with change, of a previously approved collection for which approval has expired.

(2) *The title of the form/collection:* Edward Byrne Memorial State and Local Law Enforcement Assistance Program.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* Form Number: OJP FORM 4061/6, Office of Justice Programs, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract.* Primary: State, local, or Tribal Governments. Other: None. Abstract: This request covers application requirements to receive formula grant funds under the Edward Byrne Memorial State and Local Law Enforcement Assistance Program. There are 56 eligible states and territories. The goal of the program is to create safer communities. BJA relies on the information collected in the application package to make an affirmative finding that the state applicant will carry out programs or projects consistent the direction of Congress.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* There are approximately 56 respondents who will respond 1 time per year, for a total of 56 responses. Each response will require approximately 24 hours to complete.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual public burden hours for this information collection is estimated to be 1344 hours.

If additional information is required, contact: Ms. Brenda E. Dyer, Deputy Clearance Officer, U.S. Department of Justice, Planning and Policy Staff, Justice Management Division, 601 D Street, NW., Washington, DC 20004, or via facsimile at (202) 514–1590.

Dated: August 8, 2003.

Brenda E. Dyer,

Deputy Clearance Officer, Department of Justice.

[FR Doc. 03–20883 Filed 8–14–03; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employment Standards Administration; Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931, as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedures thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supersedes decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under the Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department.

Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC, 20210.

Modification to General Wage Determination Decisions

The number of the decisions listed to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decision being modified.

Volume I

Rhode Island
RI030001 (Jun. 13, 2003)

Volume II

None

Volume III

None

Volume IV

None

Volume V

None

Volume VI

Colorado
CO030001 (Jun. 13, 2003)
CO030002 (Jun. 13, 2003)
CO030003 (Jun. 13, 2003)
CO030004 (Jun. 13, 2003)
CO030005 (Jun. 13, 2003)
CO030006 (Jun. 13, 2003)
CO030007 (Jun. 13, 2003)
CO030008 (Jun. 13, 2003)
CO030009 (Jun. 13, 2003)
CO030010 (Jun. 13, 2003)
CO030011 (Jun. 13, 2003)
CO030012 (Jun. 13, 2003)
CO030013 (Jun. 13, 2003)
CO030014 (Jun. 13, 2003)
CO030015 (Jun. 13, 2003)
CO030016 (Jun. 13, 2003)

Volume VII

None

General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts, including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage determinations Issued Under the Davis-Bacon and Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

General wage determinations issued under the Davis-Bacon and related Acts are available electronically at not cost on the Government Printing Office site at *http://www.access.gpo.gov/davisbacon*. They are also available electronically by subscription to the Davis-Bacon Online Service (*http://davisbacon.fedworld.gov*) of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068. This subscription offers value-added features such as electronic delivery of modified wage decisions directly to the user's desktop, the ability to access prior wage decisions issued during the year, extensive Help desk Support, etc.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate Volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 7 day of August, 2003.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 03–20538 Filed 8–14–03; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: 03–094]

Title VI of the Civil Rights Act of 1964, as Amended: Policy Guidance on the Prohibition Against National Origin Discrimination as It Affects Persons With Limited English Proficiency

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of revised policy guidance with request for comments.

SUMMARY: Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d–2000d–42, as amended, and NASA's implementing regulation at 14 CFR part 1250 provide that no person shall be subjected to discrimination on the basis of race, color, or national origin under any program or activity that receives Federal financial assistance. NASA is republishing for additional public comment revised policy guidance on Title VI's prohibition against national origin discrimination as it affects Limited English Proficient (LEP) persons.

DATES: Comments must be submitted on or before September 15, 2003. NASA will review all comments and will determine what modifications to the policy guidance, if any, are necessary before issuing final guidance through publication in the **Federal Register**.

ADDRESSES: Interested persons should submit written comments to Dr. Dorothy Hayden-Watkins, Assistant Administrator for Equal Opportunity Programs, Code E, NASA Headquarters, 300 E Street, SW., Room 4W31, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Mr. Miguel A. Torres, (202) 358–0937, or TDD: (202) 358–3748. Arrangements to receive the policy in an alternative format may be made by contacting Mr. Miguel A. Torres.

SUPPLEMENTARY INFORMATION: The purpose of this revised policy guidance is to further clarify the responsibilities of institutions and/or entities that receive financial assistance from NASA, and assist them in fulfilling their responsibilities to LEP persons pursuant to Title VI of the Civil Rights Act of 1964. The revised policy guidance emphasizes that in order to avoid discrimination against LEP persons on grounds of national origin, recipients of NASA financial assistance must take adequate steps to ensure that people who are not proficient in English can effectively participate in and benefit from the recipient's programs and activities. Therefore, LEP persons should expect to receive the language assistance necessary to afford them meaningful access to the recipients' programs and activities, free of charge.

This document was originally published as policy guidance for public comment on March 15, 2001. *See* 66 FR 15141. The document was based on the policy guidance issued by the Department of Justice entitled ''Enforcement of Title VI of the Civil Rights Act of 1964—National Origin Discrimination Against Persons with Limited English Proficiency.'' 65 FR 50213 (August 16, 2000).

On October 26, 2001, and January 11, 2002, the Assistant Attorney General for Civil Rights issued to Federal departments and agencies guidance memoranda, which reaffirmed the Department of Justice's commitment to ensuring that federally assisted programs and activities fulfill their LEP responsibilities and which clarified and answered certain questions raised regarding the August 16th publication. In addition, on March 14, 2002, the Office of Management and Budget (OMB) issued a Report to Congress titled ''Assessment of the Total Benefits and Costs of Implementing Executive Order No. 13166: Improving Access to Services for Persons with Limited English Proficiency.'' Among other things, the Report recommended the adoption of uniform guidance across all Federal agencies, with flexibility to permit tailoring to each agency's specific recipients. Consistent with this OMB recommendation, DOJ published LEP Guidance for DOJ recipients that

was drafted and organized to also function as a model for similar guidance documents by other Federal grant agencies. *See* 67 FR 41455 (June 18, 2002). NASA has reviewed its March 15, 2001, publication in light of these clarifications, to determine whether there is a need to clarify or modify the March 15th policy guidance. The LEP Guidance is consistent with the goals set forth in Executive Order (E.O.) 13166, and with the DOJ policy guidance documents dated August 16, 2000, and June 18, 2002.

In furtherance of those memoranda, NASA is republishing revised policy guidance for the purpose of obtaining additional public comment. Because this guidance must adhere to the federal-wide compliance standards and framework detailed in the model DOJ LEP Guidance, NASA specifically solicits comments on the nature, scope and appropriateness of the NASA-specific examples set out in this guidance explaining and/or highlighting how those consistent Federal-wide compliance standards are applicable to recipients of Federal financial assistance through NASA.

It has been determined that this Guidance, which supplants existing Guidance on the same subject previously published at 66 FR 15141 (March 15, 2001), does not constitute a regulation subject to the rulemaking requirements of the Administrative Procedure Act, 5 U.S.C. 553. It has also been determined that this guidance is not subject to Executive Order 12866.

I. Introduction

Most individuals living in the United States read, write, speak and understand English. There are many individuals, however, for whom English is not their primary language. For instance, based on the 2000 census, over 26 million individuals speak Spanish and almost 7 million individuals speak an Asian or Pacific Island language at home. If these individuals have a limited ability to read, write, speak, or understand English, they are limited English proficient, or LEP. While detailed data from the 2000 census has not yet been released, 26% of all Spanish-speakers, 29.9% of all Chinese-speakers, and 28.2% of all Vietnamese-speakers reported that they spoke English not well or not at all in response to the 1990 census.

Language for LEP individuals can be a barrier to accessing important benefits or services, understanding and exercising important rights, complying with applicable responsibilities, or understanding other information provided by federally funded programs and activities. The Federal Government funds an array of services that can be made accessible to otherwise eligible LEP persons. The Federal Government is committed to improving the accessibility of these programs and activities to eligible LEP persons, a goal that reinforces its equally important commitment to promoting programs and activities designed to help individuals learn English. Recipients should not overlook the long-term positive impacts of incorporating or offering English as a Second Language (ESL) programs in parallel with language assistance services. ESL courses can serve as an important adjunct to a proper Language Assistance Plan (LAP). However, the fact that ESL classes are made available does not obviate the statutory and regulatory requirement to provide meaningful access for those who are not yet English proficient. Recipients of federal financial assistance have an obligation to reduce language barriers that can preclude meaningful access by LEP persons to important government services.[1]

In certain circumstances, failure to ensure that LEP persons can effectively participate in or benefit from federally assisted programs and activities may violate the prohibition under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d and Title VI regulations against national origin discrimination. The purpose of this policy guidance is to assist recipients in fulfilling their responsibilities to provide meaningful access to LEP persons under existing law. This policy guidance clarifies existing legal requirements for LEP persons by providing a description of the factors recipients should consider in fulfilling their responsibilities to LEP persons.[2] These are the same criteria DOJ will use in evaluating whether recipients are in compliance with Title VI and Title VI regulations.

There are many productive steps that NASA can take to help recipients reduce the costs of language services without sacrificing meaningful access for LEP persons. Without these steps, certain smaller grantees may well choose not to participate in federally assisted programs, threatening the critical functions that the programs strive to provide. To that end, NASA plans to continue to provide assistance and guidance in this important area. In addition, NASA plans to work with its recipients, and LEP persons to identify and share model plans, examples of best practices, and cost-saving approaches. Moreover, NASA intends to explore how language assistance measures, resources and cost-containment approaches developed with respect to its own federally conducted programs and activities can be effectively shared or otherwise made available to recipients, particularly small businesses, and small non-profits. An interagency working group on LEP has developed a Web site, *http://www.lep.gov*, to assist in disseminating this information to recipients, Federal agencies, and the communities being served.

Many commentators, responding to the proposed DOJ LEP Policy Guidance, have noted that some have interpreted the case of *Alexander* v. *Sandoval*, 532 U.S. 275 (2001), as impliedly striking down the regulations promulgated under Title VI that form the basis for the part of Executive Order 13166 that applies to federally assisted programs and activities. The Department of Justice has taken the position that this is not the case, and NASA agrees with that position. Accordingly, NASA will strive to ensure that federally assisted programs and activities work in a way that is effective for all eligible beneficiaries, including those with limited English proficiency.

II. Legal Authority

Section 601 of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, provides that no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Section 602 authorizes and directs federal agencies that are empowered to extend federal financial assistance to any program or activity to effectuate the provisions of [Section 601] by issuing rules, regulations, or orders of general applicability. 42 U.S.C. 2000d–1.

NASA regulations promulgated pursuant to Section 602 forbid

[1] NASA recognizes that many recipients had language assistance programs in place prior to the issuance of Executive Order 13166. This policy guidance provides a uniform framework for a recipient to integrate, formalize, and assess the continued vitality of these existing and possibly additional reasonable efforts based on the nature of its program or activity, the current needs of the LEP populations it encounters, and its prior experience in providing language services in the community it serves.

[2] The policy guidance is not a regulation but rather a guide. Title VI and its implementing regulations require that recipients take responsible steps to ensure meaningful access by LEP persons. This guidance provides an analytical framework that recipients may use to determine how best to comply with statutory and regulatory obligations to provide meaningful access to the benefits, services, information, and other important portions of their programs and activities for individuals who are limited English proficient.

recipients from utilizing criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as to individuals of a particular race, color, or national origin. 14 CFR 1250.103–2.

The Supreme Court, in *Lau* v. *Nichols*, 414 U.S. 563 (1974), interpreted regulations promulgated by the former Department of Health, Education, and Welfare, including a regulation similar to that of NASA, 45 CFR 80.3(b)(2), to hold that Title VI prohibits conduct that has a disproportionate effect on LEP persons because such conduct constitutes national-origin discrimination. In *Lau*, a San Francisco school district that had a significant number of non-English speaking students of Chinese origin was required to take reasonable steps to provide them with a meaningful opportunity to participate in federally funded educational programs.

On August 11, 2000, Executive Order 13166 was issued. Improving Access to Services for Persons with Limited English Proficiency, 65 FR 50121 (August 16, 2000). Under that Order, every Federal agency that provides financial assistance to non-Federal entities must publish guidance on how their recipients can provide meaningful access to LEP persons and thus comply with Title VI regulations forbidding funding recipients from restricting an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program. Title VI regulations also prohibit utilizing criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respects individuals of a particular race, color, or national origin.

On that same day, DOJ issued a general guidance document addressed to Executive Agency Civil Rights Officers setting forth general principles for agencies to apply in developing guidance documents for recipients pursuant to the Executive Order. Enforcement of Title VI of the Civil Rights Act of 1964 National Origin Discrimination Against Persons With Limited English Proficiency, 65 FR 50123 (August 16, 2000) (DOJ LEP Guidance). The DOJ role under Executive Order 13188 (the Executive Order) is unique. The Executive Order charges DOJ with responsibility for providing LEP Guidance to other Federal agencies and for ensuring consistency among each agency-specific guidance. Consistency among Departments of the Federal Government is particularly important. Inconsistency or contradictory guidance could confuse recipients of Federal funds and needlessly increase costs without rendering the meaningful access for LEP persons that this Guidance is designed to address.

Subsequently, Federal agencies raised questions regarding the requirements of the Executive Order, especially in light of the Supreme Court's decision in *Alexander* v. *Sandoval*, 532 U.S. 275 (2001). On October 26, 2001, Ralph F. Boyd, Jr., Assistant Attorney General for the Civil Rights Division, issued a memorandum for Heads of Departments and Agencies, General Counsels and Civil Rights Directors. This memorandum clarified and reaffirmed the DOJ LEP Guidance in light of *Sandoval*.[3] The Assistant Attorney General stated that because *Sandoval* did not invalidate any Title VI regulations that proscribe conduct that has a disparate impact on covered groups—the types of regulations that form the legal basis for the part of Executive Order 13166 that applies to federally assisted programs and activities—the Executive Order remains in force.

Pursuant to Executive Order 13166, DOJ developed its own guidance document for recipients and initially issued it on January 16, 2001. Guidance to Federal Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons, 66 FR 3834 (January 16, 2001) (LEP Guidance for DOJ Recipients). NASA published in the **Federal Register** (66 FR 15141) its own LEP Guidance. NASA did not receive comments from the public.

This guidance document is thus published pursuant to Executive Order 13166 and supplants the January 16, 2001, publication in light of the public comment received and Assistant Attorney General Boyd's October 26, 2001 clarifying memorandum.

Guidance

III. Who Is Covered?

NASA regulations, 14 CFR part 1250, require all recipients of Federal financial assistance from NASA to provide meaningful access to LEP persons.[4] Federal financial assistance includes grants, training, use of equipment, donations of surplus property, and other assistance. Recipients of NASA assistance include, for example:

- State or local agencies
- Non-profit institutions or organizations
- Educational Institutions
- Any public or private individual to whom Federal assistance is extended, directly or through another recipient, including any successor, assignee, or transferee thereof.

Sub-recipients likewise are covered when Federal funds are passed through from one recipient to a sub-recipient. Coverage extends to a recipient's entire program or activity, *i.e.*, to all parts of a recipient's operations. This is true even if only one part of the recipient receives the Federal assistance.[5]

Example: NASA provides assistance to a state department of education for curriculum enhancement in science and mathematics in its public schools. All of the operations of the entire state department of education—not just the schools—are covered.

Finally, some recipients operate in jurisdictions in which English has been declared the official language. Nonetheless, these recipients continue to be subject to Federal non-discrimination requirements, including those applicable to the provision of federally assisted services to persons with limited English proficiency.

[3] The memorandum noted that some commentators have interpreted *Sandoval* as impliedly striking down the disparate-impact regulations promulgated under Title VI that form the basis for the part of Executive Order 13166 that applies to federally assisted programs and activities. *See, e.g., Sandoval,* 532 U.S. at 286, 286 n.6 ([W]e assume for purposes of this decision that section 602 confers the authority to promulgate disparate-impact regulations; * * * We cannot help observing, however, how strange it is to say that disparate-impact regulations are 'inspired by, at the service of, and inseparably intertwined with' Sec. 601 when Sec. 601 permits the very behavior that the regulations forbid.) The memorandum, however, made clear that DOJ disagreed with the commentator's interpretation. *Sandoval* holds principally that there is no private right of action to enforce Title VI disparate-impact regulations. It did not address the validity of those regulations or Executive Order 13166 or otherwise limit the authority and responsibility of Federal grant agencies to enforce their own implementing regulations.

[4] Pursuant to Executive Order 13166, the meaningful access requirement of Title VI regulations and the four-factor analysis set forth in the DOJ LEP Guidance are to additionally apply to the programs and activities of Federal agencies, including NASA.

[5] However, if a Federal agency were to decide to terminate Federal funds based on noncompliance with Title VI or its regulations, only funds directed to the particular program or activity that is out of compliance would be terminated. 42 U.S.C. 2000d–1.

IV. Who Is a Limited English Proficient Individual?

Individuals who do not speak English as their primary language and who have a limited ability to read, write, speak, or understand English can be limited English proficient, or LEP, entitled to language assistance with respect to a particular type of service, benefit, or encounter.

Examples of populations likely to include LEP persons who are encountered and/or served by NASA recipients and should be considered when planning language services include, but are not limited to:

- Students enrolled in NASA-funded science, mathematics, and technology enrichment activities.
- Parents or family members of the above.
- Individuals participating in NASA program orientations and visiting exhibits at NASA Visitor centers where the programs and activities are funded and conducted by a NASA financial assistance recipient.

V. How Does a Recipient Determine the Extent of Its Obligation To Provide LEP Services?

Recipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the starting point is an individualized assessment that balances the following four factors: (1) The number or proportion of LEP persons eligible to be served or likely to be encountered by the program or grantee; (2) the frequency with which LEP individuals come in contact with the program; (3) the nature and importance of the program, activity, or service provided by the program to people's lives; and (4) the resources available to the grantee/recipient and costs. As indicated above, the intent of this guidance is to suggest a balance that ensures meaningful access by LEP persons to critical services while not imposing undue burdens on small business, small local governments, or small nonprofits.

After applying the above four-factor analysis, a recipient may conclude that different language assistance measures are sufficient for the different types of programs or activities in which it engages. For instance, some of a recipient's activities will be more important than others and/or have greater impact on or contact with LEP persons, and thus may require more in the way of language assistance. The flexibility that recipients have in addressing the needs of the LEP populations they serve does not diminish, and should not be used to minimize, the obligation that those needs be addressed. NASA recipients should apply the following four factors to the various kinds of contacts that they have with the public to assess language needs and decide what reasonable steps they should take to ensure meaningful access for LEP persons.

(1) The Number or Proportion of LEP Persons Served or Encountered in the Eligible Service Population

One factor in determining what language services recipients should provide is the number or proportion of LEP persons from a particular language group served or encountered in the eligible service population. The greater the number or proportion of these LEP persons, the more likely language services are needed. Ordinarily, persons eligible to be served, or likely to be directly affected, by a recipient's program or activity are those who are served or encountered in the eligible service population. This population will be program-specific, and includes persons who are in the geographic area that has been approved by a Federal grant agency as the recipient's service area. However, where, for instance, a school district receiving NASA financial assistance serves a large LEP population, the appropriate service area is most likely the school district, and not the entire State. Where no service area has previously been approved, the relevant service area may be that which is approved by State or local authorities or designated by the recipient, provided that these designations do not themselves discriminatorily exclude certain populations. When considering the number or proportion of LEP individuals in a service area, recipients should consider LEP parent(s) when their English-proficient or LEP minor children and dependents are potential or actual participants or beneficiaries of NASA-funded programs and activities.

Recipients should first examine their prior experiences with LEP encounters and determine the breadth and scope of language services that were needed. In conducting this analysis, it is important to include language minority populations that are eligible for their programs or activities but may be underserved because of existing language barriers. Other data should be consulted to refine or validate a recipient's prior experience, including the latest census data for the area served, data from school systems and from community organizations, and data from state and local governments.[6] Community agencies, school systems, and others can often assist in identifying populations for whom outreach is needed and who would benefit from the recipients' programs and activities were language services provided.

(2) The Frequency With Which LEP Individuals Come in Contact With the Program

Recipients should assess, as accurately as possible, the frequency with which they have or should have contact with an LEP individual from different language groups seeking assistance. The more frequent the contact with a particular language group, the more likely that enhanced language services in that language are needed. The steps that are reasonable for a recipient that serves an LEP person on a one-time basis will be very different than those expected from a recipient that serves LEP persons daily. It is also advisable to consider the frequency of different types of language contacts. For example, frequent contacts with Spanish-speaking people who are LEP may require certain assistance in Spanish. Less frequent contact with different language groups may suggest a different and less intensified solution. If an LEP individual accesses a program or service on a daily basis, a recipient has greater duties than if the same individual's program or activity contact is unpredictable or infrequent. But even recipients that serve LEP persons on an unpredictable or infrequent basis should use this balancing analysis to determine what to do if an LEP individual seeks services under the program in question. This plan need not be intricate. It may be as simple as being prepared to use one of the commercially-available telephonic interpretation services to obtain immediate interpreter services. In applying this standard, recipients should take care to consider whether appropriate outreach to LEP persons could increase the frequency of contact with LEP language groups.

[6] The focus of the analysis is on lack of English proficiency, not the ability to speak more than one language. Note that demographic data may indicate the more frequently spoken language other than English and the percentage of people who speak that language or understand English less than well. Some of the most commonly spoken languages other than English may be spoken by people who are also overwhelming proficient in English. Thus, they may not be languages spoken more frequently by limited English proficient individuals. When using demographics data, it is important to focus in on the languages spoken by those who are not proficient in English.

(3) The Nature and Importance of the Program, Activity, or Service Provided by the Program

The more important the activity, information, service, or program, or the greater the possible consequences of the contact to the LEP individuals, the more likely language services are needed. The obligations to communicate information on short and long-term weather patterns to rural communities via satellite pictures and computer modeling differ, for example, from those to provide curriculum enhancement in science and mathematics to middle school students. A recipient needs to determine whether denial or delay of access to services or information could have serious or even life-threatening implications for the LEP individual. Decisions by NASA recipients to make an activity compulsory, such as instruction on safety and security requirements before touring a NASA facility, can serve as strong evidence of the program's importance.

(4) The Resources Available to the Recipient and Costs

A recipient's level of resources and the costs that would be imposed on it may have an impact on the nature of the steps it should take. Smaller recipients with more limited budgets are not expected to provide the same level of language services as larger recipients with larger budgets. In addition, reasonable steps may cease to be reasonable where the costs imposed substantially exceed the benefits.

Resource and cost issues, however, can often be reduced by technological advances; the sharing of language assistance materials and services among and between recipients, advocacy groups, and Federal grant agencies; and reasonable business practices. Where appropriate, training bilingual staff to act as interpreters and translators, information sharing through industry groups, telephonic and video conferencing interpretation services, pooling resources and standardizing documents to reduce translation needs, using qualified translators and interpreters to ensure that documents need not be fixed later and that inaccurate interpretations do not cause delay or other costs, centralizing interpreter and translator services to achieve economies of scale, or the formalized use of qualified community volunteers, for example, may help reduce costs.[7] Recipients should carefully explore the most cost-effective means of delivering competent and accurate language services before limiting services due to resource concerns. Large entities and those entities serving a significant number or proportion of LEP persons should ensure that their resource limitations are well-substantiated before using this factor as a reason to limit language assistance. Such recipients may find it useful to be able to articulate, through documentation or in some other reasonable manner, their process for determining that language services would be limited based on resources or costs.

This four-factor analysis necessarily implicates the mix of LEP services required. Recipients have two main ways to provide language services: Oral interpretation either in person or via telephone interpretation service (hereinafter interpretation) and written translation (hereinafter translation). Oral interpretation can range from on-site interpreters for critical services provided to a high volume of LEP persons to access through commercially-available telephonic interpretation services. Written translation, likewise, can range from translation of an entire document to translation of a short description of the document. In some cases, language services should be made available on an expedited basis while in others the LEP individual may be referred to another office of the recipient for language assistance.

The correct mix should be based on what is both necessary and reasonable in light of the four-factor analysis. For instance, a visit by the NASA Administrator to a largely Hispanic neighborhood may need immediate oral interpreters available. (Of course, many community organizations may have already made such arrangements.) In contrast, there may be circumstances where the importance and nature of the activity and number or proportion and frequency of contact with LEP persons may be low and the costs and resources needed to provide language services may be high, such as in the case of a voluntary general public tour of a NASA program site in which pre-arranged language services for the particular service may not be necessary. Regardless of the type of language service provided, quality and accuracy of those services can be critical in order to avoid serious consequences to the LEP person and to the recipient. Recipients have substantial flexibility in determining the appropriate mix.

VI. Selecting Language Assistance Services

Recipients have two main ways to provide language services: oral and written language services. Quality and accuracy of the language service is critical in order to avoid serious consequences to the LEP person and to the recipient.

A. Oral Language Services (Interpretation)

Interpretation is the act of listening to something in one language (source language) and orally translating it into another language (target language). Where interpretation is needed and is reasonable, recipients should consider some or all of the following options for providing competent interpreters in a timely manner:

Competence of Interpreters. When providing oral assistance, recipients should ensure competency of the language service provider, no matter which of the strategies outlined below are used. Competency requires more than self-identification as bilingual. Some bilingual staff and community volunteers, for instance, may be able to communicate effectively in a different language when communicating information directly in that language, but not be competent to interpret in and out of English. Likewise, they may not be able to do written translations.

Competency to interpret, however, does not necessarily mean formal certification as an interpreter, although certification is helpful. When using interpreters, recipients should ensure that they:

Demonstrate proficiency in and ability to communicate information accurately in both English and in the other language and identify and employ the appropriate mode of interpreting (*e.g.*, consecutive, simultaneous, summarization, or sight translation); Have knowledge in both languages of any specialized terms or concepts peculiar to the entity's program or activity and of any particularized vocabulary and phraseology used by the LEP person,[8] and understand and follow confidentiality and impartiality rules to the same extent the recipient employee

[7] Small recipients with limited resources may find that entering into a bulk telephonic interpretation service will prove cost effective.

[8] Many languages have regionalisms, or differences in usage. For instance, a word that may be understood to mean something in Spanish for someone from Cuba may not be so understood by someone from Mexico. In addition, because there may be languages that do not have an appropriate direct interpretation of some technical terms, the interpreter should be so aware of the issue. The interpreter and recipient can then work to develop a consistent and appropriate set of descriptions of these terms in that language so that they can be used again, when appropriate.

for whom they are interpreting and/or to the extent their position requires.

Understand and adhere to their role as interpreters without deviating into a role as counselor, legal advisor, or other roles.

Some recipients, such as technical or scientific recipients, may have additional self-imposed requirements for interpreters. Where the technical integrity of the information depends on precise, complete, and accurate interpretation or translations, particularly in the context of communicating technology innovations to the public, the use of certified interpreters is strongly encouraged.[9] Where such activities are lengthy, the interpreter will likely need breaks and team interpreting may be appropriate.

The quality and accuracy of language services is part of the appropriate mix of LEP services required. The quality and accuracy of language services during a safety and security briefing, for example, must be extraordinarily high, while the quality and accuracy of language services in responding to telephonic inquiries for general information need not meet the same exacting standards.

Finally, when interpretation is needed and is reasonable, it should be provided in a timely manner. To be meaningfully effective, language assistance should be timely. While there is no single definition for timely applicable to all types of interactions at all times by all types of recipients, one clear guide is that the language assistance should be provided at a time and place that avoids the effective denial of the service, benefit, or right at issue or the imposition of an undue burden on or delay in important rights, benefits, or services to the LEP person. For example, when the timeliness of services is important, such as with certain activities of NASA recipients which involve the provision of enrollment information to parents of potential student participants in NASA-funded enrichment activities in science, mathematics, and/or technology, a recipient would likely not be providing meaningful access if it had one bilingual member of the staff available one day a week to provide the service. Such conduct would likely result in delays for LEP persons that would be significantly greater than those for English proficient persons. Conversely, where access to or exercise of a service, benefit, or right is not effectively precluded by a reasonable delay, language assistance can likely be delayed for a reasonable period.

Hiring Bilingual Staff. When particular languages are encountered often, hiring bilingual staff offers one of the best, and often most economical, options. Recipients can, for example, fill public contact positions, such as public information specialists, guards, or program directors, with staff that are bilingual and competent to communicate directly with LEP persons in their language. If bilingual staff is also used to interpret between English speakers and LEP persons, or to orally interpret written documents from English into another language, they should be competent in the skill of interpreting. Being bilingual does not necessarily mean that a person has the ability to interpret. In addition, there may be times when the role of the bilingual employee may conflict with the role of an interpreter (for instance, a bilingual security guard would probably not be able to perform effectively the role of a planetary science interpreter and security guard at the same time, even if the security guard were a qualified interpreter). Effective management strategies, including any appropriate adjustments in assignments and protocols for using bilingual staff, can ensure that bilingual staff is fully and appropriately utilized. When bilingual staff cannot meet all of the language service obligations of the recipient, the recipient should turn to other options.

Hiring Staff Interpreters. Hiring interpreters may be most helpful where there is a frequent need for interpreting services in one or more languages. Depending on the facts, sometimes it may be necessary and reasonable to provide on-site interpreters to provide accurate and meaningful communication with an LEP person.

Contracting for Interpreters. Contract interpreters may be a cost-effective option when there is no regular need for a particular language skill. In addition to commercial and other private providers, many community-based organizations and mutual assistance associations provide interpretation services for particular languages. Contracting with and providing training regarding the recipient's programs and processes to these organizations can be a cost-effective option for providing language services to LEP persons from those language groups.

Using Telephone Interpreter Lines. Telephone interpreter service lines often offer speedy interpreting assistance in many different languages. They may be particularly appropriate where the mode of communicating with an English proficient person would also be over the phone. Although telephonic interpretation services are useful in many situations, it is important to ensure that, when using such services, the interpreters used are competent to interpret any technical or legal terms specific to a particular program that may be important parts of the conversation. Nuances in language and non-verbal communication can often assist an interpreter and cannot be recognized over the phone. Video teleconferencing may sometimes help to resolve this issue where necessary. In addition, where documents are being discussed, it is important to give telephonic interpreters adequate opportunity to review the document prior to the discussion and any logistical problems should be addressed.

Using Community Volunteers. In addition to consideration of bilingual staff, staff interpreters, or contract interpreters (either in-person or by telephone) as options to ensure meaningful access by LEP persons, use of recipient-coordinated community volunteers, working with, for instance, community-based organizations may provide a cost-effective supplemental language assistance strategy under appropriate circumstances. They may be particularly useful in providing language access for a recipient's less critical programs and activities. To the extent the recipient relies on community volunteers, it is often best to use volunteers who are trained in the information or services of the program and can communicate directly with LEP persons in their language. Just as with all interpreters, community volunteers used to interpret between English speakers and LEP persons, or to orally translate documents, should be competent in the skill of interpreting and knowledgeable about applicable confidentiality and impartiality rules. Recipients should consider formal arrangements with community-based organizations that provide volunteers to address these concerns and to help ensure that services are available more regularly.

Use of Family Members or Friends as Interpreters. Although recipients should not plan to rely on an LEP person's family members, friends, or other informal interpreters to provide meaningful access to important programs and activities, where LEP persons so desire, they should be permitted to use, at their own expense, an interpreter of their own choosing (whether a professional interpreter, family member, or friend) in place of or as a supplement to the free language

[9] For those languages for which no formal accreditation or certification currently exists, NASA recipients should consider a formal process for establishing the credentials of the interpreter.

services expressly offered by the recipient. LEP persons may feel more comfortable when a trusted family member, or friend, acts as an interpreter. In addition, in exigent circumstances that are not reasonably foreseeable, temporary use of interpreters not provided by the recipient may be necessary. However, with proper planning and implementation, recipients should be able to avoid most such situations.

Recipients, however, should take special care to ensure that family, legal guardians, caretakers, and other informal interpreters are appropriate in light of the circumstances and subject matter of the program, service or activity, including protection of the recipient's own administrative or enforcement interest in accurate interpretation. In many circumstances, family members (especially children), or friends, are not competent to provide quality and accurate interpretations. Issues of confidentiality, privacy, or conflict of interest may also arise. LEP individuals may feel uncomfortable revealing or describing sensitive, confidential, or potentially embarrassing medical, law enforcement (*e.g.*, sexual or violent assaults), family, or financial information to a family member, friend, or member of the local community.[10] In addition, such informal interpreters may have a personal connection to the LEP person or an undisclosed conflict of interest, such as the desire to protect themselves or another person in certain matters. For these reasons, when oral language services are necessary, recipients should generally offer competent interpreter services free of cost to the LEP person. For NASA recipient programs and activities, this is particularly true in situations in which health, safety, or security is at stake, or when credibility and accuracy are important to protect an individual's rights and access to important services.

An example of such a case is when security guards respond to an illegal entry call. In such a case, use of family members or neighbors to interpret for the alleged perpetrator or witnesses may raise serious issues of competency, confidentiality, and conflict of interest and is thus inappropriate. While issues of competency, confidentiality, and conflict of interest in the use of family members (especially children), or friends, often make their use inappropriate, the use of these individuals as interpreters may be an appropriate option where proper application of the four factors would lead to a conclusion that recipient-provided services are not necessary. An example of this is a voluntary, unescorted tour of artwork in a NASA facility open to the general public. There, the importance and nature of the activity may be relatively low and unlikely to implicate issues of confidentiality, conflict of interest, or the need for accuracy. In addition, the resources needed and costs of providing language services may be high. In such a setting, an LEP person's use of family members, friends, or others may be appropriate.

If the LEP person voluntarily chooses to provide his or her own interpreter, a recipient should consider whether a record of that choice and of the recipient's offer of assistance is appropriate. Where precise, complete, and accurate interpretations or translations of information are critical, or where the competency of the LEP person's interpreter is not established, a recipient might decide to provide its own, independent interpreter, even if an LEP person wants to use his or her own interpreter as well. Extra caution should be exercised when the LEP person chooses to use a minor as the interpreter. While the LEP person's decision should be respected, there may be additional issues of competency, confidentiality, or conflict of interest when the choice involves using children as interpreters. The recipient should take care to ensure that the LEP person's choice is voluntary, that the LEP person is aware of the possible problems if the preferred interpreter is a minor child, and that the LEP person knows that a competent interpreter could be provided by the recipient at no cost.

B. Written Language Services (Translation)

Translation is the replacement of a written text from one language (source language) into an equivalent written text in another language (target language).

What Documents Should Be Translated? After applying the four-factor analysis, a recipient may determine that an effective LAP plan for its particular program or activity includes the translation of vital written materials into the language of each frequently-encountered LEP group eligible to be served and/or likely to be affected by the recipient's program.

Such written materials could include, for example:

- Consent and complaint forms
- Written notices of rights, or discontinuation of programs and/or activities
- Notices advising LEP persons of free language assistance
- Security or safety brochures for visitors to NASA facilities
- Applications to participate in a recipient's program or activity or to receive recipient benefits or services.

Whether or not a document (or the information it solicits) is vital may depend upon the importance of the program, information, encounter, or service involved, and the consequence to the LEP person if the information in question is not provided accurately or in a timely manner. For instance, applications for participation in an after-school science and mathematics enrichment program could be considered vital. Where appropriate, recipients are encouraged to create a plan for consistently determining, over time and across its various activities, what documents are vital to the meaningful access of the LEP populations they serve.

Classifying a document as vital or non-vital is sometimes difficult, especially in the case of outreach materials like brochures or other information on rights and services. Awareness of rights or services is an important part of meaningful access. Lack of awareness that a particular program, right, or service exists may effectively deny LEP individuals meaningful access. Thus, where a recipient is engaged in community outreach activities in furtherance of its activities, it should regularly assess the needs of the populations frequently encountered or affected by the program or activity to determine whether certain critical outreach materials should be translated. Community organizations may be helpful in determining what outreach materials may be most helpful to translate. In addition, the recipient should consider whether translations of outreach material may be made more effective when done in tandem with other outreach methods, including utilizing the ethnic media, schools, religious, and community organizations to spread a message.

Sometimes a document includes both vital and non-vital information. This may be the case when the document is very large. It may also be the case when the title and a phone number for obtaining more information on the

[10] For example, special circumstances may raise additional serious concerns regarding the voluntary nature, conflicts of interest, and privacy issues surrounding the use of persons other than qualified interpreters, particularly where technical information, an important right, benefit, service, or access to personal or enforcement information is at stake. In some situations, individuals could potentially misuse information they obtained in interpreting for other persons. In addition to ensuring competency and accuracy of the interpretation, recipients should take these special circumstances into account when determining whether a person makes a knowing and voluntary choice to use another person to interpret, instead of an interpreter provided by the recipient.

contents of the document in frequently-encountered languages other than English is critical, but the document is sent out to the general public and cannot reasonably be translated into many languages. Thus, vital information may include, for instance, the provision of information in appropriate languages other than English regarding where a LEP person might obtain an interpretation or translation of the document.

Into What Languages Should Documents Be Translated? The languages spoken by the LEP individuals with whom the recipient has contact determine the languages into which vital documents should be translated. A distinction should be made, however, between languages that are frequently encountered by a recipient and less commonly-encountered languages. Many recipients serve communities in large cities or across the country. They may serve LEP persons who speak many different languages. To translate all written materials into all of those languages is unrealistic. Although recent technological advances have made it easier for recipients to store and share translated documents, such an undertaking would incur substantial costs and require substantial resources. Nevertheless, well-substantiated claims of lack of resources to translate all vital documents into dozens of languages do not necessarily relieve the recipient of the obligation to translate those documents into at least several of the more frequently-encountered languages and to set benchmarks for continued translations into the remaining languages over time. As a result, the extent of the recipient's obligation to provide written translations of documents should be determined by the recipient on a case-by-case basis, looking at the totality of the circumstances in light of the four-factor analysis. Because translation is a one-time expense, consideration should be given to whether the upfront cost of translating a document (as opposed to oral interpretation) should be amortized over the likely lifespan of the document when applying this four-factor analysis.

Safe Harbor. Many recipients would like to ensure with greater certainty that they comply with their obligations to provide written translations in languages other than English. Paragraphs (a) and (b) outline the circumstances that can provide a safe harbor for recipients regarding the requirements for translation of written materials. A safe harbor means that if a recipient provides written translations under these circumstances, such action will be considered strong evidence of compliance with the recipient's written-translation obligations.

The failure to provide written translations under the circumstances outlined in paragraphs (a) and (b) does not mean there is non-compliance. Rather, they provide a common starting point for recipients to consider whether and at what point the importance of the service, benefit, or activity involved; the nature of the information sought; and the number or proportion of LEP persons served call for written translations of commonly-used forms into frequently-encountered languages other than English. Thus, these paragraphs merely provide a guide for recipients that would like greater certainty of compliance than can be provided by a fact-intensive, four-factor analysis.

Example: Even if the safe harbors are not used, if written translation of a certain document(s) would be so burdensome as to defeat the legitimate objectives of its program, the translation of the written materials is not necessary. Other ways of providing meaningful access, such as effective oral interpretation of certain vital documents, might be acceptable under such circumstances.

Safe Harbor. The following actions will be considered strong evidence of compliance with the recipient's written-translation obligations:

(a) The NASA recipient provides written translations of vital documents for each eligible LEP language group that constitutes five percent or 1,000, whichever is less, of the population of persons eligible to be served or likely to be affected or encountered. Translation of other documents, if needed, can be provided orally; or

(b) If there are fewer than 50 persons in a language group that reaches the five percent trigger in (a), the recipient does not translate vital written materials but provides written notice in the primary language of the LEP language group of the right to receive competent oral interpretation of those written materials, free of cost.

These safe harbor provisions apply to the translation of written documents only. They do not affect the requirement to provide meaningful access to LEP individuals through competent oral interpreters where oral language services are needed and are reasonable. For example, NASA-funded educational enrichment programs should, where appropriate, ensure that NASA safety and security rules have been explained to LEP participants, at orientation, for instance, prior to taking a tour of any NASA facility.

Competence of Translators. As with oral interpreters, translators of written documents should be competent. Many of the same considerations apply. However, the skill of translating is very different from the skill of interpreting, and a person who is a competent interpreter may or may not be competent to translate.

Particularly where scientific and other technical documents are being translated, competence can often be achieved by use of certified translators. Certification or accreditation may not always be possible or necessary.[11] Competence can often be ensured by having a second, independent translator check the work of the primary translator. Alternatively, one translator can translate the document, and a second, independent translator could translate it back into English to check that the appropriate meaning has been conveyed. This is called Aback translation.

Translators should understand the expected reading level of the audience and, where appropriate, have fundamental knowledge about the target language group's vocabulary and phraseology. Sometimes direct translation of materials results in a translation that is written at a much more difficult level than the English language version or has no relevant equivalent meaning.[12] Community organizations may be able to help consider whether a document is written at a good level for the audience. Likewise, consistency in the words and phrases used to translate terms of art, legal, or other technical concepts helps avoid confusion by LEP individuals and may reduce costs. Creating or using already-created glossaries of commonly used terms may be useful for LEP persons and translators, and cost effective for the recipient. Providing translators with examples of previous accurate translations of similar material by the recipient, other recipients, of federal agencies may be helpful.

[11] For those languages in which no formal accreditation currently exists, a particular level of membership in a professional translation association can provide some indicator of professionalism.

[12] For instance, there may be languages which do not have an appropriate direct translation of some technical terms and the translator should be able to provide an appropriate translation. The translator should likely also make the recipient award of this. Recipients can then work with translators to develop a consistent and appropriate set of descriptions of these terms in that language that can be used again, when appropriate. Recipients will find it more effective and less costly if they try to maintain consistency in the words and phrases used to translate terms of art and legal or other technical concepts.

While quality and accuracy of translation services is critical, the quality and accuracy of translation services is nonetheless part of the appropriate mix of LEP services required. For instance, documents that are simple for LEP persons who rely on them may use translators that are less skilled than important documents upon which reliance has important consequences (including, *e.g.*, information or documents of NASA recipients regarding certain security, health, and safety requirements). The permanent nature of written translations, however, imposes additional responsibility on the recipient to ensure that the quality and accuracy permit meaningful access by LEP persons.

VII. Elements of Effective Plan on Language Assistance for LEP Persons

After completing the four-factor analysis and deciding what language assistance services are appropriate, a recipient should develop an implementation plan to address the identified needs of the LEP populations they serve. Recipients have considerable flexibility in developing this plan. The development and maintenance of a periodically-updated written Language Assistance Plan (LAP) for LEP persons for use by recipient employees serving the public will likely be the most appropriate and cost-effective means of documenting compliance and providing a framework for the provision of timely and reasonable language assistance. Moreover, such written plans would likely provide additional benefits to a recipient's managers in the areas of training, administration, planning, and budgeting. These benefits should lead most recipients to document in a written LAP, their language assistance services, and how staff and LEP persons can access those services. Despite these benefits, certain NASA recipients, such as recipients serving very few LEP persons and recipients with very limited resources, may choose not to develop a written LAP. However, the absence of a written LAP does not obviate the underlying obligation to ensure meaningful access by LEP persons to a recipient's program or activities. Accordingly, in the event that a recipient elects not to develop a written plan, it should consider alternative ways to articulate in some other reasonable manner a plan for providing meaningful access. Entities having significant contact with LEP persons, such as schools, religious organizations, community groups, and groups working with new immigrants can be very helpful in providing important input into this planning process from the beginning.

The following five steps may be helpful in designing a LAP and are typically part of effective implementation plans.

(1) Identifying LEP Individuals Who Need Language Assistance

The first two factors in the four-factor analysis require an assessment of the number or proportion of LEP individuals eligible to be served or encountered and the frequency of encounters. This requires recipients to identify LEP persons with whom it has contact.

One way to determine the language of communication is to use language identification cards (or ''I speak cards''), which invite LEP persons to identify their language needs to staff. Such cards, for instance, might say ''I speak Spanish'' in both Spanish and English, ''I speak Vietnamese'' in both English and Vietnamese, *etc.* To reduce costs of compliance, the Federal Government has made a set of these cards available on the Internet. The Census Bureau ''I speak card'' can be found and downloaded at *http://www.usdoj.gov/crt/cor/13166.htm.* When records are normally kept of past interactions with members of the public, the language of the LEP person can be included as part of the record. In addition to helping employees identify the language of LEP persons they encounter, this process will help in future applications of the first two factors of the four-factor analysis. In addition, posting notices in commonly encountered languages notifying LEP persons of language assistance will encourage them to self-identify.

(2) Language Assistance Measures

An effective LAP would likely include information about the ways in which language assistance will be provided. For instance, recipients may want to include information on at least the following:

- Types of language services available.
- How staff can obtain those services.
- How to respond to LEP callers.
- How to respond to written communications from LEP persons.
- How to respond to LEP individuals who have in-person contact with recipient staff.
- How to ensure competency of interpreters and translation services.

(3) Training Staff

Staff should know their obligations to provide meaningful access to information and services for LEP persons. An effective LAP plan would likely include training to ensure that:

- Staff know about LEP policies and procedures.
- Staff having contact with the public (or those in a recipient's custody) are trained to work effectively with in-person and telephone interpreters.

Recipients may want to include this training as part of the orientation for new employees. It is important to ensure that all employees in public contact positions are properly trained. Recipients have flexibility in deciding the manner in which the training is provided. The more frequent the contact with LEP persons, the greater the need will be for in-depth training. Staff with little or no contact with LEP persons may only have to be aware of a LAP. However, management staff, even if they do not interact regularly with LEP persons, should be fully aware of and understand the plan so they can reinforce its importance and ensure its implementation by staff.

(4) Providing Notice to LEP Persons

Once a recipient has decided, based on the four factors, that it will provide language services, it is important for the recipient to let LEP persons know that those services are available and that they are free of charge. Recipients should provide this notice in a language LEP persons will understand. Examples of notification that recipients should consider include:

- Posting signs in intake areas and other entry points. When language assistance is needed to ensure meaningful access to information and services, it is important to provide notice in appropriate languages in intake areas or initial points of contact so that LEP persons can learn how to access those language services. This is particularly true in areas with high volumes of LEP persons seeking access to certain NASA programs, activities and or facilities run by NASA recipients. For instance, signs in entry areas could state that free language assistance is available. The signs should be translated into the most common languages encountered. They should explain how to get the language help.
- Stating in outreach documents that language services are available from the NASA recipient. Announcements could be in, for instance, brochures, booklets, and in outreach and recruitment information. These statements should be translated into the most common languages and could be placed on the front of common documents.
- Working with community-based organizations and other stakeholders to inform LEP individuals of the

recipients' services, including the availability of language assistance services.

• Using a telephone voice mail menu. The menu could be in the most common languages encountered. It should provide information about available language assistance services and how to get them.

• Including notices in local newspapers in languages other than English.

• Providing notices on non-English-language radio and television stations about the available language assistance services and how to get them.

• Presentations and/or notices at schools and religious organizations.

(5) Monitoring and Updating the LAP

Recipients should, where appropriate, have a process for determining, on an ongoing basis, whether new documents, programs, services, and activities need to be made accessible for LEP individuals, and they may want to provide notice of any changes in services to the LEP public and to employees. In addition, recipients should consider whether changes in demographics, types of services, or other needs require annual re-evaluation of their LAP. Less frequent re-evaluation may be more appropriate where demographics, services, and needs are more static. One good way to evaluate the LAP is to seek feedback from the community.

In their reviews, recipients may want to consider assessing changes in:

• Current LEP populations in service area or population affected or encountered.

• Frequency of encounters with LEP language groups.

• Nature and importance of activities to LEP persons.

• Availability of resources, including technological advances and sources of additional resources, and the costs imposed.

• Whether existing assistance is meeting the needs of LEP persons.

• Whether staff knows and understands the LAP and how to implement it.

• Whether identified sources for assistance are still available and viable.

In addition to these five elements, effective plans set clear goals, management accountability, and opportunities for community input and planning throughout the process.

VIII. Voluntary Compliance Effort

The goal for Title VI and Title VI regulatory enforcement is to achieve voluntary compliance. The requirement to provide meaningful access to LEP persons is enforced and implemented by NASA through the procedures identified in the Title VI regulations. These procedures include complaint investigations, compliance reviews, efforts to secure voluntary compliance, and technical assistance.

The Title VI regulations provide that NASA will investigate whenever it receives a complaint, report, or other information that alleges or indicates possible noncompliance with Title VI or NASA regulations.[13] If an investigation results in a finding of noncompliance, NASA will inform the recipient in writing of this determination, including the basis for the determination. NASA uses voluntary mediation to resolve most complaints. However, if a case is fully investigated and results in a finding of noncompliance, NASA must inform the recipient of the noncompliance through a Letter of Findings that sets out the areas of noncompliance and the steps that must be taken to correct the noncompliance. It must attempt to secure voluntary compliance through informal means. If the matter cannot be resolved informally, NASA must secure compliance through the termination of federal assistance after the NASA recipient has been given an opportunity for an administrative hearing and/or by referring the matter to the DOJ to seek injunctive relief or pursue other enforcement proceedings. NASA engages in voluntary compliance efforts and provides technical assistance to recipients at all stages of an investigation. During these efforts, NASA proposes reasonable timetables for achieving compliance and consults with and assists recipients in exploring cost-effective ways of coming into compliance. In determining a recipient's compliance with the Title VI regulations, NASA's primary concern is to ensure that the recipient's policies and procedures provide meaningful access for LEP persons to the recipient's programs and activities.

While all recipients must work toward building systems that will ensure access for LEP individuals, NASA acknowledges that the implementation of a comprehensive system to serve LEP individuals is a process and that a system will evolve over time as it is implemented and periodically reevaluated. As recipients take reasonable steps to provide meaningful access to federally assisted programs and activities for LEP persons, NASA will look favorably on intermediate steps recipients take that are consistent with this Guidance, and that, as part of a broader implementation plan or schedule, move their service delivery system toward providing full access to LEP persons. This does not excuse noncompliance but instead recognizes that full compliance in all areas of a recipient's activities and for all potential language minority groups may reasonably require a series of implementing actions over a period of time. However, in developing any phased implementation schedule, NASA recipients should ensure that the provision of appropriate assistance for significant LEP populations or with respect to activities having a significant impact on beneficiaries is addressed first. Recipients are encouraged to document their efforts to provide LEP persons with meaningful access to federally assisted programs and activities.

[13] At educational institutions, investigations will be conducted by the U.S. Department of Education under a Memorandum of Understanding (MOV) between NASA and the U.S. Department of Education.

Dr. Dorothy Hayden-Watkins,

Assistant Administrator of Equal Opportunity Programs.

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BILLING CODE 7510–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Records Schedules; Availability and Request for Comments

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice of availability of proposed records schedules; request for comments.

SUMMARY: The National Archives and Records Administration (NARA) publishes notice at least once monthly of certain Federal agency requests for records disposition authority (records schedules). Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. They authorize the preservation of records of continuing value in the National Archives of the United States and the destruction, after a specified period, of records lacking administrative, legal, research, or other value. Notice is published for records schedules in which agencies propose to destroy records not previously authorized for disposal or reduce the retention period of records already authorized for disposal. NARA invites public comments on such records schedules, as required by 44 U.S.C. 3303a(a).

DATES: Requests for copies must be received in writing on or before September 29, 2003. Once the appraisal of the records is completed, NARA will send a copy of the schedule. NARA staff usually prepare appraisal memorandums that contain additional information concerning the records covered by a proposed schedule. These, too, may be requested and will be provided once the appraisal is completed. Requesters will be given 30 days to submit comments.

ADDRESSES: To request a copy of any records schedule identified in this notice, write to the Life Cycle Management Division (NWML), National Archives and Records Administration (NARA), 8601 Adelphi Road, College Park, MD 20740–6001. Requests also may be transmitted by FAX to 301–837–3698 or by e-mail to *records.mgt@nara.gov.* Requesters must cite the control number, which appears in parentheses after the name of the agency which submitted the schedule, and must provide a mailing address. Those who desire appraisal reports should so indicate in their request.

FOR FURTHER INFORMATION CONTACT: Paul M. Wester, Jr., Director, Life Cycle Management Division (NWML), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. Telephone: (301) 837–3120. E-mail: *records.mgt@nara.gov.*

SUPPLEMENTARY INFORMATION: Each year Federal agencies create billions of records on paper, film, magnetic tape, and other media. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval, using the Standard Form (SF) 115, Request for Records Disposition Authority. These schedules provide for the timely transfer into the National Archives of historically valuable records and authorize the disposal of all other records after the agency no longer needs them to conduct its business. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

No Federal records are authorized for destruction without the approval of the Archivist of the United States. This approval is granted only after a thorough consideration of their administrative use by the agency of origin, the rights of the Government and of private persons directly affected by the Government's activities, and whether or not they have historical or other value.

Besides identifying the Federal agencies and any subdivisions requesting disposition authority, this public notice lists the organizational unit(s) accumulating the records or indicates agency-wide applicability in the case of schedules that cover records that may be accumulated throughout an agency. This notice provides the control number assigned to each schedule, the total number of schedule items, and the number of temporary items (the records proposed for destruction). It also includes a brief description of the temporary records. The records schedule itself contains a full description of the records at the file unit level as well as their disposition. If NARA staff has prepared an appraisal memorandum for the schedule, it too includes information about the records. Further information about the disposition process is available on request.

Schedules Pending

1. Department of the Army, Agency-wide (N1–AU–03–9, 2 items, 2 temporary items). Records relating to the Global Freight Management System, an electronic recordkeeping system which contains information relating to the procurement of commercial freight transportation services. Included are proposals, master reference files, freight tenders, domestic route order requests, bills of lading shipment information, carrier costing and performance data, and discrepancy reports. This schedule authorizes the agency to apply the proposed disposition instructions to any recordkeeping medium.

2. Department of Health and Human Services, Food and Drug Administration (N1–88–03–4, 12 items, 11 temporary items). Export program files, including such records as applications, notifications, requests, certificates, background documentation concerning exporting firms, procedures and instructions for export processing, and a related tracking system. Also included are electronic copies of records created using electronic mail and word processing. Proposed for permanent retention are recordkeeping copies of final policy documents, which include decision-making memorandums, final working group reports, and action items.

3. Department of Justice, Drug Enforcement Administration (N1–170–03–6, 1 item, 1 temporary item). Agency internal web site pages, which include copies of such materials as publications, policies and procedures, articles relating to law enforcement, reference material relating to trends in drug trafficking, high level briefings, frequently asked questions, staff telephone numbers, and information about occupational hazards.

4. Department of Justice, Federal Bureau of Investigation (N1–65–03–3, 2 items, 2 temporary items). Forfeiture administrative documentation and work papers accumulated by the Forfeiture and Seized Property Unit in connection with civil and criminal forfeiture proceedings. Also included are electronic copies of documents created using word processing and electronic mail.

5. Department of the Navy, Agency-wide, (N1–NU–03–2, 10 items, 10 temporary items). Records relating to law enforcement and physical security. Included are such records as security journals, weapons registrations, inventory control files, and ammunition stock records. Also included are electronic copies of records created using electronic mail and word processing.

6. Department of the Navy, Agency-wide, (N1–NU–03–3, 4 items, 4 temporary items). Records relating to nuclear submarine reactors. Included are logs, reports, and similar records. Also included are electronic copies of records created using electronic mail and word processing.

7. Department of the Treasury, United States Mint (N1–104–03–5, 9 items, 8 temporary items). Management studies relating to the acquisition of contracted commercial services and special procurement studies and files. Also included are electronic copies of records created using electronic mail and word processing. Proposed for permanent retention are recordkeeping copies of agreements relating to the purchase of gold and other metals for coin production.

8. Department of the Treasury, United States Mint (N1–104–03–6, 8 items, 8 temporary items). Documentation relating to permit applications, hazardous substance transfer files, and reports concerning environmental matters. Also included are electronic copies of documents created using electronic mail and word processing.

9. Department of the Treasury, United States Mint (N1–104–03–9, 5 items, 5 temporary items). Master files and system documentation associated with the agency's Computerized Maintenance Management System. The system is used to manage maintenance and repair operations and inventories. Also included are electronic copies of records created using electronic mail and word processing.

10. Department of the Treasury, Financial Management Service (N1–425–03–4, 30 items, 30 temporary items). Files of the Business and Agency Liaison Division, including such records as electronic mail reading files, the director's subject files, agency portfolios, Treasury reports on receivables, inputs, outputs, system documentation, and master files of the Debt Management Information System, business continuity planning files, and human capital management records. Also included are electronic copies of records created using electronic mail and word processing.

11. Department of the Treasury, Financial Management Service (N1–425–03–5, 3 items, 3 temporary items). Records relating to collecting payments and servicing mortgages from the sale of Government property. Included are correspondence, loan activity reports, disbursement information, mortgage amortization schedules, and mortgage payment distribution reports. Also included are electronic copies of documents created using electronic mail and word processing.

12. National Archives and Records Administration, Government-wide (N1–GRS–03–2, 4 items, 4 temporary items). Addition to General Records Schedule 1, Civilian Personnel Records, consisting of general files and case files relating to agency alternative dispute resolution programs. Also included are electronic copies of records created using electronic mail and word processing.

13. U.S. Maritime Administration, Associate Administrator for Administration (N1–357–03–1, 3 items, 3 temporary items). Operational differential subsidy bulk and linear files, which include contract agreements, expense audits, wage audits, paid vouchers, directives, and correspondence from subsidized companies. Also included are electronic copies of documents created using electronic mail and word processing.

Dated: August 11, 2003.

Michael J. Kurtz,

Assistant Archivist for Record Services—Washington, DC.

[FR Doc. 03–20858 Filed 8–14–03; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Review; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA is submitting the following reinstatement, without change, of a previously approved collection for which approval has expired, to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). This information collection is published to obtain comments from the public.

DATES: Comments will be accepted until October 14, 2003.

ADDRESSES: Interested parties are invited to submit written comments to NCUA Clearance Officer or OMB Reviewer listed below:

Clearance Officer: Mr. Neil McNamara, (703) 518–6447, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, Fax No. (703) 518–6669, E-mail: *mcnamara@ncua.gov.*

OMB Reviewer: Mr. Joseph F. Lackey, (202) 395–4741, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Copies of this information collection request, with applicable supporting documentation, may be obtained by calling the NCUA Clearance Officer, Neil McNamara, (703) 518–6447. It is also available on the following Web site: *http://www.NCUA.gov.*

SUPPLEMENTARY INFORMATION: Proposal for the following collection of information:

OMB Number: 3133–0139.

Form Number: N/A.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Title: Organization and Operation of Federal Credit Unions.

Description: Federal Credit Unions wishing to pay lending-related incentives to employees must establish written policies.

Respondents: Certain Federal Credit Unions.

Estimated No. of Respondents/Recordkeepers: 1,000.

Estimated Burden Hours Per Response: One.

Frequency of Response: On Occasion.

Estimated Total Annual Burden Hours: 1,000.

Estimated Total Annual Cost: $25,000.

By the National Credit Union Administration Board on August 8, 2003.

James J. Engel,

Acting Secretary of the Board.

[FR Doc. 03–20809 Filed 8–14–03; 8:45 am]

BILLING CODE 7535–01–U

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Revision to a Currently Approved Information Collection; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA intends to submit the following information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). This information collection is published to obtain comments from the public.

DATES: Comments will be accepted until October 14, 2003.

ADDRESSES: Interested parties are invited to submit written comments to NCUA Clearance Officer or OMB Reviewer listed below:

Clearance Officer: Mr. Neil McNamara, (703) 518–6447, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, Fax No. (703) 518–6669, E-mail: *mcnamara@ncua.gov.*

OMB Reviewer: Mr. Joseph F. Lackey, (202) 395–4741, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Copies of the information collection requests, with applicable supporting documentation, may be obtained by calling the NCUA Clearance Officer, Neil McNamara, (703) 518–6447. It is also available on the following Web site: *http://www.NCUA.gov.*

SUPPLEMENTARY INFORMATION: Proposal for the following collection of information:

OMB Number: 3133–0135.

Form Number: N/A.

Type of Review: Reinstatement, with change, of a previously approved collection for which approval has expired.

Title: National Credit Union Administration Agreement for Electronic Funds Transfer Payments.

Description: NCUA needs this information to comply with the Debt Collection Improvement Act which has

a provision concerning the use of EFT payments.

Respondents: All Federally Insured Credit Unions.

Estimated No. of Respondents/ Recordkeepers: 250.

Estimated Burden Hours Per Response: 15 minutes, (15/60 hr).

Frequency of Response: Annually.

Estimated Total Annual Burden Hours: 62.5 hours.

Estimated Total Annual Cost: $1,350.

By the National Credit Union Administration Board on August 7, 2003.

Hattie Ulan,

Acting Secretary of the Board.

[FR Doc. 03–20810 Filed 8–14–03; 8:45 am]

BILLING CODE 7535–01–U

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for an Extension of a Currently Approved Collection; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA intends to submit the following information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). This information collection is published to obtain comments from the public.

DATES: Comments will be accepted until September 15, 2003.

ADDRESSES: Interested parties are invited to submit written comments to NCUA Clearance Officer or OMB Reviewer listed below:

Clearance Officer: Mr. Neil McNamara, (703) 518–6447, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, Fax No. 703–518–6489, E-mail: *mcnamara@ncua.gov.*

OMB Reviewer: Mr. Joseph F. Lackey, (202) 395–4741, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION: Copies of the information collection requests, with applicable supporting documentation, may be obtained by calling the NCUA Clearance Officer, Neil McNamara, (703) 518–6447.

SUPPLEMENTARY INFORMATION: Proposal for the following collection of information:

OMB Number: 3133–0163.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Title: Privacy of Consumer Financial Information, 12 CFR part 716 and Requirements for Insurance, 12 CFR part 741.

Description: The regulations direct newly chartered and troubled credit unions to provide NCUA with 30 days notice before making a management change. 12 CFR parts 701.14 and 741.205.

Estimated No. of Respondents/ Recordkeepers: 10,627.

Estimated Burden Hours Per Response: 45 hours.

Frequency of Response: Recordkeeping and third party disclosure.

Estimated Total Annual Burden Hours: 478,215.

Estimated Total Annual Cost: $0.

By the National Credit Union Administration Board on August 7, 2003.

Hattie Ulan,

Acting Secretary of the Board.

[FR Doc. 03–20811 Filed 8–14–03; 8:45 am]

BILLING CODE 7535–01–P

NATIONAL CREDIT UNION ADMINISTRATION

Agency Information Collection Activities: Submission to OMB for Revision to a Currently Approved Information Collection; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Request for comment.

SUMMARY: The NCUA intends to submit the following information collection to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. chapter 35). This information collection is published to obtain comments from the public.

DATES: Comments will be accepted until October 14, 2003.

ADDRESSES: Interested parties are invited to submit written comments to NCUA Clearance Officer or OMB Reviewer listed below:

Clearance Officer: Mr. Neil McNamara, (703) 518–6447, National Credit Union Administration, 1775 Duke Street, Alexandria, Virginia 22314–3428, Fax No. 703–518–6669, E-mail: *mcnamara@ncua.gov.*

OMB Reviewer: Mr. Joseph F. Lackey, (202) 395–4741, Office of Management and Budget, Room 10226, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Copies of the information collection requests, with applicable supporting documentation, may be obtained by calling the NCUA Clearance Officer, Neil McNamara, (703) 518–6447.

SUPPLEMENTARY INFORMATION: Proposal for the following collection of information:

OMB Number: 3133–0108.

Form Number: N/A.

Type of Review: Reinstatement, without change, of a previously approved collection for which approval has expired.

Title: 12 CFR 748.2 Monitoring Bank Secrecy Act Compliance.

Description: The collection is needed to allow NCUA to determine whether credit unions have established a program reasonably designed to assure and monitor their compliance with currency recordkeeping and reporting requirements established by Federal statute and Department of Treasury Regulations.

Respondents: Federally Insured Credit Unions.

Estimated No. of Respondents/ Recordkeepers: 11,127.

Estimated Burden Hours Per Response: 3 hours.

Frequency of Response: Recordkeeping.

Estimated Total Annual Burden Hours: 33,477.

Estimated Total Annual Cost: Not applicable.

By the National Credit Union Administration Board on August 7, 2003.

Hattie Ulan,

Acting Secretary of the Board.

[FR Doc. 03–20812 Filed 8–14–03; 8:45 am]

BILLING CODE 7535–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–285]

Omaha Public Power District, Fort Calhoun Station, Unit 1; Notice of Availability of the Final Supplement 12 to the Generic Environmental Impact Statement Regarding License Renewal for the Fort Calhoun Station, Unit 1

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has published a final plant-specific supplement to the ''Generic Environmental Impact Statement (GEIS)'', NUREG–1437, regarding the renewal of operating license DPR–40 for Fort Calhoun Station, Unit 1, for an additional 20 years of operation. The Fort Calhoun Station, Unit 1, is owned by the Omaha

Public Power District (OPPD). The Fort Calhoun Station, Unit 1, is located in Washington County, Nebraska. Possible alternatives to the proposed action (license renewal) include no action and reasonable alternative methods of power generation.

It is stated in Section 9.3 of the report:

Based on (1) the analysis and findings in the GEIS (NRC 1996; 1999); (2) the ER [Environmental Report] submitted by the OPPD (OPPD 2002); (3) consultation with Federal, State, and local agencies; (4) the staff's own independent review; and (5) the staff's consideration of the public comments received, the recommendation of the staff is that the Commission determine that the adverse environmental impacts of license renewal for Fort Calhoun Station Unit 1 are not so great that preserving the option of license renewal for energy-planning decision makers would be unreasonable.

The final Supplement 12 to the GEIS is available for public inspection in the NRC Public Document Room (PDR) located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or from the Publicly Available Records (PARS) component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web site at *http://www.nrc.gov* (the Public Electronic Reading Room). Persons who do not have access to ADAMS, or who encounter problems in accessing the documents located in ADAMS, should contact the PDR reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov*.

For Further Information Contact: Mr. Jack Cushing, License Renewal and Environmental Impacts Program, Division of Regulatory Improvement Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Mr. Cushing may be contacted at (301) 415–1424 or by writing to Jack Cushing, U.S. Nuclear Regulatory Commission, Mail Stop O–11–F1.

Dated at Rockville, Maryland, this 11th day of August, 2003.

For the Nuclear Regulatory Commission.

John Tappert,

Acting Program Director, License Renewal and Environmental Impacts Program, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

[FR Doc. 03–20838 Filed 8–14–03; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF MANAGEMENT AND BUDGET

Information Collection; Request for Public Comments

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) invites the general public and Federal agencies to comment on renewal and changes to two information collection requests from two types of entities: (1) the reports of auditors to auditees concerning audit results, audit findings, and questioned costs, and (2) reports from auditees to the Federal Government providing information about the auditees, the awards they administer, and the audit results. These collection efforts are required by the Single Audit Act Amendments of 1996 (31 U.S.C. 7501 *et seq.*) and OMB Circular A–133, ''Audits of States, Local Governments, and Non-Profit Organizations.''

Included as part of this information collection is the Data Collection Form (SF–SAC). The changes being proposed are to modify the data elements collected on the SF–SAC. The current Form SF–SAC is being used for audit periods ending in 2001, 2002, and 2003. A revised Form SF–SAC will be used for audit periods ending in 2004, 2005, and 2006.

Additionally, OMB is interested in receiving comments on ways to streamline the submission of the Data Collection Form (SF–SAC) and the single audit reporting packages (*e.g.*, electronic submission) to more fully comply with the Government Paperwork Elimination Act (Pub. L. 105–277).

DATES: Submit comments on or before October 14, 2003. Late comments will be considered to the extent practicable.

ADDRESSES: Due to potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, we encourage respondents to submit comments electronically to ensure timely receipt. We cannot guarantee that comments mailed will be received before the comment closing date.

Electronic mail comments may be submitted to: *tramsey@omb.eop.gov*. Please include ''Form SF–SAC Comments'' in the subject line and the full body of your comments in the text of the electronic message and not as an attachment. Please include your name, title, organization, postal address, telephone number, and E-mail address in the text of the message. Comments may also be submitted via facsimile to (202) 395–4915.

Comments may be mailed to Terrill W. Ramsey, Office of Federal Financial Management, Office of Management and Budget, Room 6025, New Executive Office Building, Washington, DC 20503.

Comments: All responses will be summarized and included in the request for OMB approval. All comments will also be a matter of public record.

FOR FURTHER INFORMATION CONTACT: Terrill W. Ramsey, Office of Federal Financial Management, Office of Management and Budget, (202) 395–3812. The proposed revisions to the Information Collection Form, Form SF–SAC can be obtained by contacting the Office of Federal Financial Management as indicated above or by download from the OMB Grants Management home page on the Internet at *http://www.whitehouse.gov/OMB/grants/grants_docs.html*.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 0348–0057.

Title: Data Collection Form.

Form No: SF–SAC.

Type of Review: Revision of a currently approved collection.

Respondents: States, local governments, non-profit organizations (Non-Federal entities) and their auditors.

Estimated Number of Respondents: 62,400.

Estimated Time per Respondent: 59 hours for each of 400 large respondents and 17 hours for each of 62,000 small respondents for estimated annual burden hours of 1,077,600.

Estimated Number of Responses per Respondent: 1.

Frequency of Response: Annually.

Needs and Uses: Reports from auditors to auditees and reports from auditees to the Federal government are used by non-Federal entities, pass-through entities, and Federal agencies to ensure that Federal awards are expended in accordance with applicable laws and regulations. The Federal Audit Clearinghouse (FAC) (maintained by the U.S. Bureau of the Census) uses the information on the SF–SAC to ensure proper distribution of audit reports to Federal agencies and identify non-Federal entities who have not filed the required reports. The FAC also uses the information on the SF–SAC to create a government-wide database which contains information on audit results. This database is publicly accessible on the Internet at *http://*

harvester.census.gov/sac/. It is used by Federal agencies, pass-through entities, non-Federal entities, auditors, the General Accounting Office, OMB, and the general public for management of and information about Federal awards and the results of audits. Comments are invited on: (a) Whether the proposed information collection is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the estimate of the burden of the collection of the information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who respond, including through the use of automated collection techniques or other forms of information technology.

Joseph L. Kull,

Deputy Controller.

[FR Doc. 03–20919 Filed 8–14–03; 8:45 am]

BILLING CODE 3110–01–P

OFFICE OF MANAGEMENT AND BUDGET

Performance of Commercial Activities

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Technical correction to Office of Management and Budget Circular No. A–76, ''Performance of Commercial Activities.''

SUMMARY: The Office of Management and Budget (OMB) is making a technical correction to the coverage in Attachment A of Circular No. A–76 addressing the submission of a challenge to an agency's inventory of its commercial and inherently governmental activities. The technical correction is intended to clarify that an interested party may challenge the inclusion or exclusion of an activity in an inventory, including the classification or reclassification of an activity. This action makes no other changes to the revised Circular.

DATES: Effective Date: This technical correction to Circular A–76 is effective August 15, 2003.

FOR FURTHER INFORMATION CONTACT: Mathew Blum, Office of Federal Procurement Policy, NEOB Room 9013, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503 (tel: (202) 395–4953).

Availability: Copies of OMB Circular A–76, as revised by this notice, may be obtained at the OMB home page at *http://www.whitehouse.gov/OMB/circulars/index.html#numerical.* Paper copies of the Circular may be obtained by calling OFPP (tel: (202) 395–7579).

SUPPLEMENTARY INFORMATION: The Federal Activities Inventory Reform (FAIR) Act of 1998, Public Law 105–270 (31 U.S.C. 501 note) requires executive agencies to prepare annual inventories of activities performed by their employees that, in the judgment of the head of the agency, are not inherently governmental. Under section 3 of the FAIR Act, an interested party may submit to an executive agency a challenge of an omission of a particular activity from, or an inclusion of a particular activity on, an agency's inventory. Consistent with section 3, the version of Circular A–76 that was in effect prior to May 29, 2003 authorized an interested party to submit a challenge to the inclusion or exclusion of an activity from the agency's inventory.

On May 29, 2003, OMB issued revisions to Circular No. A–76. See 68 FR 32134 (preamble); *http://www.whitehouse.gov/omb/circulars/a076/a76 rev2003.pdf* (text of Circular). Attachment A to the Circular provides guidance regarding agencies' responsibility to prepare annual inventories that categorize all activities performed by their government personnel as either commercial or inherently governmental. Paragraph D describes the processes that agencies must make available to interested parties for challenging agency inventories of commercial or inherently governmental activities. Paragraph D.2. of the May 29th revision states, among other things, that an inventory challenge shall be limited to ''(a) the reclassification of an activity as inherently governmental or commercial, or (b) the application of reason codes.''

As OMB explained in the **Federal Register** notice announcing the revisions to the Circular, the purpose of this change was to authorize challenges (that had not previously been permitted) to an agency's application of reason codes to commercial activities performed by the government. 68 FR 32134, 32137–38 (May 29, 2003). OMB did not intend to restrict the availability of challenges to an agency's classification of an activity as inherently governmental or commercial.

The use of the term ''reclassification'' in clause (a) of paragraph D.2. has created confusion in that it suggests that an interested party may not challenge an agency's determination that an activity is commercial or inherently governmental unless the determination has changed from prior years. Notwithstanding the wording of clause (a), OMB did not intend to impose such a limitation. Instead, OMB intended to continue to provide that interested parties may submit challenges to an activity's classification as commercial or as inherently governmental, and such challenges would include the reasons for the interested party's belief that an activity which the agency classified as ''commercial'' should be reclassified as inherently governmental or that an activity which the agency classified as ''inherently governmental'' should be reclassified as commercial (*see* 64 FR 33927, 33930 (Appendix 2, Paragraph G.3) (June 24, 1999).

By this notice, OMB is issuing a technical correction to clause (a) of Paragraph D.2. to avoid confusion and ensure the Circular's intent is clear regarding the ability of interested parties to file challenges to any classification of an activity as inherently governmental or commercial. This technical correction is intended to make clear that interested parties may challenge the inclusion or exclusion of an activity on the inventory, regardless of whether the activity's classification as commercial or inherently governmental has changed from the prior year or has remained the same.

OMB believes that any confusion that may have been caused by clause (a) of paragraph D.2, as published on May 29th, should have no impact on interested parties in light of this correction. The time period for interested parties to file challenges to the 2002 inventories expired prior to the issuance of the May 29th revision and the time period for filing challenges to the 2003 inventories has not yet commenced (as the draft 2003 inventories have only been recently submitted to OMB for review).

This technical correction notice makes no other changes to Paragraph D.2 (or any other part of the Circular). Accordingly, interested parties may challenge the application of reason codes, as provided by the May 29th revision to the Circular, but they may not challenge the application of function codes.

Joshua B. Bolten,

Director.

Memorandum for the Heads of Executive Departments and Agencies

From: Joshua B. Bolten, Director.

Subject: Technical Correction to OMB Circular No. A–76, ''Performance of Commercial Activities.''

This memorandum is intended to advise you of a technical correction to paragraph D.2. of Attachment A of

Office of Management and Budget (OMB) Circular No. A–76. This provision addresses the submission of challenges by interested parties to inventories of the commercial and inherently governmental activities performed by agency personnel.

Paragraph D.2. of Attachment A states, among other things, that an inventory challenge shall be limited to ''(a) the reclassification of an activity as inherently governmental or commercial, or (b) the application of reason codes.'' With respect to clause (a), OMB intends to permit interested parties to challenge the inclusion of an activity on, or exclusion of an activity from, an agency inventory, regardless of whether the activity's classification as commercial or inherently governmental has changed from the prior year or has remained the same. Accordingly, as was the case under the Circular in effect prior to the May 29th revisions, challenges may address classifications or reclassifications of activities as either commercial or inherently governmental.

The attached technical correction to Paragraph D.2. is meant to avoid confusion and ensure OMB's intent is clear regarding the ability of an interested party to challenge the inclusion or exclusion of an activity. No other changes are made to Paragraph D.2 by this memorandum.

Questions regarding this technical clarification may be addressed to Mathew Blum of the Office of Federal Procurement Policy at (202) 395–4953.

Technical Correction to OMB Circular No. A–76 (Revised, May 29, 2003)

1. Paragraph D.2. of Attachment A to Circular No. A–76 is revised to read as follows:

2. Submission of an Inventory Challenge. After publication of OMB's Federal Register notice stating that an agency's inventories are available, an interested party shall have 30 working days to submit a written inventory challenge. The inventory challenge shall be limited to (a) the classification of an activity as inherently governmental or commercial, or (b) the application of reason codes. Function codes shall not be subject to the inventory challenge process. A written inventory challenge shall be submitted to agency inventory challenge authorities and shall specify the agency, agency component, agency organization, function(s), and location(s) for the activities being challenged.

[FR Doc. 03–20939 Filed 8–14–03; 8:45 am]

BILLING CODE 3110–01–P

PENSION BENEFIT GUARANTY CORPORATION

Required Interest Rate Assumption for Determining Variable-Rate Premium; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or can be derived from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's Web site (*http://www.pbgc.gov*).

DATES: The required interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in August 2003. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in September 2003.

FOR FURTHER INFORMATION CONTACT: Harold J. Ashner, Assistant General Counsel, Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005, (202) 326–4024. TTY/TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to (202) 326–4024.

SUPPLEMENTARY INFORMATION:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate (the ''required interest rate'') in determining a single-employer plan's variable-rate premium. The required interest rate is the ''applicable percentage'' (currently 100 percent) of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the ''premium payment year''). (Although the Treasury Department has ceased issuing 30-year securities, the Internal Revenue Service announces a surrogate yield figure each month—based on the 30-year Treasury bond maturing in February 2031—which the PBGC uses to determine the required interest rate.)

The required interest rate to be used in determining variable-rate premiums for premium payment years beginning in August 2003 is 4.93 percent.

The following table lists the required interest rates to be used in determining variable-rate premiums for premium payment years beginning between September 2002 and August 2003.

For premium payment years beginning in:	The required interest rate is:
September 2002	5.08
October 2002	4.76
November 2002	4.93
December 2002	4.96
January 2003	4.92
February 2003	4.94
March 2003	4.81
April 2003	4.80
May 2003	4.90
June 2003	4.53
July 2003	4.37
August 2003	4.93

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-Employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in September 2003 under part 4044 are contained in an amendment to part 4044 published September 2003 under part 4044 are contained in an amendment to part 4004 published elsewhere in today's **Federal Register**. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 7th day of August 2003.

Joseph H. Grant,

Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation.

[FR Doc. 03–20861 Filed 8–14–03; 8:45 am]

BILLING CODE 7708–01–P

OFFICE OF PERSONNEL MANAGEMENT

Federal Salary Council

AGENCY: Office of Personnel Management.

ACTION: Notice of meeting.

SUMMARY: The Federal Salary Council will meet at the time and location shown below. The Council is an advisory body composed of representatives of Federal employee

organizations and experts in the fields of labor relations or pay policy. The Council makes recommendations to the President's Pay Agent (the Secretary of Labor and the Directors of the Office of Management and Budget and the Office of Personnel Management) about the locality pay program for General Schedule employees under section 5304 of title 5, United States Code. The Council's recommendations cover the establishment or modification of locality pay areas, the coverage of salary surveys, the process of comparing Federal and non-Federal rates of pay, and the level of comparability payments that should be paid.

At this meeting, the Council will consider whether any changes should be recommended in locality pay area boundaries and may also consider which geographic locations should be surveyed for locality pay purposes and other aspects of the locality pay program. The Council will review the new metropolitan statistical areas announced by the Office of Management and Budget in June 2003, new commuting pattern data, and other information related to establishing or modifying locality pay area boundaries. The Council will meet again later this fall to continue this review and formulate its recommendations for locality pay areas, methodology, and rates for 2005. The meeting is open to the public.

DATES: September 3, 2003, at 1 p.m.

Location: Office of Personnel Management, 1900 E Street NW., Room 5303 (Pendleton Room), Washington, DC.

FOR FURTHER INFORMATION CONTACT: Donald J. Winstead, Deputy Associate Director for Pay and Performance Policy, Office of Personnel Management, 1900 E Street NW., Room 7H31, Washington, DC 20415–8200. Phone (202) 606–2838; FAX (202) 606–0824; or e-mail at *pay-performance-policy@opm.gov.*

For the President's Pay Agent

Kay Coles James,

Director.

[FR Doc. 03–21041 Filed 8–13–03; 2:02 pm]

BILLING CODE 6325–39–P

POSTAL RATE COMMISSION

Sunshine Act Meeting

NAME OF AGENCY: Postal Rate Commission.

TIME AND DATE: Wednesday, August 20, 2003, at 10:30 a.m.

PLACE: Commission conference room, 1333 H Street, NW., Suite 300, Washington, DC 20268–0001.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Decision in Docket No. MC2003–2, Experimental Parcel Return Services.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, Postal Rate Commission, Suite 300, 1333 H Street, NW., Washington, DC 20268–0001, 202–789–6820.

Dated: August 12, 2003.

Steven W. Williams,

Secretary.

[FR Doc. 03–20993 Filed 8–13–03; 8:45 am]

BILLING CODE 7710–FW–M

POSTAL SERVICE

Sunshine Act Meeting

Governors Vote To Close August 11, 2003, Meeting

By telephone vote on August 11, 2003, a majority of the Governors contacted and voting, the Governors voted to close to public observation a meeting held via teleconference. The Governors determined that prior public notice was not possible.

ITEM CONSIDERED:

1. Personnel Matters and Compensation Issues.

GENERAL COUNSEL CERTIFICATION:

The General Counsel of the United States Postal Service has certified that the meeting was properly closed under the Government in the Sunshine Act.

FOR FURTHER INFORMATION CONTACT: Requests for information about the meeting should be addressed to the Secretary of the Board, William T. Johnstone, at (202) 268–4800.

William T. Johnstone,

Secretary.

[FR Doc. 03–21042 Filed 8–13–03; 2:14 pm]

BILLING CODE 7710–12–M

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review

Summary: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) has submitted the following proposal(s) for the collection of information of the Office of Management and Budget for review and approval.

Summary of Proposal(s): (1) *Collection title:* Application for Spouse Annuity Under the Railroad Retirement Act.

(2) *Form(s) submitted:* AA–3, AA–3cert.

(3) *OMB Number:* 3220–0042.

(4) *Expiration date of current OMB clearance:* 10/31/2003.

(5) *Type of request:* Extension of a currently approved collection.

(6) *Respondents:* Individuals or households.

(7) *Estimated annual number of respondents:* 8,500.

(8) *Total annual responses:* 8,500.

(9) *Total annual reporting hours:* 4,297.

(10) *Collection description:* The Railroad Retirement Act provides for the payment of annuities to spouses of railroad retirement annuitants who meet the requirements under the Act. The application obtains information supporting the claim for benefits based on being a spouse of an annuitant. The information is used for determining entitlement to and amount of the annuity applied for.

Additional Information or Comments: Copies of the forms and supporting documents can be obtained from Chuck Mierzwa, the agency clearance officer (312–751–3363).

Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois, 60611–2092 and to the OMB Desk Officer for the RRB, at the Office of Management and Budget, Room 10230, New Executive Office Building, Washington, DC 20503.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 03–20886 Filed 8–14–03; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Extension:

Form F–3; OMB Control No. 3235–0256; SEC File No. 270–251

Form F–7; OMB Control No. 3235–0383; SEC File No. 270–331

Form F–8; OMB Control No. 3235–0378; SEC File No. 270–332

Schedule 14D–1F; OMB Control No. 3235–0376; SEC File No. 270–338

Schedule 14D–9F; OMB Control No. 3235–0382; SEC File No. 270–339

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget requests for extension of the previously approved collections of information discussed below.

Form F–3 is used by foreign issuers to register securities pursuant to the Securities Act of 1933. The information collected is intended to ensure that the information required to be filed by the Commission permits verification of compliance with securities law requirements and assures the public availability of such information. The information provided is mandatory and all information is made available to the public upon request. Form F–3 it takes approximately 166 hours per response and is filed by approximately 120 respondents for a total burden of 19,920 hours. It is estimated that 25% of the total burden hours (4,980 reporting burden hours) is prepared by the issuer.

Form F–7 may be used to register under the Securities Act securities offered for cash upon exercise of rights that are granted to its existing shareholders of the registrant to purchase or subscribe such securities. The information collected is intended to ensure that the information required to be filed by the Commission permits verification of compliance with securities law requirements and assures the public availability of such information. The information provided is mandatory and all information is made available to the public upon request. Approximately 5 respondents file Form F–7 and it takes approximately 4 hours per response for a total burden of 20 hours. It is estimated that 25% of the total burden hours (5 reporting burden hours) is prepared by the company.

Form F–8 may be used to register under the Securities Act securities of certain Canadian issuers to be used in exchange offers or business combinations. The information collected is intended to ensure that the information required to be filed by the Commission permits verification of compliance with securities law requirements and assures the public availability of such information. The information provided is mandatory and all information is made available to the public upon request. Approximately 10 respondents file Form F–8 and it takes approximately 1 hour per response for a total burden of 10 hours. It is estimated that 25% of the total burden hours (2.5 reporting burden hours) is prepared by the company.

Schedule 14D–1F may be used by any person making a cash tender or exchange offer (the ''bidder'') for securities of any issuer incorporated or organized under the laws of Canada or any Canadian province or territory that is a foreign private issuer, where less than 40% of the outstanding class of such issuer's securities that is the subject of the offer is held by U.S. holders. Schedule 14D–1F is designed to facilitate cross-border transactions in securities of Canadian issuers. The information required to be filed with the Commission is intended to permit verification of compliance with the securities law requirements and assures the public availability of such information. The information provided is mandatory and all information is made available to the public upon request. Approximately 5 respondents file Schedule 14D–1F and it takes approximately 2 hours per response for total burden of 10 hours.

Schedule 14D–9F is used by any issuer incorporated or organized under the laws of Canada or any Canadian province or territory that is foreign private issuer (the ''subject company''), or by any director or officer of such issuer, where the issuer's is the subject of a cash tender or exchange offer for a class of securities filed on Schedule 14D–1F. The information required to be filed with the Commission is intended to permit verification of compliance with the securities law requirements and assures the public availability of such information. The information provided is mandatory and all information is made available to the public upon request. Approximately 5 respondents file Schedule 14D–9F and it takes approximately 2 hours per response for total burden of 10 hours.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

Written comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, D.C. 20503; and (ii) Kenneth A. Fogash, Acting Associate Executive Director/CIO, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: August 8, 2003.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–20818 Filed 8–14–03; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 26146; 812–12784]

Nations Fund Trust, et al.; Notice of Application

August 11, 2003.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an order under the Investment Company Act of 1940 (the ''Act'') under (i) section 6(c) of the Act granting an exemption from sections 18(f) and 21(b) of the Act; (ii) section 12(d)(1)(J) of the Act granting an exemption from section 12(d)(1) of the Act; (iii) sections 6(c) and 17(b) of the Act granting an exemption from sections 17(a)(1) and 17(a)(3) of the Act; and (iv) section 17(d) of the Act and rule 17d–1 under the Act to permit certain joint transactions.

SUMMARY OF APPLICATION: Applicants request an order that would permit certain registered investment companies to participate in a joint lending and borrowing facility.

APPLICANTS: Nations Funds Trust, Nations Separate Account Trust, Nations Master Investment Trust (collectively, the ''Trusts''), and Banc of America Capital Management, LLC (''BACAP'').

FILING DATES: The application was filed on February 26, 2002, and amended on August 4, 2003.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on September 4, 2003 and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, NW., Washington, DC

20549–0609; Applicants, c/o Marco Adelfio, Esq., Morrison & Foerster LLP, 2000 Pennsylvania Avenue, NW., Suite 5500, Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: John L. Sullivan, Senior Counsel, at (202) 942–0681 or Todd F. Kuehl, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549–0102 (tel. (202) 942–8090).

Applicants' Representations

1. Each Trust is organized as a Delaware statutory trust and registered under the Act as an open-end management investment company.[1] Responsibility for the overall management of the Trusts rests with each Trust's respective board of trustees (each, a ''Board'').

2. BACAP is registered as an investment adviser under the Investment Advisers Act of 1940. BACAP serves as investment adviser to each Fund. BACAP is a wholly owned subsidiary of Bank of America, N.A., which in turn is a wholly owned subsidiary of Bank of America Corporation, a bank holding company organized as a Delaware corporation.

3. Some Funds may lend money to banks or other entities by entering into repurchase agreements or purchasing other short-term instruments. Other Funds may need to borrow money from the same or similar banks or other entities for temporary purposes to satisfy redemption requests, to cover unanticipated cash shortfalls such as a trade ''fail'' in which cash payment for a security sold by a Fund has been delayed, or for other temporary purposes. Currently, the Funds have an uncommitted line of credit and overdraft protection with their custodian, which is designed to cover reasonably anticipated borrowing needs.

4. If the Funds were to borrow money under this line of credit, the Funds would pay interest on the borrowed cash at a rate that would be higher than the rate that would be earned by them on repurchase agreements and other short-term instruments of the same maturity as the bank loan.

5. Applicants request an order that would permit the Funds to enter into a master interfund lending agreement (''Interfund Lending Agreements'') that would permit each Fund to lend money directly to, and each Open-End Fund to borrow directly from, other Funds for temporary purposes (an ''Interfund Loan''). Applicants believe that the Proposed Credit Facility would substantially reduce the Funds' potential borrowing costs and enhance their ability to earn higher rates of interest on short-term lendings. Although the Proposed Credit Facility would substantially reduce the Funds' need to borrow from banks, it would not necessarily eliminate the need to maintain lines of credit or other borrowing arrangements with banks. The Funds also would continue to maintain their existing uncommitted line of credit and overdraft protection.

6. Applicants anticipate that the Proposed Credit Facility will provide a borrowing Fund with significant cost savings when the cash position of the Fund is insufficient to meet temporary cash requirements. This situation could arise when redemptions exceed anticipated volumes and the Fund has insufficient cash on hand to satisfy such redemptions. When a Fund liquidates portfolio securities to meet redemption requests, it often does not receive payment in settlement for up to three days (or longer for certain foreign transactions). The Proposed Credit Facility would provide a source of immediate, short-term liquidity pending settlement of the sale of portfolio securities.

7. Applicants also propose using the Proposed Credit Facility when a sale of portfolio securities fails due to circumstances beyond the Fund's control, such as a delay in the delivery of cash to the Fund's custodian or improper delivery instructions by the broker effecting the transaction. Sales fails may present a cash shortfall if the Fund has undertaken to purchase a security with the proceeds from securities sold. When the Fund experiences a cash shortfall due to a sales fail, the custodian typically extends temporary credit to cover the shortfall and the Fund incurs overdraft charges. Alternatively, the Fund could fail on its intended purchase due to lack of funds from the previous sale, resulting in additional costs to the Fund, or sell a security on a same day settlement basis, earning a lower return on the investment. Use of the Proposed Credit Facility under these circumstances would enable the Fund to have access to immediate short-term liquidity without incurring custodian overdraft, line of credit or other costs.

8. While bank borrowings could generally supply needed cash to cover unanticipated redemptions and sales fails, under the Proposed Credit Facility, a borrowing Fund would pay lower interest rates than would be payable under the Fund's line of credit arrangements or the overdraft provisions of the custody contract. In addition, Funds making loans to other Funds would earn interest at a rate higher than they otherwise could obtain from investing their cash in repurchase agreements or other short-term investments. Thus, applicants believe that the Proposed Credit Facility would benefit both borrowing and lending Funds.

9. The interest rate charged to the Funds on any loan under the Proposed Credit Facility (the ''Interfund Rate'') would be determined daily and would be the average of the Repo Rate and the Bank Loan Rate, both as defined below. The Repo Rate on any day would be the highest current rate available to the Funds from investments in overnight repurchase agreements. The Bank Loan Rate would be calculated by the Cash Management Group (as defined below) on each day an Interfund Loan is made according to a formula approved by the Boards intended to approximate the lowest interest rate at which short-term bank loans would be available to the Funds. The formula would be based upon a publicly available rate (*e.g.*, Federal funds plus 25 basis points) and would vary with this rate so as to reflect changing bank loan rates. Each Board periodically would review the continuing appropriateness of using the formula to determine the Bank Loan Rate, as well as the relationship between the Bank Loan Rate and current bank loan rates that would be available to the Funds. The initial formula and any subsequent modifications to the formula would be subject to the approval of each Fund's Board.

[1] Applicants ask that the requested relief apply to (i) The Trusts and their existing and future investment portfolios (''Funds''), (ii) BACAP and any successor entity to BACAP, and (iii) any other registered management investment company and its series advised by BACAP or a person controlling, controlled by or under common control with, BACAP in the future (included in the term ''Funds''). The term ''successor'' is limited to entities that result from a reorganization into another jurisdiction or a change in the type of business organization or other type of restructuring within the group of entities controlled by Bank of America Corporation. All existing investment companies that currently intend to rely on the requested relief are named as applicants. Any other existing or future investment companies that subsequently rely on the requested order will comply with the terms and conditions in the application. Applicants represent that any registered open-end Fund (an ''Open-End Fund'') may participate in the proposed credit facility (''Proposed Credit Facility'') as either a borrower or lender. Applicants further represent that any registered closed-end Fund (''Closed-End Fund'') that participates in the Proposed Credit Facility would only participate as a lender (the Closed-End Funds together with the Open-End Funds are referred to as the ''Funds'').

10. The Proposed Credit Facility would be administered by investment professionals and administrative personnel from BACAP, including a portfolio manager of the Nations Money Market Funds (''Cash Management Group'').[2] Under the Proposed Credit Facility, the portfolio managers for each Fund could provide standing instructions to participate as a borrower or lender. The Cash Management Group would collect data on the uninvested cash and borrowing requirements of all participating Funds from the Funds' custodians. The Cash Management Group will determine the aggregate amount of cash available for loans and borrowing demand at least once and possibly twice a day. Then, the Cash Management Group will allocate loans among borrowing Funds without any further communication from portfolio managers (other than the Nations Money Market Funds portfolio manager acting in his or her capacity as a member of the Cash Management Group). It is expected that there typically will be far more available uninvested cash each day than borrowing demand. All allocations will require approval of at least one member of the Cash Management Group who is not a portfolio manager of a Nations Money Market Fund. After allocating cash for Interfund Loans, the Cash Management Group will invest any remaining cash in accordance with the standing instructions of the relevant portfolio managers or return remaining amounts for investment directly by such portfolio managers.

11. The Cash Management Group would allocate borrowing demand and cash available for lending among participating Funds on what the Cash Management Group believes to be an equitable basis, subject to certain administrative procedures applicable to all Funds, such as the time of filing requests to participate; minimum, maximum or preferable loan sizes; and efforts to minimize the number of transactions and associated administrative costs. To reduce administrative and custody costs, each loan normally would be allocated in a manner intended to minimize the number of participants necessary to complete the loan transaction. The method of allocation and related administrative procedures would be approved by each Board, including a majority of trustees who are not ''interested persons,'' as defined in section 2(a)(19) of the Act (''Independent Trustees''), to ensure that both borrowing and lending Funds participate on an equitable basis.

12. The Cash Management Group would (a) Monitor the interest rates charged and the other terms and conditions of the loans, (b) limit the borrowings and loans entered into by each Fund to ensure that they comply with the Fund's investment policies and limitations, (c) ensure equitable treatment of each Fund, and (d) make quarterly reports to the Boards concerning any transactions by the Funds under the Proposed Credit Facility and the interest rates charged.

13. BACAP, through the members of the Cash Management Group, would administer the Proposed Credit Facility under its existing investment advisory agreement with each Fund and would receive no additional fees as compensation for these services. BACAP could, however, collect reimbursement for record keeping, book keeping, accounting, administrative and transactions fees or charges incurred in connection with any credit facilities. Fees for these services would be no higher than those applicable for comparable bank loan transactions.

14. No Fund will participate in the Proposed Credit Facility except to the extent such participation is consistent with its organizational documents and its investment policies and limitations. Also, no Fund will participate in the Proposed Credit Facility unless it has disclosed in its prospectus or statement of additional information (''SAI'') all material facts about its intended participation.

15. In connection with the Proposed Credit Facility, applicants request an order under (a) section 6(c) of the Act granting relief from sections 18(f) and 21(b) of the Act; (b) section 12(d)(1)(J) of the Act granting relief from section 12(d)(1) of the Act; (c) sections 6(c) and 17(b) of the Act granting relief from sections 17(a)(1) and 17(a)(3) of the Act; and (d) section 17(d) of the Act and rule 17d–1 under the Act to permit certain joint arrangements.

Applicants' Legal Analysis

1. Section 17(a)(3) of the Act generally prohibits any affiliated person, or affiliated person of an affiliated person, from borrowing money or other property from a registered investment company. Section 21(b) of the Act generally prohibits any registered management investment company from lending money or other property to any person if that person controls or is under common control with the company. Section 2(a)(3)(C) of the Act defines ''affiliated person'' of another person, in part, to be any person directly or indirectly controlling, controlled by, or under common control with, such other person. Applicants state that the Funds may be under common control by virtue of having BACAP as their common investment adviser, and/or by virtue of having common officers and trustees.

2. Section 6(c) of the Act provides that an exemptive order may be granted where an exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Section 17(b) authorizes the Commission to exempt a proposed transaction from section 17(a) of the Act provided that the terms of the transaction, including the consideration to be paid or received, are fair and reasonable and do not involve overreaching on the part of any person concerned, and the transaction is consistent with the policy of the investment company as recited in its registration statement and with the general purposes of the Act. Applicants believe that the proposed arrangements satisfy these standards for the reasons discussed below.

3. Applicants submit that sections 17(a)(3) and 21(b) were intended to prevent a person with strong potential adverse interests to, and some influence over the investment decisions of, a registered investment company from causing or inducing the investment company to engage in lending transactions that unfairly inure to the benefit of that person and that are detrimental to the best interests of the investment company and its shareholders. Applicants assert that the Proposed Credit Facility transactions do not raise these concerns because (a) BACAP would administer the program as a disinterested fiduciary; (b) all Interfund Loans would consist only of uninvested cash reserves that the Fund otherwise would invest in short-term repurchase agreements or other short-term instruments; (c) the Interfund Loans would not involve a greater risk than such other investments; (d) the lending Fund would receive interest at a rate higher than it could obtain through such other investments; and (e) the borrowing Fund would pay interest at a rate lower than otherwise available to it under its bank loan agreements, and any charges incurred would be no higher than those associated with comparable bank loan arrangements. Moreover, applicants believe that the other conditions in the application would effectively preclude the possibility of any Fund obtaining an undue advantage over any other Fund.

[2] For purposes of the requested order, ''Nations Money Market Funds'' refers to money market Funds, each of which operates under rule 2a–7 under the Act.

4. Section 17(a)(1) of the Act generally prohibits an affiliated person of a registered investment company, or an affiliated person of an affiliated person, from selling any securities or other property to the company. Section 12(d)(1) of the Act generally makes it unlawful for a registered investment company to purchase or otherwise acquire any security issued by any other investment company except in accordance with the limitations set forth in that section. Applicants state that the obligation of a borrowing Fund to repay a credit facility loan may constitute a security under sections 17(a)(1) and 12(d)(1). Section 12(d)(1)(J) provides that an exemptive order may be granted by the Commission from any provision of section 12(d)(1) if and to the extent such exemption is consistent with the public interest and the protection of investors. Applicants contend that the standards under sections 6(c), 17(b) and 12(d)(1)(J) are satisfied for all the reasons set forth above in support of their request for relief from sections 17(a)(3) and 21(b) and for the reasons discussed below.

5. Applicants state that section 12(d)(1) was intended to prevent the pyramiding of investment companies in order to avoid duplicative costs and fees attendant upon multiple layers of investment companies. Applicants submit that the Proposed Credit Facility does not involve these abuses. Applicants note that there would be no duplicative costs or fees to the Funds or shareholders, and that BACAP would administer the Proposed Credit Facility under its existing advisory agreements with the Funds, and other than the administrative and transactional charges described above, BACAP would receive no additional compensation for its services. Applicants also note that the purpose of Proposed Credit Facility is to provide economic benefits for all the participating Funds.

6. Section 18(f)(1) of the Act prohibits open-end investment companies from issuing any senior security except that a company is permitted to borrow from any bank; provided that, immediately after the borrowing, there is an asset coverage of at least 300 per centum for all borrowings of the company. Under section 18(g) of the Act, the term ''senior security'' includes any bond, debenture, note, or similar obligation or instrument constituting a security and evidencing indebtedness. Applicants request exemptive relief from section 18(f)(1) to the limited extent necessary to implement the credit facility (because the lending Funds are not banks).

7. Applicants believe that granting the relief under section 6(c) is appropriate because the Funds would remain subject to the requirement of section 18(f)(1) that all borrowings of the Fund, including combined interfund and bank borrowings, have at least 300% asset coverage. Based on the conditions and safeguards described in the application, applicants also submit that to allow the Funds to borrow from other Funds pursuant to the Proposed Credit Facility is consistent with the purposes and policies of section 18(f)(1).

8. Section 17(d) of the Act and rule 17d–1 thereunder generally prohibit any affiliated person of a registered investment company, or affiliated persons of an affiliated person, when acting as principal, from effecting any transaction in which the company is a joint or a joint and several participant unless permitted by Commission order upon application. Rule 17d-1(b) under the Act provides that in passing upon applications for exemptive relief, the Commission will consider whether the participation of a registered investment company in a joint enterprise on the basis proposed is consistent with the provisions, policies and purposes of the Act and the extent to which the company's participation is on a basis different from or less advantageous than that of other participants.

9. Applicants submit that the purpose of section 17(d) is to avoid overreaching by and unfair advantage to investment company insiders. Applicants believe that the Proposed Credit Facility is consistent with the provisions, policies and purposes of the Act in that it offers both reduced borrowing costs and enhanced returns on loaned funds to all participating Funds and their shareholders. Applicants note that each Fund would have an equal opportunity to borrow and lend on equal terms consistent with its investment policies and fundamental investment limitations. Applicants therefore believe that each Fund's participation in the Proposed Credit Facility would be on terms which are no different from or less advantageous than that of other participating Funds.

Applicants' Conditions

Applicants agree that any order of the Commission granting the requested relief will be subject to the following conditions:

1. The interest rates to be charged to the Funds under the Proposed Credit Facility will be the average of the Repo Rate and the Bank Loan Rate.

2. On each business day, the Cash Management Group will compare the Bank Loan Rate with the Repo Rate and will make cash available for Interfund Loans only if the Interfund Rate is (a) More favorable to the lending Fund than the Repo Rate and (b) more favorable to the borrowing Fund than the Bank Loan Rate.

3. If a Fund has outstanding borrowings, any Interfund Loans to the Fund (a) Will be at an interest rate equal to or lower than any outstanding bank loan; (b) will be secured at least on an equal priority basis with at least an equivalent percentage of collateral to loan value as any outstanding bank loan that requires collateral; (c) will have a maturity no longer than any outstanding bank loan (and in any event not over seven days); and (d) will provide that, if an event of default occurs under any agreement evidencing an outstanding bank loan to the Fund, the event of default will automatically (without need for action or notice by the lending Fund) constitute an immediate event of default under the Interfund Lending Agreement entitling the lending Fund to call the Interfund Loan (and exercise all rights with respect to any collateral) and that such call will be made if the lending bank exercises its right to call its loan under its agreement with the borrowing Fund.

4. A Fund may make an unsecured borrowing through the Proposed Credit Facility if its outstanding borrowings from all sources immediately after the interfund borrowing total 10% or less of its total assets, provided that if the Fund has a secured loan outstanding from any other lender, including but not limited to another Fund, the Fund's interfund borrowing will be secured on at least an equal priority basis with at least an equivalent percentage of collateral to loan value as any outstanding loan that requires collateral. If a Fund's total outstanding borrowings immediately after an interfund borrowing would be greater than 10% of its total assets, the Fund may borrow through the Proposed Credit Facility on a secured basis only. A Fund may not borrow through the Proposed Credit Facility or from any other source if its total outstanding borrowings immediately after such borrowing would be more than 33 ⅓% of its total assets.

5. Before any Fund that has outstanding interfund borrowings may, through additional borrowings, cause its outstanding borrowings from all sources to exceed 10% of its total assets, the Fund must first secure each outstanding Interfund Loan by the pledge of segregated collateral with a market value at least equal to 102% of the outstanding principal value of the loan. If the total outstanding borrowings of a Fund with outstanding Interfund Loans exceed 10% of its total assets for any other reason (such as a decline in net

asset value or because of shareholder redemptions), the Fund will within one business day thereafter (a) repay all of its outstanding Interfund Loans, (b) reduce its outstanding indebtedness to 10% or less of its total assets, or (c) secure each outstanding Interfund Loan by the pledge of segregated collateral with a market value at least equal to 102% of the outstanding principal value of the loan until the Fund's total outstanding borrowings cease to exceed 10% of its total assets, at which time the collateral called for by this condition 5 shall no longer be required. Until each Interfund Loan that is outstanding at any time that a Fund's total outstanding borrowings exceeds 10% is repaid or the Fund's total outstanding borrowings cease to exceed 10% of its total assets, the Fund will mark the value of collateral to market each day and will pledge such additional collateral as is necessary to maintain the market value of the collateral that secures each outstanding Interfund Loan at least equal to 102% of the outstanding principal value of the Interfund Loan.

6. No Fund may lend to another Fund through the Proposed Credit Facility if the loan would cause its aggregate outstanding loans through the Proposed Credit Facility to exceed 15% of the lending Fund's current net assets at the time of the loan.

7. A Fund's Interfund Loans to any one Fund will not exceed 5% of the lending Fund's net assets.

8. The duration of Interfund Loans will be limited to the time required to receive payment for securities sold, but in no event more than seven days. Loans effected within seven days of each other will be treated as separate loan transactions for purposes of this condition.

9. A Fund's borrowings through the Proposed Credit Facility, as measured on the day when the most recent loan was made, will not exceed the greater of 125% of the Fund's total net cash redemptions or 102% of sales fails for the preceding seven calendar days.

10. Each Interfund Loan may be called on one business day's notice by a lending Fund and may be repaid on any day by a borrowing Fund.

11. A Fund's participation in the Proposed Credit Facility must be consistent with its investment policies and limitations and organizational documents.

12. The Cash Management Group will calculate total Fund borrowing and lending demand through the Proposed Credit Facility, and allocate loans on an equitable basis among the Funds without the intervention of any portfolio managers of the Funds (other than the Nations Money Market Funds portfolio manager acting in his or her capacity as a member of the Cash Management Group). All allocations will require approval of at least one member of the Cash Management Group who is not a portfolio manager of a Nations Money Market Fund. The Cash Management Group will not solicit cash for the Proposed Credit Facility from any Fund or prospectively publish or disseminate loan demand data to portfolio managers. The Cash Management Group will invest any amounts remaining after satisfaction of borrowing demand in accordance with the standing instructions from portfolio managers or return remaining amounts for investment directly by the portfolio managers.

13. The Cash Management Group will monitor the interest rates charged and the other terms and conditions of the Interfund Loans and will make a quarterly report to the Boards concerning the participation of the Funds in the Proposed Credit Facility and the terms and other conditions of any extensions of credit under the facility.

14. The Boards of the Trusts, including a majority of the Independent Trustees, will (a) review no less frequently than quarterly each Fund's participation in the Proposed Credit Facility during the preceding quarter for compliance with the conditions of any order permitting the transactions; (b) establish the Bank Loan Rate formula used to determine the interest rate on Interfund Loans, approve any modifications thereto, and review no less frequently than annually the continuing appropriateness of the Bank Loan Rate formula; and (c) review no less frequently than annually the continuing appropriateness of the Fund's participation in the Proposed Credit Facility.

15. In the event an Interfund Loan is not paid according to its terms and the default is not cured within two business days from maturity or from the time the lending Fund makes a demand for payment under the provisions of the Interfund Lending Agreement, the Cash Management Group will promptly refer the loan for arbitration to an independent arbitrator, selected by the Board(s) whose Funds are involved in the loan, who will serve as arbitrator of disputes concerning Interfund Loans.[3] The arbitrator will resolve any problem promptly, and the arbitrator's decision will be binding on both Funds. The arbitrator will submit at least annually a written report to the Board(s) setting forth a description of the nature of any dispute and the actions taken by the Funds to resolve the dispute.

16. Each Fund will maintain and preserve for a period of not less than six years from the end of the fiscal year in which any transaction under the Proposed Credit Facility occurred, the first two years in an easily accessible place, written records of all such transactions, setting forth a description of the terms of the transaction, including the amount, the maturity and the rate of interest on the loan, the rate of interest available at the time on short-term repurchase agreements and bank borrowings, and such other information presented to the Board in connection with the review required by conditions 13 and 14.

17. The Cash Management Group will prepare and submit to the Boards for review an initial report describing the operations of the Proposed Credit Facility and the procedures to be implemented to ensure that all the Funds are treated fairly. After the commencement of the operations of the Proposed Credit Facility, the Cash Management Group will report on the operations of the Proposed Credit Facility at each Board's quarterly meetings.

In addition, for two years following the commencement of the Proposed Credit Facility, the independent public accountant for each Trust shall prepare an annual report that evaluates the Cash Management Group's assertion that it has established procedures reasonably designed to achieve compliance with the conditions of the order. The report shall be prepared in accordance with the Statements on Standards for Attestation Engagements No. 3 and it shall be filed pursuant to item 77Q3 of Form N–SAR. In particular, the report shall address procedures designed to achieve the following objectives: (a) That the Interfund Rate will be higher than the Repo Rate but lower than the Bank Loan Rate; (b) compliance with the collateral requirements as set forth in the application; (c) compliance with the percentage limitations on interfund borrowing and lending; (d) allocation of interfund borrowing and lending demand in an equitable manner and in accordance with procedures established by each Board; and (e) that the interest rate on any Interfund Loan does not exceed the interest rate on any third party borrowings of a borrowing Fund at the time of the Interfund Loan.

After the final report is filed, the independent public accountant for the Trusts in connection with Fund audit

[3] If a dispute involves Funds with separate Boards, the respective Boards will agree on an independent arbitrator that is satisfactory to them.

examinations, will continue to review the operation of the Proposed Credit Facility for compliance with the conditions of the application and their review will form the basis, in part, of the auditor's report on internal accounting controls in Form N–SAR.

18. No Fund will participate in the Proposed Credit Facility unless it has fully disclosed in its prospectus or SAI all material facts about its intended participation.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–20904 Filed 8–14–03; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–48304; File No. SR–Amex–2003–73]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the American Stock Exchange LLC to Extend the Suspension of Transaction Charges for Certain iShares Funds

August 8, 2003.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 1, 2003, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Amex proposes to extend until August 31, 2003 the suspension of Exchange transaction charges for specialist, Registered Trader, and broker-dealer orders for the iShares Lehman 1–3 year Treasury Bond Fund and the iShares Lehman 7–10 year Treasury Bond Fund. Proposed new language is *italicized;* proposed deletions are in [brackets].

* * * * *

AMEX EQUITY FEE SCHEDULE

I. Transaction Charges

No change.

II. Regulatory Fee

No Change.

Notes:

1. and 2. No change.

3. Customer transaction charges for the following Portfolio Depositary Receipts, Index Fund Shares, and Trust Issued Receipts have been suspended:

DIA—DIAMONDS®
QQQ—Nasdaq–100® Index Tracking Stock
SPY—SPDRs®
IVV—iShares S&P 500
MDY—MidCap SPDRs
XLY—Select Sector SPDR-Consumer Discretionary
XLP—Select Sector SPDR-Consumer Staples
XLE—Select Sector SPDR-Energy
XLF—Select Sector SPDR-Financial
XLV—Select Sector SPDR-Health Care
XLI—Select Sector SPDR-Industrial
XLB—Select Sector SPDR-Materials
XLK—Select Sector SPDR-Technology
XLU—Select Sector SPDR-Utilities
BHH—B2B Internet HOLDRs™.
BBH—Biotech HOLDRs.
BDH—Broadband HOLDRs.
EKH—Europe 2001 HOLDRs.
IAH—Internet Architecture HOLDRs.
HHH—Internet HOLDRs
IIH—Internet Infrastructure HOLDRs.
MKH—Market 2000+ HOLDRs.
OIH—Oil Service HOLDRs.
PPH—Pharmaceutical HOLDRs.
RKH—Regional Bank HOLDRs.
RTH—Retail HOLDRs.
SMH—Semiconductor HOLDRs.
SWH—Software HOLDRs
TTH—Telecom HOLDRs.
UTH—Utilities HOLDRs.
WMH—Wireless HOLDRs.
SHY—iShares Lehman 1–3 Year Treasury Bond Fund.
IEF—iShares Lehman 7–10 Year Treasury Bond Fund.
TLT—iShares Lehman 20+ Year Treasury Bond Fund.
LQD—iShares GS $ InvesTop Corporate Bond Fund.

Customer transaction charges for the iShares S&P 100 Index Fund are $.0015 per share ($.15 per 100 shares), capped at $100 per trade.

Until [July 31] *August 31,* 2003, transaction charges also have been suspended in SHY and IEF for specialist, Registered Trader and broker dealer orders.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is extending until August 31, 2003 the suspension of transaction charges in iShares Lehman 1–3 year Treasury Bond Fund (Symbol: SHY) and iShares Lehman 7–10 year

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Treasury Bond Fund (Symbol: IEF) for specialist, Registered Trader and broker-dealer orders. The Exchange previously filed a suspension of such charges until November 30, 2002,[3] December 31, 2002,[4] January 31, 2003,[5] February 28, 2003,[6] March 31, 2003,[7] April 30, 2003,[8] May 31, 2003,[9] June 30, 2003,[10] and July 31, 2003.[11]

The Exchange believes that a suspension of fees for the SHY and IEF is appropriate to enhance the competitiveness of executions in these securities on the Amex. The Exchange will reassess the fee suspension as appropriate, and will file any modification to the fee suspension with the Commission pursuant to Section 19(b)(3)(A) of the 1934 Act.[12]

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act [13] in general, and furthers the objectives of Section 6(b)(4) [14] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6) [15] thereunder because the proposal: (i) Does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) does not become operative prior to 30 days after the date of filing or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest; provided that the Exchange has given the Commission notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors or otherwise in furtherance of the purposes of the Act.

The Amex has requested that the Commission waive the five-day pre-filing notice and the 30-day operative delay. The Commission believes that waiving the five-day pre-filing notice and the 30-day operative delay is consistent with the protection of investors and the public interest. The Commission notes that fee suspensions for the exchange-trade funds that are the subject of this filing have been previously filed with the Commission.[16] Further, extension of the fee suspension for specialist, Registered Trader, and broker-dealer orders will permit the fee suspensions to continue uninterrupted. For these reasons, the Commission designates the proposal to be effective and operative upon filing with the Commission.[17]

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–Amex–2003–73 and should be submitted by September 5, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[18]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–20905 Filed 8–14–03; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–48312; File No. SR–Amex–2003–69]

Self-Regulatory Organizations; Notice of Filing and Accelerated Approval of Proposed Rule Change by American Stock Exchange LLC Relating to Trust Certificates Linked to a Basket of Investment Grade Fixed Income Securities

August 8, 2003.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 17, 2003, the American Stock Exchange LLC (''Amex'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is

[3] *See* Securities Exchange Act Release No. 46765 (November 1, 2002), 67 FR 68893 (November 13, 2002) (SR–Amex–2002–91).

[4] *See* Securities Exchange Act Release No. 46996 (December 13, 2002), 67 FR 78264 (December 23, 2002) (SR–Amex–2002–98).

[5] *See* Securities Exchange Act Release No. 47141 (January 8, 2003), 68 FR 2090 (January 15, 2003) (SR–Amex–2002–115).

[6] *See* Securities Exchange Act Release No. 47361 (February 13, 2003), 68 FR 8534 (February 21, 2003) (SR–Amex–2003–04).

[7] *See* Securities Exchange Act Release No. 47455 (March 6, 2003), 68 FR 12111 (March 13, 2003) (SR–Amex–2003–15).

[8] *See* Securities Exchange Act Release No. 47668 (April 11, 2003), 68 FR 19241 (April 18, 2003) (SR–Amex–2003–22).

[9] *See* Securities Exchange Act Release No. 47858 (May 14, 2003), 68 FR 27872 (May 21, 2003) (SR–Amex–2003–40).

[10] *See* Securities Exchange Act Release No. 47974 (June 4, 2003), 68 FR 35030 (June 11, 2003) (SR–Amex–2003–57).

[11] *See* Securities Exchange Act Release No. 48240 (July 28, 2003), 68 FR 45866 (August 4, 2003) (SR–Amex–2003–67).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 15 U.S.C. 78f(b).

[14] 15 U.S.C. 78f(b)(4).

[15] 17 CFR 240.19b–4(f)(6).

[16] *See supra* notes 3–10.

[17] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[18] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

publishing this notice to solicit comments on the proposed rule change from interested persons and is approving the proposal on an accelerated basis.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to approve for listing and trading under Section 107A of the Amex Company Guide (''Company Guide''), trust certificates linked to a basket of investment grade fixed income debt instruments.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Amex included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item III below. The Amex prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

Under Section 107A of the Company Guide, the Exchange may approve for listing and trading securities which cannot be readily categorized under the listing criteria for common and preferred stocks, bonds, debentures, or warrants.[3] The Amex proposes to list for trading under Section 107A of the Company Guide, asset-backed securities (the ''ABS Securities'') representing ownership interest in the Select Notes Trust 2003–04 (''Trust''), a special purpose entity to be formed by Structured Obligations Corporation (''SOC''),[4] and the trustee of the Trust pursuant to a trust agreement, which will be entered into on the date that the ABS Securities are issued. The assets of the Trust will consist primarily of a basket or portfolio of up to approximately ten investment-grade fixed-income securities (the ''Underlying Corporate Bonds'')[5] and the United States Department of Treasury STRIPS or securities issued by the United States Department of Treasury (the ''Treasury Securities'') or government sponsored entity securities (the ''GSE Securities''). In the aggregate, component the securities will be referred to as the ''Underlying Securities.''

The ABS Securities will conform to the initial listing guidelines under Section 107A[6] and continued listing guidelines under Sections 1001–1003[7] of the Company Guide. At the time of issuance, the ABS Securities will receive an investment grade rating from a nationally recognized securities rating organization (an ''NRSRO''). The issuance of the ABS Securities will be a repackaging of the Underlying Corporate Bonds together with the addition of either Treasury Securities or GSE Securities,[8] with the obligation of the Trust to make distributions to holders of the ABS Securities depending on the amount of distributions received by the Trust on the Underlying Securities. However, due to the pass-through and passive nature of the ABS Securities, the Exchange intends to rely on the assets and stockholder equity of the issuers of the Underlying Corporate Bonds as well as GSE Securities, rather than the Trust to meet the requirement in Section 107A of the Company Guide. The corporate issuers of the Underlying Corporate Bonds and GSE Securities will meet or exceed the requirements of Section 107A of the Company Guide. The distribution and principal amount/aggregate market value requirements found in Sections 107A(b) and (c), respectively, will otherwise be met by the Trust as issuer of the ABS Securities.[9] In addition, the Exchange for purposes of including Treasury Securities will rely on the fact that the issuer is the U.S. Government rather than the asset and stockholder tests found in Section 107A.

The basket of Underlying Securities will not be managed and will generally remain static over the term of the ABS Securities. Each of the Underlying Securities provide for the payment of interest on a semi-annual basis, but the ABS Securities will provide for monthly or quarterly distributions of interest. Neither the Treasury Securities or GSE Securities will make periodic payments of interest.[10] The Exchange represents that, to alleviate this cash flow timing issue, the Trust will enter into an interest distribution agreement (the ''Interest Distribution Agreement'') as described in the prospectus supplement related to the ABS Securities (the ''Prospectus Supplement'').[11] Principal distributions on the ABS Securities are expected to be made on dates that correspond to the maturity dates of the Underlying Securities (*i.e.*, the Underlying Corporate Bonds and Treasury Securities or GSE Securities). However, some of the Underlying

[3] *See* Securities Exchange Act Release No. 27753 (March 1, 1990), 55 FR 8626 (March 8, 1990) (order approving File No. SR–Amex–89–29).

[4] SOC is a wholly-owned special purpose entity of J.P. Morgan Securities Holdings Inc. and the registrant under the Form S–3 Registration Statement (No. 333–671–88) under which the securities will be issued. Telephone Conversation between Jeffrey P. Burns, Assistant General Counsel, Amex, and Hong-Anh Tran, Special Counsel, Division of Market Regulation (''Division''), Commission, on July 30, 2003.

[5] *Id.*

[6] The initial listing standards for the ABS Securities require: (1) A minimum public distribution of one million units; (2) a minimum of 400 shareholders; (3) a market value of at least $4 million; and (4) a term of at least one year. However, if traded in thousand dollar denominations, then there is no minimum holder requirement. In addition, the listing guidelines provide that the issuer have assets in excess of $100 million, stockholder's equity of at least $10 million, and pre-tax income of at least $750,000 in the last fiscal year or in two of the three prior fiscal years. In the case of an issuer which is unable to satisfy the earning criteria stated in Section 101 of the Company Guide, the Exchange, pursuant to Section 107 of the Company Guide, will require the issuer to have the following: (1) Assets in excess of $200 million and stockholders' equity of at least $10 million; or (2) assets in excess of $100 million and stockholders' equity of at least $20 million.

[7] The Exchange's continued listing guidelines are set forth in Sections 1001 through 1003 of Part 10 to the Exchange's Company Guide. Section 1002(b) of the Company Guide states that the Exchange will consider removing from listing any security where, in the opinion of the Exchange, it appears that the extent of public distribution or aggregate market value has become so reduced to make further dealings on the Exchange inadvisable. With respect to continued listing guidelines for distribution of the ABS Securities, the Exchange will rely on the guidelines for bonds in Section 1003(b)(iv). Section 1003(b)(iv)(A) provides that the Exchange will normally consider suspending dealings in, or removing from the list, a security if the aggregate market value or the principal amount of bonds publicly held is less than $400,000.

[8] A GSE Security is a security that is issued by a government-sponsored entity such as Federal National Mortgage Association (Fannie Mae), Federal Home Loan Mortgage Corporation (Freddie Mac), Student Loan Marketing Association (Sallie Mae), the Federal Home Loan Banks and the Federal Farm Credit Banks. All GSE debt is sponsored but not guaranteed by the federal government, whereas government agencies such as Government National Mortgage Association (Ginnie Mae) are divisions of the U.S. government whose securities are backed by the full faith and credit of the U.S.

[9] Telephone Conversation between Jeffrey P. Burns, Assistant General Counsel, Amex, and Hong-Anh Tran, Special Counsel, Division, Commission, on August 8, 2003.

[10] A stripped fixed income security, such as a Treasury Security or GSE Security, is a security that is separated into its periodic interest payments and principal repayment. The separate strips are then sold individually as zero coupon securities providing investors with a wide choice of alternative maturities.

[11] Pursuant to the Interest Distribution Agreement, shortfalls in the amounts available to pay monthly or quarterly interest to holders of the ABS Securities due to the Underlying Securities paying interest semi-annually will be made to the Trust by JP Morgan Chase Bank or one of its affiliates and will be repaid out of future cash flow received by the Trust from the Underlying Securities.

Securities may have redemption provisions and in the event of an early redemption or other liquidation (*e.g.*, upon an event of default) of the Underlying Securities, the proceeds from such redemption (including any make-whole premium associated with such redemption) or liquidation will be distributed pro rata to the holders of the ABS Securities. Each Underlying Corporate Bond will be issued by a corporate issuer and purchased in the secondary market. In the case of Treasury Securities, the Trust will either purchase the securities directly from primary dealers or in the secondary market which consists of primary dealers, non-primary dealers, customers, financial institutions, non-financial institutions and individuals. Similarly, in the case of GSE Securities, the trust will either purchase the securities directly from the issuer or in the secondary market.

Holders of the ABS Securities generally will receive interest on the face value in an amount to be determined at the time of issuance of the ABS Securities and disclosed to investors. The rate of interest payments will be based upon prevailing interest rates at the time of issuance and interest payments will be made to the extent that coupon payments are received from the Underlying Securities. Distributions of interest will be made monthly or quarterly. Investors will also be entitled to be repaid the principal of their ABS Securities from the proceeds of the principal payments on the Underlying Securities.[12] The payout or return to investors on the ABS Securities will not be leveraged.

The ABS Securities will mature on the latest maturity date of the Underlying Securities. Holders of the ABS Securities will have no direct ability to exercise any of the rights of a holder of an Underlying Corporate Bond; however, holders of the ABS Securities as a group will have the right to direct the Trust in its exercise of its rights as holder of the Underlying Securities.

The proposed ABS Securities are virtually identical to Select Notes Trust 2003–02 and 2003–03 currently listed and traded on the Exchange,[13] with the only difference being the actual Underlying Securities in the basket of investment-grade fixed-income securities. Accordingly, the Exchange proposes to provide for the listing and trading of the ABS Securities where the Underlying Securities meet the Exchange's Bond and Debenture Listing Standards set forth in Section 104 of the Company Guide. The Exchange represents that all of the Underlying Securities in the proposed basket will meet or exceed these listing standards.

The Exchange's Bond and Debenture Listing Standards in Section 104 of the Company Guide provide for the listing of individual bond or debenture issuances provided the issue has an aggregate market value or principal amount of at least $5 million and any of: (1) The issuer of the debt security has equity securities listed on the Exchange (or on the New York Stock Exchange (''NYSE'') or on the Nasdaq National Market (''Nasdaq'')); (2) an issuer of equity securities listed on the Exchange (or on the NYSE or on Nasdaq) directly or indirectly owns a majority interest in, or is under common control with, the issuer of the debt security; (3) an issuer of equity securities listed on the Exchange (or on the NYSE or on Nasdaq) has guaranteed the debt security; (4) a NRSRO has assigned a current rating to the debt security that is no lower than an S&P Corporation (''S&P'') ''B'' rating or equivalent rating by another NRSRO; or (5) or if no NRSRO has assigned a rating to the issue, an NRSRO has currently assigned (i) an investment grade rating to an immediately senior issue or (ii) a rating that is no lower than a S&P ''B'' rating or an equivalent rating by another NRSRO to a pari passu or junior issue.

In addition to the Exchange's Bond and Debenture Listing Standards, an Underlying Security must also be of investment grade quality as rated by a NRSRO and at least 75% of the underlying basket is required to contain Underlying Securities from issuances of $100 million or more. The maturity of each Underlying Security is expected to match the payment of principal of the ABS Securities with the maturity date of the ABS Securities being the latest maturity date of the Underlying Securities. Amortization of the ABS Securities will be based on: (1) The respective maturities of the Underlying Securities, including Treasury Securities or GSE Securities; (2) principal payout amounts reflecting the pro-rata principal amount of maturing Underlying Securities; and (3) any early redemption or liquidation of the Underlying Securities, including Treasury Securities or GSE Securities.

Investors will be able to obtain the prices for the Underlying Securities through Bloomberg L.P. or other market vendors, including the broker-dealer through whom the investor purchased the ABS Securities. In addition, The Bond Market Association provides links to price and other bond information sources on its investor web site at *www.investinginbonds.com.* Transaction prices and volume data for the most actively-traded bonds on the exchanges are also published daily in newspapers and on a variety of financial websites. The National Association of Securities Dealers, Inc. (''NASD'') Trade Reporting and Compliance Engine (''TRACE'') will also help investors obtain transaction information for most corporate debt securities, such as investment grade corporate bonds.[14] For a fee, investors can have access to intra-day bellwether quotes.[15]

Price and transaction information for Treasury Securities and GSE Securities may also be obtained at *http://publicdebt.treas.gov* and *http://www.govpx.com,* respectively. Price quotes are also available to investors via proprietary systems such as Bloomberg, Reuters and Dow Jones Telerate. Valuation prices[16] and analytical data may be obtained through vendors such as Bridge Information Systems, Muller Data, Capital Management Sciences, Interactive Data Corporation and Barra.

The prices of Underlying Securities generally will be determined by one or more market makers in accordance with applicable law and self-regulatory organization rules.

The ABS Securities will be listed in $1,000 denominations with the Exchange's existing debt floor trading rules applying to trading. First, pursuant to Amex Rule 411, the Exchange will impose a duty of due diligence on its members and member firms to learn the essential facts relating to every customer

[12] The Underlying Securities may drop out of the basket upon maturity or upon payment default or acceleration of the maturity date for any default other than payment default. *See* Prospectus for a schedule of the distribution of interest and of the principal upon maturity of each Underlying Security and for a description of payment default and acceleration of the maturity date.

[13] *See* Securities Exchange Act Release Nos. 47730 (April 24, 2003), 68 FR 23340 (May 1, 2003) (Amex File No. 2003–25) and 47884 (May 16, 2003), 68 FR 28305 (May 23, 2003) (Amex File No. 2003–37). *See also* Securities Exchange Act Release Nos. 46835 (November 14, 2002), 67 FR 70271 (November 21, 2002) (Amex File No. 2002–70) and 46923 (November 27, 2002), 67 FR 72247 (December 4, 2002) (Amex File No. 2002–92).

[14] *See* Securities Exchange Act Release No. 43873 (January 23, 2001), 66 FR 8131 (January 29, 2001) (File No. SR–NASD–99–65). Investors are able to access TRACE information at *http://www.nasdbondinfo.com/.*

[15] Corporate prices are available at 20-minute intervals from Capital Management Services at *http://www.bondvu.com/.*

[16] ''Valuation Prices'' refer to an estimated price that has been determined based on an analytical evaluation of a bond in relation to similar bonds that have traded. Valuation prices are based on bond characteristics, market performance, changes in the level of interest rates, market expectations and other factors that influence a bond's value.

prior to trading the ABS Securities.[17] Second, the ABS Securities will be subject to the debt margin rules of the Exchange.[18] Third, the Exchange will, prior to trading the ABS Securities, distribute a circular to the membership providing guidance with regard to member firm compliance responsibilities (including suitability recommendations) when handling transactions in the ABS Securities and highlighting the special risks and characteristics of the ABS Securities. With respect to suitability recommendations and risks, the Exchange will require members, member organizations and employees thereof recommending a transaction in the ABS Securities: (1) To determine that such transaction is suitable for the customer, and (2) to have a reasonable basis for believing that the customer can evaluate the special characteristics of, and is able to bear the financial risks of such transaction.

The Exchange represents that its surveillance procedures are adequate to properly monitor the trading of the ABS Securities. Specifically, the Amex will rely on its existing surveillance procedures governing debt, which have been deemed adequate under the Act. In addition, the Exchange also has a general policy which prohibits the distribution of material, non-public information by its employees.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6 of the Act [19] in general and furthers the objectives of Section 6(b)(5) [20] in particular in that it is designed to prevent fraudulent and manipulative acts and practices, promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system, and, in general, protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange did not receive any written comments on the proposed rule change.

III. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Amex. All submissions should refer to the File No. SR–Amex–2003–69 and should be submitted by September 5, 2003.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

After careful consideration, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b)(5) of the Act.[21] The Commission finds that this proposal is similar to two separate trust certificates linked to a portfolio of investment grade debt currently trading on the Exchange.[22] Accordingly, the Commission finds that the listing and trading of the ABS Securities is consistent with the Act and will promote just and equitable principles of trade, foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, and, in general, protect investors and the public interest consistent with Section 6(b)(5) of the Act.[23]

As described more fully above, the ABS Securities are asset-backed securities and represent a repackaging of the Underlying Corporate Bonds together with the addition of either Treasury Securities or GSE Securities, subject to certain distribution of interest obligations of the Trust. The ABS Securities are not leveraged instruments. The ABS Securities are debt instruments whose price will still be derived and based upon the value of the Underlying Securities. The Exchange represents that the value of the Underlying Securities will be determined by one or more market makers, in accordance with Exchange rules. Investors are guaranteed at least the principal amount that they paid for the Underlying Securities. In addition, each of the Underlying Corporate Bonds will pay interest on a semi-annual basis while the ABS Securities themselves will pay interest on a monthly or quarterly basis, pursuant to the Interest Distribution Agreement. Neither the Treasury Securities or GSE Securities will make periodic payments of interest.[24] To alleviate this cash flow timing issue, shortfalls in the amounts available to pay monthly or quarterly interest to holders of the ABS Securities due to the Underlying Securities paying interest semi-annually will be made to the Trust by JP Morgan Chase Bank or one of its affiliates and will be repaid out of future cash flow received by the Trust from the Underlying Securities, pursuant to the Interest Distribution Agreement. In addition, the ABS Securities will mature on the latest maturity date of the Underlying Securities.[25] However, due to the pass-through nature of the ABS Securities, the level of risk involved in the purchase or sale of the ABS Securities is similar to the risk involved in the purchase or sale of traditional common stock.

The Commission notes that the Exchange's rules and procedures that address the special concerns attendant to the trading of hybrid securities will be applicable to the ABS Securities. In particular, by imposing the hybrid listing standards, suitability, disclosure, and compliance requirements noted above, the Commission believes the Exchange has addressed adequately the potential problems that could arise from the hybrid nature of the ABS Securities.

[17] Amex Rule 411 requires that every member, member firm or member corporation use due diligence to learn the essential facts, relative to every customer and to every order or account accepted.

[18] *See* Amex Rule 462.

[19] 15 U.S.C. 78f(b).

[20] 15 U.S.C. 78f(b)(5).

[21] *Id.*

[22] *See supra* n. 13.

[23] 15 U.S.C. 78f(b)(5). In approving this rule, the Commission notes that it has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[24] *See supra* n. 10.

[25] *See supra* n. 12.

Moreover, the Commission notes that the Exchange will distribute a circular to its membership calling attention to the specific risks associated with the ABS Securities.

The Commission notes that the ABS Securities are dependent upon the individual credit of the issuers of the Underlying Securities. To some extent this credit risk is minimized by the Exchange's listing standards in Section 107A of the Company Guide which provide that only issuers satisfying asset and equity requirements may issue securities such as the ABS Securities. In addition, the Exchange's ''Other Securities'' listing standards further provide that there is no minimum holder requirement if the securities are traded in thousand dollar denominations.[26] The Commission notes that the Exchange has represented that the ABS Securities will be listed in $1000 denominations with its existing debt floor trading rules applying to the trading. In any event, financial information regarding the issuers of the Underlying Securities will be publicly available.[27]

Due to the pass-through and passive nature of the ABS Securities, the Commission does not object to the Exchange's reliance on the assets and stockholder equity of the Underlying Securities rather than the Trust to meet the requirement in Section 107A of the Company Guide. The Commission notes that the distribution and principal amount/aggregate market value requirements found in Sections 107A(b) and (c), respectively, will otherwise be met by the Trust as issuer of the ABS Securities. Thus, the ABS Securities will conform to the initial listing guidelines under Section 107A and continued listing guidelines under Sections 1001–1003 of the Company Guide. At the time of issuance, the Commission also notes that the ABS Securities will receive an investment grade rating from an NRSRO.

The Commission also believes that the listing and trading of the ABS Securities should not unduly impact the market for the Underlying Securities or raise manipulative concerns. As discussed more fully above, the Exchange represents that, in addition to requiring the issuers of the Underlying Securities meet the Exchange's Section 107A listing requirements (in the case of Treasury securities, the Exchange will rely on the fact that the issuer is the U.S. Government rather than the asset and stockholder tests found in Section 107A), the Underlying Securities will be required to meet or exceed the Exchange's Bond and Debenture Listing Standards pursuant to Section 104 of the Amex's Company Guide, which among other things, requires that underlying debt instrument receive at least an investment grade rating of ''B'' or equivalent from an NRSRO. Furthermore, at least 75% of the basket is required to contain Underlying Securities from issuances of $100 million or more. The Amex also represents that the basket of Underlying Securities will not be managed and will remain static over the term of the ABS Securities. In addition, the Amex's debt surveillance procedures will serve to deter as well as detect any potential manipulation.

The Commission notes that the investors may obtain price information on the Underlying Securities through market venders such Bloomberg, L.P., or though Web sites such as *www.investinbonds.com* (for Underlying Corporate Bonds) and *http://publicdebt.treas.gov* and *http://www.govpx.com* (for Treasury Securities and GSE Securities, respectively).

The Commission finds good cause for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. The Amex has requested accelerated approval because this product is similar to several other equity-linked instruments currently listed and traded on the Amex.[28] The Commission believes that the ABS Securities will provide investors with an additional investment choice and that accelerated approval of the proposal will allow investors to begin trading the ABS Securities promptly. Additionally, the ABS Securities will be listed pursuant to Amex's existing hybrid security listing standards as described above. Based on the above, the Commission believes that there is good cause, consistent with Sections 6(b)(5) and 19(b)(2) of the Act [29] to approve the proposal, as amended, on an accelerated basis.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[30] that the proposed rule change (SR–Amex–2003–69) is hereby approved on an accelerated basis.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[31]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–20906 Filed 8–14–03; 8:45 am]

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[26] *See* Company Guide Section 107A.

[27] The ABS Securities will be registered under Section 12 of the Act.

[28] *See supra* note 13.

[29] 15 U.S.C. 78f(b)(5) and 78s(b)(2).

[30] 15 U.S.C. 78*o*–3(b)(6) and 78s(b)(2).

[31] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–48306; File No. SR–CBOE–2003–24]

Self-Regulatory Organizations; Order Approving a Proposed Rule Change and Amendment No. 1 Thereto by the Chicago Board Options Exchange, Incorporated To Interpret Rules Relating to Margin Requirements for Certain Complex Options Spreads on a Pilot Basis

August 8, 2003.

I. Introduction

On June 8, 2003, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to issue a Regulatory Circular to its membership setting forth a clarifying interpretation to CBOE Rule 12.3, Margin Requirements, relating to margin requirements for certain complex option spreads. On June 26, 2003, the Exchange filed Amendment No. 1 to the proposed rule change. The proposed rule change, as amended, was published for public comment in the **Federal Register** on July 9, 2003.[3] The Commission received one comment letter on the proposal.[4] This order approves the proposed rule change.

II. Description of the Proposal

The Exchange proposes to adopt an interpretation to CBOE Rule 12.3—Margin Requirements—to clarify that margin requirements for certain complex option spreads are provided for under CBOE Rule 12.3. The Exchange proposes to implement this interpretation through a Regulatory Circular that will set forth the margin requirements for such complex spreads. The Exchange believes that the complex

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 48115 (July 1, 2003), 68 FR 41027.

[4] *See* letter from Patrick K. Blackburn, ABN–AMRO Incorporated, to Secretary, Commission, dated July 25, 2003 (''ABN–AMRO Letter'').

spreads in question are simply another way of expressing a collection of two or more basic option spreads (*i.e.*, the butterfly spread, the box spread, and the time spread) already covered under the margin rules. The proposed Regulatory Circular is intended to be a temporary measure and will operate as a pilot for one year from the date of approval of the Regulatory Circular by the Commission.

The Regulatory Circular provides that CBOE members may collect a specific amount of margin for each of the seven identified complex spreads. Specifically, the Regulatory Circular will allow CBOE member organizations to require margin for the identified complex spreads, whether they are established outright or through netting, of not less than the sum of the margin required on each basic spread in its corresponding package.

III. Summary of Comments

As noted above, the Commission received one comment in response to the proposed rule change, which supported the proposal. The commenter believed that the issuance of the Regulatory Circular will resolve ambiguity concerning the appropriate margin treatment for these complex spreads, which will benefit all market participants for whom options are an important part of their investment programs.

IV. Discussion

After careful review, the Commission finds that the proposed rule change, as amended, is consistent with the requirements of Section 6 of the Act[5] and the rules and regulations thereunder applicable to a national securities exchange.[6] In particular, the Commission finds that the proposed Regulatory Circular is consistent with Section 6(b)(5) of the Act,[7] which requires, among other things, that the Exchange's rules be designed to perfect the mechanisms of a free and open market and, in general, to protect investors and the public interest. The Commission believes that the Regulatory Circular should clarify the margin requirements for the identified complex spreads.

The Commission notes that this approval will operate as a one-year pilot from the date of approval of the proposed rule change. The Commission expects that during the pilot period, the CBOE will work to submit a proposed rule change to permanently implement the margin requirements for the subject complex spreads.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[8] that the proposed rule change, as amended (SR–CBOE–2003–24), is approved until August 7, 2004.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–20908 Filed 8–14–03; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–48316; File No. SR–NASD–2003–116]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers, Inc. To Modify the Fees Paid by NNMS Order Entry Firms for Certain Order Executions Through Nasdaq's SuperMontage System

August 11, 2003.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),[1] and Rule 19b–4[2] thereunder, notice is hereby given that on July 31, 2003, the National Association of Securities Dealers, Inc. ("NASD"), through its subsidiary, The Nasdaq Stock Market, Inc. ("Nasdaq"), submitted to the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq. Nasdaq has designated this proposal as one establishing or changing a due, fee or other charge under Section 19(b)(3)(A)(ii) of the Act[3] and Rule 19b–4(f)(2) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to modify the fees paid by NNMS Order Entry Firms ("OE Firms") for certain order executions through Nasdaq's SuperMontage system. Nasdaq implemented the rule change on August 1, 2003.

Below is the text of the proposed rule change. Proposed new language is italicized; proposed deleted language is bracketed.

* * * * *

7000. CHARGES FOR SERVICES AND EQUIPMENT

7010. System Services

(a)–(h) No change.

(i) Nasdaq National Market Execution System (SuperMontage).

The following charges shall apply to the use of the Nasdaq National Market Execution System (commonly known as SuperMontage) by members:

Order Entry	
Non-Directed Orders (excluding Preferenced Orders)	No charge
Preferenced Orders:	
Preferenced Orders that access a Quote/Order of the member that entered the Preferenced Order).	No charge
Other Preferenced Orders	$0.02 per order entry
Directed Orders	$0.10 per order entry
Order Execution	
Non-Directed or Preferenced Order that accesses the Quote/Order of a market participant that does not charge an access fee to market participants accessing its Quotes/Orders through the NNMS:	
Charge to member entering order	$0.003 per share executed (but no more than $120 per trade for trades in securities executed at $1.00 or less per share)

[5] 15 U.S.C. 78f(b).

[6] In approving the proposed rule change, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[7] 15 U.S.C. 78f(b)(5).

[8] 15 U.S.C. 78s(b)(2).

[9] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(ii).

[4] 17 CFR 240.19b–4(f)(2).

Credit to member providing liquidity	$0.002 per share executed (but no more than $80 per trade for trades in securities executed at $1.00 or less per share)
Non-Directed or Preferenced Order that accesses the Quote/Order of a market participant that charges an access fee to market participants accessing its Quotes/Orders through the NNMS.	$0.001 per share executed (but no more than $40 per trade for trades in securities executed at $1.00 or less per share)
Directed Order	$0.003 per share executed
Non-Directed or Preferenced Order entered by a *member* [Nasdaq Quoting Market Participant] that accesses its own Quote/Order.	No charge
[Non-Directed Order entered by an NNMS Order Entry Firm that accesses its own Quote/Order].	[$0.001 per share executed (but no more than $40 per trade for trades in securities executed at $1.00 or less per share)]
Order Cancellation	
Non-Directed and Preferenced Orders	No charge
Directed Orders	$0.10 per order cancelled

(j)–(s) No change.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On May 12, 2003, the Commission approved [5] on a permanent basis a proposed rule change to allow OE Firms [6] to enter non-marketable limit orders into SuperMontage using the SIZE Market Participant Identifier (''SIZE'').[7] The program had originally been approved on a 90-day pilot basis, beginning on February 10, 2003.[8]

At the beginning of the 90-day pilot period, Nasdaq did not assess a charge (or provide a liquidity provider credit) when a market participant's non-directed or preferenced order executed against its own Quote/Order. Effective April 1, 2003, however, Nasdaq modified its SuperMontage fee schedule to provide that an OE Firm entering a non-directed order that accesses a limit order that the OE Firm itself posted in SIZE would pay $0.001 per share executed (but no more than $40 per trade for trades in securities executed at $1.00 or less per share).[9] In situations where a Quoting Market Participant's order executes against its own Quote/Order, however, the order execution remained free.

The discount for Quoting Market Participants is based, in part, on an expectation that, in its absence, many Quoting Market Participants would internalize a greater percentage of orders through their own proprietary crossing systems, rather than exposing them to the full market. Based on experience with the program for OE Firms' use of SIZE, however, Nasdaq has concluded that applying the discount to OE Firms' orders may also encourage OE Firms to expose a greater percentage of their orders through SuperMontage, in lieu of internalizing them or routing them to competing market centers. Accordingly, Nasdaq is eliminating the $0.001 fee applicable to order executions in which an OE Firm's non-directed order is matched with the same firm's order in SIZE.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of Section 15A of the Act [10] in general, and with Section 15A(b)(5) of the Act [11] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the NASD operates or controls. Nasdaq states that the proposed rule change will result in an elimination of the fees payable by an OE Firm for non-directed orders that execute against orders entered by the OE Firm in SIZE. As a result, Nasdaq believes that the fees assessed on OE Firms and Quoting Market Participants for use of SuperMontage will now be identical in all respects.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary and appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective upon filing pursuant to Section 19(b)(3)(A)(ii) of the Act [12] and subparagraph (f)(2) of Rule 19b–4 thereunder,[13] because it establishes or changes a due, fee, or other charge imposed by the self-regulatory organization. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange

[5] *See* Securities Exchange Act Release No. 47830 (May 12, 2003), 68 FR 27126 (May 19, 2003) (SR–NASD–2003–37) (''May Approval Order'').

[6] As noted in the May Approval Order, Nasdaq interprets the term ''NNMS Order Entry Firm'' to encompass NNMS Market Makers to the extent that they do not make markets in particular stocks. In SuperMontage, such firms are treated the same as other OE Firms when placing orders into the system for stocks in which they do not make a market.

[7] SIZE is the anonymous market participant identifier (''MPID'') that represents the aggregate size of all Non-Attributable Quotes and Orders entered by market participants in Nasdaq at a particular price level. Non-Attributable Quotes and Orders are not displayed in the Nasdaq Quotation Montage using the market participant's MPID.

[8] *See* Securities Exchange Act Release No. 47301 (January 31, 2003), 68 FR 6236 (February 6, 2003) (SR–NASD–2002–173).

[9] *See* Securities Exchange Act Release No. 47530 (March 19, 2003), 68 FR 14730 (March 26, 2003) (SR–NASD–2003–30).

[10] 15 U.S.C. 78*o*–3.

[11] 15 U.S.C. 78*o*–3(b)(5).

[12] 15 U.S.C. 78s(b)(3)(a)(ii).

[13] 17 CFR 240.19b–4(f)(2).

Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of Nasdaq. All submissions should refer to File No. SR–NASD–2003–116 and should be submitted by September 5, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–20907 Filed 8–14–03; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–48307; File No. SR–NYSE–2002–63]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Approving Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 1 Relating to Amendments to Rules 98, 104A.50, 105, and 900 To Permit Single Stock Futures Hedging by Specialists

August 8, 2003.

I. Introduction

On November 21, 2002, the New York Stock Exchange (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend certain Exchange rules to permit single stock futures hedging by specialists. On January 10, 2003, the rule proposal was published for comment in the **Federal Register**.[3] On July 23, 2003 the NYSE filed Amendment No. 1 to the proposed rule change.[4] The Commission received no comments on the proposed rule change. This order approves the proposed rule change, as amended, grants accelerated approval of Amendment No. 1 and solicits comments from interested persons on Amendment No. 1.

II. Description of the Rule Change

Under the rule change, the Exchange will permit specialists to use security futures overlying single securities (hereinafter referred to as ''single stock futures'') to hedge specialty stock positions. Rule 105 currently permits specialists to use options to hedge their specialty stock positions. Specifically, the Exchange is amending Rules 105, 98, 104A.50, and 900(d)(v).

Amendments to Rule 105

The Exchange is amending paragraph (d) of the Guidelines to Rule 105 (the ''Guidelines'') to explain the conditions under which single stock futures may be used to hedge an existing specialty stock. Under the rule change, anticipatory hedging is not permitted. As is the case under Rule 105 with options, only existing specialty stock positions may be hedged.

As amended, Rule 105 will provide three conditions (similar to those applicable to options) that single stock futures transactions must meet:

(i) The transaction must result in a net futures position on the opposite side of the market from the underlying specialty stock position;

(ii) The transaction must be effected solely to offset the risk of making a market in the underlying specialty stock; and

(iii) The resulting net futures position must not exceed the number of shares of the specialty stock position that the specialist is offsetting.

Any single stock futures transaction that does not meet all three of the above conditions would be deemed to be in violation of Rule 105.

Under the rule change, a specialist would be able to use one single stock futures contract to hedge each 100 shares of the existing specialty stock position. A hedge that subsequently exceeds the specialty stock position being hedged as a result of 25% or more in the specialist's stock position or which becomes on the same side of the market as the specialty stock position must be liquidated, unless the equivalent share position is 5000 shares or less.

Similarly, Rule 105 will be amended to specify that, as with options, specialists may also not front-run blocks and must record futures positions in a separate ''memo'' account. Additionally, specialists must report to the Exchange: (i) accounts in which single stock futures positions are held and (ii) their positions in single stock futures.

Rule 105 permits an approved person of a specialist to act as a primary market maker or specialist with respect to an option on a specialty stock, provided all the requirements of the Rule 98 exemptive program are met. This provision will be amended to incorporate references to market makers in single stock futures so that an approved person of an equity specialist may act as a primary market maker or specialist with respect to a stock futures contract, provided all the requirements of the Rule 98 exemptive program are met.

In addition, Rule 105 prohibits an approved person of an equity specialist from acting as a market maker in any equity security in which the associated specialist is registered as such and which underlies an option as to which the approved person acts as an options market maker. Under the rule change, the same prohibition will apply with respect to market makers in single stock futures contracts.

The Exchange is adding a provision to Rule 105 to explain the combined use of both options and single stock futures to hedge specialty stock positions. Under the rule change, if a specialist chooses to hedge a specialty stock position with positions in both options and single stock futures, the resulting total market position, when established, may not exceed the size of the existing specialty stock position being hedged. Any excess or same side of the market equivalent position must be liquidated in accordance with the provisions of Rule 105.

Other Proposed Amendments

In addition to the amendments to Rule 105, the Exchange is amending Rules 98, 104A.50, and 900(d)(v) to incorporate appropriate references to single stock futures.

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[14] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 47160 (January 10, 2003), 68 FR 02064 (January 17, 2003).

[4] In Amendment No. 1, the Exchange amended the definition of ''security future'' in Rule 105(b) to conform it to the definition of that term in section 3(a)(55) of the Act for uniformity. The Exchange also made certain technical changes to the proposed rule text and added an example that describes the way a combination of options and single stock futures contracts may be used to hedge a specialty stock position. In addition, the Exchange acknowledged that the prohibition in section 6(h)(1) of the Act on effecting transactions in security futures products that are not listed on a national securities exchange would apply to the transactions permitted under the proposed rule change. The Exchange stated further that it will remind its members of this prohibition when it announces the approval of the proposed rule change.

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change, as amended, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[5] Specifically, the Commission believes the proposed rule change, as amended, is consistent with section 6(b)(5) of the Act,[6] which requires, among other things, that the rules of the Exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to perfect the mechanism of a free and open market, and in general to protect investors and the public interest.

The Commission believes that the rule change should provide specialists with greater flexibility in their ability to use hedging transactions to offset market-making risk. By permitting specialists to use single stock futures to hedge their specialty stock positions, the Commission believes that the rule change should enable specialists to add to overall stock market liquidity by taking specialty stock positions they might not otherwise assume or by reducing risks on positions they are required to assume.

The Commission is accelerating approval of Amendment No. 1 to the proposed rule change. Amendment No. 1 made technical corrections and certain other minor changes to the proposed rule change. The Commission believes that the changes included in Amendment No. 1 should not affect the substance of the rule change. Accordingly, pursuant to Section 19(b)(2) of the Act,[7] the Commission finds good cause to approve Amendment No. 1 prior to the thirtieth day after notice of the Amendment is published in the **Federal Register**.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning Amendment No. 1, including whether Amendment No. 1 is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the NYSE. All submissions should refer to File No. SR–NYSE–2002–63 and should be submitted by September 5, 2003.

V. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[8] that the proposed rule change (SR–NYSE–2002–63) is approved, and Amendment No. 1 is approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–20820 Filed 8–14–03; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–48310; File No. SR–Phlx–2002–85]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change, and Amendment No. 1 Thereto, by the Philadelphia Stock Exchange, Inc. Relating to the Definition of a Wheel Assignment Area

August 8, 2003.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 20, 2002, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Phlx submitted Amendment No. 1 to the proposed rule change on July 28, 2003.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to amend Option Floor Procedure Advice (''OFPA'') F–24, AUTO–X Contra-Party Participation (The Wheel), to redefine a ''Wheel Assignment Area,'' based on the current configuration of the Exchange Options Floor. The text of the proposed rule change is set forth below. Proposed new language is in italics. Proposed deletions are in brackets.

* * * * *

F–24 AUTO–X Contra-Party Participation (The Wheel)

(a)–(b) No change.

(c) Participation Requirements and Sign-on/off—Specialists on the Options Floor are required to participate on the Wheel in assigned issues in accordance with paragraph (e) of this Advice.

(i) *An* ROT[s] may elect to participate on the Wheel for any or all [issues] *options* which *such ROT* [they] maintain*s* an ROT assignment, as long as *such* [those listed] *options* are located *within the Wheel Assignment Area (as defined below) for the crowd in which such ROT participates*, [within two contiguous quarter turrets of each other] and the ROT is actively making markets in the specific [issues] *options traded within such Wheel Assignment Area.*

(ii) No two associated or dually affiliated ROTs may be on the Wheel for the same option at the same time. Regardless of [an ROT's] *the* total *number of options* assigned *to an ROT* [issues], an ROT may only sign-on the Wheel in one Wheel [a]*A*ssignment [a]*A*rea at any given time.

(iii) For [the] purposes of this Advice, a Wheel [a]*A*ssignment [a]*A*rea is [each area on the trading floor constituted by two contiguous quarter turrets] *a location on the trading floor where an ROT: (1) Is actively making markets by quoting continuous, 2-sided markets in compliance with Advice B–1 and Rule 1014; (2) can hear and ascertain the markets that are being made by the specialist and crowd; (3) is deemed to be quoting the disseminated markets being made by the specialist in accordance*

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[5] In approving the proposed rule change, the Commission has considered its impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(2).

[8] Id.

[9] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Letter from Richard S. Rudolph, Director and Counsel, Phlx, to Nancy Sanow, Assistant Director, Division of Market Regulation (''Division''), Commission, dated July 25, 2003 (''Amendment No. 1''). In Amendment No. 1, the Phlx amended the proposed rule change by clarifying the proposed definition of a ''Wheel Assignment Area'' set forth in paragraph (c)(iii) of OFPA F–24, AUTO–X Contra-Party Participation (The Wheel). The substance of Amendment No. 1 is incorporated into the description of the proposed rule change in Section II.A. below, and the proposed rule text set forth herein reflects the changes made in Amendment No. 1.

with Rule 1080.01(c); and (4) can be heard by the specialist and crowd. [However, t]*T*he Options Committee may extend *the number of options to be included in* a Wheel [a]*A*ssignment [a]*A*rea on a case-by-case basis, taking into account the activity and trading crowd size in *the* [those options] *Wheel Assignment Area(s) to be extended* [as well as the intervening posts, if it is determined that the specialist and all Wheel participants on all Wheels agree that an ROT can be actively making markets in that particular situation and can thus be considered presenting such Wheel issues, until either specialist or any such Wheel participant no longer agree that the circumstances warrant an extension].

(iv) In order to be placed on the Wheel for an entire trade day, the respective ROT must sign-on, in person on the trading floor for that listed option. Although ROTs may sign-on in individual listed options, a sign-off by an ROT is effective for all options for which the ROT is on the Wheel. Sign-offs shall become effective immediately upon being processed for deletion in the computer system.

([iii]*v*) If an ROT who is signed-on the Wheel is away from the Wheel [a]*A*ssignment [a]*A*rea for more than a brief interval, a Floor Official shall:

(A) Remove the ROT from [any]*all* Wheel participation for the remainder of the trading day; and

(B) issue a fine pursuant to the fine schedule below.

If [such] *an* ROT is assigned a Wheel trade while away from the Wheel [a]*A*ssignment [a]*A*rea for more than a brief interval, that ROT is responsible for all [trades]*contracts* assigned to his/her ROT account until the sign-off is processed.

Fine Schedule (Implemented on a two-year running calendar basis)

F–24 (c) ([iii]*v*):

1st Occurrence	$250.00
2nd Occurrence	$500.00
3rd Occurrence	$1,000.00
4th Occurrence and thereafter.	Sanction is discretionary with Business Conduct Committee

(d)–(f) No change.

Fine Schedule

F–24 Fine not applicable, except paragraph (c)([iii]*v*). Matters subject to review by the Business Conduct Committee.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to update the definition of a ''Wheel Assignment Area'' to be consistent with the current physical configuration of the Options Floor. Due to changes in the physical layout of the Options Floor (as explained below), not only is the ''two contiguous quarter turret'' standard no longer useful, but the variations in layout and post location on the Options Floor are such that the Exchange believes a standard based on the activities of Registered Options Traders (''ROTs''), rather than a physical description of a ''Wheel Assignment Area,'' is now more appropriate.

Currently, OFPA F–24 provides that ROTs may elect to participate on the Wheel[4] for any or all issues in which they maintain an ROT assignment, as long as those listed options are located within two contiguous ''quarter turrets'' of each other and the ROT is actively making markets in the specific issues.

The Exchange's Options Floor has undergone many physical changes since the adoption of the current definition of ''Wheel assignment area.''[5] Specifically, the Options Floor no longer has any ''quarter turrets.'' The Options Floor trading posts are now linear, and in some instances extend continuously over the entire length of a given specialist post, encompassing a relatively large number of options in a relatively large physical area.

In order to conform the Exchange's rules with the current physical configuration of the Options Floor, the proposed rule change amends the text of OFPA F–24 to include references to the proposed defined term ''Wheel Assignment Area'' throughout. The proposal defines a ''Wheel Assignment Area'' as a location on the trading floor where an ROT: (1) Is actively making markets by quoting continuous, 2-sided markets in compliance with Advice B–1 and Rule 1014; (2) can hear and ascertain the markets that are being made by the specialist and crowd; (3) is deemed to be quoting the disseminated markets being made by the specialist in accordance with Rule 1080.01(c); and (4) can be heard by the specialist and crowd.[6]

As stated above, the proposed definition of ''Wheel Assignment Area'' is focused on the activities of individual ROTs, and not on the actual physical area in which ROTs are present. The requirements to actively make markets (making continuous two-sided markets in all issues assigned to such ROT), to hear and be heard, and to be deemed by the Exchange to be quoting the disseminated markets being made by the specialist in accordance with Rule 1080.01(c)[7] are central to an ROT's participation in a particular crowd.

The proposal contemplates that issues may be raised on the Options Floor as to whether a particular ROT is eligible to participate in a Wheel Assignment Area based on the above four criteria. In order to account for this, and to address possible disputes, the proposal would continue to provide that the Options Committee[8] may extend the number of options to be included in a Wheel Assignment Area on a case-by-case basis. Under the proposal, the Options Committee could now take into account the activity and trading crowd size in the Wheel Assignment Area(s) to be extended. In such a situation, the Options Committee would have the authority to determine if the Wheel Assignment Area should be extended to

[4] The ''Wheel'' is a feature of AUTOM that provides an automated mechanism for assigning specialists and ROTs signed on the Wheel for a given listed option, on a rotating basis, as contra-side participants to trades executed via AUTO–X. *See* Exchange Rule 1080(g). AUTOM is the Exchange's electronic order delivery, routing, execution and reporting system, which provides for the automatic entry and routing of equity option and index option orders to the Exchange trading floor. Orders delivered through AUTOM may be executed manually, or certain orders are eligible for AUTOM's automatic execution feature, AUTO–X. Equity option and index option specialists are required by the Exchange to participate in AUTOM and its features and enhancements. Option orders entered by Exchange members into AUTOM are routed to the appropriate specialist unit on the Exchange trading floor.

[5] The Exchange previously defined a ''Wheel assignment area'' as two contiguous quarter turrets. *See* Securities Exchange Act Release No. 35033 (November 30, 1994), 59 FR 63152 (December 7, 1994) (SR–Phlx–94–32). A quarter turret was one section of a four-sided, diamond-shaped trading post, which no longer exists on the Exchange's Options Floor.

[6] *See* Amendment No. 1, *supra* n. 3.

[7] Phlx Rule 1080.01(c) provides, in relevant part: ''[t]he disseminated market * * * is deemed to represent the quotations of all ROTs in that option unless an ROT has expressly indicated otherwise in a clear and audible manner. * * *''

[8] The Options Committee has general supervision of the dealings of members on the options floor. *See* Exchange By-Law Article X, Section 10–19.

include such an ROT. Because the Exchange believes it would be cumbersome and impractical for the Options Committee to meet and vote to approve the extension of a Wheel Assignment Area each time the issue arises on the Options Floor, the Options Committee has delegated its authority to approve such changes to two Exchange Floor Officials, who would indicate their approval by signing the appropriate form and submitting the form to Market Surveillance.[9]

The proposal also includes a provision that would enable a Floor Official to remove an ROT from all Wheel participation for the remainder of the trading day, and issue a fine pursuant to the fine schedule in OFPA F–24, if an ROT who is signed-on the Wheel is away from the Wheel Assignment Area for more than a brief interval. The Exchange believes that this provision substantially reduces the likelihood that an ROT would sign onto the Wheel and then leave the crowd, or even the trading floor, thereby receiving the benefit of participating as contra-side to automatically executed trades, and receiving favorable on-floor margin treatment despite the fact that such an ROT may not even be present in the crowd or on the floor.

Other technical amendments, included to make the OFPA consistent throughout, are also proposed.

2. Statutory Basis

For these reasons, the Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act[10] in general, and furthers the objectives of Section 6(b)(5)[11] in particular, in that it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and protect investors and the public interest by defining ''Wheel Assignment Area'' to be consistent with the current physical configuration of the Exchange's Options Floor.

[9] Exchange By-Law Article X, Section 10–3(a) provides that each Standing Committee of the Exchange (the Options Committee is a Standing Committee) shall make such regulations for its government as it shall deem proper. By-Law Article X, Section 10–3(b) provides that each Standing Committee may appoint subcommittees as it may deem necessary for the efficient discharge of its duties. Each Options Committee member is a Floor Official, as is each member of the Options Subcommittee on Rules and Rulings. For purposes of efficiency, the Options Committee has delegated authority to these Floor Officials to discharge its on-floor duties of general supervision of the dealings of members on the options floor.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve the proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–Phlx–2002–85 and should be submitted by September 5, 2003.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 03–20819 Filed 8–14–03; 8:45 am]

BILLING CODE 8010–01–P

[12] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Meridian Venture Partners II, L.P., License No. 03/73–0220; Notice Seeking Exemption Under Section 312 of the Small Business Investment Act, Conflicts of Interest

Notice is hereby given that Meridian Venture Partners II, L.P., 201 King of Prussia Road, Suite 240, Radnor PA, 19087, a Federal Licensee under the Small Business Investment Act of 1958, as amended (''the Act''), in connection with the financing of a small concern, has sought an exemption under section 312 of the Act and section 107.730, Financings which Constitute Conflicts of Interest of the Small Business Administration (''SBA'') rules and regulations (13 CFR 107.7301(2001)). Meridian Venture Partners II, L.P. proposes to provide equity financing to Woof & Co., 55 Carter Drive, Edison, NJ 08817 (''Woof''). The financing is contemplated for the build out of additional retail stores.

The financing is brought within the purview of Sec. 107.730(a)(1) of the Regulations because Meridian Venture Partners and MVP Distribution Partners, Associates of Meridian Venture Partners II, L.P., currently own greater than 10 percent of Woof and therefore Woof is considered an Associate of Meridian Venture Partners II, L.P., as defined in Sec. 107.50 of the regulations.

Notice is hereby given that any interested person may submit written comments on the transaction to the Associate Administrator for Investment, U. S. Small Business Administration, 409 Third Street, SW., Washington, DC 20416.

Jeffrey D. Pierson,

Associate Administrator for Investment.

[FR Doc. 03–20837 Filed 8–14–03; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster #3526]

State of Indiana; Amendment #2

In accordance with the notice received from the Department of

Homeland Security—Federal Emergency Management Agency, effective August 6, 2003, the above numbered declaration is hereby amended to establish the incident period for this disaster as beginning on July 4, 2003 and continuing through August 6, 2003.

All other information remains the same, *i.e.*, the deadline for filing applications for physical damage is September 9, 2003, and for economic injury the deadline is April 12, 2004.

(Catalog of Federal Domestic Assistance Program Nos. 59002 and 59008)

Dated: August 8, 2003.

Cheri L. Cannon,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 03–20890 Filed 8–14–03; 8:45 am]

BILLING CODE 8025–01–P

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages that will require clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13 effective October 1, 1995, The Paperwork Reduction Act of 1995. The information collection packages that may be included in this notice are for new information collections, revisions to OMB-approved information collections and extensions (no change) of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Written comments and recommendations regarding the information collection(s) should be submitted to the OMB Desk Officer and the SSA Reports Clearance Officer. The information can be mailed and/or faxed to the individuals at the addresses and fax numbers listed below:

(OMB), Office of Management and Budget, Attn: Desk Officer for SSA, New Executive Office Building, Room 10235, 725 17th St., NW., Washington, DC 20503, Fax: 202–395–6974.

(SSA), Social Security Administration, DCFAM, Attn: Reports Clearance Officer, 1338 Annex, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–965–6400.

I. The information collections listed below are pending at SSA and will be submitted to OMB within 60 days from the date of this notice. Therefore, your comments should be submitted to SSA within 60 days from the date of this publication. You can obtain copies of the collection instruments by calling the SSA Reports Clearance Officer at 410–965–0454, or by writing to the address listed above.

1. *Integrated Registration for Employers and Submitters (IRES)—0960–0626.* The IRES authentication system is a free service designed to allow employers to access SSA's electronic wage reporting services, and to replace the use of a handwritten signature with an electronic signature. Employer representatives use an IRES generated PIN and password as their electronic signature. IRES is designed to be more efficient, reducing the costs to both employers and SSA, and will facilitate the filing of wage data electronically. SSA's paramount interest in the development of IRES was to ensure that the new electronic method of identifying wage report submitters provides the same security features as the current paper-based method. Security features include message integrity, originator authentication, non-repudiation and confidentiality. The PIN and password will be issued to an individual designated by the employer after SSA authenticates the company and contact information provided by the individual. SSA uses the IRES in conjunction with SSA's wage reporting processes. It is used as the gateway for electronic wage reporting and the online employee verification service. IRES will also be used when SSA implements additional electronic services such as electronic notices and error information. Also, the PIN will be used in the Annual Wage Reporting diskette process to replace IRS paper form 6559. SSA has received approval from IRS to use an alternative signature. Respondents to IRES will be Employers and Submitters who utilize SSA's electronic wage reporting and online employee verification services.

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 250,120.

Number of Responses: 1.

Average Burden Per Response: 2 minutes.

Estimated Annual Burden: 8,337 hours.

2. *Application for Widow's or Widower's Insurance Benefits—20 CFR 404.335–.338—0960–0004.* SSA uses the information collected on the Form SSA–10–BK to determine if the applicant meets the statutory and regulatory conditions for entitlement to widow(er)'s benefits. The respondents are applicants for Widow(er)'s benefits.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 288,580.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 72,145 hours.

3. *Application of Circuit Court Law—0960–0581.* SSA regulations at 20 CFR 404.985 and 416.1485 inform claimants of their right to request that a published Acquiescence Ruling (AR) be applied to a prior determination when we make a determination or decision on a claim between the date of the Circuit Court decision and the date we publish the AR. The regulations also specify that claimants can request that the AR be applied to a prior determination or decision by submitting a statement that demonstrates how the AR could change the prior determination or decision. SSA will use the information provided in the statement to readjudicate the claim if the claimant demonstrates the Ruling could change the prior determination. Claimants may use Form SSA–795, Statement of Claimant or Other Person (0960–0045), to request and support application of a published AR to the prior determination or decision. The respondents are claimants whose determinations or decisions on their claims may be affected by an AR.

Type of Request: Extension of current approved collection.

Number of Respondents: 100,000.

Frequency of Response: 1.

Average Burden Per Response: 17 minutes.

Estimated Annual Burden: 28,333 hours.

4. *Waiver of Right to Appear—20 CFR 404.913–914, 20 CFR 404 916(b)(5), 20 CFR 416.1413–1414 and 1416(b)(5)—0960–0534.* The Social Security Administration uses Form-773–U4 to provide claimants with an effective means of requesting a waiver of their right to appear at a disability hearing. The information collected will be used as documentation that claimants understand their rights to appear and the effects of the decision to waive this right. The respondents are claimants under Title II (Old-Age, Survivors and Disability Insurance) and Title XVI (Supplemental Security Income) of the Social Security Act, who wish to waive their right to a disability hearing

Type of Request: Extension of current approved collection.

Number of Respondents: 200.

Frequency of Response: 1.

Average Burden Per Response: 3 minutes.

Annual Burden: 10 hours.

5. *Request for Internet Services—Password—0960–0632.* SSA uses a personal identification number (PIN)/password process for verifying the identity of individuals who choose to use the Internet and Automated Telephone Response in order to conduct business with the agency. An individual will be requested to provide certain information about himself or herself that SSA can verify in its records in order to obtain a password for use with its electronic services. The information that SSA collects varies depending on individual circumstances. Some examples of the information collected are: Name, social security number, password request code, benefit payment amount, and other shared secret types of information from SSA records. Once the requestor's identity is verified, SSA issues a PIN to the requestor which will allow them to establish a password for use with SSA Internet/telephone transactions. Until now, the services offered have been primarily to beneficiaries receiving benefits under title II of the Social Security Act, including Retirement, Survivors and Disability benefits. In April 2003, SSA began offering the opportunity for certain beneficiaries receiving benefits under title XVI of the Social Security Act, known as Supplemental Security Income (SSI), to report their wages electronically. SSA will initiate a 6-month Proof of Concept project to test the beneficiary acceptance of this technology for reporting wages. Participation in this Proof of Concept is voluntary. Individuals who must report wages include SSI beneficiaries, and, in some cases, the parent or spouse of the SSI beneficiary. In order to use SSA's electronic services, SSA must authenticate the person using its PIN/password process to protect the information in its records from those not authorized to receive it. This technology is expected to be more secure, less burdensome, faster and provide better customer service than other available options. The respondents are individuals who elect to conduct business with the agency in an electronic medium.

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 412,267.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 68,711 hours.

6. *Student Reporting Form—20 CFR, Subpart B, 404, and 20 CFR, Subparts D & E 422—0960–0088.* Form SSA–1383 is used by Social Security student beneficiaries to report events or changes that may affect continuing entitlement to these benefits. We are revising this form in order to solicit information about incarceration in compliance with current law. The respondents are Social Security Student Beneficiaries.

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 75,000.

Frequency of Response: 1.

Average Burden Per Response: 6 minutes.

Estimated Annual Burden: 7,500 hours.

II. The information collection listed below has been submitted to OMB for clearance. Your comments on the information collections would be most useful if received by OMB and SSA within 30 days from the date of this publication. You can obtain a copy of the OMB clearance package by calling the SSA Reports Clearance Officer at 410–965–0454, or by writing to the address listed above.

1. *Disability Hearing Officer's Decision, Title XVI Disabled Child Continuing Disability Review—20 CFR 404 Subpart J and 20 CFR 416 Subpart I&N–OMB No. 0960–0657.* Both Federal and state disability hearing officers (DHOs) use the SSA–1209 in preparing the disability determination. The form provides the framework for addressing the crucial elements of the case in a sequential and logical fashion. The completed form will be the official document of the decision. A copy becomes the personalized portion of the notice to the claimant/representative. The respondents are both Federal and state disability hearing officers.

Type of Request: Extension of currently approved collection.

Number of Respondents: 35,000.

Frequency of Response: 1.

Average Burden Per Response: 1 hour 25 minutes.

Estimated Annual Burden: 49,583.

2. *Claimant's Statement About Loan of Food and Shelter, SSA–5062, and Statement About Food or Shelter Provided to Another, SSA–L5063—0960–0529.* Forms SSA–5062 and SSA–L5063 are used to obtain statements about food and/or shelter provided to an SSI claimant. SSA uses the information to determine whether food and/or shelter are a bona fide loan or should be counted as income. This determination can affect eligibility for SSI and the amount of SSI that is payable. The respondents are claimants for SSI benefits and individuals who provide (loan) food or shelter to SSI claimants.

Type of Request: Extension of an OMB-approved information collection.

Number of respondents: 65,540.

Frequency of Response: 1.

Average Burden of Response: 10.

Estimated Annual Burden: 10,923.

3. *Medical Consultant's Review of Psychiatric Review Form—20 CFR 404.1520(a), 20 CFR 404.1640, 20 CFR 404.1643, 20 CFR 404.1645, 20 CFR 416.920(a)—0960–NEW.* The Social Security Administration measures the performance of State Disability Determination Services (DDS) in the area of quality of documentation and determinations on claims. In mental claims, a Psychiatric Review Technique Form (PRTF) is completed by DDS medical/psychological consultant (MC/PC). Form SSA–3023 is used by the regional review component to facilitate the MC/PC's review of the PRTF. The MC/PC completes an SSA–3023 only when adjudicating component's PRTF is in file. The SSA–3023 is required for each completed PRTF in file.

Type of Request: Request for Approval of Existing Information Collection.

Number of Respondents: 68,000.

Frequency of Response: 1.

Average Burden Per Response: 12 minutes.

Estimated Annual Burden: 13,600.

4. *Collection of SSI Overpayments from Special Benefits for Certain WWII Veterans; 20 CFR, Subpart E, 416.570 & .572—0960–0653.* The information collection requirement in 20 CFR 416.570 allows for an individual to request to withhold a title XVI overpayment from Title II/VIII benefits. The information collection requirement in 20 CFR 416.572 allows for an individual to elect a higher or lower rate of withholding for recovery of an SSI overpayment. The information collected will be used to determine the proper rate of withholding of benefits to recover program overpayments. The respondents are Title II or Title VIII beneficiaries who were overpaid title XVI benefits and who request a higher rate of recovery than specified in 20 CFR 416.571.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 2,500.

Frequency of Response: 1.

Average Burden Per Response: 1 hour.

Estimated Annual Burden: 2,500 hours.

5. *Requests for Self-Employment Information, Employee Information, Employer Information—20 CFR, Subpart A, 422.120—0960–0508.* SSA uses Forms SSA–L2765, SSA–L3365 and SSA–L4002 to request correct information when an employer, employee or self-employed person reports an individual's earnings without a Social Security Number (SSN) or with an incorrect name or SSN. The

respondents are employers, employees or self-employed individuals who are requested to furnish additional identifying information.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 3,000,000.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 500,000 hours.

6. *State Mental Institution Policy Review—20 CFR, Subpart U, 404.2001–2065, Subpart F, 416.601–416.665—0960–0110.* The Social Security Act provides that the Commissioner of Social Security shall establish a system of accountability monitoring for institutions in each state that serve as a representative payee for recipients of Social Security and SSI benefits. As part of this accountability process, SSA collects information on Form SSA–9584 to determine whether the institutions' policies and practices conform to SSA's regulations on the use of benefits and whether the institution is performing other duties and responsibilities required of a representative payee. The information also provides a basis for conducting an onsite review of the institution and is used in the preparation of the subsequent report of findings. The respondents are state mental institutions that serve as representative payees.

Type of Request: Extension of an OMB-approved information collection.

Number of Respondents: 125.

Frequency of Response: 1.

Average Burden Per Response: 60 minutes.

Estimated Annual Burden: 125 hours.

7. *Medical or Psychological Consultant's Review of Childhood Disability Evaluation Form—20 CFR, Subpart J, 416.1040, .1043, .1045—0960–NEW.* Form SSA–536 is used by SSA medical or psychological consultants to document their review and assessment of the Childhood Disability Evaluation Form, SSA–538, prepared by State DDS employees. A childhood disability evaluation is required in each SSI childhood disability case. Therefore, the consultants must prepare an assessment form SSA–536 for each childhood disability case that is reviewed. The respondents are 256 SSA medical and psychological consultants.

Type of Request: Approval of an existing information collection.

Number of Responses: 17,000.

Frequency of Response: 1.

Average Burden Per Response: 12 minutes.

Estimated Annual Burden: 3,400 hours.

8. *Privacy and Disclosure of Official Records and Information, Availability of Information and Records to the Public—20 CFR 401 and 402—0960–0566.* The information collected is needed (a) to identify individuals who request access to their records; (b) designate an individual to receive and review sensitive medical records; (c) correct or amend records; (d) obtain consent from an individual to release his/her records to others; (e) facilitate the release of information under the Freedom of Information Act; and (f) to grant a waiver or reduction of fees for records. The respondents are individuals requesting access to their SSA records, correction of their SSA records and disclosure of SSA records.

Type of Request: Extension of an OMB-approved information collection. The reporting burden is shown below:

(a) Number of Respondents: 10,000.

Frequency of Response: On Occasion.

Average Burden Per Response: 11 minutes.

Estimated Annual Burden: 1,833 hours.

(b) *Number of Respondents:* 3,000.

Frequency of Response: On Occasion.

Average Burden Per Response: 2 hours.

Estimated Annual Burden: 6,000 hours.

(c) *Number of Respondents:* 100.

Frequency of Response: On Occasion.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 17 hours.

(d) *Number of Respondents:* 200,000.

Frequency of Response: On Occasion.

Average Burden Per Response: 3 minutes.

Estimated Annual Burden: 10,000 hours.

(e) *Number of Respondents:* 15,000.

Frequency of Response: On Occasion.

Average Burden Per Response: 5 minutes.

Estimated Annual Burden: 1,250 hours.

(f) *Number of Respondents:* 400.

Frequency of Response: On Occasion.

Average Burden Per Response: 5 minutes.

Estimated Annual Burden: 33 hours.

9. *Social Security Disability Report—20 CFR 404.1512 & 416.912–0960.* The Social Security Act requires applicants to furnish medical, work history and other evidence or information to prove they are disabled. The information on the Adult Disability Report, together with other evidence and information, will be used by State Disability Determination Services (DDS) to develop medical evidence, assess the alleged disability, and make a determination on whether or not the applicant is disabled under the Act. DDSs are State agencies that make disability determinations on behalf of SSA. In addition to the traditional paper application, claimants for disability benefits will have the option to complete the Disability Report through the Internet (i3368) or in an interview format with an SSA representative at an SSA field office using the Electronic Disability Collect System (EDCS). Both the i3368 and EDCS formats collect the same information as that contained on the paper SSA–3368, but include enhancements to guide the claimant or interviewer through the application process. For example, the i3368 provides applicants with self-help screens and propagates certain information. Both the i3368 and EDCS applications will, when needed, collect additional information on a claimant's work history. In the paper-based process, however, additional work history information is collected through another form, the SSA–3369, OMB No. 0960–0578. The respondents are applicants for title II and title XVI disability benefits.

Type of Request: Revision of an OMB-approved information collection.

Collection format	Number of respondents	Frequency of responses	Average burden per response (hours)	Estimated annual burden (hours)
SSA–3368 (Paper Form)	2,040,667	1	1	2,040,667
Electronic Disability Collection System (EDCS)	10,000	1	1	10,000
I3368 (Internet) (Hour burden varies between 1½ hours and 3 hours based on information required)	66,000	1	2.5	165,000

Total estimated annual burden: 2,215,667.

Dated: August 8, 2003.

Nicholas E. Tagliareni,

Acting Reports Clearance Officer.

[FR Doc. 03–20730 Filed 8–14–03; 8:45 am]

BILLING CODE 4191–02–U

DEPARTMENT OF STATE

[Public Notice 4449]

Culturally Significant Objects Imported for Exhibition Determinations: ''Picasso: The Cubist Portraits of Fernande Olivier''

AGENCY: Department of State.

ACTION: Notice.

SUMMARY: Notice is hereby given of the following determinations: Pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236 of October 19, 1999, as amended, and Delegation of Authority No. 257 of April 15, 2003, I hereby determine that the objects to be included in the exhibition ''Picasso: The Cubist Portraits of Fernande Olivier,'' imported from abroad for temporary exhibition within the United States, are of cultural significance. The objects are imported pursuant to loan agreements with the foreign owners. I also determine that the exhibition or display of the exhibit objects at the National Gallery of Art, from on or about October 1, 2003 until on or about January 18, 2004; at the Nasher Sculpture Center in Dallas, Texas from February 15, 2004 to May 9, 2004; and at possible additional venues yet to be determined, is in the national interest. Public Notice of these Determinations is ordered to be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: For further information, including a list of the exhibit objects, contact Orde F. Kittrie, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State, (telephone: 202/401–4779). The address is U.S. Department of State, SA–44, 301 4th Street, SW., Room 700, Washington, DC 20547–0001.

Dated: August 12, 2003.

Van S. Wunder,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Acting, Department of State.

[FR Doc. 03–21052 Filed 8–14–03; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 4447]

Determination Pursuant to Section 1(b) of Executive Order 13224 Relating to the Mujahedin-e Khalq (MEK)

Acting under the authority of section 1(b) of Executive Order 13224 of September 23, 2001, as amended by Executive Order 13286 of July 2, 2002, and Executive Order 13284 of January 23, 2003, and in consultation with the Secretary of the Treasury, the Attorney General, and the Secretary of Homeland Security, I hereby determine that the MEK uses or has used as aliases the names ''National Council of Resistance'' (''NCR''), and ''National Council of Resistance of Iran'' (''NCRI''). I hereby amend the October 31, 2001, designation of the Mujahedin-e Khalq (MEK and other aliases) to add the following names as aliases of MEK:

''National Council of Resistance'' (''NCR'') (including its U.S. representative office and all other offices worldwide); and

''National Council of Resistance of Iran'' (''NCRI'') (including its U.S. representative office and all other offices worldwide).

I also hereby clarify that the October 31, 2001 designation of the People's Mujahedin Organization of Iran, a.k.a. PMOI, as aliases of the MEK includes its U.S. representative office and all other offices worldwide.

Consistent with the determination in section 10 of Executive Order 13224 that ''prior notice to persons determined to be subject to the Order who might have a constitutional presence in the United States would render ineffectual the blocking and other measures authorized in the Order because of the ability to transfer funds instantaneously,'' I determine that no prior notice need be provided to any person subject to this determination who might have a constitutional presence in the United States, because to do so would render ineffectual the measures authorized in the Order.

This notice shall be published in the **Federal Register**.

Dated: August 9, 2003.

Colin L. Powell,

Secretary of State, Department of State.

[FR Doc. 03–20923 Filed 8–13–03; 5 pm]

BILLING CODE 4710–10–P

DEPARTMENT OF STATE

[Public Notice 4444]

Bureau of Democracy, Human Rights and Labor Request for Grant Proposals: Human Rights and Democratization Initiatives in Sub-Saharan Africa

SUMMARY: The Office for the Promotion of Human Rights and Democracy of the Bureau of Democracy, Human Rights and Labor (DRL/PHD) announces an open competition for assistance awards. Organizations may submit grant proposals that address programs and activities that foster democracy, human rights, press freedoms, and the rule of law in Sub-Saharan Africa.

Awards are contingent upon the availability of Fiscal Year 2003 funds. The Bureau anticipates awarding between 2–4 grants in amounts of $250,000–$500,000.

Background: The Human Rights and Democracy Fund (HRDF) supports innovative, cutting-edge programs which uphold democratic principles, support and strengthen democratic institutions, promote human rights, and build civil society in countries and regions of the world that are geo-strategically important to the U.S. HRDF funds projects that have an immediate impact but that have potential for continued funding beyond HRDF resources. HRDF projects must not duplicate or simply add to efforts by other entities.

SUPPLEMENTARY INFORMATION: The Bureau of Democracy Human Rights and Labor has identified the following issues and countries as priorities.

1. Support independent media and access to information. Inform population of legal rights and responsibilities. Enhance public awareness of human rights, democratic processes, through print, radio, television and the Internet. Support and advocate freedom of the press, encourage greater social responsibility in reporting, and protect journalists. (Countries: Angola, Burundi, Cote d'Ivoire, Equatorial Guinea, Eritrea, Mozambique, Nigeria, Sudan, Swaziland, Tanzania, and Zimbabwe)

2. Judicial reform to strengthen rule of law and reinforce mechanisms to ensure accountability for human rights abuses. (Countries: Angola, Cameroon,

Equatorial Guinea, Kenya, Mozambique, Nigeria, Rwanda, Sudan, Uganda and Zimbabwe)

3. Develop and implement long and short-term strategies for ensuring free and fair elections; strengthen political parties, establish and support the work of independent electoral commissions and develop campaign training and overall support for political pluralism. (Countries: Angola, Cameroon, Cote d'Ivoire, Equatorial Guinea, Gabon, Malawi, Nigeria, Tanzania and Uganda)

4. Support, strengthen and enhance civil society's capacity to advocate, monitor, develop or support human rights rule of law, and the democratic process, good governance or conflict resolution through innovative campaigns (Angola, Burundi, Cameroon, Equatorial Guinea, Eritrea, Ethiopia, Guinea, Mauritania, Mozambique, Nigeria, Rwanda, Sudan, Swaziland, Tanzania and Uganda)

5. Increase national reconciliation in post-war countries through strengthened civil society and political institutions. (Angola, Burundi, Cote d'Ivoire, Rwanda, Sierra Leone and Sudan)

6. Sensitize men and women to the destructive and debilitating nature of female genital mutilation. (West Africa)

Project Criteria:

- Project implementation should begin no earlier than March 2004.
- Projects should not exceed two years in duration. Shorter projects with more immediate outcomes may receive preference.
- Project activity should take place in Sub-Saharan Africa. U.S-based or exchange projects are strongly discouraged.
- Projects that have a strong academic or research focus will not be highly considered. DRL will not fund health, technology, environmental, or scientific projects unless they have an explicit democracy, human rights, or rule of law component. Conferences likewise will not be highly considered.
- Projects should include a follow-on plan that extends beyond the grant period ensuring that Bureau-supported programs are not isolated events.

In order to avoid the duplication of activities and programs, proposals should also indicate knowledge of similar projects being conducted in the region and how the submitted proposal will complement them.

Applicant/Organization Criteria: Organizations applying for a grant should meet the following criteria:

- Be a U.S. non-profit organization meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3). Applicants must submit proof of its non-profit status in the application at the time of submission.
- Have demonstrated experience administering successful projects in the region in which it is proposing to administer a project.
- Have existing, or the capacity to develop, active partnerships with in-country organization(s).

Note: Organizations are welcome to submit more than one proposal, but should know that DRL wishes to reach out to as many different organizations as possible with its limited funds.

Budget Guidelines: Please refer to the Proposal Submission Instructions (PSI) for complete budget guidelines and formatting instructions.

Deadline for Proposals: All proposals must be received at the Bureau of Democracy, Human Rights and Labor by 5 p.m. Eastern Standard Time (EST) on Tuesday, September 16, 2003. Please refer to the PSI for specific delivery instructions.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the PSI. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements.

Review Criteria

Eligible applications will be competitively reviewed according to the criteria stated below. Further explanation of these criteria is included in the PSI. These criteria are not rank-ordered and all carry equal weight in the proposal evaluation: quality of the program idea; program planning and ability to achieve program objectives; multiplier effect/impact; institution's record/ability/capacity; cost-effectiveness.

Some grants may be awarded under the aegis of the Father John Kaiser Memorial Fund which endeavors to advance the work and values of Father John Kaiser with respect to solving ethnic conflict and promoting government accountability and respect for human rights.

FOR FURTHER INFORMATION CONTACT: The Office for the Promotion of Human Rights and Democracy of the Bureau of Democracy, Human Rights and Labor (DRL/PHD). Please specify Karen Gilbride 202–647–1458 on all inquiries and correspondence.

Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

To Download a Solicitation Package via Internet: The Solicitation Package includes this RFP plus the Proposal Submission Instructions (PSI) which contains detailed award criteria, specific budget instructions, and standard guidelines for proposal preparation. The entire RFP and PSI may be downloaded from the HRDF section on the Bureau's Web site at *http://www.state.gov/g/drl/.*

Notice

The terms and conditions published in this RFP are binding and may not be modified by any Bureau representative. Explanatory information provided by the Bureau that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements. Final technical authority for assistance awards resides with the Office of Acquisition Management's Grants Officer.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures.

Dated: August 5, 2003.

E. Michael Southwick,

Assistant Secretary for Democracy (Acting), Human Rights Labor, Department of State.

[FR Doc. 03–20936 Filed 8–14–03; 8:45 am]

BILLING CODE 4710–18–P

DEPARTMENT OF STATE

[Public Notice 4445]

Bureau of Democracy, Human Rights and Labor Request for Grant Proposals: Human Rights and Democratization Initiatives in the Western Hemisphere

SUMMARY: The Office for the Promotion of Human Rights and Democracy of the Bureau of Democracy, Human Rights and Labor (DRL/PHD) announces an open competition for assistance awards. Organizations may submit grant

proposals that address programs and activities that foster democracy, human rights, press freedoms, and the rule of law in the Western Hemisphere.

Awards are contingent upon the availability of Fiscal Year 2003 funds. The Bureau anticipates awarding between 2–4 grants in amounts of $250,000–$500,000.

Background

The Human Rights and Democracy Fund (HRDF) supports innovative, cutting-edge programs which uphold democratic principles, support and strengthen democratic institutions, promote human rights, and build civil society in countries and regions of the world that are geo-strategically important to the U.S. HRDF funds projects that have an immediate impact but that have potential for continued funding beyond HRDF resources. HRDF projects must not duplicate or simply add to efforts by other entities.

Additional Information

The Bureau of Democracy Human Rights and Labor has identified the following issues and countries as priorities.

1. Support to civil society and democratic institutions, including advocacy groups for human rights and the protection of vulnerable populations. (Priority Countries: Bolivia, Colombia, Cuba, Ecuador, Guatemala, Haiti, Peru, Venezuela)

2. Promotion of an unrestricted, unbiased and responsible press and protection of freedom of the press, especially in regard to use of threats, intimidation and defamation suits to control the media and stifle investigations into official corruption, incompetence and abuse. Support to enhance public awareness of human rights issues and broaden civic education, including identification of and debate on democratic values and processes through print, radio, television and the Internet. (Priority Countries: Bolivia, Colombia, Cuba, El Salvador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Peru, Venezuela)

3. Promotion of labor rights and protections, particularly in connection with trade agreements, and especially in non-democratic or transitional regimes and countries suffering from civil conflict. (Priority Countries: Bolivia, Colombia, Cuba, Ecuador, El Salvador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Peru, Venezuela)

4. Reconciliation, including support for human rights investigations of abuses during military dictatorship and other non-democratic governments. (Priority Countries: Argentina, Guatemala, Paraguay, Peru, Venezuela)

5. Political party building, including support to democratic institutions and promotion of minority and indigenous population inclusion and representation in political processes. (Priority Countries: Argentina, Bolivia, Colombia, Ecuador, El Salvador, Guatemala, Mexico, Nicaragua, Peru, Venezuela)

Project Criteria

- Project implementation should begin no earlier than March 2004.
- Projects should not exceed two years in duration. Shorter projects with more immediate outcomes may receive preference.
- Project activity should take place abroad. U.S-based or exchange projects are strongly discouraged.
- Projects that have a strong academic or research focus will not be highly considered. DRL will not fund health, technology, environmental, or scientific projects unless they have an explicit democracy, human rights, or rule of law component. Conferences likewise will not be highly considered.
- Projects should include a follow-on plan that extends beyond the grant period ensuring that Bureau-supported programs are not isolated events.

In order to avoid the duplication of activities and programs, proposals should also indicate knowledge of similar projects being conducted in the region and how the submitted proposal will complement them.

Applicant/Organization Criteria

Organizations applying for a grant should meet the following criteria:

- Be a U.S. non-profit organization meeting the provisions described in Internal Revenue Code section 26 U.S.C. 501(c)(3). Applicants must submit proof of its non-profit status in the application at the time of submission.
- Have demonstrated experience administering successful projects in the region in which it is proposing to administer a project.
- Have existing, or the capacity to develop, active partnerships with in-country organization(s).

Note: Organizations are welcome to submit more than one proposal, but should know that DRL wishes to reach out to as many different organizations as possible with its limited funds.

Budget Guidelines

Please refer to the Proposal Submission Instructions (PSI) for complete budget guidelines and formatting instructions.

Deadline for Proposals

All proposals must be received at the Bureau of Democracy, Human Rights and Labor by 5 p.m. Eastern Standard Time (EST) on Wednesday, September 17, 2003. Please refer to the PSI for specific delivery instructions.

Review Process

The Bureau will acknowledge receipt of all proposals and will review them for eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the PSI. Eligible proposals will be subject to compliance with Federal and Bureau regulations and guidelines and forwarded to Bureau grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements.

Review Criteria

Eligible applications will be competitively reviewed according to the criteria stated below. Further explanation of these criteria is included in the PSI. These criteria are not rank-ordered and all carry equal weight in the proposal evaluation: quality of the program idea; program planning and ability to achieve program objectives; multiplier effect/impact; institution's record/ability/capacity; cost-effectiveness.

FOR FURTHER INFORMATION CONTACT: The Office for the Promotion of Human Rights and Democracy of the Bureau of Democracy, Human Rights and Labor (DRL/PHD). Please specify Cathy Stump (202) 647–3322 on all inquiries and correspondence.

Please read the complete **Federal Register** announcement before sending inquiries or submitting proposals. Once the RFP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

To Download a Solicitation Package Via Internet

The Solicitation Package includes this RFP plus the Proposal Submission Instructions (PSI) which contains detailed award criteria, specific budget instructions, and standard guidelines for proposal preparation. The entire RFP and PSI may be downloaded from the HRDF section on the Bureau's Web site at *http://www.state.gov/g/drl/*.

Notice

The terms and conditions published in this RFP are binding and may not be modified by any Bureau representative. Explanatory information provided by

the Bureau that contradicts published language will not be binding. Issuance of the RFP does not constitute an award commitment on the part of the Government. The Bureau reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements. Final technical authority for assistance awards resides with the Office of Acquisition Management's Grants Officer.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures.

Dated: August 11, 2003.

Lorne W. Craner,

Assistant Secretary for Democracy, Human Rights and Labor, Department of State.

[FR Doc. 03–20937 Filed 8–14–03; 8:45 am]

BILLING CODE 4710–18–P

DEPARTMENT OF STATE

[Public Notice 4448]

Determination Pursuant to Section 2(b)(2) of the Migration and Refugee Assistance Act of 1962, as Amended

Pursuant to section 2(b)(2) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(b)(2), and the functions and authorities delegated to the Secretary of State, or his or her delegate, by Presidential Determination 99–6 of November 30, 1998, and subsequently re-delegated to me by Delegation of Authority of January 5, 1999, I hereby designate refugees and conflict victims in Liberia as qualifying for assistance under Section 2(b)(2) of that Act, and determine that such assistance will contribute to the foreign policy interests of the United States.

This determination shall be transmitted to the President and published in the **Federal Register**.

Dated: August 8, 2003.

Arthur E. Dewey,

Assistant Secretary of State, Bureau of Population, Refugees, and Migration.

[FR Doc. 03–20938 Filed 8–14–03; 8:45 am]

BILLING CODE 4710–33–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed the Week Ending August 1, 2003

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. Sections 412 and 414. Answers may be filed within 21 days after the filing of the application.

Docket Number: OST–2003–15803.
Date Filed: July 29, 2003.
Parties: Members of the International Air Transport Association.
Subject: PTC COMP 1075 dated 29 July 2003 Composite Expedited Resolution 002f r1–r5 Intended effective date: October 1, 2003.

Andrea M. Jenkins,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. 03–20931 Filed 8–14–03; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending August 1, 2003

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart B (formerly subpart Q) of the Department of Transportation's Procedural Regulations (*See* 14 CFR 301.201 *et. seq.*). The due date for Answers, Conforming Applications, on Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–1995–545.
Date Filed: July 30, 2003.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: August 20, 2003.
Description: Application of Delta Air Lines, Inc., pursuant to 49 U.S.C. Sections 41102, 41108 and subpart B, requesting renewal of its certificate of public convenience and necessity to engage in scheduled foreign air transportation of persons, property, and mail between Atlanta, GA, and Caracas, Venezuela.

Docket Number: OST–2003–15821.
Date Filed: July 31, 2003.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: August 21, 2003.
Description: Application of TransAtlantic Airlines Limited, pursuant to 49 U.S.C. Section 41301, et seq., and subpart B, requesting a foreign air carrier permit authorizing it to engage in scheduled and charter foreign air transportation of persons, property, and mail between Sierra Leone and the United States.

Docket Number: OST–1997–3177.
Date Filed: August 1, 2003.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: August 22, 2003.
Description: Application of Northwest Airlines, Inc., pursuant to 49 U.S.C. section 41101 and subpart B, requesting renewal of Segment 1 of its Route 378 certificate of public convenience and necessity, and to integrate this certificate authority with all of Northwest's existing certificate and exemption authority to the extent consistent with U.S. bilateral agreements and DOT policy.

Andrea M. Jenkins,

Program Manager, Docket Operations, Federal Register Liaison.

[FR Doc. 03–20930 Filed 8–14–03; 8:45 am]

BILLING CODE 4910–62–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. OST–2003–15794]

Motor Carrier Financial Information Reporting Requirements—Request for Public Comments

AGENCY: Office of the Secretary (OST), DOT.

ACTION: Request for Public Comments.

SUMMARY: DOT has received a petition from the Truckload Carriers Association (TCA), requesting that DOT grant a general exemption to all motor carriers of property that are required to file financial reports with DOT's Bureau of Transportation Statistics (BTS). The petition also requests that DOT docket the petition and request public comments. DOT is seeking public comments on the merits of the TCA petition.

DATES: Comments must be received by October 14, 2003.

ADDRESSES: You may submit comments (identified by DMS Docket Number OST–2003–15794) through the following methods:

• *Web Site: http://dms.dot.gov*. Follow the instructions for submitting comments on the DOT electronic docket site.

• *Fax:* 1–202–493–2251.

• *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–001.

• *Hand Delivery:* Room PL–401 on the plaza level of the Nassif Building, 400

• Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

• *Federal Rulemaking Portal:* Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number. Note that all comments received will be posted without change to *http://dms.dot.gov*, including any personal information provided. You should know that anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov*

Docket: For access to the docket to read background documents or comments, go to *http://dms.dot.gov* at any time or to Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Thomas M. McNamara, Office of Transportation Policy Development, Department of Transportation, 400 Seventh Street, SW., Washington, DC, 20590–0001, (202) 366–4462; *thomas.mcnamara@ost.dot.gov*.

SUPPLEMENTARY INFORMATION: TCA is a national trade association with approximately 500 motor carrier members providing intercity truck transportation for a variety of commercial, industrial, and consumer products, primarily in full trailer-load quantities. (*See* TCA Petition, Page 2.) In its petition, which we have included in the docket, TCA requests that DOT use its general exemption authority (*see* 49 U.S.C. 13541) to exempt all motor carriers of property from the mandatory financial reporting requirements contained in 49 U.S.C. 14123. (*See also* 49 CFR part 1420.) According to TCA, DOT should grant this regulatory relief because BTS ''has made it abundantly clear that it will not exercise its own delegated authority to grant exemptions under subsection 14123(c) from either the filing or the public release of motor carrier reports.'' (*See* TCA Petition, Page 2.)

The Interstate Commerce Commission (ICC) collected financial data from regulated motor carriers from the 1930s until the end of 1995, when the ICC was abolished and data collection was transferred to DOT. (*See* 49 U.S.C. 11145 and implementing regulations at 49 CFR part 1420.) Between 1978 and 1994, the ICC reduced the reporting requirements by shortening report forms and easing record retention requirements. These changes followed the shift in the ICC's focus from close economic regulation of the motor carrier industry to broad industry oversight.

Upon transfer of the program and an additional program review, BTS further reduced the carriers' reporting burden (*see* 64 FR 13916, 13918; March 23, 1999). Currently, for common and contract motor carriers of property, the BTS regulations create three carrier classes based on revenue: Class I, with annual operating revenues of $10 million or more, file the annual report (Form M) and quarterly reports (Form QFR); Class II, with annual operating revenues of between $3 million and $10 million, file only the annual report (Form M); and Class III, with annual operating revenues of less than $3 million, are exempt from any filing requirements.

The reporting forms require the motor carriers to provide certain financial information (*see* 49 U.S.C. 14123(a)(1)): ''at a minimum, such reports shall include balance sheets and income statements.''

Unless a motor carrier requests an exemption from filing or from public release, the information is made publicly available. (*See* 49 U.S.C. 14123(c)(1) and (2) and the implementing regulations at 49 CFR 1420.8 and 1420.9.) BTS grants an exemption from filing to an individual carrier that shows that ''an exemption is required to avoid competitive harm and preserve confidential business information that is not otherwise publicly available.'' (*See* 49 U.S.C. 14123(c)(1).) The carrier must submit a written request containing sufficient supporting documentation, before BTS will consider a proposed exemption.

BTS grants an exemption from public release upon a showing that the carrier is not a publicly-held corporation or not subject to financial reporting requirements of the Securities and Exchange Commission, and that the exemption is necessary to avoid substantial competitive harm and to avoid the disclosure of information that qualifies as a trade secret or privileged or confidential information under 5 U.S.C. 552(b)(4) (the fourth exemption of the Freedom of Information Act). Again, the carrier must submit a written request containing supporting information.

The statutory standards for issuing an ''exemption from filing'' and an ''exemption from public release'' are very similar. However, the TCA states ''BTS disregarded the Congressional intent by making exemptions from reporting or public release available only in theory, while denying them in fact.'' (TCA Petition, Page 5.) In addition, the TCA argues, ''any benefits of the reporting scheme are far outweighed by its burdens'' (TCA Petition, Page 4), and it urges the Department to exempt all motor carriers of property from the requirement to file these financial reports.

Request for Public Comments

We are issuing this invitation for comments on the TCA petition and views on whether DOT's motor carrier financial reporting requirements should be retained, amended, supplemented, replaced, or removed, including the selected forms and reports involved with the requirement. We are posing a series of questions in the hope that public comments will address several issues in particular:

(1) Do you use DOT's motor carrier financial information and, if so, how do you use it?

(2) Should the criteria used to evaluate whether a carrier has demonstrated that it will suffer competitive harm by release of its financial information be changed? (The criteria used by BTS are those in Exemption 4 of the Freedom of Information Act, 5 U.S.C. 552(b)(4): the information is commercial or financial and received from a source outside the Government, and its disclosure would likely lead to significant competitive harm to the supplier of the information or make it harder for the Government to obtain similar information in the future.)

(3) Should DOT change the reporting thresholds for Class I and II carriers of property and, if so, what level of annual operating revenues should be used? (Raising the reporting thresholds would reduce the number of carriers required to report, while lowering the thresholds would increase the number of carriers.)

(4) Should DOT continue to require Class I carriers of property to submit quarterly reports (Form QFR)?

(5) Should DOT eliminate or add specific line items in the annual report (Form M) and, if so, which specific line items should be eliminated/added?

(6) If your company is subject to the current Form M reporting requirements, what is the annual cost for your company to comply with those requirements? Please explain, in detail, how you calculated this total cost.

Issued in Washington, DC on August 12, 2003.

Emil Frankel,

Assistant Secretary for Transportation Policy.

[FR Doc. 03–20932 Filed 8–14–03; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[FMCSA Docket No. FMCSA–2003–15268]

Qualification of Drivers; Exemption Applications; Vision

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of final disposition.

SUMMARY: The FMCSA announces its decision to exempt 35 individuals from the vision requirement in the Federal Motor Carrier Safety Regulations (FMCSRs). The exemptions will enable these individuals to qualify as drivers of commercial motor vehicles (CMVs) in interstate commerce without meeting the vision standard prescribed in 49 CFR 391.41(b)(10).

DATES: August 15, 2003.

ADDRESSES: You may submit comments identified by DOT DMS Docket Number FMCSA–2003–15268 by any of the following methods:

- *Web site: http://dms.dot.gov.* Follow the instructions for submitting comments on the DOT electronic docket site.
- *Fax:* 1–202–493–2251.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590–0001.
- *Hand Delivery:* Room Pl–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.
- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the on-line instructions for submitting comments.

Instructions: All submissions must include the agency name and docket number for this notice. For detailed instructions on submitting comments and additional information on the rulemaking process, see the Public Participation heading of the Supplementary Information section of this document. Note that all comments received will be posted without change to *http://dms.dot.gov,* including any personal information provided. Please see the Privacy Act heading under Regulatory Notices.

Docket: For access to the docket to read background documents or comments received, go to *http://dms.dot.gov* at any time or to Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street, SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Sandra Zywokarte, Office of Bus and Truck Standards and Operations, (202) 366–2987, FMCSA, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001. Office hours are from 7:45 a.m. to 4:15 p.m., *e.t.,* Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Public Participation: The DMS is available 24 hours each day, 365 days each year. You can get electronic submission and retrieval help guidelines under the ''help'' section of the DMS Web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard or print the acknowledgement page that appears after submitting comments on-line.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review the Department of Transportation's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://dms.dot.gov.*

Background

On June 23, 2003, the FMCSA published a Notice of its receipt of applications from 36 individuals, and requested comments from the public (68 FR 37197). The 36 individuals petitioned the FMCSA for exemptions from the vision requirement in 49 CFR 391.41(b)(10), which applies to drivers of CMVs in interstate commerce. They are: Gene E. Adams, Morris R. Beebe, William V. Beekler, Jerry W. Branning, Dennis R. Burda, James A. Busbin, Jr., Domenic J. Carassai, Theodore W. Cozat, Todd L. Dewey, John F. Dougherty, Fred W. Duran, Paul J. Edwards, Sr., William R. Evridge, Kenneth J. Fisk, Leslie W. Good, Michael E. Grens, Rodney P. Hains, Bruce E. Hemmer, Steven P. Holden, Russell R. Inlow, Christopher G. Jarvela, Henry Joiner, Darrell D. Kropf, Brad L. Mathna, William G. McClam, Vincent P. Miller, Warren J. Nyland, Dennis M. Prevas, Terry B. Pritchett, Greg L. Riles, Dwayne L. Sandlin, Jon D. Schwengel, Steven R. Smith, Calvin D. Tomlinson, Mona J. van Krieken, and Paul S. Yocum.

Under 49 U.S.C. 31315 and 31136(e), the FMCSA may grant an exemption for a 2-year period if it finds ''such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.'' The statute also allows the agency to renew exemptions at the end of the 2-year period. Accordingly, the FMCSA has evaluated the 36 applications on their merits and made a determination to grant the exemptions to 35 of them. The comment period closed on July 23, 2003. One comment was received, and its contents were carefully considered by the FMCSA in reaching the final decision to grant the exemptions.

The FMCSA has not made a decision on the application of Dwayne L. Sandlin. Subsequent to the publication of the notice of applications and request for comments, the agency received additional documentation concerning his driving record and is evaluating the information. A decision on this application will be made in the future.

Vision and Driving Experience of the Applicants

The vision requirement in the FMCSRs provides:

A person is physically qualified to drive a commercial motor vehicle if that person has distant visual acuity of at least 20/40 (Snellen) in each eye without corrective lenses or visual acuity separately corrected to 20/40 (Snellen) or better with corrective lenses, distant binocular acuity of at least 20/40 (Snellen) in both eyes with or without corrective lenses, field of vision of at least 70° in the horizontal meridian in each eye, and the ability to recognize the colors of traffic signals and devices showing standard red, green, and amber (49 CFR 391.41(b)(10)).

Since 1992, the agency has undertaken studies to determine if this

vision standard should be amended. The final report from our medical panel recommends changing the field of vision standard from 70° to 120°, while leaving the visual acuity standard unchanged. (*See* Frank C. Berson, M.D., Mark C. Kuperwaser, M.D., Lloyd Paul Aiello, M.D., and James W. Rosenberg, M.D., ''Visual Requirements and Commercial Drivers,'' October 16, 1998, filed in the docket, FHWA–98–4334.) The panel's conclusion supported the agency's view that the present standard is reasonable and necessary as a general standard to ensure highway safety. The FMCSA also recognizes that some drivers do not meet the vision standard, but have adapted their driving to accommodate their vision limitation and demonstrated their ability to drive safely.

The 35 applicants fall into this category. They are unable to meet the vision standard in one eye for various reasons, including amblyopia, corneal and macular scars, and loss of an eye due to trauma. In most cases, their eye conditions were not recently developed. All but 14 of the applicants were either born with their vision impairments or have had them since childhood. The 14 individuals who sustained their vision conditions as adults have had them for periods ranging from 4 to 44 years.

Although each applicant has one eye which does not meet the vision standard in 49 CFR 391.41(b)(10), each has at least 20/40 corrected vision in the other eye, and in a doctor's opinion has sufficient vision to perform all the tasks necessary to operate a CMV. The doctors' opinions are supported by the applicants' possession of valid commercial driver's licenses (CDLs) or non-CDLs to operate CMVs. Before issuing CDLs, States subject drivers to knowledge and performance tests designed to evaluate their qualifications to operate a CMV. All these applicants satisfied the testing standards for their State of residence. By meeting State licensing requirements, the applicants demonstrated their ability to operate a commercial vehicle, with their limited vision, to the satisfaction of the State.

While possessing a valid CDL or non-CDL, these 35 drivers have been authorized to drive a CMV in intrastate commerce, even though their vision disqualifies them from driving in interstate commerce. They have driven CMVs with their limited vision for careers ranging from 3 to 46 years. In the past 3 years, eight of the drivers have had convictions for traffic violations. Seven of these convictions were for speeding, two for ''failure to obey traffic sign,'' one for ''following too closely,'' and one for ''impeding traffic.'' One driver was involved in an accident but did not receive a citation.

The qualifications, experience, and medical condition of each applicant were stated and discussed in detail in the June 23, 2003 notice (68 FR 37197). Since there were no docket comments on the specific merits or qualifications of any applicant, we have not repeated the individual profiles here. Our summary analysis of the applicants is supported by the information published at 68 FR 37197.

Basis for Exemption Determination

Under 49 U.S.C. 31315 and 31136(e), the FMCSA may grant an exemption from the vision standard in 49 CFR 391.41(b)(10) if the exemption is likely to achieve an equivalent or greater level of safety than would be achieved without the exemption. Without the exemption, applicants will continue to be restricted to intrastate driving. With the exemption, applicants can drive in interstate commerce. Thus, our analysis focuses on whether an equal or greater level of safety is likely to be achieved by permitting each of these drivers to drive in interstate commerce as opposed to restricting him or her to driving in intrastate commerce.

To evaluate the effect of these exemptions on safety, the FMCSA considered not only the medical reports about the applicants' vision, but also their driving records and experience with the vision deficiency. To qualify for an exemption from the vision standard, the FMCSA requires a person to present verifiable evidence that he or she has driven a commercial vehicle safely with the vision deficiency for 3 years. Recent driving performance is especially important in evaluating future safety, according to several research studies designed to correlate past and future driving performance. Results of these studies support the principle that the best predictor of future performance by a driver is his/her past record of accidents and traffic violations. Copies of the studies have been added to the docket. (FHWA–98–3637)

We believe we can properly apply the principle to monocular drivers, because data from a former FMCSA waiver study program clearly demonstrates that the driving performance of experienced monocular drivers in the program is better than that of all CMV drivers collectively. (*See* 61 FR 13338, 13345, March 26, 1996.) The fact that experienced monocular drivers with good driving records in the waiver program demonstrated their ability to drive safely supports a conclusion that other monocular drivers, meeting the same qualifying conditions as those required by the waiver program, are also likely to have adapted to their vision deficiency and will continue to operate safely.

The first major research correlating past and future performance was done in England by Greenwood and Yule in 1920. Subsequent studies, building on that model, concluded that accident rates for the same individual exposed to certain risks for two different time periods vary only slightly. (*See* Bates and Neyman, University of California Publications in Statistics, April 1952.) Other studies demonstrated theories of predicting accident proneness from accident history coupled with other factors. These factors—such as age, sex, geographic location, mileage driven and conviction history—are used every day by insurance companies and motor vehicle bureaus to predict the probability of an individual experiencing future accidents. (*See* Weber, Donald C., ''Accident Rate Potential: An Application of Multiple Regression Analysis of a Poisson Process,'' Journal of American Statistical Association, June 1971.) A 1964 California Driver Record Study prepared by the California Department of Motor Vehicles concluded that the best overall accident predictor for both concurrent and nonconcurrent events is the number of single convictions. This study used 3 consecutive years of data, comparing the experiences of drivers in the first 2 years with their experiences in the final year.

Applying principles from these studies to the past 3-year record of the 35 applicants receiving an exemption, we note that the applicants have had only 1 accident and 11 traffic violations in the last 3 years. The applicants achieved this record of safety while driving with their vision impairment, demonstrating the likelihood that they have adapted their driving skills to accommodate their condition. As the applicants' ample driving histories with their vision deficiencies are good predictors of future performance, the FMCSA concludes their ability to drive safely can be projected into the future.

We believe the applicants' intrastate driving experience and history provide an adequate basis for predicting their ability to drive safely in interstate commerce. Intrastate driving, like interstate operations, involves substantial driving on highways on the interstate system and on other roads built to interstate standards. Moreover, driving in congested urban areas exposes the driver to more pedestrian and vehicular traffic than exists on interstate highways. Faster reaction to traffic and traffic signals is generally

required because distances are more compact than on highways. These conditions tax visual capacity and driver response just as intensely as interstate driving conditions. The veteran drivers in this proceeding have operated CMVs safely under those conditions for at least 3 years, most for much longer. Their experience and driving records lead us to believe that each applicant is capable of operating in interstate commerce as safely as he or she has been performing in intrastate commerce. Consequently, the FMCSA finds that exempting these applicants from the vision standard in 49 CFR 391.41(b)(10) is likely to achieve a level of safety equal to that existing without the exemption. For this reason, the agency is granting the exemptions for the 2-year period allowed by 49 U.S.C. 31315 and 31136(e) to 35 of the 36 applicants listed in the June notice.

We recognize that the vision of an applicant may change and affect his/her ability to operate a commercial vehicle as safely as in the past. As a condition of the exemption, therefore, the FMCSA will impose requirements on the 35 individuals consistent with the grandfathering provisions applied to drivers who participated in the agency's vision waiver program.

Those requirements are found at 49 CFR 391.64(b) and include the following: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, for presentation to a duly authorized Federal, State, or local enforcement official.

Discussion of Comments

The FMCSA received one comment in this proceeding. The comment was considered and is discussed below.

Advocates for Highway and Auto Safety (Advocates) expresses continued opposition to the FMCSA's policy to grant exemptions from the FMCSRs, including the driver qualification standards. Specifically, Advocates: (1) Objects to the manner in which the FMCSA presents driver information to the public and makes safety determinations; (2) objects to the agency's reliance on conclusions drawn from the vision waiver program; (3) claims the agency has misinterpreted statutory language on the granting of exemptions (49 U.S.C. 31315 and 31136(e)); and finally (4) suggests that a recent Supreme Court decision affects the legal validity of vision exemptions.

The issues raised by Advocates were addressed at length in 64 FR 51568 (September 23, 1999), 64 FR 66962 (November 30, 1999), 64 FR 69586 (December 13, 1999), 65 FR 159 (January 3, 2000), 65 FR 57230 (September 21, 2000), and 66 FR 13825 (March 7, 2001). We will not address these points again here, but refer interested parties to those earlier discussions.

Conclusion

After considering the comments to the docket and based upon its evaluation of the 35 exemption applications, the FMCSA exempts Gene E. Adams, Morris R. Beebe, William V. Beekler, Jerry W. Branning, Dennis R. Burda, James A. Busbin, Jr., Domenic J. Carassai, Theodore W. Cozat, Todd L. Dewey, John F. Dougherty, Fred W. Duran, Paul J. Edwards, Sr., William R. Evridge, Kenneth J. Fisk, Leslie W. Good, Michael E. Grens, Rodney P. Hains, Bruce E. Hemmer, Steven P. Holden, Russell R. Inlow, Christopher G. Jarvela, Henry Joiner, Darrell D. Kropf, Brad L. Mathna, William G. McClam, Vincent P. Miller, Warren J. Nyland, Dennis M. Prevas, Terry B. Pritchett, Greg L. Riles, Jon D. Schwengel, Steven R. Smith, Calvin D. Tomlinson, Mona J. van Krieken, and Paul S. Yocum from the vision requirement in 49 CFR 391.41(b)(10), subject to the following conditions: (1) That each individual be physically examined every year (a) by an ophthalmologist or optometrist who attests that the vision in the better eye continues to meet the standard in 49 CFR 391.41(b)(10), and (b) by a medical examiner who attests that the individual is otherwise physically qualified under 49 CFR 391.41; (2) that each individual provide a copy of the ophthalmologist's or optometrist's report to the medical examiner at the time of the annual medical examination; and (3) that each individual provide a copy of the annual medical certification to the employer for retention in the driver's qualification file, or keep a copy in his/her driver's qualification file if he/she is self-employed. The driver must also have a copy of the certification when driving, so it may be presented to a duly authorized Federal, State, or local enforcement official.

In accordance with 49 U.S.C. 31315 and 31136(e), each exemption will be valid for 2 years unless revoked earlier by the FMCSA. The exemption will be revoked if: (1) The person fails to comply with the terms and conditions of the exemption; (2) the exemption has resulted in a lower level of safety than was maintained before it was granted; or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136. If the exemption is still effective at the end of the 2-year period, the person may apply to the FMCSA for a renewal under procedures in effect at that time.

Issued on: August 11, 2003.

Robert F. Proferes,

Acting Associate Administrator for Policy and Program Development.

[FR Doc. 03–20889 Filed 8–14–03; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2000–7257]

Notice No. 31; Railroad Safety Advisory Committee; Notice of Meeting

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of Railroad Safety Advisory Committee (''RSAC'') meeting.

SUMMARY: FRA announces the next meeting of the RSAC, a Federal Advisory Committee that develops railroad safety regulations through a consensus process. The RSAC meeting topics will include updates on the Safety Reauthorization Bill, the Illinois Department of Transportation Positive Train Control Project, and the Highway-Rail Crossing Action Plan. Status reports will be given on the Event Recorder, Locomotive Crashworthiness, Passenger Safety and other active working groups. The Committee will be briefed on the International Application of Alcohol and Drug Rules, and Medical Standards for Safety Critical Employees.

DATES: The meeting of the RSAC is scheduled to commence at 9:30 a.m. and conclude at 4 p.m. on Thursday, September 18, 2003.

ADDRESSES: The meeting of the RSAC will be held at the Washington Plaza, 10 Thomas Circle, NW., Washington, DC 20005, (202) 842–1300. The meeting is open to the public on a first-come, first-served basis and is accessible to individuals with disabilities. Sign and

oral interpretation can be made available if requested 10 calendar days before the meeting.

FOR FURTHER INFORMATION CONTACT: Trish Butera or Lydia Leeds, RSAC Coordinators, FRA, 1120 Vermont Avenue, NW., Stop 25, Washington, DC 20590, (202) 493–6212/6213 or Grady Cothen, Deputy Associate Administrator for Safety Standards and Program Development, FRA, 1120 Vermont Avenue, NW., Mailstop 25, Washington, DC 20590, (202) 493–6302.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), FRA is giving notice of a meeting of the Railroad Safety Advisory Committee (''RSAC''). The meeting is scheduled to begin at 9:30 a.m. and conclude at 4 p.m. on Thursday, September 18, 2003. The meeting of the RSAC will be held at the Washington Plaza, 10 Thomas Circle, NW., Washington, DC, 20005, (202) 842–1300. All times noted are Daylight Saving Time.

RSAC was established to provide advice and recommendations to the FRA on railroad safety matters. The Committee consists of 48 individual voting representatives and five associate representatives drawn from among 32 organizations representing various rail industry perspectives, two associate representatives from the agencies with railroad safety regulatory responsibility in Canada and Mexico and other diverse groups. Staffs of the National Transportation Safety Board and Federal Transit Administration also participate in an advisory capacity.

See the RSAC Web site for details on pending tasks at: *http://rsac.fra.dot.gov.* Please refer to the notice published in the **Federal Register** on March 11, 1996 (61 FR 9740) for more information about the RSAC.

Issued in Washington, DC on August 11, 2003.

George A. Gavalla,

Associate Administrator for Safety.

[FR Doc. 03–20922 Filed 8–14–03; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2003–15690; Notice 1]

General Motors North America, Inc., Receipt of Application for Decision of Inconsequential Noncompliance

General Motors North America Inc. (GM), has determined that certain 2001–2003 Oldsmobile Silhouettes and 2003 Pontiac Azteks did not meet requirement S5.2 of Federal Motor Vehicle Safety Standard (FMVSS) 120—''Tire Selection and Rims for Motor Vehicles Other Than Passenger Cars.''

Pursuant to 49 U.S.C. 30118(d) and 30120(h), GM has petitioned for a determination that this noncompliance is inconsequential to motor vehicle safety and has filed an appropriate report pursuant to 49 CFR part 573, ''Defect and Noncompliance Reports.''

This notice of receipt of an application is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the application.

GM produced 55,825 model year 2001–2003 Oldsmobile Silhouettes and 15,343 model year 2003 Pontiac Azteks, totaling 71,168 vehicles. These vehicles are classified as multipurpose vehicles (MPVs). According to GM, the rims fitted to the MPVs were originally released for use on passenger cars, and meet all the requirements of FMVSS 110, ''Tire Selection and Rims—Passenger Cars''. FMVSS 110 does not require marking the rims with either the designation of the source of the rims' dimensions or the symbol DOT. When the rims were subsequently released for use on the subject MPVs, they were evaluated for the alternative usage with respect to performance requirements, but they inadvertently were not reviewed with respect to the marking requirements of FMVSS 120. These rims meet all rim requirements of FMVSS 120, except the marking requirements of S5.2(a) and S5.2(c), which require the designation of the source of the rims' dimensions, and use of the symbol DOT, respectively.

GM argues that this noncompliance is inconsequential to motor vehicle safety for the following reason: Apart from S5.2 (a) and S5.2(c), the subject rims meet all requirements of FMVSS 120. The tire and rim of the affected vehicles are properly matched, and are appropriate for the load-carrying characteristics of these vehicles. The missing markings have no effect on safety or the performance of the tire/rim combination.

Also, the rim markings and vehicle placard, which are used to identify the correct replacement rim, both contain the correct and complete size of rims installed on the Silhouette and Aztek MPVs.

Interested persons are invited to submit written views, arguments, and data on the application described above. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods: Mail: Docket Management Facility; U.S. Department of Transportation, Nassif Building, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–001. Hand Delivery: Room PL–401 on the plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC. It is requested, but not required, that two copies of the comments be provided. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays. Comments may be submitted electronically by logging onto the Docket Management System Web site at *http://dms.dot.gov*. Click on ''Help'' to obtain instructions for filing the document electronically. Comments may be faxed to 1–202–493–2251, or may be submitted to the Federal eRulemaking Portal: Go to *http://www.regulations.gov*. Follow the online instructions for submitting comments.

All comments received before the close of business on the closing date indicated below will be considered. The application and supporting materials, and all comments received after the closing date, will also be filed and considered to the extent possible. When the application is granted or denied, the notice is published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: September 15, 2003.

Authority: (49 U.S.C. 301118, 301120; delegations of authority at CFR 1.50 and 501.8).

Issued on: August 7, 2003.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 03–20924 Filed 8–14–03; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

United States Mint

ACTION: Request for CCAC membership applications.

SUMMARY: The United States Mint is accepting applications for membership to the Citizens Coinage Advisory Committee (CCAC) for three positions—a representative from the general public; an individual specially qualified in numismatics by virtue of his or her education, training, or experience; and an individual specially qualified in American history. Public Law 108–15 established the CCAC to:

• Advise the Secretary of the Treasury on any theme or design proposals relating to circulating coinage,

bullion coinage, Congressional Gold Medals, and other medals produced by the United States Mint.

• Advise the Secretary of the Treasury with regard to—

• The events, persons, or places that the Committee recommends to be commemorated by the issuance of commemorative coins in each of the five calendar years succeeding the year in which a commemorative coin designation is made.

• Making recommendations with respect to the mintage level for any commemorative coin recommended.

• The proposed designs for commemorative coins.

Total membership consists of 11 voting members appointed by the Secretary of the Treasury:

• One person specially qualified by virtue of his or her education, training or experience as nationally or internationally recognized curator in the United States of a numismatic collection;

• One person specially qualified by virtue of his or her experience in the medallic arts or sculpture;

• One person specially qualified by virtue of his or her education, training, or experience in American history;

• One person specially qualified by virtue of his or her education, training, or experience in numismatics;

• Three persons who can represent the interests of the general public in the coinage of the United States; and

• Four persons appointed by the Secretary of the Treasury on the basis of the recommendations by the House and Senate leadership; all terms are four years except the terms of the initial appointees.

The Committee is subject to the direction of the Secretary of the Treasury. Meetings of the CCAC are open to the public. The United States Mint is responsible for providing the necessary support services for the Committee. Committee members are not paid for their time or services, but, consistent with Federal Travel Regulations, members are reimbursed for their travel and lodging expenses to attend up to ten meetings each year. Members may be subject to the Standards of Ethical Conduct for Employees of the Executive Branch (5 CFR part 2653).

The United States Mint will review all submissions and will forward its recommendations to the Secretary of the Treasury for appointment consideration. Candidates who are specially qualified in numismatics and who can represent the interests of the general public should include their knowledge of history or an understanding of American culture, history and patriotism. Candidates who believe that they are specially qualified to serve by reason of their education, training, or experience in the field of American history should provide support in their applications. Candidates will be called upon to recommend important places, people or events to commemorate our country's history as well as recommend the nation's coin programs to foster future coin collectors. All candidates should include specific skills, abilities, talents, and credentials to support their applications. The United States Mint is also interested in candidates who have demonstrated leadership skills, who have received recognition by their peers in their disciplines or fields of interest, who have records of participation in public service or activities, and who are willing to commit the time and effort to participate in the Committee meetings and related activities.

Application Deadline: September 5, 2003.

Receipt of Applications: Any member of the public wishing to be considered for participation on the committee should submit a resume, or letter describing qualifications for membership, by fax to 202–756–6539 or by mail to the United States Mint, 801 9th Street, NW., Washington, DC, 20001, Attn: CCAC Membership. Submissions must be postmarked no later than September 5, 2003.

Dated: August 11, 2003.

Henrietta Holsman Fore,

Director, United States Mint.

[FR Doc. 03–20799 Filed 8–14–03; 8:45 am]

BILLING CODE 4810–37–P

Corrections

Federal Register

Vol. 68, No. 158

Friday August 15, 2003.

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2003–15454; Airspace Docket No. 03–ACE–52]

Modification of Class E Airspace; Wichita Mid-Continent Airport, KS

Correction

In the correction to rule document 03–17766 appearing on page 47637 in the issue of Monday, August 11, 2003, paragraph designation 3. should read as set forth below:

§71.1 [Corrected]

3. On page 41692, in the second column, in § 71.1, under the heading ''**ACE KS E5 Wichita Mid-Continent Airport, KS**'', in the sixth line ''(Lat. 37°37′33″ N.,'' should read ''(Lat. 37°37′23″ N.,''.

[FR Doc. C3–17766 Filed 8–14–03; 8:45 am]

BILLING CODE 1505–01–D

Federal Register

Friday,
August 15, 2003

Part II

Department of Labor

Office of the Secretary

48 CFR Parts 2901 through 2953
Revision to the Department of Labor Acquisition Regulations; Proposed Rule

DEPARTMENT OF LABOR

Office of the Secretary

48 CFR Parts 2901 through 2953

RIN 1291–AA34

Revision to the Department of Labor Acquisition Regulations

AGENCY: Office of the Secretary, Labor.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document sets forth a revised Department of Labor Acquisition Regulation (DOLAR). The Department of Labor Acquisition Regulation implements and supplements the Federal Acquisition Regulation (FAR). The DOLAR was last revised in 1986, and is significantly out-of-date. The regulation has been substantially revised to: Update references to obsolete policies, procedures, and organizations; incorporate electronic links to reference such as revised provisions of the FAR, U.S. Code, and the Code of Federal Regulations; incorporate Office of Federal Procurement Policy Letters, and Executive Orders; and establish revised procedures that follow current established best practices. The DOLAR provides a definition for ''Agency Head'', which is inconsistent with the internal Department of Labor Manual Series (DLMS) Chapters 2–800 and 2–900 that establishes DOL procurement operating procedures and policies. Future changes to the DLMS will comport with this definition.

DATES: Interested parties should submit comments on the proposed rule at the address, shown below, on or before October 14, 2003 to be considered in the formulation of the final rule.

ADDRESSES: Comments may be submitted by email to: *OASAMRegComments@dol.gov.* Otherwise comments may be mailed to Jeffrey Saylor, Director, Division of Acquisition Management Services, 200 Constitution Ave., NW., Room N–5425, Washington, DC 20210–0001.

FOR FURTHER INFORMATION CONTACT: Jeffrey Saylor, Director, Division of Acquisition Management Services, telephone (202) 693–7285.

SUPPLEMENTARY INFORMATION: These comprehensive revisions to Parts 2901 through 2954 incorporate changes to the language and structure of the regulations and also update provisions to correspond with the current Federal Acquisition Regulation and Department of Labor policies.

Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 605(b)) requires that, for each rule with a ''significant economic impact on a substantial number of small entities,'' an analysis shall be prepared describing the rule's impact on small entities and identifying any significant alternatives to the rule that would minimize the economic impact on small entities. This proposed rule revises and updates existing contracting procedures and does not make any major changes to the DOLAR that would have a significant economic impact on a substantial number of small businesses.

Executive Order 12866

This rule is considered by the Department of Labor to be a significant regulatory action under Executive Order 12866, section 3(f), Regulatory Planning and Review. Accordingly, this regulation has been submitted to the Office of Management and Budget for review.

Unfunded Reform Mandates Act of 1995

The Unfunded Reform Mandates Act of 1995 (Public Law 104–4) requires agencies to prepare several analytic statements before proposing any rule that may result in annual expenditures of $100 million by State, local, Indian Tribal governments or the private sector. The proposed changes to the DOLAR would not result in expenditures of this magnitude.

Paperwork Reduction Act

The proposed changes to the DOLAR will not impose additional reporting or record-keeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). The DOL forms identified in 2953.1 are used for internal review and are not public use documents.

Congressional Review of Agency Rulemaking

This rule is not a major rule as defined by section 251 of the Small Business Regulatory Enforcement Fairness Act of 1996, (5 U.S.C. 804). This NPRM, if published as a final rule, would not: result in an annual effect on the economy of $100 million or more; result in an increase in cost or prices; or have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 13132: Federalism

The proposed changes to the DOLAR will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

List of Subjects in 48 CFR Parts 2901 through 2953

Government procurement.

For the reasons stated in the preamble, the Department of Labor proposes to amend 48 CFR Chapter 29 by revising Parts 2901 through 2953, to read as set forth below.

Signed at Washington, DC this 1st day of August 2003.

Elaine L. Chao,

Secretary of Labor.

Sec.

CHAPTER 29—DEPARTMENT OF LABOR

(Parts 2901 to 2953)

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SUBCHAPTER A—GENERAL

PART 2901—DEPARTMENT OF LABOR ACQUISITION REGULATION SYSTEM

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2901.707 Signatory authority.

Authority: 5 U.S.C. 301, 40 U.S.C. 486(c).

PART 2901—DEPARTMENT OF LABOR ACQUISITION REGULATION SYSTEM

Subpart 2901.0—Scope of Subpart

(a) This chapter may be referred to as the Department of Labor Acquisition Regulation or the DOLAR. This subpart sets forth introductory information about the Department of Labor Acquisition Regulation. This subpart explains the relationship of the DOLAR to the Federal Acquisition Regulation (FAR) and explains the DOLAR's purpose, authority, applicability, exclusions, and issuance.

Subpart 2901.1—Purpose, Authority, Issuance

2901.101 Purpose.

(a) Chapter 29, Department of Labor Acquisition Regulation, is established within Title 48 of the Federal Acquisition Regulation System of the Code of Federal Regulations.

(b) The purpose of the DOLAR is to implement the FAR, and to supplement the FAR when coverage is needed for subject matter not covered in the FAR. The DOLAR is not by itself a complete document, as it must be used in conjunction with the FAR.

2901.103 Authority.

The DOLAR is issued pursuant to the authority of the Secretary of Labor under 5 U.S.C. 301 and 40 U.S.C. 486(c). This authority has been delegated to the Assistant Secretary for Administration and Management (ASAM) under Secretary's Order 4–76 in accordance with FAR 1.301(d)(3).

2901.105–2 Arrangement of regulations.

(a) *Numbering.* Where DOLAR implements the FAR, the implementing part, subpart, section or subsection of the DOLAR is numbered and captioned, to the extent feasible, the same as the FAR part, subpart, section or subsection being implemented except that the section or subsection being implemented is preceded with a 29 or a 290 such that there will always be four numbers to the left of the first decimal. For example, the DOLAR implementation of FAR l.105–l is shown as 290l.l05–1 and the DOLAR implementation of FAR Subpart 24.1 is shown as DOLAR Subpart 2924.1. Material which supplements the FAR is assigned the subsection numbers 70 and up. For example, the DOL regulation governing appointment and termination of contracting officers' technical representatives is identified as 2901.603–71.

(b) References to FAR materials within the DOLAR will include the acronym FAR and the identifying number, for example, FAR l.104–2(c)(2). References to DOLAR materials within the DOLAR simply cite the identifying number, for example, 2901.104–2(c)(2).

2901.105–3 Copies.

(a) Copies of the DOLAR published in the **Federal Register**, CD-ROM, or Code of Federal Regulations may be purchased from the Superintendent of Documents, Government Printing Office, Washington, DC 20402, or from the Government Printing Office Web page, *http://www.gpo.gov/.* Requests should reference the DOLAR as Chapter 29 of Title 48. The Code of Federal Regulations is printed in paperback edition with updates as needed. Additional information on DOL may be obtained on the Internet at www.dol.gov. Other DOL procurement policy documents referenced within the DOLAR may be available when appropriate by mail from the Division of Acquisition Management Services.

Subpart 2901.2—Administration

2901.201–1 Maintenance of the FAR.

A member of the Division of Acquisition Management Services (DAMS), an organization within the Office of Acquisition and Management Support Services, the Business Operations Center, Office of the Assistant Secretary for Administration and Management (OASAM), represents the Department of Labor on the Civilian Agency Acquisition Council (CAAC). DAMS will be responsible for coordination with all interested DOL elements regarding proposed FAR revisions, and advocating revisions sought by DOL.

Subpart 2901.3—Agency Acquisition Regulations

2901.302 Limitations.

DOLAR System issuances are limited to published, codified, Department-wide regulations, which implement or supplement FAR policies and procedures and which affect organizations or individuals seeking to contract with the Department.

2901.304 Agency control and compliance procedures.

(a) The DOLAR is under the direct oversight and control of the Department's Procurement Executive. Procedures for review and approval of issuances under the DOLAR System comply with FAR Subparts 1.3 and 1.4. These procedures are contained in Subpart 2901.6.

(b) DOLAR issuances shall comply with the restrictions in FAR 1.304(b).

(c) Heads of Contracting Activity (HCAs) must submit all proposed instructions and materials that implement or supplement the DOLAR to the Director, DAMS. In conjunction with the Office of the Solicitor, DAMS will review all issuances whether or not they will be published in the **Federal Register** as a part of the DOLAR System. In the case of internal procurement policy instructions, the purpose of the review is to ascertain that such instructions are consistent with the FAR and the DOLAR and that they do not contain information which should be issued under the DOLAR.

Subpart 2901.4—Deviations From the FAR and DOLAR

2901.403 Individual deviations from the FAR.

(a) The Procurement Executive (PE) is authorized to approve deviations from FAR provisions (*see* FAR 1.403) or DOLAR provisions, which affect only one contracting action, unless FAR 1.405(e) is applicable. Requests for deviations shall be submitted through the Director, DAMS.

(b) Requests for deviations under paragraph (a) of this section must be submitted by the HCA and include justification as to why the deviation is required.

(c) A copy of the approved deviation must be included in the contract file.

2901.404 Class deviations.

(a) The PE is authorized to approve class deviations from FAR or DOLAR provisions which affect more than one contracting action, unless FAR 1.405(e) is applicable. The request for deviation is submitted through the Director, DAMS.

(b) Requests for deviations under paragraph (a) of this section, must be submitted by the HCA and include justification as to why the deviation is required and the number of contracting actions which will be affected.

(c) For a FAR class deviation the Director, DAMS will consult with the Chair of the CAAC, as required in FAR 1.404(a)(1), before authorizing the deviation.

(d) A copy of the approved class deviation must be included in each contract file.

(e) Recommended revisions to the FAR and a copy of each approved class

FAR deviation will be transmitted to the FAR Secretariat by the Director, DAMS as required in FAR 1.404.

2901.405 Deviations pertaining to treaties and executive agreements.

(a) The Director, DAMS is responsible for transmitting to the FAR Secretariat the information required in FAR 1.405(d).

(b) For deviations not authorized by FAR 1.405(b) or (c), the Director, DAMS will process the request for deviation through the FAR Secretariat.

Subpart 2901.6—Career Development, Contracting Authority, and Responsibilities.

2901.601 General.

(a) This section deals with contracting authority and responsibilities of the head of the agency as described in 2902.1, FAR Subpart 1.6 and this subpart.

(1) The authority and responsibility vested in the Secretary to contract for authorized supplies and services is delegated to the Assistant Secretary for Administration and Management (ASAM).

(2) The ASAM may delegate contracting authority to a bureau or agency within the Department of Labor as he/she delineates in writing.

(b) The Assistant Secretary for Administration and Management, acting through the Procurement Executive, may delegate additional procurement authority subject to the issuance of warrants by the Procurement Executive, and reserves the right to rescind any acquisition authority, if it is determined that such action is in the best interest of the Government.

2901.602 Contracting officers.

2901.602–1 Authority.

Contracting warrants, at all levels above the micropurchase threshold, must be requested by the HCA in writing and signed by the Procurement Executive. Warrants may be accompanied by letters of appointment that may provide requirements for maintaining the warrant (*e.g.*, maintaining current documentation for the FAR, DOLAR, and other guidance, and recurrent training). Copies of the appointment shall be maintained in the Division of Acquisition Management Services. Contracting officers must display the original warrant (and its limitations) in their workspace. A listing of current contracting officers may be available for review on the Internet at *http://www.dol.gov/oasam/grants/prgms.htm.* To modify a contracting officer's authority, the present appointment must be revoked and a new certificate issued.

2901.602–3 Ratification of unauthorized commitments.

(a) If the HCA agrees that the commitment appears to be without valid authorization, the Division of Acquisition Management Services must be notified by the HCA in accordance with the procedures outlined in this section.

(b) *Ratifications—thresholds.* The Department of Labor may only ratify acquisitions that were intended to fulfill a bona fide need and otherwise were authorized when made. If the action to be ratified is not approved, then the employee who authorized the work may be liable for the entire cost of the action. Requests received by contracting officers for ratification of commitments made by personnel lacking contracting authority must be processed as follows:

Dollar threshold	Must be approved by (ratifying official)	Steps to be followed
Below the micropurchase threshold	Head of the Contracting Office	a through e & g.
Between the micropurchase threshold and the Simplified Acquisition Threshold.	Head of Contracting Activity	a through e & g.
Above the Simplified Acquisition Threshold	ASAM, after review by the Procurement Review Board	a through g.

Note: DOL procurement policies require review by the Procurement Review Board of advisory and assistance services acquisitions above $50,000 for competitive acquisitions and at any dollar amount for noncompetitive acquisitions, and waivers for contracts with employees and recently separated employees. Therefore, review by the PRB is required for unauthorized obligations at these lower thresholds.

Step Instruction

(a) The individual is placed on notice by the contracting officer, in writing, that the purchase may be inappropriate because he did not have a purchasing request, funding, or authority to obligate the Government to make an expenditure of funds.

(i) The individual who made the unauthorized contractual commitment shall furnish the contracting officer all records and documents concerning the commitment and a complete written statement of the facts, including, but not limited to a statement as to why the acquisition office was not used, a description of work to be performed or products to be furnished, an estimated or agreed-upon contract price, citation of appropriation available, and a statement as to whether the contractor has commenced performance.

(ii) In the absence of such an individual, the head of the applicable office will be responsible for providing such information, including an explanation of why the individual who made the unauthorized commitment is unavailable to provide this information.

(b) The individual who made the unauthorized commitment or the head of the applicable office, as appropriate, shall provide a determination and finding (*see* FAR 1.704) to the contracting officer indicating that:

(i) Supplies or services have been provided to and accepted by the Government, or the Government otherwise has obtained or will obtain a benefit resulting from performance of the unauthorized commitment;

(ii) A procurement request and/or accompanying documentation including a statement signed by the individual that explains why normal acquisition procedures were not followed, explains why the source was selected, lists other sources considered, describes the work, and estimates or states the agreed upon price. (If the DOL employee who made the unauthorized commitment is no longer available, appropriate program personnel must provide the information described in this paragraph); and

(iii) Funds are available and were available at the time of the unauthorized commitment.

(c) The contracting officer reviewing the unauthorized commitment shall determine whether the price is fair and reasonable, and if payment is recommended to the ratifying official. (The contracting officer may rely upon written documentation submitted by managing staff above the individual who made the unauthorized commitment, in making his/her determination.)

(d) Legal review is required before ratification by the ratifying official.

(e) The ratifying official shall make an affirmative determination and finding that:

(i) The resulting purchase order or contract would otherwise have been proper if made by an appropriate contracting officer.

(ii) The contracting officer reviewing the unauthorized commitment has determined that the price is fair and reasonable, and payment is recommended.

(f) For cases over the simplified acquisition threshold, all documentation for steps (a) through (e) must be forwarded to the Director, Division of Acquisition Management Services for submission to the Procurement Review Board. However, the ratifying official is responsible for directing the receipt and acceptance for all products and deliverables received by the Government as a result of an unauthorized commitment.

(g) The supervisor of the individual who made the unauthorized commitment shall prepare a corrective action plan to preclude further unauthorized commitments (*e.g.* ethics, purchase card, or administrative

procedures training, or other appropriate action). The ratifying official may approve the corrective action plan. The individual shall report to the ratifying official in writing when the corrective action has been initiated and again after it has been fully implemented.

2901.603 Selection, appointment, and termination of appointment.

2901.603–1 General.

(a) The Procurement Executive will develop and manage an acquisition career management program for contracting personnel. Training requirements must conform to Office of Federal Procurement Policy Letters 92–3, 97–01, and the Federal Acquisition Institutes curriculum. These references are available at:

http://www.arnet.gov/Library/OFPP/PolicyLetters/Letters/PL97–01.html, http://www.arnet.gov/Library/OFPP/PolicyLetters/Letters/PL92–3.html, and through the Federal Acquisition Institute (FAI) at: *http://www.faionline.com/fai/campus/index4.htm.*

(b) The program must cover all contracting personnel in the following categories:

(1) *General Schedule (GS–1102) Contracting Series* (See also FAR 1.603);

(2) Contracting officers, regardless of General Schedule Series, with contracting authority above the simplified acquisition threshold;

(3) Purchasing Series (GS–1105), other individuals performing purchasing duties and individuals with contracting authority between the micro-purchase and simplified acquisition thresholds.

(4) All Contracting Officer Technical Representatives as identified in 2901.603–71.

2901.603–3 Appointment.

General. In accordance with FAR 1.603–3 appointments will be made in writing on an SF 1402 for all warrants above the micro-purchase threshold. In addition appointments may be made for specific functions unrelated to dollar threshold, such as indirect cost negotiation, debt management, closeout functions.

(a) *Purchase cards (micropurchase threshold).* Purchase cardholders will be appointed in accordance with the DOL Guidelines for Purchase Card Use and the Agency/Office procedures approved by the HCA. Agency/Organization Purchase Card Coordinators requesting issuance of a purchase card must be responsible for ensuring that the purchase cardholder has taken an orientation course before issuance and/or use of the purchase card. A list of purchase cardholders is available at: *http://www.dol.gov/oasam/foia/hotfoia/citibank-list.htm.*

(b) *Simplified acquisition threshold (currently $100,000).* The HCA may request a delegation of procurement authority not to exceed the simplified acquisition threshold based on education, training, and experience, in the acquisition field. Effective October 1, 2003, all new appointments must comply with training requirements listed in ''OFPP Policy Letter No. 92–3, Procurement Professionalism Program Policy-Training for Contracting Personnel'', dated June 24, 1992.

(c) *$500,000.* The HCA may request a delegation of procurement authority not to exceed $500,000 based on the individual's education, training and experience in contracting. Although primarily reserved for those in the GS 1102 series, the HCA may consider business acumen, education, training, and experience. Effective October 1, 2003, all new appointments must comply with training requirements listed in ''OFPP Policy Letter No. 92–3, Procurement Professionalism Program Policy-Training for Contracting Personnel'', dated June 24, 1992.

(d) *Unlimited.* The HCA may request a delegation of procurement authority on an unlimited basis for individuals whose education, training, and experience in contracting warrant such authority. Although primarily reserved for those in the GS 1102 series, the HCA may consider length of service, training, and experience. Effective October 1, 2003, all new appointments must comply with training requirements listed in ''OFPP Policy Letter No. 92–3, Procurement Professionalism Program Policy-Training for Contracting Personnel'', dated June 24, 1992.

2901.603–4 Terminations.

Termination of a contracting officer's appointment will be made in writing unless the warrant contains the basis for the termination (*i.e.*, retirement, reassignment). Terminations may be immediate, but must not operate retroactively.

2901.603–70 Responsibility of other Government personnel.

(a) Only DOL personnel with contracting authority shall obligate DOL to any type of contractual obligation and only to the extent of their delegated authority. Responsibility for determining how to buy, the conduct of the buying process, and execution of the contract rests with the contracting officer.

(b) Personnel responsible for determining agency needs should maintain a close and continuous relationship with their contracting officer to ensure that acquisition personnel are made aware of contemplated acquisition actions. This will be mutually beneficial in terms of better planning for acquisition action and more timely, efficient and economical acquisition.

(c) Personnel not delegated contracting authority or insufficient contracting authority, may not commit the Government, formally or informally, to any type of contractual obligation. However, DOL personnel who must use the contracting process to accomplish their programs, must support the contracting officer to ensure that:

(1) Requirements are clearly defined and specified without being overly restrictive in accordance with FAR 11.002;

(2) Competitive sources are solicited, evaluated, and selected as appropriate;

(3) The FAR and the Competition in Contracting Act requirements for full and open competition are satisfied to the maximum extent practicable. Sole source purchases may only be permitted in accordance with FAR Subpart 6.3 or other applicable provisions of the FAR (*e.g.* FAR Part 8) or federal law.

(4) Quality standards are prescribed, and met;

(5) Performance or delivery is timely;

(6) Files are documented to substantiate the judgments, decisions, and actions taken, including compliance with paragraphs (c)(2) and (3) of this section.

(7) Requirements are written in so to encourage competition and to comply with regulations and federal policy for meeting acquisition goals such as performance-based contracting, HUBZone contractors, *etc.* The contracting officer will identify these programs to the program office.

2901.603–71 Contracting Officer's Technical Representatives (COTR).

(a) At the time a COTR is to become responsible for a contract, task order, or delivery order, the contracting officer must issue a written letter of delegation informing the individual by name of his or her authority, including a delineation of applicable limitations and responsibilities. This applies to contracts awarded by the Department of Labor and those awarded by other agencies, such as Federal Supply Schedule Contracts or Economy Act transactions. Only the contracting officer cognizant of the contract action may make a COTR delegation. However, a contracting officer at any level above the cognizant contracting officer may sign the delegation letter, following his or her determination of its accuracy, completeness, and sufficiency.

(b) The functions of a COTR typically may include such actions as inspecting, testing, and accepting contract line items, monitoring the contractor's performance, controlling Government-furnished property, reviewing and approving and/or recommending to the contracting officer approval/disapproval of vouchers/invoices, *etc.* An individual COTR may have only the duties specifically identified in a written delegation to him or her by name (*i.e.*, COTR duties may not be delegated to a position) and has no authority to exceed them.

(c) Contracting officers may not delegate to the COTR the following authorities:

(1) The authority to issue task or delivery orders against a contract or any of the agreements defined under FAR 16.7;

(2) The authority to change any of the terms and conditions of a contract or any of the agreements defined under FAR 16.7;

(3) The authority to sign contracts or contract modifications;

(4) The authority to write letters to the contractor that will affect the cost or schedule of the contract. The authority to otherwise write letters to a contractor must require the COTR to send a copy of the letters to the contracting officer for the contract file;

(5) The authority to approve contractors' final invoices under cost-reimbursement contracts. However, the COTR must make a final payment recommendation to the contracting officer; or

(6) The authority to commit the Government to any adjustments to the price or cost of the contract or order (*e.g.*, the contracting officer must sign all pre-negotiation and price negotiation memoranda including those which may be combined into one document for those adjustments valued at $100,000 or less).

(d) The contracting officer's delegation must include the admonition that the COTR may be personally liable for unauthorized commitments. Contracting officer authority to sign or authorize contractual instruments must not be delegated through a COTR designation or by any means other than a contracting officer warrant.

(e) The contractor must be notified of the COTR designation in writing and a copy of the COTR letter of appointment also must be provided to the contractor. The contracting officer must provide the COTR with a copy of the COTR designation notification that was sent to the contractor.

(f) The letter delegating COTR authority must include the contract number, and must include the following information, at a minimum:

(1) Contracting officer's and contract specialist's/administrator's name and telephone number;

(2) COTR's specific authority and responsibilities;

(3) COTR's specific limitations, including the admonition that the COTR may be personally liable for unauthorized commitments;

(4) Detailed description of the types of files and the content of the files to be maintained by the COTR;

(5) Reference to meeting applicable requirements for ethics, procurement integrity, no conflict of interest, and proper standards of conduct, including a copy of FAR Part 3, and other regulations, statutes, or directives governing these topics (*e.g.*, 5 CFR Part 2635, Standards of Conduct);

(6) A requirement that the COTR acknowledge receipt and acceptance of the letter and return it to the contracting officer.

(7) A description of the training required and information on obtaining such training.

(g) *Applicability.* The eligibility requirements of this subpart must apply to all individuals who are designated by the contracting officer as COTRs.

(h) *Eligibility standards.* To be determined eligible for an appointment as a DOL COTR, the following standards must be met:

(1) The candidate must attend and successfully complete a minimum of a 16-hour basic COTR course; and

(2) The candidate must attend a minimum of 1 hour of training specifically in procurement ethics, either through courses offered periodically by the Department of Labor, another federal agency's program, or a commercial vendor.

(i) *Limitations.* Effective October 1, 2003, each COTR appointment made by the contracting officer must clearly state that the representative is not an authorized contracting officer and does not have the authority under any circumstances to:

(1) Award, agree to award, or execute any contract, contract modification, notice of intent, or other form of binding agreement;

(2) Obligate, in any manner, the payment of money by the Government;

(3) Make a final decision on any contract matter which is subject to the clause at FAR 52.233–1, Disputes; or

(4) Terminate, suspend, or otherwise interfere with the contractor's right to proceed, or direct any changes in the contractor's performance that are inconsistent with or materially change the contract specifications.

(j) *Termination.* (1) Termination of the COTR's appointment must be made in writing by a contracting officer and must give the effective date of the termination. The contracting officer must promptly modify the contract once a COTR termination notice has been issued. A termination notice is not required when the COTR's appointment terminates upon expiration of the contract.

(2) COTRs may be terminated for reasons (not an exhaustive listing) such as exceeding their authorities and limitations, conflicts of interest, unethical conduct, failure to perform, reassignment/resignation/retirement, and upon completion of the contract to which assigned.

(k) *Waivers.* No individual may serve as a COTR on any contract without the requisite training and signed COTR certificate for the file. In the rare event that there is an urgent requirement for a specific individual to serve as a COTR and the individual has not successfully completed the required training, the HCA may waive the training requirements and authorize the individual to perform the COTR duties.

2901.603–72 Administrative procurement reviews.

(a) The Procurement Executive (PE) is responsible for performing administrative procurement reviews for each procurement office in the Department of Labor except the Office of Inspector General (OIG). The purpose of these reviews is to audit internal controls to ensure compliance with established procurement law, regulations, policies, procedures and applicable directives. The reviews are to emphasize the development and improvement of managerial controls and best practices.

(b) The administrative procurement review system is a three-pronged approach that includes self-assessment, statistical data for validation, and flexible quality reviews and assessment techniques. This system is required to:

(1) Evaluate the effectiveness and efficiency of office acquisition systems;

(2) Assess the adequacy of policies, procedures and regulations governing the acquisition process; and

(3) Identify and implement changes necessary to improve the systems.

(c) The PE shall establish procurement review procedures, which will focus on:

(1) Conformance with policies of the FAR, DOLAR and the Department of Labor Manual Series 2–800 and 2–900.

(2) Conformance with federal reporting requirements for the Department of Labor.

(3) Understanding of new department-wide or government-wide initiatives (*e.g.*, E-Procurement).

(4) Government-wide procedures established by the Office of Management and Budget.

(d) HCAs are responsible for ensuring contracting activity compliance with law and regulations through the review and oversight process.

Subpart 2901.7—Determinations and Findings

2901.707 Signatory authority.

A class justification for other than full and open competition must be approved in writing by the same approval authority as for individual justifications in accordance with FAR 6.304(a). The approval level must be determined by the estimated total value of the class.

PART 2902—DEFINITIONS OF WORDS AND TERMS

Sec.

2902.1—Definitions

2902.101 Definitions.

Authority: 5 U.S.C. 301, 40 U.S.C. 486(c).

Subpart 2.1—Definitions

2902.101 Definitions.

(a) Commonly used words and terms are defined in FAR Subpart 2.1. This Part 2902 gives DOL-specific meanings for some of these words and terms and defines other words and terms commonly used in the DOL acquisition process.

(b) The following words and terms are used as defined in this subpart unless the context in which they are used clearly requires a different meaning, or a different definition is prescribed for a particular part or portion of a part:

Competition Advocate. The Competition Advocate for the Department of Labor is appointed by the ASAM and is defined in FAR 6.5 and 2906.5. If the appointee is recused from a procurement action, the ASAM may designate another official to act in that capacity.

Contracting activity means an agency or component office within the Department of Labor with specific responsibility for managing contract functions pursuant to one or more warrants signed by the Procurement Executive (or the Office of the Inspector General for its contracting activity).

Contracting Officer's Technical Representative means the individual appointed by the contracting officer to represent the Department of Labor's programmatic interests on a Department of Labor contract, task order, or delivery order. This individual is responsible to the contracting officer for overseeing receipt and acceptance of goods/services by the Government, reporting on the contractor's performance, and approving/disapproving payment to the Contractor. Authority is otherwise limited to giving technical direction to the Contractor within the framework of the contract (*see* 2901.603–71). This position may go by other titles, such as: A technical point of contact (TPOC), or Contacting Officer's Representative (COR).

Head of Agency (also called agency head), for the FAR and DOLAR only, means the Assistant Secretary for Administration and Management; except that, the Secretary of Labor is the head of Agency for acquisition actions which by the terms of a statute or delegation must be performed specifically by the Secretary of Labor; the Inspector General is the Head of Agency in all cases for the Office of the Inspector General. Authority to act as the Head of Agency has been delegated to the Assistant Secretary for Employment and Training and the Assistant Secretary for Mine Safety and Health for their respective agencies. For purposes of the Economy Act, (determinations and interagency agreements under FAR 17.5) only, the Employment Benefits Administration, Employment Standards Administration, Women's Bureau, Office of Solicitor, Bureau of Labor Statistics, Office of Disability Employment, and the Occupational Safety and Health Administration are delegated contracting authority.

Head of Contracting Activity (HCA) means the official who has overall responsibility for managing the contracting activity, when the contracting activity has more than one person with a warrant issued by the Procurement Executive. In the Department of Labor the following officials are the HCA for their respective organization:

(i) For the Mine Safety and Health Administration, the Director, Administration and Management, MSHA.

(ii) For the Employment and Training Administration, the Director, Office of Grants and Contract Management, ETA.

(iii) For the Office of Inspector General, the Director, Division of Finance and Administration, OIG.

(iv) For the Bureau of Labor Statistics, the Director, Division of Administrative Services, BLS.

(v) For the Office of the Assistant Secretary for Administration and Management and all other agencies not listed in this definition, the Director, Business Operations Center, OASAM.

Procurement Executive means the Director, Business Operations Center, and is synonymous with the term ''Senior Procurement Executive'' as defined at FAR 2.101.

PART 2903—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS OF INTEREST

Subpart 2903.1—Safeguards

Sec.

2903.101 Standards of Conduct.

2903.101–1 General.

2903.104 Procurement integrity.

2903.104–3 Definition.

2903.104–5 Disclosure, protection, and marking of contractor bid or proposal information and source selection information.

2903.104–7 Violations or possible violations.

Subpart 2903.2—Contractor Gratuities to Government Personnel

2903.203 Reporting suspected violations of the Gratuities clause.

2903.204 Treatment of violations.

Subpart 2903.6—Contracts With Government Employees or Organizations Owned or Controlled by Them

2903.601 Policy.

2903.602 Exceptions.

Authority: 5 U.S.C. 301, 40 U.S.C. 486(c).

Subpart 2903.1—Safeguards

2903.101 Standards of conduct.

2903.101–1 General.

The statutory prohibitions and their application to DOL personnel are discussed in the Standards of Ethical Conduct for Employees of the Executive Branch, 5 CFR Part 2635 and the supplemental DOL standards of conduct, 5 CFR Part 5201. All DOL personnel involved in acquisitions must become familiar with these statutory prohibitions. Any questions concerning them must be referred to an Agency Ethics Official in the Office of the Solicitor. In addition to criminal penalties, the statutes provide that transactions entered into in violation of these prohibitions are voidable (18 U.S.C. 218). Any suspected violations must be reported promptly to the Office of Inspector General.

2903.104 Procurement integrity.

2903.104–3 Definitions.

Agency ethics official means the Solicitor or the Associate Solicitor for Legislation and Legal Counsel (LLC).

2903.104–5 Disclosure, protection, and marking of contractor bid or proposal information and source selection information.

(a) Government employees serving in the following positions are authorized access to proprietary or source selection information, but only to the extent necessary to perform their official duties:

(1) Personnel participating in technical evaluation panels (*i.e.*, source selection board) or personnel evaluating an offeror's or bidder's technical or cost proposal under other competitive procedures, and personnel evaluating protests.

(2) Personnel assigned to the contracting office.

(3) The initiator of the procurement request (to include the official having principal technical cognizance over the requirement).

(4) Small business specialists.

(5) Personnel assigned to the Office of the Solicitor.

(6) Personnel assigned to the Department of Labor's Division of Cost Determination and the Defense Contract Audit Agency.

(7) Personnel assigned to the Division of Acquisition Management Services.

(8) Members of the Procurement Review Board.

(9) The Office of Inspector General.

(10) Other Government employees authorized by the contracting officer.

(11) Supervisors, at any level, of the personnel listed in this paragraph (a).

(b) The originator of information that may be source selection information must consult with the contracting officer or the procurement officer, who must determine whether the information is source selection information. DOL personnel responsible for preparing source selection information as defined in FAR 2.101 must assure that the material is marked with the legend in FAR 3.104–4 at the time the material is prepared.

(c) Unless marked with the legend ''SOURCE SELECTION INFORMATION—SEE FAR 3.104–4,'' draft specifications, purchase descriptions, and statements of work could erroneously be released during a market survey in order to determine the capabilities of potential competitive sources (*see* FAR 7.1 and 7.10).

2903.104–7 Violations or possible violations of standards of conduct.

(a) The Procurement Executive is the individual designated to receive the contracting officer's report of violations.

(b) The HCA or designee must refer all information describing an actual or possible violation to the Associate Solicitor for Legislation and Legal Counsel (LLC), the Procurement Executive and Inspector General staff.

Subpart 2903.2—Contractor Gratuities to Government Personnel

2903.203 Reporting suspected violations of the Gratuities clause.

Contractor gratuities offered to Government personnel are subject to the restriction under the Standards of Ethical Conduct for the Employees of the Executive Branch, 5 CFR Part 2635.

2903.204 Treatment of violations.

Any suspected violations of FAR Subpart 3.2 and the clause at *FAR 52.203–3,* Gratuities, must be reported to the Office of Inspector General. The authority to determine whether a violation of the Gratuities clause by the contractor, its agent, or another representative, has occurred and the appropriate remedies are delegated to the HCA.

Subpart 2903.6—Contracts With Government Employees or Organizations Owned or Controlled by Them

2903.601 Policy.

In addition to restrictions placed on current federal government employees, 18 U.S.C. 207 places some restrictions on contracting with former officers, employees, and elected officials of the executive and legislative branches. Under these prohibitions, contracts with former employees are prohibited for a period of one year from the date of severance of duties unless an exception is granted as set forth in 2903.602.

2903.602 Exceptions.

(a) In accordance with FAR 3.602, only when there is a most compelling reason to do so, is the ASAM authorized to except a contract from the policy in FAR 3.601, after the Procurement Review Board and the agency ethics official have reviewed and recommended approval of the exception. However, when time does not permit, the ASAM may unilaterally approve an exception. The exception and information supporting the exception must be provided to the contracting officer for their official records.

(b) When an exception under this subpart is requested, it is submitted through the director of the cognizant program office to the HCA. In the procurement request, the director must describe the basis for the exception from the restrictions of FAR 3.601.

(c) The Department of Labor may enter into a negotiated contract or an amendment to an existing contract with former employees of DOL within one year of separation (or with firms in which former employees are known to have a substantial interest) only after review and recommendation for approval by the agency ethics official, the Procurement Review Board, and written approval by the ASAM.

(d) Approval of a decision to grant an exception as provided in the section must be documented by a written findings and determination prepared by the requesting official for signature by the Assistant Secretary for Administration and Management. The determination and findings must document compliance with FAR 3.603, FAR 9.5 and DOLAR 2909.5; specify the compelling reason(s) for award; and be placed in the contract files and the files of the PRB.

PART 2904—ADMINISTRATIVE MATTERS

Subpart 2904.6—Contract Reporting

Sec.
2904.601 Record requirements.
2904.602 Federal Procurement Data System.

Subpart 2904.8—Government Contract Files

2904.800–70 Contents of contract files.
Appendix A to Part 2904

Authority: 5 U.S.C. 301, 40 U.S.C. 486(c).

Subpart 2904.6—Contract Reporting

2904.601 Record requirements.

Appendix A to Part 2904 contains a list of recurring reports requested of the Department of Labor. Unless otherwise noted, procurement offices must submit the information identified to the Division of Acquisition Management Services for consolidation into a single report.

2904.602 Federal Procurement Data System.

(a) DOL's data collection point is the Business Operations Center, Division of Acquisition Management Services, U.S. Department of Labor, 200 Constitution Avenue. NW., Washington, DC 20210.

(b) The SF 279, Individual Contract Action Report (over $25,000), and SF 281, Summary of Contract Actions of $25,000 or less, are due by the tenth day of each month.

Subpart 2904.8—Government Contract Files

2904.800–70 Contents of contract files.

(a) The reports listed in Appendix A to this part are applicable to the Department of Labor.

(b) HCAs must be responsible for establishing standard contract files for

their contracting activities. The HCA must provide one or more representative contract files to the Director, Division of Acquisition Management Services (DAMS) as requested for comment.

Appendix A to Part 2904

Appendix A to Part 2904

Title of report	Reference	Date due	Submitted to
1. Report of Proposed Federal Construction*.	29 CFR 1.4	Annually; 20-Aug	ESA Davis Bacon.
2. Contractor Report of Government Property*.	*FAR Chapter 45*	Annually; 31-Oct	ASC.
3. Major Preference Program Goals and Achievements Report*.	DLMS 2 1000	By the 20th of each Month	OSBP.
4. Semi-annual Labor Enforcement Report.	*FAR Chapter 22; 29 CFR 5.7(b)*	Semi-annually; April 25 and 25-Oct.	ESA Service Contract Act.
5. A–76 & FAIR Act Inventory	*FAIR ACT & OMB MEMO*	June 30th of each year	OAMS.
6. SF 281, FPDS Summary Contract Action Report ($25,000 or Less).	*FAR Subpart 4.6*	Quarterly; January 25, April 25, July 25, and 25-Oct.	DAMS.
7. SF 294, Subcontracting Report for Individual Contracts.	*FAR Subpart 19.7* SF 294	Semi-annually; April 30; 30-Oct	contracting officer.
8. SF 295, Summary Subcontract Report.	*FAR Subpart 19.7*	Semi-annually March 30, September 30.	contracting officer.
9. Value Engineering Report*	OMB Circular A–131	Annually; 7-Dec	DAMS.
10. Report on Federal Support to Universities, Colleges, and Nonprofit Institutions.	Section 3(a)(7) of the National Science Foundation(NSF) Act.	Annually; O/A, 15-May	Upon request, From NSF.
11. Procurement Forecast, Initial and Update.	Pub. L. 100–656	Sept 15 (Init.) and Apr 15 (Update).	DAMS

For those reports with an (*), if there was no activity for the period being reported, a negative response for the period must be submitted to the requisitioning office.

SUBCHAPTER B—ACQUISITION PLANNING

PART 2905—PUBLICIZING CONTRACT ACTIONS

Subpart 2905.1—Dissemination of Information

Sec.

2905.101 Methods of disseminating information.

Subpart 2905.2—Synopsis of Proposed Contract Actions

2905.202 Exceptions.

Subpart 2905.4—Release of Information

2905.402 General public.
2905.403 Requests from Members of Congress.
2905.404 Release procedures.

Subpart 2905.5—Paid Advertisements

2905.502 Authority.
2905.503 Procedures.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 2905.1—Dissemination of Information

2905.101 Methods of disseminating information.

Contracting officers may only use the Government Point of Entry (GPE) for synopsis and dissemination of information concerning procurement actions. The Division of Acquisition Management Services manages the DOL's account.

Subpart 2905.2—Synopsis of Proposed Contract Actions

2905.202 Exceptions.

The Assistant Secretary for Administration and Management is authorized to make the determination prescribed in FAR 5.202(b). A written determination documenting the reasons why advance notice is not appropriate or reasonable must be submitted by the HCA for appropriate action including communication with the officials listed in FAR 5.202(b).

Subpart 2905.4—Release Of Information

2905.402 General public.

(a) Unless the HCA determines that disclosure would be prejudicial to the interests of DOL, the bidder's mailing list or solicitation mailing list may be released upon request.

(b) Any request for release of information is subject to the Freedom of Information Act and FAR 24.2.

2905.403 Requests from Members of Congress.

All proposed responses to Congressional inquiries must be prepared and forwarded for coordination with the Office of the Solicitor and the Office of Congressional and Intergovernmental Affairs to determine whether circumstances exist that will allow the release of additional information. In such instances, the Congressional requestor must be furnished an interim reply providing the information that is releasable. The interim reply must describe the problem that precludes release of any requested materials, and describe generally what steps, if any, are being taken to make such information available.

2905.404 Release procedures.

Heads of contracting activities are authorized to release long-range acquisition estimates under the conditions in FAR 5.404–1.

Subpart 2905.5—Paid Advertisements

This subpart provides policies and procedures for the procurement of paid advertising as covered by 5 U.S.C. 302, 44 U.S.C. 3701, 3702, and 3703.

2905.502 Authority.

When it is deemed necessary to use paid advertisements in newspapers and trade journals, written authority for such publication may be obtained from the HCA or designee.

2905.503 Procedures.

(a) Prior to obtaining HCA approval, an agency should seek legal review to determine whether it has appropriate legal authority for advertising. The HCA exercising the authority delegated by 2905.502 must do so in accordance with the procedures set forth in FAR 5.503 and those in this section.

(b) Requests for procurement of advertising must be accompanied by written authority to advertise or publish which sets forth justification and includes the names of newspapers or journals concerned, frequency and dates of proposed advertisements, estimated cost, and other pertinent information.

PART 2906—COMPETITION REQUIREMENTS

Subpart 2906.3—Other Than Full and Open Competition

Sec.
2906.301 Policy.
2906.303 Justifications.

Subpart 2906.5—Competition Advocates

2906.501 Requirement.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 2906.3—Other Than Full and Open Competition

2906.301 Policy.

(a) Department of Labor acquisitions must comply with the Department of Labor Manual Series (DLMS) 2, Chapter 830 (available for review on the Department of Labor's website or by mail from the Director, Division of Acquisition Management Services, 200 Constitution Ave., NW., Washington, DC 20210–0001). Any proposed noncompetitive acquisition in excess of the simplified acquisition threshold must be fully justified and, if required by the DLMS, submitted to the DOL Procurement Review Board and approved by the Assistant Secretary for Administration and Management and, in the case of research and development contracts, also by the Assistant Secretary for Policy.

(b) With the exception of contracts for advisory and assistance services or for research and development, the contracting officer has the authority below the simplified acquisition threshold to approve sole source contracts. The contracting officer is responsible for assuring that proposed acquisitions below the simplified acquisition threshold are in compliance with FAR and DOLAR requirements regarding competition.

2906.303 Justifications.

The authority of the agency head to determine that only specified make and models of technical equipment will satisfy the agency's need under FAR 6.302–1 is delegated to the HCA.

Subpart 2906.5—Competition Advocate

2906.501 Requirement.

The Assistant Secretary for Administration and Management must appoint a Competition Advocate for the Department of Labor. The appointment will be predicated on an understanding of the competition requirements in the FAR, and particularly small business programs.

PART 2907—ACQUISITION PLANNING

Subpart 2907.1—Acquisition Plans

Sec.
2907.105 Contents of written acquisition plans.
2907.107 Orders against Federal Supply Schedule contracts, Governmentwide acquisition contracts (GWACs), or other existing indefinite-delivery contracts.

Subpart 2907.3—Contractor Versus Government Performance

2907.300 Scope of subpart.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 2907.1—Acquisition Plans

2907.105 Contents of written acquisition plans.

The Department of Labor has implemented its acquisition planning system in compliance with FAR 7.1 and internal procedures provided in DLMS 2 Section 834. The annual forecast is available for review from: *http://www.apps.dol.gov/contract grant/index.htm.*

2907.107 Additional requirements for acquisitions involving bundling.

The FAR requirements for justification, review, and approval of bundling of contract requirements also apply to an order from a Federal Supply Schedule contract, Governmentwide acquisition contract, or other indefinite-delivery contract if the requirements consolidated under the order meet the definition of ''bundling'' at FAR 2.101.

Subpart 2907.3—Contractor Versus Government Performance

2907.300 Scope of subpart.

The Department of Labor's FAIR Act inventory of commercial activities performed by federal employees and inherently governmental functions may be accessed on the Internet at: *www.dol.gov* under ''Doing Business with the Department of Labor.''

PART 2908—REQUIRED SOURCES OF SUPPLIES AND SERVICES

Subpart 2908.4—Federal Supply Schedules

Sec.
2908.404 Using Schedules.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 2908.4—Federal Supply Schedules

2908.404 Using Schedules

Small business considerations, procedures regarding both prime and subcontracting and clearances specified in DOLAR 2919 apply to GSA Federal Supply Schedule Orders above the simplified acquisition threshold. Procedures to be followed may be modified by the OSBP as appropriate in order to comply with GSA Federal Supply Schedule procedures (*e.g.* first tier contracts may be required to report their commercial subcontracting goals to the DOL Office of Small Business Programs).

PART 2909—CONTRACTOR QUALIFICATIONS

Subpart 2909.1—Responsible Prospective Contractors

Sec.
2909.105 Procedures.

Subpart 2909.4—Debarment, Suspension, and Ineligibility

2909.402 Policy.
2909.405 Effect of listing.
2909.405–1 Continuation of current contracts.
2909.406 Debarment.
2909.406–1 General.
2906.407 Suspension.
2909.407–1 General.

Subpart 2909.5—Organizational Conflicts of Interest

2909.503 Waiver.
2909.506 Procedures.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 2909.1—Responsible Prospective Contractors

2909.105 Procedures.

Before awarding a contract, the contracting officer must make a written determination of the otherwise successful bidder's/offeror's responsibility in accordance with FAR 9.105. In addition to past performance information, the contracting officer must insure that the proposed contractor, and any subcontractor representing more than $25,000 in goods or services, does not appear in the ''List of Parties Excluded from Federal Procurement'' (available on the Internet at *www.epls.arnet.gov.* In addition, contracting officers should base their determination of contractor responsibility on a review of the company's ''Summary or Financial Report'' from Dun & Bradstreet (available on the internet for a fee from *http://www.dnb.com/*).

Subpart 2909.4—Debarment, Suspension, and Ineligibility

2909.402 Policy.

(a) This subpart prescribes DOL policies and procedures governing the debarment and suspension of contractors, the listing of debarred and suspended contractors, contractors declared ineligible (*see* FAR 9.403) and distribution of the list. This subpart does not apply to Department of Labor debarments or suspensions issued for Davis-Bacon Act and Davis-Bacon Related Act violations, Service Contract Act Violations, Affirmative Action/ Equal Employment Opportunity Violations, or violations under other statutes administered by the Department of Labor.

(b) *Contracting activity officials shall have the following responsibilities.*

(1) Heads of contracting activity (HCA) shall:

(i) Provide an effective system to ensure that contracting staffs consult the *''List of Parties Excluded from Federal Procurement and Nonprocurement Programs''* at *http://epls.arnet.gov/* before soliciting offers, awarding or extending contracts, or consenting to subcontract.

(ii) Consider debarment or suspension of a contractor when cause, as defined under FAR 9.406–2 for debarment and FAR 9.407–2 for suspension, is shown. Contracting officers should consult with their appropriate legal counsel before making a decision to initiate debarment or suspension proceedings. If a determination is made that available facts do not justify beginning debarment or suspension proceedings, the file should be documented accordingly. This determination is subject to reconsideration if warranted by new information.

(iii) When the decision is made to initiate debarment and/or suspension of a contractor, the Procurement Executive must prepare a notice in accordance with FAR 9.406–3(c) or FAR 9.407–3(c). The draft notice, along with the administrative file containing all relevant facts and analysis must be forwarded to the PE, as the debarring and suspending official, following review by the activity's legal counsel.

(2) The Procurement Executive shall:

(i) Review the notice and administrative file for sufficiency and provide for review by other DOL officials as considered appropriate;

(ii) In accordance with FAR 9.406–3(c) or FAR 9.407–3(c), if it is determined that action is warranted, give the contractor prompt notice of the proposed debarment or suspension;

(iii) Direct additional fact-finding as necessary when material facts are in dispute.

(iv) Notify the contractor and any affiliates involved of the final decision to debar or suspend, including a decision not to debar or suspend, in accordance with FAR 9.406–3(c) and FAR 9.407–3(c).

(v) Be responsible for accomplishing the actions required in FAR 9.404(c) within five working days after debarring or suspending a contractor or modifying or rescinding such an action.

(vi) Maintain Department-wide records of debarred or suspended contractors in accordance with FAR 9.404.

2909.405 Effect of listing.

(a) Contractors debarred, suspended, or proposed for debarment are excluded from receiving contracts, and agencies must not solicit offers from, award contracts to, or consent to subcontract with these organizations, unless the HCA determines in writing that there is a compelling reason for such action and the Assistant Secretary for Administration and Management approves such determinations.

(b) Bids received from any listed contractor in response to an invitation for bids must be entered on the abstract of bids, and rejected unless the HCA determines in writing that there is a compelling reason to consider the bid and the ASAM approves such action.

(c) Proposals, quotations, or offers received from any listed contractor shall not be evaluated for award or included in the competitive range, nor shall discussions be conducted with a listed offeror during a period of ineligibility, unless the HCA determines in writing that there is a compelling reason to do so and the ASAM approves such action.

2909.405–1 Continuation of current contracts.

(a) At the time an option is being exercised, contracting officers must review the List of Parties Excluded from Federal Procurement and Nonprocurement Programs. If a contractor or significant subcontractor is identified in the listing, the contracting officer must make a written determination either to proceed or to terminate the contract, and must explain the rationale for the decision. In accordance with FAR 9.405–1, contracting officers may continue contracts or subcontracts in existence at the time a contractor is suspended or debarred, unless it is determined that termination of the contract is in the best interest of the Government. The contracting officer must make such determination in writing, after consulting with the contracting officer's technical representative and legal counsel. The determination must be approved by the HCA.

(b) Contracting activities must not renew or otherwise extend the duration of current contracts, or consent to subcontracts, with contractors debarred, suspended, or proposed for debarment, unless the HCA states, in writing, the compelling reasons for renewal or extension and the ASAM approves such action.

2909.406 Debarment.

2909.406–1 General.

(a) The Procurement Executive (PE) is the debarring official for DOL and is authorized to debar a contractor for any of the causes in FAR 9.406–2, using the procedures in 2909.406–3.

(b) The Procurement Executive is authorized to make an exception, regarding debarment by another agency debarring official in accordance with the conditions in FAR 9.406–1(c).

2909.406–3 Procedures.

(a) *Investigation and referral.* Whenever a DOL employee knows a cause for debarment, as listed in FAR 9.406–2, the appropriate HCA affected must be notified. The contracting officer must consult with the Office of the Solicitor and the Office of the Inspector General, as appropriate, and submit a formal recommendation documenting the cause for debarment to the PE.

(b) *Notice of proposal to debar.* Based upon review of the recommendation to debar and consultation with the Office of the Solicitor and Office of the Inspector General, as appropriate, the PE must initiate proposed debarment by taking the actions listed in FAR 9.406–3(c) and advising the contractor of DOL's rules under 2909.4.

(c) *Fact-finding proceedings.* For actions listed under FAR 9.406–3(b)(2), the PE must afford the contractor the opportunity to appear at an informal fact-finding proceedings as required by FAR 9.406–3(b)(2)(i). The proceeding must be conducted by the Office of Administrative Law Judges and must be held at a date and location reasonably convenient to the parties concerned. Subject to the provisions of 29 CFR Part 18, entitled ''Rules Of Practice And Procedure For Administrative Hearings Before The Office Of Administrative Law Judges'', the contractor and any specifically named affiliates, may be represented by counsel or any duly authorized representative. Either party may call witnesses. The proceedings must be conducted expeditiously and in

such a manner that each party will have a full opportunity to present all information considered pertinent to the proposed debarment. A transcript of the proceedings must be made available to the contractor under the conditions in FAR 9.406–3(b)(2)(ii).

(d) *Decision and notice.* The PE shall make a decision on imposing debarment in accordance with the procedures in FAR 9.406–3(d), findings of fact of the Administrative Law Judge, and the conditions in FAR 9.406–4 and 9.406–5. Notice of the decision must be provided to the contractor and any affiliates involved in accordance with the procedures in FAR 9.406–3(e).

2909.407 Suspension.

(a) The Procurement Executive is the suspending official for DOL and is authorized to suspend a contractor for any of the causes in FAR 9.407–2, using the procedures in 2909.406–3.

(b) The Procurement Executive is authorized to make an exception, regarding suspension by another agency suspending official, under the conditions in FAR 9.407–1(d).

2909.407–1 General.

(a) *Investigation and referral.* Whenever a DOL employee knows a cause for suspension, as listed in FAR 9.407–2, the appropriate HCA affected must be notified. The HCA must consult with the Office of the Solicitor and the Office of the Inspector General, as appropriate, and submit a formal recommendation documenting the cause for suspension, to the Procurement Executive.

(b) *Notice of suspension.* Based upon review of the recommendation to suspend, and consultation with the Office of the Solicitor and the Office of the Inspector General, as required, the PE will initiate suspension by taking the actions listed in FAR 9.407–3(c) and advising the contractor of DOL's rules under this subpart.

(c) *Fact-finding proceedings.* For actions listed under FAR 9.407–3(b)(2), the Procurement Executive must afford the contractor the opportunity to appear at informal proceedings, as required by FAR 9.407–3(b)(2)(i). Either party may call witnesses. The proceedings must be conducted expeditiously and in such a manner that each party will have a full opportunity to present all information considered pertinent to the proposed suspension.

(d) *Suspension decisions.* The Procurement Executive must make a final decision on suspension as prescribed in FAR 9.407–3(d). Notice of the decision must be provided to the contractor and any affiliates involved, in accordance with the provisions in FAR 9.407–3(d)(4).

Subpart 2909.5—Organizational and Consultant Conflicts of Interest

2909.503 Waiver.

(a) The PE is delegated authority by the ASAM to waive any general rule or procedure in FAR 9.5 when its application in a particular situation would not be in the Government's best interest.

(b) Requests for waivers must be made by the HCA to the PE. Each request must include:

(1) An analysis of the facts involving the potential or actual conflict including benefits and detriments to the Government and prospective contractors;

(2) A discussion of the factors which preclude avoiding, neutralizing, or mitigating the conflict; and

(3) Identification of the provision(s) in FAR 9.5 to be waived.

(c) In making determinations under this subpart the PE must request the opinion of the Office of the Solicitor, Division of Legislation and Legal Counsel.

2909.506 Procedures.

(a) If a prospective contractor disagrees with the decision of a contracting officer regarding an organizational conflict of interest and requests higher level review as referred to in FAR 9.506 the matter must be referred to the Office of the Solicitor, Associate Solicitor for Legislative and Legal Counsel, and the Director, Division of Acquisition Management Services.

(b) Referrals must be made by the head of the contracting agency concerned and include the contracting officer's decision and the position of the prospective contractor.

PART 2910—MARKET RESEARCH

Sec.

2910.002 Procedures.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

2910.002 Procedures.

(a) In accordance with FAR 6.302–1(c), purchase descriptions must not specify a product, or specific feature of a product, peculiar to a manufacturer unless they are justified to the contracting officer in writing by the office initiating the purchase request. The justification must state that the product, or specific product feature, is essential to the Government's requirements and other similar products or features will not meet these requirements. This determination must be signed by a representative of the office originating the request and must accompany the purchase requisition submitted to the appropriate contracting office. If such a justification is not made, the contracting officer may assume that another make and model, or a generic product could equally meet the DOL requirement.

(b) In accordance with FAR 10.002(b), the requisitioning office must submit to the contracting officer information demonstrating that a variety of products from various commercial sources have been considered. This requirement is not necessary for required sources (See FAR 8.001). Orders to be placed against non-mandatory sources, such as the Federal Supply Schedules, or other Governmentwide Acquisition Contracts, should include product information concerning multiple sources based on research from the Government web site or other sources. When documented in this manner, the contracting officer may rely on this information in developing a procurement strategy, or for documenting the comparison of catalogs or pricelists.

PART 2911—DESCRIBING AGENCY NEEDS

Subpart 2911.1—Selecting And Developing Requirements Documents

Sec.

2911.103 Market acceptance.

Subpart 2911.5—Liquidated Damages

2911.501 Policy.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 2911.1—Selecting and Developing Requirements Documents

2911.103 Market acceptance.

The authority of the Head of an Agency under FAR 11.103(a), to require offerors to demonstrate that the items offered have either achieved commercial market acceptance or been satisfactorily supplied to an agency under current or recent contracts for the same or similar requirements, and otherwise meet the item description, specifications, or other criteria prescribed in the public notice and solicitation, is delegated to the HCA.

Subpart 2911.5—Liquidated damages

2911.501 Policy.

In accordance with FAR 11.501(d), the authority of the Head of Agency to recommend to the Department of Treasury, Commissioner, Financial Management Services, that the amount of a contractor's liquidated damages be waived or reduced in whole or in part, is delegated to the HCA.

PART 2912—ACQUISITION OF COMMERCIAL ITEMS

Subpart 2912.3—Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items

Sec.

2912.302 Tailoring of provisions and clauses for the acquisition of commercial items.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 2912.3—Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items

2912.302 Tailoring of provisions and clauses for the acquisition of commercial items.

In accordance with FAR 12.302(c), a request for waiver to tailor terms inconsistent with customary commercial practice must be documented in a written justification by the contracting officer, and may be approved by the HCA on an individual or class basis.

PART 2913—SIMPLIFIED ACQUISITION PROCEDURES

Subpart 2913.1—Procedures

Sec.

2913.106–3 Soliciting competition, evaluation of quotations or offers, award and documentation.

2913.2—Actions at or Below the Micropurchase Threshold

2913.3—Simplified Acquisition Methods

2913.301 Governmentwide Commercial Purchase Card.

2913.307 Forms.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 2913.1—Procedures

2913.106–3 Soliciting competition, evaluation of quotations or offers, award and documentation.

(a) In accordance with FAR 13.106–3(b), simplified acquisition files must contain documentation of the factors considered in making an award in excess of the micro-purchase threshold. When other than the lowest responsive quotation from a responsible supplier is used as the basis for a purchase, the contracting officer must identify the basis (*i.e.* best value) of the award and include in the purchase file documentation of the reasons for rejecting any lower quotation and the name of the individual responsible for making the determination to award to other than the lowest priced quotation. The contracting officer has broad discretion in determining the award of a purchase order, which may be based on the factors listed in FAR 13.106–3. This requirement does not necessitate a separate determination if the procurement file contains preprinted standardized classifications for award.

Subpart 2913.2—Actions at or Below the Micro-Purchase Threshold

The Government commercial purchase card must be used in preference to other methods of procurement for purchases up to the micropurchase threshold. Other small purchase methods (Blanket Purchase Agreements, third party drafts, and purchase orders) may be used in lieu of the Government purchase card when it is more cost-effective or practicable.

Subpart 2913.3—Simplified Acquisition Methods

2913.301 Governmentwide Commercial Purchase Card.

(a) The Government purchase card has far fewer requirements for documentation than other methods of purchasing. However, the same legal restrictions apply to credit card purchases that apply to other purchases using appropriated funds. If a purchase cardholder has questions about the lawfulness of a particular purchase, he or she must initially consult their appropriate office purchase card administrator, who will consult the Office of the Solicitor as necessary.

(b) GAO decisions surrounding the concept of the ''availability of appropriations'' are often stated in terms of whether appropriated funds are or are not ''legally available'' for a given expenditure. Restrictions on the purposes for which appropriated funds may be used come from a variety of sources, including the DOL Appropriations Acts, and decisions of the Comptroller General and his predecessor, the Comptroller of the Treasury.

(c) HCAs, Administrative Officers, and contracting officers are encouraged to review the GAO publication entitled Principles of Federal Appropriations Law. This document must be consulted when developing Office/Agency Purchase/Credit Card Program procedures. A number of the more common restrictions which ''accounting officers of the Government'' have had frequent occasion to consider and apply include, for example:

(1) Payment of attorney's fees;

(2) Purchase of food, entertainment or recreation;

(3) Payment of personal membership fees; and

(4) Payment of personal expense items such as gifts for employees, and entry fees for contests.

2913.307 Forms.

(a) In accordance with FAR 13.307, Agencies may use order forms other than the Standard Form (SF) 1449 and may print on those forms the clauses considered to be suitable for purchases. Alternate forms should conform with the Standard Form to the maximum extent practicable.

(b) The SF 30 is to be used to modify a purchase order.

PART 2914—SEALED BIDDING

Subpart 2914.4—Opening of Bids and Award of Contract

Sec.

2914.404–1 Cancellation of invitations after opening.

2914.407–3 Other mistakes disclosed before award.

2914.408 Award.

2914.408–1 General.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 2914.4—Opening of Bids and Award of Contract

2914.404–1 Cancellation of invitations after opening.

The authority of the agency head in FAR 14.404–1(c) and (f) to make a written determination to cancel an invitation for bids and reject all bids after opening and to authorize completion of the acquisition through negotiation, is delegated to the HCA.

2914.407–3 Other mistakes disclosed before award.

(a) The authority to make determinations, as conferred by FAR 14.407–3 (e) is delegated to the HCA, without power of redelegation, but only after consultation with the Office of the Solicitor. All such determinations shall be documented in the contract file.

(b) The following procedures must be followed when submitting doubtful cases of mistakes in bids to the Comptroller General for an advance decision, as provided by FAR 14.407–3(i).

(1) Requests must be made by the HCA after consultation with the Office of Solicitor.

(2) Requests must be in writing, dated, signed by the requestor, addressed to the Comptroller General of the United States, General Accounting Office, Washington, DC 20548, and contain the following:

(i) The name and address of the party requesting the decision; and

(ii) A statement of the question to be decided, a presentation of all relevant

facts, a statement of the requesting party's position with respect to the question, and copies of all pertinent records and supporting documentation.

2914.408 Award.

2914.408–1 General.

(a) When only one bid is received in response to an invitation for bids, such bid may be considered and accepted if the contracting officer makes a written determination that:

(1) The specifications used in the invitation were not unduly restrictive,

(2) Adequate competition was solicited and it could have been reasonably assumed that more than one bid would have been submitted,

(3) The price is reasonable, and

(4) The bid is otherwise in accordance with the invitation for bids.

(b) Such a determination must be placed in the contract file.

PART 2915—CONTRACTING BY NEGOTIATION

Subpart 2915.4—Contract Pricing

Sec.
2915.405–70 Determining fair and reasonable price.

Subpart 2915.5—Preaward, Award, and Postaward Notifications, Protests, and Mistakes

2915.508 Discovery of mistakes.

Subpart 2915.6—Unsolicited Proposals

2915.604 Agency points of contact.
2915.605 Content of unsolicited proposals.
2915.606 Agency procedures.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 2915.4—Contract Pricing

2915.405–70 Determining fair and reasonable price.

(a) Where the contractor insists on a price or demands a profit or fee that the contracting officer considers unreasonable, and the contracting officer has taken all authorized actions to resolve the matter (see FAR 15.402), the contract action must be referred to the HCA for final resolution.

(b) Resolution under paragraph (a) of this subsection, must be documented and signed by the HCA, and included in the contract file.

Subpart 2915.5—Preaward, Award, and Postaward Notifications, Protests, and Mistakes

2915.508 Discovery of mistakes.

(a) The HCA is authorized to make the administrative determinations in FAR 15.508 after consultation with the Office of the Solicitor as required by FAR 14.407–4. This authority may not be redelegated.

(b) The contracting officer must process a mistake and prepare a case file in accordance with the requirements of FAR 14.407–4(e)(2). The file must be submitted to the HCA for final determination.

Subpart 2915.6—Unsolicited Proposals

2915.604 Agency points of contact.

(a) HCAs shall be the preliminary contacts for unsolicited proposals. This responsibility may be delegated.

(b) HCAs must establish within their agencies procedures for handling unsolicited proposals to ensure that unsolicited proposals are controlled, evaluated, safeguarded and disposed of in accordance with FAR 15.6.

(c) The HCA must not forward for consideration an unsolicited proposal, if the proposal resembles an upcoming solicitation, or a procurement identified in the current annual acquisition plan.

2915.605 Content of unsolicited proposals.

In addition to the contents required by FAR 15.605, unsolicited proposals for research should contain a commitment by the offeror to include cost-sharing, or should represent a significant cost savings to the Department of Labor.

2915.606 Agency procedures.

When an unsolicited proposal is received by an official of the Department of Labor, the recipient of the proposal must forward it to the HCA. The HCA must address the requirements of FAR 15.604. The HCA must determine if there is an office(s) within the Department of Labor whose mission could be impacted by the proposal. If there is, the HCA must designate a recipient within that office as an ''assignee'', and take the following action:

(a) Within seven (7) working days of receipt, the HCA must forward the proposal to the assignee along with instructions concerning the security, review and disposition of the document.

(1) Inform the offeror of this transfer in writing (preferably by facsimile or other electronic means).

(2) Within one (1) month of receipt of the unsolicited proposal by the assignee, the office receiving the proposal must determine the merit of the unsolicited proposal.

(i) If the office finds insufficient merit to consider the unsolicited proposal further, then a letter will be sent to inform the offeror that their proposal will not be considered further, and is not being retained.

(ii) If, after a comprehensive evaluation as defined by FAR 15.606–2, the office finds merit in the proposal, it must consult with a DOL contracting officer for direction in complying with FAR 15.607. If not excluded by a condition of FAR 15.607(a), a requisition may be prepared in accordance with FAR 15.607(b). If the requirement exceeds the simplified acquisition threshold inclusive of options then a request must be prepared for the Procurement Review Board in accordance with Department of Labor procedures stated in Department of Labor Manual Series 2–830 (available by mail from the Division of Acquisition Management Services).

(b) If within one (1) month of receipt (by the HCA) no assignee can be identified, the HCA must notify the offeror that the proposal is not being considered further.

PART 2916—CONTRACT TYPES

Sec.
2916.000 Scope of part.

Subpart 2916.5—Indefinite-Delivery Contracts

2916.505 Ordering.

Subpart 2916.6—Time-and-Materials, Labor-Hour, and Letter Contracts

2916.603–2 Application.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

2916.000 Scope of part.

This part describes types of contracts that may be used in acquisitions. It further prescribes policies and procedures for implementing contracts.

Subpart 2916.5—Indefinite-Delivery Contracts

2916.505 Ordering.

In accordance with FAR 16.505(b)(5), the Department of Labor Task Order and Delivery Order Ombudsman is the DOL Competition Advocate (*see* DOLAR Part 2902).

Subpart 2916.6—Time-and-Materials, Labor-Hour, and Letter Contracts

Purchase orders for services above $25,000, task orders against DOL contracts, and GSA for orders against GSA or other Governmentwide contracts for services must comply with the provisions of FAR 16.505.

2916.603–2 Application.

The HCA is authorized to extend the period for definitization of a letter contract required by FAR 16.603–2(c) in extreme cases, where it is determined in writing that such action is in the best interest of the Government.

PART 2917—SPECIAL CONTRACTING METHODS

Sec.

2917.000 Scope of part.

Subpart 2917.2—Options

2917.207 Exercising options.

Subpart 2917.5 —Interagency Acquisitions Under The Economy Act

2917.500 Scope of subpart.
2917.501 Definitions.
2917.502 General.
2917.503 Determinations and findings requirements.
2917.504 Ordering procedures.
2917.504–70 Signature authority and Internal Procedures.

Authority: 5 U.S.C. 301; 31 U.S.C. 1535; 40 U.S.C. 486(c).

2917.000 Scope of part.

This part implements policies and procedures stated in FAR Part 17.

Subpart 2917.2—Options

The HCA may, in unusual circumstances, approve option quantities in excess of the 50 percent limit prescribed in FAR 17.203(g)(2). The documentation required by FAR 17.205(a) must include a written justification to fully support the need for such action.

2917.207 Exercising options.

The contracting officer must use a standardized determination and finding before exercising an option in accordance with FAR 17.207(f).

Subpart 2917.5—Interagency Acquisitions Under the Economy Act

2917.500 Scope of subpart.

This subpart establishes DOL policy and procedures to assure the appropriate and consistent use of interagency acquisitions under the Economy Act (31 U.S.C. 1535) as prescribed by FAR 17.5.

2917.501 Definitions.

Interagency Acquisition means a procedure by which a DOL agency obtains needed supplies or services from, or through, another DOL agency or Federal agency, and appropriated funds are obligated.

Interagency Agreement means the legal instrument used for an interagency acquisition to exchange funds or property between two DOL organizations, or between a DOL agency and another Federal agency. This instrument is used when the DOL organization meets the definition of either the Requesting Agency or the Servicing Agency.

Interagency Agreement and *Interagency Acquisition* does not include:

(1) Agreements involving supplies and services acquired from or through mandatory sources, as described in FAR Part 8;

(2) Contracts with the Small Business Administration based upon Section 8(a) of the Small Business Act or a HUBZone small business under the Historically Underutilized Business Zone (HUBZone) Act of 1997;

(3) Cooperative agreements and grants; or

(4) Any agreement or acquisition, where a statute authorizes exception.

Military Interdepartmental Procurement Request (MIPR) means a type of interagency agreement used to place orders for supplies and non-personal services with a military department.

Requesting Agency means the Federal agency that needs the supplies or services, and is obligating the funds to provide for the costs of performance.

Servicing Agency means the Federal agency which is providing the supplies, or performing the services, directly or indirectly, and will be receiving the funds to provide for the costs of performance.

2917.502 General.

(a) *Policy.* It is the policy of DOL to require that interagency agreements are written to assure that the obligation of fiscal year funds is valid, that statutory authority exists to obtain or perform the stated requirements, that the stated requirements are consistent with DOL's mission responsibilities, and that each agreement complies with applicable laws and regulations.

(b) *Applicability.* The provisions of this subpart apply to interagency acquisitions and agreements under the Economy Act.

(c) *Appropriations principles.* The appropriate use of interagency acquisitions embodies several principles of Federal appropriations law.

(1) In order to record a valid obligation of appropriations, 31 U.S.C. 1501 imposes the requirements that interagency agreements be:

(i) A binding written agreement for specific goods or services to meet an existing *bona fide* need;

(ii) For a purpose authorized by law; and

(iii) Executed and obligated by the receiving agency before the expiration of available funds.

(2) The Economy Act authorizes interagency acquisitions, and provides for payment in advance, as well as reimbursement to the appropriation account to which the performance costs have been charged. The Economy Act further authorizes the servicing agency, as an alternative to fulfilling the requirement through internal resources, to obtain the needed supplies or services by contract.

(3) An agreement entered into under the Economy Act is recorded as an obligation by the requesting agency the same as a contract. However, under the Economy Act, the obligated appropriations must be deobligated upon the date of ''expiration'' of the appropriation account to the extent that the servicing agency has not incurred obligations through charged costs or under a contract.

(4) Within DOL, the DOL agencies have a number of statutory authorities available for entering into interagency agreements. Each DOL agency, in consultation with the Office of the Solicitor, must be responsible for determining those authorities, as well as constraints applicable to the use of advance payments and contractors, and set-up procedures.

2917.503 Determinations and findings requirements.

Applicability. Before the execution of an interagency agreement under the Economy Act, the contracting officer, or other authorized official, must sign the determination required in FAR 17.503 and 31 U.S.C. 1535.

2917.504 Ordering procedures.

(a) Requests for the processing of interagency agreements must be submitted to the procurement office serving the requisitioning office.

(b) The Procurement Request (PR) must state whether the work is to be performed by a DOL organization, a Federal agency other than DOL, or through one of these entities by a contractor.

(c) Where the Economy Act is to be used as the authority for an interagency acquisition, the requisitioning office must include the facts which support the conclusion that it is more economical to obtain the required supplies or services through the proposed interagency agreement, rather than by direct contract with a commercial concern. Current market prices or recent procurement prices may be used in this process.

(d) Orders placed under interagency agreements may take any form that is legally sufficient and reflects the agreement of the parties.

(e) The contracting officer, or authorized official, must assure compliance with the ordering procedures and payment provisions

prescribed in FAR 17.504 and FAR 17.505, and require inclusion of the following provisions in all interagency agreements and/or orders placed against them:

(1) Legislative authority;

(2) Period of performance;

(3) Dollar amount of agreement;

(4) Billing provisions, including the name and address of the following offices:

(i) Designated office to receive the required deliverables; and

(ii) Designated office to receive billings and process payments;

(5) Modification and termination provisions; and

(6) Other provisions, as appropriate.

(f) The Contracting Officer must assure that each interagency agreement or order placed against it includes a reference number assigned by each of the parties. Such numbers must be assigned in accordance with the existing procedures established by the respective organizations.

(g) Modifications to existing interagency agreements may be accomplished through the use of a SF 30, Amendment of Solicitation/Modification of Contract, or through any other format acceptable to the parties.

2917.504–70 Signature authority and internal procedures.

(a) A DOL contracting officer, HCA, Agency Head, or another official designated by the ASAM in accordance with FAR 17.503(c), must sign interagency agreements and/or orders placed against them which will result in a procurement action by the requesting or servicing agency.

(b) Internal procedures (DLMS 3–1700) require DOL Agency Heads to provide notice to the Director, Executive Secretariat of the signing of all new Federal Interagency Agreements and deleting expired agreements.

(c) Agencies should be aware that, in addition to the requirements of this subpart, there are various other internal Departmental procedures that apply to various types of agreements. Agencies should consult with the Office of the Solicitor and the Office of the Assistant Secretary for Administration and Management, as appropriate.

PART 2918—RESERVED

PART 2919—SMALL BUSINESS AND SMALL DISADVANTAGED BUSINESS CONCERNS

Sec.

2919.000 Scope of part.

Subpart 2919.2—Policies.

2919.201 General policy.

2919.202 Specific policies.

2919.202–1 Encouraging small business participation in acquisitions.

2919.202–2 Locating small Business sources.

Subpart 2919.5—Set-Asides for Small Business.

2919.502 Setting Aside Acquisitions.

2919.505 Rejecting Small Business Administration recommendations.

Subpart 2919.7—The Small Business Subcontracting Program.

2919.705–1 General Support for the Program.

2919.705–5 Awards involving subcontracting plans.

2919.705–6 Post-award responsibilities of the contracting officer.

2919.706 Responsibilities of the cognizant administrative contracting officer.

Subpart 2919.8—Contracting with the Small Business Administration (The 8(a) Program).

2919.812 Contract Administration.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

2919.000 Scope of part.

This part implements FAR Part 19 and small business programs at the Department of Labor.

Subpart 2919.2—Policies

2919.201 General Policy.

(a) It is the policy of the Department of Labor to provide maximum practicable opportunities to small businesses in acquisitions.

(b) Management responsibilities for small and disadvantaged business utilization are the responsibility of the Director, Office of Small Business Programs (OSBP). This individual is responsible for performing all functions and duties prescribed in FAR 19.2 including appointing, as prescribed in FAR 19.201(d)(8), a small business specialist (SBS) for each contract office. The Department of Labor Manual Series (DLMS), Chapter 2 1000, addresses the implementation of the preference programs in procurement including HUBZone, Subcontracting Plans, Standard Form 294 (Subcontracting Report for Individual Contracts), and the report, Standard Form 295 (Summary Subcontracting Report) submission, *et al.*

(c) All DOL procurements over the simplified acquisition threshold, whether being conducted via open market or by ordering from a pre-existing contract vehicle such as GSA Schedule, must be reviewed and receive a recommendation by the Office of Small Business Programs (OSBP), the Department of Labor's Office of Small Disadvantaged Business Utilization, prior to being advertised. The Acquisition Screening and Review Form DL–1–2004 shall be used for this purpose and the statement of work and market survey documentation shall be submitted to OSBP with the request for review.

2919.202 Specific policies.

Contracting Officers, administrative officers and program management shall ensure that procurements are structured and conducted to afford small businesses the maximum practicable opportunity to participate in DOL's prime and subcontracts. Administrative officers will review requisitions, which will result in an award of $2 million or more, using available information to certify whether the acquisition would constitute a ''bundled contract'' under the definition provided in FAR 2.101 in accordance with procedures established by the Office of Small Business Programs. Each certification will be submitted to the Division of Acquisition Management Services, and included with the requisition to the Contracting Officer. Reports will be provided to the Office of Small Business Programs.

2919.202–1 Encouraging small business participation in acquisitions.

During the performance of a contract, the contracting officer will consider performance against subcontracting plan goals, objectives and planned efforts before exercising an optional period of performance. The Contracting Officer will document the evaluation of the contractor's actual performance using SF–294 data compared to their approved subcontracting plan goals.

2919.202–2 Locating small business sources.

Any procurement conducted on an unrestricted basis will include solicitations to small businesses of each category with legislatively established government-wide procurement goals (*e.g.* small, small disadvantaged, women-owned small, HUBZone and service disabled veteran-owned small businesses) to the extent practicable.

Subpart 2919.5—Set-Asides for Small Business

2919.502 Setting Aside Acquisitions.

Contracting Officers will conduct market surveys specifically to determine whether procurements should be conducted via 8(a) procedures, HUBZone procedures or as small business set-asides. If a reasonable expectation exists that at least two responsible small businesses may submit offers at fair market prices (three responsible small businesses in

procurements via GSA Federal Supply Schedule), then the procurement will be set aside for small business. Market surveys will be documented in all procurement actions not reserved for small businesses.

2919.505 Rejecting Small Business Administration recommendations.

When the SBA Procurement Center Representative appeals a ''rejection of an SBA recommendation'' as referenced in FAR 19.505(b)&(c), the appeal must be referred to the Assistant Secretary for Administration and Management who is authorized to make a final decision.

Subpart 2919.7—The Small Business Subcontracting Program

2919.704 Subcontracting Plan Requirements

Contracting Officers will refer subcontracting plans to Office of Small Business Programs for review and recommendation before awarding contracts that require subcontracting plans. Contracting Officers will document the substance of any agreement with the Contractor that permits performance at less than the stated goals recommended by the Office of the Small Business Programs.

2919.705–1 General Support for the Program.

Contracting Officers will make available a significant number of award points for quality of the subcontracting plan. High rated subcontract plans will incorporate the highest yield of subcontracting to all categories of small businesses when compared to DOL or separately negotiated agency subcontracting goals on a dollar and percentage basis. Conversely, prime small businesses will be compared favorably to large businesses with subcontract goals, but may also be given the maximum score for qualifying under multiple small business categories. Contracting Officers may also make available a significant number of award points for performance against previous subcontracting plan goals and efforts to achieve those goals.

2919.705–5 Awards involving subcontracting plans.

The Office of Small Business Programs will review subcontracting plans and SF 295 submissions for performance against business goals negotiated between the Department of Labor and the Small Business Administration.

2919.705–6 Post-award responsibilities of the contracting officer.

(a) Even when a subcontracting plan was submitted to and approved by OSBP before award, the contracting officer upon award, amendment, or significant modification of a contract, must forward to the Director, OSBP, a copy of the subcontracting plan that was incorporated into a contract or contract modification.

(b) Each contracting activity must maintain a list of active prime contracts containing subcontracting plans.

2919.706 Responsibilities of the cognizant administrative contracting officer.

Contracting officers must collect annual and semiannual subcontracting reports from contractors with established subcontracting plans. Copies of the report, Standard Form 294 (Subcontracting Report for Individual Contracts), and the report, Standard Form 295 (Summary Subcontracting Report), must be forwarded to the Director, OSBP, not later than the 30th day of the month following the close of the reporting period. If the contractor has not met the goals for the reporting period, the contracting officer will provide an acknowledgement to the contractor and request corrective action to be taken. If goals are not met in subsequent periods, the Contracting officer must consider factors that would demonstrate a good faith effort, and take appropriate action including assessing liquidated damages in accordance with FAR 52.219–16, and/or not exercising subsequent option periods.

Subpart 2919.8—Contracting With the Small Business Administration (the 8(a) Program)

2919.812 Contract administration.

(a) Contracting officers, or designees, must conduct periodic evaluations of the performance of an 8(a) contract at various stages of the contract period of performance. Any problems encountered during the performance evaluation, which cannot be resolved, must be referred to OSBP for subsequent review and discussion with the appropriate SBA official.

(b) The OSBP and SBA should be notified at least 45 days before initiating final action to terminate an 8(a) contract.

PART 2920—2921 [RESERVED]

PART 2922—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

Subpart 2922.1—Basic Labor Policies

Sec.

2922.101–3 Reporting labor disputes.
2922.101–4 Removal of items from contractor's facilities affected by work stoppages.
2922.103–4 Approvals.

Subpart 2922.8—Equal Employment Opportunity

2922.802 General.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 2922.1—Basic Labor Policies

2922.101–3 Reporting labor disputes.

Potential or actual labor disputes that may interfere with contract performance must be reported by the contracting activity to the Office of the Solicitor for legal advice or assistance. It may also become necessary to seek advice or assistance from the National Office of the Federal Mediation and Conciliation Service, 2100 K Street, NW, Washington, DC, 20006, or other mediation agencies.

2922.101–4 Removal of items from contractor facilities affected by work stoppages.

Before initiating any action under FAR 22.101–4 for removal of items from contractors' facilities, the contracting officer must obtain legal advice from the Office of the Solicitor.

2922.103–4 Approvals.

The ''agency approving official'' as identified in FAR 22.103–4(a) and (b) is a manager, supervisor, or executive responsible for the contracting officer's technical representative (see 2901.603–71).

Subpart 2922.8—Equal Employment Opportunity

2922.802 General.

Executive Order 11246, as amended, sets forth the Equal Opportunity clause and requires that the Secretary of Labor promote full realization of equal opportunity for all persons regardless of race, color, religion, sex, or national origin. No DOL contracting officer may contract for supplies or services in a manner to avoid applicability of the requirements of E.O. 11246.

PART 2923—ENVIRONMENT, ENERGY AND WATER EFFICIENCY, RENEWABLE ENERGY TECHNOLOGIES, OCCUPATIONAL SAFETY, AND DRUG-FREE WORKPLACE

Subpart 2923.2—Energy and Water Efficiency and Renewable Energy

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c); 42 U.S.C. 8262(g).

Subpart 2923.2—Energy and Water Efficiency and Renewable Energy

2923.271 Purchase and use of environmentally sound and energy efficient products and services.

(a) The GSA Federal Supply Schedule Products Guide identifies the recycled and recycled-content items available in the GSA FSS supply system. Copies of the guide may be obtained, without cost, from the GSA, Centralized Mailing List Service, P.O. Box 6477, Fort Worth, Texas 76115, or by calling (817) 334–5215. See also GSA Advantage!

(b) Executive Order 13123, Greening the Government Through Efficient Energy Management, dated June 8, 1999, requires agencies to select for procurement those energy consuming goods or products which are the most life cycle cost-effective (*see* FAR 7.101). Green purchasing includes the acquisition of recycled content products, environmentally preferable products and services, biobased products, energy- and water-efficient products, alternate fuel vehicles, and products using renewable energy.

(1) To the extent practicable, each program official must require vendors of goods or products to provide appropriate data that can be used to assess the life cycle cost of each good or product, including building energy system components, lighting systems, office equipment and other energy using equipment.

(2) In preparing solicitations and evaluating and selecting offers for award, contracting personnel must consider the life cycle cost data along with other relevant evaluation criteria. If life cycle costing is not used, the contract file must be documented to reflect the rationale for not obtaining and evaluating the data.

(c) Executive Order 13101, Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition, dated September 14, 1998, requires agencies to comply with executive branch policies for the acquisition and use of environmentally preferable products and services and implement cost-effective procurement preference programs favoring the purchase of these products and services.

(d) *Executive Order 13148 Greening The Government Through Leadership in Environmental Management Systems.* This Executive Order assists with developing an environmental management system (EMS). Green acquisition is an integral component of an EMS with energy conservation, recycling, *etc.* The following sources are provided as references for the subject matter indicated:

(1) *http://www.ofee.gov/gp/gp.htm.* The Office of the Federal Environmental Executive provides references to all greening the Government executive orders, web links to other relevant cites, and information on biobased and bioenergy products.

(2) *www.epa.gov/cpg.* The Comprehensive Procurement Guidelines program is part of EPA's continued effort to promote the use of materials recovered from solid waste. This listing provides information on products made from recycled materials, such as the carpeting and insulation used in office buildings, or reams of office paper.

(3) *www.energystar.gov.* ENERGY STAR is a government-backed program helping businesses and individuals protect the environment through superior energy efficiency. See also *http://www.eere.energy.gov/femp/procurement/.*

(4) *http://www.afdc.doe.gov/.* The Alternative Fuels Data Center is a one-stop shop for agency alternative fuel and vehicle information needs.

(5) *www.emall.dla.mil.* The Defense Logistics Agency has created an electronic mall for buying environmental preferable products.

SUBCHAPTER E—GENERAL CONTRACTING REQUIREMENTS

PART 2924–2927 [RESERVED]

PART 2928—BONDS AND INSURANCE

Subpart 2928.2—Sureties and Other Security for Bonds

Sec.

2928.204 Alternatives in lieu of corporate or individual sureties.

Subpart 2928.3—Insurance

2928.305 Overseas workers' compensation and war hazard insurance.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 2928.2—Sureties and Other Security for Bonds

2928.204 Alternatives in lieu of corporate or individual sureties.

Upon receipt of any of the types of securities listed in FAR 28.201 or FAR 28.203, the contracting officer must verify the validity of the security and coordinate the retention of the security with the Chief Financial Officer. Contracting officers may obtain access to Department of Treasury Circular 570 through the Internet at *http://www.fms.treas.gov/c570/index.html.*

Subpart 2928.3—Insurance

2928.305 Overseas workers' compensation and war hazard insurance.

The authority of the agency head to recommend to the Secretary of Labor waiver of the applicability of the Defense Base Act (42 U.S.C. 1651 *et seq.*) to any contract, subcontract, work location, or classification of employees, is delegated to the HCA.

PART 2929—TAXES

Sec.

Subpart 2929.1—General

2929.101 Resolving tax problems.

Subpart 2929.3—State and Local Taxes

2929.303 Application of state and local taxes to Government contractors and subcontractors.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 2929.1—General

2929.101 Resolving tax problems.

Contract tax problems or questions must be referred by the contracting officer to the Office of the Solicitor for resolution.

Subpart 2929.3—State and Local Taxes

2929.303 Applications of State and local taxes to Government contractors and subcontractors.

(a) Contractors may only be treated as agents of the Government for the purposes set forth in FAR 29.303(a) upon the written review and approval of the Assistant Secretary for Administration and Management.

(b) Requests for approval under paragraph (a) of this section must be submitted by the HCA through the Office of the Solicitor, to the Division of Acquisition Management Services, for further action.

PART 2930—COST ACCOUNTING STANDARDS ADMINISTRATION

Sec.

Subpart 2930.2—CAS Program Requirements

2930.201–5 Waiver.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 2930.2—CAS Program Requirements

2930.201–5 Waiver.

(a) The Head of Contracting Activity is authorized to waive CAS requirements as provided in FAR 30.201–5.

(b) Requests for waivers under paragraph (a) of this subsection must be prepared by the contracting officer as

prescribed in FAR 30.201–5(e) and submitted to the HCA.

PART 2931—CONTRACT COST PRINCIPLES AND PROCEDURES

Sec.

Subpart 2931.1—Applicability.

2931.101 Objectives.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 2931.1—Applicability

2931.101 Objectives.

Individual and class deviations from cost principles in FAR Part 31 must be processed as prescribed in DOLAR Subpart 2901.4.

PART 2932—CONTRACT FINANCING

Sec.

Subpart 2932.4—Advance Payments for Non-Commercial Items

2932.402 General.
2932.407 Interest.

Subpart 2932.7—Contract Funding

2932.703 Contract funding requirements.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 2932.4—Advance Payments for Non-Commercial Items

2932.402 General.

The HCA is authorized to approve determinations and findings as well as contract terms for advance payments. The contracting officer must submit a recommendation for approval or disapproval of the contractor's request to the HCA.

2932.407 Interest.

The HCA may authorize advance payments without interest pursuant to FAR 32.407.

Subpart 2932.7—Contract Funding

2932.703 Contract funding requirements.

(a) Except in unusual circumstances, the contracting office may not issue solicitations until an approved procurement request (PR), containing a certification that funds are available, has been received. However, the contracting office may take all necessary actions up to the point of contract obligation before receipt of the PR certifying that funds are available when:

(1) The Assistant Secretary, Inspector General, Bureau Chief, Deputy Under Secretary, Solicitor of Labor, Commissioner, or Director Women's Bureau certifies that such action is necessary to meet critical program schedules for their program area;

(2) The Budget Officer certifies that program authority has been issued and funds to cover the acquisition will be available before the date set for receipt of proposals;

(3) The solicitation includes the clause at FAR 52.232–18, Availability of Funds.

(b) The contracting office may not open bids/close solicitations until a PR, either planning or final, has been received that contains a certification of fund availability. Only the project or program official with the authority to commit funds from the agency that initiated the PR may make that written certification.

(c) The project or program office that initiated the PR is responsible for obtaining required certifications.

PART 2933—PROTESTS, DISPUTES, AND APPEALS

Sec.

Subpart 2933.1—Protests

2933.102 General.
2933.103 Protests to the agency.
2933.104 Protests to GAO.

Subpart 2933.2—Disputes and Appeals

2933.203 Applicability.
2933.209 Suspected fraudulent claims.
2933.211 Contracting officer's decision.
2933.212 Contracting officer's duties upon appeal.
2933.213 Obligation to continue performance.
2933.270 Department of Labor Board of Contract Appeals.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c); E.O. 12979, 60 FR 55171, 3 CFR, 1995 Comp., p. 417.

Subpart 2933.1—Protests

2933.102 General.

(a) The Division of Acquisition Management Services, N–5425, 200 Constitution Ave., NW., Washington DC 20210–0001, telephone (202) 693–7285, facsimile (202) 693–7290 (or the Office acting in that capacity), is responsible for coordinating procurement protests filed with the General Accounting Office.

(b) The authority of the Assistant Secretary for Administration and Management under FAR 33.102(b) to determine that a solicitation, proposed award, or award does not comply with the requirements of law or regulation may be delegated to the HCA.

2933.103 Protests to the agency.

(a) In accordance with Executive Order 12979, the following procedures apply to agency protests:

(1) The filing time frames in FAR 33.103(e) apply to agency protests. An agency protest is filed when the protest complaint is received at the location the solicitation designates for serving protests; or if none is designated, when filed with a contracting officer or HCA.

(2) An interested party filing an agency protest may request either that the contracting officer or the Agency Protest Official decide the protest. The ''Agency Protest Official'' is an individual above the level of the contracting officer and designated by the ASAM, such as the Competition Advocate. The deciding official, whether a C.O. or Agency Protest Official, who must work in consultation with the Office of Solicitor to resolve a protest.

(3) In addition to the information required by FAR 33.103(d)(2), the protest must:

(i) Indicate that it is a protest to the agency.

(ii) Be contemporaneously filed with the contracting officer.

(iii) State whether the protestor chooses to have the contracting officer or the Agency Protest Official decide the protest. If the protest is silent on this matter, the contracting officer will decide the protest.

(b) ''Interested Party'' means an actual or prospective offeror whose direct economic interest would be affected by the award of a contract or by the failure to award a contract.

(c) If the Agency Protest Official is chosen by the protestor to decide the protest, this is an alternative to a decision by the contracting officer, not an appeal. The Agency Protest Official will not consider appeals from a contracting officer's decision on an agency protest.

(d) The deciding official should consider conducting a scheduling conference with the protestor within five (5) days after the protest is filed. The scheduling conference will establish deadlines for written arguments in support of the agency protest and for agency officials to present information in response to the protest issues. Alternative Dispute Resolution (ADR) techniques will be considered if determined appropriate by the deciding official.

(e) Oral conferences may take place either by telephone or in person. Other parties may attend at the discretion of the deciding official.

(f) Apart from its protest document, the protestor will be given only one opportunity to support or explain in writing the substance of its protest. Department of Labor procedures do not provide for any discovery. The deciding official has discretion to request additional information from either the agency or the protestor. However, the deciding official will normally decide protests on the basis of information

provided by the protestor and the agency.

(g) The preferred practice is to resolve protests through informal oral discussion.

(h) An interested party may represent itself or be represented by legal counsel. The Department of Labor will not reimburse the protester for any legal fees or costs related to the agency protest.

(i) If an agency protest is received before contract award, the contracting officer may only make award if the HCA makes a determination to proceed under FAR 33.103(f)(1). Similarly, if an agency protest is filed within ten (10) days after award, or within five (5) days of the offered of a debriefing required by FAR 15.505 or 15.506, whichever is later, the contracting officer must suspend performance of the contract unless the HCA makes a determination to proceed under FAR 33.103(f)(3). Any stay of award or suspension of performance remains in effect until the protest is decided, dismissed, or withdrawn.

(j) The deciding official must make a best effort to issue a decision on the protest within twenty (20) days after the filing date. The decision may be oral or written, dependent upon advice of legal counsel.

(k) The deciding official must send a confirming letter within three (3) days after the decision using a means that provides evidence of receipt. The confirming letter must include the following information:

(1) State whether the protest was denied, sustained or dismissed.

(2) Indicate the date the decision was provided.

(3) If the deciding official sustains the protest, relief may consist of any of the following:

(i) Recommendation that the contract be terminated for convenience or cause, or that the solicitation be canceled.

(ii) Recompeting the requirement from the beginning of the solicitation or from the last round of negotiations.

(iii) Amending the solicitation.

(iv) Refraining from exercising contract options.

(v) Awarding a contract consistent with statute, regulation, and the terms of the solicitation.

(vi) Other action that the deciding official determines is appropriate.

(l) If the deciding official sustains a protest, then within 30 days after receiving the official's recommendations for relief, the contracting officer must either:

(1) Fully implement the recommended relief; or

(2) Notify the deciding official, if the contracting officer was not the deciding official, in writing, if any recommendations have not been implemented and explain why.

(m) If the protest is denied, and contract performance has been suspended under paragraph (i) of this section, the contracting officer will not lift such suspension until five (5) days after the protest decision has been issued, to allow the protester to file a protest with the General Accounting Office, unless the HCA makes a new finding under FAR 33.103(f)(3). The contracting officer shall consider allowing such suspension to remain in effect pending the resolution of any GAO proceeding.

(n) Proceedings on an agency protest may be dismissed or stayed if a protest on the same or similar basis is filed with a protest forum outside of the Department of Labor.

2933.104 Protests to GAO.

(a) *General procedures.* The HCA has the responsibility to prepare and provide to the General Accounting Office (GAO) the agency report with the information required by FAR 33.104(a). The agency report must be coordinated with the Office of the Solicitor before the report is signed and sent to the GAO.

(b) *Protests before award.* The authority of the HCA under FAR 33.104(b) to authorize a contract award when the agency has received notice from the GAO of a protest filed directly with the GAO is nondelegable. The HCA has the responsibility to prepare and provide to the GAO the written finding with the information required by FAR 33.104(b)(1). The written finding must be coordinated with Office of the Solicitor before the HCA affirms its approval by signing the written finding and sending it to the GAO. Copies of the signed written finding and the signed written notice to the GAO must be provided to the PE within two (2) working days after they are sent to the GAO.

(c) *Protests after award.* The authority of the HCA under FAR 33.104(c) to authorize contract performance when the agency has received notice from the GAO of a protest filed directly with the GAO is nondelegable. The HCA has the responsibility to prepare and provide to the GAO the written finding with the information required by FAR 33.104(c)(2). The written finding must be coordinated with the Office of the Solicitor before the notice is signed by the HCA and sent to the GAO.

(d) *Notice to the GAO.* The authority of the HCA under FAR 33.104(g), to report to the GAO the failure to fully implement the GAO recommendations with respect to a solicitation for a contract or an award or a proposed award of a contract within 60 days of receiving the GAO recommendations, is nondelegable. The written notice must be coordinated with the Office of the Solicitor before the notice is signed by the HCA and sent to the GAO. A copy of all notices to the GAO submitted in accordance with FAR 33.104(g) must be provided to the PE within 2 working days after they are sent to the GAO.

Subpart 2933.2—Disputes and Appeals

2933.203 Applicability.

The authority of the agency head to determine that the application of the Contract Disputes Act of 1978 to any contract with a foreign government or agency of that government, or an international organization or a subsidiary body of that organization, would not be in the public interest is delegated to the HCA.

2933.209 Suspected fraudulent claims.

The contracting officer must refer all matters relating to suspected fraudulent claims by a contractor under the conditions in FAR 33.209 to the Office of the Inspector General for further action or investigation.

2933.211 Contracting officer's decision.

The written decision required by FAR 33.211(a)(4) must include, in the paragraph listed under FAR 33.211(a)(4)(v), specific reference to the Department of Labor Board of Contract Appeals (LBCA), 800 K Street, NW., Washington, DC 20001–8002.

2933.212 Contracting officer's duties upon appeal.

(a) When a notice of appeal has been received, the contracting officer must endorse on the appeal the date of mailing (or the date of receipt if the notice was not mailed). The contracting officer must also notify the Solicitor of Labor of the appeal.

(b) The contracting officer should prepare and transmit the administrative file for the Office of the Solicitor and assist with the appeal.

2933.213 Obligation to continue performance.

The contracting officer must include the clause at FAR 52.233–1, Disputes (Alternate I), in contracts where continued performance is necessary pending resolution of any claim arising under or relating to the contract.

2933.270 Department of Labor Board of Contract Appeals.

(a) The Department of Labor Board of Contract Appeals (LBCA) is authorized by the Secretary to consider and

determine appeals from decisions of contracting officers arising under a contract, or relating to a contract, made by the Department or any other executive agency when such agency or the Administrator of the Office of Federal Procurement Policy has designated the LBCA to decide the appeal.

(b) The LBCA rules of procedure are contained in 41 CFR Part 29–60.104, appearing in the July 1, 1983 edition of 41 CFR subtitle A, chapters 19 to 100.

PART 2934–2935 [RESERVED.]

PART 2936—CONSTRUCTION AND ARCHITECT–ENGINEER CONTRACTS

Subpart 2936.2—Special Aspects of Contracting for Construction

Sec.

2936.201 Evaluation of contractor performance.
2936.209 Construction contracts with architect-engineer firms.

Subpart 2936.5—Contract Clauses

Subpart 2936.6—Architect-Engineer Services

2936.602 Selection of firms for architect-engineer contracts.
2936.602–1 Selection criteria.
2936.602–2 Evaluation boards.
2936.602–3 Evaluation board functions.
2936.602–4 Selection authority.
2936.602–5 Short selection processes for contracts not to exceed $100,000.
2936.603 Collecting data on and appraising firms' qualifications.
2936.604 Performance evaluation.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 2936.2—Special Aspects of Contracting for Construction

2936.201 Evaluation of contractor performance.

The HCA must establish procedures to evaluate construction contractor performance and prepare performance reports as required by FAR 36.201.

2936.209 Construction contracts with architect-engineer firms.

As required by FAR 36.209, no contract for construction of a project may be awarded to the firm that designed the project, or to its subsidiaries or affiliates, without the written approval of the ASAM. Any request for approval must include the reason(s) why award to the design firm is required; an analysis of the facts involving potential or actual organizational conflicts of interest including benefits and detriments to the Government and the prospective contractor; and the measures which are to be taken to avoid, neutralize, or mitigate conflicts of interest.

Subpart 2936.5—Contract Clauses

The HCA is authorized to make the determination regarding the impracticability of Government performance of original and final surveys as prescribed in FAR 36.516.

Subpart 2936.6—Architect-Engineer Services

2936.602 Selection of firms for architect-engineer contracts.

2936.602–1 Selection criteria.

HCAs are authorized to approve the use of design competition under the conditions in FAR 36.602–1(b).

2936.602–2 Evaluation boards.

HCAs must establish procedures to provide permanent or ad hoc architect-engineer evaluation boards as prescribed in FAR 36.602–2. Procedures must provide for the appointment of private practitioners of architecture, engineering, or related professions when such action is determined in writing by the HCA to be essential to meeting the Government's minimum needs.

2936.602–3 Evaluation board functions.

The selection report required in FAR 36.602–3(d) must be prepared for the approval of the HCA.

2936.602–4 Selection Authority.

The HCA is authorized to serve as the designated Selection Authority in accordance with FAR 36.602–1.

2936.602–5 Short selection processes for contracts not to exceed $100,000.

The selection process prescribed in FAR 36.602–5(b) must be used for architect-engineer contracts not exceeding the Simplified Acquisition Threshold.

2936.603 Collecting data on and appraising firms' qualifications.

(a) HCAs who acquire architect-engineer services must establish procedures to comply with the requirements of FAR 36.603.

(b) Copies of procedures established under paragraph (a) of this section must be submitted to the Division of Acquisition Management Services, for review and recommendation for approval to the HCA when updated. These procedures must include a list of names, addresses, and telephone numbers of offices or boards assigned to maintain architect-engineer qualification data files.

2936.604 Performance evaluation.

(a) The HCA must establish procedures to evaluate architect-engineer contractor performance as required in FAR 36.604. Normally, the performance report must be prepared by the contracting officer's authorized representative or other official who was responsible for monitoring contract performance and who is qualified to evaluate overall performance. DOL Agency/Office procedures must prescribe instructions for review of the report, before distribution, as prescribed in FAR 36.604(b).

(b) Performance reports must be made using Standard Form 1421, Performance Evaluation (Architect-Engineer) as prescribed in FAR 36.702(c). Details covering unsatisfactory performance, including Government notification to the contractor and written comments by the contractor, must also be attached to the report.

PART 2937—SERVICE CONTRACTING

Sec.

Subpart 2937.1—Service Contracts—General

2937.103 Contracting officer responsibility.
2937.103–70 Department of Labor checklist to aid analysis and review of requirements for service contracts.

Subpart 2937.2—Advisory and Assistance Services

2937.203 Policy.

Subpart 2937.6—Preference for Performance-Based Contracting (PBC)

2937.602 Elements of performance-based contracting.

Authority: 5 U.S.C. 301, 40 U.S.C. 486(c).

Subpart 2937.1—Service Contracts-General

The HCA is responsible for establishing internal review and approval procedures for service contracts in accordance with OFPP Policy Letter 93–1, ''Management Oversight of Service Contracting''. As defined by FAR 37.101, contracts for personal services are permitted under the circumstances in 5 U.S.C. 3109.

2937.103–70 Department of Labor checklist to aid analysis and review of requirements for service contracts.

Contracting specialists and contracting officers must work in close collaboration with the beneficiaries of the services being purchased to ensure that contractor performance meets contract requirements and performance standards.

(a) *General.* Following is a checklist to aid analysis and review of requirements for service contracts.

(1) Is the statement of work complete, with a clear-cut division of responsibility between the contracting parties?

(2) Is the statement of work discussed in terms the market can satisfy?

(3) Does the statement of work encompass all commercially available services that can meet the actual functional need (eliminates any nonessential preferences that may thwart full and open competition)?

(4) Is the statement of work performance-based to the maximum extent possible (*i.e.*, is the acquisition structured around the purpose of the work to be performed, as opposed to either the manner by which the work is to be performed or a broad and imprecise statement of work?

(b) *Cost effectiveness.* If the response to any of the following questions is negative, the agency may not have a valid requirement or not be obtaining the requirement in the most cost effective manner.

(1) Is the statement of work written so that it supports the need for a specific service?

(2) Is the statement of work written so that it permits adequate evaluation of contractor versus in-house cost and performance?

(3) Are the choices of contract type, quality assurance plan, competition strategy, or other related acquisition strategies and procedures in the acquisition plan appropriate to ensure good contractor performance to meet the user's needs?

(4) If a cost reimbursement contract is contemplated, is the acquisition plan adequate to ensure that the contractor will have the incentive to control costs under the contract?

(5) Is the acquisition plan adequate to address the cost effectiveness of using contractor support (either long-term or short-term) versus in-house performance?

(6) Is the cost estimate, or other supporting cost information, adequate to enable the contracting office to effectively determine whether costs are reasonable?

(7) Is the statement of work adequate to describe the requirement in terms of ''what'' is to be performed as opposed to ''how'' the work is to be accomplished?

(8) Is the acquisition plan adequate to ensure that there is proper consideration given to ''quality'' and ''best value?''

(c) *Control.* If the response to any of the following questions is negative, there may be a control problem.

(1) Are there sufficient resources to evaluate contractor performance when the statement of work requires the contractor to provide advice, analysis and evaluation, opinions, alternatives, or recommendations that could significantly influence agency policy development or decision-making?

(2) Does the quality assurance plan provide for adequate monitoring of contractor performance?

(3) Is the statement of work written so that it specifies a contract deliverable or requires progress reporting on contractor performance?

(4) Is agency expertise adequate to independently evaluate the contractor's approach, methodology, results, options, conclusions or recommendations?

(d) *Conflicts of interest.* If the response to any of the following questions is affirmative, there may be a conflict of interest.

(1) Can the potential offeror perform under the contract to devise solutions or make recommendations that would influence the award of future contracts to that contractor?

(2) If the requirement is for support services (such as system engineering or technical direction), were any of the potential offerors involved in developing the system design specifications or in the production of the system?

(3) Has a potential offeror participated in earlier work involving the same program or activity that is the subject of the present contract wherein the offeror had access to source selection or proprietary information not available to other offerors competing for the contract?

(4) Will the contractor be evaluating a competitor's work?

(5) Does the contract allow the contractor to accept its own products or activities on behalf of the Government?

(6) Will the work under this contract put the contractor in a position to influence government decision-making, *e.g.*, developing regulations that will affect the contractor's current or future business?

(7) Will the work under this contract affect the interests of the contractor's other clients?

(8) Are any of the potential offerors, or their personnel who will perform the contract, former agency officials who—while employed by the agency—personally and substantially participated in the development of the requirement for, or the procurement of, these services within the past two years?

(e) *Competition.* If the response to any of the following questions is negative, competition may be unnecessarily limited.

(1) Is the statement of work defined so as to avoid overly restrictive specifications or performance standards?

(2) Is the contract formulated in such a way as to avoid creating a continuous and dependent arrangement with the same contractor?

(3) Is the use of an indefinite quantity or term contract arrangement appropriate to obtain the required services?

(4) Will the requirement be obtained through the use of full and open competition?

Subpart 2937.2—Advisory and Assistance Services

2937.203 Policy.

(a) HCAs having a requirement for certain advisory and assistance services are required by the Department of Labor Manual Series (*See* DLMS 2 836) to prepare a written justification for such services. Written justification must be submitted to the ASAM for review by the Procurement Review Board, for ASAM approval.

(b) Regardless of the type of action planned, the justification in paragraph (a) of this section must include the following:

(1) A statement of need, which certifies that the requested services do not unnecessarily duplicate any previously performed work.

(2) Nature and scope of the need, and the results expected.

(3) Extent to which in-house staff availability was assessed, and the reasons why procurement of outside services is necessary.

(4) Any additional information or data that support the requirement for a contract.

(5) Name(s) and title(s) of official(s) who will be assigned as project officer(s) to work with the contractor, and who can be contacted for additional information.

(6) A statement that the Government policy on advisory and assistance services has been reviewed and complies with FAR 37.203.

Subpart 2937.6—Preference for Performance-Based Contracting (PBC)

2937.602 Elements of performance-based contracting.

(a) Performance-based contracting is defined in FAR 37.101 and discussed in FAR 37.6. Although FAR Part 37 primarily addresses services contracts, PBC is not limited to these contracts. PBC is the preferred way of contracting for services. (*See* exceptions listed in FAR 37.102). Generally, when contract performance risk under a PBC specification can be shifted to the contractor to allow for the operation of objective incentives, a contract type with objectively measurable incentives

(*e.g.*, Firm-Fixed-Price, Fixed-Price-Incentive-Fee, or Cost-Plus-Incentive-Fee) is appropriate. However, when contractor performance (*e.g.*, cost control, schedule, or quality/technical) is best evaluated subjectively using qualitative measures, a Cost-Plus-Award Fee contract may be used.

(b) A labor hour level-of-effort contract is not considered a performance-based contract.

PART 2938—2941 [RESERVED]

SUBCHAPTER G—CONTRACT MANAGEMENT

PART 2942—CONTRACT ADMINISTRATION AND AUDIT SERVICES

Subpart 2942.1—Contract Audit Services

Sec.
2942.101 Policy

Subpart 2942.15—Contractor Performance Information

2942.1502 Policy.
2942.1503 Procedures.

Authority: 5 U.S.C. 301, 40 U.S.C. 486(c).

Subpart 2942.1—Contract Audit Services

2942.101 Policy

The OASAM Division of Cost Determination is responsible for establishing billing rates and indirect cost rates as prescribed in FAR 42.7 for the Department of Labor.

Subpart 2942.15—Contractor Performance Information

This subpart provides policies and procedures for evaluating, maintaining, and releasing contractor performance information under DOL contracts.

2942.1502 Policy.

DOL contracting officers are required to use or interface with the National Institutes of Health's Contractor Performance System. The HCA is responsible for ensuring that a contractor performance evaluation system is generated to meet the requirements of FAR Subpart 42.15. Contracts, task orders, and delivery orders, exceeding the simplified acquisition threshold, should be formally evaluated in writing. Interim evaluations should be performed on contracts exceeding one year in duration. This will assist contractors with improving marginal performance and identifying any major deficiencies. It will also facilitate performance evaluations at contract completion, as well as determining whether to exercise contract options, if any.

2942.1503 Procedures.

(a) In accordance with FAR 42.1502, the contracting officer will prepare an interim evaluation of a contractor's performance at least annually for submission to the Contractor Performance System maintained by the National Institutes of Health.

(b) The contracting officer, or designee, must determine who will evaluate a contractor's performance. The contracting officer's technical representative, program manager, contract specialists or administrators, and users are candidates likely to be selected to perform the evaluation.

(c) A Contractor's performance evaluation should be obtained from a person who monitored contractor performance, when that individual's assignment of duties or employment terminates before physical completion of the contract. The areas of performance to be selected for evaluation should be tailored to the type of supplies or services normally acquired by the contracting activities and the type of contract. HCAs must ensure uniformity of the evaluation criteria within their contracting activities.

(d) *Release of contractor performance evaluation information.* (1) Requests for performance evaluation information from the public must be processed in accordance with FOIA, as implemented by DOL under 29 CFR Part 70.

(2) Release of a contractor's performance evaluation information to other federal agencies is subject to FAR 42.1502. When the performance evaluation information is released to other federal agencies, it should be provided with a written statement that it is nonpublic information that must be processed under FOIA principles if a request for its disclosure is received.

(e) Even though the retention period for past performance evaluation information is three years (see FAR 42.1503), the contractor's performance evaluation, any contractor rebuttal, and final decision become a part of the contract file. Therefore, disposal of the contractor's evaluation information must be accomplished in accordance with FAR 4.804.

PART 2943—CONTRACT MODIFICATIONS

Subpart 2943.2—Change Orders

Sec.
2943.205 Contract clauses.

Subpart 2943.3—Forms

2943.301 Use of forms.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 2943.2—Change Orders

2943.205 Contract clauses.

HCAs may establish procedures, or office policies, when appropriate for authorizing the contracting officer to vary the 30-day period for submission of adjustment proposals to the clauses prescribed by FAR 43.205.

Subpart 2943.3—Forms

2943.301 Use of forms.

(a) FAR 43.301(a)(1)(vi) requires the use of Standard Form 30 (SF–30) to execute any obligation or deobligation of contract funds after award. The SF–30 also must be used to deobligate funds when effecting contract closeout, when obligated funds exceed the final contract costs. In such an instance, the SF–30 may be issued as an administrative modification on a unilateral basis if the contractor's financial release has been separately obtained.

(b) The contracting officer must include in any unilateral contract modification issued for contract closeout, a statement that the contractor has signed a release of claims and indicate the date the release of claims was signed by the contractor. The SF–30 must also be used to execute purchase order modifications as specified in FAR 13.302–3(b).

PART 2944—SUBCONTRACTING POLICIES AND PROCEDURES

Subpart 2944.1—General

Subpart 2944.2—Consent To Subcontract

Sec.
2944.201–1 Consent requirements.
2944.202 Contracting officer's evaluation.
2944.202–2 Considerations.
2944.203 Consent limitations.

Subpart 2944.3—Contractors' Purchasing Systems Reviews

2944.302 Requirements.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 2944.1—General

The waiver of consent must be in writing, signed by the contracting officer, and included in the contract file. The waiver must include all supporting facts, including the rationale for waiving the consent to subcontract requirements.

Subpart 2944.2—Consent To Subcontract

2944.201–1 Consent requirements

In accordance with FAR 44.201–1(b) or FAR 44.201–2, advance notification and agreement are required for all cost-reimbursement, time-and-materials, or labor-hour subcontracts exceeding the simplified acquisition threshold.

2944.202 Contracting officer's evaluation.

2944.202–2 Considerations.

The review required by FAR 44.202–2(a) must be documented in writing (including supporting facts and rationale), signed by the contracting officer, and included in the contract file.

2944.203 Consent limitations.

Any limitations placed on the consent to subcontract must be documented in writing (including supporting facts and rationale), signed by the contracting officer, and included in the contract file.

Subpart 2944.3—Contractors' Purchasing Systems Reviews

2944.302 Requirements.

The authority of the ASAM under FAR 44.302(a), to raise or lower the $25 million review level for a contractor's purchasing system, may not be delegated. When a CPSR is required by the Contracting Officer, the effort must be coordinated with the Division of Acquisition Management Services, and the Division of Cost Determination.

PART 2945—GOVERNMENT PROPERTY

Subpart 2945.1—General

Sec.

2945.104 Review and correction of contractors' property control systems.
2945.105 Records of Government property.

Subpart 2945.3—Providing Government Property to Contractors

2945.302 Providing facilities.

Subpart 2945.4—Contractor Use and Rental of Government Property

2945.403 Rental-use and charges clause.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 2945.1—General

2945.104 Review and correction of contractors' property control systems.

When the Government's property administrator determines that review and approval of the contractor's property control system rests with the DOL, the Government's property administrator must review the system to determine whether the contractor will be able to meet the requirements of FAR 45.104. The review must be completed, signed by the appointed property administrator, and retained in the contract file.

2945.105 Records of Government property.

Contracting officers must maintain a file on any Government property in the possession of the contractors. As a minimum, the file must contain the following:

(a) A copy of the applicable portions of the contract that list the Government-furnished property (GFP);

(b) Contracting officer's letters assigning the Government property administrator to the contract;

(c) Written evidence that the contractor's property control system was reviewed and approved as required by FAR 45.104;

(d) If applicable, documentation of the request and approval or denial of the contractor's requests to acquire or fabricate special test equipment in accordance with FAR 45.307 or other property;

(e) The contractor's written notice of receipt of the GFP and any reported discrepancies thereto, as required by FAR 45.502–1 and 45.502–2, respectively;

(f) Any other documents pertaining to or affecting the status of the Government property in the possession of contractors or subcontractors under the contract;

(g) Documentation of the screening and disposal of all Government property as required by FAR 45.6.

Subpart 2945.3—Providing Government Property to Contractors

2945.302 Providing facilities.

The HCA is authorized to make the determination to provide facilities to a contractor as prescribed in FAR 45.302–1(a)(4).

Subpart 2945.4—Contractor Use and Rental of Government Property

2945.403 Rental-use and charges clause.

The HCA must make the determination to charge rent on the basis of use under the clause at FAR 52.245–9 when the contracting officer provides access to Government production and research property, as prescribed in FAR 45.403(a).

PARTS 2946–2951 [RESERVED]

PART 2952—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Subpart 52.2—Text of Provisions and Clauses

Sec.

2952.201–70 Contracting Officer's Technical Representative (COTR).

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 52.2—Text of Provisions and Clauses

2952.201–70 Contracting officer's technical representative (COTR).

Insert the following clause into contracts requiring COTR representation under 2901.605:

Contracting officer's technical representative (COTR) [Effective Date of Final Rule]

(a) Mr./Ms. (Name) of (Organization) (Room No.), (Building), (Address), (Area Code & Telephone No.), is hereby designated to act as contracting officer's technical representative (COTR) under this contract.

(b) The COTR is responsible, as applicable, for: receiving all deliverables, inspecting and accepting the supplies or services provided hereunder in accordance with the terms and conditions of this contract; providing direction to the contractor which clarifies the contract effort, fills in details or otherwise serves to accomplish the contractual Scope of Work; evaluating performance; and certifying all invoices/vouchers for acceptance of the supplies or services furnished for payment.

(c) The COTR does not have the authority to alter the contractor's obligations under the contract, and/or modify any of the expressed terms, conditions, specifications, or cost of the agreement. If, as a result of technical discussions, it is desirable to alter/change contractual obligations or the Scope of Work, the contracting officer must issue such changes.

PART 2953—FORMS

Subpart 53.1—General

Sec.

2953.100 Request for review by the Procurement Review Board.
2953.101 Simplified Acquisition Checklist DL 1–2001.
2953.102 Simplified Acquisition DL 2078.
2953.103 Department of Labor Form DL 1–2004, Small Business Procurement Determination.
2953.104 Simplified Acquisition Terms And Conditions.

Authority: 5 U.S.C. 301; 40 U.S.C. 486(c).

Subpart 2953.1—General

2953.100 Request for review by the Procurement Review Board.

The following form must be used by the requisitioning office to submit a request for review by the Procurement Review Board as specified in DOLAR parts 2901 and 2943. This form must be submitted through the Assistant Secretary for the program office to the Director, Division of Acquisition Management Services for scheduling before the PRB. In general, the PRB

meets on the fourth Tuesday of each month when necessary. The PRB requires five (5) business days to examine the form and attachments before the review.

2953.101 Simplified Acquisition Checklist.

The following checklist must be used to document all simplified acquisitions at or below the simplified acquisition threshold.

BILLING CODE 4510–23–P

Simplified Acquisition Documentation Checklist

PART I: CHECKLIST - Complete Section A for purchases less than $2,500, or Sections A and B for purchases between $2,500 and $100,000

SECTION A. Micro-purchases - Less than $2,500 (not set aside for small business only; no competition required)

(✓ or blank for N/A)

___ Sufficient funds are available to cover this purchase, and the price relfected on this order is considered fair and reasonable.

___ All Quotation information is properly documented, and applicable/required clearances and/or approvals have been obtained are included in this file

___ See www.jwod.com and **www.unicor.gov.** Required sources of supplies/services, including excess supplies, were reviewed prior to the selection of this vendor (n/a for delivery orders against existing contracts)

___ The vendor does not appear on the List of Parties Excluded from Federal Procurement Programs. Reference http://epls.arnet.gov/

___ This order **does not** represent an unauthorized commitment of funds requiring ratification under FAR 1.602-3 (otherwise attach documentation)

SECTION B. Purchase Between $2,501 and $100,000 (set aside for small business, competition is required for open market orders, schedule comparison is required for GSA/FSS orders)

(✓ or blank for N/A)

___ The order was best value among two or more solicited open market vendors. **If not, complete Parts II and III below.**

___ The requirement was sent aside for small business participation only. **If not, complete Part IV below.**

___ The procurement is for information Technology products or software and has been reviewed for compliance with Section 508 and SmartBuy licenses.

___ The item complies with http://www.eere.energy.gov/femp/procurement/ policies on recycling, and Energy star compliance.

___ If this is a Delivery Order against a GSA/Federal Supply Schedule, at least 3 schedules were reviewed prior to issuing orders.

___ Written Solicitation between $10,000 - $25,000 was displayed in a public place, open market requirements over $25,000 were synopsized.

___ **Service Contract Act.** This is an Open Market Purchase: ___ primarily a product, ___ exempt per 29 CFR 541, ___ Davis-Bacon applicable, or ___SCA WD included [1] (SF98&98a issued)

PART II: PRICING MEMORANDUM - Price reasonable is based on (✓ all that apply)

___ Commercial Catalog Pricing/Published Advertisement (Source Date: _____ Page Number)

___ Market Research or established market prices.

___ Comparison to prior purchase of same or similar item Vendor: _____ Purchase Order No: _____ Date of Order _____ Unit Price:

___ Best Value analysis recommended by Technical Personnel (Specify) _____ (continue on back)

___ Other (i.e. contracting officer knowledge, comparison to independent government estimate) _____

PART III: SOLE SOURCE DOCUMENTATION - Only one source was solicited for the following reason(s) (✓ all that apply)

___ The item is sole source in nature, i.e. copyright/patient, proprietary software/hardware, or original equipment manufacturer, and not available from any other source.

___ Urgent and Compelling - state nature of emergency and reason no competition was obtained (lack of plaiing is not sufficient reason)

PART IV: LARGE BUSINESS DOCUMENTATION - The requirement is not rewarded to a small business because (✓ all that apply)

___ No small businesses were located that can provide the required goods/services

___ No quotes were received from small businesses

___ Quotes received from small businesses were not the lowest prices or the best value (considering quality, delivery, quantity, part performances, etc)

DOCUMENTATION DISTRIBUTION DATE: ___ Vendor ___ Finance ___ Accounting ___ Requestor ___ File

ORDER PROCESSED BY: Contract Specialist: _____ (Signature Date)

CONCUR: Contracting Officer: _____ (Signature Date)

1 This form is used in conjunction with form DL 1-2078

DL 1-2078a July 2003

2953.102 Simplified Acquisition DL 2078.

The following form must be used to document all simplified acquisitions above the micro-purchase threshold and below the simplified acquisition threshold. This form may also be used to document commercial acquisitions on a fixed price basis up to $5 million.

Worksheet for Small Purchases
($1,000 - $25,000)

U.S. Department of Labor
Office of Small and Disadvantaged
Business Utilization

1. Requisition Number	2. Effective Date	3. Order Number	4. Date Received

5. Competitive	6. Noncompetitive	*7. Transaction Type	8. Size SB or LB	9. Class FSS or OM	10. Quotes Oral	Written	11. Publicized

12. Vendor Solicited

	Telephone Number	Date of Quote	Delivery Offer	FOB Point
Vendor 1.				
Vendor 2.				
Vendor 3.				

Quantity	Description	Vendor 1. Unit Price	Vendor 1. Total Amount	Vendor 2. Unit Price	Vendor 2. Total Amount	Vendor 3. Unit Price	Vendor 3. Total Amount
		Total Amount		Total Amount		Total Amount	

13. Reason for Soliciting Only One Source

(Specify)

14. Basis for Price Reasonableness

(Specify)

15. Other Factors Affecting Source (FSS, Etc.)

(Specify)

***Transaction Type: SBSA, MB, WOB, LSA-S, LS, 8(a), IAA, NP, Other**

DL-1-2078
8/87

2953.103 Department of Labor Form DL 1–2004, Small Business Procurement Determination.

The requiring organization must complete the following form for all acquisitions above the *simplified acquisition threshold.* This form will then be submitted through the contracting officer to the Office of Small Business Programs for review.

BILLING CODE 4510–23–P

Acquisition Screening and Review Form
($10,000 or more)

U.S. Department of Labor
Office of Small and Disadvantaged
Business Utilization

A. Originating Agency

1. Name and Address of Purchasing Office	2. Telephone Number	3. Number and Date of Requisition
	5. SIC Code	6. Quantity
	7. FSC or SVC Code	8. Estimated Cost
4. Description of Product or Service	9. Recommended Method of Procurement (Select a method from block 12 below)	
	10. Proposed Period of Performance	

11. Signature of Small Business Specialist — Date 07/07/2003

B. Contracting Office

12.
- ☐ a. 8(a) Procedures
- ☐ b. 100% Small Business/LSA Set-aside
- ☐ c. 100% Small Business Set-aside
- ☐ d. Partial SB/LSA Set-aside
- ☐ e. Partial SB Set-aside
- ☐ f. 100% LSA Set-aside Unrestricted
- ☐ g. Unrestricted-Proprietary
- ☐ h. Unrestricted-Insufficient SB
- ☐ i. Other (Specific)

Comments:

13. Procurement Control Number

15. Solicitation Date and Number

16. Estimated Date of Release

18. Proposed Synopsis
☐ Yes ☐ No Per FAR 19.202
☐ CBD ☐ Bulletin Board
☐ Other

14. Proposed Procurement
☐ Competitive
☐ Other

17. Estimated Date of Response Opening

19. Proposed Issuing Solicitations to:
No.
Small Business
Woman-Owned Business
Labor Surplus Area Business
Minority Business Enterprise

Procurement History

20. Has Exact Item/Service Been Previously Awarded? ☐ Yes ☐ No	21. Date of Award	22. Contract Number
23. Name and Address of Contractor ☐ 8(a) ☐ SB ☐ LSA ☐ WOB ☐ MBE ☐ LB	24. Total Cost	25. Method of Procurement
	26. Responses Received: Large Business; Small Business; Labor Surplus Area Business; Woman Owned Business; Minority Business Enterprise	

27. Signature of Contracting Officer — Date

C. OBDBU/Small Business Administration Procurement Center Representative

28.
- ☐ I Concur With the Recommendations
- ☐ Please solicit additional sources (See attached list)
- ☐ I do not concur with the recommendations and request suspension of the procurement action pending an appeal under FAR 19.505. SBA Form 70 is attached.

29. Signature of OSDBU/SBA Procurement Center Representative — Date

DL 1-2004
August 1987

2953.104 Procurement Review Board DL1–490

U. S. DEPARTMENT OF LABOR
GENERAL INFORMATION FOR
THE PROCUREMENT REVIEW

Date Received _____ **Review No.** _____

INITIATING OFFICE:

Name - Responsible Program Official Phone No.

PROCUREMENT OFFICE:

Name - Contracting Officer Phone No.

1. Title and purpose of proposed procurement, including end products desired. Be specific. Use additional sheets if necessary.

NOTE: If the proposed procurement is for Contracted Advisory Services, complete DL1-490A,Contracted Advisory Services Contract Information Sheet.

2. Contract Information: Estimated Costs:

Proposed Period of Performance: From: To:

3. Type of Agreement Contemplated:

☐ Cost-Reimbursement Contract ☐ Fixed Price Contract

☐ Cost +Fixed Fee Contract ☐ Grant

☐ Other Agreement ☐ Cooperative Agreement

4. Proposed Contractor: ☐ Nonprofit ☐ Profit

Name

Address

5. Other current contracts or grants with DOL: ☐ None

If other contracts, grants, or agreements exist, furnish the following information, using additional sheets as necessary:

Title of Project:

Contract /grant/agreement number: Period of Performance:

☐ Sole Source ☐ Competitive Amount:

6. Have alternative sources or approaches been reviewed such as utilization of current staff, conducting market research (FAR) 10.002 or publishing a sources sought notice in the CBD.
Explain:

7. If the request for sole source approval is based on an existing proposal, was the proposal solicited?

☐ Yes. If solicited, by what means? ☐ No. If unsolicited, were any actions taken to influence its submission ? Explain.

8. Cite the authority for a noncompetitive award. See FAR 6.302-1 through 6.302-7 for contracts and DLMS 2-836(g) (1) through (7) for grants and cooperative agreements. Explain why the authority cited applies.

9. What actions are contemplated to remove any barriers to competition before future acquisition of such supplies or services?

10. **CONFLICT OF INTEREST CERTIFICATION:** The Program Official and Head of the Agency shall explain past or existing relationships with the propose recipient or certify that there are none.

PROGRAM OFFICIAL -- I certify that the following information is complete and accurate to the best of my knowledge.

A. Describe any business relationship (including grants and contracts) with proposed recipient ☐ None

B. Describe any personal or financial relationship as defined in 18 USC 208 with proposed recipient ☐ None

Signature Date

HEAD OF AGENCY -- I certify that the following information is complete and accurate to the best of my knowledge.

A. Describe any business relationship (including grants and contracts) with proposed recipient ☐ None

B. Describe any personal or financial relationship as defined in 18 USC 208 with proposed recipient ☐ None

Signature Date

DL1-490 Rev. March 1996

[FR Doc. 03–20095 Filed 8–14–03; 8:45 am]

BILLING CODE 4510–23–C

Federal Register

Friday,

August 15, 2003

Part III

Department of Health and Human Services

Centers for Medicare & Medicaid Services

42 CFR Parts 410 and 414

Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule for Calendar Year 2004; Proposed Rule

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 410 and 414

[CMS–1476–P]

RIN 0938–AL96

Medicare Program; Revisions to Payment Policies Under the Physician Fee Schedule for Calendar Year 2004

AGENCY: Centers for Medicare & Medicaid Services (CMS), HHS.

ACTION: Proposed rule.

SUMMARY: This proposed rule would refine the resource-based practice expense relative value units (RVUs) and make other changes to Medicare Part B payment policy. The policy changes concern: Medicare Economic Index, practice expense for professional component services, definition of diabetes for diabetes self-management training, supplemental survey data for practice expense, geographic practice cost indices, and several coding issues.

We are proposing these changes to ensure that our payment systems are updated to reflect changes in medical practice and the relative value of services. We solicit comments on these proposed policy changes.

We also discuss the non-physician work-pool, the 5-year review of anesthesia services, and outpatient therapy services performed ''incident to'' physician services.

DATES: We will consider comments if we receive them at the address, provided below, no later than 5 p.m. on October 7, 2003.

ADDRESSES: In commenting, please refer to file code CMS–1476–P. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission or e-mail. Mail written comments (one original and two copies) to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, *Attention:* CMS–1476–P, P.O. Box 8013, Baltimore, MD 21244–8013. Please allow sufficient time for us to receive mailed comments on time in the event of delivery delays.

If you prefer, you may deliver (by hand or courier) your written comments (one original and two copies) to one of the following addresses: Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201, or Room C5–14–03, 7500 Security Boulevard, Baltimore, MD 21244–1850.

(Because access to the interior of the HHH Building is not readily available to persons without Federal Government identification, commenters are encouraged to leave their comments in the CMS drop slots located in the main lobby of the building. A stamp-in clock is available for persons wishing to retain a proof of filing by stamping in and retaining an extra copy of the comments being filed.)

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and could be considered late.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: Gail Addis (410) 786–4522 (for issues related to repricing of supplies for practice expense inputs.)

Pam West (410) 786–2302 (for issues related to Practice Expense Advisory Committee (PEAC) recommendations.)

Jim Menas (410) 786–4507 (for issues related to anesthesia).

Rick Ensor (410) 786–5617 (for issues related to Geographic Cost Price Index (GPCI)).

Mary Stojak (410) 786–6939 (for issues related to the definition of diabetes for diabetes self-management training (DSMT)).

Shannon Martin (410) 786–7939 (for issues related to rebasing of the Medicare Economic Index (MEI)).

Dorothy Shannon (410) 786–3396 (for issues related to the ''Incident To'' Therapy Discussion).

Diane Milstead (410) 786–3355, Latesha Walker (410) 786–1101, or Gaysha Brooks (410) 786–3355 (for all other issues).

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: Comments received timely will be available for public inspection as they are processed, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone (410) 786–7197.

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1. Go to the CMS homepage (*http://www.cms.hhs.gov*).

2. Place your cursor over the word ''Professionals'' in the blue area near the top of the page. Select ''physicians'' from the drop-down menu.

3. Under ''Policies/Regulations'' select ''Physician Fee Schedule.''

Or, you can go directly to the Physician Fee Schedule page by typing the following: *http://www.cms.hhs.gov/physicians/pfs.*

To assist readers in referencing sections contained in this preamble, we are providing the following table of contents. Some of the issues discussed in this preamble affect the payment policies but do not require changes to the regulations in the Code of Federal Regulations. Information on the regulation's impact appears throughout the preamble and is not exclusively in section VII.

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In addition, because of the many organizations and terms to which we refer by acronym in this proposed rule, we are listing these acronyms and their corresponding terms in alphabetical order below:

AMA American Medical Association
BBA Balanced Budget Act of 1997
BBRA Balanced Budget Refinement Act of 1999
CF Conversion factor
CFR Code of Federal Regulations
CMS Centers for Medicare & Medicaid Services
CNS Clinical Nurse Specialist
CPT [Physicians'] Current Procedural Terminology [4th Edition, 2002, copyrighted by the American Medical Association]
CPEP Clinical Practice Expert Panel
CRNA Certified Registered Nurse Anesthetist
E/M Evaluation and management
FMR Fair market rental
GAF Geographic adjustment factor
GPCI Geographic practice cost index
HCPCS Healthcare Common Procedure Coding System
HHA Home health agency
HHS [Department of] Health and Human Services
IDTFs Independent Diagnostic Testing Facilities
MCM Medicare Carrier Manual
MedPAC Medicare Payment Advisory Commission
MEI Medicare Economic Index
MGMA Medical Group Management Association
MPFS Medicare Physician Fee Schedule
MSA Metropolitan Statistical Area
NAMCS National Ambulatory Medical Care Survey
PC Professional component
PEAC Practice Expense Advisory Committee
PPS Prospective payment system
RUC [AMA's Specialty Society] Relative [Value] Update Committee
RVU Relative value unit
SGR Sustainable growth rate
SMS [AMA's] Socioeconomic Monitoring System
SNF Skilled Nursing Facility
TC Technical component

I. Background

A. Legislative History

Since January 1, 1992, Medicare has paid for physicians' services under section 1848 of the Social Security Act (the Act), ''Payment for Physicians' Services.'' This section provides for three major elements: (1) A fee schedule for the payment of physicians' services; (2) limits on the amounts that nonparticipating physicians can charge beneficiaries; and (3) a sustainable growth rate for the rates of increase in Medicare expenditures for physicians' services. The Act requires that payments under the fee schedule be based on national uniform relative value units (RVUs) based on the resources used in furnishing a service. Section 1848(c) of the Act requires that national RVUs be established for physician work, practice expense, and malpractice expense. Section 1848(c)(2)(B)(ii)(II) of the Act provides that adjustments in RVUs may not cause total physician fee schedule payments to differ by more than $20 million from what they would have been had the adjustments not been made. If adjustments to RVUs cause expenditures to change by more than $20 million, we must make adjustments to ensure that they do not increase or decrease by more than $20 million.

B. Published Changes to the Fee Schedule

In the July 2000 proposed rule, (65 FR 44177), we listed all of the final rules published through November 1999. In the August 2001 proposed rule (66 FR 40372) we discussed the November 2000 final rule relating to the updates to the RVUs and revisions to payment policies under the physician fee schedule.

In the November 2001 final rule with comment period (66 FR 55246), we made revisions to resource-based practice expense RVUs; services and supplies incident to a physician's professional service; anesthesia base unit variations; recognition of CPT tracking codes; and nurse practitioners, physician assistants, and clinical nurse specialists performing screening sigmoidoscopies. We also addressed comments received on the June 8, 2001 proposed notice (66 FR 31028) for the 5-year review of work RVUs and finalized these work RVUs. In addition, we acknowledged comments received in response to a discussion of modifier-62, which is used to report the work of co-surgeons. The November 2001 final rule also updated the list of services that are subject to the physician self-referral prohibitions in order to reflect CPT and Healthcare Common Procedure Coding System (HCPCS) code changes that were effective January 1, 2002. All these revisions ensure that our payment systems are updated to reflect changes in medical practice and the relative value of services. This final rule also conformed our regulations to reflect statutory provisions of Medicare, Medicaid, and State Child Health Insurance Program (SCHIP) Benefits Improvement and Protection Act of 2000 (Pub. L. 106–554) (BIPA) concerning: The mammography screening benefit; biennial screening pelvic examinations for certain beneficiaries; expanded coverage for screening colonoscopies to all beneficiaries; provided for annual glaucoma screenings for high-risk beneficiaries; established coverage for medical nutrition therapy services for certain beneficiaries; expanded payment for telehealth services; required certain Indian Health Service providers to be paid for some services under the physician fee schedule; and revised the payment for certain physician pathology services.

In the December 31, 2002 final rule with comment period (67 FR 79966), we refined resource-based practice expense RVUs and made other changes to Medicare Part B policy. These included: The pricing of the technical component for positron emission tomography (PET) scans, Medicare qualifications for clinical nurse specialists, a process to add or delete services to the definition of telehealth, the definition for ZZZ global periods, global period for surface radiation, and application of endoscopic reduction rules for certain codes. In addition, this rule: Updated the codes subject to physician self-referral prohibitions, expanded the definition of a screening fecal-occult blood test, and modified our regulations to expand coverage for additional colorectal cancer screening tests through our national coverage determination process. We also made revisions to the sustainable growth rate, the anesthesia conversion factor (CF), and the work values for some gastroenterologic services. We finalized the CY 2002 interim RVUs and assigned interim RVUs for new and revised procedure codes for calendar year CY 2003, clarified the enrollment of therapists in private practice and the policy regarding services and supplies incident to a physician's professional services, and made technical changes to the definition of outpatient rehabilitation services.

This final rule also revised the regulations at 42 CFR 485.618 to allow registered nurses (RNs) to provide

emergency care in certain critical access hospitals (CAHs) in frontier areas (an area with fewer than six residents per square mile) or remote locations (locations designated in a State's rural health plan that we have approved).

As required by statute this final rule also announced that the physician fee schedule update for CY 2003 was −4.4 percent, the initial estimate of the sustainable growth rate (SGR) for CY 2003 was 7.6 percent, and the CF for CY 2003 was $34.5920, effective March 1, 2003. However, on February 28, 2003 (68 FR 9567), after enactment of the Consolidated Appropriations Resolution of 2003 (Pub. L. 108–7), we published a final rule that revised the estimates used to establish the SGRs for fiscal years 1998 and 1999 and announced a 1.6 percent increase in the CY 2003 physician fee schedule CF for March 1 to December 31, 2003. The CF from March 1 to December 31, 2003 is $36.7856. The anesthesia CF for this period is $17.05. All other provisions of the December 31, 2002 final rule were unchanged by the rule published February 28, 2003.

II. Provisions of the Proposed Rule

This proposed rule would affect the regulations set forth at Part 410, Supplementary medical insurance (SMI) benefits and part 414, Payment for Part B and other health services.

A. Resource-Based Practice Expense Relative Value Units

1. Resource-Based Practice Expense Legislation

Section 121 of the Social Security Act Amendments of 1994 (Pub. L. 103–432), enacted on October 31, 1994, required us to develop a methodology for a resource-based system for determining practice expense RVUs for each physician's service beginning in 1998. In developing the methodology, we were to consider the staff, equipment, and supplies used in providing medical and surgical services in various settings. The legislation specifically required that, in implementing the new system of practice expense RVUs, we apply the same budget-neutrality provisions that we apply to other adjustments under the physician fee schedule.

Section 4505(a) of the Balanced Budget Act of 1997 (BBA) (Pub. L. 105–33), enacted on August 5, 1997, amended section 1848(c)(2)(ii) of the Act and delayed the effective date of the resource-based practice expense RVU system until January 1, 1999. In addition, section 4505(b) of the BBA provided for a 4-year transition period from charge-based practice expense RVUs to resource-based RVUs.

Further legislation affecting resource-based practice expense RVUs was included in the Medicare, Medicaid and State Child Health Insurance Program (SCHIP) Balanced Budget Refinement Act of 1999 (BBRA) (Pub. L. 106–113) enacted on November 29, 1999. Section 212 of the BBRA amended section 1848(c)(2)(ii) of the Act by directing us to establish a process under which we accept and use, to the maximum extent practicable and consistent with sound data practices, data collected or developed by entities and organizations. These data would supplement the data we normally collect in determining the practice expense component of the physician fee schedule for payments in CY 2001 and CY 2002. (In the 1999 final rule (64 FR 59380), we extended, for an additional 2 years, the period during which we would accept supplementary data.)

2. Current Methodology for Computing the Practice Expense Relative Value Unit System

Effective with services furnished on or after January 1, 1999, we established a new methodology for computing resource-based practice expense RVUs that used the two significant sources of actual practice expense data we have available—the Clinical Practice Expert Panel (CPEP) data and the American Medical Association's (AMA) Socioeconomic Monitoring System (SMS) data. The methodology was based on an assumption that current aggregate specialty practice costs are a reasonable way to establish initial estimates of relative resource costs for physicians' services across specialties. The methodology allocated these aggregate specialty practice costs to specific procedures and, thus, can be seen as a ''top-down'' approach.

a. Major Steps

A brief discussion of the major steps involved in the determination of the practice expense RVUs follows. (Please see the November 1, 2001 final rule (66 FR 55249) for a more detailed explanation of the top-down methodology.)

- *Step 1*—Determine the specialty specific practice expense per hour of physician direct patient care. We used the AMA's SMS survey of actual aggregate cost data by specialty to determine the practice expenses per hour for each specialty. We calculated the practice expenses per hour for the specialty by dividing the aggregate practice expenses for the specialty by the total number of hours spent in patient care activities.
- *Step 2*—Create a specialty specific practice expense pool of practice expense costs for treating Medicare patients. To calculate the total number of hours spent treating Medicare patients for each specialty, we used the physician time assigned to each procedure code and the Medicare utilization data. We then calculated the specialty specific practice expense pools by multiplying the specialty practice expenses per hour by the total physician hours.
- *Step 3*—Allocate the specialty specific practice expense pool to the specific services performed by each specialty. For each specialty, we divided the practice expense pool into two groups based on whether direct or indirect costs were involved and used a different allocation basis for each group.

(i) Direct costs—For direct costs (which include clinical labor, medical supplies, and medical equipment), we used the procedure specific CPEP data on the staff time, supplies, and equipment as the allocation basis.

(ii) Indirect costs—To allocate the cost pools for indirect costs, including administrative labor, office expenses, and all other expenses, we used the total direct costs combined with the physician fee schedule work RVUs. We converted the work RVUs to dollars using the Medicare CF (expressed in 1995 dollars for consistency with the SMS survey years).

- *Step 4*—For procedures performed by more than one specialty, the final procedure code allocation was a weighted average of allocations for the specialties that perform the procedure, with the weights being the frequency with which each specialty performs the procedure on Medicare patients.

b. Other Methodological Issues

(i) Non-Physician Work Pool

For services with physician work RVUs equal to zero (including the technical components of radiology services and other diagnostic tests), we created a separate practice expense pool using the average clinical staff time from the CPEP data and the ''all physicians'' practice expense per hour.

We then used the adjusted 1998 practice expense RVUs to allocate this pool to each service. We have removed services from the non-physician work pool if the requesting specialty predominates utilization of the service. Also, for all radiology services that are assigned physician work RVUs, we used the adjusted 1998 practice expense RVUs for radiology services as an

interim measure to allocate the direct practice expense cost pool for radiology.

(ii) Crosswalks for Specialties Without Practice Expense Survey Data

Since many specialties identified in our claims data did not correspond exactly to the specialties included in the SMS survey data, it was necessary to crosswalk these specialties to the most appropriate SMS specialty.

(iii) Physical Therapy Services

Because we believe that most physical therapy services furnished in physicians' offices are performed by physical therapists, we crosswalked all utilization for therapy services in the CPT 97000 series to the physical and occupational therapy practice expense pool.

3. Practice Expense Proposals for Calendar Year 2004

a. Non-Physician Work Pool

The non-physician work pool was created as an interim measure until we could further analyze the effect of the top-down methodology on the Medicare payment for services that do not have physician work RVUs (see the November 1998 final rule (63 FR 58841)).

In the June 28, 2002 proposed rule (67 FR 43849), we discussed alternatives that we have considered to address the non-physician work pool issue, including ideas raised by the Lewin Group as well as recommendations in a 2001 GAO report. While we have not reached a final resolution on how to best address this issue, we are continuing to study the alternatives that are available. We also believe that our proposal extending the deadline for the submission of supplemental survey data (see following discussion) will provide an opportunity for specialties whose services are affected by the non-physician work pool to submit practice expense data that can be used for determining practice expense RVUs under the physician fee schedule. Any modifications to the non-physician work pool would be published in proposed rulemaking.

b. Supplemental Practice Expense Survey Data

As required by the BBRA, we established criteria to evaluate data collected by organizations to supplement the data normally used in determining the practice expense component of the physician fee schedule. Due to the time constraints imposed by the statute for publication of the physician fee schedule final rule, we have required supplementary survey data to be submitted by August 1 to be considered for computing practice expense RVUs for the following year. We are proposing to change the required submission date to March 1. This would allow us to publish our decisions regarding survey data in the proposed rule and would provide an opportunity for public comment on survey results.

To continue to ensure the maximum opportunity for specialties to submit supplementary practice expense data, we are again proposing to extend for an additional 2 years the period for accepting survey data that meets the criteria set forth in the November 2000 final rule (as modified in the December 31, 2002 final rule). The deadline for submission of the supplemental data to be considered in CY 2005 and CY 2006 are March 1, 2004 and March 1, 2005, respectively.

In the December 31, 2002 final rule (67 FR 79979), we responded to comments expressing concern about the impact of making the technical component the difference between the global and professional component practice expense RVUs for services that are not affected by the non-physician work pool calculations. We agreed to a one-year moratorium on implementation of the proposed change for pathology services paid under the physician fee schedule to allow for a supplemental survey of independent laboratories. Consistent with the change to making the survey deadline March 1, we are considering whether to extend the moratorium by one additional year. By extending the moratorium, we can show the impact of the independent laboratory survey in the 2004 proposed rule and allow public comment on its results prior to making changes to the practice expense RVUs on January 1, 2005. We welcome public comment on whether we should adopt the proposed change for 2004 in this year's final rule or extend the moratorium by 1 year.

c. Oncology Survey Data

In the December 31, 2002 final rule (67 FR 79973), we indicated that the American Society of Clinical Oncology (ASCO) submitted a supplemental practice expense survey. Our contractor, the Lewin Group, raised specific concerns to us about the survey results. Consequently, we did not incorporate the survey into the practice expense methodology but indicated that we would further examine its results with the Lewin Group and confer with ASCO about our concerns. We have discussed the oncology survey together with the Lewin Group and ASCO. These discussions were useful in providing us with more information upon which to make a final decision regarding incorporation of the oncology survey into the practice expense methodology. We expect to make our decision known in a subsequent proposed rule that will address Medicare payment for drugs currently paid based on 95 percent of the average wholesale price.

d. Practice Expense for a Professional Component Service

Since the inception of the resource-based practice expense methodology, we have assigned all staff equipment and supply costs for services with professional and technical components (PC and TC) to the technical portion of the service. We have done this because we believe that generally all of these direct cost inputs are associated with obtaining the diagnostic information and there would be no direct costs associated with the physician interpretation. However, we now believe that there may be limited exceptions where it is appropriate to assign direct inputs to a PC service. For instance, the Practice Expense Advisory Committee (PEAC) recommended that we include clinical staff time in certain codes that have both a PC and TC component for activities such as scheduling the procedure and educating the patient when the procedure is done in the facility setting. We accepted these recommendations but, because the practice expense methodology currently does not assign direct inputs to PC services and the TC is not paid in the facility setting, these procedures were not credited with the recommended practice expense inputs.

We propose to modify the practice expense methodology to allow direct inputs to be added to PC services when these inputs are clearly associated with the professional service, including when the PEAC makes such recommendations. We are proposing to add the PEAC recommended staff times to the PC of the following cardiac services: CPT codes 93508, 93510, 93511, 93514, 93524, 93526, 93527, 93528, 93529, 93530, 93531, 93532, 93533 and 93624. The practice expense RVUs for these codes will increase slightly from this change resulting in minor reductions in practice expense RVUs for some other services performed by cardiologists. There will be no impact on the practice expense RVUs for any other specialty.

e. Utilization Data

We use Medicare utilization data in the development of specialty-specific practice expense RVUs that are then weight averaged to determine a single practice expense RVU per code. Prior to

2003, we used the most recent complete year of utilization data to determine the practice expense RVUs. For instance, we determined the 2001 practice expense RVUs using Medicare utilization data from 1999 for most procedure codes. However, if a procedure code was new in 2000, we did not have any 1999 utilization data to determine its 2001 practice expense RVU and could not use specialty-specific data until 2000 utilization data was available to us. In some cases, the new code was clearly related to an older code or codes and we were able to use an estimation of the probable specialty utilization for 2001 until actual specialty-specific utilization was available for 2002. Where we were not able to determine the probable specialty-specific utilization we assigned the ''all physician'' average practice expenses to the service until we obtained specialty-specific utilization. Thus, in this case, we used the ''all physician average'' to determine the code's 2001 practice expense RVU and specialty-specific utilization to determine the 2002 practice expense RVU.

In the December 31, 2002 final rule (67 FR 79982), we adopted a policy of using the 1997 through 2000 Medicare utilization in the practice expense methodology. For new codes created since 2000, there are no Medicare utilization data in the 1997 through 2000 period upon which to determine specialty-specific practice expenses. We are proposing to follow a similar practice to the one described above and use specialty-specific Medicare utilization data for codes created after 2000 at the first opportunity they become available to us. Therefore, we are proposing to use 1997 through 2000 Medicare utilization data for all codes that were in existence at that time. If a code did not exist during the 1997 through 2000 period, we propose using the first available utilization data for the code in order to develop the practice expense RVU. Since we will not have any utilization data at the time we first establish practice expense RVUs for a new code, we propose that we continue, whenever possible, to make an assumption about the specialty that will likely provide the service or to use the ''all physician'' average when we do not have sufficient information to assign any given specialty. We will make available on the CMS web site (*http://cms.hhs.gov*) files containing the data that we will use in determining the proposed rule practice expense RVUs. We propose in each year's proposed rule to substitute actual for estimated utilization once the data become available. For instance, in this proposed rule, we will substitute actual 2002 utilization data for estimated 2002 utilization data to determine the 2004 practice expense RVUs for codes that were new in 2002. Practice expense RVUs may change as we make updates to the utilization data that we use in the practice expense methodology. We encourage the AMA's Specialty Society Relative Value Update Committee (RUC) and other interested parties to provide information on the specialties that will likely perform a new service to minimize the potential changes to the practice expense RVUs that will occur when we substitute actual for estimated utilization.

For the proposed rule, the utilization data from the prior year are 96 percent complete. In the past, we used 100 percent complete data from a prior year in the proposed rule (for example, we used 2000 utilization data to simulate impacts for the June 28, 2002 proposed rule) and did not use the preceding year's utilization data until the final rule (for example, we used 2001 utilization data to simulate impacts for the December 31, 2002 final rule). Beginning with this year's proposed rule, we are using the prior year's utilization data for developing practice expense RVUs and simulating impacts. Because the utilization file that we are using for the proposed rule is only 96 percent complete, there may be minor changes to the payment impacts and practice expense RVUs between the proposed rule and the final rule for which we will use 100 percent complete data from the prior year.

f. Practice Expense Advisory Committee (PEAC)

Recommendations on CPEP Inputs for 2004

The PEAC, a subcommittee of the RUC, has, since 1999, been providing us with recommendations for refining the direct practice expense inputs (clinical staff, supplies, and equipment) for existing CPT codes. In the past, our actions on these PEAC recommendations have been incorporated into the physician fee schedule final rule and have been used as interim values for services provided in the following calendar year. We have accepted comments on these refinements and addressed them in rulemaking the following year. This year we are including the PEAC recommendations in the proposed rule, which will enable specialty groups to assess the impact of these changes on their services and make comments on the recommendations before the final rule.

These PEAC recommendations are the result of meetings held in September of 2002 and January 2003 and account for approximately 772 codes from many specialties. (A list of these codes can be found in Addendum C.) The PEAC has also submitted recommendations on the refinements to the clinical staff time for all 90-day global services (accounting for a further 3,604 CPT codes).

This massive refinement was possible because the PEAC adopted a standardized approach to the refinement of the clinical staff times for 90-day global codes. The PEAC has recommended that the following standard clinical staff times be applied to all 90-day codes, except for those in which the specialty argued for an exception to the standard:

- Pre-service time—35 minutes of pre-service clinical staff time in the office and 60 minutes for services performed in the facility setting;
- Discharge day management time—6 minutes of clinical staff time if the procedure is performed predominantly in the outpatient facility setting and 12 minutes if performed predominantly in the inpatient setting. (This standard is also recommended for all of the 10-day global procedures); and
- Post-service office visit time—equal to the clinical staff times associated with the evaluation and management visit codes assigned to each service.

Several specialties, including the neurosurgeons/spine surgeons, thoracic surgeons and colorectal surgeons requested and received increased pre-service times for some of their services. There were also a few services that are usually performed on an emergent basis when the pre-service time was reduced or omitted altogether. We believe that the standards recommended by the PEAC are appropriate and that the exceptions to these standards are also reasonable. Therefore, we are proposing to use the PEAC's recommendations for the clinical staff time for these global codes.

In addition, the PEAC convened a workgroup to make recommendations on the refinement of all the 116 remaining evaluation and management codes. These are important achievements that have significantly advanced the pace of the refinement process. A total of 5358 codes have been refined; these codes represent 87 percent of physician fee schedule dollars. We greatly appreciate the dedication and hard work of the specialty societies and the AMA that are helping to ensure that this refinement process is successful.

We have reviewed the submitted PEAC recommendations and propose to accept them. The complete PEAC recommendations and the revised CPEP database can be found on our web site. (See the Supplementary Information section of this proposed rule for directions on accessing our web site.)

g. Repricing of Clinical Practice Expense Inputs—Supplies

We use the practice expense inputs (the clinical staff, supplies, and equipment assigned to each procedure) to allocate the specialty-specific practice expense cost pools to the procedures performed by each specialty. The costs of the original inputs assigned by the CPEP were determined by our contractor, Abt Associates, based primarily on 1994 and 1995 pricing data from supply catalogs. In addition, for many items on the equipment and supply list, the associated costs were based on the recommendations of a CPEP panel member, rather than on actual catalog prices. Subsequent to the CPEP panels, equipment and supply items have also been added to the CPEP data, with the costs of the inputs provided by the relevant specialty society.

In the August 2, 2001 proposed rule (66 FR 40378), we proposed updates and revisions to the clinical staff salary data which were finalized in the final rule published November 1, 2001 (66 FR 55255). In that final rule, we also indicated that in future rulemaking we would be proposing updates to the supply and equipment inputs that are used in the CPEP database. We, therefore, contracted with a consultant to assist us in obtaining the current price for each supply item in our CPEP database. The consultant has been able to determine the current prices for most of the supply inputs and has submitted documentation for the proposed new pricing from vendor catalogs or websites. Whenever possible, multiple sources were obtained for frequently used supplies so that a typical price could be determined.

In addition, we asked the consultant to help identify and clarify those supplies for which the original descriptions in the CPEP database are too general to price (for example ''laser'' or ''antigen'') or are otherwise unidentifiable. Our consultant worked closely with the specialty societies to ensure that accurate information was obtained in identifying as many of these supplies as possible.

Addendum D contains the proposed new unit prices for supply items when current pricing was obtained, as well as new descriptions when needed. A more detailed spreadsheet can be found on our Web site, (*http://www.cms.hhs.gov/physicians/pfs*), that contains additional information regarding the sources used to price each item.

There are items that have either not yet been identified or for which pricing information has not yet been found. These supply items are included in Table 1 below. In this table we have identified the supply code (if assigned), the existing item description, unit and price, the procedures or specialties associated with the item, as well as the proposed new description and standardized unit of use. We have also identified items for deletion from the database. We are requesting that commenters, particularly the relevant specialty groups, provide us with the needed pricing information with appropriate documentation. Whenever possible, multiple sources of documentation should be provided so that a typical price can be determined. If we are not able to obtain any verified pricing information for an item, we may eliminate it from the database.

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Table 1
Items Needing Specialty Input for Pricing and Proposed Deletions

2003 PE supply code	2003 PE Supply description	2003 PE Unit	2003 PE unit price	Primary specialties associated with supply item	*CPT code(s) associated with supply item	Status of supply item
	acetylcholine 10%	1 gram	0.40	nurse practitioner, neurology	95923	See Note C. Need patient-use item, not R&D item.
	aerochamber	1 item		cardiology, internal medicine	93720	Item may be deleted. May not be typical and may be separately billable.
	albuterol	1 ampule		family practice, internal medicine	94640	See Note B.
	anthralin ointment	1 g	2.75	dermatology	96910, 96912, 96913	See Note C.
72006	aphasia assessment - forms average	1 item	0.95	psychiatry, neurology	96105	See Note C.
	balloon, achalasia	1 item	255.00	general surgery, colon and rectal surgery	45905, 45910	See Note C. (Codes utilizing this item being reviewed by CPT)
	blood dress package	1 item		neurosurgery	61608	Item may be deleted. Gowning items listed separately.
	broach kit	1 item		podiatry, orthpaedic surgery	28293	See Note A.
	cable for EMG needle electrode	1 item	1.20	neurology, PM&R	95860-95870	See Note A.
	Centimeter ruler	1 each	2.39	radiation oncology, dermatology	77401-77413	See Note A.
	cephalosporin	1 gm		podiatry, orthopaedic surgery	28293	See Note B.
20011	Chordae Villae Sampling Kit	1 item		obstetrics, gynecology	59015	Item may be deleted. Duplicated item with catheter-stylet kit.
	collagen kit	1 each	1383.00	urology	52327	Need kit contents. Collagen sold as individual syringe. No commercial kit available.
	Communication Book/Treatment notebooks	1 each		otolaryngology, audiology	92507, 92508	See Note C.
	cottonoids	1 item		otolaryngology	69105, 92511, multiple rhinology codes	See Note C.
	CPAP nasal pillow	1 each		pulmonary medicine	95811	Item may be deleted. Disposable CPAP face mask also included in code 95811. Nasal pillows used with reusable mask.
93111	Cysto-catheter kit	1 item	9.04	urology, general practice	51005	Need kit contents and source/pricing information. (Codes utilizing this item being reviewed by CPT.)
75122	detection kit	1 slide	8.50	pathology, neurology	88355-88358	See Note C. (Codes utilizing this item being reviewed by CPT)
72007	developmental testing - forms average	1 item	2.64	clinical psychologist, multiple other specialties	96110, 96111	See Note C. (Original item price estimated by CPEP member.)
	eartip insert with sound tube	1 item		otolaryngology, audiology	92552-92557	See Note C.
	EEG electrode, gold DIN	1 item	0.07	neurology	92585, 95812, 95813, 95816, 95819, 95822, 95925, 95926, 95930	See Note A.
	electrode, ring	1 item	475.00	obstetrics, gynecology, urology	51792	See Note A.
	electrodes, pick-up, black tin, 9mm	1 item	0.42	podiatry, neurology	95937	See Note A.
	electrodes, pick-up, red tin, 9mm	1 item	0.42	podiatry, neurology	95937	See Note A.
	fiducial screws, set of 4	1 set	558.00	radiation oncology	77301	Item may be deleted. May not be typical and may be separately billable. (Screws used for IMRT head fixation device, but typical patient vignette is prostate cancer.)
	film, fluoroscopic	1 sheet	3.51	diagnostic radiology, anesthesia	72265, 76000, 76005	See Note C.
	flow sensors	1 item	1.51	pulmonary medicine, internal medicine	94621	See Note A.
75020	gold-palladium target	1 item	0.59	pathology	88349	See Note A.
	hallux implant	1 item		podiatry, orthopaedic surgery	28293	See Note B.
	headcover for MRI	1 item	0.05	diagnostic radiology	70544-70549	See Note C.
	inhaler	1 item	0.75	cardiology, internal medicine	93720	Item may be deleted. (May not be "typical" for service.)
	laryngeal mirror	1 item		diagnostic radiology, otolaryngology	92526	See Note A.
	laser fiber	1 item	595.00	urology	52214, 52224, 52317, 52341, 52342, 52343, 52647	See Note A.
	laser fiber cleaving tool	1 item	200.00	urology	52214, 52224, 52317	See Note A.
53097	methylcholine chloride	1 dose	48.50	pulmonary medicine, internal medicine	94070	See Note B.
	Mounting tray	1 each	40.00	radiation oncology, diagnostic radiology	77334	See Note A.

Table 1
Items Needing Specialty Input for Pricing and Proposed Deletions

2003 PE supply code	2003 PE Supply description	2003 PE Unit	2003 PE unit price	Primary specialties associated with supply item	*CPT code(s) associated with supply item	Status of supply item
	Multi-tine Device	1 item		allergy/immunology	95004, 95010	See Note C.
	needle, 4 inch	1 item		obstetrics, gynecology	59841	See Note C.
	needle, 4-6 inch	1 item		obstetrics, gynecology	57020, 57061, 57065, 57130, 57135, 57510, 57511, 57513	See Note C.
92015	needle, seldinger	1 item	72.90	diagnostic radiology, multiple other specialties	21116, 24220, 25246, 27093, 27095, 27096, 27370, 27648, 36200, 38790, 42550, 50684, 50690, 51605, 51610, 58340, 68850	See Note A.
72008	neurobehavioral status - forms average	1 item	5.77	clinical psychologist, multiple other specialties	96115, 96117	See Note C. (Original item price estimated by CPEP member.)
	oximetry sensor probe	1 item	15.00	multiple specialties	94762, conscious sedation package	See Note A.
	penile clamp	1 item	40.70	urology	51725, 51726, 51772, 52000-52010, 52265-52276, 52281, 52282, 52290, 52300-52315	See Note A.
	Phenol Applicator Kit	1 unit		otolaryngology	69020, 69200, 69220, 69400-69420, 69424, 69433, 69610	See Note C.
75123	primary antibodies	1 slide	3.52	pathology, neurology	88355-88358	See Note C. (Codes utilizing this item being reviewed by CPT)
72005	psych testing - forms average	1 item	2.30	clinical psychologist	96100	See Note C. (Original item price estimated by CPEP member.)
	receive coil			diagnostic radiology	70336	See Note A.
	Ruler	1 each	2.67	radiation oncology, diagnostic radiology	77332	See Note A.
	Scissors and clamp, disposable	1 each	0.62	radiation oncology, diagnostic radiology	77781-77784	Need clamp description and source/pricing for "kit."
	Sealant spray			radiation oncology, diagnostic radiology	77333	See Note C.
92030	Silverman needle	1 item	66.35	urology	54500, 54800	See Note A.
	skin prep, one step	1 item	26.00	cardiology	93025	Need inches used per procedure (196in per roll).
	smoke evacuation cartridge	1 item	146.50	obstetrics, gynecology	57460, 57461	See Note A.
	sterile, hand table drape (24x43)			orthopaedic surgery, hand surgery	26055, 26115, 26160	Item deleted. Integral part of hand/upper extremity drape supply item.
	sterilizing tray	1 each	64.00	radiation oncology, diagnostic radiology	77781-77784	See Note A.
	steroid	1 cc	1.29	urology	52283	See Note B.
	sweat cells, 4 in a set	1 set	$260.00	nurse practitioner, neurology	95923	See Note A.
	thrombectomy device	1 item	600.00	diagnostic radiology	36870	Additional information required. Device is reusable. Need to identify specific PTD single-use accessories (eg, sheath, rotator drive, basket)
	tourniquet, ankle, sterile	1 item		podiatry, orthopaedic surgery	28293	See Note A.
	tourniquet, cuff sterile			orthopaedic surgery, hand surgery	26055, 26115, 26160	See Note A.
	traction straps	1 item	60.00	radiation oncology, diagnostic radiology	77418	See Note A.
	transtelephonic monitor		10.56	cardiology	93733, 93736	See Note A.

*CPT codes and descriptions only are copyright 2003 American medical Association. All Rights Reserved. Applicable FARS/DFARS apply.

Notes:

A. Item deleted. Reusable per manufacturer and/or PEAC worksheet (if reviewed).

B. Item deleted. Separately billable.

C. Additional information required. Need description and/or source and pricing information.

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In addition to reviewing and updating the cost information for supplies in the database, our contractor also recommended database revisions to provide uniformity and consistency in the CPEP supply database. All of the following recommendations are noted in Addendum D:

• *Assignment of supply categories.* In the original CPEP data, a number was assigned to each supply. The contractor has recommended that each supply item also be assigned a ''category'' to allow for easier selection and sorting of items. We agree and are proposing that supplies be assigned to one of the following 14 categories:
Accessory, Diagnostics;
Accessory, Equipment;
Accessory, Procedure;
Booklets/Forms;
Cutters, Closures/Cautery;
Gown, Drape;
Hypodermic/IV;
Infection Control;
Kit, Pack, Tray;
Lab;
Office, Grocery;
Pharmacy, NonRx;
Pharmacy, Rx; and
Wound Care, Dressings.

These categories could also be used to establish a new numbering system for supplies. We would assign a letter to each supply category and use this in conjunction with a number (000 through 999) to identify each supply. This would enable specialty groups to identify more easily whether a supply has already been included in the CPEP database and would help ensure uniformity in the items used for calculating practice expenses. If we proceed in the final rule with this proposed method for categorizing supplies, we will assign new identifying numbers to each supply input item and these will be available on our website.

• *Consolidation/standardization of item descriptions.*

When items appear to be duplicative, we are proposing to combine the items. For example, ''Mayo stand cover'' and ''drape, sterile Mayo'' have both been changed to ''drape, sterile, for Mayo stand''. We also have attempted to better describe the supply items in a way that will make identification easier, using a key first word when possible. For example, all catheters are described as ''catheter, * * *'', all needles are described as ''needle * * *.'' In addition, references to proprietary or trademark names for multisource items have been included as parenthetical references (for example, ''Polibar ™'' is renamed barium suspension ''(Polibar ™).''

• *Standardization of unit descriptions.*

The current CPEP database contains over 72 unit descriptions associated with supplies (for example, item, gram, and cup). To provide consistency and ensure that inputs in the database accurately reflect the quantity of an item used, we are proposing to standardize the unit description of items. If an item is intended for single use, even if it is not completely used, we propose to identify this by indicating the item size followed by ''uou'' (unit of use). For example ''soap bath'' has been renamed ''bath soap (one bar uou)'' and ''bacitracin unit dose pack, 9g'' has been renamed ''bacitracin oint (0.9 gm uou)''.

We welcome any comments on the proposed pricing and all other proposed revisions. To help us evaluate the information provided, comments should include documentation such as information from a supply catalog or website or from a current invoice.

h. Miscellaneous Practice Expense Issues

Hyperbaric Oxygen Services

We have received a request from a freestanding hyperbaric oxygen center to price the service in the office setting, so that those providing this service in a nonfacility can receive an appropriate payment. Therefore, we are proposing to assign on an interim basis the following practice expense inputs to CPT code 99183, *Physician attendance and supervision of hyperbaric oxygen therapy, per session:*

Staff: Respiratory Therapist for 135 minutes (for a 2 hour treatment).

Supplies: Minimum Visit Supply Package, 180 liters of oxygen, 187 cubic feet of air.

Equipment: Hyperbaric chamber.

We will request that the Practice Expense Advisory Committee review these inputs at a meeting in the near future.

Maxillofacial Prosthetics PE/hour

In the November 2, 1998 final rule (63 FR 58824), we created a special practice expense pool for maxillofacial prosthetics (CPT codes 21076 through 21087) using the ''all physician'' practice expense per hour. Because the practice expense survey submitted in 1998 by the American Academy of Maxillofacial Prosthetics (AAMP) differed significantly in format and content from the SMS survey, we were not able to use the submitted data to calculate a practice expense per hour for maxillofacial prosthetics. AAMP has contended that the ''all physician'' rate underestimates the high costs for the staff, supplies and equipment associated with the provision of maxillofacial prosthetic services.

We have asked our contractor, The Lewin Group, to analyze the submitted survey data to determine if the data would or would not support a change in the crosswalk for this specialty. The Lewin Group's finding suggests, ''the all-physician average may underestimate the practice expense per hour for maxillofacial prosthodontists.'' Based on the Lewin Group's finding, we reviewed the Medicare utilization of the maxillofacial prosthetics codes. Oral surgeons (specialty code 19) and maxillofacial surgeons (specialty code 85) overwhelmingly provide these services. We believe the practice expenses for these practitioners are likely to be similar to otolaryngologists since these physicians also provide office procedures affecting the head and face. We are proposing to eliminate the special practice expense pool for procedure codes 21076 through 21087 and use otolaryngology as the crosswalk for oral surgeons and maxillofacial surgeons as a more appropriate approximation of the specialties' practice expense per hour. This proposal will increase payment for the maxillofacial prosthetics and other services that are predominantly billed by oral and maxillofacial surgeons. There will be no impact on payment for services provided by any other specialty from this change.

Holter Monitoring Codes

A representative of an independent diagnostic testing facility has communicated to us that their review of the practice expense inputs for the holter monitoring codes, CPT 93225, 93226, 93231, and 93232 has revealed the inclusion of items that are not needed to perform these services. The correspondent suggested the following deletions:

• For CPT codes 93225 and 93231 delete the ECG electrodes and laser paper, as well as the electric bed, computer and holter monitor; and

• For CPT codes 93226 and 93232 delete the razor, nonsterile gloves, alcohol swab and tape, as well as the electric bed and exam table.

We agree that these revisions appear reasonable and will make the above deletions on an interim basis until the PEAC can review these codes. It should be noted these codes are currently in the nonphysician work pool and that the CPEP data is not currently used to calculate their practice expense RVUs. Therefore, these changes will not at this time have any effect on the payment for these codes.

B. Geographic Practice Cost Index Changes

1. Background

The Act requires that payments vary among Medicare physician fee schedule (MPFS) areas according to the extent that resource costs vary as measured by the Geographic Practice Cost Indices (GPCIs). In general, the MPFS areas that existed under the prior reasonable charge system were retained under the MPFS from calendar years 1992 through 1996. We implemented a comprehensive revision in MPFS payment areas (localities) in 1997, reducing the number of localities from 210 to 89. Thirty-four states have a single statewide locality. In contrast, under the hospital inpatient prospective payment system (IPPS), costs are adjusted across more than 350 metropolitan statistical areas (MSAs).

A detailed discussion of the MPFS payment localities can be found in the July 2, 1996 proposed rule (61 FR 34615) and the November 22, 1996 final rule (61 FR 59494).

2. Implication of GPCIs for Rural Areas

The GPCIs do not affect total national payments under the MPFS, but instead distribute payments among areas according to area cost differences. In general, the data show that urban areas usually have higher costs, while rural areas have generally lower costs. Thus, on average the costs associated with operating a private medical practice, as measured by factors such as wages and rent, are higher in urban areas. Alternatively, the average costs associated with the operation of a private medical practice in a rural area are lower. Since the costs associated with operating a private medical practice are measurably different based upon geographic location, varying payments according to the GPCIs will benefit lower cost areas, usually rural, since the law provides that only one-quarter of the area cost difference in physician work, the largest of the three fee schedule GPCI components, be recognized. We believe this was an attempt by the Congress to shift payments to rural areas. Thus, about 40 percent of MPFS payments ($.75 \times .52$) are by statute not adjusted for area cost differences. Additionally, one component of the practice expense GPCI, supplies, equipment and other, is also, by statute, not adjusted for area cost differences. Supplies, equipment and other represent about 13 percent of total physician resource costs. This means that, effectively, there is a nationwide MPFS for about 53 percent of the average physician payment (40 percent physician work, 13 percent supplies, equipment and other). That is, only about 47 percent of overall physician payment is adjusted for area resource cost differences. In addition, 34 states are statewide payment localities in which all physicians, whether urban or rural, are paid the same. All of these factors shift payments from higher cost, usually urban, areas to lower cost, usually rural areas.

3. GPCI Composition

Section 1848(e)(1)(C) of the Act requires us to review, and if necessary, adjust the GPCIs at least every 3 years. This section of the Act also requires us to phase in the adjustment over 2 years and implement only one-half of any adjustment if more than 1 year has elapsed since the last GPCI revision. The GPCIs were first implemented in 1992. The first review and revision was implemented in 1995, the second review was implemented in 1998, and the third review was implemented in 2001. The next GPCI review and revision is scheduled for implementation in 2004. However, as will be discussed in more detail, because the work and practice expense GPCIs rely primarily on special tabulations of U.S. Census data not yet available, review and revision of only the malpractice GPCI component will be implemented in 2004. Review and revision of the work and practice expense GPCIs will be implemented in 2005.

Currently, only one data source is available for the practice expense GPCI (relative cost of office rent space collected by the Department of Housing and Urban Development (HUD)). Since we have not received the primary data upon which practice expense GPCIs are calculated and since the office rent component of the practice expense GPCI has proven not to be very substantial in past GPCI updates (it accounts for approximately 11.0 percent of the total GPCI calculation and is phased in over a two year period), we have decided not to revise the practice expense GPCIs for 2004. The work GPCI relies solely on data collected from the 2000 U.S. Census that is not yet available, so we are not able to propose updates to the work GPCI in this proposed rule.

Although there are general discussions of both the background and composition of all three GPCI components in this proposed rule, a detailed discussion of only the 2004 revised malpractice GPCI is included in this proposal while a detailed discussion of the revised work and practice expense GPCIs will be included in the 2005 proposed rule.

4. Development of the Geographic Practice Cost Indices

The GPCIs were developed by a joint effort of the Urban Institute and the Center for Health Economics Research under contract to CMS. The resource inputs and their weights are obtained from the AMA's Socioeconomic Characteristics of Medical Practices Survey. Indices were developed that measured the relative cost differences among areas compared to the national average in a ''market basket'' of goods. In this case, the market basket consists of the resources involved in operating a private medical practice. The resource inputs are physician work or net income; employee wages; office rents; medical equipment, supplies, other miscellaneous expenses; and malpractice insurance. Employee wages, rents, and miscellaneous expenses are combined to comprise the practice expense component of the GPCI. Table 2 below illustrates the cost share weights that have been utilized for each GPCI update:

TABLE 2.—GPCI (MEDICARE ECONOMIC INDEX) COST SHARE WEIGHTS

Expense category	1992–94*	1995–97**	1998–00**	2001–03***	2004–07****
Physician Earnings	54.2	54.2	54.2	54.5	52.466
Practice Expenses	40.2	41.0	41.0	42.3	43.669
Employee Wages	15.7	16.3	16.3	16.8	18.654
Rents	11.1	10.3	10.3	11.6	12.209
Equip., Supplies, Other	13.4	14.4	14.4	13.9	12.807
Malpractice Insurance	5.6	4.8	4.8	3.2	3.865
	100.0	100.0	100.0	100.0	100.000

*Weights from 1987 AMA survey.

**Weights from 1989 AMA survey.
***Weights from 1997 AMA survey
****Weights from Physician Socioeconomic Statistics, 2000–2002 Edition (SMS Survey), Physician Socioeconomic Statistics, 2003 Edition (PCPS Survey), Center for Health Policy Research, American Medical Association; 2003 Employment Cost Index, U.S. Department of Labor, Bureau of Labor Statistics; U.S. Department of Commerce, Bureau Economic Analysis 1997 Benchmark Input Output Tables, and U.S. Department of Commerce, Bureau of the Census, 2002 Current Population Survey. (See section III.A. Rebasing and Revising of the Medicare Economic Index.)

The Medicare economic index (MEI) is a measure of the average increases in the price of inputs used in operating a private medical practice and is used in the annual update of the MPFS CF. Because the GPCIs and the MEI use the same resource inputs to measure the costs of a private medical practice (the GPCIs measure relative costs among areas while the MEI measures the national average rate of increase in prices), as in the past, the same weights will be used for both the MEI and the GPCIs.

Once the components and their weights were determined, we had to find data sources that were widely and consistently available to measure costs in all MPFS payment areas. After examining many sources, the following proxies were selected as the best available sources for measuring each component of the original 1992 through 1994 GPCIs:

• Physician work—The median hourly earnings, based on a 20 percent sample of 1980 census data, of workers in six professional specialty occupation categories (engineers, surveyors, and architects; natural scientists and mathematicians; teachers, counselors, and librarians; social scientists, social workers, and lawyers; registered nurses and pharmacists; writers, artists, and editors) with 5 or more years of college. Adjustments were made to produce a standard occupational mix in each area. The actual reported earnings of physicians were not used to adjust geographical differences in fees because these fees are, in large part, the determinants of the earnings. We believe that the earnings of physicians will vary among areas to the same degree that the earnings of other professionals vary.

• Employee wages—Median hourly wages of clerical workers, registered nurses, licensed practical nurses, and health technicians were also based on a 20 percent sample of 1980 census data.

• Office rents—Residential apartment rental data produced annually by the Department of Housing and Urban Development (HUD) were used because there were insufficient data on commercial rents across all physician fee schedule areas.

• Equipment, supplies, other expenses—The Urban Institute and the Center for Health Economics research assumed that a national market represents this component and that costs do not vary appreciably among areas. This component's index is 1.000 for all areas to indicate no variation from the national average.

• Malpractice—Premiums in 1985 and 1986 for a mature ''claims made'' policy (a policy that covers malpractice claims made during the covered period) providing $100,000 to $300,000 of coverage were used. Adjustments were made to incorporate the costs of $1 million to $3 million coverage and mandatory patient compensation fund (PCF) requirements. Some States legally require physicians to join a PCF that provides coverage for catastrophic claims. Premium data were collected for physicians in three risk classes: low-risk (general practitioners who do not perform surgery), moderate risk (general surgeons), and high-risk (orthopedic surgeons).

The areas selected for measurement purposes were the MSAs. Non-MSA areas within a State were aggregated into one residual area. Using MSAs for measurement satisfied our criteria to have (1) areas in which resource input prices were homogenous, and (2) areas of a large enough size so that market areas are self-contained to minimize border crossing; that is, physicians would probably not move their offices a few miles to secure higher payments and patients who would tend to receive services within their area.

The Act requires, however, that the GPCIs reflect cost differences among MPFS payment areas. Thus, it was necessary to map Medicare localities to the MSA and non-MSA aggregation of GPCI data. Where localities crossed MSA boundaries, MSA indices were converted to Medicare locality indices by population weights.

Detailed discussions of the methodology and data sources of the 1992 through 1994 GPCIs can be obtained by requesting studies from the National Technical Information Service by calling 1–800–553–NTIS, or, for residents of Springfield, Virginia, (703) 487–4650. The studies are as follows:

• The Urban Institute report ''The Geographic Medicare Index: Alternative Approaches,'' NTIS PB89–216592;

• The supplement to ''The Geographic Medicare Index: Alternative Approaches,'' NTIS PB91–113506. This was published in the **Federal Register** in the September 4, 1990 notice (55 FR 36238) for the model fee schedule; and

• The Urban Institute report, ''Refining the Malpractice Geographic Practice Cost Index,'' February 1991, NTIS PB91–155218. The related diskette is NTIS PB91–507491. This is the final version of the 1992 through 1994 GPCIs as published in the **Federal Register** in the November 25, 1991 final rule (56 FR 59785).

5. Revised 1995 Through 1997 Geographic Practice Cost Indices

The main criticism of the original GPCIs, that existed from 1992 until 1994, was that they were outdated because they were based on old data; for example, 1980 census data and 1985 and 1986 malpractice premium data, was the most recent data available when the GPCIs were established. The revised 1995 through 1997 GPCIs were based on the most current data available when they were developed in 1993 and 1994. We also made some minor changes from the original GPCI methodology in calculating some of the revised 1995 through 1997 indices.

One methodological change was made that applied across all indices. As mentioned earlier, under the original GPCIs, where Medicare payment localities crossed MSA boundaries, MSA indices were converted to locality indices by population weights. Medicare expenditure weights were not used because the expenditures under the reasonable charge system contained large differences unrelated to actual resource cost differences among areas. In calculating the revised GPCIs, where payment localities crossed MSA boundaries, locality indices were calculated by weights based on full MPFS RVUs, which reflect resource cost differences among areas. Full MPFS RVUs were used rather than actual 1993 payments because 1993 fee schedule payments still reflected some reasonable charge payment levels. The advantages of RVU weighting are (1) the GPCIs will more closely reflect physician practice costs in the area where the services are provided rather than where the population lives, and (2) budget neutrality is preserved when we combine multiple payment localities into larger areas, such as statewide localities.

a. Work Geographic Practice Cost Indices

Data from the 20 percent sample of census data of median hourly earnings for the same six categories of professional specialty occupations as used in the 1992 through 1994 work GPCIs were used in calculating the 1995 through 1997 work GPCIs. The 1992 through 1994 work GPCIs were calculated using 1980 census data of earnings for professionals with 5 or more years of college. That sample was no longer available with the 1990 census. The 1990 census educational classifications are by highest degree earned, rather than the 1980 census classification by years of schooling. Thus, it was not possible to obtain earnings data exactly comparable to the 1980 data.

For 1990, data were available for all-education and advanced-degree samples, but not for 5 or more years of college. We elected to use the all-education sample because its larger sample sizes made it more stable and accurate in the less populous areas. Although it could be argued that physicians' earnings might more closely approximate the earnings of professionals with advanced degrees, the differences between the all-education and advanced-degree indices were negligible in all but a few of the smallest localities. We believed that the small sample sizes of advanced-degree occupations in these small localities would produce inaccurate results.

The 1992 through 1994 work GPCIs used metropolitan-wide median wages for each county within an MSA. That is, all counties within an MSA were assigned the MSA-wide median wage even if there were wage variations within the MSA. We believed that this was appropriate for all but Consolidated Metropolitan Statistical Areas (CMSAs), the largest of the MSAs, such as New York. In these CMSAs, we replaced metropolitan-wide earnings with county-specific earnings. We believed this change was appropriate because costs were, in fact, higher in central city areas (for example, Manhattan and San Francisco) than in the rest of the CMSA. County earnings were a better account of the cost variation within these large metropolitan areas.

b. Practice Expense Geographic Practice Cost Indices

(1) Employee Wage Indices.

Data from the 20 percent sample of census data of median hourly earnings for the same categories of medical and clerical occupations used in the 1992 through 1994 practice expense GPCIs were also used in the 1995 through 1997 practice expense GPCIs. The 1995 through 1997 practice expense GPCIs used 1990 rather than 1980 census data. As with the work GPCIs, county level data were used for CMSAs to better reflect the cost variations within these large metropolitan areas.

(2) Rent Indices.

As with the original rent indices, the HUD fair market rental (FMR) data for residential rents were again used as the proxy for physician office rents. The 1995 through 1997 practice expense GPCIs reflect 1994 HUD FMRs. Like the work GPCI and the employee wage index of the practice expense GPCIs, county level data were used in CMSAs to recognize the variations within the CMSA.

The major criticism of the rent indices was that residential rather than commercial rent data were used. As mentioned earlier, for constructing the GPCIs we needed data that were widely and consistently available across all physician fee schedule areas.

As with the original GPCIs, we again searched for private sources of commercial rent data that were widely and consistently available. The private sources we found were not adequate. None of the sources collected data for non-metropolitan areas, nor did any collect data for all metropolitan areas. The sources did not reflect the average commercial space in the area, but rather the particular type of space most relevant to the needs of a particular source's clients. In addition, the sample sizes were small. A comparison of the average rental for any particular city showed significant variation depending upon the source. Also, the private commercial rent data tended to be for very high priced real estate of the type likely to be used by large institutions such as banks, insurance companies, or financial firms and not for the type of office space most likely used by physicians.

Among the sources of commercial rent data that were available, the most promising were data from the Building Owners and Managers Association, the General Services Administration, and the U.S. Postal Service. These data were analyzed in depth. We did not use data from the Building Owners and Managers Association and the General Services Administration because of poor geographic coverage, especially outside of large metropolitan areas. That is, data were not widely and consistently available for all physician fee schedule areas. The U.S. Postal Service data had much better geographic coverage, but sample sizes in many areas were unacceptably small and could have led to erroneous results.

No acceptable national commercial rent data were readily available for physician office rents. Thus, some proxy needed to be used for this portion of the index. In addition, commercial rent data were not available for all areas from published statistical sources. We believed that the HUD FMR data remained the best available data for constructing the office rental index. HUD FMR data were available for all areas, were updated on an annual basis, and were consistent among areas and from year to year. Moreover, we believed that physicians frequently locate in areas and office space that are residential rather than commercial, for example, in apartment complexes and small strip commercial centers adjacent to residential areas. Residential rents may, in fact, be a better measure of the differences among areas in the physician office market than a general commercial rental index.

(3) Medical Equipment, Supplies, and Miscellaneous Expenses.

Consistent with the original 1992 through 1994 update for medical equipment, supplies, and miscellaneous, this index assumes a national market in which input prices do not vary among geographic areas. We were unable to find any data sources that demonstrated price differences by geographic area. Anecdotal and interview data with suppliers and manufacturers were inconclusive. While some price differences may exist, we believed they were more likely to be based on volume discounts rather than on geographic areas. Generally, it appears that manufacturers' prices do not vary among areas except for shipping costs. Since manufacturers and suppliers are located all over the country, shipping costs do not vary significantly.

c. Malpractice Geographic Practice Cost Indices

Again, malpractice premium data for a $1 million to $3 million mature ''claims made'' policy were collected, with mandatory Patient Compensation Funds (PCFs) considered. Some States have legally required physicians to join PCFs that provide coverage for catastrophic claims. The PCF charges a premium or surcharge just as any other insurer. However, more recent and more comprehensive malpractice insurance data were used in calculating the 1995 through 1997 malpractice GPCIs. The 1995 through 1997 malpractice GPCIs were based on 1990 through 1992 malpractice premium data. Since malpractice premiums may change

significantly from year to year, we decided to use the most recent 3-year average available rather than just the most recent single year to smooth out this volatility and present a more accurate indication of malpractice premium trends over time.

We collected data on more specialties and from more insurers. We collected data on 20 specialties, rather than on only 3 as in the 1992 through 1994 malpractice GPCIs. The 1992 through 1994 malpractice GPCI data were largely drawn from a single nationwide insurer (St. Paul Fire and Marine) and were supplemented by several State-specific carriers in States in which St. Paul did not offer coverage. Subsequent analyses suggest that these data may not be representative of insurers operating in many States. For the revised malpractice GPCI, data were collected from insurers that, on average, represented 82 percent of the market in each State, with the lowest State market share being 60 percent. We believed that the more recent and much more comprehensive data greatly improved the accuracy of the malpractice GPCIs for 1995 through 1997.

Detailed discussions of the methodology and data sources of the 1995 through 1997 GPCIs can be obtained by requesting the following studies from NTIS by calling 1–800–553–NTIS, or (703) 487–4650 in Springfield, Virginia:

- ''Updating the Geographic Practice Cost Index: Revised Cost Shares.'' Debra A. Dayhoff, John E. Schneider, and Gregory C. Pope. NTIS PB94–161072.
- ''Updating the Geographic Practice Cost Index: The Physician Work GPCI.'' Gregory C. Pope and Deborah A. Dayhoff. NTIS PB94–161080.
- ''Updating the Geographic Practice Cost Index: The Practice Expense GPCI.'' Gregory C. Pope, Deborah A. Dayhoff, Angella R. Merrill, and Killard W. Adamache. NTIS PB94–161098.

''Updating the Geographic Practice Cost Index: The Malpractice GPCI.'' Stephen Zuckerman and Stephen Norton. NTIS PB94–161106.

6. Revised 1998 Through 2000 Geographic Practice Cost Indices

The same data sources and methodology used for the 1995 through 1997 GPCIs were also used for the revised 1998 through 2000 GPCIs with a few very minor modifications. No acceptable additional data sources were found. The cost shares were the same as in the 1995 through 1997 GPCIs because no changes were made in the MEI weights. Indices for fee schedule areas were based on the indices for the individual counties within the fee schedule area. Fee schedule RVUs were again used to weight the county indices (to reflect volumes of services within counties) when mapping to MPFS payment areas and in constructing the national average indices. However, we used more recent data, 1994 rather than 1992 RVUs, in the county, locality, and national mapping for the proposed GPCIs. The payment effect of using more current RVU weights was negligible in most cases and generally resulted in changes at the third decimal point if at all.

a. Work Geographic Practice Cost Indices

The work GPCIs were based on the decennial census. The 1992 through 1994 work GPCIs were based on 1980 census data, because 1990 census data were not yet available. The work GPCIs were revised in 1995 with new data from the 1990 census. New census data will not be available again until sometime after the 2000 census is compiled. We searched for other data that would enable us to update the work GPCIs between the decennial censuses. No acceptable data sources were found. The most promising sources of data were the hospital wage data collected by us to calculate the IPPS hospital wage index and the payroll per worker data collected by the U.S. Bureau of Labor Statistics from State unemployment insurance agencies (the ES–202 data).

The IPPS hospital wage data were examined when we constructed the original GPCIs. They were rejected as a physician fee schedule data source in favor of census data because of their lack of an occupation mix adjustment and their unrepresentative occupational composition (hospital employees rather than professionals or physician office employees). ES–202 data consist of total payroll divided by counts of wage and salary workers. The major disadvantage we identified was that they do not measure hourly earnings, only payroll per employee, and no occupational detail is available. Also, they did not adjust for part-time or full-time and hours worked, and the numbers of workers was too small for certain States, all of which led to unstable estimates of payroll per worker. We compared the changes by State from 1989 to 1993 in the IPPS wage data and the ES–202 data to see if there was any correlation between the two series. The correlation between the two was only moderate, 0.55. The changes indicated by both series were generally small, for example, a few percentage points. The difference between the two series by State was in many cases as large as or greater than the change indicated by either series. The average difference between the two series (2.1 percent) is as large as the change indicated by either series. In addition, changes for particular States were substantially different between the two series. For example, Indiana relative wages rose by 1.9 percent according to the IPPS data, but fell 5.7 percent according to the ES–202 data.

Since we were unable to find an acceptable data source for updating the work GPCIs, we examined the consequences of not updating the work GPCIs between the decennial censuses. We compared the changes between the 1992 through 1994 work GPCIs, based on the 1980 census, and the 1995 through 1997 GPCIs, based on the 1990 census. On average, the full variation in State work GPCIs changed by about 5 percent. This translates to about a 1.2 percent change in the one-quarter work GPCI calculation prescribed by law. Since work makes up about one-half of the GPCI cost shares, this translated into an average payment change per State of about 0.6 percent from updating the work GPCI based on the 10-year change in relative wages indicated by the census data. Even the maximum change in the full variation in State work GPCIs from the 1992 through 1994 to the 1995 through 1997 GPCIs of 14 percent translates into only about a 1.8 percent change in payments. The largest full work GPCI changes for individual payment areas were from 16 to 20 percent, or about a 4 to 5 percent change in the one-quarter work GPCI, or about a 2.4 percent change in payments. However, 80 percent of payment areas experienced payment changes of less than 1 percent, and 50 percent of payment localities experienced payment changes of less than 0.5 percent as a result of changes in the census data from 1980 to 1990.

We, therefore, made no changes in the 1998 through 2000 work GPCIs from the 1995 through 1997 work GPCIs, other than the generally negligible changes resulting from using 1994, rather than 1992, RVUs for this GPCI update because we were unable to find acceptable data for use between the decennial censuses. We believed it is preferable that we make no changes rather than make inaccurate changes based on inappropriate data. We felt that this was a reasonable position given the generally small magnitude of the changes in payments resulting from the changes in the work GPCIs from the 1980 to the 1990 census data.

b. Practice Expense Geographic Practice Cost Indices

(1) Employee Wage Indices.

As with the work GPCIs, the employee wage portion of the practice expense GPCIs were also based on decennial census data. For the same reasons discussed above pertaining to the work GPCIs, we made no changes in the employee wage indices during the 1998 through 2000 GPCI update. The average change from the 1992 through 1994 to 1995 through 1997 employee wage indices across States was about 6 percent. Since the employee wage index has a weight of about 16 percent in the GPCI cost shares, this translates into a 1 percent average change in payments. The maximum payment change in any payment area resulting from changes from the 1992 through 1994 to 1995 through 1997 employee wage indices was about 3.2 percent. Payment changes in over two-thirds of the payment areas were less than 1 percent.

(2) Rent Indices.

The office rental indices were again based on HUD residential rent data. The rental indices were based on 1996 HUD data as opposed to 1994 HUD data in the 1995 through 1997 GPCIs. HUD made two small methodological changes in developing the data. First, HUD used the 40th percentile of area rents rather than the 45th percentile. This did not materially affect the GPCIs, which measure relative rents among areas. Second, HUD established a rental floor for rural counties at the statewide rural average. This had the effect of raising the office rental indices slightly in rural areas.

We made one methodological change in the rent indices. HUD publishes FMRs only for metropolitan areas as a whole. For the 1995 through 1997 GPCIs, HUD used a special tabulation of the 1990 census data to allocate rents by county within CMSAs. In some metropolitan areas, this had the effect of reducing the central city index below the suburban index, probably because of lower unmeasured housing quality in central cities than in suburbs. We did not feel that this was a representative indicator of relative physician rents, since the GPCIs are intended to measure rental costs for offices of similar quality in different areas. The metropolitan-wide rent was most appropriate for measuring the cost of space of an average quality across the metropolitan area, which is why HUD publishes only metropolitan-wide FMRs. Also, the census county adjustments can be updated only once every 10 years. For this reason, we believed that the county-specific adjustment should not be made for all large metropolitan areas but should be retained only for the New York City Primary Metropolitan Statistical Area. Available evidence suggests that rents vary substantially among the boroughs of New York City and that, given the current locality configuration, the county-specific rental adjustment appropriately reflects these patterns in the New York City area, especially the higher rents in Manhattan.

(3) Medical Equipment, Supplies, and Miscellaneous Expenses. As with the 1992 through 1994 and 1995 through 1997 GPCIs, this component was given a national value of 1.000, indicating no measurable difference among areas in costs.

c. Malpractice Geographic Practice Cost Indices.

Again, malpractice premium data were collected for a mature ''claims made'' policy with $1 million to $3 million limits of coverage, with adjustments made for mandatory patient compensation funds. As with the 1995 through 1997 GPCIs, data were collected for the 20 largest Medicare-billing physician specialties. The premium data represent at least 50 percent of the market in each State. Again, we used an average of the 3 most recent premium years to smooth out the considerable year-to-year fluctuations that can occur in malpractice premiums. The revised 1998 through 2000 malpractice indices were based on 1992 through 1994 premium data, the latest years available when this revision was being conducted in 1995 through 1996, compared to the 1990 through 1992 data used in the current 1995 through 1997 indices. Another change from the 1995 through 1997 indices is that the specialty shares of the 20 specialties were weighted by fee schedule RVUs rather than allowed charges.

Detailed discussions of the methodology and data sources of the 1998 through 2000 GPCIs may be obtained by requesting the following study from NTIS by calling 1–800–533–NTIS, or, for residents of Springfield, Virginia, (703) 487–4650: ''Second Update of the Geographic Practice Cost Index.'' Gregory C. Pope and Killard W. Adamache.

7. Revised 2001–2003 Geographic Practice Cost Indices

The same data sources and methodology used for the 1998 through 2000 GPCIs were used for the 2001 through 2003 GPCIs. No acceptable additional data sources were found. The only changes from the 1998 through 2000 GPCI were in the cost shares and RVU weighting. As shown in the cost share table in the discussion of the development of the GPCIs, the cost shares were changed to reflect the revisions in the MEI. This does not affect the work or malpractice GPCIs since they are stand-alone indices (not composed of multiple indices). This cost share revision has a slight effect on the practice expense GPCIs because it changes slightly the weights among the employee wage, rents and miscellaneous components of the practice expense index. We used more recent RVU data, 1998 rather than 1994, in the county, locality, and national mapping in the proposed GPCIs. The payment effect of this was generally negligible.

a. Work Geographic Practice Cost Indices.

For the same reasons discussed in the section on the 1998 through 2000 work GPCIs, no changes were proposed in the work GPCIs, other than the generally negligible changes resulting from the use of 1998 rather than 1994 RVUs for weighting, because we were unable to find acceptable data for use between the decennial census.

b. Practice Expense Geographic Practice Cost Indices

(1) Employee Wage Indices.

As with the work GPCIs, the employee wage indices were based on decennial census data. For the same reasons discussed above pertaining to the work GPCIs, we proposed no changes in the employee wage indices during this GPCI update.

(2) Rent Indices.

The office rental indices were again based on HUD residential rent data. No changes were made in the methodology. The proposed rental indices were based on 2000 rather than 1994 HUD data.

(3) Medical Equipment, Supplies, and Miscellaneous Expenses. As with all previous GPCIs, this component is given a national value of 1.000, indicating no measurable differences among areas in costs.

c. Malpractice Geographic Practice Cost Indices

The same methodology described in the 1998 through 2000 malpractice GPCI section was used in the revision of malpractice GPCIs section for 2001 through 2003, the only difference being the use of more recent data. The malpractice indices were based on 1996 through 1998 malpractice premium data rather than the 1992 through 1994 malpractice premium data that was used in the previous GPCI update.

8. Proposed 2004 through 2007 Geographic Practice Cost Indices

The main criticism of the 2001 through 2003 GPCIs was that they were

outdated because they were based on old data; for example, 1990 decennial census data and 1996 through 1998 malpractice premiums, the most recent data available when the GPCIs for 2001 through 2003 were established. The calculation of the proposed 2004 through 2007 GPCIs will be based upon the same data sources and methodology, but the 2004 through 2007 GPCIs will utilize more current data: 2000 decennial census data, 2000 HUD fair market rental (FMR) data for residential rents, and 1999 through 2003 malpractice premium data. This should address the criticism of the 2001 through 2003 GPCIs being out of date.

a. Proposed Work Geographic Practice Cost Indices

We have not yet received the 2000 decennial census data that will be utilized for the revision of the work GPCIs. For this reason, revisions to the work GPCIs will be included in the proposed rule for calendar year 2005.

b. Proposed Practice Expense Geographic Practice Cost Indices

We have not yet received the 2000 decennial census data that will be utilized for the revision of the majority of the practice expense GPCI. We have obtained 2000 HUD fair market rental (FMR) data for residential rents that is utilized for a portion of the practice expense revision. Since we have not received the primary data upon which practice expense GPCIs are calculated and since the office rent component of the practice expense GPCI has not proven to be a substantially variable component in past GPCI updates and accounts for only approximately 12.0 percent of the total GPCI calculation (phased in over a two year period), we have decided not to revise the practice expense GPCIs now based on our limited data. For these reasons, revisions to the practice expense GPCIs will be included in the proposed rule for calendar year 2005.

c. Proposed Malpractice Geographic Practice Cost Indices

The malpractice GPCI is the most volatile of the three indexes with relatively large variations existing between localities. Malpractice premium data for a $1 million to $3 million mature ''claims made'' policy were collected, with mandatory patient compensation funds considered. However, due to the recent concerns regarding the escalating cost of professional liability insurance, especially in 2002 and 2003, we will be collecting more recent malpractice premium data. We propose using actual 1999 through 2002 malpractice premium data and projecting the malpractice premium rates for 2003. The methodology for forecasting 2003 medical malpractice premiums will consist of calculating the geometric mean rate of growth between 1999 through 2002 and applying that rate to the 2002 premium. We will also obtain a national aggregate malpractice premium series with which to benchmark the 2003 forecast. At this point, we are still collecting the 2002 malpractice premium data and are thus unable to project 2003 malpractice premium data in this proposed rule. We are proposing to base the malpractice GPCIs upon actual 2001 and 2002 malpractice premium data and projected 2003 malpractice premium data by January 1, 2004. These revised malpractice GPCIs will be published in this year's final physician fee schedule regulation. They will be considered interim and subject to public comment.

9. Payment Localities

We are also interested in receiving comments on the composition of the current Medicare physician payment localities (89 separate payment localities) to which the GPCIs are applied. For additional information regarding the composition of the 89 Medicare physician payment localities please refer to both the July 2, 1996 proposed rule (61 FR 34615) and the November 22, 1996 final rule (61 FR 59494) for the Medicare physician fee schedule.

C. Coding Issues

1. Payment Policy for CPT Tracking Codes

In the November 1, 2001 final rule (66 FR 55269), we stated that carriers have discretion for coverage and payment of services described by CPT tracking codes, also known as CPT Category III codes, unless we have made a national coverage determination (NCD). (These CPT Category III codes are distinct from the HCPCS Level III codes used by local claims processors which are to be discontinued under HIPAA implementation.) We have received several requests to create national payment amounts for some CPT tracking codes even if there has been no NCD with respect to the services. After review of these requests, we are proposing to change our policy regarding payment for CPT tracking codes.

We propose to create national payment policy and determine national payment amounts for CPT tracking codes when there is a significant programmatic need for us to do so. Such a need could arise, for example, if we receive requests from carrier medical directors that we establish a national payment amount because of carrier inability to do so. This policy change would not change the contractor's discretion over coverage for the CPT tracking codes, but would establish a payment level if the contractor finds that coverage is warranted. Carriers do not need to establish a payment amount for a tracking code until they receive a claim for the code.

2. Excision of Benign and Malignant Lesions

In the CPT 2003 book, the definitions for excision of benign lesions (CPT codes 11400 through 11446 inclusive) and excision of malignant lesions (CPT codes 11600 through 11646 inclusive) were substantively changed. Starting in 2003, these codes are to be reported based on the excised diameter (actual skin removed) rather than on the size of the lesion. We have reviewed the new code descriptors and are proposing to make the work RVUs the same for removal of all skin lesions with the same excised diameters that are from the same area of the body, whether the lesions are benign or malignant For example, the work RVUs for the removal of benign skin lesions from the trunk, arms or legs with excised diameter 1.1–2.0 cm, CPT code 11402, would be the same as the work RVUs for CPT code 11602, which is the removal of *malignant* skin lesions from trunk, arms or legs with excised diameter of 1.1–2.0 cm. Therefore, to retain budget neutrality within each code pair, the total work RVUs associated with each code pair will be constant both before and after the work adjustment. We will accomplish this by dividing the total 2003 work RVUs (2003 work RVUs for a given code pair multiplied by 2002 utilization) by the total 2002 utilization for the given code pair. For example:

CPT code	2002 utilization		2003 work RVU		Total work RVUs
11400	69,041	×	0.85	=	58,685

CPT code	2002 utilization		2003 work RVU		Total work RVUs
11600	13,768	×	1.31	=	18,036
Total	82,809				76,721

76,721 divided by 82,809 = 0.93 work RVU

The proposed work RVUs for these codes follow:

The proposed work RVUs for these codes follow:

TABLE 3

*CPT CODE	Description	2003 work RVU	Proposed Work RVU
11400	Exc tr-ext b9+marg 0.5 < cm	0.85	0.93
11401	Exc tr-ext b9+marg 0.6-1 cm	1.23	1.44
11402	Exc tr-ext b9+marg 1.1-2 cm	1.51	1.72
11403	Exc tr-ext b9+marg 2.1-3 cm	1.79	1.97
11404	Exc tr-ext b9+marg 3.1-4cm	2.06	2.21
11406	Exc tr-ext b9+marg > 4.0 cm	2.76	3.03
11420	Exc h-f-nk-sp b9+marg 0.5 <	0.98	1.01
11421	Exc h-f-nk-sp b9+marg 0.6-1	1.42	1.55
11422	Exc h-f-nk-sp b9+marg 1.1-2	1.63	1.84
11423	Exc h-f-nk-sp b9+marg 2.1-3	2.01	2.28
11424	Exc h-f-nk-sp b9+marg 3.1-4	2.43	2.72
11426	Exc h-f-nk-sp b9+marg > 4 cm	3.78	4.03
11440	Exc face-mm b9+marg 0.5 < cm	1.06	1.16
11441	Exc face-mm b9+marg 0.6-1 cm	1.48	1.89
11442	Exc face-mm b9+marg 1.1-2 cm	1.72	2.31
11443	Exc face-mm b9+marg 2.1-3 cm	2.29	2.86
11444	Exc face-mm b9+marg 3.1-4 cm	3.14	3.78
11446	Exc face-mm b9+marg > 4 cm	4.49	5.57
11600	Exc tr-ext mlg+marg 0.5 < cm	1.31	0.93
11601	Exc tr-ext mlg+marg 0.6-1 cm	1.80	1.44
11602	Exc tr-ext mlg+marg 1.1-2 cm	1.95	1.72
11603	Exc tr-ext mlg+marg 2.1-3 cm	2.19	1.97
11604	Exc tr-ext mlg+marg 3.1-4 cm	2.40	2.21
11606	Exc tr-ext mlg+marg > 4 cm	3.43	3.03
11620	Exc h-f-nk-sp mlg+marg 0.5 <	1.19	1.01
11621	Exc h-f-nk-sp mlg+marg 0.6-1	1.76	1.55
11622	Exc h-f-nk-sp mlg+marg 1.1-2	2.09	1.84
11623	Exc h-f-nk-sp mlg+marg 2.1-3	2.61	2.28
11624	Exc h-f-nk-sp mlg+marg 3.1-4	3.06	2.72
11626	Exc h-f-nk-sp mlg+mar > 4 cm	4.30	4.03
11640	Exc face-mm malig+marg 0.5 <	1.35	1.16
11641	Exc face-mm malig+marg 0.6-1	2.16	1.89
11642	Exc face-mm malig+marg 1.1-2	2.59	2.31
11643	Exc face-mm malig+marg 2.1-3	3.10	2.86
11644	Exc face-mm malig+marg 3.1-4	4.03	3.78
11646	Exc face-mm mlg+marg > 4 cm	5.95	5.57

3. Create G Codes for Monitoring Heart Rhythms

Technological advances have made cardiac telemetry equipment, typically used in hospitals, available in the home setting. It is now possible to discharge patients with arrhythmias to a home setting and have them monitored at home in a manner similar to hospital monitoring. This monitoring can be used to diagnose arrhythmias or to monitor patients with known arrhythmias to determine, on a real-time basis, whether the patient is having ongoing arrhythmias. The equipment consists of patient leads and a home telemetry station that is connected to a distant monitoring station via the telephone. The monitoring station is attended twenty-four hours a day, seven days a week by a technician. Upon receipt of rhythm strips, the technician records and formats the strips and faxes them to the treating physician.

This equipment automatically records the patient's heart rhythm and is not triggered by the patient (for example, his response to symptoms). The equipment is pre-set with parameters (for example, heart rate of over 120) that trigger it to transmit the patient's cardiac rhythm to monitoring station. Additionally, the technician at the monitoring station can interrogate the home station and have it transmit rhythm strips upon request even when no arrhythmia has triggered an automatic transmission. These latter transmissions are at the discretion of the technician and may or may not be faxed to the treating physician based on previous orders.

Depending on the clinical need, patients may be monitored by this equipment for varying lengths of time. Furthermore, the frequency of transmission of cardiac rhythms varies, as does the amount of material that must be reviewed by the physician. For example, a patient may have no cardiac rhythms transmitted for one or more days while on other days the patient may have several minutes of arrhythmias transmitted for physician review.

To ensure this technology is available to Medicare beneficiaries for covered indications (coverage is currently at the discretion of the local Medicare contractors because there is no national coverage determination for this service) we are creating several HCPCS G codes to describe this service and are establishing national payment amounts for these services. Currently Medicare contractors are requiring both the PC and TC of this service to be billed under CPT code 93799, *Unlisted cardiovascular procedure or service.* This service is covered under the diagnostic test benefit category at section 1861(s)(3) of the Act.

Medicare is establishing the following HCPCS codes to describe this service:

GXXX1—Electrocardiographic monitoring for diagnosis of arrhythmias, utilizing a home computerized telemetry station and trans-telephonic transmission, with automatic activation and real time notification of monitoring station, 24-hour attended monitoring, per 30-day period of time; includes recording, monitoring, receipt of transmissions, analysis, and physician review and interpretation. (global)

GXXX2—Electrocardiographic monitoring for diagnosis of arrhythmias, utilizing a home computerized telemetry station and trans-telephonic transmission, with automatic activation and real time notification of monitoring station, 24-hour attended monitoring, per 30-day period of time; recording (includes hook-up, recording and disconnection)

GXXX3—Electrocardiographic monitoring for diagnosis of arrhythmias, utilizing a home computerized telemetry station and trans-telephonic transmission, with automatic activation and real time notification of monitoring station, 24-hour attended monitoring, per 30-day period of time; monitoring, receipt of transmissions, and analysis

GXXX4—Electrocardiographic monitoring for diagnosis of arrhythmias, utilizing a home computerized telemetry station and trans-telephonic transmission, with automatic activation and real time notification of monitoring station, 24-hour attended monitoring, per 30-day period of time; physician review and interpretation.

We are establishing the following payment amounts for these codes:

GXXX1—We are assigning 0.52 physician work RVUs and 0.24 malpractice RVUs which is equivalent to *CPT Code, 93268 Patient demand single or multiple event recording with presymptom memory loop, 24-hour attended monitoring, per 30 day period of time; includes transmission physician review and interpretation.* We are also crosswalking the practice expense inputs from CPT Code 93268.

GXXX2—We are assigning 0.07 malpractice RVUs which is equivalent to *CPT Code 93270, Patient demand single or multiple event recording with presymptom memory loop, 24-hour attended monitoring, per 30 day period of time; recording (includes hook-up, recording, and disconnection)* and crosswalking the practice expense inputs from CPT Code 93270.

GXXX3—We are assigning 0.15 malpractice RVUs which is equivalent to *CPT Code 93271, Patient demand single or multiple event recording with presymptom memory loop, 24-hour attended monitoring, per 30 day period of time; monitoring, receipt of transmission, and analysis* and also are crosswalking the practice expense inputs from CPT Code 93271.

GXXX4—We are assigning 0.52 physician work RVUs and 0.02 malpractice RVUs which is equivalent to *CPT Code 93272 Patient demand single or multiple event recording with presymptom memory loop, 24-hour attended monitoring, per 30 day period of time; physician review and interpretation only.* We are also crosswalking the practice expense inputs, from CPT Code 93272.

We believe these proposed RVUs and crosswalks are appropriate as the services provided in the new codes are very similar in terms of physician work, resource use, and malpractice risk to the existing CPT Codes.

4. CPT Code 88180 (Flow Cytometry; Each Cell Surface, Cytoplasmic or Nuclear Marker)

Flow cytometry is a technique to analyze single cell suspensions from blood, bone marrow, body fluids, lymph nodes, and other tissues. The technique, currently coded as CPT code 88180, *Flow cytometry, each cell surface, cytoplasmic or nuclear marker*, quantifies cell surface, cytoplasmic, and nuclear antigens. The results are frequently used to diagnose lymphomas and leukemias. They are also used to monitor lymphocyte subpopulations in patients with HIV infection or solid organ transplantation. For example, in patients with HIV infection, physicians evaluate CD4+ lymphocytes as a measure of the severity of the infection (some physicians also measure other markers although their clinical relevance is not as well established). In patients with solid organ transplantation, physicians measure various lymphocyte subpopulations to help assess early rejection, identify bone marrow toxicity during immunosuppressive therapy, and differentiate infections from transplant rejection. In these cases the treating physician, not the pathologist, makes the diagnosis. It is inappropriate for the pathologist to report the professional component (PC) of this service. In general, flow cytometry results must be utilized along with clinical data to make

a diagnosis. Other clinical situations where flow cytometry tests have some value include stem cell transplantation, paroxysmal nocturnal hemoglobinuria, immune deficiency disorders, etc.

When flow cytometry is performed to diagnose lymphoma or leukemia, there is a single interpretation based on the quantification of all markers tested. There is not an interpretation of each marker individually.

Moreover, for a given clinical indication (for example, diagnosis of lymphoma based on lymph node examination) there is variation in the number of markers performed. The number of markers that are necessary depends, in part, on the pathologic information available to the pathologist at the time he/she orders flow cytometry. Therefore, for a given clinical indication (for example, diagnosis of lymphoma from a lymph node) a pathologist who chooses to perform flow cytometry before performing a microscopic examination of the tissue specimen (for example, a lymph node) may order more markers than a pathologist who orders flow cytometry after performing a microscopic examination of the tissue specimen.

The current coding scheme (payment on a per marker basis) may encourage the performance of more markers than may be medically necessary because the pathologist determines what markers to perform and when to perform them.

Our review of flow cytometry reports confirms that markers are interpreted (and reported) on a panel basis. From our review, physicians do not typically interpret individual markers. This is consistent with most of the clinical indications for flow cytometry that require performance of several markers to make a diagnosis. There may also be clinical situations where no professional component is performed although it is appropriate to perform the technical component (TC) (for example, monitoring of HIV infected patients, monitoring of solid organ transplantations).

The fact that markers are generally analyzed on a ''panel'' basis, not an ''individual'' basis, means that the current practice and use of flow cytometry is not appropriately reflected by the PC of CPT code 88180.

However, we do believe that it is appropriate to pay for the TC of each marker separately, although at a lower rate of payment (due to economies of scale) when multiple markers are performed. A coding scheme that pays per marker for the TC and per panel for the PC would more accurately reflect the actual practice of flow cytometry.

The laboratory community is aware of our concerns about the coding of flow cytometery and will review this issue and consider whether changes should be made to the current coding for the procedure. If no changes in coding are forthcoming, we would consider creating HCPCS codes for flow cytometry. We welcome comments and recommendations on appropriate values for the procedure that we could use in developing any future proposal.

5. Create G Codes for Dialysis Patient Seeing the Doctor

We have reviewed our current payment policy for the monthly dialysis capitation, CPT codes 90918 through 90921 in response to concerns that have been raised over whether our payment policy is consistent with current medical practice.

Specifically, we understand that physician involvement in dialysis for end stage renal disease (ESRD) varies based on a patient's condition, response to dialysis, and comorbidities. A physician involvement for a single patient may also vary from month to month. It is our intent to ensure that beneficiaries with ESRD receive the highest quality dialysis care available and that physician involvement in dialysis for ESRD patients is appropriate and consistent with the needs of the patient in any month.

Observers of the quality of care for dialysis patients have noted that some dialysis patients may benefit from being evaluated by their physician frequently. A recent international comparison study suggested that longer physician-patient contact time in hemodialysis facilities was associated with lower mortality risk.

To align the payment incentives with the frequency of the physician personally evaluating the dialysis patient, we are proposing to make CPT codes 90918, 90919, 90920, 90921 invalid for Medicare and to create G codes. We are proposing to create 3 new G codes in place of each CPT code with higher payments associated with providing more visits within each month to an ESRD patient. Under our proposal, there will be separate codes when the physician provides 1 visit per month, 2–3 visits per month and 4 or more visits per month. The code for 1 visit per month will have the lowest payment while a higher payment will be provided for 2 to 3 visits per month and the highest payment for 4 or more visits per month. Our methodology for determining payment is described below. These new codes will be reported once per month for services performed in an outpatient setting and related to the patient's ESRD. These physician services will continue to include the establishment of a dialyzing cycle, outpatient evaluation and management of the dialysis visits, telephone calls, and patient management, provided during a full month. These codes would not be used if a hospitalization occurred during the month.

GXXX5—End Stage Renal Disease (ESRD) related services per full month, for patients under 2 years of age to include monitoring for the adequacy of nutrition, assessment of growth and development, and counseling of parents; with 4 or more face-to-face physician visits per month.

GXXX6—End Stage Renal Disease (ESRD) related services per full month, for patients under 2 years of age to include monitoring for the adequacy of nutrition, assessment of growth and development, and counseling of parents; with 2 or 3 face-to-face physician visits per month.

GXXX7—End Stage Renal Disease (ESRD) related services per full month, for patients under 2 years of age to include monitoring for the adequacy of nutrition, assessment of growth and development, and counseling of parents; with 1 face-to-face physician visit per month.

GXXX8—End Stage Renal Disease (ESRD) related services per full month, for patients between 2 and 11 years of age to include monitoring for the adequacy of nutrition, assessment of growth and development, and counseling of parents; with 4 or more face-to-face physician visits per month.

GXXX9—End Stage Renal Disease (ESRD) related services per full month, for patients between 2 and 11 years of age to include monitoring for the adequacy of nutrition, assessment of growth and development, and counseling of parents; with 2 or 3 face-to-face physician visits per month.

GXX10—End Stage Renal Disease (ESRD) related services per full month, for patients between 2 and 11 years of age to include monitoring for the adequacy of nutrition, assessment of growth and development, and counseling of parents; with 1 face-to-face physician visit per month.

GXX11—End Stage Renal Disease (ESRD) related services per full month, for patients between 12 and 19 years of age to include monitoring for the adequacy of nutrition, assessment of growth and development, and

counseling of parents; with 4 or more face-to-face physician visits per month.

GXX12—End Stage Renal Disease (ESRD) related services per full month, for patients between 12 and 19 years of age to include monitoring for the adequacy of nutrition, assessment of growth and development, and counseling of parents; with 2 or 3 face-to-face physician visits per month.

GXX13—End Stage Renal Disease (ESRD) related services per full month, for patients between 12 and 19 years of age to include monitoring for the adequacy of nutrition, assessment of growth and development, and counseling of parents; with 1 face-to-face physician visit per month.

GXX14—End Stage Renal Disease (ESRD) related services per full month, for patients 20 years of age and over; with 4 or more face-to-face physician visits per month.

GXX15—End Stage Renal Disease (ESRD) related services per full month, for patients 20 years of age and over; with 2 or 3 face-to-face physician visits per month.

GXX16—End Stage Renal Disease (ESRD) related services per full month, for patients 20 years of age and over; with 1 face-to-face physician visit per month.

We are assuming that most physicians will provide 4 or more visits to their ESRD patients and a small proportion will provide 2–3 visits or only 1 visit per month. Using these assumptions and Medicare utilization data from 2002, we developed relative value units for the new G codes that will make the Medicare's aggregate payments for ESRD related services under the physician fee schedule approximately equal to current payments that are occurring using procedure codes 90918 to 90921. Relative to our current payments, we are proposing to lower payment when the physician provides 1 visit per month or 2–3 visits per month. Since we are proposing to lower payment if the physician provides fewer than 4 visits per month, in order to maintain the same aggregate payments for ESRD related services, we are proposing to increase payment if the physician provides 4 or more visits per month. Using these assumptions, the proposed work, practice expense and malpractice RVUs for procedure codes GXXX5 through GXXX16 are shown below:

TABLE 4

Code	Physician work	Practice expense	Malpractice
GXXX5	12.92	8.70	0.60
GXXX6	5.19	3.49	0.24
GXXX7	3.39	2.29	0.16
GXXX8	9.91	4.86	0.43
GXXX9	3.55	1.74	0.15
GXX10	2.32	1.14	0.10
GXX11	8.47	4.54	0.35
GXX12	3.14	1.68	0.13
GXX13	2.05	1.10	0.08
GXX14	5.16	2.94	0.22
GXX15	1.94	1.10	0.08
GXX16	1.27	0.73	0.06

We believe that stratifying payment amounts by physician face-to-face involvement would be an improvement over the current method, but still may not be optimal to foster improved outcomes.

Both the Institute of Medicine and Medicare Payment Advisory Commission (MedPAC) have advocated an increased role for CMS in encouraging improved quality outcomes. In their June 2003 Report to Congress (Variation and Innovation in Medicare), MedPAC recommended ''the Secretary should conduct demonstrations to evaluate provider payment differentials and structures that reward and improve quality.''

We responded to this call by increasing the focus of our Quality Improvement Organizations (formerly called Peer Review Organizations) and ESRD Networks on developing quality measures and also performing or assisting providers with the performance of quality improvement activities. We have also implemented initiatives to address the quality of care provided in various settings. These include: The Home Health Quality Initiative; the Hospital Quality Initiative; the Nursing Home Quality Initiative; the Home Health Quality Initiative and Doctors Office Quality Project (see *http://cms.hhs.gov/quality/* for more information).

Additionally, we have developed various demonstration projects that provide incentives to improve quality. For example, as part of an ongoing effort to achieve improved patient outcomes, we announced the ESRD Disease Management Demonstration in the **Federal Register** on June 4, 2003. The goal of this demonstration is to achieve improved patient outcomes through disease management services and quality incentives. This demonstration does not directly involve renal physicians, but we are considering the use of quality incentives in potential future payment systems for them as well. Renal physicians play a central role in leading the interdisciplinary team charged with managing an ESRD patient's care.

Thus, we are seeking comment on how to further revise our payment methodology to improve quality of care and outcomes. We are also interested in information that could help us design future demonstrations that would incorporate both dimensions of care (quality and utilization) and help ensure that payment is based on appropriate patient-specific care that has been shown to lead to improved outcomes for this complex patient population.

6. Extracorporeal Shock Wave Lithotripsy for Musculoskeletal Conditions

We received several comments on the G codes for extracorporeal shock wave lithotripsy created in the December 31, 2002 final rule. We will be responding to those comments as part of this year's final rule, but we would appreciate any additional information on the physician work, practice expenses, and duration of treatment and intensity or energy of the shock waves applied for various conditions at various anatomic sites.

7. Late RUC recommendations for 2003 CPT codes.

RUC recommendations for RVUs for approximately 20 new CPT codes for 2003 were received too late for incorporation in the December 31, 2002 final rule. We proposed interim RVUs for these codes and, as with all interim values, these were subject to comment. In their comments on the December 2002 final rule, the AMA–RUC requested that we consider their late recommendations for these codes. We will be addressing these, as well as other comments received on the interim RVUs in the upcoming final rule.

III. Other Issues

A. Rebasing and Revising of the Medicare Economic Index

1. Background

The Medicare Economic Index (MEI) is required by section 1842(b)(3) of the Act, which states that prevailing charge levels beginning after June 30, 1973 may not exceed the level from the previous year except to the extent that the Secretary finds, on the basis of appropriate economic index data, that the higher level is justified by year-to-year economic changes. Beginning July 1, 1975, and continuing through today, the MEI has met this requirement by reflecting the weighted sum of the annual price changes of the inputs used

to produce physicians' services. As such, the MEI attempts to be an equitable measure of price changes associated with physician time and operating expenses.

The current form of the MEI was detailed in the November 25, 1992 **Federal Register** (57 FR 55896) and was based in part on the recommendations of a Congressionally-mandated meeting of experts held in March 1987. Since that time, the structure of the MEI has remained essentially unchanged, with two exceptions. First, the MEI was rebased in 1998 (63 FR 58845), which moved the cost structure of the index from 1992 data to 1996 data. Second, the methodology for the productivity adjustment was revised in 2002 (67 FR 80019) to reflect the percentage change in the 10-year moving average of economy-wide multifactor productivity.

We are proposing to rebase and revise the MEI for the 2004 physician fee schedule update. The terms ''rebasing'' and ''revising'', while often used interchangeably, actually denote different activities. Rebasing means moving the base year for the structure of costs of an input price index, while revising means changing data sources, cost categories, or price proxies used in the input price index. As is always the case with a rebasing and revising exercise, we have attempted to use the most recently available, relevant, and appropriate information to develop the MEI cost category weights and price proxies. We detail below the updated cost weights for the MEI expense categories, our rationale for selecting the price proxies in the MEI, and the results of the proposed rebasing and revising of the MEI.

2. Use of More Current Data

The MEI was last rebased and revised in 1998 for the 1999 physician fee schedule update (63 FR 58845). The current base year for the MEI is 1996, which means that the cost weights in the index reflect physicians' expenses in 1996. However, we believe it is desirable to periodically rebase and revise the index so that the expense shares and proxies reflect more current conditions. For this reason, we propose to rebase the MEI to reflect physicians' expenses in 2000. In addition, we are proposing to revise the cost categories in the MEI and to change three of the proxies we currently use to ensure that the index is appropriately reflecting price changes. We will continue to adjust the MEI for economy-wide multifactor productivity.

The expense categories in the proposed MEI were primarily derived from the 2003 AMA Physician Socioeconomic Characteristics publication (2003 Patient Care Physician Survey data), which measures physicians' earnings and overall practice expenses for 2000. The AMA data were used to determine expenditure weights for total expenses, physicians' earnings, and malpractice expenses, the only information detailed in this survey. To further disaggregate into subcategories reflecting more detailed expenses, we used data from previous AMA surveys, the 1997 Bureau of Economic Analysis Benchmark Input-Output table (I/O), the 2003 Bureau of Labor Statistics (BLS) Employment Cost Index (ECI), and the 2002 Bureau of the Census Current Population Survey (CPS).

3. Rebasing and Revising Expense Categories in the MEI

a. Developing the Weights For Use in the MEI

Developing a rebased and revised MEI requires selecting a base year and determining the number and composition of expense categories. We are proposing to rebase the MEI to CY 2000. CY 2000 was chosen as the base year for two main reasons: (1) CY 2000 was the most recent year for which data were available from the AMA, and (2) we believed that the CY 2000 data were representative of the changing distribution of physicians' earnings and practice expenses over time.

We determined the number and composition of expense categories based on the criteria used to develop the current MEI and other CMS input price index expenditure weights. These criteria are timeliness, reliability, relevance, and public availability. For more information on these criteria, see the May 9, 2002 **Federal Register** (67 FR 31444) and the detail later in this preamble. Table 5 lists the set of mutually exclusive and exhaustive cost categories that make up the proposed rebased and revised MEI.

TABLE 5.—PROPOSED REVISED MEDICARE ECONOMIC INDEX EXPENDITURE CATEGORIES, WEIGHTS, AND PRICE PROXIES

Expense category	Proposed 2000—Expense weights [1] [2]	1996 Expense weights	Proposed price proxies
Total	100.000	100.000	
Physician Earnings [3]	52.466	54.460	
Wages and Salaries	42.730	44.197	AHE—Private.
Benefits [4]	9.735	10.263	ECI—Ben: Private.
Physician Practice Expenses	47.534	45.540	
Nonphysician Employee Compensation	18.654	16.812	
Employee Wages and Salaries	13.809	12.424	
Prof/Tech Wages	5.887	5.662	ECI–W/S: Private P&T.
Managerial Wages	3.333	2.410	ECI–W/S: Private Admin.
Clerical Wages	3.892	3.830	ECI–W/S: Private Clerical.
Services Wages	0.696	0.522	ECI–W/S: Private Service.
Employee Benefits [4]	4.845	4.388	ECI–Ben: Priv. White Collar.
Office Expenses	12.209	11.581	CPI(U)—Housing
Professional Liability Insurance	3.865	3.152	CMS—Prof. Liab. Phys. Premiums.
Medical Equipment	2.055	1.878	PPI—Medical Instruments & Equip.
Pharmaceuticals and Medical Materials and Supplies	4.320	4.516	
Medical Materials and Supplies	2.011	.....	PPI Surg. Appliances and Supplies/CPI(U) Med Supplies.
Pharmaceuticals	2.308	.....	PPI Ethical Prescription Preparations.
Other Professional Expenses	6.433	7.601	CPI–U All Items Less Food and Energy.

[1] Due to rounding, weights may not sum to 100.000 percent.

[2] Sources: Physician Socioeconomic Statistics, 2000–2002 Edition (SMS Survey), Physician Socioeconomic Statistics, 2003 Edition (PCPS Survey), Center for Health Policy Research, American Medical Association; 2003 Employment Cost Index, U.S. Department of Labor, Bureau of Labor Statistics; U.S. Department of Commerce, Bureau of Economic Analysis 1997 Benchmark Input Output Tables, and U.S. Department of Commerce, Bureau of the Census, 2002 Current Population Survey.
[3] Includes employee physician payroll.
[4] Includes paid leave.

To determine the expenditure weights for the proposed rebased and revised MEI, we used currently available and statistically valid data sources on physician earnings and practice expenses. While we consulted numerous data sources, we used five data sources to determine proposed MEI expenditure weights: (1) The 2003 AMA Physician Socioeconomic Statistics (2000 survey data) for self-employed physicians, (2) the 2000–2002 AMA Physician Socioeconomic Statistics (1998 data) for self-employed physicians, (3) the March 2003 BLS Employment Cost Index, (4) the 2002 Bureau of the Census CPS, and (5) the Bureau of Economic Analysis (BEA) 1997 Benchmark Input-Output tables (I/O). No one data source provided all of the information needed to determine expenditure weights according to our criteria. The development of each of the cost categories using these sources is described in detail below.

b. Physician Earnings

Like the current MEI, the proposed rebased and revised MEI will use AMA data on mean physician net income (physician earnings) for self-employed physicians to develop a weight for physician earnings. The weight for this expense category was based on AMA data for 2000 and was calculated as a percentage of total mean expenses (physician earnings and practice expenses, including malpractice). The physician earnings expenditure category also includes employee physician compensation. Currently, physician earnings and overhead expenses generated by employee physicians are included in the AMA practice expenses category. However, we believe it is appropriate, for our purposes, to place employee physician compensation in the MEI cost category of physician earnings since employee physician compensation represents actual expenditures made in the delivery of services. In addition, including employee physician payroll in physician earnings in the MEI is consistent with the current payment methodologies in accordance with the physician fee schedule, where the work RVU is computed based on what service is provided and not on who provides the service. Since employee physicians perform the same services as self-employed physicians, employee physician time is reflected in the work RVU. By including the compensation of employee physicians in the physician earnings expense category, these expenses will be adjusted by the appropriate price proxies for a physician's own time.

To obtain further detail for both wages/salaries and benefits, the ratio between these categories for 1996 (based on current MEI) was updated to 2000 using the growth in the overall employment cost index for private employees for wages/salaries and benefits. Alternative data for determining this split were not readily available from any other source. The main shortcoming of this method is that any changes in quantity and intensity (mix of physicians) are not reflected. However, faced with the lack of alternative data, we deemed this approach to be the most feasible, and the results appear to be consistent with anecdotal evidence on this ratio. Its application resulted in a wage-fringe benefit split of 81.4 and 18.6 percent, respectively, in the proposed revised and rebased MEI compared with a wage-fringe benefit split of 81.2 and 18.8 percent, respectively in the 1996-based MEI.

c. Physician Practice Expenses

To determine the remaining individual practice expense weights, we updated AMA expense data from 1998 to 2000 using the relative price change in an appropriate price index. After the levels were updated to 2000 values, it was necessary to normalize these levels to equal the 2000 mean total expense data provided by the 2003 AMA survey. The detailed explanations for the derivation of the individual weights are listed below.

(i) Nonphysician Employee Compensation

The cost share for nonphysician employee compensation was developed by updating the 1998 AMA Socioeconomic Survey data on nonphysician employee compensation costs for self-employed physicians to 2000, using the current proxy for this category, and dividing the resulting amount into total expenses (physician earnings plus practice expenses) for 2000 from the AMA survey. We further divided this cost share into wages/salaries and benefits using BLS Employment Cost Index data. The ECI survey contains data on the proportion of total compensation accounted for by wages/salaries and benefits (including paid leave) by private industry health services occupational category. These proportions can be used to distribute the total non-physician employee compensation weight to wages/salaries and benefits for non-physician employees. We used 2000 data from the March 2003 publication. Although this survey does not contain data specifically for offices of physicians, data are available on wage/fringe shares for private industry health services, which include hospitals, nursing homes, offices of physicians, and offices of dentists. We believe the data for health services from the survey do provide a reasonable estimate of the split between wages and fringe benefits for employees in physicians' offices. Data for 2000 in the ECI survey for total health services indicate that wages and fringe benefits are 74.02 percent and 25.98 percent of compensation, respectively.

As in the 1996-based MEI, we are proposing to use CPS data on earnings by occupation to develop cost shares for wages for nonphysician occupational groups shown in Table 6. To arrive at a distribution for these separate categories, we multiplied the overall share for nonphysician employee wages/salaries by each of the occupational proportions from the 2000 CPS. The proposed distribution and the distribution in the current MEI are presented in Table 6.

TABLE 6.—PERCENT DISTRIBUTION OF NONPHYSICIAN PAYROLL EXPENSE BY OCCUPATIONAL GROUP: 2000 AND 1996

BLS Occupational Group	*2000 Expenditure Shares*	*1996 Expenditure Shares*
Total	100.000	100.000
Professional & Technical Workers	42.635	45.573
Managers	24.138	19.398
Clerical Workers	28.187	30.827
Service Workers	5.040	4.202

Note: Values may not sum to 100 due to rounding.

(ii) Professional Liability Expense

The weight for professional liability expense was derived from the 2003 AMA survey (2000 data) and was calculated as the mean professional liability expense expressed as a percentage of total expenses (physician earnings plus practice expenses). This calculation resulted in a 3.865 percent share of total costs in 2000 compared to a 3.152 percent share in the 1996-based index. The increase in weight for professional liability insurance represents the increases in premiums and increases in the amount of coverage purchased by physicians in 2000 compared to 1996. Since the data do not reflect any changes caused by increases in these expenses in 2001 and 2002, they do not take into account the recent acceleration in the growth in premiums that physicians have experienced and, therefore, the weights will not reflect these changes. However, the proxy that we currently use in the 1996-based index—and will continue to use in the proposed rebased and revised index—does reflect the price increases associated with the recent rise in malpractice costs.

(iii) Office, Medical Equipment, Pharmaceuticals and Medical Materials and Supplies Expenses, and All Other Expenses

The 2003 AMA survey provides less detail for expenses with respect to prior years' publications. Therefore, we calculated the share of each of the above categories by updating the AMA data for 1998 to 2000 using an appropriate price proxy. The primary reason for using the price proxy was that we lacked other data to develop cost weights for each of these categories. As stated previously, the main deficiency of this method is that it does not account for any changes in the quantity or intensity effects associated with these expenses. Our belief, however, was that it was important to continue using these detailed breakouts so that each would be proxied by an appropriate price index and that the quantity/intensity effects over a short period of time are not likely to be large. In fact, we have found that even over longer periods of time, the distribution of costs tends to be relatively similar.

Office expenses and medical equipment levels were moved to 2000 using the growth from 1998 to 2000 in their respective MEI price proxies. In the case of office expenses, we used the growth in the CPI-U Housing; for medical equipment expenses, we used the growth in the PPI for Medical Instruments and Equipment.

The share for pharmaceuticals (prescription drugs) and medical materials and supplies was calculated by separating out pharmaceuticals and other medical materials and supplies using 1997 BEA Benchmark Input-Output data. First, the sum of all the pharmaceuticals and medical supplies categories from the Benchmark Input-Output tables for 1997 was calculated. The share of pharmaceuticals and medical supplies was then calculated as a percentage of this total and applied to the 1997 AMA medical supplies data. These calculated levels were then inflated to 2000 using the growth in an appropriate price proxy. We thought it was important and appropriate to account for each of these categories separately so that differences in relative price growth between pharmaceuticals (prescription drugs) and other medical materials and supplies would be more accurately represented. The resulting 2000 data for the two separate categories were then aggregated (summed) together to form the overall total for the share for the pharmaceuticals and medical materials and supplies category in the rebased and revised MEI. The pharmaceuticals category was inflated using the Producer Price Index (PPI) for ethical prescription preparations and the medical materials and supplies category was updated using the PPI for surgical appliances and supplies.

Finally, the All Other Expense category was calculated as a residual (total expenses less the percentage of all categories currently accounted for). The additional detail for transportation expenses found in the prior MEI was removed because the data were not readily available for measurement of a cost share for 2000. The effect on the MEI of removing the detail is negligible.

4. Selection of Price Proxies for Use in the MEI

After the 2000 cost weights for the rebased and revised MEI were developed, we reviewed the current set of price proxies to determine whether they were still the most appropriate for each expenditure category. As was the case in the development of the 1996-based MEI (57 FR 55901), most of the indicators we considered are based on BLS data and are grouped into one of the following five categories:

Producer Price Indices (PPIs)

PPIs measure price changes for goods sold in other than retail markets. They are the preferred proxies for physician purchases at the wholesale level. These fixed-weight indices are a measure of price change at the producer or at the intermediate stage of production, a more likely mode of purchase for physicians.

Consumer Price Indices (CPIs)

CPIs measure change in the prices of final goods and services purchased by consumers. Like the PPIs, they are fixed-weight. Since they may not represent the price changes faced by producers, CPIs were used if there were no appropriate PPI or if the expenditure category was similar to expenditure of retail consumers in general.

Average Hourly Earnings (AHEs)

AHEs are available for production and nonsupervisory workers for specific industries as well as for the nonfarm business economy. They are calculated by dividing gross payrolls for wages/salaries by total hours. The series reflects shifts in employment mix and, thus, is representative of actual changes in hourly earnings for industries or for the nonfarm business economy.

ECIs for Wages/Salaries

These ECIs measure the rate of change in employee wage rates per hour worked. These fixed-weight indices are not affected by shifts in industry or occupation employment levels and measure only the pure rate of change in wages.

ECIs for Employee Benefits

These ECIs measure the rate of change in employer costs of employee benefits, such as the employer's share of Social Security taxes, pension and other retirement plans, insurance benefits (life, health, disability, and accident), and paid leave. Like ECIs for wages/salaries, the ECIs for employee benefits are not affected by changes in industry output or occupational shifts.

When choosing wage and price proxies for each expense category, we evaluate the strengths and weaknesses of each proxy variable using four criteria. The first criterion is relevance. The price variable should appropriately represent price changes for specific goods or services within the expense category. Relevance may encompass judgments about relative efficiency of the market generating the price and wage increases.

The second criterion is reliability or low sampling variability. If the proxy wage-price variable has a high sampling variability or inexplicable erratic patterns over time, its value is greatly diminished, since it is unlikely to accurately reflect price changes in its associated expenditure category. Low sampling variability can conflict with relevance, since the more specifically a price variable is defined in terms of

service, commodity, or geographic area, the higher the possibility of sampling variability. The length of time the time-series data have been published is also important. A well-established time series is needed to assess the reasonableness of the series and to provide a solid base from which to forecast future price changes in the series. We need to forecast the MEI to make Federal budget and Trustees Report estimates.

The third criterion is timeliness of actual published data. For this reason, we prefer monthly and quarterly data to annual data.

The fourth criterion is public availability. We prefer to use data sources that are publicly available for our indices so that the public may track each of the individual components in the MEI.

The BLS price proxy categories previously described meet the criteria of relevance, reliability and timeliness, and public availability. Below we discuss the price-wage proxies for the rebased and revised MEI (shown in Table 1).

(a) Expense Categories in the MEI

Physician Time

In the proposed revised and rebased MEI, we are using the AHE for the private nonfarm economy as the proxy for the physician wages/salaries component; this is the same price measure used in the 1996-based MEI. In our judgment, this proxy still most closely comports with Congressional intent as expressed in the Senate Finance Committee's 1972 report (S. Rept. No. 92–1230 at 191 (1972)). AHEs change in accordance with changes in the type and mix of workers.

As we discussed extensively in the November 2, 1998 final rule (63 FR 58848) and again in the December 31, 2002 final rule (67 FR 80019), we believe that the current price proxy for physicians' earnings—AHE in the nonfarm business economy—is the most appropriate proxy to use in the MEI. The AHE for the nonfarm business economy reflects the impacts of supply, demand, and economy-wide productivity for the average worker in the economy. Using this measure as the proxy for physicians' earnings captures the parity in the rate of change in wages for the average worker and for physicians. In addition, use of this proxy is consistent with the original legislative intent that the change in the physicians' earnings portion of the MEI parallel the change in general earnings for the economy. Since earnings are expressed per hour, a constant quantity of labor input per unit of time is reflected. The use of the AHE data is also consistent with our using the BLS economy-wide multifactor productivity measures since economy-wide wage increases reflect economy-wide productivity increases.

Using the ECI for professional and technical workers or other occupational-specific wage proxies has a major shortcoming; in many instances, occupations such as engineering, computer science, and nursing have unique characteristics that are not representative of the overall economy or the physician market. Specifically, wage changes for such occupations can be influenced by excess supply or demand for these types of workers. We believe it would not be appropriate to proxy the physician earnings portion of the MEI with a wage proxy that reflects these other occupation's unique characteristics.

The current MEI uses the ECI for fringe benefits for total private industry as the price proxy for physician fringe benefits. We are proposing to use the same proxy for the 2000-based MEI. This means that both the wage and fringe benefit proxies for physician earnings are derived from the nonfarm private sector and are computed on a per-hour basis.

Nonphysician Employee Compensation

As in the 1996-based MEI, we are proposing to use Current Population Survey data on earnings and employment by occupation to develop labor cost shares for the nonphysician occupational groups shown in Table 6. BLS maintains an ECI for each occupational group, and we propose to use these ECIs as price proxies for nonphysician employee wages in the same manner they are used in the current MEI.

The skill mix shift in employees of physician offices in the last few years has been towards managerial occupations. While these skill mix shifts are captured in the expenditure weights, they are appropriately held constant in a Laspeyres price index such as the MEI. Skill mix shifts, which may reflect the changing intensity of services provided in physicians' offices, are accounted for in the payment system outside of the MEI.

The current MEI uses the ECI for fringe benefits for white collar employees in the private sector as a proxy for nonphysician benefits. Since most nonphysician employees in physicians' offices are white-collar employees, we are again proposing to use the ECI for benefits for white collar employees in the proposed rebased and revised MEI.

Office Expense

Office expenses include rent or mortgage for office space, furnishings, insurance, utilities, and telephone. We are proposing the continued use of the CPI–U for housing because it is a comprehensive measure of the cost of housing, including rent, owner's equivalent rent, and the types of goods and services associated with running an office. This proxy covers about 80 percent of the population.

Pharmaceuticals and Medical Materials and Supplies

This cost category includes drugs, outside laboratory work, x-ray films, and other related services. There is not one price proxy that includes this complete mix of materials and supplies. In the absence of one index, we are proposing to separately account for pharmaceuticals and medical materials and supplies in the 2000-based MEI.

- Medical Materials and Supplies

We equally weighted two proxies together (the PPI Surgical Appliances and Supplies and the CPI–U for Medical Equipment and Supplies) since one proxy does not accurately measure the price change associated with these types of products used nor the mode of purchase used in physicians' offices. While both indexes include such items as bandages, dressings, catheters, I.V. equipment, syringes, and other general disposable medical supplies and nonprescription equipment, the indexes reflect significant differences in the mode of purchase. The PPI measures actual transaction prices at the wholesale level, the mode most likely used by physicians, while the CPI measures prices at the retail level or the final stage of production. The price movements in these two indexes can be different and we believe that it is appropriate to combine these indexes into one proxy since physicians likely use both purchasing methods when obtaining medical supplies.

- Pharmaceuticals

The PPI for ethical prescription drugs is used to proxy pharmaceutical prices in other CMS market baskets and reflects the price change associated with the average mix of pharmaceuticals purchased economy-wide. We propose to use the PPI for ethical prescription drugs, rather than the CPI for prescription drugs, because physicians generally purchase drugs directly from a wholesaler. The PPIs that we use measure price changes at the final stage of production.

Professional Liability Insurance

It is vital that the MEI accurately reflect the price changes associated with professional liability costs. Accordingly, we continue to incorporate into the MEI a price proxy that accomplishes this goal by making the maximum use of available data on professional liability premiums.

Each year, we solicit professional liability premium data for physicians from a small sample of commercial carriers. This information is not collected through a survey form, but instead is requested, on a voluntary basis, from a few national commercial carriers via letter. Generally between 5 and 8 carriers volunteer this information. While the sample size certainly does not cover the entire professional liability insurance market, we have attempted to maximize the market share in terms of both national coverage and coverage within States.

As we require for our other price proxies, the professional liability price proxy should reflect the pure price change associated with this particular cost category. Thus, it should not capture changes in the mix or level of liability coverage. To accomplish this result, we obtain premium information from commercial carriers for a fixed level of coverage, currently $1 million per occurrence and a $3 million annual limit. This information is collected for every State by physician specialty and risk class. Finally, the State-level, physician-specialty data are aggregated by effective premium date to compute a national total, using counts of physicians by State and specialty as provided in the AMA publication, *Physician Characteristics and Distribution in the U.S.*

The resulting data provide a quarterly time series, indexed to a base year consistent with the MEI and reflect the national trend in the average professional liability premium for a given level of coverage. From this series, quarterly and annual percent changes in professional liability insurance are estimated for inclusion in the MEI.

The most comprehensive data on professional liability costs are held by the State insurance commissioners but these data are available only with a substantial time lag and, therefore, the data currently incorporated into the MEI are much more timely. We believe that, given the limited data available on professional liability premiums, this methodology adequately reflects the price trends facing physicians.

Medical Equipment

Medical equipment includes depreciation, leases, and rent on medical equipment. We propose to use the PPI for medical instruments and equipment as the price proxy for this category, consistent with the price proxy used in the 1996-based MEI and other CMS input price indexes.

Other Professional Expenses

This category includes the residual subcategory of other professional expenses such as accounting services, legal services, office management services, continuing education, professional association memberships, journals, professional car expenses, and other professional expenses. In the absence of one price proxy or even a group of price proxies that might reflect this heterogeneous mix of goods and services, we use the CPI–U for all items, less food and energy, consistent with the price proxy used in the 1996-based MEI. We also propose to condense the structure used in the previous 1996-based MEI because we lack the data to develop a representative weight for transportation, as discussed above. This change would result in only a negligible effect on the overall MEI over the past 8 years; the average increase differs by less than a tenth of a percentage point over that time.

(b) Productivity Adjustment to the MEI

In the December 2002 final rule, we indicated that we were changing the methodology for adjusting for productivity in the MEI. The MEI used for the 2003 physician payment update reflected changes in the 10-year moving average of private nonfarm business (economy-wide) multifactor productivity applied to the entire index; we had previously used economy-wide private nonfarm business labor productivity applied to the labor portions of the index. We will continue to use the method of adjusting for multifactor productivity applied to the entire index in the proposed rebased and revised MEI.

As described in the December 31, 2002 final rule, we used multifactor productivity because: (1) it is theoretically more appropriate to explicitly reflect the productivity gains associated with all inputs (both labor and nonlabor); (2) the recent growth rate in economy-wide multifactor productivity appears to be more consistent with the current market conditions facing physicians; and (3) the MEI still uses economy-wide wage changes as a proxy for physician wage changes. We believe that using a 10-year moving average change in economy-wide multifactor productivity produces a stable and predictable adjustment and is consistent with the moving-average methodology used in the current 1996-based MEI. The adjustment will be based on the latest available actual historical economy-wide multifactor productivity data, as measured by BLS.

5. Results of Rebasing

Updating the MEI from a 1996 base year to a 2000 base year resulted in small changes in expense category weights. Physicians' earnings dropped slightly, from 54.5 percent of the index in 1996 to 52.5 percent in 2000. The expense shares for non-physician employee compensation, office expenses, professional liability insurance, and medical equipment all rose slightly, while expense shares for medical materials and supplies and all other expenses declined.

The rebased and revised MEI is similar in structure to the current MEI. Except for two-tenths of a percentage point difference in 2000, the annual percent change in the rebased and revised MEI was within one-tenth of a percentage point of the percent change in the 1996-based MEI each year between 1996 and 2003. Therefore, the revision and rebasing proposed in this rule, while making the expense shares more timely, has little impact on the percent changes in the MEI as a whole. Table 7 below shows the average calendar-year percent change from 1996 to 2003 for both the 1996- and 2000-based MEIs.

TABLE 7.—ANNUAL PERCENT CHANGE IN THE CURRENT AND PROPOSED REVISED AND REBASED MEDICARE ECONOMIC INDEX

Update year (A)	Proposed 2000-based MEI	Current 1996-based MEI
1996	1.7	1.8
1997	1.9	1.9

TABLE 7.—ANNUAL PERCENT CHANGE IN THE CURRENT AND PROPOSED REVISED AND REBASED MEDICARE ECONOMIC INDEX—Continued

Update year (A)	Proposed 2000-based MEI	Current 1996-based MEI
1998	2.4	2.4
1999	2.7	2.6
2000	2.9	2.7
2001	2.8	2.8
2002	3.3	3.3
2003	3.1	3.0
Avg Change 1996–2003	2.6	2.6

(A) Update year based on historical data through the second quarter of the prior calendar year. For example, the 2003 update is based on historical data through the second quarter 2002.

The forecast of the proposed rebased and revised MEI for the 2004 Physician Fee Schedule is an increase of 2.5 percent, nearly identical to the forecasted increase using the previous 1996-based MEI. In the final rule we will incorporate historical data through the second quarter of 2003; therefore, the current estimated increase of 2.5 percent for 2004 may differ in the final rule.

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Table 8.—Forecasted Annual Percent Change in the Current and Proposed Revised and Rebased Medicare Economic Index, 2004

	Proposed 2000-Based MEI	1996-Based MEI
2004	2.5	2.4

Table 9.—Forecasted Annual Percent Change in the Proposed Revised and Rebased Medicare Economic Index, 2004-All Categories[1]

Cost Categories and Price Measures	2000 Weights[2]	Forecasted 2004 Percent Changes
Medicare Economic Index Total, productivity adjusted	n/a	2.5
Productivity: 10-year moving average of Multifactor productivity, private nonfarm business sector	n/a	0.9
Medicare Economic Index Total, without productivity adjustment	100.0	3.4
1. Physician's Own Time[3]	52.466	3.5
a. Wages and Salaries: Average Hourly Earnings, private Nonfarm	42.730	3.2
b. Fringe Benefits: Employment Cost Index, benefits, private nonfarm	9.735	5.3
2. Physician's Practice Expense[3]	47.534	3.2
a. Nonphysician Employee Compensation	18.654	3.4
1. Wages and Salaries: Employment Cost Index, wages and salaries, weighted by occupation	13.809	2.8

2. Fringe Benefits: Employment Cost Index, fringe benefits, white collar	4.845	5.0
b. Office Expense: Consumer Price Index (CPI-U), housing	12.209	2.5
c. Drugs and Medical Materials and Supplies	4.320	3.4
1. Medical Materials and Supplies: Producer Price Index, surgical appliances and supplies/Consumer Price Index (CPI-U), medical equipment and supplies (equally weighted)	2.011	1.3
2. Pharmaceuticals: Producer Price Index, ethical prescription drugs	2.308	4.9
d. Professional Liability Insurance: Professional liability insurance premiums[4]	3.865	6.6
e. Medical Equipment: Producer Price Index , medical instruments and equipment	2.055	1.9
f. Other Professional Expense: Consumer Price Index (CPI-U) all items less food and energy	6.433	2.0

Notes:	
1	The rates of historical change are forecast for the 12-month period ending June 30, 2003. The forecasts are based upon the latest available Bureau of Labor Statistics data as of March 2003.
2	The weights shown for the MEI components are the 2000 base-year weights, which may not sum to subtotals or totals because of rounding. The MEI is a fixed-weight, Laspeyres-type input price index whose category weights indicate the distribution of expenditures among the inputs to physicians' services for calendar year 2000. To determine the MEI level for a given year, the price proxy level for each component is multiplied by its 2000 weight. The sum of these products (weights multiplied by the price index levels) over all cost categories yields the composite MEI level for a given year. The annual percent change in the MEI levels is an estimate of price change over time for a fixed market basket of inputs to physicians' services.
3	The measures of productivity, average hourly earnings, Employment Cost Indexes, as well as the various Producer and Consumer Price Indexes can be found on the Bureau of Labor Statistics website-*http://stats.bls.gov.*
4	Derived from a CMS survey of several major commercial insurers
n/a	Productivity is factored into the MEI compensation categories as an adjustment to the price variables; therefore, no explicit weight exists for productivity in the MEI.

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6. Adjustments to RVUs To Match the New MEI Weights

As described in the previous section, we are proposing to rebase the MEI and establish new weights for physician work, practice expense and malpractice. Based on 2002 Medicare utilization data, we compared the proportion of total RVUs attributable to physician work, practice expense and malpractice to the new MEI weights. We show the proportion of total RVUs attributable to work, practice expense and malpractice and their respective proposed new MEI weights across all physicians' services in the following table:

TABLE 10

	Proposed MEI weight	2002 RVUs
Physician Work	52.466%	52.649%
Practice Expense	43.669%	44.175%
Malpractice	3.865%	3.176%

The MEI weights for physician work and practice expense are lower than the proportion of 2002 aggregate RVUS attributable to these categories. The malpractice weight within the MEI is higher than its share of total aggregate 2002 RVUs. (The 2002 shares from the Medicare utilization do not match the 1996 MEI weights because deviations occur over time based on changes in the mix of services billed by physicians and other factors).

We believe there is merit in adjusting the RVUs to match the revised MEI weights. By giving more weight to malpractice and less weight to physician work and practice expenses, Medicare's payments will better reflect each component of physician practice expenses. Section 1848(c)(2)(B)(ii)(II) of the Act requires that increases or decreases in RVUs may not cause the amount of expenditures for the year to differ by more than $20 million from what expenditures would have been in the absence of these changes. If this threshold is exceeded, we make across-the-board adjustments to preserve budget neutrality. Therefore, if we adjust the work, practice expense and malpractice RVUs to match the new MEI weights, we are required by statute to ensure that the adjustments do not increase or decrease Medicare expenditures by more than $20 million. To meet the requirements of the statute and ensure that aggregate pools of RVUs match the proposed new MEI weights, we considered two options. We considered making no adjustments to the physician work RVUs and adjusting only the practice expense and malpractice RVUs or adjusting all 3 categories of RVUs. We considered the first option because the medical community, in the past, has expressed interest in avoiding adjustments to physician work RVUs. However, we could only meet the requirements of section 1848(c)(2)(B)(ii)(II) if we reduced the physician fee schedule conversion factor by an additional 0.3 percentage points in addition to the −4.2 percent reduction we are already forecasting. We believe a small reduction to the physician work RVUs is preferable to a reducing the conversion factor by an additional 0.3 percent. For this reason, we are proposing to reduce the physician work RVUs by 0.35 percent (0.9965) and the practice expense RVUs by 1.15 percent (0.9885) and increase the malpractice RVUs by 21.7 percent (1.217) to match the rebased MEI weights. The effects of these adjustments to the RVUs are included in the RVUs shown in Addendum B of this proposed rule and, as explained previously, would not require a compensating adjustment to the conversion factor.

B. Definition of Diabetes for Diabetes Self-Management Training

Section 4105(a) of the Balanced Budget Act of 1997 (BBA) (Pub. L. 105–33, enacted on August 5, 1997) provides coverage for outpatient diabetes self-management training in outpatient settings without limiting this coverage to hospital outpatient departments. The BBA provided that the services would be provided ''to an individual with diabetes.'' In the December 29, 2000, final rule entitled, ''Expanded Coverage for Outpatient Diabetes Self-Management Training and Diabetes Outcome Measurements'', (65 FR 83129) we established criteria to define ''an individual with diabetes.'' At that time, we did not have a definition of diabetes that had been widely accepted. Therefore, we established a set of medical conditions to determine who should receive the service.

In § 410.141(d), we stated that any beneficiary who has one or more of the following medical conditions occurring within the 12-month period before the physician's order for the training would be eligible for Medicare coverage for training from an approved entity:

- New onset diabetes.
- Inadequate glycemic control as evidenced by a glycosylated hemoglobin (HbA1C) level of 8.5 percent or more on two consecutive HbA1C determinations 3 or more months apart in the year before the beneficiary begins receiving training.
- A change in treatment regimen from no diabetes medications to any diabetes medication, or from oral diabetes medication to insulin.
- High risk for complications based on inadequate glycemic control (documented acute episodes of severe hyperglycemia or acute severe hyperglycemia occurring in the past year during which the beneficiary needed emergency room visits or hospitalization).
- High risk based on at least one of the following documented complications:

—Lack of feeling in the foot or other foot complications such as foot ulcers, deformities, or amputation;
—Pre-proliferative or proliferative retinopathy or prior laser treatment of the eye; and
—Kidney complications related to diabetes, when manifested by albuminuria, without other cause, or elevated creatinine.

These requirements have been shown to be burdensome to the public and to Medicare contractors. Therefore, we are proposing that the requirements be streamlined to use the definition of diabetes that was established in a later regulation at § 410.130 and is used to determine beneficiary eligibility for Medical Nutrition Therapy when the beneficiary has a diagnosis of diabetes. The definition is:

Diabetes means diabetes mellitus consisting of two types. Type 1 is an autoimmune disease that destroys the beta cells of the pancreas, leading to insulin deficiency. Type 2 is familial hyperglycemia that occurs primarily in adults but can also occur in children

and adolescents. It is caused by an insulin resistance whose etiology is multiple and not totally understood. Gestational diabetes is any degree of glucose intolerance with onset or first recognition during pregnancy. The diagnostic criterion for a diagnosis of diabetes for a fasting glucose intolerance test is greater than or equal to 126 mg/dL.

C. Outpatient Therapy Services Performed ''Incident To'' Physicians' Services—Discussion Only

In almost all settings, our policy provides that outpatient therapy services can be delivered only by physical therapists, occupational therapists, physical therapy assistants, occupational therapy assistants, and speech and language pathologists as defined by our regulations at § 484.4. While there are currently no national standards for qualifications of individuals providing outpatient therapy services incident to physicians' services, we believe that standards similar to those in § 484.4 are appropriate. Section 1862(a)(20) of the Act requires that any therapy services furnished incident to a physician's professional services must meet the standards and conditions that would apply to such therapy services if they were furnished by a therapist, with the exception of the licensing requirement.

The OIG conducted a study in March of 1994 (OEI–02–09–00590) which revealed that 78 percent of ''incident to'' physical therapy services did represent therapy services covered under Medicare (that is, reasonable and necessary as defined in section 1862(a)(1)(A) of the Act). The study also questioned the training of staff providing these services. Also, in 2002 we contracted for a report on the utilization of therapy services. The text of that report is available at *www.cms.hhs.gov/medlearn/therapy* under Research Tools for Specific Therapy Topics, DynCorp Report—Outpatient Therapy Utilization September 2002. The study found that 25 percent of the beneficiaries in 2000 were treated in the offices of physicians and nonphysician practitioners. There is currently no process to ensure the quality of the services provided in those settings.

The pending implementation of financial limitations on outpatient therapy services emphasizes the need to define the qualifications of those providing therapy services. The limited therapy services covered by Medicare must be provided by people who meet qualifications needed to render skilled services.

In order to conform to section 1862(a)(20) of the Act, we are considering adopting the existing qualification and training standards (with the exception of licensure) in § 484.4 for individuals providing therapy services independently and incident to physicians' services. We are not proposing a change at this time, but are interested in receiving comments from the public, particularly physicians and staff who would be affected, on adoption of the existing standards in § 484.4, to services of independent therapists and ''incident to'' services as well as alternatives that we might use to ensure that qualified staff are providing ''incident to'' therapy services. These comments would assist us in the development of any future proposal concerning this issue.

D. Status of Anesthesia Work and Five-Year Review

In the December 2002 final rule, we modestly increased the work of anesthesia services. These changes were based on the analysis submitted by the RUC of its review of the work of 19 high-volume anesthesia codes. The RUC had provided us with its analysis but did not furnish us with a definitive recommendation. The increase in anesthesia work resulted in an increase in the national anesthesia conversion factor. (We increased the physician work component of the anesthesia conversion factor by 2.10 percent to reflect a 9.13 percent increase in anesthesia work applied to 23 percent of anesthesia allowed charges represented by the 19 codes. We applied a 1.6 percent increase to the anesthesia CF.)

The American Society of Anesthesiologists expressed concerns about the completeness of the review of anesthesia under the five-year review, and, in February 2003, we asked the RUC to continue its review of anesthesia work values; we expected to develop a final recommendation for a change in the anesthesia CF involving all anesthesia codes. We asked that the RUC complete this analysis in 2003. The RUC is considering our request and will respond to us about what action they plan to take on this issue.

E. Payment Policies for Anesthesia Services

Currently there are different payment policies for teaching anesthesiologists and teaching certified registered nurse anesthetists (CRNAs). We are seeking comments on the appropriateness of applying the CRNA teaching/resident policy to teaching anesthesiologists.

F. Technical Correction

CPT Code 96155 (Health and behavior intervention, each 15 minutes, face-to-face; family (without the patient present)).

This code describes a visit with a patient's family without the patient being present and was first included in the November 1, 2001 final rule. It was incorrectly listed as an active code for which payment could be made under the physician fee schedule. Our longstanding payment policy is that we do not pay for visits with family where the patient is not present. Payment for such visits is included in the pre- and post-service work of a visit where the patient is present. Consistent with this policy, this code is non-payable under the physician fee schedule.

IV. Collection of Information Requirements

This document does not impose information collection and recordkeeping requirements. Consequently, it need not be reviewed by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995.

V. Response to Comments

Because of the large number of items of correspondence we normally receive on **Federal Register** documents published for comment, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the ''DATES'' section of this preamble, and, if we proceed with a subsequent document, we will respond to the major comments in the preamble to that document.

VI. Regulatory Impact Analysis

We have examined the impact of this rule as required by Executive Order 12866 (September 1993, Regulatory Planning and Review), the Regulatory Flexibility Act (RFA) (September 16, 1980 Pub. L. 96–354), section 1102(b) of the Social Security Act, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), and Executive Order 13132.

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis must be prepared for proposed rules with economically significant effects (that is, a proposed rule that would have an annual effect on the economy of $100 million or more in any

1 year, or would adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities). We have simulated the effect of the proposed changes to the practice expense RVUs described earlier. The net effect of the changes we are proposing will not materially increase or decrease Medicare expenditures for physicians' services because the statute requires that changes to RVUs cannot increase or decrease expenditures more than $20 million. Since increases in payments resulting from RVU changes must be offset by decreases in payments for other services, the proposed practice expense changes will result in a redistribution of payments among physician specialties. The RVU changes in this proposed rule have an estimated aggregate redistributive effect of approximately $190 million dollars. (Tables 11 and 12 which appear later in this section reflect the estimated specialty impacts.) Therefore, we are considering this proposed rule to be a major rule because it is economically significant, and, thus, we have prepared a regulatory impact analysis.

The RFA requires that we analyze regulatory options for small businesses and other entities. We prepare a Regulatory Flexibility Analysis unless we certify that a rule would not have a significant economic impact on a substantial number of small entities. The analysis must include a justification concerning the reason action is being taken, the kinds and number of small entities the rule affects, and an explanation of any meaningful options that achieve the objectives and less significant adverse economic impact on the small entities.

Section 1102(b) of the Act requires us to prepare a regulatory impact analysis for any proposed rule that may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 603 of the RFA. For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside a Metropolitan Statistical Area and has fewer than 100 beds.

For purposes of the RFA, physicians, nonphysicians, and suppliers are considered small businesses if they generate revenues of $6 million or less. Approximately 95 percent of physicians (except mental health specialists) are considered to be small entities. There are about 700,000 physicians, other practitioners and medical suppliers that receive Medicare payment under the physician fee schedule. The analysis and discussion provided in this section as well as elsewhere in this proposed rule is intended to comply with the RFA requirements.

Section 202 of the Unfunded Mandates Reform Act of 1995 also requires that agencies assess anticipated costs and benefits before issuing any rule that may result in expenditure in any 1 year by State, local, or tribal governments, in the aggregate, or by the private sector, of $110 million. This proposed rule would not impose unfunded mandates on State, local, or tribal governments, or on the private sector of more than $110 million dollars.

We have examined this proposed rule in accordance with Executive Order 13132 and have determined that this regulation would not have any significant impact on the rights, roles, or responsibilities of State, local, or tribal governments.

We have prepared the following analysis, which together with the rest of this preamble, meets all assessment requirements. It explains the rationale for, and purposes of, the rule, details the costs and benefits of the rule, analyzes alternatives, and presents the measures we propose to use to minimize the burden on small entities. As indicated elsewhere in this proposed rule, we propose to make changes to the Medicare Economic Index, refine resource-based practice based practice expense RVUs and make a variety of other minor changes to our regulations, payments or payment policy to ensure that our payment systems are updated to reflect changes in medical practice and the relative value of services. We provide information for each of the proposed policy changes in the relevant sections in this proposed rule. As discussed elsewhere in this proposed rule, the provisions of this proposed rule, if adopted, would only change Medicare payment rates for physician fee schedule services. While this rule would revise the definition of diabetes for the purposes of outpatient diabetes self-management training, it does not impose reporting, record-keeping and other compliance requirements. We are unaware of any relevant Federal rules that duplicate, overlap or conflict with this proposed rule. The relevant sections of this proposed rule contain a description of significant alternatives.

A. Resource-Based Practice Expense Relative Value Units

Under section 1848(c)(2) of the Act, adjustments to RVUs may not cause the amount of expenditures to differ by more than $20 million from the amount of expenditures that would have resulted without such adjustments. We are proposing several changes that would result in a change of expenditures that would exceed $20 million if we made no offsetting adjustments to either the conversion factor or RVUs.

With respect to practice expense, our policy has been to meet the budget neutrality requirements in the statute by incorporating a rescaling adjustment in the practice expense methodology. That is, we estimate the aggregate number of practice expense relative values that will be paid under current and proposed policy in CY 2004. We apply a uniform adjustment factor to make the aggregate number of proposed practice expense relative values equal the number estimated that would be paid under current policy.

Table 11 shows the specialty level impact on payment of changes being proposed for CY 2004. The payment impacts reflect averages for each specialty based on Medicare utilization. The payment impact for an individual physician would be different from the average, based on the mix of services the physician provides. The average change in total revenues would be less than the impact displayed here since physicians furnish services to both Medicare and non-Medicare patients and specialties may receive substantial Medicare revenues for services that are not paid under the physician fee schedule. For instance, independent laboratories receive more than 80 percent of their Medicare revenues from clinical laboratory services that are not paid under the physician fee schedules. The table shows only the payment impact on physician fee schedule services.

We modeled the impact of four changes to the practice expense methodology and illustrated the effect in table 11 below. The column labeled ''Utilization Data'' shows the effect of updating the practice expense methodology to add 2002 utilization data for codes that did not exist in the 1997–2000 period. In general, updating the methodology with the latest utilization data will have the largest impact on payment for a new service where a code was established in 2002. In some cases, the practice expense RVU will increase (for example, 64561—Implant Neuroelectrodes and 52001, Cystoscopy Removal of Clots). In other cases, they will go down (96567—photodynamic treatment skin and G0249—Providing test materials and equipment for home INR Monitoring, 77418—Radiation Treatment Delivery—Intensity Modulated Radiation). For most specialties, new codes represent a

small proportion of the specialties' revenues and updating the practice expense RVUs with utilization will have little impact on payment across all of the services the specialty provides. However, updating the practice expense methodology with the 2002 utilization data will reduce payment to radiation oncologists by approximately 1 percent. The payment reduction occurs because the practice expense RVUs for radiotherapy dose planning and radiation treatment by intensity modulated radiation are going down. Because this service represents 8 percent of Medicare revenues to radiation oncology in 2002, there is a somewhat larger impact on this specialty than will generally occur for most specialties.

The column labeled ''Practice Expense Refinements'' shows the impact on payment from proposed refinements to the practice expense RVUs. In general, the largest impact of the refinements is occurring to surgical procedures with 10 and 90-day global periods. Most of the impacts on these procedures will occur because of the standardization of the intra and post period time for clinical staff. There are also modest impacts on some specialties in the non-facility practice expense RVUs from the refinements to clinical staff and medical supplies. Orthopedic surgery and hand surgery will experience an approximate reduction of 2 percent from the practice expense refinements while payments to otolaryngology will increase by nearly 2 percent. There will be more modest payment increases or decreases for all other specialties from the practice expense refinements.

The column labeled ''Maxillofacial Prosthetics'' shows the impact on payment from changing the specialty practice expense per hour crosswalk for oral surgery (specialty 19) and maxillofacial surgery (specialty 85) to otolaryngology. Payments to these specialties will increase from this change and there will be virtually no impact on payment to any other specialty.

As indicated earlier, we are also adding clinical staff time to the professional component of several cardiac catheterization services increasing payments for these services by a small amount. The proposed change will cause minor payment reductions for a few other cardiology services. All other services are unaffected by this proposal. The column labeled ''Professional Component of a Diagnostic Test'' shows the payment impact of the proposed change.

The column labeled ''Total'' in table 11 below shows the payment impact by specialty of all the changes described above. If we change any of these proposals following our consideration of comments, these figures may change.

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Table 11
Impact of Work and Practice Expense RVU Changes
on Total Medicare Allowed Charges
by Physician, Practitioner and Supplier Subcategory

Specialty	Medicare Allowed Charges ($ in Millions)	Utilization Data	Practice Expense Refinements	Maxillofacial Prosthetics	Professional Component of a Diagnostic Test	Total
Physicians:						
ALLERGY/IMMUNOLOGY	$ 156	0%	-1%	0%	0%	-1%
ANESTHESIOLOGY	$ 1,329	0%	0%	0%	0%	0%
CARDIAC SURGERY	$ 329	0%	0%	0%	0%	0%
CARDIOLOGY	$ 5,860	0%	0%	0%	0%	0%
CLINICS	$ 1,202	0%	0%	0%	0%	0%
COLON AND RECTAL SURGERY	$ 103	0%	1%	0%	0%	1%
CRITICAL CARE	$ 111	0%	0%	0%	0%	-1%
DERMATOLOGY	$ 1,742	0%	0%	0%	0%	0%
EMERGENCY MEDICINE	$ 1,462	0%	0%	0%	0%	0%
ENDOCRINOLOGY	$ 250	0%	1%	0%	0%	1%
FAMILY PRACTICE	$ 4,066	0%	1%	0%	0%	1%
GASTROENTEROLOGY	$ 1,539	0%	-1%	0%	0%	-1%
GENERAL PRACTICE	$ 966	0%	0%	0%	0%	0%
GENERAL SURGERY	$ 2,204	0%	-1%	0%	0%	-1%
GERIATRICS	$ 98	0%	0%	0%	0%	-1%
HAND SURGERY	$ 47	0%	-2%	0%	0%	-2%
HEMATOLOGY/ONCOLOGY	$ 1,107	0%	1%	0%	0%	1%
INFECTIOUS DISEASE	$ 341	0%	0%	0%	0%	0%
INTERNAL MEDICINE	$ 8,035	0%	1%	0%	0%	1%
INTERVENTIONAL RADIOLOGY	$ 168	0%	0%	0%	0%	0%
NEPHROLOGY	$ 1,209	0%	0%	0%	0%	0%
NEUROLOGY	$ 1,088	0%	1%	0%	0%	1%
NEUROSURGERY	$ 440	0%	0%	0%	0%	0%
OBSTETRICS/GYNECOLOGY	$ 557	0%	0%	0%	0%	1%
OPHTHALMOLOGY	$ 4,392	0%	-1%	0%	0%	-1%
ORTHOPEDIC SURGERY	$ 2,686	0%	-2%	0%	0%	-2%

Specialty	Medicare Allowed Charges ($ in Millions)	Utilization Data	Practice Expense Refinements	Maxillofacial Prosthetics	Professional Component of a Diagnostic Test	Total
OTOLARNGOLOGY	$ 747	0%	2%	0%	0%	2%
PATHOLOGY	$ 811	0%	0%	0%	0%	0%
PEDIATRICS	$ 58	0%	0%	0%	0%	0%
PHYSICAL MEDICINE	$ 601	0%	1%	0%	0%	1%
PLASTIC SURGERY	$ 276	0%	0%	0%	0%	0%
PSYCHIATRY	$ 1,075	0%	0%	0%	0%	0%
PULMONARY DISEASE	$ 1,331	0%	-1%	0%	0%	-1%
RADIATION ONCOLOGY	$ 1,019	-1%	-1%	0%	0%	-3%
RADIOLOGY	$ 4,343	0%	0%	0%	0%	0%
RHEUMATOLOGY	$ 358	0%	1%	0%	0%	1%
THORACIC SURGERY	$ 460	0%	0%	0%	0%	-1%
UROLOGY	$ 1,567	0%	0%	0%	0%	2%
VASCULAR SURGERY	$ 446	0%	-1%	0%	0%	-1%
Practitioners:						
AUDIOLOGIST	$ 25	0%	-1%	0%	0%	-1%
CHIROPRACTOR	$ 596	0%	0%	0%	0%	0%
CLINICAL PSYCHOLOGIST	$ 452	0%	0%	0%	0%	0%
CLINICAL SOCIAL WORKER	$ 278	0%	0%	0%	0%	0%
NURSE ANESTHETIST	$ 433	0%	0%	0%	0%	0%
NURSE PRACTITIONER	$ 438	0%	-1%	0%	0%	-1%
OPTOMETRY	$ 626	0%	1%	0%	0%	1%
ORAL/MAXILLOFACIAL SURGERY	$ 33	0%	0%	8%	0%	8%
PHYSICAL/OCCUPATIONAL THERAPY	$ 842	0%	0%	0%	0%	0%
PHYSICIANS ASSISTANT	$ 326	0%	0%	0%	0%	0%
PODIATRY	$ 1,319	0%	-1%	0%	0%	-1%
Suppliers:						
DIAGNOSTIC TESTING FACILITY	$ 735	0%	-1%	0%	0%	0%
INDEPENDENT LABORATORY	$ 517	0%	2%	0%	0%	2%
PORTABLE X-RAY SUPPLIER	$ 82	0%	-1%	0%	0%	-1%
Other:						

Specialty	Medicare Allowed Charges ($ in Millions)	Utilization Data	Practice Expense Refinements	Maxillofacial Prosthetics	Professional Component of a Diagnostic Test	Total
ALL OTHER	$ 55	0%	0%	0%	0%	0%
ALL PHYSICIAN FEE SCHEDULE	$ 61,444	0%	0%	0%	0%	0%

The statutory methodology for updating physician fee schedule conversion factor is specified in section 1848(d)(4) of the Act. Consistent with the requirements of section 1848(d)(1)(E) of the Act, we made an estimate of the physician fee schedule update for CY 2004 available to the Medicare Payment Advisory Commission (MedPAC) and the public in March of this year. Using our point estimate of −4.2 percent, on table 12, we are showing the estimated change in average payments by specialty based on provisions of this proposed rule and the estimated physician fee schedule update. As indicated above, figures will change if we change any of our proposals following consideration of public comment. Further, we believe it is highly likely that our estimate of the 2004 physician fee schedule update will change before we determine the final figure later this year.

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Table 12
Impact of RVU Changes
and the Physician Fee Schedule Update
by Physician, Practitioner and Supplier Subcategory

Specialty	Medicare Allowed Charges ($ in Millions)	RVU Changes	Physician Fee Schedule Update	Total
Physicians:				
ALLERGY/IMMUNOLOGY	$ 156	-1%	-4.2%	-5%
ANESTHESIOLOGY	$ 1,329	0%	-4.2%	-4%
CARDIAC SURGERY	$ 329	0%	-4.2%	-4%
CARDIOLOGY	$ 5,860	0%	-4.2%	-4%
CLINICS	$ 1,202	0%	-4.2%	-4%
COLON AND RECTAL SURGERY	$ 103	1%	-4.2%	-3%
CRITICAL CARE	$ 111	-1%	-4.2%	-5%
DERMATOLOGY	$ 1,742	0%	-4.2%	-4%
EMERGENCY MEDICINE	$ 1,462	0%	-4.2%	-4%
ENDOCRINOLOGY	$ 250	1%	-4.2%	-3%
FAMILY PRACTICE	$ 4,066	1%	-4.2%	-3%
GASTROENTEROLOGY	$ 1,539	-1%	-4.2%	-5%
GENERAL PRACTICE	$ 966	0%	-4.2%	-4%
GENERAL SURGERY	$ 2,204	-1%	-4.2%	-5%
GERIATRICS	$ 98	-1%	-4.2%	-5%
HAND SURGERY	$ 47	-2%	-4.2%	-6%
HEMATOLOGY/ONCOLOGY	$ 1,107	1%	-4.2%	-3%
INFECTIOUS DISEASE	$ 341	0%	-4.2%	-4%
INTERNAL MEDICINE	$ 8,035	1%	-4.2%	-4%
INTERVENTIONAL RADIOLOGY	$ 168	0%	-4.2%	-4%
NEPHROLOGY	$ 1,209	0%	-4.2%	-4%
NEUROLOGY	$ 1,088	1%	-4.2%	-3%
NEUROSURGERY	$ 440	0%	-4.2%	-4%
OBSTETRICS/GYNECOLOGY	$ 557	1%	-4.2%	-4%
OPHTHALMOLOGY	$ 4,392	-1%	-4.2%	-5%
ORTHOPEDIC SURGERY	$ 2,686	-2%	-4.2%	-6%
OTOLARNGOLOGY	$ 747	2%	-4.2%	-2%
PATHOLOGY	$ 811	0%	-4.2%	-4%
PEDIATRICS	$ 58	0%	-4.2%	-4%
PHYSICAL MEDICINE	$ 601	1%	-4.2%	-4%
PLASTIC SURGERY	$ 276	0%	-4.2%	-4%
PSYCHIATRY	$ 1,075	0%	-4.2%	-4%
PULMONARY DISEASE	$ 1,331	-1%	-4.2%	-6%
RADIATION ONCOLOGY	$ 1,019	-3%	-4.2%	-7%
RADIOLOGY	$ 4,343	0%	-4.2%	-4%
RHEUMATOLOGY	$ 358	1%	-4.2%	-3%
THORACIC SURGERY	$ 460	-1%	-4.2%	-5%
UROLOGY	$ 1,567	2%	-4.2%	-3%
VASCULAR SURGERY	$ 446	-1%	-4.2%	-5%

Specialty	Medicare Allowed Charges ($ in Millions)	RVU Changes	Physician Fee Schedule Update	Total
Practitioners:				
AUDIOLOGIST	$ 25	-1%	-4.2%	-5%
CHIROPRACTOR	$ 596	0%	-4.2%	-4%
CLINICAL PSYCHOLOGIST	$ 452	0%	-4.2%	-4%
CLINICAL SOCIAL WORKER	$ 278	0%	-4.2%	-4%
NURSE ANESTHETIST	$ 433	0%	-4.2%	-4%
NURSE PRACTITIONER	$ 438	-1%	-4.2%	-5%
OPTOMETRY	$ 626	1%	-4.2%	-3%
ORAL/MAXILLOFACIAL SURGERY	$ 33	8%	-4.2%	3%
PHYSICAL/OCCUPATIONAL THERAPY	$ 842	0%	-4.2%	-5%
PHYSICIANS ASSISTANT	$ 326	0%	-4.2%	-4%
PODIATRY	$ 1,319	-1%	-4.2%	-5%
Suppliers:				
DIAGNOSTIC TESTING FACILITY	$ 735	0%	-4.2%	-5%
INDEPENDENT LABORATORY	$ 517	2%	-4.2%	-3%
PORTABLE X-RAY SUPPLIER	$ 82	-1%	-4.2%	-5%
Other:				
ALL OTHER	$ 55	0%	-4.2%	-4%
ALL PHYSICIAN FEE SCHEDULE	$ 61,444	0%	-4.2%	-4%

8/8/2003

Table 13 shows the impact on payments for selected high volume procedures of all of the changes previously discussed. This table shows the combined impact of the change in the practice expense RVUs and the estimated physician fee schedule update on total payment for the procedure. There are separate columns that show the change in the facility rates and the non-facility rates. For an explanation of facility and non-facility practice expense refer to § 414.22(b)(5)(i). The table shows the estimated change in payment rates based on provisions of this proposed rule and the estimated physician fee schedule update. If we change any of the provisions following the consideration of public comments, these figures may change. Further, the payment amounts shown for 2003 will change once we determine the final figure for the physician fee schedule update.

Table 13
Impact of Proposed Rule and Physician Fee Schedule Update
on Medicare Payment for Selected Procedures

			Non-Facility			Facility		
HCPCS	MOD	DESC	Old	New	% Change	Old	New	% Change
11721		Debride nail, 6 or more	$ 37.52	$ 35.95	-4%	$ 29.06	$ 27.84	-4%
17000		Destroy benign/premlg lesion	$ 61.43	$ 57.44	-6%	$ 33.11	$ 33.48	1%
27130		Total hip arthroplasty	N/A	N/A	N/A	$ 1,343.41	$ 1,281.00	-5%
27236		Treat thigh fracture	N/A	N/A	N/A	$ 1,068.99	$ 1,019.16	-5%
27244		Treat thigh fracture	N/A	N/A	N/A	$ 1,155.44	$ 1,043.47	-10%
27447		Total knee arthroplasty	N/A	N/A	N/A	$ 1,445.67	$ 1,381.43	-4%
33533		CABG, arterial, single	N/A	N/A	N/A	$ 1,799.18	$ 1,733.84	-4%
35301		Rechanneling of artery	N/A	N/A	N/A	$ 1,073.77	$ 1,036.78	-3%
43239		Upper GI endoscopy, biopsy	$337.69	$308.00	-9%	$ 155.97	$ 149.42	-4%
45385		Lesion removal colonoscopy	$545.53	$475.40	-13%	$ 290.61	$ 271.71	-7%
66821		After cataract laser surgery	$231.01	$228.71	-1%	$ 214.83	$ 225.54	5%
66984		Cataract surg w/iol, 1 stage	N/A	N/A	N/A	$ 672.81	$ 650.19	-3%
67210		Treatment of retinal lesion	$604.39	$547.64	-9%	$ 548.47	$ 531.08	-3%
71010	26	Chest x-ray	$ 9.20	$ 8.81	-4%	$ 9.20	$ 8.81	-4%
71020	26	Chest x-ray	$ 11.04	$ 10.57	-4%	$ 11.04	$ 10.57	-4%
76091		Mammogram, both breasts	$ 94.17	$ 90.22	-4%	N/A	N/A	N/A
76091	26	Mammogram, both breasts	$ 44.14	$ 41.94	-5%	$ 44.14	$ 41.94	-5%
76092		Mammogram, screening	$ 82.77	$ 79.29	-4%	N/A	N/A	N/A
76092	26	Mammogram, screening	$ 36.05	$ 33.83	-6%	$ 36.05	$ 33.83	-6%
77427		Radiation tx management, x5	$168.11	$159.29	-5%	$ 168.11	$ 159.29	-5%
78465	26	Heart image (3d), multiple	$ 75.41	$ 71.89	-5%	$ 75.41	$ 71.89	-5%
88305	26	Tissue exam by pathologist	$ 40.83	$ 39.12	-4%	$ 40.83	$ 39.12	-4%
90801		Psy dx interview	$148.98	$143.08	-4%	$ 140.52	$ 134.27	-4%
90806		Psytx, off, 45-50 min	$ 96.38	$ 92.33	-4%	$ 92.70	$ 88.81	-4%
90807		Psytx, off, 45-50 min w/e&m	$102.63	$ 97.97	-5%	$ 100.06	$ 95.85	-4%
90862		Medication management	$ 50.76	$ 48.63	-4%	$ 47.82	$ 45.81	-4%
90935		Hemodialysis, one evaluation	N/A	N/A	N/A	$ 71.36	$ 68.37	-4%
92004		Eye exam, new patient	$123.60	$120.17	-3%	$ 88.29	$ 84.23	-5%
92012		Eye exam established pat	$ 61.43	$ 60.61	-1%	$ 36.05	$ 34.18	-5%
92014		Eye exam & treatment	$ 91.60	$ 89.16	-3%	$ 58.86	$ 56.38	-4%
92980		Insert intracoronary stent	N/A	N/A	N/A	$ 803.03	$ 766.13	-5%
92982		Coronary artery dilation	N/A	N/A	N/A	$ 596.29	$ 568.78	-5%
93000		Electrocardiogram, complete	$ 26.12	$ 25.37	-3%	N/A	N/A	N/A
93010		Electrocardiogram report	$ 8.83	$ 8.46	-4%	$ 8.83	$ 8.46	-4%
93015		Cardiovascular stress test	$104.10	$ 99.73	-4%	N/A	N/A	N/A
93307	26	Echo exam of heart	$ 48.19	$ 46.17	-4%	$ 48.19	$ 46.17	-4%
93510	26	Left heart catheterization	$231.38	$238.58	3%	$ 231.38	$ 238.58	3%
98941		Chiropractic manipulation	$ 35.68	$ 34.18	-4%	$ 31.27	$ 29.95	-4%
99202		Office/outpatient visit, new	$ 62.54	$ 61.32	-2%	$ 45.98	$ 44.05	-4%
99203		Office/outpatient visit, new	$ 92.70	$ 90.92	-2%	$ 70.26	$ 67.31	-4%
99204		Office/outpatient visit, new	$132.06	$128.28	-3%	$ 103.74	$ 99.38	-4%
99205		Office/outpatient visit, new	$168.48	$162.81	-3%	$ 137.58	$ 131.45	-4%
99211		Office/outpatient visit, est	$ 20.60	$ 20.79	1%	$ 8.83	$ 8.46	-4%
99212		Office/outpatient visit, est	$ 36.42	$ 36.30	0%	$ 23.17	$ 22.20	-4%
99213		Office/outpatient visit, est	$ 51.13	$ 50.04	-2%	$ 34.58	$ 32.77	-5%
99214		Office/outpatient visit, est	$ 79.82	$ 77.88	-2%	$ 56.65	$ 53.92	-5%
99215		Office/outpatient visit, est	$116.98	$113.12	-3%	$ 91.23	$ 87.04	-5%
99221		Initial hospital care	N/A	N/A	N/A	$ 65.85	$ 62.73	-5%
99222		Initial hospital care	N/A	N/A	N/A	$ 109.25	$ 104.66	-4%
99223		Initial hospital care	N/A	N/A	N/A	$ 151.92	$ 145.54	-4%
99231		Subsequent hospital care	N/A	N/A	N/A	$ 32.74	$ 31.36	-4%
99232		Subsequent hospital care	N/A	N/A	N/A	$ 54.07	$ 51.45	-5%
99233		Subsequent hospital care	N/A	N/A	N/A	$ 76.88	$ 73.65	-4%
99236		Observ/hosp same date	N/A	N/A	N/A	$ 216.67	$ 212.50	-2%
99238		Hospital discharge day	N/A	N/A	N/A	$ 69.16	$ 65.90	-5%

			Non-Facility			Facility		
HCPCS	MOD	DESC	Old	New	% Change	Old	New	% Change
99239		Hospital discharge day	N/A	N/A	N/A	$ 93.80	$ 89.51	-5%
99241		Office consultation	$ 47.45	$ 47.22	0%	$ 33.11	$ 31.72	-4%
99242		Office consultation	$ 88.29	$ 86.34	-2%	$ 68.05	$ 65.20	-4%
99243		Office consultation	$116.61	$114.18	-2%	$ 90.49	$ 86.34	-5%
99244		Office consultation	$165.90	$160.70	-3%	$ 134.27	$ 127.92	-5%
99245		Office consultation	$215.20	$207.57	-4%	$ 177.67	$ 169.86	-4%
99251		Initial inpatient consult	N/A	N/A	N/A	$ 34.95	$ 33.48	-4%
99252		Initial inpatient consult	N/A	N/A	N/A	$ 70.26	$ 67.31	-4%
99253		Initial inpatient consult	N/A	N/A	N/A	$ 96.01	$ 91.63	-5%
99254		Initial inpatient consult	N/A	N/A	N/A	$ 137.95	$ 131.80	-4%
99255		Initial inpatient consult	N/A	N/A	N/A	$ 189.81	$ 181.84	-4%
99261		Follow-up inpatient consult	N/A	N/A	N/A	$ 22.07	$ 20.79	-6%
99262		Follow-up inpatient consult	N/A	N/A	N/A	$ 43.77	$ 41.94	-4%
99263		Follow-up inpatient consult	N/A	N/A	N/A	$ 65.11	$ 62.38	-4%
99282		Emergency dept visit	N/A	N/A	N/A	$ 26.85	$ 25.73	-4%
99283		Emergency dept visit	N/A	N/A	N/A	$ 60.33	$ 57.44	-5%
99284		Emergency dept visit	N/A	N/A	N/A	$ 94.17	$ 89.86	-5%
99285		Emergency dept visit	N/A	N/A	N/A	$ 146.77	$ 140.26	-4%
99291		Critical care, first hour	$210.05	$230.12	10%	$ 200.11	$ 191.71	-4%
99292		Critical care, addl 30 min	$107.78	$101.85	-6%	$ 100.06	$ 95.85	-4%
99301		Nursing facility care	$ 71.00	$ 58.85	-17%	$ 61.06	$ 58.85	-4%
99302		Nursing facility care	$ 96.75	$ 79.29	-18%	$ 81.30	$ 79.29	-2%
99303		Nursing facility care	$119.92	$ 98.32	-18%	$ 101.16	$ 98.32	-3%
99311		Nursing fac care, subseq	$ 40.83	$ 32.07	-21%	$ 30.53	$ 32.07	5%
99312		Nursing fac care, subseq	$ 62.54	$ 52.86	-15%	$ 50.40	$ 52.86	5%
99313		Nursing fac care, subseq	$ 85.71	$ 72.95	-15%	$ 71.73	$ 72.95	2%
99348		Home visit, est patient	$ 74.31	$ 66.60	-10%	N/A	N/A	N/A
99350		Home visit, est patient	$167.74	$152.94	-9%	N/A	N/A	N/A
Gxx17		ESRD Services Age 20+, 4+ Visits/month	$262.28	$293.20	12%	$ 262.28	$ 293.20	12%
Gxx18		ESRD Services Age 20+, 2-3 Visits/month	N/A	$109.95	N/A	N/A	$ 109.95	N/A
Gxx19		ESRD Services Age 20+, 1 Visit/month	N/A	$ 72.60	N/A	N/A	$ 72.60	N/A

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B. Geographic Practice Cost Indices

As discussed in section II.B., we are proposing to revise the malpractice GPCIs based upon actual 2001 and 2002 malpractice premium data and projected 2003 malpractice premium data. Data collection is not yet complete therefore we were unable to include the proposed malpractice GPCIs in this proposed rule. The revised malpractice GPCIs in the final rule will be subject to public comment. Any changes in the GPCIs will redistribute payments among geographic areas and will not increase or decrease Medicare expenditures. Because the malpractice RVUs only represent 3.9 percent on total payments on average across all physician fee schedule services, we expect any payment impact to be modest. We will illustrate the change in the GPCIs from use of the new malpractice data in the final rule.

C. Tracking Codes

We are proposing a change in policy that will allow CMS to create national payment policy and determine national payment amounts for CPT tracking codes regardless of whether a national coverage determination for a specific service has been made. This proposal will have no effect on Medicare expenditures but will allow for more flexibility in determining payment rates for new services.

D. Excision of Lesions

We are proposing to make the work RVUs the same for removal of benign and malignant skin lesions that have the same excised diameters that are from similar locations (for example, torso, arms, and legs). This would result in minor redistribution in payment of these services. Any impact on payment from this proposal is included in the specialty and code level impacts shown above.

E. G Codes for Monitoring Heart Rhythms

As discussed earlier, we are creating several HCPCS G codes and establishing national payment for new technology services that allow patients with cardiac arrhythmias to be monitored in a home setting. Currently, Medicare is making payment for these services under CPT code 93799, *Unlisted cardiovascular procedure or service.* Medicare carriers make local payment determinations for unlisted procedure codes. Our proposal will have no impact on Medicare payment for these services since national payment will replace local carrier payment.

F. G Codes for Managing Dialysis Patients

As we previously discussed in section II.C., we have reviewed our current payment policy for the monthly dialysis capitation payment in response to concerns that have been raised over whether our payment policy is consistent with current medical practice. We are proposing new G codes for these services that would allow us to align the payment incentives to match the frequency of the physician personally evaluating the dialysis patient. We believe that this restructuring of payment will assist in assuring that beneficiaries with ESRD receive the highest quality dialysis care available as the proposed codes provide for reimbursement for physician involvement that is consistent with the needs of the patient in any specific month. Our proposal will not increase or decrease Medicare payments for

treatment of dialysis patients. We are decreasing our current payment to the physician for providing fewer than four visits per month. If the physician provides four or more visits per month, we are increasing our current payment.

G. Rebasing and Revising the MEI

As indicated in section III.A. of this proposed rule, we are proposing to rebase and revise the MEI for the CY 2004 physician fee schedule. Substituting the 2000 MEI weights in place of the 1996 weights currently in use will increase the MEI by approximately 0.1 percent for 2004. Based on our current estimates, we expect no impact from this proposal on any subsequent year MEI.

H. Definition of Diabetes for Diabetes Self-Management Training

We are proposing to revise the definition of diabetes for purposes of the Outpatient Diabetes Self-Management Training benefit and use the definition established to determine beneficiary eligibility for Medical Nutrition Therapy when the beneficiary has a diagnosis of diabetes. The streamlining of the beneficiary eligibility requirements for Outpatient Diabetes Self-Management Training will reduce administrative burden for the referring physician or qualified non-physician practitioner and for the accredited Outpatient Diabetes Self-Management Training programs by simplifying documentation requirements and eliminating the need for reconsiderations and appeals to clarify that the requirements have been met. As indicated in the February 28, 2003 **Federal Register** (68 FR 9572), we incorporated an adjustment to the SGR consistent with our original estimates of expenditures associated with this new benefit. Our experience is that expenditures have been less than originally estimated. We expect that simplifying administrative requirements associated with this new benefit will make it more likely that expenditures for diabetes self-management training will be consistent with original estimates and there will be no increase in Medicare expenditures from making these modifications.

I. Alternatives Considered

This proposed rule contains a range of policies. The preamble identifies those policies when discretion has been exercised and presents rationale for our decisions, including a presentation of nonselected options.

J. Impact on Beneficiaries

Although changes in physicians' payments were large when the physician fee schedule was implemented in 1992, we detected no problems with beneficiary access to care. We do not believe that there would be any problem with access to care as a result of the proposed changes in this rule. While it has been suggested that the negative update for 2004 may affect beneficiary access to care, we note that the formula to determine this update is set by statute and this regulation cannot, and does not, change it. Furthermore, since beginning our transition to a resource-based practice expense system in CY 1999, we have not found that there are problems with beneficiary access to care.

In accordance with the provisions of Executive Order 12866, this regulation was reviewed by the Office of Management and Budget.

List of Subjects

42 CFR Part 410

Health facilities, Health professions, Kidney diseases, Laboratories, Medicare, Rural areas, X-rays.

42 CFR Part 414

Administrative practice and procedure, Health facilities, Health professions, Kidney diseases, Medicare, Reporting and recordkeeping requirements, Rural areas, X-rays.

For the reasons set forth in the preamble, the Centers for Medicare & Medicaid Services proposes to amend 42 CFR chapter IV as follows:

PART 410—SUPPLEMENTARY MEDICAL INSURANCE (SMI) BENEFITS

1. The authority citation for part 410 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh).

2. Section 410.140 is amended by adding the definition of ''Diabetes'' to read as follows:

§ 410.140 Definitions.

* * * * *

Diabetes means diabetes mellitus consisting of two types. Type 1 is an autoimmune disease that destroys the beta cells of the pancreas, leading to insulin deficiency. Type 2 is familial hyperglycemia that occurs primarily in adults but can also occur in children and adolescents. It is caused by an insulin resistance whose etiology is multiple and not totally understood. Gestational diabetes is any degree of glucose intolerance with onset or first recognition during pregnancy. The diagnostic criterion for a diagnosis of diabetes for a fasting glucose intolerance test is greater than or equal to 126 mg/dL.

* * * * *

3. Section 410.141 is amended by adding paragraph (f) to read as follows:

§ 410.141 Outpatient diabetes self-management training.

* * * * *

(f) Beneficiaries who may be covered. Medicare Part B covers outpatient diabetes self-management training for a beneficiary who has been diagnosed with diabetes.

* * * * *

PART 414—PAYMENT FOR PART B MEDICAL AND OTHER HEALTH SERVICES

1. The authority citation for part 414 continues to read as follows:

Authority: Secs. 1102, 1871, and 1881(b)(1) of the Social Security Act (42 U.S.C. 1302, 1395hh, and 1395rr(b)(1)).

2. Section 414.22(b)(6)(iii) is revised to read as follows:

§ 414.22 Relative value units.

* * * * *

(b) * * *

(6) * * *

(iii) CMS will consider for use in determining practice expense RVUs for the physician fee schedule survey data and related materials submitted to CMS by March 1, 2004 to determine CY 2005 practice expense RVUs.

* * * * *

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

Dated: June 20, 2003.

Thomas A Scully,

Administrator, Centers for Medicare & Medicaid Services.

Approved: July 22, 2003.

Tommy G. Thompson,

Secretary.

Addendum A—Explanation and Use of Addenda B

The addenda on the following pages provide various data pertaining to the Medicare fee schedule for physicians' services furnished in 2003. Addendum B contains the RVUs for work, non-facility practice expense, facility practice expense, and malpractice expense, and other information for all services included in the physician fee schedule.

In previous years, we have listed many services in Addendum B that are not paid under the physician fee schedule. To avoid publishing as many pages of codes for these services, we are not including clinical laboratory codes

and most alpha-numeric codes (Healthcare Common Procedure Coding System (HCPCS) codes not included in CPT) in Addendum B.

Addendum B—2003 Relative Value Units and Related Information Used in Determining Medicare Payments for 2003

This addendum contains the following information for each CPT code and alphanumeric HCPCS code, except for alphanumeric codes beginning with B (enteral and parenteral therapy), E (durable medical equipment), K (temporary codes for nonphysicians' services or items), or L (orthotics), and codes for anesthesiology.

1. *CPT/HCPCS code.* This is the CPT or alphanumeric HCPCS number for the service. Alphanumeric HCPCS codes are included at the end of this addendum.

2. *Modifier.* A modifier is shown if there is a technical component (modifier TC) and a professional component (PC) (modifier -26) for the service. If there is a PC and a TC for the service, Addendum B contains three entries for the code: One for the global values (both professional and technical); one for modifier -26 (PC); and one for modifier TC. The global service is not designated by a modifier, and physicians must bill using the code without a modifier if the physician furnishes both the PC and the TC of the service.

Modifier -53 is shown for a discontinued procedure. There will be RVUs for the code (CPT code 45378) with this modifier.

3. *Status indicator.* This indicator shows whether the CPT/HCPCS code is in the physician fee schedule and whether it is separately payable if the service is covered.

A = Active code. These codes are separately payable under the fee schedule if covered. There will be RVUs for codes with this status. The presence of an ''A'' indicator does not mean that Medicare has made a national decision regarding the coverage of the service. Carriers remain responsible for coverage decisions in the absence of a national Medicare policy.

B = Bundled code. Payment for covered services is always bundled into payment for other services not specified. If RVUs are shown, they are not used for Medicare payment. If these services are covered, payment for them is subsumed by the payment for the services to which they are incident. (An example is a telephone call from a hospital nurse regarding care of a patient.)

C = Carrier-priced code. Carriers will establish RVUs and payment amounts for these services, generally on a case-by-case basis following review of documentation, such as an operative report.

D = Deleted code. These codes are deleted effective with the beginning of the calendar year.

E = Excluded from physician fee schedule by regulation. These codes are for items or services that we chose to exclude from the physician fee schedule payment by regulation. No RVUs are shown, and no payment may be made under the physician fee schedule for these codes. Payment for them, if they are covered, continues under reasonable charge or other payment procedures.

F = Deleted/discontinued codes. Code not subject to a 90-day grace period.

G = Code not valid for Medicare purposes. Medicare does not recognize codes assigned this status. Medicare uses another code for reporting of, and payment for, these services.

H = Deleted modifier. Either the TC or PC component shown for the code has been deleted, and the deleted component is shown in the data base with the H status indicator. (Code subject to a 90-day grace period.)

I = Not valid for Medicare purposes. Medicare uses another code for the reporting of, and the payment for these services. (Code NOT subject to a 90-day grace period.)

N = Noncovered service. These codes are noncovered services. Medicare payment may not be made for these codes. If RVUs are shown, they are not used for Medicare payment.

P = Bundled or excluded code. There are no RVUs for these services. No separate payment should be made for them under the physician fee schedule.

— If the item or service is covered as incident to a physician's service and is furnished on the same day as a physician's service, payment for it is bundled into the payment for the physician's service to which it is incident (an example is an elastic bandage furnished by a physician incident to a physician's service).

— If the item or service is covered as other than incident to a physician's service, it is excluded from the physician fee schedule (for example, colostomy supplies) and is paid under the other payment provisions of the Act.

R = Restricted coverage. Special coverage instructions apply. If the service is covered and no RVUs are shown, it is carrier-priced.

T = Injections. There are RVUs for these services, but they are only paid if there are no other services payable under the physician fee schedule billed on the same date by the same provider. If any other services payable under the physician fee schedule are billed on the same date by the same provider, these services are bundled into the service(s) for which payment is made.

X = Exclusion by law. These codes represent an item or service that is not within the definition of ''physicians' services'' for physician fee schedule payment purposes. No RVUs are shown for these codes, and no payment may be made under the physician fee schedule. (Examples are ambulance services and clinical diagnostic laboratory services.)

4. *Description of code.* This is an abbreviated version of the narrative description of the code.

5. *Physician work RVUs.* These are the RVUs for the physician work for this service in 2003. Codes that are not used for Medicare payment are identified with a ''+.''

6. *Facility practice expense RVUs.* These are the fully implemented resource-based practice expense RVUs for facility settings.

7. *Non-facility practice expense RVUs.* These are the fully implemented resource-based practice expense RVUs for non-facility settings.

8. *Malpractice expense RVUs.* These are the RVUs for the malpractice expense for the service for 2003.

9. *Facility total.* This is the sum of the work, fully implemented facility practice expense, and malpractice expense RVUs.

10. *Non-facility total.* This is the sum of the work, fully implemented non-facility practice expense, and malpractice expense RVUs.

11. *Global period.* This indicator shows the number of days in the global period for the code (0, 10, or 90 days). An explanation of the alpha codes follows:

MMM = The code describes a service furnished in uncomplicated maternity cases including antepartum care, delivery, and postpartum care. The usual global surgical concept does not apply. See the 1999 Physicians' Current Procedural Terminology for specific definitions.

XXX = The global concept does not apply.

YYY = The global period is to be set by the carrier (for example, unlisted surgery codes).

ZZZ = Code related to another service that is always included in the global period of the other service. (Note: Physician work and practice expense are associated with intra service time and in some instances the post service time.)

ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
0001T	.....	C	Endovas repr abdo ao aneurys.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0002T	.....	C	Endovas repr abdo ao aneurys.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0003T	.....	C	Cervicography	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0005T	.....	C	Perc cath stent/brain cv art.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0006T	.....	C	Perc cath stent/brain cv art.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0007T	.....	C	Perc cath stent/brain cv art.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0008T	.....	C	Upper gi endoscopy w/suture.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0009T	.....	C	Endometrial cryoablation ..	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0010T	.....	C	Tb test, gamma interferon	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0012T	.....	C	Osteochondral knee autograft.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0013T	.....	C	Osteochondral knee allograft.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0014T	.....	C	Meniscal transplant, knee	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0016T	.....	C	Thermotx choroid vasc lesion.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0017T	.....	C	Photocoagulat macular drusen.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0018T	.....	C	Transcranial magnetic stimul.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0019T	.....	I	Extracorp shock wave tx, ms.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0020T	.....	C	Extracorp shock wave tx, ft.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0021T	.....	C	Fetal oximetry, trnsvag/cerv.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0023T	.....	C	Phenotype drug test, hiv 1	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0024T	.....	C	Transcath cardiac reduction.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0025T	.....	C	Ultrasonic pachymetry	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0026T	.....	C	Measure remnant lipoproteins.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0027T	.....	C	Endoscopic epidural lysis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0028T	.....	C	Dexa body composition study.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0029T	.....	C	Magnetic tx for incontinence.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0030T	.....	C	Antiprothrombin antibody	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0031T	.....	C	Speculoscopy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0032T	.....	C	Speculoscopy w/direct sample.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0033T	.....	C	Endovasc taa repr incl subcl.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0034T	.....	C	Endovasc taa repr w/o subcl.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0035T	.....	C	Insert endovasc prosth, taa.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0036T	.....	C	Endovasc prosth, taa, add-on.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0037T	.....	C	Artery transpose/endovas taa.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0038T	.....	C	Rad endovasc taa rpr w/cover.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0039T	.....	C	Rad s/i, endovasc taa repair.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0040T	.....	C	Rad s/i, endovasc taa prosth.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0041T	.....	C	Detect ur infect agnt w/cpas.	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
0042T		C	Ct perfusion w/contrast, cbf.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0043T		C	Co expired gas analysis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
0044T		C	Whole body photography	0.00	0.00	0.00	0.00	0.00	0.00	XXX
10021		A	Fna w/o image	1.27	2.24	0.55	0.07	3.58	1.89	XXX
10022		A	Fna w/image	1.27	2.67	0.43	0.05	3.99	1.75	XXX
10040		A	Acne surgery	1.18	1.03	0.69	0.05	2.26	1.92	010
10060		A	Drainage of skin abscess	1.17	0.97	0.48	0.08	2.22	1.73	010
10061		A	Drainage of skin abscess	2.40	1.85	1.54	0.17	4.42	4.11	010
10080		A	Drainage of pilonidal cyst	1.17	3.11	1.17	0.09	4.37	2.43	010
10081		A	Drainage of pilonidal cyst	2.45	4.08	1.53	0.19	6.72	4.17	010
10120		A	Remove foreign body	1.22	1.50	0.42	0.10	2.82	1.74	010
10121		A	Remove foreign body	2.69	3.39	1.91	0.25	6.33	4.85	010
10140		A	Drainage of hematoma/ fluid.	1.53	1.54	0.92	0.15	3.22	2.60	010
10160		A	Puncture drainage of lesion.	1.20	0.74	0.47	0.11	2.05	1.78	010
10180		A	Complex drainage, wound	2.25	3.28	2.10	0.25	5.78	4.60	010
11000		A	Debride infected skin	0.60	0.58	0.22	0.05	1.23	0.87	000
11001		A	Debride infected skin add-on.	0.30	0.23	0.11	0.02	0.55	0.43	ZZZ
11010		A	Debride skin, fx	4.20	6.85	2.37	0.45	11.50	7.02	010
11011		A	Debride skin/muscle, fx	4.95	8.17	2.41	0.53	13.65	7.89	000
11012		A	Debride skin/muscle/bone, fx.	6.88	12.07	3.93	0.89	19.84	11.70	000
11040		A	Debride skin, partial	0.50	0.54	0.21	0.05	1.09	0.76	000
11041		A	Debride skin, full	0.82	0.68	0.33	0.06	1.56	1.21	000
11042		A	Debride skin/tissue	1.12	1.01	0.47	0.09	2.22	1.68	000
11043		A	Debride tissue/muscle	2.38	3.52	2.64	0.24	6.14	5.26	010
11044		A	Debride tissue/muscle/ bone.	3.06	4.64	3.81	0.34	8.04	7.21	010
11055		R	Trim skin lesion	0.43	0.58	0.17	0.02	1.03	0.62	000
11056		R	Trim skin lesions, 2 to 4	0.61	0.66	0.24	0.03	1.30	0.88	000
11057		R	Trim skin lesions, over 4	0.79	0.76	0.31	0.04	1.59	1.14	000
11100		A	Biopsy of skin lesion	0.81	1.29	0.37	0.04	2.14	1.22	000
11101		A	Biopsy, skin add-on	0.41	0.34	0.19	0.02	0.77	0.62	ZZZ
11200		A	Removal of skin tags	0.77	1.08	0.78	0.04	1.89	1.59	010
11201		A	Remove skin tags add-on	0.29	0.16	0.12	0.02	0.47	0.43	ZZZ
11300		A	Shave skin lesion	0.51	1.03	0.22	0.03	1.57	0.76	000
11301		A	Shave skin lesion	0.85	1.15	0.39	0.04	2.04	1.28	000
11302		A	Shave skin lesion	1.05	1.34	0.47	0.05	2.44	1.57	000
11303		A	Shave skin lesion	1.24	1.63	0.53	0.06	2.93	1.83	000
11305		A	Shave skin lesion	0.67	0.86	0.27	0.04	1.57	0.98	000
11306		A	Shave skin lesion	0.99	1.13	0.43	0.05	2.17	1.47	000
11307		A	Shave skin lesion	1.14	1.32	0.50	0.05	2.51	1.69	000
11308		A	Shave skin lesion	1.41	1.48	0.61	0.07	2.96	2.09	000
11310		A	Shave skin lesion	0.73	1.16	0.33	0.04	1.93	1.10	000
11311		A	Shave skin lesion	1.05	1.27	0.50	0.05	2.37	1.60	000
11312		A	Shave skin lesion	1.20	1.47	0.57	0.06	2.73	1.83	000
11313		A	Shave skin lesion	1.62	1.86	0.73	0.09	3.57	2.44	000
11400		A	Exc tr-ext b9+marg 0.5 < cm.	0.93	2.10	0.94	0.06	3.09	1.93	010
11401		A	Exc tr-ext b9+marg 0.6-1 cm.	1.44	2.22	1.12	0.09	3.75	2.65	010
11402		A	Exc tr-ext b9+marg 1.1-2 cm.	1.72	2.39	1.19	0.12	4.23	3.03	010
11403		A	Exc tr-ext b9+marg 2.1-3 cm.	1.97	2.55	1.42	0.16	4.68	3.55	010
11404		A	Exc tr-ext b9+marg 3.1-4 cm.	2.21	2.86	1.48	0.18	5.25	3.87	010
11406		A	Exc tr-ext b9+marg > 4.0 cm.	3.03	3.27	1.79	0.25	6.55	5.07	010
11420		A	Exc h-f-nk-sp b9+marg 0.5 <.	1.01	1.83	0.96	0.08	2.92	2.05	010
11421		A	Exc h-f-nk-sp b9+marg 0.6-1.	1.55	2.19	1.19	0.11	3.85	2.85	010

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
11422	.....	A	Exc h-f-nk-sp b9+marg 1.1-2.	1.84	2.42	1.45	0.14	4.40	3.43	010
11423	.....	A	Exc h-f-nk-sp b9+marg 2.1-3.	2.28	2.78	1.59	0.17	5.23	4.04	010
11424	.....	A	Exc h-f-nk-sp b9+marg 3.1-4.	2.72	3.01	1.75	0.21	5.94	4.68	010
11426	.....	A	Exc h-f-nk-sp b9+marg > 4 cm.	4.03	3.71	2.24	0.34	8.08	6.61	010
11440	.....	A	Exc face-mm b9+marg 0.5 < cm.	1.16	2.38	1.40	0.08	3.62	2.64	010
11441	.....	A	Exc face-mm b9+marg 0.6-1 cm.	1.89	2.64	1.72	0.11	4.64	3.72	010
11442	.....	A	Exc face-mm b9+marg 1.1-2 cm.	2.31	2.92	1.87	0.14	5.37	4.32	010
11443	.....	A	Exc face-mm b9+marg 2.1-3 cm.	2.86	3.30	2.11	0.18	6.34	5.15	010
11444	.....	A	Exc face-mm b9+marg 3.1-4 cm.	3.78	3.93	2.52	0.25	7.96	6.55	010
11446	.....	A	Exc face-mm b9+marg > 4 cm.	5.57	4.70	3.32	0.30	10.57	9.19	010
11450	.....	A	Removal, sweat gland lesion.	2.73	5.22	2.04	0.26	8.21	5.03	090
11451	.....	A	Removal, sweat gland lesion.	3.95	6.87	2.57	0.39	11.21	6.91	090
11462	.....	A	Removal, sweat gland lesion.	2.51	5.31	2.02	0.23	8.05	4.76	090
11463	.....	A	Removal, sweat gland lesion.	3.95	7.12	2.71	0.40	11.47	7.06	090
11470	.....	A	Removal, sweat gland lesion.	3.25	5.25	2.28	0.30	8.80	5.83	090
11471	.....	A	Removal, sweat gland lesion.	4.41	7.03	2.80	0.40	11.84	7.61	090
11600	.....	A	Exc tr-ext mlg+marg 0.5 < cm.	0.93	2.58	0.84	0.09	3.60	1.86	010
11601	.....	A	Exc tr-ext mlg+marg 0.6-1 cm.	1.44	2.63	1.10	0.12	4.19	2.66	010
11602	.....	A	Exc tr-ext mlg+marg 1.1-2 cm.	1.72	2.82	1.20	0.13	4.67	3.05	010
11603	.....	A	Exc tr-ext mlg+marg 2.1-3 cm.	1.97	3.08	1.27	0.16	5.21	3.40	010
11604	.....	A	Exc tr-ext mlg+marg 3.1-4 cm.	2.21	3.41	1.35	0.18	5.80	3.74	010
11606	.....	A	Exc tr-ext mlg+marg > 4 cm.	3.03	4.02	1.62	0.28	7.33	4.93	010
11620	.....	A	Exc h-f-nk-sp mlg+marg 0.5 <.	1.01	2.62	0.90	0.09	3.72	2.00	010
11621	.....	A	Exc h-f-nk-sp mlg+marg 0.6-1.	1.55	2.70	1.18	0.12	4.37	2.85	010
11622	.....	A	Exc h-f-nk-sp mlg+marg 1.1-2.	1.84	2.95	1.31	0.15	4.94	3.30	010
11623	.....	A	Exc h-f-nk-sp mlg+marg 2.1-3.	2.28	3.30	1.48	0.20	5.78	3.96	010
11624	.....	A	Exc h-f-nk-sp mlg+marg 3.1-4.	2.72	3.72	1.67	0.25	6.69	4.64	010
11626	.....	A	Exc h-f-nk-sp mlg+mar > 4 cm.	4.03	4.67	2.33	0.35	9.05	6.71	010
11640	.....	A	Exc face-mm malig+marg 0.5 <.	1.16	2.68	1.06	0.10	3.94	2.32	010
11641	.....	A	Exc face-mm malig+marg 0.6-1.	1.89	3.01	1.44	0.15	5.05	3.48	010
11642	.....	A	Exc face-mm malig+marg 1.1-2.	2.31	3.39	1.63	0.18	5.88	4.12	010
11643	.....	A	Exc face-mm malig+marg 2.1-3.	2.86	3.82	1.89	0.24	6.92	4.99	010
11644	.....	A	Exc face-mm malig+marg 3.1-4.	3.78	4.72	2.40	0.33	8.83	6.51	010

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
11646		A	Exc face-mm mlg+marg > 4 cm.	5.57	5.76	3.38	0.46	11.79	9.41	010
11719		R	Trim nail(s)	0.17	0.25	0.07	0.01	0.43	0.25	000
11720		A	Debride nail, 1-5	0.32	0.34	0.13	0.02	0.68	0.47	000
11721		A	Debride nail, 6 or more	0.54	0.44	0.21	0.04	1.02	0.79	000
11730		A	Removal of nail plate	1.13	1.05	0.44	0.09	2.27	1.66	000
11732		A	Remove nail plate, add-on	0.57	0.45	0.23	0.05	1.07	0.85	ZZZ
11740		A	Drain blood from under nail.	0.37	0.87	0.15	0.03	1.27	0.55	000
11750		A	Removal of nail bed	1.86	2.18	1.76	0.16	4.20	3.78	010
11752		A	Remove nail bed/finger tip	2.67	2.50	1.92	0.33	5.50	4.92	010
11755		A	Biopsy, nail unit	1.31	1.12	0.56	0.06	2.49	1.93	000
11760		A	Repair of nail bed	1.58	1.88	1.24	0.17	3.63	2.99	010
11762		A	Reconstruction of nail bed	2.89	2.32	1.86	0.32	5.53	5.07	010
11765		A	Excision of nail fold, toe	0.69	1.18	0.53	0.05	1.92	1.27	010
11770		A	Removal of pilonidal lesion	2.61	3.50	1.53	0.24	6.35	4.38	010
11771		A	Removal of pilonidal lesion	5.74	5.80	3.35	0.56	12.10	9.65	090
11772		A	Removal of pilonidal lesion	6.98	7.34	3.91	0.68	15.00	11.57	090
11900		A	Injection into skin lesions	0.52	0.67	0.22	0.02	1.21	0.76	000
11901		A	Added skin lesions injection.	0.80	0.68	0.36	0.03	1.51	1.19	000
11920		R	Correct skin color defects	1.61	2.03	0.79	0.17	3.81	2.57	000
11921		R	Correct skin color defects	1.93	2.41	1.00	0.21	4.55	3.14	000
11922		R	Correct skin color defects	0.49	0.38	0.25	0.05	0.92	0.79	ZZZ
11950		R	Therapy for contour defects.	0.84	1.18	0.42	0.06	2.08	1.32	000
11951		R	Therapy for contour defects.	1.19	1.53	0.52	0.10	2.82	1.81	000
11952		R	Therapy for contour defects.	1.69	1.90	0.70	0.17	3.76	2.56	000
11954		R	Therapy for contour defects.	1.85	2.48	0.92	0.19	4.52	2.96	000
11960		A	Insert tissue expander(s)	9.08	N/A	10.74	0.88	N/A	20.70	090
11970		A	Replace tissue expander	7.06	N/A	6.22	0.77	N/A	14.05	090
11971		A	Remove tissue expander(s).	2.13	7.24	4.84	0.21	9.58	7.18	090
11975		N	Insert contraceptive cap	1.48	1.50	0.57	0.14	3.12	2.19	XXX
11976		R	Removal of contraceptive cap.	1.78	1.74	0.70	0.17	3.69	2.65	000
11977		N	Removal/reinsert contra cap.	3.30	2.42	1.28	0.31	6.03	4.89	XXX
11980		A	Implant hormone pellet(s)	1.48	1.12	0.56	0.10	2.70	2.14	000
11981		A	Insert drug implant device	1.48	1.77	0.70	0.14	3.39	2.32	XXX
11982		A	Remove drug implant device.	1.78	2.01	0.86	0.17	3.96	2.81	XXX
11983		A	Remove/insert drug implant.	3.30	2.37	1.50	0.31	5.98	5.11	XXX
12001		A	Repair superficial wound(s).	1.70	2.07	0.50	0.13	3.90	2.33	010
12002		A	Repair superficial wound(s).	1.86	2.14	0.95	0.15	4.15	2.96	010
12004		A	Repair superficial wound(s).	2.24	2.43	1.06	0.17	4.84	3.47	010
12005		A	Repair superficial wound(s).	2.86	2.94	1.25	0.23	6.03	4.34	010
12006		A	Repair superficial wound(s).	3.67	3.53	1.57	0.31	7.51	5.55	010
12007		A	Repair superficial wound(s).	4.12	3.97	1.87	0.37	8.46	6.36	010
12011		A	Repair superficial wound(s).	1.76	2.24	0.51	0.14	4.14	2.41	010
12013		A	Repair superficial wound(s).	1.99	2.39	0.99	0.16	4.54	3.14	010
12014		A	Repair superficial wound(s).	2.46	2.69	1.11	0.18	5.33	3.75	010

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
12015	.....	A	Repair superficial wound(s).	3.19	3.28	1.31	0.24	6.71	4.74	010
12016	.....	A	Repair superficial wound(s).	3.93	3.70	1.59	0.32	7.95	5.84	010
12017	.....	A	Repair superficial wound(s).	4.71	N/A	1.95	0.39	N/A	7.05	010
12018	.....	A	Repair superficial wound(s).	5.53	N/A	2.32	0.46	N/A	8.31	010
12020	.....	A	Closure of split wound	2.62	2.74	1.77	0.24	5.60	4.63	010
12021	.....	A	Closure of split wound	1.84	1.81	1.43	0.19	3.84	3.46	010
12031	.....	A	Layer closure of wound(s)	2.15	2.36	0.83	0.15	4.66	3.13	010
12032	.....	A	Layer closure of wound(s)	2.47	3.88	1.87	0.15	6.50	4.49	010
12034	.....	A	Layer closure of wound(s)	2.92	3.24	1.44	0.21	6.37	4.57	010
12035	.....	A	Layer closure of wound(s)	3.43	5.27	2.22	0.30	9.00	5.95	010
12036	.....	A	Layer closure of wound(s)	4.05	5.53	2.42	0.41	9.99	6.88	010
12037	.....	A	Layer closure of wound(s)	4.67	6.62	2.83	0.49	11.78	7.99	010
12041	.....	A	Layer closure of wound(s)	2.37	2.53	0.88	0.17	5.07	3.42	010
12042	.....	A	Layer closure of wound(s)	2.74	3.28	1.40	0.17	6.19	4.31	010
12044	.....	A	Layer closure of wound(s)	3.14	3.28	1.59	0.24	6.66	4.97	010
12045	.....	A	Layer closure of wound(s)	3.64	3.79	2.21	0.34	7.77	6.19	010
12046	.....	A	Layer closure of wound(s)	4.25	6.61	2.82	0.40	11.26	7.47	010
12047	.....	A	Layer closure of wound(s)	4.65	6.50	3.15	0.41	11.56	8.21	010
12051	.....	A	Layer closure of wound(s)	2.47	3.30	1.39	0.16	5.93	4.02	010
12052	.....	A	Layer closure of wound(s)	2.77	3.24	1.37	0.17	6.18	4.31	010
12053	.....	A	Layer closure of wound(s)	3.12	3.29	1.53	0.20	6.61	4.85	010
12054	.....	A	Layer closure of wound(s)	3.46	3.63	1.63	0.25	7.34	5.34	010
12055	.....	A	Layer closure of wound(s)	4.43	4.63	2.18	0.35	9.41	6.96	010
12056	.....	A	Layer closure of wound(s)	5.24	6.92	3.13	0.43	12.59	8.80	010
12057	.....	A	Layer closure of wound(s)	5.96	6.27	3.84	0.50	12.73	10.30	010
13100	.....	A	Repair of wound or lesion	3.12	3.59	1.81	0.21	6.92	5.14	010
13101	.....	A	Repair of wound or lesion	3.92	3.83	2.26	0.22	7.97	6.40	010
13102	.....	A	Repair wound/lesion add-on.	1.24	0.75	0.58	0.10	2.09	1.92	ZZZ
13120	.....	A	Repair of wound or lesion	3.30	3.69	1.85	0.23	7.22	5.38	010
13121	.....	A	Repair of wound or lesion	4.33	4.05	2.36	0.25	8.63	6.94	010
13122	.....	A	Repair wound/lesion add-on.	1.44	0.88	0.64	0.12	2.44	2.20	ZZZ
13131	.....	A	Repair of wound or lesion	3.79	3.96	2.18	0.25	8.00	6.22	010
13132	.....	A	Repair of wound or lesion	5.95	4.78	3.23	0.32	11.05	9.50	010
13133	.....	A	Repair wound/lesion add-on.	2.19	1.22	1.05	0.17	3.58	3.41	ZZZ
13150	.....	A	Repair of wound or lesion	3.81	5.62	2.65	0.29	9.72	6.75	010
13151	.....	A	Repair of wound or lesion	4.45	5.52	3.10	0.28	10.25	7.83	010
13152	.....	A	Repair of wound or lesion	6.33	6.21	4.01	0.38	12.92	10.72	010
13153	.....	A	Repair wound/lesion add-on.	2.38	1.37	1.17	0.18	3.93	3.73	ZZZ
13160	.....	A	Late closure of wound	10.48	N/A	7.24	1.19	N/A	18.91	090
14000	.....	A	Skin tissue rearrangement	5.89	8.69	5.21	0.46	15.04	11.56	090
14001	.....	A	Skin tissue rearrangement	8.47	10.16	6.70	0.65	19.28	15.82	090
14020	.....	A	Skin tissue rearrangement	6.59	9.35	6.10	0.50	16.44	13.19	090
14021	.....	A	Skin tissue rearrangement	10.06	10.67	7.88	0.69	21.42	18.63	090
14040	.....	A	Skin tissue rearrangement	7.87	8.44	7.01	0.55	16.86	15.43	090
14041	.....	A	Skin tissue rearrangement	11.49	10.87	8.87	0.71	23.07	21.07	090
14060	.....	A	Skin tissue rearrangement	8.50	9.27	7.82	0.59	18.36	16.91	090
14061	.....	A	Skin tissue rearrangement	12.29	11.90	9.69	0.75	24.94	22.73	090
14300	.....	A	Skin tissue rearrangement	11.76	11.41	9.32	0.88	24.05	21.96	090
14350	.....	A	Skin tissue rearrangement	9.61	N/A	7.26	1.09	N/A	17.96	090
15000	.....	A	Skin graft	4.00	3.89	2.24	0.37	8.26	6.61	000
15001	.....	A	Skin graft add-on	1.00	1.39	0.42	0.11	2.50	1.53	ZZZ
15050	.....	A	Skin pinch graft	4.30	6.08	4.81	0.46	10.84	9.57	090
15100	.....	A	Skin split graft	9.05	12.83	7.89	0.94	22.82	17.88	090
15101	.....	A	Skin split graft add-on	1.72	3.89	1.69	0.18	5.79	3.59	ZZZ
15120	.....	A	Skin split graft	9.83	11.04	7.95	0.90	21.77	18.68	090
15121	.....	A	Skin split graft add-on	2.67	4.66	1.91	0.27	7.60	4.85	ZZZ
15200	.....	A	Skin full graft	8.03	10.93	6.11	0.73	19.69	14.87	090
15201	.....	A	Skin full graft add-on	1.32	1.06	0.63	0.14	2.52	2.09	ZZZ

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
15220		A	Skin full graft	7.87	10.82	6.55	0.68	19.37	15.10	090
15221		A	Skin full graft add-on	1.19	0.92	0.58	0.12	2.23	1.89	ZZZ
15240		A	Skin full graft	9.04	10.38	7.80	0.80	20.22	17.64	090
15241		A	Skin full graft add-on	1.86	1.48	0.93	0.17	3.51	2.96	ZZZ
15260		A	Skin full graft	10.06	10.10	8.80	0.63	20.79	19.49	090
15261		A	Skin full graft add-on	2.23	2.78	1.45	0.17	5.18	3.85	ZZZ
15342		A	Cultured skin graft, 25 cm	1.00	1.84	0.56	0.09	2.93	1.65	010
15343		A	Culture skn graft addl 25 cm.	0.25	0.27	0.10	0.02	0.54	0.37	ZZZ
15350		A	Skin homograft	4.00	8.37	4.90	0.42	12.79	9.32	090
15351		A	Skin homograft add-on	1.00	0.95	0.40	0.11	2.06	1.51	ZZZ
15400		A	Skin heterograft	4.00	4.28	4.21	0.40	8.68	8.61	090
15401		A	Skin heterograft add-on	1.00	1.23	0.45	0.11	2.34	1.56	ZZZ
15570		A	Form skin pedicle flap	9.21	9.27	6.55	0.96	19.44	16.72	090
15572		A	Form skin pedicle flap	9.27	8.58	6.27	0.93	18.78	16.47	090
15574		A	Form skin pedicle flap	9.88	8.98	7.08	0.92	19.78	17.88	090
15576		A	Form skin pedicle flap	8.69	9.61	6.55	0.72	19.02	15.96	090
15600		A	Skin graft	1.91	7.24	2.75	0.19	9.34	4.85	090
15610		A	Skin graft	2.42	3.83	3.09	0.25	6.50	5.76	090
15620		A	Skin graft	2.94	7.64	3.75	0.28	10.86	6.97	090
15630		A	Skin graft	3.27	7.00	4.02	0.28	10.55	7.57	090
15650		A	Transfer skin pedicle flap	3.97	6.86	4.10	0.36	11.19	8.43	090
15732		A	Muscle-skin graft, head/ neck.	17.84	18.42	12.48	1.50	37.76	31.82	090
15734		A	Muscle-skin graft, trunk	17.79	18.28	12.55	1.91	37.98	32.25	090
15736		A	Muscle-skin graft, arm	16.27	18.50	11.43	1.78	36.55	29.48	090
15738		A	Muscle-skin graft, leg	17.92	18.28	11.95	1.95	38.15	31.82	090
15740		A	Island pedicle flap graft	10.25	9.97	7.91	0.62	20.84	18.78	090
15750		A	Neurovascular pedicle graft.	11.41	N/A	9.16	1.16	N/A	21.73	090
15756		A	Free myo/skin flap microvasc.	35.23	N/A	21.18	3.11	N/A	59.52	090
15757		A	Free skin flap, microvasc	35.23	N/A	22.24	3.37	N/A	60.84	090
15758		A	Free fascial flap, microvasc.	35.10	N/A	22.23	3.52	N/A	60.85	090
15760		A	Composite skin graft	8.74	9.95	7.16	0.72	19.41	16.62	090
15770		A	Derma-fat-fascia graft	7.52	N/A	6.84	0.78	N/A	15.14	090
15775		R	Hair transplant punch grafts.	3.96	2.83	1.35	0.43	7.22	5.74	000
15776		R	Hair transplant punch grafts.	5.54	5.49	2.87	0.60	11.63	9.01	000
15780		A	Abrasion treatment of skin	7.29	7.23	7.23	0.41	14.93	14.93	090
15781		A	Abrasion treatment of skin	4.85	5.46	5.46	0.27	10.58	10.58	090
15782		A	Abrasion treatment of skin	4.32	4.44	4.44	0.21	8.97	8.97	090
15783		A	Abrasion treatment of skin	4.29	5.04	4.26	0.26	9.59	8.81	090
15786		A	Abrasion, lesion, single	2.03	1.66	1.30	0.11	3.80	3.44	010
15787		A	Abrasion, lesions, add-on	0.33	0.32	0.16	0.02	0.67	0.51	ZZZ
15788		R	Chemical peel, face, epiderm.	2.09	3.39	2.24	0.11	5.59	4.44	090
15789		R	Chemical peel, face, dermal.	4.92	6.54	5.06	0.27	11.73	10.25	090
15792		R	Chemical peel, nonfacial	1.86	3.22	2.82	0.10	5.18	4.78	090
15793		A	Chemical peel, nonfacial	3.74	N/A	4.25	0.17	N/A	8.16	090
15810		A	Salabrasion	4.74	3.99	3.99	0.42	9.15	9.15	090
15811		A	Salabrasion	5.39	6.43	5.62	0.52	12.34	11.53	090
15819		A	Plastic surgery, neck	9.38	N/A	7.36	0.77	N/A	17.51	090
15820		A	Revision of lower eyelid	5.15	7.01	5.48	0.30	12.46	10.93	090
15821		A	Revision of lower eyelid	5.72	7.40	5.64	0.31	13.43	11.67	090
15822		A	Revision of upper eyelid	4.45	5.93	4.45	0.22	10.60	9.12	090
15823		A	Revision of upper eyelid	7.05	7.93	6.35	0.32	15.30	13.72	090
15824		R	Removal of forehead wrinkles.	0.00	0.00	0.00	0.00	0.00	0.00	000
15825		R	Removal of neck wrinkles	0.00	0.00	0.00	0.00	0.00	0.00	000
15826		R	Removal of brow wrinkles	0.00	0.00	0.00	0.00	0.00	0.00	000
15828		R	Removal of face wrinkles	0.00	0.00	0.00	0.00	0.00	0.00	000
15829		R	Removal of skin wrinkles	0.00	0.00	0.00	0.00	0.00	0.00	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
15831	.....	A	Excise excessive skin tissue.	12.40	N/A	8.36	1.30	N/A	22.06	090
15832	.....	A	Excise excessive skin tissue.	11.59	N/A	8.52	1.21	N/A	21.32	090
15833	.....	A	Excise excessive skin tissue.	10.64	N/A	8.22	1.17	N/A	20.03	090
15834	.....	A	Excise excessive skin tissue.	10.85	N/A	7.80	1.18	N/A	19.83	090
15835	.....	A	Excise excessive skin tissue.	11.67	11.70	7.76	1.13	24.50	20.56	090
15836	.....	A	Excise excessive skin tissue.	9.34	N/A	6.92	0.95	N/A	17.21	090
15837	.....	A	Excise excessive skin tissue.	8.43	8.10	7.12	0.78	17.31	16.33	090
15838	.....	A	Excise excessive skin tissue.	7.13	N/A	6.23	0.58	N/A	13.94	090
15839	.....	A	Excise excessive skin tissue.	9.38	8.02	6.31	0.88	18.28	16.57	090
15840	.....	A	Graft for face nerve palsy	13.26	N/A	10.32	1.15	N/A	24.73	090
15841	.....	A	Graft for face nerve palsy	23.26	N/A	15.38	2.65	N/A	41.29	090
15842	.....	A	Flap for face nerve palsy ..	37.96	N/A	23.49	3.99	N/A	65.44	090
15845	.....	A	Skin and muscle repair, face.	12.57	N/A	9.34	0.80	N/A	22.71	090
15850	.....	B	Removal of sutures	0.78	1.62	0.30	0.04	2.44	1.12	XXX
15851	.....	A	Removal of sutures	0.86	1.78	0.34	0.05	2.69	1.25	000
15852	.....	A	Dressing change,not for burn.	0.86	1.90	0.36	0.07	2.83	1.29	000
15860	.....	A	Test for blood flow in graft	1.95	1.30	0.80	0.13	3.38	2.88	000
15876	.....	R	Suction assisted lipectomy	0.00	0.00	0.00	0.00	0.00	0.00	000
15877	.....	R	Suction assisted lipectomy	0.00	0.00	0.00	0.00	0.00	0.00	000
15878	.....	R	Suction assisted lipectomy	0.00	0.00	0.00	0.00	0.00	0.00	000
15879	.....	R	Suction assisted lipectomy	0.00	0.00	0.00	0.00	0.00	0.00	000
15920	.....	A	Removal of tail bone ulcer	7.95	N/A	5.68	0.83	N/A	14.46	090
15922	.....	A	Removal of tail bone ulcer	9.90	N/A	7.50	1.06	N/A	18.46	090
15931	.....	A	Remove sacrum pressure sore.	9.24	N/A	5.83	0.95	N/A	16.02	090
15933	.....	A	Remove sacrum pressure sore.	10.85	N/A	8.07	1.14	N/A	20.06	090
15934	.....	A	Remove sacrum pressure sore.	12.69	N/A	8.35	1.35	N/A	22.39	090
15935	.....	A	Remove sacrum pressure sore.	14.57	N/A	10.51	1.56	N/A	26.64	090
15936	.....	A	Remove sacrum pressure sore.	12.38	N/A	8.66	1.32	N/A	22.36	090
15937	.....	A	Remove sacrum pressure sore.	14.21	N/A	10.23	1.51	N/A	25.95	090
15940	.....	A	Remove hip pressure sore	9.34	N/A	6.33	0.98	N/A	16.65	090
15941	.....	A	Remove hip pressure sore	11.43	N/A	9.75	1.23	N/A	22.41	090
15944	.....	A	Remove hip pressure sore	11.46	N/A	8.87	1.21	N/A	21.54	090
15945	.....	A	Remove hip pressure sore	12.69	N/A	9.92	1.38	N/A	23.99	090
15946	.....	A	Remove hip pressure sore	21.57	N/A	14.86	2.32	N/A	38.75	090
15950	.....	A	Remove thigh pressure sore.	7.54	N/A	5.54	0.80	N/A	13.88	090
15951	.....	A	Remove thigh pressure sore.	10.72	N/A	8.08	1.14	N/A	19.94	090
15952	.....	A	Remove thigh pressure sore.	11.39	N/A	7.81	1.19	N/A	20.39	090
15953	.....	A	Remove thigh pressure sore.	12.63	N/A	9.22	1.38	N/A	23.23	090
15956	.....	A	Remove thigh pressure sore.	15.52	N/A	10.96	1.64	N/A	28.12	090
15958	.....	A	Remove thigh pressure sore.	15.48	N/A	11.24	1.66	N/A	28.38	090
15999	.....	C	Removal of pressure sore	0.00	0.00	0.00	0.00	0.00	0.00	YYY
16000	.....	A	Initial treatment of burn(s)	0.89	0.89	0.27	0.06	1.84	1.22	000
16010	.....	A	Treatment of burn(s)	0.87	0.68	0.65	0.07	1.62	1.59	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
16015		A	Treatment of burn(s)	2.35	N/A	1.18	0.22	N/A	3.75	000
16020		A	Treatment of burn(s)	0.80	1.31	0.62	0.06	2.17	1.48	000
16025		A	Treatment of burn(s)	1.85	1.82	0.99	0.16	3.83	3.00	000
16030		A	Treatment of burn(s)	2.08	2.24	1.14	0.18	4.50	3.40	000
16035		A	Incision of burn scab, initi	3.75	N/A	1.49	0.36	N/A	5.60	090
16036		A	Incise burn scab, addl incis.	1.50	N/A	0.61	0.11	N/A	2.22	ZZZ
17000		A	Destroy benign/premlg lesion.	0.60	1.00	0.32	0.03	1.63	0.95	010
17003		A	Destroy lesions, 2-14	0.15	0.11	0.07	0.01	0.27	0.23	ZZZ
17004		A	Destroy lesions, 15 or more.	2.79	2.37	1.32	0.12	5.28	4.23	010
17106		A	Destruction of skin lesions	4.59	5.01	3.29	0.28	9.88	8.16	090
17107		A	Destruction of skin lesions	9.16	7.69	5.45	0.53	17.38	15.14	090
17108		A	Destruction of skin lesions	13.20	9.82	7.72	0.89	23.91	21.81	090
17110		A	Destruct lesion, 1-14	0.65	1.68	0.51	0.04	2.37	1.20	010
17111		A	Destruct lesion, 15 or more.	0.92	1.73	0.61	0.04	2.69	1.57	010
17250		A	Chemical cautery, tissue	0.50	1.26	0.35	0.04	1.80	0.89	000
17260		A	Destruction of skin lesions	0.91	1.32	0.46	0.04	2.27	1.41	010
17261		A	Destruction of skin lesions	1.17	1.66	0.60	0.05	2.88	1.82	010
17262		A	Destruction of skin lesions	1.58	1.94	0.80	0.07	3.59	2.45	010
17263		A	Destruction of skin lesions	1.79	2.12	0.87	0.08	3.99	2.74	010
17264		A	Destruction of skin lesions	1.94	2.28	0.90	0.08	4.30	2.92	010
17266		A	Destruction of skin lesions	2.34	2.58	1.01	0.11	5.03	3.46	010
17270		A	Destruction of skin lesions	1.32	1.75	0.65	0.06	3.13	2.03	010
17271		A	Destruction of skin lesions	1.49	1.83	0.76	0.06	3.38	2.31	010
17272		A	Destruction of skin lesions	1.77	2.05	0.90	0.07	3.89	2.74	010
17273		A	Destruction of skin lesions	2.05	2.26	1.01	0.09	4.40	3.15	010
17274		A	Destruction of skin lesions	2.59	2.63	1.23	0.11	5.33	3.93	010
17276		A	Destruction of skin lesions	3.20	3.03	1.47	0.15	6.38	4.82	010
17280		A	Destruction of skin lesions	1.17	1.66	0.58	0.05	2.88	1.80	010
17281		A	Destruction of skin lesions	1.72	1.96	0.87	0.07	3.75	2.66	010
17282		A	Destruction of skin lesions	2.04	2.21	1.03	0.09	4.34	3.16	010
17283		A	Destruction of skin lesions	2.64	2.61	1.28	0.11	5.36	4.03	010
17284		A	Destruction of skin lesions	3.21	3.01	1.55	0.14	6.36	4.90	010
17286		A	Destruction of skin lesions	4.44	3.79	2.24	0.22	8.45	6.90	010
17304		A	1 stage mohs, up to 5 spec.	7.60	8.28	3.65	0.31	16.19	11.56	000
17305		A	2 stage mohs, up to 5 spec.	2.85	3.90	1.37	0.12	6.87	4.34	000
17306		A	3 stage mohs, up to 5 spec.	2.85	3.92	1.38	0.12	6.89	4.35	000
17307		A	Mohs addl stage up to 5 spec.	2.85	3.87	1.40	0.12	6.84	4.37	000
17310		A	Mohs any stage > 5 spec each.	0.62	1.51	0.31	0.05	2.18	0.98	ZZZ
17340		A	Cryotherapy of skin	0.76	0.38	0.31	0.04	1.18	1.11	010
17360		A	Skin peel therapy	1.43	1.50	0.77	0.06	2.99	2.26	010
17380		R	Hair removal by electrolysis.	0.00	0.00	0.00	0.00	0.00	0.00	000
17999		C	Skin tissue procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
19000		A	Drainage of breast lesion	0.84	2.06	0.36	0.07	2.97	1.27	000
19001		A	Drain breast lesion add-on	0.42	0.80	0.14	0.03	1.25	0.59	ZZZ
19020		A	Incision of breast lesion	3.57	6.13	2.84	0.35	10.05	6.76	090
19030		A	Injection for breast x-ray	1.53	3.40	0.51	0.07	5.00	2.11	000
19100		A	Bx breast percut w/o image.	1.27	2.17	0.43	0.10	3.54	1.80	000
19101		A	Biopsy of breast, open	3.18	4.74	1.71	0.20	8.12	5.09	010
19102		A	Bx breast percut w/image	2.00	4.02	0.67	0.13	6.15	2.80	000
19103		A	Bx breast percut w/device	3.70	12.24	1.26	0.16	16.10	5.12	000
19110		A	Nipple exploration	4.30	7.47	3.21	0.44	12.21	7.95	090
19112		A	Excise breast duct fistula	3.67	7.85	2.74	0.38	11.90	6.79	090
19120		A	Removal of breast lesion	5.56	4.64	3.11	0.56	10.76	9.23	090
19125		A	Excision, breast lesion	6.06	4.88	3.34	0.61	11.55	10.01	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
19126		A	Excision, addl breast lesion.	2.93	N/A	1.02	0.30	N/A	4.25	ZZZ
19140		A	Removal of breast tissue ..	5.14	7.35	3.44	0.52	13.01	9.10	090
19160		A	Removal of breast tissue ..	5.99	N/A	3.48	0.61	N/A	10.08	090
19162		A	Remove breast tissue, nodes.	13.53	N/A	6.46	1.38	N/A	21.37	090
19180		A	Removal of breast	8.80	N/A	5.11	0.88	N/A	14.79	090
19182		A	Removal of breast	7.73	N/A	4.84	0.79	N/A	13.36	090
19200		A	Removal of breast	15.49	N/A	8.12	1.51	N/A	25.12	090
19220		A	Removal of breast	15.72	N/A	8.39	1.56	N/A	25.67	090
19240		A	Removal of breast	16.00	N/A	8.37	1.62	N/A	25.99	090
19260		A	Removal of chest wall lesion.	15.44	N/A	11.09	1.64	N/A	28.17	090
19271		A	Revision of chest wall	18.90	N/A	17.48	2.27	N/A	38.65	090
19272		A	Extensive chest wall surgery.	21.55	N/A	18.27	2.54	N/A	42.36	090
19290		A	Place needle wire, breast	1.27	3.03	0.43	0.06	4.36	1.76	000
19291		A	Place needle wire, breast	0.63	1.76	0.21	0.03	2.42	0.87	ZZZ
19295		A	Place breast clip, percut	0.00	2.83	N/A	0.01	2.84	N/A	ZZZ
19316		A	Suspension of breast	10.69	N/A	7.83	1.15	N/A	19.67	090
19318		A	Reduction of large breast	15.62	N/A	11.42	1.69	N/A	28.73	090
19324		A	Enlarge breast	5.85	N/A	5.01	0.63	N/A	11.49	090
19325		A	Enlarge breast with implant.	8.45	N/A	6.71	0.90	N/A	16.06	090
19328		A	Removal of breast implant	5.68	N/A	5.17	0.61	N/A	11.46	090
19330		A	Removal of implant material.	7.59	N/A	6.09	0.81	N/A	14.49	090
19340		A	Immediate breast prosthesis.	6.33	N/A	3.18	0.68	N/A	10.19	ZZZ
19342		A	Delayed breast prosthesis	11.20	N/A	8.95	1.21	N/A	21.36	090
19350		A	Breast reconstruction	8.92	14.46	7.25	0.95	24.33	17.12	090
19355		A	Correct inverted nipple(s)	7.57	13.06	5.12	0.80	21.43	13.49	090
19357		A	Breast reconstruction	18.16	N/A	14.13	1.96	N/A	34.25	090
19361		A	Breast reconstruction	19.26	N/A	12.01	2.08	N/A	33.35	090
19364		A	Breast reconstruction	41.00	N/A	24.08	3.91	N/A	68.99	090
19366		A	Breast reconstruction	21.28	N/A	11.44	2.27	N/A	34.99	090
19367		A	Breast reconstruction	25.73	N/A	16.89	2.78	N/A	45.40	090
19368		A	Breast reconstruction	32.42	N/A	20.65	3.51	N/A	56.58	090
19369		A	Breast reconstruction	29.82	N/A	20.17	3.24	N/A	53.23	090
19370		A	Surgery of breast capsule	8.05	N/A	6.98	0.86	N/A	15.89	090
19371		A	Removal of breast capsule	9.35	N/A	8.02	1.01	N/A	18.38	090
19380		A	Revise breast reconstruction.	9.14	N/A	7.90	0.98	N/A	18.02	090
19396		A	Design custom breast implant.	2.17	5.91	1.01	0.23	8.31	3.41	000
19499		C	Breast surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
20000		A	Incision of abscess	2.12	2.44	1.63	0.17	4.73	3.92	010
20005		A	Incision of deep abscess ..	3.42	3.44	2.15	0.34	7.20	5.91	010
20100		A	Explore wound, neck	10.08	5.92	4.44	0.99	16.99	15.51	010
20101		A	Explore wound, chest	3.22	3.02	1.61	0.24	6.48	5.07	010
20102		A	Explore wound, abdomen	3.94	3.57	1.82	0.35	7.86	6.11	010
20103		A	Explore wound, extremity	5.30	4.25	3.28	0.57	10.12	9.15	010
20150		A	Excise epiphyseal bar	13.69	N/A	7.37	0.96	N/A	22.02	090
20200		A	Muscle biopsy	1.46	3.20	0.79	0.17	4.83	2.42	000
20205		A	Deep muscle biopsy	2.35	4.21	1.23	0.23	6.79	3.81	000
20206		A	Needle biopsy, muscle	0.99	3.23	0.35	0.06	4.28	1.40	000
20220		A	Bone biopsy, trocar/needle	1.27	4.83	2.80	0.06	6.16	4.13	000
20225		A	Bone biopsy, trocar/needle	1.87	4.37	2.95	0.11	6.35	4.93	000
20240		A	Bone biopsy, excisional	3.23	N/A	2.56	0.33	N/A	6.12	010
20245		A	Bone biopsy, excisional	7.78	N/A	6.39	0.44	N/A	14.61	010
20250		A	Open bone biopsy	5.03	N/A	4.61	0.50	N/A	10.14	010
20251		A	Open bone biopsy	5.56	N/A	5.26	0.79	N/A	11.61	010
20500		A	Injection of sinus tract	1.23	6.00	3.86	0.10	7.33	5.19	010
20501		A	Inject sinus tract for x-ray	0.76	3.04	0.25	0.03	3.83	1.04	000
20520		A	Removal of foreign body ..	1.85	2.28	1.82	0.17	4.30	3.84	010
20525		A	Removal of foreign body ..	3.50	3.44	2.68	0.40	7.34	6.58	010

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
20526	.....	A	Ther injection, carp tunnel	0.94	0.98	0.52	0.06	1.98	1.52	000
20550	.....	A	Inj tendon sheath/ligament	0.75	0.73	0.24	0.06	1.54	1.05	000
20551	.....	A	Inject tendon origin/insert	0.75	0.70	0.34	0.06	1.51	1.15	000
20552	.....	A	Inject trigger point, 1 or 2	0.66	0.74	0.21	0.06	1.46	0.93	000
20553	.....	A	Inject trigger points, =/> 3	0.75	0.85	0.22	0.06	1.66	1.03	000
20600	.....	A	Drain/inject, joint/bursa	0.66	0.66	0.36	0.06	1.38	1.08	000
20605	.....	A	Drain/inject, joint/bursa	0.68	0.77	0.37	0.06	1.51	1.11	000
20610	.....	A	Drain/inject, joint/bursa	0.79	0.96	0.42	0.08	1.83	1.29	000
20612	.....	A	Aspirate/inj ganglion cyst ..	0.70	0.73	0.34	0.06	1.49	1.10	000
20615	.....	A	Treatment of bone cyst	2.28	2.59	1.82	0.19	5.06	4.29	010
20650	.....	A	Insert and remove bone pin.	2.23	2.47	1.97	0.28	4.98	4.48	010
20660	.....	A	Apply, rem fixation device	2.51	3.12	1.74	0.48	6.11	4.73	000
20661	.....	A	Application of head brace	4.89	N/A	5.05	0.92	N/A	10.86	090
20662	.....	A	Application of pelvis brace	6.07	N/A	5.54	0.81	N/A	12.42	090
20663	.....	A	Application of thigh brace	5.43	N/A	4.86	0.77	N/A	11.06	090
20664	.....	A	Halo brace application	8.06	N/A	7.16	1.49	N/A	16.71	090
20665	.....	A	Removal of fixation device	1.31	1.98	1.32	0.17	3.46	2.80	010
20670	.....	A	Removal of support implant.	1.74	6.83	3.98	0.23	8.80	5.95	010
20680	.....	A	Removal of support implant.	3.35	3.44	3.44	0.46	7.25	7.25	090
20690	.....	A	Apply bone fixation device	3.52	N/A	2.51	0.47	N/A	6.50	090
20692	.....	A	Apply bone fixation device	6.41	N/A	3.80	0.60	N/A	10.81	090
20693	.....	A	Adjust bone fixation device	5.86	N/A	8.43	0.85	N/A	15.14	090
20694	.....	A	Remove bone fixation device.	4.16	7.10	4.64	0.57	11.83	9.37	090
20802	.....	A	Replantation, arm, complete.	41.15	N/A	21.97	5.81	N/A	68.93	090
20805	.....	A	Replant forearm, complete	50.00	N/A	35.96	3.95	N/A	89.91	090
20808	.....	A	Replantation hand, complete.	61.65	N/A	44.22	6.49	N/A	112.36	090
20816	.....	A	Replantation digit, complete.	30.94	N/A	40.19	3.01	N/A	74.14	090
20822	.....	A	Replantation digit, complete.	25.59	N/A	36.64	3.07	N/A	65.30	090
20824	.....	A	Replantation thumb, complete.	30.94	N/A	38.92	3.48	N/A	73.34	090
20827	.....	A	Replantation thumb, complete.	26.41	N/A	38.68	3.21	N/A	68.30	090
20838	.....	A	Replantation foot, complete.	41.41	N/A	22.96	5.85	N/A	70.22	090
20900	.....	A	Removal of bone for graft	5.58	7.43	5.57	0.77	13.78	11.92	090
20902	.....	A	Removal of bone for graft	7.55	N/A	7.06	1.06	N/A	15.67	090
20910	.....	A	Remove cartilage for graft	5.34	7.19	5.51	0.50	13.03	11.35	090
20912	.....	A	Remove cartilage for graft	6.35	N/A	6.21	0.55	N/A	13.11	090
20920	.....	A	Removal of fascia for graft	5.31	N/A	4.48	0.54	N/A	10.33	090
20922	.....	A	Removal of fascia for graft	6.61	6.90	5.18	0.88	14.39	12.67	090
20924	.....	A	Removal of tendon for graft.	6.48	N/A	6.00	0.82	N/A	13.30	090
20926	.....	A	Removal of tissue for graft	5.53	N/A	5.06	0.73	N/A	11.32	090
20931	.....	A	Spinal bone allograft	1.81	N/A	0.95	0.34	N/A	3.10	ZZZ
20937	.....	A	Spinal bone autograft	2.79	N/A	1.49	0.43	N/A	4.71	ZZZ
20938	.....	A	Spinal bone autograft	3.02	N/A	1.59	0.52	N/A	5.13	ZZZ
20950	.....	A	Fluid pressure, muscle	1.26	1.39	1.02	0.16	2.81	2.44	000
20955	.....	A	Fibula bone graft, microvasc.	39.21	N/A	25.69	4.35	N/A	69.25	090
20956	.....	A	Iliac bone graft, microvasc	39.27	N/A	25.40	5.77	N/A	70.44	090
20957	.....	A	Mt bone graft, microvasc ..	40.65	N/A	19.47	5.74	N/A	65.86	090
20962	.....	A	Other bone graft, microvasc.	39.27	N/A	26.91	5.19	N/A	71.37	090
20969	.....	A	Bone/skin graft, microvasc	43.92	N/A	28.25	4.34	N/A	76.51	090
20970	.....	A	Bone/skin graft, iliac crest	43.06	N/A	26.58	4.64	N/A	74.28	090
20972	.....	A	Bone/skin graft, metatarsal	42.99	21.88	20.34	6.07	70.94	69.40	090
20973	.....	A	Bone/skin graft, great toe	45.76	N/A	25.64	4.65	N/A	76.05	090
20974	.....	A	Electrical bone stimulation	0.62	0.63	0.56	0.09	1.34	1.27	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
20975	.....	A	Electrical bone stimulation	2.60	N/A	1.76	0.42	N/A	4.78	000
20979	.....	A	Us bone stimulation	0.62	0.78	0.34	0.04	1.44	1.00	000
20999	.....	C	Musculoskeletal surgery ...	0.00	0.00	0.00	0.00	0.00	0.00	YYY
21010	.....	A	Incision of jaw joint	10.14	N/A	7.41	0.54	N/A	18.09	090
21015	.....	A	Resection of facial tumor ..	5.29	N/A	5.73	0.52	N/A	11.54	090
21025	.....	A	Excision of bone, lower jaw.	10.06	10.50	8.40	0.79	21.35	19.25	090
21026	.....	A	Excision of facial bone(s)	4.85	7.20	5.70	0.40	12.45	10.95	090
21029	.....	A	Contour of face bone lesion.	7.71	8.89	6.44	0.74	17.34	14.89	090
21030	.....	A	Excise max/zygoma b9 tumor.	3.89	5.93	4.17	0.60	10.42	8.66	090
21031	.....	A	Remove exostosis, mandible.	3.24	4.74	3.18	0.28	8.26	6.70	090
21032	.....	A	Remove exostosis, maxilla	3.24	4.78	3.29	0.27	8.29	6.80	090
21034	.....	A	Excise max/zygoma mlg tumor.	16.17	13.91	11.51	1.37	31.45	29.05	090
21040	.....	A	Excise mandible lesion	3.89	5.79	3.84	0.19	9.87	7.92	090
21044	.....	A	Removal of jaw bone lesion.	11.86	N/A	8.95	0.87	N/A	21.68	090
21045	.....	A	Extensive jaw surgery	16.17	N/A	11.75	1.20	N/A	29.12	090
21046	.....	A	Remove mandible cyst complex.	13.00	N/A	13.21	1.01	N/A	27.22	090
21047	.....	A	Excise lwr jaw cyst w/repair.	18.75	N/A	13.84	1.53	N/A	34.12	090
21048	.....	A	Remove maxilla cyst complex.	13.50	N/A	13.50	1.01	N/A	28.01	090
21049	.....	A	Excis uppr jaw cyst w/repair.	18.00	N/A	13.41	1.01	N/A	32.42	090
21050	.....	A	Removal of jaw joint	10.77	N/A	10.66	0.84	N/A	22.27	090
21060	.....	A	Remove jaw joint cartilage	10.23	N/A	10.18	1.16	N/A	21.57	090
21070	.....	A	Remove coronoid process	8.20	N/A	7.25	0.67	N/A	16.12	090
21076	.....	A	Prepare face/oral prosthesis.	13.42	13.19	10.52	1.36	27.97	25.30	010
21077	.....	A	Prepare face/oral prosthesis.	33.75	33.45	27.14	3.43	70.63	64.32	090
21079	.....	A	Prepare face/oral prosthesis.	22.34	23.11	18.12	1.59	47.04	42.05	090
21080	.....	A	Prepare face/oral prosthesis.	25.10	26.21	20.48	2.55	53.86	48.13	090
21081	.....	A	Prepare face/oral prosthesis.	22.88	23.87	18.42	1.87	48.62	43.17	090
21082	.....	A	Prepare face/oral prosthesis.	20.87	20.66	16.57	1.46	42.99	38.90	090
21083	.....	A	Prepare face/oral prosthesis.	19.30	20.13	15.24	1.96	41.39	36.50	090
21084	.....	A	Prepare face/oral prosthesis.	22.51	23.94	18.60	1.57	48.02	42.68	090
21085	.....	A	Prepare face/oral prosthesis.	9.00	8.84	7.11	0.65	18.49	16.76	010
21086	.....	A	Prepare face/oral prosthesis.	24.92	25.25	20.19	1.86	52.03	46.97	090
21087	.....	A	Prepare face/oral prosthesis.	24.92	24.82	20.06	2.22	51.96	47.20	090
21088	.....	C	Prepare face/oral prosthesis.	0.00	0.00	0.00	0.00	0.00	0.00	090
21089	.....	C	Prepare face/oral prosthesis.	0.00	0.00	0.00	0.00	0.00	0.00	090
21100	.....	A	Maxillofacial fixation	4.22	5.72	4.67	0.18	10.12	9.07	090
21110	.....	A	Interdental fixation	5.21	7.23	5.78	0.28	12.72	11.27	090
21116	.....	A	Injection, jaw joint x-ray	0.81	5.67	0.34	0.05	6.53	1.20	000
21120	.....	A	Reconstruction of chin	4.93	9.00	5.39	0.29	14.22	10.61	090
21121	.....	A	Reconstruction of chin	7.64	10.71	6.82	0.56	18.91	15.02	090
21122	.....	A	Reconstruction of chin	8.52	N/A	7.35	0.59	N/A	16.46	090
21123	.....	A	Reconstruction of chin	11.16	N/A	8.49	1.16	N/A	20.81	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
21125	.....	A	Augmentation, lower jaw bone.	10.62	12.09	8.47	0.72	23.43	19.81	090
21127	.....	A	Augmentation, lower jaw bone.	11.12	14.95	9.29	0.76	26.83	21.17	090
21137	.....	A	Reduction of forehead	9.82	N/A	7.62	0.53	N/A	17.97	090
21138	.....	A	Reduction of forehead	12.19	N/A	9.53	1.47	N/A	23.19	090
21139	.....	A	Reduction of forehead	14.61	N/A	10.04	1.02	N/A	25.67	090
21141	.....	A	Reconstruct midface, lefort	18.10	N/A	14.30	1.63	N/A	34.03	090
21142	.....	A	Reconstruct midface, lefort	18.81	N/A	13.41	1.16	N/A	33.38	090
21143	.....	A	Reconstruct midface, lefort	19.58	N/A	14.55	0.90	N/A	35.03	090
21145	.....	A	Reconstruct midface, lefort	19.94	N/A	14.57	2.09	N/A	36.60	090
21146	.....	A	Reconstruct midface, lefort	20.71	N/A	16.02	2.13	N/A	38.86	090
21147	.....	A	Reconstruct midface, lefort	21.77	N/A	15.70	1.52	N/A	38.99	090
21150	.....	A	Reconstruct midface, lefort	25.24	N/A	14.42	1.09	N/A	40.75	090
21151	.....	A	Reconstruct midface, lefort	28.30	N/A	17.70	1.98	N/A	47.98	090
21154	.....	A	Reconstruct midface, lefort	30.52	N/A	20.75	4.86	N/A	56.13	090
21155	.....	A	Reconstruct midface, lefort	34.45	N/A	21.92	5.48	N/A	61.85	090
21159	.....	A	Reconstruct midface, lefort	42.38	N/A	25.08	6.74	N/A	74.20	090
21160	.....	A	Reconstruct midface, lefort	46.44	N/A	24.97	4.39	N/A	75.80	090
21172	.....	A	Reconstruct orbit/forehead	27.80	N/A	14.45	1.91	N/A	44.16	090
21175	.....	A	Reconstruct orbit/forehead	33.17	N/A	18.80	5.16	N/A	57.13	090
21179	.....	A	Reconstruct entire fore-head.	22.25	N/A	15.41	2.48	N/A	40.14	090
21180	.....	A	Reconstruct entire fore-head.	25.19	N/A	16.64	2.15	N/A	43.98	090
21181	.....	A	Contour cranial bone le-sion.	9.90	N/A	7.69	0.97	N/A	18.56	090
21182	.....	A	Reconstruct cranial bone ..	32.19	N/A	20.18	2.53	N/A	54.90	090
21183	.....	A	Reconstruct cranial bone ..	35.31	N/A	21.89	2.75	N/A	59.95	090
21184	.....	A	Reconstruct cranial bone ..	38.24	N/A	22.40	4.12	N/A	64.76	090
21188	.....	A	Reconstruction of midface	22.46	N/A	15.69	1.85	N/A	40.00	090
21193	.....	A	Reconst lwr jaw w/o graft	17.15	N/A	13.39	1.53	N/A	32.07	090
21194	.....	A	Reconst lwr jaw w/graft	19.84	N/A	14.47	1.39	N/A	35.70	090
21195	.....	A	Reconst lwr jaw w/o fixa-tion.	17.24	N/A	13.70	1.20	N/A	32.14	090
21196	.....	A	Reconst lwr jaw w/fixation	18.91	N/A	14.31	1.62	N/A	34.84	090
21198	.....	A	Reconstr lwr jaw segment	14.16	N/A	11.32	1.05	N/A	26.53	090
21199	.....	A	Reconstr lwr jaw w/ad-vance.	16.00	N/A	9.40	1.26	N/A	26.66	090
21206	.....	A	Reconstruct upper jaw bone.	14.10	N/A	11.14	1.01	N/A	26.25	090
21208	.....	A	Augmentation of facial bones.	10.23	14.95	9.40	0.92	26.10	20.55	090
21209	.....	A	Reduction of facial bones	6.72	12.17	7.28	0.60	19.49	14.60	090
21210	.....	A	Face bone graft	10.23	14.17	9.66	0.88	25.28	20.77	090
21215	.....	A	Lower jaw bone graft	10.77	13.96	9.86	1.04	25.77	21.67	090
21230	.....	A	Rib cartilage graft	10.77	N/A	8.86	0.96	N/A	20.59	090
21235	.....	A	Ear cartilage graft	6.72	11.67	7.25	0.52	18.91	14.49	090
21240	.....	A	Reconstruction of jaw joint	14.05	N/A	13.17	1.15	N/A	28.37	090
21242	.....	A	Reconstruction of jaw joint	12.95	N/A	12.63	1.40	N/A	26.98	090
21243	.....	A	Reconstruction of jaw joint	20.79	N/A	18.48	1.85	N/A	41.12	090
21244	.....	A	Reconstruction of lower jaw.	11.86	N/A	10.35	0.95	N/A	23.16	090
21245	.....	A	Reconstruction of jaw	11.86	16.69	10.05	0.88	29.43	22.79	090
21246	.....	A	Reconstruction of jaw	12.47	15.05	10.13	1.21	28.73	23.81	090
21247	.....	A	Reconstruct lower jaw bone.	22.63	N/A	18.53	2.21	N/A	43.37	090
21248	.....	A	Reconstruction of jaw	11.48	13.46	9.59	1.01	25.95	22.08	090
21249	.....	A	Reconstruction of jaw	17.52	17.12	13.05	1.39	36.03	31.96	090
21255	.....	A	Reconstruct lower jaw bone.	16.72	N/A	12.98	1.13	N/A	30.83	090
21256	.....	A	Reconstruction of orbit	16.19	N/A	12.47	1.04	N/A	29.70	090
21260	.....	A	Revise eye sockets	16.52	N/A	9.13	1.25	N/A	26.90	090
21261	.....	A	Revise eye sockets	31.49	N/A	19.67	2.20	N/A	53.36	090
21263	.....	A	Revise eye sockets	28.42	N/A	13.14	2.16	N/A	43.72	090
21267	.....	A	Revise eye sockets	18.90	N/A	13.58	1.35	N/A	33.83	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
21268	.....	A	Revise eye sockets	24.48	N/A	15.66	0.79	N/A	40.93	090
21270	.....	A	Augmentation, cheek bone	10.23	12.35	8.36	0.73	23.31	19.32	090
21275	.....	A	Revision, orbitofacial bones.	11.24	N/A	9.10	1.03	N/A	21.37	090
21280	.....	A	Revision of eyelid	6.03	N/A	6.18	0.27	N/A	12.48	090
21282	.....	A	Revision of eyelid	3.49	N/A	4.84	0.21	N/A	8.54	090
21295	.....	A	Revision of jaw muscle/ bone.	1.53	N/A	3.02	0.13	N/A	4.68	090
21296	.....	A	Revision of jaw muscle/ bone.	4.25	N/A	4.65	0.30	N/A	9.20	090
21299	.....	C	Cranio/maxillofacial surgery.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
21300	.....	A	Treatment of skull fracture	0.72	2.48	0.26	0.09	3.29	1.07	000
21310	.....	A	Treatment of nose fracture	0.58	2.44	0.15	0.05	3.07	0.78	000
21315	.....	A	Treatment of nose fracture	1.51	3.18	1.31	0.12	4.81	2.94	010
21320	.....	A	Treatment of nose fracture	1.85	4.44	1.89	0.15	6.44	3.89	010
21325	.....	A	Treatment of nose fracture	3.77	N/A	3.84	0.31	N/A	7.92	090
21330	.....	A	Treatment of nose fracture	5.38	N/A	5.44	0.48	N/A	11.30	090
21335	.....	A	Treatment of nose fracture	8.61	N/A	7.02	0.64	N/A	16.27	090
21336	.....	A	Treat nasal septal fracture	5.72	N/A	6.18	0.45	N/A	12.35	090
21337	.....	A	Treat nasal septal fracture	2.70	5.27	3.75	0.22	8.19	6.67	090
21338	.....	A	Treat nasoethmoid fracture.	6.46	N/A	6.14	0.53	N/A	13.13	090
21339	.....	A	Treat nasoethmoid fracture.	8.09	N/A	6.90	0.76	N/A	15.75	090
21340	.....	A	Treatment of nose fracture	10.77	N/A	8.99	0.85	N/A	20.61	090
21343	.....	A	Treatment of sinus fracture.	12.95	N/A	10.37	1.06	N/A	24.38	090
21344	.....	A	Treatment of sinus fracture.	19.72	N/A	14.00	1.72	N/A	35.44	090
21345	.....	A	Treat nose/jaw fracture	8.16	12.01	8.21	0.60	20.77	16.97	090
21346	.....	A	Treat nose/jaw fracture	10.61	13.67	9.41	0.85	25.13	20.87	090
21347	.....	A	Treat nose/jaw fracture	12.69	N/A	10.02	1.14	N/A	23.85	090
21348	.....	A	Treat nose/jaw fracture	16.69	N/A	11.60	1.50	N/A	29.79	090
21355	.....	A	Treat cheek bone fracture	3.77	4.86	2.43	0.29	8.92	6.49	010
21356	.....	A	Treat cheek bone fracture	4.15	12.21	3.31	0.36	16.72	7.82	010
21360	.....	A	Treat cheek bone fracture	6.46	14.59	6.32	0.52	21.57	13.30	090
21365	.....	A	Treat cheek bone fracture	14.95	N/A	12.08	1.30	N/A	28.33	090
21366	.....	A	Treat cheek bone fracture	17.77	N/A	11.97	1.41	N/A	31.15	090
21385	.....	A	Treat eye socket fracture	9.16	N/A	7.32	0.64	N/A	17.12	090
21386	.....	A	Treat eye socket fracture	9.16	N/A	7.73	0.76	N/A	17.65	090
21387	.....	A	Treat eye socket fracture	9.70	N/A	7.81	0.78	N/A	18.29	090
21390	.....	A	Treat eye socket fracture	10.13	N/A	8.27	0.70	N/A	19.10	090
21395	.....	A	Treat eye socket fracture	12.68	N/A	9.62	1.09	N/A	23.39	090
21400	.....	A	Treat eye socket fracture	1.40	3.80	2.10	0.12	5.32	3.62	090
21401	.....	A	Treat eye socket fracture	3.26	5.11	3.84	0.34	8.71	7.44	090
21406	.....	A	Treat eye socket fracture	7.01	N/A	6.58	0.59	N/A	14.18	090
21407	.....	A	Treat eye socket fracture	8.61	N/A	7.38	0.67	N/A	16.66	090
21408	.....	A	Treat eye socket fracture	12.38	N/A	9.49	1.24	N/A	23.11	090
21421	.....	A	Treat mouth roof fracture	5.14	10.22	6.31	0.42	15.78	11.87	090
21422	.....	A	Treat mouth roof fracture	8.32	11.73	7.38	0.69	20.74	16.39	090
21423	.....	A	Treat mouth roof fracture	10.40	N/A	8.72	0.95	N/A	20.07	090
21431	.....	A	Treat craniofacial fracture	7.05	11.10	7.15	0.58	18.73	14.78	090
21432	.....	A	Treat craniofacial fracture	8.61	N/A	6.53	0.55	N/A	15.69	090
21433	.....	A	Treat craniofacial fracture	25.35	N/A	17.38	2.46	N/A	45.19	090
21435	.....	A	Treat craniofacial fracture	17.25	N/A	13.41	1.66	N/A	32.32	090
21436	.....	A	Treat craniofacial fracture	28.04	N/A	18.94	2.32	N/A	49.30	090
21440	.....	A	Treat dental ridge fracture	2.70	8.32	4.22	0.22	11.24	7.14	090
21445	.....	A	Treat dental ridge fracture	5.38	10.81	6.48	0.55	16.74	12.41	090
21450	.....	A	Treat lower jaw fracture	2.97	11.00	3.86	0.23	14.20	7.06	090
21451	.....	A	Treat lower jaw fracture	4.87	9.15	6.00	0.39	14.41	11.26	090
21452	.....	A	Treat lower jaw fracture	1.98	8.19	3.81	0.14	10.31	5.93	090
21453	.....	A	Treat lower jaw fracture	5.54	10.89	7.07	0.49	16.92	13.10	090
21454	.....	A	Treat lower jaw fracture	6.46	N/A	6.62	0.55	N/A	13.63	090
21461	.....	A	Treat lower jaw fracture	8.09	12.99	8.58	0.73	21.81	17.40	090
21462	.....	A	Treat lower jaw fracture	9.79	14.58	9.31	0.80	25.17	19.90	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
21465	.....	A	Treat lower jaw fracture	11.91	N/A	10.16	0.84	N/A	22.91	090
21470	.....	A	Treat lower jaw fracture	15.34	N/A	12.41	1.36	N/A	29.11	090
21480	.....	A	Reset dislocated jaw	0.61	2.06	0.19	0.05	2.72	0.85	000
21485	.....	A	Reset dislocated jaw	3.99	6.15	4.92	0.31	10.45	9.22	090
21490	.....	A	Repair dislocated jaw	11.86	N/A	10.03	1.31	N/A	23.20	090
21493	.....	A	Treat hyoid bone fracture	1.27	N/A	2.96	0.10	N/A	4.33	090
21494	.....	A	Treat hyoid bone fracture	6.28	N/A	5.91	0.44	N/A	12.63	090
21495	.....	A	Treat hyoid bone fracture	5.69	N/A	6.18	0.41	N/A	12.28	090
21497	.....	A	Interdental wiring	3.86	6.77	5.16	0.31	10.94	9.33	090
21499	.....	C	Head surgery procedure ..	0.00	0.00	0.00	0.00	0.00	0.00	YYY
21501	.....	A	Drain neck/chest lesion	3.81	4.79	3.95	0.36	8.96	8.12	090
21502	.....	A	Drain chest lesion	7.12	N/A	5.71	0.79	N/A	13.62	090
21510	.....	A	Drainage of bone lesion ...	5.74	N/A	5.65	0.67	N/A	12.06	090
21550	.....	A	Biopsy of neck/chest	2.06	3.65	1.75	0.13	5.84	3.94	010
21555	.....	A	Remove lesion, neck/chest	4.35	5.15	3.21	0.41	9.91	7.97	090
21556	.....	A	Remove lesion, neck/chest	5.57	N/A	4.09	0.51	N/A	10.17	090
21557	.....	A	Remove tumor, neck/chest	8.88	N/A	5.68	0.85	N/A	15.41	090
21600	.....	A	Partial removal of rib	6.89	N/A	5.79	0.81	N/A	13.49	090
21610	.....	A	Partial removal of rib	14.61	N/A	9.25	1.85	N/A	25.71	090
21615	.....	A	Removal of rib	9.87	N/A	6.63	1.20	N/A	17.70	090
21616	.....	A	Removal of rib and nerves	12.04	N/A	8.00	1.31	N/A	21.35	090
21620	.....	A	Partial removal of sternum	6.79	N/A	6.09	0.77	N/A	13.65	090
21627	.....	A	Sternal debridement	6.81	N/A	6.82	0.82	N/A	14.45	090
21630	.....	A	Extensive sternum surgery	17.38	N/A	11.99	1.95	N/A	31.32	090
21632	.....	A	Extensive sternum surgery	18.14	N/A	10.78	2.16	N/A	31.08	090
21700	.....	A	Revision of neck muscle ..	6.19	6.23	4.88	0.31	12.73	11.38	090
21705	.....	A	Revision of neck muscle/ rib.	9.60	N/A	5.79	0.92	N/A	16.31	090
21720	.....	A	Revision of neck muscle ..	5.68	5.68	4.78	0.80	12.16	11.26	090
21725	.....	A	Revision of neck muscle ..	6.99	N/A	5.72	0.90	N/A	13.61	090
21740	.....	A	Reconstruction of sternum	16.50	N/A	8.67	2.03	N/A	27.20	090
21742	.....	C	Repair stern/nuss w/o scope.	0.00	0.00	0.00	0.00	0.00	0.00	090
21743	.....	C	Repair sternum/nuss w/ scope.	0.00	0.00	0.00	0.00	0.00	0.00	090
21750	.....	A	Repair of sternum separation.	10.77	N/A	6.16	1.35	N/A	18.28	090
21800	.....	A	Treatment of rib fracture ..	0.96	2.15	1.43	0.09	3.20	2.48	090
21805	.....	A	Treatment of rib fracture ..	2.75	N/A	3.31	0.29	N/A	6.35	090
21810	.....	A	Treatment of rib fracture(s)	6.86	N/A	5.04	0.60	N/A	12.50	090
21820	.....	A	Treat sternum fracture	1.28	2.68	1.85	0.15	4.11	3.28	090
21825	.....	A	Treat sternum fracture	7.41	N/A	6.48	0.84	N/A	14.73	090
21899	.....	C	Neck/chest surgery procedure.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
21920	.....	A	Biopsy soft tissue of back	2.06	3.27	1.50	0.12	5.45	3.68	010
21925	.....	A	Biopsy soft tissue of back	4.49	9.16	3.44	0.44	14.09	8.37	090
21930	.....	A	Remove lesion, back or flank.	5.00	5.49	3.42	0.49	10.98	8.91	090
21935	.....	A	Remove tumor, back	17.96	N/A	10.50	1.87	N/A	30.33	090
22100	.....	A	Remove part of neck vertebra.	9.73	N/A	7.82	1.55	N/A	19.10	090
22101	.....	A	Remove part, thorax vertebra.	9.81	N/A	8.04	1.51	N/A	19.36	090
22102	.....	A	Remove part, lumbar vertebra.	9.81	N/A	8.30	1.46	N/A	19.57	090
22103	.....	A	Remove extra spine segment.	2.34	N/A	1.24	0.37	N/A	3.95	ZZZ
22110	.....	A	Remove part of neck vertebra.	12.74	N/A	9.54	2.20	N/A	24.48	090
22112	.....	A	Remove part, thorax vertebra.	12.81	N/A	9.56	1.96	N/A	24.33	090
22114	.....	A	Remove part, lumbar vertebra.	12.81	N/A	9.58	1.98	N/A	24.37	090
22116	.....	A	Remove extra spine segment.	2.32	N/A	1.19	0.40	N/A	3.91	ZZZ
22210	.....	A	Revision of neck spine	23.82	N/A	15.88	4.23	N/A	43.93	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
22212	.....	A	Revision of thorax spine ...	19.42	N/A	13.57	2.78	N/A	35.77	090
22214	.....	A	Revision of lumbar spine ..	19.45	N/A	14.04	2.78	N/A	36.27	090
22216	.....	A	Revise, extra spine segment.	6.04	N/A	3.20	0.98	N/A	10.22	ZZZ
22220	.....	A	Revision of neck spine	21.37	N/A	14.10	3.65	N/A	39.12	090
22222	.....	A	Revision of thorax spine ...	21.52	N/A	11.93	3.08	N/A	36.53	090
22224	.....	A	Revision of lumbar spine ..	21.52	N/A	14.60	3.20	N/A	39.32	090
22226	.....	A	Revise, extra spine segment.	6.04	N/A	3.16	1.01	N/A	10.21	ZZZ
22305	.....	A	Treat spine process fracture.	2.05	3.25	2.43	0.29	5.59	4.77	090
22310	.....	A	Treat spine fracture	2.61	4.98	4.20	0.37	7.96	7.18	090
22315	.....	A	Treat spine fracture	8.84	18.69	7.74	1.37	28.90	17.95	090
22318	.....	A	Treat odontoid fx w/o graft	21.50	N/A	13.81	4.26	N/A	39.57	090
22319	.....	A	Treat odontoid fx w/graft ..	24.00	N/A	15.33	4.76	N/A	44.09	090
22325	.....	A	Treat spine fracture	18.30	N/A	12.41	2.61	N/A	33.32	090
22326	.....	A	Treat neck spine fracture	19.59	N/A	13.20	3.54	N/A	36.33	090
22327	.....	A	Treat thorax spine fracture	19.20	N/A	12.71	2.75	N/A	34.66	090
22328	.....	A	Treat each add spine fx ...	4.61	N/A	2.32	0.66	N/A	7.59	ZZZ
22505	.....	A	Manipulation of spine	1.87	N/A	0.95	0.27	N/A	3.09	010
22520	.....	A	Percut vertebroplasty thor	8.91	104.96	4.40	0.99	114.86	14.30	010
22521	.....	A	Percut vertebroplasty lumb	8.34	93.70	4.24	0.93	102.97	13.51	010
22522	.....	A	Percut vertebroplasty addl	4.31	N/A	1.72	0.33	N/A	6.36	ZZZ
22548	.....	A	Neck spine fusion	25.82	N/A	16.15	4.98	N/A	46.95	090
22554	.....	A	Neck spine fusion	18.62	N/A	12.57	3.51	N/A	34.70	090
22556	.....	A	Thorax spine fusion	23.46	N/A	14.91	3.78	N/A	42.15	090
22558	.....	A	Lumbar spine fusion	22.28	N/A	13.45	3.18	N/A	38.91	090
22585	.....	A	Additional spinal fusion	5.53	N/A	2.86	0.98	N/A	9.37	ZZZ
22590	.....	A	Spine & skull spinal fusion	20.51	N/A	13.57	3.81	N/A	37.89	090
22595	.....	A	Neck spinal fusion	19.39	N/A	13.06	3.62	N/A	36.07	090
22600	.....	A	Neck spine fusion	16.14	N/A	11.37	2.89	N/A	30.40	090
22610	.....	A	Thorax spine fusion	16.02	N/A	11.55	2.66	N/A	30.23	090
22612	.....	A	Lumbar spine fusion	21.00	N/A	14.36	3.28	N/A	38.64	090
22614	.....	A	Spine fusion, extra segment.	6.44	N/A	3.43	1.04	N/A	10.91	ZZZ
22630	.....	A	Lumbar spine fusion	20.84	N/A	13.82	3.79	N/A	38.45	090
22632	.....	A	Spine fusion, extra segment.	5.23	N/A	2.73	0.90	N/A	8.86	ZZZ
22800	.....	A	Fusion of spine	18.25	N/A	12.88	2.71	N/A	33.84	090
22802	.....	A	Fusion of spine	30.88	N/A	19.84	4.42	N/A	55.14	090
22804	.....	A	Fusion of spine	36.27	N/A	23.00	5.23	N/A	64.50	090
22808	.....	A	Fusion of spine	26.27	N/A	16.55	4.36	N/A	47.18	090
22810	.....	A	Fusion of spine	30.27	N/A	18.61	4.49	N/A	53.37	090
22812	.....	A	Fusion of spine	32.70	N/A	20.21	4.67	N/A	57.58	090
22818	.....	A	Kyphectomy, 1-2 segments.	31.83	N/A	19.30	5.01	N/A	56.14	090
22819	.....	A	Kyphectomy, 3 or more	36.44	N/A	20.38	5.20	N/A	62.02	090
22830	.....	A	Exploration of spinal fusion.	10.85	N/A	8.13	1.73	N/A	20.71	090
22840	.....	A	Insert spine fixation device	12.54	N/A	6.64	2.03	N/A	21.21	ZZZ
22842	.....	A	Insert spine fixation device	12.58	N/A	6.66	2.04	N/A	21.28	ZZZ
22843	.....	A	Insert spine fixation device	13.46	N/A	6.75	2.10	N/A	22.31	ZZZ
22844	.....	A	Insert spine fixation device	16.44	N/A	8.95	2.42	N/A	27.81	ZZZ
22845	.....	A	Insert spine fixation device	11.96	N/A	6.22	2.22	N/A	20.40	ZZZ
22846	.....	A	Insert spine fixation device	12.42	N/A	6.48	2.26	N/A	21.16	ZZZ
22847	.....	A	Insert spine fixation device	13.80	N/A	7.19	2.36	N/A	23.35	ZZZ
22848	.....	A	Insert pelv fixation device	6.00	N/A	3.26	0.88	N/A	10.14	ZZZ
22849	.....	A	Reinsert spinal fixation	18.51	N/A	12.17	2.87	N/A	33.55	090
22850	.....	A	Remove spine fixation device.	9.52	N/A	7.28	1.51	N/A	18.31	090
22851	.....	A	Apply spine prosth device	6.71	N/A	3.44	1.11	N/A	11.26	ZZZ
22852	.....	A	Remove spine fixation device.	9.01	N/A	7.06	1.40	N/A	17.47	090
22855	.....	A	Remove spine fixation device.	15.13	N/A	10.02	2.74	N/A	27.89	090
22899	.....	C	Spine surgery procedure ..	0.00	0.00	0.00	0.00	0.00	0.00	YYY

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
22900	.....	A	Remove abdominal wall lesion.	5.80	N/A	3.32	0.58	N/A	9.70	090
22999	.....	C	Abdomen surgery procedure.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
23000	.....	A	Removal of calcium deposits.	4.36	5.59	4.74	0.50	10.45	9.60	090
23020	.....	A	Release shoulder joint	8.93	N/A	7.82	1.23	N/A	17.98	090
23030	.....	A	Drain shoulder lesion	3.43	3.07	2.97	0.42	6.92	6.82	010
23031	.....	A	Drain shoulder bursa	2.74	2.73	2.73	0.33	5.80	5.80	010
23035	.....	A	Drain shoulder bone lesion	8.61	N/A	9.12	1.19	N/A	18.92	090
23040	.....	A	Exploratory shoulder surgery.	9.20	N/A	8.20	1.28	N/A	18.68	090
23044	.....	A	Exploratory shoulder surgery.	7.12	N/A	6.80	0.97	N/A	14.89	090
23065	.....	A	Biopsy shoulder tissues ...	2.27	2.88	1.55	0.14	5.29	3.96	010
23066	.....	A	Biopsy shoulder tissues ...	4.16	5.19	4.18	0.50	9.85	8.84	090
23075	.....	A	Removal of shoulder lesion.	2.39	2.27	1.82	0.25	4.91	4.46	010
23076	.....	A	Removal of shoulder lesion.	7.63	N/A	5.88	0.87	N/A	14.38	090
23077	.....	A	Remove tumor of shoulder	16.09	N/A	11.03	1.81	N/A	28.93	090
23100	.....	A	Biopsy of shoulder joint	6.03	N/A	5.89	0.81	N/A	12.73	090
23101	.....	A	Shoulder joint surgery	5.58	N/A	5.68	0.77	N/A	12.03	090
23105	.....	A	Remove shoulder joint lining.	8.23	N/A	7.41	1.13	N/A	16.77	090
23106	.....	A	Incision of collarbone joint	5.96	N/A	5.93	0.82	N/A	12.71	090
23107	.....	A	Explore treat shoulder joint	8.62	N/A	7.63	1.19	N/A	17.44	090
23120	.....	A	Partial removal, collar bone.	7.11	N/A	6.70	0.99	N/A	14.80	090
23125	.....	A	Removal of collar bone	9.39	N/A	7.85	1.27	N/A	18.51	090
23130	.....	A	Remove shoulder bone, part.	7.55	N/A	7.23	1.06	N/A	15.84	090
23140	.....	A	Removal of bone lesion ...	6.89	N/A	5.56	0.82	N/A	13.27	090
23145	.....	A	Removal of bone lesion ...	9.09	N/A	7.92	1.24	N/A	18.25	090
23146	.....	A	Removal of bone lesion ...	7.83	N/A	7.39	1.11	N/A	16.33	090
23150	.....	A	Removal of humerus lesion.	8.48	N/A	7.19	1.14	N/A	16.81	090
23155	.....	A	Removal of humerus lesion.	10.35	N/A	8.64	1.20	N/A	20.19	090
23156	.....	A	Removal of humerus lesion.	8.68	N/A	7.63	1.18	N/A	17.49	090
23170	.....	A	Remove collar bone lesion	6.86	N/A	6.60	0.84	N/A	14.30	090
23172	.....	A	Remove shoulder blade lesion.	6.90	N/A	6.70	0.95	N/A	14.55	090
23174	.....	A	Remove humerus lesion ..	9.51	N/A	8.63	1.30	N/A	19.44	090
23180	.....	A	Remove collar bone lesion	8.53	N/A	9.76	1.18	N/A	19.47	090
23182	.....	A	Remove shoulder blade lesion.	8.15	N/A	9.36	1.08	N/A	18.59	090
23184	.....	A	Remove humerus lesion ..	9.38	N/A	10.12	1.24	N/A	20.74	090
23190	.....	A	Partial removal of scapula	7.24	N/A	6.34	0.97	N/A	14.55	090
23195	.....	A	Removal of head of humerus.	9.81	N/A	8.00	1.38	N/A	19.19	090
23200	.....	A	Removal of collar bone	12.08	N/A	9.24	1.48	N/A	22.80	090
23210	.....	A	Removal of shoulder blade	12.49	N/A	9.61	1.61	N/A	23.71	090
23220	.....	A	Partial removal of humerus.	14.56	N/A	11.28	2.03	N/A	27.87	090
23221	.....	A	Partial removal of humerus.	17.74	N/A	12.23	2.51	N/A	32.48	090
23222	.....	A	Partial removal of humerus.	23.92	N/A	16.44	3.37	N/A	43.73	090
23330	.....	A	Remove shoulder foreign body.	1.85	2.08	1.89	0.18	4.11	3.92	010
23331	.....	A	Remove shoulder foreign body.	7.38	N/A	7.02	1.02	N/A	15.42	090
23332	.....	A	Remove shoulder foreign body.	11.62	N/A	9.49	1.62	N/A	22.73	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
23350	.....	A	Injection for shoulder x-ray	1.00	3.88	0.34	0.05	4.93	1.39	000
23395	.....	A	Muscle transfer,shoulder/ arm.	16.85	N/A	12.87	2.29	N/A	32.01	090
23397	.....	A	Muscle transfers	16.13	N/A	11.59	2.24	N/A	29.96	090
23400	.....	A	Fixation of shoulder blade	13.54	N/A	10.42	1.91	N/A	25.87	090
23405	.....	A	Incision of tendon & muscle.	8.37	N/A	7.08	1.12	N/A	16.57	090
23406	.....	A	Incise tendon(s) & muscle(s).	10.79	N/A	8.66	1.48	N/A	20.93	090
23410	.....	A	Repair rotator cuff, acute ..	12.45	N/A	9.69	1.72	N/A	23.86	090
23412	.....	A	Repair rotator cuff, chronic	13.31	N/A	10.19	1.86	N/A	25.36	090
23415	.....	A	Release of shoulder ligament.	9.97	N/A	8.12	1.39	N/A	19.48	090
23420	.....	A	Repair of shoulder	13.30	N/A	11.08	1.86	N/A	26.24	090
23430	.....	A	Repair biceps tendon	9.98	N/A	8.36	1.40	N/A	19.74	090
23440	.....	A	Remove/transplant tendon	10.48	N/A	8.55	1.47	N/A	20.50	090
23450	.....	A	Repair shoulder capsule ..	13.40	N/A	10.16	1.86	N/A	25.42	090
23455	.....	A	Repair shoulder capsule ..	14.37	N/A	10.75	2.01	N/A	27.13	090
23460	.....	A	Repair shoulder capsule ..	15.37	N/A	11.58	2.17	N/A	29.12	090
23462	.....	A	Repair shoulder capsule ..	15.30	N/A	11.08	2.16	N/A	28.54	090
23465	.....	A	Repair shoulder capsule ..	15.85	N/A	11.52	1.61	N/A	28.98	090
23466	.....	A	Repair shoulder capsule ..	14.22	N/A	11.48	2.00	N/A	27.70	090
23470	.....	A	Reconstruct shoulder joint	17.15	N/A	12.30	2.40	N/A	31.85	090
23472	.....	A	Reconstruct shoulder joint	21.10	N/A	14.54	2.37	N/A	38.01	090
23480	.....	A	Revision of collar bone	11.18	N/A	9.04	1.56	N/A	21.78	090
23485	.....	A	Revision of collar bone	13.43	N/A	10.19	1.84	N/A	25.46	090
23490	.....	A	Reinforce clavicle	11.86	N/A	8.96	1.11	N/A	21.93	090
23491	.....	A	Reinforce shoulder bones	14.21	N/A	10.90	2.00	N/A	27.11	090
23500	.....	A	Treat clavicle fracture	2.08	3.73	2.61	0.26	6.07	4.95	090
23505	.....	A	Treat clavicle fracture	3.69	5.52	3.92	0.50	9.71	8.11	090
23515	.....	A	Treat clavicle fracture	7.41	N/A	6.65	1.03	N/A	15.09	090
23520	.....	A	Treat clavicle dislocation ..	2.16	3.73	2.76	0.26	6.15	5.18	090
23525	.....	A	Treat clavicle dislocation ..	3.60	5.35	3.95	0.44	9.39	7.99	090
23530	.....	A	Treat clavicle dislocation ..	7.31	N/A	6.08	0.85	N/A	14.24	090
23532	.....	A	Treat clavicle dislocation ..	8.01	N/A	7.05	1.13	N/A	16.19	090
23540	.....	A	Treat clavicle dislocation ..	2.23	4.34	2.51	0.24	6.81	4.98	090
23545	.....	A	Treat clavicle dislocation ..	3.25	4.59	3.45	0.39	8.23	7.09	090
23550	.....	A	Treat clavicle dislocation ..	7.24	N/A	6.51	0.94	N/A	14.69	090
23552	.....	A	Treat clavicle dislocation ..	8.45	N/A	7.40	1.18	N/A	17.03	090
23570	.....	A	Treat shoulder blade fx	2.23	3.74	2.92	0.29	6.26	5.44	090
23575	.....	A	Treat shoulder blade fx	4.06	5.87	4.33	0.53	10.46	8.92	090
23585	.....	A	Treat scapula fracture	8.96	N/A	7.74	1.25	N/A	17.95	090
23600	.....	A	Treat humerus fracture	2.93	5.73	3.80	0.39	9.05	7.12	090
23605	.....	A	Treat humerus fracture	4.87	7.03	5.36	0.67	12.57	10.90	090
23615	.....	A	Treat humerus fracture	9.35	N/A	8.86	1.31	N/A	19.52	090
23616	.....	A	Treat humerus fracture	21.27	N/A	14.39	2.98	N/A	38.64	090
23620	.....	A	Treat humerus fracture	2.40	5.29	3.29	0.32	8.01	6.01	090
23625	.....	A	Treat humerus fracture	3.93	6.54	4.74	0.53	11.00	9.20	090
23630	.....	A	Treat humerus fracture	7.35	N/A	6.71	1.03	N/A	15.09	090
23650	.....	A	Treat shoulder dislocation	3.39	4.87	2.99	0.31	8.57	6.69	090
23655	.....	A	Treat shoulder dislocation	4.57	N/A	4.17	0.52	N/A	9.26	090
23660	.....	A	Treat shoulder dislocation	7.49	N/A	6.48	1.01	N/A	14.98	090
23665	.....	A	Treat dislocation/fracture ..	4.47	6.81	5.13	0.60	11.88	10.20	090
23670	.....	A	Treat dislocation/fracture ..	7.90	N/A	6.95	1.10	N/A	15.95	090
23675	.....	A	Treat dislocation/fracture ..	6.05	7.70	6.17	0.83	14.58	13.05	090
23680	.....	A	Treat dislocation/fracture ..	10.06	N/A	8.24	1.39	N/A	19.69	090
23700	.....	A	Fixation of shoulder	2.52	N/A	2.39	0.35	N/A	5.26	010
23800	.....	A	Fusion of shoulder joint	14.16	N/A	10.76	1.97	N/A	26.89	090
23802	.....	A	Fusion of shoulder joint	16.60	N/A	10.49	2.34	N/A	29.43	090
23900	.....	A	Amputation of arm & girdle	19.72	N/A	12.21	2.47	N/A	34.40	090
23920	.....	A	Amputation at shoulder joint.	14.61	N/A	10.45	1.92	N/A	26.98	090
23921	.....	A	Amputation follow-up surgery.	5.49	5.32	5.32	0.78	11.59	11.59	090
23929	.....	C	Shoulder surgery procedure.	0.00	0.00	0.00	0.00	0.00	0.00	YYY

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
23930	.....	A	Drainage of arm lesion	2.94	3.07	2.50	0.32	6.33	5.76	010
23931	.....	A	Drainage of arm bursa	1.79	2.76	2.31	0.21	4.76	4.31	010
23935	.....	A	Drain arm/elbow bone lesion.	6.09	N/A	6.74	0.84	N/A	13.67	090
24000	.....	A	Exploratory elbow surgery	5.82	N/A	5.56	0.77	N/A	12.15	090
24006	.....	A	Release elbow joint	9.31	N/A	7.93	1.27	N/A	18.51	090
24065	.....	A	Biopsy arm/elbow soft tissue.	2.08	2.45	1.94	0.14	4.67	4.16	010
24066	.....	A	Biopsy arm/elbow soft tissue.	5.21	5.90	4.41	0.61	11.72	10.23	090
24075	.....	A	Remove arm/elbow lesion	3.92	5.18	3.79	0.43	9.53	8.14	090
24076	.....	A	Remove arm/elbow lesion	6.30	N/A	5.17	0.70	N/A	12.17	090
24077	.....	A	Remove tumor of arm/elbow.	11.76	N/A	8.97	1.32	N/A	22.05	090
24100	.....	A	Biopsy elbow joint lining ...	4.93	N/A	4.72	0.62	N/A	10.27	090
24101	.....	A	Explore/treat elbow joint ...	6.13	N/A	6.07	0.84	N/A	13.04	090
24102	.....	A	Remove elbow joint lining	8.03	N/A	7.05	1.09	N/A	16.17	090
24105	.....	A	Removal of elbow bursa ..	3.61	N/A	4.53	0.49	N/A	8.63	090
24110	.....	A	Remove humerus lesion ..	7.39	N/A	6.93	0.99	N/A	15.31	090
24115	.....	A	Remove/graft bone lesion	9.63	N/A	7.58	1.15	N/A	18.36	090
24116	.....	A	Remove/graft bone lesion	11.81	N/A	9.34	1.66	N/A	22.81	090
24120	.....	A	Remove elbow lesion	6.65	N/A	6.08	0.87	N/A	13.60	090
24125	.....	A	Remove/graft bone lesion	7.89	N/A	6.38	0.88	N/A	15.15	090
24126	.....	A	Remove/graft bone lesion	8.31	N/A	7.19	0.90	N/A	16.40	090
24130	.....	A	Removal of head of radius	6.25	N/A	6.16	0.87	N/A	13.28	090
24134	.....	A	Removal of arm bone lesion.	9.73	N/A	9.79	1.31	N/A	20.83	090
24136	.....	A	Remove radius bone lesion.	7.99	N/A	7.66	0.85	N/A	16.50	090
24138	.....	A	Remove elbow bone lesion.	8.05	N/A	7.71	1.12	N/A	16.88	090
24140	.....	A	Partial removal of arm bone.	9.18	N/A	10.17	1.23	N/A	20.58	090
24145	.....	A	Partial removal of radius ..	7.58	N/A	8.80	1.01	N/A	17.39	090
24147	.....	A	Partial removal of elbow ...	7.54	N/A	9.19	1.04	N/A	17.77	090
24149	.....	A	Radical resection of elbow	14.20	N/A	11.53	1.90	N/A	27.63	090
24150	.....	A	Extensive humerus surgery.	13.27	N/A	10.47	1.81	N/A	25.55	090
24151	.....	A	Extensive humerus surgery.	15.58	N/A	12.08	2.19	N/A	29.85	090
24152	.....	A	Extensive radius surgery ..	10.06	N/A	8.27	1.19	N/A	19.52	090
24153	.....	A	Extensive radius surgery ..	11.54	N/A	6.08	0.64	N/A	18.26	090
24155	.....	A	Removal of elbow joint	11.73	N/A	8.62	1.42	N/A	21.77	090
24160	.....	A	Remove elbow joint implant.	7.83	N/A	6.85	1.07	N/A	15.75	090
24164	.....	A	Remove radius head implant.	6.23	N/A	5.77	0.84	N/A	12.84	090
24200	.....	A	Removal of arm foreign body.	1.76	2.38	1.82	0.15	4.29	3.73	010
24201	.....	A	Removal of arm foreign body.	4.56	5.84	4.46	0.56	10.96	9.58	090
24220	.....	A	Injection for elbow x-ray ...	1.31	7.42	0.45	0.07	8.80	1.83	000
24300	.....	A	Manipulate elbow w/ anesth.	3.75	N/A	5.70	0.49	N/A	9.94	090
24301	.....	A	Muscle/tendon transfer	10.20	N/A	8.40	1.30	N/A	19.90	090
24305	.....	A	Arm tendon lengthening ...	7.45	N/A	6.87	0.98	N/A	15.30	090
24310	.....	A	Revision of arm tendon	5.98	N/A	5.90	0.74	N/A	12.62	090
24320	.....	A	Repair of arm tendon	10.56	N/A	7.95	1.00	N/A	19.51	090
24330	.....	A	Revision of arm muscles ..	9.60	N/A	8.09	1.21	N/A	18.90	090
24331	.....	A	Revision of arm muscles ..	10.65	N/A	8.75	1.41	N/A	20.81	090
24332	.....	A	Tenolysis, triceps	7.45	N/A	6.76	0.77	N/A	14.98	090
24340	.....	A	Repair of biceps tendon ...	7.89	N/A	7.11	1.08	N/A	16.08	090
24341	.....	A	Repair arm tendon/muscle	7.90	N/A	7.86	1.08	N/A	16.84	090
24342	.....	A	Repair of ruptured tendon	10.62	N/A	8.68	1.48	N/A	20.78	090
24343	.....	A	Repr elbow lat ligmnt w/ tiss.	8.65	N/A	8.21	1.13	N/A	17.99	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
24344	.....	A	Reconstruct elbow lat ligmnt.	14.00	N/A	11.53	1.83	N/A	27.36	090
24345	.....	A	Repr elbw med ligmnt w/ tissu.	8.65	N/A	8.11	1.13	N/A	17.89	090
24346	.....	A	Reconstruct elbow med ligmnt.	14.00	N/A	11.38	1.83	N/A	27.21	090
24350	.....	A	Repair of tennis elbow	5.25	N/A	5.68	0.72	N/A	11.65	090
24351	.....	A	Repair of tennis elbow	5.91	N/A	6.04	0.82	N/A	12.77	090
24352	.....	A	Repair of tennis elbow	6.43	N/A	6.30	0.90	N/A	13.63	090
24354	.....	A	Repair of tennis elbow	6.48	N/A	6.26	0.88	N/A	13.62	090
24356	.....	A	Revision of tennis elbow ..	6.68	N/A	6.44	0.90	N/A	14.02	090
24360	.....	A	Reconstruct elbow joint	12.34	N/A	9.48	1.69	N/A	23.51	090
24361	.....	A	Reconstruct elbow joint	14.08	N/A	10.56	1.95	N/A	26.59	090
24362	.....	A	Reconstruct elbow joint	14.99	N/A	10.12	1.92	N/A	27.03	090
24363	.....	A	Replace elbow joint	18.49	N/A	13.78	2.52	N/A	34.79	090
24365	.....	A	Reconstruct head of radius.	8.39	N/A	7.16	1.11	N/A	16.66	090
24366	.....	A	Reconstruct head of radius.	9.13	N/A	7.51	1.28	N/A	17.92	090
24400	.....	A	Revision of humerus	11.06	N/A	9.14	1.53	N/A	21.73	090
24410	.....	A	Revision of humerus	14.82	N/A	10.69	1.89	N/A	27.40	090
24420	.....	A	Revision of humerus	13.44	N/A	11.04	1.82	N/A	26.30	090
24430	.....	A	Repair of humerus	12.81	N/A	10.01	1.80	N/A	24.62	090
24435	.....	A	Repair humerus with graft	13.17	N/A	11.10	1.84	N/A	26.11	090
24470	.....	A	Revision of elbow joint	8.74	N/A	7.83	1.23	N/A	17.80	090
24495	.....	A	Decompression of forearm	8.12	N/A	9.09	0.92	N/A	18.13	090
24498	.....	A	Reinforce humerus	11.92	N/A	9.52	1.67	N/A	23.11	090
24500	.....	A	Treat humerus fracture	3.21	5.40	3.59	0.41	9.02	7.21	090
24505	.....	A	Treat humerus fracture	5.17	7.64	5.58	0.72	13.53	11.47	090
24515	.....	A	Treat humerus fracture	11.65	N/A	9.48	1.63	N/A	22.76	090
24516	.....	A	Treat humerus fracture	11.65	N/A	9.45	1.63	N/A	22.73	090
24530	.....	A	Treat humerus fracture	3.50	5.59	4.11	0.47	9.56	8.08	090
24535	.....	A	Treat humerus fracture	6.87	8.54	6.53	0.96	16.37	14.36	090
24538	.....	A	Treat humerus fracture	9.43	N/A	8.85	1.25	N/A	19.53	090
24545	.....	A	Treat humerus fracture	10.46	N/A	8.55	1.47	N/A	20.48	090
24546	.....	A	Treat humerus fracture	15.69	N/A	11.63	2.18	N/A	29.50	090
24560	.....	A	Treat humerus fracture	2.80	5.07	3.19	0.35	8.22	6.34	090
24565	.....	A	Treat humerus fracture	5.56	7.42	5.50	0.74	13.72	11.80	090
24566	.....	A	Treat humerus fracture	7.79	N/A	8.36	1.10	N/A	17.25	090
24575	.....	A	Treat humerus fracture	10.66	N/A	8.42	1.44	N/A	20.52	090
24576	.....	A	Treat humerus fracture	2.86	4.94	3.57	0.38	8.18	6.81	090
24577	.....	A	Treat humerus fracture	5.79	7.70	5.80	0.81	14.30	12.40	090
24579	.....	A	Treat humerus fracture	11.60	N/A	9.10	1.62	N/A	22.32	090
24582	.....	A	Treat humerus fracture	8.55	N/A	9.17	1.20	N/A	18.92	090
24586	.....	A	Treat elbow fracture	15.21	N/A	11.19	2.12	N/A	28.52	090
24587	.....	A	Treat elbow fracture	15.16	N/A	11.00	2.14	N/A	28.30	090
24600	.....	A	Treat elbow dislocation	4.23	5.86	3.74	0.49	10.58	8.46	090
24605	.....	A	Treat elbow dislocation	5.42	N/A	5.16	0.72	N/A	11.30	090
24615	.....	A	Treat elbow dislocation	9.42	N/A	7.84	1.31	N/A	18.57	090
24620	.....	A	Treat elbow fracture	6.98	N/A	6.23	0.90	N/A	14.11	090
24635	.....	A	Treat elbow fracture	13.19	N/A	14.76	1.84	N/A	29.79	090
24640	.....	A	Treat elbow dislocation	1.20	2.06	0.91	0.11	3.37	2.22	010
24650	.....	A	Treat radius fracture	2.16	4.64	2.79	0.28	7.08	5.23	090
24655	.....	A	Treat radius fracture	4.40	6.89	4.78	0.58	11.87	9.76	090
24665	.....	A	Treat radius fracture	8.14	N/A	7.62	1.13	N/A	16.89	090
24666	.....	A	Treat radius fracture	9.49	N/A	8.30	1.32	N/A	19.11	090
24670	.....	A	Treat ulnar fracture	2.54	4.52	3.07	0.33	7.39	5.94	090
24675	.....	A	Treat ulnar fracture	4.72	6.94	5.01	0.65	12.31	10.38	090
24685	.....	A	Treat ulnar fracture	8.80	N/A	7.77	1.23	N/A	17.80	090
24800	.....	A	Fusion of elbow joint	11.20	N/A	8.95	1.41	N/A	21.56	090
24802	.....	A	Fusion/graft of elbow joint	13.69	N/A	10.59	1.89	N/A	26.17	090
24900	.....	A	Amputation of upper arm ..	9.60	N/A	7.53	1.18	N/A	18.31	090
24920	.....	A	Amputation of upper arm ..	9.54	N/A	7.88	1.22	N/A	18.64	090
24925	.....	A	Amputation follow-up surgery.	7.07	N/A	6.45	0.95	N/A	14.47	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
24930	.....	A	Amputation follow-up surgery.	10.25	N/A	7.78	1.23	N/A	19.26	090
24931	.....	A	Amputate upper arm & implant.	12.72	N/A	6.31	1.56	N/A	20.59	090
24935	.....	A	Revision of amputation	15.56	N/A	8.64	1.58	N/A	25.78	090
24940	.....	C	Revision of upper arm	0.00	0.00	0.00	0.00	0.00	0.00	090
24999	.....	C	Upper arm/elbow surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
25000	.....	A	Incision of tendon sheath	3.38	N/A	6.95	0.45	N/A	10.78	090
25001	.....	A	Incise flexor carpi radialis	3.38	N/A	4.29	0.45	N/A	8.12	090
25020	.....	A	Decompress forearm 1 space.	5.92	N/A	10.24	0.76	N/A	16.92	090
25023	.....	A	Decompress forearm 1 space.	12.96	N/A	15.71	1.52	N/A	30.19	090
25024	.....	A	Decompress forearm 2 spaces.	9.50	N/A	7.63	1.24	N/A	18.37	090
25025	.....	A	Decompress forarm 2 spaces.	16.54	N/A	10.25	2.18	N/A	28.97	090
25028	.....	A	Drainage of forearm lesion	5.25	N/A	8.79	0.61	N/A	14.65	090
25031	.....	A	Drainage of forearm bursa	4.14	N/A	8.65	0.50	N/A	13.29	090
25035	.....	A	Treat forearm bone lesion	7.36	N/A	14.64	0.98	N/A	22.98	090
25040	.....	A	Explore/treat wrist joint	7.18	N/A	7.68	0.96	N/A	15.82	090
25065	.....	A	Biopsy forearm soft tissues.	1.99	2.89	2.89	0.12	5.00	5.00	010
25066	.....	A	Biopsy forearm soft tissues.	4.13	N/A	7.43	0.49	N/A	12.05	090
25075	.....	A	Removel forearm lesion subcu.	3.74	N/A	6.28	0.40	N/A	10.42	090
25076	.....	A	Removel forearm lesion deep.	4.92	N/A	10.35	0.59	N/A	15.86	090
25077	.....	A	Remove tumor, forearm/ wrist.	9.76	N/A	12.98	1.10	N/A	23.84	090
25085	.....	A	Incision of wrist capsule ...	5.50	N/A	7.81	0.71	N/A	14.02	090
25100	.....	A	Biopsy of wrist joint	3.90	N/A	5.67	0.50	N/A	10.07	090
25101	.....	A	Explore/treat wrist joint	4.69	N/A	6.25	0.60	N/A	11.54	090
25105	.....	A	Remove wrist joint lining ..	5.85	N/A	7.88	0.77	N/A	14.50	090
25107	.....	A	Remove wrist joint cartilage.	6.43	N/A	8.83	0.82	N/A	16.08	090
25110	.....	A	Remove wrist tendon lesion.	3.92	N/A	7.46	0.48	N/A	11.86	090
25111	.....	A	Remove wrist tendon lesion.	3.39	N/A	5.08	0.42	N/A	8.89	090
25112	.....	A	Reremove wrist tendon lesion.	4.53	N/A	5.69	0.54	N/A	10.76	090
25115	.....	A	Remove wrist/forearm lesion.	8.82	N/A	14.84	1.11	N/A	24.77	090
25116	.....	A	Remove wrist/forearm lesion.	7.11	N/A	13.82	0.90	N/A	21.83	090
25118	.....	A	Excise wrist tendon sheath	4.37	N/A	6.17	0.55	N/A	11.09	090
25119	.....	A	Partial removal of ulna	6.04	N/A	8.17	0.80	N/A	15.01	090
25120	.....	A	Removal of forearm lesion	6.10	N/A	12.83	0.81	N/A	19.74	090
25125	.....	A	Remove/graft forearm lesion.	7.48	N/A	13.61	1.02	N/A	22.11	090
25126	.....	A	Remove/graft forearm lesion.	7.55	N/A	13.69	1.00	N/A	22.24	090
25130	.....	A	Removal of wrist lesion	5.26	N/A	6.72	0.66	N/A	12.64	090
25135	.....	A	Remove & graft wrist lesion.	6.89	N/A	7.75	0.89	N/A	15.53	090
25136	.....	A	Remove & graft wrist lesion.	5.97	N/A	6.87	0.58	N/A	13.42	090
25145	.....	A	Remove forearm bone lesion.	6.37	N/A	12.84	0.82	N/A	20.03	090
25150	.....	A	Partial removal of ulna	7.09	N/A	8.85	0.96	N/A	16.90	090
25151	.....	A	Partial removal of radius ..	7.39	N/A	13.46	0.93	N/A	21.78	090
25170	.....	A	Extensive forearm surgery	11.09	N/A	15.81	1.52	N/A	28.42	090
25210	.....	A	Removal of wrist bone	5.95	N/A	7.10	0.73	N/A	13.78	090
25215	.....	A	Removal of wrist bones	7.89	N/A	9.32	1.02	N/A	18.23	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
25230	.....	A	Partial removal of radius ..	5.23	N/A	6.51	0.66	N/A	12.40	090
25240	.....	A	Partial removal of ulna	5.17	N/A	7.59	0.69	N/A	13.45	090
25246	.....	A	Injection for wrist x-ray	1.45	7.16	0.49	0.07	8.68	2.01	000
25248	.....	A	Remove forearm foreign body.	5.14	N/A	9.00	0.54	N/A	14.68	090
25250	.....	A	Removal of wrist prosthesis.	6.60	N/A	6.06	0.84	N/A	13.50	090
25251	.....	A	Removal of wrist prosthesis.	9.57	N/A	7.95	1.15	N/A	18.67	090
25259	.....	A	Manipulate wrist w/ anesthes.	3.75	N/A	5.70	0.50	N/A	9.95	090
25260	.....	A	Repair forearm tendon/ muscle.	7.80	N/A	14.22	0.97	N/A	22.99	090
25263	.....	A	Repair forearm tendon/ muscle.	7.82	N/A	14.09	0.94	N/A	22.85	090
25265	.....	A	Repair forearm tendon/ muscle.	9.88	N/A	14.98	1.19	N/A	26.05	090
25270	.....	A	Repair forearm tendon/ muscle.	6.00	N/A	12.99	0.76	N/A	19.75	090
25272	.....	A	Repair forearm tendon/ muscle.	7.04	N/A	13.70	0.89	N/A	21.63	090
25274	.....	A	Repair forearm tendon/ muscle.	8.75	N/A	14.41	1.14	N/A	24.30	090
25275	.....	A	Repair forearm tendon sheath.	8.50	N/A	7.72	1.13	N/A	17.35	090
25280	.....	A	Revise wrist/forearm tendon.	7.22	N/A	13.39	0.91	N/A	21.52	090
25290	.....	A	Incise wrist/forearm tendon.	5.29	N/A	16.39	0.66	N/A	22.34	090
25295	.....	A	Release wrist/forearm tendon.	6.55	N/A	12.95	0.86	N/A	20.36	090
25300	.....	A	Fusion of tendons at wrist	8.80	N/A	8.66	1.07	N/A	18.53	090
25301	.....	A	Fusion of tendons at wrist	8.40	N/A	8.38	1.08	N/A	17.86	090
25310	.....	A	Transplant forearm tendon	8.14	N/A	13.81	1.01	N/A	22.96	090
25312	.....	A	Transplant forearm tendon	9.57	N/A	14.72	1.22	N/A	25.51	090
25315	.....	A	Revise palsy hand tendon(s).	10.20	N/A	15.32	1.26	N/A	26.78	090
25316	.....	A	Revise palsy hand tendon(s).	12.33	N/A	16.98	1.74	N/A	31.05	090
25320	.....	A	Repair/revise wrist joint	10.77	N/A	11.40	1.32	N/A	23.49	090
25332	.....	A	Revise wrist joint	11.41	N/A	9.18	1.46	N/A	22.05	090
25335	.....	A	Realignment of hand	12.88	N/A	11.90	1.66	N/A	26.44	090
25337	.....	A	Reconstruct ulna/ radioulnar.	10.17	N/A	11.55	1.31	N/A	23.03	090
25350	.....	A	Revision of radius	8.78	N/A	14.68	1.17	N/A	24.63	090
25355	.....	A	Revision of radius	10.17	N/A	15.36	1.44	N/A	26.97	090
25360	.....	A	Revision of ulna	8.43	N/A	14.59	1.17	N/A	24.19	090
25365	.....	A	Revise radius & ulna	12.40	N/A	16.32	1.67	N/A	30.39	090
25370	.....	A	Revise radius or ulna	13.36	N/A	16.54	1.88	N/A	31.78	090
25375	.....	A	Revise radius & ulna	13.04	N/A	17.15	1.84	N/A	32.03	090
25390	.....	A	Shorten radius or ulna	10.40	N/A	15.34	1.38	N/A	27.12	090
25391	.....	A	Lengthen radius or ulna ...	13.65	N/A	17.22	1.73	N/A	32.60	090
25392	.....	A	Shorten radius & ulna	13.95	N/A	16.31	1.73	N/A	31.99	090
25393	.....	A	Lengthen radius & ulna	15.87	N/A	18.23	1.87	N/A	35.97	090
25394	.....	A	Repair carpal bone, shorten.	10.40	N/A	8.53	1.40	N/A	20.33	090
25400	.....	A	Repair radius or ulna	10.92	N/A	15.93	1.50	N/A	28.35	090
25405	.....	A	Repair/graft radius or ulna	14.38	N/A	17.96	1.95	N/A	34.29	090
25415	.....	A	Repair radius & ulna	13.35	N/A	17.20	1.87	N/A	32.42	090
25420	.....	A	Repair/graft radius & ulna	16.33	N/A	18.97	2.20	N/A	37.50	090
25425	.....	A	Repair/graft radius or ulna	13.21	N/A	23.02	1.61	N/A	37.84	090
25426	.....	A	Repair/graft radius & ulna	15.82	N/A	17.55	2.23	N/A	35.60	090
25430	.....	A	Vasc graft into carpal bone.	9.25	N/A	7.54	1.07	N/A	17.86	090
25431	.....	A	Repair nonunion carpal bone.	10.44	N/A	8.52	0.56	N/A	19.52	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
25440	.....	A	Repair/graft wrist bone	10.44	N/A	9.69	1.41	N/A	21.54	090
25441	.....	A	Reconstruct wrist joint	12.90	N/A	10.01	1.83	N/A	24.74	090
25442	.....	A	Reconstruct wrist joint	10.85	N/A	8.88	1.24	N/A	20.97	090
25443	.....	A	Reconstruct wrist joint	10.39	N/A	8.76	1.30	N/A	20.45	090
25444	.....	A	Reconstruct wrist joint	11.15	N/A	9.07	1.43	N/A	21.65	090
25445	.....	A	Reconstruct wrist joint	9.69	N/A	8.02	1.26	N/A	18.97	090
25446	.....	A	Wrist replacement	16.55	N/A	11.98	2.20	N/A	30.73	090
25447	.....	A	Repair wrist joint(s)	10.37	N/A	8.64	1.34	N/A	20.35	090
25449	.....	A	Remove wrist joint implant	14.49	N/A	10.72	1.77	N/A	26.98	090
25450	.....	A	Revision of wrist joint	7.87	N/A	10.71	0.88	N/A	19.46	090
25455	.....	A	Revision of wrist joint	9.49	N/A	11.66	1.07	N/A	22.22	090
25490	.....	A	Reinforce radius	9.54	N/A	14.46	1.19	N/A	25.19	090
25491	.....	A	Reinforce ulna	9.96	N/A	15.21	1.41	N/A	26.58	090
25492	.....	A	Reinforce radius and ulna	12.33	N/A	15.97	1.62	N/A	29.92	090
25500	.....	A	Treat fracture of radius	2.45	4.06	2.77	0.28	6.79	5.50	090
25505	.....	A	Treat fracture of radius	5.21	7.36	5.34	0.69	13.26	11.24	090
25515	.....	A	Treat fracture of radius	9.18	N/A	7.70	1.22	N/A	18.10	090
25520	.....	A	Treat fracture of radius	6.26	7.58	5.98	0.85	14.69	13.09	090
25525	.....	A	Treat fracture of radius	12.24	N/A	10.12	1.68	N/A	24.04	090
25526	.....	A	Treat fracture of radius	12.98	N/A	13.93	1.80	N/A	28.71	090
25530	.....	A	Treat fracture of ulna	2.09	4.22	2.85	0.27	6.58	5.21	090
25535	.....	A	Treat fracture of ulna	5.14	6.98	5.27	0.68	12.80	11.09	090
25545	.....	A	Treat fracture of ulna	8.90	N/A	7.90	1.23	N/A	18.03	090
25560	.....	A	Treat fracture radius & ulna.	2.44	4.12	2.70	0.27	6.83	5.41	090
25565	.....	A	Treat fracture radius & ulna.	5.63	7.49	5.41	0.76	13.88	11.80	090
25574	.....	A	Treat fracture radius & ulna.	7.01	N/A	7.26	0.96	N/A	15.23	090
25575	.....	A	Treat fracture radius/ulna	10.45	N/A	9.57	1.46	N/A	21.48	090
25600	.....	A	Treat fracture radius/ulna	2.63	4.56	3.00	0.34	7.53	5.97	090
25605	.....	A	Treat fracture radius/ulna	5.81	8.18	6.13	0.81	14.80	12.75	090
25611	.....	A	Treat fracture radius/ulna	7.77	N/A	8.90	1.08	N/A	17.75	090
25620	.....	A	Treat fracture radius/ulna	8.55	N/A	7.51	1.17	N/A	17.23	090
25622	.....	A	Treat wrist bone fracture ..	2.61	4.63	3.10	0.33	7.57	6.04	090
25624	.....	A	Treat wrist bone fracture ..	4.53	7.10	5.00	0.61	12.24	10.14	090
25628	.....	A	Treat wrist bone fracture ..	8.43	N/A	8.05	1.14	N/A	17.62	090
25630	.....	A	Treat wrist bone fracture ..	2.88	4.65	3.00	0.37	7.90	6.25	090
25635	.....	A	Treat wrist bone fracture ..	4.39	6.87	3.96	0.39	11.65	8.74	090
25645	.....	A	Treat wrist bone fracture ..	7.25	N/A	7.01	0.93	N/A	15.19	090
25650	.....	A	Treat wrist bone fracture ..	3.05	4.82	3.21	0.37	8.24	6.63	090
25651	.....	A	Pin ulnar styloid fracture ..	5.36	N/A	5.62	0.72	N/A	11.70	090
25652	.....	A	Treat fracture ulnar styloid	7.60	N/A	7.11	1.02	N/A	15.73	090
25660	.....	A	Treat wrist dislocation	4.76	N/A	4.75	0.59	N/A	10.10	090
25670	.....	A	Treat wrist dislocation	7.92	N/A	7.31	1.07	N/A	16.30	090
25671	.....	A	Pin radioulnar dislocation	6.00	N/A	6.23	0.81	N/A	13.04	090
25675	.....	A	Treat wrist dislocation	4.67	6.62	4.69	0.57	11.86	9.93	090
25676	.....	A	Treat wrist dislocation	8.04	N/A	7.56	1.10	N/A	16.70	090
25680	.....	A	Treat wrist fracture	5.99	N/A	4.99	0.61	N/A	11.59	090
25685	.....	A	Treat wrist fracture	9.78	N/A	8.12	1.25	N/A	19.15	090
25690	.....	A	Treat wrist dislocation	5.50	N/A	5.69	0.78	N/A	11.97	090
25695	.....	A	Treat wrist dislocation	8.34	N/A	7.43	1.07	N/A	16.84	090
25800	.....	A	Fusion of wrist joint	9.76	N/A	9.35	1.30	N/A	20.41	090
25805	.....	A	Fusion/graft of wrist joint ..	11.28	N/A	10.42	1.51	N/A	23.21	090
25810	.....	A	Fusion/graft of wrist joint ..	10.57	N/A	10.15	1.37	N/A	22.09	090
25820	.....	A	Fusion of hand bones	7.45	N/A	8.10	0.96	N/A	16.51	090
25825	.....	A	Fuse hand bones with graft.	9.27	N/A	9.37	1.20	N/A	19.84	090
25830	.....	A	Fusion, radioulnar jnt/ulna	10.06	N/A	15.11	1.27	N/A	26.44	090
25900	.....	A	Amputation of forearm	9.01	N/A	13.06	1.08	N/A	23.15	090
25905	.....	A	Amputation of forearm	9.12	N/A	13.13	1.06	N/A	23.31	090
25907	.....	A	Amputation follow-up surgery.	7.80	N/A	12.59	1.01	N/A	21.40	090
25909	.....	A	Amputation follow-up surgery.	8.96	N/A	13.10	1.07	N/A	23.13	090
25915	.....	A	Amputation of forearm	17.08	N/A	20.05	2.41	N/A	39.54	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
25920	.....	A	Amputate hand at wrist	8.68	N/A	8.22	1.06	N/A	17.96	090
25922	.....	A	Amputate hand at wrist	7.42	N/A	7.25	0.93	N/A	15.60	090
25924	.....	A	Amputation follow-up surgery.	8.46	N/A	8.46	1.07	N/A	17.99	090
25927	.....	A	Amputation of hand	8.80	N/A	12.40	1.02	N/A	22.22	090
25929	.....	A	Amputation follow-up surgery.	7.59	N/A	6.13	0.89	N/A	14.61	090
25931	.....	A	Amputation follow-up surgery.	7.81	N/A	12.40	0.88	N/A	21.09	090
25999	.....	C	Forearm or wrist surgery ..	0.00	0.00	0.00	0.00	0.00	0.00	YYY
26010	.....	A	Drainage of finger abscess	1.54	5.85	1.70	0.14	7.53	3.38	010
26011	.....	A	Drainage of finger abscess	2.19	9.22	2.35	0.25	11.66	4.79	010
26020	.....	A	Drain hand tendon sheath	4.67	N/A	5.61	0.59	N/A	10.87	090
26025	.....	A	Drainage of palm bursa	4.82	N/A	5.45	0.60	N/A	10.87	090
26030	.....	A	Drainage of palm bursa(s)	5.93	N/A	6.11	0.72	N/A	12.76	090
26034	.....	A	Treat hand bone lesion	6.23	N/A	6.33	0.79	N/A	13.35	090
26035	.....	A	Decompress fingers/hand	9.51	N/A	8.21	1.12	N/A	18.84	090
26037	.....	A	Decompress fingers/hand	7.25	N/A	6.72	0.87	N/A	14.84	090
26040	.....	A	Release palm contracture	3.33	N/A	4.00	0.45	N/A	7.78	090
26045	.....	A	Release palm contracture	5.56	N/A	5.60	0.74	N/A	11.90	090
26055	.....	A	Incise finger tendon sheath.	2.69	14.74	3.86	0.36	17.79	6.91	090
26060	.....	A	Incision of finger tendon ...	2.81	N/A	3.52	0.35	N/A	6.68	090
26070	.....	A	Explore/treat hand joint	3.69	N/A	3.39	0.35	N/A	7.43	090
26075	.....	A	Explore/treat finger joint ...	3.79	N/A	3.80	0.40	N/A	7.99	090
26080	.....	A	Explore/treat finger joint ...	4.24	N/A	4.82	0.52	N/A	9.58	090
26100	.....	A	Biopsy hand joint lining	3.67	N/A	4.12	0.45	N/A	8.24	090
26105	.....	A	Biopsy finger joint lining ...	3.71	N/A	4.20	0.45	N/A	8.36	090
26110	.....	A	Biopsy finger joint lining ...	3.53	N/A	4.00	0.44	N/A	7.97	090
26115	.....	A	Removel hand lesion subcut.	3.86	13.55	4.71	0.48	17.89	9.05	090
26116	.....	A	Removel hand lesion, deep.	5.53	N/A	5.98	0.69	N/A	12.20	090
26117	.....	A	Remove tumor, hand/finger.	8.55	N/A	7.15	1.01	N/A	16.71	090
26121	.....	A	Release palm contracture	7.54	N/A	7.02	0.94	N/A	15.50	090
26123	.....	A	Release palm contracture	9.29	N/A	8.90	1.17	N/A	19.36	090
26125	.....	A	Release palm contracture	4.61	N/A	2.50	0.57	N/A	7.68	ZZZ
26130	.....	A	Remove wrist joint lining ..	5.42	N/A	5.35	0.65	N/A	11.42	090
26135	.....	A	Revise finger joint, each ...	6.96	N/A	6.47	0.87	N/A	14.30	090
26140	.....	A	Revise finger joint, each ...	6.17	N/A	6.03	0.76	N/A	12.96	090
26145	.....	A	Tendon excision, palm/finger.	6.32	N/A	6.04	0.77	N/A	13.13	090
26160	.....	A	Remove tendon sheath lesion.	3.15	12.95	4.11	0.39	16.49	7.65	090
26170	.....	A	Removal of palm tendon, each.	4.77	N/A	4.97	0.60	N/A	10.34	090
26180	.....	A	Removal of finger tendon	5.18	N/A	5.40	0.64	N/A	11.22	090
26185	.....	A	Remove finger bone	5.25	N/A	6.01	0.67	N/A	11.93	090
26200	.....	A	Remove hand bone lesion	5.51	N/A	5.39	0.71	N/A	11.61	090
26205	.....	A	Remove/graft bone lesion	7.70	N/A	6.91	0.95	N/A	15.56	090
26210	.....	A	Removal of finger lesion ..	5.15	N/A	5.41	0.64	N/A	11.20	090
26215	.....	A	Remove/graft finger lesion	7.10	N/A	6.31	0.77	N/A	14.18	090
26230	.....	A	Partial removal of hand bone.	6.33	N/A	5.96	0.84	N/A	13.13	090
26235	.....	A	Partial removal, finger bone.	6.19	N/A	5.85	0.78	N/A	12.82	090
26236	.....	A	Partial removal, finger bone.	5.32	N/A	5.37	0.66	N/A	11.35	090
26250	.....	A	Extensive hand surgery	7.55	N/A	6.46	0.92	N/A	14.93	090
26255	.....	A	Extensive hand surgery	12.43	N/A	9.49	1.05	N/A	22.97	090
26260	.....	A	Extensive finger surgery ...	7.03	N/A	6.20	0.83	N/A	14.06	090
26261	.....	A	Extensive finger surgery ...	9.09	N/A	6.35	0.84	N/A	16.28	090
26262	.....	A	Partial removal of finger ...	5.67	N/A	5.39	0.70	N/A	11.76	090
26320	.....	A	Removal of implant from hand.	3.98	N/A	4.28	0.49	N/A	8.75	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
26340		A	Manipulate finger w/anesth	2.50	N/A	4.95	0.30	N/A	7.75	090
26350		A	Repair finger/hand tendon	5.99	N/A	16.02	0.73	N/A	22.74	090
26352		A	Repair/graft hand tendon	7.68	N/A	16.69	0.93	N/A	25.30	090
26356		A	Repair finger/hand tendon	8.07	N/A	19.20	0.99	N/A	28.26	090
26357		A	Repair finger/hand tendon	8.58	N/A	17.14	1.02	N/A	26.74	090
26358		A	Repair/graft hand tendon	9.14	N/A	17.96	1.07	N/A	28.17	090
26370		A	Repair finger/hand tendon	7.11	N/A	16.57	0.90	N/A	24.58	090
26372		A	Repair/graft hand tendon	8.76	N/A	17.97	1.06	N/A	27.79	090
26373		A	Repair finger/hand tendon	8.16	N/A	17.54	0.98	N/A	26.68	090
26390		A	Revise hand/finger tendon	9.19	N/A	14.34	1.09	N/A	24.62	090
26392		A	Repair/graft hand tendon	10.26	N/A	18.34	1.26	N/A	29.86	090
26410		A	Repair hand tendon	4.63	N/A	13.17	0.57	N/A	18.37	090
26412		A	Repair/graft hand tendon	6.31	N/A	14.43	0.80	N/A	21.54	090
26415		A	Excision, hand/finger tendon.	8.34	N/A	12.79	0.77	N/A	21.90	090
26416		A	Graft hand or finger tendon.	9.37	N/A	15.71	1.20	N/A	26.28	090
26418		A	Repair finger tendon	4.25	N/A	13.34	0.50	N/A	18.09	090
26420		A	Repair/graft finger tendon	6.77	N/A	14.78	0.83	N/A	22.38	090
26426		A	Repair finger/hand tendon	6.15	N/A	14.25	0.77	N/A	21.17	090
26428		A	Repair/graft finger tendon	7.21	N/A	15.06	0.84	N/A	23.11	090
26432		A	Repair finger tendon	4.02	N/A	11.13	0.48	N/A	15.63	090
26433		A	Repair finger tendon	4.56	N/A	11.83	0.56	N/A	16.95	090
26434		A	Repair/graft finger tendon	6.09	N/A	12.43	0.71	N/A	19.23	090
26437		A	Realignment of tendons	5.82	N/A	12.34	0.74	N/A	18.90	090
26440		A	Release palm/finger tendon.	5.02	N/A	14.83	0.62	N/A	20.47	090
26442		A	Release palm & finger tendon.	8.16	N/A	17.10	0.94	N/A	26.20	090
26445		A	Release hand/finger tendon.	4.31	N/A	14.59	0.54	N/A	19.44	090
26449		A	Release forearm/hand tendon.	7.00	N/A	16.90	0.84	N/A	24.74	090
26450		A	Incision of palm tendon	3.67	N/A	7.79	0.46	N/A	11.92	090
26455		A	Incision of finger tendon	3.64	N/A	7.71	0.47	N/A	11.82	090
26460		A	Incise hand/finger tendon	3.46	N/A	7.52	0.44	N/A	11.42	090
26471		A	Fusion of finger tendons	5.73	N/A	12.00	0.73	N/A	18.46	090
26474		A	Fusion of finger tendons	5.32	N/A	12.20	0.69	N/A	18.21	090
26476		A	Tendon lengthening	5.18	N/A	11.71	0.62	N/A	17.51	090
26477		A	Tendon shortening	5.15	N/A	11.87	0.60	N/A	17.62	090
26478		A	Lengthening of hand tendon.	5.80	N/A	12.62	0.77	N/A	19.19	090
26479		A	Shortening of hand tendon	5.74	N/A	12.45	0.76	N/A	18.95	090
26480		A	Transplant hand tendon	6.69	N/A	16.27	0.84	N/A	23.80	090
26483		A	Transplant/graft hand tendon.	8.29	N/A	16.72	1.03	N/A	26.04	090
26485		A	Transplant palm tendon	7.70	N/A	16.60	0.94	N/A	25.24	090
26489		A	Transplant/graft palm tendon.	9.55	N/A	13.02	0.98	N/A	23.55	090
26490		A	Revise thumb tendon	8.41	N/A	13.55	1.05	N/A	23.01	090
26492		A	Tendon transfer with graft	9.62	N/A	14.30	1.19	N/A	25.11	090
26494		A	Hand tendon/muscle transfer.	8.47	N/A	13.78	1.13	N/A	23.38	090
26496		A	Revise thumb tendon	9.59	N/A	13.97	1.17	N/A	24.73	090
26497		A	Finger tendon transfer	9.57	N/A	14.36	1.17	N/A	25.10	090
26498		A	Finger tendon transfer	14.00	N/A	16.90	1.74	N/A	32.64	090
26499		A	Revision of finger	8.98	N/A	13.90	0.94	N/A	23.82	090
26500		A	Hand tendon reconstruction.	5.96	N/A	12.48	0.66	N/A	19.10	090
26502		A	Hand tendon reconstruction.	7.14	N/A	12.95	0.87	N/A	20.96	090
26504		A	Hand tendon reconstruction.	7.47	N/A	13.06	0.84	N/A	21.37	090
26508		A	Release thumb contracture.	6.01	N/A	12.48	0.76	N/A	19.25	090
26510		A	Thumb tendon transfer	5.43	N/A	12.16	0.71	N/A	18.30	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
26516		A	Fusion of knuckle joint	7.15	N/A	13.02	0.90	N/A	21.07	090
26517		A	Fusion of knuckle joints	8.83	N/A	14.37	0.96	N/A	24.16	090
26518		A	Fusion of knuckle joints	9.02	N/A	14.19	1.13	N/A	24.34	090
26520		A	Release knuckle contracture.	5.30	N/A	15.21	0.65	N/A	21.16	090
26525		A	Release finger contracture	5.33	N/A	15.33	0.66	N/A	21.32	090
26530		A	Revise knuckle joint	6.69	N/A	6.13	0.86	N/A	13.68	090
26531		A	Revise knuckle with implant.	7.91	N/A	7.07	1.01	N/A	15.99	090
26535		A	Revise finger joint	5.24	N/A	3.76	0.66	N/A	9.66	090
26536		A	Revise/implant finger joint	6.37	N/A	10.06	0.80	N/A	17.23	090
26540		A	Repair hand joint	6.43	N/A	12.73	0.81	N/A	19.97	090
26541		A	Repair hand joint with graft.	8.62	N/A	14.25	1.12	N/A	23.99	090
26542		A	Repair hand joint with graft.	6.78	N/A	12.78	0.87	N/A	20.43	090
26545		A	Reconstruct finger joint	6.92	N/A	13.16	0.79	N/A	20.87	090
26546		A	Repair nonunion hand	8.92	N/A	15.44	1.14	N/A	25.50	090
26548		A	Reconstruct finger joint	8.03	N/A	13.81	0.98	N/A	22.82	090
26550		A	Construct thumb replacement.	21.24	N/A	18.80	1.80	N/A	41.84	090
26551		A	Great toe-hand transfer	46.58	N/A	32.79	6.57	N/A	85.94	090
26553		A	Single transfer, toe-hand	46.27	N/A	23.66	1.99	N/A	71.92	090
26554		A	Double transfer, toe-hand	54.95	N/A	35.88	7.76	N/A	98.59	090
26555		A	Positional change of finger	16.63	N/A	19.12	2.13	N/A	37.88	090
26556		A	Toe joint transfer	47.26	N/A	30.96	6.67	N/A	84.89	090
26560		A	Repair of web finger	5.38	N/A	10.71	0.60	N/A	16.69	090
26561		A	Repair of web finger	10.92	N/A	13.30	0.69	N/A	24.91	090
26562		A	Repair of web finger	15.00	N/A	17.99	0.98	N/A	33.97	090
26565		A	Correct metacarpal flaw	6.74	N/A	12.83	0.84	N/A	20.41	090
26567		A	Correct finger deformity	6.82	N/A	12.76	0.84	N/A	20.42	090
26568		A	Lengthen metacarpal/finger.	9.08	N/A	16.65	1.10	N/A	26.83	090
26580		A	Repair hand deformity	18.18	N/A	14.08	1.46	N/A	33.72	090
26587		A	Reconstruct extra finger	14.05	N/A	9.30	1.12	N/A	24.47	090
26590		A	Repair finger deformity	17.96	N/A	14.84	1.32	N/A	34.12	090
26591		A	Repair muscles of hand	3.25	N/A	10.88	0.37	N/A	14.50	090
26593		A	Release muscles of hand	5.31	N/A	11.84	0.64	N/A	17.79	090
26596		A	Excision constricting tissue	8.95	N/A	9.20	0.87	N/A	19.02	090
26600		A	Treat metacarpal fracture	1.96	4.15	2.69	0.25	6.36	4.90	090
26605		A	Treat metacarpal fracture	2.85	5.45	3.74	0.38	8.68	6.97	090
26607		A	Treat metacarpal fracture	5.36	N/A	6.65	0.70	N/A	12.71	090
26608		A	Treat metacarpal fracture	5.36	N/A	6.56	0.73	N/A	12.65	090
26615		A	Treat metacarpal fracture	5.33	N/A	5.83	0.70	N/A	11.86	090
26641		A	Treat thumb dislocation	3.94	5.59	3.72	0.42	9.95	8.08	090
26645		A	Treat thumb fracture	4.41	6.31	4.34	0.54	11.26	9.29	090
26650		A	Treat thumb fracture	5.72	N/A	6.88	0.77	N/A	13.37	090
26665		A	Treat thumb fracture	7.60	N/A	7.02	0.97	N/A	15.59	090
26670		A	Treat hand dislocation	3.69	5.17	3.21	0.36	9.22	7.26	090
26675		A	Treat hand dislocation	4.64	6.26	4.41	0.56	11.46	9.61	090
26676		A	Pin hand dislocation	5.52	N/A	6.92	0.76	N/A	13.20	090
26685		A	Treat hand dislocation	6.98	N/A	6.57	0.95	N/A	14.50	090
26686		A	Treat hand dislocation	7.94	N/A	7.26	1.05	N/A	16.25	090
26700		A	Treat knuckle dislocation	3.69	4.74	3.02	0.35	8.78	7.06	090
26705		A	Treat knuckle dislocation	4.19	6.05	4.24	0.50	10.74	8.93	090
26706		A	Pin knuckle dislocation	5.12	N/A	5.19	0.64	N/A	10.95	090
26715		A	Treat knuckle dislocation	5.74	N/A	6.02	0.75	N/A	12.51	090
26720		A	Treat finger fracture, each	1.66	3.97	2.65	0.20	5.83	4.51	090
26725		A	Treat finger fracture, each	3.33	6.20	4.11	0.43	9.96	7.87	090
26727		A	Treat finger fracture, each	5.23	N/A	6.62	0.69	N/A	12.54	090
26735		A	Treat finger fracture, each	5.98	N/A	6.17	0.77	N/A	12.92	090
26740		A	Treat finger fracture, each	1.94	3.63	2.74	0.24	5.81	4.92	090
26742		A	Treat finger fracture, each	3.85	6.11	4.11	0.49	10.45	8.45	090
26746		A	Treat finger fracture, each	5.81	N/A	6.22	0.74	N/A	12.77	090
26750		A	Treat finger fracture, each	1.70	3.29	2.19	0.19	5.18	4.08	090
26755		A	Treat finger fracture, each	3.10	4.89	3.11	0.37	8.36	6.58	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
26756	.....	A	Pin finger fracture, each ...	4.39	N/A	6.24	0.56	N/A	11.19	090
26765	.....	A	Treat finger fracture, each	4.17	N/A	5.05	0.51	N/A	9.73	090
26770	.....	A	Treat finger dislocation	3.02	4.49	2.60	0.27	7.78	5.89	090
26775	.....	A	Treat finger dislocation	3.71	5.87	3.82	0.43	10.01	7.96	090
26776	.....	A	Pin finger dislocation	4.80	N/A	6.41	0.63	N/A	11.84	090
26785	.....	A	Treat finger dislocation	4.21	N/A	5.09	0.54	N/A	9.84	090
26820	.....	A	Thumb fusion with graft	8.26	N/A	14.03	1.11	N/A	23.40	090
26841	.....	A	Fusion of thumb	7.13	N/A	13.84	0.97	N/A	21.94	090
26842	.....	A	Thumb fusion with graft	8.24	N/A	14.11	1.10	N/A	23.45	090
26843	.....	A	Fusion of hand joint	7.61	N/A	13.01	0.99	N/A	21.61	090
26844	.....	A	Fusion/graft of hand joint	8.73	N/A	14.07	1.12	N/A	23.92	090
26850	.....	A	Fusion of knuckle	6.97	N/A	12.93	0.89	N/A	20.79	090
26852	.....	A	Fusion of knuckle with graft.	8.46	N/A	13.62	1.05	N/A	23.13	090
26860	.....	A	Fusion of finger joint	4.69	N/A	11.90	0.60	N/A	17.19	090
26861	.....	A	Fusion of finger jnt, add-on.	1.74	N/A	0.95	0.22	N/A	2.91	ZZZ
26862	.....	A	Fusion/graft of finger joint	7.37	N/A	13.10	0.92	N/A	21.39	090
26863	.....	A	Fuse/graft added joint	3.90	N/A	2.16	0.51	N/A	6.57	ZZZ
26910	.....	A	Amputate metacarpal bone.	7.60	N/A	12.03	0.90	N/A	20.53	090
26951	.....	A	Amputation of finger/ thumb.	4.59	N/A	10.94	0.56	N/A	16.09	090
26952	.....	A	Amputation of finger/ thumb.	6.31	N/A	12.51	0.74	N/A	19.56	090
26989	.....	C	Hand/finger surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
26990	.....	A	Drainage of pelvis lesion ..	7.48	N/A	8.16	0.92	N/A	16.56	090
26991	.....	A	Drainage of pelvis bursa ..	6.68	7.77	6.24	0.85	15.30	13.77	090
26992	.....	A	Drainage of bone lesion ...	13.02	N/A	11.57	1.75	N/A	26.34	090
27000	.....	A	Incision of hip tendon	5.62	N/A	5.49	0.76	N/A	11.87	090
27001	.....	A	Incision of hip tendon	6.94	N/A	6.36	0.95	N/A	14.25	090
27003	.....	A	Incision of hip tendon	7.34	N/A	6.77	0.93	N/A	15.04	090
27005	.....	A	Incision of hip tendon	9.66	N/A	8.09	1.36	N/A	19.11	090
27006	.....	A	Incision of hip tendons	9.68	N/A	8.25	1.33	N/A	19.26	090
27025	.....	A	Incision of hip/thigh fascia	11.16	N/A	8.73	1.38	N/A	21.27	090
27030	.....	A	Drainage of hip joint	13.01	N/A	9.94	1.81	N/A	24.76	090
27033	.....	A	Exploration of hip joint	13.39	N/A	10.21	1.87	N/A	25.47	090
27035	.....	A	Denervation of hip joint	16.69	N/A	12.66	1.70	N/A	31.05	090
27036	.....	A	Excision of hip joint/muscle.	12.88	N/A	10.41	1.80	N/A	25.09	090
27040	.....	A	Biopsy of soft tissues	2.87	2.92	2.20	0.21	6.00	5.28	010
27041	.....	A	Biopsy of soft tissues	9.89	N/A	6.83	1.01	N/A	17.73	090
27047	.....	A	Remove hip/pelvis lesion ..	7.45	6.66	5.07	0.79	14.90	13.31	090
27048	.....	A	Remove hip/pelvis lesion ..	6.25	N/A	5.19	0.73	N/A	12.17	090
27049	.....	A	Remove tumor, hip/pelvis	13.66	N/A	9.20	1.60	N/A	24.46	090
27050	.....	A	Biopsy of sacroiliac joint ...	4.36	N/A	4.64	0.53	N/A	9.53	090
27052	.....	A	Biopsy of hip joint	6.23	N/A	6.19	0.85	N/A	13.27	090
27054	.....	A	Removal of hip joint lining	8.54	N/A	7.71	1.17	N/A	17.42	090
27060	.....	A	Removal of ischial bursa ..	5.43	N/A	4.99	0.60	N/A	11.02	090
27062	.....	A	Remove femur lesion/ bursa.	5.37	N/A	5.42	0.74	N/A	11.53	090
27065	.....	A	Removal of hip bone lesion.	5.90	N/A	5.73	0.76	N/A	12.39	090
27066	.....	A	Removal of hip bone lesion.	10.33	N/A	8.76	1.42	N/A	20.51	090
27067	.....	A	Remove/graft hip bone lesion.	13.83	N/A	10.97	1.95	N/A	26.75	090
27070	.....	A	Partial removal of hip bone.	10.72	N/A	10.40	1.36	N/A	22.48	090
27071	.....	A	Partial removal of hip bone.	11.46	N/A	11.32	1.51	N/A	24.29	090
27075	.....	A	Extensive hip surgery	35.00	N/A	20.42	2.22	N/A	57.64	090
27076	.....	A	Extensive hip surgery	22.12	N/A	15.35	2.86	N/A	40.33	090
27077	.....	A	Extensive hip surgery	40.00	N/A	23.94	3.18	N/A	67.12	090
27078	.....	A	Extensive hip surgery	13.44	N/A	10.81	1.67	N/A	25.92	090
27079	.....	A	Extensive hip surgery	13.75	N/A	10.45	1.86	N/A	26.06	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
27080		A	Removal of tail bone	6.39	N/A	5.24	0.80	N/A	12.43	090
27086		A	Remove hip foreign body	1.87	2.33	2.03	0.17	4.37	4.07	010
27087		A	Remove hip foreign body	8.54	N/A	6.84	1.09	N/A	16.47	090
27090		A	Removal of hip prosthesis	11.15	N/A	8.81	1.55	N/A	21.51	090
27091		A	Removal of hip prosthesis	22.14	N/A	14.12	3.11	N/A	39.37	090
27093		A	Injection for hip x-ray	1.30	8.65	0.49	0.09	10.04	1.88	000
27095		A	Injection for hip x-ray	1.50	7.80	0.53	0.10	9.40	2.13	000
27096		A	Inject sacroiliac joint	1.40	6.89	0.33	0.08	8.37	1.81	000
27097		A	Revision of hip tendon	8.80	N/A	6.65	1.22	N/A	16.67	090
27098		A	Transfer tendon to pelvis	8.83	N/A	7.28	1.24	N/A	17.35	090
27100		A	Transfer of abdominal muscle.	11.08	N/A	8.97	1.57	N/A	21.62	090
27105		A	Transfer of spinal muscle	11.77	N/A	9.45	1.66	N/A	22.88	090
27110		A	Transfer of iliopsoas muscle.	13.26	N/A	9.66	1.38	N/A	24.30	090
27111		A	Transfer of iliopsoas muscle.	12.15	N/A	9.31	1.48	N/A	22.94	090
27120		A	Reconstruction of hip socket.	18.01	N/A	11.96	2.45	N/A	32.42	090
27122		A	Reconstruction of hip socket.	14.98	N/A	11.06	2.08	N/A	28.12	090
27125		A	Partial hip replacement	14.69	N/A	10.63	2.05	N/A	27.37	090
27130		A	Total hip arthroplasty	20.12	N/A	13.41	2.82	N/A	36.35	090
27132		A	Total hip arthroplasty	23.30	N/A	15.78	3.26	N/A	42.34	090
27134		A	Revise hip joint replacement.	28.52	N/A	18.03	3.97	N/A	50.52	090
27137		A	Revise hip joint replacement.	21.17	N/A	14.08	2.97	N/A	38.22	090
27138		A	Revise hip joint replacement.	22.17	N/A	14.55	3.11	N/A	39.83	090
27140		A	Transplant femur ridge	12.24	N/A	9.66	1.67	N/A	23.57	090
27146		A	Incision of hip bone	17.43	N/A	12.65	2.27	N/A	32.35	090
27147		A	Revision of hip bone	20.58	N/A	13.76	2.61	N/A	36.95	090
27151		A	Incision of hip bones	22.51	N/A	8.40	3.12	N/A	34.03	090
27156		A	Revision of hip bones	24.63	N/A	16.52	3.48	N/A	44.63	090
27158		A	Revision of pelvis	19.74	N/A	11.58	2.60	N/A	33.92	090
27161		A	Incision of neck of femur	16.71	N/A	12.28	2.32	N/A	31.31	090
27165		A	Incision/fixation of femur	17.91	N/A	13.07	2.51	N/A	33.49	090
27170		A	Repair/graft femur head/neck.	16.07	N/A	11.68	2.20	N/A	29.95	090
27175		A	Treat slipped epiphysis	8.46	N/A	6.70	1.19	N/A	16.35	090
27176		A	Treat slipped epiphysis	12.05	N/A	9.03	1.68	N/A	22.76	090
27177		A	Treat slipped epiphysis	15.08	N/A	10.90	2.11	N/A	28.09	090
27178		A	Treat slipped epiphysis	11.99	N/A	8.45	1.68	N/A	22.12	090
27179		A	Revise head/neck of femur	12.98	N/A	9.84	1.84	N/A	24.66	090
27181		A	Treat slipped epiphysis	14.68	N/A	10.31	1.74	N/A	26.73	090
27185		A	Revision of femur epiphysis.	9.18	N/A	7.81	1.29	N/A	18.28	090
27187		A	Reinforce hip bones	13.54	N/A	10.60	1.89	N/A	26.03	090
27193		A	Treat pelvic ring fracture	5.56	6.99	5.41	0.77	13.32	11.74	090
27194		A	Treat pelvic ring fracture	9.65	8.92	7.65	1.32	19.89	18.62	090
27200		A	Treat tail bone fracture	1.84	3.09	2.22	0.22	5.15	4.28	090
27202		A	Treat tail bone fracture	7.04	N/A	18.09	0.69	N/A	25.82	090
27215		A	Treat pelvic fracture(s)	10.05	N/A	7.46	1.37	N/A	18.88	090
27216		A	Treat pelvic ring fracture	15.19	N/A	10.14	2.15	N/A	27.48	090
27217		A	Treat pelvic ring fracture	14.11	N/A	10.42	1.95	N/A	26.48	090
27218		A	Treat pelvic ring fracture	20.15	N/A	11.78	2.85	N/A	34.78	090
27220		A	Treat hip socket fracture	6.18	7.18	5.62	0.85	14.21	12.65	090
27222		A	Treat hip socket fracture	12.70	N/A	9.82	1.77	N/A	24.29	090
27226		A	Treat hip wall fracture	14.91	N/A	8.11	2.07	N/A	25.09	090
27227		A	Treat hip fracture(s)	23.45	N/A	15.72	3.24	N/A	42.41	090
27228		A	Treat hip fracture(s)	27.16	N/A	17.99	3.77	N/A	48.92	090
27230		A	Treat thigh fracture	5.50	6.64	5.14	0.73	12.87	11.37	090
27232		A	Treat thigh fracture	10.68	N/A	7.53	1.45	N/A	19.66	090
27235		A	Treat thigh fracture	12.16	N/A	9.54	1.71	N/A	23.41	090
27236		A	Treat thigh fracture	15.60	N/A	11.14	2.18	N/A	28.92	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
27238		A	Treat thigh fracture	5.52	N/A	5.19	0.76	N/A	11.47	090
27240		A	Treat thigh fracture	12.50	N/A	9.45	1.69	N/A	23.64	090
27244		A	Treat thigh fracture	15.94	N/A	11.44	2.23	N/A	29.61	090
27245		A	Treat thigh fracture	20.31	N/A	13.92	2.85	N/A	37.08	090
27246		A	Treat thigh fracture	4.71	5.87	4.60	0.66	11.24	9.97	090
27248		A	Treat thigh fracture	10.45	N/A	8.31	1.45	N/A	20.21	090
27250		A	Treat hip dislocation	6.95	N/A	4.79	0.68	N/A	12.42	090
27252		A	Treat hip dislocation	10.39	N/A	7.53	1.37	N/A	19.29	090
27253		A	Treat hip dislocation	12.92	N/A	9.87	1.81	N/A	24.60	090
27254		A	Treat hip dislocation	18.26	N/A	12.23	2.52	N/A	33.01	090
27256		A	Treat hip dislocation	4.12	3.50	2.13	0.49	8.11	6.74	010
27257		A	Treat hip dislocation	5.22	N/A	3.02	0.56	N/A	8.80	010
27258		A	Treat hip dislocation	15.43	N/A	11.19	2.06	N/A	28.68	090
27259		A	Treat hip dislocation	21.55	N/A	14.53	2.99	N/A	39.07	090
27265		A	Treat hip dislocation	5.05	N/A	4.85	0.65	N/A	10.55	090
27266		A	Treat hip dislocation	7.49	N/A	6.39	1.04	N/A	14.92	090
27275		A	Manipulation of hip joint	2.27	N/A	2.25	0.31	N/A	4.83	010
27280		A	Fusion of sacroiliac joint	13.39	N/A	10.56	1.98	N/A	25.93	090
27282		A	Fusion of pubic bones	11.34	N/A	8.44	1.14	N/A	20.92	090
27284		A	Fusion of hip joint	23.45	N/A	15.39	2.36	N/A	41.20	090
27286		A	Fusion of hip joint	23.45	N/A	16.28	2.37	N/A	42.10	090
27290		A	Amputation of leg at hip	23.28	N/A	14.30	2.94	N/A	40.52	090
27295		A	Amputation of leg at hip	18.65	N/A	11.79	2.35	N/A	32.79	090
27299		C	Pelvis/hip joint surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
27301		A	Drain thigh/knee lesion	6.49	7.81	6.33	0.80	15.10	13.62	090
27303		A	Drainage of bone lesion	8.28	N/A	7.85	1.14	N/A	17.27	090
27305		A	Incise thigh tendon & fascia.	5.92	N/A	5.58	0.77	N/A	12.27	090
27306		A	Incision of thigh tendon	4.62	N/A	4.96	0.62	N/A	10.20	090
27307		A	Incision of thigh tendons	5.80	N/A	5.69	0.78	N/A	12.27	090
27310		A	Exploration of knee joint	9.27	N/A	8.10	1.29	N/A	18.66	090
27315		A	Partial removal, thigh nerve.	6.97	N/A	4.81	0.79	N/A	12.57	090
27320		A	Partial removal, thigh nerve.	6.30	N/A	5.12	0.78	N/A	12.20	090
27323		A	Biopsy, thigh soft tissues	2.28	2.54	2.07	0.17	4.99	4.52	010
27324		A	Biopsy, thigh soft tissues	4.90	N/A	4.50	0.59	N/A	9.99	090
27327		A	Removal of thigh lesion	4.47	5.47	4.03	0.50	10.44	9.00	090
27328		A	Removal of thigh lesion	5.57	N/A	4.71	0.66	N/A	10.94	090
27329		A	Remove tumor, thigh/knee	14.14	N/A	9.91	1.68	N/A	25.73	090
27330		A	Biopsy, knee joint lining	4.97	N/A	4.82	0.66	N/A	10.45	090
27331		A	Explore/treat knee joint	5.88	N/A	5.81	0.81	N/A	12.50	090
27332		A	Removal of knee cartilage	8.27	N/A	7.30	1.15	N/A	16.72	090
27333		A	Removal of knee cartilage	7.30	N/A	6.83	1.03	N/A	15.16	090
27334		A	Remove knee joint lining	8.70	N/A	7.72	1.21	N/A	17.63	090
27335		A	Remove knee joint lining	10.00	N/A	8.54	1.41	N/A	19.95	090
27340		A	Removal of kneecap bursa	4.18	N/A	4.71	0.58	N/A	9.47	090
27345		A	Removal of knee cyst	5.92	N/A	5.80	0.81	N/A	12.53	090
27347		A	Remove knee cyst	5.78	N/A	5.70	0.76	N/A	12.24	090
27350		A	Removal of kneecap	8.17	N/A	7.43	1.15	N/A	16.75	090
27355		A	Remove femur lesion	7.65	N/A	7.03	1.07	N/A	15.75	090
27356		A	Remove femur lesion/graft	9.48	N/A	8.13	1.29	N/A	18.90	090
27357		A	Remove femur lesion/graft	10.53	N/A	8.87	1.48	N/A	20.88	090
27358		A	Remove femur lesion/fixation.	4.74	N/A	2.58	0.67	N/A	7.99	ZZZ
27360		A	Partial removal, leg bone(s).	10.50	N/A	10.59	1.42	N/A	22.51	090
27365		A	Extensive leg surgery	16.27	N/A	12.20	2.26	N/A	30.73	090
27370		A	Injection for knee x-ray	0.96	8.43	0.33	0.06	9.45	1.35	000
27372		A	Removal of foreign body	5.07	6.19	4.84	0.62	11.88	10.53	090
27380		A	Repair of kneecap tendon	7.16	N/A	7.38	1.00	N/A	15.54	090
27381		A	Repair/graft kneecap tendon.	10.34	N/A	9.21	1.44	N/A	20.99	090
27385		A	Repair of thigh muscle	7.76	N/A	7.73	1.09	N/A	16.58	090
27386		A	Repair/graft of thigh muscle.	10.56	N/A	9.64	1.49	N/A	21.69	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
27390	.....	A	Incision of thigh tendon	5.33	N/A	5.32	0.69	N/A	11.34	090
27391	.....	A	Incision of thigh tendons ..	7.20	N/A	6.62	0.99	N/A	14.81	090
27392	.....	A	Incision of thigh tendons ..	9.20	N/A	7.83	1.23	N/A	18.26	090
27393	.....	A	Lengthening of thigh tendon.	6.39	N/A	5.93	0.90	N/A	13.22	090
27394	.....	A	Lengthening of thigh tendons.	8.50	N/A	7.38	1.17	N/A	17.05	090
27395	.....	A	Lengthening of thigh tendons.	11.73	N/A	9.53	1.63	N/A	22.89	090
27396	.....	A	Transplant of thigh tendon	7.86	N/A	7.26	1.11	N/A	16.23	090
27397	.....	A	Transplants of thigh tendons.	11.28	N/A	9.27	1.58	N/A	22.13	090
27400	.....	A	Revise thigh muscles/tendons.	9.02	N/A	7.54	1.18	N/A	17.74	090
27403	.....	A	Repair of knee cartilage ...	8.33	N/A	7.32	1.16	N/A	16.81	090
27405	.....	A	Repair of knee ligament ...	8.65	N/A	7.77	1.21	N/A	17.63	090
27407	.....	A	Repair of knee ligament ...	10.28	N/A	8.53	1.38	N/A	20.19	090
27409	.....	A	Repair of knee ligaments	12.90	N/A	10.16	1.75	N/A	24.81	090
27418	.....	A	Repair degenerated kneecap.	10.85	N/A	9.09	1.51	N/A	21.45	090
27420	.....	A	Revision of unstable kneecap.	9.83	N/A	8.27	1.38	N/A	19.48	090
27422	.....	A	Revision of unstable kneecap.	9.78	N/A	8.29	1.37	N/A	19.44	090
27424	.....	A	Revision/removal of kneecap.	9.81	N/A	8.26	1.38	N/A	19.45	090
27425	.....	A	Lat retinacular release open.	5.22	N/A	5.62	0.73	N/A	11.57	090
27427	.....	A	Reconstruction, knee	9.36	N/A	7.94	1.29	N/A	18.59	090
27428	.....	A	Reconstruction, knee	14.00	N/A	11.36	1.95	N/A	27.31	090
27429	.....	A	Reconstruction, knee	15.52	N/A	12.54	2.18	N/A	30.24	090
27430	.....	A	Revision of thigh muscles	9.67	N/A	8.18	1.35	N/A	19.20	090
27435	.....	A	Incision of knee joint	9.49	N/A	8.55	1.33	N/A	19.37	090
27437	.....	A	Revise kneecap	8.46	N/A	7.20	1.18	N/A	16.84	090
27438	.....	A	Revise kneecap with implant.	11.23	N/A	8.58	1.56	N/A	21.37	090
27440	.....	A	Revision of knee joint	10.43	N/A	6.08	1.42	N/A	17.93	090
27441	.....	A	Revision of knee joint	10.82	N/A	6.77	1.49	N/A	19.08	090
27442	.....	A	Revision of knee joint	11.89	N/A	8.97	1.68	N/A	22.54	090
27443	.....	A	Revision of knee joint	10.93	N/A	8.75	1.52	N/A	21.20	090
27445	.....	A	Revision of knee joint	17.68	N/A	12.41	2.49	N/A	32.58	090
27446	.....	A	Revision of knee joint	15.84	N/A	11.36	2.22	N/A	29.42	090
27447	.....	A	Total knee arthroplasty	21.48	N/A	14.72	3.00	N/A	39.20	090
27448	.....	A	Incision of thigh	11.06	N/A	8.88	1.51	N/A	21.45	090
27450	.....	A	Incision of thigh	13.98	N/A	10.76	1.96	N/A	26.70	090
27454	.....	A	Realignment of thigh bone	17.56	N/A	12.80	2.46	N/A	32.82	090
27455	.....	A	Realignment of knee	12.82	N/A	9.94	1.78	N/A	24.54	090
27457	.....	A	Realignment of knee	13.45	N/A	9.91	1.88	N/A	25.24	090
27465	.....	A	Shortening of thigh bone ..	13.87	N/A	10.50	1.86	N/A	26.23	090
27466	.....	A	Lengthening of thigh bone	16.33	N/A	12.17	1.92	N/A	30.42	090
27468	.....	A	Shorten/lengthen thighs ...	18.97	N/A	12.59	2.68	N/A	34.24	090
27470	.....	A	Repair of thigh	16.07	N/A	12.13	2.24	N/A	30.44	090
27472	.....	A	Repair/graft of thigh	17.72	N/A	13.04	2.49	N/A	33.25	090
27475	.....	A	Surgery to stop leg growth	8.64	N/A	7.43	1.13	N/A	17.20	090
27477	.....	A	Surgery to stop leg growth	9.85	N/A	7.95	1.31	N/A	19.11	090
27479	.....	A	Surgery to stop leg growth	12.80	N/A	10.12	1.81	N/A	24.73	090
27485	.....	A	Surgery to stop leg growth	8.84	N/A	7.59	1.24	N/A	17.67	090
27486	.....	A	Revise/replace knee joint	19.27	N/A	13.59	2.70	N/A	35.56	090
27487	.....	A	Revise/replace knee joint	25.27	N/A	16.72	3.54	N/A	45.53	090
27488	.....	A	Removal of knee prosthesis.	15.74	N/A	11.76	2.21	N/A	29.71	090
27495	.....	A	Reinforce thigh	15.55	N/A	11.75	2.18	N/A	29.48	090
27496	.....	A	Decompression of thigh/knee.	6.11	N/A	5.77	0.77	N/A	12.65	090
27497	.....	A	Decompression of thigh/knee.	7.17	N/A	5.80	0.84	N/A	13.81	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
27498	.....	A	Decompression of thigh/ knee.	7.99	N/A	6.15	0.97	N/A	15.11	090
27499	.....	A	Decompression of thigh/ knee.	9.00	N/A	7.07	1.18	N/A	17.25	090
27500	.....	A	Treatment of thigh fracture	5.92	7.24	5.18	0.80	13.96	11.90	090
27501	.....	A	Treatment of thigh fracture	5.92	7.82	5.87	0.83	14.57	12.62	090
27502	.....	A	Treatment of thigh fracture	10.58	N/A	8.36	1.49	N/A	20.43	090
27503	.....	A	Treatment of thigh fracture	10.58	N/A	8.52	1.49	N/A	20.59	090
27506	.....	A	Treatment of thigh fracture	17.45	N/A	12.81	2.33	N/A	32.59	090
27507	.....	A	Treatment of thigh fracture	13.99	N/A	10.13	1.95	N/A	26.07	090
27508	.....	A	Treatment of thigh fracture	5.83	7.10	5.42	0.80	13.73	12.05	090
27509	.....	A	Treatment of thigh fracture	7.71	N/A	8.04	1.08	N/A	16.83	090
27510	.....	A	Treatment of thigh fracture	9.13	N/A	7.31	1.26	N/A	17.70	090
27511	.....	A	Treatment of thigh fracture	13.64	N/A	11.39	1.91	N/A	26.94	090
27513	.....	A	Treatment of thigh fracture	17.92	N/A	14.08	2.51	N/A	34.51	090
27514	.....	A	Treatment of thigh fracture	17.30	N/A	13.44	2.41	N/A	33.15	090
27516	.....	A	Treat thigh fx growth plate	5.37	7.41	5.48	0.74	13.52	11.59	090
27517	.....	A	Treat thigh fx growth plate	8.78	9.06	7.49	1.22	19.06	17.49	090
27519	.....	A	Treat thigh fx growth plate	15.02	N/A	11.83	2.09	N/A	28.94	090
27520	.....	A	Treat kneecap fracture	2.86	5.32	3.48	0.38	8.56	6.72	090
27524	.....	A	Treat kneecap fracture	10.00	N/A	8.29	1.40	N/A	19.69	090
27530	.....	A	Treat knee fracture	3.78	5.99	4.35	0.51	10.28	8.64	090
27532	.....	A	Treat knee fracture	7.30	7.86	6.27	1.02	16.18	14.59	090
27535	.....	A	Treat knee fracture	11.50	N/A	10.27	1.61	N/A	23.38	090
27536	.....	A	Treat knee fracture	15.65	N/A	11.70	2.19	N/A	29.54	090
27538	.....	A	Treat knee fracture(s)	4.87	7.20	5.17	0.67	12.74	10.71	090
27540	.....	A	Treat knee fracture	13.10	N/A	9.64	1.80	N/A	24.54	090
27550	.....	A	Treat knee dislocation	5.76	6.71	5.02	0.68	13.15	11.46	090
27552	.....	A	Treat knee dislocation	7.90	N/A	6.99	1.10	N/A	15.99	090
27556	.....	A	Treat knee dislocation	14.41	N/A	12.07	2.01	N/A	28.49	090
27557	.....	A	Treat knee dislocation	16.77	N/A	13.47	2.37	N/A	32.61	090
27558	.....	A	Treat knee dislocation	17.72	N/A	13.52	2.51	N/A	33.75	090
27560	.....	A	Treat kneecap dislocation	3.82	5.68	3.35	0.40	9.90	7.57	090
27562	.....	A	Treat kneecap dislocation	5.79	N/A	4.87	0.69	N/A	11.35	090
27566	.....	A	Treat kneecap dislocation	12.23	N/A	9.43	1.73	N/A	23.39	090
27570	.....	A	Fixation of knee joint	1.74	N/A	1.91	0.24	N/A	3.89	010
27580	.....	A	Fusion of knee	19.37	N/A	15.13	2.70	N/A	37.20	090
27590	.....	A	Amputate leg at thigh	12.03	N/A	7.33	1.35	N/A	20.71	090
27591	.....	A	Amputate leg at thigh	12.68	N/A	9.27	1.63	N/A	23.58	090
27592	.....	A	Amputate leg at thigh	10.02	N/A	6.84	1.17	N/A	18.03	090
27594	.....	A	Amputation follow-up surgery.	6.92	N/A	5.56	0.82	N/A	13.30	090
27596	.....	A	Amputation follow-up surgery.	10.60	N/A	7.44	1.24	N/A	19.28	090
27598	.....	A	Amputate lower leg at knee.	10.53	N/A	7.49	1.24	N/A	19.26	090
27599	.....	C	Leg surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
27600	.....	A	Decompression of lower leg.	5.65	N/A	4.79	0.68	N/A	11.12	090
27601	.....	A	Decompression of lower leg.	5.64	N/A	5.07	0.69	N/A	11.40	090
27602	.....	A	Decompression of lower leg.	7.35	N/A	5.36	0.85	N/A	13.56	090
27603	.....	A	Drain lower leg lesion	4.94	11.05	5.10	0.56	16.55	10.60	090
27604	.....	A	Drain lower leg bursa	4.47	8.90	4.78	0.54	13.91	9.79	090
27605	.....	A	Incision of achilles tendon	2.87	9.17	2.51	0.38	12.42	5.76	010
27606	.....	A	Incision of achilles tendon	4.14	10.43	3.57	0.57	15.14	8.28	010
27607	.....	A	Treat lower leg bone lesion.	7.97	N/A	7.19	1.08	N/A	16.24	090
27610	.....	A	Explore/treat ankle joint	8.34	N/A	7.38	1.15	N/A	16.87	090
27612	.....	A	Exploration of ankle joint ..	7.33	N/A	6.24	1.01	N/A	14.58	090
27613	.....	A	Biopsy lower leg soft tissue.	2.17	4.03	1.90	0.16	6.36	4.23	010
27614	.....	A	Biopsy lower leg soft tissue.	5.66	8.99	4.77	0.62	15.27	11.05	090
27615	.....	A	Remove tumor, lower leg	12.56	N/A	10.91	1.39	N/A	24.86	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
27618	.....	A	Remove lower leg lesion ..	5.09	9.29	4.35	0.54	14.92	9.98	090
27619	.....	A	Remove lower leg lesion ..	8.40	10.82	6.34	1.01	20.23	15.75	090
27620	.....	A	Explore/treat ankle joint	5.98	N/A	5.69	0.83	N/A	12.50	090
27625	.....	A	Remove ankle joint lining	8.30	N/A	6.83	1.16	N/A	16.29	090
27626	.....	A	Remove ankle joint lining	8.91	N/A	7.31	1.23	N/A	17.45	090
27630	.....	A	Removal of tendon lesion	4.80	9.26	4.62	0.60	14.66	10.02	090
27635	.....	A	Remove lower leg bone lesion.	7.78	N/A	7.16	1.06	N/A	16.00	090
27637	.....	A	Remove/graft leg bone lesion.	9.85	N/A	8.60	1.38	N/A	19.83	090
27638	.....	A	Remove/graft leg bone lesion.	10.57	N/A	8.74	1.47	N/A	20.78	090
27640	.....	A	Partial removal of tibia	11.37	N/A	11.19	1.54	N/A	24.10	090
27641	.....	A	Partial removal of fibula ...	9.24	N/A	9.22	1.22	N/A	19.68	090
27645	.....	A	Extensive lower leg surgery.	14.17	N/A	12.76	1.98	N/A	28.91	090
27646	.....	A	Extensive lower leg surgery.	12.66	N/A	11.72	1.55	N/A	25.93	090
27647	.....	A	Extensive ankle/heel surgery.	12.24	N/A	8.09	1.64	N/A	21.97	090
27648	.....	A	Injection for ankle x-ray	0.96	6.70	0.34	0.05	7.71	1.35	000
27650	.....	A	Repair achilles tendon	9.69	N/A	7.65	1.35	N/A	18.69	090
27652	.....	A	Repair/graft achilles tendon.	10.33	N/A	8.08	1.45	N/A	19.86	090
27654	.....	A	Repair of achilles tendon ..	10.02	N/A	7.45	1.41	N/A	18.88	090
27656	.....	A	Repair leg fascia defect ...	4.57	10.22	4.12	0.48	15.27	9.17	090
27658	.....	A	Repair of leg tendon, each	4.98	9.50	5.12	0.68	15.16	10.78	090
27659	.....	A	Repair of leg tendon, each	6.81	11.61	6.08	0.96	19.38	13.85	090
27664	.....	A	Repair of leg tendon, each	4.59	11.66	5.10	0.63	16.88	10.32	090
27665	.....	A	Repair of leg tendon, each	5.40	11.37	5.45	0.75	17.52	11.60	090
27675	.....	A	Repair lower leg tendons	7.18	N/A	5.99	1.01	N/A	14.18	090
27676	.....	A	Repair lower leg tendons	8.42	N/A	7.00	1.15	N/A	16.57	090
27680	.....	A	Release of lower leg tendon.	5.74	N/A	5.47	0.80	N/A	12.01	090
27681	.....	A	Release of lower leg tendons.	6.82	N/A	6.17	0.92	N/A	13.91	090
27685	.....	A	Revision of lower leg tendon.	6.50	8.31	5.69	0.91	15.72	13.10	090
27686	.....	A	Revise lower leg tendons	7.46	12.79	6.81	1.05	21.30	15.32	090
27687	.....	A	Revision of calf tendon	6.24	N/A	5.61	0.88	N/A	12.73	090
27690	.....	A	Revise lower leg tendon ...	8.71	N/A	6.73	1.22	N/A	16.66	090
27691	.....	A	Revise lower leg tendon ...	9.96	N/A	8.05	1.40	N/A	19.41	090
27692	.....	A	Revise additional leg tendon.	1.87	N/A	0.95	0.26	N/A	3.08	ZZZ
27695	.....	A	Repair of ankle ligament ..	6.51	N/A	6.22	0.90	N/A	13.63	090
27696	.....	A	Repair of ankle ligaments	8.27	N/A	6.79	1.16	N/A	16.22	090
27698	.....	A	Repair of ankle ligament ..	9.36	N/A	7.20	1.31	N/A	17.87	090
27700	.....	A	Revision of ankle joint	9.29	N/A	5.75	1.24	N/A	16.28	090
27702	.....	A	Reconstruct ankle joint	13.67	N/A	10.46	1.92	N/A	26.05	090
27703	.....	A	Reconstruction, ankle joint	15.87	N/A	11.30	2.24	N/A	29.41	090
27704	.....	A	Removal of ankle implant	7.62	N/A	5.62	0.61	N/A	13.85	090
27705	.....	A	Incision of tibia	10.38	N/A	8.49	1.44	N/A	20.31	090
27707	.....	A	Incision of fibula	4.37	N/A	5.21	0.60	N/A	10.18	090
27709	.....	A	Incision of tibia & fibula	9.95	N/A	8.41	1.39	N/A	19.75	090
27712	.....	A	Realignment of lower leg ..	14.25	N/A	11.02	2.00	N/A	27.27	090
27715	.....	A	Revision of lower leg	14.39	N/A	11.15	2.00	N/A	27.54	090
27720	.....	A	Repair of tibia	11.79	N/A	9.73	1.66	N/A	23.18	090
27722	.....	A	Repair/graft of tibia	11.82	N/A	9.49	1.65	N/A	22.96	090
27724	.....	A	Repair/graft of tibia	18.20	N/A	13.00	2.10	N/A	33.30	090
27725	.....	A	Repair of lower leg	15.59	N/A	12.31	2.20	N/A	30.10	090
27727	.....	A	Repair of lower leg	14.01	N/A	10.70	1.84	N/A	26.55	090
27730	.....	A	Repair of tibia epiphysis ...	7.41	18.67	6.64	0.75	26.83	14.80	090
27732	.....	A	Repair of fibula epiphysis	5.32	11.91	5.28	0.63	17.86	11.23	090
27734	.....	A	Repair lower leg epiphyses.	8.48	N/A	6.62	0.85	N/A	15.95	090
27740	.....	A	Repair of leg epiphyses ...	9.30	21.05	8.18	1.31	31.66	18.79	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
27742		A	Repair of leg epiphyses	10.30	12.74	7.41	1.55	24.59	19.26	090
27745		A	Reinforce tibia	10.07	N/A	8.46	1.38	N/A	19.91	090
27750		A	Treatment of tibia fracture	3.19	5.47	3.84	0.43	9.09	7.46	090
27752		A	Treatment of tibia fracture	5.84	7.62	5.70	0.82	14.28	12.36	090
27756		A	Treatment of tibia fracture	6.78	N/A	6.85	0.94	N/A	14.57	090
27758		A	Treatment of tibia fracture	11.67	N/A	9.36	1.52	N/A	22.55	090
27759		A	Treatment of tibia fracture	13.76	N/A	10.62	1.93	N/A	26.31	090
27760		A	Treatment of ankle fracture.	3.01	5.35	3.60	0.39	8.75	7.00	090
27762		A	Treatment of ankle fracture.	5.25	7.26	5.26	0.71	13.22	11.22	090
27766		A	Treatment of ankle fracture.	8.36	N/A	7.30	1.17	N/A	16.83	090
27780		A	Treatment of fibula fracture.	2.65	5.02	3.27	0.33	8.00	6.25	090
27781		A	Treatment of fibula fracture.	4.40	6.47	4.58	0.57	11.44	9.55	090
27784		A	Treatment of fibula fracture.	7.11	N/A	6.58	0.98	N/A	14.67	090
27786		A	Treatment of ankle fracture.	2.84	5.19	3.38	0.37	8.40	6.59	090
27788		A	Treatment of ankle fracture.	4.45	6.59	4.58	0.61	11.65	9.64	090
27792		A	Treatment of ankle fracture.	7.66	N/A	7.03	1.07	N/A	15.76	090
27808		A	Treatment of ankle fracture.	2.83	5.89	3.76	0.38	9.10	6.97	090
27810		A	Treatment of ankle fracture.	5.13	7.18	5.19	0.71	13.02	11.03	090
27814		A	Treatment of ankle fracture.	10.68	N/A	8.81	1.50	N/A	20.99	090
27816		A	Treatment of ankle fracture.	2.89	5.18	3.55	0.37	8.44	6.81	090
27818		A	Treatment of ankle fracture.	5.50	7.29	5.23	0.74	13.53	11.47	090
27822		A	Treatment of ankle fracture.	11.00	N/A	10.92	1.29	N/A	23.21	090
27823		A	Treatment of ankle fracture.	13.00	N/A	11.80	1.65	N/A	26.45	090
27824		A	Treat lower leg fracture	2.89	5.77	3.90	0.39	9.05	7.18	090
27825		A	Treat lower leg fracture	6.19	8.55	6.18	0.85	15.59	13.22	090
27826		A	Treat lower leg fracture	8.54	N/A	9.12	1.19	N/A	18.85	090
27827		A	Treat lower leg fracture	14.06	N/A	12.94	1.96	N/A	28.96	090
27828		A	Treat lower leg fracture	16.23	N/A	14.01	2.27	N/A	32.51	090
27829		A	Treat lower leg joint	5.49	N/A	6.89	0.77	N/A	13.15	090
27830		A	Treat lower leg dislocation	3.79	5.23	3.90	0.44	9.46	8.13	090
27831		A	Treat lower leg dislocation	4.56	N/A	4.52	0.61	N/A	9.69	090
27832		A	Treat lower leg dislocation	6.49	N/A	6.27	0.91	N/A	13.67	090
27840		A	Treat ankle dislocation	4.58	N/A	3.96	0.47	N/A	9.01	090
27842		A	Treat ankle dislocation	6.21	N/A	5.09	0.76	N/A	12.06	090
27846		A	Treat ankle dislocation	9.79	N/A	8.17	1.36	N/A	19.32	090
27848		A	Treat ankle dislocation	11.20	N/A	9.89	1.55	N/A	22.64	090
27860		A	Fixation of ankle joint	2.34	N/A	2.20	0.31	N/A	4.85	010
27870		A	Fusion of ankle joint, open	13.91	N/A	10.90	1.95	N/A	26.76	090
27871		A	Fusion of tibiofibular joint	9.17	N/A	7.86	1.29	N/A	18.32	090
27880		A	Amputation of lower leg	11.85	N/A	7.60	1.38	N/A	20.83	090
27881		A	Amputation of lower leg	12.34	N/A	9.23	1.59	N/A	23.16	090
27882		A	Amputation of lower leg	8.94	N/A	7.17	1.03	N/A	17.14	090
27884		A	Amputation follow-up surgery.	8.21	N/A	6.28	0.95	N/A	15.44	090
27886		A	Amputation follow-up surgery.	9.32	N/A	6.98	1.13	N/A	17.43	090
27888		A	Amputation of foot at ankle.	9.67	N/A	7.81	1.26	N/A	18.74	090
27889		A	Amputation of foot at ankle.	9.98	N/A	6.87	1.19	N/A	18.04	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
27892	.....	A	Decompression of leg	7.39	N/A	5.92	0.86	N/A	14.17	090
27893	.....	A	Decompression of leg	7.35	N/A	5.83	0.90	N/A	14.08	090
27894	.....	A	Decompression of leg	10.49	N/A	7.96	1.25	N/A	19.70	090
27899	.....	C	Leg/ankle surgery procedure.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
28001	.....	A	Drainage of bursa of foot	2.73	5.98	3.58	0.31	9.02	6.62	010
28002	.....	A	Treatment of foot infection	4.62	7.39	4.72	0.56	12.57	9.90	010
28003	.....	A	Treatment of foot infection	8.41	7.93	6.42	1.03	17.37	15.86	090
28005	.....	A	Treat foot bone lesion	8.68	N/A	6.70	1.14	N/A	16.52	090
28008	.....	A	Incision of foot fascia	4.45	5.87	3.77	0.56	10.88	8.78	090
28010	.....	A	Incision of toe tendon	2.84	5.69	3.09	0.39	8.92	6.32	090
28011	.....	A	Incision of toe tendons	4.14	7.63	4.50	0.58	12.35	9.22	090
28020	.....	A	Exploration of foot joint	5.01	7.29	4.42	0.64	12.94	10.07	090
28022	.....	A	Exploration of foot joint	4.67	6.27	4.13	0.62	11.56	9.42	090
28024	.....	A	Exploration of toe joint	4.38	6.39	4.20	0.50	11.27	9.08	090
28030	.....	A	Removal of foot nerve	6.15	N/A	3.75	0.85	N/A	10.75	090
28035	.....	A	Decompression of tibia nerve.	5.09	7.07	4.28	0.71	12.87	10.08	090
28043	.....	A	Excision of foot lesion	3.54	5.94	3.40	0.45	9.93	7.39	090
28045	.....	A	Excision of foot lesion	4.72	6.30	3.89	0.62	11.64	9.23	090
28046	.....	A	Resection of tumor, foot ...	10.18	9.67	7.59	1.13	20.98	18.90	090
28050	.....	A	Biopsy of foot joint lining ..	4.25	5.95	3.86	0.55	10.75	8.66	090
28052	.....	A	Biopsy of foot joint lining ..	3.94	6.16	3.76	0.51	10.61	8.21	090
28054	.....	A	Biopsy of toe joint lining ...	3.45	6.00	3.56	0.45	9.90	7.46	090
28060	.....	A	Partial removal, foot fascia	5.23	6.57	4.21	0.69	12.49	10.13	090
28062	.....	A	Removal of foot fascia	6.52	7.34	4.36	0.85	14.71	11.73	090
28070	.....	A	Removal of foot joint lining	5.10	6.13	4.08	0.68	11.91	9.86	090
28072	.....	A	Removal of foot joint lining	4.58	6.62	4.56	0.64	11.84	9.78	090
28080	.....	A	Removal of foot lesion	3.58	6.10	3.84	0.50	10.18	7.92	090
28086	.....	A	Excise foot tendon sheath	4.78	9.75	4.96	0.66	15.19	10.40	090
28088	.....	A	Excise foot tendon sheath	3.86	7.26	4.24	0.52	11.64	8.62	090
28090	.....	A	Removal of foot lesion	4.41	6.20	3.73	0.57	11.18	8.71	090
28092	.....	A	Removal of toe lesions	3.64	6.52	3.82	0.46	10.62	7.92	090
28100	.....	A	Removal of ankle/heel lesion.	5.66	9.50	5.04	0.76	15.92	11.46	090
28102	.....	A	Remove/graft foot lesion ..	7.73	N/A	6.29	0.97	N/A	14.99	090
28103	.....	A	Remove/graft foot lesion ..	6.50	8.72	4.97	0.89	16.11	12.36	090
28104	.....	A	Removal of foot lesion	5.12	6.54	4.29	0.69	12.35	10.10	090
28106	.....	A	Remove/graft foot lesion ..	7.16	N/A	4.76	1.01	N/A	12.93	090
28107	.....	A	Remove/graft foot lesion ..	5.56	7.46	4.52	0.74	13.76	10.82	090
28108	.....	A	Removal of toe lesions	4.16	5.60	3.52	0.52	10.28	8.20	090
28110	.....	A	Part removal of metatarsal	4.08	6.24	3.94	0.49	10.81	8.51	090
28111	.....	A	Part removal of metatarsal	5.01	7.45	4.45	0.63	13.09	10.09	090
28112	.....	A	Part removal of metatarsal	4.49	6.93	4.35	0.60	12.02	9.44	090
28113	.....	A	Part removal of metatarsal	4.79	7.01	4.85	0.63	12.43	10.27	090
28114	.....	A	Removal of metatarsal heads.	9.79	12.25	8.83	1.36	23.40	19.98	090
28116	.....	A	Revision of foot	7.75	7.38	5.38	1.03	16.16	14.16	090
28118	.....	A	Removal of heel bone	5.96	7.33	4.73	0.79	14.08	11.48	090
28119	.....	A	Removal of heel spur	5.39	6.38	4.03	0.74	12.51	10.16	090
28120	.....	A	Part removal of ankle/heel	5.40	9.04	5.48	0.69	15.13	11.57	090
28122	.....	A	Partial removal of foot bone.	7.29	8.15	6.01	0.96	16.40	14.26	090
28124	.....	A	Partial removal of toe	4.81	6.30	4.35	0.65	11.76	9.81	090
28126	.....	A	Partial removal of toe	3.52	5.52	3.79	0.49	9.53	7.80	090
28130	.....	A	Removal of ankle bone	8.11	N/A	6.92	1.11	N/A	16.14	090
28140	.....	A	Removal of metatarsal	6.91	8.47	5.19	0.84	16.22	12.94	090
28150	.....	A	Removal of toe	4.09	6.19	4.05	0.52	10.80	8.66	090
28153	.....	A	Partial removal of toe	3.66	5.59	3.27	0.49	9.74	7.42	090
28160	.....	A	Partial removal of toe	3.74	5.88	4.14	0.51	10.13	8.39	090
28171	.....	A	Extensive foot surgery	9.60	N/A	5.90	1.13	N/A	16.63	090
28173	.....	A	Extensive foot surgery	8.80	8.49	5.86	1.04	18.33	15.70	090
28175	.....	A	Extensive foot surgery	6.05	6.89	4.26	0.75	13.69	11.06	090
28190	.....	A	Removal of foot foreign body.	1.96	6.71	3.55	0.16	8.83	5.67	010

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
28192		A	Removal of foot foreign body.	4.64	6.61	3.85	0.52	11.77	9.01	090
28193		A	Removal of foot foreign body.	5.73	6.53	4.28	0.63	12.89	10.64	090
28200		A	Repair of foot tendon	4.60	6.13	3.94	0.59	11.32	9.13	090
28202		A	Repair/graft of foot tendon	6.84	8.30	4.82	0.86	16.00	12.52	090
28208		A	Repair of foot tendon	4.37	5.91	3.67	0.59	10.87	8.63	090
28210		A	Repair/graft of foot tendon	6.35	7.33	4.36	0.77	14.45	11.48	090
28220		A	Release of foot tendon	4.53	5.73	3.78	0.63	10.89	8.94	090
28222		A	Release of foot tendons	5.62	6.13	4.49	0.77	12.52	10.88	090
28225		A	Release of foot tendon	3.66	5.43	3.28	0.50	9.59	7.44	090
28226		A	Release of foot tendons	4.53	5.78	4.11	0.62	10.93	9.26	090
28230		A	Incision of foot tendon(s)	4.24	5.81	4.08	0.59	10.64	8.91	090
28232		A	Incision of toe tendon	3.39	5.85	3.72	0.48	9.72	7.59	090
28234		A	Incision of foot tendon	3.37	6.01	3.66	0.46	9.84	7.49	090
28238		A	Revision of foot tendon	7.73	8.19	5.27	1.08	17.00	14.08	090
28240		A	Release of big toe	4.36	5.77	3.88	0.61	10.74	8.85	090
28250		A	Revision of foot fascia	5.92	6.73	4.50	0.81	13.46	11.23	090
28260		A	Release of midfoot joint	7.96	7.27	5.34	1.08	16.31	14.38	090
28261		A	Revision of foot tendon	11.73	9.14	7.59	1.66	22.53	20.98	090
28262		A	Revision of foot and ankle	15.83	14.73	11.92	2.22	32.78	29.97	090
28264		A	Release of midfoot joint	10.35	8.74	8.19	1.46	20.55	20.00	090
28270		A	Release of foot contracture.	4.76	6.09	4.43	0.67	11.52	9.86	090
28272		A	Release of toe joint, each	3.80	5.31	3.22	0.52	9.63	7.54	090
28280		A	Fusion of toes	5.19	7.46	4.76	0.72	13.37	10.67	090
28285		A	Repair of hammertoe	4.59	6.14	4.05	0.64	11.37	9.28	090
28286		A	Repair of hammertoe	4.56	5.93	3.91	0.64	11.13	9.11	090
28288		A	Partial removal of foot bone.	4.74	6.88	5.53	0.65	12.27	10.92	090
28289		A	Repair hallux rigidus	7.04	9.24	6.53	0.96	17.24	14.53	090
28290		A	Correction of bunion	5.66	7.23	5.59	0.79	13.68	12.04	090
28292		A	Correction of bunion	7.04	8.00	5.93	0.98	16.02	13.95	090
28293		A	Correction of bunion	9.15	10.19	6.16	1.28	20.62	16.59	090
28294		A	Correction of bunion	8.56	7.87	5.28	1.16	17.59	15.00	090
28296		A	Correction of bunion	9.18	8.38	6.04	1.28	18.84	16.50	090
28297		A	Correction of bunion	9.18	9.38	7.08	1.31	19.87	17.57	090
28298		A	Correction of bunion	7.94	7.52	5.64	1.12	16.58	14.70	090
28299		A	Correction of bunion	10.58	8.95	6.66	1.24	20.77	18.48	090
28300		A	Incision of heel bone	9.54	13.40	7.28	1.31	24.25	18.13	090
28302		A	Incision of ankle bone	9.55	13.39	7.16	1.15	24.09	17.86	090
28304		A	Incision of midfoot bones	9.16	8.36	5.97	1.00	18.52	16.13	090
28305		A	Incise/graft midfoot bones	10.50	11.12	6.95	0.55	22.17	18.00	090
28306		A	Incision of metatarsal	5.86	7.40	4.45	0.81	14.07	11.12	090
28307		A	Incision of metatarsal	6.33	11.84	5.50	0.71	18.88	12.54	090
28308		A	Incision of metatarsal	5.29	6.22	3.89	0.74	12.25	9.92	090
28309		A	Incision of metatarsals	12.78	N/A	8.33	1.64	N/A	22.75	090
28310		A	Revision of big toe	5.43	6.45	4.19	0.76	12.64	10.38	090
28312		A	Revision of toe	4.55	6.18	4.40	0.62	11.35	9.57	090
28313		A	Repair deformity of toe	5.01	6.65	5.91	0.68	12.34	11.60	090
28315		A	Removal of sesamoid bone.	4.86	6.03	3.89	0.66	11.55	9.41	090
28320		A	Repair of foot bones	9.18	N/A	6.97	1.27	N/A	17.42	090
28322		A	Repair of metatarsals	8.34	10.37	6.52	1.17	19.88	16.03	090
28340		A	Resect enlarged toe tissue	6.98	7.25	4.59	0.98	15.21	12.55	090
28341		A	Resect enlarged toe	8.41	7.43	5.13	1.18	17.02	14.72	090
28344		A	Repair extra toe(s)	4.26	6.93	3.89	0.60	11.79	8.75	090
28345		A	Repair webbed toe(s)	5.92	7.19	5.01	0.84	13.95	11.77	090
28360		A	Reconstruct cleft foot	13.34	N/A	10.87	1.88	N/A	26.09	090
28400		A	Treatment of heel fracture	2.16	4.63	3.31	0.29	7.08	5.76	090
28405		A	Treatment of heel fracture	4.57	5.77	4.82	0.63	10.97	10.02	090
28406		A	Treatment of heel fracture	6.31	N/A	7.02	0.87	N/A	14.20	090
28415		A	Treat heel fracture	15.97	N/A	13.49	2.24	N/A	31.70	090
28420		A	Treat/graft heel fracture	16.64	N/A	13.20	2.29	N/A	32.13	090
28430		A	Treatment of ankle fracture.	2.09	4.33	2.81	0.27	6.69	5.17	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
28435	.....	A	Treatment of ankle fracture.	3.40	4.74	3.90	0.47	8.61	7.77	090
28436	.....	A	Treatment of ankle fracture.	4.71	N/A	6.11	0.66	N/A	11.48	090
28445	.....	A	Treat ankle fracture	15.62	N/A	11.42	1.29	N/A	28.33	090
28450	.....	A	Treat midfoot fracture, each.	1.90	4.31	2.72	0.25	6.46	4.87	090
28455	.....	A	Treat midfoot fracture, each.	3.09	4.22	3.76	0.43	7.74	7.28	090
28456	.....	A	Treat midfoot fracture	2.68	N/A	4.37	0.36	N/A	7.41	090
28465	.....	A	Treat midfoot fracture, each.	7.01	N/A	6.49	0.87	N/A	14.37	090
28470	.....	A	Treat metatarsal fracture ..	1.99	3.95	2.53	0.26	6.20	4.78	090
28475	.....	A	Treat metatarsal fracture ..	2.97	4.20	3.34	0.41	7.58	6.72	090
28476	.....	A	Treat metatarsal fracture ..	3.38	N/A	5.09	0.46	N/A	8.93	090
28485	.....	A	Treat metatarsal fracture ..	5.71	N/A	5.72	0.80	N/A	12.23	090
28490	.....	A	Treat big toe fracture	1.09	2.33	1.83	0.13	3.55	3.05	090
28495	.....	A	Treat big toe fracture	1.58	2.60	2.18	0.19	4.37	3.95	090
28496	.....	A	Treat big toe fracture	2.33	9.95	3.78	0.32	12.60	6.43	090
28505	.....	A	Treat big toe fracture	3.81	9.95	4.86	0.50	14.26	9.17	090
28510	.....	A	Treatment of toe fracture ..	1.09	2.08	1.78	0.13	3.30	3.00	090
28515	.....	A	Treatment of toe fracture ..	1.46	2.44	2.10	0.17	4.07	3.73	090
28525	.....	A	Treat toe fracture	3.32	9.54	4.41	0.44	13.30	8.17	090
28530	.....	A	Treat sesamoid bone fracture.	1.06	2.26	1.69	0.13	3.45	2.88	090
28531	.....	A	Treat sesamoid bone fracture.	2.35	9.22	2.63	0.33	11.90	5.31	090
28540	.....	A	Treat foot dislocation	2.04	3.03	2.88	0.24	5.31	5.16	090
28545	.....	A	Treat foot dislocation	2.45	2.99	2.99	0.33	5.77	5.77	090
28546	.....	A	Treat foot dislocation	3.20	8.11	4.92	0.46	11.77	8.58	090
28555	.....	A	Repair foot dislocation	6.30	11.76	6.66	0.88	18.94	13.84	090
28570	.....	A	Treat foot dislocation	1.66	3.12	2.60	0.22	5.00	4.48	090
28575	.....	A	Treat foot dislocation	3.31	4.54	4.21	0.45	8.30	7.97	090
28576	.....	A	Treat foot dislocation	4.17	10.43	5.60	0.56	15.16	10.33	090
28585	.....	A	Repair foot dislocation	7.99	8.30	6.66	1.13	17.42	15.78	090
28600	.....	A	Treat foot dislocation	1.89	3.49	2.90	0.24	5.62	5.03	090
28605	.....	A	Treat foot dislocation	2.71	3.88	3.77	0.35	6.94	6.83	090
28606	.....	A	Treat foot dislocation	4.90	16.30	6.12	0.68	21.88	11.70	090
28615	.....	A	Repair foot dislocation	7.77	N/A	8.13	1.09	N/A	16.99	090
28630	.....	A	Treat toe dislocation	1.70	1.41	1.18	0.17	3.28	3.05	010
28635	.....	A	Treat toe dislocation	1.91	1.77	1.61	0.24	3.92	3.76	010
28636	.....	A	Treat toe dislocation	2.77	6.41	3.16	0.39	9.57	6.32	010
28645	.....	A	Repair toe dislocation	4.22	5.78	3.58	0.58	10.58	8.38	090
28660	.....	A	Treat toe dislocation	1.23	1.79	1.23	0.11	3.13	2.57	010
28665	.....	A	Treat toe dislocation	1.92	1.76	1.73	0.24	3.92	3.89	010
28666	.....	A	Treat toe dislocation	2.66	6.13	2.28	0.38	9.17	5.32	010
28675	.....	A	Repair of toe dislocation ..	2.92	8.97	3.84	0.41	12.30	7.17	090
28705	.....	A	Fusion of foot bones	18.80	N/A	12.85	2.13	N/A	33.78	090
28715	.....	A	Fusion of foot bones	13.10	N/A	10.11	1.84	N/A	25.05	090
28725	.....	A	Fusion of foot bones	11.61	N/A	8.63	1.63	N/A	21.87	090
28730	.....	A	Fusion of foot bones	10.76	N/A	8.72	1.51	N/A	20.99	090
28735	.....	A	Fusion of foot bones	10.85	N/A	8.18	1.51	N/A	20.54	090
28737	.....	A	Revision of foot bones	9.64	N/A	7.13	1.36	N/A	18.13	090
28740	.....	A	Fusion of foot bones	8.02	11.91	6.72	1.13	21.06	15.87	090
28750	.....	A	Fusion of big toe joint	7.30	13.32	6.90	1.03	21.65	15.23	090
28755	.....	A	Fusion of big toe joint	4.74	7.04	4.11	0.66	12.44	9.51	090
28760	.....	A	Fusion of big toe joint	7.75	8.25	5.78	1.07	17.07	14.60	090
28800	.....	A	Amputation of midfoot	8.21	N/A	6.17	0.98	N/A	15.36	090
28805	.....	A	Amputation thru metatarsal.	8.39	N/A	6.01	0.97	N/A	15.37	090
28810	.....	A	Amputation toe & metatarsal.	6.21	N/A	4.90	0.70	N/A	11.81	090
28820	.....	A	Amputation of toe	4.41	8.64	4.18	0.51	13.56	9.10	090
28825	.....	A	Partial amputation of toe ..	3.59	8.09	3.88	0.43	12.11	7.90	090
28899	.....	C	Foot/toes surgery procedure.	0.00	0.00	0.00	0.00	0.00	0.00	YYY

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
29000		A	Application of body cast	2.25	3.18	1.75	0.30	5.73	4.30	000
29010		A	Application of body cast	2.06	3.36	1.75	0.27	5.69	4.08	000
29015		A	Application of body cast	2.41	3.06	1.61	0.21	5.68	4.23	000
29020		A	Application of body cast	2.11	3.33	1.43	0.16	5.60	3.70	000
29025		A	Application of body cast	2.40	3.31	1.87	0.26	5.97	4.53	000
29035		A	Application of body cast	1.77	3.52	1.57	0.24	5.53	3.58	000
29040		A	Application of body cast	2.22	2.63	1.53	0.35	5.20	4.10	000
29044		A	Application of body cast	2.12	3.87	1.88	0.29	6.28	4.29	000
29046		A	Application of body cast	2.41	3.34	2.06	0.34	6.09	4.81	000
29049		A	Application of figure eight	0.89	1.27	0.55	0.12	2.28	1.56	000
29055		A	Application of shoulder cast.	1.78	2.87	1.46	0.24	4.89	3.48	000
29058		A	Application of shoulder cast.	1.31	1.53	0.74	0.14	2.98	2.19	000
29065		A	Application of long arm cast.	0.87	1.29	0.75	0.12	2.28	1.74	000
29075		A	Application of forearm cast	0.77	1.23	0.68	0.11	2.11	1.56	000
29085		A	Apply hand/wrist cast	0.87	1.26	0.64	0.11	2.24	1.62	000
29086		A	Apply finger cast	0.62	0.95	0.52	0.06	1.63	1.20	000
29105		A	Apply long arm splint	0.87	1.21	0.53	0.11	2.19	1.51	000
29125		A	Apply forearm splint	0.59	1.01	0.41	0.06	1.66	1.06	000
29126		A	Apply forearm splint	0.77	1.22	0.48	0.06	2.05	1.31	000
29130		A	Application of finger splint	0.50	0.47	0.17	0.05	1.02	0.72	000
29131		A	Application of finger splint	0.55	0.75	0.25	0.03	1.33	0.83	000
29200		A	Strapping of chest	0.65	0.75	0.36	0.04	1.44	1.05	000
29220		A	Strapping of low back	0.64	0.73	0.40	0.07	1.44	1.11	000
29240		A	Strapping of shoulder	0.71	0.88	0.38	0.05	1.64	1.14	000
29260		A	Strapping of elbow or wrist	0.55	0.76	0.34	0.04	1.35	0.93	000
29280		A	Strapping of hand or finger	0.51	0.83	0.34	0.04	1.38	0.89	000
29305		A	Application of hip cast	2.03	3.24	1.74	0.29	5.56	4.06	000
29325		A	Application of hip casts	2.32	3.43	1.93	0.31	6.06	4.56	000
29345		A	Application of long leg cast.	1.40	1.72	1.06	0.19	3.31	2.65	000
29355		A	Application of long leg cast.	1.53	1.68	1.12	0.20	3.41	2.85	000
29358		A	Apply long leg cast brace	1.43	2.00	1.09	0.19	3.62	2.71	000
29365		A	Application of long leg cast.	1.18	1.61	0.94	0.17	2.96	2.29	000
29405		A	Apply short leg cast	0.86	1.20	0.71	0.12	2.18	1.69	000
29425		A	Apply short leg cast	1.01	1.21	0.74	0.14	2.36	1.89	000
29435		A	Apply short leg cast	1.18	1.52	0.92	0.17	2.87	2.27	000
29440		A	Addition of walker to cast	0.57	0.68	0.28	0.07	1.32	0.92	000
29445		A	Apply rigid leg cast	1.78	1.78	0.98	0.24	3.80	3.00	000
29450		A	Application of leg cast	2.08	1.48	1.11	0.13	3.69	3.32	000
29505		A	Application, long leg splint	0.69	1.18	0.48	0.06	1.93	1.23	000
29515		A	Application lower leg splint	0.73	0.87	0.49	0.07	1.67	1.29	000
29520		A	Strapping of hip	0.54	0.90	0.47	0.02	1.46	1.03	000
29530		A	Strapping of knee	0.57	0.81	0.35	0.04	1.42	0.96	000
29540		A	Strapping of ankle and/or ft.	0.51	0.42	0.32	0.04	0.97	0.87	000
29550		A	Strapping of toes	0.47	0.42	0.28	0.05	0.94	0.80	000
29580		A	Application of paste boot	0.57	0.66	0.36	0.05	1.28	0.98	000
29590		A	Application of foot splint	0.76	0.52	0.30	0.06	1.34	1.12	000
29700		A	Removal/revision of cast	0.57	0.88	0.29	0.07	1.52	0.93	000
29705		A	Removal/revision of cast	0.76	0.81	0.39	0.10	1.67	1.25	000
29710		A	Removal/revision of cast	1.34	1.51	0.71	0.17	3.02	2.22	000
29715		A	Removal/revision of cast	0.94	1.15	0.41	0.08	2.17	1.43	000
29720		A	Repair of body cast	0.68	1.12	0.39	0.10	1.90	1.17	000
29730		A	Windowing of cast	0.75	0.80	0.36	0.10	1.65	1.21	000
29740		A	Wedging of cast	1.12	1.13	0.50	0.15	2.40	1.77	000
29750		A	Wedging of clubfoot cast	1.26	1.06	0.59	0.16	2.48	2.01	000
29799		C	Casting/strapping procedure.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
29800		A	Jaw arthroscopy/surgery	6.43	N/A	7.28	0.84	N/A	14.55	090
29804		A	Jaw arthroscopy/surgery	8.14	N/A	8.75	0.66	N/A	17.55	090
29805		A	Shoulder arthroscopy, dx	5.89	N/A	5.82	0.84	N/A	12.55	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
29806	.....	A	Shoulder arthroscopy/surgery.	14.37	N/A	11.30	2.00	N/A	27.67	090
29807	.....	A	Shoulder arthroscopy/surgery.	13.90	N/A	11.12	1.94	N/A	26.96	090
29819	.....	A	Shoulder arthroscopy/surgery.	7.62	N/A	6.73	1.07	N/A	15.42	090
29820	.....	A	Shoulder arthroscopy/surgery.	7.07	N/A	6.23	0.99	N/A	14.29	090
29821	.....	A	Shoulder arthroscopy/surgery.	7.72	N/A	6.75	1.08	N/A	15.55	090
29822	.....	A	Shoulder arthroscopy/surgery.	7.43	N/A	6.63	1.04	N/A	15.10	090
29823	.....	A	Shoulder arthroscopy/surgery.	8.17	N/A	7.22	1.15	N/A	16.54	090
29824	.....	A	Shoulder arthroscopy/surgery.	8.25	N/A	7.47	1.15	N/A	16.87	090
29825	.....	A	Shoulder arthroscopy/surgery.	7.62	N/A	6.71	1.06	N/A	15.39	090
29826	.....	A	Shoulder arthroscopy/surgery.	8.99	N/A	7.50	1.26	N/A	17.75	090
29827	.....	A	Arthroscop rotator cuff repr.	15.36	N/A	11.53	1.86	N/A	28.75	090
29830	.....	A	Elbow arthroscopy	5.76	N/A	5.30	0.79	N/A	11.85	090
29834	.....	A	Elbow arthroscopy/surgery	6.28	N/A	5.83	0.86	N/A	12.97	090
29835	.....	A	Elbow arthroscopy/surgery	6.48	N/A	5.88	0.88	N/A	13.24	090
29836	.....	A	Elbow arthroscopy/surgery	7.55	N/A	6.73	1.06	N/A	15.34	090
29837	.....	A	Elbow arthroscopy/surgery	6.87	N/A	6.13	0.96	N/A	13.96	090
29838	.....	A	Elbow arthroscopy/surgery	7.71	N/A	6.84	1.07	N/A	15.62	090
29840	.....	A	Wrist arthroscopy	5.54	N/A	5.34	0.69	N/A	11.57	090
29843	.....	A	Wrist arthroscopy/surgery	6.01	N/A	5.64	0.82	N/A	12.47	090
29844	.....	A	Wrist arthroscopy/surgery	6.37	N/A	5.82	0.86	N/A	13.05	090
29845	.....	A	Wrist arthroscopy/surgery	7.52	N/A	6.46	0.84	N/A	14.82	090
29846	.....	A	Wrist arthroscopy/surgery	6.75	N/A	6.06	0.89	N/A	13.70	090
29847	.....	A	Wrist arthroscopy/surgery	7.08	N/A	6.21	0.91	N/A	14.20	090
29848	.....	A	Wrist endoscopy/surgery ..	5.44	N/A	5.59	0.72	N/A	11.75	090
29850	.....	A	Knee arthroscopy/surgery	8.19	N/A	5.13	0.74	N/A	14.06	090
29851	.....	A	Knee arthroscopy/surgery	13.10	N/A	9.85	1.81	N/A	24.76	090
29855	.....	A	Tibial arthroscopy/surgery	10.62	N/A	8.77	1.50	N/A	20.89	090
29856	.....	A	Tibial arthroscopy/surgery	14.14	N/A	10.71	2.00	N/A	26.85	090
29860	.....	A	Hip arthroscopy, dx	8.05	N/A	6.95	1.14	N/A	16.14	090
29861	.....	A	Hip arthroscopy/surgery ...	9.15	N/A	7.36	1.29	N/A	17.80	090
29862	.....	A	Hip arthroscopy/surgery ...	9.90	N/A	8.55	1.39	N/A	19.84	090
29863	.....	A	Hip arthroscopy/surgery ...	9.90	N/A	8.49	1.40	N/A	19.79	090
29870	.....	A	Knee arthroscopy, dx	5.07	N/A	4.84	0.67	N/A	10.58	090
29871	.....	A	Knee arthroscopy/drainage	6.55	N/A	5.87	0.88	N/A	13.30	090
29873	.....	A	Knee arthroscopy/surgery	6.00	N/A	6.49	0.73	N/A	13.22	090
29874	.....	A	Knee arthroscopy/surgery	7.05	N/A	6.08	0.87	N/A	14.00	090
29875	.....	A	Knee arthroscopy/surgery	6.31	N/A	5.84	0.88	N/A	13.03	090
29876	.....	A	Knee arthroscopy/surgery	7.92	N/A	7.01	1.11	N/A	16.04	090
29877	.....	A	Knee arthroscopy/surgery	7.35	N/A	6.72	1.03	N/A	15.10	090
29879	.....	A	Knee arthroscopy/surgery	8.04	N/A	7.10	1.13	N/A	16.27	090
29880	.....	A	Knee arthroscopy/surgery	8.50	N/A	7.35	1.19	N/A	17.04	090
29881	.....	A	Knee arthroscopy/surgery	7.76	N/A	6.94	1.09	N/A	15.79	090
29882	.....	A	Knee arthroscopy/surgery	8.65	N/A	7.24	1.09	N/A	16.98	090
29883	.....	A	Knee arthroscopy/surgery	11.05	N/A	9.07	1.33	N/A	21.45	090
29884	.....	A	Knee arthroscopy/surgery	7.33	N/A	6.68	1.03	N/A	15.04	090
29885	.....	A	Knee arthroscopy/surgery	9.09	N/A	7.90	1.27	N/A	18.26	090
29886	.....	A	Knee arthroscopy/surgery	7.54	N/A	6.82	1.06	N/A	15.42	090
29887	.....	A	Knee arthroscopy/surgery	9.04	N/A	7.87	1.27	N/A	18.18	090
29888	.....	A	Knee arthroscopy/surgery	13.90	N/A	10.27	1.95	N/A	26.12	090
29889	.....	A	Knee arthroscopy/surgery	16.00	N/A	12.45	2.11	N/A	30.56	090
29891	.....	A	Ankle arthroscopy/surgery	8.40	N/A	7.48	1.17	N/A	17.05	090
29892	.....	A	Ankle arthroscopy/surgery	9.00	N/A	7.73	1.26	N/A	17.99	090
29893	.....	A	Scope, plantar fasciotomy	5.22	6.44	4.02	0.74	12.40	9.98	090
29894	.....	A	Ankle arthroscopy/surgery	7.21	N/A	5.49	1.01	N/A	13.71	090
29895	.....	A	Ankle arthroscopy/surgery	6.99	N/A	5.49	0.97	N/A	13.45	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
29897		A	Ankle arthroscopy/surgery	7.18	N/A	5.90	1.01	N/A	14.09	090
29898		A	Ankle arthroscopy/surgery	8.32	N/A	6.19	1.14	N/A	15.65	090
29899		A	Ankle arthroscopy/surgery	13.91	N/A	10.02	1.95	N/A	25.88	090
29900		A	Mcp joint arthroscopy, dx	5.42	N/A	5.95	0.75	N/A	12.12	090
29901		A	Mcp joint arthroscopy, surg.	6.13	N/A	6.34	0.85	N/A	13.32	090
29902		A	Mcp joint arthroscopy, surg.	6.70	N/A	6.63	0.93	N/A	14.26	090
29999		C	Arthroscopy of joint	0.00	0.00	0.00	0.00	0.00	0.00	YYY
30000		A	Drainage of nose lesion	1.43	4.27	1.45	0.10	5.80	2.98	010
30020		A	Drainage of nose lesion	1.43	3.43	1.53	0.08	4.94	3.04	010
30100		A	Intranasal biopsy	0.94	2.16	0.83	0.06	3.16	1.83	000
30110		A	Removal of nose polyp(s)	1.63	3.48	1.63	0.12	5.23	3.38	010
30115		A	Removal of nose polyp(s)	4.35	N/A	4.19	0.31	N/A	8.85	090
30117		A	Removal of intranasal lesion.	3.16	4.79	3.40	0.22	8.17	6.78	090
30118		A	Removal of intranasal lesion.	9.69	N/A	7.53	0.66	N/A	17.88	090
30120		A	Revision of nose	5.27	5.71	5.63	0.41	11.39	11.31	090
30124		A	Removal of nose lesion	3.10	N/A	3.12	0.20	N/A	6.42	090
30125		A	Removal of nose lesion	7.16	N/A	6.10	0.54	N/A	13.80	090
30130		A	Removal of turbinate bones.	3.38	N/A	3.67	0.22	N/A	7.27	090
30140		A	Removal of turbinate bones.	3.43	N/A	4.16	0.24	N/A	7.83	090
30150		A	Partial removal of nose	9.14	N/A	7.88	0.76	N/A	17.78	090
30160		A	Removal of nose	9.58	N/A	7.89	0.78	N/A	18.25	090
30200		A	Injection treatment of nose	0.78	1.79	0.79	0.06	2.63	1.63	000
30210		A	Nasal sinus therapy	1.08	2.22	1.36	0.08	3.38	2.52	010
30220		A	Insert nasal septal button	1.54	4.67	1.59	0.11	6.32	3.24	010
30300		A	Remove nasal foreign body.	1.04	4.27	1.91	0.07	5.38	3.02	010
30310		A	Remove nasal foreign body.	1.96	N/A	2.93	0.14	N/A	5.03	010
30320		A	Remove nasal foreign body.	4.52	N/A	4.65	0.36	N/A	9.53	090
30400		R	Reconstruction of nose	9.83	N/A	9.35	0.80	N/A	19.98	090
30410		R	Reconstruction of nose	12.98	N/A	11.13	1.08	N/A	25.19	090
30420		R	Reconstruction of nose	15.88	N/A	12.70	1.24	N/A	29.82	090
30430		R	Revision of nose	7.21	N/A	8.16	0.62	N/A	15.99	090
30435		R	Revision of nose	11.71	N/A	10.78	1.10	N/A	23.59	090
30450		R	Revision of nose	18.65	N/A	14.35	1.53	N/A	34.53	090
30460		A	Revision of nose	9.96	N/A	8.07	0.85	N/A	18.88	090
30462		A	Revision of nose	19.57	N/A	14.00	1.92	N/A	35.49	090
30465		A	Repair nasal stenosis	11.64	N/A	7.88	0.97	N/A	20.49	090
30520		A	Repair of nasal septum	5.70	N/A	5.37	0.41	N/A	11.48	090
30540		A	Repair nasal defect	7.75	N/A	5.81	0.53	N/A	14.09	090
30545		A	Repair nasal defect	11.38	N/A	8.93	0.80	N/A	21.11	090
30560		A	Release of nasal adhesions.	1.26	4.38	1.99	0.09	5.73	3.34	010
30580		A	Repair upper jaw fistula	6.69	7.43	6.34	0.50	14.62	13.53	090
30600		A	Repair mouth/nose fistula	6.02	6.51	5.69	0.70	13.23	12.41	090
30620		A	Intranasal reconstruction	5.97	N/A	6.01	0.45	N/A	12.43	090
30630		A	Repair nasal septum defect.	7.12	N/A	6.43	0.51	N/A	14.06	090
30801		A	Cauterization, inner nose	1.09	2.29	2.17	0.08	3.46	3.34	010
30802		A	Cauterization, inner nose	2.03	2.85	2.70	0.15	5.03	4.88	010
30901		A	Control of nosebleed	1.21	1.41	0.33	0.09	2.71	1.63	000
30903		A	Control of nosebleed	1.54	2.92	0.51	0.12	4.58	2.17	000
30905		A	Control of nosebleed	1.97	3.73	0.78	0.15	5.85	2.90	000
30906		A	Repeat control of nosebleed.	2.45	4.12	1.23	0.17	6.74	3.85	000
30915		A	Ligation, nasal sinus artery	7.20	N/A	6.07	0.50	N/A	13.77	090
30920		A	Ligation, upper jaw artery	9.83	N/A	7.76	0.69	N/A	18.28	090
30930		A	Therapy, fracture of nose	1.26	N/A	1.69	0.09	N/A	3.04	010
30999		C	Nasal surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
31000	.....	A	Irrigation, maxillary sinus ..	1.15	2.99	1.46	0.08	4.22	2.69	010
31002	.....	A	Irrigation, sphenoid sinus	1.91	N/A	3.10	0.14	N/A	5.15	010
31020	.....	A	Exploration, maxillary sinus.	2.94	4.31	3.66	0.20	7.45	6.80	090
31030	.....	A	Exploration, maxillary sinus.	5.92	5.82	4.95	0.42	12.16	11.29	090
31032	.....	A	Explore sinus, remove polyps.	6.57	N/A	5.82	0.47	N/A	12.86	090
31040	.....	A	Exploration behind upper jaw.	9.42	N/A	6.44	0.71	N/A	16.57	090
31050	.....	A	Exploration, sphenoid sinus.	5.28	N/A	4.68	0.39	N/A	10.35	090
31051	.....	A	Sphenoid sinus surgery	7.11	N/A	6.08	0.55	N/A	13.74	090
31070	.....	A	Exploration of frontal sinus	4.28	N/A	4.40	0.30	N/A	8.98	090
31075	.....	A	Exploration of frontal sinus	9.16	N/A	7.48	0.64	N/A	17.28	090
31080	.....	A	Removal of frontal sinus ..	11.42	N/A	8.68	0.78	N/A	20.88	090
31081	.....	A	Removal of frontal sinus ..	12.75	N/A	9.70	1.84	N/A	24.29	090
31084	.....	A	Removal of frontal sinus ..	13.51	N/A	10.36	0.96	N/A	24.83	090
31085	.....	A	Removal of frontal sinus ..	14.20	N/A	10.72	1.18	N/A	26.10	090
31086	.....	A	Removal of frontal sinus ..	12.86	N/A	10.18	0.90	N/A	23.94	090
31087	.....	A	Removal of frontal sinus ..	13.10	N/A	10.10	1.15	N/A	24.35	090
31090	.....	A	Exploration of sinuses	9.53	N/A	8.91	0.66	N/A	19.10	090
31200	.....	A	Removal of ethmoid sinus	4.97	N/A	5.15	0.25	N/A	10.37	090
31201	.....	A	Removal of ethmoid sinus	8.37	N/A	7.09	0.58	N/A	16.04	090
31205	.....	A	Removal of ethmoid sinus	10.24	N/A	7.83	0.58	N/A	18.65	090
31225	.....	A	Removal of upper jaw	19.23	N/A	14.19	1.38	N/A	34.80	090
31230	.....	A	Removal of upper jaw	21.94	N/A	15.60	1.57	N/A	39.11	090
31231	.....	A	Nasal endoscopy, dx	1.10	2.92	0.93	0.08	4.10	2.11	000
31233	.....	A	Nasal/sinus endoscopy, dx	2.18	3.67	1.54	0.16	6.01	3.88	000
31235	.....	A	Nasal/sinus endoscopy, dx	2.64	4.13	1.79	0.18	6.95	4.61	000
31237	.....	A	Nasal/sinus endoscopy, surg.	2.98	4.41	1.95	0.21	7.60	5.14	000
31238	.....	A	Nasal/sinus endoscopy, surg.	3.26	4.42	2.16	0.23	7.91	5.65	000
31239	.....	A	Nasal/sinus endoscopy, surg.	8.70	N/A	7.86	0.46	N/A	17.02	010
31240	.....	A	Nasal/sinus endoscopy, surg.	2.61	N/A	1.79	0.18	N/A	4.58	000
31254	.....	A	Revision of ethmoid sinus	4.65	N/A	2.94	0.32	N/A	7.91	000
31255	.....	A	Removal of ethmoid sinus	6.96	N/A	4.24	0.49	N/A	11.69	000
31256	.....	A	Exploration maxillary sinus	3.29	N/A	2.19	0.23	N/A	5.71	000
31267	.....	A	Endoscopy, maxillary sinus.	5.46	N/A	3.40	0.38	N/A	9.24	000
31276	.....	A	Sinus endoscopy, surgical	8.85	N/A	5.27	0.62	N/A	14.74	000
31287	.....	A	Nasal/sinus endoscopy, surg.	3.92	N/A	2.54	0.27	N/A	6.73	000
31288	.....	A	Nasal/sinus endoscopy, surg.	4.58	N/A	2.91	0.32	N/A	7.81	000
31290	.....	A	Nasal/sinus endoscopy, surg.	17.24	N/A	11.74	1.20	N/A	30.18	010
31291	.....	A	Nasal/sinus endoscopy, surg.	18.19	N/A	12.23	1.73	N/A	32.15	010
31292	.....	A	Nasal/sinus endoscopy, surg.	14.76	N/A	10.33	0.99	N/A	26.08	010
31293	.....	A	Nasal/sinus endoscopy, surg.	16.21	N/A	11.16	0.97	N/A	28.34	010
31294	.....	A	Nasal/sinus endoscopy, surg.	19.06	N/A	12.69	1.04	N/A	32.79	010
31299	.....	C	Sinus surgery procedure ..	0.00	0.00	0.00	0.00	0.00	0.00	YYY
31300	.....	A	Removal of larynx lesion ..	14.29	N/A	12.71	0.99	N/A	27.99	090
31320	.....	A	Diagnostic incision, larynx	5.26	N/A	7.77	0.40	N/A	13.43	090
31360	.....	A	Removal of larynx	17.08	N/A	14.71	1.20	N/A	32.99	090
31365	.....	A	Removal of larynx	24.16	N/A	18.45	1.72	N/A	44.33	090
31367	.....	A	Partial removal of larynx ...	21.86	N/A	18.32	1.57	N/A	41.75	090
31368	.....	A	Partial removal of larynx ...	27.09	N/A	22.10	1.90	N/A	51.09	090
31370	.....	A	Partial removal of larynx ...	21.38	N/A	17.91	1.51	N/A	40.80	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
31375	.....	A	Partial removal of larynx ...	20.21	N/A	16.14	1.43	N/A	37.78	090
31380	.....	A	Partial removal of larynx ...	20.21	N/A	16.08	1.40	N/A	37.69	090
31382	.....	A	Partial removal of larynx ...	20.52	N/A	17.46	1.44	N/A	39.42	090
31390	.....	A	Removal of larynx & pharynx.	27.53	N/A	22.31	1.95	N/A	51.79	090
31395	.....	A	Reconstruct larynx & pharynx.	31.09	N/A	26.49	2.27	N/A	59.85	090
31400	.....	A	Revision of larynx	10.31	N/A	10.68	0.72	N/A	21.71	090
31420	.....	A	Removal of epiglottis	10.22	N/A	10.51	0.71	N/A	21.44	090
31500	.....	A	Insert emergency airway ..	2.33	N/A	0.67	0.15	N/A	3.15	000
31502	.....	A	Change of windpipe airway.	0.65	1.52	0.26	0.04	2.21	0.95	000
31505	.....	A	Diagnostic laryngoscopy ..	0.61	1.52	0.64	0.04	2.17	1.29	000
31510	.....	A	Laryngoscopy with biopsy	1.92	3.36	1.31	0.15	5.43	3.38	000
31511	.....	A	Remove foreign body, larynx.	2.16	3.19	1.13	0.16	5.51	3.45	000
31512	.....	A	Removal of larynx lesion ..	2.07	3.26	1.42	0.16	5.49	3.65	000
31513	.....	A	Injection into vocal cord ...	2.10	N/A	1.52	0.15	N/A	3.77	000
31515	.....	A	Laryngoscopy for aspiration.	1.80	3.41	1.11	0.12	5.33	3.03	000
31520	.....	A	Diagnostic laryngoscopy ..	2.56	N/A	1.63	0.17	N/A	4.36	000
31525	.....	A	Diagnostic laryngoscopy ..	2.63	3.61	1.72	0.18	6.42	4.53	000
31526	.....	A	Diagnostic laryngoscopy ..	2.57	N/A	1.78	0.18	N/A	4.53	000
31527	.....	A	Laryngoscopy for treatment.	3.27	N/A	1.94	0.21	N/A	5.42	000
31528	.....	A	Laryngoscopy and dilation	2.37	N/A	1.47	0.16	N/A	4.00	000
31529	.....	A	Laryngoscopy and dilation	2.68	N/A	1.75	0.18	N/A	4.61	000
31530	.....	A	Operative laryngoscopy	3.39	N/A	2.01	0.24	N/A	5.64	000
31531	.....	A	Operative laryngoscopy	3.59	N/A	2.36	0.25	N/A	6.20	000
31535	.....	A	Operative laryngoscopy	3.16	N/A	2.06	0.22	N/A	5.44	000
31536	.....	A	Operative laryngoscopy	3.56	N/A	2.33	0.25	N/A	6.14	000
31540	.....	A	Operative laryngoscopy	4.13	N/A	2.63	0.29	N/A	7.05	000
31541	.....	A	Operative laryngoscopy	4.53	N/A	2.87	0.32	N/A	7.72	000
31560	.....	A	Operative laryngoscopy	5.46	N/A	3.22	0.38	N/A	9.06	000
31561	.....	A	Operative laryngoscopy	6.00	N/A	3.44	0.42	N/A	9.86	000
31570	.....	A	Laryngoscopy with injection.	3.87	5.44	2.47	0.24	9.55	6.58	000
31571	.....	A	Laryngoscopy with injection.	4.27	N/A	2.69	0.30	N/A	7.26	000
31575	.....	A	Diagnostic laryngoscopy ..	1.10	1.95	0.92	0.08	3.13	2.10	000
31576	.....	A	Laryngoscopy with biopsy	1.97	3.52	1.34	0.13	5.62	3.44	000
31577	.....	A	Remove foreign body, larynx.	2.47	3.65	1.60	0.17	6.29	4.24	000
31578	.....	A	Removal of larynx lesion ..	2.84	4.15	1.59	0.20	7.19	4.63	000
31579	.....	A	Diagnostic laryngoscopy ..	2.26	3.30	1.55	0.16	5.72	3.97	000
31580	.....	A	Revision of larynx	12.38	N/A	11.78	0.87	N/A	25.03	090
31582	.....	A	Revision of larynx	21.62	N/A	18.17	1.52	N/A	41.31	090
31584	.....	A	Treat larynx fracture	19.64	N/A	15.25	1.42	N/A	36.31	090
31585	.....	A	Treat larynx fracture	4.64	N/A	6.01	0.30	N/A	10.95	090
31586	.....	A	Treat larynx fracture	8.03	N/A	8.90	0.56	N/A	17.49	090
31587	.....	A	Revision of larynx	11.99	N/A	10.61	0.88	N/A	23.48	090
31588	.....	A	Revision of larynx	13.11	N/A	13.80	0.92	N/A	27.83	090
31590	.....	A	Reinnervate larynx	6.97	N/A	9.29	0.50	N/A	16.76	090
31595	.....	A	Larynx nerve surgery	8.34	N/A	8.09	0.62	N/A	17.05	090
31599	.....	C	Larynx surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
31600	.....	A	Incision of windpipe	7.18	N/A	3.24	0.34	N/A	10.76	000
31601	.....	A	Incision of windpipe	4.45	N/A	2.44	0.39	N/A	7.28	000
31603	.....	A	Incision of windpipe	4.15	N/A	1.75	0.35	N/A	6.25	000
31605	.....	A	Incision of windpipe	3.58	N/A	1.21	0.33	N/A	5.12	000
31610	.....	A	Incision of windpipe	8.76	N/A	7.72	0.69	N/A	17.17	090
31611	.....	A	Surgery/speech prosthesis	5.64	N/A	6.31	0.40	N/A	12.35	090
31612	.....	A	Puncture/clear windpipe ...	0.91	1.16	0.36	0.06	2.13	1.33	000
31613	.....	A	Repair windpipe opening ..	4.59	N/A	5.60	0.37	N/A	10.56	090
31614	.....	A	Repair windpipe opening ..	7.12	N/A	8.18	0.51	N/A	15.81	090
31615	.....	A	Visualization of windpipe ..	2.09	2.68	1.22	0.14	4.91	3.45	000
31622	.....	A	Dx bronchoscope/wash	2.78	4.30	0.90	0.14	7.22	3.82	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
31623	.....	A	Dx bronchoscope/brush ...	2.88	5.16	0.91	0.14	8.18	3.93	000
31624	.....	A	Dx bronchoscope/lavage ..	2.88	4.37	0.91	0.13	7.38	3.92	000
31625	.....	A	Bronchoscopy w/biopsy(s)	3.37	9.22	1.06	0.16	12.75	4.59	000
31628	.....	A	Bronchoscopy/lung bx, each.	3.81	3.05	1.40	0.14	7.00	5.35	000
31629	.....	A	Bronchoscopy/needle bx, each.	3.37	N/A	1.28	0.13	N/A	4.78	000
31630	.....	A	Bronchoscopy dilate/fx repr.	3.82	N/A	2.00	0.30	N/A	6.12	000
31631	.....	A	Bronchoscopy, dilate w/ stent.	4.37	N/A	2.03	0.31	N/A	6.71	000
31635	.....	A	Bronchoscopy w/fb removal.	3.68	N/A	1.69	0.21	N/A	5.58	000
31640	.....	A	Bronchoscopy w/tumor excise.	4.94	N/A	2.35	0.37	N/A	7.66	000
31641	.....	A	Bronchoscopy, treat blockage.	5.03	N/A	2.14	0.30	N/A	7.47	000
31643	.....	A	Diag bronchoscope/catheter.	3.50	N/A	1.33	0.15	N/A	4.98	000
31645	.....	A	Bronchoscopy, clear airways.	3.16	N/A	1.22	0.13	N/A	4.51	000
31646	.....	A	Bronchoscopy, reclear airway.	2.72	N/A	1.09	0.12	N/A	3.93	000
31656	.....	A	Bronchoscopy, inj for x-ray	2.17	N/A	0.93	0.10	N/A	3.20	000
31700	.....	A	Insertion of airway catheter.	1.34	2.12	0.69	0.07	3.53	2.10	000
31708	.....	A	Instill airway contrast dye	1.41	N/A	0.59	0.06	N/A	2.06	000
31710	.....	A	Insertion of airway catheter.	1.30	N/A	0.71	0.06	N/A	2.07	000
31715	.....	A	Injection for bronchus x-ray.	1.11	N/A	0.60	0.06	N/A	1.77	000
31717	.....	A	Bronchial brush biopsy	2.12	2.92	0.88	0.09	5.13	3.09	000
31720	.....	A	Clearance of airways	1.06	1.51	0.33	0.06	2.63	1.45	000
31725	.....	A	Clearance of airways	1.96	1.82	0.59	0.10	3.88	2.65	000
31730	.....	A	Intro, windpipe wire/tube ..	2.85	2.27	1.10	0.15	5.27	4.10	000
31750	.....	A	Repair of windpipe	13.02	N/A	12.06	1.02	N/A	26.10	090
31755	.....	A	Repair of windpipe	15.93	N/A	14.74	1.15	N/A	31.82	090
31760	.....	A	Repair of windpipe	22.35	N/A	10.51	1.48	N/A	34.34	090
31766	.....	A	Reconstruction of windpipe.	30.43	N/A	13.60	3.16	N/A	47.19	090
31770	.....	A	Repair/graft of bronchus ...	22.51	N/A	10.16	2.27	N/A	34.94	090
31775	.....	A	Reconstruct bronchus	23.54	N/A	11.78	2.91	N/A	38.23	090
31780	.....	A	Reconstruct windpipe	17.72	N/A	11.12	1.55	N/A	30.39	090
31781	.....	A	Reconstruct windpipe	23.53	N/A	12.15	2.04	N/A	37.72	090
31785	.....	A	Remove windpipe lesion ..	17.23	N/A	10.46	1.36	N/A	29.05	090
31786	.....	A	Remove windpipe lesion ..	23.98	N/A	13.24	2.20	N/A	39.42	090
31800	.....	A	Repair of windpipe injury ..	7.43	N/A	4.92	0.67	N/A	13.02	090
31805	.....	A	Repair of windpipe injury ..	13.13	N/A	7.17	1.45	N/A	21.75	090
31820	.....	A	Closure of windpipe lesion	4.49	5.80	5.15	0.35	10.64	9.99	090
31825	.....	A	Repair of windpipe defect	6.81	7.97	7.40	0.50	15.28	14.71	090
31830	.....	A	Revise windpipe scar	4.50	5.92	5.47	0.36	10.78	10.33	090
31899	.....	C	Airways surgical procedure.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
32000	.....	A	Drainage of chest	1.54	3.16	0.49	0.07	4.77	2.10	000
32002	.....	A	Treatment of collapsed lung.	2.19	3.39	0.85	0.11	5.69	3.15	000
32005	.....	A	Treat lung lining chemically.	2.19	6.47	0.70	0.17	8.83	3.06	000
32020	.....	A	Insertion of chest tube	3.98	N/A	1.46	0.36	N/A	5.80	000
32035	.....	A	Exploration of chest	8.67	N/A	5.72	1.02	N/A	15.41	090
32036	.....	A	Exploration of chest	9.68	N/A	6.24	1.20	N/A	17.12	090
32095	.....	A	Biopsy through chest wall	8.36	N/A	5.27	0.99	N/A	14.62	090
32100	.....	A	Exploration/biopsy of chest	15.24	N/A	7.73	1.45	N/A	24.42	090
32110	.....	A	Explore/repair chest	23.00	N/A	10.63	1.63	N/A	35.26	090
32120	.....	A	Re-exploration of chest	11.54	N/A	6.93	1.42	N/A	19.89	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
32124		A	Explore chest free adhesions.	12.72	N/A	7.10	1.51	N/A	21.33	090
32140		A	Removal of lung lesion(s)	13.93	N/A	7.57	1.68	N/A	23.18	090
32141		A	Remove/treat lung lesions	14.00	N/A	7.45	1.72	N/A	23.17	090
32150		A	Removal of lung lesion(s)	14.15	N/A	7.54	1.60	N/A	23.29	090
32151		A	Remove lung foreign body	14.21	N/A	7.94	1.49	N/A	23.64	090
32160		A	Open chest heart massage.	9.30	N/A	5.32	1.01	N/A	15.63	090
32200		A	Drain, open, lung lesion	15.29	N/A	8.50	1.46	N/A	25.25	090
32201		A	Drain, percut, lung lesion	4.00	N/A	5.60	0.18	N/A	9.78	000
32215		A	Treat chest lining	11.33	N/A	6.84	1.34	N/A	19.51	090
32220		A	Release of lung	24.00	N/A	12.61	2.39	N/A	39.00	090
32225		A	Partial release of lung	13.96	N/A	7.64	1.70	N/A	23.30	090
32310		A	Removal of chest lining	13.44	N/A	7.38	1.65	N/A	22.47	090
32320		A	Free/remove chest lining	24.00	N/A	11.97	2.50	N/A	38.47	090
32400		A	Needle biopsy chest lining	1.76	1.73	0.56	0.07	3.56	2.39	000
32402		A	Open biopsy chest lining	7.56	N/A	5.11	0.91	N/A	13.58	090
32405		A	Biopsy, lung or mediastinum.	1.93	2.14	0.64	0.09	4.16	2.66	000
32420		A	Puncture/clear lung	2.18	N/A	0.84	0.11	N/A	3.13	000
32440		A	Removal of lung	25.00	N/A	12.61	2.56	N/A	40.17	090
32442		A	Sleeve pneumonectomy	26.24	N/A	14.34	3.12	N/A	43.70	090
32445		A	Removal of lung	25.09	N/A	13.75	3.11	N/A	41.95	090
32480		A	Partial removal of lung	23.75	N/A	11.81	2.24	N/A	37.80	090
32482		A	Bilobectomy	25.00	N/A	12.68	2.35	N/A	40.03	090
32484		A	Segmentectomy	20.69	N/A	11.12	2.54	N/A	34.35	090
32486		A	Sleeve lobectomy	23.92	N/A	12.89	3.00	N/A	39.81	090
32488		A	Completion pneumonectomy.	25.71	N/A	13.44	3.18	N/A	42.33	090
32491		R	Lung volume reduction	21.25	N/A	12.23	2.66	N/A	36.14	090
32500		A	Partial removal of lung	22.00	N/A	12.02	1.77	N/A	35.79	090
32501		A	Repair bronchus add-on	4.69	N/A	1.54	0.56	N/A	6.79	ZZZ
32520		A	Remove lung & revise chest.	21.68	N/A	11.01	2.71	N/A	35.40	090
32522		A	Remove lung & revise chest.	24.20	N/A	11.84	2.84	N/A	38.88	090
32525		A	Remove lung & revise chest.	26.50	N/A	12.54	3.25	N/A	42.29	090
32540		A	Removal of lung lesion	14.64	N/A	9.35	1.84	N/A	25.83	090
32601		A	Thoracoscopy, diagnostic	5.46	N/A	2.37	0.63	N/A	8.46	000
32602		A	Thoracoscopy, diagnostic	5.96	N/A	2.54	0.70	N/A	9.20	000
32603		A	Thoracoscopy, diagnostic	7.81	N/A	3.07	0.76	N/A	11.64	000
32604		A	Thoracoscopy, diagnostic	8.78	N/A	3.49	0.97	N/A	13.24	000
32605		A	Thoracoscopy, diagnostic	6.93	N/A	2.91	0.86	N/A	10.70	000
32606		A	Thoracoscopy, diagnostic	8.40	N/A	3.35	0.99	N/A	12.74	000
32650		A	Thoracoscopy, surgical	10.75	N/A	6.58	1.25	N/A	18.58	090
32651		A	Thoracoscopy, surgical	12.91	N/A	7.10	1.50	N/A	21.51	090
32652		A	Thoracoscopy, surgical	18.66	N/A	9.91	2.30	N/A	30.87	090
32653		A	Thoracoscopy, surgical	12.87	N/A	6.82	1.55	N/A	21.24	090
32654		A	Thoracoscopy, surgical	12.44	N/A	7.31	1.51	N/A	21.26	090
32655		A	Thoracoscopy, surgical	13.10	N/A	7.12	1.53	N/A	21.75	090
32656		A	Thoracoscopy, surgical	12.91	N/A	7.68	1.61	N/A	22.20	090
32657		A	Thoracoscopy, surgical	13.65	N/A	7.51	1.64	N/A	22.80	090
32658		A	Thoracoscopy, surgical	11.63	N/A	7.11	1.47	N/A	20.21	090
32659		A	Thoracoscopy, surgical	11.59	N/A	7.23	1.39	N/A	20.21	090
32660		A	Thoracoscopy, surgical	17.43	N/A	9.20	2.09	N/A	28.72	090
32661		A	Thoracoscopy, surgical	13.25	N/A	7.57	1.66	N/A	22.48	090
32662		A	Thoracoscopy, surgical	16.44	N/A	8.60	2.01	N/A	27.05	090
32663		A	Thoracoscopy, surgical	18.47	N/A	10.45	2.28	N/A	31.20	090
32664		A	Thoracoscopy, surgical	14.20	N/A	7.54	1.70	N/A	23.44	090
32665		A	Thoracoscopy, surgical	15.54	N/A	8.06	1.79	N/A	25.39	090
32800		A	Repair lung hernia	13.69	N/A	7.48	1.51	N/A	22.68	090
32810		A	Close chest after drainage	13.05	N/A	7.54	1.55	N/A	22.14	090
32815		A	Close bronchial fistula	23.15	N/A	10.90	2.84	N/A	36.89	090
32820		A	Reconstruct injured chest	21.48	N/A	12.20	2.31	N/A	35.99	090
32851		A	Lung transplant, single	38.63	N/A	22.54	4.90	N/A	66.07	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
32852	.....	A	Lung transplant with by-pass.	41.80	N/A	26.19	5.17	N/A	73.16	090
32853	.....	A	Lung transplant, double	47.81	N/A	26.09	6.13	N/A	80.03	090
32854	.....	A	Lung transplant with by-pass.	50.98	N/A	28.63	6.41	N/A	86.02	090
32900	.....	A	Removal of rib(s)	20.27	N/A	9.96	2.42	N/A	32.65	090
32905	.....	A	Revise & repair chest wall	20.75	N/A	10.15	2.54	N/A	33.44	090
32906	.....	A	Revise & repair chest wall	26.77	N/A	12.07	3.30	N/A	42.14	090
32940	.....	A	Revision of lung	19.43	N/A	9.39	2.47	N/A	31.29	090
32960	.....	A	Therapeutic pneumothorax	1.84	1.82	0.57	0.12	3.78	2.53	000
32997	.....	A	Total lung lavage	6.00	N/A	1.93	0.55	N/A	8.48	000
32999	.....	C	Chest surgery procedure ..	0.00	0.00	0.00	0.00	0.00	0.00	YYY
33010	.....	A	Drainage of heart sac	2.24	N/A	0.98	0.13	N/A	3.35	000
33011	.....	A	Repeat drainage of heart sac.	2.24	N/A	1.01	0.13	N/A	3.38	000
33015	.....	A	Incision of heart sac	6.80	N/A	4.85	0.64	N/A	12.29	090
33020	.....	A	Incision of heart sac	12.61	N/A	6.83	1.50	N/A	20.94	090
33025	.....	A	Incision of heart sac	12.09	N/A	6.39	1.50	N/A	19.98	090
33030	.....	A	Partial removal of heart sac.	18.71	N/A	9.43	2.40	N/A	30.54	090
33031	.....	A	Partial removal of heart sac.	21.79	N/A	10.01	2.78	N/A	34.58	090
33050	.....	A	Removal of heart sac lesion.	14.36	N/A	7.80	1.73	N/A	23.89	090
33120	.....	A	Removal of heart lesion ...	24.56	N/A	11.60	3.06	N/A	39.22	090
33130	.....	A	Removal of heart lesion ...	21.39	N/A	10.15	2.51	N/A	34.05	090
33140	.....	A	Heart revascularize (tmr) ..	20.00	N/A	10.62	2.27	N/A	32.89	090
33141	.....	A	Heart tmr w/other procedure.	4.84	N/A	1.56	0.55	N/A	6.95	ZZZ
33200	.....	A	Insertion of heart pacemaker.	12.48	N/A	6.96	1.17	N/A	20.61	090
33201	.....	A	Insertion of heart pacemaker.	10.18	N/A	6.59	1.21	N/A	17.98	090
33206	.....	A	Insertion of heart pacemaker.	6.67	N/A	4.60	0.50	N/A	11.77	090
33207	.....	A	Insertion of heart pacemaker.	8.04	N/A	4.89	0.57	N/A	13.50	090
33208	.....	A	Insertion of heart pacemaker.	8.13	N/A	5.03	0.54	N/A	13.70	090
33210	.....	A	Insertion of heart electrode	3.30	N/A	1.28	0.17	N/A	4.75	000
33211	.....	A	Insertion of heart electrode	3.40	N/A	1.34	0.17	N/A	4.91	000
33212	.....	A	Insertion of pulse generator.	5.52	N/A	3.50	0.44	N/A	9.46	090
33213	.....	A	Insertion of pulse generator.	6.37	N/A	3.88	0.46	N/A	10.71	090
33214	.....	A	Upgrade of pacemaker system.	7.75	N/A	5.07	0.52	N/A	13.34	090
33215	.....	A	Reposition pacing-defib lead.	4.76	N/A	3.21	0.36	N/A	8.33	090
33216	.....	A	Insert lead pace-defib, one	5.78	N/A	4.32	0.36	N/A	10.46	090
33217	.....	A	Insert lead pace-defib, dual.	5.75	N/A	4.40	0.36	N/A	10.51	090
33218	.....	A	Repair lead pace-defib, one.	5.44	N/A	4.36	0.40	N/A	10.20	090
33220	.....	A	Repair lead pace-defib, dual.	5.52	N/A	4.35	0.39	N/A	10.26	090
33222	.....	A	Revise pocket, pacemaker	4.96	N/A	4.27	0.39	N/A	9.62	090
33223	.....	A	Revise pocket, pacing-defib.	6.46	N/A	4.74	0.44	N/A	11.64	090
33224	.....	A	Insert pacing lead & connect.	9.05	N/A	4.08	0.36	N/A	13.49	000
33225	.....	A	L ventric pacing lead add-on.	8.34	N/A	3.28	0.36	N/A	11.98	ZZZ
33226	.....	A	Reposition l ventric lead ...	8.69	N/A	3.94	0.36	N/A	12.99	000
33233	.....	A	Removal of pacemaker system.	3.29	N/A	3.39	0.22	N/A	6.90	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
33234	.....	A	Removal of pacemaker system.	7.82	N/A	5.04	0.56	N/A	13.42	090
33235	.....	A	Removal pacemaker electrode.	9.40	N/A	6.92	0.68	N/A	17.00	090
33236	.....	A	Remove electrode/ thoracotomy.	12.60	N/A	7.28	1.49	N/A	21.37	090
33237	.....	A	Remove electrode/ thoracotomy.	13.71	N/A	7.67	1.57	N/A	22.95	090
33238	.....	A	Remove electrode/ thoracotomy.	15.22	N/A	8.10	1.56	N/A	24.88	090
33240	.....	A	Insert pulse generator	7.60	N/A	4.74	0.53	N/A	12.87	090
33241	.....	A	Remove pulse generator ..	3.24	N/A	3.08	0.21	N/A	6.53	090
33243	.....	A	Remove eltrd/thoracotomy	22.64	N/A	11.13	2.53	N/A	36.30	090
33244	.....	A	Remove eltrd, transven	13.76	N/A	8.81	1.05	N/A	23.62	090
33245	.....	A	Insert epic eltrd pace-defib	14.30	N/A	8.00	1.28	N/A	23.58	090
33246	.....	A	Insert epic eltrd/generator	20.71	N/A	10.31	2.22	N/A	33.24	090
33249	.....	A	Eltrd/insert pace-defib	14.23	N/A	8.63	0.80	N/A	23.66	090
33250	.....	A	Ablate heart dysrhythm focus.	21.85	N/A	11.61	1.01	N/A	34.47	090
33251	.....	A	Ablate heart dysrhythm focus.	24.88	N/A	11.56	2.41	N/A	38.85	090
33253	.....	A	Reconstruct atria	31.06	N/A	13.68	3.68	N/A	48.42	090
33261	.....	A	Ablate heart dysrhythm focus.	24.88	N/A	11.68	2.82	N/A	39.38	090
33282	.....	A	Implant pat-active ht record.	4.17	N/A	4.21	0.39	N/A	8.77	090
33284	.....	A	Remove pat-active ht record.	2.50	N/A	3.77	0.23	N/A	6.50	090
33300	.....	A	Repair of heart wound	17.92	N/A	9.28	1.91	N/A	29.11	090
33305	.....	A	Repair of heart wound	21.44	N/A	10.50	2.68	N/A	34.62	090
33310	.....	A	Exploratory heart surgery	18.51	N/A	9.47	2.26	N/A	30.24	090
33315	.....	A	Exploratory heart surgery	22.37	N/A	10.74	2.90	N/A	36.01	090
33320	.....	A	Repair major blood vessel(s).	16.79	N/A	8.36	1.66	N/A	26.81	090
33321	.....	A	Repair major vessel	20.20	N/A	9.73	2.70	N/A	32.63	090
33322	.....	A	Repair major blood vessel(s).	20.62	N/A	10.29	2.51	N/A	33.42	090
33330	.....	A	Insert major vessel graft ...	21.43	N/A	10.26	2.49	N/A	34.18	090
33332	.....	A	Insert major vessel graft ...	23.96	N/A	10.59	2.45	N/A	37.00	090
33335	.....	A	Insert major vessel graft ...	30.01	N/A	13.22	3.79	N/A	47.02	090
33400	.....	A	Repair of aortic valve	28.50	N/A	15.23	3.09	N/A	46.82	090
33401	.....	A	Valvuloplasty, open	23.91	N/A	13.30	2.71	N/A	39.92	090
33403	.....	A	Valvuloplasty, w/cp bypass	24.89	N/A	13.94	2.48	N/A	41.31	090
33404	.....	A	Prepare heart-aorta conduit.	28.54	N/A	14.10	3.31	N/A	45.95	090
33405	.....	A	Replacement of aortic valve.	35.00	N/A	17.75	3.86	N/A	56.61	090
33406	.....	A	Replacement of aortic valve.	37.50	N/A	18.55	4.07	N/A	60.12	090
33410	.....	A	Replacement of aortic valve.	32.46	N/A	16.19	4.11	N/A	52.76	090
33411	.....	A	Replacement of aortic valve.	36.25	N/A	18.20	4.16	N/A	58.61	090
33412	.....	A	Replacement of aortic valve.	42.00	N/A	19.94	4.66	N/A	66.60	090
33413	.....	A	Replacement of aortic valve.	43.50	N/A	20.31	4.26	N/A	68.07	090
33414	.....	A	Repair of aortic valve	30.35	N/A	13.85	3.79	N/A	47.99	090
33415	.....	A	Revision, subvalvular tissue.	27.15	N/A	11.87	3.25	N/A	42.27	090
33416	.....	A	Revise ventricle muscle	30.35	N/A	13.34	3.85	N/A	47.54	090
33417	.....	A	Repair of aortic valve	28.53	N/A	13.33	3.58	N/A	45.44	090
33420	.....	A	Revision of mitral valve	22.70	N/A	9.76	1.48	N/A	33.94	090
33422	.....	A	Revision of mitral valve	25.94	N/A	13.21	3.30	N/A	42.45	090
33425	.....	A	Repair of mitral valve	27.00	N/A	12.70	3.00	N/A	42.70	090
33426	.....	A	Repair of mitral valve	33.00	N/A	16.66	3.87	N/A	53.53	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
33427	.....	A	Repair of mitral valve	40.00	N/A	18.85	4.30	N/A	63.15	090
33430	.....	A	Replacement of mitral valve.	33.50	N/A	16.79	3.95	N/A	54.24	090
33460	.....	A	Revision of tricuspid valve	23.60	N/A	11.13	3.02	N/A	37.75	090
33463	.....	A	Valvuloplasty, tricuspid	25.62	N/A	12.74	3.17	N/A	41.53	090
33464	.....	A	Valvuloplasty, tricuspid	27.33	N/A	13.32	3.47	N/A	44.12	090
33465	.....	A	Replace tricuspid valve	28.79	N/A	12.81	3.61	N/A	45.21	090
33468	.....	A	Revision of tricuspid valve	30.12	N/A	13.40	4.00	N/A	47.52	090
33470	.....	A	Revision of pulmonary valve.	20.81	N/A	10.78	2.81	N/A	34.40	090
33471	.....	A	Valvotomy, pulmonary valve.	22.25	N/A	9.80	3.00	N/A	35.05	090
33472	.....	A	Revision of pulmonary valve.	22.25	N/A	11.63	2.92	N/A	36.80	090
33474	.....	A	Revision of pulmonary valve.	23.04	N/A	10.79	2.84	N/A	36.67	090
33475	.....	A	Replacement, pulmonary valve.	33.00	N/A	15.09	2.64	N/A	50.73	090
33476	.....	A	Revision of heart chamber	25.77	N/A	11.97	2.40	N/A	40.14	090
33478	.....	A	Revision of heart chamber	26.74	N/A	12.70	3.56	N/A	43.00	090
33496	.....	A	Repair, prosth valve clot ..	27.25	N/A	12.64	3.44	N/A	43.33	090
33500	.....	A	Repair heart vessel fistula	25.55	N/A	11.34	2.80	N/A	39.69	090
33501	.....	A	Repair heart vessel fistula	17.78	N/A	8.28	2.05	N/A	28.11	090
33502	.....	A	Coronary artery correction	21.04	N/A	11.04	2.51	N/A	34.59	090
33503	.....	A	Coronary artery graft	21.78	N/A	9.91	1.42	N/A	33.11	090
33504	.....	A	Coronary artery graft	24.66	N/A	11.76	3.04	N/A	39.46	090
33505	.....	A	Repair artery w/tunnel	26.84	N/A	12.97	1.52	N/A	41.33	090
33506	.....	A	Repair artery, translocation.	35.50	N/A	14.56	3.19	N/A	53.25	090
33508	.....	A	Endoscopic vein harvest ..	0.31	N/A	0.10	0.03	N/A	0.44	ZZZ
33510	.....	A	CABG, vein, single	29.00	N/A	15.82	3.13	N/A	47.95	090
33511	.....	A	CABG, vein, two	30.00	N/A	16.54	3.34	N/A	49.88	090
33512	.....	A	CABG, vein, three	31.80	N/A	17.07	3.70	N/A	52.57	090
33513	.....	A	CABG, vein, four	32.00	N/A	17.23	3.99	N/A	53.22	090
33514	.....	A	CABG, vein, five	32.75	N/A	17.49	4.37	N/A	54.61	090
33516	.....	A	Cabg, vein, six or more	35.00	N/A	18.24	4.62	N/A	57.86	090
33517	.....	A	CABG, artery-vein, single	2.57	N/A	0.83	0.32	N/A	3.72	ZZZ
33518	.....	A	CABG, artery-vein, two	4.85	N/A	1.57	0.61	N/A	7.03	ZZZ
33519	.....	A	CABG, artery-vein, three ..	7.12	N/A	2.31	0.89	N/A	10.32	ZZZ
33521	.....	A	CABG, artery-vein, four	9.40	N/A	3.05	1.18	N/A	13.63	ZZZ
33522	.....	A	CABG, artery-vein, five	11.67	N/A	3.78	1.48	N/A	16.93	ZZZ
33523	.....	A	Cabg, art-vein, six or more	13.95	N/A	4.48	1.78	N/A	20.21	ZZZ
33530	.....	A	Coronary artery, bypass/ reop.	5.86	N/A	1.89	0.73	N/A	8.48	ZZZ
33533	.....	A	CABG, arterial, single	30.00	N/A	15.96	3.24	N/A	49.20	090
33534	.....	A	CABG, arterial, two	32.20	N/A	17.15	3.63	N/A	52.98	090
33535	.....	A	CABG, arterial, three	34.50	N/A	17.62	3.97	N/A	56.09	090
33536	.....	A	Cabg, arterial, four or more.	37.50	N/A	17.89	3.29	N/A	58.68	090
33542	.....	A	Removal of heart lesion ...	28.85	N/A	12.98	3.61	N/A	45.44	090
33545	.....	A	Repair of heart damage ...	36.78	N/A	15.69	4.40	N/A	56.87	090
33572	.....	A	Open coronary endarterectomy.	4.45	N/A	1.44	0.55	N/A	6.44	ZZZ
33600	.....	A	Closure of valve	29.51	N/A	12.64	2.30	N/A	44.45	090
33602	.....	A	Closure of valve	28.54	N/A	12.79	2.90	N/A	44.23	090
33606	.....	A	Anastomosis/artery-aorta ..	30.74	N/A	13.65	3.59	N/A	47.98	090
33608	.....	A	Repair anomaly w/conduit	31.09	N/A	13.82	4.17	N/A	49.08	090
33610	.....	A	Repair by enlargement	30.61	N/A	14.17	4.02	N/A	48.80	090
33611	.....	A	Repair double ventricle	34.00	N/A	13.95	3.28	N/A	51.23	090
33612	.....	A	Repair double ventricle	35.00	N/A	15.01	4.44	N/A	54.45	090
33615	.....	A	Repair, modified fontan	34.00	N/A	15.11	3.15	N/A	52.26	090
33617	.....	A	Repair single ventricle	37.00	N/A	15.82	4.09	N/A	56.91	090
33619	.....	A	Repair single ventricle	45.00	N/A	20.08	4.71	N/A	69.79	090
33641	.....	A	Repair heart septum de-fect.	21.39	N/A	9.47	2.67	N/A	33.53	090
33645	.....	A	Revision of heart veins	24.82	N/A	11.50	3.27	N/A	39.59	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
33647	.....	A	Repair heart septum defects.	28.73	N/A	13.55	3.37	N/A	45.65	090
33660	.....	A	Repair of heart defects	30.00	N/A	13.24	2.82	N/A	46.06	090
33665	.....	A	Repair of heart defects	28.60	N/A	13.36	3.81	N/A	45.77	090
33670	.....	A	Repair of heart chambers	35.00	N/A	13.57	2.18	N/A	50.75	090
33681	.....	A	Repair heart septum defect.	30.61	N/A	14.28	3.53	N/A	48.42	090
33684	.....	A	Repair heart septum defect.	29.65	N/A	13.47	3.77	N/A	46.89	090
33688	.....	A	Repair heart septum defect.	30.62	N/A	11.91	3.89	N/A	46.42	090
33690	.....	A	Reinforce pulmonary artery.	19.55	N/A	10.07	2.56	N/A	32.18	090
33692	.....	A	Repair of heart defects	30.75	N/A	13.89	3.77	N/A	48.41	090
33694	.....	A	Repair of heart defects	34.00	N/A	14.42	4.27	N/A	52.69	090
33697	.....	A	Repair of heart defects	36.00	N/A	14.66	4.54	N/A	55.20	090
33702	.....	A	Repair of heart defects	26.54	N/A	12.29	3.45	N/A	42.28	090
33710	.....	A	Repair of heart defects	29.71	N/A	13.90	3.85	N/A	47.46	090
33720	.....	A	Repair of heart defect	26.56	N/A	12.15	3.21	N/A	41.92	090
33722	.....	A	Repair of heart defect	28.41	N/A	13.38	3.80	N/A	45.59	090
33730	.....	A	Repair heart-vein defect(s)	34.25	N/A	14.28	2.85	N/A	51.38	090
33732	.....	A	Repair heart-vein defect ...	28.16	N/A	13.45	2.78	N/A	44.39	090
33735	.....	A	Revision of heart chamber	21.39	N/A	10.24	1.12	N/A	32.75	090
33736	.....	A	Revision of heart chamber	23.52	N/A	11.80	2.70	N/A	38.02	090
33737	.....	A	Revision of heart chamber	21.76	N/A	11.01	2.93	N/A	35.70	090
33750	.....	A	Major vessel shunt	21.41	N/A	10.46	1.74	N/A	33.61	090
33755	.....	A	Major vessel shunt	21.79	N/A	9.31	2.93	N/A	34.03	090
33762	.....	A	Major vessel shunt	21.79	N/A	10.49	1.59	N/A	33.87	090
33764	.....	A	Major vessel shunt & graft	21.79	N/A	10.31	1.93	N/A	34.03	090
33766	.....	A	Major vessel shunt	22.76	N/A	11.29	3.04	N/A	37.09	090
33767	.....	A	Major vessel shunt	24.50	N/A	11.72	3.14	N/A	39.36	090
33770	.....	A	Repair great vessels defect.	37.00	N/A	14.71	4.49	N/A	56.20	090
33771	.....	A	Repair great vessels defect.	34.65	N/A	12.79	4.67	N/A	52.11	090
33774	.....	A	Repair great vessels defect.	30.98	N/A	13.75	4.18	N/A	48.91	090
33775	.....	A	Repair great vessels defect.	32.20	N/A	14.58	4.34	N/A	51.12	090
33776	.....	A	Repair great vessels defect.	34.04	N/A	15.38	4.58	N/A	54.00	090
33777	.....	A	Repair great vessels defect.	33.46	N/A	15.26	4.51	N/A	53.23	090
33778	.....	A	Repair great vessels defect.	40.00	N/A	16.75	4.83	N/A	61.58	090
33779	.....	A	Repair great vessels defect.	36.21	N/A	15.62	2.40	N/A	54.23	090
33780	.....	A	Repair great vessels defect.	41.75	N/A	18.87	5.21	N/A	65.83	090
33781	.....	A	Repair great vessels defect.	36.45	N/A	13.94	4.91	N/A	55.30	090
33786	.....	A	Repair arterial trunk	39.00	N/A	16.66	4.69	N/A	60.35	090
33788	.....	A	Revision of pulmonary artery.	26.62	N/A	12.19	3.32	N/A	42.13	090
33800	.....	A	Aortic suspension	16.24	N/A	7.87	1.11	N/A	25.22	090
33802	.....	A	Repair vessel defect	17.66	N/A	9.04	1.56	N/A	28.26	090
33803	.....	A	Repair vessel defect	19.60	N/A	9.61	2.63	N/A	31.84	090
33813	.....	A	Repair septal defect	20.65	N/A	10.59	2.78	N/A	34.02	090
33814	.....	A	Repair septal defect	25.77	N/A	12.38	2.52	N/A	40.67	090
33820	.....	A	Revise major vessel	16.29	N/A	8.13	2.10	N/A	26.52	090
33822	.....	A	Revise major vessel	17.32	N/A	8.71	2.33	N/A	28.36	090
33824	.....	A	Revise major vessel	19.52	N/A	9.87	2.61	N/A	32.00	090
33840	.....	A	Remove aorta constriction	20.63	N/A	10.08	2.36	N/A	33.07	090
33845	.....	A	Remove aorta constriction	22.12	N/A	11.07	2.90	N/A	36.09	090
33851	.....	A	Remove aorta constriction	21.27	N/A	10.45	2.86	N/A	34.58	090
33852	.....	A	Repair septal defect	23.71	N/A	11.32	3.19	N/A	38.22	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
33853	.....	A	Repair septal defect	31.72	N/A	14.46	4.23	N/A	50.41	090
33860	.....	A	Ascending aortic graft	38.00	N/A	16.22	4.30	N/A	58.52	090
33861	.....	A	Ascending aortic graft	42.00	N/A	17.49	4.24	N/A	63.73	090
33863	.....	A	Ascending aortic graft	45.00	N/A	18.45	4.60	N/A	68.05	090
33870	.....	A	Transverse aortic arch graft.	44.00	N/A	18.16	5.09	N/A	67.25	090
33875	.....	A	Thoracic aortic graft	33.06	N/A	14.04	4.08	N/A	51.18	090
33877	.....	A	Thoracoabdominal graft ...	42.60	N/A	16.81	5.07	N/A	64.48	090
33910	.....	A	Remove lung artery emboli.	24.59	N/A	11.37	3.06	N/A	39.02	090
33915	.....	A	Remove lung artery emboli.	21.02	N/A	9.78	1.20	N/A	32.00	090
33916	.....	A	Surgery of great vessel	25.83	N/A	11.48	3.04	N/A	40.35	090
33917	.....	A	Repair pulmonary artery ...	24.50	N/A	11.96	3.17	N/A	39.63	090
33918	.....	A	Repair pulmonary atresia	26.45	N/A	12.37	3.42	N/A	42.24	090
33919	.....	A	Repair pulmonary atresia	40.00	N/A	17.32	3.48	N/A	60.80	090
33920	.....	A	Repair pulmonary atresia	31.95	N/A	13.90	3.61	N/A	49.46	090
33922	.....	A	Transect pulmonary artery	23.52	N/A	10.91	2.30	N/A	36.73	090
33924	.....	A	Remove pulmonary shunt	5.50	N/A	1.82	0.74	N/A	8.06	ZZZ
33935	.....	R	Transplantation, heart/lung	60.96	N/A	25.80	8.15	N/A	94.91	090
33945	.....	R	Transplantation of heart ...	42.10	N/A	18.74	5.42	N/A	66.26	090
33960	.....	A	External circulation assist	19.36	N/A	4.93	2.14	N/A	26.43	000
33961	.....	A	External circulation assist	10.93	N/A	3.63	1.47	N/A	16.03	ZZZ
33967	.....	A	Insert ia percut device	4.85	N/A	1.87	0.28	N/A	7.00	000
33968	.....	A	Remove aortic assist device.	0.64	N/A	0.23	0.07	N/A	0.94	000
33970	.....	A	Aortic circulation assist	6.75	N/A	2.28	0.70	N/A	9.73	000
33971	.....	A	Aortic circulation assist	9.69	N/A	6.06	0.97	N/A	16.72	090
33973	.....	A	Insert balloon device	9.76	N/A	3.30	1.01	N/A	14.07	000
33974	.....	A	Remove intra-aortic balloon.	14.41	N/A	8.04	1.48	N/A	23.93	090
33975	.....	A	Implant ventricular device	21.00	N/A	6.25	1.72	N/A	28.97	XXX
33976	.....	A	Implant ventricular device	23.00	N/A	7.50	2.82	N/A	33.32	XXX
33977	.....	A	Remove ventricular device	19.29	N/A	10.79	2.44	N/A	32.52	090
33978	.....	A	Remove ventricular device	21.73	N/A	11.66	2.66	N/A	36.05	090
33979	.....	A	Insert intracorporeal device.	46.00	N/A	14.79	3.98	N/A	64.77	XXX
33980	.....	A	Remove intracorporeal device.	56.25	N/A	24.81	4.60	N/A	85.66	090
33999	.....	C	Cardiac surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
34001	.....	A	Removal of artery clot	12.91	N/A	6.72	1.46	N/A	21.09	090
34051	.....	A	Removal of artery clot	15.21	N/A	7.62	1.90	N/A	24.73	090
34101	.....	A	Removal of artery clot	10.00	N/A	5.40	1.11	N/A	16.51	090
34111	.....	A	Removal of arm artery clot	10.00	N/A	5.42	0.85	N/A	16.27	090
34151	.....	A	Removal of artery clot	25.00	N/A	10.63	1.84	N/A	37.47	090
34201	.....	A	Removal of artery clot	10.03	N/A	5.50	1.02	N/A	16.55	090
34203	.....	A	Removal of leg artery clot	16.50	N/A	8.15	1.37	N/A	26.02	090
34401	.....	A	Removal of vein clot	25.00	N/A	10.82	1.20	N/A	37.02	090
34421	.....	A	Removal of vein clot	12.00	N/A	6.38	0.95	N/A	19.33	090
34451	.....	A	Removal of vein clot	27.00	N/A	11.53	1.59	N/A	40.12	090
34471	.....	A	Removal of vein clot	10.18	N/A	5.44	0.90	N/A	16.52	090
34490	.....	A	Removal of vein clot	9.86	N/A	5.51	0.73	N/A	16.10	090
34501	.....	A	Repair valve, femoral vein	16.00	N/A	8.44	1.37	N/A	25.81	090
34502	.....	A	Reconstruct vena cava	26.95	N/A	12.31	2.99	N/A	42.25	090
34510	.....	A	Transposition of vein valve	18.95	N/A	9.42	1.60	N/A	29.97	090
34520	.....	A	Cross-over vein graft	17.95	N/A	8.86	1.41	N/A	28.22	090
34530	.....	A	Leg vein fusion	16.64	N/A	8.67	2.06	N/A	27.37	090
34800	.....	A	Endovasc abdo repair w/ tube.	20.75	N/A	9.23	1.49	N/A	31.47	090
34802	.....	A	Endovasc abdo repr w/device.	23.00	N/A	9.93	1.65	N/A	34.58	090
34804	.....	A	Endovasc abdo repr w/device.	23.00	N/A	9.92	1.65	N/A	34.57	090
34808	.....	A	Endovasc abdo occlud device.	4.13	N/A	1.39	0.29	N/A	5.81	ZZZ

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
34812	.....	A	Xpose for endoprosth, femorl.	6.75	N/A	2.27	0.49	N/A	9.51	000
34813	.....	A	Femoral endovas graft add-on.	4.80	N/A	1.59	0.34	N/A	6.73	ZZZ
34820	.....	A	Xpose for endoprosth, iliac	9.75	N/A	3.29	0.70	N/A	13.74	000
34825	.....	A	Endovasc extend prosth, init.	12.00	N/A	6.21	0.86	N/A	19.07	090
34826	.....	A	Endovasc exten prosth, addl.	4.13	N/A	1.40	0.29	N/A	5.82	ZZZ
34830	.....	A	Open aortic tube prosth repr.	32.59	N/A	13.76	2.34	N/A	48.69	090
34831	.....	A	Open aortoiliac prosth repr	35.34	N/A	11.91	2.53	N/A	49.78	090
34832	.....	A	Open aortofemor prosth repr.	35.34	N/A	14.76	2.53	N/A	52.63	090
34833	.....	A	Xpose for endoprosth, iliac	12.00	N/A	4.58	0.70	N/A	17.28	000
34834	.....	A	Xpose, endoprosth, brach-ial.	5.35	N/A	2.26	0.49	N/A	8.10	000
34900	.....	A	Endovasc iliac repr w/graft	16.38	N/A	7.96	1.49	N/A	25.83	090
35001	.....	A	Repair defect of artery	19.64	N/A	9.52	2.44	N/A	31.60	090
35002	.....	A	Repair artery rupture, neck	21.00	N/A	9.79	1.82	N/A	32.61	090
35005	.....	A	Repair defect of artery	18.12	N/A	8.86	1.35	N/A	28.33	090
35011	.....	A	Repair defect of artery	18.00	N/A	8.07	1.30	N/A	27.37	090
35013	.....	A	Repair artery rupture, arm	22.00	N/A	9.76	1.91	N/A	33.67	090
35021	.....	A	Repair defect of artery	19.65	N/A	9.29	1.93	N/A	30.87	090
35022	.....	A	Repair artery rupture, chest.	23.18	N/A	10.08	1.99	N/A	35.25	090
35045	.....	A	Repair defect of arm ar-tery.	17.57	N/A	7.73	1.25	N/A	26.55	090
35081	.....	A	Repair defect of artery	28.01	N/A	11.52	3.20	N/A	42.73	090
35082	.....	A	Repair artery rupture, aorta.	38.50	N/A	15.52	4.07	N/A	58.09	090
35091	.....	A	Repair defect of artery	35.40	N/A	13.78	4.09	N/A	53.27	090
35092	.....	A	Repair artery rupture, aorta.	45.00	N/A	17.92	4.31	N/A	67.23	090
35102	.....	A	Repair defect of artery	30.76	N/A	12.60	3.44	N/A	46.80	090
35103	.....	A	Repair artery rupture, groin.	40.50	N/A	16.13	3.79	N/A	60.42	090
35111	.....	A	Repair defect of artery	25.00	N/A	10.58	1.81	N/A	37.39	090
35112	.....	A	Repair artery rup-ture,spleen.	30.00	N/A	12.22	1.95	N/A	44.17	090
35121	.....	A	Repair defect of artery	30.00	N/A	12.57	2.93	N/A	45.50	090
35122	.....	A	Repair artery rupture, belly	35.00	N/A	14.09	3.54	N/A	52.63	090
35131	.....	A	Repair defect of artery	25.00	N/A	10.89	2.11	N/A	38.00	090
35132	.....	A	Repair artery rupture, groin.	30.00	N/A	12.58	2.48	N/A	45.06	090
35141	.....	A	Repair defect of artery	20.00	N/A	9.01	1.65	N/A	30.66	090
35142	.....	A	Repair artery rupture, thigh.	23.30	N/A	10.48	1.75	N/A	35.53	090
35151	.....	A	Repair defect of artery	22.64	N/A	10.11	1.93	N/A	34.68	090
35152	.....	A	Repair artery rupture, knee.	25.62	N/A	11.43	1.93	N/A	38.98	090
35161	.....	A	Repair defect of artery	18.76	N/A	9.16	2.21	N/A	30.13	090
35162	.....	A	Repair artery rupture	19.78	N/A	9.64	2.21	N/A	31.63	090
35180	.....	A	Repair blood vessel lesion	13.62	N/A	7.02	1.44	N/A	22.08	090
35182	.....	A	Repair blood vessel lesion	30.00	N/A	12.93	1.88	N/A	44.81	090
35184	.....	A	Repair blood vessel lesion	18.00	N/A	8.38	1.34	N/A	27.72	090
35188	.....	A	Repair blood vessel lesion	14.28	N/A	7.60	1.53	N/A	23.41	090
35189	.....	A	Repair blood vessel lesion	28.00	N/A	12.09	2.12	N/A	42.21	090
35190	.....	A	Repair blood vessel lesion	12.75	N/A	6.54	1.33	N/A	20.62	090
35201	.....	A	Repair blood vessel lesion	16.14	N/A	8.01	1.17	N/A	25.32	090
35206	.....	A	Repair blood vessel lesion	13.25	N/A	6.72	1.04	N/A	21.01	090
35207	.....	A	Repair blood vessel lesion	10.15	N/A	7.85	1.15	N/A	19.15	090
35211	.....	A	Repair blood vessel lesion	22.12	N/A	10.47	2.83	N/A	35.42	090
35216	.....	A	Repair blood vessel lesion	18.75	N/A	8.95	2.17	N/A	29.87	090
35221	.....	A	Repair blood vessel lesion	24.39	N/A	10.20	1.79	N/A	36.38	090
35226	.....	A	Repair blood vessel lesion	14.50	N/A	7.72	0.84	N/A	23.06	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
35231		A	Repair blood vessel lesion	20.00	N/A	9.91	1.32	N/A	31.23	090
35236		A	Repair blood vessel lesion	17.11	N/A	8.08	1.19	N/A	26.38	090
35241		A	Repair blood vessel lesion	23.12	N/A	10.91	2.90	N/A	36.93	090
35246		A	Repair blood vessel lesion	26.45	N/A	11.40	2.22	N/A	40.07	090
35251		A	Repair blood vessel lesion	30.20	N/A	12.11	1.87	N/A	44.18	090
35256		A	Repair blood vessel lesion	18.36	N/A	8.44	1.32	N/A	28.12	090
35261		A	Repair blood vessel lesion	17.80	N/A	8.10	1.34	N/A	27.24	090
35266		A	Repair blood vessel lesion	14.91	N/A	7.16	1.16	N/A	23.23	090
35271		A	Repair blood vessel lesion	22.12	N/A	10.37	2.77	N/A	35.26	090
35276		A	Repair blood vessel lesion	24.25	N/A	11.17	2.37	N/A	37.79	090
35281		A	Repair blood vessel lesion	28.00	N/A	11.93	1.82	N/A	41.75	090
35286		A	Repair blood vessel lesion	16.16	N/A	8.18	1.36	N/A	25.70	090
35301		A	Rechanneling of artery	18.70	N/A	8.49	2.23	N/A	29.42	090
35311		A	Rechanneling of artery	27.00	N/A	11.61	2.75	N/A	41.36	090
35321		A	Rechanneling of artery	16.00	N/A	7.41	1.36	N/A	24.77	090
35331		A	Rechanneling of artery	26.20	N/A	11.37	2.71	N/A	40.28	090
35341		A	Rechanneling of artery	25.11	N/A	11.02	2.87	N/A	39.00	090
35351		A	Rechanneling of artery	23.00	N/A	9.80	2.29	N/A	35.09	090
35355		A	Rechanneling of artery	18.50	N/A	8.28	1.80	N/A	28.58	090
35361		A	Rechanneling of artery	28.20	N/A	11.91	2.66	N/A	42.77	090
35363		A	Rechanneling of artery	30.20	N/A	12.73	2.77	N/A	45.70	090
35371		A	Rechanneling of artery	14.72	N/A	7.08	1.32	N/A	23.12	090
35372		A	Rechanneling of artery	18.00	N/A	8.20	1.53	N/A	27.73	090
35381		A	Rechanneling of artery	15.81	N/A	7.85	1.80	N/A	25.46	090
35390		A	Reoperation, carotid add-on.	3.19	N/A	1.07	0.38	N/A	4.64	ZZZ
35400		A	Angioscopy	3.00	N/A	1.05	0.34	N/A	4.39	ZZZ
35450		A	Repair arterial blockage	10.07	N/A	4.07	0.84	N/A	14.98	000
35452		A	Repair arterial blockage	6.91	N/A	3.17	0.76	N/A	10.84	000
35454		A	Repair arterial blockage	6.04	N/A	2.85	0.67	N/A	9.56	000
35456		A	Repair arterial blockage	7.35	N/A	3.29	0.82	N/A	11.46	000
35458		A	Repair arterial blockage	9.49	N/A	4.00	1.09	N/A	14.58	000
35459		A	Repair arterial blockage	8.63	N/A	3.66	0.96	N/A	13.25	000
35460		A	Repair venous blockage	6.04	N/A	2.70	0.66	N/A	9.40	000
35470		A	Repair arterial blockage	8.63	N/A	3.89	0.50	N/A	13.02	000
35471		A	Repair arterial blockage	10.07	N/A	4.51	0.50	N/A	15.08	000
35472		A	Repair arterial blockage	6.91	N/A	3.27	0.39	N/A	10.57	000
35473		A	Repair arterial blockage	6.04	N/A	2.94	0.34	N/A	9.32	000
35474		A	Repair arterial blockage	7.36	N/A	2.92	0.40	N/A	10.68	000
35475		R	Repair arterial blockage	9.49	N/A	4.10	0.47	N/A	14.06	000
35476		A	Repair venous blockage	6.04	N/A	2.87	0.27	N/A	9.18	000
35480		A	Atherectomy, open	11.08	N/A	4.55	1.13	N/A	16.76	000
35481		A	Atherectomy, open	7.61	N/A	3.46	0.84	N/A	11.91	000
35482		A	Atherectomy, open	6.65	N/A	3.10	0.75	N/A	10.50	000
35483		A	Atherectomy, open	8.10	N/A	3.55	0.81	N/A	12.46	000
35484		A	Atherectomy, open	10.44	N/A	4.26	1.13	N/A	15.83	000
35485		A	Atherectomy, open	9.49	N/A	4.08	1.06	N/A	14.63	000
35490		A	Atherectomy, percutaneous.	11.08	N/A	4.78	0.55	N/A	16.41	000
35491		A	Atherectomy, percutaneous.	7.61	N/A	3.34	0.49	N/A	11.44	000
35492		A	Atherectomy, percutaneous.	6.65	N/A	3.22	0.43	N/A	10.30	000
35493		A	Atherectomy, percutaneous.	8.10	N/A	3.85	0.47	N/A	12.42	000
35494		A	Atherectomy, percutaneous.	10.44	N/A	4.44	0.48	N/A	15.36	000
35495		A	Atherectomy, percutaneous.	9.49	N/A	4.45	0.51	N/A	14.45	000
35500		A	Harvest vein for bypass	6.45	N/A	2.06	0.63	N/A	9.14	ZZZ
35501		A	Artery bypass graft	19.19	N/A	8.45	2.33	N/A	29.97	090
35506		A	Artery bypass graft	19.67	N/A	9.38	2.33	N/A	31.38	090
35507		A	Artery bypass graft	19.67	N/A	9.36	2.27	N/A	31.30	090
35508		A	Artery bypass graft	18.65	N/A	9.27	2.34	N/A	30.26	090
35509		A	Artery bypass graft	18.07	N/A	8.75	2.12	N/A	28.94	090
35511		A	Artery bypass graft	21.20	N/A	9.43	1.74	N/A	32.37	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
35515		A	Artery bypass graft	18.65	N/A	9.22	2.26	N/A	30.13	090
35516		A	Artery bypass graft	16.32	N/A	6.81	1.88	N/A	25.01	090
35518		A	Artery bypass graft	21.20	N/A	9.12	1.78	N/A	32.10	090
35521		A	Artery bypass graft	22.20	N/A	9.94	1.82	N/A	33.96	090
35526		A	Artery bypass graft	29.95	N/A	12.49	2.18	N/A	44.62	090
35531		A	Artery bypass graft	36.20	N/A	14.73	2.91	N/A	53.84	090
35533		A	Artery bypass graft	28.00	N/A	11.91	2.35	N/A	42.26	090
35536		A	Artery bypass graft	31.70	N/A	13.21	2.62	N/A	47.53	090
35541		A	Artery bypass graft	25.80	N/A	11.28	2.74	N/A	39.82	090
35546		A	Artery bypass graft	25.54	N/A	10.99	2.84	N/A	39.37	090
35548		A	Artery bypass graft	21.57	N/A	9.54	2.45	N/A	33.56	090
35549		A	Artery bypass graft	23.35	N/A	10.39	2.77	N/A	36.51	090
35551		A	Artery bypass graft	26.67	N/A	11.52	3.19	N/A	41.38	090
35556		A	Artery bypass graft	21.76	N/A	9.82	2.48	N/A	34.06	090
35558		A	Artery bypass graft	21.20	N/A	9.64	1.58	N/A	32.42	090
35560		A	Artery bypass graft	32.00	N/A	13.46	2.73	N/A	48.19	090
35563		A	Artery bypass graft	24.20	N/A	10.67	1.68	N/A	36.55	090
35565		A	Artery bypass graft	23.20	N/A	10.31	1.71	N/A	35.22	090
35566		A	Artery bypass graft	26.92	N/A	11.51	3.02	N/A	41.45	090
35571		A	Artery bypass graft	24.06	N/A	11.25	2.14	N/A	37.45	090
35572		A	Harvest femoropopliteal vein.	6.82	N/A	2.37	0.63	N/A	9.82	ZZZ
35582		A	Vein bypass graft	27.13	N/A	11.67	3.11	N/A	41.91	090
35583		A	Vein bypass graft	22.37	N/A	10.37	2.53	N/A	35.27	090
35585		A	Vein bypass graft	28.39	N/A	12.61	3.21	N/A	44.21	090
35587		A	Vein bypass graft	24.75	N/A	11.88	2.17	N/A	38.80	090
35600		A	Harvest artery for cabg	4.95	N/A	1.61	0.60	N/A	7.16	ZZZ
35601		A	Artery bypass graft	17.50	N/A	8.58	2.08	N/A	28.16	090
35606		A	Artery bypass graft	18.71	N/A	8.96	2.17	N/A	29.84	090
35612		A	Artery bypass graft	15.76	N/A	7.82	1.72	N/A	25.30	090
35616		A	Artery bypass graft	15.70	N/A	8.00	1.84	N/A	25.54	090
35621		A	Artery bypass graft	20.00	N/A	8.86	1.68	N/A	30.54	090
35623		A	Bypass graft, not vein	24.00	N/A	10.64	1.91	N/A	36.55	090
35626		A	Artery bypass graft	27.75	N/A	11.90	2.89	N/A	42.54	090
35631		A	Artery bypass graft	34.00	N/A	14.07	2.83	N/A	50.90	090
35636		A	Artery bypass graft	29.50	N/A	12.60	2.37	N/A	44.47	090
35641		A	Artery bypass graft	24.57	N/A	11.10	2.83	N/A	38.50	090
35642		A	Artery bypass graft	17.98	N/A	8.74	1.84	N/A	28.56	090
35645		A	Artery bypass graft	17.47	N/A	8.39	1.91	N/A	27.77	090
35646		A	Artery bypass graft	31.00	N/A	13.16	3.63	N/A	47.79	090
35647		A	Artery bypass graft	28.00	N/A	11.84	3.28	N/A	43.12	090
35650		A	Artery bypass graft	19.00	N/A	8.46	1.64	N/A	29.10	090
35651		A	Artery bypass graft	25.04	N/A	10.96	2.53	N/A	38.53	090
35654		A	Artery bypass graft	25.00	N/A	10.84	2.10	N/A	37.94	090
35656		A	Artery bypass graft	19.53	N/A	8.73	2.21	N/A	30.47	090
35661		A	Artery bypass graft	19.00	N/A	9.00	1.50	N/A	29.50	090
35663		A	Artery bypass graft	22.00	N/A	10.09	1.55	N/A	33.64	090
35665		A	Artery bypass graft	21.00	N/A	9.61	1.76	N/A	32.37	090
35666		A	Artery bypass graft	22.19	N/A	11.02	2.19	N/A	35.40	090
35671		A	Artery bypass graft	19.33	N/A	9.72	1.68	N/A	30.73	090
35681		A	Composite bypass graft	1.60	N/A	0.54	0.18	N/A	2.32	ZZZ
35682		A	Composite bypass graft	7.20	N/A	2.43	0.83	N/A	10.46	ZZZ
35683		A	Composite bypass graft	8.50	N/A	2.87	0.98	N/A	12.35	ZZZ
35685		A	Bypass graft patency/ patch.	4.05	N/A	1.38	0.25	N/A	5.68	ZZZ
35686		A	Bypass graft/av fist patency.	3.35	N/A	1.15	0.21	N/A	4.71	ZZZ
35691		A	Arterial transposition	18.05	N/A	8.50	2.06	N/A	28.61	090
35693		A	Arterial transposition	15.36	N/A	7.70	1.80	N/A	24.86	090
35694		A	Arterial transposition	19.16	N/A	8.73	2.13	N/A	30.02	090
35695		A	Arterial transposition	19.16	N/A	8.65	2.19	N/A	30.00	090
35700		A	Reoperation, bypass graft	3.08	N/A	1.03	0.36	N/A	4.47	ZZZ
35701		A	Exploration, carotid artery	8.50	N/A	5.22	0.64	N/A	14.36	090
35721		A	Exploration, femoral artery	7.18	N/A	4.52	0.59	N/A	12.29	090
35741		A	Exploration popliteal artery	8.00	N/A	4.79	0.60	N/A	13.39	090
35761		A	Exploration of artery/vein	5.37	N/A	4.10	0.60	N/A	10.07	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
35800	.....	A	Explore neck vessels	7.02	N/A	4.64	0.79	N/A	12.45	090
35820	.....	A	Explore chest vessels	12.88	N/A	6.96	1.61	N/A	21.45	090
35840	.....	A	Explore abdominal vessels	9.77	N/A	5.41	1.06	N/A	16.24	090
35860	.....	A	Explore limb vessels	5.55	N/A	4.07	0.63	N/A	10.25	090
35870	.....	A	Repair vessel graft defect	22.17	N/A	10.15	2.47	N/A	34.79	090
35875	.....	A	Removal of clot in graft	10.13	N/A	5.35	0.97	N/A	16.45	090
35876	.....	A	Removal of clot in graft	17.00	N/A	7.75	1.88	N/A	26.63	090
35879	.....	A	Revise graft w/vein	16.00	N/A	7.80	1.35	N/A	25.15	090
35881	.....	A	Revise graft w/vein	18.00	N/A	8.75	1.44	N/A	28.19	090
35901	.....	A	Excision, graft, neck	8.19	N/A	5.35	0.90	N/A	14.44	090
35903	.....	A	Excision, graft, extremity ..	9.39	N/A	6.24	1.03	N/A	16.66	090
35905	.....	A	Excision, graft, thorax	31.25	N/A	13.30	2.15	N/A	46.70	090
35907	.....	A	Excision, graft, abdomen ..	35.00	N/A	14.57	2.17	N/A	51.74	090
36000	.....	A	Place needle in vein	0.18	0.62	0.05	0.01	0.81	0.24	XXX
36002	.....	A	Pseudoaneurysm injection trt.	1.96	2.92	1.00	0.10	4.98	3.06	000
36005	.....	A	Injection ext venography ..	0.95	8.45	0.32	0.04	9.44	1.31	000
36010	.....	A	Place catheter in vein	2.43	N/A	0.80	0.16	N/A	3.39	XXX
36011	.....	A	Place catheter in vein	3.14	N/A	1.05	0.17	N/A	4.36	XXX
36012	.....	A	Place catheter in vein	3.52	N/A	1.18	0.17	N/A	4.87	XXX
36013	.....	A	Place catheter in artery	2.52	N/A	0.66	0.17	N/A	3.35	XXX
36014	.....	A	Place catheter in artery	3.02	N/A	1.01	0.14	N/A	4.17	XXX
36015	.....	A	Place catheter in artery	3.52	N/A	1.18	0.16	N/A	4.86	XXX
36100	.....	A	Establish access to artery	3.02	N/A	1.12	0.18	N/A	4.32	XXX
36120	.....	A	Establish access to artery	2.01	N/A	0.66	0.11	N/A	2.78	XXX
36140	.....	A	Establish access to artery	2.01	N/A	0.65	0.12	N/A	2.78	XXX
36145	.....	A	Artery to vein shunt	2.01	N/A	0.67	0.10	N/A	2.78	XXX
36160	.....	A	Establish access to aorta	2.52	N/A	0.86	0.20	N/A	3.58	XXX
36200	.....	A	Place catheter in aorta	3.02	72.76	1.04	0.15	75.93	4.21	XXX
36215	.....	A	Place catheter in artery	4.68	N/A	1.61	0.22	N/A	6.51	XXX
36216	.....	A	Place catheter in artery	5.28	N/A	1.79	0.24	N/A	7.31	XXX
36217	.....	A	Place catheter in artery	6.30	N/A	2.18	0.32	N/A	8.80	XXX
36218	.....	A	Place catheter in artery	1.01	N/A	0.35	0.05	N/A	1.41	ZZZ
36245	.....	A	Place catheter in artery	4.68	N/A	1.68	0.23	N/A	6.59	XXX
36246	.....	A	Place catheter in artery	5.28	N/A	1.82	0.26	N/A	7.36	XXX
36247	.....	A	Place catheter in artery	6.30	N/A	2.15	0.32	N/A	8.77	XXX
36248	.....	A	Place catheter in artery	1.01	N/A	0.35	0.06	N/A	1.42	ZZZ
36260	.....	A	Insertion of infusion pump	9.71	N/A	5.04	1.00	N/A	15.75	090
36261	.....	A	Revision of infusion pump	5.45	N/A	3.66	0.50	N/A	9.61	090
36262	.....	A	Removal of infusion pump	4.02	N/A	2.83	0.43	N/A	7.28	090
36299	.....	C	Vessel injection procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
36400	.....	A	Bl draw < 3 yrs fem/jug-ular.	0.38	0.28	0.09	0.01	0.67	0.48	XXX
36405	.....	A	Bl draw < 3 yrs scalp vein	0.31	0.26	0.08	0.01	0.58	0.40	XXX
36406	.....	A	Bl draw < 3 yrs other vein	0.18	0.30	0.05	0.01	0.49	0.24	XXX
36410	.....	A	Non-routine bl draw > 3 yrs.	0.18	0.30	0.05	0.01	0.49	0.24	XXX
36415	.....	I	Routine venipuncture	0.00	0.00	0.00	0.00	0.00	0.00	XXX
36416	.....	I	Capillary blood draw	0.00	0.00	0.00	0.00	0.00	0.00	XXX
36420	.....	A	Vein access cutdown < 1 yr.	1.01	3.18	0.28	0.09	4.28	1.38	XXX
36425	.....	A	Vein access cutdown > 1 yr.	0.76	N/A	0.22	0.05	N/A	1.03	XXX
36430	.....	A	Blood transfusion service	0.00	1.01	N/A	0.05	1.06	N/A	XXX
36440	.....	A	Bl push transfuse, 2 yr or <.	1.03	N/A	0.29	0.08	N/A	1.40	XXX
36450	.....	A	Bl exchange/transfuse, nb	2.23	N/A	0.71	0.16	N/A	3.10	XXX
36455	.....	A	Bl exchange/transfuse non-nb.	2.43	N/A	0.84	0.10	N/A	3.37	XXX
36460	.....	A	Transfusion service, fetal	6.59	N/A	2.26	0.56	N/A	9.41	XXX
36468	.....	R	Injection(s), spider veins ..	0.00	0.00	0.00	0.00	0.00	0.00	000
36469	.....	R	Injection(s), spider veins ..	0.00	0.00	0.00	0.00	0.00	0.00	000
36470	.....	A	Injection therapy of vein ...	1.09	2.75	0.45	0.10	3.94	1.64	010
36471	.....	A	Injection therapy of veins	1.57	3.10	0.61	0.15	4.82	2.33	010
36481	.....	A	Insertion of catheter, vein	6.99	7.02	2.76	0.40	14.41	10.15	000
36488	.....	A	Insertion of catheter, vein	1.35	3.45	0.75	0.09	4.89	2.19	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
36489		A	Insertion of catheter, vein	2.50	4.13	1.06	0.08	6.71	3.64	000
36490		A	Insertion of catheter, vein	1.67	4.06	0.85	0.17	5.90	2.69	000
36491		A	Insertion of catheter, vein	1.43	3.41	0.78	0.13	4.97	2.34	000
36493		A	Repositioning of cvc	1.21	4.11	0.86	0.06	5.38	2.13	000
36500		A	Insertion of catheter, vein	3.52	N/A	1.25	0.14	N/A	4.91	000
36510		A	Insertion of catheter, vein	1.09	3.83	0.63	0.06	4.98	1.78	000
36511		A	Apheresis wbc	1.74	N/A	0.70	0.06	N/A	2.50	000
36512		A	Apheresis rbc	1.74	N/A	0.70	0.06	N/A	2.50	000
36513		A	Apheresis platelets	1.74	N/A	0.70	0.06	N/A	2.50	000
36514		A	Apheresis plasma	1.74	N/A	0.70	0.06	N/A	2.50	000
36515		A	Apheresis, adsorp/reinfuse	1.74	N/A	0.76	0.06	N/A	2.56	000
36516		A	Apheresis, selective	1.74	N/A	0.76	0.06	N/A	2.56	000
36522		A	Photopheresis	1.67	6.78	1.15	0.07	8.52	2.89	000
36530		R	Insertion of infusion pump	6.20	N/A	3.93	0.56	N/A	10.69	010
36531		R	Revision of infusion pump	4.87	N/A	3.45	0.44	N/A	8.76	010
36532		R	Removal of infusion pump	3.30	N/A	1.64	0.34	N/A	5.28	010
36533		A	Insertion of access device	5.32	14.77	3.65	0.49	20.58	9.46	010
36534		A	Revision of access device	2.80	N/A	1.58	0.19	N/A	4.57	010
36535		A	Removal of access device	2.27	2.96	1.99	0.21	5.44	4.47	010
36536		A	Remove cva device obstruct.	3.60	18.73	1.47	0.23	22.56	5.30	000
36537		A	Remove cva lumen obstruct.	0.75	4.44	0.49	0.04	5.23	1.28	000
36550		A	Declot vascular device	0.00	0.41	N/A	0.31	0.72	N/A	XXX
36600		A	Withdrawal of arterial blood.	0.32	0.49	0.09	0.02	0.83	0.43	XXX
36620		A	Insertion catheter, artery ..	1.15	N/A	0.24	0.06	N/A	1.45	000
36625		A	Insertion catheter, artery ..	2.11	N/A	0.53	0.16	N/A	2.80	000
36640		A	Insertion catheter, artery ..	2.10	N/A	1.04	0.18	N/A	3.32	000
36660		A	Insertion catheter, artery ..	1.40	N/A	0.44	0.08	N/A	1.92	000
36680		A	Insert needle, bone cavity	1.20	N/A	0.50	0.08	N/A	1.78	000
36800		A	Insertion of cannula	2.43	N/A	1.81	0.17	N/A	4.41	000
36810		A	Insertion of cannula	3.97	N/A	1.70	0.40	N/A	6.07	000
36815		A	Insertion of cannula	2.62	N/A	1.18	0.26	N/A	4.06	000
36819		A	Av fusion/uppr arm vein	14.00	N/A	6.45	1.56	N/A	22.01	090
36820		A	Av fusion/forearm vein	14.00	N/A	6.45	1.56	N/A	22.01	090
36821		A	Av fusion direct any site	8.93	N/A	4.74	0.97	N/A	14.64	090
36822		A	Insertion of cannula(s)	5.42	N/A	4.31	0.63	N/A	10.36	090
36823		A	Insertion of cannula(s)	21.00	N/A	9.51	2.18	N/A	32.69	090
36825		A	Artery-vein autograft	9.84	N/A	5.17	1.09	N/A	16.10	090
36830		A	Artery-vein nonautograft	12.00	N/A	5.39	1.32	N/A	18.71	090
36831		A	Open thrombect av fistula	8.00	N/A	4.06	0.79	N/A	12.85	090
36832		A	Av fistula revision, open	10.50	N/A	4.89	1.13	N/A	16.52	090
36833		A	Av fistula revision	11.95	N/A	5.37	1.29	N/A	18.61	090
36834		A	Repair A-V aneurysm	9.93	N/A	4.79	1.06	N/A	15.78	090
36835		A	Artery to vein shunt	7.15	N/A	4.35	0.80	N/A	12.30	090
36860		A	External cannula declotting.	2.01	2.54	1.35	0.10	4.65	3.46	000
36861		A	Cannula declotting	2.52	N/A	1.48	0.14	N/A	4.14	000
36870		A	Percut thrombect av fistula	5.16	47.67	3.15	0.23	53.06	8.54	090
37140		A	Revision of circulation	23.60	N/A	10.65	1.21	N/A	35.46	090
37145		A	Revision of circulation	24.61	N/A	11.19	2.48	N/A	38.28	090
37160		A	Revision of circulation	21.60	N/A	9.46	2.16	N/A	33.22	090
37180		A	Revision of circulation	24.61	N/A	10.56	2.63	N/A	37.80	090
37181		A	Splice spleen/kidney veins	26.68	N/A	11.22	2.67	N/A	40.57	090
37182		A	Insert hepatic shunt (tips)	17.00	N/A	6.37	1.49	N/A	24.86	000
37183		A	Remove hepatic shunt (tips).	8.00	N/A	3.13	0.43	N/A	11.56	000
37195		A	Thrombolytic therapy, stroke.	0.00	8.06	N/A	0.38	8.44	N/A	XXX
37200		A	Transcatheter biopsy	4.56	N/A	1.53	0.19	N/A	6.28	000
37201		A	Transcatheter therapy infuse.	5.00	N/A	2.53	0.24	N/A	7.77	000
37202		A	Transcatheter therapy infuse.	5.68	N/A	2.30	0.38	N/A	8.36	000
37203		A	Transcatheter retrieval	5.03	N/A	2.54	0.23	N/A	7.80	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
37204		A	Transcatheter occlusion	18.14	N/A	6.05	0.91	N/A	25.10	000
37205		A	Transcatheter stent	8.28	N/A	3.78	0.43	N/A	12.49	000
37206		A	Transcatheter stent add-on.	4.13	N/A	1.47	0.22	N/A	5.82	ZZZ
37207		A	Transcatheter stent	8.28	N/A	3.20	0.89	N/A	12.37	000
37208		A	Transcatheter stent add-on.	4.13	N/A	1.41	0.44	N/A	5.98	ZZZ
37209		A	Exchange arterial catheter	2.27	N/A	0.76	0.11	N/A	3.14	000
37250		A	Iv us first vessel add-on	2.10	N/A	0.76	0.17	N/A	3.03	ZZZ
37251		A	Iv us each add vessel add-on.	1.60	N/A	0.57	0.14	N/A	2.31	ZZZ
37500		A	Endoscopy ligate perf veins.	11.00	N/A	7.10	0.40	N/A	18.50	090
37501		C	Vascular endoscopy procedure.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
37565		A	Ligation of neck vein	10.88	N/A	5.71	0.45	N/A	17.04	090
37600		A	Ligation of neck artery	11.25	N/A	6.79	0.40	N/A	18.44	090
37605		A	Ligation of neck artery	13.11	N/A	7.05	0.77	N/A	20.93	090
37606		A	Ligation of neck artery	6.28	N/A	4.64	0.79	N/A	11.71	090
37607		A	Ligation of a-v fistula	6.16	N/A	3.64	0.67	N/A	10.47	090
37609		A	Temporal artery procedure	3.00	4.62	2.00	0.21	7.83	5.21	010
37615		A	Ligation of neck artery	5.73	N/A	4.23	0.57	N/A	10.53	090
37616		A	Ligation of chest artery	16.49	N/A	8.14	1.93	N/A	26.56	090
37617		A	Ligation of abdomen artery	22.06	N/A	9.48	1.69	N/A	33.23	090
37618		A	Ligation of extremity artery	4.84	N/A	3.77	0.54	N/A	9.15	090
37620		A	Revision of major vein	10.56	N/A	5.84	0.75	N/A	17.15	090
37650		A	Revision of major vein	7.80	N/A	4.76	0.56	N/A	13.12	090
37660		A	Revision of major vein	21.00	N/A	9.37	1.17	N/A	31.54	090
37700		A	Revise leg vein	3.73	N/A	2.95	0.40	N/A	7.08	090
37720		A	Removal of leg vein	5.66	N/A	3.74	0.61	N/A	10.01	090
37730		A	Removal of leg veins	7.33	N/A	4.48	0.77	N/A	12.58	090
37735		A	Removal of leg veins/lesion.	10.53	N/A	5.75	1.17	N/A	17.45	090
37760		A	Ligation, leg veins, open	10.47	N/A	5.59	1.11	N/A	17.17	090
37780		A	Revision of leg vein	3.84	N/A	2.91	0.41	N/A	7.16	090
37785		A	Revise secondary varicosity.	3.84	7.05	2.93	0.41	11.30	7.18	090
37788		A	Revascularization, penis	22.01	N/A	10.07	1.35	N/A	33.43	090
37790		A	Penile venous occlusion	8.34	N/A	5.07	0.63	N/A	14.04	090
37799		C	Vascular surgery procedure.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
38100		A	Removal of spleen, total	14.50	N/A	6.30	1.30	N/A	22.10	090
38101		A	Removal of spleen, partial	15.31	N/A	6.66	1.38	N/A	23.35	090
38102		A	Removal of spleen, total	4.80	N/A	1.67	0.49	N/A	6.96	ZZZ
38115		A	Repair of ruptured spleen	15.82	N/A	6.78	1.40	N/A	24.00	090
38120		A	Laparoscopy, splenectomy	17.00	N/A	7.49	1.73	N/A	26.22	090
38129		C	Laparoscope proc, spleen	0.00	0.00	0.00	0.00	0.00	0.00	YYY
38200		A	Injection for spleen x-ray	2.64	N/A	0.91	0.12	N/A	3.67	000
38205		R	Harvest allogenic stem cells.	1.50	N/A	0.61	0.05	N/A	2.16	000
38206		R	Harvest auto stem cells	1.50	N/A	0.61	0.05	N/A	2.16	000
38207		I	Cryopreserve stem cells	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38208		I	Thaw preserved stem cells	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38209		I	Wash harvest stem cells	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38210		I	T-cell depletion of harvest	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38211		I	Tumor cell deplete of harvst.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38212		I	Rbc depletion of harvest	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38213		I	Platelet deplete of harvest	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38214		I	Volume deplete of harvest	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38215		I	Harvest stem cell concentrte.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
38220		A	Bone marrow aspiration	1.08	3.99	0.43	0.03	5.10	1.54	XXX
38221		A	Bone marrow biopsy	1.37	4.17	0.54	0.04	5.58	1.95	XXX
38230		R	Bone marrow collection	4.54	N/A	2.53	0.25	N/A	7.32	010

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
38240	.....	R	Bone marrow/stem transplant.	2.24	N/A	0.83	0.08	N/A	3.15	XXX
38241	.....	R	Bone marrow/stem transplant.	2.24	N/A	0.83	0.08	N/A	3.15	XXX
38242	.....	A	Lymphocyte infuse transplant.	1.71	N/A	0.69	0.05	N/A	2.45	000
38300	.....	A	Drainage, lymph node lesion.	1.99	4.39	2.10	0.15	6.53	4.24	010
38305	.....	A	Drainage, lymph node lesion.	6.00	6.12	4.44	0.36	12.48	10.80	090
38308	.....	A	Incision of lymph channels	6.45	5.87	3.83	0.51	12.83	10.79	090
38380	.....	A	Thoracic duct procedure ..	7.46	N/A	5.73	0.68	N/A	13.87	090
38381	.....	A	Thoracic duct procedure ..	12.88	N/A	6.89	1.58	N/A	21.35	090
38382	.....	A	Thoracic duct procedure ..	10.08	N/A	6.10	1.08	N/A	17.26	090
38500	.....	A	Biopsy/removal, lymph nodes.	3.75	3.84	2.13	0.28	7.87	6.16	010
38505	.....	A	Needle biopsy, lymph nodes.	1.14	2.19	0.79	0.09	3.42	2.02	000
38510	.....	A	Biopsy/removal, lymph nodes.	6.43	5.77	3.57	0.38	12.58	10.38	010
38520	.....	A	Biopsy/removal, lymph nodes.	6.67	N/A	4.10	0.52	N/A	11.29	090
38525	.....	A	Biopsy/removal, lymph nodes.	6.07	N/A	3.39	0.48	N/A	9.94	090
38530	.....	A	Biopsy/removal, lymph nodes.	7.98	N/A	4.44	0.63	N/A	13.05	090
38542	.....	A	Explore deep node(s), neck.	5.91	N/A	4.55	0.50	N/A	10.96	090
38550	.....	A	Removal, neck/armpit lesion.	6.92	N/A	3.94	0.69	N/A	11.55	090
38555	.....	A	Removal, neck/armpit lesion.	14.14	N/A	8.46	1.46	N/A	24.06	090
38562	.....	A	Removal, pelvic lymph nodes.	10.49	N/A	5.84	0.97	N/A	17.30	090
38564	.....	A	Removal, abdomen lymph nodes.	10.83	N/A	5.35	1.06	N/A	17.24	090
38570	.....	A	Laparoscopy, lymph node biop.	9.25	N/A	4.02	0.89	N/A	14.16	010
38571	.....	A	Laparoscopy, lymphadenectomy.	14.68	N/A	5.73	0.80	N/A	21.21	010
38572	.....	A	Laparoscopy, lymphadenectomy.	16.59	N/A	7.29	1.32	N/A	25.20	010
38589	.....	C	Laparoscope proc, lymphatic.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
38700	.....	A	Removal of lymph nodes, neck.	8.24	N/A	8.46	0.60	N/A	17.30	090
38720	.....	A	Removal of lymph nodes, neck.	13.61	N/A	11.49	1.03	N/A	26.13	090
38724	.....	A	Removal of lymph nodes, neck.	14.54	N/A	12.02	1.10	N/A	27.66	090
38740	.....	A	Remove armpit lymph nodes.	10.03	N/A	5.04	0.69	N/A	15.76	090
38745	.....	A	Remove armpit lymph nodes.	13.10	N/A	6.36	0.90	N/A	20.36	090
38746	.....	A	Remove thoracic lymph nodes.	4.89	N/A	1.60	0.55	N/A	7.04	ZZZ
38747	.....	A	Remove abdominal lymph nodes.	4.89	N/A	1.70	0.50	N/A	7.09	ZZZ
38760	.....	A	Remove groin lymph nodes.	12.95	N/A	6.31	0.88	N/A	20.14	090
38765	.....	A	Remove groin lymph nodes.	19.98	N/A	9.27	1.50	N/A	30.75	090
38770	.....	A	Remove pelvis lymph nodes.	13.23	N/A	5.97	0.99	N/A	20.19	090
38780	.....	A	Remove abdomen lymph nodes.	16.59	N/A	8.47	1.60	N/A	26.66	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
38790		A	Inject for lymphatic x-ray	1.29	7.56	0.80	0.09	8.94	2.18	000
38792		A	Identify sentinel node	0.52	N/A	0.45	0.04	N/A	1.01	000
38794		A	Access thoracic lymph duct.	4.45	N/A	3.41	0.17	N/A	8.03	090
38999		C	Blood/lymph system procedure.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
39000		A	Exploration of chest	6.10	N/A	4.65	0.73	N/A	11.48	090
39010		A	Exploration of chest	11.79	N/A	6.43	1.46	N/A	19.68	090
39200		A	Removal chest lesion	13.62	N/A	6.64	1.65	N/A	21.91	090
39220		A	Removal chest lesion	17.42	N/A	8.32	2.10	N/A	27.84	090
39400		A	Visualization of chest	5.61	N/A	4.66	0.69	N/A	10.96	010
39499		C	Chest procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
39501		A	Repair diaphragm laceration.	13.19	N/A	6.60	1.38	N/A	21.17	090
39502		A	Repair paraesophageal hernia.	16.33	N/A	7.33	1.68	N/A	25.34	090
39503		A	Repair of diaphragm hernia.	95.00	N/A	34.01	3.52	N/A	132.53	090
39520		A	Repair of diaphragm hernia.	16.10	N/A	8.04	1.83	N/A	25.97	090
39530		A	Repair of diaphragm hernia.	15.41	N/A	7.24	1.66	N/A	24.31	090
39531		A	Repair of diaphragm hernia.	16.42	N/A	7.49	1.83	N/A	25.74	090
39540		A	Repair of diaphragm hernia.	13.32	N/A	6.40	1.38	N/A	21.10	090
39541		A	Repair of diaphragm hernia.	14.41	N/A	6.73	1.52	N/A	22.66	090
39545		A	Revision of diaphragm	13.37	N/A	7.48	1.55	N/A	22.40	090
39560		A	Resect diaphragm, simple	12.00	N/A	6.42	1.35	N/A	19.77	090
39561		A	Resect diaphragm, complex.	17.50	N/A	9.40	1.97	N/A	28.87	090
39599		C	Diaphragm surgery procedure.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
40490		A	Biopsy of lip	1.22	1.89	0.62	0.06	3.17	1.90	000
40500		A	Partial excision of lip	4.28	6.22	5.00	0.31	10.81	9.59	090
40510		A	Partial excision of lip	4.70	7.10	5.01	0.38	12.18	10.09	090
40520		A	Partial excision of lip	4.67	7.60	5.26	0.42	12.69	10.35	090
40525		A	Reconstruct lip with flap	7.55	N/A	7.10	0.68	N/A	15.33	090
40527		A	Reconstruct lip with flap	9.13	N/A	8.10	0.82	N/A	18.05	090
40530		A	Partial removal of lip	5.40	6.75	5.35	0.47	12.62	11.22	090
40650		A	Repair lip	3.64	5.71	3.89	0.31	9.66	7.84	090
40652		A	Repair lip	4.26	6.69	5.36	0.39	11.34	10.01	090
40654		A	Repair lip	5.31	7.34	6.12	0.48	13.13	11.91	090
40700		A	Repair cleft lip/nasal	12.79	N/A	9.77	0.93	N/A	23.49	090
40701		A	Repair cleft lip/nasal	15.85	N/A	12.08	1.36	N/A	29.29	090
40702		A	Repair cleft lip/nasal	13.04	N/A	8.62	1.01	N/A	22.67	090
40720		A	Repair cleft lip/nasal	13.55	N/A	10.75	1.31	N/A	25.61	090
40761		A	Repair cleft lip/nasal	14.72	N/A	11.17	1.41	N/A	27.30	090
40799		C	Lip surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
40800		A	Drainage of mouth lesion	1.17	2.32	1.18	0.09	3.58	2.44	010
40801		A	Drainage of mouth lesion	2.53	3.32	2.09	0.18	6.03	4.80	010
40804		A	Removal, foreign body, mouth.	1.24	2.66	1.14	0.09	3.99	2.47	010
40805		A	Removal, foreign body, mouth.	2.69	3.57	2.03	0.17	6.43	4.89	010
40806		A	Incision of lip fold	0.31	1.42	0.97	0.02	1.75	1.30	000
40808		A	Biopsy of mouth lesion	0.96	2.42	1.11	0.07	3.45	2.14	010
40810		A	Excision of mouth lesion	1.31	2.50	1.25	0.09	3.90	2.65	010
40812		A	Excise/repair mouth lesion	2.31	3.40	1.82	0.17	5.88	4.30	010
40814		A	Excise/repair mouth lesion	3.42	4.95	3.38	0.26	8.63	7.06	090
40816		A	Excision of mouth lesion	3.67	5.13	3.49	0.27	9.07	7.43	090
40818		A	Excise oral mucosa for graft.	2.41	5.37	3.64	0.14	7.92	6.19	090
40819		A	Excise lip or cheek fold	2.41	4.61	3.09	0.17	7.19	5.67	090
40820		A	Treatment of mouth lesion	1.28	2.80	2.45	0.08	4.16	3.81	010

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
40830		A	Repair mouth laceration	1.76	3.17	2.57	0.14	5.07	4.47	010
40831		A	Repair mouth laceration	2.46	3.74	3.16	0.21	6.41	5.83	010
40840		R	Reconstruction of mouth	8.73	8.83	7.54	0.79	18.35	17.06	090
40842		R	Reconstruction of mouth	8.73	8.94	7.28	0.65	18.32	16.66	090
40843		R	Reconstruction of mouth	12.10	11.25	8.89	0.84	24.19	21.83	090
40844		R	Reconstruction of mouth	16.01	14.16	12.01	1.63	31.80	29.65	090
40845		R	Reconstruction of mouth	18.58	16.30	13.91	1.47	36.35	33.96	090
40899		C	Mouth surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
41000		A	Drainage of mouth lesion	1.30	2.57	1.45	0.09	3.96	2.84	010
41005		A	Drainage of mouth lesion	1.26	2.79	1.67	0.09	4.14	3.02	010
41006		A	Drainage of mouth lesion	3.24	4.57	3.62	0.25	8.06	7.11	090
41007		A	Drainage of mouth lesion	3.10	4.40	3.46	0.22	7.72	6.78	090
41008		A	Drainage of mouth lesion	3.37	4.73	3.66	0.24	8.34	7.27	090
41009		A	Drainage of mouth lesion	3.59	5.04	3.99	0.25	8.88	7.83	090
41010		A	Incision of tongue fold	1.06	3.57	3.57	0.06	4.69	4.69	010
41015		A	Drainage of mouth lesion	3.96	5.56	4.19	0.29	9.81	8.44	090
41016		A	Drainage of mouth lesion	4.07	5.64	4.21	0.28	9.99	8.56	090
41017		A	Drainage of mouth lesion	4.07	5.55	4.28	0.32	9.94	8.67	090
41018		A	Drainage of mouth lesion	5.10	6.00	4.40	0.35	11.45	9.85	090
41100		A	Biopsy of tongue	1.63	2.67	1.46	0.12	4.42	3.21	010
41105		A	Biopsy of tongue	1.42	2.58	1.35	0.10	4.10	2.87	010
41108		A	Biopsy of floor of mouth	1.05	2.32	1.16	0.08	3.45	2.29	010
41110		A	Excision of tongue lesion	1.51	2.63	1.37	0.11	4.25	2.99	010
41112		A	Excision of tongue lesion	2.73	4.44	2.79	0.20	7.37	5.72	090
41113		A	Excision of tongue lesion	3.19	4.81	3.06	0.23	8.23	6.48	090
41114		A	Excision of tongue lesion	8.47	9.08	6.46	0.64	18.19	15.57	090
41115		A	Excision of tongue fold	1.74	3.59	2.68	0.13	5.46	4.55	010
41116		A	Excision of mouth lesion	2.44	4.41	2.93	0.17	7.02	5.54	090
41120		A	Partial removal of tongue	9.77	N/A	7.88	0.70	N/A	18.35	090
41130		A	Partial removal of tongue	11.15	N/A	8.67	0.81	N/A	20.63	090
41135		A	Tongue and neck surgery	23.09	N/A	15.27	1.66	N/A	40.02	090
41140		A	Removal of tongue	25.50	N/A	16.53	1.85	N/A	43.88	090
41145		A	Tongue removal, neck surgery.	30.06	N/A	19.74	2.11	N/A	51.91	090
41150		A	Tongue, mouth, jaw surgery.	23.04	N/A	16.02	1.67	N/A	40.73	090
41153		A	Tongue, mouth, neck surgery.	23.77	N/A	16.50	1.71	N/A	41.98	090
41155		A	Tongue, jaw, & neck surgery.	27.72	N/A	18.57	2.02	N/A	48.31	090
41250		A	Repair tongue laceration	1.91	3.19	1.66	0.15	5.25	3.72	010
41251		A	Repair tongue laceration	2.27	3.70	2.00	0.18	6.15	4.45	010
41252		A	Repair tongue laceration	2.97	4.33	2.35	0.23	7.53	5.55	010
41500		A	Fixation of tongue	3.71	N/A	3.80	0.26	N/A	7.77	090
41510		A	Tongue to lip surgery	3.42	N/A	3.31	0.24	N/A	6.97	090
41520		A	Reconstruction, tongue fold.	2.73	4.22	3.35	0.19	7.14	6.27	090
41599		C	Tongue and mouth surgery.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
41800		A	Drainage of gum lesion	1.17	2.76	1.49	0.09	4.02	2.75	010
41805		A	Removal foreign body, gum.	1.24	2.83	2.42	0.09	4.16	3.75	010
41806		A	Removal foreign body,jawbone.	2.69	3.74	3.25	0.22	6.65	6.16	010
41820		R	Excision, gum, each quadrant.	0.00	0.00	0.00	0.00	0.00	0.00	000
41821		R	Excision of gum flap	0.00	0.00	0.00	0.00	0.00	0.00	000
41822		R	Excision of gum lesion	2.31	4.25	1.36	0.24	6.80	3.91	010
41823		R	Excision of gum lesion	3.30	6.07	4.28	0.29	9.66	7.87	090
41825		A	Excision of gum lesion	1.31	3.42	2.46	0.10	4.83	3.87	010
41826		A	Excision of gum lesion	2.31	4.00	3.01	0.17	6.48	5.49	010
41827		A	Excision of gum lesion	3.42	5.80	3.98	0.25	9.47	7.65	090
41828		R	Excision of gum lesion	3.09	4.57	3.46	0.22	7.88	6.77	010
41830		R	Removal of gum tissue	3.35	5.10	3.71	0.23	8.68	7.29	010
41850		R	Treatment of gum lesion	0.00	0.00	0.00	0.00	0.00	0.00	000
41870		R	Gum graft	0.00	0.00	0.00	0.00	0.00	0.00	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
41872		R	Repair gum	2.59	4.77	3.63	0.18	7.54	6.40	090
41874		R	Repair tooth socket	3.09	4.82	3.36	0.23	8.14	6.68	090
41899		C	Dental surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
42000		A	Drainage mouth roof lesion.	1.23	2.83	1.29	0.10	4.16	2.62	010
42100		A	Biopsy roof of mouth	1.31	2.40	1.40	0.10	3.81	2.81	010
42104		A	Excision lesion, mouth roof.	1.64	2.89	1.61	0.12	4.65	3.37	010
42106		A	Excision lesion, mouth roof.	2.10	3.88	2.94	0.16	6.14	5.20	010
42107		A	Excision lesion, mouth roof.	4.44	6.29	4.33	0.32	11.05	9.09	090
42120		A	Remove palate/lesion	6.17	N/A	5.78	0.44	N/A	12.39	090
42140		A	Excision of uvula	1.62	2.66	2.52	0.12	4.40	4.26	090
42145		A	Repair palate, pharynx/uvula.	8.05	N/A	6.88	0.56	N/A	15.49	090
42160		A	Treatment mouth roof lesion.	1.80	3.84	2.78	0.13	5.77	4.71	010
42180		A	Repair palate	2.50	3.55	2.19	0.19	6.24	4.88	010
42182		A	Repair palate	3.83	4.43	3.14	0.27	8.53	7.24	010
42200		A	Reconstruct cleft palate	12.00	N/A	9.28	0.97	N/A	22.25	090
42205		A	Reconstruct cleft palate	13.29	N/A	9.62	0.82	N/A	23.73	090
42210		A	Reconstruct cleft palate	14.50	N/A	10.83	1.24	N/A	26.57	090
42215		A	Reconstruct cleft palate	8.82	N/A	7.78	0.96	N/A	17.56	090
42220		A	Reconstruct cleft palate	7.02	N/A	5.83	0.41	N/A	13.26	090
42225		A	Reconstruct cleft palate	9.54	N/A	7.90	0.75	N/A	18.19	090
42226		A	Lengthening of palate	10.01	N/A	8.16	0.73	N/A	18.90	090
42227		A	Lengthening of palate	9.52	N/A	7.56	0.70	N/A	17.78	090
42235		A	Repair palate	7.87	N/A	5.48	0.49	N/A	13.84	090
42260		A	Repair nose to lip fistula	9.80	9.48	7.61	0.85	20.13	18.26	090
42280		A	Preparation, palate mold	1.54	2.08	0.90	0.12	3.74	2.56	010
42281		A	Insertion, palate prosthesis	1.93	3.07	1.95	0.14	5.14	4.02	010
42299		C	Palate/uvula surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
42300		A	Drainage of salivary gland	1.93	3.09	1.88	0.15	5.17	3.96	010
42305		A	Drainage of salivary gland	6.07	N/A	5.12	0.46	N/A	11.65	090
42310		A	Drainage of salivary gland	1.56	2.43	1.59	0.11	4.10	3.26	010
42320		A	Drainage of salivary gland	2.35	3.70	2.17	0.17	6.22	4.69	010
42325		A	Create salivary cyst drain	2.75	3.66	2.19	0.17	6.58	5.11	090
42326		A	Create salivary cyst drain	3.78	4.70	3.02	0.34	8.82	7.14	090
42330		A	Removal of salivary stone	2.21	3.44	1.91	0.16	5.81	4.28	010
42335		A	Removal of salivary stone	3.31	4.06	3.53	0.23	7.60	7.07	090
42340		A	Removal of salivary stone	4.60	5.35	4.47	0.34	10.29	9.41	090
42400		A	Biopsy of salivary gland	0.78	1.82	0.73	0.06	2.66	1.57	000
42405		A	Biopsy of salivary gland	3.29	4.33	2.54	0.24	7.86	6.07	010
42408		A	Excision of salivary cyst	4.54	5.25	4.23	0.34	10.13	9.11	090
42409		A	Drainage of salivary cyst	2.81	3.70	3.25	0.20	6.71	6.26	090
42410		A	Excise parotid gland/lesion	9.34	N/A	6.85	0.77	N/A	16.96	090
42415		A	Excise parotid gland/lesion	16.89	N/A	11.60	1.26	N/A	29.75	090
42420		A	Excise parotid gland/lesion	19.59	N/A	13.15	1.45	N/A	34.19	090
42425		A	Excise parotid gland/lesion	13.02	N/A	9.37	0.98	N/A	23.37	090
42426		A	Excise parotid gland/lesion	21.26	N/A	13.82	1.57	N/A	36.65	090
42440		A	Excise submaxillary gland	6.97	N/A	5.25	0.51	N/A	12.73	090
42450		A	Excise sublingual gland	4.62	5.90	4.42	0.34	10.86	9.38	090
42500		A	Repair salivary duct	4.30	5.69	4.37	0.30	10.29	8.97	090
42505		A	Repair salivary duct	6.18	7.18	5.58	0.44	13.80	12.20	090
42507		A	Parotid duct diversion	6.11	N/A	5.40	0.66	N/A	12.17	090
42508		A	Parotid duct diversion	9.10	N/A	7.30	0.64	N/A	17.04	090
42509		A	Parotid duct diversion	11.54	N/A	8.48	1.24	N/A	21.26	090
42510		A	Parotid duct diversion	8.15	N/A	6.30	0.57	N/A	15.02	090
42550		A	Injection for salivary x-ray	1.25	10.77	0.42	0.06	12.08	1.73	000
42600		A	Closure of salivary fistula	4.82	6.09	4.70	0.34	11.25	9.86	090
42650		A	Dilation of salivary duct	0.77	1.23	0.73	0.06	2.06	1.56	000
42660		A	Dilation of salivary duct	1.13	1.56	0.85	0.07	2.76	2.05	000
42665		A	Ligation of salivary duct	2.53	3.73	3.12	0.17	6.43	5.82	090
42699		C	Salivary surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
42700		A	Drainage of tonsil abscess	1.62	2.90	1.79	0.12	4.64	3.53	010

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
42720		A	Drainage of throat abscess.	5.42	5.24	3.93	0.39	11.05	9.74	010
42725		A	Drainage of throat abscess.	10.72	N/A	8.26	0.80	N/A	19.78	090
42800		A	Biopsy of throat	1.39	2.35	1.45	0.10	3.84	2.94	010
42802		A	Biopsy of throat	1.54	3.17	1.62	0.11	4.82	3.27	010
42804		A	Biopsy of upper nose/ throat.	1.24	3.16	1.54	0.09	4.49	2.87	010
42806		A	Biopsy of upper nose/ throat.	1.58	3.17	1.66	0.12	4.87	3.36	010
42808		A	Excise pharynx lesion	2.30	3.31	1.99	0.17	5.78	4.46	010
42809		A	Remove pharynx foreign body.	1.81	2.46	1.40	0.13	4.40	3.34	010
42810		A	Excision of neck cyst	3.25	5.05	3.53	0.25	8.55	7.03	090
42815		A	Excision of neck cyst	7.07	N/A	5.63	0.53	N/A	13.23	090
42820		A	Remove tonsils and adenoids.	3.91	N/A	3.63	0.28	N/A	7.82	090
42821		A	Remove tonsils and adenoids.	4.29	N/A	3.81	0.30	N/A	8.40	090
42825		A	Removal of tonsils	3.42	N/A	3.43	0.24	N/A	7.09	090
42826		A	Removal of tonsils	3.38	N/A	3.33	0.23	N/A	6.94	090
42830		A	Removal of adenoids	2.57	N/A	2.68	0.18	N/A	5.43	090
42831		A	Removal of adenoids	2.71	N/A	2.94	0.19	N/A	5.84	090
42835		A	Removal of adenoids	2.30	N/A	2.72	0.17	N/A	5.19	090
42836		A	Removal of adenoids	3.18	N/A	3.26	0.22	N/A	6.66	090
42842		A	Extensive surgery of throat	8.76	N/A	7.01	0.61	N/A	16.38	090
42844		A	Extensive surgery of throat	14.31	N/A	10.36	1.04	N/A	25.71	090
42845		A	Extensive surgery of throat	24.29	N/A	16.60	1.76	N/A	42.65	090
42860		A	Excision of tonsil tags	2.22	N/A	2.68	0.16	N/A	5.06	090
42870		A	Excision of lingual tonsil	5.40	N/A	5.02	0.38	N/A	10.80	090
42890		A	Partial removal of pharynx	12.94	N/A	9.67	0.91	N/A	23.52	090
42892		A	Revision of pharyngeal walls.	15.83	N/A	11.27	1.14	N/A	28.24	090
42894		A	Revision of pharyngeal walls.	22.88	N/A	15.55	1.64	N/A	40.07	090
42900		A	Repair throat wound	5.25	N/A	3.79	0.39	N/A	9.43	010
42950		A	Reconstruction of throat	8.10	N/A	6.82	0.58	N/A	15.50	090
42953		A	Repair throat, esophagus	8.96	N/A	7.77	0.73	N/A	17.46	090
42955		A	Surgical opening of throat	7.39	N/A	5.73	0.63	N/A	13.75	090
42960		A	Control throat bleeding	2.33	N/A	2.08	0.17	N/A	4.58	010
42961		A	Control throat bleeding	5.59	N/A	5.02	0.40	N/A	11.01	090
42962		A	Control throat bleeding	7.14	N/A	5.91	0.51	N/A	13.56	090
42970		A	Control nose/throat bleeding.	5.43	N/A	3.72	0.37	N/A	9.52	090
42971		A	Control nose/throat bleeding.	6.21	N/A	5.17	0.45	N/A	11.83	090
42972		A	Control nose/throat bleeding.	7.20	N/A	5.64	0.54	N/A	13.38	090
42999		C	Throat surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
43020		A	Incision of esophagus	8.09	N/A	5.75	0.70	N/A	14.54	090
43030		A	Throat muscle surgery	7.69	N/A	6.00	0.60	N/A	14.29	090
43045		A	Incision of esophagus	20.12	N/A	10.51	2.15	N/A	32.78	090
43100		A	Excision of esophagus lesion.	9.19	N/A	6.31	0.79	N/A	16.29	090
43101		A	Excision of esophagus lesion.	16.24	N/A	7.83	1.81	N/A	25.88	090
43107		A	Removal of esophagus	40.00	N/A	17.03	3.29	N/A	60.32	090
43108		A	Removal of esophagus	34.19	N/A	14.36	3.78	N/A	52.33	090
43112		A	Removal of esophagus	43.50	N/A	18.14	3.67	N/A	65.31	090
43113		A	Removal of esophagus	35.27	N/A	15.19	4.33	N/A	54.79	090
43116		A	Partial removal of esophagus.	31.22	N/A	17.10	2.62	N/A	50.94	090
43117		A	Partial removal of esophagus.	40.00	N/A	16.27	3.51	N/A	59.78	090
43118		A	Partial removal of esophagus.	33.20	N/A	13.89	3.56	N/A	50.65	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
43121	.....	A	Partial removal of esoph-agus.	29.19	N/A	12.58	3.44	N/A	45.21	090
43122	.....	A	Partial removal of esoph-agus.	40.00	N/A	16.47	3.27	N/A	59.74	090
43123	.....	A	Partial removal of esoph-agus.	33.20	N/A	14.10	3.96	N/A	51.26	090
43124	.....	A	Removal of esophagus	27.32	N/A	13.15	2.95	N/A	43.42	090
43130	.....	A	Removal of esophagus pouch.	11.75	N/A	7.69	1.06	N/A	20.50	090
43135	.....	A	Removal of esophagus pouch.	16.10	N/A	8.04	1.85	N/A	25.99	090
43200	.....	A	Esophagus endoscopy	1.59	4.49	1.11	0.11	6.19	2.81	000
43201	.....	A	Esoph scope w/sub-mucous inj.	2.09	4.92	1.29	0.12	7.13	3.50	000
43202	.....	A	Esophagus endoscopy, bi-opsy.	1.89	5.61	0.98	0.12	7.62	2.99	000
43204	.....	A	Esoph scope w/sclerosis inj.	3.77	N/A	1.57	0.18	N/A	5.52	000
43205	.....	A	Esophagus endoscopy/li-gation.	3.79	N/A	1.58	0.17	N/A	5.54	000
43215	.....	A	Esophagus endoscopy	2.60	N/A	1.24	0.17	N/A	4.01	000
43216	.....	A	Esophagus endoscopy/le-sion.	2.40	N/A	1.21	0.15	N/A	3.76	000
43217	.....	A	Esophagus endoscopy	2.90	6.99	1.24	0.17	10.06	4.31	000
43219	.....	A	Esophagus endoscopy	2.80	N/A	1.39	0.16	N/A	4.35	000
43220	.....	A	Esoph endoscopy, dilation	2.10	N/A	1.00	0.12	N/A	3.22	000
43226	.....	A	Esoph endoscopy, dilation	2.34	N/A	1.07	0.12	N/A	3.53	000
43227	.....	A	Esoph endoscopy, repair	3.60	N/A	1.50	0.18	N/A	5.28	000
43228	.....	A	Esoph endoscopy, abla-tion.	3.77	N/A	1.60	0.25	N/A	5.62	000
43231	.....	A	Esoph endoscopy w/us exam.	3.19	N/A	1.35	0.20	N/A	4.74	000
43232	.....	A	Esoph endoscopy w/us fn bx.	4.48	N/A	1.87	0.26	N/A	6.61	000
43234	.....	A	Upper GI endoscopy, exam.	2.01	5.37	0.91	0.13	7.51	3.05	000
43235	.....	A	Uppr gi endoscopy, diag-nosis.	2.39	5.18	1.06	0.13	7.70	3.58	000
43236	.....	A	Uppr gi scope w/submuc inj.	2.92	6.11	1.26	0.14	9.17	4.32	000
43239	.....	A	Upper GI endoscopy, bi-opsy.	2.87	5.73	1.23	0.14	8.74	4.24	000
43240	.....	A	Esoph endoscope w/drain cyst.	6.86	N/A	2.68	0.36	N/A	9.90	000
43241	.....	A	Upper GI endoscopy with tube.	2.59	N/A	1.14	0.14	N/A	3.87	000
43242	.....	A	Uppr gi endoscopy w/us fn bx.	7.31	N/A	2.81	0.29	N/A	10.41	000
43243	.....	A	Upper gi endoscopy & in-ject.	4.57	N/A	1.85	0.21	N/A	6.63	000
43244	.....	A	Upper GI endoscopy/liga-tion.	5.05	N/A	2.02	0.21	N/A	7.28	000
43245	.....	A	Uppr gi scope dilate strictr	3.18	N/A	1.34	0.18	N/A	4.70	000
43246	.....	A	Place gastrostomy tube	4.33	N/A	1.75	0.24	N/A	6.32	000
43247	.....	A	Operative upper GI endos-copy.	3.39	N/A	1.42	0.17	N/A	4.98	000
43248	.....	A	Uppr gi endoscopy/guide wire.	3.15	N/A	1.35	0.15	N/A	4.65	000
43249	.....	A	Esoph endoscopy, dilation	2.90	N/A	1.25	0.15	N/A	4.30	000
43250	.....	A	Upper GI endoscopy/ tumor.	3.20	N/A	1.35	0.17	N/A	4.72	000
43251	.....	A	Operative upper GI endos-copy.	3.70	N/A	1.53	0.19	N/A	5.42	000
43255	.....	A	Operative upper GI endos-copy.	4.82	N/A	1.94	0.20	N/A	6.96	000
43256	.....	A	Uppr gi endoscopy w stent	4.35	N/A	1.77	0.23	N/A	6.35	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
43258	.....	A	Operative upper GI endoscopy.	4.55	N/A	1.84	0.22	N/A	6.61	000
43259	.....	A	Endoscopic ultrasound exam.	4.89	N/A	1.95	0.22	N/A	7.06	000
43260	.....	A	Endo cholangiopancreatograph.	5.96	N/A	2.35	0.27	N/A	8.58	000
43261	.....	A	Endo cholangiopancreatograph.	6.27	N/A	2.46	0.29	N/A	9.02	000
43262	.....	A	Endo cholangiopancreatograph.	7.39	N/A	2.86	0.34	N/A	10.59	000
43263	.....	A	Endo cholangiopancreatograph.	7.29	N/A	2.84	0.28	N/A	10.41	000
43264	.....	A	Endo cholangiopancreatograph.	8.90	N/A	3.40	0.41	N/A	12.71	000
43265	.....	A	Endo cholangiopancreatograph.	10.02	N/A	3.80	0.42	N/A	14.24	000
43267	.....	A	Endo cholangiopancreatograph.	7.39	N/A	2.86	0.34	N/A	10.59	000
43268	.....	A	Endo cholangiopancreatograph.	7.39	N/A	2.96	0.34	N/A	10.69	000
43269	.....	A	Endo cholangiopancreatograph.	8.21	N/A	3.16	0.28	N/A	11.65	000
43271	.....	A	Endo cholangiopancreatograph.	7.39	N/A	2.86	0.34	N/A	10.59	000
43272	.....	A	Endo cholangiopancreatograph.	7.39	N/A	2.87	0.34	N/A	10.60	000
43280	.....	A	Laparoscopy, fundoplasty	17.25	N/A	7.53	1.76	N/A	26.54	090
43289	.....	C	Laparoscope proc, esoph	0.00	0.00	0.00	0.00	0.00	0.00	YYY
43300	.....	A	Repair of esophagus	9.14	N/A	6.59	0.85	N/A	16.58	090
43305	.....	A	Repair esophagus and fistula.	17.39	N/A	10.98	1.36	N/A	29.73	090
43310	.....	A	Repair of esophagus	25.39	N/A	11.21	3.18	N/A	39.78	090
43312	.....	A	Repair esophagus and fistula.	28.42	N/A	12.16	3.38	N/A	43.96	090
43313	.....	A	Esophagoplasty congenital	45.28	N/A	20.57	5.43	N/A	71.28	090
43314	.....	A	Tracheo-esophagoplasty cong.	50.27	N/A	22.50	5.53	N/A	78.30	090
43320	.....	A	Fuse esophagus & stomach.	19.93	N/A	9.30	1.59	N/A	30.82	090
43324	.....	A	Revise esophagus & stomach.	20.57	N/A	8.98	1.72	N/A	31.27	090
43325	.....	A	Revise esophagus & stomach.	20.06	N/A	8.96	1.65	N/A	30.67	090
43326	.....	A	Revise esophagus & stomach.	19.74	N/A	9.27	1.84	N/A	30.85	090
43330	.....	A	Repair of esophagus	19.77	N/A	8.73	1.52	N/A	30.02	090
43331	.....	A	Repair of esophagus	20.13	N/A	9.75	1.93	N/A	31.81	090
43340	.....	A	Fuse esophagus & intestine.	19.61	N/A	9.08	1.53	N/A	30.22	090
43341	.....	A	Fuse esophagus & intestine.	20.85	N/A	10.02	2.14	N/A	33.01	090
43350	.....	A	Surgical opening, esophagus.	15.78	N/A	8.57	1.15	N/A	25.50	090
43351	.....	A	Surgical opening, esophagus.	18.35	N/A	9.69	1.51	N/A	29.55	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
43352	.....	A	Surgical opening, esophagus.	15.26	N/A	8.45	1.28	N/A	24.99	090
43360	.....	A	Gastrointestinal repair	35.70	N/A	15.16	3.00	N/A	53.86	090
43361	.....	A	Gastrointestinal repair	40.50	N/A	16.97	3.52	N/A	60.99	090
43400	.....	A	Ligate esophagus veins ...	21.20	N/A	9.64	0.99	N/A	31.83	090
43401	.....	A	Esophagus surgery for veins.	22.09	N/A	9.72	1.73	N/A	33.54	090
43405	.....	A	Ligate/staple esophagus ..	20.01	N/A	9.56	1.63	N/A	31.20	090
43410	.....	A	Repair esophagus wound	13.47	N/A	7.66	1.15	N/A	22.28	090
43415	.....	A	Repair esophagus wound	25.00	N/A	11.70	1.92	N/A	38.62	090
43420	.....	A	Repair esophagus opening	14.35	N/A	7.63	0.86	N/A	22.84	090
43425	.....	A	Repair esophagus opening	21.03	N/A	9.94	2.03	N/A	33.00	090
43450	.....	A	Dilate esophagus	1.38	2.54	0.72	0.07	3.99	2.17	000
43453	.....	A	Dilate esophagus	1.51	6.12	0.79	0.08	7.71	2.38	000
43456	.....	A	Dilate esophagus	2.57	14.11	1.17	0.14	16.82	3.88	000
43458	.....	A	Dilate esophagus	3.06	6.73	1.36	0.17	9.96	4.59	000
43460	.....	A	Pressure treatment esophagus.	3.80	N/A	1.51	0.21	N/A	5.52	000
43496	.....	C	Free jejunum flap, microvasc.	0.00	0.00	0.00	0.00	0.00	0.00	090
43499	.....	C	Esophagus surgery procedure.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
43500	.....	A	Surgical opening of stomach.	11.05	N/A	5.23	0.84	N/A	17.12	090
43501	.....	A	Surgical repair of stomach	20.04	N/A	8.63	1.55	N/A	30.22	090
43502	.....	A	Surgical repair of stomach	23.13	N/A	9.79	1.83	N/A	34.75	090
43510	.....	A	Surgical opening of stomach.	13.08	N/A	6.84	0.90	N/A	20.82	090
43520	.....	A	Incision of pyloric muscle	9.99	N/A	5.44	0.84	N/A	16.27	090
43600	.....	A	Biopsy of stomach	1.91	N/A	1.04	0.11	N/A	3.06	000
43605	.....	A	Biopsy of stomach	11.98	N/A	5.54	0.93	N/A	18.45	090
43610	.....	A	Excision of stomach lesion	14.60	N/A	6.47	1.14	N/A	22.21	090
43611	.....	A	Excision of stomach lesion	17.84	N/A	7.88	1.38	N/A	27.10	090
43620	.....	A	Removal of stomach	30.04	N/A	12.22	2.29	N/A	44.55	090
43621	.....	A	Removal of stomach	30.73	N/A	12.43	2.36	N/A	45.52	090
43622	.....	A	Removal of stomach	32.53	N/A	13.03	2.48	N/A	48.04	090
43631	.....	A	Removal of stomach, partial.	22.59	N/A	9.49	1.99	N/A	34.07	090
43632	.....	A	Removal of stomach, partial.	22.59	N/A	9.50	2.00	N/A	34.09	090
43633	.....	A	Removal of stomach, partial.	23.10	N/A	9.67	2.05	N/A	34.82	090
43634	.....	A	Removal of stomach, partial.	25.12	N/A	10.43	2.18	N/A	37.73	090
43635	.....	A	Removal of stomach, partial.	2.06	N/A	0.72	0.21	N/A	2.99	ZZZ
43638	.....	A	Removal of stomach, partial.	29.00	N/A	12.20	2.24	N/A	43.44	090
43639	.....	A	Removal of stomach, partial.	29.65	N/A	12.03	2.31	N/A	43.99	090
43640	.....	A	Vagotomy & pylorus repair	17.02	N/A	7.56	1.51	N/A	26.09	090
43641	.....	A	Vagotomy & pylorus repair	17.27	N/A	7.66	1.53	N/A	26.46	090
43651	.....	A	Laparoscopy, vagus nerve	10.15	N/A	4.82	1.03	N/A	16.00	090
43652	.....	A	Laparoscopy, vagus nerve	12.15	N/A	5.53	1.25	N/A	18.93	090
43653	.....	A	Laparoscopy, gastrostomy	7.73	N/A	4.43	0.78	N/A	12.94	090
43659	.....	C	Laparoscope proc, stom ...	0.00	0.00	0.00	0.00	0.00	0.00	YYY
43750	.....	A	Place gastrostomy tube	4.49	N/A	2.75	0.33	N/A	7.57	010
43760	.....	A	Change gastrostomy tube	1.10	1.68	0.46	0.07	2.85	1.63	000
43761	.....	A	Reposition gastrostomy tube.	2.01	N/A	0.80	0.10	N/A	2.91	000
43800	.....	A	Reconstruction of pylorus	13.69	N/A	6.20	1.07	N/A	20.96	090
43810	.....	A	Fusion of stomach and bowel.	14.65	N/A	6.50	1.10	N/A	22.25	090
43820	.....	A	Fusion of stomach and bowel.	15.37	N/A	6.74	1.18	N/A	23.29	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
43825		A	Fusion of stomach and bowel.	19.22	N/A	8.33	1.50	N/A	29.05	090
43830		A	Place gastrostomy tube	9.53	N/A	5.10	0.69	N/A	15.32	090
43831		A	Place gastrostomy tube	7.84	N/A	4.65	0.81	N/A	13.30	090
43832		A	Place gastrostomy tube	15.60	N/A	7.19	1.13	N/A	23.92	090
43840		A	Repair of stomach lesion	15.56	N/A	7.05	1.20	N/A	23.81	090
43842		A	Gastroplasty for obesity	18.47	N/A	8.44	1.51	N/A	28.42	090
43843		A	Gastroplasty for obesity	18.65	N/A	8.38	1.53	N/A	28.56	090
43846		A	Gastric bypass for obesity	24.05	N/A	10.70	1.96	N/A	36.71	090
43847		A	Gastric bypass for obesity	26.92	N/A	11.69	2.14	N/A	40.75	090
43848		A	Revision gastroplasty	29.39	N/A	12.62	2.39	N/A	44.40	090
43850		A	Revise stomach-bowel fusion.	24.72	N/A	10.17	1.97	N/A	36.86	090
43855		A	Revise stomach-bowel fusion.	26.16	N/A	10.74	2.01	N/A	38.91	090
43860		A	Revise stomach-bowel fusion.	25.00	N/A	10.33	2.03	N/A	37.36	090
43865		A	Revise stomach-bowel fusion.	26.52	N/A	10.86	2.15	N/A	39.53	090
43870		A	Repair stomach opening	9.69	N/A	4.80	0.71	N/A	15.20	090
43880		A	Repair stomach-bowel fistula.	24.65	N/A	10.31	1.94	N/A	36.90	090
43999		C	Stomach surgery procedure.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
44005		A	Freeing of bowel adhesion	16.23	N/A	6.91	1.39	N/A	24.53	090
44010		A	Incision of small bowel	12.52	N/A	5.65	1.05	N/A	19.22	090
44015		A	Insert needle cath bowel	2.62	N/A	0.90	0.25	N/A	3.77	ZZZ
44020		A	Explore small intestine	13.99	N/A	6.11	1.20	N/A	21.30	090
44021		A	Decompress small bowel	14.08	N/A	6.18	1.18	N/A	21.44	090
44025		A	Incision of large bowel	14.28	N/A	6.20	1.21	N/A	21.69	090
44050		A	Reduce bowel obstruction	14.03	N/A	6.13	1.15	N/A	21.31	090
44055		A	Correct malrotation of bowel.	22.00	N/A	8.96	1.32	N/A	32.28	090
44100		A	Biopsy of bowel	2.01	N/A	1.11	0.12	N/A	3.24	000
44110		A	Excise intestine lesion(s)	11.81	N/A	5.40	1.00	N/A	18.21	090
44111		A	Excision of bowel lesion(s)	14.29	N/A	6.35	1.22	N/A	21.86	090
44120		A	Removal of small intestine	17.00	N/A	7.23	1.46	N/A	25.69	090
44121		A	Removal of small intestine	4.45	N/A	1.55	0.46	N/A	6.46	ZZZ
44125		A	Removal of small intestine	17.54	N/A	7.41	1.49	N/A	26.44	090
44126		A	Enterectomy w/o taper, cong.	35.50	N/A	14.38	0.36	N/A	50.24	090
44127		A	Enterectomy w/taper, cong	41.00	N/A	18.39	0.41	N/A	59.80	090
44128		A	Enterectomy cong, add-on	4.45	N/A	1.58	0.45	N/A	6.48	ZZZ
44130		A	Bowel to bowel fusion	14.49	N/A	6.35	1.23	N/A	22.07	090
44132		R	Enterectomy, cadaver donor.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
44133		R	Enterectomy, live donor	0.00	0.00	0.00	0.00	0.00	0.00	XXX
44135		R	Intestine transplnt, cadaver.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
44136		R	Intestine transplant, live	0.00	0.00	0.00	0.00	0.00	0.00	XXX
44139		A	Mobilization of colon	2.23	N/A	0.78	0.21	N/A	3.22	ZZZ
44140		A	Partial removal of colon	21.00	N/A	8.83	2.14	N/A	31.97	090
44141		A	Partial removal of colon	19.51	N/A	10.29	1.95	N/A	31.75	090
44143		A	Partial removal of colon	22.99	N/A	10.91	2.02	N/A	35.92	090
44144		A	Partial removal of colon	21.53	N/A	9.76	1.89	N/A	33.18	090
44145		A	Partial removal of colon	26.42	N/A	11.05	2.22	N/A	39.69	090
44146		A	Partial removal of colon	27.54	N/A	13.15	2.20	N/A	42.89	090
44147		A	Partial removal of colon	20.71	N/A	8.85	1.74	N/A	31.30	090
44150		A	Removal of colon	23.95	N/A	12.30	2.05	N/A	38.30	090
44151		A	Removal of colon/ileostomy.	26.88	N/A	13.73	1.97	N/A	42.58	090
44152		A	Removal of colon/ileostomy.	27.83	N/A	11.88	2.36	N/A	42.07	090
44153		A	Removal of colon/ileostomy.	30.59	N/A	14.77	2.33	N/A	47.69	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
44155		A	Removal of colon/ileostomy.	27.86	N/A	13.64	2.26	N/A	43.76	090
44156		A	Removal of colon/ileostomy.	30.79	N/A	15.33	2.19	N/A	48.31	090
44160		A	Removal of colon	18.62	N/A	7.91	1.86	N/A	28.39	090
44200		A	Laparoscopy, enterolysis	14.44	N/A	6.32	1.46	N/A	22.22	090
44201		A	Laparoscopy, jejunostomy	9.78	N/A	4.74	0.97	N/A	15.49	090
44202		A	Lap resect s/intestine singl	22.04	N/A	9.12	2.16	N/A	33.32	090
44203		A	Lap resect s/intestine, addl	4.45	N/A	1.53	0.46	N/A	6.44	ZZZ
44204		A	Laparo partial colectomy	25.08	N/A	10.15	2.55	N/A	37.78	090
44205		A	Lap colectomy part w/ ileum.	22.23	N/A	9.02	2.23	N/A	33.48	090
44206		A	Lap part colectomy w/ stoma.	27.00	N/A	11.54	2.02	N/A	40.56	090
44207		A	L colectomy/ coloproctostomy.	30.00	N/A	11.78	2.22	N/A	44.00	090
44208		A	L colectomy/ coloproctostomy.	32.00	N/A	13.48	2.20	N/A	47.68	090
44210		A	Laparo total proctocolectomy.	28.00	N/A	12.21	2.05	N/A	42.26	090
44211		A	Laparo total proctocolectomy.	35.00	N/A	14.98	2.33	N/A	52.31	090
44212		A	Laparo total proctocolectomy.	32.50	N/A	14.09	2.26	N/A	48.85	090
44238		C	Laparoscope proc, intestine.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
44239		C	Laparoscope proc, rectum	0.00	0.00	0.00	0.00	0.00	0.00	YYY
44300		A	Open bowel to skin	12.11	N/A	5.59	0.88	N/A	18.58	090
44310		A	Ileostomy/jejunostomy	15.95	N/A	6.84	1.13	N/A	23.92	090
44312		A	Revision of ileostomy	8.02	N/A	4.08	0.54	N/A	12.64	090
44314		A	Revision of ileostomy	15.05	N/A	6.71	0.99	N/A	22.75	090
44316		A	Devise bowel pouch	21.09	N/A	8.73	1.41	N/A	31.23	090
44320		A	Colostomy	17.64	N/A	7.83	1.28	N/A	26.75	090
44322		A	Colostomy with biopsies	11.98	N/A	8.80	1.18	N/A	21.96	090
44340		A	Revision of colostomy	7.72	N/A	4.36	0.56	N/A	12.64	090
44345		A	Revision of colostomy	15.43	N/A	7.03	1.11	N/A	23.57	090
44346		A	Revision of colostomy	16.99	N/A	7.54	1.20	N/A	25.73	090
44360		A	Small bowel endoscopy	2.59	N/A	1.14	0.14	N/A	3.87	000
44361		A	Small bowel endoscopy/biopsy.	2.87	N/A	1.24	0.15	N/A	4.26	000
44363		A	Small bowel endoscopy	3.50	N/A	1.43	0.19	N/A	5.12	000
44364		A	Small bowel endoscopy	3.74	N/A	1.55	0.21	N/A	5.50	000
44365		A	Small bowel endoscopy	3.31	N/A	1.41	0.18	N/A	4.90	000
44366		A	Small bowel endoscopy	4.41	N/A	1.79	0.22	N/A	6.42	000
44369		A	Small bowel endoscopy	4.52	N/A	1.79	0.23	N/A	6.54	000
44370		A	Small bowel endoscopy/ stent.	4.80	N/A	2.03	0.21	N/A	7.04	000
44372		A	Small bowel endoscopy	4.41	N/A	1.78	0.27	N/A	6.46	000
44373		A	Small bowel endoscopy	3.50	N/A	1.47	0.19	N/A	5.16	000
44376		A	Small bowel endoscopy	5.26	N/A	2.08	0.29	N/A	7.63	000
44377		A	Small bowel endoscopy/biopsy.	5.53	N/A	2.20	0.28	N/A	8.01	000
44378		A	Small bowel endoscopy	7.13	N/A	2.77	0.37	N/A	10.27	000
44379		A	S bowel endoscope w/ stent.	7.47	N/A	2.99	0.38	N/A	10.84	000
44380		A	Small bowel endoscopy	1.05	N/A	0.58	0.08	N/A	1.71	000
44382		A	Small bowel endoscopy	1.27	N/A	0.66	0.09	N/A	2.02	000
44383		A	Ileoscopy w/stent	2.94	N/A	1.31	0.13	N/A	4.38	000
44385		A	Endoscopy of bowel pouch.	1.82	5.20	0.98	0.12	7.14	2.92	000
44386		A	Endoscopy, bowel pouch/ biop.	2.12	6.70	1.13	0.15	8.97	3.40	000
44388		A	Colon endoscopy	2.82	5.29	1.19	0.18	8.29	4.19	000
44389		A	Colonoscopy with biopsy	3.13	6.68	1.31	0.18	9.99	4.62	000
44390		A	Colonoscopy for foreign body.	3.83	6.92	1.54	0.22	10.97	5.59	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
44391		A	Colonoscopy for bleeding	4.32	8.97	1.75	0.23	13.52	6.30	000
44392		A	Colonoscopy & polypectomy.	3.82	6.74	1.54	0.23	10.79	5.59	000
44393		A	Colonoscopy, lesion removal.	4.84	7.09	1.92	0.27	12.20	7.03	000
44394		A	Colonoscopy w/snare	4.43	7.95	1.78	0.26	12.64	6.47	000
44397		A	Colonoscopy w/stent	4.71	N/A	2.10	0.28	N/A	7.09	000
44500		A	Intro, gastrointestinal tube	0.49	N/A	0.36	0.02	N/A	0.87	000
44602		A	Suture, small intestine	16.03	N/A	6.53	1.07	N/A	23.63	090
44603		A	Suture, small intestine	18.66	N/A	7.43	1.39	N/A	27.48	090
44604		A	Suture, large intestine	16.03	N/A	6.60	1.42	N/A	24.05	090
44605		A	Repair of bowel lesion	19.53	N/A	8.59	1.54	N/A	29.66	090
44615		A	Intestinal stricturoplasty	15.93	N/A	6.82	1.39	N/A	24.14	090
44620		A	Repair bowel opening	12.20	N/A	5.44	1.05	N/A	18.69	090
44625		A	Repair bowel opening	15.05	N/A	6.44	1.30	N/A	22.79	090
44626		A	Repair bowel opening	25.36	N/A	10.02	2.53	N/A	37.91	090
44640		A	Repair bowel-skin fistula	21.65	N/A	8.76	1.46	N/A	31.87	090
44650		A	Repair bowel fistula	22.57	N/A	9.07	1.49	N/A	33.13	090
44660		A	Repair bowel-bladder fistula.	21.36	N/A	8.55	1.14	N/A	31.05	090
44661		A	Repair bowel-bladder fistula.	24.81	N/A	9.77	1.53	N/A	36.11	090
44680		A	Surgical revision, intestine	15.40	N/A	6.59	1.37	N/A	23.36	090
44700		A	Suspend bowel w/prosthesis.	16.11	N/A	6.81	1.21	N/A	24.13	090
44701		A	Intraop colon lavage add-on.	3.10	N/A	1.08	0.21	N/A	4.39	ZZZ
44799		C	Intestine surgery procedure.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
44800		A	Excision of bowel pouch	11.23	N/A	5.49	1.11	N/A	17.83	090
44820		A	Excision of mesentery lesion.	12.09	N/A	5.60	1.03	N/A	18.72	090
44850		A	Repair of mesentery	10.74	N/A	5.09	0.99	N/A	16.82	090
44899		C	Bowel surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
44900		A	Drain app abscess, open	10.14	N/A	4.80	0.84	N/A	15.78	090
44901		A	Drain app abscess, percut	3.38	N/A	4.61	0.17	N/A	8.16	000
44950		A	Appendectomy	10.00	N/A	4.41	0.88	N/A	15.29	090
44955		A	Appendectomy add-on	1.53	N/A	0.55	0.16	N/A	2.24	ZZZ
44960		A	Appendectomy	12.34	N/A	5.46	1.09	N/A	18.89	090
44970		A	Laparoscopy, appendectomy.	8.70	N/A	4.30	0.88	N/A	13.88	090
44979		C	Laparoscope proc, app	0.00	0.00	0.00	0.00	0.00	0.00	YYY
45000		A	Drainage of pelvic abscess.	4.52	N/A	3.01	0.37	N/A	7.90	090
45005		A	Drainage of rectal abscess	1.99	4.92	1.71	0.18	7.09	3.88	010
45020		A	Drainage of rectal abscess	4.72	N/A	3.34	0.41	N/A	8.47	090
45100		A	Biopsy of rectum	3.68	N/A	2.42	0.33	N/A	6.43	090
45108		A	Removal of anorectal lesion.	4.76	N/A	2.95	0.46	N/A	8.17	090
45110		A	Removal of rectum	28.00	N/A	12.69	2.26	N/A	42.95	090
45111		A	Partial removal of rectum	16.48	N/A	7.33	1.60	N/A	25.41	090
45112		A	Removal of rectum	30.54	N/A	12.03	2.35	N/A	44.92	090
45113		A	Partial proctectomy	30.58	N/A	12.92	2.13	N/A	45.63	090
45114		A	Partial removal of rectum	27.32	N/A	11.18	2.28	N/A	40.78	090
45116		A	Partial removal of rectum	24.58	N/A	10.26	2.00	N/A	36.84	090
45119		A	Remove rectum w/reservoir.	30.84	N/A	12.77	2.13	N/A	45.74	090
45120		A	Removal of rectum	24.60	N/A	10.36	2.28	N/A	37.24	090
45121		A	Removal of rectum and colon.	27.04	N/A	11.34	2.66	N/A	41.04	090
45123		A	Partial proctectomy	16.71	N/A	7.01	1.04	N/A	24.76	090
45126		A	Pelvic exenteration	45.16	N/A	19.84	3.23	N/A	68.23	090
45130		A	Excision of rectal prolapse	16.44	N/A	6.92	1.12	N/A	24.48	090
45135		A	Excision of rectal prolapse	19.28	N/A	8.57	1.52	N/A	29.37	090
45136		A	Excise ileoanal reservior	27.30	N/A	12.70	2.72	N/A	42.72	090
45150		A	Excision of rectal stricture	5.67	N/A	3.01	0.46	N/A	9.14	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
45160	.....	A	Excision of rectal lesion ...	15.32	N/A	6.79	1.07	N/A	23.18	090
45170	.....	A	Excision of rectal lesion ...	11.49	N/A	5.35	0.89	N/A	17.73	090
45190	.....	A	Destruction, rectal tumor ..	9.74	N/A	4.71	0.76	N/A	15.21	090
45300	.....	A	Proctosigmoidoscopy dx ..	0.38	1.50	0.31	0.05	1.93	0.74	000
45303	.....	A	Proctosigmoidoscopy dilate.	0.44	19.74	0.35	0.06	20.24	0.85	000
45305	.....	A	Proctosigmoidoscopy w/bx	1.01	2.62	0.53	0.09	3.72	1.63	000
45307	.....	A	Proctosigmoidoscopy fb ...	0.94	3.07	0.51	0.15	4.16	1.60	000
45308	.....	A	Proctosigmoidoscopy removal.	0.83	1.97	0.47	0.13	2.93	1.43	000
45309	.....	A	Proctosigmoidoscopy removal.	2.01	2.82	0.87	0.17	5.00	3.05	000
45315	.....	A	Proctosigmoidoscopy removal.	1.40	2.85	0.67	0.20	4.45	2.27	000
45317	.....	A	Proctosigmoidoscopy bleed.	1.50	2.43	0.69	0.20	4.13	2.39	000
45320	.....	A	Proctosigmoidoscopy ablate.	1.58	2.89	0.74	0.20	4.67	2.52	000
45321	.....	A	Proctosigmoidoscopy volvul.	1.17	N/A	0.59	0.17	N/A	1.93	000
45327	.....	A	Proctosigmoidoscopy w/ stent.	1.65	N/A	0.71	0.10	N/A	2.46	000
45330	.....	A	Diagnostic sigmoidoscopy	0.96	2.25	0.53	0.05	3.26	1.54	000
45331	.....	A	Sigmoidoscopy and biopsy	1.15	2.90	0.64	0.07	4.12	1.86	000
45332	.....	A	Sigmoidoscopy w/fb removal.	1.79	4.86	0.86	0.11	6.76	2.76	000
45333	.....	A	Sigmoidoscopy & polypectomy.	1.79	4.81	0.86	0.12	6.72	2.77	000
45334	.....	A	Sigmoidoscopy for bleeding.	2.73	N/A	1.21	0.16	N/A	4.10	000
45335	.....	A	Sigmoidoscope w/submuc inj.	1.36	3.27	0.66	0.07	4.70	2.09	000
45337	.....	A	Sigmoidoscopy & decompress.	2.36	N/A	1.06	0.15	N/A	3.57	000
45338	.....	A	Sigmoidoscpy w/tumr remove.	2.34	5.13	1.07	0.15	7.62	3.56	000
45339	.....	A	Sigmoidoscopy w/ablate tumr.	3.14	3.36	1.35	0.17	6.67	4.66	000
45340	.....	A	Sig w/balloon dilation	1.66	6.60	0.76	0.07	8.33	2.49	000
45341	.....	A	Sigmoidoscopy w/ ultrasound.	2.60	N/A	1.15	0.20	N/A	3.95	000
45342	.....	A	Sigmoidoscopy w/us guide bx.	4.06	N/A	1.62	0.23	N/A	5.91	000
45345	.....	A	Sigmoidoscopy w/stent	2.92	N/A	1.22	0.15	N/A	4.29	000
45355	.....	A	Surgical colonoscopy	3.52	N/A	1.43	0.26	N/A	5.21	000
45378	.....	A	Diagnostic colonoscopy	3.70	6.30	1.68	0.20	10.20	5.58	000
45378	53	A	Diagnostic colonoscopy	0.96	2.25	0.53	0.05	3.26	1.54	000
45379	.....	A	Colonoscopy w/fb removal	4.69	7.83	1.94	0.25	12.77	6.88	000
45380	.....	A	Colonoscopy and biopsy ..	4.44	7.26	1.81	0.21	11.91	6.46	000
45381	.....	A	Colonoscope, submucous inj.	4.20	8.00	1.72	0.21	12.41	6.13	000
45382	.....	A	Colonoscopy/control bleeding.	5.69	10.03	2.32	0.27	15.99	8.28	000
45383	.....	A	Lesion removal colonoscopy.	5.87	8.05	2.31	0.32	14.24	8.50	000
45384	.....	A	Lesion remove colonoscopy.	4.70	6.87	1.91	0.24	11.81	6.85	000
45385	.....	A	Lesion removal colonoscopy.	5.31	7.90	2.12	0.28	13.49	7.71	000
45386	.....	A	Colonoscope dilate stricture.	4.58	14.09	1.86	0.21	18.88	6.65	000
45387	.....	A	Colonoscopy w/stent	5.91	N/A	2.40	0.33	N/A	8.64	000
45500	.....	A	Repair of rectum	7.29	N/A	3.63	0.56	N/A	11.48	090
45505	.....	A	Repair of rectum	7.58	N/A	3.87	0.50	N/A	11.95	090
45520	.....	A	Treatment of rectal prolapse.	0.55	0.86	0.19	0.04	1.45	0.78	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
45540	.....	A	Correct rectal prolapse	16.27	N/A	6.96	1.17	N/A	24.40	090
45541	.....	A	Correct rectal prolapse	13.40	N/A	6.06	0.88	N/A	20.34	090
45550	.....	A	Repair rectum/remove sigmoid.	23.00	N/A	9.40	1.58	N/A	33.98	090
45560	.....	A	Repair of rectocele	10.58	N/A	5.22	0.73	N/A	16.53	090
45562	.....	A	Exploration/repair of rectum.	15.38	N/A	7.07	1.15	N/A	23.60	090
45563	.....	A	Exploration/repair of rectum.	23.47	N/A	10.69	1.84	N/A	36.00	090
45800	.....	A	Repair rect/bladder fistula	17.77	N/A	7.57	1.14	N/A	26.48	090
45805	.....	A	Repair fistula w/colostomy	20.78	N/A	9.71	1.47	N/A	31.96	090
45820	.....	A	Repair rectourethral fistula	18.48	N/A	7.76	1.17	N/A	27.41	090
45825	.....	A	Repair fistula w/colostomy	21.25	N/A	9.99	0.97	N/A	32.21	090
45900	.....	A	Reduction of rectal prolapse.	2.61	N/A	1.35	0.17	N/A	4.13	010
45905	.....	A	Dilation of anal sphincter ..	2.30	10.78	1.25	0.14	13.22	3.69	010
45910	.....	A	Dilation of rectal narrowing	2.80	15.08	1.46	0.14	18.02	4.40	010
45915	.....	A	Remove rectal obstruction	3.14	4.88	1.19	0.17	8.19	4.50	010
45999	.....	C	Rectum surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
46020	.....	A	Placement of seton	2.90	2.30	1.88	0.22	5.42	5.00	010
46030	.....	A	Removal of rectal marker	1.23	1.37	0.72	0.11	2.71	2.06	010
46040	.....	A	Incision of rectal abscess	4.96	5.33	3.17	0.48	10.77	8.61	090
46045	.....	A	Incision of rectal abscess	4.32	N/A	2.88	0.40	N/A	7.60	090
46050	.....	A	Incision of anal abscess ...	1.19	2.61	0.87	0.11	3.91	2.17	010
46060	.....	A	Incision of rectal abscess	5.69	N/A	3.31	0.52	N/A	9.52	090
46070	.....	A	Incision of anal septum	2.71	N/A	2.02	0.27	N/A	5.00	090
46080	.....	A	Incision of anal sphincter ..	2.49	2.42	1.15	0.23	5.14	3.87	010
46083	.....	A	Incise external hemorrhoid	1.40	2.57	0.96	0.12	4.09	2.48	010
46200	.....	A	Removal of anal fissure ...	3.42	3.66	2.40	0.30	7.38	6.12	090
46210	.....	A	Removal of anal crypt	2.67	4.85	2.14	0.26	7.78	5.07	090
46211	.....	A	Removal of anal crypts	4.25	5.11	2.91	0.37	9.73	7.53	090
46220	.....	A	Removal of anal tag	1.56	2.31	0.95	0.14	4.01	2.65	010
46221	.....	A	Ligation of hemorrhoid(s)	2.04	1.64	1.14	0.12	3.80	3.30	010
46230	.....	A	Removal of anal tags	2.57	3.10	1.30	0.22	5.89	4.09	010
46250	.....	A	Hemorrhoidectomy	3.89	4.97	2.48	0.43	9.29	6.80	090
46255	.....	A	Hemorrhoidectomy	4.60	5.52	2.71	0.51	10.63	7.82	090
46257	.....	A	Remove hemorrhoids & fissure.	5.40	N/A	2.91	0.59	N/A	8.90	090
46258	.....	A	Remove hemorrhoids & fistula.	5.73	N/A	3.27	0.64	N/A	9.64	090
46260	.....	A	Hemorrhoidectomy	6.37	N/A	3.29	0.68	N/A	10.34	090
46261	.....	A	Remove hemorrhoids & fissure.	7.08	N/A	3.67	0.70	N/A	11.45	090
46262	.....	A	Remove hemorrhoids & fistula.	7.50	N/A	3.81	0.76	N/A	12.07	090
46270	.....	A	Removal of anal fistula	3.72	4.73	2.40	0.36	8.81	6.48	090
46275	.....	A	Removal of anal fistula	4.56	4.43	2.61	0.40	9.39	7.57	090
46280	.....	A	Removal of anal fistula	5.98	N/A	3.32	0.50	N/A	9.80	090
46285	.....	A	Removal of anal fistula	4.09	3.67	2.39	0.34	8.10	6.82	090
46288	.....	A	Repair anal fistula	7.13	N/A	3.75	0.60	N/A	11.48	090
46320	.....	A	Removal of hemorrhoid clot.	1.61	2.16	0.87	0.14	3.91	2.62	010
46500	.....	A	Injection into hemorrhoid(s).	1.61	2.83	0.63	0.12	4.56	2.36	010
46600	.....	A	Diagnostic anoscopy	0.50	1.64	0.39	0.04	2.18	0.93	000
46604	.....	A	Anoscopy and dilation	1.31	9.68	0.65	0.09	11.08	2.05	000
46606	.....	A	Anoscopy and biopsy	0.81	3.94	0.45	0.07	4.82	1.33	000
46608	.....	A	Anoscopy, remove for body.	1.51	4.58	0.70	0.13	6.22	2.34	000
46610	.....	A	Anoscopy, remove lesion	1.32	4.17	0.65	0.12	5.61	2.09	000
46611	.....	A	Anoscopy	1.81	3.45	0.81	0.15	5.41	2.77	000
46612	.....	A	Anoscopy, remove lesions	2.34	5.30	1.02	0.18	7.82	3.54	000
46614	.....	A	Anoscopy, control bleeding.	2.01	2.33	0.88	0.14	4.48	3.03	000
46615	.....	A	Anoscopy	2.68	2.57	1.11	0.23	5.48	4.02	000
46700	.....	A	Repair of anal stricture	9.13	N/A	4.29	0.56	N/A	13.98	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
46705		A	Repair of anal stricture	6.90	N/A	3.71	0.73	N/A	11.34	090
46706		A	Repr of anal fistula w/glue	2.39	N/A	1.27	0.17	N/A	3.83	010
46715		A	Repair of anovaginal fistula.	7.20	N/A	3.65	0.76	N/A	11.61	090
46716		A	Repair of anovaginal fistula.	15.07	N/A	8.18	1.30	N/A	24.55	090
46730		A	Construction of absent anus.	26.75	N/A	12.31	2.03	N/A	41.09	090
46735		A	Construction of absent anus.	32.17	N/A	14.15	2.64	N/A	48.96	090
46740		A	Construction of absent anus.	30.00	N/A	13.53	1.99	N/A	45.52	090
46742		A	Repair of imperforated anus.	35.80	N/A	17.84	2.63	N/A	56.27	090
46744		A	Repair of cloacal anomaly	52.63	N/A	21.45	2.27	N/A	76.35	090
46746		A	Repair of cloacal anomaly	58.22	N/A	25.92	2.51	N/A	86.65	090
46748		A	Repair of cloacal anomaly	64.21	N/A	25.76	2.77	N/A	92.74	090
46750		A	Repair of anal sphincter	10.25	N/A	5.17	0.69	N/A	16.11	090
46751		A	Repair of anal sphincter	8.77	N/A	5.39	0.78	N/A	14.94	090
46753		A	Reconstruction of anus	8.29	N/A	3.90	0.58	N/A	12.77	090
46754		A	Removal of suture from anus.	2.20	3.73	1.72	0.12	6.05	4.04	010
46760		A	Repair of anal sphincter	14.43	N/A	7.13	0.86	N/A	22.42	090
46761		A	Repair of anal sphincter	13.84	N/A	6.16	0.84	N/A	20.84	090
46762		A	Implant artificial sphincter	12.71	N/A	5.59	0.71	N/A	19.01	090
46900		A	Destruction, anal lesion(s)	1.91	3.60	0.81	0.13	5.64	2.85	010
46910		A	Destruction, anal lesion(s)	1.86	2.75	1.12	0.14	4.75	3.12	010
46916		A	Cryosurgery, anal lesion(s)	1.86	3.14	1.44	0.09	5.09	3.39	010
46917		A	Laser surgery, anal lesions.	1.86	14.08	1.15	0.16	16.10	3.17	010
46922		A	Excision of anal lesion(s)	1.86	3.38	1.10	0.17	5.41	3.13	010
46924		A	Destruction, anal lesion(s)	2.76	12.56	1.39	0.20	15.52	4.35	010
46934		A	Destruction of hemorrhoids.	3.51	5.18	2.81	0.26	8.95	6.58	090
46935		A	Destruction of hemorrhoids.	2.43	3.55	1.23	0.17	6.15	3.83	010
46936		A	Destruction of hemorrhoids.	3.69	4.61	2.38	0.30	8.60	6.37	090
46937		A	Cryotherapy of rectal lesion.	2.69	2.79	1.25	0.12	5.60	4.06	010
46938		A	Cryotherapy of rectal lesion.	4.66	4.28	2.74	0.40	9.34	7.80	090
46940		A	Treatment of anal fissure	2.32	2.04	1.11	0.17	4.53	3.60	010
46942		A	Treatment of anal fissure	2.04	1.87	1.02	0.14	4.05	3.20	010
46945		A	Ligation of hemorrhoids	1.84	3.60	1.91	0.17	5.61	3.92	090
46946		A	Ligation of hemorrhoids	2.58	4.34	1.92	0.22	7.14	4.72	090
46999		C	Anus surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
47000		A	Needle biopsy of liver	1.90	3.29	0.64	0.09	5.28	2.63	000
47001		A	Needle biopsy, liver add-on.	1.90	N/A	0.66	0.18	N/A	2.74	ZZZ
47010		A	Open drainage, liver lesion	16.01	N/A	8.75	0.65	N/A	25.41	090
47011		A	Percut drain, liver lesion	3.70	N/A	4.42	0.17	N/A	8.29	000
47015		A	Inject/aspirate liver cyst	15.11	N/A	7.70	0.86	N/A	23.67	090
47100		A	Wedge biopsy of liver	11.67	N/A	6.22	0.75	N/A	18.64	090
47120		A	Partial removal of liver	35.50	N/A	15.57	2.29	N/A	53.36	090
47122		A	Extensive removal of liver	55.13	N/A	22.07	3.60	N/A	80.80	090
47125		A	Partial removal of liver	49.19	N/A	20.05	3.18	N/A	72.42	090
47130		A	Partial removal of liver	53.35	N/A	21.54	3.47	N/A	78.36	090
47134		R	Partial removal, donor liver	39.15	N/A	13.51	3.98	N/A	56.64	XXX
47135		R	Transplantation of liver	81.52	N/A	32.18	8.13	N/A	121.83	090
47136		R	Transplantation of liver	68.60	N/A	29.48	6.93	N/A	105.01	090
47300		A	Surgery for liver lesion	15.08	N/A	7.44	0.97	N/A	23.49	090
47350		A	Repair liver wound	19.56	N/A	9.10	1.25	N/A	29.91	090
47360		A	Repair liver wound	26.92	N/A	11.93	1.71	N/A	40.56	090
47361		A	Repair liver wound	47.12	N/A	19.02	3.11	N/A	69.25	090
47362		A	Repair liver wound	18.51	N/A	9.02	1.22	N/A	28.75	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
47370	.....	A	Laparo ablate liver tumor rf.	19.69	N/A	8.31	0.85	N/A	28.85	090
47371	.....	A	Laparo ablate liver cryosurg.	19.69	N/A	8.43	0.85	N/A	28.97	090
47379	.....	C	Laparoscope procedure, liver.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
47380	.....	A	Open ablate liver tumor rf	23.00	N/A	9.55	0.85	N/A	33.40	090
47381	.....	A	Open ablate liver tumor cryo.	23.27	N/A	9.86	0.85	N/A	33.98	090
47382	.....	A	Percut ablate liver rf	15.19	N/A	6.00	1.14	N/A	22.33	010
47399	.....	C	Liver surgery procedure ...	0.00	0.00	0.00	0.00	0.00	0.00	YYY
47400	.....	A	Incision of liver duct	32.49	N/A	13.86	1.82	N/A	48.17	090
47420	.....	A	Incision of bile duct	19.88	N/A	8.99	1.70	N/A	30.57	090
47425	.....	A	Incision of bile duct	19.83	N/A	9.04	1.60	N/A	30.47	090
47460	.....	A	Incise bile duct sphincter ..	18.04	N/A	8.61	1.24	N/A	27.89	090
47480	.....	A	Incision of gallbladder	10.82	N/A	6.13	0.85	N/A	17.80	090
47490	.....	A	Incision of gallbladder	7.23	N/A	5.97	0.33	N/A	13.53	090
47500	.....	A	Injection for liver x-rays	1.96	N/A	0.65	0.09	N/A	2.70	000
47505	.....	A	Injection for liver x-rays	0.76	2.59	0.25	0.03	3.38	1.04	000
47510	.....	A	Insert catheter, bile duct ...	7.83	N/A	5.02	0.36	N/A	13.21	090
47511	.....	A	Insert bile duct drain	10.50	N/A	5.12	0.47	N/A	16.09	090
47525	.....	A	Change bile duct catheter	5.55	N/A	3.26	0.24	N/A	9.05	010
47530	.....	A	Revise/reinsert bile tube ...	5.85	N/A	4.30	0.29	N/A	10.44	090
47550	.....	A	Bile duct endoscopy add-on.	3.02	N/A	1.05	0.30	N/A	4.37	ZZZ
47552	.....	A	Biliary endoscopy thru skin	6.04	N/A	2.43	0.42	N/A	8.89	000
47553	.....	A	Biliary endoscopy thru skin	6.35	N/A	2.62	0.30	N/A	9.27	000
47554	.....	A	Biliary endoscopy thru skin	9.06	N/A	3.43	0.74	N/A	13.23	000
47555	.....	A	Biliary endoscopy thru skin	7.56	N/A	3.04	0.35	N/A	10.95	000
47556	.....	A	Biliary endoscopy thru skin	8.56	N/A	3.37	0.38	N/A	12.31	000
47560	.....	A	Laparoscopy w/cholangio	4.89	N/A	1.85	0.49	N/A	7.23	000
47561	.....	A	Laparo w/cholangio/biopsy	5.18	N/A	2.16	0.49	N/A	7.83	000
47562	.....	A	Laparoscopic cholecys-tectomy.	11.09	N/A	5.04	1.13	N/A	17.26	090
47563	.....	A	Laparo cholecystectomy/ graph.	11.94	N/A	5.35	1.21	N/A	18.50	090
47564	.....	A	Laparo cholecystectomy/ explr.	14.23	N/A	6.06	1.44	N/A	21.73	090
47570	.....	A	Laparo cholecystoenterostomy.	12.58	N/A	5.47	1.28	N/A	19.33	090
47579	.....	C	Laparoscope proc, biliary	0.00	0.00	0.00	0.00	0.00	0.00	YYY
47600	.....	A	Removal of gallbladder	13.58	N/A	6.36	1.16	N/A	21.10	090
47605	.....	A	Removal of gallbladder	14.69	N/A	6.72	1.25	N/A	22.66	090
47610	.....	A	Removal of gallbladder	18.82	N/A	8.20	1.61	N/A	28.63	090
47612	.....	A	Removal of gallbladder	18.78	N/A	8.14	1.60	N/A	28.52	090
47620	.....	A	Removal of gallbladder	20.64	N/A	8.79	1.77	N/A	31.20	090
47630	.....	A	Remove bile duct stone ...	9.11	N/A	4.81	0.46	N/A	14.38	090
47700	.....	A	Exploration of bile ducts ...	15.62	N/A	7.60	1.40	N/A	24.62	090
47701	.....	A	Bile duct revision	27.81	N/A	11.87	3.00	N/A	42.68	090
47711	.....	A	Excision of bile duct tumor	23.03	N/A	10.22	1.98	N/A	35.23	090
47712	.....	A	Excision of bile duct tumor	30.24	N/A	12.77	2.67	N/A	45.68	090
47715	.....	A	Excision of bile duct cyst ..	18.80	N/A	8.66	1.59	N/A	29.05	090
47716	.....	A	Fusion of bile duct cyst	16.44	N/A	8.09	1.41	N/A	25.94	090
47720	.....	A	Fuse gallbladder & bowel	15.91	N/A	7.69	1.37	N/A	24.97	090
47721	.....	A	Fuse upper gi structures ..	19.12	N/A	8.81	1.63	N/A	29.56	090
47740	.....	A	Fuse gallbladder & bowel	18.48	N/A	8.61	1.59	N/A	28.68	090
47741	.....	A	Fuse gallbladder & bowel	21.34	N/A	9.54	1.82	N/A	32.70	090
47760	.....	A	Fuse bile ducts and bowel	25.85	N/A	11.13	2.21	N/A	39.19	090
47765	.....	A	Fuse liver ducts & bowel ..	24.88	N/A	11.16	2.18	N/A	38.22	090
47780	.....	A	Fuse bile ducts and bowel	26.50	N/A	11.50	2.27	N/A	40.27	090
47785	.....	A	Fuse bile ducts and bowel	31.18	N/A	13.32	2.69	N/A	47.19	090
47800	.....	A	Reconstruction of bile ducts.	23.30	N/A	10.33	1.95	N/A	35.58	090
47801	.....	A	Placement, bile duct sup-port.	15.17	N/A	8.43	0.69	N/A	24.29	090
47802	.....	A	Fuse liver duct & intestine	21.55	N/A	9.99	1.84	N/A	33.38	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
47900	.....	A	Suture bile duct injury	19.90	N/A	9.11	1.65	N/A	30.66	090
47999	.....	C	Bile tract surgery procedure.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
48000	.....	A	Drainage of abdomen	28.07	N/A	11.83	1.32	N/A	41.22	090
48001	.....	A	Placement of drain, pancreas.	35.45	N/A	14.27	1.90	N/A	51.62	090
48005	.....	A	Resect/debride pancreas	42.17	N/A	16.95	2.26	N/A	61.38	090
48020	.....	A	Removal of pancreatic stone.	15.70	N/A	7.52	1.36	N/A	24.58	090
48100	.....	A	Biopsy of pancreas, open	12.23	N/A	5.82	1.08	N/A	19.13	090
48102	.....	A	Needle biopsy, pancreas ..	4.68	9.01	2.47	0.20	13.89	7.35	010
48120	.....	A	Removal of pancreas lesion.	15.85	N/A	7.10	1.35	N/A	24.30	090
48140	.....	A	Partial removal of pancreas.	22.94	N/A	9.79	2.12	N/A	34.85	090
48145	.....	A	Partial removal of pancreas.	24.02	N/A	10.14	2.25	N/A	36.41	090
48146	.....	A	Pancreatectomy	26.40	N/A	12.29	2.43	N/A	41.12	090
48148	.....	A	Removal of pancreatic duct.	17.34	N/A	7.88	1.61	N/A	26.83	090
48150	.....	A	Partial removal of pancreas.	48.00	N/A	20.04	4.43	N/A	72.47	090
48152	.....	A	Pancreatectomy	43.75	N/A	18.70	4.07	N/A	66.52	090
48153	.....	A	Pancreatectomy	47.89	N/A	20.15	4.40	N/A	72.44	090
48154	.....	A	Pancreatectomy	44.10	N/A	18.76	4.10	N/A	66.96	090
48155	.....	A	Removal of pancreas	24.64	N/A	12.08	2.30	N/A	39.02	090
48180	.....	A	Fuse pancreas and bowel	24.72	N/A	10.46	2.24	N/A	37.42	090
48400	.....	A	Injection, intraop add-on ...	1.95	N/A	0.66	0.10	N/A	2.71	ZZZ
48500	.....	A	Surgery of pancreatic cyst	15.28	N/A	7.57	1.35	N/A	24.20	090
48510	.....	A	Drain pancreatic pseudocyst.	14.31	N/A	7.67	1.07	N/A	23.05	090
48511	.....	A	Drain pancreatic pseudocyst.	4.00	N/A	3.75	0.17	N/A	7.92	000
48520	.....	A	Fuse pancreas cyst and bowel.	15.59	N/A	6.94	1.41	N/A	23.94	090
48540	.....	A	Fuse pancreas cyst and bowel.	19.72	N/A	8.37	1.82	N/A	29.91	090
48545	.....	A	Pancreatorrhaphy	18.18	N/A	8.23	1.61	N/A	28.02	090
48547	.....	A	Duodenal exclusion	25.83	N/A	10.76	2.30	N/A	38.89	090
48554	.....	R	Transpl allograft pancreas	34.17	N/A	16.00	3.30	N/A	53.47	090
48556	.....	A	Removal, allograft pancreas.	15.71	N/A	7.81	1.52	N/A	25.04	090
48999	.....	C	Pancreas surgery procedure.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
49000	.....	A	Exploration of abdomen ...	11.68	N/A	5.44	1.17	N/A	18.29	090
49002	.....	A	Reopening of abdomen	10.49	N/A	5.10	1.06	N/A	16.65	090
49010	.....	A	Exploration behind abdomen.	12.28	N/A	5.96	1.22	N/A	19.46	090
49020	.....	A	Drain abdominal abscess	22.84	N/A	10.32	1.31	N/A	34.47	090
49021	.....	A	Drain abdominal abscess	3.38	N/A	5.37	0.16	N/A	8.91	000
49040	.....	A	Drain, open, abdom abscess.	13.52	N/A	6.54	0.84	N/A	20.90	090
49041	.....	A	Drain, percut, abdom abscess.	4.00	N/A	5.69	0.18	N/A	9.87	000
49060	.....	A	Drain, open, retrop abscess.	15.86	N/A	7.56	0.77	N/A	24.19	090
49061	.....	A	Drain, percut, retroper absc.	3.70	N/A	5.68	0.17	N/A	9.55	000
49062	.....	A	Drain to peritoneal cavity ..	11.36	N/A	5.59	1.08	N/A	18.03	090
49080	.....	A	Puncture, peritoneal cavity	1.35	4.18	0.46	0.07	5.60	1.88	000
49081	.....	A	Removal of abdominal fluid.	1.26	2.68	0.58	0.06	4.00	1.90	000
49085	.....	A	Remove abdomen foreign body.	12.14	N/A	5.62	0.88	N/A	18.64	090
49180	.....	A	Biopsy, abdominal mass ..	1.73	3.34	0.58	0.08	5.15	2.39	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
49200	.....	A	Removal of abdominal lesion.	10.25	N/A	5.12	0.92	N/A	16.29	090
49201	.....	A	Remove abdom lesion, complex.	14.84	N/A	7.23	1.47	N/A	23.54	090
49215	.....	A	Excise sacral spine tumor	33.50	N/A	14.50	2.48	N/A	50.48	090
49220	.....	A	Multiple surgery, abdomen	14.88	N/A	6.74	1.51	N/A	23.13	090
49250	.....	A	Excision of umbilicus	8.35	N/A	4.35	0.84	N/A	13.54	090
49255	.....	A	Removal of omentum	11.14	N/A	5.74	1.12	N/A	18.00	090
49320	.....	A	Diag laparo separate proc	5.10	N/A	2.60	0.50	N/A	8.20	010
49321	.....	A	Laparoscopy, biopsy	5.40	N/A	2.61	0.53	N/A	8.54	010
49322	.....	A	Laparoscopy, aspiration ...	5.70	N/A	2.94	0.57	N/A	9.21	010
49323	.....	A	Laparo drain lymphocele ..	9.48	N/A	4.49	0.88	N/A	14.85	090
49329	.....	C	Laparo proc, abdm/per/oment.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
49400	.....	A	Air injection into abdomen	1.88	N/A	0.79	0.11	N/A	2.78	000
49419	.....	A	Insrt abdom cath for chemotx.	6.65	N/A	3.60	0.55	N/A	10.80	090
49420	.....	A	Insert abdom drain, temp	2.22	N/A	1.13	0.13	N/A	3.48	000
49421	.....	A	Insert abdom drain, perm	5.54	N/A	3.18	0.55	N/A	9.27	090
49422	.....	A	Remove perm cannula/catheter.	6.25	N/A	2.90	0.63	N/A	9.78	010
49423	.....	A	Exchange drainage catheter.	1.46	N/A	0.67	0.07	N/A	2.20	000
49424	.....	A	Assess cyst, contrast inject.	0.76	N/A	0.44	0.03	N/A	1.23	000
49425	.....	A	Insert abdomen-venous drain.	11.37	N/A	5.62	1.21	N/A	18.20	090
49426	.....	A	Revise abdomen-venous shunt.	9.63	N/A	4.82	0.93	N/A	15.38	090
49427	.....	A	Injection, abdominal shunt	0.89	N/A	0.48	0.05	N/A	1.42	000
49428	.....	A	Ligation of shunt	6.06	N/A	3.33	0.31	N/A	9.70	010
49429	.....	A	Removal of shunt	7.40	N/A	3.53	0.81	N/A	11.74	010
49491	.....	A	Rpr hern preemie reduc ...	11.13	N/A	5.30	1.10	N/A	17.53	090
49492	.....	A	Rpr ing hern premie, blocked.	14.03	N/A	6.29	1.47	N/A	21.79	090
49495	.....	A	Rpr ing hernia baby, reduc	5.89	N/A	3.07	0.58	N/A	9.54	090
49496	.....	A	Rpr ing hernia baby, blocked.	8.79	N/A	4.42	0.92	N/A	14.13	090
49500	.....	A	Rpr ing hernia, init, reduce	5.48	N/A	3.20	0.46	N/A	9.14	090
49501	.....	A	Rpr ing hernia, init blocked	8.88	N/A	4.29	0.76	N/A	13.93	090
49505	.....	A	Prp i/hern init reduc>5 yr ..	7.60	4.04	3.83	0.65	12.29	12.08	090
49507	.....	A	Prp i/hern init block>5 yr ..	9.57	N/A	4.67	0.83	N/A	15.07	090
49520	.....	A	Rerepair ing hernia, reduce.	9.63	N/A	4.63	0.84	N/A	15.10	090
49521	.....	A	Rerepair ing hernia, blocked.	11.97	N/A	5.36	1.04	N/A	18.37	090
49525	.....	A	Repair ing hernia, sliding ..	8.57	N/A	4.23	0.74	N/A	13.54	090
49540	.....	A	Repair lumbar hernia	10.39	N/A	4.91	0.90	N/A	16.20	090
49550	.....	A	Rpr rem hernia, init, reduce.	8.63	N/A	4.22	0.75	N/A	13.60	090
49553	.....	A	Rpr fem hernia, init blocked.	9.44	N/A	4.55	0.83	N/A	14.82	090
49555	.....	A	Rerepair fem hernia, reduce.	9.03	N/A	4.42	0.79	N/A	14.24	090
49557	.....	A	Rerepair fem hernia, blocked.	11.15	N/A	5.14	0.97	N/A	17.26	090
49560	.....	A	Rpr ventral hern init, reduc	11.57	N/A	5.32	1.00	N/A	17.89	090
49561	.....	A	Rpr ventral hern init, block	14.25	N/A	6.24	1.23	N/A	21.72	090
49565	.....	A	Rerepair ventrl hern, reduce.	11.57	N/A	5.39	1.00	N/A	17.96	090
49566	.....	A	Rerepair ventrl hern, block	14.40	N/A	6.31	1.24	N/A	21.95	090
49568	.....	A	Hernia repair w/mesh	4.89	N/A	1.71	0.50	N/A	7.10	ZZZ
49570	.....	A	Rpr epigastric hern, reduce.	5.69	N/A	3.23	0.50	N/A	9.42	090
49572	.....	A	Rpr epigastric hern, blocked.	6.73	N/A	3.59	0.58	N/A	10.90	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
49580		A	Rpr umbil hern, reduc < 5 yr.	4.11	N/A	2.68	0.34	N/A	7.13	090
49582		A	Rpr umbil hern, block < 5 yr.	6.65	N/A	3.65	0.57	N/A	10.87	090
49585		A	Rpr umbil hern, reduc > 5 yr.	6.23	N/A	3.43	0.53	N/A	10.19	090
49587		A	Rpr umbil hern, block > 5 yr.	7.56	N/A	3.83	0.65	N/A	12.04	090
49590		A	Repair spigilian hernia	8.54	N/A	4.23	0.74	N/A	13.51	090
49600		A	Repair umbilical lesion	10.96	N/A	5.39	1.13	N/A	17.48	090
49605		A	Repair umbilical lesion	76.00	N/A	29.13	2.57	N/A	107.70	090
49606		A	Repair umbilical lesion	18.60	N/A	7.89	2.22	N/A	28.71	090
49610		A	Repair umbilical lesion	10.50	N/A	5.42	0.77	N/A	16.69	090
49611		A	Repair umbilical lesion	8.92	N/A	6.51	0.65	N/A	16.08	090
49650		A	Laparo hernia repair initial	6.27	N/A	3.22	0.64	N/A	10.13	090
49651		A	Laparo hernia repair recur	8.24	N/A	4.14	0.84	N/A	13.22	090
49659		C	Laparo proc, hernia repair	0.00	0.00	0.00	0.00	0.00	0.00	YYY
49900		A	Repair of abdominal wall	12.28	N/A	6.35	1.23	N/A	19.86	090
49904		A	Omental flap, extra-abdom	20.00	N/A	15.88	1.91	N/A	37.79	090
49905		A	Omental flap, intra-abdom	6.55	N/A	2.33	0.61	N/A	9.49	ZZZ
49906		C	Free omental flap, microvasc.	0.00	0.00	0.00	0.00	0.00	0.00	090
49999		C	Abdomen surgery procedure.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
50010		A	Exploration of kidney	10.98	N/A	5.69	0.79	N/A	17.46	090
50020		A	Renal abscess, open drain	14.66	N/A	9.32	0.80	N/A	24.78	090
50021		A	Renal abscess, percut drain.	3.38	N/A	1.45	0.15	N/A	4.98	000
50040		A	Drainage of kidney	14.94	N/A	8.84	0.82	N/A	24.60	090
50045		A	Exploration of kidney	15.46	N/A	7.12	1.06	N/A	23.64	090
50060		A	Removal of kidney stone	19.30	N/A	8.41	1.14	N/A	28.85	090
50065		A	Incision of kidney	20.79	N/A	6.40	1.13	N/A	28.32	090
50070		A	Incision of kidney	20.32	N/A	8.81	1.20	N/A	30.33	090
50075		A	Removal of kidney stone	25.34	N/A	10.62	1.51	N/A	37.47	090
50080		A	Removal of kidney stone	14.71	N/A	8.29	0.86	N/A	23.86	090
50081		A	Removal of kidney stone	21.80	N/A	10.79	1.30	N/A	33.89	090
50100		A	Revise kidney blood vessels.	16.09	N/A	8.17	1.64	N/A	25.90	090
50120		A	Exploration of kidney	15.91	N/A	7.33	1.04	N/A	24.28	090
50125		A	Explore and drain kidney	16.52	N/A	7.50	1.07	N/A	25.09	090
50130		A	Removal of kidney stone	17.29	N/A	7.73	1.04	N/A	26.06	090
50135		A	Exploration of kidney	19.18	N/A	8.36	1.18	N/A	28.72	090
50200		A	Biopsy of kidney	2.63	N/A	0.92	0.12	N/A	3.67	000
50205		A	Biopsy of kidney	11.31	N/A	5.47	0.94	N/A	17.72	090
50220		A	Remove kidney, open	17.15	N/A	7.77	1.16	N/A	26.08	090
50225		A	Removal kidney open, complex.	20.23	N/A	8.73	1.26	N/A	30.22	090
50230		A	Removal kidney open, radical.	22.07	N/A	9.22	1.35	N/A	32.64	090
50234		A	Removal of kidney & ureter.	22.40	N/A	9.43	1.37	N/A	33.20	090
50236		A	Removal of kidney & ureter.	24.86	N/A	11.85	1.50	N/A	38.21	090
50240		A	Partial removal of kidney	22.00	N/A	10.92	1.36	N/A	34.28	090
50280		A	Removal of kidney lesion	15.67	N/A	7.22	0.99	N/A	23.88	090
50290		A	Removal of kidney lesion	14.73	N/A	6.92	1.11	N/A	22.76	090
50320		A	Removal of donor kidney	22.21	N/A	9.47	1.78	N/A	33.46	090
50340		A	Removal of kidney	12.15	N/A	7.14	1.15	N/A	20.44	090
50360		A	Transplantation of kidney	31.53	N/A	14.85	2.97	N/A	49.35	090
50365		A	Transplantation of kidney	36.81	N/A	17.60	3.51	N/A	57.92	090
50370		A	Remove transplanted kidney.	13.72	N/A	7.75	1.26	N/A	22.73	090
50380		A	Reimplantation of kidney	20.76	N/A	12.31	1.80	N/A	34.87	090
50390		A	Drainage of kidney lesion	1.96	N/A	0.65	0.09	N/A	2.70	000
50392		A	Insert kidney drain	3.38	N/A	1.12	0.15	N/A	4.65	000
50393		A	Insert ureteral tube	4.16	N/A	1.38	0.18	N/A	5.72	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
50394	.....	A	Injection for kidney x-ray ..	0.76	2.52	0.25	0.04	3.32	1.05	000
50395	.....	A	Create passage to kidney	3.38	N/A	1.12	0.16	N/A	4.66	000
50396	.....	A	Measure kidney pressure	2.09	N/A	0.87	0.10	N/A	3.06	000
50398	.....	A	Change kidney tube	1.46	1.21	0.49	0.07	2.74	2.02	000
50400	.....	A	Revision of kidney/ureter ..	19.50	N/A	8.46	1.21	N/A	29.17	090
50405	.....	A	Revision of kidney/ureter ..	23.93	N/A	10.80	1.45	N/A	36.18	090
50500	.....	A	Repair of kidney wound ...	19.57	N/A	9.01	1.45	N/A	30.03	090
50520	.....	A	Close kidney-skin fistula ...	17.23	N/A	9.11	1.26	N/A	27.60	090
50525	.....	A	Repair renal-abdomen fistula.	22.27	N/A	10.50	1.51	N/A	34.28	090
50526	.....	A	Repair renal-abdomen fistula.	24.02	N/A	11.18	1.62	N/A	36.82	090
50540	.....	A	Revision of horseshoe kidney.	19.93	N/A	8.83	1.28	N/A	30.04	090
50541	.....	A	Laparo ablate renal cyst ...	16.00	N/A	6.55	0.99	N/A	23.54	090
50542	.....	A	Laparo ablate renal mass	20.00	N/A	8.32	1.36	N/A	29.68	090
50543	.....	A	Laparo partial nephrectomy.	25.50	N/A	10.50	1.36	N/A	37.36	090
50544	.....	A	Laparoscopy, pyeloplasty	22.40	N/A	8.66	1.41	N/A	32.47	090
50545	.....	A	Laparo radical nephrectomy.	24.00	N/A	9.44	1.53	N/A	34.97	090
50546	.....	A	Laparoscopic nephrectomy	20.48	N/A	8.40	1.37	N/A	30.25	090
50547	.....	A	Laparo removal donor kidney.	25.50	N/A	10.33	2.04	N/A	37.87	090
50548	.....	A	Laparo remove k/ureter	24.40	N/A	9.30	1.49	N/A	35.19	090
50549	.....	C	Laparoscope proc, renal ..	0.00	0.00	0.00	0.00	0.00	0.00	YYY
50551	.....	A	Kidney endoscopy	5.60	5.03	1.83	0.33	10.96	7.76	000
50553	.....	A	Kidney endoscopy	5.99	18.93	1.99	0.35	25.27	8.33	000
50555	.....	A	Kidney endoscopy & biopsy.	6.53	19.59	2.16	0.38	26.50	9.07	000
50557	.....	A	Kidney endoscopy & treatment.	6.62	20.38	2.17	0.39	27.39	9.18	000
50559	.....	A	Renal endoscopy/ radiotracer.	6.78	N/A	2.24	0.27	N/A	9.29	000
50561	.....	A	Kidney endoscopy & treatment.	7.59	18.03	2.49	0.44	26.06	10.52	000
50562	.....	A	Renal scope w/tumor resect.	10.92	N/A	3.93	0.84	N/A	15.69	090
50570	.....	A	Kidney endoscopy	9.54	N/A	3.12	0.56	N/A	13.22	000
50572	.....	A	Kidney endoscopy	10.35	N/A	3.39	0.64	N/A	14.38	000
50574	.....	A	Kidney endoscopy & biopsy.	11.02	N/A	3.62	0.65	N/A	15.29	000
50575	.....	A	Kidney endoscopy	13.98	N/A	4.58	0.84	N/A	19.40	000
50576	.....	A	Kidney endoscopy & treatment.	10.99	N/A	3.59	0.66	N/A	15.24	000
50578	.....	A	Renal endoscopy/ radiotracer.	11.35	N/A	3.71	0.67	N/A	15.73	000
50580	.....	A	Kidney endoscopy & treatment.	11.86	N/A	3.88	0.70	N/A	16.44	000
50590	.....	A	Fragmenting of kidney stone.	9.09	10.52	4.93	0.54	20.15	14.56	090
50600	.....	A	Exploration of ureter	15.84	N/A	7.33	0.99	N/A	24.16	090
50605	.....	A	Insert ureteral support	15.46	N/A	7.31	1.13	N/A	23.90	090
50610	.....	A	Removal of ureter stone ...	15.92	N/A	7.60	1.08	N/A	24.60	090
50620	.....	A	Removal of ureter stone ...	15.16	N/A	6.97	0.91	N/A	23.04	090
50630	.....	A	Removal of ureter stone ...	14.94	N/A	6.90	0.90	N/A	22.74	090
50650	.....	A	Removal of ureter	17.41	N/A	7.87	1.07	N/A	26.35	090
50660	.....	A	Removal of ureter	19.55	N/A	8.61	1.19	N/A	29.35	090
50684	.....	A	Injection for ureter x-ray ...	0.76	10.78	0.25	0.04	11.58	1.05	000
50686	.....	A	Measure ureter pressure ..	1.51	4.66	0.66	0.09	6.26	2.26	000
50688	.....	A	Change of ureter tube	1.17	N/A	1.72	0.06	N/A	2.95	010
50690	.....	A	Injection for ureter x-ray ...	1.16	10.98	0.38	0.06	12.20	1.60	000
50700	.....	A	Revision of ureter	15.21	N/A	7.59	0.86	N/A	23.66	090
50715	.....	A	Release of ureter	18.90	N/A	9.55	1.68	N/A	30.13	090
50722	.....	A	Release of ureter	16.35	N/A	8.38	1.41	N/A	26.14	090
50725	.....	A	Release/revise ureter	18.49	N/A	8.73	1.44	N/A	28.66	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
50727	.....	A	Revise ureter	8.18	N/A	5.44	0.51	N/A	14.13	090
50728	.....	A	Revise ureter	12.02	N/A	6.96	0.88	N/A	19.86	090
50740	.....	A	Fusion of ureter & kidney	18.42	N/A	8.27	1.49	N/A	28.18	090
50750	.....	A	Fusion of ureter & kidney	19.51	N/A	8.66	1.24	N/A	29.41	090
50760	.....	A	Fusion of ureters	18.42	N/A	8.30	1.25	N/A	27.97	090
50770	.....	A	Splicing of ureters	19.51	N/A	8.62	1.25	N/A	29.38	090
50780	.....	A	Reimplant ureter in bladder.	18.36	N/A	8.22	1.20	N/A	27.78	090
50782	.....	A	Reimplant ureter in bladder.	19.54	N/A	9.91	1.13	N/A	30.58	090
50783	.....	A	Reimplant ureter in bladder.	20.55	N/A	9.67	1.35	N/A	31.57	090
50785	.....	A	Reimplant ureter in bladder.	20.52	N/A	8.96	1.30	N/A	30.78	090
50800	.....	A	Implant ureter in bowel	14.52	N/A	7.34	0.92	N/A	22.78	090
50810	.....	A	Fusion of ureter & bowel ..	20.05	N/A	9.89	1.78	N/A	31.72	090
50815	.....	A	Urine shunt to intestine	19.93	N/A	9.34	1.31	N/A	30.58	090
50820	.....	A	Construct bowel bladder ..	21.89	N/A	9.50	1.38	N/A	32.77	090
50825	.....	A	Construct bowel bladder ..	28.18	N/A	12.20	1.81	N/A	42.19	090
50830	.....	A	Revise urine flow	31.28	N/A	13.12	2.20	N/A	46.60	090
50840	.....	A	Replace ureter by bowel ..	20.00	N/A	9.32	1.26	N/A	30.58	090
50845	.....	A	Appendico-vesicostomy	20.89	N/A	9.08	1.26	N/A	31.23	090
50860	.....	A	Transplant ureter to skin ..	15.36	N/A	7.23	1.01	N/A	23.60	090
50900	.....	A	Repair of ureter	13.62	N/A	6.66	0.98	N/A	21.26	090
50920	.....	A	Closure ureter/skin fistula	14.33	N/A	7.09	0.84	N/A	22.26	090
50930	.....	A	Closure ureter/bowel fistula.	18.72	N/A	8.53	1.57	N/A	28.82	090
50940	.....	A	Release of ureter	14.51	N/A	6.96	1.04	N/A	22.51	090
50945	.....	A	Laparoscopy ureterolithotomy.	17.00	N/A	7.11	1.15	N/A	25.26	090
50947	.....	A	Laparo new ureter/bladder	24.50	N/A	10.14	1.99	N/A	36.63	090
50948	.....	A	Laparo new ureter/bladder	22.50	N/A	9.11	1.83	N/A	33.44	090
50949	.....	C	Laparoscope proc, ureter	0.00	0.00	0.00	0.00	0.00	0.00	YYY
50951	.....	A	Endoscopy of ureter	5.84	5.45	1.91	0.35	11.64	8.10	000
50953	.....	A	Endoscopy of ureter	6.24	18.93	2.05	0.37	25.54	8.66	000
50955	.....	A	Ureter endoscopy & biopsy.	6.75	19.81	2.25	0.38	26.94	9.38	000
50957	.....	A	Ureter endoscopy & treatment.	6.79	18.54	2.23	0.40	25.73	9.42	000
50959	.....	A	Ureter endoscopy & tracer	4.40	N/A	1.40	0.18	N/A	5.98	000
50961	.....	A	Ureter endoscopy & treatment.	6.05	25.86	1.98	0.35	32.26	8.38	000
50970	.....	A	Ureter endoscopy	7.14	N/A	2.35	0.43	N/A	9.92	000
50972	.....	A	Ureter endoscopy & catheter.	6.89	N/A	2.31	0.39	N/A	9.59	000
50974	.....	A	Ureter endoscopy & biopsy.	9.17	N/A	2.99	0.53	N/A	12.69	000
50976	.....	A	Ureter endoscopy & treatment.	9.04	N/A	2.97	0.53	N/A	12.54	000
50978	.....	A	Ureter endoscopy & tracer	5.10	N/A	1.73	0.30	N/A	7.13	000
50980	.....	A	Ureter endoscopy & treatment.	6.85	N/A	2.25	0.41	N/A	9.51	000
51000	.....	A	Drainage of bladder	0.78	2.03	0.24	0.05	2.86	1.07	000
51005	.....	A	Drainage of bladder	1.02	3.41	0.34	0.08	4.51	1.44	000
51010	.....	A	Drainage of bladder	3.53	5.88	1.94	0.23	9.64	5.70	010
51020	.....	A	Incise & treat bladder	6.71	N/A	4.27	0.42	N/A	11.40	090
51030	.....	A	Incise & treat bladder	6.77	N/A	4.37	0.42	N/A	11.56	090
51040	.....	A	Incise & drain bladder	4.40	N/A	3.12	0.27	N/A	7.79	090
51045	.....	A	Incise bladder/drain ureter	6.77	N/A	4.33	0.47	N/A	11.57	090
51050	.....	A	Removal of bladder stone	6.92	N/A	4.01	0.42	N/A	11.35	090
51060	.....	A	Removal of ureter stone ...	8.85	N/A	4.93	0.54	N/A	14.32	090
51065	.....	A	Remove ureter calculus ...	8.85	N/A	4.77	0.53	N/A	14.15	090
51080	.....	A	Drainage of bladder abscess.	5.96	N/A	3.97	0.35	N/A	10.28	090
51500	.....	A	Removal of bladder cyst ..	10.14	N/A	5.24	0.88	N/A	16.26	090
51520	.....	A	Removal of bladder lesion	9.29	N/A	5.10	0.58	N/A	14.97	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
51525	.....	A	Removal of bladder lesion	13.97	N/A	6.59	0.85	N/A	21.41	090
51530	.....	A	Removal of bladder lesion	12.38	N/A	6.18	0.82	N/A	19.38	090
51535	.....	A	Repair of ureter lesion	12.57	N/A	6.56	0.90	N/A	20.03	090
51550	.....	A	Partial removal of bladder	15.66	N/A	7.17	1.05	N/A	23.88	090
51555	.....	A	Partial removal of bladder	21.23	N/A	9.18	1.37	N/A	31.78	090
51565	.....	A	Revise bladder & ureter(s)	21.62	N/A	9.51	1.40	N/A	32.53	090
51570	.....	A	Removal of bladder	24.24	N/A	10.35	1.59	N/A	36.18	090
51575	.....	A	Removal of bladder & nodes.	30.45	N/A	12.71	1.88	N/A	45.04	090
51580	.....	A	Remove bladder/revise tract.	31.08	N/A	13.17	1.94	N/A	46.19	090
51585	.....	A	Removal of bladder & nodes.	35.23	N/A	14.42	2.18	N/A	51.83	090
51590	.....	A	Remove bladder/revise tract.	32.66	N/A	13.30	2.01	N/A	47.97	090
51595	.....	A	Remove bladder/revise tract.	37.14	N/A	14.86	2.23	N/A	54.23	090
51596	.....	A	Remove bladder/create pouch.	39.52	N/A	16.01	2.39	N/A	57.92	090
51597	.....	A	Removal of pelvic structures.	38.35	N/A	15.57	2.49	N/A	56.41	090
51600	.....	A	Injection for bladder x-ray	0.88	5.84	0.29	0.04	6.76	1.21	000
51605	.....	A	Preparation for bladder xray.	0.64	6.11	0.35	0.04	6.79	1.03	000
51610	.....	A	Injection for bladder x-ray	1.05	1.71	0.61	0.05	2.81	1.71	000
51700	.....	A	Irrigation of bladder	0.88	1.69	0.29	0.05	2.62	1.22	000
51701	.....	A	Insert bladder catheter	0.50	1.68	0.19	0.03	2.21	0.72	000
51702	.....	A	Insert temp bladder cath ..	0.50	2.39	0.26	0.03	2.92	0.79	000
51703	.....	A	Insert bladder cath, complex.	1.47	3.11	0.58	0.09	4.67	2.14	000
51705	.....	A	Change of bladder tube ...	1.02	2.39	0.63	0.06	3.47	1.71	010
51710	.....	A	Change of bladder tube ...	1.49	3.51	0.79	0.09	5.09	2.37	010
51715	.....	A	Endoscopic injection/implant.	3.74	4.09	1.39	0.24	8.07	5.37	000
51720	.....	A	Treatment of bladder lesion.	1.96	1.82	0.72	0.12	3.90	2.80	000
51725	.....	A	Simple cystometrogram	1.51	5.90	N/A	0.13	7.54	N/A	000
51725	26	A	Simple cystometrogram	1.51	0.51	0.51	0.10	2.12	2.12	000
51725	TC	A	Simple cystometrogram	0.00	5.40	N/A	0.03	5.43	N/A	000
51726	.....	A	Complex cystometrogram	1.71	7.93	N/A	0.15	9.79	N/A	000
51726	26	A	Complex cystometrogram	1.71	0.57	0.57	0.11	2.39	2.39	000
51726	TC	A	Complex cystometrogram	0.00	7.36	N/A	0.04	7.40	N/A	000
51736	.....	A	Urine flow measurement ..	0.61	0.61	N/A	0.05	1.27	N/A	000
51736	26	A	Urine flow measurement ..	0.61	0.20	0.20	0.04	0.85	0.85	000
51736	TC	A	Urine flow measurement ..	0.00	0.40	N/A	0.01	0.41	N/A	000
51741	.....	A	Electro-uroflowmetry, first	1.14	0.83	N/A	0.09	2.06	N/A	000
51741	26	A	Electro-uroflowmetry, first	1.14	0.38	0.38	0.07	1.59	1.59	000
51741	TC	A	Electro-uroflowmetry, first	0.00	0.45	N/A	0.02	0.47	N/A	000
51772	.....	A	Urethra pressure profile ...	1.61	5.89	N/A	0.16	7.66	N/A	000
51772	26	A	Urethra pressure profile	1.61	0.56	0.56	0.12	2.29	2.29	000
51772	TC	A	Urethra pressure profile	0.00	5.33	N/A	0.04	5.37	N/A	000
51784	.....	A	Anal/urinary muscle study	1.53	4.18	N/A	0.13	5.84	N/A	000
51784	26	A	Anal/urinary muscle study	1.53	0.52	0.52	0.10	2.15	2.15	000
51784	TC	A	Anal/urinary muscle study	0.00	3.66	N/A	0.03	3.69	N/A	000
51785	.....	A	Anal/urinary muscle study	1.53	4.69	N/A	0.12	6.34	N/A	000
51785	26	A	Anal/urinary muscle study	1.53	0.51	0.51	0.09	2.13	2.13	000
51785	TC	A	Anal/urinary muscle study	0.00	4.17	N/A	0.03	4.20	N/A	000
51792	.....	A	Urinary reflex study	1.10	6.13	N/A	0.20	7.43	N/A	000
51792	26	A	Urinary reflex study	1.10	0.42	0.42	0.09	1.61	1.61	000
51792	TC	A	Urinary reflex study	0.00	5.70	N/A	0.11	5.81	N/A	000
51795	.....	A	Urine voiding pressure study.	1.53	7.72	N/A	0.18	9.43	N/A	000
51795	26	A	Urine voiding pressure study.	1.53	0.51	0.51	0.10	2.14	2.14	000
51795	TC	A	Urine voiding pressure study.	0.00	7.20	N/A	0.08	7.28	N/A	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
51797	.....	A	Intraabdominal pressure test.	1.60	6.08	N/A	0.14	7.82	N/A	000
51797	26	A	Intraabdominal pressure test.	1.60	0.54	0.54	0.10	2.24	2.24	000
51797	TC	A	Intraabdominal pressure test.	0.00	5.54	N/A	0.04	5.58	N/A	000
51798	.....	A	Us urine capacity measure	0.00	0.36	N/A	0.07	0.43	N/A	XXX
51800	.....	A	Revision of bladder/urethra.	17.42	N/A	8.05	1.17	N/A	26.64	090
51820	.....	A	Revision of urinary tract ...	17.89	N/A	8.71	1.45	N/A	28.05	090
51840	.....	A	Attach bladder/urethra	10.71	N/A	5.66	0.87	N/A	17.24	090
51841	.....	A	Attach bladder/urethra	13.03	N/A	6.49	1.04	N/A	20.56	090
51845	.....	A	Repair bladder neck	9.73	N/A	5.18	0.62	N/A	15.53	090
51860	.....	A	Repair of bladder wound ..	12.02	N/A	6.18	0.89	N/A	19.09	090
51865	.....	A	Repair of bladder wound ..	15.04	N/A	7.14	1.01	N/A	23.19	090
51880	.....	A	Repair of bladder opening	7.66	N/A	4.35	0.54	N/A	12.55	090
51900	.....	A	Repair bladder/vagina lesion.	12.97	N/A	6.53	0.87	N/A	20.37	090
51920	.....	A	Close bladder-uterus fistula.	11.81	N/A	6.05	0.86	N/A	18.72	090
51925	.....	A	Hysterectomy/bladder repair.	15.58	N/A	9.02	1.48	N/A	26.08	090
51940	.....	A	Correction of bladder defect.	28.43	N/A	12.86	1.97	N/A	43.26	090
51960	.....	A	Revision of bladder & bowel.	23.01	N/A	10.37	1.41	N/A	34.79	090
51980	.....	A	Construct bladder opening	11.36	N/A	5.81	0.74	N/A	17.91	090
51990	.....	A	Laparo urethral suspension.	12.50	N/A	6.23	1.02	N/A	19.75	090
51992	.....	A	Laparo sling operation	14.01	N/A	6.27	0.93	N/A	21.21	090
52000	.....	A	Cystoscopy	2.01	3.45	0.78	0.12	5.58	2.91	000
52001	.....	A	Cystoscopy, removal of clots.	5.45	5.28	1.91	0.32	11.05	7.68	000
52005	.....	A	Cystoscopy & ureter catheter.	2.37	6.17	0.92	0.15	8.69	3.44	000
52007	.....	A	Cystoscopy and biopsy	3.02	N/A	1.18	0.18	N/A	4.38	000
52010	.....	A	Cystoscopy & duct catheter.	3.02	N/A	1.16	0.18	N/A	4.36	000
52204	.....	A	Cystoscopy	2.37	3.70	0.93	0.15	6.22	3.45	000
52214	.....	A	Cystoscopy and treatment	3.71	N/A	1.36	0.22	N/A	5.29	000
52224	.....	A	Cystoscopy and treatment	3.14	N/A	1.18	0.18	N/A	4.50	000
52234	.....	A	Cystoscopy and treatment	4.63	N/A	1.67	0.27	N/A	6.57	000
52235	.....	A	Cystoscopy and treatment	5.45	N/A	1.95	0.32	N/A	7.72	000
52240	.....	A	Cystoscopy and treatment	9.72	N/A	3.37	0.58	N/A	13.67	000
52250	.....	A	Cystoscopy and radiotracer.	4.50	N/A	1.70	0.27	N/A	6.47	000
52260	.....	A	Cystoscopy and treatment	3.92	N/A	1.46	0.23	N/A	5.61	000
52265	.....	A	Cystoscopy and treatment	2.94	3.83	1.14	0.18	6.95	4.26	000
52270	.....	A	Cystoscopy & revise urethra.	3.37	N/A	1.28	0.20	N/A	4.85	000
52275	.....	A	Cystoscopy & revise urethra.	4.70	N/A	1.71	0.28	N/A	6.69	000
52276	.....	A	Cystoscopy and treatment	5.00	N/A	1.83	0.30	N/A	7.13	000
52277	.....	A	Cystoscopy and treatment	6.17	N/A	2.31	0.38	N/A	8.86	000
52281	.....	A	Cystoscopy and treatment	2.80	7.56	1.11	0.17	10.53	4.08	000
52282	.....	A	Cystoscopy, implant stent	6.40	N/A	2.29	0.38	N/A	9.07	000
52283	.....	A	Cystoscopy and treatment	3.74	4.11	1.42	0.22	8.07	5.38	000
52285	.....	A	Cystoscopy and treatment	3.61	4.18	1.37	0.22	8.01	5.20	000
52290	.....	A	Cystoscopy and treatment	4.59	N/A	1.70	0.27	N/A	6.56	000
52300	.....	A	Cystoscopy and treatment	5.31	N/A	1.96	0.32	N/A	7.59	000
52301	.....	A	Cystoscopy and treatment	5.51	N/A	2.04	0.39	N/A	7.94	000
52305	.....	A	Cystoscopy and treatment	5.31	N/A	1.90	0.31	N/A	7.52	000
52310	.....	A	Cystoscopy and treatment	2.81	3.60	1.06	0.17	6.58	4.04	000
52315	.....	A	Cystoscopy and treatment	5.21	N/A	1.88	0.31	N/A	7.40	000
52317	.....	A	Remove bladder stone	6.72	N/A	2.33	0.40	N/A	9.45	000
52318	.....	A	Remove bladder stone	9.19	N/A	3.17	0.54	N/A	12.90	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
52320	.....	A	Cystoscopy and treatment	4.70	N/A	1.68	0.28	N/A	6.66	000
52325	.....	A	Cystoscopy, stone removal.	6.16	N/A	2.16	0.37	N/A	8.69	000
52327	.....	A	Cystoscopy, inject material	5.19	N/A	1.87	0.32	N/A	7.38	000
52330	.....	A	Cystoscopy and treatment	5.04	N/A	1.79	0.30	N/A	7.13	000
52332	.....	A	Cystoscopy and treatment	2.83	N/A	1.08	0.17	N/A	4.08	000
52334	.....	A	Create passage to kidney	4.83	N/A	1.80	0.28	N/A	6.91	000
52341	.....	A	Cysto w/ureter stricture tx	6.00	N/A	2.27	0.37	N/A	8.64	000
52342	.....	A	Cysto w/up stricture tx	6.50	N/A	2.41	0.40	N/A	9.31	000
52343	.....	A	Cysto w/renal stricture tx ..	7.20	N/A	2.69	0.44	N/A	10.33	000
52344	.....	A	Cysto/uretero, stone remove.	7.70	N/A	2.87	0.47	N/A	11.04	000
52345	.....	A	Cysto/uretero w/up stricture.	8.20	N/A	3.03	0.50	N/A	11.73	000
52346	.....	A	Cystouretero w/renal strict	9.23	N/A	3.38	0.57	N/A	13.18	000
52347	.....	A	Cystoscopy, resect ducts	5.28	N/A	1.76	0.33	N/A	7.37	000
52351	.....	A	Cystouretero & or pyeloscope.	5.86	N/A	2.20	0.36	N/A	8.42	000
52352	.....	A	Cystouretero w/stone remove.	6.88	N/A	2.57	0.42	N/A	9.87	000
52353	.....	A	Cystouretero w/lithotripsy	7.97	N/A	2.93	0.49	N/A	11.39	000
52354	.....	A	Cystouretero w/biopsy	7.34	N/A	2.74	0.45	N/A	10.53	000
52355	.....	A	Cystouretero w/excise tumor.	8.82	N/A	3.22	0.55	N/A	12.59	000
52400	.....	A	Cystouretero w/congen repr.	9.68	N/A	4.06	0.60	N/A	14.34	090
52450	.....	A	Incision of prostate	7.64	N/A	3.80	0.46	N/A	11.90	090
52500	.....	A	Revision of bladder neck ..	8.47	N/A	4.06	0.50	N/A	13.03	090
52510	.....	A	Dilation prostatic urethra ..	6.72	N/A	3.31	0.40	N/A	10.43	090
52601	.....	A	Prostatectomy (TURP)	12.37	N/A	5.27	0.74	N/A	18.38	090
52606	.....	A	Control postop bleeding ...	8.13	N/A	3.67	0.49	N/A	12.29	090
52612	.....	A	Prostatectomy, first stage	7.98	N/A	3.87	0.48	N/A	12.33	090
52614	.....	A	Prostatectomy, second stage.	6.84	N/A	3.47	0.41	N/A	10.72	090
52620	.....	A	Remove residual prostate	6.61	N/A	3.18	0.39	N/A	10.18	090
52630	.....	A	Remove prostate regrowth	7.26	N/A	3.38	0.43	N/A	11.07	090
52640	.....	A	Relieve bladder contracture.	6.62	N/A	3.15	0.39	N/A	10.16	090
52647	.....	A	Laser surgery of prostate	10.36	33.53	4.68	0.61	44.50	15.65	090
52648	.....	A	Laser surgery of prostate	11.21	N/A	4.95	0.66	N/A	16.82	090
52700	.....	A	Drainage of prostate abscess.	6.80	N/A	3.37	0.41	N/A	10.58	090
53000	.....	A	Incision of urethra	2.28	N/A	1.59	0.13	N/A	4.00	010
53010	.....	A	Incision of urethra	3.64	N/A	3.15	0.20	N/A	6.99	090
53020	.....	A	Incision of urethra	1.77	3.15	0.69	0.11	5.03	2.57	000
53025	.....	A	Incision of urethra	1.13	3.93	0.52	0.07	5.13	1.72	000
53040	.....	A	Drainage of urethra abscess.	6.40	11.79	6.71	0.41	18.60	13.52	090
53060	.....	A	Drainage of urethra abscess.	2.63	N/A	1.49	0.23	N/A	4.35	010
53080	.....	A	Drainage of urinary leakage.	6.29	N/A	6.49	0.42	N/A	13.20	090
53085	.....	A	Drainage of urinary leakage.	10.27	N/A	8.00	0.67	N/A	18.94	090
53200	.....	A	Biopsy of urethra	2.59	4.40	1.00	0.17	7.16	3.76	000
53210	.....	A	Removal of urethra	12.57	N/A	6.41	0.81	N/A	19.79	090
53215	.....	A	Removal of urethra	15.58	N/A	7.22	0.93	N/A	23.73	090
53220	.....	A	Treatment of urethra lesion.	7.00	N/A	4.24	0.44	N/A	11.68	090
53230	.....	A	Removal of urethra lesion	9.58	N/A	5.15	0.60	N/A	15.33	090
53235	.....	A	Removal of urethra lesion	10.14	N/A	5.34	0.60	N/A	16.08	090
53240	.....	A	Surgery for urethra pouch	6.45	N/A	4.01	0.42	N/A	10.88	090
53250	.....	A	Removal of urethra gland	5.89	N/A	3.65	0.35	N/A	9.89	090
53260	.....	A	Treatment of urethra lesion.	2.98	3.36	1.84	0.23	6.57	5.05	010

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
53265		A	Treatment of urethra lesion.	3.12	N/A	1.88	0.20	N/A	5.20	010
53270		A	Removal of urethra gland	3.09	N/A	1.92	0.21	N/A	5.22	010
53275		A	Repair of urethra defect	4.53	N/A	2.33	0.28	N/A	7.14	010
53400		A	Revise urethra, stage 1	12.77	N/A	6.52	0.85	N/A	20.14	090
53405		A	Revise urethra, stage 2	14.48	N/A	6.90	0.91	N/A	22.29	090
53410		A	Reconstruction of urethra	16.44	N/A	7.67	0.99	N/A	25.10	090
53415		A	Reconstruction of urethra	19.41	N/A	7.87	1.16	N/A	28.44	090
53420		A	Reconstruct urethra, stage 1.	14.08	N/A	6.84	0.90	N/A	21.82	090
53425		A	Reconstruct urethra, stage 2.	15.98	N/A	7.50	0.97	N/A	24.45	090
53430		A	Reconstruction of urethra	16.34	N/A	7.59	1.01	N/A	24.94	090
53431		A	Reconstruct urethra/bladder.	19.89	N/A	8.59	1.30	N/A	29.78	090
53440		A	Male sling procedure	13.62	N/A	6.27	0.73	N/A	20.62	090
53442		A	Remove/revise male sling	11.57	N/A	5.72	0.55	N/A	17.84	090
53444		A	Insert tandem cuff	13.40	N/A	6.05	0.88	N/A	20.33	090
53445		A	Insert uro/ves nck sphincter.	14.06	N/A	7.72	0.84	N/A	22.62	090
53446		A	Remove uro sphincter	10.23	N/A	5.40	0.67	N/A	16.30	090
53447		A	Remove/replace ur sphincter.	13.49	N/A	6.63	0.79	N/A	20.91	090
53448		A	Remov/replc ur sphinctr comp.	21.15	N/A	9.32	1.39	N/A	31.86	090
53449		A	Repair uro sphincter	9.70	N/A	5.17	0.57	N/A	15.44	090
53450		A	Revision of urethra	6.14	N/A	3.79	0.37	N/A	10.30	090
53460		A	Revision of urethra	7.12	N/A	4.21	0.43	N/A	11.76	090
53502		A	Repair of urethra injury	7.63	N/A	4.50	0.50	N/A	12.63	090
53505		A	Repair of urethra injury	7.63	N/A	4.37	0.46	N/A	12.46	090
53510		A	Repair of urethra injury	10.11	N/A	5.60	0.60	N/A	16.31	090
53515		A	Repair of urethra injury	13.31	N/A	6.38	0.83	N/A	20.52	090
53520		A	Repair of urethra defect	8.68	N/A	4.91	0.53	N/A	14.12	090
53600		A	Dilate urethra stricture	1.21	1.20	0.45	0.07	2.48	1.73	000
53601		A	Dilate urethra stricture	0.98	1.33	0.39	0.06	2.37	1.43	000
53605		A	Dilate urethra stricture	1.28	N/A	0.42	0.08	N/A	1.78	000
53620		A	Dilate urethra stricture	1.62	2.09	0.62	0.10	3.81	2.34	000
53621		A	Dilate urethra stricture	1.35	2.17	0.51	0.08	3.60	1.94	000
53660		A	Dilation of urethra	0.71	1.38	0.33	0.04	2.13	1.08	000
53661		A	Dilation of urethra	0.72	1.37	0.31	0.04	2.13	1.07	000
53665		A	Dilation of urethra	0.76	N/A	0.26	0.05	N/A	1.07	000
53850		A	Prostatic microwave thermotx.	9.45	100.81	4.41	0.56	110.82	14.42	090
53852		A	Prostatic rf thermotx	9.88	94.95	4.80	0.58	105.41	15.26	090
53853		A	Prostatic water thermother	5.24	58.79	3.25	0.27	64.30	8.76	090
53899		C	Urology surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
54000		A	Slitting of prepuce	1.54	N/A	1.37	0.10	N/A	3.01	010
54001		A	Slitting of prepuce	2.19	4.39	1.54	0.14	6.72	3.87	010
54015		A	Drain penis lesion	5.32	N/A	2.64	0.33	N/A	8.29	010
54050		A	Destruction, penis lesion(s).	1.24	1.72	1.07	0.07	3.03	2.38	010
54055		A	Destruction, penis lesion(s).	1.22	1.64	0.82	0.07	2.93	2.11	010
54056		A	Cryosurgery, penis lesion(s).	1.24	2.53	1.40	0.06	3.83	2.70	010
54057		A	Laser surg, penis lesion(s)	1.24	N/A	0.89	0.08	N/A	2.21	010
54060		A	Excision of penis lesion(s)	1.93	3.96	1.48	0.12	6.01	3.53	010
54065		A	Destruction, penis lesion(s).	2.42	N/A	1.74	0.13	N/A	4.29	010
54100		A	Biopsy of penis	1.90	2.93	0.84	0.10	4.93	2.84	000
54105		A	Biopsy of penis	3.50	N/A	2.01	0.21	N/A	5.72	010
54110		A	Treatment of penis lesion	10.13	N/A	5.97	0.60	N/A	16.70	090
54111		A	Treat penis lesion, graft	13.57	N/A	7.05	0.79	N/A	21.41	090
54112		A	Treat penis lesion, graft	15.86	N/A	8.07	0.94	N/A	24.87	090
54115		A	Treatment of penis lesion	6.15	8.78	4.66	0.39	15.32	11.20	090
54120		A	Partial removal of penis	9.97	N/A	5.93	0.60	N/A	16.50	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
54125		A	Removal of penis	13.53	N/A	7.11	0.81	N/A	21.45	090
54130		A	Remove penis & nodes	20.14	N/A	9.50	1.19	N/A	30.83	090
54135		A	Remove penis & nodes	26.36	N/A	11.54	1.58	N/A	39.48	090
54150		A	Circumcision	1.81	N/A	1.00	0.17	N/A	2.98	010
54152		A	Circumcision	2.31	N/A	1.23	0.16	N/A	3.70	010
54160		A	Circumcision	2.48	N/A	1.13	0.16	N/A	3.77	010
54161		A	Circumcision	3.27	N/A	1.61	0.20	N/A	5.08	010
54162		A	Lysis penil circumic lesion	3.00	N/A	2.05	0.20	N/A	5.25	010
54163		A	Repair of circumcision	3.00	N/A	2.07	0.20	N/A	5.27	010
54164		A	Frenulotomy of penis	2.50	N/A	1.89	0.16	N/A	4.55	010
54200		A	Treatment of penis lesion	1.06	1.88	1.02	0.06	3.00	2.14	010
54205		A	Treatment of penis lesion	7.93	N/A	5.14	0.47	N/A	13.54	090
54220		A	Treatment of penis lesion	2.42	4.03	0.98	0.15	6.60	3.55	000
54230		A	Prepare penis study	1.34	1.14	0.64	0.08	2.56	2.06	000
54231		A	Dynamic cavernosometry	2.04	1.43	0.89	0.14	3.61	3.07	000
54235		A	Penile injection	1.19	1.00	0.60	0.07	2.26	1.86	000
54240		A	Penis study	1.31	1.04	N/A	0.13	2.48	N/A	000
54240	26	A	Penis study	1.31	0.44	0.44	0.08	1.83	1.83	000
54240	TC	A	Penis study	0.00	0.61	N/A	0.05	0.66	N/A	000
54250		A	Penis study	2.22	0.94	N/A	0.16	3.32	N/A	000
54250	26	A	Penis study	2.22	0.73	0.73	0.14	3.09	3.09	000
54250	TC	A	Penis study	0.00	0.22	N/A	0.02	0.24	N/A	000
54300		A	Revision of penis	10.41	N/A	6.17	0.64	N/A	17.22	090
54304		A	Revision of penis	12.49	N/A	7.07	0.74	N/A	20.30	090
54308		A	Reconstruction of urethra	11.83	N/A	6.67	0.70	N/A	19.20	090
54312		A	Reconstruction of urethra	13.57	N/A	7.74	0.81	N/A	22.12	090
54316		A	Reconstruction of urethra	16.82	N/A	8.75	1.00	N/A	26.57	090
54318		A	Reconstruction of urethra	11.25	N/A	6.61	1.15	N/A	19.01	090
54322		A	Reconstruction of urethra	13.01	N/A	6.99	0.77	N/A	20.77	090
54324		A	Reconstruction of urethra	16.31	N/A	8.78	1.03	N/A	26.12	090
54326		A	Reconstruction of urethra	15.72	N/A	8.48	0.93	N/A	25.13	090
54328		A	Revise penis/urethra	15.65	N/A	7.99	0.92	N/A	24.56	090
54332		A	Revise penis/urethra	17.08	N/A	8.47	1.01	N/A	26.56	090
54336		A	Revise penis/urethra	20.04	N/A	11.27	1.90	N/A	33.21	090
54340		A	Secondary urethral surgery.	8.91	N/A	5.61	0.72	N/A	15.24	090
54344		A	Secondary urethral surgery.	15.94	N/A	8.46	1.10	N/A	25.50	090
54348		A	Secondary urethral surgery.	17.15	N/A	9.20	1.02	N/A	27.37	090
54352		A	Reconstruct urethra/penis	24.74	N/A	12.15	1.62	N/A	38.51	090
54360		A	Penis plastic surgery	11.93	N/A	6.53	0.72	N/A	19.18	090
54380		A	Repair penis	13.18	N/A	7.23	1.16	N/A	21.57	090
54385		A	Repair penis	15.39	N/A	8.84	0.71	N/A	24.94	090
54390		A	Repair penis and bladder	21.61	N/A	10.73	1.28	N/A	33.62	090
54400		A	Insert semi-rigid prosthesis	8.99	N/A	4.78	0.53	N/A	14.30	090
54401		A	Insert self-contd prosthesis	10.28	N/A	6.09	0.61	N/A	16.98	090
54405		A	Insert multi-comp penis pros.	13.43	N/A	6.49	0.80	N/A	20.72	090
54406		A	Remove muti-comp penis pros.	12.10	N/A	5.59	0.75	N/A	18.44	090
54408		A	Repair multi-comp penis pros.	12.75	N/A	5.91	0.79	N/A	19.45	090
54410		A	Remove/replace penis prosth.	15.50	N/A	6.82	0.96	N/A	23.28	090
54411		A	Remov/replc penis pros, comp.	16.00	N/A	7.25	0.80	N/A	24.05	090
54415		A	Remove self-contd penis pros.	8.20	N/A	4.33	0.54	N/A	13.07	090
54416		A	Remv/repl penis contain pros.	10.87	N/A	5.54	0.55	N/A	16.96	090
54417		A	Remv/replc penis pros, compl.	14.19	N/A	6.36	0.55	N/A	21.10	090
54420		A	Revision of penis	11.42	N/A	6.39	0.72	N/A	18.53	090
54430		A	Revision of penis	10.15	N/A	5.97	0.60	N/A	16.72	090
54435		A	Revision of penis	6.12	N/A	4.41	0.36	N/A	10.89	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
54440	.....	C	Repair of penis	0.00	0.00	0.00	0.00	0.00	0.00	090
54450	.....	A	Preputial stretching	1.12	1.13	0.48	0.07	2.32	1.67	000
54500	.....	A	Biopsy of testis	1.31	0.62	0.58	0.08	2.01	1.97	000
54505	.....	A	Biopsy of testis	3.46	N/A	1.98	0.21	N/A	5.65	010
54512	.....	A	Excise lesion testis	8.58	N/A	4.37	0.56	N/A	13.51	090
54520	.....	A	Removal of testis	5.23	N/A	3.01	0.33	N/A	8.57	090
54522	.....	A	Orchiectomy, partial	9.50	N/A	5.12	0.62	N/A	15.24	090
54530	.....	A	Removal of testis	8.58	N/A	4.52	0.53	N/A	13.63	090
54535	.....	A	Extensive testis surgery ...	12.16	N/A	5.96	0.83	N/A	18.95	090
54550	.....	A	Exploration for testis	7.78	N/A	4.12	0.49	N/A	12.39	090
54560	.....	A	Exploration for testis	11.13	N/A	5.56	0.79	N/A	17.48	090
54600	.....	A	Reduce testis torsion	7.01	N/A	3.79	0.45	N/A	11.25	090
54620	.....	A	Suspension of testis	4.90	N/A	2.52	0.31	N/A	7.73	010
54640	.....	A	Suspension of testis	6.90	N/A	3.97	0.49	N/A	11.36	090
54650	.....	A	Orchiopexy (Fowler-Stephens).	11.45	N/A	5.83	0.81	N/A	18.09	090
54660	.....	A	Revision of testis	5.11	N/A	3.19	0.35	N/A	8.65	090
54670	.....	A	Repair testis injury	6.41	N/A	3.70	0.41	N/A	10.52	090
54680	.....	A	Relocation of testis(es)	12.65	N/A	6.51	0.94	N/A	20.10	090
54690	.....	A	Laparoscopy, orchiectomy	10.96	N/A	5.45	0.99	N/A	17.40	090
54692	.....	A	Laparoscopy, orchiopexy	12.88	N/A	5.57	0.87	N/A	19.32	090
54699	.....	C	Laparoscope proc, testis ..	0.00	0.00	0.00	0.00	0.00	0.00	YYY
54700	.....	A	Drainage of scrotum	3.43	N/A	2.00	0.23	N/A	5.66	010
54800	.....	A	Biopsy of epididymis	2.33	0.97	0.92	0.14	3.44	3.39	000
54820	.....	A	Exploration of epididymis	5.14	N/A	3.16	0.33	N/A	8.63	090
54830	.....	A	Remove epididymis lesion	5.38	N/A	3.25	0.34	N/A	8.97	090
54840	.....	A	Remove epididymis lesion	5.20	N/A	3.01	0.31	N/A	8.52	090
54860	.....	A	Removal of epididymis	6.32	N/A	3.61	0.38	N/A	10.31	090
54861	.....	A	Removal of epididymis	8.90	N/A	4.55	0.52	N/A	13.97	090
54900	.....	A	Fusion of spermatic ducts	13.20	N/A	6.13	1.34	N/A	20.67	090
54901	.....	A	Fusion of spermatic ducts	17.94	N/A	8.12	1.83	N/A	27.89	090
55000	.....	A	Drainage of hydrocele	1.43	2.15	0.66	0.10	3.68	2.19	000
55040	.....	A	Removal of hydrocele	5.36	N/A	3.07	0.35	N/A	8.78	090
55041	.....	A	Removal of hydroceles	7.74	N/A	4.14	0.50	N/A	12.38	090
55060	.....	A	Repair of hydrocele	5.52	N/A	3.25	0.37	N/A	9.14	090
55100	.....	A	Drainage of scrotum abscess.	2.13	3.85	1.62	0.15	6.13	3.90	010
55110	.....	A	Explore scrotum	5.70	N/A	3.31	0.36	N/A	9.37	090
55120	.....	A	Removal of scrotum lesion	5.09	8.73	3.11	0.33	14.15	8.53	090
55150	.....	A	Removal of scrotum	7.22	N/A	4.10	0.47	N/A	11.79	090
55175	.....	A	Revision of scrotum	5.24	N/A	3.24	0.33	N/A	8.81	090
55180	.....	A	Revision of scrotum	10.72	N/A	5.69	0.72	N/A	17.13	090
55200	.....	A	Incision of sperm duct	4.24	9.10	2.60	0.25	13.59	7.09	090
55250	.....	A	Removal of sperm duct(s)	3.29	9.29	2.89	0.21	12.79	6.39	090
55300	.....	A	Prepare, sperm duct x-ray	3.51	N/A	1.34	0.20	N/A	5.05	000
55400	.....	A	Repair of sperm duct	8.49	N/A	4.38	0.50	N/A	13.37	090
55450	.....	A	Ligation of sperm duct	4.12	7.34	1.92	0.24	11.70	6.28	010
55500	.....	A	Removal of hydrocele	5.59	N/A	3.28	0.43	N/A	9.30	090
55520	.....	A	Removal of sperm cord lesion.	6.03	N/A	3.41	0.56	N/A	10.00	090
55530	.....	A	Revise spermatic cord veins.	5.66	N/A	3.24	0.36	N/A	9.26	090
55535	.....	A	Revise spermatic cord veins.	6.56	N/A	3.63	0.42	N/A	10.61	090
55540	.....	A	Revise hernia & sperm veins.	7.67	N/A	3.96	0.74	N/A	12.37	090
55550	.....	A	Laparo ligate spermatic vein.	6.57	N/A	3.63	0.47	N/A	10.67	090
55559	.....	C	Laparo proc, spermatic cord.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
55600	.....	A	Incise sperm duct pouch ..	6.38	N/A	3.63	0.38	N/A	10.39	090
55605	.....	A	Incise sperm duct pouch ..	7.96	N/A	4.55	0.54	N/A	13.05	090
55650	.....	A	Remove sperm duct pouch.	11.80	N/A	5.58	0.72	N/A	18.10	090
55680	.....	A	Remove sperm pouch lesion.	5.19	N/A	3.19	0.31	N/A	8.69	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
55700		A	Biopsy of prostate	1.57	4.42	0.73	0.10	6.09	2.40	000
55705		A	Biopsy of prostate	4.57	N/A	2.37	0.26	N/A	7.20	010
55720		A	Drainage of prostate abscess.	7.64	N/A	4.32	0.44	N/A	12.40	090
55725		A	Drainage of prostate abscess.	8.68	N/A	4.97	0.51	N/A	14.16	090
55801		A	Removal of prostate	17.80	N/A	8.10	1.08	N/A	26.98	090
55810		A	Extensive prostate surgery	22.58	N/A	9.58	1.35	N/A	33.51	090
55812		A	Extensive prostate surgery	27.51	N/A	11.67	1.69	N/A	40.87	090
55815		A	Extensive prostate surgery	30.46	N/A	12.61	1.84	N/A	44.91	090
55821		A	Removal of prostate	14.25	N/A	6.66	0.85	N/A	21.76	090
55831		A	Removal of prostate	15.62	N/A	7.12	0.94	N/A	23.68	090
55840		A	Extensive prostate surgery	22.69	N/A	9.94	1.37	N/A	34.00	090
55842		A	Extensive prostate surgery	24.38	N/A	10.50	1.48	N/A	36.36	090
55845		A	Extensive prostate surgery	28.55	N/A	11.73	1.71	N/A	41.99	090
55859		A	Percut/needle insert, pros	12.52	N/A	6.23	0.74	N/A	19.49	090
55860		A	Surgical exposure, prostate.	14.45	N/A	6.71	0.82	N/A	21.98	090
55862		A	Extensive prostate surgery	18.39	N/A	8.36	1.14	N/A	27.89	090
55865		A	Extensive prostate surgery	22.87	N/A	9.79	1.37	N/A	34.03	090
55866		A	Laparo radical prostatectomy.	30.74	N/A	12.08	1.37	N/A	44.19	090
55870		A	Electroejaculation	2.58	1.59	1.11	0.14	4.31	3.83	000
55873		A	Cryoablate prostate	19.47	N/A	9.34	1.02	N/A	29.83	090
55899		C	Genital surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
56405		A	I & D of vulva/perineum	1.44	1.37	1.18	0.14	2.95	2.76	010
56420		A	Drainage of gland abscess	1.39	2.37	1.11	0.13	3.89	2.63	010
56440		A	Surgery for vulva lesion	2.84	N/A	1.75	0.28	N/A	4.87	010
56441		A	Lysis of labial lesion(s)	1.97	1.87	1.46	0.17	4.01	3.60	010
56501		A	Destroy, vulva lesions, sim	1.53	1.84	1.30	0.15	3.52	2.98	010
56515		A	Destroy vulva lesion/s compl.	2.76	2.63	1.88	0.18	5.57	4.82	010
56605		A	Biopsy of vulva/perineum	1.10	1.12	0.47	0.11	2.33	1.68	000
56606		A	Biopsy of vulva/perineum	0.55	0.51	0.22	0.06	1.12	0.83	ZZZ
56620		A	Partial removal of vulva	7.47	N/A	5.16	0.76	N/A	13.39	090
56625		A	Complete removal of vulva	8.40	N/A	5.81	0.84	N/A	15.05	090
56630		A	Extensive vulva surgery	12.36	N/A	7.40	1.23	N/A	20.99	090
56631		A	Extensive vulva surgery	16.20	N/A	9.64	1.63	N/A	27.47	090
56632		A	Extensive vulva surgery	20.29	N/A	10.11	2.03	N/A	32.43	090
56633		A	Extensive vulva surgery	16.47	N/A	9.24	1.66	N/A	27.37	090
56634		A	Extensive vulva surgery	17.88	N/A	10.31	1.78	N/A	29.97	090
56637		A	Extensive vulva surgery	21.97	N/A	11.98	2.18	N/A	36.13	090
56640		A	Extensive vulva surgery	22.17	N/A	11.35	2.26	N/A	35.78	090
56700		A	Partial removal of hymen	2.52	N/A	1.78	0.24	N/A	4.54	010
56720		A	Incision of hymen	0.68	N/A	0.41	0.07	N/A	1.16	000
56740		A	Remove vagina gland lesion.	4.57	N/A	2.53	0.37	N/A	7.47	010
56800		A	Repair of vagina	3.89	N/A	2.25	0.37	N/A	6.51	010
56805		A	Repair clitoris	18.86	N/A	9.80	1.82	N/A	30.48	090
56810		A	Repair of perineum	4.13	N/A	2.36	0.41	N/A	6.90	010
56820		A	Exam of vulva w/scope	1.50	1.39	0.65	0.10	2.99	2.25	000
56821		A	Exam/biopsy of vulva w/ scope.	2.05	1.82	0.92	0.13	4.00	3.10	000
57000		A	Exploration of vagina	2.97	N/A	1.78	0.28	N/A	5.03	010
57010		A	Drainage of pelvic abscess.	6.03	N/A	4.07	0.57	N/A	10.67	090
57020		A	Drainage of pelvic fluid	1.50	0.98	0.61	0.15	2.63	2.26	000
57022		A	I & d vaginal hematoma, pp.	2.56	N/A	1.55	0.24	N/A	4.35	010
57023		A	I & d vag hematoma, nonob.	4.75	N/A	2.66	0.24	N/A	7.65	010
57061		A	Destroy vag lesions, simple.	1.25	1.72	1.17	0.13	3.10	2.55	010
57065		A	Destroy vag lesions, complex.	2.61	2.38	1.76	0.26	5.25	4.63	010
57100		A	Biopsy of vagina	1.20	1.14	0.49	0.10	2.44	1.79	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
57105	.....	A	Biopsy of vagina	1.69	2.01	1.38	0.17	3.87	3.24	010
57106	.....	A	Remove vagina wall, partial.	6.36	N/A	4.46	0.58	N/A	11.40	090
57107	.....	A	Remove vagina tissue, part.	23.00	N/A	10.90	2.17	N/A	36.07	090
57109	.....	A	Vaginectomy partial w/ nodes.	27.00	N/A	11.82	1.97	N/A	40.79	090
57110	.....	A	Remove vagina wall, complete.	14.29	N/A	7.63	1.43	N/A	23.35	090
57111	.....	A	Remove vagina tissue, compl.	27.00	N/A	13.01	2.71	N/A	42.72	090
57112	.....	A	Vaginectomy w/nodes, compl.	29.00	N/A	12.66	2.19	N/A	43.85	090
57120	.....	A	Closure of vagina	7.41	N/A	4.88	0.75	N/A	13.04	090
57130	.....	A	Remove vagina lesion	2.43	2.24	1.60	0.23	4.90	4.26	010
57135	.....	A	Remove vagina lesion	2.67	2.33	1.70	0.26	5.26	4.63	010
57150	.....	A	Treat vagina infection	0.55	1.14	0.22	0.06	1.75	0.83	000
57155	.....	A	Insert uteri tandems/ ovoids.	6.27	N/A	4.04	0.59	N/A	10.90	090
57160	.....	A	Insert pessary/other device.	0.89	1.12	0.40	0.09	2.10	1.38	000
57170	.....	A	Fitting of diaphragm/cap ...	0.91	1.54	0.34	0.09	2.54	1.34	000
57180	.....	A	Treat vaginal bleeding	1.58	2.28	1.35	0.16	4.02	3.09	010
57200	.....	A	Repair of vagina	3.94	N/A	2.97	0.38	N/A	7.29	090
57210	.....	A	Repair vagina/perineum ...	5.17	N/A	3.51	0.50	N/A	9.18	090
57220	.....	A	Revision of urethra	4.31	N/A	3.18	0.42	N/A	7.91	090
57230	.....	A	Repair of urethral lesion ...	5.64	N/A	3.47	0.50	N/A	9.61	090
57240	.....	A	Repair bladder & vagina ..	6.07	N/A	3.94	0.53	N/A	10.54	090
57250	.....	A	Repair rectum & vagina ...	5.53	N/A	3.65	0.54	N/A	9.72	090
57260	.....	A	Repair of vagina	8.27	N/A	4.98	0.83	N/A	14.08	090
57265	.....	A	Extensive repair of vagina	11.34	N/A	6.21	1.14	N/A	18.69	090
57268	.....	A	Repair of bowel bulge	6.76	N/A	4.33	0.66	N/A	11.75	090
57270	.....	A	Repair of bowel pouch	12.11	N/A	6.44	1.17	N/A	19.72	090
57280	.....	A	Suspension of vagina	15.04	N/A	7.58	1.44	N/A	24.06	090
57282	.....	A	Repair of vaginal prolapse	8.86	N/A	5.43	0.86	N/A	15.15	090
57284	.....	A	Repair paravaginal defect	12.70	N/A	7.30	1.17	N/A	21.17	090
57287	.....	A	Revise/remove sling repair	10.71	N/A	5.65	0.74	N/A	17.10	090
57288	.....	A	Repair bladder defect	13.02	N/A	6.09	0.86	N/A	19.97	090
57289	.....	A	Repair bladder & vagina ..	11.58	N/A	6.22	0.95	N/A	18.75	090
57291	.....	A	Construction of vagina	7.95	N/A	5.08	0.78	N/A	13.81	090
57292	.....	A	Construct vagina with graft	13.09	N/A	7.17	1.29	N/A	21.55	090
57300	.....	A	Repair rectum-vagina fistula.	7.61	N/A	4.37	0.70	N/A	12.68	090
57305	.....	A	Repair rectum-vagina fistula.	13.77	N/A	6.40	1.33	N/A	21.50	090
57307	.....	A	Fistula repair & colostomy	15.93	N/A	7.18	1.59	N/A	24.70	090
57308	.....	A	Fistula repair, transperine	9.94	N/A	5.28	0.91	N/A	16.13	090
57310	.....	A	Repair urethrovaginal lesion.	6.78	N/A	4.22	0.45	N/A	11.45	090
57311	.....	A	Repair urethrovaginal lesion.	7.98	N/A	4.70	0.51	N/A	13.19	090
57320	.....	A	Repair bladder-vagina lesion.	8.01	N/A	4.77	0.60	N/A	13.38	090
57330	.....	A	Repair bladder-vagina lesion.	12.35	N/A	6.17	0.86	N/A	19.38	090
57335	.....	A	Repair vagina	18.73	N/A	9.53	1.66	N/A	29.92	090
57400	.....	A	Dilation of vagina	2.27	N/A	1.16	0.22	N/A	3.65	000
57410	.....	A	Pelvic examination	1.75	2.10	0.91	0.14	3.99	2.80	000
57415	.....	A	Remove vaginal foreign body.	2.17	N/A	1.47	0.19	N/A	3.83	010
57420	.....	A	Exam of vagina w/scope ..	1.60	1.43	0.69	0.10	3.13	2.39	000
57421	.....	A	Exam/biopsy of vag w/ scope.	2.20	1.91	0.98	0.13	4.24	3.31	000
57452	.....	A	Exam of cervix w/scope ...	1.50	1.45	0.64	0.10	3.05	2.24	000
57454	.....	A	Bx/curett of cervix w/scope	2.33	1.80	1.02	0.13	4.26	3.48	000
57455	.....	A	Biopsy of cervix w/scope ..	1.99	1.79	0.89	0.13	3.91	3.01	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
57456		A	Endocerv curettage w/ scope.	1.85	1.72	0.84	0.13	3.70	2.82	000
57460		A	Bx of cervix w/scope, leep	2.83	6.23	1.25	0.28	9.34	4.36	000
57461		A	Conz of cervix w/scope, leep.	3.44	6.48	1.43	0.28	10.20	5.15	000
57500		A	Biopsy of cervix	0.97	2.76	0.48	0.10	3.83	1.55	000
57505		A	Endocervical curettage	1.14	1.52	1.14	0.12	2.78	2.40	010
57510		A	Cauterization of cervix	1.90	1.61	1.07	0.18	3.69	3.15	010
57511		A	Cryocautery of cervix	1.90	1.88	1.42	0.18	3.96	3.50	010
57513		A	Laser surgery of cervix	1.90	1.93	1.45	0.19	4.02	3.54	010
57520		A	Conization of cervix	4.04	5.05	2.86	0.41	9.50	7.31	090
57522		A	Conization of cervix	3.36	4.55	2.81	0.34	8.25	6.51	090
57530		A	Removal of cervix	4.79	N/A	3.67	0.48	N/A	8.94	090
57531		A	Removal of cervix, radical	28.00	N/A	13.74	2.46	N/A	44.20	090
57540		A	Removal of residual cervix	12.22	N/A	6.55	1.21	N/A	19.98	090
57545		A	Remove cervix/repair pelvis.	13.03	N/A	7.00	1.30	N/A	21.33	090
57550		A	Removal of residual cervix	5.53	N/A	4.08	0.55	N/A	10.16	090
57555		A	Remove cervix/repair vagina.	8.95	N/A	5.39	0.89	N/A	15.23	090
57556		A	Remove cervix, repair bowel.	8.37	N/A	5.13	0.80	N/A	14.30	090
57700		A	Revision of cervix	3.55	N/A	3.28	0.33	N/A	7.16	090
57720		A	Revision of cervix	4.13	N/A	3.36	0.41	N/A	7.90	090
57800		A	Dilation of cervical canal	0.77	0.79	0.49	0.08	1.64	1.34	000
57820		A	D & c of residual cervix	1.67	1.52	1.17	0.17	3.36	3.01	010
58100		A	Biopsy of uterus lining	1.53	1.37	0.74	0.07	2.97	2.34	000
58120		A	Dilation and curettage	3.27	2.37	1.92	0.33	5.97	5.52	010
58140		A	Myomectomy abdom method.	14.60	N/A	7.39	1.46	N/A	23.45	090
58145		A	Myomectomy vag method	8.04	N/A	5.08	0.80	N/A	13.92	090
58146		A	Myomectomy abdom complex.	19.00	N/A	8.97	1.46	N/A	29.43	090
58150		A	Total hysterectomy	15.24	N/A	7.70	1.57	N/A	24.51	090
58152		A	Total hysterectomy	20.60	N/A	10.09	1.52	N/A	32.21	090
58180		A	Partial hysterectomy	15.29	N/A	7.67	1.54	N/A	24.50	090
58200		A	Extensive hysterectomy	21.59	N/A	10.36	2.15	N/A	34.10	090
58210		A	Extensive hysterectomy	28.85	N/A	13.72	2.91	N/A	45.48	090
58240		A	Removal of pelvis contents.	38.39	N/A	18.32	3.76	N/A	60.47	090
58260		A	Vaginal hysterectomy	12.98	N/A	6.87	1.23	N/A	21.08	090
58262		A	Vag hyst including t/o	14.77	N/A	7.63	1.42	N/A	23.82	090
58263		A	Vag hyst w/t/o & vag repair.	16.06	N/A	8.15	1.55	N/A	25.76	090
58267		A	Vag hyst w/urinary repair	17.04	N/A	8.57	1.51	N/A	27.12	090
58270		A	Vag hyst w/enterocele repair.	14.26	N/A	7.25	1.37	N/A	22.88	090
58275		A	Hysterectomy/revise vagina.	15.76	N/A	7.92	1.51	N/A	25.19	090
58280		A	Hysterectomy/revise vagina.	17.01	N/A	8.42	1.54	N/A	26.97	090
58285		A	Extensive hysterectomy	22.26	N/A	10.45	1.88	N/A	34.59	090
58290		A	Vag hyst complex	19.00	N/A	9.07	1.23	N/A	29.30	090
58291		A	Vag hyst incl t/o, complex	20.79	N/A	10.10	1.42	N/A	32.31	090
58292		A	Vag hyst t/o & repair, compl.	22.08	N/A	10.64	1.55	N/A	34.27	090
58293		A	Vag hyst w/uro repair, compl.	23.06	N/A	11.15	1.51	N/A	35.72	090
58294		A	Vag hyst w/enterocele, compl.	20.28	N/A	9.89	1.37	N/A	31.54	090
58300		N	Insert intrauterine device	1.01	1.55	0.39	0.10	2.66	1.50	XXX
58301		A	Remove intrauterine device.	1.27	1.37	0.49	0.13	2.77	1.89	000
58321		A	Artificial insemination	0.92	1.19	0.38	0.10	2.21	1.40	000
58322		A	Artificial insemination	1.10	1.25	0.43	0.11	2.46	1.64	000
58323		A	Sperm washing	0.23	0.24	0.10	0.02	0.49	0.35	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
58340		A	Catheter for hysterography	0.88	3.09	0.66	0.08	4.05	1.62	000
58345		A	Reopen fallopian tube	4.66	N/A	2.48	0.36	N/A	7.50	010
58346		A	Insert heyman uteri capsule.	6.75	N/A	4.03	0.64	N/A	11.42	090
58350		A	Reopen fallopian tube	1.01	1.54	0.95	0.10	2.65	2.06	010
58353		A	Endometr ablate, thermal	3.56	2.93	2.13	0.37	6.86	6.06	010
58400		A	Suspension of uterus	6.36	N/A	4.21	0.62	N/A	11.19	090
58410		A	Suspension of uterus	12.73	N/A	6.75	1.09	N/A	20.57	090
58520		A	Repair of ruptured uterus	11.92	N/A	6.27	1.17	N/A	19.36	090
58540		A	Revision of uterus	14.64	N/A	7.23	1.28	N/A	23.15	090
58545		A	Laparoscopic myomectomy.	14.60	N/A	7.53	1.45	N/A	23.58	090
58546		A	Laparo-myomectomy, complex.	19.00	N/A	9.38	1.45	N/A	29.83	090
58550		A	Laparo-asst vag hysterectomy.	14.19	N/A	7.61	1.44	N/A	23.24	090
58552		A	Laparo-vag hyst incl t/o	14.19	N/A	7.54	1.44	N/A	23.17	090
58553		A	Laparo-vag hyst, complex	19.00	N/A	9.35	1.23	N/A	29.58	090
58554		A	Laparo-vag hyst w/t/o, compl.	19.00	N/A	9.58	1.23	N/A	29.81	090
58555		A	Hysteroscopy, dx, sep proc.	3.33	2.12	1.49	0.34	5.79	5.16	000
58558		A	Hysteroscopy, biopsy	4.75	N/A	2.11	0.49	N/A	7.35	000
58559		A	Hysteroscopy, lysis	6.17	N/A	2.68	0.62	N/A	9.47	000
58560		A	Hysteroscopy, resect septum.	7.00	N/A	3.03	0.71	N/A	10.74	000
58561		A	Hysteroscopy, remove myoma.	10.00	N/A	4.26	1.02	N/A	15.28	000
58562		A	Hysteroscopy, remove fb	5.21	N/A	2.26	0.52	N/A	7.99	000
58563		A	Hysteroscopy, ablation	6.17	N/A	2.69	0.62	N/A	9.48	000
58578		C	Laparo proc, uterus	0.00	0.00	0.00	0.00	0.00	0.00	YYY
58579		C	Hysteroscope procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
58600		A	Division of fallopian tube	5.60	N/A	3.56	0.39	N/A	9.55	090
58605		A	Division of fallopian tube	5.00	N/A	3.36	0.33	N/A	8.69	090
58611		A	Ligate oviduct(s) add-on	1.45	N/A	0.58	0.07	N/A	2.10	ZZZ
58615		A	Occlude fallopian tube(s)	3.90	N/A	2.78	0.40	N/A	7.08	010
58660		A	Laparoscopy, lysis	11.29	N/A	5.50	1.14	N/A	17.93	090
58661		A	Laparoscopy, remove adnexa.	11.05	N/A	5.26	1.12	N/A	17.43	010
58662		A	Laparoscopy, excise lesions.	11.79	N/A	6.05	1.18	N/A	19.02	090
58670		A	Laparoscopy, tubal cautery.	5.60	N/A	3.38	0.55	N/A	9.53	090
58671		A	Laparoscopy, tubal block	5.60	N/A	3.40	0.56	N/A	9.56	090
58672		A	Laparoscopy, fimbrioplasty	12.88	N/A	6.51	1.22	N/A	20.61	090
58673		A	Laparoscopy, salpingostomy.	13.74	N/A	6.92	1.40	N/A	22.06	090
58679		C	Laparo proc, oviduct-ovary	0.00	0.00	0.00	0.00	0.00	0.00	YYY
58700		A	Removal of fallopian tube	12.05	N/A	6.24	0.64	N/A	18.93	090
58720		A	Removal of ovary/tube(s)	11.36	N/A	6.07	1.14	N/A	18.57	090
58740		A	Revise fallopian tube(s)	14.00	N/A	7.46	0.59	N/A	22.05	090
58750		A	Repair oviduct	14.84	N/A	7.69	1.52	N/A	24.05	090
58752		A	Revise ovarian tube(s)	14.84	N/A	7.35	1.51	N/A	23.70	090
58760		A	Remove tubal obstruction	13.13	N/A	7.01	1.34	N/A	21.48	090
58770		A	Create new tubal opening	13.97	N/A	7.23	1.42	N/A	22.62	090
58800		A	Drainage of ovarian cyst(s).	4.14	4.80	3.16	0.36	9.30	7.66	090
58805		A	Drainage of ovarian cyst(s).	5.88	N/A	3.71	0.56	N/A	10.15	090
58820		A	Drain ovary abscess, open	4.22	N/A	3.49	0.29	N/A	8.00	090
58822		A	Drain ovary abscess, percut.	10.13	N/A	5.44	0.92	N/A	16.49	090
58823		A	Drain pelvic abscess, percut.	3.38	N/A	1.54	0.18	N/A	5.10	000
58825		A	Transposition, ovary(s)	10.98	N/A	6.08	0.62	N/A	17.68	090
58900		A	Biopsy of ovary(s)	5.99	N/A	3.79	0.56	N/A	10.34	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
58920		A	Partial removal of ovary(s)	11.36	N/A	5.83	0.68	N/A	17.87	090
58925		A	Removal of ovarian cyst(s)	11.36	N/A	5.92	1.14	N/A	18.42	090
58940		A	Removal of ovary(s)	7.29	N/A	4.32	0.73	N/A	12.34	090
58943		A	Removal of ovary(s)	18.43	N/A	9.16	1.86	N/A	29.45	090
58950		A	Resect ovarian malig-nancy.	16.93	N/A	8.94	1.55	N/A	27.42	090
58951		A	Resect ovarian malig-nancy.	22.38	N/A	11.07	2.20	N/A	35.65	090
58952		A	Resect ovarian malig-nancy.	25.01	N/A	12.40	2.57	N/A	39.98	090
58953		A	Tah, rad dissect for debulk	32.00	N/A	15.03	3.30	N/A	50.33	090
58954		A	Tah rad debulk/lymph re-move.	35.00	N/A	16.19	3.56	N/A	54.75	090
58960		A	Exploration of abdomen	14.65	N/A	7.90	1.47	N/A	24.02	090
58970		A	Retrieval of oocyte	3.53	2.37	1.53	0.36	6.26	5.42	000
58974		C	Transfer of embryo	0.00	0.00	0.00	0.00	0.00	0.00	000
58976		A	Transfer of embryo	3.83	2.69	1.87	0.39	6.91	6.09	000
58999		C	Genital surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
59000		A	Amniocentesis, diagnostic	1.30	2.17	0.70	0.23	3.70	2.23	000
59001		A	Amniocentesis, therapeutic	3.00	N/A	1.44	0.23	N/A	4.67	000
59012		A	Fetal cord punc-ture,prenatal.	3.45	N/A	1.59	0.62	N/A	5.66	000
59015		A	Chorion biopsy	2.20	1.61	1.08	0.40	4.21	3.68	000
59020		A	Fetal contract stress test	0.66	0.79	N/A	0.20	1.65	N/A	000
59020	26	A	Fetal contract stress test	0.66	0.27	0.27	0.12	1.05	1.05	000
59020	TC	A	Fetal contract stress test	0.00	0.52	N/A	0.08	0.60	N/A	000
59025		A	Fetal non-stress test	0.53	0.45	N/A	0.12	1.10	N/A	000
59025	26	A	Fetal non-stress test	0.53	0.21	0.21	0.10	0.84	0.84	000
59025	TC	A	Fetal non-stress test	0.00	0.23	N/A	0.02	0.25	N/A	000
59030		A	Fetal scalp blood sample	1.99	N/A	1.07	0.36	N/A	3.42	000
59050		A	Fetal monitor w/report	0.89	N/A	0.36	0.16	N/A	1.41	XXX
59051		A	Fetal monitor/interpret only	0.74	N/A	0.30	0.14	N/A	1.18	XXX
59100		A	Remove uterus lesion	12.35	N/A	6.74	2.21	N/A	21.30	090
59120		A	Treat ectopic pregnancy	11.49	N/A	6.54	2.06	N/A	20.09	090
59121		A	Treat ectopic pregnancy	11.67	N/A	6.61	2.09	N/A	20.37	090
59130		A	Treat ectopic pregnancy	14.22	N/A	6.31	2.54	N/A	23.07	090
59135		A	Treat ectopic pregnancy	13.88	N/A	7.39	2.49	N/A	23.76	090
59136		A	Treat ectopic pregnancy	13.18	N/A	6.92	2.36	N/A	22.46	090
59140		A	Treat ectopic pregnancy	5.46	5.39	3.72	0.98	11.83	10.16	090
59150		A	Treat ectopic pregnancy	11.67	N/A	6.31	1.23	N/A	19.21	090
59151		A	Treat ectopic pregnancy	11.49	N/A	6.30	1.41	N/A	19.20	090
59160		A	D & c after delivery	2.71	3.35	2.17	0.49	6.55	5.37	010
59200		A	Insert cervical dilator	0.79	1.25	0.31	0.15	2.19	1.25	000
59300		A	Episiotomy or vaginal re-pair.	2.41	2.21	0.98	0.43	5.05	3.82	000
59320		A	Revision of cervix	2.48	N/A	1.29	0.45	N/A	4.22	000
59325		A	Revision of cervix	4.07	N/A	1.96	0.73	N/A	6.76	000
59350		A	Repair of uterus	4.95	N/A	2.00	0.88	N/A	7.83	000
59400		A	Obstetrical care	23.06	N/A	15.87	4.14	N/A	43.07	MMM
59409		A	Obstetrical care	13.50	N/A	5.42	2.42	N/A	21.34	MMM
59410		A	Obstetrical care	14.78	N/A	6.46	2.65	N/A	23.89	MMM
59412		A	Antepartum manipulation	1.71	N/A	0.83	0.31	N/A	2.85	MMM
59414		A	Deliver placenta	1.61	N/A	0.64	0.29	N/A	2.54	MMM
59425		A	Antepartum care only	4.81	4.38	1.90	0.86	10.05	7.57	MMM
59426		A	Antepartum care only	8.28	7.85	3.29	1.49	17.62	13.06	MMM
59430		A	Care after delivery	2.13	1.27	0.96	0.38	3.78	3.47	MMM
59510		A	Cesarean delivery	26.22	N/A	17.86	4.70	N/A	48.78	MMM
59514		A	Cesarean delivery only	15.97	N/A	6.35	2.86	N/A	25.18	MMM
59515		A	Cesarean delivery	17.37	N/A	8.03	3.12	N/A	28.52	MMM
59525		A	Remove uterus after ce-sarean.	8.54	N/A	3.38	1.53	N/A	13.45	ZZZ
59610		A	Vbac delivery	24.62	N/A	16.44	4.41	N/A	45.47	MMM
59612		A	Vbac delivery only	15.06	N/A	6.18	2.70	N/A	23.94	MMM
59614		A	Vbac care after delivery	16.34	N/A	7.10	2.93	N/A	26.37	MMM
59618		A	Attempted vbac delivery	27.78	N/A	18.97	4.98	N/A	51.73	MMM

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
59620		A	Attempted vbac delivery only.	17.53	N/A	6.91	3.15	N/A	27.59	MMM
59622		A	Attempted vbac after care	18.93	N/A	8.85	3.39	N/A	31.17	MMM
59812		A	Treatment of miscarriage	4.01	N/A	2.62	0.58	N/A	7.21	090
59820		A	Care of miscarriage	4.01	N/A	3.62	0.72	N/A	8.35	090
59821		A	Treatment of miscarriage	4.47	N/A	3.52	0.80	N/A	8.79	090
59830		A	Treat uterus infection	6.11	N/A	4.10	1.10	N/A	11.31	090
59840		R	Abortion	3.01	N/A	2.18	0.54	N/A	5.73	010
59841		R	Abortion	5.24	3.59	3.05	0.94	9.77	9.23	010
59850		R	Abortion	5.91	N/A	3.33	1.06	N/A	10.30	090
59851		R	Abortion	5.93	N/A	3.89	1.06	N/A	10.88	090
59852		R	Abortion	8.24	N/A	5.39	1.48	N/A	15.11	090
59855		R	Abortion	6.12	N/A	3.72	1.10	N/A	10.94	090
59856		R	Abortion	7.48	N/A	4.29	1.34	N/A	13.11	090
59857		R	Abortion	9.29	N/A	4.78	1.66	N/A	15.73	090
59866		R	Abortion (mpr)	4.00	N/A	1.86	0.72	N/A	6.58	000
59870		A	Evacuate mole of uterus	6.01	N/A	4.62	0.77	N/A	11.40	090
59871		A	Remove cerclage suture	2.13	1.81	1.16	0.38	4.32	3.67	000
59898		C	Laparo proc, ob care/deliver.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
59899		C	Maternity care procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
60000		A	Drain thyroid/tongue cyst	1.76	2.23	2.09	0.14	4.13	3.99	010
60001		A	Aspirate/inject thyriod cyst	0.97	1.54	0.35	0.06	2.57	1.38	000
60100		A	Biopsy of thyroid	1.56	1.45	0.54	0.05	3.06	2.15	000
60200		A	Remove thyroid lesion	9.55	N/A	6.24	0.84	N/A	16.63	090
60210		A	Partial thyroid excision	10.88	N/A	5.94	1.01	N/A	17.83	090
60212		A	Partial thyroid excision	16.03	N/A	7.96	1.51	N/A	25.50	090
60220		A	Partial removal of thyroid	11.90	N/A	6.47	0.97	N/A	19.34	090
60225		A	Partial removal of thyroid	14.19	N/A	7.67	1.31	N/A	23.17	090
60240		A	Removal of thyroid	16.06	N/A	7.95	1.50	N/A	25.51	090
60252		A	Removal of thyroid	20.57	N/A	10.51	1.63	N/A	32.71	090
60254		A	Extensive thyroid surgery	26.99	N/A	14.72	1.96	N/A	43.67	090
60260		A	Repeat thyroid surgery	17.47	N/A	9.09	1.39	N/A	27.95	090
60270		A	Removal of thyroid	20.27	N/A	10.69	1.78	N/A	32.74	090
60271		A	Removal of thyroid	16.83	N/A	8.98	1.35	N/A	27.16	090
60280		A	Remove thyroid duct lesion.	5.87	N/A	4.95	0.45	N/A	11.27	090
60281		A	Remove thyroid duct lesion.	8.53	N/A	6.14	0.67	N/A	15.34	090
60500		A	Explore parathyroid glands	16.23	N/A	7.66	1.61	N/A	25.50	090
60502		A	Re-explore parathyroids	20.35	N/A	9.59	2.00	N/A	31.94	090
60505		A	Explore parathyroid glands	21.49	N/A	11.12	2.14	N/A	34.75	090
60512		A	Autotransplant parathyroid	4.45	N/A	1.66	0.44	N/A	6.55	ZZZ
60520		A	Removal of thymus gland	16.81	N/A	8.37	1.84	N/A	27.02	090
60521		A	Removal of thymus gland	18.87	N/A	9.39	2.34	N/A	30.60	090
60522		A	Removal of thymus gland	23.09	N/A	11.11	2.83	N/A	37.03	090
60540		A	Explore adrenal gland	17.03	N/A	7.79	1.42	N/A	26.24	090
60545		A	Explore adrenal gland	19.88	N/A	8.76	1.75	N/A	30.39	090
60600		A	Remove carotid body lesion.	17.93	N/A	10.94	1.87	N/A	30.74	090
60605		A	Remove carotid body lesion.	20.24	N/A	12.95	2.28	N/A	35.47	090
60650		A	Laparoscopy adrenalectomy.	20.00	N/A	8.13	1.98	N/A	30.11	090
60659		C	Laparo proc, endocrine	0.00	0.00	0.00	0.00	0.00	0.00	YYY
60699		C	Endocrine surgery procedure.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
61000		A	Remove cranial cavity fluid	1.58	N/A	0.98	0.13	N/A	2.69	000
61001		A	Remove cranial cavity fluid	1.49	N/A	1.09	0.15	N/A	2.73	000
61020		A	Remove brain cavity fluid	1.51	N/A	1.39	0.26	N/A	3.16	000
61026		A	Injection into brain canal	1.69	N/A	1.45	0.21	N/A	3.35	000
61050		A	Remove brain canal fluid	1.51	N/A	1.28	0.13	N/A	2.92	000
61055		A	Injection into brain canal	2.10	N/A	1.43	0.13	N/A	3.66	000
61070		A	Brain canal shunt procedure.	0.89	N/A	1.05	0.09	N/A	2.03	000
61105		A	Twist drill hole	5.14	N/A	4.03	1.05	N/A	10.22	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
61107	.....	A	Drill skull for implantation	5.00	N/A	3.39	1.02	N/A	9.41	000
61108	.....	A	Drill skull for drainage	10.19	N/A	7.29	2.04	N/A	19.52	090
61120	.....	A	Burr hole for puncture	8.76	N/A	6.11	1.81	N/A	16.68	090
61140	.....	A	Pierce skull for biopsy	15.90	N/A	10.09	3.15	N/A	29.14	090
61150	.....	A	Pierce skull for drainage ..	17.57	N/A	10.62	3.52	N/A	31.71	090
61151	.....	A	Pierce skull for drainage ..	12.42	N/A	7.99	2.45	N/A	22.86	090
61154	.....	A	Pierce skull & remove clot	14.99	N/A	9.68	3.05	N/A	27.72	090
61156	.....	A	Pierce skull for drainage ..	16.32	N/A	10.04	3.42	N/A	29.78	090
61210	.....	A	Pierce skull, implant device.	5.84	N/A	3.79	1.16	N/A	10.79	000
61215	.....	A	Insert brain-fluid device	4.89	N/A	4.08	0.99	N/A	9.96	090
61250	.....	A	Pierce skull & explore	10.42	N/A	6.99	2.02	N/A	19.43	090
61253	.....	A	Pierce skull & explore	12.36	N/A	7.87	2.26	N/A	22.49	090
61304	.....	A	Open skull for exploration	21.96	N/A	13.14	4.33	N/A	39.43	090
61305	.....	A	Open skull for exploration	26.61	N/A	15.66	5.25	N/A	47.52	090
61312	.....	A	Open skull for drainage	24.57	N/A	15.39	4.99	N/A	44.95	090
61313	.....	A	Open skull for drainage	24.93	N/A	15.16	5.07	N/A	45.16	090
61314	.....	A	Open skull for drainage	24.23	N/A	13.32	4.00	N/A	41.55	090
61315	.....	A	Open skull for drainage	27.68	N/A	16.37	5.62	N/A	49.67	090
61316	.....	A	Implt cran bone flap to abdo.	1.39	N/A	0.57	0.43	N/A	2.39	ZZZ
61320	.....	A	Open skull for drainage	25.62	N/A	15.11	5.20	N/A	45.93	090
61321	.....	A	Open skull for drainage	28.50	N/A	16.49	5.35	N/A	50.34	090
61322	.....	A	Decompressive craniotomy.	29.50	N/A	14.57	4.99	N/A	49.06	090
61323	.....	A	Decompressive lobectomy	31.00	N/A	14.76	4.99	N/A	50.75	090
61330	.....	A	Decompress eye socket ...	23.32	N/A	14.05	2.58	N/A	39.95	090
61332	.....	A	Explore/biopsy eye socket	27.28	N/A	15.97	4.15	N/A	47.40	090
61333	.....	A	Explore orbit/remove lesion.	27.95	N/A	15.97	2.24	N/A	46.16	090
61334	.....	A	Explore orbit/remove object.	18.27	N/A	10.91	3.02	N/A	32.20	090
61340	.....	A	Subtemporal decompression.	18.66	N/A	11.39	3.66	N/A	33.71	090
61343	.....	A	Incise skull (press relief) ...	29.77	N/A	17.43	6.04	N/A	53.24	090
61345	.....	A	Relieve cranial pressure ...	27.20	N/A	15.98	5.23	N/A	48.41	090
61440	.....	A	Incise skull for surgery	26.63	N/A	14.76	5.57	N/A	46.96	090
61450	.....	A	Incise skull for surgery	25.95	N/A	14.84	5.11	N/A	45.90	090
61458	.....	A	Incise skull for brain wound.	27.29	N/A	16.05	5.28	N/A	48.62	090
61460	.....	A	Incise skull for surgery	28.39	N/A	16.96	5.13	N/A	50.48	090
61470	.....	A	Incise skull for surgery	26.06	N/A	14.40	4.65	N/A	45.11	090
61480	.....	A	Incise skull for surgery	26.49	N/A	15.23	5.54	N/A	47.26	090
61490	.....	A	Incise skull for surgery	25.66	N/A	14.87	5.37	N/A	45.90	090
61500	.....	A	Removal of skull lesion	17.92	N/A	11.26	3.26	N/A	32.44	090
61501	.....	A	Remove infected skull bone.	14.84	N/A	9.62	2.63	N/A	27.09	090
61510	.....	A	Removal of brain lesion ...	28.45	N/A	17.22	5.77	N/A	51.44	090
61512	.....	A	Remove brain lining lesion	35.09	N/A	20.36	7.14	N/A	62.59	090
61514	.....	A	Removal of brain abscess	25.26	N/A	14.95	5.12	N/A	45.33	090
61516	.....	A	Removal of brain lesion ...	24.61	N/A	14.78	4.94	N/A	44.33	090
61517	.....	A	Implt brain chemotx add-on.	1.38	N/A	0.57	0.08	N/A	2.03	ZZZ
61518	.....	A	Removal of brain lesion ...	37.32	N/A	21.82	7.53	N/A	66.67	090
61519	.....	A	Remove brain lining lesion	41.39	N/A	23.44	8.15	N/A	72.98	090
61520	.....	A	Removal of brain lesion ...	54.84	N/A	31.26	10.10	N/A	96.20	090
61521	.....	A	Removal of brain lesion ...	44.48	N/A	25.05	8.85	N/A	78.38	090
61522	.....	A	Removal of brain abscess	29.45	N/A	17.03	5.30	N/A	51.78	090
61524	.....	A	Removal of brain lesion ...	27.86	N/A	16.26	5.01	N/A	49.13	090
61526	.....	A	Removal of brain lesion ...	52.17	N/A	30.38	6.72	N/A	89.27	090
61530	.....	A	Removal of brain lesion ...	43.86	N/A	25.88	6.17	N/A	75.91	090
61531	.....	A	Implant brain electrodes ...	14.63	N/A	9.51	2.84	N/A	26.98	090
61533	.....	A	Implant brain electrodes ...	19.71	N/A	11.98	3.80	N/A	35.49	090
61534	.....	A	Removal of brain lesion ...	20.97	N/A	12.62	4.15	N/A	37.74	090
61535	.....	A	Remove brain electrodes	11.63	N/A	7.82	2.29	N/A	21.74	090
61536	.....	A	Removal of brain lesion ...	35.52	N/A	20.47	6.68	N/A	62.67	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
61538	.....	A	Removal of brain tissue ...	26.81	N/A	15.95	5.38	N/A	48.14	090
61539	.....	A	Removal of brain tissue ...	32.08	N/A	18.43	6.62	N/A	57.13	090
61541	.....	A	Incision of brain tissue	28.85	N/A	16.77	5.50	N/A	51.12	090
61542	.....	A	Removal of brain tissue ...	31.02	N/A	18.46	6.49	N/A	55.97	090
61543	.....	A	Removal of brain tissue ...	29.22	N/A	16.98	6.11	N/A	52.31	090
61544	.....	A	Remove & treat brain lesion.	25.50	N/A	14.21	4.91	N/A	44.62	090
61545	.....	A	Excision of brain tumor	43.80	N/A	24.99	8.88	N/A	77.67	090
61546	.....	A	Removal of pituitary gland	31.30	N/A	18.13	6.06	N/A	55.49	090
61548	.....	A	Removal of pituitary gland	21.53	N/A	13.29	3.63	N/A	38.45	090
61550	.....	A	Release of skull seams	14.65	N/A	7.34	1.14	N/A	23.13	090
61552	.....	A	Release of skull seams	19.56	N/A	9.68	0.88	N/A	30.12	090
61556	.....	A	Incise skull/sutures	22.26	N/A	11.81	3.57	N/A	37.64	090
61557	.....	A	Incise skull/sutures	22.38	N/A	13.91	4.68	N/A	40.97	090
61558	.....	A	Excision of skull/sutures ...	25.58	N/A	14.75	2.61	N/A	42.94	090
61559	.....	A	Excision of skull/sutures ...	32.79	N/A	19.61	6.86	N/A	59.26	090
61563	.....	A	Excision of skull tumor	26.83	N/A	15.80	4.46	N/A	47.09	090
61564	.....	A	Excision of skull tumor	33.83	N/A	18.74	7.08	N/A	59.65	090
61570	.....	A	Remove foreign body, brain.	24.60	N/A	14.32	4.60	N/A	43.52	090
61571	.....	A	Incise skull for brain wound.	26.39	N/A	15.58	5.23	N/A	47.20	090
61575	.....	A	Skull base/brainstem surgery.	34.36	N/A	20.34	5.02	N/A	59.72	090
61576	.....	A	Skull base/brainstem surgery.	52.43	N/A	30.42	4.68	N/A	87.53	090
61580	.....	A	Craniofacial approach, skull.	30.35	N/A	24.85	2.75	N/A	57.95	090
61581	.....	A	Craniofacial approach, skull.	34.60	N/A	22.57	3.37	N/A	60.54	090
61582	.....	A	Craniofacial approach, skull.	31.66	N/A	26.65	6.30	N/A	64.61	090
61583	.....	A	Craniofacial approach, skull.	36.21	N/A	25.03	6.94	N/A	68.18	090
61584	.....	A	Orbitocranial approach/ skull.	34.65	N/A	24.40	6.53	N/A	65.58	090
61585	.....	A	Orbitocranial approach/ skull.	38.61	N/A	26.37	6.19	N/A	71.17	090
61586	.....	A	Resect nasopharynx, skull	25.10	N/A	21.80	3.52	N/A	50.42	090
61590	.....	A	Infratemporal approach/ skull.	41.78	N/A	29.48	4.28	N/A	75.54	090
61591	.....	A	Infratemporal approach/ skull.	43.68	N/A	30.38	5.26	N/A	79.32	090
61592	.....	A	Orbitocranial approach/ skull.	39.64	N/A	27.03	7.55	N/A	74.22	090
61595	.....	A	Transtemporal approach/ skull.	29.57	N/A	23.10	3.05	N/A	55.72	090
61596	.....	A	Transcochlear approach/ skull.	35.63	N/A	25.14	4.25	N/A	65.02	090
61597	.....	A	Transcondylar approach/ skull.	37.96	N/A	23.44	6.65	N/A	68.05	090
61598	.....	A	Transpetrosal approach/ skull.	33.41	N/A	23.82	4.60	N/A	61.83	090
61600	.....	A	Resect/excise cranial lesion.	25.85	N/A	20.35	3.12	N/A	49.32	090
61601	.....	A	Resect/excise cranial lesion.	27.89	N/A	20.88	5.29	N/A	54.06	090
61605	.....	A	Resect/excise cranial lesion.	29.33	N/A	22.75	2.51	N/A	54.59	090
61606	.....	A	Resect/excise cranial lesion.	38.83	N/A	25.68	6.81	N/A	71.32	090
61607	.....	A	Resect/excise cranial lesion.	36.27	N/A	24.32	5.69	N/A	66.28	090
61608	.....	A	Resect/excise cranial lesion.	42.10	N/A	27.11	8.31	N/A	77.52	090
61609	.....	A	Transect artery, sinus	9.89	N/A	4.89	2.07	N/A	16.85	ZZZ

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
61610	.....	A	Transect artery, sinus	29.67	N/A	13.44	3.52	N/A	46.63	ZZZ
61611	.....	A	Transect artery, sinus	7.42	N/A	3.39	1.55	N/A	12.36	ZZZ
61612	.....	A	Transect artery, sinus	27.88	N/A	13.62	3.55	N/A	45.05	ZZZ
61613	.....	A	Remove aneurysm, sinus	40.86	N/A	26.77	8.32	N/A	75.95	090
61615	.....	A	Resect/excise lesion, skull	32.07	N/A	23.28	4.64	N/A	59.99	090
61616	.....	A	Resect/excise lesion, skull	43.33	N/A	29.31	7.02	N/A	79.66	090
61618	.....	A	Repair dura	16.99	N/A	10.91	2.92	N/A	30.82	090
61619	.....	A	Repair dura	20.71	N/A	12.75	3.42	N/A	36.88	090
61623	.....	A	Endovasc tempory vessel occl.	9.96	N/A	4.31	0.50	N/A	14.77	000
61624	.....	A	Transcath occlusion, cns ..	20.15	N/A	7.07	1.15	N/A	28.37	000
61626	.....	A	Transcath occlusion, non-cns.	16.62	N/A	5.65	0.84	N/A	23.11	000
61680	.....	A	Intracranial vessel surgery	30.71	N/A	18.07	6.04	N/A	54.82	090
61682	.....	A	Intracranial vessel surgery	61.57	N/A	33.24	12.69	N/A	107.50	090
61684	.....	A	Intracranial vessel surgery	39.81	N/A	22.75	7.87	N/A	70.43	090
61686	.....	A	Intracranial vessel surgery	64.49	N/A	35.77	13.20	N/A	113.46	090
61690	.....	A	Intracranial vessel surgery	29.31	N/A	17.38	5.51	N/A	52.20	090
61692	.....	A	Intracranial vessel surgery	51.87	N/A	28.42	10.17	N/A	90.46	090
61697	.....	A	Brain aneurysm repr, complx.	50.52	N/A	28.82	10.31	N/A	89.65	090
61698	.....	A	Brain aneurysm repr, complx.	48.41	N/A	27.46	9.99	N/A	85.86	090
61700	.....	A	Brain aneurysm repr, simple.	50.52	N/A	28.64	10.18	N/A	89.34	090
61702	.....	A	Inner skull vessel surgery	48.41	N/A	26.91	9.75	N/A	85.07	090
61703	.....	A	Clamp neck artery	17.47	N/A	10.94	3.62	N/A	32.03	090
61705	.....	A	Revise circulation to head	36.20	N/A	19.88	6.67	N/A	62.75	090
61708	.....	A	Revise circulation to head	35.30	N/A	15.61	2.18	N/A	53.09	090
61710	.....	A	Revise circulation to head	29.67	N/A	14.10	2.42	N/A	46.19	090
61711	.....	A	Fusion of skull arteries	36.33	N/A	20.47	7.39	N/A	64.19	090
61720	.....	A	Incise skull/brain surgery ..	16.77	N/A	10.43	3.51	N/A	30.71	090
61735	.....	A	Incise skull/brain surgery ..	20.43	N/A	12.62	4.16	N/A	37.21	090
61750	.....	A	Incise skull/brain biopsy ...	18.20	N/A	11.04	3.71	N/A	32.95	090
61751	.....	A	Brain biopsy w/ct/mr guide	17.62	N/A	11.21	3.57	N/A	32.40	090
61760	.....	A	Implant brain electrodes ...	22.27	N/A	8.96	4.59	N/A	35.82	090
61770	.....	A	Incise skull for treatment ..	21.44	N/A	12.69	4.09	N/A	38.22	090
61790	.....	A	Treat trigeminal nerve	10.86	N/A	6.21	1.82	N/A	18.89	090
61791	.....	A	Treat trigeminal tract	14.61	N/A	9.29	3.03	N/A	26.93	090
61793	.....	A	Focus radiation beam	17.24	N/A	10.56	3.51	N/A	31.31	090
61795	.....	A	Brain surgery using computer.	4.04	N/A	2.08	0.81	N/A	6.93	ZZZ
61850	.....	A	Implant neuroelectrodes ...	12.39	N/A	7.96	2.23	N/A	22.58	090
61860	.....	A	Implant neuroelectrodes ...	20.87	N/A	12.51	4.04	N/A	37.42	090
61862	.....	A	Implant neurostimul, subcort.	19.34	N/A	12.47	3.97	N/A	35.78	090
61870	.....	A	Implant neuroelectrodes ...	14.94	N/A	10.15	1.70	N/A	26.79	090
61875	.....	A	Implant neuroelectrodes ...	15.06	N/A	8.97	2.42	N/A	26.45	090
61880	.....	A	Revise/remove neuroelectrode.	6.29	N/A	4.84	1.31	N/A	12.44	090
61885	.....	A	Implant neurostim one array.	5.85	N/A	5.51	1.22	N/A	12.58	090
61886	.....	A	Implant neurostim arrays ..	8.00	N/A	6.57	1.64	N/A	16.21	090
61888	.....	A	Revise/remove neuroreceiver.	5.07	N/A	3.97	1.04	N/A	10.08	010
62000	.....	A	Treat skull fracture	12.53	N/A	5.97	0.87	N/A	19.37	090
62005	.....	A	Treat skull fracture	16.17	N/A	9.28	2.33	N/A	27.78	090
62010	.....	A	Treatment of head injury ..	19.81	N/A	12.15	4.05	N/A	36.01	090
62100	.....	A	Repair brain fluid leakage	22.03	N/A	13.31	4.07	N/A	39.41	090
62115	.....	A	Reduction of skull defect ..	21.66	N/A	12.02	4.53	N/A	38.21	090
62116	.....	A	Reduction of skull defect ..	23.59	N/A	13.80	4.85	N/A	42.24	090
62117	.....	A	Reduction of skull defect ..	26.60	N/A	15.64	5.56	N/A	47.80	090
62120	.....	A	Repair skull cavity lesion ..	23.35	N/A	14.71	3.07	N/A	41.13	090
62121	.....	A	Incise skull repair	21.58	N/A	13.17	2.47	N/A	37.22	090
62140	.....	A	Repair of skull defect	13.51	N/A	8.69	2.60	N/A	24.80	090
62141	.....	A	Repair of skull defect	14.91	N/A	9.48	2.85	N/A	27.24	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
62142	.....	A	Remove skull plate/flap	10.79	N/A	7.34	2.10	N/A	20.23	090
62143	.....	A	Replace skull plate/flap	13.05	N/A	8.44	2.55	N/A	24.04	090
62145	.....	A	Repair of skull & brain	18.82	N/A	11.38	3.81	N/A	34.01	090
62146	.....	A	Repair of skull with graft ...	16.12	N/A	10.08	2.94	N/A	29.14	090
62147	.....	A	Repair of skull with graft ...	19.34	N/A	11.84	3.64	N/A	34.82	090
62148	.....	A	Retr bone flap to fix skull	2.00	N/A	0.83	0.43	N/A	3.26	ZZZ
62160	.....	A	Neuroendoscopy add-on ..	3.00	N/A	1.16	0.52	N/A	4.68	ZZZ
62161	.....	A	Dissect brain w/scope	20.00	N/A	9.73	3.70	N/A	33.43	090
62162	.....	A	Remove colloid cyst w/ scope.	25.25	N/A	11.90	5.77	N/A	42.92	090
62163	.....	A	Neuroendoscopy w/fb removal.	15.50	N/A	7.98	3.70	N/A	27.18	090
62164	.....	A	Remove brain tumor w/ scope.	27.50	N/A	13.13	5.77	N/A	46.40	090
62165	.....	A	Remove pituit tumor w/ scope.	22.00	N/A	10.69	3.63	N/A	36.32	090
62180	.....	A	Establish brain cavity shunt.	21.06	N/A	12.73	4.32	N/A	38.11	090
62190	.....	A	Establish brain cavity shunt.	11.07	N/A	7.40	2.18	N/A	20.65	090
62192	.....	A	Establish brain cavity shunt.	12.25	N/A	7.96	2.46	N/A	22.67	090
62194	.....	A	Replace/irrigate catheter ..	5.03	N/A	2.84	0.50	N/A	8.37	010
62200	.....	A	Establish brain cavity shunt.	18.32	N/A	11.26	3.70	N/A	33.28	090
62201	.....	A	Brain cavity shunt w/scope	14.86	N/A	9.79	2.52	N/A	27.17	090
62220	.....	A	Establish brain cavity shunt.	13.00	N/A	8.32	2.53	N/A	23.85	090
62223	.....	A	Establish brain cavity shunt.	12.87	N/A	8.55	2.58	N/A	24.00	090
62225	.....	A	Replace/irrigate catheter ..	5.41	N/A	4.30	1.09	N/A	10.80	090
62230	.....	A	Replace/revise brain shunt	10.54	N/A	6.75	2.10	N/A	19.39	090
62252	.....	A	Csf shunt reprogram	0.74	1.48	N/A	0.18	2.40	N/A	XXX
62252	26	A	Csf shunt reprogram	0.74	0.38	0.38	0.16	1.28	1.28	XXX
62252	TC	A	Csf shunt reprogram	0.00	1.10	N/A	0.02	1.12	N/A	XXX
62256	.....	A	Remove brain cavity shunt	6.60	N/A	4.96	1.34	N/A	12.90	090
62258	.....	A	Replace brain cavity shunt	14.54	N/A	9.03	2.91	N/A	26.48	090
62263	.....	A	Epidural lysis mult sessions.	6.14	12.34	2.41	0.42	18.90	8.97	010
62264	.....	A	Epidural lysis on single day.	4.43	7.85	1.42	0.30	12.58	6.15	010
62268	.....	A	Drain spinal cord cyst	4.74	10.78	2.21	0.29	15.81	7.24	000
62269	.....	A	Needle biopsy, spinal cord	5.02	12.44	2.04	0.29	17.75	7.35	000
62270	.....	A	Spinal fluid tap, diagnostic	1.13	3.10	0.50	0.06	4.29	1.69	000
62272	.....	A	Drain cerebro spinal fluid	1.35	3.72	0.65	0.13	5.20	2.13	000
62273	.....	A	Treat epidural spine lesion	2.15	2.83	0.58	0.14	5.12	2.87	000
62280	.....	A	Treat spinal cord lesion	2.63	6.81	0.89	0.17	9.61	3.69	010
62281	.....	A	Treat spinal cord lesion	2.66	5.96	0.78	0.16	8.78	3.60	010
62282	.....	A	Treat spinal canal lesion ..	2.33	8.37	0.80	0.14	10.84	3.27	010
62284	.....	A	Injection for myelogram	1.54	4.98	0.61	0.10	6.62	2.25	000
62287	.....	A	Percutaneous diskectomy	8.08	N/A	5.75	0.66	N/A	14.49	090
62290	.....	A	Inject for spine disk x-ray	3.00	6.94	1.30	0.20	10.14	4.50	000
62291	.....	A	Inject for spine disk x-ray	2.91	5.81	1.15	0.17	8.89	4.23	000
62292	.....	A	Injection into disk lesion ...	7.86	N/A	4.60	0.65	N/A	13.11	090
62294	.....	A	Injection into spinal artery	11.83	N/A	5.79	0.85	N/A	18.47	090
62310	.....	A	Inject spine c/t	1.91	5.02	0.51	0.11	7.04	2.53	000
62311	.....	A	Inject spine l/s (cd)	1.54	5.08	0.45	0.09	6.71	2.08	000
62318	.....	A	Inject spine w/cath, c/t	2.04	5.72	0.52	0.12	7.88	2.68	000
62319	.....	A	Inject spine w/cath l/s (cd)	1.87	5.01	0.48	0.11	6.99	2.46	000
62350	.....	A	Implant spinal canal cath ..	6.87	N/A	4.06	0.64	N/A	11.57	090
62351	.....	A	Implant spinal canal cath ..	10.00	N/A	7.26	1.79	N/A	19.05	090
62355	.....	A	Remove spinal canal catheter.	5.45	N/A	3.26	0.47	N/A	9.18	090
62360	.....	A	Insert spine infusion device.	2.62	N/A	2.76	0.21	N/A	5.59	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
62361		A	Implant spine infusion pump.	5.42	N/A	3.99	0.50	N/A	9.91	090
62362		A	Implant spine infusion pump.	7.04	N/A	4.48	0.86	N/A	12.38	090
62365		A	Remove spine infusion device.	5.42	N/A	3.66	0.58	N/A	9.66	090
62367		C	Analyze spine infusion pump.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
62367	26	A	Analyze spine infusion pump.	0.48	0.13	0.13	0.03	0.64	0.64	XXX
62367	TC	C	Analyze spine infusion pump.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
62368		C	Analyze spine infusion pump.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
62368	26	A	Analyze spine infusion pump.	0.75	0.19	0.19	0.05	0.99	0.99	XXX
62368	TC	C	Analyze spine infusion pump.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
63001		A	Removal of spinal lamina	15.82	N/A	9.72	3.03	N/A	28.57	090
63003		A	Removal of spinal lamina	15.95	N/A	10.06	2.98	N/A	28.99	090
63005		A	Removal of spinal lamina	14.92	N/A	10.13	2.62	N/A	27.67	090
63011		A	Removal of spinal lamina	14.52	N/A	8.39	1.43	N/A	24.34	090
63012		A	Removal of spinal lamina	15.40	N/A	10.25	2.71	N/A	28.36	090
63015		A	Removal of spinal lamina	19.35	N/A	12.14	3.84	N/A	35.33	090
63016		A	Removal of spinal lamina	19.20	N/A	12.00	3.62	N/A	34.82	090
63017		A	Removal of spinal lamina	15.94	N/A	10.57	2.91	N/A	29.42	090
63020		A	Neck spine disk surgery	14.81	N/A	9.87	2.89	N/A	27.57	090
63030		A	Low back disk surgery	12.00	N/A	8.56	2.21	N/A	22.77	090
63035		A	Spinal disk surgery add-on	3.15	N/A	1.62	0.57	N/A	5.34	ZZZ
63040		A	Laminotomy, single cervical.	18.81	N/A	11.70	3.36	N/A	33.87	090
63042		A	Laminotomy, single lumbar	17.47	N/A	11.53	3.11	N/A	32.11	090
63043		C	Laminotomy, addl cervical	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
63044		C	Laminotomy, addl lumbar	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
63045		A	Removal of spinal lamina	16.50	N/A	10.54	3.19	N/A	30.23	090
63046		A	Removal of spinal lamina	15.80	N/A	10.34	2.89	N/A	29.03	090
63047		A	Removal of spinal lamina	14.61	N/A	10.04	2.61	N/A	27.26	090
63048		A	Remove spinal lamina add-on.	3.26	N/A	1.70	0.58	N/A	5.54	ZZZ
63055		A	Decompress spinal cord	21.99	N/A	13.38	4.09	N/A	39.46	090
63056		A	Decompress spinal cord	20.36	N/A	12.76	3.34	N/A	36.46	090
63057		A	Decompress spine cord add-on.	5.26	N/A	2.70	0.81	N/A	8.77	ZZZ
63064		A	Decompress spinal cord	24.61	N/A	14.71	4.72	N/A	44.04	090
63066		A	Decompress spine cord add-on.	3.26	N/A	1.70	0.63	N/A	5.59	ZZZ
63075		A	Neck spine disk surgery	19.41	N/A	12.33	3.73	N/A	35.47	090
63076		A	Neck spine disk surgery	4.05	N/A	2.10	0.78	N/A	6.93	ZZZ
63077		A	Spine disk surgery, thorax	21.44	N/A	12.92	3.44	N/A	37.80	090
63078		A	Spine disk surgery, thorax	3.28	N/A	1.67	0.50	N/A	5.45	ZZZ
63081		A	Removal of vertebral body	23.73	N/A	14.59	4.46	N/A	42.78	090
63082		A	Remove vertebral body add-on.	4.37	N/A	2.28	0.82	N/A	7.47	ZZZ
63085		A	Removal of vertebral body	26.92	N/A	15.67	4.70	N/A	47.29	090
63086		A	Remove vertebral body add-on.	3.19	N/A	1.62	0.55	N/A	5.36	ZZZ
63087		A	Removal of vertebral body	35.57	N/A	19.78	5.87	N/A	61.22	090
63088		A	Remove vertebral body add-on.	4.33	N/A	2.23	0.77	N/A	7.33	ZZZ
63090		A	Removal of vertebral body	28.16	N/A	16.27	4.27	N/A	48.70	090
63091		A	Remove vertebral body add-on.	3.03	N/A	1.49	0.45	N/A	4.97	ZZZ
63170		A	Incise spinal cord tract(s)	19.83	N/A	12.38	3.89	N/A	36.10	090
63172		A	Drainage of spinal cyst	17.66	N/A	11.22	3.46	N/A	32.34	090
63173		A	Drainage of spinal cyst	21.99	N/A	13.39	4.14	N/A	39.52	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
63180	.....	A	Revise spinal cord liga-ments.	18.27	N/A	11.52	3.83	N/A	33.62	090
63182	.....	A	Revise spinal cord liga-ments.	20.50	N/A	11.44	3.48	N/A	35.42	090
63185	.....	A	Incise spinal column/ nerves.	15.04	N/A	8.46	2.08	N/A	25.58	090
63190	.....	A	Incise spinal column/ nerves.	17.45	N/A	10.59	2.88	N/A	30.92	090
63191	.....	A	Incise spinal column/ nerves.	17.54	N/A	11.04	3.50	N/A	32.08	090
63194	.....	A	Incise spinal column & cord.	19.19	N/A	12.05	4.01	N/A	35.25	090
63195	.....	A	Incise spinal column & cord.	18.84	N/A	11.56	3.44	N/A	33.84	090
63196	.....	A	Incise spinal column & cord.	22.30	N/A	12.34	4.66	N/A	39.30	090
63197	.....	A	Incise spinal column & cord.	21.11	N/A	12.55	4.42	N/A	38.08	090
63198	.....	A	Incise spinal column & cord.	25.38	N/A	9.91	5.31	N/A	40.60	090
63199	.....	A	Incise spinal column & cord.	26.89	N/A	15.19	5.62	N/A	47.70	090
63200	.....	A	Release of spinal cord	19.18	N/A	11.78	3.61	N/A	34.57	090
63250	.....	A	Revise spinal cord vessels	40.76	N/A	20.52	7.65	N/A	68.93	090
63251	.....	A	Revise spinal cord vessels	41.20	N/A	23.24	7.98	N/A	72.42	090
63252	.....	A	Revise spinal cord vessels	41.19	N/A	22.89	7.75	N/A	71.83	090
63265	.....	A	Excise intraspinal lesion ...	21.56	N/A	13.18	4.29	N/A	39.03	090
63266	.....	A	Excise intraspinal lesion ...	22.30	N/A	13.61	4.47	N/A	40.38	090
63267	.....	A	Excise intraspinal lesion ...	17.95	N/A	11.45	3.50	N/A	32.90	090
63268	.....	A	Excise intraspinal lesion ...	18.52	N/A	10.73	3.18	N/A	32.43	090
63270	.....	A	Excise intraspinal lesion ...	26.80	N/A	15.94	5.41	N/A	48.15	090
63271	.....	A	Excise intraspinal lesion ...	26.92	N/A	16.05	5.56	N/A	48.53	090
63272	.....	A	Excise intraspinal lesion ...	25.32	N/A	15.15	5.07	N/A	45.54	090
63273	.....	A	Excise intraspinal lesion ...	24.29	N/A	14.75	5.08	N/A	44.12	090
63275	.....	A	Biopsy/excise spinal tumor	23.68	N/A	14.21	4.68	N/A	42.57	090
63276	.....	A	Biopsy/excise spinal tumor	23.45	N/A	14.11	4.63	N/A	42.19	090
63277	.....	A	Biopsy/excise spinal tumor	20.83	N/A	12.92	4.03	N/A	37.78	090
63278	.....	A	Biopsy/excise spinal tumor	20.56	N/A	12.78	4.02	N/A	37.36	090
63280	.....	A	Biopsy/excise spinal tumor	28.35	N/A	16.81	5.80	N/A	50.96	090
63281	.....	A	Biopsy/excise spinal tumor	28.05	N/A	16.66	5.67	N/A	50.38	090
63282	.....	A	Biopsy/excise spinal tumor	26.39	N/A	15.80	5.33	N/A	47.52	090
63283	.....	A	Biopsy/excise spinal tumor	25.00	N/A	15.12	5.12	N/A	45.24	090
63285	.....	A	Biopsy/excise spinal tumor	36.00	N/A	20.53	7.31	N/A	63.84	090
63286	.....	A	Biopsy/excise spinal tumor	35.63	N/A	20.48	7.07	N/A	63.18	090
63287	.....	A	Biopsy/excise spinal tumor	36.70	N/A	21.04	7.48	N/A	65.22	090
63290	.....	A	Biopsy/excise spinal tumor	37.38	N/A	21.20	7.65	N/A	66.23	090
63300	.....	A	Removal of vertebral body	24.43	N/A	14.75	4.78	N/A	43.96	090
63301	.....	A	Removal of vertebral body	27.60	N/A	15.96	5.03	N/A	48.59	090
63302	.....	A	Removal of vertebral body	27.81	N/A	16.28	5.25	N/A	49.34	090
63303	.....	A	Removal of vertebral body	30.50	N/A	17.39	5.21	N/A	53.10	090
63304	.....	A	Removal of vertebral body	30.33	N/A	17.80	4.72	N/A	52.85	090
63305	.....	A	Removal of vertebral body	32.03	N/A	18.47	5.39	N/A	55.89	090
63306	.....	A	Removal of vertebral body	32.22	N/A	18.10	2.39	N/A	52.71	090
63307	.....	A	Removal of vertebral body	31.63	N/A	17.31	4.23	N/A	53.17	090
63308	.....	A	Remove vertebral body add-on.	5.25	N/A	2.67	1.01	N/A	8.93	ZZZ
63600	.....	A	Remove spinal cord lesion	14.02	N/A	5.59	1.22	N/A	20.83	090
63610	.....	A	Stimulation of spinal cord	8.73	56.96	2.32	0.43	66.12	11.48	000
63615	.....	A	Remove lesion of spinal cord.	16.28	N/A	9.52	2.85	N/A	28.65	090
63650	.....	A	Implant neuroelectrodes ...	6.74	N/A	3.30	0.48	N/A	10.52	090
63655	.....	A	Implant neuroelectrodes ...	10.29	N/A	7.17	1.85	N/A	19.31	090
63660	.....	A	Revise/remove neuroelectrode.	6.16	N/A	3.80	0.65	N/A	10.61	090
63685	.....	A	Implant neuroreceiver	7.04	N/A	4.34	0.96	N/A	12.34	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
63688		A	Revise/remove neuroreceiver.	5.39	N/A	3.75	0.70	N/A	9.84	090
63700		A	Repair of spinal herniation	16.53	N/A	10.63	2.69	N/A	29.85	090
63702		A	Repair of spinal herniation	18.48	N/A	11.00	1.36	N/A	30.84	090
63704		A	Repair of spinal herniation	21.18	N/A	13.14	3.84	N/A	38.16	090
63706		A	Repair of spinal herniation	24.11	N/A	14.00	4.73	N/A	42.84	090
63707		A	Repair spinal fluid leakage	11.26	N/A	7.99	1.96	N/A	21.21	090
63709		A	Repair spinal fluid leakage	14.32	N/A	9.71	2.49	N/A	26.52	090
63710		A	Graft repair of spine defect	14.07	N/A	9.36	2.61	N/A	26.04	090
63740		A	Install spinal shunt	11.36	N/A	7.63	2.15	N/A	21.14	090
63741		A	Install spinal shunt	8.25	N/A	4.96	1.05	N/A	14.26	090
63744		A	Revision of spinal shunt	8.10	N/A	5.49	1.51	N/A	15.10	090
63746		A	Removal of spinal shunt	6.43	N/A	3.96	1.15	N/A	11.54	090
64400		A	N block inj, trigeminal	1.11	2.06	0.37	0.06	3.23	1.54	000
64402		A	N block inj, facial	1.25	1.79	0.54	0.07	3.11	1.86	000
64405		A	N block inj, occipital	1.32	1.55	0.40	0.08	2.95	1.80	000
64408		A	N block inj, vagus	1.41	1.63	0.67	0.09	3.13	2.17	000
64410		A	N block inj, phrenic	1.43	2.67	0.40	0.08	4.18	1.91	000
64412		A	N block inj, spinal accessor.	1.18	2.80	0.37	0.08	4.06	1.63	000
64413		A	N block inj, cervical plexus	1.40	1.95	0.44	0.09	3.44	1.93	000
64415		A	N block inj, brachial plexus	1.48	2.95	0.40	0.08	4.51	1.96	000
64416		A	N block cont infuse, b plex	3.50	N/A	0.73	0.08	N/A	4.31	010
64417		A	N block inj, axillary	1.44	3.19	0.43	0.09	4.72	1.96	000
64418		A	N block inj, suprascapular	1.32	2.76	0.37	0.07	4.15	1.76	000
64420		A	N block inj, intercost, sng	1.18	3.62	0.36	0.07	4.87	1.61	000
64421		A	N block inj, intercost, mlt	1.68	5.53	0.46	0.10	7.31	2.24	000
64425		A	N block inj ilio-ing/hypogi	1.75	1.74	0.48	0.11	3.60	2.34	000
64430		A	N block inj, pudendal	1.46	2.66	0.50	0.11	4.23	2.07	000
64435		A	N block inj, paracervical	1.45	2.67	0.64	0.15	4.27	2.24	000
64445		A	N block inj, sciatic, sng	1.48	2.78	0.38	0.08	4.34	1.94	000
64446		A	N blk inj, sciatic, cont inf	3.25	N/A	1.21	0.08	N/A	4.54	010
64447		A	N block inj fem, single	1.50	N/A	0.52	0.08	N/A	2.10	000
64448		A	N block inj fem, cont inf	3.00	N/A	1.04	0.08	N/A	4.12	010
64450		A	N block, other peripheral	1.27	1.30	0.42	0.08	2.65	1.77	000
64470		A	Inj paravertebral c/t	1.85	4.97	0.57	0.12	6.94	2.54	000
64472		A	Inj paravertebral c/t add-on.	1.29	1.99	0.31	0.09	3.37	1.69	ZZZ
64475		A	Inj paravertebral l/s	1.41	4.67	0.48	0.09	6.17	1.98	000
64476		A	Inj paravertebral l/s add-on	0.98	1.87	0.25	0.06	2.91	1.29	ZZZ
64479		A	Inj foramen epidural c/t	2.20	7.22	0.73	0.14	9.56	3.07	000
64480		A	Inj foramen epidural add-on.	1.54	2.46	0.48	0.09	4.09	2.11	ZZZ
64483		A	Inj foramen epidural l/s	1.90	7.74	0.66	0.12	9.76	2.68	000
64484		A	Inj foramen epidural add-on.	1.33	2.88	0.38	0.08	4.29	1.79	ZZZ
64505		A	N block, spenopalatine gangl.	1.36	1.26	0.48	0.08	2.70	1.92	000
64508		A	N block, carotid sinus s/p	1.12	3.18	0.52	0.06	4.36	1.70	000
64510		A	N block, stellate ganglion	1.22	3.32	0.38	0.07	4.61	1.67	000
64520		A	N block, lumbar/thoracic	1.35	4.67	0.42	0.08	6.10	1.85	000
64530		A	N block inj, celiac pelus	1.58	4.08	0.48	0.09	5.75	2.15	000
64550		A	Apply neurostimulator	0.18	0.28	0.05	0.01	0.47	0.24	000
64553		A	Implant neuroelectrodes	2.31	2.95	1.90	0.17	5.43	4.38	010
64555		A	Implant neuroelectrodes	2.27	3.22	1.23	0.11	5.60	3.61	010
64560		A	Implant neuroelectrodes	2.36	2.73	1.34	0.17	5.26	3.87	010
64561		A	Implant neuroelectrodes	6.74	N/A	3.23	0.11	N/A	10.08	010
64565		A	Implant neuroelectrodes	1.76	3.38	1.29	0.08	5.22	3.13	010
64573		A	Implant neuroelectrodes	7.50	N/A	5.43	1.48	N/A	14.41	090
64575		A	Implant neuroelectrodes	4.35	N/A	2.94	0.37	N/A	7.66	090
64577		A	Implant neuroelectrodes	4.62	N/A	3.43	0.50	N/A	8.55	090
64580		A	Implant neuroelectrodes	4.12	N/A	3.78	0.21	N/A	8.11	090
64581		A	Implant neuroelectrodes	13.50	N/A	5.53	0.37	N/A	19.40	090
64585		A	Revise/remove neuroelectrode.	2.06	11.73	1.75	0.29	14.08	4.10	010
64590		A	Implant neuroreceiver	2.40	7.41	1.94	0.40	10.21	4.74	010

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
64595	.....	A	Revise/remove neuroreceiver.	1.73	10.90	1.52	0.22	12.85	3.47	010
64600	.....	A	Injection treatment of nerve.	3.45	7.83	1.60	0.28	11.56	5.33	010
64605	.....	A	Injection treatment of nerve.	5.61	9.33	2.08	0.53	15.47	8.22	010
64610	.....	A	Injection treatment of nerve.	7.16	7.94	3.65	1.12	16.22	11.93	010
64612	.....	A	Destroy nerve, face muscle.	1.96	2.67	1.09	0.09	4.72	3.14	010
64613	.....	A	Destroy nerve, spine muscle.	1.96	3.04	1.01	0.10	5.10	3.07	010
64614	.....	A	Destroy nerve, extrem musc.	2.20	3.30	1.13	0.09	5.59	3.42	010
64620	.....	A	Injection treatment of nerve.	2.84	4.72	1.19	0.17	7.73	4.20	010
64622	.....	A	Destr paravertebrl nerve l/s.	3.00	7.63	1.25	0.17	10.80	4.42	010
64623	.....	A	Destr paravertebral n add-on.	0.99	2.44	0.23	0.06	3.49	1.28	ZZZ
64626	.....	A	Destr paravertebrl nerve c/t.	3.28	6.63	1.86	0.22	10.13	5.36	010
64627	.....	A	Destr paravertebral n add-on.	1.16	2.63	0.27	0.08	3.87	1.51	ZZZ
64630	.....	A	Injection treatment of nerve.	3.00	2.80	1.29	0.16	5.96	4.45	010
64640	.....	A	Injection treatment of nerve.	2.76	4.29	1.68	0.11	7.16	4.55	010
64680	.....	A	Injection treatment of nerve.	2.62	6.18	1.28	0.15	8.95	4.05	010
64702	.....	A	Revise finger/toe nerve	4.23	N/A	4.22	0.51	N/A	8.96	090
64704	.....	A	Revise hand/foot nerve	4.57	N/A	3.48	0.59	N/A	8.64	090
64708	.....	A	Revise arm/leg nerve	6.12	N/A	5.21	0.82	N/A	12.15	090
64712	.....	A	Revision of sciatic nerve ..	7.75	N/A	5.29	0.54	N/A	13.58	090
64713	.....	A	Revision of arm nerve(s) ..	11.00	N/A	6.10	1.01	N/A	18.11	090
64714	.....	A	Revise low back nerve(s)	10.33	N/A	4.40	0.64	N/A	15.37	090
64716	.....	A	Revision of cranial nerve ..	6.31	N/A	5.54	0.59	N/A	12.44	090
64718	.....	A	Revise ulnar nerve at elbow.	5.99	N/A	6.22	0.87	N/A	13.08	090
64719	.....	A	Revise ulnar nerve at wrist	4.85	N/A	4.90	0.63	N/A	10.38	090
64721	.....	A	Carpal tunnel surgery	4.29	5.25	5.25	0.59	10.13	10.13	090
64722	.....	A	Relieve pressure on nerve(s).	4.70	N/A	3.29	0.32	N/A	8.31	090
64726	.....	A	Release foot/toe nerve	4.18	N/A	3.04	0.57	N/A	7.79	090
64727	.....	A	Internal nerve revision	3.10	N/A	1.53	0.40	N/A	5.03	ZZZ
64732	.....	A	Incision of brow nerve	4.41	N/A	3.76	0.77	N/A	8.94	090
64734	.....	A	Incision of cheek nerve	4.92	N/A	4.30	0.83	N/A	10.05	090
64736	.....	A	Incision of chin nerve	4.60	N/A	4.27	0.71	N/A	9.58	090
64738	.....	A	Incision of jaw nerve	5.73	N/A	4.87	0.84	N/A	11.44	090
64740	.....	A	Incision of tongue nerve ...	5.59	N/A	4.63	0.43	N/A	10.65	090
64742	.....	A	Incision of facial nerve	6.22	N/A	5.06	0.69	N/A	11.97	090
64744	.....	A	Incise nerve, back of head	5.24	N/A	4.02	0.98	N/A	10.24	090
64746	.....	A	Incise diaphragm nerve	5.93	N/A	4.63	0.75	N/A	11.31	090
64752	.....	A	Incision of vagus nerve	7.06	N/A	4.43	0.83	N/A	12.32	090
64755	.....	A	Incision of stomach nerves	13.52	N/A	5.91	1.16	N/A	20.59	090
64760	.....	A	Incision of vagus nerve	6.96	N/A	3.72	0.51	N/A	11.19	090
64761	.....	A	Incision of pelvis nerve	6.41	N/A	3.82	0.26	N/A	10.49	090
64763	.....	A	Incise hip/thigh nerve	6.93	N/A	5.66	0.77	N/A	13.36	090
64766	.....	A	Incise hip/thigh nerve	8.67	N/A	5.53	0.99	N/A	15.19	090
64771	.....	A	Sever cranial nerve	7.35	N/A	5.83	1.32	N/A	14.50	090
64772	.....	A	Incision of spinal nerve	7.21	N/A	5.19	1.20	N/A	13.60	090
64774	.....	A	Remove skin nerve lesion	5.17	N/A	4.11	0.60	N/A	9.88	090
64776	.....	A	Remove digit nerve lesion	5.12	N/A	4.00	0.63	N/A	9.75	090
64778	.....	A	Digit nerve surgery add-on	3.11	N/A	1.53	0.38	N/A	5.02	ZZZ
64782	.....	A	Remove limb nerve lesion	6.23	N/A	3.98	0.79	N/A	11.00	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
64783		A	Limb nerve surgery add-on.	3.72	N/A	1.88	0.48	N/A	6.08	ZZZ
64784		A	Remove nerve lesion	9.82	N/A	6.96	1.17	N/A	17.95	090
64786		A	Remove sciatic nerve lesion.	15.46	N/A	10.36	2.22	N/A	28.04	090
64787		A	Implant nerve end	4.30	N/A	2.17	0.56	N/A	7.03	ZZZ
64788		A	Remove skin nerve lesion	4.61	N/A	3.75	0.54	N/A	8.90	090
64790		A	Removal of nerve lesion	11.31	N/A	7.57	1.68	N/A	20.56	090
64792		A	Removal of nerve lesion	14.92	N/A	9.20	1.88	N/A	26.00	090
64795		A	Biopsy of nerve	3.01	N/A	1.62	0.40	N/A	5.03	000
64802		A	Remove sympathetic nerves.	9.15	N/A	5.27	0.87	N/A	15.29	090
64804		A	Remove sympathetic nerves.	14.64	N/A	7.25	1.79	N/A	23.68	090
64809		A	Remove sympathetic nerves.	13.67	N/A	5.94	0.96	N/A	20.57	090
64818		A	Remove sympathetic nerves.	10.30	N/A	5.42	1.08	N/A	16.80	090
64820		A	Remove sympathetic nerves.	10.37	N/A	7.35	1.17	N/A	18.89	090
64821		A	Remove sympathestic nerves.	8.75	N/A	7.60	0.99	N/A	17.34	090
64822		A	Remove sympathetic nerves.	8.75	N/A	7.53	0.99	N/A	17.27	090
64823		A	Remove sympathetic nerves.	10.37	N/A	8.45	1.17	N/A	19.99	090
64831		A	Repair of digit nerve	9.44	N/A	7.53	1.14	N/A	18.11	090
64832		A	Repair nerve add-on	5.66	N/A	3.00	0.68	N/A	9.34	ZZZ
64834		A	Repair of hand or foot nerve.	10.19	N/A	7.56	1.23	N/A	18.98	090
64835		A	Repair of hand or foot nerve.	10.94	N/A	8.16	1.36	N/A	20.46	090
64836		A	Repair of hand or foot nerve.	10.94	N/A	8.13	1.32	N/A	20.39	090
64837		A	Repair nerve add-on	6.26	N/A	3.31	0.80	N/A	10.37	ZZZ
64840		A	Repair of leg nerve	13.02	N/A	8.70	0.86	N/A	22.58	090
64856		A	Repair/transpose nerve	13.80	N/A	9.68	1.71	N/A	25.19	090
64857		A	Repair arm/leg nerve	14.49	N/A	10.15	1.76	N/A	26.40	090
64858		A	Repair sciatic nerve	16.49	N/A	11.15	2.78	N/A	30.42	090
64859		A	Nerve surgery	4.26	N/A	2.24	0.50	N/A	7.00	ZZZ
64861		A	Repair of arm nerves	19.24	N/A	12.13	2.45	N/A	33.82	090
64862		A	Repair of low back nerves	19.44	N/A	12.18	2.47	N/A	34.09	090
64864		A	Repair of facial nerve	12.55	N/A	8.52	1.13	N/A	22.20	090
64865		A	Repair of facial nerve	15.24	N/A	10.23	1.37	N/A	26.84	090
64866		A	Fusion of facial/other nerve.	15.74	N/A	10.06	1.06	N/A	26.86	090
64868		A	Fusion of facial/other nerve.	14.04	N/A	9.22	1.40	N/A	24.66	090
64870		A	Fusion of facial/other nerve.	15.99	N/A	9.10	1.08	N/A	26.17	090
64872		A	Subsequent repair of nerve.	1.99	N/A	1.10	0.24	N/A	3.33	ZZZ
64874		A	Repair & revise nerve add-on.	2.98	N/A	1.57	0.34	N/A	4.89	ZZZ
64876		A	Repair nerve/shorten bone	3.38	N/A	1.31	0.39	N/A	5.08	ZZZ
64885		A	Nerve graft, head or neck	17.53	N/A	11.26	1.51	N/A	30.30	090
64886		A	Nerve graft, head or neck	20.75	N/A	13.13	1.73	N/A	35.61	090
64890		A	Nerve graft, hand or foot	15.15	N/A	10.52	1.74	N/A	27.41	090
64891		A	Nerve graft, hand or foot	16.14	N/A	7.97	1.38	N/A	25.49	090
64892		A	Nerve graft, arm or leg	14.65	N/A	9.31	1.65	N/A	25.61	090
64893		A	Nerve graft, arm or leg	15.60	N/A	10.30	1.77	N/A	27.67	090
64895		A	Nerve graft, hand or foot	19.25	N/A	10.06	2.04	N/A	31.35	090
64896		A	Nerve graft, hand or foot	20.49	N/A	11.53	1.85	N/A	33.87	090
64897		A	Nerve graft, arm or leg	18.24	N/A	11.19	2.64	N/A	32.07	090
64898		A	Nerve graft, arm or leg	19.50	N/A	12.29	2.71	N/A	34.50	090
64901		A	Nerve graft add-on	10.22	N/A	5.39	0.99	N/A	16.60	ZZZ

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
64902		A	Nerve graft add-on	11.83	N/A	6.10	1.10	N/A	19.03	ZZZ
64905		A	Nerve pedicle transfer	14.02	N/A	8.98	1.52	N/A	24.52	090
64907		A	Nerve pedicle transfer	18.83	N/A	12.64	1.79	N/A	33.26	090
64999		C	Nervous system surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
65091		A	Revise eye	6.46	N/A	9.88	0.26	N/A	16.60	090
65093		A	Revise eye with implant	6.87	N/A	10.25	0.28	N/A	17.40	090
65101		A	Removal of eye	7.03	N/A	10.83	0.28	N/A	18.14	090
65103		A	Remove eye/insert implant	7.57	N/A	11.04	0.30	N/A	18.91	090
65105		A	Remove eye/attach implant.	8.49	N/A	11.70	0.34	N/A	20.53	090
65110		A	Removal of eye	13.95	N/A	14.98	0.68	N/A	29.61	090
65112		A	Remove eye/revise socket	16.38	N/A	17.38	0.96	N/A	34.72	090
65114		A	Remove eye/revise socket	17.53	N/A	17.50	0.94	N/A	35.97	090
65125		A	Revise ocular implant	3.12	9.35	3.02	0.15	12.62	6.29	090
65130		A	Insert ocular implant	7.15	N/A	10.42	0.28	N/A	17.85	090
65135		A	Insert ocular implant	7.33	N/A	10.59	0.29	N/A	18.21	090
65140		A	Attach ocular implant	8.02	N/A	11.06	0.31	N/A	19.39	090
65150		A	Revise ocular implant	6.26	N/A	9.43	0.25	N/A	15.94	090
65155		A	Reinsert ocular implant	8.66	N/A	11.80	0.40	N/A	20.86	090
65175		A	Removal of ocular implant	6.28	N/A	9.81	0.26	N/A	16.35	090
65205		A	Remove foreign body from eye.	0.71	0.61	0.19	0.03	1.35	0.93	000
65210		A	Remove foreign body from eye.	0.84	0.75	0.30	0.03	1.62	1.17	000
65220		A	Remove foreign body from eye.	0.71	0.61	0.18	0.05	1.37	0.94	000
65222		A	Remove foreign body from eye.	0.93	0.77	0.27	0.04	1.74	1.24	000
65235		A	Remove foreign body from eye.	7.57	N/A	7.41	0.30	N/A	15.28	090
65260		A	Remove foreign body from eye.	10.96	N/A	11.71	0.43	N/A	23.10	090
65265		A	Remove foreign body from eye.	12.59	N/A	12.91	0.50	N/A	26.00	090
65270		A	Repair of eye wound	1.90	3.90	2.28	0.08	5.88	4.26	010
65272		A	Repair of eye wound	3.82	5.89	5.30	0.16	9.87	9.28	090
65273		A	Repair of eye wound	4.36	N/A	5.63	0.17	N/A	10.16	090
65275		A	Repair of eye wound	5.34	5.78	5.78	0.27	11.39	11.39	090
65280		A	Repair of eye wound	7.66	N/A	8.32	0.30	N/A	16.28	090
65285		A	Repair of eye wound	12.90	N/A	12.77	0.51	N/A	26.18	090
65286		A	Repair of eye wound	5.51	8.57	7.65	0.21	14.29	13.37	090
65290		A	Repair of eye socket wound.	5.41	N/A	6.61	0.26	N/A	12.28	090
65400		A	Removal of eye lesion	6.06	8.78	7.60	0.24	15.08	13.90	090
65410		A	Biopsy of cornea	1.47	1.74	0.66	0.06	3.27	2.19	000
65420		A	Removal of eye lesion	4.17	7.65	6.84	0.17	11.99	11.18	090
65426		A	Removal of eye lesion	5.25	7.62	6.66	0.20	13.07	12.11	090
65430		A	Corneal smear	1.47	5.02	0.67	0.06	6.55	2.20	000
65435		A	Curette/treat cornea	0.92	1.35	0.40	0.04	2.31	1.36	000
65436		A	Curette/treat cornea	4.19	5.95	5.31	0.17	10.31	9.67	090
65450		A	Treatment of corneal lesion.	3.27	7.32	6.43	0.13	10.72	9.83	090
65600		A	Revision of cornea	3.40	5.73	3.17	0.14	9.27	6.71	090
65710		A	Corneal transplant	12.35	N/A	12.72	0.49	N/A	25.56	090
65730		A	Corneal transplant	14.25	N/A	12.08	0.56	N/A	26.89	090
65750		A	Corneal transplant	15.00	N/A	13.75	0.59	N/A	29.34	090
65755		A	Corneal transplant	14.89	N/A	13.66	0.58	N/A	29.13	090
65770		A	Revise cornea with implant.	17.56	N/A	14.78	0.69	N/A	33.03	090
65772		A	Correction of astigmatism	4.29	7.17	6.46	0.17	11.63	10.92	090
65775		A	Correction of astigmatism	5.79	N/A	7.65	0.22	N/A	13.66	090
65800		A	Drainage of eye	1.91	2.31	1.14	0.08	4.30	3.13	000
65805		A	Drainage of eye	1.91	2.31	1.15	0.08	4.30	3.14	000
65810		A	Drainage of eye	4.87	N/A	8.08	0.19	N/A	13.14	090
65815		A	Drainage of eye	5.05	8.41	7.51	0.20	13.66	12.76	090
65820		A	Relieve inner eye pressure	8.13	N/A	10.62	0.32	N/A	19.07	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
65850		A	Incision of eye	10.52	N/A	9.71	0.41	N/A	20.64	090
65855		A	Laser surgery of eye	3.85	5.29	4.12	0.17	9.31	8.14	010
65860		A	Incise inner eye adhesions	3.55	4.02	3.36	0.14	7.71	7.05	090
65865		A	Incise inner eye adhesions	5.60	N/A	6.65	0.22	N/A	12.47	090
65870		A	Incise inner eye adhesions	6.27	N/A	7.32	0.24	N/A	13.83	090
65875		A	Incise inner eye adhesions	6.54	N/A	7.62	0.25	N/A	14.41	090
65880		A	Incise inner eye adhesions	7.09	N/A	7.87	0.28	N/A	15.24	090
65900		A	Remove eye lesion	10.93	N/A	11.89	0.46	N/A	23.28	090
65920		A	Remove implant of eye	8.40	N/A	8.87	0.33	N/A	17.60	090
65930		A	Remove blood clot from eye.	7.44	N/A	8.12	0.29	N/A	15.85	090
66020		A	Injection treatment of eye	1.59	2.42	1.61	0.07	4.08	3.27	010
66030		A	Injection treatment of eye	1.25	2.25	1.45	0.05	3.55	2.75	010
66130		A	Remove eye lesion	7.69	7.61	7.04	0.31	15.61	15.04	090
66150		A	Glaucoma surgery	8.30	N/A	10.07	0.33	N/A	18.70	090
66155		A	Glaucoma surgery	8.29	N/A	10.04	0.32	N/A	18.65	090
66160		A	Glaucoma surgery	10.17	N/A	10.90	0.41	N/A	21.48	090
66165		A	Glaucoma surgery	8.01	N/A	9.92	0.31	N/A	18.24	090
66170		A	Glaucoma surgery	12.16	N/A	12.62	0.48	N/A	25.26	090
66172		A	Incision of eye	15.04	N/A	15.19	0.59	N/A	30.82	090
66180		A	Implant eye shunt	14.55	N/A	11.87	0.57	N/A	26.99	090
66185		A	Revise eye shunt	8.14	N/A	8.42	0.32	N/A	16.88	090
66220		A	Repair eye lesion	7.77	N/A	9.00	0.32	N/A	17.09	090
66225		A	Repair/graft eye lesion	11.05	N/A	9.57	0.44	N/A	21.06	090
66250		A	Follow-up surgery of eye	5.98	7.84	6.66	0.23	14.05	12.87	090
66500		A	Incision of iris	3.71	N/A	5.08	0.15	N/A	8.94	090
66505		A	Incision of iris	4.08	N/A	5.37	0.17	N/A	9.62	090
66600		A	Remove iris and lesion	8.68	N/A	8.96	0.34	N/A	17.98	090
66605		A	Removal of iris	12.79	N/A	11.57	0.61	N/A	24.97	090
66625		A	Removal of iris	5.13	7.07	6.33	0.20	12.40	11.66	090
66630		A	Removal of iris	6.16	N/A	7.48	0.24	N/A	13.88	090
66635		A	Removal of iris	6.25	N/A	6.79	0.24	N/A	13.28	090
66680		A	Repair iris & ciliary body	5.44	N/A	6.20	0.21	N/A	11.85	090
66682		A	Repair iris & ciliary body	6.21	N/A	7.48	0.24	N/A	13.93	090
66700		A	Destruction, ciliary body	4.78	5.44	4.13	0.19	10.41	9.10	090
66710		A	Destruction, ciliary body	4.78	5.31	3.92	0.18	10.27	8.88	090
66720		A	Destruction, ciliary body	4.78	5.76	4.69	0.19	10.73	9.66	090
66740		A	Destruction, ciliary body	4.78	5.47	4.30	0.18	10.43	9.26	090
66761		A	Revision of iris	4.07	5.65	4.31	0.16	9.88	8.54	090
66762		A	Revision of iris	4.58	5.73	4.30	0.18	10.49	9.06	090
66770		A	Removal of inner eye lesion.	5.18	6.16	4.81	0.20	11.54	10.19	090
66820		A	Incision, secondary cataract.	3.89	N/A	7.12	0.16	N/A	11.17	090
66821		A	After cataract laser surgery.	2.35	4.04	3.95	0.10	6.49	6.40	090
66825		A	Reposition intraocular lens	8.23	N/A	10.05	0.32	N/A	18.60	090
66830		A	Removal of lens lesion	8.20	N/A	7.26	0.32	N/A	15.78	090
66840		A	Removal of lens material	7.91	N/A	7.17	0.31	N/A	15.39	090
66850		A	Removal of lens material	9.11	N/A	7.89	0.36	N/A	17.36	090
66852		A	Removal of lens material	9.97	N/A	8.35	0.39	N/A	18.71	090
66920		A	Extraction of lens	8.86	N/A	7.62	0.35	N/A	16.83	090
66930		A	Extraction of lens	10.18	N/A	8.72	0.41	N/A	19.31	090
66940		A	Extraction of lens	8.93	N/A	8.17	0.35	N/A	17.45	090
66982		A	Cataract surgery, complex	13.50	N/A	10.10	0.56	N/A	24.16	090
66983		A	Cataract surg w/iol, 1 stage.	8.99	N/A	6.31	0.37	N/A	15.67	090
66984		A	Cataract surg w/iol, 1 stage.	10.23	N/A	7.81	0.41	N/A	18.45	090
66985		A	Insert lens prosthesis	8.39	N/A	7.60	0.33	N/A	16.32	090
66986		A	Exchange lens prosthesis	12.28	N/A	9.38	0.49	N/A	22.15	090
66990		A	Ophthalmic endoscope add-on.	1.51	N/A	0.70	0.06	N/A	2.27	ZZZ
66999		C	Eye surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
67005		A	Partial removal of eye fluid	5.70	N/A	4.47	0.22	N/A	10.39	090
67010		A	Partial removal of eye fluid	6.87	N/A	5.02	0.27	N/A	12.16	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
67015	.....	A	Release of eye fluid	6.92	N/A	7.66	0.27	N/A	14.85	090
67025	.....	A	Replace eye fluid	6.84	14.24	7.49	0.27	21.35	14.60	090
67027	.....	A	Implant eye drug system ..	10.85	12.86	8.86	0.46	24.17	20.17	090
67028	.....	A	Injection eye drug	2.52	6.59	1.16	0.11	9.22	3.79	000
67030	.....	A	Incise inner eye strands ...	4.84	N/A	6.78	0.19	N/A	11.81	090
67031	.....	A	Laser surgery, eye strands	3.67	4.77	4.11	0.15	8.59	7.93	090
67036	.....	A	Removal of inner eye fluid	11.89	N/A	9.53	0.47	N/A	21.89	090
67038	.....	A	Strip retinal membrane	21.24	N/A	16.17	0.84	N/A	38.25	090
67039	.....	A	Laser treatment of retina ..	14.52	N/A	12.87	0.57	N/A	27.96	090
67040	.....	A	Laser treatment of retina ..	17.23	N/A	14.33	0.68	N/A	32.24	090
67101	.....	A	Repair detached retina	7.53	10.08	8.31	0.29	17.90	16.13	090
67105	.....	A	Repair detached retina	7.41	8.14	6.35	0.29	15.84	14.05	090
67107	.....	A	Repair detached retina	14.84	N/A	13.11	0.58	N/A	28.53	090
67108	.....	A	Repair detached retina	20.82	N/A	17.42	0.82	N/A	39.06	090
67110	.....	A	Repair detached retina	8.81	15.63	9.41	0.35	24.79	18.57	090
67112	.....	A	Rerepair detached retina ..	16.86	N/A	14.89	0.66	N/A	32.41	090
67115	.....	A	Release encircling material.	4.99	N/A	7.07	0.19	N/A	12.25	090
67120	.....	A	Remove eye implant material.	5.98	12.34	6.90	0.23	18.55	13.11	090
67121	.....	A	Remove eye implant material.	10.67	N/A	11.45	0.42	N/A	22.54	090
67141	.....	A	Treatment of retina	5.20	7.28	6.51	0.20	12.68	11.91	090
67145	.....	A	Treatment of retina	5.37	5.87	5.04	0.21	11.45	10.62	090
67208	.....	A	Treatment of retinal lesion	6.70	6.06	5.48	0.26	13.02	12.44	090
67210	.....	A	Treatment of retinal lesion	8.82	6.37	5.90	0.35	15.54	15.07	090
67218	.....	A	Treatment of retinal lesion	18.53	N/A	14.52	0.53	N/A	33.58	090
67220	.....	A	Treatment of choroid lesion.	13.13	10.02	9.01	0.51	23.66	22.65	090
67221	.....	R	Ocular photodynamic ther	4.01	4.77	1.84	0.16	8.94	6.01	000
67225	.....	A	Eye photodynamic ther add-on.	0.47	0.26	0.22	0.01	0.74	0.70	ZZZ
67227	.....	A	Treatment of retinal lesion	6.58	6.55	5.48	0.26	13.39	12.32	090
67228	.....	A	Treatment of retinal lesion	12.74	11.10	8.55	0.50	24.34	21.79	090
67250	.....	A	Reinforce eye wall	8.66	N/A	10.53	0.36	N/A	19.55	090
67255	.....	A	Reinforce/graft eye wall	8.90	N/A	11.13	0.35	N/A	20.38	090
67299	.....	C	Eye surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
67311	.....	A	Revise eye muscle	6.65	N/A	6.52	0.27	N/A	13.44	090
67312	.....	A	Revise two eye muscles ...	8.54	N/A	7.54	0.35	N/A	16.43	090
67314	.....	A	Revise eye muscle	7.52	N/A	7.25	0.30	N/A	15.07	090
67316	.....	A	Revise two eye muscles ...	9.66	N/A	8.23	0.40	N/A	18.29	090
67318	.....	A	Revise eye muscle(s)	7.85	N/A	7.63	0.31	N/A	15.79	090
67320	.....	A	Revise eye muscle(s) add-on.	4.33	N/A	2.00	0.17	N/A	6.50	ZZZ
67331	.....	A	Eye surgery follow-up add-on.	4.06	N/A	1.95	0.17	N/A	6.18	ZZZ
67332	.....	A	Rerevise eye muscles add-on.	4.49	N/A	2.07	0.18	N/A	6.74	ZZZ
67334	.....	A	Revise eye muscle w/suture.	3.98	N/A	1.84	0.16	N/A	5.98	ZZZ
67335	.....	A	Eye suture during surgery	2.49	N/A	1.15	0.10	N/A	3.74	ZZZ
67340	.....	A	Revise eye muscle add-on	4.93	N/A	2.27	0.19	N/A	7.39	ZZZ
67343	.....	A	Release eye tissue	7.35	N/A	7.33	0.30	N/A	14.98	090
67345	.....	A	Destroy nerve of eye muscle.	2.96	4.46	1.40	0.13	7.55	4.49	010
67350	.....	A	Biopsy eye muscle	2.87	N/A	1.91	0.13	N/A	4.91	000
67399	.....	C	Eye muscle surgery procedure.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
67400	.....	A	Explore/biopsy eye socket	9.76	N/A	12.74	0.43	N/A	22.93	090
67405	.....	A	Explore/drain eye socket ..	7.93	N/A	11.44	0.36	N/A	19.73	090
67412	.....	A	Explore/treat eye socket ...	9.50	N/A	13.20	0.41	N/A	23.11	090
67413	.....	A	Explore/treat eye socket ...	10.00	N/A	12.38	0.43	N/A	22.81	090
67414	.....	A	Explr/decompress eye socket.	11.13	N/A	14.33	0.48	N/A	25.94	090
67415	.....	A	Aspiration, orbital contents	1.76	N/A	0.78	0.09	N/A	2.63	000
67420	.....	A	Explore/treat eye socket ...	20.06	N/A	19.13	0.84	N/A	40.03	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
67430		A	Explore/treat eye socket	13.39	N/A	15.97	0.97	N/A	30.33	090
67440		A	Explore/drain eye socket	13.09	N/A	15.80	0.58	N/A	29.47	090
67445		A	Explr/decompress eye socket.	14.42	N/A	16.00	0.63	N/A	31.05	090
67450		A	Explore/biopsy eye socket	13.51	N/A	16.16	0.56	N/A	30.23	090
67500		A	Inject/treat eye socket	0.79	0.84	0.19	0.04	1.67	1.02	000
67505		A	Inject/treat eye socket	0.82	0.93	0.21	0.04	1.79	1.07	000
67515		A	Inject/treat eye socket	0.61	0.84	0.28	0.02	1.47	0.91	000
67550		A	Insert eye socket implant	10.19	N/A	12.61	0.50	N/A	23.30	090
67560		A	Revise eye socket implant	10.60	N/A	12.57	0.47	N/A	23.64	090
67570		A	Decompress optic nerve	13.58	N/A	15.48	0.69	N/A	29.75	090
67599		C	Orbit surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
67700		A	Drainage of eyelid abscess.	1.35	4.90	0.64	0.06	6.31	2.05	010
67710		A	Incision of eyelid	1.02	5.06	0.54	0.04	6.12	1.60	010
67715		A	Incision of eyelid fold	1.22	4.64	0.63	0.05	5.91	1.90	010
67800		A	Remove eyelid lesion	1.38	2.53	0.70	0.06	3.97	2.14	010
67801		A	Remove eyelid lesions	1.88	5.41	0.94	0.08	7.37	2.90	010
67805		A	Remove eyelid lesions	2.22	5.56	1.09	0.09	7.87	3.40	010
67808		A	Remove eyelid lesion(s)	3.80	N/A	5.28	0.17	N/A	9.25	090
67810		A	Biopsy of eyelid	1.48	3.71	0.69	0.06	5.25	2.23	000
67820		A	Revise eyelashes	0.89	1.13	0.38	0.04	2.06	1.31	000
67825		A	Revise eyelashes	1.38	1.61	1.09	0.06	3.05	2.53	010
67830		A	Revise eyelashes	1.70	7.58	1.99	0.07	9.35	3.76	010
67835		A	Revise eyelashes	5.56	N/A	5.10	0.22	N/A	10.88	090
67840		A	Remove eyelid lesion	2.04	5.39	1.01	0.08	7.51	3.13	010
67850		A	Treat eyelid lesion	1.69	6.17	1.93	0.07	7.93	3.69	010
67875		A	Closure of eyelid by suture	1.35	7.71	1.26	0.06	9.12	2.67	000
67880		A	Revision of eyelid	3.80	9.81	4.38	0.16	13.77	8.34	090
67882		A	Revision of eyelid	5.07	11.09	5.50	0.21	16.37	10.78	090
67900		A	Repair brow defect	6.14	10.72	6.39	0.30	17.16	12.83	090
67901		A	Repair eyelid defect	6.97	N/A	6.54	0.32	N/A	13.83	090
67902		A	Repair eyelid defect	7.03	N/A	6.61	0.34	N/A	13.98	090
67903		A	Repair eyelid defect	6.37	11.50	6.81	0.39	18.26	13.57	090
67904		A	Repair eyelid defect	6.26	12.71	7.30	0.26	19.23	13.82	090
67906		A	Repair eyelid defect	6.79	9.26	6.12	0.42	16.47	13.33	090
67908		A	Repair eyelid defect	5.13	8.99	5.78	0.20	14.32	11.11	090
67909		A	Revise eyelid defect	5.40	9.55	6.19	0.25	15.20	11.84	090
67911		A	Revise eyelid defect	5.27	N/A	6.16	0.23	N/A	11.66	090
67914		A	Repair eyelid defect	3.68	9.44	4.02	0.16	13.28	7.86	090
67915		A	Repair eyelid defect	3.18	8.02	2.63	0.13	11.33	5.94	090
67916		A	Repair eyelid defect	5.31	11.98	5.80	0.22	17.51	11.33	090
67917		A	Repair eyelid defect	6.02	9.90	6.26	0.25	16.17	12.53	090
67921		A	Repair eyelid defect	3.40	9.24	3.82	0.14	12.78	7.36	090
67922		A	Repair eyelid defect	3.06	7.97	3.55	0.13	11.16	6.74	090
67923		A	Repair eyelid defect	5.88	11.44	5.91	0.24	17.56	12.03	090
67924		A	Repair eyelid defect	5.79	9.26	5.76	0.23	15.28	11.78	090
67930		A	Repair eyelid wound	3.61	8.54	3.00	0.17	12.32	6.78	010
67935		A	Repair eyelid wound	6.22	11.46	5.97	0.29	17.97	12.48	090
67938		A	Remove eyelid foreign body.	1.33	5.90	0.57	0.06	7.29	1.96	010
67950		A	Revision of eyelid	5.82	8.42	6.70	0.30	14.54	12.82	090
67961		A	Revision of eyelid	5.69	10.32	5.79	0.26	16.27	11.74	090
67966		A	Revision of eyelid	6.57	8.50	5.78	0.33	15.40	12.68	090
67971		A	Reconstruction of eyelid	9.79	N/A	7.41	0.42	N/A	17.62	090
67973		A	Reconstruction of eyelid	12.87	N/A	9.41	0.59	N/A	22.87	090
67974		A	Reconstruction of eyelid	12.84	N/A	9.32	0.54	N/A	22.70	090
67975		A	Reconstruction of eyelid	9.13	N/A	7.08	0.38	N/A	16.59	090
67999		C	Revision of eyelid	0.00	0.00	0.00	0.00	0.00	0.00	YYY
68020		A	Incise/drain eyelid lining	1.37	5.77	0.69	0.06	7.20	2.12	010
68040		A	Treatment of eyelid lesions.	0.85	4.88	0.39	0.03	5.76	1.27	000
68100		A	Biopsy of eyelid lining	1.35	5.08	0.62	0.06	6.49	2.03	000
68110		A	Remove eyelid lining lesion.	1.77	6.14	1.43	0.07	7.98	3.27	010

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
68115		A	Remove eyelid lining lesion.	2.36	5.63	1.16	0.10	8.09	3.62	010
68130		A	Remove eyelid lining lesion.	4.93	8.01	4.03	0.19	13.13	9.15	090
68135		A	Remove eyelid lining lesion.	1.84	5.39	0.92	0.07	7.30	2.83	010
68200		A	Treat eyelid by injection	0.49	0.74	0.23	0.02	1.25	0.74	000
68320		A	Revise/graft eyelid lining	5.37	6.68	5.51	0.21	12.26	11.09	090
68325		A	Revise/graft eyelid lining	7.36	N/A	6.52	0.30	N/A	14.18	090
68326		A	Revise/graft eyelid lining	7.15	N/A	6.39	0.30	N/A	13.84	090
68328		A	Revise/graft eyelid lining	8.18	N/A	7.13	0.40	N/A	15.71	090
68330		A	Revise eyelid lining	4.83	7.37	6.16	0.19	12.39	11.18	090
68335		A	Revise/graft eyelid lining	7.19	N/A	6.92	0.29	N/A	14.40	090
68340		A	Separate eyelid adhesions	4.17	10.96	4.83	0.17	15.30	9.17	090
68360		A	Revise eyelid lining	4.37	6.72	5.68	0.17	11.26	10.22	090
68362		A	Revise eyelid lining	7.34	N/A	7.86	0.29	N/A	15.49	090
68399		C	Eyelid lining surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
68400		A	Incise/drain tear gland	1.69	7.73	2.09	0.07	9.49	3.85	010
68420		A	Incise/drain tear sac	2.30	8.07	2.38	0.10	10.47	4.78	010
68440		A	Incise tear duct opening	0.94	5.00	0.50	0.04	5.98	1.48	010
68500		A	Removal of tear gland	11.02	N/A	10.36	0.60	N/A	21.98	090
68505		A	Partial removal, tear gland	10.94	N/A	11.40	0.57	N/A	22.91	090
68510		A	Biopsy of tear gland	4.61	8.57	2.14	0.19	13.37	6.94	000
68520		A	Removal of tear sac	7.51	N/A	7.94	0.33	N/A	15.78	090
68525		A	Biopsy of tear sac	4.43	N/A	2.06	0.18	N/A	6.67	000
68530		A	Clearance of tear duct	3.66	9.59	2.90	0.16	13.41	6.72	010
68540		A	Remove tear gland lesion	10.60	N/A	10.03	0.46	N/A	21.09	090
68550		A	Remove tear gland lesion	13.26	N/A	12.03	0.66	N/A	25.95	090
68700		A	Repair tear ducts	6.60	N/A	7.42	0.27	N/A	14.29	090
68705		A	Revise tear duct opening	2.06	5.52	1.02	0.08	7.66	3.16	010
68720		A	Create tear sac drain	8.96	N/A	8.43	0.38	N/A	17.77	090
68745		A	Create tear duct drain	8.63	N/A	8.40	0.38	N/A	17.41	090
68750		A	Create tear duct drain	8.66	N/A	8.85	0.37	N/A	17.88	090
68760		A	Close tear duct opening	1.73	4.05	1.26	0.07	5.85	3.06	010
68761		A	Close tear duct opening	1.36	3.48	1.00	0.06	4.90	2.42	010
68770		A	Close tear system fistula	7.02	12.97	6.93	0.28	20.27	14.23	090
68801		A	Dilate tear duct opening	0.94	0.95	0.61	0.04	1.93	1.59	010
68810		A	Probe nasolacrimal duct	1.90	2.36	0.94	0.08	4.34	2.92	010
68811		A	Probe nasolacrimal duct	2.35	N/A	2.40	0.10	N/A	4.85	010
68815		A	Probe nasolacrimal duct	3.20	8.29	2.73	0.14	11.63	6.07	010
68840		A	Explore/irrigate tear ducts	1.25	1.67	0.98	0.05	2.97	2.28	010
68850		A	Injection for tear sac x-ray	0.80	12.84	0.30	0.03	13.67	1.13	000
68899		C	Tear duct system surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
69000		A	Drain external ear lesion	1.45	3.11	1.44	0.10	4.66	2.99	010
69005		A	Drain external ear lesion	2.11	3.10	1.90	0.16	5.37	4.17	010
69020		A	Drain outer ear canal lesion.	1.48	3.11	1.91	0.11	4.70	3.50	010
69100		A	Biopsy of external ear	0.81	1.78	0.40	0.04	2.63	1.25	000
69105		A	Biopsy of external ear canal.	0.85	1.96	0.78	0.06	2.87	1.69	000
69110		A	Remove external ear, partial.	3.44	4.17	3.11	0.24	7.85	6.79	090
69120		A	Removal of external ear	4.05	N/A	4.11	0.31	N/A	8.47	090
69140		A	Remove ear canal lesion(s).	7.97	N/A	6.99	0.56	N/A	15.52	090
69145		A	Remove ear canal lesion(s).	2.62	3.73	2.69	0.18	6.53	5.49	090
69150		A	Extensive ear canal surgery.	13.43	N/A	10.23	1.07	N/A	24.73	090
69155		A	Extensive ear/neck surgery.	20.80	N/A	14.88	1.51	N/A	37.19	090
69200		A	Clear outer ear canal	0.77	1.64	0.59	0.05	2.46	1.41	000
69205		A	Clear outer ear canal	1.20	N/A	1.31	0.09	N/A	2.60	010
69210		A	Remove impacted ear wax	0.61	0.66	0.24	0.04	1.31	0.89	000
69220		A	Clean out mastoid cavity	0.83	1.72	0.75	0.06	2.61	1.64	000
69222		A	Clean out mastoid cavity	1.40	3.23	1.86	0.10	4.73	3.36	010

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
69300		R	Revise external ear	6.36	N/A	4.35	0.43	N/A	11.14	YYY
69310		A	Rebuild outer ear canal	10.79	N/A	8.70	0.77	N/A	20.26	090
69320		A	Rebuild outer ear canal	16.96	N/A	12.52	1.17	N/A	30.65	090
69399		C	Outer ear surgery procedure.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
69400		A	Inflate middle ear canal	0.83	2.14	0.69	0.06	3.03	1.58	000
69401		A	Inflate middle ear canal	0.63	1.04	0.66	0.04	1.71	1.33	000
69405		A	Catheterize middle ear canal.	2.63	3.32	2.37	0.18	6.13	5.18	010
69410		A	Inset middle ear (baffle)	0.33	1.41	0.50	0.02	1.76	0.85	000
69420		A	Incision of eardrum	1.33	2.49	1.64	0.10	3.92	3.07	010
69421		A	Incision of eardrum	1.73	N/A	1.89	0.13	N/A	3.75	010
69424		A	Remove ventilating tube	0.85	1.58	0.70	0.06	2.49	1.61	000
69433		A	Create eardrum opening	1.52	2.48	1.71	0.11	4.11	3.34	010
69436		A	Create eardrum opening	1.96	N/A	2.02	0.14	N/A	4.12	010
69440		A	Exploration of middle ear	7.57	N/A	6.54	0.53	N/A	14.64	090
69450		A	Eardrum revision	5.57	N/A	5.26	0.39	N/A	11.22	090
69501		A	Mastoidectomy	9.07	N/A	7.34	0.65	N/A	17.06	090
69502		A	Mastoidectomy	12.38	N/A	9.61	0.86	N/A	22.85	090
69505		A	Remove mastoid structures.	12.99	N/A	9.87	0.92	N/A	23.78	090
69511		A	Extensive mastoid surgery	13.52	N/A	10.21	0.96	N/A	24.69	090
69530		A	Extensive mastoid surgery	19.19	N/A	13.44	1.32	N/A	33.95	090
69535		A	Remove part of temporal bone.	36.14	N/A	22.99	2.59	N/A	61.72	090
69540		A	Remove ear lesion	1.20	3.17	1.75	0.09	4.46	3.04	010
69550		A	Remove ear lesion	10.99	N/A	8.64	0.80	N/A	20.43	090
69552		A	Remove ear lesion	19.46	N/A	13.33	1.36	N/A	34.15	090
69554		A	Remove ear lesion	33.16	N/A	21.44	2.32	N/A	56.92	090
69601		A	Mastoid surgery revision	13.24	N/A	10.40	0.92	N/A	24.56	090
69602		A	Mastoid surgery revision	13.58	N/A	10.32	0.94	N/A	24.84	090
69603		A	Mastoid surgery revision	14.02	N/A	10.54	1.00	N/A	25.56	090
69604		A	Mastoid surgery revision	14.02	N/A	10.52	0.98	N/A	25.52	090
69605		A	Mastoid surgery revision	18.49	N/A	13.24	1.29	N/A	33.02	090
69610		A	Repair of eardrum	4.43	4.59	3.36	0.31	9.33	8.10	010
69620		A	Repair of eardrum	5.89	6.46	4.59	0.40	12.75	10.88	090
69631		A	Repair eardrum structures	9.86	N/A	8.18	0.69	N/A	18.73	090
69632		A	Rebuild eardrum structures.	12.75	N/A	10.12	0.89	N/A	23.76	090
69633		A	Rebuild eardrum structures.	12.10	N/A	9.78	0.84	N/A	22.72	090
69635		A	Repair eardrum structures	13.33	N/A	9.73	0.87	N/A	23.93	090
69636		A	Rebuild eardrum structures.	15.22	N/A	11.58	1.07	N/A	27.87	090
69637		A	Rebuild eardrum structures.	15.11	N/A	11.52	1.06	N/A	27.69	090
69641		A	Revise middle ear & mastoid.	12.71	N/A	9.84	0.89	N/A	23.44	090
69642		A	Revise middle ear & mastoid.	16.84	N/A	12.56	1.18	N/A	30.58	090
69643		A	Revise middle ear & mastoid.	15.32	N/A	11.58	1.08	N/A	27.98	090
69644		A	Revise middle ear & mastoid.	16.97	N/A	12.50	1.19	N/A	30.66	090
69645		A	Revise middle ear & mastoid.	16.38	N/A	12.14	1.16	N/A	29.68	090
69646		A	Revise middle ear & mastoid.	17.99	N/A	13.08	1.26	N/A	32.33	090
69650		A	Release middle ear bone	9.66	N/A	7.69	0.68	N/A	18.03	090
69660		A	Revise middle ear bone	11.90	N/A	8.92	0.84	N/A	21.66	090
69661		A	Revise middle ear bone	15.74	N/A	11.46	1.10	N/A	28.30	090
69662		A	Revise middle ear bone	15.44	N/A	11.17	1.08	N/A	27.69	090
69666		A	Repair middle ear structures.	9.75	N/A	7.77	0.68	N/A	18.20	090
69667		A	Repair middle ear structures.	9.76	N/A	7.75	0.72	N/A	18.23	090

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
69670	.....	A	Remove mastoid air cells	11.51	N/A	8.97	0.78	N/A	21.26	090
69676	.....	A	Remove middle ear nerve	9.52	N/A	7.92	0.69	N/A	18.13	090
69700	.....	A	Close mastoid fistula	8.23	N/A	6.03	0.55	N/A	14.81	090
69711	.....	A	Remove/repair hearing aid	10.44	N/A	8.37	0.62	N/A	19.43	090
69714	.....	A	Implant temple bone w/ stimul.	14.00	N/A	10.18	1.01	N/A	25.19	090
69715	.....	A	Temple bne implnt w/ stimulat.	18.25	N/A	12.72	1.32	N/A	32.29	090
69717	.....	A	Temple bone implant revision.	14.98	N/A	9.79	1.08	N/A	25.85	090
69718	.....	A	Revise temple bone implant.	18.50	N/A	12.61	1.34	N/A	32.45	090
69720	.....	A	Release facial nerve	14.38	N/A	11.18	1.03	N/A	26.59	090
69725	.....	A	Release facial nerve	25.38	N/A	17.37	1.78	N/A	44.53	090
69740	.....	A	Repair facial nerve	15.96	N/A	10.68	1.13	N/A	27.77	090
69745	.....	A	Repair facial nerve	16.69	N/A	11.71	1.00	N/A	29.40	090
69799	.....	C	Middle ear surgery procedure.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
69801	.....	A	Incise inner ear	8.56	N/A	7.09	0.60	N/A	16.25	090
69802	.....	A	Incise inner ear	13.10	N/A	9.96	0.91	N/A	23.97	090
69805	.....	A	Explore inner ear	13.82	N/A	10.38	0.97	N/A	25.17	090
69806	.....	A	Explore inner ear	12.35	N/A	9.52	0.86	N/A	22.73	090
69820	.....	A	Establish inner ear window	10.34	N/A	8.08	0.66	N/A	19.08	090
69840	.....	A	Revise inner ear window ..	10.26	N/A	7.05	0.64	N/A	17.95	090
69905	.....	A	Remove inner ear	11.10	N/A	8.63	0.77	N/A	20.50	090
69910	.....	A	Remove inner ear & mastoid.	13.63	N/A	10.06	0.94	N/A	24.63	090
69915	.....	A	Incise inner ear nerve	21.23	N/A	14.59	1.54	N/A	37.36	090
69930	.....	A	Implant cochlear device ...	16.81	N/A	12.16	1.19	N/A	30.16	090
69949	.....	C	Inner ear surgery procedure.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
69950	.....	A	Incise inner ear nerve	25.64	N/A	16.47	2.90	N/A	45.01	090
69955	.....	A	Release facial nerve	27.04	N/A	18.10	1.89	N/A	47.03	090
69960	.....	A	Release inner ear canal ...	27.04	N/A	17.53	2.43	N/A	47.00	090
69970	.....	A	Remove inner ear lesion ..	30.04	N/A	18.82	2.34	N/A	51.20	090
69979	.....	C	Temporal bone surgery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
69990	.....	R	Microsurgery add-on	3.47	N/A	1.83	0.56	N/A	5.86	ZZZ
70010	.....	A	Contrast x-ray of brain	1.19	4.74	N/A	0.24	6.17	N/A	XXX
70010	26	A	Contrast x-ray of brain	1.19	0.40	0.40	0.06	1.65	1.65	XXX
70010	TC	A	Contrast x-ray of brain	0.00	4.33	N/A	0.18	4.51	N/A	XXX
70015	.....	A	Contrast x-ray of brain	1.19	1.76	N/A	0.12	3.07	N/A	XXX
70015	26	A	Contrast x-ray of brain	1.19	0.40	0.40	0.05	1.64	1.64	XXX
70015	TC	A	Contrast x-ray of brain	0.00	1.35	N/A	0.07	1.42	N/A	XXX
70030	.....	A	X-ray eye for foreign body	0.17	0.47	N/A	0.03	0.67	N/A	XXX
70030	26	A	X-ray eye for foreign body	0.17	0.06	0.06	0.01	0.24	0.24	XXX
70030	TC	A	X-ray eye for foreign body	0.00	0.42	N/A	0.02	0.44	N/A	XXX
70100	.....	A	X-ray exam of jaw	0.18	0.58	N/A	0.03	0.79	N/A	XXX
70100	26	A	X-ray exam of jaw	0.18	0.06	0.06	0.01	0.25	0.25	XXX
70100	TC	A	X-ray exam of jaw	0.00	0.52	N/A	0.02	0.54	N/A	XXX
70110	.....	A	X-ray exam of jaw	0.25	0.70	N/A	0.04	0.99	N/A	XXX
70110	26	A	X-ray exam of jaw	0.25	0.08	0.08	0.01	0.34	0.34	XXX
70110	TC	A	X-ray exam of jaw	0.00	0.62	N/A	0.03	0.65	N/A	XXX
70120	.....	A	X-ray exam of mastoids ...	0.18	0.68	N/A	0.04	0.90	N/A	XXX
70120	26	A	X-ray exam of mastoids ...	0.18	0.06	0.06	0.01	0.25	0.25	XXX
70120	TC	A	X-ray exam of mastoids ...	0.00	0.62	N/A	0.03	0.65	N/A	XXX
70130	.....	A	X-ray exam of mastoids ...	0.34	0.90	N/A	0.05	1.29	N/A	XXX
70130	26	A	X-ray exam of mastoids ...	0.34	0.11	0.11	0.01	0.46	0.46	XXX
70130	TC	A	X-ray exam of mastoids ...	0.00	0.78	N/A	0.04	0.82	N/A	XXX
70134	.....	A	X-ray exam of middle ear	0.34	0.85	N/A	0.05	1.24	N/A	XXX
70134	26	A	X-ray exam of middle ear	0.34	0.11	0.11	0.01	0.46	0.46	XXX
70134	TC	A	X-ray exam of middle ear	0.00	0.73	N/A	0.04	0.77	N/A	XXX
70140	.....	A	X-ray exam of facial bones	0.19	0.68	N/A	0.04	0.91	N/A	XXX
70140	26	A	X-ray exam of facial bones	0.19	0.06	0.06	0.01	0.26	0.26	XXX
70140	TC	A	X-ray exam of facial bones	0.00	0.62	N/A	0.03	0.65	N/A	XXX
70150	.....	A	X-ray exam of facial bones	0.26	0.87	N/A	0.05	1.18	N/A	XXX
70150	26	A	X-ray exam of facial bones	0.26	0.09	0.09	0.01	0.36	0.36	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
70150	TC	A	X-ray exam of facial bones	0.00	0.78	N/A	0.04	0.82	N/A	XXX
70160	.....	A	X-ray exam of nasal bones.	0.17	0.58	N/A	0.03	0.78	N/A	XXX
70160	26	A	X-ray exam of nasal bones.	0.17	0.06	0.06	0.01	0.24	0.24	XXX
70160	TC	A	X-ray exam of nasal bones.	0.00	0.52	N/A	0.02	0.54	N/A	XXX
70170	.....	A	X-ray exam of tear duct ...	0.30	1.05	N/A	0.06	1.41	N/A	XXX
70170	26	A	X-ray exam of tear duct	0.30	0.10	0.10	0.01	0.41	0.41	XXX
70170	TC	A	X-ray exam of tear duct	0.00	0.95	N/A	0.05	1.00	N/A	XXX
70190	.....	A	X-ray exam of eye sockets	0.21	0.69	N/A	0.04	0.94	N/A	XXX
70190	26	A	X-ray exam of eye sockets	0.21	0.07	0.07	0.01	0.29	0.29	XXX
70190	TC	A	X-ray exam of eye sockets	0.00	0.62	N/A	0.03	0.65	N/A	XXX
70200	.....	A	X-ray exam of eye sockets	0.28	0.88	N/A	0.05	1.21	N/A	XXX
70200	26	A	X-ray exam of eye sockets	0.28	0.09	0.09	0.01	0.38	0.38	XXX
70200	TC	A	X-ray exam of eye sockets	0.00	0.78	N/A	0.04	0.82	N/A	XXX
70210	.....	A	X-ray exam of sinuses	0.17	0.68	N/A	0.04	0.89	N/A	XXX
70210	26	A	X-ray exam of sinuses	0.17	0.06	0.06	0.01	0.24	0.24	XXX
70210	TC	A	X-ray exam of sinuses	0.00	0.62	N/A	0.03	0.65	N/A	XXX
70220	.....	A	X-ray exam of sinuses	0.25	0.87	N/A	0.05	1.17	N/A	XXX
70220	26	A	X-ray exam of sinuses	0.25	0.08	0.08	0.01	0.34	0.34	XXX
70220	TC	A	X-ray exam of sinuses	0.00	0.78	N/A	0.04	0.82	N/A	XXX
70240	.....	A	X-ray exam, pituitary sad-dle.	0.19	0.48	N/A	0.03	0.70	N/A	XXX
70240	26	A	X-ray exam, pituitary sad-dle.	0.19	0.06	0.06	0.01	0.26	0.26	XXX
70240	TC	A	X-ray exam, pituitary sad-dle.	0.00	0.42	N/A	0.02	0.44	N/A	XXX
70250	.....	A	X-ray exam of skull	0.24	0.70	N/A	0.04	0.98	N/A	XXX
70250	26	A	X-ray exam of skull	0.24	0.08	0.08	0.01	0.33	0.33	XXX
70250	TC	A	X-ray exam of skull	0.00	0.62	N/A	0.03	0.65	N/A	XXX
70260	.....	A	X-ray exam of skull	0.34	1.00	N/A	0.06	1.40	N/A	XXX
70260	26	A	X-ray exam of skull	0.34	0.11	0.11	0.01	0.46	0.46	XXX
70260	TC	A	X-ray exam of skull	0.00	0.89	N/A	0.05	0.94	N/A	XXX
70300	.....	A	X-ray exam of teeth	0.10	0.31	N/A	0.03	0.44	N/A	XXX
70300	26	A	X-ray exam of teeth	0.10	0.05	0.05	0.01	0.16	0.16	XXX
70300	TC	A	X-ray exam of teeth	0.00	0.26	N/A	0.02	0.28	N/A	XXX
70310	.....	A	X-ray exam of teeth	0.16	0.50	N/A	0.03	0.69	N/A	XXX
70310	26	A	X-ray exam of teeth	0.16	0.08	0.08	0.01	0.25	0.25	XXX
70310	TC	A	X-ray exam of teeth	0.00	0.42	N/A	0.02	0.44	N/A	XXX
70320	.....	A	Full mouth x-ray of teeth ..	0.22	0.86	N/A	0.05	1.13	N/A	XXX
70320	26	A	Full mouth x-ray of teeth ..	0.22	0.08	0.08	0.01	0.31	0.31	XXX
70320	TC	A	Full mouth x-ray of teeth ..	0.00	0.78	N/A	0.04	0.82	N/A	XXX
70328	.....	A	X-ray exam of jaw joint	0.18	0.55	N/A	0.03	0.76	N/A	XXX
70328	26	A	X-ray exam of jaw joint	0.18	0.06	0.06	0.01	0.25	0.25	XXX
70328	TC	A	X-ray exam of jaw joint	0.00	0.49	N/A	0.02	0.51	N/A	XXX
70330	.....	A	X-ray exam of jaw joints ...	0.24	0.92	N/A	0.05	1.21	N/A	XXX
70330	26	A	X-ray exam of jaw joints ...	0.24	0.08	0.08	0.01	0.33	0.33	XXX
70330	TC	A	X-ray exam of jaw joints ...	0.00	0.84	N/A	0.04	0.88	N/A	XXX
70332	.....	A	X-ray exam of jaw joint	0.54	2.30	N/A	0.12	2.96	N/A	XXX
70332	26	A	X-ray exam of jaw joint	0.54	0.20	0.20	0.02	0.76	0.76	XXX
70332	TC	A	X-ray exam of jaw joint	0.00	2.10	N/A	0.10	2.20	N/A	XXX
70336	.....	A	Magnetic image, jaw joint	1.48	11.71	N/A	0.56	13.75	N/A	XXX
70336	26	A	Magnetic image, jaw joint	1.48	0.50	0.50	0.07	2.05	2.05	XXX
70336	TC	A	Magnetic image, jaw joint	0.00	11.21	N/A	0.49	11.70	N/A	XXX
70350	.....	A	X-ray head for orthodontia	0.17	0.45	N/A	0.03	0.65	N/A	XXX
70350	26	A	X-ray head for orthodontia	0.17	0.07	0.07	0.01	0.25	0.25	XXX
70350	TC	A	X-ray head for orthodontia	0.00	0.38	N/A	0.02	0.40	N/A	XXX
70355	.....	A	Panoramic x-ray of jaws ...	0.20	0.65	N/A	0.04	0.89	N/A	XXX
70355	26	A	Panoramic x-ray of jaws ...	0.20	0.08	0.08	0.01	0.29	0.29	XXX
70355	TC	A	Panoramic x-ray of jaws ...	0.00	0.57	N/A	0.03	0.60	N/A	XXX
70360	.....	A	X-ray exam of neck	0.17	0.47	N/A	0.03	0.67	N/A	XXX
70360	26	A	X-ray exam of neck	0.17	0.06	0.06	0.01	0.24	0.24	XXX
70360	TC	A	X-ray exam of neck	0.00	0.42	N/A	0.02	0.44	N/A	XXX
70370	.....	A	Throat x-ray & fluoroscopy	0.32	1.41	N/A	0.07	1.80	N/A	XXX
70370	26	A	Throat x-ray & fluoroscopy	0.32	0.11	0.11	0.01	0.44	0.44	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
70370	TC	A	Throat x-ray & fluoroscopy	0.00	1.31	N/A	0.06	1.37	N/A	XXX
70371	.....	A	Speech evaluation, complex.	0.84	2.38	N/A	0.14	3.36	N/A	XXX
70371	26	A	Speech evaluation, complex.	0.84	0.28	0.28	0.04	1.16	1.16	XXX
70371	TC	A	Speech evaluation, complex.	0.00	2.10	N/A	0.10	2.20	N/A	XXX
70373	.....	A	Contrast x-ray of larynx	0.44	1.93	N/A	0.11	2.48	N/A	XXX
70373	26	A	Contrast x-ray of larynx	0.44	0.15	0.15	0.02	0.61	0.61	XXX
70373	TC	A	Contrast x-ray of larynx	0.00	1.78	N/A	0.09	1.87	N/A	XXX
70380	.....	A	X-ray exam of salivary gland.	0.17	0.72	N/A	0.04	0.93	N/A	XXX
70380	26	A	X-ray exam of salivary gland.	0.17	0.06	0.06	0.01	0.24	0.24	XXX
70380	TC	A	X-ray exam of salivary gland.	0.00	0.67	N/A	0.03	0.70	N/A	XXX
70390	.....	A	X-ray exam of salivary duct.	0.38	1.91	N/A	0.11	2.40	N/A	XXX
70390	26	A	X-ray exam of salivary duct.	0.38	0.13	0.13	0.02	0.53	0.53	XXX
70390	TC	A	X-ray exam of salivary duct.	0.00	1.78	N/A	0.09	1.87	N/A	XXX
70450	.....	A	Ct head/brain w/o dye	0.85	5.00	N/A	0.25	6.10	N/A	XXX
70450	26	A	Ct head/brain w/o dye	0.85	0.28	0.28	0.04	1.17	1.17	XXX
70450	TC	A	Ct head/brain w/o dye	0.00	4.72	N/A	0.21	4.93	N/A	XXX
70460	.....	A	Ct head/brain w/dye	1.13	6.04	N/A	0.30	7.47	N/A	XXX
70460	26	A	Ct head/brain w/dye	1.13	0.38	0.38	0.05	1.56	1.56	XXX
70460	TC	A	Ct head/brain w/dye	0.00	5.66	N/A	0.25	5.91	N/A	XXX
70470	.....	A	Ct head/brain w/o&w dye	1.27	7.49	N/A	0.37	9.13	N/A	XXX
70470	26	A	Ct head/brain w/o&w dye	1.27	0.43	0.43	0.06	1.76	1.76	XXX
70470	TC	A	Ct head/brain w/o&w dye	0.00	7.07	N/A	0.31	7.38	N/A	XXX
70480	.....	A	Ct orbit/ear/fossa w/o dye	1.28	5.15	N/A	0.27	6.70	N/A	XXX
70480	26	A	Ct orbit/ear/fossa w/o dye	1.28	0.43	0.43	0.06	1.77	1.77	XXX
70480	TC	A	Ct orbit/ear/fossa w/o dye	0.00	4.72	N/A	0.21	4.93	N/A	XXX
70481	.....	A	Ct orbit/ear/fossa w/dye ...	1.38	6.12	N/A	0.31	7.81	N/A	XXX
70481	26	A	Ct orbit/ear/fossa w/dye ...	1.38	0.46	0.46	0.06	1.90	1.90	XXX
70481	TC	A	Ct orbit/ear/fossa w/dye	0.00	5.66	N/A	0.25	5.91	N/A	XXX
70482	.....	A	Ct orbit/ear/fossa w/o&w dye.	1.45	7.56	N/A	0.37	9.38	N/A	XXX
70482	26	A	Ct orbit/ear/fossa w/o&w dye.	1.45	0.49	0.49	0.06	2.00	2.00	XXX
70482	TC	A	Ct orbit/ear/fossa w/o&w dye.	0.00	7.07	N/A	0.31	7.38	N/A	XXX
70486	.....	A	Ct maxillofacial w/o dye	1.14	5.10	N/A	0.26	6.50	N/A	XXX
70486	26	A	Ct maxillofacial w/o dye	1.14	0.38	0.38	0.05	1.57	1.57	XXX
70486	TC	A	Ct maxillofacial w/o dye	0.00	4.72	N/A	0.21	4.93	N/A	XXX
70487	.....	A	Ct maxillofacial w/dye	1.30	6.09	N/A	0.31	7.70	N/A	XXX
70487	26	A	Ct maxillofacial w/dye	1.30	0.44	0.44	0.06	1.80	1.80	XXX
70487	TC	A	Ct maxillofacial w/dye	0.00	5.66	N/A	0.25	5.91	N/A	XXX
70488	.....	A	Ct maxillofacial w/o&w dye	1.42	7.54	N/A	0.37	9.33	N/A	XXX
70488	26	A	Ct maxillofacial w/o&w dye	1.42	0.48	0.48	0.06	1.96	1.96	XXX
70488	TC	A	Ct maxillofacial w/o&w dye	0.00	7.07	N/A	0.31	7.38	N/A	XXX
70490	.....	A	Ct soft tissue neck w/o dye.	1.28	5.15	N/A	0.27	6.70	N/A	XXX
70490	26	A	Ct soft tissue neck w/o dye.	1.28	0.43	0.43	0.06	1.77	1.77	XXX
70490	TC	A	Ct soft tissue neck w/o dye.	0.00	4.72	N/A	0.21	4.93	N/A	XXX
70491	.....	A	Ct soft tissue neck w/dye	1.38	6.12	N/A	0.31	7.81	N/A	XXX
70491	26	A	Ct soft tissue neck w/dye	1.38	0.46	0.46	0.06	1.90	1.90	XXX
70491	TC	A	Ct soft tissue neck w/dye	0.00	5.66	N/A	0.25	5.91	N/A	XXX
70492	.....	A	Ct sft tsue nck w/o & w/ dye.	1.45	7.55	N/A	0.37	9.37	N/A	XXX
70492	26	A	Ct sft tsue nck w/o & w/ dye.	1.45	0.49	0.49	0.06	2.00	2.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
70492	TC	A	Ct sft tsue nck w/o & w/ dye.	0.00	7.07	N/A	0.31	7.38	N/A	XXX
70496	.....	A	Ct angiography, head	1.75	11.19	N/A	0.56	13.50	N/A	XXX
70496	26	A	Ct angiography, head	1.75	0.59	0.59	0.08	2.42	2.42	XXX
70496	TC	A	Ct angiography, head	0.00	10.61	N/A	0.48	11.09	N/A	XXX
70498	.....	A	Ct angiography, neck	1.75	11.20	N/A	0.56	13.51	N/A	XXX
70498	26	A	Ct angiography, neck	1.75	0.59	0.59	0.08	2.42	2.42	XXX
70498	TC	A	Ct angiography, neck	0.00	10.61	N/A	0.48	11.09	N/A	XXX
70540	.....	A	Mri orbit/face/neck w/o dye	1.35	11.66	N/A	0.36	13.37	N/A	XXX
70540	26	A	Mri orbit/face/neck w/o dye	1.35	0.45	0.45	0.04	1.84	1.84	XXX
70540	TC	A	Mri orbit/face/neck w/o dye	0.00	11.21	N/A	0.32	11.53	N/A	XXX
70542	.....	A	Mri orbit/face/neck w/dye ..	1.62	13.99	N/A	0.44	16.05	N/A	XXX
70542	26	A	Mri orbit/face/neck w/dye ..	1.62	0.55	0.55	0.05	2.22	2.22	XXX
70542	TC	A	Mri orbit/face/neck w/dye ..	0.00	13.44	N/A	0.39	13.83	N/A	XXX
70543	.....	A	Mri orbt/fac/nck w/o&w dye.	2.15	25.62	N/A	0.77	28.54	N/A	XXX
70543	26	A	Mri orbt/fac/nck w/o&w dye.	2.15	0.72	0.72	0.07	2.94	2.94	XXX
70543	TC	A	Mri orbt/fac/nck w/o&w dye.	0.00	24.89	N/A	0.70	25.59	N/A	XXX
70544	.....	A	Mr angiography head w/o dye.	1.20	11.61	N/A	0.54	13.35	N/A	XXX
70544	26	A	Mr angiography head w/o dye.	1.20	0.40	0.40	0.05	1.65	1.65	XXX
70544	TC	A	Mr angiography head w/o dye.	0.00	11.21	N/A	0.49	11.70	N/A	XXX
70545	.....	A	Mr angiography head w/ dye.	1.20	11.61	N/A	0.54	13.35	N/A	XXX
70545	26	A	Mr angiography head w/ dye.	1.20	0.40	0.40	0.05	1.65	1.65	XXX
70545	TC	A	Mr angiography head w/ dye.	0.00	11.21	N/A	0.49	11.70	N/A	XXX
70546	.....	A	Mr angiograph head w/ o&w dye.	1.80	23.02	N/A	0.57	25.39	N/A	XXX
70546	26	A	Mr angiograph head w/ o&w dye.	1.80	0.61	0.61	0.08	2.49	2.49	XXX
70546	TC	A	Mr angiograph head w/ o&w dye.	0.00	22.42	N/A	0.49	22.91	N/A	XXX
70547	.....	A	Mr angiography neck w/o dye.	1.20	11.61	N/A	0.54	13.35	N/A	XXX
70547	26	A	Mr angiography neck w/o dye.	1.20	0.40	0.40	0.05	1.65	1.65	XXX
70547	TC	A	Mr angiography neck w/o dye.	0.00	11.21	N/A	0.49	11.70	N/A	XXX
70548	.....	A	Mr angiography neck w/ dye.	1.20	11.61	N/A	0.54	13.35	N/A	XXX
70548	26	A	Mr angiography neck w/ dye.	1.20	0.40	0.40	0.05	1.65	1.65	XXX
70548	TC	A	Mr angiography neck w/ dye.	0.00	11.21	N/A	0.49	11.70	N/A	XXX
70549	.....	A	Mr angiograph neck w/ o&w dye.	1.80	23.03	N/A	0.57	25.40	N/A	XXX
70549	26	A	Mr angiograph neck w/ o&w dye.	1.80	0.61	0.61	0.08	2.49	2.49	XXX
70549	TC	A	Mr angiograph neck w/ o&w dye.	0.00	22.42	N/A	0.49	22.91	N/A	XXX
70551	.....	A	Mri brain w/o dye	1.48	11.71	N/A	0.56	13.75	N/A	XXX
70551	26	A	Mri brain w/o dye	1.48	0.50	0.50	0.07	2.05	2.05	XXX
70551	TC	A	Mri brain w/o dye	0.00	11.21	N/A	0.49	11.70	N/A	XXX
70552	.....	A	Mri brain w/dye	1.78	14.05	N/A	0.66	16.49	N/A	XXX
70552	26	A	Mri brain w/dye	1.78	0.61	0.61	0.08	2.47	2.47	XXX
70552	TC	A	Mri brain w/dye	0.00	13.44	N/A	0.58	14.02	N/A	XXX
70553	.....	A	Mri brain w/o&w dye	2.36	25.69	N/A	1.19	29.24	N/A	XXX
70553	26	A	Mri brain w/o&w dye	2.36	0.79	0.79	0.10	3.25	3.25	XXX
70553	TC	A	Mri brain w/o&w dye	0.00	24.89	N/A	1.09	25.98	N/A	XXX
71010	.....	A	Chest x-ray	0.18	0.53	N/A	0.03	0.74	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
71010	26	A	Chest x-ray	0.18	0.06	0.06	0.01	0.25	0.25	XXX
71010	TC	A	Chest x-ray	0.00	0.47	N/A	0.02	0.49	N/A	XXX
71015		A	Chest x-ray	0.21	0.59	N/A	0.03	0.83	N/A	XXX
71015	26	A	Chest x-ray	0.21	0.07	0.07	0.01	0.29	0.29	XXX
71015	TC	A	Chest x-ray	0.00	0.52	N/A	0.02	0.54	N/A	XXX
71020		A	Chest x-ray	0.22	0.69	N/A	0.04	0.95	N/A	XXX
71020	26	A	Chest x-ray	0.22	0.07	0.07	0.01	0.30	0.30	XXX
71020	TC	A	Chest x-ray	0.00	0.62	N/A	0.03	0.65	N/A	XXX
71021		A	Chest x-ray	0.27	0.83	N/A	0.05	1.15	N/A	XXX
71021	26	A	Chest x-ray	0.27	0.09	0.09	0.01	0.37	0.37	XXX
71021	TC	A	Chest x-ray	0.00	0.73	N/A	0.04	0.77	N/A	XXX
71022		A	Chest x-ray	0.31	0.84	N/A	0.06	1.21	N/A	XXX
71022	26	A	Chest x-ray	0.31	0.10	0.10	0.02	0.43	0.43	XXX
71022	TC	A	Chest x-ray	0.00	0.73	N/A	0.04	0.77	N/A	XXX
71023		A	Chest x-ray and fluoroscopy.	0.38	0.92	N/A	0.06	1.36	N/A	XXX
71023	26	A	Chest x-ray and fluoroscopy.	0.38	0.13	0.13	0.02	0.53	0.53	XXX
71023	TC	A	Chest x-ray and fluoroscopy.	0.00	0.78	N/A	0.04	0.82	N/A	XXX
71030		A	Chest x-ray	0.31	0.89	N/A	0.05	1.25	N/A	XXX
71030	26	A	Chest x-ray	0.31	0.10	0.10	0.01	0.42	0.42	XXX
71030	TC	A	Chest x-ray	0.00	0.78	N/A	0.04	0.82	N/A	XXX
71034		A	Chest x-ray and fluoroscopy.	0.46	1.60	N/A	0.09	2.15	N/A	XXX
71034	26	A	Chest x-ray and fluoroscopy.	0.46	0.16	0.16	0.02	0.64	0.64	XXX
71034	TC	A	Chest x-ray and fluoroscopy.	0.00	1.44	N/A	0.07	1.51	N/A	XXX
71035		A	Chest x-ray	0.18	0.58	N/A	0.03	0.79	N/A	XXX
71035	26	A	Chest x-ray	0.18	0.06	0.06	0.01	0.25	0.25	XXX
71035	TC	A	Chest x-ray	0.00	0.52	N/A	0.02	0.54	N/A	XXX
71040		A	Contrast x-ray of bronchi	0.58	1.65	N/A	0.10	2.33	N/A	XXX
71040	26	A	Contrast x-ray of bronchi	0.58	0.19	0.19	0.03	0.80	0.80	XXX
71040	TC	A	Contrast x-ray of bronchi	0.00	1.46	N/A	0.07	1.53	N/A	XXX
71060		A	Contrast x-ray of bronchi	0.74	2.45	N/A	0.14	3.33	N/A	XXX
71060	26	A	Contrast x-ray of bronchi	0.74	0.25	0.25	0.03	1.02	1.02	XXX
71060	TC	A	Contrast x-ray of bronchi	0.00	2.20	N/A	0.11	2.31	N/A	XXX
71090		A	X-ray & pacemaker insertion.	0.54	1.89	N/A	0.11	2.54	N/A	XXX
71090	26	A	X-ray & pacemaker insertion.	0.54	0.21	0.21	0.02	0.77	0.77	XXX
71090	TC	A	X-ray & pacemaker insertion.	0.00	1.68	N/A	0.09	1.77	N/A	XXX
71100		A	X-ray exam of ribs	0.22	0.64	N/A	0.04	0.90	N/A	XXX
71100	26	A	X-ray exam of ribs	0.22	0.07	0.07	0.01	0.30	0.30	XXX
71100	TC	A	X-ray exam of ribs	0.00	0.57	N/A	0.03	0.60	N/A	XXX
71101		A	X-ray exam of ribs/chest	0.27	0.76	N/A	0.04	1.07	N/A	XXX
71101	26	A	X-ray exam of ribs/chest	0.27	0.09	0.09	0.01	0.37	0.37	XXX
71101	TC	A	X-ray exam of ribs/chest	0.00	0.67	N/A	0.03	0.70	N/A	XXX
71110		A	X-ray exam of ribs	0.27	0.87	N/A	0.05	1.19	N/A	XXX
71110	26	A	X-ray exam of ribs	0.27	0.09	0.09	0.01	0.37	0.37	XXX
71110	TC	A	X-ray exam of ribs	0.00	0.78	N/A	0.04	0.82	N/A	XXX
71111		A	X-ray exam of ribs/ chest	0.32	1.00	N/A	0.06	1.38	N/A	XXX
71111	26	A	X-ray exam of ribs/ chest	0.32	0.11	0.11	0.01	0.44	0.44	XXX
71111	TC	A	X-ray exam of ribs/ chest	0.00	0.89	N/A	0.05	0.94	N/A	XXX
71120		A	X-ray exam of breastbone	0.20	0.71	N/A	0.04	0.95	N/A	XXX
71120	26	A	X-ray exam of breastbone	0.20	0.07	0.07	0.01	0.28	0.28	XXX
71120	TC	A	X-ray exam of breastbone	0.00	0.65	N/A	0.03	0.68	N/A	XXX
71130		A	X-ray exam of breastbone	0.22	0.78	N/A	0.04	1.04	N/A	XXX
71130	26	A	X-ray exam of breastbone	0.22	0.07	0.07	0.01	0.30	0.30	XXX
71130	TC	A	X-ray exam of breastbone	0.00	0.71	N/A	0.03	0.74	N/A	XXX
71250		A	Ct thorax w/o dye	1.16	6.30	N/A	0.31	7.77	N/A	XXX
71250	26	A	Ct thorax w/o dye	1.16	0.39	0.39	0.05	1.60	1.60	XXX
71250	TC	A	Ct thorax w/o dye	0.00	5.91	N/A	0.26	6.17	N/A	XXX
71260		A	Ct thorax w/dye	1.24	7.48	N/A	0.36	9.08	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
71260	26	A	Ct thorax w/dye	1.24	0.41	0.41	0.05	1.70	1.70	XXX
71260	TC	A	Ct thorax w/dye	0.00	7.07	N/A	0.31	7.38	N/A	XXX
71270		A	Ct thorax w/o&w dye	1.38	9.31	N/A	0.44	11.13	N/A	XXX
71270	26	A	Ct thorax w/o&w dye	1.38	0.46	0.46	0.06	1.90	1.90	XXX
71270	TC	A	Ct thorax w/o&w dye	0.00	8.85	N/A	0.38	9.23	N/A	XXX
71275		A	Ct angiography, chest	1.92	13.03	N/A	0.38	15.33	N/A	XXX
71275	26	A	Ct angiography, chest	1.92	0.64	0.64	0.06	2.62	2.62	XXX
71275	TC	A	Ct angiography, chest	0.00	12.39	N/A	0.32	12.71	N/A	XXX
71550		A	Mri chest w/o dye	1.46	11.70	N/A	0.41	13.57	N/A	XXX
71550	26	A	Mri chest w/o dye	1.46	0.49	0.49	0.04	1.99	1.99	XXX
71550	TC	A	Mri chest w/o dye	0.00	11.21	N/A	0.37	11.58	N/A	XXX
71551		A	Mri chest w/dye	1.73	14.02	N/A	0.49	16.24	N/A	XXX
71551	26	A	Mri chest w/dye	1.73	0.58	0.58	0.06	2.37	2.37	XXX
71551	TC	A	Mri chest w/dye	0.00	13.44	N/A	0.43	13.87	N/A	XXX
71552		A	Mri chest w/o&w/dye	2.26	25.65	N/A	0.64	28.55	N/A	XXX
71552	26	A	Mri chest w/o&w/dye	2.26	0.76	0.76	0.08	3.10	3.10	XXX
71552	TC	A	Mri chest w/o&w/dye	0.00	24.89	N/A	0.56	25.45	N/A	XXX
71555		R	Mri angio chest w or w/o dye.	1.81	11.82	N/A	0.57	14.20	N/A	XXX
71555	26	R	Mri angio chest w or w/o dye.	1.81	0.61	0.61	0.08	2.50	2.50	XXX
71555	TC	R	Mri angio chest w or w/o dye.	0.00	11.21	N/A	0.49	11.70	N/A	XXX
72010		A	X-ray exam of spine	0.45	1.18	N/A	0.08	1.71	N/A	XXX
72010	26	A	X-ray exam of spine	0.45	0.15	0.15	0.03	0.63	0.63	XXX
72010	TC	A	X-ray exam of spine	0.00	1.03	N/A	0.05	1.08	N/A	XXX
72020		A	X-ray exam of spine	0.15	0.47	N/A	0.03	0.65	N/A	XXX
72020	26	A	X-ray exam of spine	0.15	0.05	0.05	0.01	0.21	0.21	XXX
72020	TC	A	X-ray exam of spine	0.00	0.42	N/A	0.02	0.44	N/A	XXX
72040		A	X-ray exam of neck spine	0.22	0.67	N/A	0.04	0.93	N/A	XXX
72040	26	A	X-ray exam of neck spine	0.22	0.07	0.07	0.01	0.30	0.30	XXX
72040	TC	A	X-ray exam of neck spine	0.00	0.60	N/A	0.03	0.63	N/A	XXX
72050		A	X-ray exam of neck spine	0.31	0.99	N/A	0.07	1.37	N/A	XXX
72050	26	A	X-ray exam of neck spine	0.31	0.10	0.10	0.02	0.43	0.43	XXX
72050	TC	A	X-ray exam of neck spine	0.00	0.89	N/A	0.05	0.94	N/A	XXX
72052		A	X-ray exam of neck spine	0.36	1.25	N/A	0.07	1.68	N/A	XXX
72052	26	A	X-ray exam of neck spine	0.36	0.12	0.12	0.02	0.50	0.50	XXX
72052	TC	A	X-ray exam of neck spine	0.00	1.13	N/A	0.05	1.18	N/A	XXX
72069		A	X-ray exam of trunk spine	0.22	0.57	N/A	0.04	0.83	N/A	XXX
72069	26	A	X-ray exam of trunk spine	0.22	0.08	0.08	0.02	0.32	0.32	XXX
72069	TC	A	X-ray exam of trunk spine	0.00	0.49	N/A	0.02	0.51	N/A	XXX
72070		A	X-ray exam of thoracic spine.	0.22	0.72	N/A	0.04	0.98	N/A	XXX
72070	26	A	X-ray exam of thoracic spine.	0.22	0.07	0.07	0.01	0.30	0.30	XXX
72070	TC	A	X-ray exam of thoracic spine.	0.00	0.65	N/A	0.03	0.68	N/A	XXX
72072		A	X-ray exam of thoracic spine.	0.22	0.81	N/A	0.05	1.08	N/A	XXX
72072	26	A	X-ray exam of thoracic spine.	0.22	0.07	0.07	0.01	0.30	0.30	XXX
72072	TC	A	X-ray exam of thoracic spine.	0.00	0.73	N/A	0.04	0.77	N/A	XXX
72074		A	X-ray exam of thoracic spine.	0.22	0.98	N/A	0.06	1.26	N/A	XXX
72074	26	A	X-ray exam of thoracic spine.	0.22	0.07	0.07	0.01	0.30	0.30	XXX
72074	TC	A	X-ray exam of thoracic spine.	0.00	0.91	N/A	0.05	0.96	N/A	XXX
72080		A	X-ray exam of trunk spine	0.22	0.74	N/A	0.05	1.01	N/A	XXX
72080	26	A	X-ray exam of trunk spine	0.22	0.07	0.07	0.02	0.31	0.31	XXX
72080	TC	A	X-ray exam of trunk spine	0.00	0.67	N/A	0.03	0.70	N/A	XXX
72090		A	X-ray exam of trunk spine	0.28	0.76	N/A	0.05	1.09	N/A	XXX
72090	26	A	X-ray exam of trunk spine	0.28	0.10	0.10	0.02	0.40	0.40	XXX
72090	TC	A	X-ray exam of trunk spine	0.00	0.67	N/A	0.03	0.70	N/A	XXX
72100		A	X-ray exam of lower spine	0.22	0.74	N/A	0.05	1.01	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
72100	26	A	X-ray exam of lower spine	0.22	0.07	0.07	0.02	0.31	0.31	XXX
72100	TC	A	X-ray exam of lower spine	0.00	0.67	N/A	0.03	0.70	N/A	XXX
72110	.....	A	X-ray exam of lower spine	0.31	1.01	N/A	0.07	1.39	N/A	XXX
72110	26	A	X-ray exam of lower spine	0.31	0.10	0.10	0.02	0.43	0.43	XXX
72110	TC	A	X-ray exam of lower spine	0.00	0.91	N/A	0.05	0.96	N/A	XXX
72114	.....	A	X-ray exam of lower spine	0.36	1.31	N/A	0.08	1.75	N/A	XXX
72114	26	A	X-ray exam of lower spine	0.36	0.12	0.12	0.03	0.51	0.51	XXX
72114	TC	A	X-ray exam of lower spine	0.00	1.19	N/A	0.05	1.24	N/A	XXX
72120	.....	A	X-ray exam of lower spine	0.22	0.96	N/A	0.07	1.25	N/A	XXX
72120	26	A	X-ray exam of lower spine	0.22	0.07	0.07	0.02	0.31	0.31	XXX
72120	TC	A	X-ray exam of lower spine	0.00	0.89	N/A	0.05	0.94	N/A	XXX
72125	.....	A	Ct neck spine w/o dye	1.16	6.30	N/A	0.31	7.77	N/A	XXX
72125	26	A	Ct neck spine w/o dye	1.16	0.39	0.39	0.05	1.60	1.60	XXX
72125	TC	A	Ct neck spine w/o dye	0.00	5.91	N/A	0.26	6.17	N/A	XXX
72126	.....	A	Ct neck spine w/dye	1.22	7.48	N/A	0.36	9.06	N/A	XXX
72126	26	A	Ct neck spine w/dye	1.22	0.41	0.41	0.05	1.68	1.68	XXX
72126	TC	A	Ct neck spine w/dye	0.00	7.07	N/A	0.31	7.38	N/A	XXX
72127	.....	A	Ct neck spine w/o&w/dye	1.27	9.28	N/A	0.44	10.99	N/A	XXX
72127	26	A	Ct neck spine w/o&w/dye	1.27	0.43	0.43	0.06	1.76	1.76	XXX
72127	TC	A	Ct neck spine w/o&w/dye	0.00	8.85	N/A	0.38	9.23	N/A	XXX
72128	.....	A	Ct chest spine w/o dye	1.16	6.30	N/A	0.31	7.77	N/A	XXX
72128	26	A	Ct chest spine w/o dye	1.16	0.39	0.39	0.05	1.60	1.60	XXX
72128	TC	A	Ct chest spine w/o dye	0.00	5.91	N/A	0.26	6.17	N/A	XXX
72129	.....	A	Ct chest spine w/dye	1.22	7.48	N/A	0.36	9.06	N/A	XXX
72129	26	A	Ct chest spine w/dye	1.22	0.41	0.41	0.05	1.68	1.68	XXX
72129	TC	A	Ct chest spine w/dye	0.00	7.07	N/A	0.31	7.38	N/A	XXX
72130	.....	A	Ct chest spine w/o&w/dye	1.27	9.27	N/A	0.44	10.98	N/A	XXX
72130	26	A	Ct chest spine w/o&w/dye	1.27	0.43	0.43	0.06	1.76	1.76	XXX
72130	TC	A	Ct chest spine w/o&w/dye	0.00	8.85	N/A	0.38	9.23	N/A	XXX
72131	.....	A	Ct lumbar spine w/o dye ..	1.16	6.30	N/A	0.31	7.77	N/A	XXX
72131	26	A	Ct lumbar spine w/o dye ..	1.16	0.39	0.39	0.05	1.60	1.60	XXX
72131	TC	A	Ct lumbar spine w/o dye ..	0.00	5.91	N/A	0.26	6.17	N/A	XXX
72132	.....	A	Ct lumbar spine w/dye	1.22	7.48	N/A	0.37	9.07	N/A	XXX
72132	26	A	Ct lumbar spine w/dye	1.22	0.41	0.41	0.06	1.69	1.69	XXX
72132	TC	A	Ct lumbar spine w/dye	0.00	7.07	N/A	0.31	7.38	N/A	XXX
72133	.....	A	Ct lumbar spine w/o&w/ dye.	1.27	9.28	N/A	0.44	10.99	N/A	XXX
72133	26	A	Ct lumbar spine w/o&w/ dye.	1.27	0.43	0.43	0.06	1.76	1.76	XXX
72133	TC	A	Ct lumbar spine w/o&w/ dye.	0.00	8.85	N/A	0.38	9.23	N/A	XXX
72141	.....	A	Mri neck spine w/o dye	1.60	11.75	N/A	0.56	13.91	N/A	XXX
72141	26	A	Mri neck spine w/o dye	1.60	0.54	0.54	0.07	2.21	2.21	XXX
72141	TC	A	Mri neck spine w/o dye	0.00	11.21	N/A	0.49	11.70	N/A	XXX
72142	.....	A	Mri neck spine w/dye	1.92	14.10	N/A	0.67	16.69	N/A	XXX
72142	26	A	Mri neck spine w/dye	1.92	0.66	0.66	0.09	2.67	2.67	XXX
72142	TC	A	Mri neck spine w/dye	0.00	13.44	N/A	0.58	14.02	N/A	XXX
72146	.....	A	Mri chest spine w/o dye ...	1.60	12.98	N/A	0.60	15.18	N/A	XXX
72146	26	A	Mri chest spine w/o dye ...	1.60	0.54	0.54	0.07	2.21	2.21	XXX
72146	TC	A	Mri chest spine w/o dye ...	0.00	12.45	N/A	0.53	12.98	N/A	XXX
72147	.....	A	Mri chest spine w/dye	1.92	14.09	N/A	0.67	16.68	N/A	XXX
72147	26	A	Mri chest spine w/dye	1.92	0.65	0.65	0.09	2.66	2.66	XXX
72147	TC	A	Mri chest spine w/dye	0.00	13.44	N/A	0.58	14.02	N/A	XXX
72148	.....	A	Mri lumbar spine w/o dye	1.48	12.95	N/A	0.60	15.03	N/A	XXX
72148	26	A	Mri lumbar spine w/o dye	1.48	0.50	0.50	0.07	2.05	2.05	XXX
72148	TC	A	Mri lumbar spine w/o dye	0.00	12.45	N/A	0.53	12.98	N/A	XXX
72149	.....	A	Mri lumbar spine w/dye	1.78	14.05	N/A	0.67	16.50	N/A	XXX
72149	26	A	Mri lumbar spine w/dye	1.78	0.61	0.61	0.09	2.48	2.48	XXX
72149	TC	A	Mri lumbar spine w/dye	0.00	13.44	N/A	0.58	14.02	N/A	XXX
72156	.....	A	Mri neck spine w/o&w/dye	2.57	25.76	N/A	1.20	29.53	N/A	XXX
72156	26	A	Mri neck spine w/o&w/dye	2.57	0.87	0.87	0.11	3.55	3.55	XXX
72156	TC	A	Mri neck spine w/o&w/dye	0.00	24.89	N/A	1.09	25.98	N/A	XXX
72157	.....	A	Mri chest spine w/o&w/dye	2.57	25.76	N/A	1.20	29.53	N/A	XXX
72157	26	A	Mri chest spine w/o&w/dye	2.57	0.86	0.86	0.11	3.54	3.54	XXX
72157	TC	A	Mri chest spine w/o&w/dye	0.00	24.89	N/A	1.09	25.98	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
72158	.....	A	Mri lumbar spine w/o&w/ dye.	2.36	25.69	N/A	1.20	29.25	N/A	XXX
72158	26	A	Mri lumbar spine w/o&w/ dye.	2.36	0.79	0.79	0.11	3.26	3.26	XXX
72158	TC	A	Mri lumbar spine w/o&w/ dye.	0.00	24.89	N/A	1.09	25.98	N/A	XXX
72159	.....	N	Mr angio spine w/o&w/dye	1.80	13.14	N/A	0.61	15.55	N/A	XXX
72159	26	N	Mr angio spine w/o&w/dye	1.80	0.70	0.70	0.08	2.58	2.58	XXX
72159	TC	N	Mr angio spine w/o&w/dye	0.00	12.45	N/A	0.53	12.98	N/A	XXX
72170	.....	A	X-ray exam of pelvis	0.17	0.58	N/A	0.03	0.78	N/A	XXX
72170	26	A	X-ray exam of pelvis	0.17	0.06	0.06	0.01	0.24	0.24	XXX
72170	TC	A	X-ray exam of pelvis	0.00	0.52	N/A	0.02	0.54	N/A	XXX
72190	.....	A	X-ray exam of pelvis	0.21	0.74	N/A	0.04	0.99	N/A	XXX
72190	26	A	X-ray exam of pelvis	0.21	0.07	0.07	0.01	0.29	0.29	XXX
72190	TC	A	X-ray exam of pelvis	0.00	0.67	N/A	0.03	0.70	N/A	XXX
72191	.....	A	Ct angiograph pelv w/o&w/ dye.	1.81	12.64	N/A	0.38	14.83	N/A	XXX
72191	26	A	Ct angiograph pelv w/o&w/ dye.	1.81	0.61	0.61	0.06	2.48	2.48	XXX
72191	TC	A	Ct angiograph pelv w/o&w/ dye.	0.00	12.03	N/A	0.32	12.35	N/A	XXX
72192	.....	A	Ct pelvis w/o dye	1.09	6.27	N/A	0.31	7.67	N/A	XXX
72192	26	A	Ct pelvis w/o dye	1.09	0.36	0.36	0.05	1.50	1.50	XXX
72192	TC	A	Ct pelvis w/o dye	0.00	5.91	N/A	0.26	6.17	N/A	XXX
72193	.....	A	Ct pelvis w/dye	1.16	7.23	N/A	0.35	8.74	N/A	XXX
72193	26	A	Ct pelvis w/dye	1.16	0.39	0.39	0.05	1.60	1.60	XXX
72193	TC	A	Ct pelvis w/dye	0.00	6.85	N/A	0.30	7.15	N/A	XXX
72194	.....	A	Ct pelvis w/o&w/dye	1.22	8.90	N/A	0.41	10.53	N/A	XXX
72194	26	A	Ct pelvis w/o&w/dye	1.22	0.41	0.41	0.05	1.68	1.68	XXX
72194	TC	A	Ct pelvis w/o&w/dye	0.00	8.49	N/A	0.36	8.85	N/A	XXX
72195	.....	A	Mri pelvis w/o dye	1.46	11.70	N/A	0.42	13.58	N/A	XXX
72195	26	A	Mri pelvis w/o dye	1.46	0.49	0.49	0.05	2.00	2.00	XXX
72195	TC	A	Mri pelvis w/o dye	0.00	11.21	N/A	0.37	11.58	N/A	XXX
72196	.....	A	Mri pelvis w/dye	1.73	14.02	N/A	0.48	16.23	N/A	XXX
72196	26	A	Mri pelvis w/dye	1.73	0.58	0.58	0.05	2.36	2.36	XXX
72196	TC	A	Mri pelvis w/dye	0.00	13.44	N/A	0.43	13.87	N/A	XXX
72197	.....	A	Mri pelvis w/o & w/dye	2.26	25.65	N/A	0.84	28.75	N/A	XXX
72197	26	A	Mri pelvis w/o & w/dye	2.26	0.76	0.76	0.08	3.10	3.10	XXX
72197	TC	A	Mri pelvis w/o & w/dye	0.00	24.89	N/A	0.76	25.65	N/A	XXX
72198	.....	A	Mr angio pelvis w/o&w/dye	1.80	11.91	N/A	0.57	14.28	N/A	XXX
72198	26	A	Mr angio pelvis w/o&w/dye	1.80	0.70	0.70	0.08	2.58	2.58	XXX
72198	TC	A	Mr angio pelvis w/o&w/dye	0.00	11.21	N/A	0.49	11.70	N/A	XXX
72200	.....	A	X-ray exam sacroiliac joints.	0.17	0.58	N/A	0.03	0.78	N/A	XXX
72200	26	A	X-ray exam sacroiliac joints.	0.17	0.06	0.06	0.01	0.24	0.24	XXX
72200	TC	A	X-ray exam sacroiliac joints.	0.00	0.52	N/A	0.02	0.54	N/A	XXX
72202	.....	A	X-ray exam sacroiliac joints.	0.19	0.68	N/A	0.04	0.91	N/A	XXX
72202	26	A	X-ray exam sacroiliac joints.	0.19	0.06	0.06	0.01	0.26	0.26	XXX
72202	TC	A	X-ray exam sacroiliac joints.	0.00	0.62	N/A	0.03	0.65	N/A	XXX
72220	.....	A	X-ray exam of tailbone	0.17	0.63	N/A	0.04	0.84	N/A	XXX
72220	26	A	X-ray exam of tailbone	0.17	0.06	0.06	0.01	0.24	0.24	XXX
72220	TC	A	X-ray exam of tailbone	0.00	0.57	N/A	0.03	0.60	N/A	XXX
72240	.....	A	Contrast x-ray of neck spine.	0.91	5.04	N/A	0.25	6.20	N/A	XXX
72240	26	A	Contrast x-ray of neck spine.	0.91	0.29	0.29	0.04	1.24	1.24	XXX
72240	TC	A	Contrast x-ray of neck spine.	0.00	4.75	N/A	0.21	4.96	N/A	XXX
72255	.....	A	Contrast x-ray, thorax spine.	0.91	4.61	N/A	0.22	5.74	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
72255	26	A	Contrast x-ray, thorax spine.	0.91	0.28	0.28	0.04	1.23	1.23	XXX
72255	TC	A	Contrast x-ray, thorax spine.	0.00	4.33	N/A	0.18	4.51	N/A	XXX
72265	.....	A	Contrast x-ray, lower spine	0.83	4.33	N/A	0.22	5.38	N/A	XXX
72265	26	A	Contrast x-ray, lower spine	0.83	0.26	0.26	0.04	1.13	1.13	XXX
72265	TC	A	Contrast x-ray, lower spine	0.00	4.07	N/A	0.18	4.25	N/A	XXX
72270	.....	A	Contrast x-ray of spine	1.33	6.53	N/A	0.34	8.20	N/A	XXX
72270	26	A	Contrast x-ray of spine	1.33	0.43	0.43	0.07	1.83	1.83	XXX
72270	TC	A	Contrast x-ray of spine	0.00	6.10	N/A	0.27	6.37	N/A	XXX
72275	.....	A	Epidurography	0.76	2.30	N/A	0.21	3.27	N/A	XXX
72275	26	A	Epidurography	0.76	0.20	0.20	0.03	0.99	0.99	XXX
72275	TC	A	Epidurography	0.00	2.10	N/A	0.18	2.28	N/A	XXX
72285	.....	A	X-ray c/t spine disk	1.16	8.75	N/A	0.42	10.33	N/A	XXX
72285	26	A	X-ray c/t spine disk	1.16	0.36	0.36	0.06	1.58	1.58	XXX
72285	TC	A	X-ray c/t spine disk	0.00	8.38	N/A	0.36	8.74	N/A	XXX
72295	.....	A	X-ray of lower spine disk ..	0.83	8.14	N/A	0.37	9.34	N/A	XXX
72295	26	A	X-ray of lower spine disk ..	0.83	0.27	0.27	0.04	1.14	1.14	XXX
72295	TC	A	X-ray of lower spine disk ..	0.00	7.86	N/A	0.33	8.19	N/A	XXX
73000	.....	A	X-ray exam of collar bone	0.16	0.58	N/A	0.03	0.77	N/A	XXX
73000	26	A	X-ray exam of collar bone	0.16	0.05	0.05	0.01	0.22	0.22	XXX
73000	TC	A	X-ray exam of collar bone	0.00	0.52	N/A	0.02	0.54	N/A	XXX
73010	.....	A	X-ray exam of shoulder blade.	0.17	0.58	N/A	0.03	0.78	N/A	XXX
73010	26	A	X-ray exam of shoulder blade.	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73010	TC	A	X-ray exam of shoulder blade.	0.00	0.52	N/A	0.02	0.54	N/A	XXX
73020	.....	A	X-ray exam of shoulder	0.15	0.52	N/A	0.03	0.70	N/A	XXX
73020	26	A	X-ray exam of shoulder	0.15	0.05	0.05	0.01	0.21	0.21	XXX
73020	TC	A	X-ray exam of shoulder	0.00	0.47	N/A	0.02	0.49	N/A	XXX
73030	.....	A	X-ray exam of shoulder	0.18	0.63	N/A	0.04	0.85	N/A	XXX
73030	26	A	X-ray exam of shoulder	0.18	0.06	0.06	0.01	0.25	0.25	XXX
73030	TC	A	X-ray exam of shoulder	0.00	0.57	N/A	0.03	0.60	N/A	XXX
73040	.....	A	Contrast x-ray of shoulder	0.54	2.28	N/A	0.13	2.95	N/A	XXX
73040	26	A	Contrast x-ray of shoulder	0.54	0.18	0.18	0.03	0.75	0.75	XXX
73040	TC	A	Contrast x-ray of shoulder	0.00	2.10	N/A	0.10	2.20	N/A	XXX
73050	.....	A	X-ray exam of shoulders ..	0.20	0.74	N/A	0.05	0.99	N/A	XXX
73050	26	A	X-ray exam of shoulders ..	0.20	0.07	0.07	0.02	0.29	0.29	XXX
73050	TC	A	X-ray exam of shoulders ..	0.00	0.67	N/A	0.03	0.70	N/A	XXX
73060	.....	A	X-ray exam of humerus	0.17	0.63	N/A	0.04	0.84	N/A	XXX
73060	26	A	X-ray exam of humerus	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73060	TC	A	X-ray exam of humerus	0.00	0.57	N/A	0.03	0.60	N/A	XXX
73070	.....	A	X-ray exam of elbow	0.15	0.57	N/A	0.03	0.75	N/A	XXX
73070	26	A	X-ray exam of elbow	0.15	0.05	0.05	0.01	0.21	0.21	XXX
73070	TC	A	X-ray exam of elbow	0.00	0.52	N/A	0.02	0.54	N/A	XXX
73080	.....	A	X-ray exam of elbow	0.17	0.63	N/A	0.04	0.84	N/A	XXX
73080	26	A	X-ray exam of elbow	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73080	TC	A	X-ray exam of elbow	0.00	0.57	N/A	0.03	0.60	N/A	XXX
73085	.....	A	Contrast x-ray of elbow	0.54	2.29	N/A	0.13	2.96	N/A	XXX
73085	26	A	Contrast x-ray of elbow	0.54	0.19	0.19	0.03	0.76	0.76	XXX
73085	TC	A	Contrast x-ray of elbow	0.00	2.10	N/A	0.10	2.20	N/A	XXX
73090	.....	A	X-ray exam of forearm	0.16	0.58	N/A	0.03	0.77	N/A	XXX
73090	26	A	X-ray exam of forearm	0.16	0.05	0.05	0.01	0.22	0.22	XXX
73090	TC	A	X-ray exam of forearm	0.00	0.52	N/A	0.02	0.54	N/A	XXX
73092	.....	A	X-ray exam of arm, infant	0.16	0.55	N/A	0.03	0.74	N/A	XXX
73092	26	A	X-ray exam of arm, infant	0.16	0.05	0.05	0.01	0.22	0.22	XXX
73092	TC	A	X-ray exam of arm, infant	0.00	0.49	N/A	0.02	0.51	N/A	XXX
73100	.....	A	X-ray exam of wrist	0.16	0.55	N/A	0.04	0.75	N/A	XXX
73100	26	A	X-ray exam of wrist	0.16	0.06	0.06	0.02	0.24	0.24	XXX
73100	TC	A	X-ray exam of wrist	0.00	0.49	N/A	0.02	0.51	N/A	XXX
73110	.....	A	X-ray exam of wrist	0.17	0.59	N/A	0.03	0.79	N/A	XXX
73110	26	A	X-ray exam of wrist	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73110	TC	A	X-ray exam of wrist	0.00	0.53	N/A	0.02	0.55	N/A	XXX
73115	.....	A	Contrast x-ray of wrist	0.54	1.76	N/A	0.11	2.41	N/A	XXX
73115	26	A	Contrast x-ray of wrist	0.54	0.19	0.19	0.03	0.76	0.76	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
73115	TC	A	Contrast x-ray of wrist	0.00	1.58	N/A	0.08	1.66	N/A	XXX
73120		A	X-ray exam of hand	0.16	0.55	N/A	0.03	0.74	N/A	XXX
73120	26	A	X-ray exam of hand	0.16	0.06	0.06	0.01	0.23	0.23	XXX
73120	TC	A	X-ray exam of hand	0.00	0.49	N/A	0.02	0.51	N/A	XXX
73130		A	X-ray exam of hand	0.17	0.59	N/A	0.03	0.79	N/A	XXX
73130	26	A	X-ray exam of hand	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73130	TC	A	X-ray exam of hand	0.00	0.53	N/A	0.02	0.55	N/A	XXX
73140		A	X-ray exam of finger(s)	0.13	0.46	N/A	0.03	0.62	N/A	XXX
73140	26	A	X-ray exam of finger(s)	0.13	0.04	0.04	0.01	0.18	0.18	XXX
73140	TC	A	X-ray exam of finger(s)	0.00	0.42	N/A	0.02	0.44	N/A	XXX
73200		A	Ct upper extremity w/o dye.	1.09	5.33	N/A	0.26	6.68	N/A	XXX
73200	26	A	Ct upper extremity w/o dye.	1.09	0.37	0.37	0.05	1.51	1.51	XXX
73200	TC	A	Ct upper extremity w/o dye.	0.00	4.96	N/A	0.21	5.17	N/A	XXX
73201		A	Ct upper extremity w/dye	1.16	6.30	N/A	0.31	7.77	N/A	XXX
73201	26	A	Ct upper extremity w/dye	1.16	0.39	0.39	0.05	1.60	1.60	XXX
73201	TC	A	Ct upper extremity w/dye	0.00	5.91	N/A	0.26	6.17	N/A	XXX
73202		A	Ct uppr extremity w/o&w/ dye.	1.22	7.84	N/A	0.38	9.44	N/A	XXX
73202	26	A	Ct uppr extremity w/o&w/ dye.	1.22	0.41	0.41	0.06	1.69	1.69	XXX
73202	TC	A	Ct uppr extremity w/o&w/ dye.	0.00	7.43	N/A	0.32	7.75	N/A	XXX
73206		A	Ct angio upr extrm w/o&w/ dye.	1.81	11.57	N/A	0.38	13.76	N/A	XXX
73206	26	A	Ct angio upr extrm w/o&w/ dye.	1.81	0.61	0.61	0.06	2.48	2.48	XXX
73206	TC	A	Ct angio upr extrm w/o&w/ dye.	0.00	10.97	N/A	0.32	11.29	N/A	XXX
73218		A	Mri upper extremity w/o dye.	1.35	11.66	N/A	0.36	13.37	N/A	XXX
73218	26	A	Mri upper extremity w/o dye.	1.35	0.45	0.45	0.04	1.84	1.84	XXX
73218	TC	A	Mri upper extremity w/o dye.	0.00	11.21	N/A	0.32	11.53	N/A	XXX
73219		A	Mri upper extremity w/dye	1.62	13.99	N/A	0.44	16.05	N/A	XXX
73219	26	A	Mri upper extremity w/dye	1.62	0.55	0.55	0.05	2.22	2.22	XXX
73219	TC	A	Mri upper extremity w/dye	0.00	13.44	N/A	0.39	13.83	N/A	XXX
73220		A	Mri uppr extremity w/o&w/ dye.	2.15	25.62	N/A	0.78	28.55	N/A	XXX
73220	26	A	Mri uppr extremity w/o&w/ dye.	2.15	0.73	0.73	0.08	2.96	2.96	XXX
73220	TC	A	Mri uppr extremity w/o&w/ dye.	0.00	24.89	N/A	0.70	25.59	N/A	XXX
73221		A	Mri joint upr extrem w/o dye.	1.35	11.66	N/A	0.36	13.37	N/A	XXX
73221	26	A	Mri joint upr extrem w/o dye.	1.35	0.46	0.46	0.04	1.85	1.85	XXX
73221	TC	A	Mri joint upr extrem w/o dye.	0.00	11.21	N/A	0.32	11.53	N/A	XXX
73222		A	Mri joint upr extrem w/dye	1.62	13.99	N/A	0.44	16.05	N/A	XXX
73222	26	A	Mri joint upr extrem w/dye	1.62	0.54	0.54	0.05	2.21	2.21	XXX
73222	TC	A	Mri joint upr extrem w/dye	0.00	13.44	N/A	0.39	13.83	N/A	XXX
73223		A	Mri joint upr extr w/o&w/ dye.	2.15	25.62	N/A	0.77	28.54	N/A	XXX
73223	26	A	Mri joint upr extr w/o&w/ dye.	2.15	0.73	0.73	0.07	2.95	2.95	XXX
73223	TC	A	Mri joint upr extr w/o&w/ dye.	0.00	24.89	N/A	0.70	25.59	N/A	XXX
73225		N	Mr angio upr extr w/o&w/ dye.	1.73	11.88	N/A	0.57	14.18	N/A	XXX
73225	26	N	Mr angio upr extr w/o&w/ dye.	1.73	0.67	0.67	0.08	2.48	2.48	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
73225	TC	N	Mr angio upr extr w/o&w/ dye.	0.00	11.21	N/A	0.49	11.70	N/A	XXX
73500		A	X-ray exam of hip	0.17	0.53	N/A	0.03	0.73	N/A	XXX
73500	26	A	X-ray exam of hip	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73500	TC	A	X-ray exam of hip	0.00	0.47	N/A	0.02	0.49	N/A	XXX
73510		A	X-ray exam of hip	0.21	0.64	N/A	0.05	0.90	N/A	XXX
73510	26	A	X-ray exam of hip	0.21	0.07	0.07	0.02	0.30	0.30	XXX
73510	TC	A	X-ray exam of hip	0.00	0.57	N/A	0.03	0.60	N/A	XXX
73520		A	X-ray exam of hips	0.26	0.76	N/A	0.05	1.07	N/A	XXX
73520	26	A	X-ray exam of hips	0.26	0.09	0.09	0.02	0.37	0.37	XXX
73520	TC	A	X-ray exam of hips	0.00	0.67	N/A	0.03	0.70	N/A	XXX
73525		A	Contrast x-ray of hip	0.54	2.28	N/A	0.13	2.95	N/A	XXX
73525	26	A	Contrast x-ray of hip	0.54	0.18	0.18	0.03	0.75	0.75	XXX
73525	TC	A	Contrast x-ray of hip	0.00	2.10	N/A	0.10	2.20	N/A	XXX
73530		A	X-ray exam of hip	0.29	0.62	N/A	0.03	0.94	N/A	XXX
73530	26	A	X-ray exam of hip	0.29	0.10	0.10	0.01	0.40	0.40	XXX
73530	TC	A	X-ray exam of hip	0.00	0.52	N/A	0.02	0.54	N/A	XXX
73540		A	X-ray exam of pelvis & hips.	0.20	0.64	N/A	0.05	0.89	N/A	XXX
73540	26	A	X-ray exam of pelvis & hips.	0.20	0.07	0.07	0.02	0.29	0.29	XXX
73540	TC	A	X-ray exam of pelvis & hips.	0.00	0.57	N/A	0.03	0.60	N/A	XXX
73542		A	X-ray exam, sacroiliac joint.	0.59	2.26	N/A	0.13	2.98	N/A	XXX
73542	26	A	X-ray exam, sacroiliac joint.	0.59	0.16	0.16	0.03	0.78	0.78	XXX
73542	TC	A	X-ray exam, sacroiliac joint.	0.00	2.10	N/A	0.10	2.20	N/A	XXX
73550		A	X-ray exam of thigh	0.17	0.63	N/A	0.04	0.84	N/A	XXX
73550	26	A	X-ray exam of thigh	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73550	TC	A	X-ray exam of thigh	0.00	0.57	N/A	0.03	0.60	N/A	XXX
73560		A	X-ray exam of knee, 1 or 2.	0.17	0.58	N/A	0.04	0.79	N/A	XXX
73560	26	A	X-ray exam of knee, 1 or 2.	0.17	0.06	0.06	0.02	0.25	0.25	XXX
73560	TC	A	X-ray exam of knee, 1 or 2.	0.00	0.52	N/A	0.02	0.54	N/A	XXX
73562		A	X-ray exam of knee, 3	0.18	0.63	N/A	0.05	0.86	N/A	XXX
73562	26	A	X-ray exam of knee, 3	0.18	0.06	0.06	0.02	0.26	0.26	XXX
73562	TC	A	X-ray exam of knee, 3	0.00	0.57	N/A	0.03	0.60	N/A	XXX
73564		A	X-ray exam, knee, 4 or more.	0.22	0.70	N/A	0.05	0.97	N/A	XXX
73564	26	A	X-ray exam, knee, 4 or more.	0.22	0.08	0.08	0.02	0.32	0.32	XXX
73564	TC	A	X-ray exam, knee, 4 or more.	0.00	0.62	N/A	0.03	0.65	N/A	XXX
73565		A	X-ray exam of knees	0.17	0.56	N/A	0.04	0.77	N/A	XXX
73565	26	A	X-ray exam of knees	0.17	0.06	0.06	0.02	0.25	0.25	XXX
73565	TC	A	X-ray exam of knees	0.00	0.49	N/A	0.02	0.51	N/A	XXX
73580		A	Contrast x-ray of knee joint.	0.54	2.80	N/A	0.15	3.49	N/A	XXX
73580	26	A	Contrast x-ray of knee joint.	0.54	0.18	0.18	0.03	0.75	0.75	XXX
73580	TC	A	Contrast x-ray of knee joint.	0.00	2.62	N/A	0.12	2.74	N/A	XXX
73590		A	X-ray exam of lower leg	0.17	0.58	N/A	0.03	0.78	N/A	XXX
73590	26	A	X-ray exam of lower leg	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73590	TC	A	X-ray exam of lower leg	0.00	0.52	N/A	0.02	0.54	N/A	XXX
73592		A	X-ray exam of leg, infant	0.16	0.55	N/A	0.03	0.74	N/A	XXX
73592	26	A	X-ray exam of leg, infant	0.16	0.06	0.06	0.01	0.23	0.23	XXX
73592	TC	A	X-ray exam of leg, infant	0.00	0.49	N/A	0.02	0.51	N/A	XXX
73600		A	X-ray exam of ankle	0.16	0.55	N/A	0.03	0.74	N/A	XXX
73600	26	A	X-ray exam of ankle	0.16	0.06	0.06	0.01	0.23	0.23	XXX
73600	TC	A	X-ray exam of ankle	0.00	0.49	N/A	0.02	0.51	N/A	XXX
73610		A	X-ray exam of ankle	0.17	0.59	N/A	0.03	0.79	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
73610	26	A	X-ray exam of ankle	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73610	TC	A	X-ray exam of ankle	0.00	0.53	N/A	0.02	0.55	N/A	XXX
73615	.....	A	Contrast x-ray of ankle	0.54	2.29	N/A	0.13	2.96	N/A	XXX
73615	26	A	Contrast x-ray of ankle	0.54	0.19	0.19	0.03	0.76	0.76	XXX
73615	TC	A	Contrast x-ray of ankle	0.00	2.10	N/A	0.10	2.20	N/A	XXX
73620	.....	A	X-ray exam of foot	0.16	0.55	N/A	0.03	0.74	N/A	XXX
73620	26	A	X-ray exam of foot	0.16	0.05	0.05	0.01	0.22	0.22	XXX
73620	TC	A	X-ray exam of foot	0.00	0.49	N/A	0.02	0.51	N/A	XXX
73630	.....	A	X-ray exam of foot	0.17	0.59	N/A	0.03	0.79	N/A	XXX
73630	26	A	X-ray exam of foot	0.17	0.06	0.06	0.01	0.24	0.24	XXX
73630	TC	A	X-ray exam of foot	0.00	0.53	N/A	0.02	0.55	N/A	XXX
73650	.....	A	X-ray exam of heel	0.16	0.53	N/A	0.03	0.72	N/A	XXX
73650	26	A	X-ray exam of heel	0.16	0.05	0.05	0.01	0.22	0.22	XXX
73650	TC	A	X-ray exam of heel	0.00	0.47	N/A	0.02	0.49	N/A	XXX
73660	.....	A	X-ray exam of toe(s)	0.13	0.46	N/A	0.03	0.62	N/A	XXX
73660	26	A	X-ray exam of toe(s)	0.13	0.04	0.04	0.01	0.18	0.18	XXX
73660	TC	A	X-ray exam of toe(s)	0.00	0.42	N/A	0.02	0.44	N/A	XXX
73700	.....	A	Ct lower extremity w/o dye	1.09	5.33	N/A	0.26	6.68	N/A	XXX
73700	26	A	Ct lower extremity w/o dye	1.09	0.36	0.36	0.05	1.50	1.50	XXX
73700	TC	A	Ct lower extremity w/o dye	0.00	4.96	N/A	0.21	5.17	N/A	XXX
73701	.....	A	Ct lower extremity w/dye ..	1.16	6.30	N/A	0.31	7.77	N/A	XXX
73701	26	A	Ct lower extremity w/dye ..	1.16	0.39	0.39	0.05	1.60	1.60	XXX
73701	TC	A	Ct lower extremity w/dye ..	0.00	5.91	N/A	0.26	6.17	N/A	XXX
73702	.....	A	Ct lwr extremity w/o&w/ dye.	1.22	7.84	N/A	0.37	9.43	N/A	XXX
73702	26	A	Ct lwr extremity w/o&w/ dye.	1.22	0.41	0.41	0.05	1.68	1.68	XXX
73702	TC	A	Ct lwr extremity w/o&w/ dye.	0.00	7.43	N/A	0.32	7.75	N/A	XXX
73706	.....	A	Ct angio lwr extr w/o&w/ dye.	1.90	11.60	N/A	0.38	13.88	N/A	XXX
73706	26	A	Ct angio lwr extr w/o&w/ dye.	1.90	0.64	0.64	0.06	2.60	2.60	XXX
73706	TC	A	Ct angio lwr extr w/o&w/ dye.	0.00	10.97	N/A	0.32	11.29	N/A	XXX
73718	.....	A	Mri lower extremity w/o dye.	1.35	11.66	N/A	0.36	13.37	N/A	XXX
73718	26	A	Mri lower extremity w/o dye.	1.35	0.45	0.45	0.04	1.84	1.84	XXX
73718	TC	A	Mri lower extremity w/o dye.	0.00	11.21	N/A	0.32	11.53	N/A	XXX
73719	.....	A	Mri lower extremity w/dye	1.62	13.99	N/A	0.44	16.05	N/A	XXX
73719	26	A	Mri lower extremity w/dye	1.62	0.54	0.54	0.05	2.21	2.21	XXX
73719	TC	A	Mri lower extremity w/dye	0.00	13.44	N/A	0.39	13.83	N/A	XXX
73720	.....	A	Mri lwr extremity w/o&w/ dye.	2.15	25.61	N/A	0.78	28.54	N/A	XXX
73720	26	A	Mri lwr extremity w/o&w/ dye.	2.15	0.72	0.72	0.08	2.95	2.95	XXX
73720	TC	A	Mri lwr extremity w/o&w/ dye.	0.00	24.89	N/A	0.70	25.59	N/A	XXX
73721	.....	A	Mri jnt of lwr extre w/o dye	1.35	11.66	N/A	0.36	13.37	N/A	XXX
73721	26	A	Mri jnt of lwr extre w/o dye	1.35	0.46	0.46	0.04	1.85	1.85	XXX
73721	TC	A	Mri jnt of lwr extre w/o dye	0.00	11.21	N/A	0.32	11.53	N/A	XXX
73722	.....	A	Mri joint of lwr extr w/dye	1.62	13.99	N/A	0.45	16.06	N/A	XXX
73722	26	A	Mri joint of lwr extr w/dye	1.62	0.55	0.55	0.06	2.23	2.23	XXX
73722	TC	A	Mri joint of lwr extr w/dye	0.00	13.44	N/A	0.39	13.83	N/A	XXX
73723	.....	A	Mri joint lwr extr w/o&w/ dye.	2.15	25.62	N/A	0.77	28.54	N/A	XXX
73723	26	A	Mri joint lwr extr w/o&w/ dye.	2.15	0.73	0.73	0.07	2.95	2.95	XXX
73723	TC	A	Mri joint lwr extr w/o&w/ dye.	0.00	24.89	N/A	0.70	25.59	N/A	XXX
73725	.....	R	Mr ang lwr ext w or w/o dye.	1.82	11.82	N/A	0.57	14.21	N/A	XXX
73725	26	R	Mr ang lwr ext w or w/o dye.	1.82	0.61	0.61	0.08	2.51	2.51	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
73725	TC	R	Mr ang lwr ext w or w/o dye.	0.00	11.21	N/A	0.49	11.70	N/A	XXX
74000	.....	A	X-ray exam of abdomen ...	0.18	0.58	N/A	0.03	0.79	N/A	XXX
74000	26	A	X-ray exam of abdomen ...	0.18	0.06	0.06	0.01	0.25	0.25	XXX
74000	TC	A	X-ray exam of abdomen ...	0.00	0.52	N/A	0.02	0.54	N/A	XXX
74010	.....	A	X-ray exam of abdomen ...	0.23	0.65	N/A	0.04	0.92	N/A	XXX
74010	26	A	X-ray exam of abdomen ...	0.23	0.08	0.08	0.01	0.32	0.32	XXX
74010	TC	A	X-ray exam of abdomen ...	0.00	0.57	N/A	0.03	0.60	N/A	XXX
74020	.....	A	X-ray exam of abdomen ...	0.27	0.71	N/A	0.04	1.02	N/A	XXX
74020	26	A	X-ray exam of abdomen ...	0.27	0.09	0.09	0.01	0.37	0.37	XXX
74020	TC	A	X-ray exam of abdomen ...	0.00	0.62	N/A	0.03	0.65	N/A	XXX
74022	.....	A	X-ray exam series, abdo-men.	0.32	0.84	N/A	0.05	1.21	N/A	XXX
74022	26	A	X-ray exam series, abdo-men.	0.32	0.11	0.11	0.01	0.44	0.44	XXX
74022	TC	A	X-ray exam series, abdo-men.	0.00	0.73	N/A	0.04	0.77	N/A	XXX
74150	.....	A	Ct abdomen w/o dye	1.19	6.06	N/A	0.30	7.55	N/A	XXX
74150	26	A	Ct abdomen w/o dye	1.19	0.40	0.40	0.05	1.64	1.64	XXX
74150	TC	A	Ct abdomen w/o dye	0.00	5.66	N/A	0.25	5.91	N/A	XXX
74160	.....	A	Ct abdomen w/dye	1.27	7.27	N/A	0.36	8.90	N/A	XXX
74160	26	A	Ct abdomen w/dye	1.27	0.42	0.42	0.06	1.75	1.75	XXX
74160	TC	A	Ct abdomen w/dye	0.00	6.85	N/A	0.30	7.15	N/A	XXX
74170	.....	A	Ct abdomen w/o&w/dye ...	1.40	8.96	N/A	0.42	10.78	N/A	XXX
74170	26	A	Ct abdomen w/o&w/dye ...	1.40	0.47	0.47	0.06	1.93	1.93	XXX
74170	TC	A	Ct abdomen w/o&w/dye ...	0.00	8.49	N/A	0.36	8.85	N/A	XXX
74175	.....	A	Ct angio abdom w/o&w/ dye.	1.90	12.67	N/A	0.38	14.95	N/A	XXX
74175	26	A	Ct angio abdom w/o&w/ dye.	1.90	0.64	0.64	0.06	2.60	2.60	XXX
74175	TC	A	Ct angio abdom w/o&w/ dye.	0.00	12.03	N/A	0.32	12.35	N/A	XXX
74181	.....	A	Mri abdomen w/o dye	1.46	11.70	N/A	0.43	13.59	N/A	XXX
74181	26	A	Mri abdomen w/o dye	1.46	0.49	0.49	0.06	2.01	2.01	XXX
74181	TC	A	Mri abdomen w/o dye	0.00	11.21	N/A	0.37	11.58	N/A	XXX
74182	.....	A	Mri abdomen w/dye	1.73	14.02	N/A	0.49	16.24	N/A	XXX
74182	26	A	Mri abdomen w/dye	1.73	0.58	0.58	0.06	2.37	2.37	XXX
74182	TC	A	Mri abdomen w/dye	0.00	13.44	N/A	0.43	13.87	N/A	XXX
74183	.....	A	Mri abdomen w/o&w/dye ..	2.26	25.65	N/A	0.84	28.75	N/A	XXX
74183	26	A	Mri abdomen w/o&w/dye ..	2.26	0.76	0.76	0.08	3.10	3.10	XXX
74183	TC	A	Mri abdomen w/o&w/dye ..	0.00	24.89	N/A	0.76	25.65	N/A	XXX
74185	.....	R	Mri angio, abdom w or w/o dy.	1.80	11.81	N/A	0.57	14.18	N/A	XXX
74185	26	R	Mri angio, abdom w or w/o dy.	1.80	0.60	0.60	0.08	2.48	2.48	XXX
74185	TC	R	Mri angio, abdom w or w/o dy.	0.00	11.21	N/A	0.49	11.70	N/A	XXX
74190	.....	A	X-ray exam of peritoneum	0.48	1.47	N/A	0.08	2.03	N/A	XXX
74190	26	A	X-ray exam of peritoneum	0.48	0.16	0.16	0.02	0.66	0.66	XXX
74190	TC	A	X-ray exam of peritoneum	0.00	1.31	N/A	0.06	1.37	N/A	XXX
74210	.....	A	Contrst x-ray exam of throat.	0.36	1.31	N/A	0.07	1.74	N/A	XXX
74210	26	A	Contrst x-ray exam of throat.	0.36	0.12	0.12	0.02	0.50	0.50	XXX
74210	TC	A	Contrst x-ray exam of throat.	0.00	1.19	N/A	0.05	1.24	N/A	XXX
74220	.....	A	Contrast x-ray, esophagus	0.46	1.34	N/A	0.07	1.87	N/A	XXX
74220	26	A	Contrast x-ray, esophagus	0.46	0.15	0.15	0.02	0.63	0.63	XXX
74220	TC	A	Contrast x-ray, esophagus	0.00	1.19	N/A	0.05	1.24	N/A	XXX
74230	.....	A	Cine/vid x-ray, throat/ esoph.	0.53	1.48	N/A	0.08	2.09	N/A	XXX
74230	26	A	Cine/vid x-ray, throat/ esoph.	0.53	0.18	0.18	0.02	0.73	0.73	XXX
74230	TC	A	Cine/vid x-ray, throat/ esoph.	0.00	1.31	N/A	0.06	1.37	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
74235	.....	A	Remove esophagus obstruction.	1.19	3.02	N/A	0.17	4.38	N/A	XXX
74235	26	A	Remove esophagus obstruction.	1.19	0.40	0.40	0.05	1.64	1.64	XXX
74235	TC	A	Remove esophagus obstruction.	0.00	2.62	N/A	0.12	2.74	N/A	XXX
74240	.....	A	X-ray exam, upper gi tract	0.69	1.69	N/A	0.10	2.48	N/A	XXX
74240	26	A	X-ray exam, upper gi tract	0.69	0.23	0.23	0.03	0.95	0.95	XXX
74240	TC	A	X-ray exam, upper gi tract	0.00	1.46	N/A	0.07	1.53	N/A	XXX
74241	.....	A	X-ray exam, upper gi tract	0.69	1.72	N/A	0.10	2.51	N/A	XXX
74241	26	A	X-ray exam, upper gi tract	0.69	0.23	0.23	0.03	0.95	0.95	XXX
74241	TC	A	X-ray exam, upper gi tract	0.00	1.49	N/A	0.07	1.56	N/A	XXX
74245	.....	A	X-ray exam, upper gi tract	0.91	2.68	N/A	0.15	3.74	N/A	XXX
74245	26	A	X-ray exam, upper gi tract	0.91	0.30	0.30	0.04	1.25	1.25	XXX
74245	TC	A	X-ray exam, upper gi tract	0.00	2.38	N/A	0.11	2.49	N/A	XXX
74246	.....	A	Contrst x-ray uppr gi tract	0.69	1.87	N/A	0.11	2.67	N/A	XXX
74246	26	A	Contrst x-ray uppr gi tract	0.69	0.23	0.23	0.03	0.95	0.95	XXX
74246	TC	A	Contrst x-ray uppr gi tract	0.00	1.64	N/A	0.08	1.72	N/A	XXX
74247	.....	A	Contrst x-ray uppr gi tract	0.69	1.91	N/A	0.12	2.72	N/A	XXX
74247	26	A	Contrst x-ray uppr gi tract	0.69	0.23	0.23	0.03	0.95	0.95	XXX
74247	TC	A	Contrst x-ray uppr gi tract	0.00	1.68	N/A	0.09	1.77	N/A	XXX
74249	.....	A	Contrst x-ray uppr gi tract	0.91	2.88	N/A	0.16	3.95	N/A	XXX
74249	26	A	Contrst x-ray uppr gi tract	0.91	0.30	0.30	0.04	1.25	1.25	XXX
74249	TC	A	Contrst x-ray uppr gi tract	0.00	2.57	N/A	0.12	2.69	N/A	XXX
74250	.....	A	X-ray exam of small bowel	0.47	1.46	N/A	0.08	2.01	N/A	XXX
74250	26	A	X-ray exam of small bowel	0.47	0.16	0.16	0.02	0.65	0.65	XXX
74250	TC	A	X-ray exam of small bowel	0.00	1.31	N/A	0.06	1.37	N/A	XXX
74251	.....	A	X-ray exam of small bowel	0.69	1.54	N/A	0.09	2.32	N/A	XXX
74251	26	A	X-ray exam of small bowel	0.69	0.23	0.23	0.03	0.95	0.95	XXX
74251	TC	A	X-ray exam of small bowel	0.00	1.31	N/A	0.06	1.37	N/A	XXX
74260	.....	A	X-ray exam of small bowel	0.50	1.66	N/A	0.09	2.25	N/A	XXX
74260	26	A	X-ray exam of small bowel	0.50	0.17	0.17	0.02	0.69	0.69	XXX
74260	TC	A	X-ray exam of small bowel	0.00	1.49	N/A	0.07	1.56	N/A	XXX
74270	.....	A	Contrast x-ray exam of colon.	0.69	1.93	N/A	0.12	2.74	N/A	XXX
74270	26	A	Contrast x-ray exam of colon.	0.69	0.23	0.23	0.03	0.95	0.95	XXX
74270	TC	A	Contrast x-ray exam of colon.	0.00	1.70	N/A	0.09	1.79	N/A	XXX
74280	.....	A	Contrast x-ray exam of colon.	0.99	2.57	N/A	0.15	3.71	N/A	XXX
74280	26	A	Contrast x-ray exam of colon.	0.99	0.33	0.33	0.04	1.36	1.36	XXX
74280	TC	A	Contrast x-ray exam of colon.	0.00	2.23	N/A	0.11	2.34	N/A	XXX
74283	.....	A	Contrast x-ray exam of colon.	2.02	3.24	N/A	0.21	5.47	N/A	XXX
74283	26	A	Contrast x-ray exam of colon.	2.02	0.68	0.68	0.09	2.79	2.79	XXX
74283	TC	A	Contrast x-ray exam of colon.	0.00	2.56	N/A	0.12	2.68	N/A	XXX
74290	.....	A	Contrast x-ray, gallbladder	0.32	0.84	N/A	0.05	1.21	N/A	XXX
74290	26	A	Contrast x-ray, gallbladder	0.32	0.11	0.11	0.01	0.44	0.44	XXX
74290	TC	A	Contrast x-ray, gallbladder	0.00	0.73	N/A	0.04	0.77	N/A	XXX
74291	.....	A	Contrast x-rays, gallbladder.	0.20	0.48	N/A	0.03	0.71	N/A	XXX
74291	26	A	Contrast x-rays, gallbladder.	0.20	0.07	0.07	0.01	0.28	0.28	XXX
74291	TC	A	Contrast x-rays, gallbladder.	0.00	0.42	N/A	0.02	0.44	N/A	XXX
74300	.....	C	X-ray bile ducts/pancreas	0.00	0.00	0.00	0.00	0.00	0.00	XXX
74300	26	A	X-ray bile ducts/pancreas	0.36	0.12	0.12	0.02	0.50	0.50	XXX
74300	TC	C	X-ray bile ducts/pancreas	0.00	0.00	0.00	0.00	0.00	0.00	XXX
74301	.....	C	X-rays at surgery add-on ..	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
74301	26	A	X-rays at surgery add-on ..	0.21	0.07	0.07	0.01	0.29	0.29	ZZZ
74301	TC	C	X-rays at surgery add-on ..	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
74305	.....	A	X-ray bile ducts/pancreas	0.42	0.92	N/A	0.06	1.40	N/A	XXX
74305	26	A	X-ray bile ducts/pancreas	0.42	0.14	0.14	0.02	0.58	0.58	XXX
74305	TC	A	X-ray bile ducts/pancreas	0.00	0.78	N/A	0.04	0.82	N/A	XXX
74320	.....	A	Contrast x-ray of bile ducts.	0.54	3.33	N/A	0.16	4.03	N/A	XXX
74320	26	A	Contrast x-ray of bile ducts.	0.54	0.18	0.18	0.02	0.74	0.74	XXX
74320	TC	A	Contrast x-ray of bile ducts.	0.00	3.15	N/A	0.14	3.29	N/A	XXX
74327	.....	A	X-ray bile stone removal ..	0.70	1.99	N/A	0.12	2.81	N/A	XXX
74327	26	A	X-ray bile stone removal ..	0.70	0.23	0.23	0.03	0.96	0.96	XXX
74327	TC	A	X-ray bile stone removal ..	0.00	1.76	N/A	0.09	1.85	N/A	XXX
74328	.....	A	X-ray bile duct endoscopy	0.70	3.39	N/A	0.17	4.26	N/A	XXX
74328	26	A	X-ray bile duct endoscopy	0.70	0.24	0.24	0.03	0.97	0.97	XXX
74328	TC	A	X-ray bile duct endoscopy	0.00	3.15	N/A	0.14	3.29	N/A	XXX
74329	.....	A	X-ray for pancreas endos-copy.	0.70	3.39	N/A	0.17	4.26	N/A	XXX
74329	26	A	X-ray for pancreas endos-copy.	0.70	0.23	0.23	0.03	0.96	0.96	XXX
74329	TC	A	X-ray for pancreas endos-copy.	0.00	3.15	N/A	0.14	3.29	N/A	XXX
74330	.....	A	X-ray bile/panc endoscopy	0.90	3.45	N/A	0.18	4.53	N/A	XXX
74330	26	A	X-ray bile/panc endoscopy	0.90	0.30	0.30	0.04	1.24	1.24	XXX
74330	TC	A	X-ray bile/panc endoscopy	0.00	3.15	N/A	0.14	3.29	N/A	XXX
74340	.....	A	X-ray guide for GI tube	0.54	2.80	N/A	0.14	3.48	N/A	XXX
74340	26	A	X-ray guide for GI tube	0.54	0.18	0.18	0.02	0.74	0.74	XXX
74340	TC	A	X-ray guide for GI tube	0.00	2.62	N/A	0.12	2.74	N/A	XXX
74350	.....	A	X-ray guide, stomach tube	0.76	3.41	N/A	0.17	4.34	N/A	XXX
74350	26	A	X-ray guide, stomach tube	0.76	0.25	0.25	0.03	1.04	1.04	XXX
74350	TC	A	X-ray guide, stomach tube	0.00	3.15	N/A	0.14	3.29	N/A	XXX
74355	.....	A	X-ray guide, intestinal tube	0.76	2.87	N/A	0.15	3.78	N/A	XXX
74355	26	A	X-ray guide, intestinal tube	0.76	0.25	0.25	0.03	1.04	1.04	XXX
74355	TC	A	X-ray guide, intestinal tube	0.00	2.62	N/A	0.12	2.74	N/A	XXX
74360	.....	A	X-ray guide, GI dilation	0.54	3.34	N/A	0.16	4.04	N/A	XXX
74360	26	A	X-ray guide, GI dilation	0.54	0.19	0.19	0.02	0.75	0.75	XXX
74360	TC	A	X-ray guide, GI dilation	0.00	3.15	N/A	0.14	3.29	N/A	XXX
74363	.....	A	X-ray, bile duct dilation	0.88	6.39	N/A	0.31	7.58	N/A	XXX
74363	26	A	X-ray, bile duct dilation	0.88	0.29	0.29	0.04	1.21	1.21	XXX
74363	TC	A	X-ray, bile duct dilation	0.00	6.10	N/A	0.27	6.37	N/A	XXX
74400	.....	A	Contrst x-ray, urinary tract	0.49	1.85	N/A	0.11	2.45	N/A	XXX
74400	26	A	Contrst x-ray, urinary tract	0.49	0.16	0.16	0.02	0.67	0.67	XXX
74400	TC	A	Contrst x-ray, urinary tract	0.00	1.68	N/A	0.09	1.77	N/A	XXX
74410	.....	A	Contrst x-ray, urinary tract	0.49	2.12	N/A	0.11	2.72	N/A	XXX
74410	26	A	Contrst x-ray, urinary tract	0.49	0.16	0.16	0.02	0.67	0.67	XXX
74410	TC	A	Contrst x-ray, urinary tract	0.00	1.95	N/A	0.09	2.04	N/A	XXX
74415	.....	A	Contrst x-ray, urinary tract	0.49	2.28	N/A	0.12	2.89	N/A	XXX
74415	26	A	Contrst x-ray, urinary tract	0.49	0.16	0.16	0.02	0.67	0.67	XXX
74415	TC	A	Contrst x-ray, urinary tract	0.00	2.12	N/A	0.10	2.22	N/A	XXX
74420	.....	A	Contrst x-ray, urinary tract	0.36	2.74	N/A	0.14	3.24	N/A	XXX
74420	26	A	Contrst x-ray, urinary tract	0.36	0.12	0.12	0.02	0.50	0.50	XXX
74420	TC	A	Contrst x-ray, urinary tract	0.00	2.62	N/A	0.12	2.74	N/A	XXX
74425	.....	A	Contrst x-ray, urinary tract	0.36	1.43	N/A	0.08	1.87	N/A	XXX
74425	26	A	Contrst x-ray, urinary tract	0.36	0.12	0.12	0.02	0.50	0.50	XXX
74425	TC	A	Contrst x-ray, urinary tract	0.00	1.31	N/A	0.06	1.37	N/A	XXX
74430	.....	A	Contrast x-ray, bladder	0.32	1.16	N/A	0.07	1.55	N/A	XXX
74430	26	A	Contrast x-ray, bladder	0.32	0.11	0.11	0.02	0.45	0.45	XXX
74430	TC	A	Contrast x-ray, bladder	0.00	1.05	N/A	0.05	1.10	N/A	XXX
74440	.....	A	X-ray, male genital tract ...	0.38	1.26	N/A	0.07	1.71	N/A	XXX
74440	26	A	X-ray, male genital tract ...	0.38	0.12	0.12	0.02	0.52	0.52	XXX
74440	TC	A	X-ray, male genital tract ...	0.00	1.13	N/A	0.05	1.18	N/A	XXX
74445	.....	A	X-ray exam of penis	1.14	1.51	N/A	0.10	2.75	N/A	XXX
74445	26	A	X-ray exam of penis	1.14	0.38	0.38	0.05	1.57	1.57	XXX
74445	TC	A	X-ray exam of penis	0.00	1.13	N/A	0.05	1.18	N/A	XXX
74450	.....	A	X-ray, urethra/bladder	0.33	1.57	N/A	0.09	1.99	N/A	XXX
74450	26	A	X-ray, urethra/bladder	0.33	0.11	0.11	0.02	0.46	0.46	XXX
74450	TC	A	X-ray, urethra/bladder	0.00	1.46	N/A	0.07	1.53	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
74455	.....	A	X-ray, urethra/bladder	0.33	1.69	N/A	0.10	2.12	N/A	XXX
74455	26	A	X-ray, urethra/bladder	0.33	0.11	0.11	0.02	0.46	0.46	XXX
74455	TC	A	X-ray, urethra/bladder	0.00	1.58	N/A	0.08	1.66	N/A	XXX
74470	.....	A	X-ray exam of kidney lesion.	0.54	1.43	N/A	0.08	2.05	N/A	XXX
74470	26	A	X-ray exam of kidney lesion.	0.54	0.18	0.18	0.02	0.74	0.74	XXX
74470	TC	A	X-ray exam of kidney lesion.	0.00	1.25	N/A	0.06	1.31	N/A	XXX
74475	.....	A	X-ray control, cath insert ..	0.54	4.25	N/A	0.20	4.99	N/A	XXX
74475	26	A	X-ray control, cath insert ..	0.54	0.18	0.18	0.02	0.74	0.74	XXX
74475	TC	A	X-ray control, cath insert ..	0.00	4.07	N/A	0.18	4.25	N/A	XXX
74480	.....	A	X-ray control, cath insert ..	0.54	4.25	N/A	0.20	4.99	N/A	XXX
74480	26	A	X-ray control, cath insert ..	0.54	0.18	0.18	0.02	0.74	0.74	XXX
74480	TC	A	X-ray control, cath insert ..	0.00	4.07	N/A	0.18	4.25	N/A	XXX
74485	.....	A	X-ray guide, GU dilation ...	0.54	3.33	N/A	0.17	4.04	N/A	XXX
74485	26	A	X-ray guide, GU dilation ...	0.54	0.18	0.18	0.03	0.75	0.75	XXX
74485	TC	A	X-ray guide, GU dilation ...	0.00	3.15	N/A	0.14	3.29	N/A	XXX
74710	.....	A	X-ray measurement of pelvis.	0.34	1.17	N/A	0.07	1.58	N/A	XXX
74710	26	A	X-ray measurement of pelvis.	0.34	0.11	0.11	0.02	0.47	0.47	XXX
74710	TC	A	X-ray measurement of pelvis.	0.00	1.05	N/A	0.05	1.10	N/A	XXX
74740	.....	A	X-ray, female genital tract	0.38	1.43	N/A	0.08	1.89	N/A	XXX
74740	26	A	X-ray, female genital tract	0.38	0.13	0.13	0.02	0.53	0.53	XXX
74740	TC	A	X-ray, female genital tract	0.00	1.31	N/A	0.06	1.37	N/A	XXX
74742	.....	A	X-ray, fallopian tube	0.61	3.36	N/A	0.16	4.13	N/A	XXX
74742	26	A	X-ray, fallopian tube	0.61	0.21	0.21	0.02	0.84	0.84	XXX
74742	TC	A	X-ray, fallopian tube	0.00	3.15	N/A	0.14	3.29	N/A	XXX
74775	.....	A	X-ray exam of perineum ...	0.62	1.67	N/A	0.10	2.39	N/A	XXX
74775	26	A	X-ray exam of perineum ...	0.62	0.21	0.21	0.03	0.86	0.86	XXX
74775	TC	A	X-ray exam of perineum ...	0.00	1.46	N/A	0.07	1.53	N/A	XXX
75552	.....	A	Heart mri for morph w/o dye.	1.60	11.75	N/A	0.56	13.91	N/A	XXX
75552	26	A	Heart mri for morph w/o dye.	1.60	0.54	0.54	0.07	2.21	2.21	XXX
75552	TC	A	Heart mri for morph w/o dye.	0.00	11.21	N/A	0.49	11.70	N/A	XXX
75553	.....	A	Heart mri for morph w/dye	2.00	11.88	N/A	0.58	14.46	N/A	XXX
75553	26	A	Heart mri for morph w/dye	2.00	0.67	0.67	0.09	2.76	2.76	XXX
75553	TC	A	Heart mri for morph w/dye	0.00	11.21	N/A	0.49	11.70	N/A	XXX
75554	.....	A	Cardiac MRI/function	1.83	11.87	N/A	0.56	14.26	N/A	XXX
75554	26	A	Cardiac MRI/function	1.83	0.66	0.66	0.07	2.56	2.56	XXX
75554	TC	A	Cardiac MRI/function	0.00	11.21	N/A	0.49	11.70	N/A	XXX
75555	.....	A	Cardiac MRI/limited study	1.74	11.86	N/A	0.56	14.16	N/A	XXX
75555	26	A	Cardiac MRI/limited study	1.74	0.65	0.65	0.07	2.46	2.46	XXX
75555	TC	A	Cardiac MRI/limited study	0.00	11.21	N/A	0.49	11.70	N/A	XXX
75600	.....	A	Contrast x-ray exam of aorta.	0.49	12.79	N/A	0.56	13.84	N/A	XXX
75600	26	A	Contrast x-ray exam of aorta.	0.49	0.19	0.19	0.02	0.70	0.70	XXX
75600	TC	A	Contrast x-ray exam of aorta.	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75605	.....	A	Contrast x-ray exam of aorta.	1.14	13.01	N/A	0.59	14.74	N/A	XXX
75605	26	A	Contrast x-ray exam of aorta.	1.14	0.41	0.41	0.05	1.60	1.60	XXX
75605	TC	A	Contrast x-ray exam of aorta.	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75625	.....	A	Contrast x-ray exam of aorta.	1.14	12.99	N/A	0.59	14.72	N/A	XXX
75625	26	A	Contrast x-ray exam of aorta.	1.14	0.39	0.39	0.05	1.58	1.58	XXX
75625	TC	A	Contrast x-ray exam of aorta.	0.00	12.60	N/A	0.54	13.14	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
75630		A	X-ray aorta, leg arteries	1.79	13.76	N/A	0.65	16.20	N/A	XXX
75630	26	A	X-ray aorta, leg arteries	1.79	0.63	0.63	0.08	2.50	2.50	XXX
75630	TC	A	X-ray aorta, leg arteries	0.00	13.13	N/A	0.57	13.70	N/A	XXX
75635		A	Ct angio abdominal arteries.	2.40	16.73	N/A	0.41	19.54	N/A	XXX
75635	26	A	Ct angio abdominal arteries.	2.40	0.81	0.81	0.09	3.30	3.30	XXX
75635	TC	A	Ct angio abdominal arteries.	0.00	15.92	N/A	0.32	16.24	N/A	XXX
75650		A	Artery x-rays, head & neck	1.49	13.10	N/A	0.61	15.20	N/A	XXX
75650	26	A	Artery x-rays, head & neck	1.49	0.50	0.50	0.07	2.06	2.06	XXX
75650	TC	A	Artery x-rays, head & neck	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75658		A	Artery x-rays, arm	1.31	13.08	N/A	0.60	14.99	N/A	XXX
75658	26	A	Artery x-rays, arm	1.31	0.48	0.48	0.06	1.85	1.85	XXX
75658	TC	A	Artery x-rays, arm	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75660		A	Artery x-rays, head & neck	1.31	13.05	N/A	0.60	14.96	N/A	XXX
75660	26	A	Artery x-rays, head & neck	1.31	0.45	0.45	0.06	1.82	1.82	XXX
75660	TC	A	Artery x-rays, head & neck	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75662		A	Artery x-rays, head & neck	1.66	13.21	N/A	0.62	15.49	N/A	XXX
75662	26	A	Artery x-rays, head & neck	1.66	0.61	0.61	0.08	2.35	2.35	XXX
75662	TC	A	Artery x-rays, head & neck	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75665		A	Artery x-rays, head & neck	1.31	13.05	N/A	0.61	14.97	N/A	XXX
75665	26	A	Artery x-rays, head & neck	1.31	0.45	0.45	0.07	1.83	1.83	XXX
75665	TC	A	Artery x-rays, head & neck	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75671		A	Artery x-rays, head & neck	1.66	13.16	N/A	0.62	15.44	N/A	XXX
75671	26	A	Artery x-rays, head & neck	1.66	0.56	0.56	0.08	2.30	2.30	XXX
75671	TC	A	Artery x-rays, head & neck	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75676		A	Artery x-rays, neck	1.31	13.05	N/A	0.61	14.97	N/A	XXX
75676	26	A	Artery x-rays, neck	1.31	0.45	0.45	0.07	1.83	1.83	XXX
75676	TC	A	Artery x-rays, neck	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75680		A	Artery x-rays, neck	1.66	13.16	N/A	0.62	15.44	N/A	XXX
75680	26	A	Artery x-rays, neck	1.66	0.56	0.56	0.08	2.30	2.30	XXX
75680	TC	A	Artery x-rays, neck	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75685		A	Artery x-rays, spine	1.31	13.05	N/A	0.60	14.96	N/A	XXX
75685	26	A	Artery x-rays, spine	1.31	0.44	0.44	0.06	1.81	1.81	XXX
75685	TC	A	Artery x-rays, spine	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75705		A	Artery x-rays, spine	2.18	13.35	N/A	0.65	16.18	N/A	XXX
75705	26	A	Artery x-rays, spine	2.18	0.75	0.75	0.11	3.04	3.04	XXX
75705	TC	A	Artery x-rays, spine	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75710		A	Artery x-rays, arm/leg	1.14	13.00	N/A	0.60	14.74	N/A	XXX
75710	26	A	Artery x-rays, arm/leg	1.14	0.39	0.39	0.06	1.59	1.59	XXX
75710	TC	A	Artery x-rays, arm/leg	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75716		A	Artery x-rays, arms/legs	1.31	13.04	N/A	0.60	14.95	N/A	XXX
75716	26	A	Artery x-rays, arms/legs	1.31	0.44	0.44	0.06	1.81	1.81	XXX
75716	TC	A	Artery x-rays, arms/legs	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75722		A	Artery x-rays, kidney	1.14	13.01	N/A	0.59	14.74	N/A	XXX
75722	26	A	Artery x-rays, kidney	1.14	0.41	0.41	0.05	1.60	1.60	XXX
75722	TC	A	Artery x-rays, kidney	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75724		A	Artery x-rays, kidneys	1.49	13.17	N/A	0.59	15.25	N/A	XXX
75724	26	A	Artery x-rays, kidneys	1.49	0.57	0.57	0.05	2.11	2.11	XXX
75724	TC	A	Artery x-rays, kidneys	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75726		A	Artery x-rays, abdomen	1.14	12.98	N/A	0.59	14.71	N/A	XXX
75726	26	A	Artery x-rays, abdomen	1.14	0.38	0.38	0.05	1.57	1.57	XXX
75726	TC	A	Artery x-rays, abdomen	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75731		A	Artery x-rays, adrenal gland.	1.14	12.98	N/A	0.59	14.71	N/A	XXX
75731	26	A	Artery x-rays, adrenal gland.	1.14	0.38	0.38	0.05	1.57	1.57	XXX
75731	TC	A	Artery x-rays, adrenal gland.	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75733		A	Artery x-rays, adrenals	1.31	13.05	N/A	0.60	14.96	N/A	XXX
75733	26	A	Artery x-rays, adrenals	1.31	0.45	0.45	0.06	1.82	1.82	XXX
75733	TC	A	Artery x-rays, adrenals	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75736		A	Artery x-rays, pelvis	1.14	12.99	N/A	0.59	14.72	N/A	XXX
75736	26	A	Artery x-rays, pelvis	1.14	0.38	0.38	0.05	1.57	1.57	XXX
75736	TC	A	Artery x-rays, pelvis	0.00	12.60	N/A	0.54	13.14	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
75741		A	Artery x-rays, lung	1.31	13.04	N/A	0.60	14.95	N/A	XXX
75741	26	A	Artery x-rays, lung	1.31	0.44	0.44	0.06	1.81	1.81	XXX
75741	TC	A	Artery x-rays, lung	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75743		A	Artery x-rays, lungs	1.66	13.16	N/A	0.61	15.43	N/A	XXX
75743	26	A	Artery x-rays, lungs	1.66	0.56	0.56	0.07	2.29	2.29	XXX
75743	TC	A	Artery x-rays, lungs	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75746		A	Artery x-rays, lung	1.14	12.99	N/A	0.59	14.72	N/A	XXX
75746	26	A	Artery x-rays, lung	1.14	0.39	0.39	0.05	1.58	1.58	XXX
75746	TC	A	Artery x-rays, lung	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75756		A	Artery x-rays, chest	1.14	13.06	N/A	0.58	14.78	N/A	XXX
75756	26	A	Artery x-rays, chest	1.14	0.46	0.46	0.04	1.64	1.64	XXX
75756	TC	A	Artery x-rays, chest	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75774		A	Artery x-ray, each vessel	0.36	12.73	N/A	0.56	13.65	N/A	ZZZ
75774	26	A	Artery x-ray, each vessel	0.36	0.13	0.13	0.02	0.51	0.51	ZZZ
75774	TC	A	Artery x-ray, each vessel	0.00	12.60	N/A	0.54	13.14	N/A	ZZZ
75790		A	Visualize A-V shunt	1.84	1.97	N/A	0.16	3.97	N/A	XXX
75790	26	A	Visualize A-V shunt	1.84	0.62	0.62	0.09	2.55	2.55	XXX
75790	TC	A	Visualize A-V shunt	0.00	1.35	N/A	0.07	1.42	N/A	XXX
75801		A	Lymph vessel x-ray, arm/ leg.	0.81	5.69	N/A	0.29	6.79	N/A	XXX
75801	26	A	Lymph vessel x-ray, arm/ leg.	0.81	0.27	0.27	0.05	1.13	1.13	XXX
75801	TC	A	Lymph vessel x-ray, arm/ leg.	0.00	5.42	N/A	0.24	5.66	N/A	XXX
75803		A	Lymph vessel x-ray,arms/ legs.	1.17	5.81	N/A	0.29	7.27	N/A	XXX
75803	26	A	Lymph vessel x-ray,arms/ legs.	1.17	0.39	0.39	0.05	1.61	1.61	XXX
75803	TC	A	Lymph vessel x-ray,arms/ legs.	0.00	5.42	N/A	0.24	5.66	N/A	XXX
75805		A	Lymph vessel x-ray, trunk	0.81	6.38	N/A	0.31	7.50	N/A	XXX
75805	26	A	Lymph vessel x-ray, trunk	0.81	0.27	0.27	0.04	1.12	1.12	XXX
75805	TC	A	Lymph vessel x-ray, trunk	0.00	6.10	N/A	0.27	6.37	N/A	XXX
75807		A	Lymph vessel x-ray, trunk	1.17	6.49	N/A	0.32	7.98	N/A	XXX
75807	26	A	Lymph vessel x-ray, trunk	1.17	0.39	0.39	0.05	1.61	1.61	XXX
75807	TC	A	Lymph vessel x-ray, trunk	0.00	6.10	N/A	0.27	6.37	N/A	XXX
75809		A	Nonvascular shunt, x-ray	0.47	0.94	N/A	0.06	1.47	N/A	XXX
75809	26	A	Nonvascular shunt, x-ray	0.47	0.16	0.16	0.02	0.65	0.65	XXX
75809	TC	A	Nonvascular shunt, x-ray	0.00	0.78	N/A	0.04	0.82	N/A	XXX
75810		A	Vein x-ray, spleen/liver	1.14	12.98	N/A	0.60	14.72	N/A	XXX
75810	26	A	Vein x-ray, spleen/liver	1.14	0.38	0.38	0.06	1.58	1.58	XXX
75810	TC	A	Vein x-ray, spleen/liver	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75820		A	Vein x-ray, arm/leg	0.70	1.18	N/A	0.08	1.96	N/A	XXX
75820	26	A	Vein x-ray, arm/leg	0.70	0.23	0.23	0.03	0.96	0.96	XXX
75820	TC	A	Vein x-ray, arm/leg	0.00	0.95	N/A	0.05	1.00	N/A	XXX
75822		A	Vein x-ray, arms/legs	1.06	1.83	N/A	0.12	3.01	N/A	XXX
75822	26	A	Vein x-ray, arms/legs	1.06	0.35	0.35	0.05	1.46	1.46	XXX
75822	TC	A	Vein x-ray, arms/legs	0.00	1.48	N/A	0.07	1.55	N/A	XXX
75825		A	Vein x-ray, trunk	1.14	12.98	N/A	0.60	14.72	N/A	XXX
75825	26	A	Vein x-ray, trunk	1.14	0.38	0.38	0.06	1.58	1.58	XXX
75825	TC	A	Vein x-ray, trunk	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75827		A	Vein x-ray, chest	1.14	12.98	N/A	0.59	14.71	N/A	XXX
75827	26	A	Vein x-ray, chest	1.14	0.38	0.38	0.05	1.57	1.57	XXX
75827	TC	A	Vein x-ray, chest	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75831		A	Vein x-ray, kidney	1.14	12.98	N/A	0.59	14.71	N/A	XXX
75831	26	A	Vein x-ray, kidney	1.14	0.38	0.38	0.05	1.57	1.57	XXX
75831	TC	A	Vein x-ray, kidney	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75833		A	Vein x-ray, kidneys	1.49	13.10	N/A	0.61	15.20	N/A	XXX
75833	26	A	Vein x-ray, kidneys	1.49	0.50	0.50	0.07	2.06	2.06	XXX
75833	TC	A	Vein x-ray, kidneys	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75840		A	Vein x-ray, adrenal gland	1.14	12.99	N/A	0.61	14.74	N/A	XXX
75840	26	A	Vein x-ray, adrenal gland	1.14	0.39	0.39	0.07	1.60	1.60	XXX
75840	TC	A	Vein x-ray, adrenal gland	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75842		A	Vein x-ray, adrenal glands	1.49	13.10	N/A	0.61	15.20	N/A	XXX
75842	26	A	Vein x-ray, adrenal glands	1.49	0.50	0.50	0.07	2.06	2.06	XXX
75842	TC	A	Vein x-ray, adrenal glands	0.00	12.60	N/A	0.54	13.14	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
75860	.....	A	Vein x-ray, neck	1.14	13.00	N/A	0.60	14.74	N/A	XXX
75860	26	A	Vein x-ray, neck	1.14	0.40	0.40	0.06	1.60	1.60	XXX
75860	TC	A	Vein x-ray, neck	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75870	.....	A	Vein x-ray, skull	1.14	13.00	N/A	0.60	14.74	N/A	XXX
75870	26	A	Vein x-ray, skull	1.14	0.40	0.40	0.06	1.60	1.60	XXX
75870	TC	A	Vein x-ray, skull	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75872	.....	A	Vein x-ray, skull	1.14	12.98	N/A	0.59	14.71	N/A	XXX
75872	26	A	Vein x-ray, skull	1.14	0.38	0.38	0.05	1.57	1.57	XXX
75872	TC	A	Vein x-ray, skull	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75880	.....	A	Vein x-ray, eye socket	0.70	1.18	N/A	0.08	1.96	N/A	XXX
75880	26	A	Vein x-ray, eye socket	0.70	0.24	0.24	0.03	0.97	0.97	XXX
75880	TC	A	Vein x-ray, eye socket	0.00	0.95	N/A	0.05	1.00	N/A	XXX
75885	.....	A	Vein x-ray, liver	1.44	13.08	N/A	0.60	15.12	N/A	XXX
75885	26	A	Vein x-ray, liver	1.44	0.48	0.48	0.06	1.98	1.98	XXX
75885	TC	A	Vein x-ray, liver	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75887	.....	A	Vein x-ray, liver	1.44	13.08	N/A	0.60	15.12	N/A	XXX
75887	26	A	Vein x-ray, liver	1.44	0.48	0.48	0.06	1.98	1.98	XXX
75887	TC	A	Vein x-ray, liver	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75889	.....	A	Vein x-ray, liver	1.14	12.98	N/A	0.59	14.71	N/A	XXX
75889	26	A	Vein x-ray, liver	1.14	0.38	0.38	0.05	1.57	1.57	XXX
75889	TC	A	Vein x-ray, liver	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75891	.....	A	Vein x-ray, liver	1.14	12.98	N/A	0.59	14.71	N/A	XXX
75891	26	A	Vein x-ray, liver	1.14	0.38	0.38	0.05	1.57	1.57	XXX
75891	TC	A	Vein x-ray, liver	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75893	.....	A	Venous sampling by cath-eter.	0.54	12.78	N/A	0.56	13.88	N/A	XXX
75893	26	A	Venous sampling by cath-eter.	0.54	0.18	0.18	0.02	0.74	0.74	XXX
75893	TC	A	Venous sampling by cath-eter.	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75894	.....	A	X-rays, transcath therapy	1.31	24.58	N/A	1.12	27.01	N/A	XXX
75894	26	A	X-rays, transcath therapy	1.31	0.44	0.44	0.07	1.82	1.82	XXX
75894	TC	A	X-rays, transcath therapy	0.00	24.14	N/A	1.05	25.19	N/A	XXX
75896	.....	A	X-rays, transcath therapy	1.31	21.45	N/A	0.97	23.73	N/A	XXX
75896	26	A	X-rays, transcath therapy	1.31	0.46	0.46	0.06	1.83	1.83	XXX
75896	TC	A	X-rays, transcath therapy	0.00	20.99	N/A	0.91	21.90	N/A	XXX
75898	.....	A	Follow-up angiography	1.65	1.62	N/A	0.12	3.39	N/A	XXX
75898	26	A	Follow-up angiography	1.65	0.56	0.56	0.07	2.28	2.28	XXX
75898	TC	A	Follow-up angiography	0.00	1.05	N/A	0.05	1.10	N/A	XXX
75900	.....	A	Arterial catheter exchange	0.49	21.14	N/A	0.94	22.57	N/A	XXX
75900	26	A	Arterial catheter exchange	0.49	0.16	0.16	0.02	0.67	0.67	XXX
75900	TC	A	Arterial catheter exchange	0.00	20.98	N/A	0.92	21.90	N/A	XXX
75901	.....	A	Remove cva device ob-struct.	0.49	1.47	N/A	0.71	2.67	N/A	XXX
75901	26	A	Remove cva device ob-struct.	0.49	0.16	0.16	0.02	0.67	0.67	XXX
75901	TC	A	Remove cva device ob-struct.	0.00	1.31	N/A	0.69	2.00	N/A	XXX
75902	.....	A	Remove cva lumen ob-struct.	0.39	1.44	N/A	0.71	2.54	N/A	XXX
75902	26	A	Remove cva lumen ob-struct.	0.39	0.13	0.13	0.02	0.54	0.54	XXX
75902	TC	A	Remove cva lumen ob-struct.	0.00	1.31	N/A	0.69	2.00	N/A	XXX
75940	.....	A	X-ray placement, vein filter	0.54	12.78	N/A	0.57	13.89	N/A	XXX
75940	26	A	X-ray placement, vein filter	0.54	0.18	0.18	0.03	0.75	0.75	XXX
75940	TC	A	X-ray placement, vein filter	0.00	12.60	N/A	0.54	13.14	N/A	XXX
75945	.....	A	Intravascular us	0.40	4.71	N/A	0.23	5.34	N/A	XXX
75945	26	A	Intravascular us	0.40	0.14	0.14	0.03	0.57	0.57	XXX
75945	TC	A	Intravascular us	0.00	4.56	N/A	0.20	4.76	N/A	XXX
75946	.....	A	Intravascular us add-on	0.40	2.43	N/A	0.14	2.97	N/A	ZZZ
75946	26	A	Intravascular us add-on	0.40	0.14	0.14	0.03	0.57	0.57	ZZZ
75946	TC	A	Intravascular us add-on	0.00	2.29	N/A	0.11	2.40	N/A	ZZZ
75952	.....	C	Endovasc repair abdom aorta.	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
75952	26	A	Endovasc repair abdom aorta.	4.50	1.52	1.52	0.68	6.70	6.70	XXX
75952	TC	C	Endovasc repair abdom aorta.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
75953	.....	C	Abdom aneurysm endovas rpr.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
75953	26	A	Abdom aneurysm endovas rpr.	1.36	0.46	0.46	0.68	2.50	2.50	XXX
75953	TC	C	Abdom aneurysm endovas rpr.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
75954	.....	C	Iliac aneurysm endovas rpr.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
75954	26	A	Iliac aneurysm endovas rpr.	1.36	0.48	0.48	0.68	2.52	2.52	XXX
75954	TC	C	Iliac aneurysm endovas rpr.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
75960	.....	A	Transcatheter intro, stent	0.82	15.19	N/A	0.68	16.69	N/A	XXX
75960	26	A	Transcatheter intro, stent	0.82	0.29	0.29	0.04	1.15	1.15	XXX
75960	TC	A	Transcatheter intro, stent	0.00	14.90	N/A	0.64	15.54	N/A	XXX
75961	.....	A	Retrieval, broken catheter	4.25	11.93	N/A	0.64	16.82	N/A	XXX
75961	26	A	Retrieval, broken catheter	4.25	1.43	1.43	0.18	5.86	5.86	XXX
75961	TC	A	Retrieval, broken catheter	0.00	10.50	N/A	0.46	10.96	N/A	XXX
75962	.....	A	Repair arterial blockage ...	0.54	15.93	N/A	0.72	17.19	N/A	XXX
75962	26	A	Repair arterial blockage ...	0.54	0.19	0.19	0.03	0.76	0.76	XXX
75962	TC	A	Repair arterial blockage ...	0.00	15.74	N/A	0.69	16.43	N/A	XXX
75964	.....	A	Repair artery blockage, each.	0.36	8.52	N/A	0.38	9.26	N/A	ZZZ
75964	26	A	Repair artery blockage, each.	0.36	0.12	0.12	0.02	0.50	0.50	ZZZ
75964	TC	A	Repair artery blockage, each.	0.00	8.39	N/A	0.36	8.75	N/A	ZZZ
75966	.....	A	Repair arterial blockage ...	1.31	16.22	N/A	0.75	18.28	N/A	XXX
75966	26	A	Repair arterial blockage ...	1.31	0.47	0.47	0.06	1.84	1.84	XXX
75966	TC	A	Repair arterial blockage ...	0.00	15.74	N/A	0.69	16.43	N/A	XXX
75968	.....	A	Repair artery blockage, each.	0.36	8.53	N/A	0.37	9.26	N/A	ZZZ
75968	26	A	Repair artery blockage, each.	0.36	0.13	0.13	0.01	0.50	0.50	ZZZ
75968	TC	A	Repair artery blockage, each.	0.00	8.39	N/A	0.36	8.75	N/A	ZZZ
75970	.....	A	Vascular biopsy	0.83	11.83	N/A	0.54	13.20	N/A	XXX
75970	26	A	Vascular biopsy	0.83	0.29	0.29	0.04	1.16	1.16	XXX
75970	TC	A	Vascular biopsy	0.00	11.55	N/A	0.50	12.05	N/A	XXX
75978	.....	A	Repair venous blockage ...	0.54	15.92	N/A	0.71	17.17	N/A	XXX
75978	26	A	Repair venous blockage ...	0.54	0.18	0.18	0.02	0.74	0.74	XXX
75978	TC	A	Repair venous blockage ...	0.00	15.74	N/A	0.69	16.43	N/A	XXX
75980	.....	A	Contrast xray exam bile duct.	1.44	5.89	N/A	0.30	7.63	N/A	XXX
75980	26	A	Contrast xray exam bile duct.	1.44	0.48	0.48	0.06	1.98	1.98	XXX
75980	TC	A	Contrast xray exam bile duct.	0.00	5.42	N/A	0.24	5.66	N/A	XXX
75982	.....	A	Contrast xray exam bile duct.	1.44	6.58	N/A	0.33	8.35	N/A	XXX
75982	26	A	Contrast xray exam bile duct.	1.44	0.48	0.48	0.06	1.98	1.98	XXX
75982	TC	A	Contrast xray exam bile duct.	0.00	6.10	N/A	0.27	6.37	N/A	XXX
75984	.....	A	Xray control catheter change.	0.72	2.19	N/A	0.12	3.03	N/A	XXX
75984	26	A	Xray control catheter change.	0.72	0.24	0.24	0.03	0.99	0.99	XXX
75984	TC	A	Xray control catheter change.	0.00	1.95	N/A	0.09	2.04	N/A	XXX
75989	.....	A	Abscess drainage under x-ray.	1.19	3.55	N/A	0.19	4.93	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
75989	26	A	Abscess drainage under x-ray.	1.19	0.40	0.40	0.05	1.64	1.64	XXX
75989	TC	A	Abscess drainage under x-ray.	0.00	3.15	N/A	0.14	3.29	N/A	XXX
75992		A	Atherectomy, x-ray exam	0.54	15.94	N/A	0.71	17.19	N/A	XXX
75992	26	A	Atherectomy, x-ray exam	0.54	0.19	0.19	0.02	0.75	0.75	XXX
75992	TC	A	Atherectomy, x-ray exam	0.00	15.74	N/A	0.69	16.43	N/A	XXX
75993		A	Atherectomy, x-ray exam	0.36	8.53	N/A	0.37	9.26	N/A	ZZZ
75993	26	A	Atherectomy, x-ray exam	0.36	0.14	0.14	0.01	0.51	0.51	ZZZ
75993	TC	A	Atherectomy, x-ray exam	0.00	8.39	N/A	0.36	8.75	N/A	ZZZ
75994		A	Atherectomy, x-ray exam	1.31	16.22	N/A	0.75	18.28	N/A	XXX
75994	26	A	Atherectomy, x-ray exam	1.31	0.47	0.47	0.06	1.84	1.84	XXX
75994	TC	A	Atherectomy, x-ray exam	0.00	15.74	N/A	0.69	16.43	N/A	XXX
75995		A	Atherectomy, x-ray exam	1.31	16.23	N/A	0.75	18.29	N/A	XXX
75995	26	A	Atherectomy, x-ray exam	1.31	0.48	0.48	0.06	1.85	1.85	XXX
75995	TC	A	Atherectomy, x-ray exam	0.00	15.74	N/A	0.69	16.43	N/A	XXX
75996		A	Atherectomy, x-ray exam	0.36	8.52	N/A	0.37	9.25	N/A	ZZZ
75996	26	A	Atherectomy, x-ray exam	0.36	0.12	0.12	0.01	0.49	0.49	ZZZ
75996	TC	A	Atherectomy, x-ray exam	0.00	8.39	N/A	0.36	8.75	N/A	ZZZ
76000		A	Fluoroscope examination	0.17	1.36	N/A	0.07	1.60	N/A	XXX
76000	26	A	Fluoroscope examination	0.17	0.05	0.05	0.01	0.23	0.23	XXX
76000	TC	A	Fluoroscope examination	0.00	1.31	N/A	0.06	1.37	N/A	XXX
76001		A	Fluoroscope exam, extensive.	0.67	2.85	N/A	0.15	3.67	N/A	XXX
76001	26	A	Fluoroscope exam, extensive.	0.67	0.23	0.23	0.03	0.93	0.93	XXX
76001	TC	A	Fluoroscope exam, extensive.	0.00	2.62	N/A	0.12	2.74	N/A	XXX
76003		A	Needle localization by x-ray.	0.54	1.48	N/A	0.09	2.11	N/A	XXX
76003	26	A	Needle localization by x-ray.	0.54	0.17	0.17	0.03	0.74	0.74	XXX
76003	TC	A	Needle localization by x-ray.	0.00	1.31	N/A	0.06	1.37	N/A	XXX
76005		A	Fluoroguide for spine inject.	0.60	1.46	N/A	0.09	2.15	N/A	XXX
76005	26	A	Fluoroguide for spine inject.	0.60	0.16	0.16	0.03	0.79	0.79	XXX
76005	TC	A	Fluoroguide for spine inject.	0.00	1.31	N/A	0.06	1.37	N/A	XXX
76006		A	X-ray stress view	0.41	0.19	0.19	0.04	0.64	0.64	XXX
76010		A	X-ray, nose to rectum	0.18	0.58	N/A	0.03	0.79	N/A	XXX
76010	26	A	X-ray, nose to rectum	0.18	0.06	0.06	0.01	0.25	0.25	XXX
76010	TC	A	X-ray, nose to rectum	0.00	0.52	N/A	0.02	0.54	N/A	XXX
76012		C	Percut vertebroplasty fluor	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76012	26	A	Percut vertebroplasty fluor	1.31	0.48	0.48	0.23	2.02	2.02	XXX
76012	TC	C	Percut vertebroplasty fluor	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76013		C	Percut vertebroplasty, ct	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76013	26	A	Percut vertebroplasty, ct	1.38	0.49	0.49	0.48	2.35	2.35	XXX
76013	TC	C	Percut vertebroplasty, ct	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76020		A	X-rays for bone age	0.19	0.59	N/A	0.03	0.81	N/A	XXX
76020	26	A	X-rays for bone age	0.19	0.06	0.06	0.01	0.26	0.26	XXX
76020	TC	A	X-rays for bone age	0.00	0.52	N/A	0.02	0.54	N/A	XXX
76040		A	X-rays, bone evaluation	0.27	0.88	N/A	0.07	1.22	N/A	XXX
76040	26	A	X-rays, bone evaluation	0.27	0.09	0.09	0.03	0.39	0.39	XXX
76040	TC	A	X-rays, bone evaluation	0.00	0.78	N/A	0.04	0.82	N/A	XXX
76061		A	X-rays, bone survey	0.45	1.15	N/A	0.07	1.67	N/A	XXX
76061	26	A	X-rays, bone survey	0.45	0.15	0.15	0.02	0.62	0.62	XXX
76061	TC	A	X-rays, bone survey	0.00	1.00	N/A	0.05	1.05	N/A	XXX
76062		A	X-rays, bone survey	0.54	1.62	N/A	0.09	2.25	N/A	XXX
76062	26	A	X-rays, bone survey	0.54	0.18	0.18	0.02	0.74	0.74	XXX
76062	TC	A	X-rays, bone survey	0.00	1.44	N/A	0.07	1.51	N/A	XXX
76065		A	X-rays, bone evaluation	0.70	0.97	N/A	0.05	1.72	N/A	XXX
76065	26	A	X-rays, bone evaluation	0.70	0.24	0.24	0.01	0.95	0.95	XXX
76065	TC	A	X-rays, bone evaluation	0.00	0.73	N/A	0.04	0.77	N/A	XXX
76066		A	Joint survey, single view	0.31	1.22	N/A	0.07	1.60	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
76066	26	A	Joint survey, single view ..	0.31	0.11	0.11	0.02	0.44	0.44	XXX
76066	TC	A	Joint survey, single view ..	0.00	1.11	N/A	0.05	1.16	N/A	XXX
76070	.....	A	Ct bone density, axial	0.25	3.03	N/A	0.14	3.42	N/A	XXX
76070	26	A	Ct bone density, axial	0.25	0.08	0.08	0.01	0.34	0.34	XXX
76070	TC	A	Ct bone density, axial	0.00	2.95	N/A	0.13	3.08	N/A	XXX
76071	.....	A	Ct bone density, periph-eral.	0.22	3.02	N/A	0.05	3.29	N/A	XXX
76071	26	A	Ct bone density, periph-eral.	0.22	0.07	0.07	0.01	0.30	0.30	XXX
76071	TC	A	Ct bone density, periph-eral.	0.00	2.95	N/A	0.04	2.99	N/A	XXX
76075	.....	A	Dexa, axial skeleton study	0.30	3.20	N/A	0.15	3.65	N/A	XXX
76075	26	A	Dexa, axial skeleton study	0.30	0.10	0.10	0.01	0.41	0.41	XXX
76075	TC	A	Dexa, axial skeleton study	0.00	3.09	N/A	0.14	3.23	N/A	XXX
76076	.....	A	Dexa, peripheral study	0.22	0.83	N/A	0.05	1.10	N/A	XXX
76076	26	A	Dexa, peripheral study	0.22	0.08	0.08	0.01	0.31	0.31	XXX
76076	TC	A	Dexa, peripheral study	0.00	0.75	N/A	0.04	0.79	N/A	XXX
76078	.....	A	Radiographic absorptiometry.	0.20	0.83	N/A	0.05	1.08	N/A	XXX
76078	26	A	Radiographic absorptiometry.	0.20	0.07	0.07	0.01	0.28	0.28	XXX
76078	TC	A	Radiographic absorptiometry.	0.00	0.75	N/A	0.04	0.79	N/A	XXX
76080	.....	A	X-ray exam of fistula	0.54	1.23	N/A	0.07	1.84	N/A	XXX
76080	26	A	X-ray exam of fistula	0.54	0.18	0.18	0.02	0.74	0.74	XXX
76080	TC	A	X-ray exam of fistula	0.00	1.05	N/A	0.05	1.10	N/A	XXX
76085	.....	A	Computer mammogram add-on.	0.06	0.44	N/A	0.02	0.52	N/A	ZZZ
76085	26	A	Computer mammogram add-on.	0.06	0.02	0.02	0.01	0.09	0.09	ZZZ
76085	TC	A	Computer mammogram add-on.	0.00	0.42	N/A	0.01	0.43	N/A	ZZZ
76086	.....	A	X-ray of mammary duct	0.36	2.74	N/A	0.14	3.24	N/A	XXX
76086	26	A	X-ray of mammary duct	0.36	0.12	0.12	0.02	0.50	0.50	XXX
76086	TC	A	X-ray of mammary duct	0.00	2.62	N/A	0.12	2.74	N/A	XXX
76088	.....	A	X-ray of mammary ducts ..	0.45	3.82	N/A	0.18	4.45	N/A	XXX
76088	26	A	X-ray of mammary ducts ..	0.45	0.15	0.15	0.02	0.62	0.62	XXX
76088	TC	A	X-ray of mammary ducts ..	0.00	3.67	N/A	0.16	3.83	N/A	XXX
76090	.....	A	Mammogram, one breast	0.70	1.29	N/A	0.08	2.07	N/A	XXX
76090	26	A	Mammogram, one breast	0.70	0.23	0.23	0.03	0.96	0.96	XXX
76090	TC	A	Mammogram, one breast	0.00	1.05	N/A	0.05	1.10	N/A	XXX
76091	.....	A	Mammogram, both breasts	0.87	1.60	N/A	0.09	2.56	N/A	XXX
76091	26	A	Mammogram, both breasts	0.87	0.29	0.29	0.03	1.19	1.19	XXX
76091	TC	A	Mammogram, both breasts	0.00	1.31	N/A	0.06	1.37	N/A	XXX
76092	.....	A	Mammogram, screening ...	0.70	1.46	N/A	0.09	2.25	N/A	XXX
76092	26	A	Mammogram, screening ...	0.70	0.23	0.23	0.03	0.96	0.96	XXX
76092	TC	A	Mammogram, screening ...	0.00	1.23	N/A	0.06	1.29	N/A	XXX
76093	.....	A	Magnetic image, breast	1.63	18.18	N/A	0.83	20.64	N/A	XXX
76093	26	A	Magnetic image, breast	1.63	0.55	0.55	0.07	2.25	2.25	XXX
76093	TC	A	Magnetic image, breast	0.00	17.63	N/A	0.76	18.39	N/A	XXX
76094	.....	A	Magnetic image, both breasts.	1.63	24.46	N/A	1.10	27.19	N/A	XXX
76094	26	A	Magnetic image, both breasts.	1.63	0.55	0.55	0.07	2.25	2.25	XXX
76094	TC	A	Magnetic image, both breasts.	0.00	23.92	N/A	1.03	24.95	N/A	XXX
76095	.....	A	Stereotactic breast biopsy	1.59	7.70	N/A	0.40	9.69	N/A	XXX
76095	26	A	Stereotactic breast biopsy	1.59	0.54	0.54	0.09	2.22	2.22	XXX
76095	TC	A	Stereotactic breast biopsy	0.00	7.17	N/A	0.31	7.48	N/A	XXX
76096	.....	A	X-ray of needle wire, breast.	0.56	1.49	N/A	0.09	2.14	N/A	XXX
76096	26	A	X-ray of needle wire, breast.	0.56	0.19	0.19	0.03	0.78	0.78	XXX
76096	TC	A	X-ray of needle wire, breast.	0.00	1.31	N/A	0.06	1.37	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
76098	.....	A	X-ray exam, breast specimen.	0.16	0.47	N/A	0.03	0.66	N/A	XXX
76098	26	A	X-ray exam, breast specimen.	0.16	0.05	0.05	0.01	0.22	0.22	XXX
76098	TC	A	X-ray exam, breast specimen.	0.00	0.42	N/A	0.02	0.44	N/A	XXX
76100	.....	A	X-ray exam of body section.	0.58	1.44	N/A	0.09	2.11	N/A	XXX
76100	26	A	X-ray exam of body section.	0.58	0.19	0.19	0.03	0.80	0.80	XXX
76100	TC	A	X-ray exam of body section.	0.00	1.25	N/A	0.06	1.31	N/A	XXX
76101	.....	A	Complex body section x-ray.	0.58	1.62	N/A	0.10	2.30	N/A	XXX
76101	26	A	Complex body section x-ray.	0.58	0.19	0.19	0.03	0.80	0.80	XXX
76101	TC	A	Complex body section x-ray.	0.00	1.42	N/A	0.07	1.49	N/A	XXX
76102	.....	A	Complex body section x-rays.	0.58	1.93	N/A	0.12	2.63	N/A	XXX
76102	26	A	Complex body section x-rays.	0.58	0.20	0.20	0.03	0.81	0.81	XXX
76102	TC	A	Complex body section x-rays.	0.00	1.73	N/A	0.09	1.82	N/A	XXX
76120	.....	A	Cine/video x-rays	0.38	1.19	N/A	0.07	1.64	N/A	XXX
76120	26	A	Cine/video x-rays	0.38	0.13	0.13	0.02	0.53	0.53	XXX
76120	TC	A	Cine/video x-rays	0.00	1.05	N/A	0.05	1.10	N/A	XXX
76125	.....	A	Cine/video x-rays add-on	0.27	0.88	N/A	0.05	1.20	N/A	ZZZ
76125	26	A	Cine/video x-rays add-on	0.27	0.09	0.09	0.01	0.37	0.37	ZZZ
76125	TC	A	Cine/video x-rays add-on	0.00	0.78	N/A	0.04	0.82	N/A	ZZZ
76140	.....	I	X-ray consultation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76150	.....	A	X-ray exam, dry process ..	0.00	0.42	N/A	0.02	0.44	N/A	XXX
76350	.....	C	Special x-ray contrast study.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76355	.....	A	CAT scan for localization	1.21	8.67	N/A	0.41	10.29	N/A	XXX
76355	26	A	CAT scan for localization	1.21	0.41	0.41	0.06	1.68	1.68	XXX
76355	TC	A	CAT scan for localization	0.00	8.26	N/A	0.35	8.61	N/A	XXX
76360	.....	A	CAT scan for needle biopsy.	1.16	8.65	N/A	0.40	10.21	N/A	XXX
76360	26	A	CAT scan for needle biopsy.	1.16	0.39	0.39	0.05	1.60	1.60	XXX
76360	TC	A	CAT scan for needle biopsy.	0.00	8.26	N/A	0.35	8.61	N/A	XXX
76362	.....	A	Cat scan for tissue ablation.	4.00	9.59	N/A	1.39	14.98	N/A	XXX
76362	26	A	Cat scan for tissue ablation.	4.00	1.33	1.33	0.18	5.51	5.51	XXX
76362	TC	A	Cat scan for tissue ablation.	0.00	8.26	N/A	1.21	9.47	N/A	XXX
76370	.....	A	CAT scan for therapy guide.	0.85	3.23	N/A	0.17	4.25	N/A	XXX
76370	26	A	CAT scan for therapy guide.	0.85	0.28	0.28	0.04	1.17	1.17	XXX
76370	TC	A	CAT scan for therapy guide.	0.00	2.95	N/A	0.13	3.08	N/A	XXX
76375	.....	A	3d/holograph reconstr add-on.	0.16	3.59	N/A	0.16	3.91	N/A	XXX
76375	26	A	3d/holograph reconstr add-on.	0.16	0.05	0.05	0.01	0.22	0.22	XXX
76375	TC	A	3d/holograph reconstr add-on.	0.00	3.54	N/A	0.15	3.69	N/A	XXX
76380	.....	A	CAT scan follow-up study	0.98	3.83	N/A	0.19	5.00	N/A	XXX
76380	26	A	CAT scan follow-up study	0.98	0.33	0.33	0.04	1.35	1.35	XXX
76380	TC	A	CAT scan follow-up study	0.00	3.50	N/A	0.15	3.65	N/A	XXX
76390	.....	N	Mr spectroscopy	1.40	11.68	N/A	0.55	13.63	N/A	XXX
76390	26	N	Mr spectroscopy	1.40	0.47	0.47	0.06	1.93	1.93	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
76390	TC	N	Mr spectroscopy	0.00	11.21	N/A	0.49	11.70	N/A	XXX
76393		A	Mr guidance for needle place.	1.50	11.72	N/A	0.53	13.75	N/A	XXX
76393	26	A	Mr guidance for needle place.	1.50	0.51	0.51	0.07	2.08	2.08	XXX
76393	TC	A	Mr guidance for needle place.	0.00	11.21	N/A	0.46	11.67	N/A	XXX
76394		A	Mri for tissue ablation	4.25	12.63	N/A	1.48	18.36	N/A	XXX
76394	26	A	Mri for tissue ablation	4.25	1.42	1.42	0.19	5.86	5.86	XXX
76394	TC	A	Mri for tissue ablation	0.00	11.21	N/A	1.29	12.50	N/A	XXX
76400		A	Magnetic image, bone marrow.	1.60	11.74	N/A	0.56	13.90	N/A	XXX
76400	26	A	Magnetic image, bone marrow.	1.60	0.54	0.54	0.07	2.21	2.21	XXX
76400	TC	A	Magnetic image, bone marrow.	0.00	11.21	N/A	0.49	11.70	N/A	XXX
76490		A	Us for tissue ablation	4.00	2.85	N/A	0.35	7.20	N/A	XXX
76490	26	A	Us for tissue ablation	4.00	1.33	1.33	0.11	5.44	5.44	XXX
76490	TC	A	Us for tissue ablation	0.00	1.52	N/A	0.24	1.76	N/A	XXX
76496		C	Fluoroscopic procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76496	26	C	Fluoroscopic procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76496	TC	C	Fluoroscopic procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76497		C	Ct procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76497	26	C	Ct procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76497	TC	C	Ct procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76498		C	Mri procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76498	26	C	Mri procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76498	TC	C	Mri procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76499		C	Radiographic procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76499	26	C	Radiographic procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76499	TC	C	Radiographic procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76506		A	Echo exam of head	0.63	1.67	N/A	0.10	2.40	N/A	XXX
76506	26	A	Echo exam of head	0.63	0.25	0.25	0.03	0.91	0.91	XXX
76506	TC	A	Echo exam of head	0.00	1.42	N/A	0.07	1.49	N/A	XXX
76511		A	Echo exam of eye	0.94	1.12	N/A	0.08	2.14	N/A	XXX
76511	26	A	Echo exam of eye	0.94	0.41	0.41	0.02	1.37	1.37	XXX
76511	TC	A	Echo exam of eye	0.00	0.71	N/A	0.06	0.77	N/A	XXX
76512		A	Echo exam of eye	0.66	1.04	N/A	0.09	1.79	N/A	XXX
76512	26	A	Echo exam of eye	0.66	0.30	0.30	0.01	0.97	0.97	XXX
76512	TC	A	Echo exam of eye	0.00	0.74	N/A	0.08	0.82	N/A	XXX
76513		A	Echo exam of eye, water bath.	0.66	1.12	N/A	0.09	1.87	N/A	XXX
76513	26	A	Echo exam of eye, water bath.	0.66	0.30	0.30	0.01	0.97	0.97	XXX
76513	TC	A	Echo exam of eye, water bath.	0.00	0.82	N/A	0.08	0.90	N/A	XXX
76516		A	Echo exam of eye	0.54	0.74	N/A	0.07	1.35	N/A	XXX
76516	26	A	Echo exam of eye	0.54	0.25	0.25	0.01	0.80	0.80	XXX
76516	TC	A	Echo exam of eye	0.00	0.49	N/A	0.06	0.55	N/A	XXX
76519		A	Echo exam of eye	0.54	0.83	N/A	0.07	1.44	N/A	XXX
76519	26	A	Echo exam of eye	0.54	0.25	0.25	0.01	0.80	0.80	XXX
76519	TC	A	Echo exam of eye	0.00	0.58	N/A	0.06	0.64	N/A	XXX
76529		A	Echo exam of eye	0.57	0.78	N/A	0.08	1.43	N/A	XXX
76529	26	A	Echo exam of eye	0.57	0.25	0.25	0.01	0.83	0.83	XXX
76529	TC	A	Echo exam of eye	0.00	0.53	N/A	0.07	0.60	N/A	XXX
76536		A	Us exam of head and neck.	0.56	1.61	N/A	0.09	2.26	N/A	XXX
76536	26	A	Us exam of head and neck.	0.56	0.19	0.19	0.02	0.77	0.77	XXX
76536	TC	A	Us exam of head and neck.	0.00	1.42	N/A	0.07	1.49	N/A	XXX
76604		A	Us exam, chest, b-scan	0.55	1.49	N/A	0.08	2.12	N/A	XXX
76604	26	A	Us exam, chest, b-scan	0.55	0.18	0.18	0.02	0.75	0.75	XXX
76604	TC	A	Us exam, chest, b-scan	0.00	1.31	N/A	0.06	1.37	N/A	XXX
76645		A	Us exam, breast(s)	0.54	1.23	N/A	0.08	1.85	N/A	XXX
76645	26	A	Us exam, breast(s)	0.54	0.18	0.18	0.03	0.75	0.75	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
76645	TC	A	Us exam, breast(s)	0.00	1.05	N/A	0.05	1.10	N/A	XXX
76700	.....	A	Us exam, abdom, complete.	0.81	2.24	N/A	0.13	3.18	N/A	XXX
76700	26	A	Us exam, abdom, complete.	0.81	0.27	0.27	0.04	1.12	1.12	XXX
76700	TC	A	Us exam, abdom, complete.	0.00	1.97	N/A	0.09	2.06	N/A	XXX
76705	.....	A	Echo exam of abdomen ...	0.59	1.62	N/A	0.10	2.31	N/A	XXX
76705	26	A	Echo exam of abdomen ...	0.59	0.20	0.20	0.03	0.82	0.82	XXX
76705	TC	A	Echo exam of abdomen ...	0.00	1.42	N/A	0.07	1.49	N/A	XXX
76770	.....	A	Us exam abdo back wall, comp.	0.74	2.22	N/A	0.12	3.08	N/A	XXX
76770	26	A	Us exam abdo back wall, comp.	0.74	0.25	0.25	0.03	1.02	1.02	XXX
76770	TC	A	Us exam abdo back wall, comp.	0.00	1.97	N/A	0.09	2.06	N/A	XXX
76775	.....	A	Us eam abdo back wall, lim.	0.58	1.62	N/A	0.10	2.30	N/A	XXX
76775	26	A	Us eam abdo back wall, lim.	0.58	0.19	0.19	0.03	0.80	0.80	XXX
76775	TC	A	Us eam abdo back wall, lim.	0.00	1.42	N/A	0.07	1.49	N/A	XXX
76778	.....	A	Us exam kidney transplant	0.74	2.22	N/A	0.12	3.08	N/A	XXX
76778	26	A	Us exam kidney transplant	0.74	0.25	0.25	0.03	1.02	1.02	XXX
76778	TC	A	Us exam kidney transplant	0.00	1.97	N/A	0.09	2.06	N/A	XXX
76800	.....	A	Us exam, spinal canal	1.13	1.77	N/A	0.11	3.01	N/A	XXX
76800	26	A	Us exam, spinal canal	1.13	0.35	0.35	0.04	1.52	1.52	XXX
76800	TC	A	Us exam, spinal canal	0.00	1.42	N/A	0.07	1.49	N/A	XXX
76801	.....	A	Ob us < 14 wks, single fetus.	0.99	2.45	N/A	0.14	3.58	N/A	XXX
76801	26	A	Ob us < 14 wks, single fetus.	0.99	0.35	0.35	0.04	1.38	1.38	XXX
76801	TC	A	Ob us < 14 wks, single fetus.	0.00	2.10	N/A	0.10	2.20	N/A	XXX
76802	.....	A	Ob us < 14 wks, addl fetus.	0.83	1.35	N/A	0.14	2.32	N/A	ZZZ
76802	26	A	Ob us < 14 wks, addl fetus.	0.83	0.29	0.29	0.04	1.16	1.16	ZZZ
76802	TC	A	Ob us < 14 wks, addl fetus.	0.00	1.05	N/A	0.10	1.15	N/A	ZZZ
76805	.....	A	Ob us >/= 14 wks, sngl fetus.	0.99	2.45	N/A	0.14	3.58	N/A	XXX
76805	26	A	Ob us >/= 14 wks, sngl fetus.	0.99	0.35	0.35	0.04	1.38	1.38	XXX
76805	TC	A	Ob us >/= 14 wks, sngl fetus.	0.00	2.10	N/A	0.10	2.20	N/A	XXX
76810	.....	A	Ob us >/= 14 wks, addl fetus.	0.98	1.41	N/A	0.25	2.64	N/A	ZZZ
76810	26	A	Ob us >/= 14 wks, addl fetus.	0.98	0.35	0.35	0.07	1.40	1.40	ZZZ
76810	TC	A	Ob us >/= 14 wks, addl fetus.	0.00	1.05	N/A	0.18	1.23	N/A	ZZZ
76811	.....	A	Ob us, detailed, sngl fetus	1.90	4.20	N/A	0.51	6.61	N/A	XXX
76811	26	A	Ob us, detailed, sngl fetus	1.90	0.67	0.67	0.15	2.72	2.72	XXX
76811	TC	A	Ob us, detailed, sngl fetus	0.00	3.53	N/A	0.36	3.89	N/A	XXX
76812	.....	A	Ob us, detailed, addl fetus	1.78	1.70	N/A	0.46	3.94	N/A	ZZZ
76812	26	A	Ob us, detailed, addl fetus	1.78	0.64	0.64	0.12	2.54	2.54	ZZZ
76812	TC	A	Ob us, detailed, addl fetus	0.00	1.05	N/A	0.34	1.39	N/A	ZZZ
76815	.....	A	Ob us, limited, fetus(s)	0.65	1.66	N/A	0.09	2.40	N/A	XXX
76815	26	A	Ob us, limited, fetus(s)	0.65	0.24	0.24	0.02	0.91	0.91	XXX
76815	TC	A	Ob us, limited, fetus(s)	0.00	1.42	N/A	0.07	1.49	N/A	XXX
76816	.....	A	Ob us, follow-up, per fetus	0.85	1.43	N/A	0.07	2.35	N/A	XXX
76816	26	A	Ob us, follow-up, per fetus	0.85	0.32	0.32	0.02	1.19	1.19	XXX
76816	TC	A	Ob us, follow-up, per fetus	0.00	1.11	N/A	0.05	1.16	N/A	XXX
76817	.....	A	Transvaginal us, obstetric	0.75	1.80	N/A	0.07	2.62	N/A	XXX
76817	26	A	Transvaginal us, obstetric	0.75	0.28	0.28	0.02	1.05	1.05	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
76817	TC	A	Transvaginal us, obstetric	0.00	1.52	N/A	0.05	1.57	N/A	XXX
76818		A	Fetal biophys profile w/nst	1.05	2.01	N/A	0.12	3.18	N/A	XXX
76818	26	A	Fetal biophys profile w/nst	1.05	0.40	0.40	0.04	1.49	1.49	XXX
76818	TC	A	Fetal biophys profile w/nst	0.00	1.61	N/A	0.08	1.69	N/A	XXX
76819		A	Fetal biophys profil w/o nst	0.77	1.90	N/A	0.10	2.77	N/A	XXX
76819	26	A	Fetal biophys profil w/o nst	0.77	0.29	0.29	0.02	1.08	1.08	XXX
76819	TC	A	Fetal biophys profil w/o nst	0.00	1.61	N/A	0.08	1.69	N/A	XXX
76825		A	Echo exam of fetal heart ..	1.67	2.59	N/A	0.15	4.41	N/A	XXX
76825	26	A	Echo exam of fetal heart ..	1.67	0.62	0.62	0.06	2.35	2.35	XXX
76825	TC	A	Echo exam of fetal heart ..	0.00	1.97	N/A	0.09	2.06	N/A	XXX
76826		A	Echo exam of fetal heart ..	0.83	1.00	N/A	0.07	1.90	N/A	XXX
76826	26	A	Echo exam of fetal heart ..	0.83	0.30	0.30	0.03	1.16	1.16	XXX
76826	TC	A	Echo exam of fetal heart ..	0.00	0.71	N/A	0.04	0.75	N/A	XXX
76827		A	Echo exam of fetal heart ..	0.58	1.94	N/A	0.12	2.64	N/A	XXX
76827	26	A	Echo exam of fetal heart ..	0.58	0.22	0.22	0.02	0.82	0.82	XXX
76827	TC	A	Echo exam of fetal heart ..	0.00	1.72	N/A	0.10	1.82	N/A	XXX
76828		A	Echo exam of fetal heart ..	0.56	1.33	N/A	0.09	1.98	N/A	XXX
76828	26	A	Echo exam of fetal heart ..	0.56	0.22	0.22	0.02	0.80	0.80	XXX
76828	TC	A	Echo exam of fetal heart ..	0.00	1.11	N/A	0.07	1.18	N/A	XXX
76830		A	Transvaginal us, non-ob ...	0.69	1.75	N/A	0.11	2.55	N/A	XXX
76830	26	A	Transvaginal us, non-ob ...	0.69	0.23	0.23	0.03	0.95	0.95	XXX
76830	TC	A	Transvaginal us, non-ob ...	0.00	1.52	N/A	0.08	1.60	N/A	XXX
76831		A	Echo exam, uterus	0.72	1.78	N/A	0.10	2.60	N/A	XXX
76831	26	A	Echo exam, uterus	0.72	0.26	0.26	0.02	1.00	1.00	XXX
76831	TC	A	Echo exam, uterus	0.00	1.52	N/A	0.08	1.60	N/A	XXX
76856		A	Us exam, pelvic, complete	0.69	1.75	N/A	0.11	2.55	N/A	XXX
76856	26	A	Us exam, pelvic, complete	0.69	0.23	0.23	0.03	0.95	0.95	XXX
76856	TC	A	Us exam, pelvic, complete	0.00	1.52	N/A	0.08	1.60	N/A	XXX
76857		A	Us exam, pelvic, limited ...	0.38	1.68	N/A	0.07	2.13	N/A	XXX
76857	26	A	Us exam, pelvic, limited ...	0.38	0.13	0.13	0.02	0.53	0.53	XXX
76857	TC	A	Us exam, pelvic, limited ...	0.00	1.55	N/A	0.05	1.60	N/A	XXX
76870		A	Us exam, scrotum	0.64	1.73	N/A	0.11	2.48	N/A	XXX
76870	26	A	Us exam, scrotum	0.64	0.21	0.21	0.03	0.88	0.88	XXX
76870	TC	A	Us exam, scrotum	0.00	1.52	N/A	0.08	1.60	N/A	XXX
76872		A	Echo exam, transrectal	0.69	1.97	N/A	0.12	2.78	N/A	XXX
76872	26	A	Echo exam, transrectal	0.69	0.23	0.23	0.04	0.96	0.96	XXX
76872	TC	A	Echo exam, transrectal	0.00	1.75	N/A	0.08	1.83	N/A	XXX
76873		A	Echograp trans r, pros study.	1.55	2.61	N/A	0.21	4.37	N/A	XXX
76873	26	A	Echograp trans r, pros study.	1.55	0.51	0.51	0.08	2.14	2.14	XXX
76873	TC	A	Echograp trans r, pros study.	0.00	2.10	N/A	0.13	2.23	N/A	XXX
76880		A	Us exam, extremity	0.59	1.62	N/A	0.10	2.31	N/A	XXX
76880	26	A	Us exam, extremity	0.59	0.20	0.20	0.03	0.82	0.82	XXX
76880	TC	A	Us exam, extremity	0.00	1.42	N/A	0.07	1.49	N/A	XXX
76885		A	Us exam infant hips, dynamic.	0.74	1.77	N/A	0.11	2.62	N/A	XXX
76885	26	A	Us exam infant hips, dynamic.	0.74	0.25	0.25	0.03	1.02	1.02	XXX
76885	TC	A	Us exam infant hips, dynamic.	0.00	1.52	N/A	0.08	1.60	N/A	XXX
76886		A	Us exam infant hips, static	0.62	1.63	N/A	0.10	2.35	N/A	XXX
76886	26	A	Us exam infant hips, static	0.62	0.21	0.21	0.03	0.86	0.86	XXX
76886	TC	A	Us exam infant hips, static	0.00	1.42	N/A	0.07	1.49	N/A	XXX
76930		A	Echo guide, cardiocentesis	0.67	1.78	N/A	0.10	2.55	N/A	XXX
76930	26	A	Echo guide, cardiocentesis	0.67	0.26	0.26	0.02	0.95	0.95	XXX
76930	TC	A	Echo guide, cardiocentesis	0.00	1.52	N/A	0.08	1.60	N/A	XXX
76932		A	Echo guide for heart biopsy.	0.67	1.78	N/A	0.10	2.55	N/A	XXX
76932	26	A	Echo guide for heart biopsy.	0.67	0.26	0.26	0.02	0.95	0.95	XXX
76932	TC	A	Echo guide for heart biopsy.	0.00	1.52	N/A	0.08	1.60	N/A	XXX
76936		A	Echo guide for artery repair.	1.99	6.97	N/A	0.39	9.35	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
76936	26	A	Echo guide for artery repair.	1.99	0.68	0.68	0.11	2.78	2.78	XXX
76936	TC	A	Echo guide for artery repair.	0.00	6.30	N/A	0.28	6.58	N/A	XXX
76941	.....	A	Echo guide for transfusion	1.34	2.01	N/A	0.13	3.48	N/A	XXX
76941	26	A	Echo guide for transfusion	1.34	0.49	0.49	0.06	1.89	1.89	XXX
76941	TC	A	Echo guide for transfusion	0.00	1.53	N/A	0.07	1.60	N/A	XXX
76942	.....	A	Echo guide for biopsy	0.67	3.40	N/A	0.12	4.19	N/A	XXX
76942	26	A	Echo guide for biopsy	0.67	0.22	0.22	0.04	0.93	0.93	XXX
76942	TC	A	Echo guide for biopsy	0.00	3.18	N/A	0.08	3.26	N/A	XXX
76945	.....	A	Echo guide, villus sampling.	0.67	1.76	N/A	0.10	2.53	N/A	XXX
76945	26	A	Echo guide, villus sampling.	0.67	0.23	0.23	0.03	0.93	0.93	XXX
76945	TC	A	Echo guide, villus sampling.	0.00	1.53	N/A	0.07	1.60	N/A	XXX
76946	.....	A	Echo guide for amniocentesis.	0.38	1.66	N/A	0.09	2.13	N/A	XXX
76946	26	A	Echo guide for amniocentesis.	0.38	0.14	0.14	0.01	0.53	0.53	XXX
76946	TC	A	Echo guide for amniocentesis.	0.00	1.52	N/A	0.08	1.60	N/A	XXX
76948	.....	A	Echo guide, ova aspiration	0.38	1.65	N/A	0.10	2.13	N/A	XXX
76948	26	A	Echo guide, ova aspiration	0.38	0.13	0.13	0.02	0.53	0.53	XXX
76948	TC	A	Echo guide, ova aspiration	0.00	1.52	N/A	0.08	1.60	N/A	XXX
76950	.....	A	Echo guidance radiotherapy.	0.58	1.49	N/A	0.09	2.16	N/A	XXX
76950	26	A	Echo guidance radiotherapy.	0.58	0.19	0.19	0.03	0.80	0.80	XXX
76950	TC	A	Echo guidance radiotherapy.	0.00	1.31	N/A	0.06	1.37	N/A	XXX
76965	.....	A	Echo guidance radiotherapy.	1.34	6.01	N/A	0.31	7.66	N/A	XXX
76965	26	A	Echo guidance radiotherapy.	1.34	0.44	0.44	0.07	1.85	1.85	XXX
76965	TC	A	Echo guidance radiotherapy.	0.00	5.57	N/A	0.24	5.81	N/A	XXX
76970	.....	A	Ultrasound exam follow-up	0.40	1.19	N/A	0.07	1.66	N/A	XXX
76970	26	A	Ultrasound exam follow-up	0.40	0.14	0.14	0.02	0.56	0.56	XXX
76970	TC	A	Ultrasound exam follow-up	0.00	1.05	N/A	0.05	1.10	N/A	XXX
76975	.....	A	GI endoscopic ultrasound	0.81	1.80	N/A	0.11	2.72	N/A	XXX
76975	26	A	GI endoscopic ultrasound	0.81	0.28	0.28	0.03	1.12	1.12	XXX
76975	TC	A	GI endoscopic ultrasound	0.00	1.52	N/A	0.08	1.60	N/A	XXX
76977	.....	A	Us bone density measure	0.05	0.84	N/A	0.05	0.94	N/A	XXX
76977	26	A	Us bone density measure	0.05	0.02	0.02	0.01	0.08	0.08	XXX
76977	TC	A	Us bone density measure	0.00	0.82	N/A	0.04	0.86	N/A	XXX
76986	.....	A	Ultrasound guide intraoper	1.20	3.03	N/A	0.19	4.42	N/A	XXX
76986	26	A	Ultrasound guide intraoper	1.20	0.41	0.41	0.07	1.68	1.68	XXX
76986	TC	A	Ultrasound guide intraoper	0.00	2.62	N/A	0.12	2.74	N/A	XXX
76999	.....	C	Echo examination procedure.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76999	26	C	Echo examination procedure.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
76999	TC	C	Echo examination procedure.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77261	.....	A	Radiation therapy planning	1.39	0.52	0.52	0.06	1.97	1.97	XXX
77262	.....	A	Radiation therapy planning	2.11	0.77	0.77	0.09	2.97	2.97	XXX
77263	.....	A	Radiation therapy planning	3.14	1.13	1.13	0.13	4.40	4.40	XXX
77280	.....	A	Set radiation therapy field	0.70	3.70	N/A	0.18	4.58	N/A	XXX
77280	26	A	Set radiation therapy field	0.70	0.23	0.23	0.03	0.96	0.96	XXX
77280	TC	A	Set radiation therapy field	0.00	3.47	N/A	0.15	3.62	N/A	XXX
77285	.....	A	Set radiation therapy field	1.05	5.91	N/A	0.29	7.25	N/A	XXX
77285	26	A	Set radiation therapy field	1.05	0.34	0.34	0.04	1.43	1.43	XXX
77285	TC	A	Set radiation therapy field	0.00	5.57	N/A	0.25	5.82	N/A	XXX
77290	.....	A	Set radiation therapy field	1.56	7.01	N/A	0.35	8.92	N/A	XXX
77290	26	A	Set radiation therapy field	1.56	0.50	0.50	0.06	2.12	2.12	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
77290	TC	A	Set radiation therapy field	0.00	6.51	N/A	0.29	6.80	N/A	XXX
77295	.....	A	Set radiation therapy field	4.57	29.41	N/A	1.41	35.39	N/A	XXX
77295	26	A	Set radiation therapy field	4.57	1.48	1.48	0.18	6.23	6.23	XXX
77295	TC	A	Set radiation therapy field	0.00	27.94	N/A	1.23	29.17	N/A	XXX
77299	.....	C	Radiation therapy planning	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77299	26	C	Radiation therapy planning	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77299	TC	C	Radiation therapy planning	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77300	.....	A	Radiation therapy dose plan.	0.62	1.54	N/A	0.09	2.25	N/A	XXX
77300	26	A	Radiation therapy dose plan.	0.62	0.20	0.20	0.03	0.85	0.85	XXX
77300	TC	A	Radiation therapy dose plan.	0.00	1.34	N/A	0.06	1.40	N/A	XXX
77301	.....	A	Radiotherapy dose plan, imrt.	8.00	30.52	N/A	1.41	39.93	N/A	XXX
77301	26	A	Radiotherapy dose plan, imrt.	8.00	2.59	2.59	0.18	10.77	10.77	XXX
77301	TC	A	Radiotherapy dose plan, imrt.	0.00	27.94	N/A	1.23	29.17	N/A	XXX
77305	.....	A	Teletx isodose plan simple	0.70	2.08	N/A	0.12	2.90	N/A	XXX
77305	26	A	Teletx isodose plan simple	0.70	0.23	0.23	0.03	0.96	0.96	XXX
77305	TC	A	Teletx isodose plan simple	0.00	1.86	N/A	0.09	1.95	N/A	XXX
77310	.....	A	Teletx isodose plan intermed.	1.05	2.67	N/A	0.15	3.87	N/A	XXX
77310	26	A	Teletx isodose plan intermed.	1.05	0.34	0.34	0.04	1.43	1.43	XXX
77310	TC	A	Teletx isodose plan intermed.	0.00	2.33	N/A	0.11	2.44	N/A	XXX
77315	.....	A	Teletx isodose plan complex.	1.56	3.16	N/A	0.18	4.90	N/A	XXX
77315	26	A	Teletx isodose plan complex.	1.56	0.50	0.50	0.06	2.12	2.12	XXX
77315	TC	A	Teletx isodose plan complex.	0.00	2.66	N/A	0.12	2.78	N/A	XXX
77321	.....	A	Special teletx port plan	0.95	4.35	N/A	0.21	5.51	N/A	XXX
77321	26	A	Special teletx port plan	0.95	0.31	0.31	0.04	1.30	1.30	XXX
77321	TC	A	Special teletx port plan	0.00	4.04	N/A	0.17	4.21	N/A	XXX
77326	.....	A	Brachytx isodose calc simp.	0.93	2.66	N/A	0.15	3.74	N/A	XXX
77326	26	A	Brachytx isodose calc simp.	0.93	0.30	0.30	0.04	1.27	1.27	XXX
77326	TC	A	Brachytx isodose calc simp.	0.00	2.36	N/A	0.11	2.47	N/A	XXX
77327	.....	A	Brachytx isodose calc interm.	1.39	3.92	N/A	0.21	5.52	N/A	XXX
77327	26	A	Brachytx isodose calc interm.	1.39	0.45	0.45	0.06	1.90	1.90	XXX
77327	TC	A	Brachytx isodose calc interm.	0.00	3.47	N/A	0.15	3.62	N/A	XXX
77328	.....	A	Brachytx isodose plan compl.	2.09	5.64	N/A	0.30	8.03	N/A	XXX
77328	26	A	Brachytx isodose plan compl.	2.09	0.68	0.68	0.09	2.86	2.86	XXX
77328	TC	A	Brachytx isodose plan compl.	0.00	4.96	N/A	0.21	5.17	N/A	XXX
77331	.....	A	Special radiation dosimetry.	0.87	0.78	N/A	0.06	1.71	N/A	XXX
77331	26	A	Special radiation dosimetry.	0.87	0.28	0.28	0.04	1.19	1.19	XXX
77331	TC	A	Special radiation dosimetry.	0.00	0.50	N/A	0.02	0.52	N/A	XXX
77332	.....	A	Radiation treatment aid(s)	0.54	1.52	N/A	0.08	2.14	N/A	XXX
77332	26	A	Radiation treatment aid(s)	0.54	0.17	0.17	0.02	0.73	0.73	XXX
77332	TC	A	Radiation treatment aid(s)	0.00	1.34	N/A	0.06	1.40	N/A	XXX
77333	.....	A	Radiation treatment aid(s)	0.84	2.17	N/A	0.13	3.14	N/A	XXX
77333	26	A	Radiation treatment aid(s)	0.84	0.27	0.27	0.04	1.15	1.15	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
77333	TC	A	Radiation treatment aid(s)	0.00	1.90	N/A	0.09	1.99	N/A	XXX
77334	.....	A	Radiation treatment aid(s)	1.24	3.65	N/A	0.19	5.08	N/A	XXX
77334	26	A	Radiation treatment aid(s)	1.24	0.40	0.40	0.05	1.69	1.69	XXX
77334	TC	A	Radiation treatment aid(s)	0.00	3.25	N/A	0.14	3.39	N/A	XXX
77336	.....	A	Radiation physics consult	0.00	2.98	N/A	0.13	3.11	N/A	XXX
77370	.....	A	Radiation physics consult	0.00	3.49	N/A	0.15	3.64	N/A	XXX
77399	.....	C	External radiation dosim-etry.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77399	26	C	External radiation dosim-etry.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77399	TC	C	External radiation dosim-etry.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77401	.....	A	Radiation treatment deliv-ery.	0.00	1.77	N/A	0.09	1.86	N/A	XXX
77402	.....	A	Radiation treatment deliv-ery.	0.00	1.77	N/A	0.09	1.86	N/A	XXX
77403	.....	A	Radiation treatment deliv-ery.	0.00	1.77	N/A	0.09	1.86	N/A	XXX
77404	.....	A	Radiation treatment deliv-ery.	0.00	1.77	N/A	0.09	1.86	N/A	XXX
77406	.....	A	Radiation treatment deliv-ery.	0.00	1.77	N/A	0.09	1.86	N/A	XXX
77407	.....	A	Radiation treatment deliv-ery.	0.00	2.09	N/A	0.10	2.19	N/A	XXX
77408	.....	A	Radiation treatment deliv-ery.	0.00	2.09	N/A	0.10	2.19	N/A	XXX
77409	.....	A	Radiation treatment deliv-ery.	0.00	2.09	N/A	0.10	2.19	N/A	XXX
77411	.....	A	Radiation treatment deliv-ery.	0.00	2.09	N/A	0.10	2.19	N/A	XXX
77412	.....	A	Radiation treatment deliv-ery.	0.00	2.33	N/A	0.11	2.44	N/A	XXX
77413	.....	A	Radiation treatment deliv-ery.	0.00	2.33	N/A	0.11	2.44	N/A	XXX
77414	.....	A	Radiation treatment deliv-ery.	0.00	2.33	N/A	0.11	2.44	N/A	XXX
77416	.....	A	Radiation treatment deliv-ery.	0.00	2.33	N/A	0.11	2.44	N/A	XXX
77417	.....	A	Radiology port film(s)	0.00	0.59	N/A	0.03	0.62	N/A	XXX
77418	.....	A	Radiation tx delivery, imrt	0.00	11.61	N/A	0.11	11.72	N/A	XXX
77427	.....	A	Radiation tx management, x5.	3.31	1.07	1.07	0.14	4.52	4.52	XXX
77431	.....	A	Radiation therapy man-agement.	1.81	0.69	0.69	0.07	2.57	2.57	XXX
77432	.....	A	Stereotactic radiation trmt	7.93	2.95	2.95	0.33	11.21	11.21	XXX
77470	.....	A	Special radiation treatment	2.09	11.82	N/A	0.58	14.49	N/A	XXX
77470	26	A	Special radiation treatment	2.09	0.67	0.67	0.09	2.85	2.85	XXX
77470	TC	A	Special radiation treatment	0.00	11.15	N/A	0.49	11.64	N/A	XXX
77499	.....	C	Radiation therapy man-agement.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77499	26	C	Radiation therapy man-agement.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77499	TC	C	Radiation therapy man-agement.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77520	.....	C	Proton trmt, simple w/o comp.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77522	.....	C	Proton trmt, simple w/ comp.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77523	.....	C	Proton trmt, intermediate ..	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77525	.....	C	Proton treatment, complex	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77600	.....	R	Hyperthermia treatment	1.56	3.55	N/A	0.21	5.32	N/A	XXX
77600	26	R	Hyperthermia treatment	1.56	0.50	0.50	0.08	2.14	2.14	XXX
77600	TC	R	Hyperthermia treatment	0.00	3.05	N/A	0.13	3.18	N/A	XXX
77605	.....	R	Hyperthermia treatment	2.09	4.73	N/A	0.31	7.13	N/A	XXX
77605	26	R	Hyperthermia treatment	2.09	0.67	0.67	0.13	2.89	2.89	XXX
77605	TC	R	Hyperthermia treatment	0.00	4.06	N/A	0.18	4.24	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
77610	.....	R	Hyperthermia treatment	1.56	3.56	N/A	0.20	5.32	N/A	XXX
77610	26	R	Hyperthermia treatment	1.56	0.52	0.52	0.07	2.15	2.15	XXX
77610	TC	R	Hyperthermia treatment	0.00	3.05	N/A	0.13	3.18	N/A	XXX
77615	.....	R	Hyperthermia treatment	2.09	4.73	N/A	0.27	7.09	N/A	XXX
77615	26	R	Hyperthermia treatment	2.09	0.67	0.67	0.09	2.85	2.85	XXX
77615	TC	R	Hyperthermia treatment	0.00	4.06	N/A	0.18	4.24	N/A	XXX
77620	.....	R	Hyperthermia treatment	1.56	3.57	N/A	0.19	5.32	N/A	XXX
77620	26	R	Hyperthermia treatment	1.56	0.53	0.53	0.06	2.15	2.15	XXX
77620	TC	R	Hyperthermia treatment	0.00	3.05	N/A	0.13	3.18	N/A	XXX
77750	.....	A	Infuse radioactive materials.	4.91	2.93	N/A	0.23	8.07	N/A	090
77750	26	A	Infuse radioactive materials.	4.91	1.60	1.60	0.17	6.68	6.68	090
77750	TC	A	Infuse radioactive materials.	0.00	1.33	N/A	0.06	1.39	N/A	090
77761	.....	A	Apply intrcav radiat simple	3.81	3.62	N/A	0.28	7.71	N/A	090
77761	26	A	Apply intrcav radiat simple	3.81	1.11	1.11	0.16	5.08	5.08	090
77761	TC	A	Apply intrcav radiat simple	0.00	2.50	N/A	0.12	2.62	N/A	090
77762	.....	A	Apply intrcav radiat interm	5.72	5.46	N/A	0.38	11.56	N/A	090
77762	26	A	Apply intrcav radiat interm	5.72	1.86	1.86	0.22	7.80	7.80	090
77762	TC	A	Apply intrcav radiat interm	0.00	3.61	N/A	0.16	3.77	N/A	090
77763	.....	A	Apply intrcav radiat compl	8.57	7.26	N/A	0.53	16.36	N/A	090
77763	26	A	Apply intrcav radiat compl	8.57	2.77	2.77	0.34	11.68	11.68	090
77763	TC	A	Apply intrcav radiat compl	0.00	4.49	N/A	0.19	4.68	N/A	090
77776	.....	A	Apply interstit radiat simpl	4.66	3.14	N/A	0.35	8.15	N/A	090
77776	26	A	Apply interstit radiat simpl	4.66	0.97	0.97	0.24	5.87	5.87	090
77776	TC	A	Apply interstit radiat simpl	0.00	2.18	N/A	0.11	2.29	N/A	090
77777	.....	A	Apply interstit radiat inter ..	7.48	6.63	N/A	0.50	14.61	N/A	090
77777	26	A	Apply interstit radiat inter ..	7.48	2.39	2.39	0.32	10.19	10.19	090
77777	TC	A	Apply interstit radiat inter ..	0.00	4.24	N/A	0.18	4.42	N/A	090
77778	.....	A	Apply interstit radiat compl	11.19	8.74	N/A	0.69	20.62	N/A	090
77778	26	A	Apply interstit radiat compl	11.19	3.61	3.61	0.47	15.27	15.27	090
77778	TC	A	Apply interstit radiat compl	0.00	5.14	N/A	0.22	5.36	N/A	090
77781	.....	A	High intensity brachytherapy.	1.66	20.85	N/A	0.95	23.46	N/A	090
77781	26	A	High intensity brachytherapy.	1.66	0.54	0.54	0.07	2.27	2.27	090
77781	TC	A	High intensity brachytherapy.	0.00	20.31	N/A	0.88	21.19	N/A	090
77782	.....	A	High intensity brachytherapy.	2.49	21.11	N/A	0.98	24.58	N/A	090
77782	26	A	High intensity brachytherapy.	2.49	0.81	0.81	0.10	3.40	3.40	090
77782	TC	A	High intensity brachytherapy.	0.00	20.31	N/A	0.88	21.19	N/A	090
77783	.....	A	High intensity brachytherapy.	3.73	21.51	N/A	1.03	26.27	N/A	090
77783	26	A	High intensity brachytherapy.	3.73	1.20	1.20	0.15	5.08	5.08	090
77783	TC	A	High intensity brachytherapy.	0.00	20.31	N/A	0.88	21.19	N/A	090
77784	.....	A	High intensity brachytherapy.	5.61	22.11	N/A	1.10	28.82	N/A	090
77784	26	A	High intensity brachytherapy.	5.61	1.81	1.81	0.22	7.64	7.64	090
77784	TC	A	High intensity brachytherapy.	0.00	20.31	N/A	0.88	21.19	N/A	090
77789	.....	A	Apply surface radiation	1.12	0.83	N/A	0.05	2.00	N/A	000
77789	26	A	Apply surface radiation	1.12	0.37	0.37	0.03	1.52	1.52	000
77789	TC	A	Apply surface radiation	0.00	0.45	N/A	0.02	0.47	N/A	000
77790	.....	A	Radiation handling	1.05	0.84	N/A	0.06	1.95	N/A	XXX
77790	26	A	Radiation handling	1.05	0.34	0.34	0.04	1.43	1.43	XXX
77790	TC	A	Radiation handling	0.00	0.50	N/A	0.02	0.52	N/A	XXX
77799	.....	C	Radium/radioisotope therapy.	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
77799	26	C	Radium/radioisotope therapy.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
77799	TC	C	Radium/radioisotope therapy.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78000	.....	A	Thyroid, single uptake	0.19	1.03	N/A	0.06	1.28	N/A	XXX
78000	26	A	Thyroid, single uptake	0.19	0.07	0.07	0.01	0.27	0.27	XXX
78000	TC	A	Thyroid, single uptake	0.00	0.97	N/A	0.05	1.02	N/A	XXX
78001	.....	A	Thyroid, multiple uptakes	0.26	1.40	N/A	0.07	1.73	N/A	XXX
78001	26	A	Thyroid, multiple uptakes	0.26	0.09	0.09	0.01	0.36	0.36	XXX
78001	TC	A	Thyroid, multiple uptakes	0.00	1.31	N/A	0.06	1.37	N/A	XXX
78003	.....	A	Thyroid suppress/stimul ...	0.33	1.08	N/A	0.06	1.47	N/A	XXX
78003	26	A	Thyroid suppress/stimul	0.33	0.11	0.11	0.01	0.45	0.45	XXX
78003	TC	A	Thyroid suppress/stimul	0.00	0.97	N/A	0.05	1.02	N/A	XXX
78006	.....	A	Thyroid imaging with uptake.	0.49	2.55	N/A	0.13	3.17	N/A	XXX
78006	26	A	Thyroid imaging with uptake.	0.49	0.17	0.17	0.02	0.68	0.68	XXX
78006	TC	A	Thyroid imaging with uptake.	0.00	2.38	N/A	0.11	2.49	N/A	XXX
78007	.....	A	Thyroid image, mult uptakes.	0.50	2.74	N/A	0.14	3.38	N/A	XXX
78007	26	A	Thyroid image, mult uptakes.	0.50	0.17	0.17	0.02	0.69	0.69	XXX
78007	TC	A	Thyroid image, mult uptakes.	0.00	2.57	N/A	0.12	2.69	N/A	XXX
78010	.....	A	Thyroid imaging	0.39	1.95	N/A	0.11	2.45	N/A	XXX
78010	26	A	Thyroid imaging	0.39	0.13	0.13	0.02	0.54	0.54	XXX
78010	TC	A	Thyroid imaging	0.00	1.82	N/A	0.09	1.91	N/A	XXX
78011	.....	A	Thyroid imaging with flow	0.45	2.56	N/A	0.13	3.14	N/A	XXX
78011	26	A	Thyroid imaging with flow	0.45	0.16	0.16	0.02	0.63	0.63	XXX
78011	TC	A	Thyroid imaging with flow	0.00	2.41	N/A	0.11	2.52	N/A	XXX
78015	.....	A	Thyroid met imaging	0.67	2.80	N/A	0.15	3.62	N/A	XXX
78015	26	A	Thyroid met imaging	0.67	0.23	0.23	0.03	0.93	0.93	XXX
78015	TC	A	Thyroid met imaging	0.00	2.57	N/A	0.12	2.69	N/A	XXX
78016	.....	A	Thyroid met imaging/studies.	0.82	3.77	N/A	0.18	4.77	N/A	XXX
78016	26	A	Thyroid met imaging/studies.	0.82	0.29	0.29	0.03	1.14	1.14	XXX
78016	TC	A	Thyroid met imaging/studies.	0.00	3.48	N/A	0.15	3.63	N/A	XXX
78018	.....	A	Thyroid met imaging, body	0.86	5.73	N/A	0.27	6.86	N/A	XXX
78018	26	A	Thyroid met imaging, body	0.86	0.30	0.30	0.03	1.19	1.19	XXX
78018	TC	A	Thyroid met imaging, body	0.00	5.43	N/A	0.24	5.67	N/A	XXX
78020	.....	A	Thyroid met uptake	0.60	1.52	N/A	0.14	2.26	N/A	ZZZ
78020	26	A	Thyroid met uptake	0.60	0.21	0.21	0.02	0.83	0.83	ZZZ
78020	TC	A	Thyroid met uptake	0.00	1.31	N/A	0.12	1.43	N/A	ZZZ
78070	.....	A	Parathyroid nuclear imaging.	0.82	2.10	N/A	0.12	3.04	N/A	XXX
78070	26	A	Parathyroid nuclear imaging.	0.82	0.28	0.28	0.03	1.13	1.13	XXX
78070	TC	A	Parathyroid nuclear imaging.	0.00	1.82	N/A	0.09	1.91	N/A	XXX
78075	.....	A	Adrenal nuclear imaging ..	0.74	5.69	N/A	0.27	6.70	N/A	XXX
78075	26	A	Adrenal nuclear imaging ..	0.74	0.27	0.27	0.03	1.04	1.04	XXX
78075	TC	A	Adrenal nuclear imaging ...	0.00	5.43	N/A	0.24	5.67	N/A	XXX
78099	.....	C	Endocrine nuclear procedure.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78099	26	C	Endocrine nuclear procedure.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78099	TC	C	Endocrine nuclear procedure.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78102	.....	A	Bone marrow imaging, ltd	0.55	2.24	N/A	0.12	2.91	N/A	XXX
78102	26	A	Bone marrow imaging, ltd	0.55	0.20	0.20	0.02	0.77	0.77	XXX
78102	TC	A	Bone marrow imaging, ltd	0.00	2.04	N/A	0.10	2.14	N/A	XXX
78103	.....	A	Bone marrow imaging, mult.	0.75	3.43	N/A	0.17	4.35	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
78103	26	A	Bone marrow imaging, mult.	0.75	0.26	0.26	0.03	1.04	1.04	XXX
78103	TC	A	Bone marrow imaging, mult.	0.00	3.17	N/A	0.14	3.31	N/A	XXX
78104	.....	A	Bone marrow imaging, body.	0.80	4.35	N/A	0.21	5.36	N/A	XXX
78104	26	A	Bone marrow imaging, body.	0.80	0.28	0.28	0.03	1.11	1.11	XXX
78104	TC	A	Bone marrow imaging, body.	0.00	4.07	N/A	0.18	4.25	N/A	XXX
78110	.....	A	Plasma volume, single	0.19	1.02	N/A	0.06	1.27	N/A	XXX
78110	26	A	Plasma volume, single	0.19	0.07	0.07	0.01	0.27	0.27	XXX
78110	TC	A	Plasma volume, single	0.00	0.95	N/A	0.05	1.00	N/A	XXX
78111	.....	A	Plasma volume, multiple ..	0.22	2.65	N/A	0.13	3.00	N/A	XXX
78111	26	A	Plasma volume, multiple ..	0.22	0.08	0.08	0.01	0.31	0.31	XXX
78111	TC	A	Plasma volume, multiple ..	0.00	2.57	N/A	0.12	2.69	N/A	XXX
78120	.....	A	Red cell mass, single	0.23	1.81	N/A	0.10	2.14	N/A	XXX
78120	26	A	Red cell mass, single	0.23	0.08	0.08	0.01	0.32	0.32	XXX
78120	TC	A	Red cell mass, single	0.00	1.73	N/A	0.09	1.82	N/A	XXX
78121	.....	A	Red cell mass, multiple	0.32	3.03	N/A	0.13	3.48	N/A	XXX
78121	26	A	Red cell mass, multiple	0.32	0.12	0.12	0.01	0.45	0.45	XXX
78121	TC	A	Red cell mass, multiple	0.00	2.91	N/A	0.12	3.03	N/A	XXX
78122	.....	A	Blood volume	0.45	4.76	N/A	0.22	5.43	N/A	XXX
78122	26	A	Blood volume	0.45	0.16	0.16	0.02	0.63	0.63	XXX
78122	TC	A	Blood volume	0.00	4.60	N/A	0.20	4.80	N/A	XXX
78130	.....	A	Red cell survival study	0.61	3.07	N/A	0.15	3.83	N/A	XXX
78130	26	A	Red cell survival study	0.61	0.21	0.21	0.03	0.85	0.85	XXX
78130	TC	A	Red cell survival study	0.00	2.85	N/A	0.12	2.97	N/A	XXX
78135	.....	A	Red cell survival kinetics ..	0.64	5.10	N/A	0.24	5.98	N/A	XXX
78135	26	A	Red cell survival kinetics ..	0.64	0.22	0.22	0.03	0.89	0.89	XXX
78135	TC	A	Red cell survival kinetics ..	0.00	4.87	N/A	0.21	5.08	N/A	XXX
78140	.....	A	Red cell sequestration	0.61	4.14	N/A	0.20	4.95	N/A	XXX
78140	26	A	Red cell sequestration	0.61	0.21	0.21	0.03	0.85	0.85	XXX
78140	TC	A	Red cell sequestration	0.00	3.94	N/A	0.17	4.11	N/A	XXX
78160	.....	A	Plasma iron turnover	0.33	3.79	N/A	0.19	4.31	N/A	XXX
78160	26	A	Plasma iron turnover	0.33	0.12	0.12	0.03	0.48	0.48	XXX
78160	TC	A	Plasma iron turnover	0.00	3.67	N/A	0.16	3.83	N/A	XXX
78162	.....	A	Radioiron absorption exam	0.45	3.39	N/A	0.15	3.99	N/A	XXX
78162	26	A	Radioiron absorption exam	0.45	0.19	0.19	0.01	0.65	0.65	XXX
78162	TC	A	Radioiron absorption exam	0.00	3.20	N/A	0.14	3.34	N/A	XXX
78170	.....	A	Red cell iron utilization	0.41	5.45	N/A	0.27	6.13	N/A	XXX
78170	26	A	Red cell iron utilization	0.41	0.14	0.14	0.04	0.59	0.59	XXX
78170	TC	A	Red cell iron utilization	0.00	5.31	N/A	0.23	5.54	N/A	XXX
78172	.....	C	Total body iron estimation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78172	26	A	Total body iron estimation	0.53	0.18	0.18	0.02	0.73	0.73	XXX
78172	TC	C	Total body iron estimation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78185	.....	A	Spleen imaging	0.40	2.50	N/A	0.13	3.03	N/A	XXX
78185	26	A	Spleen imaging	0.40	0.14	0.14	0.02	0.56	0.56	XXX
78185	TC	A	Spleen imaging	0.00	2.36	N/A	0.11	2.47	N/A	XXX
78190	.....	A	Platelet survival, kinetics ..	1.09	6.10	N/A	0.31	7.50	N/A	XXX
78190	26	A	Platelet survival, kinetics ..	1.09	0.39	0.39	0.06	1.54	1.54	XXX
78190	TC	A	Platelet survival, kinetics ..	0.00	5.72	N/A	0.25	5.97	N/A	XXX
78191	.....	A	Platelet survival	0.61	7.55	N/A	0.34	8.50	N/A	XXX
78191	26	A	Platelet survival	0.61	0.21	0.21	0.03	0.85	0.85	XXX
78191	TC	A	Platelet survival	0.00	7.34	N/A	0.31	7.65	N/A	XXX
78195	.....	A	Lymph system imaging	1.20	4.49	N/A	0.23	5.92	N/A	XXX
78195	26	A	Lymph system imaging	1.20	0.42	0.42	0.05	1.67	1.67	XXX
78195	TC	A	Lymph system imaging	0.00	4.07	N/A	0.18	4.25	N/A	XXX
78199	.....	C	Blood/lymph nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78199	26	C	Blood/lymph nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78199	TC	C	Blood/lymph nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78201	.....	A	Liver imaging	0.44	2.51	N/A	0.13	3.08	N/A	XXX
78201	26	A	Liver imaging	0.44	0.15	0.15	0.02	0.61	0.61	XXX
78201	TC	A	Liver imaging	0.00	2.36	N/A	0.11	2.47	N/A	XXX
78202	.....	A	Liver imaging with flow	0.51	3.06	N/A	0.14	3.71	N/A	XXX
78202	26	A	Liver imaging with flow	0.51	0.18	0.18	0.02	0.71	0.71	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
78202	TC	A	Liver imaging with flow	0.00	2.88	N/A	0.12	3.00	N/A	XXX
78205	.....	A	Liver imaging (3D)	0.71	6.16	N/A	0.29	7.16	N/A	XXX
78205	26	A	Liver imaging (3D)	0.71	0.25	0.25	0.03	0.99	0.99	XXX
78205	TC	A	Liver imaging (3D)	0.00	5.91	N/A	0.26	6.17	N/A	XXX
78206	.....	A	Liver image (3d) with flow	0.96	6.25	N/A	0.13	7.34	N/A	XXX
78206	26	A	Liver image (3d) with flow	0.96	0.34	0.34	0.04	1.34	1.34	XXX
78206	TC	A	Liver image (3d) with flow	0.00	5.91	N/A	0.09	6.00	N/A	XXX
78215	.....	A	Liver and spleen imaging	0.49	3.11	N/A	0.14	3.74	N/A	XXX
78215	26	A	Liver and spleen imaging	0.49	0.17	0.17	0.02	0.68	0.68	XXX
78215	TC	A	Liver and spleen imaging	0.00	2.94	N/A	0.12	3.06	N/A	XXX
78216	.....	A	Liver & spleen image/flow	0.57	3.68	N/A	0.17	4.42	N/A	XXX
78216	26	A	Liver & spleen image/flow	0.57	0.20	0.20	0.02	0.79	0.79	XXX
78216	TC	A	Liver & spleen image/flow	0.00	3.48	N/A	0.15	3.63	N/A	XXX
78220	.....	A	Liver function study	0.49	3.89	N/A	0.18	4.56	N/A	XXX
78220	26	A	Liver function study	0.49	0.17	0.17	0.02	0.68	0.68	XXX
78220	TC	A	Liver function study	0.00	3.72	N/A	0.16	3.88	N/A	XXX
78223	.....	A	Hepatobiliary imaging	0.84	3.95	N/A	0.20	4.99	N/A	XXX
78223	26	A	Hepatobiliary imaging	0.84	0.29	0.29	0.04	1.17	1.17	XXX
78223	TC	A	Hepatobiliary imaging	0.00	3.67	N/A	0.16	3.83	N/A	XXX
78230	.....	A	Salivary gland imaging	0.45	2.33	N/A	0.13	2.91	N/A	XXX
78230	26	A	Salivary gland imaging	0.45	0.15	0.15	0.02	0.62	0.62	XXX
78230	TC	A	Salivary gland imaging	0.00	2.18	N/A	0.11	2.29	N/A	XXX
78231	.....	A	Serial salivary imaging	0.52	3.36	N/A	0.16	4.04	N/A	XXX
78231	26	A	Serial salivary imaging	0.52	0.19	0.19	0.02	0.73	0.73	XXX
78231	TC	A	Serial salivary imaging	0.00	3.17	N/A	0.14	3.31	N/A	XXX
78232	.....	A	Salivary gland function exam.	0.47	3.71	N/A	0.16	4.34	N/A	XXX
78232	26	A	Salivary gland function exam.	0.47	0.17	0.17	0.01	0.65	0.65	XXX
78232	TC	A	Salivary gland function exam.	0.00	3.54	N/A	0.15	3.69	N/A	XXX
78258	.....	A	Esophageal motility study	0.74	3.13	N/A	0.15	4.02	N/A	XXX
78258	26	A	Esophageal motility study	0.74	0.25	0.25	0.03	1.02	1.02	XXX
78258	TC	A	Esophageal motility study	0.00	2.88	N/A	0.12	3.00	N/A	XXX
78261	.....	A	Gastric mucosa imaging ...	0.69	4.35	N/A	0.21	5.25	N/A	XXX
78261	26	A	Gastric mucosa imaging ...	0.69	0.25	0.25	0.03	0.97	0.97	XXX
78261	TC	A	Gastric mucosa imaging ...	0.00	4.10	N/A	0.18	4.28	N/A	XXX
78262	.....	A	Gastroesophageal reflux exam.	0.68	4.49	N/A	0.21	5.38	N/A	XXX
78262	26	A	Gastroesophageal reflux exam.	0.68	0.24	0.24	0.03	0.95	0.95	XXX
78262	TC	A	Gastroesophageal reflux exam.	0.00	4.26	N/A	0.18	4.44	N/A	XXX
78264	.....	A	Gastric emptying study	0.78	4.40	N/A	0.21	5.39	N/A	XXX
78264	26	A	Gastric emptying study	0.78	0.27	0.27	0.03	1.08	1.08	XXX
78264	TC	A	Gastric emptying study	0.00	4.13	N/A	0.18	4.31	N/A	XXX
78270	.....	A	Vit B-12 absorption exam	0.20	1.62	N/A	0.09	1.91	N/A	XXX
78270	26	A	Vit B-12 absorption exam	0.20	0.07	0.07	0.01	0.28	0.28	XXX
78270	TC	A	Vit B-12 absorption exam	0.00	1.55	N/A	0.08	1.63	N/A	XXX
78271	.....	A	Vit b-12 absrp exam, int fac.	0.20	1.71	N/A	0.09	2.00	N/A	XXX
78271	26	A	Vit b-12 absrp exam, int fac.	0.20	0.07	0.07	0.01	0.28	0.28	XXX
78271	TC	A	Vit b-12 absrp exam, int fac.	0.00	1.64	N/A	0.08	1.72	N/A	XXX
78272	.....	A	Vit B-12 absorp, combined	0.27	2.42	N/A	0.12	2.81	N/A	XXX
78272	26	A	Vit B-12 absorp, combined	0.27	0.10	0.10	0.01	0.38	0.38	XXX
78272	TC	A	Vit B-12 absorp, combined	0.00	2.32	N/A	0.11	2.43	N/A	XXX
78278	.....	A	Acute GI blood loss imaging.	0.99	5.21	N/A	0.25	6.45	N/A	XXX
78278	26	A	Acute GI blood loss imaging.	0.99	0.34	0.34	0.04	1.37	1.37	XXX
78278	TC	A	Acute GI blood loss imaging.	0.00	4.87	N/A	0.21	5.08	N/A	XXX
78282	.....	C	GI protein loss exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78282	26	A	GI protein loss exam	0.38	0.13	0.13	0.02	0.53	0.53	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
78282	TC	C	GI protein loss exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78290	.....	A	Meckel's divert exam	0.68	3.28	N/A	0.16	4.12	N/A	XXX
78290	26	A	Meckel's divert exam	0.68	0.23	0.23	0.03	0.94	0.94	XXX
78290	TC	A	Meckel's divert exam	0.00	3.05	N/A	0.13	3.18	N/A	XXX
78291	.....	A	Leveen/shunt patency exam.	0.88	3.37	N/A	0.17	4.42	N/A	XXX
78291	26	A	Leveen/shunt patency exam.	0.88	0.31	0.31	0.04	1.23	1.23	XXX
78291	TC	A	Leveen/shunt patency exam.	0.00	3.07	N/A	0.13	3.20	N/A	XXX
78299	.....	C	GI nuclear procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78299	26	C	GI nuclear procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78299	TC	C	GI nuclear procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78300	.....	A	Bone imaging, limited area	0.62	2.70	N/A	0.15	3.47	N/A	XXX
78300	26	A	Bone imaging, limited area	0.62	0.21	0.21	0.03	0.86	0.86	XXX
78300	TC	A	Bone imaging, limited area	0.00	2.49	N/A	0.12	2.61	N/A	XXX
78305	.....	A	Bone imaging, multiple areas.	0.83	3.95	N/A	0.19	4.97	N/A	XXX
78305	26	A	Bone imaging, multiple areas.	0.83	0.28	0.28	0.03	1.14	1.14	XXX
78305	TC	A	Bone imaging, multiple areas.	0.00	3.67	N/A	0.16	3.83	N/A	XXX
78306	.....	A	Bone imaging, whole body	0.86	4.57	N/A	0.22	5.65	N/A	XXX
78306	26	A	Bone imaging, whole body	0.86	0.29	0.29	0.04	1.19	1.19	XXX
78306	TC	A	Bone imaging, whole body	0.00	4.27	N/A	0.18	4.45	N/A	XXX
78315	.....	A	Bone imaging, 3 phase	1.02	5.13	N/A	0.25	6.40	N/A	XXX
78315	26	A	Bone imaging, 3 phase	1.02	0.35	0.35	0.04	1.41	1.41	XXX
78315	TC	A	Bone imaging, 3 phase	0.00	4.78	N/A	0.21	4.99	N/A	XXX
78320	.....	A	Bone imaging (3D)	1.04	6.28	N/A	0.30	7.62	N/A	XXX
78320	26	A	Bone imaging (3D)	1.04	0.37	0.37	0.04	1.45	1.45	XXX
78320	TC	A	Bone imaging (3D)	0.00	5.91	N/A	0.26	6.17	N/A	XXX
78350	.....	A	Bone mineral, single photon.	0.22	0.83	N/A	0.05	1.10	N/A	XXX
78350	26	A	Bone mineral, single photon.	0.22	0.08	0.08	0.01	0.31	0.31	XXX
78350	TC	A	Bone mineral, single photon.	0.00	0.75	N/A	0.04	0.79	N/A	XXX
78351	.....	N	Bone mineral, dual photon	0.30	1.76	0.12	0.01	2.07	0.43	XXX
78399	.....	C	Musculoskeletal nuclear exam.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78399	26	C	Musculoskeletal nuclear exam.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78399	TC	C	Musculoskeletal nuclear exam.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78414	.....	C	Non-imaging heart function.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78414	26	A	Non-imaging heart function.	0.45	0.16	0.16	0.02	0.63	0.63	XXX
78414	TC	C	Non-imaging heart function.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78428	.....	A	Cardiac shunt imaging	0.78	2.55	N/A	0.14	3.47	N/A	XXX
78428	26	A	Cardiac shunt imaging	0.78	0.30	0.30	0.03	1.11	1.11	XXX
78428	TC	A	Cardiac shunt imaging	0.00	2.25	N/A	0.11	2.36	N/A	XXX
78445	.....	A	Vascular flow imaging	0.49	2.03	N/A	0.11	2.63	N/A	XXX
78445	26	A	Vascular flow imaging	0.49	0.17	0.17	0.02	0.68	0.68	XXX
78445	TC	A	Vascular flow imaging	0.00	1.86	N/A	0.09	1.95	N/A	XXX
78455	.....	A	Venous thrombosis study	0.73	4.24	N/A	0.20	5.17	N/A	XXX
78455	26	A	Venous thrombosis study	0.73	0.25	0.25	0.03	1.01	1.01	XXX
78455	TC	A	Venous thrombosis study	0.00	3.98	N/A	0.17	4.15	N/A	XXX
78456	.....	A	Acute venous thrombus image.	1.00	4.34	N/A	0.28	5.62	N/A	XXX
78456	26	A	Acute venous thrombus image.	1.00	0.35	0.35	0.04	1.39	1.39	XXX
78456	TC	A	Acute venous thrombus image.	0.00	3.98	N/A	0.24	4.22	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
78457	.....	A	Venous thrombosis imaging.	0.77	2.92	N/A	0.15	3.84	N/A	XXX
78457	26	A	Venous thrombosis imaging.	0.77	0.27	0.27	0.03	1.07	1.07	XXX
78457	TC	A	Venous thrombosis imaging.	0.00	2.66	N/A	0.12	2.78	N/A	XXX
78458	.....	A	Ven thrombosis images, bilat.	0.90	4.35	N/A	0.20	5.45	N/A	XXX
78458	26	A	Ven thrombosis images, bilat.	0.90	0.33	0.33	0.03	1.26	1.26	XXX
78458	TC	A	Ven thrombosis images, bilat.	0.00	4.02	N/A	0.17	4.19	N/A	XXX
78459	.....	C	Heart muscle imaging (PET).	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78459	26	R	Heart muscle imaging (PET).	1.50	0.58	0.58	0.04	2.12	2.12	XXX
78459	TC	C	Heart muscle imaging (PET).	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78460	.....	A	Heart muscle blood, single	0.86	2.66	N/A	0.14	3.66	N/A	XXX
78460	26	A	Heart muscle blood, single	0.86	0.30	0.30	0.03	1.19	1.19	XXX
78460	TC	A	Heart muscle blood, single	0.00	2.36	N/A	0.11	2.47	N/A	XXX
78461	.....	A	Heart muscle blood, multiple.	1.23	5.16	N/A	0.26	6.65	N/A	XXX
78461	26	A	Heart muscle blood, multiple.	1.23	0.44	0.44	0.05	1.72	1.72	XXX
78461	TC	A	Heart muscle blood, multiple.	0.00	4.72	N/A	0.21	4.93	N/A	XXX
78464	.....	A	Heart image (3d), single ...	1.09	7.46	N/A	0.35	8.90	N/A	XXX
78464	26	A	Heart image (3d), single ...	1.09	0.39	0.39	0.04	1.52	1.52	XXX
78464	TC	A	Heart image (3d), single ...	0.00	7.07	N/A	0.31	7.38	N/A	XXX
78465	.....	A	Heart image (3d), multiple	1.46	12.33	N/A	0.56	14.35	N/A	XXX
78465	26	A	Heart image (3d), multiple	1.46	0.53	0.53	0.05	2.04	2.04	XXX
78465	TC	A	Heart image (3d), multiple	0.00	11.80	N/A	0.51	12.31	N/A	XXX
78466	.....	A	Heart infarct image	0.69	2.87	N/A	0.15	3.71	N/A	XXX
78466	26	A	Heart infarct image	0.69	0.25	0.25	0.03	0.97	0.97	XXX
78466	TC	A	Heart infarct image	0.00	2.62	N/A	0.12	2.74	N/A	XXX
78468	.....	A	Heart infarct image (ef)	0.80	3.95	N/A	0.19	4.94	N/A	XXX
78468	26	A	Heart infarct image (ef)	0.80	0.28	0.28	0.03	1.11	1.11	XXX
78468	TC	A	Heart infarct image (ef)	0.00	3.67	N/A	0.16	3.83	N/A	XXX
78469	.....	A	Heart infarct image (3D) ...	0.92	5.54	N/A	0.26	6.72	N/A	XXX
78469	26	A	Heart infarct image (3D) ...	0.92	0.32	0.32	0.03	1.27	1.27	XXX
78469	TC	A	Heart infarct image (3D) ...	0.00	5.22	N/A	0.23	5.45	N/A	XXX
78472	.....	A	Gated heart, planar, single	0.98	5.86	N/A	0.29	7.13	N/A	XXX
78472	26	A	Gated heart, planar, single	0.98	0.35	0.35	0.04	1.37	1.37	XXX
78472	TC	A	Gated heart, planar, single	0.00	5.51	N/A	0.25	5.76	N/A	XXX
78473	.....	A	Gated heart, multiple	1.47	8.78	N/A	0.40	10.65	N/A	XXX
78473	26	A	Gated heart, multiple	1.47	0.52	0.52	0.05	2.04	2.04	XXX
78473	TC	A	Gated heart, multiple	0.00	8.26	N/A	0.35	8.61	N/A	XXX
78478	.....	A	Heart wall motion add-on	0.62	1.79	N/A	0.10	2.51	N/A	XXX
78478	26	A	Heart wall motion add-on	0.62	0.23	0.23	0.02	0.87	0.87	XXX
78478	TC	A	Heart wall motion add-on	0.00	1.56	N/A	0.08	1.64	N/A	XXX
78480	.....	A	Heart function add-on	0.62	1.79	N/A	0.10	2.51	N/A	XXX
78480	26	A	Heart function add-on	0.62	0.23	0.23	0.02	0.87	0.87	XXX
78480	TC	A	Heart function add-on	0.00	1.56	N/A	0.08	1.64	N/A	XXX
78481	.....	A	Heart first pass, single	0.98	5.59	N/A	0.26	6.83	N/A	XXX
78481	26	A	Heart first pass, single	0.98	0.37	0.37	0.03	1.38	1.38	XXX
78481	TC	A	Heart first pass, single	0.00	5.22	N/A	0.23	5.45	N/A	XXX
78483	.....	A	Heart first pass, multiple ...	1.47	8.42	N/A	0.39	10.28	N/A	XXX
78483	26	A	Heart first pass, multiple ...	1.47	0.55	0.55	0.05	2.07	2.07	XXX
78483	TC	A	Heart first pass, multiple ...	0.00	7.87	N/A	0.34	8.21	N/A	XXX
78491	.....	I	Heart image (pet), single ..	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78491	26	I	Heart image (pet), single ..	1.50	0.60	0.60	0.05	2.15	2.15	XXX
78491	TC	I	Heart image (pet), single ..	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78492	.....	I	Heart image (pet), multiple	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78492	26	I	Heart image (pet), multiple	1.87	0.75	0.75	0.06	2.68	2.68	XXX
78492	TC	I	Heart image (pet), multiple	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
78494	.....	A	Heart image, spect	1.19	7.49	N/A	0.29	8.97	N/A	XXX
78494	26	A	Heart image, spect	1.19	0.43	0.43	0.04	1.66	1.66	XXX
78494	TC	A	Heart image, spect	0.00	7.07	N/A	0.25	7.32	N/A	XXX
78496	.....	A	Heart first pass add-on	0.50	7.25	N/A	0.27	8.02	N/A	ZZZ
78496	26	A	Heart first pass add-on	0.50	0.19	0.19	0.02	0.71	0.71	ZZZ
78496	TC	A	Heart first pass add-on	0.00	7.07	N/A	0.25	7.32	N/A	ZZZ
78499	.....	C	Cardiovascular nuclear exam.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78499	26	C	Cardiovascular nuclear exam.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78499	TC	C	Cardiovascular nuclear exam.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78580	.....	A	Lung perfusion imaging	0.74	3.69	N/A	0.18	4.61	N/A	XXX
78580	26	A	Lung perfusion imaging	0.74	0.25	0.25	0.03	1.02	1.02	XXX
78580	TC	A	Lung perfusion imaging	0.00	3.43	N/A	0.15	3.58	N/A	XXX
78584	.....	A	Lung V/Q image single breath.	0.99	3.53	N/A	0.18	4.70	N/A	XXX
78584	26	A	Lung V/Q image single breath.	0.99	0.33	0.33	0.04	1.36	1.36	XXX
78584	TC	A	Lung V/Q image single breath.	0.00	3.20	N/A	0.14	3.34	N/A	XXX
78585	.....	A	Lung V/Q imaging	1.09	6.01	N/A	0.30	7.40	N/A	XXX
78585	26	A	Lung V/Q imaging	1.09	0.37	0.37	0.05	1.51	1.51	XXX
78585	TC	A	Lung V/Q imaging	0.00	5.64	N/A	0.25	5.89	N/A	XXX
78586	.....	A	Aerosol lung image, single	0.40	2.73	N/A	0.14	3.27	N/A	XXX
78586	26	A	Aerosol lung image, single	0.40	0.13	0.13	0.02	0.55	0.55	XXX
78586	TC	A	Aerosol lung image, single	0.00	2.59	N/A	0.12	2.71	N/A	XXX
78587	.....	A	Aerosol lung image, multiple.	0.49	2.97	N/A	0.14	3.60	N/A	XXX
78587	26	A	Aerosol lung image, multiple.	0.49	0.17	0.17	0.02	0.68	0.68	XXX
78587	TC	A	Aerosol lung image, multiple.	0.00	2.80	N/A	0.12	2.92	N/A	XXX
78588	.....	A	Perfusion lung image	1.09	3.57	N/A	0.20	4.86	N/A	XXX
78588	26	A	Perfusion lung image	1.09	0.37	0.37	0.05	1.51	1.51	XXX
78588	TC	A	Perfusion lung image	0.00	3.20	N/A	0.15	3.35	N/A	XXX
78591	.....	A	Vent image, 1 breath, 1 proj.	0.40	2.99	N/A	0.14	3.53	N/A	XXX
78591	26	A	Vent image, 1 breath, 1 proj.	0.40	0.14	0.14	0.02	0.56	0.56	XXX
78591	TC	A	Vent image, 1 breath, 1 proj.	0.00	2.85	N/A	0.12	2.97	N/A	XXX
78593	.....	A	Vent image, 1 proj, gas	0.49	3.62	N/A	0.17	4.28	N/A	XXX
78593	26	A	Vent image, 1 proj, gas	0.49	0.17	0.17	0.02	0.68	0.68	XXX
78593	TC	A	Vent image, 1 proj, gas	0.00	3.45	N/A	0.15	3.60	N/A	XXX
78594	.....	A	Vent image, mult proj, gas	0.53	5.17	N/A	0.23	5.93	N/A	XXX
78594	26	A	Vent image, mult proj, gas	0.53	0.18	0.18	0.02	0.73	0.73	XXX
78594	TC	A	Vent image, mult proj, gas	0.00	4.98	N/A	0.21	5.19	N/A	XXX
78596	.....	A	Lung differential function ..	1.27	7.50	N/A	0.36	9.13	N/A	XXX
78596	26	A	Lung differential function ..	1.27	0.43	0.43	0.05	1.75	1.75	XXX
78596	TC	A	Lung differential function ..	0.00	7.07	N/A	0.31	7.38	N/A	XXX
78599	.....	C	Respiratory nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78599	26	C	Respiratory nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78599	TC	C	Respiratory nuclear exam	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78600	.....	A	Brain imaging, ltd static	0.44	3.04	N/A	0.14	3.62	N/A	XXX
78600	26	A	Brain imaging, ltd static	0.44	0.16	0.16	0.02	0.62	0.62	XXX
78600	TC	A	Brain imaging, ltd static	0.00	2.88	N/A	0.12	3.00	N/A	XXX
78601	.....	A	Brain imaging, ltd w/ flow	0.51	3.58	N/A	0.17	4.26	N/A	XXX
78601	26	A	Brain imaging, ltd w/ flow	0.51	0.18	0.18	0.02	0.71	0.71	XXX
78601	TC	A	Brain imaging, ltd w/ flow	0.00	3.40	N/A	0.15	3.55	N/A	XXX
78605	.....	A	Brain imaging, complete ...	0.53	3.59	N/A	0.17	4.29	N/A	XXX
78605	26	A	Brain imaging, complete ...	0.53	0.19	0.19	0.02	0.74	0.74	XXX
78605	TC	A	Brain imaging, complete ...	0.00	3.40	N/A	0.15	3.55	N/A	XXX
78606	.....	A	Brain imaging, compl w/ flow.	0.64	4.09	N/A	0.20	4.93	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
78606	26	A	Brain imaging, compl w/ flow.	0.64	0.22	0.22	0.03	0.89	0.89	XXX
78606	TC	A	Brain imaging, compl w/ flow.	0.00	3.87	N/A	0.17	4.04	N/A	XXX
78607	.....	A	Brain imaging (3D)	1.23	7.00	N/A	0.34	8.57	N/A	XXX
78607	26	A	Brain imaging (3D)	1.23	0.44	0.44	0.05	1.72	1.72	XXX
78607	TC	A	Brain imaging (3D)	0.00	6.56	N/A	0.29	6.85	N/A	XXX
78608	.....	N	Brain imaging (PET)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78610	.....	A	Brain flow imaging only	0.30	1.69	N/A	0.09	2.08	N/A	XXX
78610	26	A	Brain flow imaging only	0.30	0.11	0.11	0.01	0.42	0.42	XXX
78610	TC	A	Brain flow imaging only	0.00	1.58	N/A	0.08	1.66	N/A	XXX
78615	.....	A	Cerebral vascular flow image.	0.42	4.00	N/A	0.19	4.61	N/A	XXX
78615	26	A	Cerebral vascular flow image.	0.42	0.16	0.16	0.02	0.60	0.60	XXX
78615	TC	A	Cerebral vascular flow image.	0.00	3.85	N/A	0.17	4.02	N/A	XXX
78630	.....	A	Cerebrospinal fluid scan ...	0.68	5.27	N/A	0.25	6.20	N/A	XXX
78630	26	A	Cerebrospinal fluid scan ...	0.68	0.23	0.23	0.03	0.94	0.94	XXX
78630	TC	A	Cerebrospinal fluid scan ...	0.00	5.04	N/A	0.22	5.26	N/A	XXX
78635	.....	A	CSF ventriculography	0.61	2.78	N/A	0.14	3.53	N/A	XXX
78635	26	A	CSF ventriculography	0.61	0.24	0.24	0.02	0.87	0.87	XXX
78635	TC	A	CSF ventriculography	0.00	2.54	N/A	0.12	2.66	N/A	XXX
78645	.....	A	CSF shunt evaluation	0.57	3.63	N/A	0.17	4.37	N/A	XXX
78645	26	A	CSF shunt evaluation	0.57	0.20	0.20	0.02	0.79	0.79	XXX
78645	TC	A	CSF shunt evaluation	0.00	3.43	N/A	0.15	3.58	N/A	XXX
78647	.....	A	Cerebrospinal fluid scan ...	0.90	6.23	N/A	0.29	7.42	N/A	XXX
78647	26	A	Cerebrospinal fluid scan ...	0.90	0.32	0.32	0.03	1.25	1.25	XXX
78647	TC	A	Cerebrospinal fluid scan ...	0.00	5.91	N/A	0.26	6.17	N/A	XXX
78650	.....	A	CSF leakage imaging	0.61	4.86	N/A	0.22	5.69	N/A	XXX
78650	26	A	CSF leakage imaging	0.61	0.21	0.21	0.02	0.84	0.84	XXX
78650	TC	A	CSF leakage imaging	0.00	4.64	N/A	0.20	4.84	N/A	XXX
78660	.....	A	Nuclear exam of tear flow	0.53	2.30	N/A	0.12	2.95	N/A	XXX
78660	26	A	Nuclear exam of tear flow	0.53	0.18	0.18	0.02	0.73	0.73	XXX
78660	TC	A	Nuclear exam of tear flow	0.00	2.12	N/A	0.10	2.22	N/A	XXX
78699	.....	C	Nervous system nuclear exam.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78699	26	C	Nervous system nuclear exam.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78699	TC	C	Nervous system nuclear exam.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78700	.....	A	Kidney imaging, static	0.45	3.20	N/A	0.15	3.80	N/A	XXX
78700	26	A	Kidney imaging, static	0.45	0.15	0.15	0.02	0.62	0.62	XXX
78700	TC	A	Kidney imaging, static	0.00	3.05	N/A	0.13	3.18	N/A	XXX
78701	.....	A	Kidney imaging with flow ..	0.49	3.73	N/A	0.17	4.39	N/A	XXX
78701	26	A	Kidney imaging with flow ..	0.49	0.17	0.17	0.02	0.68	0.68	XXX
78701	TC	A	Kidney imaging with flow ..	0.00	3.56	N/A	0.15	3.71	N/A	XXX
78704	.....	A	Imaging renogram	0.74	4.21	N/A	0.20	5.15	N/A	XXX
78704	26	A	Imaging renogram	0.74	0.25	0.25	0.03	1.02	1.02	XXX
78704	TC	A	Imaging renogram	0.00	3.96	N/A	0.17	4.13	N/A	XXX
78707	.....	A	Kidney flow/function image	0.96	4.80	N/A	0.23	5.99	N/A	XXX
78707	26	A	Kidney flow/function image	0.96	0.33	0.33	0.04	1.33	1.33	XXX
78707	TC	A	Kidney flow/function image	0.00	4.47	N/A	0.19	4.66	N/A	XXX
78708	.....	A	Kidney flow/function image	1.21	4.89	N/A	0.24	6.34	N/A	XXX
78708	26	A	Kidney flow/function image	1.21	0.42	0.42	0.05	1.68	1.68	XXX
78708	TC	A	Kidney flow/function image	0.00	4.47	N/A	0.19	4.66	N/A	XXX
78709	.....	A	Kidney flow/function image	1.41	4.95	N/A	0.25	6.61	N/A	XXX
78709	26	A	Kidney flow/function image	1.41	0.48	0.48	0.06	1.95	1.95	XXX
78709	TC	A	Kidney flow/function image	0.00	4.47	N/A	0.19	4.66	N/A	XXX
78710	.....	A	Kidney imaging (3D)	0.66	6.13	N/A	0.29	7.08	N/A	XXX
78710	26	A	Kidney imaging (3D)	0.66	0.23	0.23	0.03	0.92	0.92	XXX
78710	TC	A	Kidney imaging (3D)	0.00	5.91	N/A	0.26	6.17	N/A	XXX
78715	.....	A	Renal vascular flow exam	0.30	1.69	N/A	0.09	2.08	N/A	XXX
78715	26	A	Renal vascular flow exam	0.30	0.11	0.11	0.01	0.42	0.42	XXX
78715	TC	A	Renal vascular flow exam	0.00	1.58	N/A	0.08	1.66	N/A	XXX
78725	.....	A	Kidney function study	0.38	1.91	N/A	0.10	2.39	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
78725	26	A	Kidney function study	0.38	0.13	0.13	0.01	0.52	0.52	XXX
78725	TC	A	Kidney function study	0.00	1.78	N/A	0.09	1.87	N/A	XXX
78730	.....	A	Urinary bladder retention ..	0.36	1.59	N/A	0.09	2.04	N/A	XXX
78730	26	A	Urinary bladder retention ..	0.36	0.13	0.13	0.02	0.51	0.51	XXX
78730	TC	A	Urinary bladder retention ..	0.00	1.46	N/A	0.07	1.53	N/A	XXX
78740	.....	A	Ureteral reflux study	0.57	2.31	N/A	0.12	3.00	N/A	XXX
78740	26	A	Ureteral reflux study	0.57	0.19	0.19	0.02	0.78	0.78	XXX
78740	TC	A	Ureteral reflux study	0.00	2.12	N/A	0.10	2.22	N/A	XXX
78760	.....	A	Testicular imaging	0.66	2.90	N/A	0.15	3.71	N/A	XXX
78760	26	A	Testicular imaging	0.66	0.22	0.22	0.03	0.91	0.91	XXX
78760	TC	A	Testicular imaging	0.00	2.68	N/A	0.12	2.80	N/A	XXX
78761	.....	A	Testicular imaging/flow	0.71	3.44	N/A	0.17	4.32	N/A	XXX
78761	26	A	Testicular imaging/flow	0.71	0.24	0.24	0.03	0.98	0.98	XXX
78761	TC	A	Testicular imaging/flow	0.00	3.20	N/A	0.14	3.34	N/A	XXX
78799	.....	C	Genitourinary nuclear exam.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78799	26	C	Genitourinary nuclear exam.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78799	TC	C	Genitourinary nuclear exam.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78800	.....	A	Tumor imaging, limited area.	0.66	3.63	N/A	0.18	4.47	N/A	XXX
78800	26	A	Tumor imaging, limited area.	0.66	0.22	0.22	0.03	0.91	0.91	XXX
78800	TC	A	Tumor imaging, limited area.	0.00	3.40	N/A	0.15	3.55	N/A	XXX
78801	.....	A	Tumor imaging, mult areas	0.79	4.50	N/A	0.21	5.50	N/A	XXX
78801	26	A	Tumor imaging, mult areas	0.79	0.27	0.27	0.03	1.09	1.09	XXX
78801	TC	A	Tumor imaging, mult areas	0.00	4.23	N/A	0.18	4.41	N/A	XXX
78802	.....	A	Tumor imaging, whole body.	0.86	5.83	N/A	0.28	6.97	N/A	XXX
78802	26	A	Tumor imaging, whole body.	0.86	0.30	0.30	0.03	1.19	1.19	XXX
78802	TC	A	Tumor imaging, whole body.	0.00	5.53	N/A	0.25	5.78	N/A	XXX
78803	.....	A	Tumor imaging (3D)	1.09	6.95	N/A	0.33	8.37	N/A	XXX
78803	26	A	Tumor imaging (3D)	1.09	0.39	0.39	0.04	1.52	1.52	XXX
78803	TC	A	Tumor imaging (3D)	0.00	6.56	N/A	0.29	6.85	N/A	XXX
78805	.....	A	Abscess imaging, ltd area	0.73	3.66	N/A	0.18	4.57	N/A	XXX
78805	26	A	Abscess imaging, ltd area	0.73	0.26	0.26	0.03	1.02	1.02	XXX
78805	TC	A	Abscess imaging, ltd area	0.00	3.40	N/A	0.15	3.55	N/A	XXX
78806	.....	A	Abscess imaging, whole body.	0.86	6.73	N/A	0.32	7.91	N/A	XXX
78806	26	A	Abscess imaging, whole body.	0.86	0.30	0.30	0.03	1.19	1.19	XXX
78806	TC	A	Abscess imaging, whole body.	0.00	6.43	N/A	0.29	6.72	N/A	XXX
78807	.....	A	Nuclear localization/abscess.	1.09	6.96	N/A	0.33	8.38	N/A	XXX
78807	26	A	Nuclear localization/abscess.	1.09	0.40	0.40	0.04	1.53	1.53	XXX
78807	TC	A	Nuclear localization/abscess.	0.00	6.56	N/A	0.29	6.85	N/A	XXX
78810	26	N	Tumor imaging (PET)	1.93	0.75	0.75	0.09	2.77	2.77	XXX
78890	.....	B	Nuclear medicine data proc.	0.05	1.32	N/A	0.06	1.43	N/A	XXX
78890	26	B	Nuclear medicine data proc.	0.05	0.02	0.02	0.01	0.08	0.08	XXX
78890	TC	B	Nuclear medicine data proc.	0.00	1.31	N/A	0.05	1.36	N/A	XXX
78891	.....	B	Nuclear med data proc	0.10	2.66	N/A	0.12	2.88	N/A	XXX
78891	26	B	Nuclear med data proc	0.10	0.04	0.04	0.01	0.15	0.15	XXX
78891	TC	B	Nuclear med data proc	0.00	2.62	N/A	0.11	2.73	N/A	XXX
78990	.....	I	Provide diag radionuclide(s).	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78999	.....	C	Nuclear diagnostic exam ..	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
78999	26	C	Nuclear diagnostic exam ..	0.00	0.00	0.00	0.00	0.00	0.00	XXX
78999	TC	C	Nuclear diagnostic exam ..	0.00	0.00	0.00	0.00	0.00	0.00	XXX
79000		A	Init hyperthyroid therapy ...	1.80	3.24	N/A	0.19	5.23	N/A	XXX
79000	26	A	Init hyperthyroid therapy ...	1.80	0.62	0.62	0.07	2.49	2.49	XXX
79000	TC	A	Init hyperthyroid therapy ...	0.00	2.62	N/A	0.12	2.74	N/A	XXX
79001		A	Repeat hyperthyroid therapy.	1.05	1.67	N/A	0.10	2.82	N/A	XXX
79001	26	A	Repeat hyperthyroid therapy.	1.05	0.36	0.36	0.04	1.45	1.45	XXX
79001	TC	A	Repeat hyperthyroid therapy.	0.00	1.31	N/A	0.06	1.37	N/A	XXX
79020		A	Thyroid ablation	1.81	3.23	N/A	0.19	5.23	N/A	XXX
79020	26	A	Thyroid ablation	1.81	0.61	0.61	0.07	2.49	2.49	XXX
79020	TC	A	Thyroid ablation	0.00	2.62	N/A	0.12	2.74	N/A	XXX
79030		A	Thyroid ablation, carcinoma.	2.10	3.34	N/A	0.20	5.64	N/A	XXX
79030	26	A	Thyroid ablation, carcinoma.	2.10	0.72	0.72	0.08	2.90	2.90	XXX
79030	TC	A	Thyroid ablation, carcinoma.	0.00	2.62	N/A	0.12	2.74	N/A	XXX
79035		A	Thyroid metastatic therapy	2.52	3.51	N/A	0.21	6.24	N/A	XXX
79035	26	A	Thyroid metastatic therapy	2.52	0.89	0.89	0.09	3.50	3.50	XXX
79035	TC	A	Thyroid metastatic therapy	0.00	2.62	N/A	0.12	2.74	N/A	XXX
79100		A	Hematopoetic nuclear therapy.	1.32	3.09	N/A	0.17	4.58	N/A	XXX
79100	26	A	Hematopoetic nuclear therapy.	1.32	0.47	0.47	0.05	1.84	1.84	XXX
79100	TC	A	Hematopoetic nuclear therapy.	0.00	2.62	N/A	0.12	2.74	N/A	XXX
79200		A	Intracavitary nuclear trmt ..	1.99	3.33	N/A	0.19	5.51	N/A	XXX
79200	26	A	Intracavitary nuclear trmt ..	1.99	0.71	0.71	0.07	2.77	2.77	XXX
79200	TC	A	Intracavitary nuclear trmt ..	0.00	2.62	N/A	0.12	2.74	N/A	XXX
79300		C	Interstitial nuclear therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
79300	26	A	Interstitial nuclear therapy	1.60	0.57	0.57	0.07	2.24	2.24	XXX
79300	TC	C	Interstitial nuclear therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
79400		A	Nonhemato nuclear therapy.	1.96	3.31	N/A	0.20	5.47	N/A	XXX
79400	26	A	Nonhemato nuclear therapy.	1.96	0.68	0.68	0.08	2.72	2.72	XXX
79400	TC	A	Nonhemato nuclear therapy.	0.00	2.62	N/A	0.12	2.74	N/A	XXX
79420		C	Intravascular nuclear ther	0.00	0.00	0.00	0.00	0.00	0.00	XXX
79420	26	A	Intravascular nuclear ther	1.51	0.50	0.50	0.06	2.07	2.07	XXX
79420	TC	C	Intravascular nuclear ther	0.00	0.00	0.00	0.00	0.00	0.00	XXX
79440		A	Nuclear joint therapy	1.99	3.36	N/A	0.20	5.55	N/A	XXX
79440	26	A	Nuclear joint therapy	1.99	0.74	0.74	0.08	2.81	2.81	XXX
79440	TC	A	Nuclear joint therapy	0.00	2.62	N/A	0.12	2.74	N/A	XXX
79900		C	Provide ther radiopharm(s)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
79999		C	Nuclear medicine therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
79999	26	C	Nuclear medicine therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
79999	TC	C	Nuclear medicine therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
80055		I	Obstetric panel	0.00	0.00	0.00	0.00	0.00	0.00	XXX
80500		A	Lab pathology consultation	0.37	0.22	0.16	0.01	0.60	0.54	XXX
80502		A	Lab pathology consultation	1.33	0.64	0.59	0.05	2.02	1.97	XXX
83020	26	A	Hemoglobin electrophoresis.	0.37	0.16	0.16	0.01	0.54	0.54	XXX
83912	26	A	Genetic examination	0.37	0.15	0.15	0.01	0.53	0.53	XXX
84165	26	A	Assay of serum proteins ..	0.37	0.16	0.16	0.01	0.54	0.54	XXX
84181	26	A	Western blot test	0.37	0.14	0.14	0.01	0.52	0.52	XXX
84182	26	A	Protein, western blot test ..	0.37	0.17	0.17	0.01	0.55	0.55	XXX
85060		A	Blood smear interpretation	0.45	0.19	0.19	0.02	0.66	0.66	XXX
85097		A	Bone marrow interpretation.	0.94	1.65	0.41	0.03	2.62	1.38	XXX
85390	26	A	Fibrinolysins screen	0.37	0.12	0.12	0.01	0.50	0.50	XXX
85576	26	A	Blood platelet aggregation	0.37	0.16	0.16	0.01	0.54	0.54	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
86077		A	Physician blood bank service.	0.94	0.47	0.41	0.03	1.44	1.38	XXX
86078		A	Physician blood bank service.	0.94	0.50	0.42	0.03	1.47	1.39	XXX
86079		A	Physician blood bank service.	0.94	0.50	0.42	0.03	1.47	1.39	XXX
86255	26	A	Fluorescent antibody, screen.	0.37	0.17	0.16	0.01	0.55	0.54	XXX
86256	26	A	Fluorescent antibody, titer	0.37	0.16	0.16	0.01	0.54	0.54	XXX
86320	26	A	Serum immunoelectrophoresis.	0.37	0.16	0.16	0.01	0.54	0.54	XXX
86325	26	A	Other immunoelectrophoresis.	0.37	0.16	0.16	0.01	0.54	0.54	XXX
86327	26	A	Immunoelectrophoresis assay.	0.42	0.19	0.19	0.01	0.62	0.62	XXX
86334	26	A	Immunofixation procedure	0.37	0.16	0.16	0.01	0.54	0.54	XXX
86485		C	Skin test, candida	0.00	0.00	0.00	0.00	0.00	0.00	XXX
86490		A	Coccidioidomycosis skin test.	0.00	0.29	N/A	0.02	0.31	N/A	XXX
86510		A	Histoplasmosis skin test	0.00	0.32	N/A	0.02	0.34	N/A	XXX
86580		A	TB intradermal test	0.00	0.25	N/A	0.02	0.27	N/A	XXX
86585		A	TB tine test	0.00	0.20	N/A	0.01	0.21	N/A	XXX
86586		C	Skin test, unlisted	0.00	0.00	0.00	0.00	0.00	0.00	XXX
87164	26	A	Dark field examination	0.37	0.12	0.12	0.01	0.50	0.50	XXX
87207	26	A	Smear, special stain	0.37	0.17	0.16	0.01	0.55	0.54	XXX
88104		A	Cytopathology, fluids	0.56	0.76	N/A	0.04	1.36	N/A	XXX
88104	26	A	Cytopathology, fluids	0.56	0.25	0.25	0.02	0.83	0.83	XXX
88104	TC	A	Cytopathology, fluids	0.00	0.51	N/A	0.02	0.53	N/A	XXX
88106		A	Cytopathology, fluids	0.56	0.62	N/A	0.04	1.22	N/A	XXX
88106	26	A	Cytopathology, fluids	0.56	0.25	0.25	0.02	0.83	0.83	XXX
88106	TC	A	Cytopathology, fluids	0.00	0.37	N/A	0.02	0.39	N/A	XXX
88107		A	Cytopathology, fluids	0.76	0.99	N/A	0.05	1.80	N/A	XXX
88107	26	A	Cytopathology, fluids	0.76	0.34	0.34	0.03	1.13	1.13	XXX
88107	TC	A	Cytopathology, fluids	0.00	0.65	N/A	0.02	0.67	N/A	XXX
88108		A	Cytopath, concentrate tech	0.56	0.83	N/A	0.04	1.43	N/A	XXX
88108	26	A	Cytopath, concentrate tech	0.56	0.25	0.25	0.02	0.83	0.83	XXX
88108	TC	A	Cytopath, concentrate tech	0.00	0.58	N/A	0.02	0.60	N/A	XXX
88125		A	Forensic cytopathology	0.26	0.26	N/A	0.02	0.54	N/A	XXX
88125	26	A	Forensic cytopathology	0.26	0.12	0.12	0.01	0.39	0.39	XXX
88125	TC	A	Forensic cytopathology	0.00	0.15	N/A	0.01	0.16	N/A	XXX
88141		A	Cytopath, c/v, interpret	0.42	0.18	0.18	0.01	0.61	0.61	XXX
88160		A	Cytopath smear, other source.	0.50	0.94	N/A	0.04	1.48	N/A	XXX
88160	26	A	Cytopath smear, other source.	0.50	0.22	0.22	0.02	0.74	0.74	XXX
88160	TC	A	Cytopath smear, other source.	0.00	0.72	N/A	0.02	0.74	N/A	XXX
88161		A	Cytopath smear, other source.	0.50	0.89	N/A	0.04	1.43	N/A	XXX
88161	26	A	Cytopath smear, other source.	0.50	0.22	0.22	0.02	0.74	0.74	XXX
88161	TC	A	Cytopath smear, other source.	0.00	0.67	N/A	0.02	0.69	N/A	XXX
88162		A	Cytopath smear, other source.	0.76	0.69	N/A	0.05	1.50	N/A	XXX
88162	26	A	Cytopath smear, other source.	0.76	0.34	0.34	0.03	1.13	1.13	XXX
88162	TC	A	Cytopath smear, other source.	0.00	0.35	N/A	0.02	0.37	N/A	XXX
88172		A	Cytopathology eval of fna	0.60	0.67	N/A	0.04	1.31	N/A	XXX
88172	26	A	Cytopathology eval of fna	0.60	0.27	0.27	0.02	0.89	0.89	XXX
88172	TC	A	Cytopathology eval of fna	0.00	0.40	N/A	0.02	0.42	N/A	XXX
88173		A	Cytopath eval, fna, report	1.39	1.80	N/A	0.07	3.26	N/A	XXX
88173	26	A	Cytopath eval, fna, report	1.39	0.62	0.62	0.05	2.06	2.06	XXX
88173	TC	A	Cytopath eval, fna, report	0.00	1.18	N/A	0.02	1.20	N/A	XXX
88180		A	Cell marker study	0.36	1.46	N/A	0.03	1.85	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
88180	26	A	Cell marker study	0.36	0.16	0.16	0.01	0.53	0.53	XXX
88180	TC	A	Cell marker study	0.00	1.30	N/A	0.02	1.32	N/A	XXX
88182		A	Cell marker study	0.77	1.63	N/A	0.06	2.46	N/A	XXX
88182	26	A	Cell marker study	0.77	0.34	0.34	0.03	1.14	1.14	XXX
88182	TC	A	Cell marker study	0.00	1.28	N/A	0.03	1.31	N/A	XXX
88199		C	Cytopathology procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88199	26	C	Cytopathology procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88199	TC	C	Cytopathology procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88291		A	Cyto/molecular report	0.52	0.28	0.28	0.02	0.82	0.82	XXX
88299		C	Cytogenetic study	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88300		A	Surgical path, gross	0.08	0.28	N/A	0.02	0.38	N/A	XXX
88300	26	A	Surgical path, gross	0.08	0.04	0.04	0.01	0.13	0.13	XXX
88300	TC	A	Surgical path, gross	0.00	0.25	N/A	0.01	0.26	N/A	XXX
88302		A	Tissue exam by patholo-gist.	0.13	0.71	N/A	0.03	0.87	N/A	XXX
88302	26	A	Tissue exam by patholo-gist.	0.13	0.06	0.06	0.01	0.20	0.20	XXX
88302	TC	A	Tissue exam by patholo-gist.	0.00	0.65	N/A	0.02	0.67	N/A	XXX
88304		A	Tissue exam by patholo-gist.	0.22	0.89	N/A	0.03	1.14	N/A	XXX
88304	26	A	Tissue exam by patholo-gist.	0.22	0.10	0.10	0.01	0.33	0.33	XXX
88304	TC	A	Tissue exam by patholo-gist.	0.00	0.79	N/A	0.02	0.81	N/A	XXX
88305		A	Tissue exam by patholo-gist.	0.75	1.77	N/A	0.05	2.57	N/A	XXX
88305	26	A	Tissue exam by patholo-gist.	0.75	0.34	0.34	0.02	1.11	1.11	XXX
88305	TC	A	Tissue exam by patholo-gist.	0.00	1.43	N/A	0.03	1.46	N/A	XXX
88307		A	Tissue exam by patholo-gist.	1.59	2.71	N/A	0.11	4.41	N/A	XXX
88307	26	A	Tissue exam by patholo-gist.	1.59	0.71	0.71	0.06	2.36	2.36	XXX
88307	TC	A	Tissue exam by patholo-gist.	0.00	2.00	N/A	0.05	2.05	N/A	XXX
88309		A	Tissue exam by patholo-gist.	2.28	3.32	N/A	0.13	5.73	N/A	XXX
88309	26	A	Tissue exam by patholo-gist.	2.28	1.01	1.01	0.08	3.37	3.37	XXX
88309	TC	A	Tissue exam by patholo-gist.	0.00	2.30	N/A	0.05	2.35	N/A	XXX
88311		A	Decalcify tissue	0.24	0.19	N/A	0.02	0.45	N/A	XXX
88311	26	A	Decalcify tissue	0.24	0.11	0.11	0.01	0.36	0.36	XXX
88311	TC	A	Decalcify tissue	0.00	0.09	N/A	0.01	0.10	N/A	XXX
88312		A	Special stains	0.54	1.37	N/A	0.03	1.94	N/A	XXX
88312	26	A	Special stains	0.54	0.24	0.24	0.02	0.80	0.80	XXX
88312	TC	A	Special stains	0.00	1.13	N/A	0.01	1.14	N/A	XXX
88313		A	Special stains	0.24	1.11	N/A	0.02	1.37	N/A	XXX
88313	26	A	Special stains	0.24	0.11	0.11	0.01	0.36	0.36	XXX
88313	TC	A	Special stains	0.00	1.00	N/A	0.01	1.01	N/A	XXX
88314		A	Histochemical stain	0.45	0.90	N/A	0.04	1.39	N/A	XXX
88314	26	A	Histochemical stain	0.45	0.20	0.20	0.02	0.67	0.67	XXX
88314	TC	A	Histochemical stain	0.00	0.71	N/A	0.02	0.73	N/A	XXX
88318		A	Chemical histochemistry	0.42	0.82	N/A	0.02	1.26	N/A	XXX
88318	26	A	Chemical histochemistry	0.42	0.19	0.19	0.01	0.62	0.62	XXX
88318	TC	A	Chemical histochemistry	0.00	0.63	N/A	0.01	0.64	N/A	XXX
88319		A	Enzyme histochemistry	0.53	1.92	N/A	0.04	2.49	N/A	XXX
88319	26	A	Enzyme histochemistry	0.53	0.23	0.23	0.02	0.78	0.78	XXX
88319	TC	A	Enzyme histochemistry	0.00	1.69	N/A	0.02	1.71	N/A	XXX
88321		A	Microslide consultation	1.30	0.83	0.58	0.04	2.17	1.92	XXX
88323		A	Microslide consultation	1.35	1.47	N/A	0.07	2.89	N/A	XXX
88323	26	A	Microslide consultation	1.35	0.60	0.60	0.05	2.00	2.00	XXX
88323	TC	A	Microslide consultation	0.00	0.86	N/A	0.02	0.88	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
88325		A	Comprehensive review of data.	2.22	3.02	0.98	0.08	5.32	3.28	XXX
88329		A	Path consult introp	0.67	0.64	0.30	0.02	1.33	0.99	XXX
88331		A	Path consult intraop, 1 bloc.	1.19	1.01	N/A	0.07	2.27	N/A	XXX
88331	26	A	Path consult intraop, 1 bloc.	1.19	0.53	0.53	0.04	1.76	1.76	XXX
88331	TC	A	Path consult intraop, 1 bloc.	0.00	0.48	N/A	0.03	0.51	N/A	XXX
88332		A	Path consult intraop, addl	0.59	0.51	N/A	0.04	1.14	N/A	XXX
88332	26	A	Path consult intraop, addl	0.59	0.26	0.26	0.02	0.87	0.87	XXX
88332	TC	A	Path consult intraop, addl	0.00	0.24	N/A	0.02	0.26	N/A	XXX
88342		A	Immunocytochemistry	0.85	1.38	N/A	0.05	2.28	N/A	XXX
88342	26	A	Immunocytochemistry	0.85	0.38	0.38	0.03	1.26	1.26	XXX
88342	TC	A	Immunocytochemistry	0.00	1.00	N/A	0.02	1.02	N/A	XXX
88346		A	Immunofluorescent study	0.86	1.47	N/A	0.05	2.38	N/A	XXX
88346	26	A	Immunofluorescent study	0.86	0.38	0.38	0.03	1.27	1.27	XXX
88346	TC	A	Immunofluorescent study	0.00	1.09	N/A	0.02	1.11	N/A	XXX
88347		A	Immunofluorescent study	0.86	1.79	N/A	0.05	2.70	N/A	XXX
88347	26	A	Immunofluorescent study	0.86	0.36	0.36	0.03	1.25	1.25	XXX
88347	TC	A	Immunofluorescent study	0.00	1.43	N/A	0.02	1.45	N/A	XXX
88348		A	Electron microscopy	1.51	8.66	N/A	0.11	10.28	N/A	XXX
88348	26	A	Electron microscopy	1.51	0.67	0.67	0.05	2.23	2.23	XXX
88348	TC	A	Electron microscopy	0.00	7.99	N/A	0.06	8.05	N/A	XXX
88349		A	Scanning electron micros-copy.	0.76	10.02	N/A	0.08	10.86	N/A	XXX
88349	26	A	Scanning electron micros-copy.	0.76	0.34	0.34	0.03	1.13	1.13	XXX
88349	TC	A	Scanning electron micros-copy.	0.00	9.68	N/A	0.05	9.73	N/A	XXX
88355		A	Analysis, skeletal muscle	1.85	2.66	N/A	0.12	4.63	N/A	XXX
88355	26	A	Analysis, skeletal muscle	1.85	0.82	0.82	0.07	2.74	2.74	XXX
88355	TC	A	Analysis, skeletal muscle	0.00	1.84	N/A	0.05	1.89	N/A	XXX
88356		A	Analysis, nerve	3.02	2.93	N/A	0.16	6.11	N/A	XXX
88356	26	A	Analysis, nerve	3.02	1.30	1.30	0.10	4.42	4.42	XXX
88356	TC	A	Analysis, nerve	0.00	1.63	N/A	0.06	1.69	N/A	XXX
88358		A	Analysis, tumor	2.82	1.76	N/A	0.16	4.74	N/A	XXX
88358	26	A	Analysis, tumor	2.82	1.25	1.25	0.10	4.17	4.17	XXX
88358	TC	A	Analysis, tumor	0.00	0.50	N/A	0.06	0.56	N/A	XXX
88362		A	Nerve teasing prepara-tions.	2.17	4.49	N/A	0.12	6.78	N/A	XXX
88362	26	A	Nerve teasing prepara-tions.	2.17	0.95	0.95	0.07	3.19	3.19	XXX
88362	TC	A	Nerve teasing prepara-tions.	0.00	3.54	N/A	0.05	3.59	N/A	XXX
88365		A	Tissue hybridization	0.93	2.25	N/A	0.05	3.23	N/A	XXX
88365	26	A	Tissue hybridization	0.93	0.41	0.41	0.03	1.37	1.37	XXX
88365	TC	A	Tissue hybridization	0.00	1.84	N/A	0.02	1.86	N/A	XXX
88371	26	A	Protein, western blot tis-sue.	0.37	0.13	0.13	0.01	0.51	0.51	XXX
88372	26	A	Protein analysis w/probe	0.37	0.17	0.17	0.01	0.55	0.55	XXX
88380		C	Microdissection	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88380	26	C	Microdissection	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88380	TC	C	Microdissection	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88399		C	Surgical pathology proce-dure.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88399	26	C	Surgical pathology proce-dure.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
88399	TC	C	Surgical pathology proce-dure.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
89060	26	A	Exam,synovial fluid crys-tals.	0.37	0.17	0.17	0.01	0.55	0.55	XXX
89100		A	Sample intestinal contents	0.60	1.64	0.22	0.02	2.26	0.84	XXX
89105		A	Sample intestinal contents	0.50	2.28	0.17	0.02	2.80	0.69	XXX
89130		A	Sample stomach contents	0.45	1.78	0.13	0.02	2.25	0.60	XXX
89132		A	Sample stomach contents	0.19	1.53	0.06	0.01	1.73	0.26	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
89135	.....	A	Sample stomach contents	0.79	1.62	0.25	0.03	2.44	1.07	XXX
89136	.....	A	Sample stomach contents	0.21	1.68	0.09	0.01	1.90	0.31	XXX
89140	.....	A	Sample stomach contents	0.94	2.13	0.28	0.03	3.10	1.25	XXX
89141	.....	A	Sample stomach contents	0.85	2.78	0.34	0.03	3.66	1.22	XXX
89350	.....	A	Sputum specimen collection.	0.00	0.41	N/A	0.02	0.43	N/A	XXX
89360	.....	A	Collect sweat for test	0.00	0.45	N/A	0.02	0.47	N/A	XXX
89399	.....	C	Pathology lab procedure ..	0.00	0.00	0.00	0.00	0.00	0.00	XXX
89399	26	C	Pathology lab procedure ..	0.00	0.00	0.00	0.00	0.00	0.00	XXX
89399	TC	C	Pathology lab procedure ..	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90281	.....	I	Human ig, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90283	.....	I	Human ig, iv	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90287	.....	I	Botulinum antitoxin	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90288	.....	I	Botulism ig, iv	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90291	.....	I	Cmv ig, iv	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90379	.....	I	Rsv ig, iv	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90384	.....	I	Rh ig, full-dose, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90386	.....	I	Rh ig, iv	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90389	.....	I	Tetanus ig, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90399	.....	I	Immune globulin	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90471	.....	A	Immunization admin	0.00	0.13	N/A	0.01	0.14	N/A	XXX
90472	.....	A	Immunization admin, each add.	0.00	0.08	N/A	0.01	0.09	N/A	ZZZ
90723	.....	I	Dtap-hep b-ipv vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90748	.....	I	Hep b/hib vaccine, im	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90780	.....	A	IV infusion therapy, 1 hour	0.00	1.11	N/A	0.06	1.17	N/A	XXX
90781	.....	A	IV infusion, additional hour	0.00	0.56	N/A	0.03	0.59	N/A	ZZZ
90782	.....	T	Injection, sc/im	0.00	0.11	N/A	0.01	0.12	N/A	XXX
90783	.....	T	Injection, ia	0.00	0.41	N/A	0.02	0.43	N/A	XXX
90784	.....	T	Injection, iv	0.00	0.47	N/A	0.03	0.50	N/A	XXX
90788	.....	T	Injection of antibiotic	0.00	0.12	N/A	0.01	0.13	N/A	XXX
90799	.....	C	Ther/prophylactic/dx inject	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90801	.....	A	Psy dx interview	2.80	1.20	0.95	0.06	4.06	3.81	XXX
90802	.....	A	Intac psy dx interview	3.01	1.23	1.00	0.07	4.31	4.08	XXX
90804	.....	A	Psytx, office, 20-30 min	1.21	0.51	0.39	0.03	1.75	1.63	XXX
90805	.....	A	Psytx, off, 20-30 min w/ e&m.	1.37	0.51	0.43	0.03	1.91	1.83	XXX
90806	.....	A	Psytx, off, 45-50 min	1.86	0.72	0.62	0.04	2.62	2.52	XXX
90807	.....	A	Psytx, off, 45-50 min w/ e&m.	2.02	0.71	0.65	0.05	2.78	2.72	XXX
90808	.....	A	Psytx, office, 75-80 min	2.79	1.05	0.92	0.07	3.91	3.78	XXX
90809	.....	A	Psytx, off, 75-80, w/e&m ..	2.95	1.02	0.94	0.07	4.04	3.96	XXX
90810	.....	A	Intac psytx, off, 20-30 min	1.32	0.52	0.43	0.03	1.87	1.78	XXX
90811	.....	A	Intac psytx, 20-30, w/e&m	1.48	0.58	0.47	0.03	2.09	1.98	XXX
90812	.....	A	Intac psytx, off, 45-50 min	1.97	0.81	0.66	0.05	2.83	2.68	XXX
90813	.....	A	Intac psytx, 45-50 min w/ e&m.	2.13	0.79	0.68	0.05	2.97	2.86	XXX
90814	.....	A	Intac psytx, off, 75-80 min	2.90	1.12	1.01	0.07	4.09	3.98	XXX
90815	.....	A	Intac psytx, 75-80 w/e&m	3.06	1.07	0.97	0.07	4.20	4.10	XXX
90816	.....	A	Psytx, hosp, 20-30 min	1.25	N/A	0.47	0.03	N/A	1.75	XXX
90817	.....	A	Psytx, hosp, 20-30 min w/ e&m.	1.41	N/A	0.47	0.03	N/A	1.91	XXX
90818	.....	A	Psytx, hosp, 45-50 min	1.89	N/A	0.70	0.04	N/A	2.63	XXX
90819	.....	A	Psytx, hosp, 45-50 min w/ e&m.	2.05	N/A	0.67	0.05	N/A	2.77	XXX
90821	.....	A	Psytx, hosp, 75-80 min	2.83	N/A	1.03	0.06	N/A	3.92	XXX
90822	.....	A	Psytx, hosp, 75-80 min w/ e&m.	2.99	N/A	0.97	0.07	N/A	4.03	XXX
90823	.....	A	Intac psytx, hosp, 20-30 min.	1.36	N/A	0.49	0.03	N/A	1.88	XXX
90824	.....	A	Intac psytx, hsp 20-30 w/ e&m.	1.52	N/A	0.50	0.03	N/A	2.05	XXX
90826	.....	A	Intac psytx, hosp, 45-50 min.	2.01	N/A	0.74	0.04	N/A	2.79	XXX
90827	.....	A	Intac psytx, hsp 45-50 w/ e&m.	2.16	N/A	0.70	0.05	N/A	2.91	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
90828		A	Intac psytx, hosp, 75-80 min.	2.94	N/A	1.09	0.07	N/A	4.10	XXX
90829		A	Intac psytx, hsp 75-80 w/ e&m.	3.10	N/A	1.00	0.07	N/A	4.17	XXX
90845		A	Psychoanalysis	1.79	0.59	0.57	0.04	2.42	2.40	XXX
90846		R	Family psytx w/o patient	1.83	0.67	0.66	0.04	2.54	2.53	XXX
90847		R	Family psytx w/patient	2.21	0.83	0.78	0.05	3.09	3.04	XXX
90849		R	Multiple family group psytx	0.59	0.28	0.24	0.01	0.88	0.84	XXX
90853		A	Group psychotherapy	0.59	0.25	0.24	0.01	0.85	0.84	XXX
90857		A	Intac group psytx	0.63	0.30	0.26	0.02	0.95	0.91	XXX
90862		A	Medication management	0.95	0.41	0.33	0.02	1.38	1.30	XXX
90865		A	Narcosynthesis	2.84	1.64	0.91	0.07	4.55	3.82	XXX
90870		A	Electroconvulsive therapy	1.88	0.80	0.80	0.04	2.72	2.72	000
90871		N	Electroconvulsive therapy	2.72	N/A	1.08	0.06	N/A	3.86	000
90875		N	Psychophysiological therapy.	1.20	0.92	0.46	0.03	2.15	1.69	XXX
90876		N	Psychophysiological therapy.	1.90	1.20	0.74	0.04	3.14	2.68	XXX
90880		A	Hypnotherapy	2.19	1.06	0.70	0.05	3.30	2.94	XXX
90885		B	Psy evaluation of records	0.97	0.38	0.38	0.02	1.37	1.37	XXX
90887		B	Consultation with family	1.48	0.84	0.57	0.03	2.35	2.08	XXX
90899		C	Psychiatric service/therapy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
90901		A	Biofeedback train, any meth.	0.41	0.60	0.14	0.02	1.03	0.57	000
90911		A	Biofeedback peri/uro/rectal	0.89	3.95	0.32	0.04	4.88	1.25	000
90918		I	ESRD related services, month.	11.18	7.52	7.52	0.30	19.00	19.00	XXX
90919		I	ESRD related services, month.	8.54	4.15	4.15	0.24	12.93	12.93	XXX
90920		I	ESRD related services, month.	7.27	3.89	3.89	0.19	11.35	11.35	XXX
90921		I	ESRD related services, month.	4.47	2.52	2.52	0.12	7.11	7.11	XXX
90922		A	ESRD related services, day.	0.37	0.22	0.22	0.01	0.60	0.60	XXX
90923		A	Esrd related services, day	0.28	0.13	0.13	0.01	0.42	0.42	XXX
90924		A	Esrd related services, day	0.24	0.12	0.12	0.01	0.37	0.37	XXX
90925		A	Esrd related services, day	0.15	0.08	0.08	0.01	0.24	0.24	XXX
90935		A	Hemodialysis, one evaluation.	1.22	N/A	0.69	0.03	N/A	1.94	000
90937		A	Hemodialysis, repeated eval.	2.11	N/A	1.00	0.06	N/A	3.17	000
90945		A	Dialysis, one evaluation	1.28	N/A	0.71	0.04	N/A	2.03	000
90947		A	Dialysis, repeated eval	2.16	N/A	1.02	0.06	N/A	3.24	000
90997		A	Hemoperfusion	1.84	N/A	1.43	0.05	N/A	3.32	000
90999		C	Dialysis procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
91000		A	Esophageal intubation	0.73	0.33	N/A	0.04	1.10	N/A	000
91000	26	A	Esophageal intubation	0.73	0.25	0.25	0.03	1.01	1.01	000
91000	TC	A	Esophageal intubation	0.00	0.08	N/A	0.01	0.09	N/A	000
91010		A	Esophagus motility study	1.25	2.78	N/A	0.10	4.13	N/A	000
91010	26	A	Esophagus motility study	1.25	0.45	0.45	0.05	1.75	1.75	000
91010	TC	A	Esophagus motility study	0.00	2.33	N/A	0.05	2.38	N/A	000
91011		A	Esophagus motility study	1.50	3.28	N/A	0.10	4.88	N/A	000
91011	26	A	Esophagus motility study	1.50	0.54	0.54	0.05	2.09	2.09	000
91011	TC	A	Esophagus motility study	0.00	2.74	N/A	0.05	2.79	N/A	000
91012		A	Esophagus motility study	1.46	3.42	N/A	0.12	5.00	N/A	000
91012	26	A	Esophagus motility study	1.46	0.52	0.52	0.06	2.04	2.04	000
91012	TC	A	Esophagus motility study	0.00	2.89	N/A	0.06	2.95	N/A	000
91020		A	Gastric motility	1.44	3.03	N/A	0.11	4.58	N/A	000
91020	26	A	Gastric motility	1.44	0.50	0.50	0.06	2.00	2.00	000
91020	TC	A	Gastric motility	0.00	2.53	N/A	0.05	2.58	N/A	000
91030		A	Acid perfusion of esophagus.	0.91	2.45	N/A	0.05	3.41	N/A	000
91030	26	A	Acid perfusion of esophagus.	0.91	0.33	0.33	0.03	1.27	1.27	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
91030	TC	A	Acid perfusion of esophagus.	0.00	2.12	N/A	0.02	2.14	N/A	000
91032	.....	A	Esophagus, acid reflux test.	1.21	4.24	N/A	0.10	5.55	N/A	000
91032	26	A	Esophagus, acid reflux test.	1.21	0.43	0.43	0.05	1.69	1.69	000
91032	TC	A	Esophagus, acid reflux test.	0.00	3.82	N/A	0.05	3.87	N/A	000
91033	.....	A	Prolonged acid reflux test	1.30	4.27	N/A	0.14	5.71	N/A	000
91033	26	A	Prolonged acid reflux test	1.30	0.46	0.46	0.05	1.81	1.81	000
91033	TC	A	Prolonged acid reflux test	0.00	3.81	N/A	0.09	3.90	N/A	000
91052	.....	A	Gastric analysis test	0.79	2.24	N/A	0.05	3.08	N/A	000
91052	26	A	Gastric analysis test	0.79	0.28	0.28	0.03	1.10	1.10	000
91052	TC	A	Gastric analysis test	0.00	1.96	N/A	0.02	1.98	N/A	000
91055	.....	A	Gastric intubation for smear.	0.94	2.42	N/A	0.06	3.42	N/A	000
91055	26	A	Gastric intubation for smear.	0.94	0.27	0.27	0.04	1.25	1.25	000
91055	TC	A	Gastric intubation for smear.	0.00	2.15	N/A	0.02	2.17	N/A	000
91060	.....	A	Gastric saline load test	0.45	0.30	N/A	0.04	0.79	N/A	000
91060	26	A	Gastric saline load test	0.45	0.14	0.14	0.02	0.61	0.61	000
91060	TC	A	Gastric saline load test	0.00	0.16	N/A	0.02	0.18	N/A	000
91065	.....	A	Breath hydrogen test	0.20	2.02	N/A	0.03	2.25	N/A	000
91065	26	A	Breath hydrogen test	0.20	0.07	0.07	0.01	0.28	0.28	000
91065	TC	A	Breath hydrogen test	0.00	1.95	N/A	0.02	1.97	N/A	000
91100	.....	A	Pass intestine bleeding tube.	1.08	N/A	0.29	0.06	N/A	1.43	000
91105	.....	A	Gastric intubation treatment.	0.37	N/A	0.09	0.02	N/A	0.48	000
91122	.....	A	Anal pressure record	1.77	6.20	N/A	0.17	8.14	N/A	000
91122	26	A	Anal pressure record	1.77	0.62	0.62	0.10	2.49	2.49	000
91122	TC	A	Anal pressure record	0.00	5.58	N/A	0.07	5.65	N/A	000
91132	.....	C	Electrogastrography	0.00	0.00	0.00	0.00	0.00	0.00	XXX
91132	26	A	Electrogastrography	0.52	0.19	N/A	0.03	0.74	N/A	XXX
91132	TC	C	Electrogastrography	0.00	0.00	0.00	0.00	0.00	0.00	XXX
91133	.....	C	Electrogastrography w/test	0.00	0.00	0.00	0.00	0.00	0.00	XXX
91133	26	A	Electrogastrography w/test	0.66	0.24	N/A	0.03	0.93	N/A	XXX
91133	TC	C	Electrogastrography w/test	0.00	0.00	0.00	0.00	0.00	0.00	XXX
91299	.....	C	Gastroenterology procedure.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
91299	26	C	Gastroenterology procedure.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
91299	TC	C	Gastroenterology procedure.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92002	.....	A	Eye exam, new patient	0.88	0.98	0.35	0.02	1.88	1.25	XXX
92004	.....	A	Eye exam, new patient	1.67	1.71	0.69	0.03	3.41	2.39	XXX
92012	.....	A	Eye exam established pat	0.67	1.04	0.29	0.01	1.72	0.97	XXX
92014	.....	A	Eye exam & treatment	1.10	1.41	0.48	0.02	2.53	1.60	XXX
92015	.....	N	Refraction	0.38	1.19	0.15	0.01	1.58	0.54	XXX
92018	.....	A	New eye exam & treatment.	2.50	N/A	1.10	0.03	N/A	3.63	XXX
92019	.....	A	Eye exam & treatment	1.31	N/A	0.58	0.03	N/A	1.92	XXX
92020	.....	A	Special eye evaluation	0.37	0.33	0.16	0.01	0.71	0.54	XXX
92060	.....	A	Special eye evaluation	0.69	0.74	N/A	0.02	1.45	N/A	XXX
92060	26	A	Special eye evaluation	0.69	0.29	0.29	0.01	0.99	0.99	XXX
92060	TC	A	Special eye evaluation	0.00	0.44	N/A	0.01	0.45	N/A	XXX
92065	.....	A	Orthoptic/pleoptic training	0.37	0.56	N/A	0.02	0.95	N/A	XXX
92065	26	A	Orthoptic/pleoptic training	0.37	0.15	0.15	0.01	0.53	0.53	XXX
92065	TC	A	Orthoptic/pleoptic training	0.00	0.40	N/A	0.01	0.41	N/A	XXX
92070	.....	A	Fitting of contact lens	0.70	1.09	0.32	0.01	1.80	1.03	XXX
92081	.....	A	Visual field examination(s)	0.36	0.87	N/A	0.02	1.25	N/A	XXX
92081	26	A	Visual field examination(s)	0.36	0.16	0.16	0.01	0.53	0.53	XXX
92081	TC	A	Visual field examination(s)	0.00	0.72	N/A	0.01	0.73	N/A	XXX
92082	.....	A	Visual field examination(s)	0.44	1.16	N/A	0.02	1.62	N/A	XXX
92082	26	A	Visual field examination(s)	0.44	0.19	0.19	0.01	0.64	0.64	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
92082	TC	A	Visual field examination(s)	0.00	0.97	N/A	0.01	0.98	N/A	XXX
92083		A	Visual field examination(s)	0.50	1.35	N/A	0.02	1.87	N/A	XXX
92083	26	A	Visual field examination(s)	0.50	0.22	0.22	0.01	0.73	0.73	XXX
92083	TC	A	Visual field examination(s)	0.00	1.13	N/A	0.01	1.14	N/A	XXX
92100		A	Serial tonometry exam(s)	0.92	1.28	0.37	0.02	2.22	1.31	XXX
92120		A	Tonography & eye evaluation.	0.81	1.06	0.32	0.02	1.89	1.15	XXX
92130		A	Water provocation tonography.	0.81	1.26	0.38	0.02	2.09	1.21	XXX
92135		A	Opthalmic dx imaging	0.35	0.80	N/A	0.02	1.17	N/A	XXX
92135	26	A	Opthalmic dx imaging	0.35	0.16	0.16	0.01	0.52	0.52	XXX
92135	TC	A	Opthalmic dx imaging	0.00	0.64	N/A	0.01	0.65	N/A	XXX
92136		A	Ophthalmic biometry	0.54	1.78	N/A	0.07	2.39	N/A	XXX
92136	26	A	Ophthalmic biometry	0.54	0.25	0.25	0.01	0.80	0.80	XXX
92136	TC	A	Ophthalmic biometry	0.00	1.53	N/A	0.06	1.59	N/A	XXX
92140		A	Glaucoma provocative tests.	0.50	0.95	0.22	0.01	1.46	0.73	XXX
92225		A	Special eye exam, initial	0.38	0.22	0.16	0.01	0.61	0.55	XXX
92226		A	Special eye exam, subsequent.	0.33	0.21	0.15	0.01	0.55	0.49	XXX
92230		A	Eye exam with photos	0.60	1.70	0.20	0.02	2.32	0.82	XXX
92235		A	Eye exam with photos	0.81	2.97	N/A	0.07	3.85	N/A	XXX
92235	26	A	Eye exam with photos	0.81	0.37	0.37	0.02	1.20	1.20	XXX
92235	TC	A	Eye exam with photos	0.00	2.60	N/A	0.05	2.65	N/A	XXX
92240		A	Icg angiography	1.10	7.13	N/A	0.07	8.30	N/A	XXX
92240	26	A	Icg angiography	1.10	0.51	0.51	0.02	1.63	1.63	XXX
92240	TC	A	Icg angiography	0.00	6.63	N/A	0.05	6.68	N/A	XXX
92250		A	Eye exam with photos	0.44	1.75	N/A	0.02	2.21	N/A	XXX
92250	26	A	Eye exam with photos	0.44	0.20	0.20	0.01	0.65	0.65	XXX
92250	TC	A	Eye exam with photos	0.00	1.55	N/A	0.01	1.56	N/A	XXX
92260		A	Ophthalmoscopy/dynamometry.	0.20	0.29	0.09	0.01	0.50	0.30	XXX
92265		A	Eye muscle evaluation	0.81	1.89	N/A	0.04	2.74	N/A	XXX
92265	26	A	Eye muscle evaluation	0.81	0.29	0.29	0.02	1.12	1.12	XXX
92265	TC	A	Eye muscle evaluation	0.00	1.61	N/A	0.02	1.63	N/A	XXX
92270		A	Electro-oculography	0.81	1.72	N/A	0.05	2.58	N/A	XXX
92270	26	A	Electro-oculography	0.81	0.34	0.34	0.03	1.18	1.18	XXX
92270	TC	A	Electro-oculography	0.00	1.37	N/A	0.02	1.39	N/A	XXX
92275		A	Electroretinography	1.01	1.98	N/A	0.04	3.03	N/A	XXX
92275	26	A	Electroretinography	1.01	0.44	0.44	0.02	1.47	1.47	XXX
92275	TC	A	Electroretinography	0.00	1.54	N/A	0.02	1.56	N/A	XXX
92283		A	Color vision examination	0.17	0.85	N/A	0.02	1.04	N/A	XXX
92283	26	A	Color vision examination	0.17	0.07	0.07	0.01	0.25	0.25	XXX
92283	TC	A	Color vision examination	0.00	0.78	N/A	0.01	0.79	N/A	XXX
92284		A	Dark adaptation eye exam	0.24	2.35	N/A	0.02	2.61	N/A	XXX
92284	26	A	Dark adaptation eye exam	0.24	0.09	0.09	0.01	0.34	0.34	XXX
92284	TC	A	Dark adaptation eye exam	0.00	2.26	N/A	0.01	2.27	N/A	XXX
92285		A	Eye photography	0.20	1.07	N/A	0.02	1.29	N/A	XXX
92285	26	A	Eye photography	0.20	0.09	0.09	0.01	0.30	0.30	XXX
92285	TC	A	Eye photography	0.00	0.99	N/A	0.01	1.00	N/A	XXX
92286		A	Internal eye photography	0.66	3.40	N/A	0.03	4.09	N/A	XXX
92286	26	A	Internal eye photography	0.66	0.30	0.30	0.01	0.97	0.97	XXX
92286	TC	A	Internal eye photography	0.00	3.10	N/A	0.02	3.12	N/A	XXX
92287		A	Internal eye photography	0.81	2.74	0.31	0.02	3.57	1.14	XXX
92310		N	Contact lens fitting	1.17	1.17	0.45	0.03	2.37	1.65	XXX
92311		A	Contact lens fitting	1.08	1.21	0.35	0.03	2.32	1.46	XXX
92312		A	Contact lens fitting	1.26	1.18	0.50	0.03	2.47	1.79	XXX
92313		A	Contact lens fitting	0.92	1.18	0.29	0.02	2.12	1.23	XXX
92314		N	Prescription of contact lens.	0.69	0.98	0.27	0.01	1.68	0.97	XXX
92315		A	Prescription of contact lens.	0.45	0.96	0.16	0.01	1.42	0.62	XXX
92316		A	Prescription of contact lens.	0.68	1.01	0.30	0.01	1.70	0.99	XXX
92317		A	Prescription of contact lens.	0.45	1.07	0.14	0.01	1.53	0.60	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
92325		A	Modification of contact lens.	0.00	0.40	N/A	0.01	0.41	N/A	XXX
92326		A	Replacement of contact lens.	0.00	1.63	N/A	0.05	1.68	N/A	XXX
92330		A	Fitting of artificial eye	1.08	1.09	0.33	0.04	2.21	1.45	XXX
92335		A	Fitting of artificial eye	0.45	1.02	0.17	0.01	1.48	0.63	XXX
92340		N	Fitting of spectacles	0.37	0.74	0.14	0.01	1.12	0.52	XXX
92341		N	Fitting of spectacles	0.47	0.78	0.18	0.01	1.26	0.66	XXX
92342		N	Fitting of spectacles	0.53	0.80	0.21	0.01	1.34	0.75	XXX
92352		B	Special spectacles fitting	0.37	0.74	0.14	0.01	1.12	0.52	XXX
92353		B	Special spectacles fitting	0.50	0.79	0.19	0.02	1.31	0.71	XXX
92354		B	Special spectacles fitting	0.00	8.86	N/A	0.08	8.94	N/A	XXX
92355		B	Special spectacles fitting	0.00	4.33	N/A	0.01	4.34	N/A	XXX
92358		B	Eye prosthesis service	0.00	0.97	N/A	0.04	1.01	N/A	XXX
92370		N	Repair & adjust spectacles	0.32	0.60	0.12	0.02	0.94	0.46	XXX
92371		B	Repair & adjust spectacles	0.00	0.62	N/A	0.02	0.64	N/A	XXX
92392		I	Supply of low vision aids	0.00	3.84	3.84	0.02	3.86	3.86	XXX
92393		I	Supply of artificial eye	0.00	11.92	11.92	0.47	12.39	12.39	XXX
92395		I	Supply of spectacles	0.00	1.30	1.30	0.08	1.38	1.38	XXX
92396		I	Supply of contact lenses	0.00	2.19	2.19	0.06	2.25	2.25	XXX
92499		C	Eye service or procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92499	26	C	Eye service or procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92499	TC	C	Eye service or procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92502		A	Ear and throat examination.	1.51	N/A	1.16	0.06	N/A	2.73	000
92504		A	Ear microscopy examination.	0.18	0.53	0.09	0.01	0.72	0.28	XXX
92506		A	Speech/hearing evaluation	0.86	2.65	0.41	0.04	3.55	1.31	XXX
92507		A	Speech/hearing therapy	0.52	0.97	0.24	0.02	1.51	0.78	XXX
92508		A	Speech/hearing therapy	0.26	0.53	0.12	0.01	0.80	0.39	XXX
92510		I	Rehab for ear implant	1.50	2.11	0.83	0.06	3.67	2.39	XXX
92511		A	Nasopharyngoscopy	0.84	2.50	0.79	0.03	3.37	1.66	000
92512		A	Nasal function studies	0.55	1.13	0.18	0.02	1.70	0.75	XXX
92516		A	Facial nerve function test	0.43	0.95	0.22	0.02	1.40	0.67	XXX
92520		A	Laryngeal function studies	0.76	0.52	0.40	0.03	1.31	1.19	XXX
92526		A	Oral function therapy	0.55	1.67	0.20	0.02	2.24	0.77	XXX
92541		A	Spontaneous nystagmus test.	0.40	1.05	N/A	0.04	1.49	N/A	XXX
92541	26	A	Spontaneous nystagmus test.	0.40	0.19	0.19	0.02	0.61	0.61	XXX
92541	TC	A	Spontaneous nystagmus test.	0.00	0.86	N/A	0.02	0.88	N/A	XXX
92542		A	Positional nystagmus test	0.33	1.16	N/A	0.03	1.52	N/A	XXX
92542	26	A	Positional nystagmus test	0.33	0.16	0.16	0.01	0.50	0.50	XXX
92542	TC	A	Positional nystagmus test	0.00	1.00	N/A	0.02	1.02	N/A	XXX
92543		A	Caloric vestibular test	0.10	0.59	N/A	0.02	0.71	N/A	XXX
92543	26	A	Caloric vestibular test	0.10	0.05	0.05	0.01	0.16	0.16	XXX
92543	TC	A	Caloric vestibular test	0.00	0.54	N/A	0.01	0.55	N/A	XXX
92544		A	Optokinetic nystagmus test.	0.26	0.92	N/A	0.03	1.21	N/A	XXX
92544	26	A	Optokinetic nystagmus test.	0.26	0.13	0.13	0.01	0.40	0.40	XXX
92544	TC	A	Optokinetic nystagmus test.	0.00	0.79	N/A	0.02	0.81	N/A	XXX
92545		A	Oscillating tracking test	0.23	0.86	N/A	0.03	1.12	N/A	XXX
92545	26	A	Oscillating tracking test	0.23	0.11	0.11	0.01	0.35	0.35	XXX
92545	TC	A	Oscillating tracking test	0.00	0.74	N/A	0.02	0.76	N/A	XXX
92546		A	Sinusoidal rotational test	0.29	2.14	N/A	0.03	2.46	N/A	XXX
92546	26	A	Sinusoidal rotational test	0.29	0.13	0.13	0.01	0.43	0.43	XXX
92546	TC	A	Sinusoidal rotational test	0.00	2.01	N/A	0.02	2.03	N/A	XXX
92547		A	Supplemental electrical test.	0.00	1.30	N/A	0.05	1.35	N/A	ZZZ
92548		A	Posturography	0.50	3.83	N/A	0.13	4.46	N/A	XXX
92548	26	A	Posturography	0.50	0.26	0.26	0.02	0.78	0.78	XXX
92548	TC	A	Posturography	0.00	3.56	N/A	0.11	3.67	N/A	XXX
92552		A	Pure tone audiometry, air	0.00	0.44	N/A	0.03	0.47	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
92553		A	Audiometry, air & bone	0.00	0.66	N/A	0.05	0.71	N/A	XXX
92555		A	Speech threshold audiom-etry.	0.00	0.38	N/A	0.03	0.41	N/A	XXX
92556		A	Speech audiometry, com-plete.	0.00	0.57	N/A	0.05	0.62	N/A	XXX
92557		A	Comprehensive hearing test.	0.00	1.19	N/A	0.10	1.29	N/A	XXX
92561		A	Bekesy audiometry, diag-nosis.	0.00	0.72	N/A	0.05	0.77	N/A	XXX
92562		A	Loudness balance test	0.00	0.41	N/A	0.03	0.44	N/A	XXX
92563		A	Tone decay hearing test	0.00	0.38	N/A	0.03	0.41	N/A	XXX
92564		A	Sisi hearing test	0.00	0.47	N/A	0.04	0.51	N/A	XXX
92565		A	Stenger test, pure tone	0.00	0.40	N/A	0.03	0.43	N/A	XXX
92567		A	Tympanometry	0.00	0.52	N/A	0.05	0.57	N/A	XXX
92568		A	Acoustic reflex testing	0.00	0.38	N/A	0.03	0.41	N/A	XXX
92569		A	Acoustic reflex decay test	0.00	0.41	N/A	0.03	0.44	N/A	XXX
92571		A	Filtered speech hearing test.	0.00	0.39	N/A	0.03	0.42	N/A	XXX
92572		A	Staggered spondaic word test.	0.00	0.09	N/A	0.01	0.10	N/A	XXX
92573		A	Lombard test	0.00	0.35	N/A	0.03	0.38	N/A	XXX
92575		A	Sensorineural acuity test	0.00	0.30	N/A	0.02	0.32	N/A	XXX
92576		A	Synthetic sentence test	0.00	0.44	N/A	0.04	0.48	N/A	XXX
92577		A	Stenger test, speech	0.00	0.72	N/A	0.06	0.78	N/A	XXX
92579		A	Visual audiometry (vra)	0.00	0.73	N/A	0.05	0.78	N/A	XXX
92582		A	Conditioning play audiom-etry.	0.00	0.73	N/A	0.05	0.78	N/A	XXX
92583		A	Select picture audiometry	0.00	0.89	N/A	0.07	0.96	N/A	XXX
92584		A	Electrocochleography	0.00	2.48	N/A	0.17	2.65	N/A	XXX
92585		A	Auditor evoke potent, compre.	0.50	2.07	N/A	0.14	2.71	N/A	XXX
92585	26	A	Auditor evoke potent, compre.	0.50	0.22	0.22	0.02	0.74	0.74	XXX
92585	TC	A	Auditor evoke potent, compre.	0.00	1.85	N/A	0.12	1.97	N/A	XXX
92586		A	Auditor evoke potent, limit	0.00	1.85	N/A	0.12	1.97	N/A	XXX
92587		A	Evoked auditory test	0.13	1.37	N/A	0.10	1.60	N/A	XXX
92587	26	A	Evoked auditory test	0.13	0.07	0.07	0.01	0.21	0.21	XXX
92587	TC	A	Evoked auditory test	0.00	1.31	N/A	0.09	1.40	N/A	XXX
92588		A	Evoked auditory test	0.36	1.64	N/A	0.12	2.12	N/A	XXX
92588	26	A	Evoked auditory test	0.36	0.17	0.17	0.01	0.54	0.54	XXX
92588	TC	A	Evoked auditory test	0.00	1.47	N/A	0.11	1.58	N/A	XXX
92589		A	Auditory function test(s)	0.00	0.53	N/A	0.05	0.58	N/A	XXX
92596		A	Ear protector evaluation	0.00	0.59	N/A	0.05	0.64	N/A	XXX
92597		A	Oral speech device eval	0.86	1.77	0.46	0.04	2.67	1.36	XXX
92601		A	Cochlear implt f/up exam < 7.	0.00	3.64	N/A	0.06	3.70	N/A	XXX
92602		A	Reprogram cochlear implt < 7.	0.00	2.52	N/A	0.06	2.58	N/A	XXX
92603		A	Cochlear implt f/up exam 7 >.	0.00	2.38	N/A	0.06	2.44	N/A	XXX
92604		A	Reprogram cochlear implt 7 >.	0.00	1.57	N/A	0.06	1.63	N/A	XXX
92607		A	Ex for speech device rx, 1hr.	0.00	3.10	N/A	0.04	3.14	N/A	XXX
92608		A	Ex for speech device rx addl.	0.00	0.72	N/A	0.04	0.76	N/A	XXX
92609		A	Use of speech device service.	0.00	1.67	N/A	0.03	1.70	N/A	XXX
92610		A	Evaluate swallowing func-tion.	0.00	1.27	N/A	0.07	1.34	N/A	XXX
92611		A	Motion fluoroscopy/swal-low.	0.00	1.80	N/A	0.07	1.87	N/A	XXX
92612		A	Endoscopy swallow tst (fees).	1.27	3.16	0.68	0.07	4.50	2.02	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
92614	.....	A	Laryngoscopic sensory test.	1.27	2.87	0.62	0.07	4.21	1.96	XXX
92616	.....	A	Fees w/laryngeal sense test.	1.88	3.96	0.98	0.07	5.91	2.93	XXX
92700	.....	C	Ent procedure/service	0.00	0.00	0.00	0.00	0.00	0.00	XXX
92950	.....	A	Heart/lung resuscitation cpr.	3.80	N/A	1.00	0.21	N/A	5.01	000
92953	.....	A	Temporary external pacing	0.23	N/A	0.23	0.01	N/A	0.47	000
92960	.....	A	Cardioversion electric, ext	2.25	6.82	1.20	0.08	9.15	3.53	000
92961	.....	A	Cardioversion, electric, int	4.60	N/A	2.12	0.17	N/A	6.89	000
92970	.....	A	Cardioassist, internal	3.52	N/A	1.08	0.17	N/A	4.77	000
92971	.....	A	Cardioassist, external	1.77	N/A	0.87	0.06	N/A	2.70	000
92973	.....	A	Percut coronary thrombectomy.	3.28	N/A	1.32	0.12	N/A	4.72	ZZZ
92974	.....	A	Cath place, cardio brachytx.	3.00	N/A	1.21	0.14	N/A	4.35	ZZZ
92975	.....	A	Dissolve clot, heart vessel	7.25	N/A	2.87	0.22	N/A	10.34	000
92977	.....	A	Dissolve clot, heart vessel	0.00	8.06	N/A	0.38	8.44	N/A	XXX
92978	.....	A	Intravasc us, heart add-on	1.80	5.29	N/A	0.26	7.35	N/A	ZZZ
92978	26	A	Intravasc us, heart add-on	1.80	0.72	0.72	0.06	2.58	2.58	ZZZ
92978	TC	A	Intravasc us, heart add-on	0.00	4.56	N/A	0.20	4.76	N/A	ZZZ
92979	.....	A	Intravasc us, heart add-on	1.44	2.86	N/A	0.15	4.45	N/A	ZZZ
92979	26	A	Intravasc us, heart add-on	1.44	0.57	0.57	0.04	2.05	2.05	ZZZ
92979	TC	A	Intravasc us, heart add-on	0.00	2.29	N/A	0.11	2.40	N/A	ZZZ
92980	.....	A	Insert intracoronary stent ..	14.84	N/A	6.19	0.71	N/A	21.74	000
92981	.....	A	Insert intracoronary stent ..	4.17	N/A	1.67	0.20	N/A	6.04	ZZZ
92982	.....	A	Coronary artery dilation	10.98	N/A	4.64	0.52	N/A	16.14	000
92984	.....	A	Coronary artery dilation	2.97	N/A	1.19	0.14	N/A	4.30	ZZZ
92986	.....	A	Revision of aortic valve	21.80	N/A	12.00	1.14	N/A	34.94	090
92987	.....	A	Revision of mitral valve	22.70	N/A	12.40	1.18	N/A	36.28	090
92990	.....	A	Revision of pulmonary valve.	17.34	N/A	9.95	0.90	N/A	28.19	090
92992	.....	C	Revision of heart chamber	0.00	0.00	0.00	0.00	0.00	0.00	090
92993	.....	C	Revision of heart chamber	0.00	0.00	0.00	0.00	0.00	0.00	090
92995	.....	A	Coronary atherectomy	12.09	N/A	5.08	0.58	N/A	17.75	000
92996	.....	A	Coronary atherectomy add-on.	3.26	N/A	1.30	0.16	N/A	4.72	ZZZ
92997	.....	A	Pul art balloon repr, percut	12.00	N/A	4.93	0.63	N/A	17.56	000
92998	.....	A	Pul art balloon repr, percut	6.00	N/A	2.25	0.31	N/A	8.56	ZZZ
93000	.....	A	Electrocardiogram, complete.	0.17	0.52	N/A	0.03	0.72	N/A	XXX
93005	.....	A	Electrocardiogram, tracing	0.00	0.45	N/A	0.02	0.47	N/A	XXX
93010	.....	A	Electrocardiogram report ..	0.17	0.06	0.06	0.01	0.24	0.24	XXX
93012	.....	A	Transmission of ecg	0.00	6.02	N/A	0.15	6.17	N/A	XXX
93014	.....	A	Report on transmitted ecg	0.52	0.19	0.19	0.02	0.73	0.73	XXX
93015	.....	A	Cardiovascular stress test	0.75	1.97	N/A	0.11	2.83	N/A	XXX
93016	.....	A	Cardiovascular stress test	0.45	0.17	0.17	0.01	0.63	0.63	XXX
93017	.....	A	Cardiovascular stress test	0.00	1.68	N/A	0.09	1.77	N/A	XXX
93018	.....	A	Cardiovascular stress test	0.30	0.12	0.12	0.01	0.43	0.43	XXX
93024	.....	A	Cardiac drug stress test ...	1.17	1.58	N/A	0.11	2.86	N/A	XXX
93024	26	A	Cardiac drug stress test ...	1.17	0.46	0.46	0.04	1.67	1.67	XXX
93024	TC	A	Cardiac drug stress test ...	0.00	1.12	N/A	0.07	1.19	N/A	XXX
93025	.....	A	Microvolt t-wave assess ...	0.75	8.37	N/A	0.11	9.23	N/A	XXX
93025	26	A	Microvolt t-wave assess ...	0.75	0.30	0.30	0.02	1.07	1.07	XXX
93025	TC	A	Microvolt t-wave assess ...	0.00	8.08	N/A	0.09	8.17	N/A	XXX
93040	.....	A	Rhythm ECG with report ..	0.16	0.20	N/A	0.02	0.38	N/A	XXX
93041	.....	A	Rhythm ECG, tracing	0.00	0.15	N/A	0.01	0.16	N/A	XXX
93042	.....	A	Rhythm ECG, report	0.16	0.05	0.05	0.01	0.22	0.22	XXX
93224	.....	A	ECG monitor/report, 24 hrs.	0.52	3.62	N/A	0.21	4.35	N/A	XXX
93225	.....	A	ECG monitor/record, 24 hrs.	0.00	1.24	N/A	0.07	1.31	N/A	XXX
93226	.....	A	ECG monitor/report, 24 hrs.	0.00	2.19	N/A	0.12	2.31	N/A	XXX
93227	.....	A	ECG monitor/review, 24 hrs.	0.52	0.20	0.20	0.02	0.74	0.74	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
93230		A	ECG monitor/report, 24 hrs.	0.52	3.89	N/A	0.22	4.63	N/A	XXX
93231		A	Ecg monitor/record, 24 hrs	0.00	1.52	N/A	0.09	1.61	N/A	XXX
93232		A	ECG monitor/report, 24 hrs.	0.00	2.18	N/A	0.11	2.29	N/A	XXX
93233		A	ECG monitor/review, 24 hrs.	0.52	0.20	0.20	0.02	0.74	0.74	XXX
93235		A	ECG monitor/report, 24 hrs.	0.45	2.79	N/A	0.13	3.37	N/A	XXX
93236		A	ECG monitor/report, 24 hrs.	0.00	2.62	N/A	0.12	2.74	N/A	XXX
93237		A	ECG monitor/review, 24 hrs.	0.45	0.17	0.17	0.01	0.63	0.63	XXX
93268		A	ECG record/review	0.52	7.45	N/A	0.24	8.21	N/A	XXX
93270		A	ECG recording	0.00	1.24	N/A	0.07	1.31	N/A	XXX
93271		A	Ecg/monitoring and analysis.	0.00	6.02	N/A	0.15	6.17	N/A	XXX
93272		A	Ecg/review, interpret only	0.52	0.19	0.19	0.02	0.73	0.73	XXX
93278		A	ECG/signal-averaged	0.25	1.25	N/A	0.10	1.60	N/A	XXX
93278	26	A	ECG/signal-averaged	0.25	0.10	0.10	0.01	0.36	0.36	XXX
93278	TC	A	ECG/signal-averaged	0.00	1.15	N/A	0.09	1.24	N/A	XXX
93303		A	Echo transthoracic	1.30	4.35	N/A	0.23	5.88	N/A	XXX
93303	26	A	Echo transthoracic	1.30	0.49	0.49	0.04	1.83	1.83	XXX
93303	TC	A	Echo transthoracic	0.00	3.86	N/A	0.19	4.05	N/A	XXX
93304		A	Echo transthoracic	0.75	2.23	N/A	0.13	3.11	N/A	XXX
93304	26	A	Echo transthoracic	0.75	0.29	0.29	0.02	1.06	1.06	XXX
93304	TC	A	Echo transthoracic	0.00	1.94	N/A	0.11	2.05	N/A	XXX
93307		A	Echo exam of heart	0.92	4.22	N/A	0.22	5.36	N/A	XXX
93307	26	A	Echo exam of heart	0.92	0.36	0.36	0.03	1.31	1.31	XXX
93307	TC	A	Echo exam of heart	0.00	3.86	N/A	0.19	4.05	N/A	XXX
93308		A	Echo exam of heart	0.53	2.15	N/A	0.13	2.81	N/A	XXX
93308	26	A	Echo exam of heart	0.53	0.21	0.21	0.02	0.76	0.76	XXX
93308	TC	A	Echo exam of heart	0.00	1.94	N/A	0.11	2.05	N/A	XXX
93312		A	Echo transesophageal	2.20	4.58	N/A	0.32	7.10	N/A	XXX
93312	26	A	Echo transesophageal	2.20	0.80	0.80	0.08	3.08	3.08	XXX
93312	TC	A	Echo transesophageal	0.00	3.78	N/A	0.24	4.02	N/A	XXX
93313		A	Echo transesophageal	0.95	N/A	0.21	0.05	N/A	1.21	XXX
93314		A	Echo transesophageal	1.25	4.26	N/A	0.28	5.79	N/A	XXX
93314	26	A	Echo transesophageal	1.25	0.48	0.48	0.04	1.77	1.77	XXX
93314	TC	A	Echo transesophageal	0.00	3.78	N/A	0.24	4.02	N/A	XXX
93315		C	Echo transesophageal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93315	26	A	Echo transesophageal	2.78	1.03	1.03	0.10	3.91	3.91	XXX
93315	TC	C	Echo transesophageal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93316		A	Echo transesophageal	0.95	N/A	0.24	0.05	N/A	1.24	XXX
93317		C	Echo transesophageal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93317	26	A	Echo transesophageal	1.83	0.68	0.68	0.06	2.57	2.57	XXX
93317	TC	C	Echo transesophageal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93318		C	Echo transesophageal intraop.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93318	26	A	Echo transesophageal intraop.	2.20	0.48	N/A	0.06	2.74	N/A	XXX
93318	TC	C	Echo transesophageal intraop.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93320		A	Doppler echo exam, heart	0.38	1.86	N/A	0.11	2.35	N/A	ZZZ
93320	26	A	Doppler echo exam, heart	0.38	0.15	0.15	0.01	0.54	0.54	ZZZ
93320	TC	A	Doppler echo exam, heart	0.00	1.71	N/A	0.10	1.81	N/A	ZZZ
93321		A	Doppler echo exam, heart	0.15	1.17	N/A	0.08	1.40	N/A	ZZZ
93321	26	A	Doppler echo exam, heart	0.15	0.06	0.06	0.01	0.22	0.22	ZZZ
93321	TC	A	Doppler echo exam, heart	0.00	1.11	N/A	0.07	1.18	N/A	ZZZ
93325		A	Doppler color flow add-on	0.07	2.93	N/A	0.18	3.18	N/A	ZZZ
93325	26	A	Doppler color flow add-on	0.07	0.03	0.03	0.01	0.11	0.11	ZZZ
93325	TC	A	Doppler color flow add-on	0.00	2.90	N/A	0.17	3.07	N/A	ZZZ
93350		A	Echo transthoracic	1.48	2.34	N/A	0.13	3.95	N/A	XXX
93350	26	A	Echo transthoracic	1.48	0.58	0.58	0.02	2.08	2.08	XXX
93350	TC	A	Echo transthoracic	0.00	1.76	N/A	0.11	1.87	N/A	XXX
93501		A	Right heart catheterization	3.02	18.08	N/A	1.03	22.13	N/A	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
93501	26	A	Right heart catheterization	3.02	1.18	1.18	0.16	4.36	4.36	000
93501	TC	A	Right heart catheterization	0.00	16.90	N/A	0.87	17.77	N/A	000
93503		A	Insert/place heart catheter	2.91	N/A	0.69	0.16	N/A	3.76	000
93505		A	Biopsy of heart lining	4.38	3.70	N/A	0.36	8.44	N/A	000
93505	26	A	Biopsy of heart lining	4.38	1.72	1.72	0.23	6.33	6.33	000
93505	TC	A	Biopsy of heart lining	0.00	1.98	N/A	0.13	2.11	N/A	000
93508		A	Cath placement, angiography.	4.10	14.73	N/A	0.75	19.58	N/A	000
93508	26	A	Cath placement, angiography.	4.10	2.13	2.13	0.21	6.44	6.44	000
93508	TC	A	Cath placement, angiography.	0.00	12.60	N/A	0.54	13.14	N/A	000
93510		A	Left heart catheterization	4.33	39.18	N/A	2.13	45.64	N/A	000
93510	26	A	Left heart catheterization	4.33	2.22	2.22	0.22	6.77	6.77	000
93510	TC	A	Left heart catheterization	0.00	36.96	N/A	1.91	38.87	N/A	000
93511		A	Left heart catheterization	5.03	38.48	N/A	2.11	45.62	N/A	000
93511	26	A	Left heart catheterization	5.03	2.50	2.50	0.26	7.79	7.79	000
93511	TC	A	Left heart catheterization	0.00	35.98	N/A	1.85	37.83	N/A	000
93514		A	Left heart catheterization	7.05	39.18	N/A	2.22	48.45	N/A	000
93514	26	A	Left heart catheterization	7.05	3.20	3.20	0.37	10.62	10.62	000
93514	TC	A	Left heart catheterization	0.00	35.98	N/A	1.85	37.83	N/A	000
93524		A	Left heart catheterization	6.95	50.27	N/A	2.79	60.01	N/A	000
93524	26	A	Left heart catheterization	6.95	3.25	3.25	0.36	10.56	10.56	000
93524	TC	A	Left heart catheterization	0.00	47.02	N/A	2.43	49.45	N/A	000
93526		A	Rt & Lt heart catheters	5.99	51.18	N/A	2.81	59.98	N/A	000
93526	26	A	Rt & Lt heart catheters	5.99	2.88	2.88	0.31	9.18	9.18	000
93526	TC	A	Rt & Lt heart catheters	0.00	48.30	N/A	2.50	50.80	N/A	000
93527		A	Rt & Lt heart catheters	7.28	50.41	N/A	2.81	60.50	N/A	000
93527	26	A	Rt & Lt heart catheters	7.28	3.39	3.39	0.38	11.05	11.05	000
93527	TC	A	Rt & Lt heart catheters	0.00	47.02	N/A	2.43	49.45	N/A	000
93528		A	Rt & Lt heart catheters	9.00	51.14	N/A	2.90	63.04	N/A	000
93528	26	A	Rt & Lt heart catheters	9.00	4.12	4.12	0.47	13.59	13.59	000
93528	TC	A	Rt & Lt heart catheters	0.00	47.02	N/A	2.43	49.45	N/A	000
93529		A	Rt, lt heart catheterization	4.80	49.35	N/A	2.68	56.83	N/A	000
93529	26	A	Rt, lt heart catheterization	4.80	2.33	2.33	0.25	7.38	7.38	000
93529	TC	A	Rt, lt heart catheterization	0.00	47.02	N/A	2.43	49.45	N/A	000
93530		A	Rt heart cath, congenital	4.23	18.89	N/A	1.11	24.23	N/A	000
93530	26	A	Rt heart cath, congenital	4.23	1.98	1.98	0.24	6.45	6.45	000
93530	TC	A	Rt heart cath, congenital	0.00	16.90	N/A	0.87	17.77	N/A	000
93531		A	R & l heart cath, congenital.	8.35	51.97	N/A	2.96	63.28	N/A	000
93531	26	A	R & l heart cath, congenital.	8.35	3.67	3.67	0.46	12.48	12.48	000
93531	TC	A	R & l heart cath, congenital.	0.00	48.30	N/A	2.50	50.80	N/A	000
93532		A	R & l heart cath, congenital.	10.00	51.37	N/A	2.95	64.32	N/A	000
93532	26	A	R & l heart cath, congenital.	10.00	4.36	4.36	0.52	14.88	14.88	000
93532	TC	A	R & l heart cath, congenital.	0.00	47.02	N/A	2.43	49.45	N/A	000
93533		A	R & l heart cath, congenital.	6.70	49.89	N/A	2.86	59.45	N/A	000
93533	26	A	R & l heart cath, congenital.	6.70	2.87	2.87	0.43	10.00	10.00	000
93533	TC	A	R & l heart cath, congenital.	0.00	47.02	N/A	2.43	49.45	N/A	000
93539		A	Injection, cardiac cath	0.40	N/A	0.16	0.01	N/A	0.57	000
93540		A	Injection, cardiac cath	0.43	N/A	0.17	0.01	N/A	0.61	000
93541		A	Injection for lung angiogram.	0.29	N/A	0.12	0.01	N/A	0.42	000
93542		A	Injection for heart x-rays	0.29	N/A	0.11	0.01	N/A	0.41	000
93543		A	Injection for heart x-rays	0.29	N/A	0.12	0.01	N/A	0.42	000
93544		A	Injection for aortography	0.25	N/A	0.10	0.01	N/A	0.36	000
93545		A	Inject for coronary x-rays	0.40	N/A	0.16	0.01	N/A	0.57	000
93555		A	Imaging, cardiac cath	0.81	6.60	N/A	0.31	7.72	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
93555	26	A	Imaging, cardiac cath	0.81	0.32	0.32	0.03	1.16	1.16	XXX
93555	TC	A	Imaging, cardiac cath	0.00	6.28	N/A	0.28	6.56	N/A	XXX
93556	.....	A	Imaging, cardiac cath	0.83	10.22	N/A	0.45	11.50	N/A	XXX
93556	26	A	Imaging, cardiac cath	0.83	0.33	0.33	0.03	1.19	1.19	XXX
93556	TC	A	Imaging, cardiac cath	0.00	9.89	N/A	0.42	10.31	N/A	XXX
93561	.....	A	Cardiac output measurement.	0.50	0.69	N/A	0.07	1.26	N/A	000
93561	26	A	Cardiac output measurement.	0.50	0.16	0.16	0.02	0.68	0.68	000
93561	TC	A	Cardiac output measurement.	0.00	0.52	N/A	0.05	0.57	N/A	000
93562	.....	A	Cardiac output measurement.	0.16	0.37	N/A	0.04	0.57	N/A	000
93562	26	A	Cardiac output measurement.	0.16	0.05	0.05	0.01	0.22	0.22	000
93562	TC	A	Cardiac output measurement.	0.00	0.32	N/A	0.03	0.35	N/A	000
93571	.....	A	Heart flow reserve measure.	1.80	5.26	N/A	0.31	7.37	N/A	ZZZ
93571	26	A	Heart flow reserve measure.	1.80	0.69	0.69	0.11	2.60	2.60	ZZZ
93571	TC	A	Heart flow reserve measure.	0.00	4.56	N/A	0.20	4.76	N/A	ZZZ
93572	.....	A	Heart flow reserve measure.	1.44	2.79	N/A	0.28	4.51	N/A	ZZZ
93572	26	A	Heart flow reserve measure.	1.44	0.50	0.50	0.17	2.11	2.11	ZZZ
93572	TC	A	Heart flow reserve measure.	0.00	2.29	N/A	0.11	2.40	N/A	ZZZ
93580	.....	A	Transcath closure of asd ..	18.00	N/A	7.33	1.14	N/A	26.47	000
93581	.....	A	Transcath closure of vsd ..	24.43	N/A	9.82	1.14	N/A	35.39	000
93600	.....	A	Bundle of His recording	2.12	2.80	N/A	0.22	5.14	N/A	000
93600	26	A	Bundle of His recording	2.12	0.85	0.85	0.11	3.08	3.08	000
93600	TC	A	Bundle of His recording	0.00	1.95	N/A	0.11	2.06	N/A	000
93602	.....	A	Intra-atrial recording	2.12	1.95	N/A	0.18	4.25	N/A	000
93602	26	A	Intra-atrial recording	2.12	0.84	0.84	0.12	3.08	3.08	000
93602	TC	A	Intra-atrial recording	0.00	1.11	N/A	0.06	1.17	N/A	000
93603	.....	A	Right ventricular recording	2.12	2.51	N/A	0.20	4.83	N/A	000
93603	26	A	Right ventricular recording	2.12	0.83	0.83	0.11	3.06	3.06	000
93603	TC	A	Right ventricular recording	0.00	1.68	N/A	0.09	1.77	N/A	000
93609	.....	A	Map tachycardia, add-on ..	5.00	4.71	N/A	0.66	10.37	N/A	ZZZ
93609	26	A	Map tachycardia, add-on ..	5.00	1.99	1.99	0.52	7.51	7.51	ZZZ
93609	TC	A	Map tachycardia, add-on ..	0.00	2.72	N/A	0.14	2.86	N/A	ZZZ
93610	.....	A	Intra-atrial pacing	3.02	2.54	N/A	0.25	5.81	N/A	000
93610	26	A	Intra-atrial pacing	3.02	1.18	1.18	0.17	4.37	4.37	000
93610	TC	A	Intra-atrial pacing	0.00	1.35	N/A	0.08	1.43	N/A	000
93612	.....	A	Intraventricular pacing	3.02	2.79	N/A	0.26	6.07	N/A	000
93612	26	A	Intraventricular pacing	3.02	1.18	1.18	0.17	4.37	4.37	000
93612	TC	A	Intraventricular pacing	0.00	1.61	N/A	0.09	1.70	N/A	000
93613	.....	A	Electrophys map 3d, add-on.	7.00	N/A	2.82	0.52	N/A	10.34	ZZZ
93615	.....	A	Esophageal recording	0.99	0.59	N/A	0.05	1.63	N/A	000
93615	26	A	Esophageal recording	0.99	0.27	0.27	0.03	1.29	1.29	000
93615	TC	A	Esophageal recording	0.00	0.32	N/A	0.02	0.34	N/A	000
93616	.....	A	Esophageal recording	1.49	0.75	N/A	0.08	2.32	N/A	000
93616	26	A	Esophageal recording	1.49	0.43	0.43	0.06	1.98	1.98	000
93616	TC	A	Esophageal recording	0.00	0.32	N/A	0.02	0.34	N/A	000
93618	.....	A	Heart rhythm pacing	4.26	5.67	N/A	0.42	10.35	N/A	000
93618	26	A	Heart rhythm pacing	4.26	1.71	1.71	0.22	6.19	6.19	000
93618	TC	A	Heart rhythm pacing	0.00	3.96	N/A	0.20	4.16	N/A	000
93619	.....	A	Electrophysiology evaluation.	7.32	10.61	N/A	0.77	18.70	N/A	000
93619	26	A	Electrophysiology evaluation.	7.32	2.91	2.91	0.38	10.61	10.61	000
93619	TC	A	Electrophysiology evaluation.	0.00	7.71	N/A	0.39	8.10	N/A	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
93620	.....	C	Electrophysiology evaluation.	0.00	0.00	0.00	0.00	0.00	0.00	000
93620	26	A	Electrophysiology evaluation.	11.59	4.61	4.61	0.60	16.80	16.80	000
93620	TC	C	Electrophysiology evaluation.	0.00	0.00	0.00	0.00	0.00	0.00	000
93621	.....	C	Electrophysiology evaluation.	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
93621	26	A	Electrophysiology evaluation.	2.10	0.84	0.84	0.15	3.09	3.09	ZZZ
93621	TC	C	Electrophysiology evaluation.	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
93622	.....	C	Electrophysiology evaluation.	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
93622	26	A	Electrophysiology evaluation.	3.10	1.23	1.23	0.67	5.00	5.00	ZZZ
93622	TC	C	Electrophysiology evaluation.	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
93623	.....	C	Stimulation, pacing heart ..	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
93623	26	A	Stimulation, pacing heart ..	2.85	1.13	1.13	0.15	4.13	4.13	ZZZ
93623	TC	C	Stimulation, pacing heart ..	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
93624	.....	A	Electrophysiologic study ...	4.81	4.23	N/A	0.36	9.40	N/A	000
93624	26	A	Electrophysiologic study ...	4.81	2.25	2.25	0.25	7.31	7.31	000
93624	TC	A	Electrophysiologic study ...	0.00	1.98	N/A	0.11	2.09	N/A	000
93631	.....	A	Heart pacing, mapping	7.60	8.95	N/A	1.17	17.72	N/A	000
93631	26	A	Heart pacing, mapping	7.60	2.80	2.80	0.66	11.06	11.06	000
93631	TC	A	Heart pacing, mapping	0.00	6.15	N/A	0.51	6.66	N/A	000
93640	.....	A	Evaluation heart device	3.52	8.57	N/A	0.53	12.62	N/A	000
93640	26	A	Evaluation heart device	3.52	1.39	1.39	0.18	5.09	5.09	000
93640	TC	A	Evaluation heart device	0.00	7.18	N/A	0.35	7.53	N/A	000
93641	.....	A	Electrophysiology evaluation.	5.93	9.54	N/A	0.66	16.13	N/A	000
93641	26	A	Electrophysiology evaluation.	5.93	2.36	2.36	0.31	8.60	8.60	000
93641	TC	A	Electrophysiology evaluation.	0.00	7.18	N/A	0.35	7.53	N/A	000
93642	.....	A	Electrophysiology evaluation.	4.89	9.10	N/A	0.51	14.50	N/A	000
93642	26	A	Electrophysiology evaluation.	4.89	1.92	1.92	0.16	6.97	6.97	000
93642	TC	A	Electrophysiology evaluation.	0.00	7.18	N/A	0.35	7.53	N/A	000
93650	.....	A	Ablate heart dysrhythm focus.	10.51	N/A	4.53	0.55	N/A	15.59	000
93651	.....	A	Ablate heart dysrhythm focus.	16.25	N/A	6.47	0.85	N/A	23.57	000
93652	.....	A	Ablate heart dysrhythm focus.	17.68	N/A	7.04	0.92	N/A	25.64	000
93660	.....	A	Tilt table evaluation	1.89	2.44	N/A	0.08	4.41	N/A	000
93660	26	A	Tilt table evaluation	1.89	0.76	0.76	0.06	2.71	2.71	000
93660	TC	A	Tilt table evaluation	0.00	1.68	N/A	0.02	1.70	N/A	000
93662	.....	C	Intracardiac ecg (ice)	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
93662	26	A	Intracardiac ecg (ice)	2.80	1.13	1.13	0.41	4.34	4.34	ZZZ
93662	TC	C	Intracardiac ecg (ice)	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
93701	.....	A	Bioimpedance, thoracic	0.17	1.04	N/A	0.02	1.23	N/A	XXX
93701	26	A	Bioimpedance, thoracic	0.17	0.07	0.07	0.01	0.25	0.25	XXX
93701	TC	A	Bioimpedance, thoracic	0.00	0.97	N/A	0.01	0.98	N/A	XXX
93720	.....	A	Total body plethysmography.	0.17	1.14	N/A	0.06	1.37	N/A	XXX
93721	.....	A	Plethysmography tracing ..	0.00	0.71	N/A	0.05	0.76	N/A	XXX
93722	.....	A	Plethysmography report ...	0.17	0.05	0.05	0.01	0.23	0.23	XXX
93724	.....	A	Analyze pacemaker system.	4.89	5.92	N/A	0.38	11.19	N/A	000
93724	26	A	Analyze pacemaker system.	4.89	1.95	1.95	0.18	7.02	7.02	000

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
93724	TC	A	Analyze pacemaker system.	0.00	3.96	N/A	0.20	4.16	N/A	000
93727	.....	A	Analyze ilr system	0.52	0.20	0.20	0.05	0.77	0.77	XXX
93731	.....	A	Analyze pacemaker system.	0.45	0.67	N/A	0.05	1.17	N/A	XXX
93731	26	A	Analyze pacemaker system.	0.45	0.18	0.18	0.02	0.65	0.65	XXX
93731	TC	A	Analyze pacemaker system.	0.00	0.49	N/A	0.03	0.52	N/A	XXX
93732	.....	A	Analyze pacemaker system.	0.92	0.87	N/A	0.06	1.85	N/A	XXX
93732	26	A	Analyze pacemaker system.	0.92	0.36	0.36	0.03	1.31	1.31	XXX
93732	TC	A	Analyze pacemaker system.	0.00	0.51	N/A	0.03	0.54	N/A	XXX
93733	.....	A	Telephone analy, pacemaker.	0.17	0.79	N/A	0.06	1.02	N/A	XXX
93733	26	A	Telephone analy, pacemaker.	0.17	0.07	0.07	0.01	0.25	0.25	XXX
93733	TC	A	Telephone analy, pacemaker.	0.00	0.73	N/A	0.05	0.78	N/A	XXX
93734	.....	A	Analyze pacemaker system.	0.38	0.50	N/A	0.03	0.91	N/A	XXX
93734	26	A	Analyze pacemaker system.	0.38	0.15	0.15	0.01	0.54	0.54	XXX
93734	TC	A	Analyze pacemaker system.	0.00	0.35	N/A	0.02	0.37	N/A	XXX
93735	.....	A	Analyze pacemaker system.	0.74	0.74	N/A	0.06	1.54	N/A	XXX
93735	26	A	Analyze pacemaker system.	0.74	0.29	0.29	0.03	1.06	1.06	XXX
93735	TC	A	Analyze pacemaker system.	0.00	0.44	N/A	0.03	0.47	N/A	XXX
93736	.....	A	Telephone analy, pacemaker.	0.15	0.69	N/A	0.06	0.90	N/A	XXX
93736	26	A	Telephone analy, pacemaker.	0.15	0.06	0.06	0.01	0.22	0.22	XXX
93736	TC	A	Telephone analy, pacemaker.	0.00	0.63	N/A	0.05	0.68	N/A	XXX
93740	.....	B	Temperature gradient studies.	0.16	0.20	N/A	0.02	0.38	N/A	XXX
93740	26	B	Temperature gradient studies.	0.16	0.04	0.04	0.01	0.21	0.21	XXX
93740	TC	B	Temperature gradient studies.	0.00	0.15	N/A	0.01	0.16	N/A	XXX
93741	.....	A	Analyze ht pace device sngl.	0.80	0.99	N/A	0.05	1.84	N/A	XXX
93741	26	A	Analyze ht pace device sngl.	0.80	0.32	0.32	0.02	1.14	1.14	XXX
93741	TC	A	Analyze ht pace device sngl.	0.00	0.67	N/A	0.03	0.70	N/A	XXX
93742	.....	A	Analyze ht pace device sngl.	0.91	1.03	N/A	0.05	1.99	N/A	XXX
93742	26	A	Analyze ht pace device sngl.	0.91	0.36	0.36	0.02	1.29	1.29	XXX
93742	TC	A	Analyze ht pace device sngl.	0.00	0.67	N/A	0.03	0.70	N/A	XXX
93743	.....	A	Analyze ht pace device dual.	1.03	1.14	N/A	0.06	2.23	N/A	XXX
93743	26	A	Analyze ht pace device dual.	1.03	0.41	0.41	0.03	1.47	1.47	XXX
93743	TC	A	Analyze ht pace device dual.	0.00	0.73	N/A	0.03	0.76	N/A	XXX
93744	.....	A	Analyze ht pace device dual.	1.18	1.14	N/A	0.06	2.38	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
93744	26	A	Analyze ht pace device dual.	1.18	0.47	0.47	0.03	1.68	1.68	XXX
93744	TC	A	Analyze ht pace device dual.	0.00	0.67	N/A	0.03	0.70	N/A	XXX
93770		B	Measure venous pressure	0.16	0.08	N/A	0.02	0.26	N/A	XXX
93770	26	B	Measure venous pressure	0.16	0.05	0.05	0.01	0.22	0.22	XXX
93770	TC	B	Measure venous pressure	0.00	0.03	N/A	0.01	0.04	N/A	XXX
93784		A	Ambulatory BP monitoring	0.17	0.97	N/A	0.02	1.16	N/A	XXX
93786		A	Ambulatory BP recording	0.00	0.91	N/A	0.01	0.92	N/A	XXX
93790		A	Review/report BP record-ing.	0.17	0.06	0.06	0.01	0.24	0.24	XXX
93797		A	Cardiac rehab	0.18	0.39	0.07	0.01	0.58	0.26	000
93798		A	Cardiac rehab/monitor	0.28	0.51	0.11	0.01	0.80	0.40	000
93799		C	Cardiovascular procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93799	26	C	Cardiovascular procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93799	TC	C	Cardiovascular procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
93875		A	Extracranial study	0.22	1.67	N/A	0.10	1.99	N/A	XXX
93875	26	A	Extracranial study	0.22	0.08	0.08	0.01	0.31	0.31	XXX
93875	TC	A	Extracranial study	0.00	1.59	N/A	0.09	1.68	N/A	XXX
93880		A	Extracranial study	0.60	4.20	N/A	0.33	5.13	N/A	XXX
93880	26	A	Extracranial study	0.60	0.21	0.21	0.04	0.85	0.85	XXX
93880	TC	A	Extracranial study	0.00	3.99	N/A	0.29	4.28	N/A	XXX
93882		A	Extracranial study	0.40	3.03	N/A	0.22	3.65	N/A	XXX
93882	26	A	Extracranial study	0.40	0.14	0.14	0.04	0.58	0.58	XXX
93882	TC	A	Extracranial study	0.00	2.88	N/A	0.18	3.06	N/A	XXX
93886		A	Intracranial study	0.94	4.54	N/A	0.37	5.85	N/A	XXX
93886	26	A	Intracranial study	0.94	0.38	0.38	0.05	1.37	1.37	XXX
93886	TC	A	Intracranial study	0.00	4.17	N/A	0.32	4.49	N/A	XXX
93888		A	Intracranial study	0.62	3.07	N/A	0.26	3.95	N/A	XXX
93888	26	A	Intracranial study	0.62	0.23	0.23	0.04	0.89	0.89	XXX
93888	TC	A	Intracranial study	0.00	2.84	N/A	0.22	3.06	N/A	XXX
93922		A	Extremity study	0.25	1.94	N/A	0.13	2.32	N/A	XXX
93922	26	A	Extremity study	0.25	0.09	0.09	0.02	0.36	0.36	XXX
93922	TC	A	Extremity study	0.00	1.85	N/A	0.11	1.96	N/A	XXX
93923		A	Extremity study	0.45	3.04	N/A	0.22	3.71	N/A	XXX
93923	26	A	Extremity study	0.45	0.16	0.16	0.04	0.65	0.65	XXX
93923	TC	A	Extremity study	0.00	2.88	N/A	0.18	3.06	N/A	XXX
93924		A	Extremity study	0.50	3.79	N/A	0.26	4.55	N/A	XXX
93924	26	A	Extremity study	0.50	0.17	0.17	0.05	0.72	0.72	XXX
93924	TC	A	Extremity study	0.00	3.62	N/A	0.21	3.83	N/A	XXX
93925		A	Lower extremity study	0.58	4.91	N/A	0.33	5.82	N/A	XXX
93925	26	A	Lower extremity study	0.58	0.20	0.20	0.04	0.82	0.82	XXX
93925	TC	A	Lower extremity study	0.00	4.71	N/A	0.29	5.00	N/A	XXX
93926		A	Lower extremity study	0.39	3.51	N/A	0.22	4.12	N/A	XXX
93926	26	A	Lower extremity study	0.39	0.13	0.13	0.03	0.55	0.55	XXX
93926	TC	A	Lower extremity study	0.00	3.37	N/A	0.19	3.56	N/A	XXX
93930		A	Upper extremity study	0.46	3.90	N/A	0.34	4.70	N/A	XXX
93930	26	A	Upper extremity study	0.46	0.16	0.16	0.03	0.65	0.65	XXX
93930	TC	A	Upper extremity study	0.00	3.74	N/A	0.31	4.05	N/A	XXX
93931		A	Upper extremity study	0.31	2.84	N/A	0.22	3.37	N/A	XXX
93931	26	A	Upper extremity study	0.31	0.11	0.11	0.02	0.44	0.44	XXX
93931	TC	A	Upper extremity study	0.00	2.74	N/A	0.20	2.94	N/A	XXX
93965		A	Extremity study	0.35	1.88	N/A	0.12	2.35	N/A	XXX
93965	26	A	Extremity study	0.35	0.12	0.12	0.02	0.49	0.49	XXX
93965	TC	A	Extremity study	0.00	1.76	N/A	0.10	1.86	N/A	XXX
93970		A	Extremity study	0.68	4.00	N/A	0.38	5.06	N/A	XXX
93970	26	A	Extremity study	0.68	0.23	0.23	0.05	0.96	0.96	XXX
93970	TC	A	Extremity study	0.00	3.77	N/A	0.33	4.10	N/A	XXX
93971		A	Extremity study	0.45	2.88	N/A	0.25	3.58	N/A	XXX
93971	26	A	Extremity study	0.45	0.15	0.15	0.03	0.63	0.63	XXX
93971	TC	A	Extremity study	0.00	2.73	N/A	0.22	2.95	N/A	XXX
93975		A	Vascular study	1.80	5.86	N/A	0.47	8.13	N/A	XXX
93975	26	A	Vascular study	1.80	0.61	0.61	0.11	2.52	2.52	XXX
93975	TC	A	Vascular study	0.00	5.25	N/A	0.36	5.61	N/A	XXX
93976		A	Vascular study	1.21	3.48	N/A	0.31	5.00	N/A	XXX
93976	26	A	Vascular study	1.21	0.41	0.41	0.06	1.68	1.68	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
93976	TC	A	Vascular study	0.00	3.08	N/A	0.25	3.33	N/A	XXX
93978		A	Vascular study	0.65	3.62	N/A	0.36	4.63	N/A	XXX
93978	26	A	Vascular study	0.65	0.22	0.22	0.05	0.92	0.92	XXX
93978	TC	A	Vascular study	0.00	3.39	N/A	0.31	3.70	N/A	XXX
93979		A	Vascular study	0.44	2.67	N/A	0.24	3.35	N/A	XXX
93979	26	A	Vascular study	0.44	0.16	0.16	0.04	0.64	0.64	XXX
93979	TC	A	Vascular study	0.00	2.51	N/A	0.20	2.71	N/A	XXX
93980		A	Penile vascular study	1.25	4.77	N/A	0.35	6.37	N/A	XXX
93980	26	A	Penile vascular study	1.25	0.42	0.42	0.07	1.74	1.74	XXX
93980	TC	A	Penile vascular study	0.00	4.35	N/A	0.28	4.63	N/A	XXX
93981		A	Penile vascular study	0.44	4.65	N/A	0.28	5.37	N/A	XXX
93981	26	A	Penile vascular study	0.44	0.15	0.15	0.02	0.61	0.61	XXX
93981	TC	A	Penile vascular study	0.00	4.51	N/A	0.26	4.77	N/A	XXX
93990		A	Doppler flow testing	0.25	3.44	N/A	0.21	3.90	N/A	XXX
93990	26	A	Doppler flow testing	0.25	0.09	0.09	0.02	0.36	0.36	XXX
93990	TC	A	Doppler flow testing	0.00	3.35	N/A	0.19	3.54	N/A	XXX
94010		A	Breathing capacity test	0.17	0.69	N/A	0.03	0.89	N/A	XXX
94010	26	A	Breathing capacity test	0.17	0.05	0.05	0.01	0.23	0.23	XXX
94010	TC	A	Breathing capacity test	0.00	0.64	N/A	0.02	0.66	N/A	XXX
94014		A	Patient recorded spirometry.	0.52	0.78	N/A	0.03	1.33	N/A	XXX
94015		A	Patient recorded spirometry.	0.00	0.61	N/A	0.01	0.62	N/A	XXX
94016		A	Review patient spirometry	0.52	0.17	0.17	0.02	0.71	0.71	XXX
94060		A	Evaluation of wheezing	0.31	1.14	N/A	0.06	1.51	N/A	XXX
94060	26	A	Evaluation of wheezing	0.31	0.10	0.10	0.01	0.42	0.42	XXX
94060	TC	A	Evaluation of wheezing	0.00	1.05	N/A	0.05	1.10	N/A	XXX
94070		A	Evaluation of wheezing	0.60	1.25	N/A	0.10	1.95	N/A	XXX
94070	26	A	Evaluation of wheezing	0.60	0.19	0.19	0.02	0.81	0.81	XXX
94070	TC	A	Evaluation of wheezing	0.00	1.06	N/A	0.08	1.14	N/A	XXX
94150		B	Vital capacity test	0.07	0.48	N/A	0.02	0.57	N/A	XXX
94150	26	B	Vital capacity test	0.07	0.03	0.03	0.01	0.11	0.11	XXX
94150	TC	B	Vital capacity test	0.00	0.46	N/A	0.01	0.47	N/A	XXX
94200		A	Lung function test (MBC/MVV).	0.11	0.46	N/A	0.03	0.60	N/A	XXX
94200	26	A	Lung function test (MBC/MVV).	0.11	0.03	0.03	0.01	0.15	0.15	XXX
94200	TC	A	Lung function test (MBC/MVV).	0.00	0.43	N/A	0.02	0.45	N/A	XXX
94240		A	Residual lung capacity	0.26	0.59	N/A	0.05	0.90	N/A	XXX
94240	26	A	Residual lung capacity	0.26	0.08	0.08	0.01	0.35	0.35	XXX
94240	TC	A	Residual lung capacity	0.00	0.51	N/A	0.04	0.55	N/A	XXX
94250		A	Expired gas collection	0.11	0.68	N/A	0.02	0.81	N/A	XXX
94250	26	A	Expired gas collection	0.11	0.03	0.03	0.01	0.15	0.15	XXX
94250	TC	A	Expired gas collection	0.00	0.64	N/A	0.01	0.65	N/A	XXX
94260		A	Thoracic gas volume	0.13	0.51	N/A	0.04	0.68	N/A	XXX
94260	26	A	Thoracic gas volume	0.13	0.04	0.04	0.01	0.18	0.18	XXX
94260	TC	A	Thoracic gas volume	0.00	0.47	N/A	0.03	0.50	N/A	XXX
94350		A	Lung nitrogen washout curve.	0.26	0.77	N/A	0.04	1.07	N/A	XXX
94350	26	A	Lung nitrogen washout curve.	0.26	0.08	0.08	0.01	0.35	0.35	XXX
94350	TC	A	Lung nitrogen washout curve.	0.00	0.69	N/A	0.03	0.72	N/A	XXX
94360		A	Measure airflow resistance	0.26	0.61	N/A	0.06	0.93	N/A	XXX
94360	26	A	Measure airflow resistance	0.26	0.08	0.08	0.01	0.35	0.35	XXX
94360	TC	A	Measure airflow resistance	0.00	0.53	N/A	0.05	0.58	N/A	XXX
94370		A	Breath airway closing volume.	0.26	0.74	N/A	0.03	1.03	N/A	XXX
94370	26	A	Breath airway closing volume.	0.26	0.08	0.08	0.01	0.35	0.35	XXX
94370	TC	A	Breath airway closing volume.	0.00	0.66	N/A	0.02	0.68	N/A	XXX
94375		A	Respiratory flow volume loop.	0.31	0.56	N/A	0.03	0.90	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
94375	26	A	Respiratory flow volume loop.	0.31	0.10	0.10	0.01	0.42	0.42	XXX
94375	TC	A	Respiratory flow volume loop.	0.00	0.47	N/A	0.02	0.49	N/A	XXX
94400	.....	A	CO2 breathing response curve.	0.40	0.86	N/A	0.06	1.32	N/A	XXX
94400	26	A	CO2 breathing response curve.	0.40	0.13	0.13	0.01	0.54	0.54	XXX
94400	TC	A	CO2 breathing response curve.	0.00	0.74	N/A	0.05	0.79	N/A	XXX
94450	.....	A	Hypoxia response curve ...	0.40	0.69	N/A	0.04	1.13	N/A	XXX
94450	26	A	Hypoxia response curve ...	0.40	0.12	0.12	0.02	0.54	0.54	XXX
94450	TC	A	Hypoxia response curve ...	0.00	0.57	N/A	0.02	0.59	N/A	XXX
94620	.....	A	Pulmonary stress test/simple.	0.64	2.49	N/A	0.10	3.23	N/A	XXX
94620	26	A	Pulmonary stress test/simple.	0.64	0.20	0.20	0.02	0.86	0.86	XXX
94620	TC	A	Pulmonary stress test/simple.	0.00	2.29	N/A	0.08	2.37	N/A	XXX
94621	.....	A	Pulm stress test/complex	1.42	2.11	N/A	0.13	3.66	N/A	XXX
94621	26	A	Pulm stress test/complex	1.42	0.44	0.44	0.05	1.91	1.91	XXX
94621	TC	A	Pulm stress test/complex	0.00	1.67	N/A	0.08	1.75	N/A	XXX
94640	.....	A	Airway inhalation treatment.	0.00	0.35	N/A	0.02	0.37	N/A	XXX
94642	.....	C	Aerosol inhalation treatment.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
94656	.....	A	Initial ventilator mgmt	1.22	1.23	0.32	0.06	2.51	1.60	XXX
94657	.....	A	Continued ventilator mgmt	0.83	1.04	0.25	0.03	1.90	1.11	XXX
94660	.....	A	Pos airway pressure, CPAP.	0.76	0.67	0.24	0.03	1.46	1.03	XXX
94662	.....	A	Neg press ventilation, cnp	0.76	N/A	0.24	0.02	N/A	1.02	XXX
94664	.....	A	Evaluate pt use of inhaler	0.00	0.34	N/A	0.03	0.37	N/A	XXX
94667	.....	A	Chest wall manipulation ...	0.00	0.56	N/A	0.04	0.60	N/A	XXX
94668	.....	A	Chest wall manipulation ...	0.00	0.48	N/A	0.02	0.50	N/A	XXX
94680	.....	A	Exhaled air analysis, o2 ...	0.26	1.97	N/A	0.06	2.29	N/A	XXX
94680	26	A	Exhaled air analysis, o2 ...	0.26	0.08	0.08	0.01	0.35	0.35	XXX
94680	TC	A	Exhaled air analysis, o2 ...	0.00	1.89	N/A	0.05	1.94	N/A	XXX
94681	.....	A	Exhaled air analysis, o2/co2.	0.20	2.69	N/A	0.11	3.00	N/A	XXX
94681	26	A	Exhaled air analysis, o2/co2.	0.20	0.07	0.07	0.01	0.28	0.28	XXX
94681	TC	A	Exhaled air analysis, o2/co2.	0.00	2.62	N/A	0.10	2.72	N/A	XXX
94690	.....	A	Exhaled air analysis	0.07	2.06	N/A	0.04	2.17	N/A	XXX
94690	26	A	Exhaled air analysis	0.07	0.02	0.02	0.01	0.10	0.10	XXX
94690	TC	A	Exhaled air analysis	0.00	2.04	N/A	0.03	2.07	N/A	XXX
94720	.....	A	Monoxide diffusing capacity.	0.26	1.02	N/A	0.06	1.34	N/A	XXX
94720	26	A	Monoxide diffusing capacity.	0.26	0.08	0.08	0.01	0.35	0.35	XXX
94720	TC	A	Monoxide diffusing capacity.	0.00	0.94	N/A	0.05	0.99	N/A	XXX
94725	.....	A	Membrane diffusion capacity.	0.26	3.07	N/A	0.11	3.44	N/A	XXX
94725	26	A	Membrane diffusion capacity.	0.26	0.08	0.08	0.01	0.35	0.35	XXX
94725	TC	A	Membrane diffusion capacity.	0.00	2.99	N/A	0.10	3.09	N/A	XXX
94750	.....	A	Pulmonary compliance study.	0.23	1.41	N/A	0.04	1.68	N/A	XXX
94750	26	A	Pulmonary compliance study.	0.23	0.07	0.07	0.01	0.31	0.31	XXX
94750	TC	A	Pulmonary compliance study.	0.00	1.33	N/A	0.03	1.36	N/A	XXX
94760	.....	T	Measure blood oxygen level.	0.00	0.09	N/A	0.02	0.11	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
94761		T	Measure blood oxygen level.	0.00	0.12	N/A	0.05	0.17	N/A	XXX
94762		A	Measure blood oxygen level.	0.00	0.41	N/A	0.08	0.49	N/A	XXX
94770		A	Exhaled carbon dioxide test.	0.15	1.72	N/A	0.07	1.94	N/A	XXX
94770	26	A	Exhaled carbon dioxide test.	0.15	0.04	0.04	0.01	0.20	0.20	XXX
94770	TC	A	Exhaled carbon dioxide test.	0.00	1.68	N/A	0.06	1.74	N/A	XXX
94772		C	Breath recording, infant	0.00	0.00	0.00	0.00	0.00	0.00	XXX
94772	26	C	Breath recording, infant	0.00	0.00	0.00	0.00	0.00	0.00	XXX
94772	TC	C	Breath recording, infant	0.00	0.00	0.00	0.00	0.00	0.00	XXX
94799		C	Pulmonary service/procedure.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
94799	26	C	Pulmonary service/procedure.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
94799	TC	C	Pulmonary service/procedure.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95004		A	Percut allergy skin tests	0.00	0.10	N/A	0.01	0.11	N/A	XXX
95010		A	Percut allergy titrate test	0.15	0.33	0.06	0.01	0.49	0.22	XXX
95015		A	Id allergy titrate-drug/bug	0.15	0.15	0.06	0.01	0.31	0.22	XXX
95024		A	Id allergy test, drug/bug	0.00	0.15	N/A	0.01	0.16	N/A	XXX
95027		A	Id allergy titrate-airborne	0.00	0.15	N/A	0.01	0.16	N/A	XXX
95028		A	Id allergy test-delayed type.	0.00	0.23	N/A	0.01	0.24	N/A	XXX
95044		A	Allergy patch tests	0.00	0.20	N/A	0.01	0.21	N/A	XXX
95052		A	Photo patch test	0.00	0.25	N/A	0.01	0.26	N/A	XXX
95056		A	Photosensitivity tests	0.00	0.17	N/A	0.01	0.18	N/A	XXX
95060		A	Eye allergy tests	0.00	0.35	N/A	0.02	0.37	N/A	XXX
95065		A	Nose allergy test	0.00	0.20	N/A	0.01	0.21	N/A	XXX
95070		A	Bronchial allergy tests	0.00	2.28	N/A	0.02	2.30	N/A	XXX
95071		A	Bronchial allergy tests	0.00	2.92	N/A	0.02	2.94	N/A	XXX
95075		A	Ingestion challenge test	0.95	0.84	0.39	0.03	1.82	1.37	XXX
95078		A	Provocative testing	0.00	0.25	N/A	0.02	0.27	N/A	XXX
95115		A	Immunotherapy, one injection.	0.00	0.39	N/A	0.02	0.41	N/A	000
95117		A	Immunotherapy injections	0.00	0.50	N/A	0.02	0.52	N/A	000
95120		I	Immunotherapy, one injection.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95125		I	Immunotherapy, many antigens.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95130		I	Immunotherapy, insect venom.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95131		I	Immunotherapy, insect venoms.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95132		I	Immunotherapy, insect venoms.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95133		I	Immunotherapy, insect venoms.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95134		I	Immunotherapy, insect venoms.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95144		A	Antigen therapy services	0.06	0.16	0.02	0.01	0.23	0.09	000
95145		A	Antigen therapy services	0.06	0.20	0.02	0.01	0.27	0.09	000
95146		A	Antigen therapy services	0.06	0.27	0.03	0.01	0.34	0.10	000
95147		A	Antigen therapy services	0.06	0.34	0.02	0.01	0.41	0.09	000
95148		A	Antigen therapy services	0.06	0.42	0.03	0.01	0.49	0.10	000
95149		A	Antigen therapy services	0.06	0.56	0.03	0.01	0.63	0.10	000
95165		A	Antigen therapy services	0.06	0.21	0.02	0.01	0.28	0.09	000
95170		A	Antigen therapy services	0.06	0.14	0.02	0.01	0.21	0.09	000
95180		A	Rapid desensitization	2.01	1.56	0.84	0.04	3.61	2.89	000
95199		C	Allergy immunology services.	0.00	0.00	0.00	0.00	0.00	0.00	000
95250		A	Glucose monitoring, cont	0.00	3.93	N/A	0.01	3.94	N/A	XXX
95805		A	Multiple sleep latency test	1.88	16.80	N/A	0.34	19.02	N/A	XXX
95805	26	A	Multiple sleep latency test	1.88	0.67	0.67	0.06	2.61	2.61	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
95805	TC	A	Multiple sleep latency test	0.00	16.12	N/A	0.28	16.40	N/A	XXX
95806	.....	A	Sleep study, unattended ..	1.66	3.94	N/A	0.32	5.92	N/A	XXX
95806	26	A	Sleep study, unattended ..	1.66	0.55	0.55	0.06	2.27	2.27	XXX
95806	TC	A	Sleep study, unattended ..	0.00	3.40	N/A	0.26	3.66	N/A	XXX
95807	.....	A	Sleep study, attended	1.66	12.35	N/A	0.40	14.41	N/A	XXX
95807	26	A	Sleep study, attended	1.66	0.54	0.54	0.05	2.25	2.25	XXX
95807	TC	A	Sleep study, attended	0.00	11.81	N/A	0.35	12.16	N/A	XXX
95808	.....	A	Polysomnography, 1-3	2.65	13.34	N/A	0.44	16.43	N/A	XXX
95808	26	A	Polysomnography, 1-3	2.65	0.94	0.94	0.09	3.68	3.68	XXX
95808	TC	A	Polysomnography, 1-3	0.00	12.39	N/A	0.35	12.74	N/A	XXX
95810	.....	A	Polysomnography, 4 or more.	3.53	17.59	N/A	0.47	21.59	N/A	XXX
95810	26	A	Polysomnography, 4 or more.	3.53	1.21	1.21	0.12	4.86	4.86	XXX
95810	TC	A	Polysomnography, 4 or more.	0.00	16.38	N/A	0.35	16.73	N/A	XXX
95811	.....	A	Polysomnography w/cpap	3.80	19.01	N/A	0.49	23.30	N/A	XXX
95811	26	A	Polysomnography w/cpap	3.80	1.30	1.30	0.13	5.23	5.23	XXX
95811	TC	A	Polysomnography w/cpap	0.00	17.72	N/A	0.36	18.08	N/A	XXX
95812	.....	A	Eeg, 41-60 minutes	1.08	3.96	N/A	0.13	5.17	N/A	XXX
95812	26	A	Eeg, 41-60 minutes	1.08	0.46	0.46	0.04	1.58	1.58	XXX
95812	TC	A	Eeg, 41-60 minutes	0.00	3.50	N/A	0.09	3.59	N/A	XXX
95813	.....	A	Eeg, over 1 hour	1.73	5.00	N/A	0.15	6.88	N/A	XXX
95813	26	A	Eeg, over 1 hour	1.73	0.71	0.71	0.06	2.50	2.50	XXX
95813	TC	A	Eeg, over 1 hour	0.00	4.28	N/A	0.09	4.37	N/A	XXX
95816	.....	A	Eeg, awake and drowsy ...	1.08	3.16	N/A	0.12	4.36	N/A	XXX
95816	26	A	Eeg, awake and drowsy ...	1.08	0.47	0.47	0.04	1.59	1.59	XXX
95816	TC	A	Eeg, awake and drowsy ...	0.00	2.70	N/A	0.08	2.78	N/A	XXX
95819	.....	A	Eeg, awake and asleep	1.08	3.71	N/A	0.12	4.91	N/A	XXX
95819	26	A	Eeg, awake and asleep	1.08	0.47	0.47	0.04	1.59	1.59	XXX
95819	TC	A	Eeg, awake and asleep	0.00	3.24	N/A	0.08	3.32	N/A	XXX
95822	.....	A	Eeg, coma or sleep only ..	1.08	4.40	N/A	0.15	5.63	N/A	XXX
95822	26	A	Eeg, coma or sleep only ..	1.08	0.47	0.47	0.04	1.59	1.59	XXX
95822	TC	A	Eeg, coma or sleep only ..	0.00	3.93	N/A	0.11	4.04	N/A	XXX
95824	.....	C	Eeg, cerebral death only ..	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95824	26	A	Eeg, cerebral death only ..	0.74	0.32	0.32	0.05	1.11	1.11	XXX
95824	TC	C	Eeg, cerebral death only ..	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95827	.....	A	Eeg, all night recording	1.08	2.71	N/A	0.15	3.94	N/A	XXX
95827	26	A	Eeg, all night recording	1.08	0.42	0.42	0.03	1.53	1.53	XXX
95827	TC	A	Eeg, all night recording	0.00	2.29	N/A	0.12	2.41	N/A	XXX
95829	.....	A	Surgery electrocorticogram	6.21	32.94	N/A	0.33	39.48	N/A	XXX
95829	26	A	Surgery electrocorticogram	6.21	2.37	2.37	0.31	8.89	8.89	XXX
95829	TC	A	Surgery electrocorticogram	0.00	30.57	N/A	0.02	30.59	N/A	XXX
95830	.....	A	Insert electrodes for EEG	1.70	3.50	0.75	0.07	5.27	2.52	XXX
95831	.....	A	Limb muscle testing, manual.	0.28	0.33	0.13	0.01	0.62	0.42	XXX
95832	.....	A	Hand muscle testing, manual.	0.29	0.25	0.12	0.01	0.55	0.42	XXX
95833	.....	A	Body muscle testing, manual.	0.47	0.44	0.23	0.01	0.92	0.71	XXX
95834	.....	A	Body muscle testing, manual.	0.60	0.50	0.28	0.02	1.12	0.90	XXX
95851	.....	A	Range of motion measurements.	0.16	0.34	0.08	0.01	0.51	0.25	XXX
95852	.....	A	Range of motion measurements.	0.11	0.24	0.05	0.01	0.36	0.17	XXX
95857	.....	A	Tensilon test	0.53	0.62	0.23	0.02	1.17	0.78	XXX
95858	.....	A	Tensilon test & myogram	1.56	1.08	N/A	0.07	2.71	N/A	XXX
95858	26	A	Tensilon test & myogram	1.56	0.68	0.68	0.04	2.28	2.28	XXX
95858	TC	A	Tensilon test & myogram	0.00	0.40	N/A	0.03	0.43	N/A	XXX
95860	.....	A	Muscle test, one limb	0.96	1.47	N/A	0.05	2.48	N/A	XXX
95860	26	A	Muscle test, one limb	0.96	0.43	0.43	0.03	1.42	1.42	XXX
95860	TC	A	Muscle test, one limb	0.00	1.04	N/A	0.02	1.06	N/A	XXX
95861	.....	A	Muscle test, 2 limbs	1.54	1.43	N/A	0.10	3.07	N/A	XXX
95861	26	A	Muscle test, 2 limbs	1.54	0.69	0.69	0.05	2.28	2.28	XXX
95861	TC	A	Muscle test, 2 limbs	0.00	0.73	N/A	0.05	0.78	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
95863	.....	A	Muscle test, 3 limbs	1.87	1.76	N/A	0.11	3.74	N/A	XXX
95863	26	A	Muscle test, 3 limbs	1.87	0.82	0.82	0.06	2.75	2.75	XXX
95863	TC	A	Muscle test, 3 limbs	0.00	0.94	N/A	0.05	0.99	N/A	XXX
95864	.....	A	Muscle test, 4 limbs	1.99	2.67	N/A	0.16	4.82	N/A	XXX
95864	26	A	Muscle test, 4 limbs	1.99	0.89	0.89	0.06	2.94	2.94	XXX
95864	TC	A	Muscle test, 4 limbs	0.00	1.78	N/A	0.10	1.88	N/A	XXX
95867	.....	A	Muscle test cran nerv unilat.	0.79	0.93	N/A	0.06	1.78	N/A	XXX
95867	26	A	Muscle test cran nerv unilat.	0.79	0.35	0.35	0.03	1.17	1.17	XXX
95867	TC	A	Muscle test cran nerv unilat.	0.00	0.58	N/A	0.03	0.61	N/A	XXX
95868	.....	A	Muscle test cran nerve bilat.	1.18	1.22	N/A	0.08	2.48	N/A	XXX
95868	26	A	Muscle test cran nerve bilat.	1.18	0.52	0.52	0.04	1.74	1.74	XXX
95868	TC	A	Muscle test cran nerve bilat.	0.00	0.70	N/A	0.04	0.74	N/A	XXX
95869	.....	A	Muscle test, thor paraspinal.	0.37	0.38	N/A	0.03	0.78	N/A	XXX
95869	26	A	Muscle test, thor paraspinal.	0.37	0.17	0.17	0.01	0.55	0.55	XXX
95869	TC	A	Muscle test, thor paraspinal.	0.00	0.21	N/A	0.02	0.23	N/A	XXX
95870	.....	A	Muscle test, nonparaspinal	0.37	0.37	N/A	0.03	0.77	N/A	XXX
95870	26	A	Muscle test, nonparaspinal	0.37	0.16	0.16	0.01	0.54	0.54	XXX
95870	TC	A	Muscle test, nonparaspinal	0.00	0.21	N/A	0.02	0.23	N/A	XXX
95872	.....	A	Muscle test, one fiber	1.50	1.25	N/A	0.08	2.83	N/A	XXX
95872	26	A	Muscle test, one fiber	1.50	0.65	0.65	0.04	2.19	2.19	XXX
95872	TC	A	Muscle test, one fiber	0.00	0.60	N/A	0.04	0.64	N/A	XXX
95875	.....	A	Limb exercise test	1.10	1.50	N/A	0.09	2.69	N/A	XXX
95875	26	A	Limb exercise test	1.10	0.48	0.48	0.04	1.62	1.62	XXX
95875	TC	A	Limb exercise test	0.00	1.02	N/A	0.05	1.07	N/A	XXX
95900	.....	A	Motor nerve conduction test.	0.42	1.30	N/A	0.03	1.75	N/A	XXX
95900	26	A	Motor nerve conduction test.	0.42	0.19	0.19	0.01	0.62	0.62	XXX
95900	TC	A	Motor nerve conduction test.	0.00	1.12	N/A	0.02	1.14	N/A	XXX
95903	.....	A	Motor nerve conduction test.	0.60	1.23	N/A	0.04	1.87	N/A	XXX
95903	26	A	Motor nerve conduction test.	0.60	0.26	0.26	0.02	0.88	0.88	XXX
95903	TC	A	Motor nerve conduction test.	0.00	0.97	N/A	0.02	0.99	N/A	XXX
95904	.....	A	Sense nerve conduction test.	0.34	1.13	N/A	0.03	1.50	N/A	XXX
95904	26	A	Sense nerve conduction test.	0.34	0.15	0.15	0.01	0.50	0.50	XXX
95904	TC	A	Sense nerve conduction test.	0.00	0.98	N/A	0.02	1.00	N/A	XXX
95920	.....	A	Intraop nerve test add-on	2.11	2.26	N/A	0.20	4.57	N/A	ZZZ
95920	26	A	Intraop nerve test add-on	2.11	0.95	0.95	0.14	3.20	3.20	ZZZ
95920	TC	A	Intraop nerve test add-on	0.00	1.31	N/A	0.06	1.37	N/A	ZZZ
95921	.....	A	Autonomic nerv function test.	0.90	0.71	N/A	0.05	1.66	N/A	XXX
95921	26	A	Autonomic nerv function test.	0.90	0.33	0.33	0.03	1.26	1.26	XXX
95921	TC	A	Autonomic nerv function test.	0.00	0.38	N/A	0.02	0.40	N/A	XXX
95922	.....	A	Autonomic nerv function test.	0.96	0.79	N/A	0.05	1.80	N/A	XXX
95922	26	A	Autonomic nerv function test.	0.96	0.41	0.41	0.03	1.40	1.40	XXX
95922	TC	A	Autonomic nerv function test.	0.00	0.38	N/A	0.02	0.40	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
95923	.....	A	Autonomic nerv function test.	0.90	2.14	N/A	0.05	3.09	N/A	XXX
95923	26	A	Autonomic nerv function test.	0.90	0.39	0.39	0.03	1.32	1.32	XXX
95923	TC	A	Autonomic nerv function test.	0.00	1.76	N/A	0.02	1.78	N/A	XXX
95925	.....	A	Somatosensory testing	0.54	1.14	N/A	0.07	1.75	N/A	XXX
95925	26	A	Somatosensory testing	0.54	0.23	0.23	0.02	0.79	0.79	XXX
95925	TC	A	Somatosensory testing	0.00	0.91	N/A	0.05	0.96	N/A	XXX
95926	.....	A	Somatosensory testing	0.54	1.15	N/A	0.07	1.76	N/A	XXX
95926	26	A	Somatosensory testing	0.54	0.24	0.24	0.02	0.80	0.80	XXX
95926	TC	A	Somatosensory testing	0.00	0.91	N/A	0.05	0.96	N/A	XXX
95927	.....	A	Somatosensory testing	0.54	1.16	N/A	0.08	1.78	N/A	XXX
95927	26	A	Somatosensory testing	0.54	0.25	0.25	0.03	0.82	0.82	XXX
95927	TC	A	Somatosensory testing	0.00	0.91	N/A	0.05	0.96	N/A	XXX
95930	.....	A	Visual evoked potential test.	0.35	1.44	N/A	0.02	1.81	N/A	XXX
95930	26	A	Visual evoked potential test.	0.35	0.15	0.15	0.01	0.51	0.51	XXX
95930	TC	A	Visual evoked potential test.	0.00	1.29	N/A	0.01	1.30	N/A	XXX
95933	.....	A	Blink reflex test	0.59	1.03	N/A	0.07	1.69	N/A	XXX
95933	26	A	Blink reflex test	0.59	0.25	0.25	0.02	0.86	0.86	XXX
95933	TC	A	Blink reflex test	0.00	0.78	N/A	0.05	0.83	N/A	XXX
95934	.....	A	H-reflex test	0.51	0.44	N/A	0.04	0.99	N/A	XXX
95934	26	A	H-reflex test	0.51	0.23	0.23	0.02	0.76	0.76	XXX
95934	TC	A	H-reflex test	0.00	0.21	N/A	0.02	0.23	N/A	XXX
95936	.....	A	H-reflex test	0.55	0.46	N/A	0.04	1.05	N/A	XXX
95936	26	A	H-reflex test	0.55	0.25	0.25	0.02	0.82	0.82	XXX
95936	TC	A	H-reflex test	0.00	0.21	N/A	0.02	0.23	N/A	XXX
95937	.....	A	Neuromuscular junction test.	0.65	0.61	N/A	0.04	1.30	N/A	XXX
95937	26	A	Neuromuscular junction test.	0.65	0.27	0.27	0.02	0.94	0.94	XXX
95937	TC	A	Neuromuscular junction test.	0.00	0.34	N/A	0.02	0.36	N/A	XXX
95950	.....	A	Ambulatory eeg monitoring	1.51	4.57	N/A	0.44	6.52	N/A	XXX
95950	26	A	Ambulatory eeg monitoring	1.51	0.65	0.65	0.08	2.24	2.24	XXX
95950	TC	A	Ambulatory eeg monitoring	0.00	3.93	N/A	0.36	4.29	N/A	XXX
95951	.....	C	EEG monitoring/ videorecord.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95951	26	A	EEG monitoring/ videorecord.	6.00	2.61	2.61	0.20	8.81	8.81	XXX
95951	TC	C	EEG monitoring/ videorecord.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95953	.....	A	EEG monitoring/computer	3.08	7.65	N/A	0.46	11.19	N/A	XXX
95953	26	A	EEG monitoring/computer	3.08	1.32	1.32	0.10	4.50	4.50	XXX
95953	TC	A	EEG monitoring/computer	0.00	6.33	N/A	0.36	6.69	N/A	XXX
95954	.....	A	EEG monitoring/giving drugs.	2.45	4.39	N/A	0.15	6.99	N/A	XXX
95954	26	A	EEG monitoring/giving drugs.	2.45	1.07	1.07	0.10	3.62	3.62	XXX
95954	TC	A	EEG monitoring/giving drugs.	0.00	3.33	N/A	0.05	3.38	N/A	XXX
95955	.....	A	EEG during surgery	1.01	2.33	N/A	0.19	3.53	N/A	XXX
95955	26	A	EEG during surgery	1.01	0.37	0.37	0.05	1.43	1.43	XXX
95955	TC	A	EEG during surgery	0.00	1.96	N/A	0.14	2.10	N/A	XXX
95956	.....	A	Eeg monitoring, cable/ radio.	3.08	14.44	N/A	0.47	17.99	N/A	XXX
95956	26	A	Eeg monitoring, cable/ radio.	3.08	1.33	1.33	0.11	4.52	4.52	XXX
95956	TC	A	Eeg monitoring, cable/ radio.	0.00	13.11	N/A	0.36	13.47	N/A	XXX
95957	.....	A	EEG digital analysis	1.98	2.57	N/A	0.17	4.72	N/A	XXX
95957	26	A	EEG digital analysis	1.98	0.87	0.87	0.07	2.92	2.92	XXX
95957	TC	A	EEG digital analysis	0.00	1.70	N/A	0.10	1.80	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
95958	.....	A	EEG monitoring/function test.	4.25	3.52	N/A	0.29	8.06	N/A	XXX
95958	26	A	EEG monitoring/function test.	4.25	1.78	1.78	0.18	6.21	6.21	XXX
95958	TC	A	EEG monitoring/function test.	0.00	1.74	N/A	0.11	1.85	N/A	XXX
95961	.....	A	Electrode stimulation, brain.	2.97	2.65	N/A	0.24	5.86	N/A	XXX
95961	26	A	Electrode stimulation, brain.	2.97	1.35	1.35	0.18	4.50	4.50	XXX
95961	TC	A	Electrode stimulation, brain.	0.00	1.31	N/A	0.06	1.37	N/A	XXX
95962	.....	A	Electrode stim, brain add-on.	3.21	2.72	N/A	0.23	6.16	N/A	ZZZ
95962	26	A	Electrode stim, brain add-on.	3.21	1.42	1.42	0.17	4.80	4.80	ZZZ
95962	TC	A	Electrode stim, brain add-on.	0.00	1.31	N/A	0.06	1.37	N/A	ZZZ
95965	.....	C	Meg, spontaneous	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95965	26	A	Meg, spontaneous	8.00	3.49	3.49	0.31	11.80	11.80	XXX
95965	TC	C	Meg, spontaneous	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95966	.....	C	Meg, evoked, single	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95966	26	A	Meg, evoked, single	4.00	1.76	1.76	0.15	5.91	5.91	XXX
95966	TC	C	Meg, evoked, single	0.00	0.00	0.00	0.00	0.00	0.00	XXX
95967	.....	C	Meg, evoked, each addl ...	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
95967	26	A	Meg, evoked, each addl ...	3.50	1.36	1.36	0.13	4.99	4.99	ZZZ
95967	TC	C	Meg, evoked, each addl ...	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
95970	.....	A	Analyze neurostim, no prog.	0.45	0.17	0.15	0.03	0.65	0.63	XXX
95971	.....	A	Analyze neurostim, simple	0.78	0.28	0.23	0.06	1.12	1.07	XXX
95972	.....	A	Analyze neurostim, complex.	1.50	0.60	0.50	0.17	2.27	2.17	XXX
95973	.....	A	Analyze neurostim, complex.	0.92	0.40	0.35	0.07	1.39	1.34	ZZZ
95974	.....	A	Cranial neurostim, complex.	3.00	1.32	1.32	0.15	4.47	4.47	XXX
95975	.....	A	Cranial neurostim, complex.	1.70	0.74	0.74	0.07	2.51	2.51	ZZZ
95990	.....	A	Spin/brain pump refil & main.	0.00	1.50	N/A	0.05	1.55	N/A	XXX
95999	.....	C	Neurological procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
96000	.....	A	Motion analysis, video/3d	1.80	N/A	0.57	0.02	N/A	2.39	XXX
96001	.....	A	Motion test w/ft press meas.	2.15	N/A	0.83	0.02	N/A	3.00	XXX
96002	.....	A	Dynamic surface emg	0.41	N/A	0.16	0.02	N/A	0.59	XXX
96003	.....	A	Dynamic fine wire emg	0.37	N/A	0.14	0.03	N/A	0.54	XXX
96004	.....	A	Phys review of motion tests.	2.14	0.97	0.97	0.08	3.19	3.19	XXX
96100	.....	A	Psychological testing	0.00	1.76	N/A	0.15	1.91	N/A	XXX
96105	.....	A	Assessment of aphasia	0.00	1.76	N/A	0.15	1.91	N/A	XXX
96110	.....	C	Developmental test, lim	0.00	0.00	0.00	0.00	0.00	0.00	XXX
96111	.....	A	Developmental test, extend.	0.00	1.76	N/A	0.15	1.91	N/A	XXX
96115	.....	A	Neurobehavior status exam.	0.00	1.76	N/A	0.15	1.91	N/A	XXX
96117	.....	A	Neuropsych test battery ...	0.00	1.76	N/A	0.15	1.91	N/A	XXX
96150	.....	A	Assess lth/behave, init	0.50	0.19	0.18	0.02	0.71	0.70	XXX
96151	.....	A	Assess hlth/behave, subseq.	0.48	0.18	0.17	0.02	0.68	0.67	XXX
96152	.....	A	Intervene hlth/behave, indiv.	0.46	0.18	0.17	0.02	0.66	0.65	XXX
96153	.....	A	Intervene hlth/behave, group.	0.10	0.04	0.04	0.01	0.15	0.15	XXX
96154	.....	A	Interv hlth/behav, fam w/pt	0.45	0.17	0.16	0.02	0.64	0.63	XXX
96155	.....	N	Interv hlth/behav fam no pt	0.44	0.16	0.16	0.02	0.62	0.62	XXX
96400	.....	A	Chemotherapy, sc/im	0.00	0.89	N/A	0.01	0.90	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
96405	.....	A	Intralesional chemo admin	0.52	1.96	0.23	0.02	2.50	0.77	000
96406	.....	A	Intralesional chemo admin	0.80	2.60	0.30	0.02	3.42	1.12	000
96408	.....	A	Chemotherapy, push technique.	0.00	0.97	N/A	0.05	1.02	N/A	XXX
96410	.....	A	Chemotherapy,infusion method.	0.00	1.55	N/A	0.07	1.62	N/A	XXX
96412	.....	A	Chemo, infuse method add-on.	0.00	1.15	N/A	0.06	1.21	N/A	ZZZ
96414	.....	A	Chemo, infuse method add-on.	0.00	1.33	N/A	0.07	1.40	N/A	XXX
96420	.....	A	Chemotherapy, push technique.	0.00	1.25	N/A	0.07	1.32	N/A	XXX
96422	.....	A	Chemotherapy,infusion method.	0.00	1.23	N/A	0.07	1.30	N/A	XXX
96423	.....	A	Chemo, infuse method add-on.	0.00	0.48	N/A	0.02	0.50	N/A	ZZZ
96425	.....	A	Chemotherapy,infusion method.	0.00	1.43	N/A	0.07	1.50	N/A	XXX
96440	.....	A	Chemotherapy, intracavitary.	2.37	7.46	1.05	0.12	9.95	3.54	000
96445	.....	A	Chemotherapy, intracavitary.	2.20	7.43	1.03	0.07	9.70	3.30	000
96450	.....	A	Chemotherapy, into CNS	1.89	6.30	0.92	0.06	8.25	2.87	000
96520	.....	A	Port pump refill & main	0.00	0.89	N/A	0.05	0.94	N/A	XXX
96530	.....	A	Syst pump refill & main	0.00	1.06	N/A	0.05	1.11	N/A	XXX
96542	.....	A	Chemotherapy injection	1.42	3.83	0.55	0.05	5.30	2.02	XXX
96549	.....	C	Chemotherapy, unspecified.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
96567	.....	A	Photodynamic tx, skin	0.00	2.79	N/A	0.03	2.82	N/A	XXX
96570	.....	A	Photodynamic tx, 30 min ..	1.10	N/A	0.37	0.04	N/A	1.51	ZZZ
96571	.....	A	Photodynamic tx, addl 15 min.	0.55	N/A	0.20	0.02	N/A	0.77	ZZZ
96900	.....	A	Ultraviolet light therapy	0.00	0.49	N/A	0.02	0.51	N/A	XXX
96902	.....	B	Trichogram	0.41	0.25	0.16	0.01	0.67	0.58	XXX
96910	.....	A	Photochemotherapy with UV-B.	0.00	1.09	N/A	0.03	1.12	N/A	XXX
96912	.....	A	Photochemotherapy with UV-A.	0.00	1.38	N/A	0.04	1.42	N/A	XXX
96913	.....	A	Photochemotherapy, UV-A or B.	0.00	1.82	N/A	0.08	1.90	N/A	XXX
96920	.....	A	Laser tx, skin < 250 sq cm	1.15	14.89	0.45	0.09	16.13	1.69	000
96921	.....	A	Laser tx, skin 250-500 sq cm.	1.17	14.96	0.45	0.09	16.22	1.71	000
96922	.....	A	Laser tx, skin > 500 sq cm	2.10	15.58	0.81	0.16	17.84	3.07	000
96999	.....	C	Dermatological procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
97001	.....	A	Pt evaluation	1.20	0.75	0.46	0.05	2.00	1.71	XXX
97002	.....	A	Pt re-evaluation	0.60	0.45	0.24	0.02	1.07	0.86	XXX
97003	.....	A	Ot evaluation	1.20	0.88	0.41	0.05	2.13	1.66	XXX
97004	.....	A	Ot re-evaluation	0.60	0.63	0.20	0.02	1.25	0.82	XXX
97005	.....	I	Athletic train eval	0.00	0.00	0.00	0.00	0.00	0.00	XXX
97006	.....	I	Athletic train reeval	0.00	0.00	0.00	0.00	0.00	0.00	XXX
97010	.....	B	Hot or cold packs therapy	0.06	0.05	N/A	0.01	0.12	N/A	XXX
97012	.....	A	Mechanical traction therapy.	0.25	0.14	N/A	0.01	0.40	N/A	XXX
97014	.....	I	Electric stimulation therapy	0.18	0.14	N/A	0.01	0.33	N/A	XXX
97016	.....	A	Vasopneumatic device therapy.	0.18	0.19	N/A	0.01	0.38	N/A	XXX
97018	.....	A	Paraffin bath therapy	0.06	0.11	N/A	0.01	0.18	N/A	XXX
97020	.....	A	Microwave therapy	0.06	0.06	N/A	0.01	0.13	N/A	XXX
97022	.....	A	Whirlpool therapy	0.17	0.22	N/A	0.01	0.40	N/A	XXX
97024	.....	A	Diathermy treatment	0.06	0.06	N/A	0.01	0.13	N/A	XXX
97026	.....	A	Infrared therapy	0.06	0.06	N/A	0.01	0.13	N/A	XXX
97028	.....	A	Ultraviolet therapy	0.08	0.07	N/A	0.01	0.16	N/A	XXX
97032	.....	A	Electrical stimulation	0.25	0.16	N/A	0.01	0.42	N/A	XXX
97033	.....	A	Electric current therapy	0.26	0.41	N/A	0.02	0.69	N/A	XXX
97034	.....	A	Contrast bath therapy	0.21	0.16	N/A	0.01	0.38	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
97035		A	Ultrasound therapy	0.21	0.11	N/A	0.01	0.33	N/A	XXX
97036		A	Hydrotherapy	0.28	0.33	N/A	0.01	0.62	N/A	XXX
97039		A	Physical therapy treatment	0.20	0.11	N/A	0.01	0.32	N/A	XXX
97110		A	Therapeutic exercises	0.45	0.28	N/A	0.03	0.76	N/A	XXX
97112		A	Neuromuscular reeducation.	0.45	0.31	N/A	0.02	0.78	N/A	XXX
97113		A	Aquatic therapy/exercises	0.44	0.41	N/A	0.03	0.88	N/A	XXX
97116		A	Gait training therapy	0.40	0.24	N/A	0.02	0.66	N/A	XXX
97124		A	Massage therapy	0.35	0.23	N/A	0.01	0.59	N/A	XXX
97139		A	Physical medicine procedure.	0.21	0.21	N/A	0.01	0.43	N/A	XXX
97140		A	Manual therapy	0.43	0.26	N/A	0.02	0.71	N/A	XXX
97150		A	Group therapeutic procedures.	0.27	0.16	N/A	0.02	0.45	N/A	XXX
97504		A	Orthotic training	0.45	0.33	N/A	0.03	0.81	N/A	XXX
97520		A	Prosthetic training	0.45	0.28	N/A	0.02	0.75	N/A	XXX
97530		A	Therapeutic activities	0.44	0.32	N/A	0.02	0.78	N/A	XXX
97532		A	Cognitive skills development.	0.44	0.21	N/A	0.01	0.66	N/A	XXX
97533		A	Sensory integration	0.44	0.24	N/A	0.01	0.69	N/A	XXX
97535		A	Self care mngment training.	0.45	0.34	N/A	0.02	0.81	N/A	XXX
97537		A	Community/work reintegration.	0.45	0.27	N/A	0.01	0.73	N/A	XXX
97542		A	Wheelchair mngment training.	0.45	0.28	N/A	0.01	0.74	N/A	XXX
97545		R	Work hardening	0.00	0.00	0.00	0.00	0.00	0.00	XXX
97546		R	Work hardening add-on	0.00	0.00	0.00	0.00	0.00	0.00	ZZZ
97601		A	Wound(s) care, selective	0.50	0.50	N/A	0.04	1.04	N/A	XXX
97703		A	Prosthetic checkout	0.25	0.42	N/A	0.02	0.69	N/A	XXX
97750		A	Physical performance test	0.45	0.30	N/A	0.02	0.77	N/A	XXX
97799		C	Physical medicine procedure.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
97802		A	Medical nutrition, indiv, in	0.00	0.47	N/A	0.01	0.48	N/A	XXX
97803		A	Med nutrition, indiv, subseq.	0.00	0.47	N/A	0.01	0.48	N/A	XXX
97804		A	Medical nutrition, group	0.00	0.18	N/A	0.01	0.19	N/A	XXX
98925		A	Osteopathic manipulation	0.45	0.33	0.14	0.01	0.79	0.60	000
98926		A	Osteopathic manipulation	0.65	0.43	0.25	0.02	1.10	0.92	000
98927		A	Osteopathic manipulation	0.87	0.52	0.30	0.03	1.42	1.20	000
98928		A	Osteopathic manipulation	1.03	0.61	0.35	0.03	1.67	1.41	000
98929		A	Osteopathic manipulation	1.19	0.69	0.37	0.04	1.92	1.60	000
98940		A	Chiropractic manipulation	0.45	0.24	0.12	0.01	0.70	0.58	000
98941		A	Chiropractic manipulation	0.65	0.30	0.18	0.02	0.97	0.85	000
98942		A	Chiropractic manipulation	0.87	0.37	0.24	0.03	1.27	1.14	000
98943		N	Chiropractic manipulation	0.40	0.25	0.15	0.01	0.66	0.56	XXX
99082		C	Unusual physician travel	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99141		B	Sedation, iv/im or inhalant	0.80	1.99	0.39	0.04	2.83	1.23	XXX
99142		B	Sedation, oral/rectal/nasal	0.60	1.03	0.31	0.03	1.66	0.94	XXX
99170		A	Anogenital exam, child	1.75	1.72	0.53	0.07	3.54	2.35	000
99175		A	Induction of vomiting	0.00	1.39	N/A	0.08	1.47	N/A	XXX
99183		A	Hyperbaric oxygen therapy	2.34	4.83	0.74	0.12	7.29	3.20	XXX
99185		A	Regional hypothermia	0.00	0.64	N/A	0.03	0.67	N/A	XXX
99186		A	Total body hypothermia	0.00	1.78	N/A	0.37	2.15	N/A	XXX
99195		A	Phlebotomy	0.00	0.44	N/A	0.02	0.46	N/A	XXX
99199		C	Special service/proc/report	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99201		A	Office/outpatient visit, new	0.45	0.51	0.16	0.02	0.98	0.63	XXX
99202		A	Office/outpatient visit, new	0.88	0.81	0.32	0.05	1.74	1.25	XXX
99203		A	Office/outpatient visit, new	1.34	1.16	0.49	0.08	2.58	1.91	XXX
99204		A	Office/outpatient visit, new	2.00	1.54	0.72	0.10	3.64	2.82	XXX
99205		A	Office/outpatient visit, new	2.67	1.83	0.94	0.12	4.62	3.73	XXX
99211		A	Office/outpatient visit, est	0.17	0.41	0.06	0.01	0.59	0.24	XXX
99212		A	Office/outpatient visit, est	0.45	0.56	0.16	0.02	1.03	0.63	XXX
99213		A	Office/outpatient visit, est	0.67	0.72	0.23	0.03	1.42	0.93	XXX
99214		A	Office/outpatient visit, est	1.10	1.07	0.39	0.04	2.21	1.53	XXX
99215		A	Office/outpatient visit, est	1.77	1.37	0.63	0.07	3.21	2.47	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
99217	.....	A	Observation care discharge.	1.28	N/A	0.54	0.05	N/A	1.87	XXX
99218	.....	A	Observation care	1.28	N/A	0.44	0.05	N/A	1.77	XXX
99219	.....	A	Observation care	2.14	N/A	0.72	0.08	N/A	2.94	XXX
99220	.....	A	Observation care	2.99	N/A	1.03	0.11	N/A	4.13	XXX
99221	.....	A	Initial hospital care	1.28	N/A	0.45	0.05	N/A	1.78	XXX
99222	.....	A	Initial hospital care	2.14	N/A	0.75	0.08	N/A	2.97	XXX
99223	.....	A	Initial hospital care	2.99	N/A	1.04	0.10	N/A	4.13	XXX
99231	.....	A	Subsequent hospital care	0.64	N/A	0.23	0.02	N/A	0.89	XXX
99232	.....	A	Subsequent hospital care	1.06	N/A	0.37	0.03	N/A	1.46	XXX
99233	.....	A	Subsequent hospital care	1.51	N/A	0.53	0.05	N/A	2.09	XXX
99234	.....	A	Observ/hosp same date ...	2.56	N/A	1.00	0.11	N/A	3.67	XXX
99235	.....	A	Observ/hosp same date ...	3.42	N/A	1.30	0.13	N/A	4.85	XXX
99236	.....	A	Observ/hosp same date ...	4.27	N/A	1.59	0.17	N/A	6.03	XXX
99238	.....	A	Hospital discharge day	1.28	N/A	0.55	0.04	N/A	1.87	XXX
99239	.....	A	Hospital discharge day	1.75	N/A	0.74	0.05	N/A	2.54	XXX
99241	.....	A	Office consultation	0.64	0.66	0.22	0.04	1.34	0.90	XXX
99242	.....	A	Office consultation	1.29	1.07	0.47	0.09	2.45	1.85	XXX
99243	.....	A	Office consultation	1.72	1.42	0.63	0.10	3.24	2.45	XXX
99244	.....	A	Office consultation	2.58	1.85	0.92	0.13	4.56	3.63	XXX
99245	.....	A	Office consultation	3.43	2.30	1.23	0.16	5.89	4.82	XXX
99251	.....	A	Initial inpatient consult	0.66	N/A	0.25	0.04	N/A	0.95	XXX
99252	.....	A	Initial inpatient consult	1.32	N/A	0.51	0.08	N/A	1.91	XXX
99253	.....	A	Initial inpatient consult	1.82	N/A	0.69	0.09	N/A	2.60	XXX
99254	.....	A	Initial inpatient consult	2.64	N/A	0.99	0.11	N/A	3.74	XXX
99255	.....	A	Initial inpatient consult	3.65	N/A	1.36	0.15	N/A	5.16	XXX
99261	.....	A	Follow-up inpatient consult	0.42	N/A	0.15	0.02	N/A	0.59	XXX
99262	.....	A	Follow-up inpatient consult	0.85	N/A	0.31	0.03	N/A	1.19	XXX
99263	.....	A	Follow-up inpatient consult	1.27	N/A	0.46	0.04	N/A	1.77	XXX
99271	.....	A	Confirmatory consultation	0.45	0.56	0.16	0.03	1.04	0.64	XXX
99272	.....	A	Confirmatory consultation	0.84	0.83	0.31	0.06	1.73	1.21	XXX
99273	.....	A	Confirmatory consultation	1.19	1.12	0.45	0.07	2.38	1.71	XXX
99274	.....	A	Confirmatory consultation	1.73	1.38	0.65	0.09	3.20	2.47	XXX
99275	.....	A	Confirmatory consultation	2.31	1.65	0.83	0.10	4.06	3.24	XXX
99281	.....	A	Emergency dept visit	0.33	N/A	0.09	0.02	N/A	0.44	XXX
99282	.....	A	Emergency dept visit	0.55	N/A	0.15	0.03	N/A	0.73	XXX
99283	.....	A	Emergency dept visit	1.24	N/A	0.31	0.08	N/A	1.63	XXX
99284	.....	A	Emergency dept visit	1.95	N/A	0.48	0.12	N/A	2.55	XXX
99285	.....	A	Emergency dept visit	3.06	N/A	0.73	0.19	N/A	3.98	XXX
99289	.....	A	Ped crit care transport	4.80	N/A	1.70	0.14	N/A	6.64	XXX
99290	.....	A	Ped crit care transport addl.	2.40	N/A	0.84	0.07	N/A	3.31	ZZZ
99291	.....	A	Critical care, first hour	4.00	2.39	1.30	0.14	6.53	5.44	XXX
99292	.....	A	Critical care, addl 30 min	2.00	0.82	0.65	0.07	2.89	2.72	ZZZ
99293	.....	A	Ped critical care, initial	16.00	N/A	5.04	0.70	N/A	21.74	XXX
99294	.....	A	Ped critical care, subseq ..	8.00	N/A	2.52	0.23	N/A	10.75	XXX
99295	.....	A	Neonate crit care, initial ...	18.49	N/A	5.47	0.70	N/A	24.66	XXX
99296	.....	A	Neonate critical care subseq.	8.00	N/A	2.60	0.23	N/A	10.83	XXX
99298	.....	A	Ic for lbw infant < 1500 gm.	2.75	N/A	0.95	0.10	N/A	3.80	XXX
99299	.....	A	Ic, lbw infant 1500-2500 gm.	2.50	N/A	0.97	0.10	N/A	3.57	XXX
99301	.....	A	Nursing facility care	1.20	0.43	0.43	0.04	1.67	1.67	XXX
99302	.....	A	Nursing facility care	1.61	0.59	0.59	0.05	2.25	2.25	XXX
99303	.....	A	Nursing facility care	2.01	0.72	0.72	0.06	2.79	2.79	XXX
99311	.....	A	Nursing fac care, subseq	0.60	0.29	0.29	0.02	0.91	0.91	XXX
99312	.....	A	Nursing fac care, subseq	1.00	0.47	0.47	0.03	1.50	1.50	XXX
99313	.....	A	Nursing fac care, subseq	1.42	0.61	0.61	0.04	2.07	2.07	XXX
99315	.....	A	Nursing fac discharge day	1.13	0.47	0.38	0.04	1.64	1.55	XXX
99316	.....	A	Nursing fac discharge day	1.50	0.63	0.52	0.05	2.18	2.07	XXX
99321	.....	A	Rest home visit, new patient.	0.71	0.35	N/A	0.02	1.08	N/A	XXX
99322	.....	A	Rest home visit, new patient.	1.01	0.47	N/A	0.03	1.51	N/A	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
99323	.....	A	Rest home visit, new patient.	1.28	0.57	N/A	0.04	1.89	N/A	XXX
99331	.....	A	Rest home visit, est pat ...	0.60	0.33	N/A	0.02	0.95	N/A	XXX
99332	.....	A	Rest home visit, est pat ...	0.80	0.40	N/A	0.03	1.23	N/A	XXX
99333	.....	A	Rest home visit, est pat ...	1.00	0.47	N/A	0.03	1.50	N/A	XXX
99341	.....	A	Home visit, new patient	1.01	0.49	N/A	0.05	1.55	N/A	XXX
99342	.....	A	Home visit, new patient	1.52	0.69	N/A	0.05	2.26	N/A	XXX
99343	.....	A	Home visit, new patient	2.27	0.96	N/A	0.07	3.30	N/A	XXX
99344	.....	A	Home visit, new patient	3.03	1.21	N/A	0.10	4.34	N/A	XXX
99345	.....	A	Home visit, new patient	3.79	1.47	N/A	0.12	5.38	N/A	XXX
99347	.....	A	Home visit, est patient	0.76	0.41	N/A	0.03	1.20	N/A	XXX
99348	.....	A	Home visit, est patient	1.26	0.59	N/A	0.04	1.89	N/A	XXX
99349	.....	A	Home visit, est patient	2.02	0.86	N/A	0.06	2.94	N/A	XXX
99350	.....	A	Home visit, est patient	3.03	1.21	N/A	0.10	4.34	N/A	XXX
99354	.....	A	Prolonged service, office ..	1.77	0.75	0.61	0.06	2.58	2.44	ZZZ
99355	.....	A	Prolonged service, office ..	1.77	0.73	0.58	0.06	2.56	2.41	ZZZ
99356	.....	A	Prolonged service, inpatient.	1.71	N/A	0.62	0.06	N/A	2.39	ZZZ
99357	.....	A	Prolonged service, inpatient.	1.71	N/A	0.64	0.06	N/A	2.41	ZZZ
99374	.....	B	Home health care supervision.	1.10	0.71	0.43	0.04	1.85	1.57	XXX
99375	.....	I	Home health care supervision.	1.73	1.57	1.57	0.06	3.36	3.36	XXX
99377	.....	B	Hospice care supervision	1.10	0.71	0.43	0.04	1.85	1.57	XXX
99378	.....	I	Hospice care supervision	1.73	1.97	1.97	0.06	3.76	3.76	XXX
99379	.....	B	Nursing fac care supervision.	1.10	0.71	0.71	0.03	1.84	1.84	XXX
99380	.....	B	Nursing fac care supervision.	1.73	1.01	1.01	0.05	2.79	2.79	XXX
99381	.....	N	Prev visit, new, infant	1.19	1.19	0.46	0.04	2.42	1.69	XXX
99382	.....	N	Prev visit, new, age 1-4 ...	1.36	1.25	0.53	0.04	2.65	1.93	XXX
99383	.....	N	Prev visit, new, age 5-11 ..	1.36	1.25	0.53	0.04	2.65	1.93	XXX
99384	.....	N	Prev visit, new, age 12-17	1.53	1.31	0.59	0.05	2.89	2.17	XXX
99385	.....	N	Prev visit, new, age 18-39	1.53	1.31	0.59	0.05	2.89	2.17	XXX
99386	.....	N	Prev visit, new, age 40-64	1.88	1.45	0.73	0.06	3.39	2.67	XXX
99387	.....	N	Prev visit, new, 65 & over	2.06	1.61	0.80	0.06	3.73	2.92	XXX
99391	.....	N	Prev visit, est, infant	1.02	1.03	0.40	0.03	2.08	1.45	XXX
99392	.....	N	Prev visit, est, age 1-4	1.19	1.10	0.46	0.04	2.33	1.69	XXX
99393	.....	N	Prev visit, est, age 5-11 ...	1.19	1.10	0.46	0.04	2.33	1.69	XXX
99394	.....	N	Prev visit, est, age 12-17	1.36	1.16	0.53	0.04	2.56	1.93	XXX
99395	.....	N	Prev visit, est, age 18-39	1.36	1.16	0.53	0.04	2.56	1.93	XXX
99396	.....	N	Prev visit, est, age 40-64	1.53	1.23	0.59	0.05	2.81	2.17	XXX
99397	.....	N	Prev visit, est, 65 & over ..	1.71	1.27	0.66	0.05	3.03	2.42	XXX
99401	.....	N	Preventive counseling, indiv.	0.48	0.41	0.19	0.01	0.90	0.68	XXX
99402	.....	N	Preventive counseling, indiv.	0.98	0.60	0.38	0.02	1.60	1.38	XXX
99403	.....	N	Preventive counseling, indiv.	1.46	0.79	0.57	0.03	2.28	2.06	XXX
99404	.....	N	Preventive counseling, indiv.	1.95	0.98	0.76	0.04	2.97	2.75	XXX
99411	.....	N	Preventive counseling, group.	0.15	0.19	0.06	0.01	0.35	0.22	XXX
99412	.....	N	Preventive counseling, group.	0.25	0.22	0.10	0.01	0.48	0.36	XXX
99431	.....	A	Initial care, normal newborn.	1.17	N/A	0.39	0.04	N/A	1.60	XXX
99432	.....	A	Newborn care, not in hosp	1.26	0.92	0.41	0.06	2.24	1.73	XXX
99433	.....	A	Normal newborn care/hospital.	0.62	N/A	0.20	0.02	N/A	0.84	XXX
99435	.....	A	Newborn discharge day hosp.	1.50	N/A	0.51	0.05	N/A	2.06	XXX
99436	.....	A	Attendance, birth	1.50	N/A	0.48	0.05	N/A	2.03	XXX
99440	.....	A	Newborn resuscitation	2.93	N/A	0.94	0.11	N/A	3.98	XXX
99455	.....	R	Disability examination	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
99456	.....	R	Disability examination	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99499	.....	C	Unlisted e&m service	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99500	.....	I	Home visit, prenatal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99501	.....	I	Home visit, postnatal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99502	.....	I	Home visit, nb care	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99503	.....	I	Home visit, resp therapy ..	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99504	.....	I	Home visit mech ventilator	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99505	.....	I	Home visit, stoma care	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99506	.....	I	Home visit, im injection	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99507	.....	I	Home visit, cath maintain	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99509	.....	I	Home visit day life activity	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99510	.....	I	Home visit, sing/m/fam couns.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99511	.....	I	Home visit, fecal/enema mgmt.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99512	.....	I	Home visit, hemodialysis ..	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99551	.....	I	Home infus, pain mgmt, iv/ sc.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99552	.....	I	Hm infus pain mgmt, epid/ ith.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99553	.....	I	Home infuse, tocolytic tx ..	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99554	.....	I	Home infus, hormone/ platelet.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99555	.....	I	Home infuse, chemotheraphy.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99556	.....	I	Home infus, antibio/fung/ vir.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99557	.....	I	Home infuse, anticoagu-lant.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99558	.....	I	Home infuse, immunotherapy.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99559	.....	I	Home infus, periton dialy-sis.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99560	.....	I	Home infus, entero nutri-tion.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99561	.....	I	Home infuse, hydration tx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99562	.....	I	Home infus, parent nutri-tion.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99563	.....	I	Home admin, pentamidine	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99564	.....	I	Hme infus, antihemophil agnt.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99565	.....	I	Home infus, proteinase inhib.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99566	.....	I	Home infuse, iv therapy ...	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99567	.....	I	Home infuse, sympath agent.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99568	.....	I	Home infus, misc drug, daily.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99569	.....	I	Home infuse, each addl tx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
99600	.....	I	Home visit nos	0.00	0.00	0.00	0.00	0.00	0.00	XXX
A4890	.....	R	Repair/maint cont hemo equip.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0120	.....	N	Periodic oral evaluation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0140	.....	N	Limit oral eval problm focus.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0150	.....	R	Comprehensve oral eval-uation.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D0160	.....	N	Extensv oral eval prob focus.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0170	.....	N	Re-eval,est pt,problem focus.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0180	.....	N	Comp periodontal evalua-tion.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0210	.....	I	Intraor complete film se-ries.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0220	.....	I	Intraoral periapical first f ...	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
D0230		I	Intraoral periapical ea add	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0240		R	Intraoral occlusal film	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D0250		R	Extraoral first film	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D0260		R	Extraoral ea additional film	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D0270		R	Dental bitewing single film	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D0272		R	Dental bitewings two films	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D0274		R	Dental bitewings four films	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D0277		R	Vert bitewings-sev to eight	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0290		I	Dental film skull/facial bon	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0310		I	Dental saliography	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0320		I	Dental tmj arthrogram incl i.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0321		I	Dental other tmj films	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0322		I	Dental tomographic survey	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0330		I	Dental panoramic film	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0340		I	Dental cephalometric film	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0350		I	Oral/facial images	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0415		N	Bacteriologic study	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0425		N	Caries susceptibility test	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0460		R	Pulp vitality test	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D0470		N	Diagnostic casts	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0472		R	Gross exam, prep & report	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0473		R	Micro exam, prep & report	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0474		R	Micro w exam of surg margins.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0480		R	Cytopath smear prep & report.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D0502		R	Other oral pathology procedu.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D0999		R	Unspecified diagnostic proce.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D1110		N	Dental prophylaxis adult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D1120		N	Dental prophylaxis child	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D1201		N	Topical fluor w prophy child.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D1203		N	Topical fluor w/o prophy chi.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D1204		N	Topical fluor w/o prophy adu.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D1205		N	Topical fluoride w/ prophy a.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D1310		N	Nutri counsel-control caries.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D1320		N	Tobacco counseling	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D1330		N	Oral hygiene instruction	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D1351		N	Dental sealant per tooth	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D1510		R	Space maintainer fxd unilat.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D1515		R	Fixed bilat space maintainer.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D1520		R	Remove unilat space maintain.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D1525		R	Remove bilat space maintain.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D1550		R	Recement space maintainer.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D2140		N	Amalgam one surface permanen.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2150		N	Amalgam two surfaces permane.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2160		N	Amalgam three surfaces perma.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2161		N	Amalgam 4 or > surfaces perm.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2330		N	Resin one surface-anterior	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
D2331	.....	N	Resin two surfaces-anterior.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2332	.....	N	Resin three surfaces-anterio.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2335	.....	N	Resin 4/> surf or w incis an.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2390	.....	N	Ant resin-based cmpst crown.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2391	.....	N	Post 1 srfc resinbased cmpst.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2392	.....	N	Post 2 srfc resinbased cmpst.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2393	.....	N	Post 3 srfc resinbased cmpst.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2394	.....	N	Post >=4srfc resinbase cmpst.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2410	.....	N	Dental gold foil one surface.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2420	.....	N	Dental gold foil two surface.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2430	.....	N	Dental gold foil three surfa	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2510	.....	N	Dental inlay metalic 1 surf	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2520	.....	N	Dental inlay metallic 2 surf	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2530	.....	N	Dental inlay metl 3/more sur.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2542	.....	N	Dental onlay metallic 2 surf.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2543	.....	N	Dental onlay metallic 3 surf.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2544	.....	N	Dental onlay metl 4/more sur.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2610	.....	N	Inlay porcelain/ceramic 1 su.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2620	.....	N	Inlay porcelain/ceramic 2 su.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2630	.....	N	Dental onlay porc 3/more sur.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2642	.....	N	Dental onlay porcelin 2 surf.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2643	.....	N	Dental onlay porcelin 3 surf.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2644	.....	N	Dental onlay porc 4/more sur.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2650	.....	N	Inlay composite/resin one su.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2651	.....	N	Inlay composite/resin two su.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2652	.....	N	Dental inlay resin 3/mre sur.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2662	.....	N	Dental onlay resin 2 surface.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2663	.....	N	Dental onlay resin 3 surface.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2664	.....	N	Dental onlay resin 4/mre sur.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2710	.....	N	Crown resin laboratory	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2720	.....	N	Crown resin w/ high noble me.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2721	.....	N	Crown resin w/ base metal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2722	.....	N	Crown resin w/ noble metal.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2740	.....	N	Crown porcelain/ceramic subs.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2750	.....	N	Crown porcelain w/ h noble m.	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
D2751		N	Crown porcelain fused base m.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2752		N	Crown porcelain w/ noble met.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2780		N	Crown 3/4 cast hi noble met.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2781		N	Crown 3/4 cast base metal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2782		N	Crown 3/4 cast noble metal.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2783		N	Crown 3/4 porcelain/ceramic.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2790		N	Crown full cast high noble m.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2791		N	Crown full cast base metal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2792		N	Crown full cast noble metal.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2799		N	Provisional crown	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2910		N	Dental recement inlay	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2920		N	Dental recement crown	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2930		N	Prefab stnlss steel crwn pri.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2931		N	Prefab stnlss steel crown pe.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2932		N	Prefabricated resin crown	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2933		N	Prefab stainless steel crown.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2940		N	Dental sedative filling	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2950		N	Core build-up incl any pins	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2951		N	Tooth pin retention	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2952		N	Post and core cast + crown.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2953		N	Each addtnl cast post	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2954		N	Prefab post/core + crown	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2955		N	Post removal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2957		N	Each addtnl prefab post	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2960		N	Laminate labial veneer	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2961		N	Lab labial veneer resin	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2962		N	Lab labial veneer porcelain.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2970		R	Temporary- fractured tooth	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D2980		N	Crown repair	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D2999		R	Dental unspec restorative pr.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D3110		N	Pulp cap direct	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D3120		N	Pulp cap indirect	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D3220		N	Therapeutic pulpotomy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D3221		N	Gross pulpal debridement	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D3230		N	Pulpal therapy anterior prim.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D3240		N	Pulpal therapy posterior pri.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D3310		N	Anterior	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D3320		N	Root canal therapy 2 canals.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D3330		N	Root canal therapy 3 canals.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D3331		N	Non-surg tx root canal obs	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D3332		N	Incomplete endodontic tx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D3333		N	Internal root repair	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D3346		N	Retreat root canal anterior	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D3347		N	Retreat root canal bicuspid	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D3348		N	Retreat root canal molar	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D3351		N	Apexification/recalc initial	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D3352		N	Apexification/recalc interim	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D3353		N	Apexification/recalc final	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
D3410	.....	N	Apicoect/perirad surg anter.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D3421	.....	N	Root surgery bicuspid	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D3425	.....	N	Root surgery molar	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D3426	.....	N	Root surgery ea add root	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D3430	.....	N	Retrograde filling	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D3450	.....	N	Root amputation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D3460	.....	R	Endodontic endosseous implan.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D3470	.....	N	Intentional replantation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D3910	.....	N	Isolation- tooth w rubb dam.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D3920	.....	N	Tooth splitting	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D3950	.....	N	Canal prep/fitting of dowel	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D3999	.....	R	Endodontic procedure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D4210	.....	I	Gingivectomy/plasty per quad.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D4211	.....	I	Gingivectomy/plasty per toot.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D4240	.....	N	Gingival flap proc w/ planin.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D4241	.....	N	Gngvl flap w rootplan 1-3 th.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D4245	.....	N	Apically positioned flap	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D4249	.....	N	Crown lengthen hard tissue.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D4260	.....	R	Osseous surgery per quadrant.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D4261	.....	N	Osseous surgl- 3teethperquad.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D4263	.....	R	Bone replce graft first site	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D4264	.....	R	Bone replce graft each add.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D4265	.....	N	Bio mtrls to aid soft/os reg	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D4266	.....	N	Guided tiss regen resorble	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D4267	.....	N	Guided tiss regen non-resorb.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D4268	.....	R	Surgical revision procedure.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D4270	.....	R	Pedicle soft tissue graft pr	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D4271	.....	R	Free soft tissue graft proc	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D4273	.....	R	Subepithelial tissue graft ..	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D4274	.....	N	Distal/proximal wedge proc.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D4275	.....	N	Soft tissue allograft	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D4276	.....	N	Con tissue w dble ped graft.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D4320	.....	N	Provision splnt intracoronal.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D4321	.....	N	Provisional splint extracoro	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D4341	.....	N	Periodontal scaling & root	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D4342	.....	N	Periodontal scaling 1-3teeth.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D4355	.....	R	Full mouth debridement	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D4381	.....	R	Localized chemo delivery	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D4910	.....	N	Periodontal maint procedures.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D4920	.....	N	Unscheduled dressing change.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D4999	.....	N	Unspecified periodontal proc.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5110	.....	N	Dentures complete maxillary.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5120	.....	N	Dentures complete mandible.	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
D5130	.....	N	Dentures immediat max-illary.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5140	.....	N	Dentures immediat man-dible.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5211	.....	N	Dentures maxill part resin	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5212	.....	N	Dentures mand part resin	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5213	.....	N	Dentures maxill part metal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5214	.....	N	Dentures mandibl part metal.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5281	.....	N	Removable partial denture	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5410	.....	N	Dentures adjust cmplt maxil.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5411	.....	N	Dentures adjust cmplt mand.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5421	.....	N	Dentures adjust part maxill	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5422	.....	N	Dentures adjust part mandbl.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5510	.....	N	Dentur repr broken compl bas.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5520	.....	N	Replace denture teeth complt.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5610	.....	N	Dentures repair resin base	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5620	.....	N	Rep part denture cast frame.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5630	.....	N	Rep partial denture clasp	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5640	.....	N	Replace part denture teeth	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5650	.....	N	Add tooth to partial den-ture.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5660	.....	N	Add clasp to partial den-ture.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5670	.....	N	Replc tth&acrlc on mtl frmwk.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5671	.....	N	Replc tth&acrlc mandibular	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5710	.....	N	Dentures rebase cmplt maxil.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5711	.....	N	Dentures rebase cmplt mand.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5720	.....	N	Dentures rebase part maxill.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5721	.....	N	Dentures rebase part mandbl.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5730	.....	N	Denture reln cmplt maxil ch.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5731	.....	N	Denture reln cmplt mand chr.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5740	.....	N	Denture reln part maxil chr	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5741	.....	N	Denture reln part mand chr.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5750	.....	N	Denture reln cmplt max lab.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5751	.....	N	Denture reln cmplt mand lab.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5760	.....	N	Denture reln part maxil lab	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5761	.....	N	Denture reln part mand lab.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5810	.....	N	Denture interm cmplt maxill.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5811	.....	N	Denture interm cmplt mandbl.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5820	.....	N	Denture interm part maxill	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5821	.....	N	Denture interm part mandbl.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5850	.....	N	Denture tiss conditn maxill	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5851	.....	N	Denture tiss condtin mandbl.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5860	.....	N	Overdenture complete	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
D5861		N	Overdenture partial	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5862		N	Precision attachment	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5867		N	Replacement of precision att.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5875		N	Prosthesis modification	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5899		N	Removable prosthodontic proc.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5911		R	Facial moulage sectional	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D5912		R	Facial moulage complete	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D5913		I	Nasal prosthesis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5914		I	Auricular prosthesis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5915		I	Orbital prosthesis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5916		I	Ocular prosthesis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5919		I	Facial prosthesis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5922		I	Nasal septal prosthesis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5923		I	Ocular prosthesis interim	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5924		I	Cranial prosthesis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5925		I	Facial augmentation implant.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5926		I	Replacement nasal prosthesis.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5927		I	Auricular replacement	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5928		I	Orbital replacement	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5929		I	Facial replacement	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5931		I	Surgical obturator	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5932		I	Postsurgical obturator	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5933		I	Refitting of obturator	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5934		I	Mandibular flange prosthesis.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5935		I	Mandibular denture prosth	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5936		I	Temp obturator prosthesis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5937		I	Trismus appliance	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5951		R	Feeding aid	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D5952		I	Pediatric speech aid	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5953		I	Adult speech aid	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5954		I	Superimposed prosthesis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5955		I	Palatal lift prosthesis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5958		I	Intraoral con def inter plt	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5959		I	Intraoral con def mod palat.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5960		I	Modify speech aid prosthesis.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5982		I	Surgical stent	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5983		R	Radiation applicator	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D5984		R	Radiation shield	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D5985		R	Radiation cone locator	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D5986		N	Fluoride applicator	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5987		R	Commissure splint	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D5988		I	Surgical splint	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D5999		I	Maxillofacial prosthesis	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6010		I	Odontics endosteal implant.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6020		I	Odontics abutment placement.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6040		I	Odontics eposteal implant	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6050		I	Odontics transosteal implnt.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6053		N	Implnt/abtmnt spprt remv dnt.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6054		N	Implnt/abtmnt spprt remvprtl.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6055		I	Implant connecting bar	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6056		N	Prefabricated abutment	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6057		N	Custom abutment	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6058		N	Abutment supported crown	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
D6059	.....	N	Abutment supported mtl crown.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6060	.....	N	Abutment supported mtl crown.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6061	.....	N	Abutment supported mtl crown.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6062	.....	N	Abutment supported mtl crown.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6063	.....	N	Abutment supported mtl crown.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6064	.....	N	Abutment supported mtl crown.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6065	.....	N	Implant supported crown ..	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6066	.....	N	Implant supported mtl crown.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6067	.....	N	Implant supported mtl crown.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6068	.....	N	Abutment supported re-tainer.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6069	.....	N	Abutment supported re-tainer.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6070	.....	N	Abutment supported re-tainer.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6071	.....	N	Abutment supported re-tainer.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6072	.....	N	Abutment supported re-tainer.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6073	.....	N	Abutment supported re-tainer.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6074	.....	N	Abutment supported re-tainer.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6075	.....	N	Implant supported retainer	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6076	.....	N	Implant supported retainer	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6077	.....	N	Implant supported retainer	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6078	.....	N	Implnt/abut suprtd fixd dent.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6079	.....	N	Implnt/abut suprtd fixd dent.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6080	.....	I	Implant maintenance	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6090	.....	I	Repair implant	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6095	.....	I	Odontics repr abutment	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6100	.....	I	Removal of implant	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6199	.....	I	Implant procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6210	.....	N	Prosthodont high noble metal.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6211	.....	N	Bridge base metal cast	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6212	.....	N	Bridge noble metal cast	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6240	.....	N	Bridge porcelain high noble.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6241	.....	N	Bridge porcelain base metal.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6242	.....	N	Bridge porcelain nobel metal.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6245	.....	N	Bridge porcelain/ceramic ..	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6250	.....	N	Bridge resin w/high noble	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6251	.....	N	Bridge resin base metal ...	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6252	.....	N	Bridge resin w/noble metal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6253	.....	N	Provisional pontic	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6545	.....	N	Dental retainr cast metl	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6548	.....	N	Porcelain/ceramic retainer	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6600	.....	N	Porcelain/ceramic inlay 2srf.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6601	.....	N	Porc/ceram inlay >= 3 surfac.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6602	.....	N	Cst hgh nble mtl inlay 2 srf.	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
D6603		N	Cst hgh nble mtl inlay >=3sr.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6604		N	Cst bse mtl inlay 2 surfaces.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6605		N	Cst bse mtl inlay >= 3 surfa.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6606		N	Cast noble metal inlay 2 sur.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6607		N	Cst noble mtl inlay >=3 surf.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6608		N	Onlay porc/crmc 2 surfaces.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6609		N	Onlay porc/crmc >=3 surfaces.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6610		N	Onlay cst hgh nbl mtl 2 srfc.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6611		N	Onlay cst hgh nbl mtl >=3srf.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6612		N	Onlay cst base mtl 2 surface.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6613		N	Onlay cst base mtl >=3 surfa.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6614		N	Onlay cst nbl mtl 2 surfaces.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6615		N	Onlay cst nbl mtl >=3 surfac.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6720		N	Retain crown resin w hi nble.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6721		N	Crown resin w/base metal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6722		N	Crown resin w/noble metal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6740		N	Crown porcelain/ceramic ..	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6750		N	Crown porcelain high noble.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6751		N	Crown porcelain base metal.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6752		N	Crown porcelain noble metal.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6780		N	Crown 3/4 high noble metal.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6781		N	Crown 3/4 cast based metal.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6782		N	Crown 3/4 cast noble metal.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6783		N	Crown 3/4 porcelain/ceramic.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6790		N	Crown full high noble metal.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6791		N	Crown full base metal cast	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6792		N	Crown full noble metal cast.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6793		N	Provisional retainer crown	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6920		R	Dental connector bar	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D6930		N	Dental recement bridge	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6940		N	Stress breaker	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6950		N	Precision attachment	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6970		N	Post & core plus retainer ..	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6971		N	Cast post bridge retainer ..	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6972		N	Prefab post & core plus reta.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6973		N	Core build up for retainer	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6975		N	Coping metal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6976		N	Each addtnl cast post	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6977		N	Each addtl prefab post	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6980		N	Bridge repair	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6985		N	Pediatric partial denture fx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D6999		N	Fixed prosthodontic proc ..	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
D7111	.....	R	Coronal remnants deciduous t.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7140	.....	R	Extraction erupted tooth/ exr.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7210	.....	R	Rem imp tooth w mucoper flp.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D7220	.....	R	Impact tooth remov soft tiss.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D7230	.....	R	Impact tooth remov part bony.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D7240	.....	R	Impact tooth remov comp bony.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D7241	.....	R	Impact tooth rem bony w/ comp.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D7250	.....	R	Tooth root removal	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D7260	.....	R	Oral antral fistula closure	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D7261	.....	R	Primary closure sinus perf	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7270	.....	N	Tooth reimplantation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7272	.....	N	Tooth transplantation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7280	.....	N	Exposure impact tooth orthod.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7281	.....	N	Exposure tooth aid eruption.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7282	.....	N	Mobilize erupted/malpos toot.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7285	.....	I	Biopsy of oral tissue hard	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7286	.....	I	Biopsy of oral tissue soft ..	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7287	.....	I	Cytology sample collection	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7290	.....	N	Repositioning of teeth	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7291	.....	R	Transseptal fiberotomy	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D7310	.....	I	Alveoplasty w/ extraction ..	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7320	.....	I	Alveoplasty w/o extraction	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7340	.....	I	Vestibuloplasty ridge extens.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7350	.....	I	Vestibuloplasty exten graft	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7410	.....	I	Rad exc lesion up to 1.25 cm.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7411	.....	I	Excision benign lesion>1.25c.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7412	.....	I	Excision benign lesion compl.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7413	.....	I	Excision malig lesion<=1.25c.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7414	.....	I	Excision malig lesion>1.25cm.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7415	.....	I	Excision malig les complicat.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7440	.....	I	Malig tumor exc to 1.25 cm.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7441	.....	I	Malig tumor > 1.25 cm	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7450	.....	I	Rem odontogen cyst to 1.25cm.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7451	.....	I	Rem odontogen cyst > 1.25 cm.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7460	.....	I	Rem nonodonto cyst to 1.25cm.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7461	.....	I	Rem nonodonto cyst > 1.25 cm.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7465	.....	I	Lesion destruction	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7471	.....	I	Rem exostosis any site	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7472	.....	I	Removal of torus palatinus	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7473	.....	I	Remove torus mandibularis.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7485	.....	I	Surg reduct osseoustuberosit.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7490	.....	I	Mandible resection	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
D7510	.....	I	I&d absc intraoral soft tiss	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7520	.....	I	I&d abscess extraoral	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7530	.....	I	Removal fb skin/areolar tiss.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7540	.....	I	Removal of fb reaction	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7550	.....	I	Removal of sloughed off bone.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7560	.....	I	Maxillary sinusotomy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7610	.....	I	Maxilla open reduct simple	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7620	.....	I	Clsd reduct simpl maxilla fx.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7630	.....	I	Open red simpl mandible fx.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7640	.....	I	Clsd red simpl mandible fx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7650	.....	I	Open red simp malar/ zygom fx.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7660	.....	I	Clsd red simp malar/ zygom fx.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7670	.....	I	Closd rductn splint alveolus.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7671	.....	I	Alveolus open reduction ...	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7680	.....	I	Reduct simple facial bone fx.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7710	.....	I	Maxilla open reduct com-pound.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7720	.....	I	Clsd reduct compd maxilla fx.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7730	.....	I	Open reduct compd mandble fx.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7740	.....	I	Clsd reduct compd mandble fx.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7750	.....	I	Open red comp malar/ zygma fx.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7760	.....	I	Clsd red comp malar/ zygma fx.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7770	.....	I	Open reduc compd alveolus fx.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7771	.....	I	Alveolus clsd reduc stblz te.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7780	.....	I	Reduct compnd facial bone fx.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7810	.....	I	Tmj open reduct-disloca-tion.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7820	.....	I	Closed tmp manipulation ..	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7830	.....	I	Tmj manipulation under anest.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7840	.....	I	Removal of tmj condyle	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7850	.....	I	Tmj meniscectomy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7852	.....	I	Tmj repair of joint disc	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7854	.....	I	Tmj excisn of joint mem-brane.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7856	.....	I	Tmj cutting of a muscle	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7858	.....	I	Tmj reconstruction	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7860	.....	I	Tmj cutting into joint	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7865	.....	I	Tmj reshaping compo-nents.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7870	.....	I	Tmj aspiration joint fluid ...	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7871	.....	N	Lysis + lavage w catheters	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7872	.....	I	Tmj diagnostic arthroscopy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7873	.....	I	Tmj arthroscopy lysis adhesn.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7874	.....	I	Tmj arthroscopy disc reposit.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7875	.....	I	Tmj arthroscopy synovectomy.	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
D7876	.....	I	Tmj arthroscopy discectomy.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7877	.....	I	Tmj arthroscopy debridement.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7880	.....	I	Occlusal orthotic appliance	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7899	.....	I	Tmj unspecified therapy ...	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7910	.....	I	Dent sutur recent wnd to 5cm.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7911	.....	I	Dental suture wound to 5 cm.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7912	.....	I	Suture complicate wnd > 5 cm.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7920	.....	I	Dental skin graft	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7940	.....	R	Reshaping bone orthognathic.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D7941	.....	I	Bone cutting ramus closed	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7943	.....	I	Cutting ramus open w/ graft.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7944	.....	I	Bone cutting segmented ..	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7945	.....	I	Bone cutting body mandible.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7946	.....	I	Reconstruction maxilla total.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7947	.....	I	Reconstruct maxilla segment.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7948	.....	I	Reconstruct midface no graft.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7949	.....	I	Reconstruct midface w/ graft.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7950	.....	I	Mandible graft	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7955	.....	I	Repair maxillofacial defects.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7960	.....	I	Frenulectomy/frenulotomy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7970	.....	I	Excision hyperplastic tissue.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7971	.....	I	Excision pericoronal gingiva.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7972	.....	I	Surg redct fibrous tuberosit.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7980	.....	I	Sialolithotomy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7981	.....	I	Excision of salivary gland	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7982	.....	I	Sialodochoplasty	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7983	.....	I	Closure of salivary fistula	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7990	.....	I	Emergency tracheotomy ..	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7991	.....	I	Dental coronoidectomy	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7995	.....	I	Synthetic graft facial bones.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7996	.....	I	Implant mandible for augment.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7997	.....	N	Appliance removal	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D7999	.....	I	Oral surgery procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D8010	.....	N	Limited dental tx primary ..	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D8020	.....	N	Limited dental tx transition	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D8030	.....	N	Limited dental tx adolescent.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D8040	.....	N	Limited dental tx adult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D8050	.....	N	Intercep dental tx primary	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D8060	.....	N	Intercep dental tx transitn	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D8070	.....	N	Compre dental tx transition.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D8080	.....	N	Compre dental tx adolescent.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D8090	.....	N	Compre dental tx adult	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D8210	.....	N	Orthodontic rem appliance tx.	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
D8220	.....	N	Fixed appliance therapy habt.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D8660	.....	N	Preorthodontic tx visit	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D8670	.....	N	Periodic orthodontc tx visit	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D8680	.....	N	Orthodontic retention	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D8690	.....	N	Orthodontic treatment	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D8691	.....	N	Repair ortho appliance	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D8692	.....	N	Replacement retainer	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D8999	.....	N	Orthodontic procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D9110	.....	R	Tx dental pain minor proc	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D9210	.....	I	Dent anesthesia w/o surgery.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D9211	.....	I	Regional block anesthesia	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D9212	.....	I	Trigeminal block anesthesia.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D9215	.....	I	Local anesthesia	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D9220	.....	I	General anesthesia	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D9221	.....	I	General anesthesia ea ad 15m.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D9230	.....	R	Analgesia	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D9241	.....	I	Intravenous sedation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D9242	.....	I	IV sedation ea ad 30 m	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D9248	.....	R	Sedation (non-iv)	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D9310	.....	I	Dental consultation	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D9410	.....	I	Dental house call	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D9420	.....	I	Hospital call	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D9430	.....	I	Office visit during hours	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D9440	.....	I	Office visit after hours	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D9450	.....	I	Case presentation tx plan	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D9610	.....	I	Dent therapeutic drug inject.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D9630	.....	R	Other drugs/medicaments	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D9910	.....	N	Dent appl desensitizing med.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D9911	.....	N	Appl desensitizing resin	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D9920	.....	N	Behavior management	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D9930	.....	R	Treatment of complications.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D9940	.....	R	Dental occlusal guard	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D9941	.....	N	Fabrication athletic guard	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D9950	.....	R	Occlusion analysis	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D9951	.....	R	Limited occlusal adjustment.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D9952	.....	R	Complete occlusal adjustment.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
D9970	.....	N	Enamel microabrasion	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D9971	.....	N	Odontoplasty 1-2 teeth	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D9972	.....	N	Extrnl bleaching per arch	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D9973	.....	N	Extrnl bleaching per tooth	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D9974	.....	N	Intrnl bleaching per tooth ..	0.00	0.00	0.00	0.00	0.00	0.00	XXX
D9999	.....	I	Adjunctive procedure	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0001	.....	X	Drawing blood for specimen.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0008	.....	X	Admin influenza virus vac	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0009	.....	X	Admin pneumococcal vaccine.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0010	.....	X	Admin hepatitis b vaccine	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0030	.....	C	PET imaging prev PET single.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0030	26	A	PET imaging prev PET single.	1.50	0.60	0.60	0.04	2.14	2.14	XXX
G0030	TC	C	PET imaging prev PET single.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0031	.....	C	PET imaging prev PET multple.	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
G0031	26	A	PET imaging prev PET multple.	1.87	0.74	0.74	0.06	2.67	2.67	XXX
G0031	TC	C	PET imaging prev PET multple.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0032	.....	C	PET follow SPECT 78464 singl.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0032	26	A	PET follow SPECT 78464 singl.	1.50	0.56	0.56	0.05	2.11	2.11	XXX
G0032	TC	C	PET follow SPECT 78464 singl.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0033	.....	C	PET follow SPECT 78464 mult.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0033	26	A	PET follow SPECT 78464 mult.	1.87	0.75	0.75	0.06	2.68	2.68	XXX
G0033	TC	C	PET follow SPECT 78464 mult.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0034	.....	C	PET follow SPECT 76865 singl.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0034	26	A	PET follow SPECT 76865 singl.	1.50	0.58	0.58	0.05	2.13	2.13	XXX
G0034	TC	C	PET follow SPECT 76865 singl.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0035	.....	C	PET follow SPECT 78465 mult.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0035	26	A	PET follow SPECT 78465 mult.	1.87	0.74	0.74	0.06	2.67	2.67	XXX
G0035	TC	C	PET follow SPECT 78465 mult.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0036	.....	C	PET follow cornry angio sing.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0036	26	A	PET follow cornry angio sing.	1.50	0.58	0.58	0.04	2.12	2.12	XXX
G0036	TC	C	PET follow cornry angio sing.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0037	.....	C	PET follow cornry angio mult.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0037	26	A	PET follow cornry angio mult.	1.87	0.73	0.73	0.06	2.66	2.66	XXX
G0037	TC	C	PET follow cornry angio mult.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0038	.....	C	PET follow myocard perf sing.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0038	26	A	PET follow myocard perf sing.	1.50	0.54	0.54	0.04	2.08	2.08	XXX
G0038	TC	C	PET follow myocard perf sing.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0039	.....	C	PET follow myocard perf mult.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0039	26	A	PET follow myocard perf mult.	1.87	0.73	0.73	0.07	2.67	2.67	XXX
G0039	TC	C	PET follow myocard perf mult.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0040	.....	C	PET follow stress echo singl.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0040	26	A	PET follow stress echo singl.	1.50	0.61	0.61	0.04	2.15	2.15	XXX
G0040	TC	C	PET follow stress echo singl.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0041	.....	C	PET follow stress echo mult.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0041	26	A	PET follow stress echo mult.	1.87	0.75	0.75	0.05	2.67	2.67	XXX
G0041	TC	C	PET follow stress echo mult.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0042	.....	C	PET follow ventriculogm sing.	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
G0042	26	A	PET follow ventriculogm sing.	1.50	0.62	0.62	0.04	2.16	2.16	XXX
G0042	TC	C	PET follow ventriculogm sing.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0043	.....	C	PET follow ventriculogm mult.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0043	26	A	PET follow ventriculogm mult.	1.87	0.76	0.76	0.06	2.69	2.69	XXX
G0043	TC	C	PET follow ventriculogm mult.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0044	.....	C	PET following rest ECG singl.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0044	26	A	PET following rest ECG singl.	1.50	0.61	0.61	0.04	2.15	2.15	XXX
G0044	TC	C	PET following rest ECG singl.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0045	.....	C	PET following rest ECG mult.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0045	26	A	PET following rest ECG mult.	1.87	0.74	0.74	0.06	2.67	2.67	XXX
G0045	TC	C	PET following rest ECG mult.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0046	.....	C	PET follow stress ECG singl.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0046	26	A	PET follow stress ECG singl.	1.50	0.61	0.61	0.04	2.15	2.15	XXX
G0046	TC	C	PET follow stress ECG singl.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0047	.....	C	PET follow stress ECG mult.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0047	26	A	PET follow stress ECG mult.	1.87	0.75	0.75	0.06	2.68	2.68	XXX
G0047	TC	C	PET follow stress ECG mult.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0101	.....	A	CA screen;pelvic/breast exam.	0.45	0.54	0.17	0.01	1.00	0.63	XXX
G0102	.....	A	Prostate ca screening; dre	0.17	0.41	0.06	0.01	0.59	0.24	XXX
G0104	.....	A	CA screen;flexi sigmoidscope.	0.96	2.25	0.53	0.05	3.26	1.54	000
G0105	.....	A	Colorectal scrn; hi risk ind	3.70	6.30	1.68	0.20	10.20	5.58	000
G0106	.....	A	Colon CA screen;barium enema.	0.99	2.57	N/A	0.15	3.71	N/A	XXX
G0106	26	A	Colon CA screen;barium enema.	0.99	0.33	0.33	0.04	1.36	1.36	XXX
G0106	TC	A	Colon CA screen;barium enema.	0.00	2.23	N/A	0.11	2.34	N/A	XXX
G0108	.....	A	Diab manage trn per indiv	0.00	0.83	N/A	0.01	0.84	N/A	XXX
G0109	.....	A	Diab manage trn ind/group	0.00	0.48	N/A	0.01	0.49	N/A	XXX
G0110	.....	R	Nett pulm-rehab educ; ind	0.90	0.72	0.29	0.03	1.65	1.22	XXX
G0111	.....	R	Nett pulm-rehab educ; group.	0.27	0.30	0.14	0.01	0.58	0.42	XXX
G0112	.....	R	Nett;nutrition guid, initial ...	1.72	1.25	0.67	0.05	3.02	2.44	XXX
G0113	.....	R	Nett;nutrition guid,subseqnt.	1.29	0.85	0.42	0.04	2.18	1.75	XXX
G0114	.....	R	Nett; psychosocial consult	1.20	0.49	0.38	0.03	1.72	1.61	XXX
G0115	.....	R	Nett; psychological testing	1.20	0.64	0.38	0.04	1.88	1.62	XXX
G0116	.....	R	Nett; psychosocial counsel	1.11	1.02	0.34	0.04	2.17	1.49	XXX
G0117	.....	T	Glaucoma scrn hgh risk direc.	0.45	0.72	0.19	0.02	1.19	0.66	XXX
G0118	.....	T	Glaucoma scrn hgh risk direc.	0.17	0.53	0.07	0.01	0.71	0.25	XXX
G0120	.....	A	Colon ca scrn; barium enema.	0.99	2.57	N/A	0.15	3.71	N/A	XXX
G0120	26	A	Colon ca scrn; barium enema.	0.99	0.33	0.33	0.04	1.36	1.36	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
G0120	TC	A	Colon ca scrn; barium enema.	0.00	2.23	N/A	0.11	2.34	N/A	XXX
G0121		A	Colon ca scrn not hi rsk ind.	3.70	6.30	1.68	0.20	10.20	5.58	000
G0122		N	Colon ca scrn; barium enema.	0.99	2.62	N/A	0.15	3.76	N/A	XXX
G0122	26	N	Colon ca scrn; barium enema.	0.99	0.38	0.38	0.04	1.41	1.41	XXX
G0122	TC	N	Colon ca scrn; barium enema.	0.00	2.23	N/A	0.11	2.34	N/A	XXX
G0124		A	Screen c/v thin layer by MD.	0.42	0.18	0.18	0.01	0.61	0.61	XXX
G0125		C	PET image pulmonary nodule.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0125	26	A	PET image pulmonary nodule.	1.50	0.54	0.54	0.05	2.09	2.09	XXX
G0125	TC	C	PET image pulmonary nodule.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0127		R	Trim nail(s)	0.17	0.26	0.07	0.01	0.44	0.25	000
G0128		R	CORF skilled nursing service.	0.08	0.03	0.03	0.01	0.12	0.12	XXX
G0130		A	Single energy x-ray study	0.22	0.88	N/A	0.05	1.15	N/A	XXX
G0130	26	A	Single energy x-ray study	0.22	0.07	0.07	0.01	0.30	0.30	XXX
G0130	TC	A	Single energy x-ray study	0.00	0.80	N/A	0.04	0.84	N/A	XXX
G0141		A	Scr c/v cyto,autosys and md.	0.42	0.18	0.18	0.01	0.61	0.61	XXX
G0166		A	Extrnl counterpulse, per tx	0.07	2.93	0.03	0.01	3.01	0.11	XXX
G0167		C	Hyperbaric oz tx;no md reqrd.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0168		A	Wound closure by adhesive.	0.45	2.03	0.16	0.01	2.49	0.62	000
G0179		A	MD recertification HHA PT	0.45	1.09	N/A	0.01	1.55	N/A	XXX
G0180		A	MD certification HHA patient.	0.67	1.32	N/A	0.02	2.01	N/A	XXX
G0181		A	Home health care supervision.	1.73	1.56	N/A	0.06	3.35	N/A	XXX
G0182		A	Hospice care supervision	1.73	1.75	N/A	0.06	3.54	N/A	XXX
G0186		C	Dstry eye lesn,fdr vssl tech.	0.00	0.00	0.00	0.00	0.00	0.00	YYY
G0202		A	Screeningmammographydigital.	0.70	2.78	N/A	0.09	3.57	N/A	XXX
G0202	26	A	Screeningmammographydigital.	0.70	0.23	0.23	0.03	0.96	0.96	XXX
G0202	TC	A	Screeningmammographydigital.	0.00	2.54	N/A	0.06	2.60	N/A	XXX
G0204		A	Diagnosticmammographydigital.	0.87	2.80	N/A	0.10	3.77	N/A	XXX
G0204	26	A	Diagnosticmammographydigital.	0.87	0.29	0.29	0.04	1.20	1.20	XXX
G0204	TC	A	Diagnosticmammographydigital.	0.00	2.50	N/A	0.06	2.56	N/A	XXX
G0206		A	Diagnosticmammographydigital.	0.70	2.26	N/A	0.09	3.05	N/A	XXX
G0206	26	A	Diagnosticmammographydigital.	0.70	0.23	0.23	0.04	0.97	0.97	XXX
G0206	TC	A	Diagnosticmammographydigital.	0.00	2.02	N/A	0.05	2.07	N/A	XXX
G0210		C	PET img wholebody dxlung.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0210	26	A	PET img wholebody dxlung.	1.50	0.52	0.52	0.04	2.06	2.06	XXX
G0210	TC	C	PET img wholebody dxlung.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0211		C	PET img wholbody init lung.	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
G0211	26	A	PET img wholbody init lung.	1.50	0.52	0.52	0.04	2.06	2.06	XXX
G0211	TC	C	PET img wholbody init lung.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0212	.....	C	PET img wholebod restag lung.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0212	26	A	PET img wholebod restag lung.	1.50	0.53	0.53	0.04	2.07	2.07	XXX
G0212	TC	C	PET img wholebod restag lung.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0213	.....	C	PET img wholbody dx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0213	26	A	PET img wholbody dx	1.50	0.52	0.52	0.04	2.06	2.06	XXX
G0213	TC	C	PET img wholbody dx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0214	.....	C	PET img wholebod init	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0214	26	A	PET img wholebod init	1.50	0.52	0.52	0.04	2.06	2.06	XXX
G0214	TC	C	PET img wholebod init	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0215	.....	C	PETimg wholebod restag	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0215	26	A	PETimg wholebod restag	1.50	0.53	0.53	0.04	2.07	2.07	XXX
G0215	TC	C	PETimg wholebod restag	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0216	.....	C	PET img wholebod dx melanoma.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0216	26	A	PET img wholebod dx melanoma.	1.50	0.52	0.52	0.04	2.06	2.06	XXX
G0216	TC	C	PET img wholebod dx melanoma.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0217	.....	C	PET img wholebod init melan.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0217	26	A	PET img wholebod init melan.	1.50	0.53	0.53	0.04	2.07	2.07	XXX
G0217	TC	C	PET img wholebod init melan.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0218	.....	C	PET img wholebod restag mela.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0218	26	A	PET img wholebod restag mela.	1.50	0.53	0.53	0.04	2.07	2.07	XXX
G0218	TC	C	PET img wholebod restag mela.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0220	.....	C	PET img wholebod dx lymphoma.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0220	26	A	PET img wholebod dx lymphoma.	1.50	0.52	0.52	0.04	2.06	2.06	XXX
G0220	TC	C	PET img wholebod dx lymphoma.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0221	.....	C	PET imag wholbod init lympho.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0221	26	A	PET imag wholbod init lympho.	1.50	0.52	0.52	0.04	2.06	2.06	XXX
G0221	TC	C	PET imag wholbod init lympho.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0222	.....	C	PET imag wholbod resta lymph.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0222	26	A	PET imag wholbod resta lymph.	1.50	0.53	0.53	0.04	2.07	2.07	XXX
G0222	TC	C	PET imag wholbod resta lymph.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0223	.....	C	PET imag wholbod reg dx head.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0223	26	A	PET imag wholbod reg dx head.	1.50	0.53	0.53	0.04	2.07	2.07	XXX
G0223	TC	C	PET imag wholbod reg dx head.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0224	.....	C	PET imag wholbod reg ini hea.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0224	26	A	PET imag wholbod reg ini hea.	1.50	0.52	0.52	0.04	2.06	2.06	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
G0224	TC	C	PET imag wholbod reg ini hea.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0225	.....	C	PET whol restag headneckonly.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0225	26	A	PET whol restag headneckonly.	1.50	0.53	0.53	0.04	2.07	2.07	XXX
G0225	TC	C	PET whol restag headneckonly.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0226	.....	C	PET img wholbody dx esophagl.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0226	26	A	PET img wholbody dx esophagl.	1.50	0.54	0.54	0.04	2.08	2.08	XXX
G0226	TC	C	PET img wholbody dx esophagl.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0227	.....	C	PET img wholbod ini esophage.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0227	26	A	PET img wholbod ini esophage.	1.50	0.54	0.54	0.04	2.08	2.08	XXX
G0227	TC	C	PET img wholbod ini esophage.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0228	.....	C	PET img wholbod restg esopha.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0228	26	A	PET img wholbod restg esopha.	1.50	0.53	0.53	0.04	2.07	2.07	XXX
G0228	TC	C	PET img wholbod restg esopha.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0229	.....	C	PET img metaboloc brain pres.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0229	26	A	PET img metaboloc brain pres.	1.50	0.53	0.53	0.04	2.07	2.07	XXX
G0229	TC	C	PET img metaboloc brain pres.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0230	.....	C	PET myocard viability post	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0230	26	A	PET myocard viability post	1.50	0.55	0.55	0.04	2.09	2.09	XXX
G0230	TC	C	PET myocard viability post	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0231	.....	C	PET WhBD colorec; gamma cam.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0231	26	A	PET WhBD colorec; gamma cam.	1.50	0.53	0.53	0.04	2.07	2.07	XXX
G0231	TC	C	PET WhBD colorec; gamma cam.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0232	.....	C	PET whbd lymphoma; gamma cam.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0232	26	A	PET whbd lymphoma; gamma cam.	1.50	0.53	0.53	0.04	2.07	2.07	XXX
G0232	TC	C	PET whbd lymphoma; gamma cam.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0233	.....	C	PET whbd melanoma; gamma cam.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0233	26	A	PET whbd melanoma; gamma cam.	1.50	0.53	0.53	0.04	2.07	2.07	XXX
G0233	TC	C	PET whbd melanoma; gamma cam.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0234	.....	C	PET WhBD pulm nod; gamma cam.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0234	26	A	PET WhBD pulm nod; gamma cam.	1.50	0.53	0.53	0.04	2.07	2.07	XXX
G0234	TC	C	PET WhBD pulm nod; gamma cam.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0236	.....	A	Digital film convert diag ma.	0.06	0.44	N/A	0.02	0.52	N/A	ZZZ
G0236	26	A	Digital film convert diag ma.	0.06	0.02	0.02	0.01	0.09	0.09	ZZZ
G0236	TC	A	Digital film convert diag ma.	0.00	0.42	N/A	0.01	0.43	N/A	ZZZ

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
G0237		A	Therapeutic procd strg endur.	0.00	0.47	N/A	0.02	0.49	N/A	XXX
G0238		C	Oth resp proc, indiv	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0239		C	Oth resp proc, group	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0245		R	Initial foot exam pt lops	0.88	0.81	0.32	0.05	1.74	1.25	XXX
G0246		R	Followup eval of foot pt lop.	0.45	0.56	0.16	0.02	1.03	0.63	XXX
G0247		R	Routine footcare pt w lops	0.50	0.54	0.21	0.05	1.09	0.76	ZZZ
G0248		R	Demonstrate use home inr mon.	0.00	6.92	N/A	0.01	6.93	N/A	XXX
G0249		R	Provide test mate-rial,equipm.	0.00	4.12	N/A	0.01	4.13	N/A	XXX
G0250		R	MD review interpret of test	0.18	0.06	0.06	0.01	0.25	0.25	XXX
G0252	26	N	PET imaging initial dx	1.50	0.58	0.58	0.04	2.12	2.12	XXX
G0253		C	PET image brst dection recur.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0253	26	A	PET image brst dection recur.	1.87	0.72	0.72	0.07	2.66	2.66	XXX
G0253	TC	C	PET image brst dection recur.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0254		C	PET image brst eval to tx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0254	26	A	PET image brst eval to tx	1.87	0.72	0.72	0.07	2.66	2.66	XXX
G0254	TC	C	PET image brst eval to tx	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0262		A	Sm intestinal image cap-sule.	2.12	20.88	N/A	0.08	23.08	N/A	XXX
G0262	26	A	Sm intestinal image cap-sule.	2.12	0.82	0.82	0.02	2.96	2.96	XXX
G0262	TC	A	Sm intestinal image cap-sule.	0.00	20.06	N/A	0.06	20.12	N/A	XXX
G0268		A	Removal of impacted wax md.	0.61	0.66	0.25	0.04	1.31	0.90	000
G0270		A	MNT subs tx for change dx.	0.00	0.47	N/A	0.01	0.48	N/A	XXX
G0271		A	Group MNT 2 or more 30 mins.	0.00	0.18	N/A	0.01	0.19	N/A	XXX
G0272		A	Naso/oro gastric tube pl MD.	0.32	N/A	0.12	0.02	N/A	0.46	000
G0273		A	Pretx planning, non-Hodg-kins.	0.86	11.40	N/A	0.28	12.54	N/A	XXX
G0273	26	A	Pretx planning, non-Hodg-kins.	0.86	0.33	0.33	0.03	1.22	1.22	XXX
G0273	TC	A	Pretx planning, non-Hodg-kins.	0.00	11.06	N/A	0.25	11.31	N/A	XXX
G0274		A	Radiopharm tx, non-Hodg-kins.	2.07	3.42	N/A	0.20	5.69	N/A	XXX
G0274	26	A	Radiopharm tx, non-Hodg-kins.	2.07	0.80	0.80	0.08	2.95	2.95	XXX
G0274	TC	A	Radiopharm tx, non-Hodg-kins.	0.00	2.62	N/A	0.12	2.74	N/A	XXX
G0275		A	Renal angio, cardiac cath	0.25	N/A	0.10	0.01	N/A	0.36	ZZZ
G0278		A	Iliac art angio,cardiac cath	0.25	N/A	0.10	0.01	N/A	0.36	ZZZ
G0279		C	Excorp shock tx, elbow epi	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0280		C	Excorp shock tx other than	0.00	0.00	0.00	0.00	0.00	0.00	XXX
G0281		A	Elec stim unattend for press.	0.18	0.11	N/A	0.01	0.30	N/A	XXX
G0283		A	Elec stim other than wound.	0.18	0.11	N/A	0.01	0.30	N/A	XXX
G0288		A	Recon, CTA for surg plan	0.00	10.62	N/A	0.15	10.77	N/A	XXX
G0289		A	Arthro, loose body + chondro.	1.48	N/A	0.57	0.27	N/A	2.32	ZZZ
Gxx10		A	ESRDrelsvc 1/mo; 2-11yr	2.32	1.14	1.14	0.10	3.56	3.56	XXX
Gxx11		A	ESRDrelsvc 4+/mo; 12-19yr.	8.47	4.54	4.54	0.35	13.36	13.36	XXX
Gxx12		A	ESRDrelsvc 2-3/mo; 12-19yr.	3.14	1.68	1.68	0.13	4.95	4.95	XXX
Gxx13		A	ESRDrelsvc 1/mo; 12-19yr	2.05	1.10	1.10	0.08	3.23	3.23	XXX

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ADDENDUM B.—RELATIVE VALUE UNITS (RVUS) AND RELATED INFORMATION—Continued

[1] CPT/ [2] HCPCS	MOD	Status	Description	Physician work RVUs	Non-facility PE RVUs	Facility PE RVUs	Mal-practice RVUs	Non-acility total	Facility total	Global
Gxx14		A	ESRDrelsvc 4+/mo; 20+yr	5.16	2.94	2.94	0.22	8.32	8.32	XXX
Gxx15		A	ESRDrelsvc 2-3/mo; 20+yr	1.94	1.10	1.10	0.08	3.12	3.12	XXX
Gxx16		A	ESRDrelsvc 1/mo; 20+yr	1.27	0.73	0.73	0.06	2.06	2.06	XXX
Gxxx1		A	Monitor arrhyth/30day	0.52	7.45	N/A	0.24	8.21	N/A	XXX
Gxxx2		A	Monitor arrhyth/30day;rec	0.00	1.24	N/A	0.07	1.31	N/A	XXX
Gxxx3		A	Monitor arrhyth/ 30day;analy.	0.00	6.02	N/A	0.15	6.17	N/A	XXX
Gxxx4		A	Monitor arrhyth/ 30day;interp.	0.52	0.19	0.19	0.02	0.73	0.73	XXX
Gxxx5		A	ESRDrelsvc 4+/mo; undr2	12.92	8.70	8.70	0.60	22.22	22.22	XXX
Gxxx6		A	ESRDrelsvc 2-3/mo; undr2	5.19	3.49	3.49	0.24	8.92	8.92	XXX
Gxxx7		A	ESRDrelsvc 1/mo; undr2	3.39	2.29	2.29	0.16	5.84	5.84	XXX
Gxxx8		A	ESRDrelsvc 4+/mo; 2-11yr	9.91	4.86	4.86	0.43	15.20	15.20	XXX
Gxxx9		A	ESRDrelsvc 2-3/mo; 2-11yr.	3.55	1.74	1.74	0.15	5.44	5.44	XXX
M0064		A	Visit for drug monitoring	0.37	0.34	0.12	0.01	0.72	0.50	XXX
P3001		A	Screening pap smear by phys.	0.42	0.18	0.18	0.01	0.61	0.61	XXX
Q0035		A	Cardiokymography	0.17	0.45	N/A	0.03	0.65	N/A	XXX
Q0035	26	A	Cardiokymography	0.17	0.07	0.07	0.01	0.25	0.25	XXX
Q0035	TC	A	Cardiokymography	0.00	0.39	N/A	0.02	0.41	N/A	XXX
Q0091		A	Obtaining screen pap smear.	0.37	0.68	0.14	0.01	1.06	0.52	XXX
Q0092		A	Set up port xray equip-ment.	0.00	0.32	N/A	0.01	0.33	N/A	XXX
R0070		C	Transport portable x-ray	0.00	0.00	0.00	0.00	0.00	0.00	XXX
R0075		C	Transport port x-ray multipl.	0.00	0.00	0.00	0.00	0.00	0.00	XXX
V5299		R	Hearing service	0.00	0.00	0.00	0.00	0.00	0.00	XXX
V5362		R	Speech screening	0.00	0.00	0.00	0.00	0.00	0.00	XXX
V5363		R	Language screening	0.00	0.00	0.00	0.00	0.00	0.00	XXX
V5364		R	Dysphagia screening	0.00	0.00	0.00	0.00	0.00	0.00	XXX

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BILLING CODE 4120–01–P

Addendum C

Codes For Which We Received PEAC Recommendations On Practice Expense Direct Cost Inputs

CPT Code	Short Descriptors
10060	DRAINAGE OF SKIN ABSCESS
10080	DRAINAGE OF PILONIDAL CYST
10081	DRAINAGE OF PILONIDAL CYST
10121	REMOVE FOREIGN BODY
10180	COMPLEX DRAINAGE, WOUND
11000	DEBRIDE INFECTED SKIN
11001	DEBRIDE INFECTED SKIN ADD-ON
11010	DEBRIDE SKIN, FX
11011	DEBRIDE SKIN/MUSCLE, FX
11012	DEBRIDE SKIN/MUSCLE/BONE, FX
11044	DEBRIDE TISSUE/MUSCLE/BONE
11055	TRIM SKIN LESION
11056	TRIM SKIN LESIONS, 2 TO 4
11057	TRIM SKIN LESIONS, OVER 4
11200	REMOVAL OF SKIN TAGS
11201	REMOVE SKIN TAGS ADD-ON
11450	REMOVAL, SWEAT GLAND LESION
11451	REMOVAL, SWEAT GLAND LESION
11462	REMOVAL, SWEAT GLAND LESION
11463	REMOVAL, SWEAT GLAND LESION
11470	REMOVAL, SWEAT GLAND LESION
11471	REMOVAL, SWEAT GLAND LESION
11730	REMOVAL OF NAIL PLATE
11732	REMOVE NAIL PLATE, ADD-ON
11750	REMOVAL OF NAIL BED
11752	REMOVE NAIL BED/FINGER TIP
11770	REMOVAL OF PILONIDAL LESION
11771	REMOVAL OF PILONIDAL LESION
11772	REMOVAL OF PILONIDAL LESION
12020	CLOSURE OF SPLIT WOUND
12021	CLOSURE OF SPLIT WOUND
12032	LAYER CLOSURE OF WOUND(S)
12035	LAYER CLOSURE OF WOUND(S)
12036	LAYER CLOSURE OF WOUND(S)
12037	LAYER CLOSURE OF WOUND(S)
12045	LAYER CLOSURE OF WOUND(S)
12046	LAYER CLOSURE OF WOUND(S)
12047	LAYER CLOSURE OF WOUND(S)
15732	MUSCLE-SKIN GRAFT, HEAD/NECK
15756	FREE MUSCLE FLAP, MICROVASC
15757	FREE SKIN FLAP, MICROVASC
16000	INITIAL TREATMENT OF BURN(S)
16010	TREATMENT OF BURN(S)
16015	TREATMENT OF BURN(S)
16020	TREATMENT OF BURN(S)
16025	TREATMENT OF BURN(S)
16030	TREATMENT OF BURN(S)
19000	DRAINAGE OF BREAST LESION
19140	REMOVAL OF BREAST TISSUE
19160	REMOVAL OF BREAST TISSUE
19162	REMOVE BREAST TISSUE, NODES
19180	REMOVAL OF BREAST
19182	REMOVAL OF BREAST
19200	REMOVAL OF BREAST
19220	REMOVAL OF BREAST
19240	REMOVAL OF BREAST
19260	REMOVAL OF CHEST WALL LESION
19271	REVISION OF CHEST WALL
19272	EXTENSIVE CHEST WALL SURGERY
20000	INCISION OF ABSCESS
20005	INCISION OF DEEP ABSCESS
20103	EXPLORE WOUND, EXTREMITY
20200	MUSCLE BIOPSY
20205	DEEP MUSCLE BIOPSY
20240	BONE BIOPSY, EXCISIONAL
20245	BONE BIOPSY, EXCISIONAL
20520	REMOVAL OF FOREIGN BODY
20525	REMOVAL OF FOREIGN BODY
20615	TREATMENT OF BONE CYST
20650	INSERT AND REMOVE BONE PIN
20660	APPLY,REMOVE FIXATION DEVICE
20665	REMOVAL OF FIXATION DEVICE
20950	FLUID PRESSURE, MUSCLE
20974	ELECTRICAL BONE STIMULATION
20975	ELECTRICAL BONE STIMULATION
20979	US BONE STIMULATION
21550	BIOPSY OF NECK/CHEST
21920	BIOPSY SOFT TISSUE OF BACK
22505	MANIPULATION OF SPINE
22520	PERCUT VERTEBROPLASTY THOR
22521	PERCUT VERTEBROPLASTY LUMB
23030	DRAIN SHOULDER LESION
23031	DRAIN SHOULDER BURSA
23065	BIOPSY SHOULDER TISSUES
23075	REMOVAL OF SHOULDER LESION
23330	REMOVE SHOULDER FOREIGN BODY
23700	FIXATION OF SHOULDER
23930	DRAINAGE OF ARM LESION
23931	DRAINAGE OF ARM BURSA
24065	BIOPSY ARM/ELBOW SOFT TISSUE
24200	REMOVAL OF ARM FOREIGN BODY
24640	TREAT ELBOW DISLOCATION
25065	BIOPSY FOREARM SOFT TISSUES
26010	DRAINAGE OF FINGER ABSCESS
26011	DRAINAGE OF FINGER ABSCESS
27040	BIOPSY OF SOFT TISSUES
27086	REMOVE HIP FOREIGN BODY
27256	TREAT HIP DISLOCATION
27257	TREAT HIP DISLOCATION
27275	MANIPULATION OF HIP JOINT

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Addendum C

Codes For Which We Received PEAC Recommendations On Practice Expense Direct Cost Inputs

CPT Code	Short Descriptors
27323	BIOPSY, THIGH SOFT TISSUES
27570	FIXATION OF KNEE JOINT
27605	INCISION OF ACHILLES TENDON
27606	INCISION OF ACHILLES TENDON
27613	BIOPSY LOWER LEG SOFT TISSUE
27860	FIXATION OF ANKLE JOINT
28630	TREAT TOE DISLOCATION
28635	TREAT TOE DISLOCATION
28636	TREAT TOE DISLOCATION
28660	TREAT TOE DISLOCATION
28665	TREAT TOE DISLOCATION
28666	TREAT TOE DISLOCATION
30000	DRAINAGE OF NOSE LESION
30020	DRAINAGE OF NOSE LESION
30100	INTRANASAL BIOPSY
30100	INTRANASAL BIOPSY
30110	REMOVAL OF NOSE POLYP(S)
30200	INJECTION TREATMENT OF NOSE
30210	NASAL SINUS THERAPY
30220	INSERT NASAL SEPTAL BUTTON
30300	REMOVE NASAL FOREIGN BODY
30310	REMOVE NASAL FOREIGN BODY
30560	RELEASE OF NASAL ADHESIONS
30930	THERAPY, FRACTURE OF NOSE
31000	IRRIGATION, MAXILLARY SINUS
31002	IRRIGATION, SPHENOID SINUS
31231	NASAL ENDOSCOPY, DX
31231	NASAL ENDOSCOPY, DX
31233	NASAL/SINUS ENDOSCOPY, DX
31233	NASAL/SINUS ENDOSCOPY, DX
31235	NASAL/SINUS ENDOSCOPY, DX
31235	NASAL/SINUS ENDOSCOPY, DX
31237	NASAL/SINUS ENDOSCOPY, SURG
31238	NASAL/SINUS ENDOSCOPY, SURG
31239	NASAL/SINUS ENDOSCOPY, SURG
31240	NASAL/SINUS ENDOSCOPY, SURG
31254	REVISION OF ETHMOID SINUS
31255	REMOVAL OF ETHMOID SINUS
31256	EXPLORATION MAXILLARY SINUS
31267	ENDOSCOPY, MAXILLARY SINUS
31276	SINUS ENDOSCOPY, SURGICAL
31287	NASAL/SINUS ENDOSCOPY, SURG
31288	NASAL/SINUS ENDOSCOPY, SURG
31290	NASAL/SINUS ENDOSCOPY, SURG
31291	NASAL/SINUS ENDOSCOPY, SURG
31292	NASAL/SINUS ENDOSCOPY, SURG
31293	NASAL/SINUS ENDOSCOPY, SURG
31294	NASAL/SINUS ENDOSCOPY, SURG
31360	REMOVAL OF LARYNX
31365	REMOVAL OF LARYNX
31367	PARTIAL REMOVAL OF LARYNX
31368	PARTIAL REMOVAL OF LARYNX
31370	PARTIAL REMOVAL OF LARYNX
31375	PARTIAL REMOVAL OF LARYNX
31380	PARTIAL REMOVAL OF LARYNX
31382	PARTIAL REMOVAL OF LARYNX
31390	REMOVAL OF LARYNX & PHARYNX
31395	RECONSTRUCT LARYNX & PHARYNX
31500	INSERT EMERGENCY AIRWAY
31505	DIAGNOSTIC LARYNGOSCOPY
31510	LARYNGOSCOPY WITH BIOPSY
31511	REMOVE FOREIGN BODY, LARYNX
31512	REMOVAL OF LARYNX LESION
31513	INJECTION INTO VOCAL CORD
31515	LARYNGOSCOPY FOR ASPIRATION
31520	DIAGNOSTIC LARYNGOSCOPY
31525	DIAGNOSTIC LARYNGOSCOPY
31526	DIAGNOSTIC LARYNGOSCOPY
31527	LARYNGOSCOPY FOR TREATMENT
31528	LARYNGOSCOPY AND DILATION
31529	LARYNGOSCOPY AND DILATION
31530	OPERATIVE LARYNGOSCOPY
31531	OPERATIVE LARYNGOSCOPY
31535	OPERATIVE LARYNGOSCOPY
31536	OPERATIVE LARYNGOSCOPY
31540	OPERATIVE LARYNGOSCOPY
31541	OPERATIVE LARYNGOSCOPY
31560	OPERATIVE LARYNGOSCOPY
31561	OPERATIVE LARYNGOSCOPY
31570	LARYNGOSCOPY WITH INJECTION
31571	LARYNGOSCOPY WITH INJECTION
31575	DIAGNOSTIC LARYNGOSCOPY
31576	LARYNGOSCOPY WITH BIOPSY
31577	REMOVE FOREIGN BODY, LARYNX
31578	REMOVAL OF LARYNX LESION
31579	DIAGNOSTIC LARYNGOSCOPY
31582	REVISION OF LARYNX
31584	TREAT LARYNX FRACTURE
31600	INCISION OF WINDPIPE
31600	INCISION OF WINDPIPE
31601	INCISION OF WINDPIPE
31601	INCISION OF WINDPIPE
31603	INCISION OF WINDPIPE
31605	INCISION OF WINDPIPE
31610	INCISION OF WINDPIPE
31612	PUNCTURE/CLEAR WINDPIPE
31613	REPAIR WINDPIPE OPENING
31614	REPAIR WINDPIPE OPENING
31615	VISUALIZATION OF WINDPIPE
31622	DX BRONCHOSCOPE/WASH

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Addendum C

Codes For Which We Received PEAC Recommendations On Practice Expense Direct Cost Inputs

CPT Code	Short Descriptors	CPT Code	Short Descriptors
31623	DX BRONCHOSCOPE/BRUSH	42405	BIOPSY OF SALIVARY GLAND
31624	DX BRONCHOSCOPE/LAVAGE	42650	DILATION OF SALIVARY DUCT
31625	BRONCHOSCOPY WITH BIOPSY	42660	DILATION OF SALIVARY DUCT
32005	TREAT LUNG LINING CHEMICALLY	42700	DRAINAGE OF TONSIL ABSCESS
32601	THORACOSCOPY, DIAGNOSTIC	42720	DRAINAGE OF THROAT ABSCESS
32602	THORACOSCOPY, DIAGNOSTIC	42800	BIOPSY OF THROAT
32603	THORACOSCOPY, DIAGNOSTIC	42802	BIOPSY OF THROAT
32604	THORACOSCOPY, DIAGNOSTIC	42804	BIOPSY OF UPPER NOSE/THROAT
32605	THORACOSCOPY, DIAGNOSTIC	42806	BIOPSY OF UPPER NOSE/THROAT
32606	THORACOSCOPY, DIAGNOSTIC	42808	EXCISE PHARYNX LESION
36000	PLACE NEEDLE IN VEIN	42809	REMOVE PHARYNX FOREIGN BODY
36550	DECLOT VASCULAR DEVICE	42842	EXTENSIVE SURGERY OF THROAT
36600	WITHDRAWAL OF ARTERIAL BLOOD	42844	EXTENSIVE SURGERY OF THROAT
36620	INSERTION CATHETER, ARTERY	42845	EXTENSIVE SURGERY OF THROAT
36640	INSERTION CATHETER, ARTERY	42892	REVISION OF PHARYNGEAL WALLS
36680	INSERT NEEDLE, BONE CAVITY	42894	REVISION OF PHARYNGEAL WALLS
36800	INSERTION OF CANNULA	42900	REPAIR THROAT WOUND
36810	INSERTION OF CANNULA	42960	CONTROL THROAT BLEEDING
36815	INSERTION OF CANNULA	43200	ESOPHAGUS ENDOSCOPY
37202	TRANSCATHETER THERAPY INFUSE	43202	ESOPHAGUS ENDOSCOPY, BIOPSY
37207	TRANSCATHETER STENT	43204	ESOPHAGUS ENDOSCOPY & INJECT
37609	TEMPORAL ARTERY PROCEDURE	43205	ESOPHAGUS ENDOSCOPY/LIGATION
38300	DRAINAGE, LYMPH NODE LESION	43215	ESOPHAGUS ENDOSCOPY
38500	BIOPSY/REMOVAL, LYMPH NODES	43217	ESOPHAGUS ENDOSCOPY
38505	NEEDLE BIOPSY, LYMPH NODES	43219	ESOPHAGUS ENDOSCOPY
38505	NEEDLE BIOPSY, LYMPH NODES	43220	ESOPH ENDOSCOPY, DILATION
38510	BIOPSY/REMOVAL, LYMPH NODES	43226	ESOPH ENDOSCOPY, DILATION
38570	LAPAROSCOPY, LYMPH NODE BIOP	43227	ESOPH ENDOSCOPY, REPAIR
38571	LAPAROSCOPY, LYMPHADENECTOMY	43228	ESOPH ENDOSCOPY, ABLATION
38572	LAPAROSCOPY, LYMPHADENECTOMY	43231	ESOPH ENDOSCOPY W/US EXAM
38790	INJECT FOR LYMPHATIC X-RAY	43232	ESOPH ENDOSCOPY W/US FN BX
38792	IDENTIFY SENTINEL NODE	43234	UPPER GI ENDOSCOPY, EXAM
41000	DRAINAGE OF MOUTH LESION	43235	UPPR GI ENDOSCOPY, DIAGNOSIS
41140	REMOVAL OF TONGUE	43239	UPPER GI ENDOSCOPY, BIOPSY
41145	TONGUE REMOVAL, NECK SURGERY	43240	ESOPH ENDOSCOPE W/DRAIN CYST
41150	TONGUE, MOUTH, JAW SURGERY	43241	UPPER GI ENDOSCOPY WITH TUBE
41153	TONGUE, MOUTH, NECK SURGERY	43242	UPPR GI ENDOSCOPY W/US FN BX
41155	TONGUE, JAW, & NECK SURGERY	43243	UPPER GI ENDOSCOPY & INJECT
41252	REPAIR TONGUE LACERATION	43244	UPPER GI ENDOSCOPY/LIGATION
42000	DRAINAGE MOUTH ROOF LESION	43245	OPERATIVE UPPER GI ENDOSCOPY
42100	BIOPSY ROOF OF MOUTH	43246	PLACE GASTROSTOMY TUBE
42104	EXCISION LESION, MOUTH ROOF	43247	OPERATIVE UPPER GI ENDOSCOPY
42180	REPAIR PALATE	43248	UPPR GI ENDOSCOPY/GUIDE WIRE
42182	REPAIR PALATE	43249	ESOPH ENDOSCOPY, DILATION
42281	INSERTION, PALATE PROSTHESIS	43250	UPPER GI ENDOSCOPY/TUMOR
42300	DRAINAGE OF SALIVARY GLAND	43251	OPERATIVE UPPER GI ENDOSCOPY
42310	DRAINAGE OF SALIVARY GLAND	43255	OPERATIVE UPPER GI ENDOSCOPY
42320	DRAINAGE OF SALIVARY GLAND	43256	UPPR GI ENDOSCOPY W STENT
42330	REMOVAL OF SALIVARY STONE	43258	OPERATIVE UPPER GI ENDOSCOPY
42400	BIOPSY OF SALIVARY GLAND	43259	ENDOSCOPIC ULTRASOUND EXAM

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Addendum C

Codes For Which We Received PEAC Recommendations On Practice Expense Direct Cost Inputs

CPT Code	Short Descriptors	CPT Code	Short Descriptors
43260	ENDO CHOLANGIOPANCREATOGRAPH	45307	PROTOSIGMOIDOSCOPY FB
43261	ENDO CHOLANGIOPANCREATOGRAPH	45308	PROTOSIGMOIDOSCOPY REMOVAL
43262	ENDO CHOLANGIOPANCREATOGRAPH	45309	PROTOSIGMOIDOSCOPY REMOVAL
43263	ENDO CHOLANGIOPANCREATOGRAPH	45315	PROTOSIGMOIDOSCOPY REMOVAL
43264	ENDO CHOLANGIOPANCREATOGRAPH	45317	PROTOSIGMOIDOSCOPY BLEED
43265	ENDO CHOLANGIOPANCREATOGRAPH	45320	PROTOSIGMOIDOSCOPY ABLATE
43267	ENDO CHOLANGIOPANCREATOGRAPH	45321	PROTOSIGMOIDOSCOPY VOLVUL
43268	ENDO CHOLANGIOPANCREATOGRAPH	45327	PROCTOSIGMOIDOSCOPY W/STENT
43269	ENDO CHOLANGIOPANCREATOGRAPH	45331	SIGMOIDOSCOPY AND BIOPSY
43271	ENDO CHOLANGIOPANCREATOGRAPH	45332	SIGMOIDOSCOPY W/FB REMOVAL
43272	ENDO CHOLANGIOPANCREATOGRAPH	45333	SIGMOIDOSCOPY & POLYPECTOMY
43450	DILATE ESOPHAGUS	45334	SIGMOIDOSCOPY FOR BLEEDING
43453	DILATE ESOPHAGUS	45337	SIGMOIDOSCOPY & DECOMPRESS
43456	DILATE ESOPHAGUS	45338	SIGMOIDOSCPY W/TUMR REMOVE
43458	DILATE ESOPHAGUS	45339	SIGMOIDOSCOPY W/ABLATE TUMR
44360	SMALL BOWEL ENDOSCOPY	45341	SIGMOIDOSCOPY W/ULTRASOUND
44361	SMALL BOWEL ENDOSCOPY/BIOPSY	45342	SIGMOIDOSCOPY W/US GUIDE BX
44363	SMALL BOWEL ENDOSCOPY	45345	SIGMODOSCOPY W/STENT
44364	SMALL BOWEL ENDOSCOPY	45355	SURGICAL COLONOSCOPY
44365	SMALL BOWEL ENDOSCOPY	45378	DIAGNOSTIC COLONOSCOPY
44366	SMALL BOWEL ENDOSCOPY	45379	COLONOSCOPY W/FB REMOVAL
44369	SMALL BOWEL ENDOSCOPY	45380	COLONOSCOPY AND BIOPSY
44370	SMALL BOWEL ENDOSCOPY/STENT	45382	COLONOSCOPY/CONTROL BLEEDING
44372	SMALL BOWEL ENDOSCOPY	45383	LESION REMOVAL COLONOSCOPY
44373	SMALL BOWEL ENDOSCOPY	45384	LESION REMOVE COLONOSCOPY
44373	SMALL BOWEL ENDOSCOPY	45385	LESION REMOVAL COLONOSCOPY
44376	SMALL BOWEL ENDOSCOPY	45387	COLONOSCOPY W/STENT
44377	SMALL BOWEL ENDOSCOPY/BIOPSY	45900	REDUCTION OF RECTAL PROLAPSE
44377	SMALL BOWEL ENDOSCOPY/BIOPSY	45905	DILATION OF ANAL SPHINCTER
44378	SMALL BOWEL ENDOSCOPY	45910	DILATION OF RECTAL NARROWING
44379	S BOWEL ENDOSCOPE W/STENT	46030	REMOVAL OF RECTAL MARKER
44379	S BOWEL ENDOSCOPE W/STENT	46050	INCISION OF ANAL ABSCESS
44380	SMALL BOWEL ENDOSCOPY	46080	INCISION OF ANAL SPHINCTER
44382	SMALL BOWEL ENDOSCOPY	46083	INCISE EXTERNAL HEMORRHOID
44382	SMALL BOWEL ENDOSCOPY	46220	REMOVAL OF ANAL TAB
44383	ILEOSCOPY W/STENT	46230	REMOVAL OF ANAL TABS
44388	COLON ENDOSCOPY	46320	REMOVAL OF HEMORRHOID CLOT
44388	COLON ENDOSCOPY	46600	DIAGNOSTIC ANOSCOPY
44389	COLONOSCOPY WITH BIOPSY	46604	ANOSCOPY AND DILATION
44390	COLONOSCOPY FOR FOREIGN BODY	46606	ANOSCOPY AND BIOPSY
44390	COLONOSCOPY FOR FOREIGN BODY	46608	ANOSCOPY/ REMOVE FOR BODY
44391	COLONOSCOPY FOR BLEEDING	46610	ANOSCOPY/REMOVE LESION
44392	COLONOSCOPY & POLYPECTOMY	46611	ANOSCOPY
44392	COLONOSCOPY & POLYPECTOMY	46612	ANOSCOPY/ REMOVE LESIONS
44393	COLONOSCOPY, LESION REMOVAL	46614	ANOSCOPY/CONTROL BLEEDING
44394	COLONOSCOPY W/SNARE	46615	ANOSCOPY
44394	COLONOSCOPY W/SNARE	46754	REMOVAL OF SUTURE FROM ANUS
45300	PROCTOSIGMOIDOSCOPY DX	46910	DESTRUCTION, ANAL LESION(S)
45303	PROCTOSIGMOIDOSCOPY DILATE	46916	CRYOSURGERY, ANAL LESION(S)
45305	PROTOSIGMOIDOSCOPY W/BX	46917	LASER SURGERY, ANAL LESIONS

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Addendum C

Codes For Which We Received PEAC Recommendations On Practice Expense Direct Cost Inputs

CPT Code	Short Descriptors
46922	EXCISION OF ANAL LESION(S)
46924	DESTRUCTION, ANAL LESION(S)
46935	DESTRUCTION OF HEMORRHOIDS
46937	CRYOTHERAPY OF RECTAL LESION
46940	TREATMENT OF ANAL FISSURE
46942	TREATMENT OF ANAL FISSURE
47382	PERCUT ABLATE LIVER RF
47552	BILIARY ENDOSCOPY THRU SKIN
47554	BILIARY ENDOSCOPY THRU SKIN
49320	DIAG LAPARO SEPARATE PROC
49320	DIAG LAPARO SEPARATE PROC
49321	LAPAROSCOPY, BIOPSY
49321	LAPAROSCOPY, BIOPSY
49322	LAPAROSCOPY, ASPIRATION
49322	LAPAROSCOPY, ASPIRATION
49420	INSERT ABDOMINAL DRAIN
49422	REMOVE PERM CANNULA/CATHETER
49429	REMOVAL OF SHUNT
50021	RENAL ABSCESS, PERCUT DRAIN
51605	PREPARATION FOR BLADDER XRAY
51610	INJECTION FOR BLADDER X-RAY
51710	CHANGE OF BLADDER TUBE
51715	ENDOSCOPIC INJECTION/IMPLANT
51725	SIMPLE CYSTOMETROGRAM
51726	COMPLEX CYSTOMETROGRAM
51736	URINE FLOW MEASUREMENT
51741	ELECTRO-UROFLOWMETRY, FIRST
51772	URETHRA PRESSURE PROFILE
51784	ANAL/URINARY MUSCLE STUDY
51785	ANAL/URINARY MUSCLE STUDY
51792	URINARY REFLEX STUDY
51795	URINE VOIDING PRESSURE STUDY
51797	INTRAABDOMINAL PRESSURE TEST
52000	CYSTOSCOPY
52001	CYSTOSCOPY, REMOVAL OF CLOTS
52005	CYSTOSCOPY & URETER CATHETER
52007	CYSTOSCOPY AND BIOPSY
52010	CYSTOSCOPY AND DUCT CATHETER
52204	CYSTOSCOPY
52214	CYSTOSCOPY AND TREATMENT
52224	CYSTOSCOPY AND TREATMENT
52234	CYSTOSCOPY AND TREATMENT
52235	CYSTOSCOPY AND TREATMENT
52240	CYSTOSCOPY AND TREATMENT
52250	CYSTOSCOPY AND RADIOTRACER
52260	CYSTOSCOPY AND TREATMENT
52265	CYSTOSCOPY AND TREATMENT
52270	CYSTOSCOPY & REVISE URETHRA
52275	CYSTOSCOPY & REVISE URETHRA
52276	CYSTOSCOPY AND TREATMENT
52277	CYSTOSCOPY AND TREATMENT
52281	CYSTOSCOPY AND TREATMENT
52282	CYSTOSCOPY, IMPLANT STENT
52283	CYSTOSCOPY AND TREATMENT
52285	CYSTOSCOPY AND TREATMENT
52290	CYSTOSCOPY AND TREATMENT
52300	CYSTOSCOPY AND TREATMENT
52301	CYSTOSCOPY AND TREATMENT
52305	CYSTOSCOPY AND TREATMENT
52310	CYSTOSCOPY AND TREATMENT
52315	CYSTOSCOPY AND TREATMENT
52317	REMOVE BLADDER STONE
52318	REMOVE BLADDER STONE
52320	CYSTOSCOPY AND TREATMENT
52325	CYSTOSCOPY, STONE REMOVAL
52327	CYSTOSCOPY, INJECT MATERIAL
52330	CYSTOSCOPY AND TREATMENT
52332	CYSTOSCOPY AND TREATMENT
52334	CREATE PASSAGE TO KIDNEY
52341	CYSTO W/URETER STRICTURE TX
52342	CYSTO W/UP STRICTURE TX
52343	CYSTO W/RENAL STRICTURE TX
52344	CYSTO/URETERO, STONE REMOVE
52345	CYSTO/UTERO W/UP STRICTURE
52346	CYSTOURETERO W/RENAL STRICT
52351	CYSTOURETERO & OR PYELOSCOPE
52352	CYSTOURETERO W/STONE REMOVE
52353	CYSTOURETERO W/ LITHOTRIPSY
52354	CYSTOURETERO W/BIOPSY
52355	CYSTOURETERO W/EXCISE TUMOR
52400	CYSTOURETERO W/CONGEN REPR
52450	INCISION OF PROSTATE
52500	REVISION OF BLADDER NECK
52510	DILATION PROSTATIC URETHRA
52601	PROSTATECTOMY (TURP)
52606	CONTROL POSTOP BLEEDING
52612	PROSTATECTOMY, FIRST STAGE
52614	PROSTATECTOMY, SECOND STAGE
52620	REMOVE RESIDUAL PROSTATE
52630	REMOVE PROSTATE REGROWTH
52640	RELIEVE BLADDER CONTRACTURE
52647	LASER SURGERY OF PROSTATE
52648	LASER SURGERY OF PROSTATE
52700	DRAINAGE OF PROSTATE ABSCESS
53000	INCISION OF URETHRA
53020	INCISION OF URETHRA
53025	INCISION OF URETHRA
53060	DRAINAGE OF URETHRA ABSCESS
53200	BIOPSY OF URETHRA
53260	TREATMENT OF URETHRA LESION

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Codes For Which We Received PEAC Recommendations On Practice Expense Direct Cost Inputs

CPT Code	Short Descriptors
53265	TREATMENT OF URETHRA LESION
53270	REMOVAL OF URETHRA GLAND
53275	REPAIR OF URETHRA DEFECT
54000	SLITTING OF PREPUCE
54001	SLITTING OF PREPUCE
54015	DRAIN PENIS LESION
54050	DESTRUCTION, PENIS LESION(S)
54055	DESTRUCTION, PENIS LESION(S)
54056	CRYOSURGERY, PENIS LESION(S)
54057	LASER SURG, PENIS LESION(S)
54060	EXCISION OF PENIS LESION(S)
54065	DESTRUCTION, PENIS LESION(S)
54100	BIOPSY OF PENIS
54105	BIOPSY OF PENIS
54150	CIRCUMCISION
54152	CIRCUMCISION
54160	CIRCUMCISION
54161	CIRCUMCISION
54200	TREATMENT OF PENIS LESION
54220	TREATMENT OF PENIS LESION
54230	PREPARE PENIS STUDY
54231	DYNAMIC CAVERNOSOMETRY
54235	PENILE INJECTION
54240	PENIS STUDY
54250	PENIS STUDY
54500	BIOPSY OF TESTIS
54505	BIOPSY OF TESTIS
54620	SUSPENSION OF TESTIS
54700	DRAINAGE OF SCROTUM
54800	BIOPSY OF EPIDIDYMIS
55000	DRAINAGE OF HYDROCELE
55100	DRAINAGE OF SCROTUM ABSCESS
55300	PREPARE, SPERM DUCT X-RAY
55450	LIGATION OF SPERM DUCT
55705	BIOPSY OF PROSTATE
55870	ELECTROEJACULATION
56405	I & D OF VULVA/PERINEUM
56440	SURGERY FOR VULVA LESION
56441	LYSIS OF LABIAL LESION(S)
56501	DESTROY, VULVA LESIONS, SIMP
56515	DESTROY VULVA LESION/S COMPL
56800	REPAIR OF VAGINA
56810	REPAIR OF PERINEUM
57000	EXPLORATION OF VAGINA
57020	DRAINAGE OF PELVIC FLUID
57022	I & D VAGINAL HEMATOMA, PP
57023	I & D VAG HEMATOMA, NON-OB
57061	DESTROY VAG LESIONS, SIMPLE
57065	DESTROY VAG LESIONS, COMPLEX
57135	REMOVE VAGINA LESION
57410	PELVIC EXAMINATION
57415	REMOVE VAGINAL FOREIGN BODY
57505	ENDOCERVICAL CURETTAGE
57510	CAUTERIZATION OF CERVIX
57511	CRYOCAUTERY OF CERVIX
57513	LASER SURGERY OF CERVIX
58301	REMOVE INTRAUTERINE DEVICE
58321	ARTIFICIAL INSEMINATION
58322	ARTIFICIAL INSEMINATION
58340	CATHETER FOR HYSTEROGRAPHY
58345	REOPEN FALLOPIAN TUBE
58350	REOPEN FALLOPIAN TUBE
58353	ENDOMETR ABLATE, THERMAL
58615	OCCLUDE FALLOPIAN TUBE(S)
58661	LAPAROSCOPY, REMOVE ADNEXA
58661	LAPAROSCOPY, REMOVE ADNEXA
58670	LAPAROSCOPY, TUBAL CAUTERY
58970	RETRIEVAL OF OOCYTE
58974	TRANSFER OF EMBRYO
58976	TRANSFER OF EMBRYO
59001	AMNIOCENTESIS, THERAPEUTIC
59001	AMNIOCENTESIS, THERAPEUTIC
59020	FETAL CONTRACT STRESS TEST
59025	FETAL NON-STRESS TEST
59200	INSERT CERVICAL DILATOR
59812	TREATMENT OF MISCARRIAGE
59820	CARE OF MISCARRIAGE
59821	TREATMENT OF MISCARRIAGE
59830	TREAT UTERUS INFECTION
59840	ABORTION
59840	ABORTION
59841	ABORTION
59841	ABORTION
59850	ABORTION
59855	ABORTION
59856	ABORTION
59866	ABORTION (MPR)
59871	REMOVE CERCLAGE SUTURE
61576	SKULL BASE/BRAINSTEM SURGERY
61580	CRANIOFACIAL APPROACH, SKULL
61581	CRANIOFACIAL APPROACH, SKULL
61582	CRANIOFACIAL APPROACH, SKULL
61583	CRANIOFACIAL APPROACH, SKULL
61584	ORBITOCRANIAL APPROACH/SKULL
61585	ORBITOCRANIAL APPROACH/SKULL
61586	RESECT NASOPHARYNX, SKULL
61590	INFRATEMPORAL APPROACH/SKULL
61591	INFRATEMPORAL APPROACH/SKULL
61592	ORBITOCRANIAL APPROACH/SKULL
61595	TRANSTEMPORAL APPROACH/SKULL

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Codes For Which We Received PEAC Recommendations On Practice Expense Direct Cost Inputs

CPT Code	Short Descriptors	CPT Code	Short Descriptors
61596	TRANSCOCHLEAR APPROACH/SKULL	69610	REPAIR OF EARDRUM
61597	TRANSCONDYLAR APPROACH/SKULL	76000	FLUOROSCOPE EXAMINATION
61598	TRANSPETROSAL APPROACH/SKULL	76005	FLUOROGUIDE FOR SPINE INJECT
61600	RESECT/EXCISE CRANIAL LESION	76511	ECHO EXAM OF EYE
61601	RESECT/EXCISE CRANIAL LESION	76512	ECHO EXAM OF EYE
61605	RESECT/EXCISE CRANIAL LESION	76513	ECHO EXAM OF EYE, WATER BATH
61606	RESECT/EXCISE CRANIAL LESION	76516	ECHO EXAM OF EYE
61607	RESECT/EXCISE CRANIAL LESION	76519	ECHO EXAM OF EYE
61608	RESECT/EXCISE CRANIAL LESION	76529	ECHO EXAM OF EYE
61613	REMOVE ANEURYSM, SINUS	77280	SET RADIATION THERAPY FIELD
61615	RESECT/EXCISE LESION, SKULL	77285	SET RADIATION THERAPY FIELD
61616	RESECT/EXCISE LESION, SKULL	77290	SET RADIATION THERAPY FIELD
62263	LYSIS EPIDURAL ADHESIONS	77300	RADIATION THERAPY DOSE PLAN
62268	DRAIN SPINAL CORD CYST	77305	RADIATION THERAPY DOSE PLAN
62269	NEEDLE BIOPSY, SPINAL CORD	77310	RADIATION THERAPY DOSE PLAN
63610	STIMULATION OF SPINAL CORD	77315	RADIATION THERAPY DOSE PLAN
64550	APPLY NEUROSTIMULATOR	77321	RADIATION THERAPY PORT PLAN
64553	IMPLANT NEUROELECTRODES	77331	SPECIAL RADIATION DOSIMETRY
64555	IMPLANT NEUROELECTRODES	77332	RADIATION TREATMENT AID(S)
64560	IMPLANT NEUROELECTRODES	77333	RADIATION TREATMENT AID(S)
64561	IMPLANT NEUROELECTRODES	77334	RADIATION TREATMENT AID(S)
64565	IMPLANT NEUROELECTRODES	77336	RADIATION PHYSICS CONSULT
64585	REVISE/REMOVE NEUROELECTRODE	77370	RADIATION PHYSICS CONSULT
64590	IMPLANT NEURORECEIVER	77401	RADIATION TREATMENT DELIVERY
64595	REVISE/REMOVE NEURORECEIVER	77402	RADIATION TREATMENT DELIVERY
64795	BIOPSY OF NERVE	77403	RADIATION TREATMENT DELIVERY
67208	TREATMENT OF RETINAL LESION	77404	RADIATION TREATMENT DELIVERY
67210	TREATMENT OF RETINAL LESION	77406	RADIATION TREATMENT DELIVERY
67220	TREATMENT OF CHOROID LESION	77407	RADIATION TREATMENT DELIVERY
67227	TREATMENT OF RETINAL LESION	77408	RADIATION TREATMENT DELIVERY
67228	TREATMENT OF RETINAL LESION	77409	RADIATION TREATMENT DELIVERY
69000	DRAIN EXTERNAL EAR LESION	77411	RADIATION TREATMENT DELIVERY
69005	DRAIN EXTERNAL EAR LESION	77412	RADIATION TREATMENT DELIVERY
69020	DRAIN OUTER EAR CANAL LESION	77413	RADIATION TREATMENT DELIVERY
69105	BIOPSY OF EXTERNAL EAR CANAL	77414	RADIATION TREATMENT DELIVERY
69105	BIOPSY OF EXTERNAL EAR CANAL	77416	RADIATION TREATMENT DELIVERY
69200	CLEAR OUTER EAR CANAL	77417	RADIOLOGY PORT FILM(S)
69205	CLEAR OUTER EAR CANAL	86580	TB INTRADERMAL TEST
69220	CLEAN OUT MASTOID CAVITY	90901	BIOFEEDBACK TRAIN, ANY METH
69222	CLEAN OUT MASTOID CAVITY	90911	BIOFEEDBACK PERI/URO/RECTAL
69400	INFLATE MIDDLE EAR CANAL	92020	SPECIAL EYE EVALUATION
69401	INFLATE MIDDLE EAR CANAL	92100	SERIAL TONOMETRY EXAM(S)
69405	CATHETERIZE MIDDLE EAR CANAL	92120	TONOGRAPHY & EYE EVALUATION
69410	INSET MIDDLE EAR (BAFFLE)	92130	WATER PROVOCATION TONOGRAPHY
69420	INCISION OF EARDRUM	92135	OPTHALMIC DX IMAGING
69421	INCISION OF EARDRUM	92140	GLAUCOMA PROVOCATIVE TESTS
69424	REMOVE VENTILATING TUBE	92286	INTERNAL EYE PHOTOGRAPHY
69433	CREATE EARDRUM OPENING	92502	EAR AND THROAT EXAMINATION
69436	CREATE EARDRUM OPENING	92506	SPEECH/HEARING EVALUATION
69540	REMOVE EAR LESION	92507	SPEECH/HEARING THERAPY

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Addendum C

Codes For Which We Received PEAC Recommendations On Practice Expense Direct Cost Inputs

CPT Code	Short Descriptors
92508	SPEECH/HEARING THERAPY
92511	NASOPHARYNGOSCOPY
92526	ORAL FUNCTION THERAPY
92561	BEKESY AUDIOMETRY, DIAGNOSIS
92562	LOUDNESS BALANCE TEST
92563	TONE DECAY HEARING TEST
92564	SISI HEARING TEST
92960	CARDIOVERSION ELECTRIC, EXT
92961	CARDIOVERSION, ELECTRIC, INT
93600	BUNDLE OF HIS RECORDING
93602	INTRA-ATRIAL RECORDING
93603	RIGHT VENTRICULAR RECORDING
93610	INTRA-ATRIAL PACING
93612	INTRAVENTRICULAR PACING
93615	ESOPHAGEAL RECORDING
93616	ESOPHAGEAL RECORDING
93618	HEART RHYTHM PACING
93619	ELECTROPHYSIOLOGY EVALUATION
93620	ELECTROPHYSIOLOGY EVALUATION
93621	ELECTROPHYSIOLOGY EVALUATION
93622	ELECTROPHYSIOLOGY EVALUATION
93623	STIMULATION, PACING HEART
93624	ELECTROPHYSIOLOGIC STUDY
93631	HEART PACING, MAPPING
93640	EVALUATION HEART DEVICE
93641	ELECTROPHYSIOLOGY EVALUATION
93642	ELECTROPHYSIOLOGY EVALUATION
93650	ABLATE HEART DYSRHYTHM FOCUS
93651	ABLATE HEART DYSRHYTHM FOCUS
93652	ABLATE HEART DYSRHYTHM FOCUS
94240	RESIDUAL LUNG CAPACITY
94260	THORACIC GAS VOLUME
94360	MEASURE AIRFLOW RESISTANCE
94375	RESPIRATORY FLOW VOLUME LOOP
94640	AIRWAY INHALATION TREATMENT
94656	INITIAL VENTILATOR MGMT
94657	CONTINUED VENTILATOR MGMT
94664	AEROSOL OR VAPOR INHALATIONS
94720	MONOXIDE DIFFUSING CAPACITY
94760	MEASURE BLOOD OXYGEN LEVEL
94761	MEASURE BLOOD OXYGEN LEVEL
95004	ALLERGY SKIN TESTS
95010	SENSITIVITY SKIN TESTS
95015	SENSITIVITY SKIN TESTS
95024	ALLERGY SKIN TESTS
95027	SKIN END POINT TITRATION
95028	ALLERGY SKIN TESTS
95044	ALLERGY PATCH TESTS
95115	IMMUNOTHERAPY, ONE INJECTION
95117	IMMUNOTHERAPY INJECTIONS
95144	ANTIGEN THERAPY SERVICES
95145	ANTIGEN THERAPY SERVICES
95146	ANTIGEN THERAPY SERVICES
95147	ANTIGEN THERAPY SERVICES
95148	ANTIGEN THERAPY SERVICES
95149	ANTIGEN THERAPY SERVICES
95165	ANTIGEN THERAPY SERVICES
95170	ANTIGEN THERAPY SERVICES
95831	LIMB MUSCLE TESTING, MANUAL
95832	HAND MUSCLE TESTING, MANUAL
95833	BODY MUSCLE TESTING, MANUAL
95834	BODY MUSCLE TESTING, MANUAL
95851	RANGE OF MOTION MEASUREMENTS
95852	RANGE OF MOTION MEASUREMENTS
97150	GROUP THERAPEUTIC PROCEDURES
98925	OSTEOPATHIC MANIPULATION
98926	OSTEOPATHIC MANIPULATION
98927	OSTEOPATHIC MANIPULATION
98928	OSTEOPATHIC MANIPULATION
98929	OSTEOPATHIC MANIPULATION
99204	OFFICE/OUTPATIENT VISIT, NEW
99211	OFFICE/OUTPATIENT VISIT, EST
99212	OFFICE/OUTPATIENT VISIT, EST
99214	OFFICE/OUTPATIENT VISIT, EST
99215	OFFICE/OUTPATIENT VISIT, EST
99217	OBSERVATION CARE DISCHARGE
99218	OBSERVATION CARE
99219	OBSERVATION CARE
99220	OBSERVATION CARE
99221	INITIAL HOSPITAL CARE
99222	INITIAL HOSPITAL CARE
99223	INITIAL HOSPITAL CARE
99231	SUBSEQUENT HOSPITAL CARE
99232	SUBSEQUENT HOSPITAL CARE
99233	SUBSEQUENT HOSPITAL CARE
99234	OBSERV/HOSP SAME DATE
99235	OBSERV/HOSP SAME DATE
99236	OBSERV/HOSP SAME DATE
99238	HOSPITAL DISCHARGE DAY
99239	HOSPITAL DISCHARGE DAY
99241	OFFICE CONSULTATION
99242	OFFICE CONSULTATION
99243	OFFICE CONSULTATION
99244	OFFICE CONSULTATION
99245	OFFICE CONSULTATION
99251	INITIAL INPATIENT CONSULT
99252	INITIAL INPATIENT CONSULT
99253	INITIAL INPATIENT CONSULT
99254	INITIAL INPATIENT CONSULT
99255	INITIAL INPATIENT CONSULT

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Addendum C

Codes For Which We Received PEAC Recommendations On Practice Expense Direct Cost Inputs

CPT Code	Short Descriptors
99261	FOLLOW-UP INPATIENT CONSULT
99262	FOLLOW-UP INPATIENT CONSULT
99263	FOLLOW-UP INPATIENT CONSULT
99271	CONFIRMATORY CONSULTATION
99272	CONFIRMATORY CONSULTATION
99273	CONFIRMATORY CONSULTATION
99274	CONFIRMATORY CONSULTATION
99275	CONFIRMATORY CONSULTATION
99281	EMERGENCY DEPT VISIT
99282	EMERGENCY DEPT VISIT
99283	EMERGENCY DEPT VISIT
99284	EMERGENCY DEPT VISIT
99285	EMERGENCY DEPT VISIT
99288	DIRECT ADVANCED LIFE SUPPORT
99289	PED CRIT CARE TRANSPORT
99290	PED CRIT CARE TRANSPORT ADDL
99291	CRITICAL CARE, FIRST HOUR
99292	CRITICAL CARE, ADDL 30 MIN
99293	PED CRITICAL CARE, INITIAL
99294	PED CRITICAL CARE, SUBSEQ
99295	NEONATE CRIT CARE, INITIAL
99296	NEONATE CRIT CARE SUBSEQ
99298	IC FOR LBW INFANT < 1500 GM
99299	IC, LBW INFANT 1500-2500 GM
99301	NURSING FACILITY CARE
99302	NURSING FACILITY CARE
99303	NURSING FACILITY CARE
99311	NURSING FAC CARE, SUBSEQ
99312	NURSING FAC CARE, SUBSEQ
99313	NURSING FAC CARE, SUBSEQ
99315	NURSING FAC DISCHARGE DAY
99316	NURSING FAC DISCHARGE DAY
99321	REST HOME VISIT, NEW PATIENT
99322	REST HOME VISIT, NEW PATIENT
99323	REST HOME VISIT, NEW PATIENT
99331	REST HOME VISIT, EST PAT
99332	REST HOME VISIT, EST PAT
99333	REST HOME VISIT, EST PAT
99341	HOME VISIT, NEW PATIENT
99342	HOME VISIT, NEW PATIENT
99343	HOME VISIT, NEW PATIENT
99344	HOME VISIT, NEW PATIENT
99345	HOME VISIT, NEW PATIENT
99347	HOME VISIT, EST PATIENT
99348	HOME VISIT, EST PATIENT
99349	HOME VISIT, EST PATIENT
99350	HOME VISIT, EST PATIENT
99354	PROLONGED SERVICES, OFFICE
99355	PROLONGED SERVICES, OFFICE
99356	PROLONGED SERVICE, INPATIENT
99357	PROLONGED SERVICE, INPATIENT
99358	PROLONG SERV, W/O CONTACT
99359	PROLONG SERV, W/O CONTACT
99360	PHYSICIAN STANDBY SERVICES
99361	PHYSICIAN/TEAM CONFERENCE
99362	PHYSICIAN/TEAM CONFERENCE
99371	PHYSICIAN PHONE CONSULTATION
99372	PHYSICIAN PHONE CONSULTATION
99373	PHYSICIAN PHONE CONSULTATION
99374	HOME HEALTH CARE SUPERVISION
99375	HOME HEALTH CARE SUPERVISION
99377	HOSPICE CARE SUPERVISION
99378	HOSPICE CARE SUPERVISION
99379	NURSING FAC CARE SUPERVISION
99380	NURSING FAC CARE SUPERVISION
99381	PREV VISIT, NEW, INFANT
99382	PREV VISIT, NEW, AGE 1-4
99383	PREV, VISIT, NEW, AGE 5-11
99384	PREV VISIT, NEW, AGE 12-17
99385	PREV VISIT, NEW, AGE 18-39
99386	PREV VISIT, NEW, AGE 40-64
99387	PREV VISIT, NEW, 65 & OVER
99391	PREV VISIT, EST, INFANT
99392	PREV VISIT, EST, AGE 1-4
99393	PREV VISIT, EST, AGE 5-11
99394	PREV VISIT, EST, AGE 12-17
99395	PREV VISIT, EST, AGE 18-39
99396	PREV VISIT, EST, AGE 40-64
99397	PREV VISIT, EST, 65 & OVER
99401	PREVENTIVE COUNSELING, INDIV
99402	PREVENTIVE COUNSELING, INDIV
99403	PREVENTIVE COUNSELING, INDIV
99404	PREVENTIVE COUNSELING, INDIV
99411	PREVENTIVE COUNSELING, GROUP
99412	PREVENTIVE COUNSELING, GROUP
99420	HEALTH RISK ASSESSMENT TEST
99431	INITIAL CARE, NORMAL NEWBORN
99432	NEWBORN CARE, NOT IN HOSP
99433	NORMAL NEWBORN CARE/HOSPITAL
99435	NEWBORN DISCHARGE DAY HOSP
99436	ATTENDANCE, BIRTH
99440	NEWBORN RESUSCITATION
99450	LIFE/DISABILITY EVALUATION
99455	DISABILITY EXAMINATION
99456	DISABILITY EXAMINATION

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ADDENDUM D: Proposed Changes to Practice Expense Supply Description and Pricing

2003 Practice Expense Supply Details				2004 Practice Expense Supply Details (Proposed)			
Supply Code	Description	Unit Price*	Unit*	Description**	Unit Price*	Unit*	Supply Item Category
71014	18 gauge filter needle	1.000	needle	needle, 18-19g, filter	0.370	item	Hypodermic, IV
91116	4 way stop cock	2.050	stopcock	stop cock, 4-way	1.621	item	Hypodermic, IV
91420	6 cc syringe	0.110	syringe	syringe 5-6ml	0.150	item	Hypodermic, IV
	abdominal body dressing	0.650	item	dressing, 5inx9in (ABD-Combine)	0.273	item	Wound Care, Dressings
	ace bandage, 2"	0.644	each	bandage, elastic wrap 2in (Ace)	0.644	item	Wound Care, Dressings
	ace bandage, 3"	0.859	each	bandage, elastic wrap 3in (Ace)	0.859	item	Wound Care, Dressings
31515	ace bandage, 4"	2.430	item	bandage, elastic wrap 4in (Ace)	1.179	item	Wound Care, Dressings
31503	ace wrap, 6 in.	3.320	item	bandage, elastic wrap 6in (Ace)	1.539	item	Wound Care, Dressings
53001	acetic acid	0.370	ounce	acetic acid 5%	0.012	ml	Pharmacy, Rx
53002	acetone	0.620	ounce	acetone	0.014	ml	Lab
	acetylcholine 10%	0.400	gram	acetylcholine (for patient use)	0.400	gm	Pharmacy, Rx
	activity/craft kit	2.250	item	kit, activity-crafts	2.250	kit	Kit, Pack, Tray
	adaptic	0.550	each	dressing, 3inx3in (Adaptic)	0.516	item	Wound Care, Dressings
	adaptic dressing, 5x9	1.750	item	dressing, 5inx9in (Adaptic)	2.318	item	Wound Care, Dressings
	adhesive disks	0.117	each	electrode adhesive disk	0.080	item	Accessory, Diagnostics
	Adhesive foam 1/8"	0.104	inches	adhesive foam	0.122	inch	Wound Care, Dressings
	adhesive remover	2.100	each	adhesive remover, liquid (Detachol) (0.67ml uou)	2.344	item	Wound Care, Dressings
	adrenolin, topical	0.682	ml	adrenalin topical	0.970	ml	Pharmacy, Rx
	adult sensor cannula	6.000	each	sensor, airflow cannula (adult)	3.000	item	Accessory, Diagnostics
	AEC buffer	0.400	ml	AEC buffer	0.653	ml	Lab
	AEC chromogen	16.333	ml	AEC chromogen	18.667	ml	Lab
	aerochamber		item	aerochamber		item	Pharmacy, NonRx
	afrin	1.950	item	oxymetazoline nasal spray (Afrin) (15ml uou)	1.830	item	Pharmacy, NonRx
	air	0.143	cu ft	gas, oxygen	0.003	liter	Lab
	albuterol		ampule	(item deleted)		item	Pharmacy, NonRx
53003	alcohol	0.080	ounce	alcohol isopropyl 70%	0.002	ml	Pharmacy, NonRx
	alcohol	1.000	bottle	cytology, transport prefilled container	0.612	item	Lab
75144	alcohol (reagent)	1.400	block	alcohol reagent solvent	0.011	ml	Lab
31121	alginate impression material	7.736	lb	impression material, alginate (dental)	7.500	lb	Lab

	allergen	6.050	item	antigen, multi (pollen, mite, mold, cat)	6.700	ml	Pharmacy, Rx
75012	aluminum mounts	0.290	item	aluminum mounts	0.920	item	Accessory, Equipment
92026	amniocentesis kit	17.990	item	tray, amniocentesis	19.423	tray	Kit, Pack, Tray
93128	Amplatz dialator	167.000	item	dilator, Amplatz	24.000	item	Accessory, Procedure
75013	amyl acetate	0.020	g	amyl acetate	0.055	ml	Lab
	Anatomical stamps	19.650	set	anatomical drawings (for treatment recording)	1.750	item	Accessory, Diagnostics
	angiocatheter 18g		item	angiocatheter 14g-24g	1.505	item	Hypodermic, IV
91106	angiocatheter 20 to 25g	1.860	item	angiocatheter 14g-24g	1.505	item	Hypodermic, IV
93813	Angiographic vessel dilator	4.000	item	dilator, vessel, angiographic	6.500	item	Hypodermic, IV
11501	anoscope, disposable	1.060	item	anoscope	0.923	item	Accessory, Procedure
	anthralin ointment	2.750	g	anthralin ointment	2.750	gm	Pharmacy, NonRx
75140	antibodies - detection	30.900	slide	antibodies - detection	30.900	slide	Lab
	antibody (anti-IgG)	2.300	test	antibody IgG1 FITC anti-human (each test)	2.300	item	Lab
	antibody (C3)	6.110	test	antibody C3	52.050	ml	Lab
	antibody (Cell Marque)	31.500	ml	antibody HMB-45	26.600	ml	Lab
	antibody (IgG)	9.280	test	antibody IgG FITC	62.200	ml	Lab
	antibody (IgM)	9.440	test	antibody IgM FITC	62.200	ml	Lab
	antibody(IgA)	9.280	test	antibody IgA FITC	71.400	ml	Lab
53005	antigen, Dust Mite	4.000	ml	antigen, mite	4.100	ml	Pharmacy, Rx
	antigen, venom	5.068	ml	antigen, venom	5.180	ml	Pharmacy, Rx
	antiseptic towelette	0.046	item	sanitizing cloth-wipe (surface, instruments, equipment)	0.046	item	Infection Control
72006'	aphasia assessment - forms average	0.950	item	aphasia assessment forms, average	0.950	item	Booklets / Forms
	apple sauce	0.050	oz	apple sauce	0.052	oz	Office, Grocery
71001	aquasonic gel	0.027	ml	ultrasound transmission gel	0.013	ml	Accessory, Diagnostics
32023	archbars, malleable	6.500	foot	arch bar	0.660	inch	Cutters, Closures, Cautery
75014	argon gas	0.200	dose	gas, argon	0.168	ft3	Lab
	arm board	0.770	each	arm board	0.598	item	Hypodermic, IV
	arthrogram tray	110.000	item	tray, arthrogram	18.830	tray	Kit, Pack, Tray
93607	ascepto bulb syringe	0.960	item	bulb syringe (Asepto)	0.990	item	Pharmacy, NonRx
	assessment and monitoring instruments (50% use)	0.130	set	assessment-monitoring instruments (50% use)	0.065	item	Booklets / Forms
	assessment/monitoring instruments	0.130	session	assessment monitoring instruments	0.130	item	Booklets / Forms

73413	audio casette tape	1.000	item	audio cassette tape 60 min	0.760	item	Office, Grocery
14009	autoclave tape 1" x 1 yd	0.080	yard	autoclave tape	0.092	yd	Infection Control
75002	Avaldite 502	0.024	g	Araldite 502	0.030	gm	Lab
	bacitracin powder-mosby's genRX		item	bacitracin powder (Altracin)	3.846	gm	Pharmacy, Rx
	bacitracin unit dose pack, .9g	1.600	item	bacitracin oint (0.9gm uou)	0.091	item	Pharmacy, NonRx
52101	bacitracin, pack, 0.5 oz, .	4.000	item	bacitracin oint (15gm uou)	1.417	item	Pharmacy, NonRx
	background block	0.245	ml	background block	0.245	ml	Lab
	bacteriostatic saline 0.9%	0.009	ml	sodium chloride 0.9% inj bacteriostatic (30ml uou)	0.700	item	Pharmacy, Rx
93601	bag and wafer, colostomy	4.390	item	stoma pouch and wafer	8.000	item	Pharmacy, NonRx
14006	bag, sterilizing	0.130	item	autoclave bag	0.070	item	Infection Control
93121	balloon dilator	171.300	item	catheter, balloon, ureteral-GI (strictures)	166.000	item	Accessory, Procedure
	balloon, achalasia	255.000	item	balloon, achalasia	255.000	item	Accessory, Procedure
31502	band aid, 3/4" x 3"	0.047	item	bandage, strip 0.75in x 3in	0.043	item	Wound Care, Dressings
	bands, rubber, sterile	0.350	pack	rubber bands, sterile for ligation	0.145	item	Cutters, Closures, Cautery
	barium	17.640	tube	barium paste	1.815	oz	Pharmacy, Rx
	barium	70.000	item	barium sulfate, sterile (Biotrace) (6gm uou)	72.500	item	Pharmacy, Rx
73603	barium enema kit w/insuflator	17.200	item	kit, barium with insufflator	32.985	kit	Kit, Pack, Tray
73601	barium paste contrast	2.180	dose	barium paste	1.815	oz	Pharmacy, Rx
	base mold release agent	0.045	ml	mold release agent, liquid	0.062	ml	Lab
	basic injection package	11.730	package	pack, basic injection	11.670	pack	Kit, Pack, Tray
	battery	1.000	item	battery, AAA	0.485	item	Office, Grocery
	battery, 9 volt	3.095	each	battery, 9 volt	1.794	item	Office, Grocery
93108	beaker	1.700	item	beaker, 250 ml	0.854	item	Lab
	benzoine	0.972	cc	tincture of benzoin, liquid	0.077	ml	Pharmacy, NonRx
52301	Betadine	0.007	ml	povidone soln (Betadine)	0.008	ml	Pharmacy, NonRx
	betadine scrub solution	0.007	ml	povidone surgical scrub (Betadine)	0.009	ml	Pharmacy, NonRx
52305	betadine swab, 3 pack	0.440	item	povidone swabsticks (3 pack uou)	0.409	item	Pharmacy, NonRx
	biohazard canister	4.580	item	biohazard incinerator carton	4.667	item	Infection Control
	biohazard pipette container, set of 10	1.580	item	biohazard pipette container	1.886	item	Infection Control
	biohazard transport bag	0.035	item	biohazard bag	0.062	item	Infection Control
31712	biopsy cautery	7.250	item	cautery, monopolar, blade, extended shaft	3.063	item	Cutters, Closures, Cautery
	biopsy forceps		item	endoscopic biopsy forceps	50.600	item	Accessory, Procedure
	biopsy tray (pre-set)	131.000	item	tray, biopsy procedure	14.650	tray	Kit, Pack, Tray
	biotinylated link	3.980	ml	biotinylated link (mouse, rabbit)	1.995	ml	Lab

	bipolar cord dis	4.733	item	cautery, bipolar cord	4.733	item	Cutters, Closures, Cautery
11516	bipolar hand piece	89.000	hand pied	cautery, bipolar, pencil-handpiece	26.000	item	Cutters, Closures, Cautery
11512	bite block	1.500	item	bite block	1.500	item	Accessory, Procedure
	blade sharpening sheet	1.340	sheet	blade sharpening sheet	1.324	item	Cutters, Closures, Cautery
	blade, beaver	5.650	item	blade, surgical 64,65,67 (Beaver)	2.337	item	Cutters, Closures, Cautery
	blade, beaver chisel	2.650	item	blade, surgical chisel 81-86 (Beaver)	3.301	item	Cutters, Closures, Cautery
	blade, endoscopy	49.500	item	endoscopic blade, surgical	40.000	item	Cutters, Closures, Cautery
	blade, power saw	9.900	item	blade, surgical, sterile, power saw	9.900	item	Cutters, Closures, Cautery
	blade, sterile (bard-parker)	0.620	item	blade, surgical (Bard-Parker)	0.535	item	Cutters, Closures, Cautery
	blades, sterile	0.620	item	blade, surgical (Bard-Parker)	0.535	item	Cutters, Closures, Cautery
52312	bleach	4.000	gal	bleach (pathology)	0.001	ml	Lab
	blenderm tape	0.425	yard	tape, surgical occlusive 1in (Blenderm)	0.007	inch	Wound Care, Dressings
20040	blood collection bag	9.000	each	blood collection bag	5.150	item	Hypodermic, IV
	blood dress package		item	pack, gowning for bloody procedures		item	Kit, Pack, Tray
91101	blood filter	6.810	item	blood filter (filter iv set)	7.514	item	Hypodermic, IV
	blood gas kit	2.080	item	kit, arterial blood gas (ABG)	1.875	item	Hypodermic, IV
91104	blood infusion set	8.360	item	iv blood administration set	5.230	item	Hypodermic, IV
	blunted needle	0.480	item	needle, blunt tip	0.330	item	Hypodermic, IV
	Bolus material	55.000	each	bolus material (Superflab)	55.000	item	Lab
	bonder, orthotic	0.680	oz	adhesive bonder, orthotic	0.375	oz	Wound Care, Dressings
92001	bone marrow aspirate tray	31.120	item	tray, bone marrow biopsy-aspiration	24.271	tray	Kit, Pack, Tray
	bovie spatula	27.250	item	cautery, monopolar, electrode, spatula	40.000	item	Cutters, Closures, Cautery
	breast marker clip with introducer	75.000	item	clip, tissue marker (Ultraclip)	75.000	item	Pharmacy, Rx
11132	Breast Net	3.620	net	bandage, tubular, x-large (Surgilast)	1.606	yd	Wound Care, Dressings
11502	breathing piece	1.490	item	mouthpiece, respiratory	0.217	item	Accessory, Diagnostics
	broach kit		item	(item deleted)		kit	Accessory, Procedure
	bronchoscopic biopsy forceps	60.000	each	endoscopic biopsy forceps	50.600	item	Accessory, Procedure
	bronchoscopic brush	10.000	each	endoscopic cytology brush	10.750	item	Accessory, Procedure
	brush, ureteral	116.000	item	brush, ureteral	47.500	item	Accessory, Procedure
	brushes		item	cleaning brush, instruments	1.950	item	Infection Control
75068	buffer (bis Tris)	0.350	g	Good's buffer (Bis-Tris)	0.566	gm	Lab

	buffer (Zeus)	3.100	packet	phosphate buffered saline packet (Zeus)	2.090	item	Lab
	buffer (Zeus)	3.115	packet	phosphate buffered saline packet (Zeus)	2.090	item	Lab
	bugbee	266.000	item	electrode, Bugbee	115.000	item	Accessory, Diagnostics
	Bupivacaine, 0.5%	0.423	ml	bupivacaine 0.5% inj (Marcaine)	0.100	ml	Pharmacy, Rx
51510	bupivicaine .25%	0.423	ml	bupivacaine 0.25% inj (Marcaine)	0.254	ml	Pharmacy, Rx
51520	bupivicaine .25%	0.423	ml	bupivacaine 0.25% inj (Marcaine)	0.254	ml	Pharmacy, Rx
	bupivicaine .25%	0.423	ml	bupivacaine 0.25% inj (Marcaine)	0.254	ml	Pharmacy, Rx
91122	buretol	20.000	set	iv buretrol solution set	12.948	item	Hypodermic, IV
	burr, surgical	40.000	item	endoscopic burr, surgical	40.000	item	Cutters, Closures, Cautery
	cable for EMG needle electrode	1.200	item	(item deleted)		item	Accessory, Equipment
	calibration beads (Beckton Dickinson #349502)	7.400	tests	calibration beads (each test)	9.620	item	Lab
	Cannula, SMK-C10 RF		item	cannula (radiofrequency denervation) (SMK-C10)	25.000	item	Accessory, Procedure
	capillary blood tube		item	blood collection capillary tube	0.029	item	Hypodermic, IV
75077	carbon planchets	0.600	piece	carbon planchet	0.680	item	Lab
75087	carbon rods	3.167	rod	carbon rod	3.000	item	Lab
	card stock paper	0.020	each	paper, card stock (8.5 x 11)	0.035	item	Office, Grocery
	card stock paper	0.020	item	paper, card stock (8.5 x 11)	0.035	item	Office, Grocery
	cardioversion pads (R-2)			pad, cardioversion R2 (2 pack)	29.750	item	Accessory, Equipment
	cassette cleaner		oz	cleaner, x-ray cassette-screen	0.891	oz	Infection Control
32018	cast cutter blade	8.450	item	cast, cutter blade	9.340	item	Wound Care, Dressings
32012	cast padding, 4"	1.740	item	cast, padding 4in x 4yd (Webril)	1.583	item	Wound Care, Dressings
32011	cast shoe	4.750	item	cast, shoe	4.750	item	Wound Care, Dressings
	catheter adaptor	1.540	item	catheter adapter	2.300	item	Accessory, Procedure
20031	catheter guide		item	catheter guide	34.000	item	Accessory, Procedure
93102	Catheter Insertion Kit	15.890	item	tray, catheter insertion (w-o catheter)	4.136	tray	Kit, Pack, Tray
	catheter kit	0.000	item	tray, catheter insertion (w-o catheter)	4.136	tray	Kit, Pack, Tray
	catheter plug	2.300	each	catheter plug	1.435	item	Accessory, Procedure
	catheter tip adaptor	0.790	item	catheter tip adapter	0.998	item	Accessory, Procedure
	catheter tray	3.590	each	tray, catheter insertion (w-o catheter)	4.136	tray	Kit, Pack, Tray
	catheter, council tip	12.060	item	catheter, council tip	5.890	item	Accessory, Procedure
	catheter, pressure measurement	28.000	item	catheter, pressure, urodynamic	13.733	item	Accessory, Procedure

	catheter, racz	185.000	item	catheter, Racz (Tun-L-Kath)	62.275	item	Accessory, Procedure
	catheter, rectal pressure	4.960	item	catheter, balloon, rectal pressure	20.625	item	Accessory, Procedure
	catheter, red rubber	0.790	item	catheter, red rubber	0.973	item	Accessory, Procedure
	catheter, stamey	40.250	item	catheter, ureteral, Stamey open-tip	27.000	item	Accessory, Procedure
	catheter, straight	3.000	item	catheter, straight	1.700	item	Accessory, Procedure
93124	catheter, stylet	5.450	item	catheter stylet	6.938	item	Accessory, Procedure
	catheter, treatment	650.000	item	kit, transurethral water-induced thermotherapy (Thermoflex)	650.000	item	Kit, Pack, Tray
	catheter, ureteral, acorn tip	46.670	item	catheter, ureteral, acorn tip	9.550	item	Accessory, Procedure
	catheter, ureteral, open-ended	7.360	item	catheter, ureteral, open-ended	15.000	item	Accessory, Procedure
	cautery pad	3.050	item	cautery, patient ground pad w-cord	3.070	item	Cutters, Closures, Cautery
	cautery, handpiece, cord and tip (disposable)		item	cautery, monopolar, pencil-handpiece	4.638	item	Cutters, Closures, Cautery
	CDC information sheet	0.060	item	CDC information sheet	0.005	item	Booklets / Forms
	Centimeter ruler	2.390	each	(item deleted)		item	Office, Grocery
75001	centrifuge tube	0.060	item	centrifuge tube	0.054	item	Lab
	cephalosporin		gm	(item deleted)		gm	Pharmacy, Rx
	Cerrobend alloy			alloy, low temp fusible (Cerrobend, Indalloy)	4.220	lb	Lab
	cerumen curette	0.921	item	curette for ear cerumen	0.919	item	Cutters, Closures, Cautery
53056	Cetacain spray, 1/2 bottle	12.980	item	Cetacaine spray (56gm size bottle)	0.939	gm	Pharmacy, NonRx
92018	chem strips	0.440	item	test strip, glucose-protein (Chemstrip GP, Uristix)	0.257	item	Lab
91424	Chest or abdominal trocar	24.940	trocar	trocar, surgical	20.000	item	Accessory, Procedure
91426	Chiba needle	6.520	item	needle, Chiba	8.477	item	Hypodermic, IV
52315	chlorhexadine, mouth rinse	0.757	ounce	chlorhexidine 0.12% (Peridex)	0.408	oz	Pharmacy, Rx
75015	chloroform	10.000	liter	chloroform	0.027	ml	Lab
20014	Chordae Villae Sampling Catheter		item	catheter-stylet, chorionic villus sampling	2275.000	item	Accessory, Procedure
20011	Chordae Villae Sampling Kit		item	kit, chorionic villus sampling		item	Kit, Pack, Tray
93123	christmas tree adaptor	1.420	item	Xmas tree adapter nut-nipple	0.990	item	Accessory, Equipment
11102	Chux	0.050	item	underpad 2ftx3ft (Chux)	0.230	item	Gown, Drape
52302	cidex	0.006	ml	glutaraldehyde 3.4% (Cidex, Maxicide, Wavicide)	0.165	oz	Infection Control
	cidex	29.990	gal	glutaraldehyde 3.4% (Cidex, Maxicide, Wavicide)	0.165	oz	Infection Control
73417	Cine Film 35mm 1 Roll	80.650	roll	film, Cine, 35mm (250ft roll uou)	85.350	item	Office, Grocery
	Cipro HC drops		ml	Cipro HC otic soln	10.230	ml	Pharmacy, Rx

92020	cleaning brush	3.750	item	cleaning brush, endoscope	4.992	item	Infection Control
	Cleaning solution	5.680	gallon	disinfectant, surface (Envirocide, Sanizide)	0.169	oz	Infection Control
	cleansing solution, transeptic	4.500	oz	disinfectant spray (Transeptic)	0.028	ml	Infection Control
75116	clearing reagent	0.030	slide	clearing agent (Histo-clear)	0.008	ml	Lab
91119	closed flush system	15.000	item	closed flush system, angiography	11.883	item	Hypodermic, IV
	coal tar solution	0.906	ounce	coal tar soln	0.024	ml	Pharmacy, NonRx
	cobain dressing	1.280	roll	bandage, elastic, self-adherent wrap 1in (Coban)	1.307	item	Wound Care, Dressings
	coban		item	bandage, elastic, self-adherent wrap 1in (Coban)	1.307	item	Wound Care, Dressings
	cocaine, topical		ml	cocaine 4% solution, topical	3.813	ml	Pharmacy, Rx
	cold knife	125.830	item	blade, urethrotome	85.030	item	Cutters, Closures, Cautery
	collagen kit	1383.000	each	collagen, dermal implant (2.5ml uou) (Contigen)	1383.000	item	Pharmacy, Rx
71010	Collodion, 2oz tube	0.790	item	collodion (2oz uou)	2.611	item	Accessory, Diagnostics
91418	color coded cap & vial	0.480	item	color coded cap and vial (for antigen)	0.564	item	Lab
	comedone extractor	3.000	item	comedone extractor	3.000	item	Cutters, Closures, Cautery
	Communication Book/Treatment notebooks		each	Communication Book - Treatment notebooks		item	Booklets / Forms
11514	condom	0.340	item	cover-condom, transducer or ultrasou	0.350	item	Gown, Drape
71002	conductive jelly, 5g	0.080	item	electrode conductive gel	0.016	ml	Accessory, Diagnostics
	connecting tube	2.550	item	iv tubing (extension)	0.530	foot	Hypodermic, IV
	conscious sedation package	21.750	package	pack, conscious sedation	17.311	pack	Kit, Pack, Tray
53069	contact lens solution	3.950	bottle	contact lens soln (12oz uou)	4.190	item	Pharmacy, NonRx
	container, sterile graduated 1000cc	2.300	item	cup-container, sterile, graduated 1000ml	1.140	item	Lab
	Contouring Wire	23.000	spool	wire, contouring (radiation treatment)	20.000	lb	Cutters, Closures, Cautery
93110	contrast (1% methylene blue)	0.042	ml	methylene blue 1% injection	0.650	ml	Pharmacy, Rx
	contrast syringe, 200 cc	10.780	item	syringe, pressure 200ml (radiology)	8.179	item	Hypodermic, IV
	cookie		each	cookie (each)	0.060	item	Office, Grocery
	cooking activity ingredients (mac & cheese)	1.110	unit	kit, cooking activity ingredients (mac-cheese)	1.110	kit	Kit, Pack, Tray
75098	Copper reference standard solution	0.140	ml	copper (ref std soln)	0.104	ml	Lab
11535	cord cover	3.160	item	drape-sleeve, sterile (4in x 8ft)	0.159	item	Gown, Drape

	cortisporine otic		ml	neomycin-polymyxin-hc otic soln (Cortisporin)	2.006	ml	Pharmacy, Rx
52102	cortosporin opthalmic drops	0.895	ml	neomycin-polymyxin-hc otic soln (Cortisporin)	2.006	ml	Pharmacy, Rx
31102	cotton balls	0.006	item	cotton balls, non-sterile	0.004	item	Wound Care, Dressings
31103	cotton tipped applicators	0.016	item	applicator, cotton-tipped, non-sterile 6in	0.007	item	Wound Care, Dressings
	cottonoids		item	cottonoid		item	Wound Care, Dressings
	counter stain	0.300	ml	counterstain (neutral red soln)	0.656	ml	Lab
11522	Coupling Gel	0.017	ml	electrolyte coupling gel	0.016	ml	Accessory, Diagnostics
92002	cover slip	0.160	item	cover slip, glass	0.079	item	Lab
	CPAP mask		each	CPAP mask	25.135	item	Accessory, Diagnostics
	CPAP nasal pillow		each	CPAP nasal pillow		item	Accessory, Diagnostics
	craniotomy post-op incision care kit	8.810	item	pack, post-op incision care, craniotomy	7.300	kit	Kit, Pack, Tray
	cryosurgery probe		item	cover, probe (cryosurgery)	0.750	item	Gown, Drape
92035	culture media	0.015	ml	culture media	0.013	ml	Lab
92032	culture tube	0.730	item	tubed culture media	0.849	item	Lab
92034	culturette	0.740	culturette	culture swab system (Culturette)	0.865	item	Lab
	cup, drinking, plastic	0.060	item	cup, drinking	0.025	item	Office, Grocery
92003	cup, specimen	0.080	item	cup, biopsy-specimen non-sterile 4oz	0.087	item	Lab
92004	cup, urine sterile	0.240	item	cup, biopsy-specimen sterile 4oz	0.173	item	Lab
	curette, 3mm	1.640	item	curette, dermal	1.373	item	Cutters, Closures, Cautery
	curette, 8mm	1.640	item	curette, dermal	1.373	item	Cutters, Closures, Cautery
93118	Cysto tubing, 78"	3.730	item	tubing, irrigation (cysto)	5.077	item	Accessory, Equipment
93111	Cysto-catheter kit	9.040	item	kit, cystoscopy catheter	9.040	item	Kit, Pack, Tray
	cystoconray, 20cc	9.850	each	Conray Inj (iothalamate 43%)	0.087	ml	Pharmacy, Rx
	cystopak (drapes)	14.000	item	pack, drapes, cystoscopy	9.864	item	Kit, Pack, Tray
93112	cystoscopic injection needle	0.050	item	needle, cystoscopic	14.450	item	Hypodermic, IV
75128	cyto lyt	2.100	item	cytology, lysing soln (CytoLyt)	0.034	ml	Lab
92019	cytology brush	0.220	item	cytology, brush	0.200	item	Accessory, Procedure
92019	cytology brush	0.220	item	endoscopic cytology brush	10.750	item	Accessory, Procedure
	date stickers		each	label for files-folders	0.080	item	Office, Grocery
75003	DDSA	0.026	g	DDSA	0.042	gm	Lab
	debridement kit, sharp	11.950	item	kit, sharp debridement	4.114	kit	Kit, Pack, Tray
75147	decalcifier solution	14.500	liter	decalcifier solution	0.017	ml	Lab
	deflecting brush	69.200	each	brush, deflecting	73.500	item	Accessory, Procedure

	defog		ml	endoscope anti-fog solution	1.067	ml	Infection Control
73418	Dental Film	1.430	sheet	film, dental	0.959	item	Office, Grocery
	Dental mold	9.000	quart	impression material, dental putty (per bite block)	2.138	item	Lab
	dental rolls		item	dental rolls	0.025	item	Wound Care, Dressings
31117	dental stone powder	1.738	lb	dental stone powder	1.598	lb	Lab
11116	denture cup	0.170	item	denture cup	0.183	item	Office, Grocery
32003	denver splint (thermoplast cast)	21.400	item	splint, adhesive nasal (Denver)	21.200	item	Wound Care, Dressings
11114	Depends	0.600	item	pad, urinary incontinence (Depends)	0.509	item	Office, Grocery
	depezzar (mushroom cathether)		item	catheter, Pezzar (mushroom)	13.950	item	Accessory, Procedure
	dermatome blade (10 pk)			blade, dermatome	17.400	item	Cutters, Closures, Cautery
	dessicant/absorber	0.070	item	desiccant-absorber	0.158	item	Lab
	Detach all		item	adhesive remover, liquid (Detachol) (0.67ml uou)	2.344	item	Wound Care, Dressings
75122	detection kit	8.500	slide	kit, detection	8.500	slide	Lab
72007	developmental testing - forms average	2.640	item	developmental testing forms, average	2.640	item	Booklets / Forms
53068	dilating drops	0.168	ml	atropine 1% ophth	0.212	ml	Pharmacy, Rx
	dilator, galactography	15.000	item	dilator, ductal, galactography	8.000	item	Accessory, Procedure
75141	diluent	0.100	slide	diluent (Osmocel)	0.003	ml	Lab
	discogram pressure syringe		item	syringe, pressure (radiology)	8.179	item	Hypodermic, IV
	disinfectant (sanizene)	0.230	oz	disinfectant, surface (Envirocide, Sanizide)	0.163	oz	Infection Control
	disinfectant, sanizene	0.234	oz	disinfectant, surface (Envirocide, Sanizide)	0.163	oz	Infection Control
	disinfectant, spray	0.026	oz	disinfectant spray (Transeptic)	0.028	ml	Infection Control
	disinfectant, spray	0.260	oz	disinfectant spray (Transeptic)	0.028	ml	Infection Control
	disinfectant/sanitizing agent	0.118	oz	disinfectant, surface (Envirocide, Sanizide)	0.163	oz	Infection Control
	disk for digital video system		item	computer media, dvd	3.832	item	Office, Grocery
	Disk/cd for video system		item	computer media, dvd	3.832	item	Office, Grocery
71013	disp. EMG electrode needle	2.370	needle	electrode needle, monopolar EMG w-lead	3.030	item	Accessory, Diagnostics
93809	disposable atmoizer tips	0.830	item	atomizer tip shield (RhinoGuard)	0.560	item	Infection Control
	Disposable Electrodes	1.498	pack	electrode, TENS-EMS, 2in x 2in (4 pack uou)	5.277	item	Accessory, Diagnostics

	disposable embedding mold	0.114	item	embedding mold	0.149	item	Lab
	disposable EMG/NCV ground electrode	0.833	item	electrode, ground	0.445	item	Accessory, Diagnostics
31119	disposable endosheath	23.000	item	endosheath	9.500	item	Accessory, Procedure
	disposable hand piece		item	cautery, monopolar, pencil-handpiece	4.638	item	Cutters, Closures, Cautery
	disposable hand piece/Provu cartridge	795.000	item	kit, transurethral needle ablation (TUNA-Precision)	1050.000	kit	Kit, Pack, Tray
75063	disposable lab coat	5.730	coat	lab coat, staff	4.522	item	Gown, Drape
	disposable laser fiber		item	laser tip (single use)	290.000	item	Cutters, Closures, Cautery
	disposable razor blade	1.180	blade	blade, single edge	0.261	item	Cutters, Closures, Cautery
11504	disposable scalpel # 11,15,20 blade	0.490	item	scalpel with blade, surgical (#10-20)	0.694	item	Cutters, Closures, Cautery
	disposable sensors, 4 in set	9.950	item	sensors, bioimpendance (4 pack uou)	9.950	item	Accessory, Diagnostics
	disposable skin temperature sensor	1.000	item	sensor strip, skin temperature	0.975	item	Pharmacy, NonRx
31718	disposable stapler	6.290	item	stapler, surgical	7.509	item	Cutters, Closures, Cautery
	disposable suction curet for Gomco machine			curette, suction, endometrial (Pipelle)	4.121	item	Cutters, Closures, Cautery
31701	disposable suture kit	5.450	item	tray, suturing	8.993	tray	Kit, Pack, Tray
71008	disposable tape measure	0.020	item	measuring tape, paper	0.041	item	Office, Grocery
75050	disposeable microtome blades	1.250	blade	blade, microtome	1.723	item	Cutters, Closures, Cautery
53049	distilled water	0.020	ounce	water, distilled	0.013	oz	Office, Grocery
75004	DMP 30	0.100	g	DMP 30	0.236	gm	Lab
93119	double stent	179.500	item	stent, ureteral double-j	175.000	item	Accessory, Procedure
	dowd balloon	117.500	each	catheter, balloon ureteral (Dowd)	65.000	item	Accessory, Procedure
	drain reservoir		item	reservoir, drain (Jackson-Pratt)	22.000	item	Accessory, Diagnostics
93114	drainage bag	3.050	item	leg or urinary drainage bag	3.079	item	Pharmacy, NonRx
	drape for gun	0.600	item	drape-sleeve, sterile, for handpiece	0.089	item	Gown, Drape
	drape for gun, sterile	0.600	item	drape-sleeve, sterile, for handpiece	0.089	item	Gown, Drape
	drape towel	3.380	pack	drape-towel, sterile OR blue (2 pk uou)	1.657	item	Gown, Drape
11106	drape, sheet	0.260	item	drape, non-sterile, sheet 40in x 60in	0.222	item	Gown, Drape
14002	drape, sterile femoral	13.030	item	drape, sterile, femoral	15.949	item	Gown, Drape
14003	drape, sterile mayo	1.400	item	drape, sterile, for Mayo stand	1.688	item	Gown, Drape
	drape, sterile, 3/4 sheet		item	drape, sterile, three-quarter sheet	3.830	item	Gown, Drape

14007	drape, sterile, fenestrated, 16" x 29"	0.560	item	drape, sterile, fenestrated 16in x 29in	0.557	item	Gown, Drape
	drape, sterile, U		item	drape, sterile, u-shape	11.397	item	Gown, Drape
	drape/cover, sterile, for O.R. light handle		item	drape-cover, sterile, OR light handle	1.059	item	Gown, Drape
	dressing, ABD combine	0.230	item	dressing, 5inx9in (ABD-Combine)	0.273	item	Wound Care, Dressings
	dressing, adaptic, 5"x9"	1.750	item	dressing, 5inx9in (Adaptic)	2.318	item	Wound Care, Dressings
	dressing, transparent, IV 3000	0.500	item	dressing, OpSite IV 3000	0.603	item	Wound Care, Dressings
	dressing, transparent, poly-skin	0.680	item	dressing, 4in x 4.75in (Polyskin)	1.335	item	Wound Care, Dressings
75111	dry ice (10in x 10in)	0.977	lb	dry ice	0.960	lb	Lab
	dry radiographic film (for DRRs)	2.500	sheet	film, dry, radiographic, 8in x 10in	0.980	item	Office, Grocery
	e/m visit package	2.610	package	pack, EM visit	2.984	pack	Kit, Pack, Tray
75086	EA-50 pap stain test	0.010	test	stain, PAP EA-50	0.035	ml	Lab
	Each Additional Allergen	0.195	test	allergen (0.025 ml per test)	4.590	ml	Pharmacy, Rx
	ear plugs	0.200	pair	earplugs	0.165	pair	Pharmacy, NonRx
	earphone covers, disposable	0.130	item	cover, earphone	0.218	item	Gown, Drape
	earphone tips, disposable	0.300	item	ear tip, earphone	0.430	item	Accessory, Diagnostics
	earplugs for MRI	0.200	pair	earplugs	0.165	pair	Pharmacy, NonRx
	eartip insert with sound tube		item	eartip insert with sound tube		item	Accessory, Diagnostics
71006	ECG Electrodes Disposable	0.080	lead	electrode, ECG (single)	0.090	item	Accessory, Diagnostics
73411	Echtochrome film, 36ex	8.500	roll	film, Ektachrome 35mm (per exposure)	0.285	item	Office, Grocery
	edta lavender top tube, 5 ml	0.260	item	blood collection tube, lavender top	0.201	item	Hypodermic, IV
	EEG electrode, gold DIN	0.066	item	(item deleted)		item	Accessory, Diagnostics
73608	Effervesent Sparkles (fizzies) 1 Pkg	1.550	pack	effervescent granules (Sparkles, EZ Gas) (4gm uou)	2.142	item	Pharmacy, Rx
71005	EKG paper	0.080	sheet	paper, recording (per sheet)	0.067	item	Office, Grocery
32025	elastics, 1/24 in	0.050	item	dental elastics	0.008	item	Cutters, Closures, Cautery
	Elastoplast elastic tape	0.029	inches	tape, elastic, 1in (Elastoplast, Elasticon) (5yd uou)	1.741	item	Wound Care, Dressings
32006	elastoplast roll	3.400	item	tape, elastic, 2in (Elastoplast, Elasticon) (5yd uou)	3.422	item	Wound Care, Dressings
93109	Electosurgical applicator (bovie pencil)	5.970	item	cautery, monopolar, pencil-handpiece	4.638	item	Cutters, Closures, Cautery
	electrocautery needle tip, guarded	1.892	item	cautery, monopolar, electrode, needle	1.892	item	Cutters, Closures, Cautery
	electrocautery tip	1.066	item	cautery, monopolar, electrode tip	0.419	item	Cutters, Closures, Cautery
	electrocautery tip	0.410	item	cautery, monopolar, electrode tip	0.419	item	Cutters, Closures, Cautery

	electrode disinfectant	0.046	item	sanitizing cloth-wipe (surface, instruments, equipment)	0.046	item	Infection Control
71011	electrode pads	0.100	pad	electrode, ECG (single)	0.090	item	Accessory, Diagnostics
71012	electrode paste	1.000	ounce	electrode conductive paste (Ten20)	1.072	oz	Accessory, Diagnostics
	electrode, alligator clip	20.000	pair	electrode alligator clip, pair	10.195	pair	Accessory, Diagnostics
	electrode, grid disposable	580.000	item	electrode, grid	475.000	item	Accessory, Diagnostics
	electrode, ground	0.850	item	electrode, ground	0.445	item	Accessory, Diagnostics
	electrode, loop	13.000	item	cautery, monopolar, electrode, loop	12.693	item	Cutters, Closures, Cautery
	electrode, ring	475.000	item	(item deleted)		item	Accessory, Diagnostics
	electrode, sphenoidal with pins	15.830	item	electrode, sphenoidal	15.833	item	Accessory, Diagnostics
	electrode, stimulator bar	0.059	item	electrode, bar-style (single)	0.240	item	Accessory, Diagnostics
	electrode, stimulator bar	29.500	item	electrode, bar-style (single)	0.240	item	Accessory, Diagnostics
	electrode, surface	0.370	item	electrode, surface	0.883	item	Accessory, Diagnostics
	electrode, with medication vesicle	8.000	lead	electrode, iontophoresis	11.992	item	Accessory, Diagnostics
	electrodes, for electrical stimulation	3.175	item	electrode, electrical stimulation	1.312	item	Accessory, Diagnostics
	electrodes, pick-up, black tin, 9mm	0.420	item	(item deleted)		item	Accessory, Equipment
	electrodes, pick-up, red tin, 9mm	0.420	item	(item deleted)		item	Accessory, Equipment
	electrosurgical electrode tip, sterile		item	cautery, monopolar, electrode tip	0.419	item	Cutters, Closures, Cautery
75005	EM photo film	0.580	sheet	film, EM photo (per exposure)	0.836	item	Office, Grocery
75120	embedding medium	0.400	slide	OCT Tissue-Tek	0.060	ml	Lab
75017	embedding capsules	0.040	item	embedding capsules	0.045	item	Lab
75096	Embedding cassettes	0.150	cassette	embedding cassette	0.159	item	Lab
75048	Embedding Paraffin	6.040	kg	embedding paraffin	5.363	kg	Lab
	emery boards	0.100	item	emery board	0.083	item	Office, Grocery
11506	emesis basin	0.170	item	basin, emesis	0.216	item	Pharmacy, NonRx
	EMG needle	15.830	item	electrode needle, injectable (Myoject)	20.000	item	Accessory, Diagnostics
	EMG needle electrode, concentric	9.310	item	electrode needle, concentric EMG w-lead	8.693	item	Accessory, Diagnostics
	EMG paper	0.080	sheet	paper, recording (per sheet)	0.067	item	Office, Grocery
51304	emla topical anesthetic	1.480	g	Emla cream	2.089	gm	Pharmacy, Rx
93812	enteroclysis tube	151.000	item	catheter, enteroclysis	183.010	item	Accessory, Procedure
52309	enzymatic detergent	0.330	ounce	enzymatic detergent	0.229	oz	Infection Control
75124	enzyme reagent	0.400	slide	enzyme reagent (DAB)	0.552	ml	Lab
75054	eosin-y	0.610	g	eosin y	0.801	gm	Lab
93811	epistaxis balloon	39.000	item	epistaxis balloon	43.063	item	Accessory, Procedure
	epoxy embedding (NMA)	0.030	ml	embedding epoxy (NMA)	0.036	ml	Lab

75095	eppendorf pipetter tip (blue)	0.040	pipetter	pipetter tip (blue-yellow)	0.048	item	Lab
75097	eppendorf pipetter tip (yellow)	0.040	pipetter	pipetter tip (blue-yellow)	0.048	item	Lab
51308	erythromycin ointment	5.550	tube	erythromycin ophth oint (3.5gm uou)	2.950	item	Pharmacy, Rx
32027	esmarck bandage 9' x 3"	8.500	item	bandage, Esmarch-Martin, sterile 3in x 9ft	5.645	item	Wound Care, Dressings
93616	esophogeal catheter	36.000	item	catheter, balloon, esophageal (pressure monitoring)	34.250	item	Accessory, Procedure
75011	ethyl alcohol	0.035	ml	alcohol, ethyl, denatured	0.036	ml	Lab
51305	ethyl chloride	3.330	ounce	ethyl chloride spray	4.401	oz	Pharmacy, NonRx
53023	Eucerin cream	0.840	ounce	Eucerin cream	0.954	oz	Pharmacy, NonRx
11111	exam table paper	0.015	foot	paper, exam table	0.014	foot	Gown, Drape
	extender	5.550	item	cautery, electrode extender	7.383	item	Cutters, Closures, Cautery
	extension tubing (18 inch)		item	iv tubing (extension)	0.530	foot	Hypodermic, IV
	External pelvic muscle electrodes	0.900	item	electrode, external pelvic muscle	0.900	item	Accessory, Diagnostics
11310	eye drape	2.040	drape	drape, sterile, fenestrated 16in x 16in (eye)	3.435	item	Gown, Drape
11124	eye shield	0.520	shield	eye shield, non-fox	0.520	item	Wound Care, Dressings
	Fabco 2"	2.280	roll	gauze, self-adherent roll 0.5in to 2in (Fabco, Gauztex) (10yd roll)	1.055	item	Wound Care, Dressings
31534	Fabco Gauzetex 1"	1.050	roll	gauze, self-adherent roll 0.5in to 2in (Fabco, Gauztex) (10yd roll)	1.055	item	Wound Care, Dressings
	Family Education Booklet		item	patient education booklet	1.550	item	Booklets / Forms
32009	fiberglass roll, 4"	18.500	item	casting tape, fiberglass 4in x 4yd	12.454	item	Wound Care, Dressings
	fiducial markers	7.000	item	markers, radiographic, multi-modality	2.000	item	Accessory, Equipment
	fiducial screws, set of 4	558.000	set	fiducial screws (set of 4 uou)	558.000	item	Accessory, Procedure
93106	filiform	6.900	item	filiform	9.190	item	Accessory, Procedure
73416	Film 14 x36	3.610	item	film, x-ray 14inx36in	2.445	item	Office, Grocery
73404	film 8 x10	0.980	item	film, x-ray 8inx10in	0.461	item	Office, Grocery
	film cards	0.830	each	x-ray ID card (flashcard)	0.062	item	Office, Grocery
73423	film developer/ cost per exposure	0.090	item	x-ray developer solution	0.096	oz	Office, Grocery
	film file insert, dated	0.140	item	x-ray envelope	0.153	item	Office, Grocery
	film fixer	0.520	each	x-ray fixer solution	0.087	oz	Office, Grocery
	film marking pencil	1.250	each	x-ray marking pencil	0.938	item	Office, Grocery
73401	film, 10x12	0.800	item	film, x-ray 10inx12in	0.623	item	Office, Grocery
73402	film, 14x17	2.800	sheet	film, x-ray 14inx17in	1.170	item	Office, Grocery
	film, 18x24	0.613	sheet	film, x-ray 18cmx24cm	0.613	item	Office, Grocery

73403	film, 8x10 color	0.850	item	film, 8inx10in (ultrasound, MRI)	0.920	item	Office, Grocery
	film, fluoroscopic	3.510	sheet	film, fluoroscope	3.510	item	Office, Grocery
73405	film, jacket	0.340	item	x-ray envelope	0.153	item	Office, Grocery
73406	film, Polaroid	2.890	exposure	film, instant (Polaroid) (per exposure)	1.825	item	Office, Grocery
	films, 17x11	0.990	each	film, x-ray 14inx17in	1.170	item	Office, Grocery
	filter paper	0.130	item	filter paper, qualitative, <15.0cm	0.125	item	Lab
	filter paper, qualitative, 18.5 cm	0.480	item	filter paper, qualitative, 18.5cm	0.341	item	Lab
	filter, cytology	0.130	item	filter paper, qualitative, <15.0cm	0.125	item	Lab
	filter, large bore, disposable	1.360	item	filter, pulmonary function filter	1.440	item	Accessory, Equipment
	Finn Chambers 100x10 chambers	13.000	item	allergen patch test cell, Finn Chambers (10 cell card)	13.000	item	Accessory, Diagnostics
	Finn Chambers 50x5 chambers	8.600	item	allergen patch test cell, Finn Chambers (5 cell card)	8.600	item	Accessory, Diagnostics
75078	FITC Conjugate monocconal antibody test	3.500	test	antibody FITC monoclonal conjugate (each test)	3.544	item	Lab
75112	fixative	0.027	ml	fixative (for tissue specimen)	0.013	ml	Lab
75119	fixative (Michel's)	6.000	slide	fixative (Michel's)	0.151	ml	Lab
75145	fixative processing	0.070	block	fixative processing (buffered formalin)	0.009	ml	Lab
	fixative, bouin's agent	0.026	ml	fixative (Bouin's fluid)	0.034	ml	Lab
73407	flashcard	0.040	item	x-ray ID card (flashcard)	0.062	item	Office, Grocery
73410	floppy disk	1.090	item	computer media, floppy disk 1.44mb	0.224	item	Office, Grocery
	Flouro drape		item	drape, sterile, c-arm, fluoro	4.504	item	Gown, Drape
	flow sensors	1.510	item	(item deleted)		item	Accessory, Equipment
	fluorescein dye	2.250	item	fluorescein inj (5ml uou)	5.442	item	Pharmacy, Rx
53013	fluorsine strips	0.220	item	fluorescein strips	0.282	item	Pharmacy, Rx
	FNA tray	22.700	item	tray, biopsy procedure	14.650	tray	Kit, Pack, Tray
	fogarty thrombectomy balloon	100.000	item	catheter, thrombectomy-Fogarty	101.750	item	Accessory, Procedure
93101	foley catheter	8.870	item	catheter, Foley	7.820	item	Accessory, Procedure
	formaldehyde neutralizer	0.005	ml	formaldehyde spill control	0.005	ml	Infection Control
92006	formalin, 10cc	0.010	ml	formalin	0.009	ml	Lab
75018	Formvar	0.200	g	Formvar	0.040	gm	Lab
11122	fox shield	0.650	shield	eye shield, fox	0.600	item	Wound Care, Dressings
	gauze sponges		item	gauze, non-sterile 4in x 4in	0.035	item	Wound Care, Dressings
	gauze, 18x18	3.340	item	lap sponge, sterile, 18inx18in (5 pack uou)	2.902	item	Gown, Drape

31506	gauze, 2x2	0.120	item	gauze, non-sterile 2in x 2in	0.013	item	Wound Care, Dressings
31501	gauze, 5x9	0.240	item	dressing, 5inx9in (ABD-Combine)	0.273	item	Wound Care, Dressings
	gauze, iodoform	1.150	yard	packing, gauze w-iodoform 0.25-0.5in (5 yd uou)	4.080	item	Wound Care, Dressings
31521	gauze, nasal packing, 1/2" x 72"	1.780	item	packing, gauze w-petrolatum, 0.5in (6yd uou)	2.027	item	Wound Care, Dressings
31506	gauze, non-sterile 2 x 2	0.120	item	gauze, non-sterile 2in x 2in	0.013	item	Wound Care, Dressings
31518	gauze, non-sterile, 4" x 4"	0.040	item	gauze, non-sterile 4in x 4in	0.035	item	Wound Care, Dressings
31506	gauze, sterile 2 x 2	0.120	item	gauze, sterile 2in x 2in	0.057	item	Wound Care, Dressings
31507	gauze, sterile 3 x 3	0.130	item	gauze, sterile 3in x 3in	0.093	item	Wound Care, Dressings
31508	gauze, sterile 4 x 4 (10 pack)	1.470	pack	gauze, sterile 4in x 4in (10 pack uou)	0.798	item	Wound Care, Dressings
31505	Gauze,Sterile 4 x 4	0.220	item	gauze, sterile 4in x 4in	0.159	item	Wound Care, Dressings
31519	gel foam 2in x 3in	6.030	item	dressing, 12-7mm (Gelfoam)	10.154	item	Wound Care, Dressings
	gentian violet skin skribe marking pen, non ster	1.125	item	skin marking pen, sterile (Skin Skribe)	1.048	item	Office, Grocery
	glass disposal unit, 50 uses	0.250	use	biohazard glass disposal box (per disposed slide)	0.138	item	Infection Control
75072	glass strip 30 per box	3.267	strip	glass strip (each)	3.167	item	Lab
	Glasscock ear dressing		item	dressing, ear (Glasscock)	12.000	item	Wound Care, Dressings
	gloves, cotton	0.580	pair	gloves, cotton	0.975	pair	Gown, Drape
11303	gloves, disp., nitrile or chemo chemical	0.520	pair	gloves, non-sterile, nitrile	0.188	pair	Gown, Drape
11302	gloves, non-sterile	0.120	pair	gloves, non-sterile	0.084	pair	Gown, Drape
14005	gloves, sterile	0.890	pair	gloves, sterile	0.840	pair	Gown, Drape
	glucose sensor	29.950	item	sensor, glucose monitoring (interstitial)	29.500	item	Accessory, Diagnostics
52306	Glutaraldehyde	0.144	ounce	glutaraldehyde 3.4% (Cidex, Maxicide, Wavicide)	0.165	oz	Infection Control
52307	glutaraldehyde test strips	0.790	item	glutaraldehyde test strips (Cidex, Metrex)	1.012	item	Infection Control
75019	gluteraldehyde, 25%	0.170	ml	glutaraldehyde 25%	0.148	ml	Lab
	glycene (3 liter bag)	5.150	item	glycine (3 liter bag uou)	3.956	item	Pharmacy, Rx
53089	Glycopyrolate, .2 mg/ml	0.535	ml	glycopyrrolate inj (2ml uou)	2.097	item	Pharmacy, Rx
	goggles, u/v blocking	2.850	item	goggles, uv-blocking	2.300	item	Pharmacy, NonRx
75020	gold-palladium target	0.590	item	(item deleted)		item	Accessory, Equipment
53064	gonisol	0.913	ml	Goniosol 2.5% ophth	0.580	ml	Pharmacy, Rx
11304	gown, staff, impervious, disposable	1.380	item	gown, staff, impervious	1.186	item	Gown, Drape

	graham crackers	0.660	pack	graham crackers (one packet)	0.697	item	Office, Grocery
	Graph paper	0.650	sheet	paper, graph-plotter	0.631	item	Office, Grocery
75021	grids	0.110	item	grids	0.110	item	Accessory, Equipment
31713	grounding pad	3.300	item	cautery, patient ground pad w-cord	3.070	item	Cutters, Closures, Cautery
	grounding pad	3.300	item	cautery, patient ground pad w-cord	3.070	item	Cutters, Closures, Cautery
93129	guide wire	19.050	item	guidewire	9.998	item	Accessory, Procedure
	guide wire (glide)	35.000	item	guidewire, hydrophilic (Glidewire)	37.000	item	Accessory, Procedure
	hair clipper	5.000	item	blade, surgical hair clipper	5.036	item	Cutters, Closures, Cautery
	hallux implant		item	(item deleted)		item	Accessory, Procedure
	HDR catheters	15.000	each	HDR catheter (ProGuide Needle)	13.250	item	Accessory, Procedure
	HDR stylets	20.000	each	HDR stylet (ProGuide Obturator)	47.700	item	Accessory, Procedure
	headcover for MRI	0.050	item	headcover, MRI	0.050	item	Infection Control
53101	helium gas	5.700	cubic ft	gas, helium	0.250	ft3	Lab
75084	hematoxilyn stain	0.200	ml	stain, hematoxylin	0.044	ml	Lab
	hematoxlin	0.295	ml	hematoxylin reagent	0.320	ml	Lab
91123	HEPA filter	4.390	item	HEPA filter	4.962	item	Accessory, Equipment
53009	Heparin flush	0.990	vial	heparin lock flush soln	1.160	item	Pharmacy, Rx
53008	Heparin lock	0.950	item	heparin lock	0.917	item	Hypodermic, IV
53007	Heparin, 1000 ups	0.002	units	heparin 1,000 units-ml inj	0.193	ml	Pharmacy, Rx
	Hibiclens sponge/brush	1.110	each	scrub brush (impregnated)	0.599	item	Infection Control
73602	high density barium	2.680	item	barium high density susp (11-12oz uou)	3.718	item	Pharmacy, Rx
75080	Histo Prep Biopsy Sponges	0.050	sponge	biopsy sponge (Histo-Prep)	0.054	item	Lab
	Histo-Clear (National Diagnosis HS200)	0.007	ml	clearing agent (Histo-clear)	0.008	ml	Lab
75066	Histo-Freeze 2000 10oz can	1.340	ounce	histology freezing spray (Freeze-It)	1.443	oz	Pharmacy, Rx
	honey	8.310	each	barium, honey (Varibar)	0.217	ml	Pharmacy, Rx
53050	hydrochloric acid, 0.1% normal	0.004	ml	hydrochloric acid 0.1%, std soln	0.017	ml	Lab
52303	hydrogen peroxide	0.039	ml	hydrogen peroxide	0.003	ml	Pharmacy, NonRx
93816	hydrophilic wire - Turumo wire	30.300	item	guidewire, hydrophilic (Glidewire)	37.000	item	Hypodermic, IV
73606	Hypaque	0.143	ml	diatrizoate sodium 50% (Hypaque)	0.150	ml	Pharmacy, NonRx
53070	ice	0.050	cup	ice (per cup)	0.050	item	Office, Grocery
11130	ice bag	1.500	bag	ice pack, instant	1.060	item	Pharmacy, NonRx
31524	Idoform gauze, 1" x 5yd.	5.750	item	packing, gauze w-iodoform 1in (5 yd uou)	5.215	item	Wound Care, Dressings
75135	immersion oil	0.150	ml	immersion oil	0.079	ml	Lab
	immittance tips	1.000	item	ear tip, immittance	0.165	item	Accessory, Diagnostics
31123	impression tray, disposable	5.900	item	dental impression tray	0.446	item	Lab
	India ink	8.750	bottle	skin marking ink (tattoo)	0.221	ml	Office, Grocery

	indocyanine-green dye	60.000	unit	indocyanine green (25ml uou)	76.875	item	Lab
91107	infusion pump cassette	16.790	item	infusion pump cassette-reservoir	12.963	item	Hypodermic, IV
	inhaler	0.750	item	inhaler	0.750	item	Pharmacy, NonRx
	INR test strips	10.000	item	test strip, INR	21.000	item	Pharmacy, NonRx
	insemination catheter		item	catheter, intrauterine insemination	7.100	item	Accessory, Procedure
	insert folder	0.220	item	x-ray envelope	0.153	item	Office, Grocery
	interactive materials (e.g.crayons/ chalk/paper)	0.040	session	kit, interactive materials (crayons, chalk,paper)	0.040	kit	Kit, Pack, Tray
	interactive materials for behavioral assessment	0.040	set	kit, interactive materials for behavioral assessment	0.040	kit	Kit, Pack, Tray
91121	interlink universal adaptor	2.500	item	Interlink adaptor	1.725	item	Hypodermic, IV
91120	interlink vial access cannula	1.020	item	Interlink vial access	2.040	item	Hypodermic, IV
53094	iodoform PDP	0.740	g	iodoform	0.280	gm	Pharmacy, Rx
	iopidine	7.000	item	Iopidine 1% ophth soln (0.1ml uou)	11.013	item	Pharmacy, Rx
53060	ipecac	1.800	ounce	ipecac syrup (1oz uou)	1.885	item	Pharmacy, NonRx
	irrigation basin	1.690	item	basin (irrigation)	1.542	item	Accessory, Procedure
93401	irrigation fluid 1000cc	1.700	liter	water, sterile for irrigation (250-1000ml uou)	2.090	item	Pharmacy, NonRx
93402	irrigation tubing	3.850	item	tubing, irrigation (cysto)	5.077	item	Accessory, Equipment
	isopentane.methylbutane	20.000	liter	methylbutane (Isopentane)	0.021	ml	Lab
	isoton II dilutent (Beckman Coulter #8546719)	0.002	ml	Isoton II diluent	0.002	ml	Lab
93808	I-Span intraoccular gas	1.450	dose	gas, intraocular C3F8 (ISPAN) (per dose)	3.323	item	Lab
91109	iv extension tube	2.750	item	iv tubing (extension)	0.530	foot	Hypodermic, IV
91110	iv infusion set	1.250	set	iv infusion set	1.112	item	Hypodermic, IV
	IV solution	1.200	item	sodium chloride 0.9% inj (250-1000ml uou)	1.708	item	Pharmacy, Rx
91114	iv starter kit	1.300	item	kit, iv starter	1.368	kit	Kit, Pack, Tray
	IV tubing	1.760	each	iv tubing (extension)	0.530	foot	Hypodermic, IV
	juice, apple	0.030	oz	juice, apple	0.039	oz	Office, Grocery
32013	Kerlix, 4"	2.210	item	bandage, Kerlix, sterile 4.5in	1.772	item	Wound Care, Dressings
75006	Kim wipes	1.800	case	wipes, lens cleaning (per wipe) (Kimwipe)	0.013	item	Infection Control
	kit, ocular photodynamic therapy (opt)	24.750	kit	pack, ocular photodynamic therapy	20.675	kit	Kit, Pack, Tray
92009	kit, spinal tap	15.500	item	tray, lumbar puncture	18.552	tray	Kit, Pack, Tray

31719	kit, tracheotomy cleaning	1.950	item	kit, tracheostomy care	2.085	kit	Kit, Pack, Tray
31509	kling roller bandage 2 x 131	0.380	item	bandage, Kling, non-sterile 2in	0.363	item	Wound Care, Dressings
31527	Kling, 3"	0.550	item	bandage, Kling, non-sterile 3in	0.506	item	Wound Care, Dressings
31529	Kling, 5"	1.310	item	bandage, Kling, non-sterile 6in	0.792	item	Wound Care, Dressings
31526	Kling, sterile , 4"	1.000	item	bandage, Kling, sterile 4in	1.060	item	Wound Care, Dressings
91422	Kopans needle 1.5	14.600	needle	needle, Kopan	18.750	item	Hypodermic, IV
32026	K-wires 7"	3.750	item	wire, Kirschner 7.5in	4.807	item	Cutters, Closures, Cautery
31105	KY jelly, single use foil pack, 5 grams	0.130	item	lubricating jelly (K-Y) (5gm uou)	0.066	item	Pharmacy, NonRx
75016	label	0.010	item	label for microscope slides	0.026	item	Lab
	laminaria			Laminaria tent	3.583	item	Pharmacy, Rx
	lamination		sheet	lamination sheet (letter size)	0.666	item	Office, Grocery
	lancet	0.120	item	lancet	0.038	item	Hypodermic, IV
	lap sponge, sterile (18x18) 5 pack	0.662	item	lap sponge, sterile, 18inx18in (5 pack uou)	2.902	item	Gown, Drape
	laryngeal mirror		item	(item deleted)		item	Accessory, Diagnostics
	laser fiber	595.000	item	(item deleted)		item	Accessory, Diagnostics
	laser fiber cleaving tool	200.000	item	(item deleted)		item	Accessory, Diagnostics
73420	Laser Paper	0.062	sheet	paper, laser printing (each sheet)	0.005	item	Office, Grocery
	laser tip	290.000	item	laser tip (single use)	290.000	item	Cutters, Closures, Cautery
75022	lead nitrate	0.040	g	lead nitrate	0.099	gm	Lab
93107	leg bag	3.210	item	leg or urinary drainage bag	3.079	item	Pharmacy, NonRx
	lemon swabs - glycerin		item	swab, lemon-glycerine (3 pak uou)	0.129	item	Pharmacy, NonRx
	Levulan Kerastick	91.800	each	Levulan Kerastick	81.800	item	Pharmacy, Rx
51502	lidocaine	0.056	ml	lidocaine 1%-2% inj (Xylocaine)	0.035	ml	Pharmacy, Rx
51301	lidocaine jelly 30ml package	0.395	ml	lidocaine 2% jelly, topical (Xylocaine)	0.647	ml	Pharmacy, Rx
	line, braided outrigger	0.095	yard	outrigger line	0.091	yd	Wound Care, Dressings
	liner, baby scale	0.074	item	liner, baby scale	0.074	item	Gown, Drape
75023	lint-free cloth	0.260	item	lint-free cloth	0.183	item	Lab
	lip screen	2.000	item	lip screen	1.440	item	Office, Grocery
75024	liquid carbon dioxide	0.500	lb	gas, liquid carbon dioxide	0.414	lb	Lab
75058	liquid cover slip	0.045	drop	cover slip, liquid (M-1)	0.039	ml	Lab
92010	liquid nitrogen	0.010	ml	gas, liquid nitrogen	0.003	ml	Lab
	localization wire and needle set	11.250	item	needle-wire for localization	15.000	item	Hypodermic, IV
	loop snare, microvera	565.000	item	kit, loop snare (Microvena)	275.000	kit	Kit, Pack, Tray
	lotion, antibacterial	0.449	oz	lotion, antibacterial	0.300	oz	Infection Control
	lotion, massage	0.880	oz	lotion, massage, unscented	0.158	oz	Office, Grocery
	lubricating grease, 5.3 oz tube	2.520	oz	cytology, vacuum grease	2.830	oz	Lab

92017	lugols staining solution	4.660	ml	stain, Lugol's	0.695	ml	Lab
	lumicaine	0.130	ml	hemostatic solution (Lumicain)	0.136	ml	Pharmacy, Rx
	lysing reagent (Beckman Dickinson #349202)	3.450	ml	lysing reagent (FACS)	4.485	ml	Lab
	Magneto Optical Disk	10.000	each	computer media, optical disk 128mb	12.000	item	Office, Grocery
73409	magneto-optical disk, 128 MB	125.000	item	computer media, optical disk 2.6gb	68.750	item	Office, Grocery
	mammo wipe	0.046	item	sanitizing cloth-wipe (surface, instruments, equipment)	0.046	item	Infection Control
	mammotome probe	180.000	item	Mammotome probe	200.000	item	Accessory, Procedure
	map	0.020	sheet	map, Moh's surgery (per sheet)	0.005	item	Office, Grocery
51302	Marcaine	0.340	ml	bupivacaine 0.25% inj (Marcaine)	0.254	ml	Pharmacy, Rx
75134	marking ink	0.200	ml	skin marking ink (tattoo)	0.221	ml	Office, Grocery
	Martin elastic bandage for exsanguination	6.792	each	bandage, Esmarch-Martin, sterile 3in x 9ft	5.645	item	Wound Care, Dressings
11306	mask, surgical	0.300	item	mask, surgical	0.196	item	Gown, Drape
	Mastisol adhesive 2/3 ml	2.000	each	adhesive liquid (Mastisol) (0.67ml uou)	2.166	item	Wound Care, Dressings
31510	maxi pad	0.160	item	pad, feminine maxi	0.150	item	Office, Grocery
11517	mayo stand cover	1.650	cover	drape, sterile, for Mayo stand	1.688	item	Gown, Drape
	measuring tape, paper	0.045	item	measuring tape, paper	0.045	item	Office, Grocery
	medicine cup		each	cup, medicine (1oz size)	0.009	item	Lab
	Mericel		item	dressing, Merocel nasal standard 4.5cm	6.300	item	Wound Care, Dressings
75055	Methanol	0.020	ml	methanol, absolute, 99.8% min.	0.025	ml	Lab
53097	methylcholine chloride	48.500	dose	(item deleted)		item	Pharmacy, Rx
75094	methylene blue	1.330	g	methylene blue (for microscopy)	0.960	gm	Lab
	methylmethacrylate cement	103.000	item	bone cement (full dose pack uou) (Osteobond, Simplex)	75.645	item	Pharmacy, Rx
92007	microscope slide	0.080	item	slide, microscope	0.055	item	Lab
31109	mineral oil, 3.5 oz	0.950	item	mineral oil	0.011	ml	Pharmacy, NonRx
31511	mini pad	0.170	item	pad, feminine mini	0.110	item	Office, Grocery
	minimum visit package (multi-specialty)	1.310	package	pack, minimum multi-specialty visit	1.143	pack	Kit, Pack, Tray
	mohs stain (H+E)	1.410	item	stain, frozen section, H&E (1ml per slide)	0.567	ml	Lab
	mole/skin marker	0.340	item	marker, lead, for mammogram screening	0.340	item	Accessory, Equipment

	moleskin	4.250	foot	moleskin 9in width	3.459	foot	Wound Care, Dressings
92029	Monsel's solution	0.009	ml	Monsel's soln	1.297	ml	Pharmacy, NonRx
75089	mounting media	0.100	ml	mounting media (Histomount)	0.035	ml	Lab
	Mounting tray	40.000	each	(item deleted)		item	Accessory, Equipment
	Multi-tine Device		item	multi-tine device		item	Hypodermic, IV
53065	mydriacil 1%	1.617	ml	tropicamide 1% ophth (Mydriacyl)	0.656	ml	Pharmacy, Rx
73604	Myelogram Kit	24.580	item	tray, myelogram	23.869	tray	Kit, Pack, Tray
93611	Mylar bag	6.140	item	bag, respiratory air collection	2.054	item	Accessory, Diagnostics
93612	Mylar bag mouthpiece	2.510	item	mouthpiece (for respiratory air collection bag)	0.704	item	Accessory, Diagnostics
53076	Myolfrin 2.5%	2.000	ml	phenylephrine 2.5% ophth (Mydfrin)	0.391	ml	Pharmacy, Rx
	nail polish	2.990	item	nail polish	1.990	item	Office, Grocery
	nail polish remover towelettes	0.500	item	pad, nail polish remover	0.044	item	Office, Grocery
93803	nasal cannula	0.750	item	nasal cannula	0.732	item	Accessory, Diagnostics
93805	nebulizer, tube and mouthpeice	7.100	item	nebulizer mouthpiece with tubing	1.654	item	Accessory, Diagnostics
	needle 16-18 gauge		item	needle, 15-16g	0.232	item	Hypodermic, IV
91427	needle 30g	0.280	item	needle, 30g	0.344	item	Hypodermic, IV
	needle electrode for EMG	1.550	item	electrode needle, monopolar EMG w-lead	3.030	item	Accessory, Diagnostics
	needle free injection system		item	kit, needle-free injection system	9.492	kit	Kit, Pack, Tray
20015	needle guide	9.000	item	guide, needle, for localization	10.750	item	Hypodermic, IV
	needle stick prevention device	1.900	item	needle stick prevention device (Surguard)	0.219	item	Hypodermic, IV
91401	needle, 15 to 16 gauge	0.260	item	needle, 15-16g	0.232	item	Hypodermic, IV
91402	needle, 18 to 24 gauge	0.120	item	needle, 18-27g	0.089	item	Hypodermic, IV
91403	needle, 25 & 26 gauge	0.100	item	needle, 18-27g	0.089	item	Hypodermic, IV
91403	needle, 25 & 26 guage	0.100	item	needle, 18-27g	0.089	item	Hypodermic, IV
	needle, 27g		item	needle, 18-27g	0.089	item	Hypodermic, IV
91416	needle, 30 gauge	0.350	item	needle, 30g	0.344	item	Hypodermic, IV
	needle, 4 inch		item	needle, 4 inch		item	Hypodermic, IV
	needle, 4-6 inch		item	needle, 4-6 inch		item	Hypodermic, IV
92012	needle, biopsy	16.790	item	needle, 14-20g, biopsy	8.375	item	Hypodermic, IV
92012	needle, biopsy, 14 g	25.000	item	needle, biopsy for breast-prostate core sample	28.420	item	Hypodermic, IV
	needle, biopsy, maxcare	32.000	item	needle, biopsy for breast-prostate core sample	28.420	item	Hypodermic, IV

	needle, biopsy, true cut		item	needle, biopsy for breast-prostate core sample	28.420	item	Hypodermic, IV
91105	needle, butterfly 20 to 25 gauge	0.520	item	needle, 19-25g, butterfly	0.798	item	Hypodermic, IV
	needle, coaxial sprotte	11.800	item	needle, spine, Sprotte	8.600	item	Hypodermic, IV
91404	needle, dental	0.090	item	needle, dental	0.086	item	Hypodermic, IV
31706	needle, electrosurgical	0.960	item	cautery, monopolar, electrode, needle	1.892	item	Cutters, Closures, Cautery
91117	needle, Huber Point	4.160	item	needle, Huber point	3.328	item	Hypodermic, IV
	needle, RK	18.000	item	needle, epidural (RK)	10.000	item	Hypodermic, IV
92015	needle, seldinger	72.900	item	(item deleted)		item	Accessory, Diagnostics
92016	needle, spinal	2.370	item	needle, 18-26g 1.5-3.5in, spinal	3.314	item	Hypodermic, IV
	needle, spinal, sprotte, 25 g.	6.000	item	needle, spine, Sprotte	8.600	item	Hypodermic, IV
	needle, spring loaded, 18g	25.000	item	needle, biopsy, spring-loaded	19.000	item	Hypodermic, IV
	needle, variceal injection	36.000	item	needle, variceal injection	36.000	item	Hypodermic, IV
	negative control (Albimun)	47.500	ml	negative control (anti-albumin)	41.750	ml	Lab
	neosynephrine 1%		ml	phenylephrine 1% nasal spray (NeoSynephrine)	0.333	ml	Pharmacy, NonRx
72008	neurobehavioral status - forms average	5.770	item	neurobehavioral status forms, average	5.770	item	Booklets / Forms
	neurosurgical post-op incision care kit	7.380	item	pack, post-op incision care, neurosurgical	6.203	kit	Kit, Pack, Tray
	Nichrome wire			wire, Nic-chrome	0.450	foot	Accessory, Equipment
53077	nitrous oxide	0.026	liter	gas, nitrous oxide	0.007	liter	Lab
11534	nose clips	1.000	pair	noseclips	0.718	item	Accessory, Diagnostics
31523	NuGauze packing, 1" x 5 yd.	4.250	item	packing, gauze plain 1in (5 yd uou)	4.120	item	Wound Care, Dressings
31522	NuGauze packing, 1/2" x 5 yd.	3.950	item	packing, gauze plain 0.25-0.50in (5 yd uou)	4.023	item	Wound Care, Dressings
31530	NuGauze, 1/4"	3.750	item	packing, gauze plain 0.25-0.50in (5 yd uou)	4.023	item	Wound Care, Dressings
75108	nylon mesh (1 piece 2x2 square)	0.520	piece	filter, nylon mesh (55mm)	0.568	item	Lab
93804	o2 mask & tubing	0.750	item	oxygen mask (1) and tubing (7ft)	0.963	item	Accessory, Diagnostics
11515	occluder	2.000	item	occluder, clip-on	1.442	item	Accessory, Diagnostics
	olive oil	2.000	liter	diluent, olive oil	0.005	ml	Office, Grocery
	omni prep	5.600	item	electrode skin prep gel (NuPrep)	0.056	ml	Accessory, Diagnostics
53074	ophthaine	1.330	ml	proparacaine 0.5% ophth (Ophthaine, Alcaine)	0.596	ml	Pharmacy, Rx
	ophthalmology visit package	1.210	package	pack, ophthalmology visit	0.829	pack	Kit, Pack, Tray

53075	opthane	1.330	ml	proparacaine 0.5% ophth (Ophthaine, Alcaine)	0.596	ml	Pharmacy, Rx
	optical data tape, storage	15.000	tape	computer media, optical disk 128mb	12.000	item	Office, Grocery
75025	osmium tetroxide	35.000	g	osmium tetroxide	35.000	gm	Lab
11505	otoscope speculum disposable	0.030	item	specula tips, otoscope	0.030	item	Accessory, Diagnostics
	outrigger line connection	0.110	item	outrigger post	0.399	item	Wound Care, Dressings
11135	oxford pt. kit	25.000	item	kit, ambulatory Holter	7.233	kit	Kit, Pack, Tray
	oximetry sensor probe	15.000	item	(item deleted)		item	Accessory, Procedure
	oximetry sensor wrap	0.500	item	pulse oximeter sensor probe wrap	0.617	item	Accessory, Equipment
53014	oxygen, 1 ltr	0.040	liter	gas, oxygen	0.003	liter	Lab
	oxymetazoline (Afrin)		ml	oxymetazoline nasal spray (Afrin) (15ml uou)	1.830	item	Pharmacy, NonRx
	oxysoralen	0.616	mg	methoxsalen 10mg (Oxsoralen)	6.156	item	Pharmacy, NonRx
	oxytocin			oxytocin 10iu-ml inj	3.450	ml	Pharmacy, Rx
31106	pad, acetone	0.040	item	adhesive remover, pad (acetone)	0.035	item	Wound Care, Dressings
11110	pad, chin rest	0.030	item	paper, chinrest	0.008	item	Gown, Drape
31512	pad, sterile telfa	0.120	item	dressing, 3inx4in (Telfa, Release)	0.144	item	Wound Care, Dressings
11118	paper towel	0.010	item	towel, paper (Bounty) (per sheet)	0.007	item	Office, Grocery
	paper, printer, thermal	0.690	foot	paper, recording, roll (per foot)	0.087	foot	Office, Grocery
	paraffin	3.790	lb	paraffin for therapy bath	3.198	lb	Office, Grocery
75060	Paraformaldehyde	0.068	g	paraformaldehyde	0.073	gm	Lab
75008	Pariodion	1.600	g	parlodion strips	5.000	gm	Lab
31504	patch, eye	0.320	item	dressing, eye pad (Opticlude)	0.328	item	Wound Care, Dressings
11115	patient education booklet	0.920	item	patient education booklet	1.550	item	Booklets / Forms
11107	patient gown, disposable	0.570	item	gown, patient	0.533	item	Gown, Drape
.0	patient gown, disposable	0.570	item	gown, patient	0.533	item	Gown, Drape
	patient wipes	0.030	item	sanitizing cloth-wipe (patient)	0.037	item	Infection Control
	Pedi pre-tape spray	1.080	oz	adherent, pre-tape spray	0.761	oz	Wound Care, Dressings
93807	PEG	5.000	item	peg, for prosthetic ocular implant	58.333	item	Accessory, Procedure
	pelvic exam package	1.320	package	pack, pelvic exam	0.950	pack	Kit, Pack, Tray
	penile clamp	40.700	item	(item deleted)		item	Accessory, Diagnostics
11131	penrose drain (4 in, 1/4 in)	0.410	item	penrose drain (0.25in x 4in)	0.497	item	Wound Care, Dressings
	Pepsin	31.300	gm	Pepsin	34.600	gm	Lab
93127	percutanious needle set	84.500	item	needle set, percutaneous catheter	63.000	item	Hypodermic, IV
	peroxide block	0.049	ml	peroxide block	0.049	ml	Lab
75026	petri dish	0.130	item	petri dish	0.132	item	Lab

53053	Ph buffer solution	0.330	ounce	Ph buffer solution	0.044	ml	Pharmacy, NonRx
93609	Ph electrode	0.330	item	electrode, internal for pH	41.600	item	Accessory, Diagnostics
	Phenol Applicator Kit		unit	kit, phenol applicator		kit	Kit, Pack, Tray
75113	phenol, 1000 ppm	0.088	ml	phenol 1000ppm	0.059	ml	Pharmacy, Rx
	phospahte-buffered saline (BPS) (Becton Dickinso	0.075	ml	phosphate buffered saline solution	0.041	ml	Lab
75027	phosphate buffer, dibasic	0.049	g	phosphate buffer, dibasic	0.048	gm	Lab
75028	phosphate buffer, monoboric	0.024	g	phosphate buffer, monobasic	0.038	gm	Lab
75029	photographic developer	30.000	gal	photographic developer	0.323	oz	Office, Grocery
75030	photographic fixer	20.000	gal	photographic fixer	0.261	oz	Office, Grocery
75031	photographic paper	0.580	sheet	paper, photo printing (8.5 x 11)	0.450	item	Office, Grocery
75032	photographic stop BTM	15.000	gal	photographic stop bath	0.010	oz	Office, Grocery
93810	pig tail catheter 5 fr angiographic	30.000	item	catheter, angiographic, pig-tail	19.750	item	Hypodermic, IV
11112	pillow case, disposable	0.320	item	pillow case	0.307	item	Gown, Drape
	pipelle disposable	8.000	item	curette, suction, endometrial (Pipelle)	4.121	item	Accessory, Procedure
75033	pipette	0.050	item	pipette	0.033	item	Lab
32002	plaster bandage	2.120	item	plaster bandage (4in x 5yd uou)	1.862	item	Wound Care, Dressings
11125	plastic slide sleeves	0.250	sleeve	slide sleeve (photo slides)	0.192	item	Office, Grocery
11134	plastic wrap	0.020	foot	plastic wrap	0.012	foot	Office, Grocery
	plethysmogrephy disinfectant	0.310	unit	glutaraldehyde 3.4% (Cidex, Maxicide, Wavicide)	0.165	oz	Infection Control
	plethysmogrephy test strips	0.460	item	glutaraldehyde test strips (Cidex, Metrex)	1.012	item	Infection Control
75010	Polaroid film, type 667	1.400	exposure	film, type 667 Polaroid (per exposure)	1.000	item	Office, Grocery
75009	Polaroid type 53 film	2.000	exposure	film, type 53 Polaroid (per exposure)	2.730	item	Office, Grocery
73612	Polibar	2.640	cup	barium suspension (Polibar)	0.018	ml	Pharmacy, Rx
75034	Poly Bed 812	0.038	g	Poly Bed 812	0.061	gm	Lab
92021	polypectomy snare	15.200	item	endoscopic polypectomy snare	19.700	item	Accessory, Procedure
	pope otowick		item	oto-wick	0.904	item	Wound Care, Dressings
75117	positive control material	6.200	item	positive control slide	11.800	item	Lab
11121	post myd spectacles	0.470	pair	post-mydriatic spectacles	0.427	pair	Wound Care, Dressings
	post-op incision care kit	12.260	kit	pack, post-op incision care (staple)	5.056	kit	Kit, Pack, Tray
	post-op incision care kit (suture & staple)	14.210	kit	pack, post-op incision care (suture & staple)	6.110	kit	Kit, Pack, Tray

	post-op incision care kit (suture)	7.380	kit	pack, post-op incision care (suture)	4.907	kit	Kit, Pack, Tray
75035	potassium phosphate monobasic	0.056	g	potassium phosphate monobasic	0.055	gm	Lab
	praktis catheter treatment kit, disposable	950.000	item	kit, transurethral microwave thermotherapy (Praktis, Targis, ThermoCath)	1149.000	item	Kit, Pack, Tray
75129	preserve cyto	0.720	item	cytology, preservative and vial (Preserv-cyt)	0.800	item	Lab
	pressure dressing	3.500	item	tape, elastic, 2in (Elastoplast, Elasticon) (5yd uou)	3.422	item	Wound Care, Dressings
	pre-thickened juices	0.310	each	pre-thickened juice (4oz uou)	0.831	item	Pharmacy, NonRx
75123	primary antibodies	3.520	slide	primary antibodies	3.520	slide	Lab
	Printing Paper	0.004	item	paper, laser printing (each sheet)	0.005	item	Office, Grocery
	probe guide	7.500	item	Mammotome probe guide	7.000	item	Hypodermic, IV
11513	procto swabs	0.100	item	swab, procto 16in	0.117	item	Pharmacy, NonRx
31111	professional towel	0.180	item	towel, professional 13in x 18in	0.040	item	Gown, Drape
31717	prolene suture	7.520	item	suture, prolene, 3-0 to 7-0, p, ps, pc	8.760	item	Cutters, Closures, Cautery
20045	propidium iodide	5.070	ml	propidium iodide	5.070	ml	Lab
75057	Propylene Oxide	0.050	ml	propylene oxide	0.031	ml	Lab
	Prosthesis (septal button, silicone)		item	septal button prosthesis, silicone	76.667	item	Wound Care, Dressings
11309	protective eye wear	5.500	pair	safety glasses	2.902	item	Gown, Drape
	protective eyewear	6.000	item	safety glasses	2.902	item	Gown, Drape
	protein blocking agent	1.192	ml	protein blocking agent	0.894	ml	Lab
72005	psych testing - forms average	2.300	item	psych testing forms, average	2.300	item	Booklets / Forms
	pudding		cup	barium, pudding (Varibar)	0.217	ml	Pharmacy, Rx
	pulse oximeter probe	1.000	item	pulse oximeter sensor probe wrap	0.617	item	Accessory, Equipment
	punch, biopsy	1.900	item	punch, biopsy	1.888	item	Hypodermic, IV
	punctal plugs	40.000	pair	punctum plug	40.000	pair	Wound Care, Dressings
	Purified protein derivative			purified protein derivative (0.1ml per test) (PPD-Tubersol)	17.337	ml	Pharmacy, Rx
	QC wipes	0.130	item	sanitizing cloth-wipe (surface, instruments, equipment)	0.046	item	Infection Control
91124	radial artery catheter	7.410	item	catheter, radial artery	7.240	item	Hypodermic, IV
75131	rapid stain (H & E)	0.480	slide	stain, frozen section, H&E (1ml per slide)	0.567	ml	Lab

	raytec/vistec, 10 pack	1.782	item	gauze, x-ray detectable, sterile 4in x 4in (10 pack uou)	1.473	item	Wound Care, Dressings
11104	razor disposable	0.310	item	razor	0.389	item	Office, Grocery
11136	razor, disposable (50% of the time)	0.155	item	razor (50% of time)	0.195	item	Office, Grocery
	receive coil			(item deleted)		item	Accessory, Equipment
73414	recording paper	0.150	sheet	paper, recording (per sheet)	0.067	item	Office, Grocery
71003	recording paper, 22 inch.	0.090	item	paper, recording (per sheet)	0.067	item	Office, Grocery
	rectal sponge with EMG sensor	4.960	item	electrode, EMG sponge	6.467	item	Accessory, Diagnostics
73616	renographin-60 idodinated contrast	0.414	ml	renographin-60	0.380	ml	Pharmacy, Rx
	rep bands	5.950	each	Rep-band, light (6yd uou)	6.120	item	Accessory, Diagnostics
	respi trace belt	30.250	each	respiratory monitoring belt	20.000	item	Accessory, Equipment
11533	respiratory filter	5.000	item	filter, pulmonary function filter	1.440	item	Accessory, Equipment
53073	rev eyes	8.200	ml	Rev-eyes 0.5% ophth	8.092	ml	Pharmacy, Rx
75064	R-Nase	0.075	units	R-Nase One	0.079	units	Lab
	rubber band	0.030	item	rubber bands, non-sterile	0.020	item	Office, Grocery
91417	rubber tourniquet	0.150	item	tourniquet, non-latex 1in x 18in	0.226	item	Accessory, Diagnostics
	Ruler	2.670	each	(item deleted)		item	Office, Grocery
	Safety syringe			syringe, safety (Safety-Lok, Luer-Lok)	0.278	item	Hypodermic, IV
	Safety syringe and needle		item	syringe & needle, safety (Safety-Lok, Leur-Lok)	0.286	item	Hypodermic, IV
	saline	0.038	ml	sodium chloride 0.9% inj (10ml uou)	0.427	item	Pharmacy, Rx
	saline 3cc	0.370	item	sodium chloride 0.9% inj (10ml uou)	0.427	item	Pharmacy, Rx
	saline cup, sterile	0.120	item	cup, biopsy-specimen sterile 4oz	0.173	item	Lab
	saline flush	0.230	ml	sodium chloride 0.9% flush syringe	0.811	item	Pharmacy, Rx
	saline irrigation (500 cc)		item	sodium chloride 0.9% irrigation (500-1000ml uou)	2.074	item	Pharmacy, NonRx
53067	saline, albumin, 5 cc	0.130	ml	albumin saline	0.080	ml	Pharmacy, Rx
11528	sandpaper	0.250	sheet	sandpaper (per sheet)	0.398	item	Office, Grocery
	sanitizing cloth	0.040	item	sanitizing cloth-wipe (surface, instruments, equipment)	0.046	item	Infection Control
11113	Sani-wipe	0.130	item	sanitizing cloth-wipe (patient)	0.037	item	Infection Control
	scissors	79.500	item	scissors, laparoscopic	79.500	item	Cutters, Closures, Cautery
	Scissors and clamp, disposable	0.620	each	kit, scissors and clamp	0.620	item	Kit, Pack, Tray

20028	Sclerosing solution	2.029	ml	sclerosing solution inj	2.029	ml	Pharmacy, Rx
	Sclerotherapy needle		item	endoscopic sclerotherapy needle	21.000	item	Hypodermic, IV
20026	scrotal support	7.990	item	scrotal support	6.695	item	Wound Care, Dressings
11119	scrub brush (impregnated)	0.370	item	scrub brush (impregnated)	0.599	item	Infection Control
	Sealant spray			sealant spray		oz	Lab
	Semmes-Weinstein monofilament	0.230	item	monofilament, sensory testing	0.230	item	Accessory, Diagnostics
	sensor cain	13.930	vial	Sensorcaine 0.5% inj	0.363	ml	Pharmacy, Rx
	sensor, skin temp	1.000	item	sensor strip, skin temperature	0.975	item	Pharmacy, NonRx
	sensors, dual for cardiac output, set of 4	9.950	set	sensors, bioimpendance (4 pack uou)	9.950	item	Accessory, Diagnostics
	sensors, micro-v alternans	13.430	item	sensor, microvolt (Micro-V)	12.000	item	Accessory, Diagnostics
	sensory integration kit	2.080	item	kit, sensory integration	2.080	kit	Kit, Pack, Tray
	separator sheet	0.370	item	x-ray digitalization separator sheet	1.500	item	Office, Grocery
11307	shoe covers	0.900	pair	shoe covers, surgical	0.338	pair	Gown, Drape
	shower pack	0.630	item	pack, shower protection for insulin pump	0.616	item	Kit, Pack, Tray
	sialogram catheter system	22.800	item	sialography infusion unit	24.000	item	Hypodermic, IV
11503	sigmoidoscope, disposable	2.120	item	sigmoidoscope	2.459	item	Accessory, Procedure
	Silicone mold release spray	8.000	can	mold release agent, silicone spray	0.540	oz	Lab
	Silvadene cream	0.330	gram	silver sulfadiazene cream (Silvadene)	0.161	gm	Pharmacy, Rx
52304	silver nitrate stick	0.049	item	silver nitrate applicator	0.070	item	Pharmacy, NonRx
92030	Silverman needle	66.350	item	(item deleted)		item	Accessory, Diagnostics
	single use camera	450.000	each	endoscopic video capsule	450.000	item	Pharmacy, Rx
53072	single venom antigen	10.170	shot	antigen, venom	5.180	ml	Pharmacy, Rx
	skin adherent	30.706	item	adhesive, skin (Dermabond)	30.068	item	Wound Care, Dressings
11524	Skin Marking Pens (Skin Scribe)	1.650	pen	skin marking pen, sterile (Skin Skribe)	1.048	item	Office, Grocery
	skin prep one step	7.500	item	DuraPrep surgical soln (26ml uou)	7.950	item	Pharmacy, NonRx
	skin prep, one step	26.000	item	electrode skin prep tape (One-Step)	0.097	inch	Pharmacy, NonRx
	skin prepping pad, antiseptic	0.240	item	swab-pad, alcohol	0.013	item	Pharmacy, NonRx
	slide container (with 20 slides)	8.500	item	slide container (for 20 microscope slides)	6.652	item	Lab

	slide mailer	0.520	item	slide specimen mailer (1-5 microscope slides)	0.460	item	Lab
11105	slippers, disposable	0.240	pair	slippers, paper	0.201	pair	Gown, Drape
53083	smelling salts	0.158	item	ammonia inhalants (smelling salts)	0.203	item	Pharmacy, NonRx
	smoke evacuation cartridge	146.500	item	(item deleted)		item	Accessory, Equipment
	soap	0.262	oz	soap, liquid, antibacterial	0.203	oz	Infection Control
	soap, bath	0.260	oz	bath soap (one bar uou)	0.686	item	Office, Grocery
75036	sodium azide	1.004	g	sodium azide	0.618	gm	Lab
75037	sodium borate	0.028	g	sodium borate	0.017	gm	Lab
	sodium cacodylate	0.260	g	sodium cacodylate	0.480	gm	Lab
75038	sodium chloride	0.035	g	sodium chloride, 99.0% min.	0.039	gm	Lab
53062	sodium chloride injection, 30ml	0.550	item	sodium chloride 0.9% inj bacteriostatic (30ml uou)	0.700	item	Pharmacy, Rx
75039	sodium citrate	0.026	g	sodium citrate	0.018	gm	Lab
75040	sodium hydroxide	0.076	g	sodium hydroxide	0.064	gm	Lab
75041	sodium phosphate dibasic	0.066	g	sodium phosphate dibasic	0.048	gm	Lab
11123	solar shields fox and garter	1.600	shield	eye shield (fox) and garter	0.689	item	Wound Care, Dressings
92025	spatula	0.009	item	cervical scraper-spatula	0.038	item	Accessory, Procedure
92025	spatula	0.009	item	spatula (pathology)	0.716	item	Lab
75142	special stain (PAS or Trichrome)	26.270	slide	stain kit, PAS (per slide)	16.100	item	Lab
75115	special stains	32.920	slide	stain kit, PAS (per slide)	16.100	item	Lab
	specimen container, 86 oz	0.600	item	cup, biopsy-specimen 86oz	1.643	item	Lab
75127	specimen filter	3.600	item	cytology, specimen filter (Transcyt)	4.150	item	Lab
75076	specimen jar, oxford	0.250	item	cup, biopsy-specimen sterile 4oz	0.173	item	Lab
11507	speculum, disposable	0.770	item	specula, vaginal	0.540	item	Accessory, Diagnostics
91429	spinal anesthesia kit	27.710	item	tray, spinal anesthesia	21.832	tray	Kit, Pack, Tray
	spinal cord stimulation kit		item	kit, percutaneous neuro test stimulation	305.000	kit	Kit, Pack, Tray
91428	spinal epidural kit	26.270	item	tray, epidural	23.829	tray	Kit, Pack, Tray
92031	spinal manometer	36.950	item	spinal manometer	26.325	item	Hypodermic, IV
	splint straps, alpha, 1"	1.300	item	splint straps 1in	1.299	item	Accessory, Diagnostics
	splint straps, alpha, 2"	1.500	item	splint straps 2in	1.525	item	Accessory, Diagnostics
91405	split into two records - needle, syringe, 10cc	0.360	item	syringe-needle 10ml 26g	0.144	item	Hypodermic, IV
31110	sponge tipped applicator	0.140	item	applicator, sponge-tipped	0.139	item	Wound Care, Dressings
	spoon, plastic	0.040	item	spoon, plastic	0.026	item	Office, Grocery

	Spotlighter Pen	1.000	item	skin marking pen, fluorescent (Spotlighter)	1.000	item	Office, Grocery
75053	spray fixative	0.072	ml	fixative spray	0.047	ml	Lab
31535	spray pre-tape 9 oz can	0.840	ounce	adherent, pre-tape spray	0.761	oz	Wound Care, Dressings
	spray, cold	0.920	oz	fluori-methane (cold spray)	0.422	ml	Pharmacy, Rx
75125	stain (Diff Quick)	0.310	slide	stain, quick differential (5ml per slide)	0.064	ml	Lab
75126	stain (PAP) non-gyn	0.520	slide	stain, PAP toluidine blue O	0.089	ml	Lab
	stain reagent kit (copper)	17.000	slide	stain kit, copper (per slide)	19.900	item	Lab
	stain reagent kit (oil red O)	5.000	slide	stain kit, oil red O (per slide)	4.025	item	Lab
	stain, Wright's (Protocol stains #23206441)	0.310	ml	stain, Wright's soln	0.214	ml	Lab
31702	staple removal kit	6.830	item	kit, staple removal	1.203	kit	Kit, Pack, Tray
93117	stent	101.000	item	stent, ureteral, single	114.000	item	Accessory, Procedure
	sterile barrier drape	0.494	each	drape, sterile barrier 16in x 29in	0.494	item	Gown, Drape
14001	sterile drape 22 in. x 25 in.	0.500	item	drape, sterile barrier 16in x 29in	0.494	item	Gown, Drape
14011	sterile drape pack, chest abdomen	13.950	item	pack, drapes, laparotomy (chest-abdomen)	26.118	pack	Kit, Pack, Tray
	sterile fluroscopy drape	5.000	item	drape, sterile, c-arm, fluoro	4.504	item	Gown, Drape
14013	sterile hose cover	0.252	foot	drape-sleeve, sterile (4in x 8ft)	0.159	item	Gown, Drape
	Sterile Normal Saline - 1000cc		cc	sodium chloride 0.9% inj (250-1000ml uou)	1.708	item	Pharmacy, Rx
14010	sterile specimen cup	0.370	item	cup, biopsy-specimen sterile 4oz	0.173	item	Lab
14008	sterile surgical gown, disposable	4.450	item	gown, surgical, sterile	4.671	item	Gown, Drape
	sterile surgical prep tray		item	tray, shave prep	1.812	tray	Kit, Pack, Tray
	sterile U drape	9.300	item	drape, sterile, u-shape	11.397	item	Gown, Drape
	sterile upper extremity drape (77X146)	18.667	item	drape, sterile, hand-upper extremity	18.076	item	Gown, Drape
	sterile, hand table drape (24x43)			(item deleted)		item	Gown, Drape
	sterilizing chemicals (chlorozene)	2.500	item	whirlpool antiseptic (80gm pack) (Chlorazene)	1.689	item	Infection Control
	sterilizing tray	64.000	each	(item deleted)		item	Infection Control
31513	steri-strips	0.298	strip	steri-strip (6 strip uou)	1.116	item	Wound Care, Dressings
	steroid	1.289	cc	steroid		ml	Pharmacy, Rx
	steroid cream	0.969	g	triamcinolone acetonide 0.1% cream	0.052	gm	Pharmacy, Rx
32014	stockinette, 4" x 1 yd	0.450	yard	cast, stockinette 4in	0.459	yd	Wound Care, Dressings
	stockinette, 6"			cast, stockinette 6in	0.669	yd	Wound Care, Dressings

31126	stoma adhesive	4.445	ounce	stoma adhesive	4.380	oz	Pharmacy, NonRx
93122	stone basket	150.000	item	endoscopic renal stone basket	144.500	item	Accessory, Procedure
91111	stop cock, 3 way	1.250	item	stop cock, 3-way	1.175	item	Hypodermic, IV
	stop cock, 4-way	2.640	item	stop cock, 4-way	1.621	item	Hypodermic, IV
31531	strabismus eye pads	0.350	item	eye pad, sterile, strabismus	0.336	item	Wound Care, Dressings
	straw, drinking	0.020	item	drinking straw	0.010	item	Office, Grocery
	streptavidin label	3.980	ml	streptavidin label	3.980	ml	Lab
	styrofoam	3.100	sheet	styrofoam block, high density	1.900	item	Lab
	Styrofoam block	1.250	each	styrofoam block, high density	1.857	item	Lab
93604	Suction Canister, Disposable	5.500	item	canister, suction	3.908	item	Accessory, Equipment
93605	suction tip catheter	0.750	item	catheter, suction	0.620	item	Accessory, Procedure
	suction tip, yankauer		item	suction tip, Yankauer	1.116	item	Accessory, Diagnostics
	suction tubing for Gomco machine		feet	tubing, suction, non-latex (6ft uou)	1.795	item	Accessory, Equipment
	suction tubing, non-latex, 6' x 1/4"		feet	tubing, suction, non-latex (6ft uou)	1.795	item	Accessory, Equipment
31108	sunscreen	0.948	oz	sunscreen lotion (spf15)	0.599	oz	Pharmacy, NonRx
11526	Super blade	1.000	item	blade, super (ophth)	2.083	item	Cutters, Closures, Cautery
11305	surgical cap	0.210	item	cap, surgical	0.209	item	Gown, Drape
11301	surgical mask, with face shield	1.440	item	mask, surgical, with face shield	1.199	item	Gown, Drape
	surgilube			lubricating jelly (Surgilube)	0.501	oz	Pharmacy, NonRx
31714	suture 3-0, silk	2.380	item	suture, silk, 2-0 to 5-0, x, fs, c	2.936	item	Cutters, Closures, Cautery
31703	suture removal kit	1.950	item	kit, suture removal	1.054	kit	Kit, Pack, Tray
	suture, chromic	4.375	item	suture, chromic, 2-0 to 5-0	4.291	item	Cutters, Closures, Cautery
31704	suture, nylon, 3-0, 4-0, 5-0	2.420	pack	suture, nylon, 3-0 to 6-0, c	2.401	item	Cutters, Closures, Cautery
31707	suture, nylon, 6-0	5.600	pack	suture, nylon, 4-0 to 6-0, p, ps	6.714	item	Cutters, Closures, Cautery
31101	swab, alcohol	0.017	item	swab-pad, alcohol	0.013	item	Pharmacy, NonRx
	sweat cells, 4 in a set	260.000	set	(item deleted)		item	Accessory, Diagnostics
	swimming suit/shorts	0.560	item	swimsuit, female for hydrotherapy	6.874	item	Gown, Drape
99148	syringe	0.250	item	syringe 5-6ml	0.150	item	Hypodermic, IV
91415	syringe 3 cc	0.120	item	syringe 3ml	0.096	item	Hypodermic, IV
73615	syringe med rad 150 cc cartridge	8.550	item	syringe, pressure (radiology)	8.179	item	Hypodermic, IV
91408	syringe, 1 ml	0.250	item	syringe 1ml	0.140	item	Hypodermic, IV
91407	syringe, 10 cc or 12 cc	0.230	item	syringe 10-12ml	0.184	item	Hypodermic, IV
91408	syringe, 1ml	0.250	item	syringe 1ml	0.140	item	Hypodermic, IV
91409	syringe, 20 cc	0.620	item	syringe 20ml	0.558	item	Hypodermic, IV
	syringe, 20cc		item	syringe 20ml	0.558	item	Hypodermic, IV
91410	syringe, 30 cc	0.790	item	syringe 30 ml	0.630	item	Hypodermic, IV
91406	syringe, 3cc, 20 to 25 gauge needle	0.140	item	syringe-needle 3ml 22-26g	0.160	item	Hypodermic, IV

91411	syringe, 5 cc	0.220	item	syringe 5-6ml	0.150	item	Hypodermic, IV
	syringe, 5 cc	0.220	item	syringe 5-6ml	0.150	item	Hypodermic, IV
91412	syringe, 50 cc & 60 cc	1.030	item	syringe 60ml	0.881	item	Hypodermic, IV
	syringe, power injector	12.000	item	syringe, 25ml (MRI power injector)	5.445	item	Hypodermic, IV
	syringe, toomey	2.600	item	syringe, Toomey	2.726	item	Hypodermic, IV
	T.R.U.E. test	261.000	box	allergen patch test card, T.R.U.E. (24 test card)	55.400	item	Accessory, Diagnostics
	Talc	17.500	grams	talc, sterile (Sclerosol) (4gm uou)	107.500	item	Pharmacy, Rx
	tangible reinforcement/reward for children	1.500	package	kit, tangible reinforcement-reward for children	1.500	kit	Kit, Pack, Tray
31514	tape	0.003	inch	tape, surgical paper 1in (Micropore)	0.002	inch	Wound Care, Dressings
	Tape, Scanpore white, 5 cm	0.003	inch	tape, porous-hypoallergenic 2in (Scanpore)	0.017	inch	Wound Care, Dressings
	tape, toupee	6.000	roll	tape, toupee	0.048	inch	Office, Grocery
73408	tape, VHS	3.000	item	video tape, VHS	2.049	item	Office, Grocery
91419	tb syringe	0.250	syringe	syringe 1ml	0.140	item	Hypodermic, IV
31525	Tegaderm dressing 4"x 4 3/4"	1.720	item	dressing, 4in x 4.75in (Tegaderm)	1.771	item	Wound Care, Dressings
93814	Tegtmeyer lymphagio set	19.600	item	angiocatheter set	11.272	item	Hypodermic, IV
73610	Telopaque Tablets	0.532	capsule	Telepaque capsule	0.745	item	Pharmacy, Rx
	ten 20 conductive adhesive	0.770	oz	electrode conductive paste (Ten20)	1.072	oz	Accessory, Diagnostics
53098	test gas mixture	5.682	cubic ft	gas, test mixture	0.072	liter	Lab
	Test scoring forms		item	audiology scoring forms	0.088	item	Booklets / Forms
92022	test tubes	0.350	item	test tube	0.273	item	Lab
	theraband			Thera-bands (6in width)	0.602	foot	Accessory, Diagnostics
	theraband, 1.5 ft.	1.250	each	Thera-bands (6in width)	0.602	foot	Accessory, Diagnostics
	therapeutic toys and games (50% of the time)	0.200	set	kit, therapeutic toys-games (50% of the time)	0.100	kit	Kit, Pack, Tray
	therapeutic toys/games	0.200	session	kit, therapeutic toys-games	0.200	kit	Kit, Pack, Tray
11509	thermometer probe cover, disposable	0.069	item	cover, thermometer probe	0.038	item	Gown, Drape
11510	thermometer, disposable	0.095	item	thermometer (single use)	0.106	item	Pharmacy, NonRx
	thick it pack	0.240	item	thick-it pack	0.350	item	Pharmacy, NonRx
	thoracentesis bottle, vacuum	4.420	item	canister, vacuum	5.456	item	Accessory, Equipment
91118	thoracentesis kit	44.000	item	tray, thoracentesis	37.382	tray	Kit, Pack, Tray
	thrombectomy device	600.000	item	kit, for percutaneous thrombolytic device (Trerotola)	600.000	item	Accessory, Procedure

	thrombin reagent	11.730	ml	thrombin reagent (Thromboquik)	2.737	ml	Lab
52308	tincture benzoin swab	0.320	item	tincture of benzoin, swab	0.320	item	Pharmacy, NonRx
53061	Tine Test	1.140	item	purified protein derivative (0.1ml per test) (PPD-Tubersol)	17.337	ml	Pharmacy, Rx
	tissue revival	0.074	ml	tissue revival soln	0.039	ml	Lab
	tissue tech OCT compound	0.007	ml	OCT Tissue-Tek	0.060	ml	Lab
11527	tissues, lens cleaning	0.035	item	lens paper	0.027	item	Lab
11511	tongue depressor	0.055	item	tongue depressor	0.012	item	Pharmacy, NonRx
	toothbrush	3.990	item	toothbrush	0.805	item	Office, Grocery
	toothpaste	0.550	oz	toothpaste	0.498	oz	Office, Grocery
53071	topical steroids	2.973	g	dexamethasone 0.5% oph oint (4gm uou)	6.470	item	Pharmacy, Rx
53071	topical steroids	2.973	g	prednisolone acet 1% oph soln (5ml uou)	6.670	item	Pharmacy, Rx
53071	topical steroids	2.973	g	triamcinolone acetonide 0.1% cream	0.052	gm	Pharmacy, Rx
	tourniquet, ankle, sterile		item	(item deleted)		item	Gown, Drape
	tourniquet, cuff sterile			(item deleted)		item	Gown, Drape
	towel, 18x26	0.800	item	drape-towel, sterile 18inx26in	0.282	item	Gown, Drape
14004	towel, sterile	0.310	item	drape-towel, sterile 18inx26in	0.282	item	Gown, Drape
	towels, disposable non-sterile	1.440	each	towel, non-sterile	0.391	item	Gown, Drape
14012	tower drape	5.000	item	drape, sterile, c-arm, fluoro	4.504	item	Gown, Drape
	traction straps	60.000	item	(item deleted)		item	Accessory, Equipment
	transducer	0.890	item	mouthpiece, respiratory	0.217	item	Accessory, Diagnostics
	transducer dome	7.600	item	transducer dome (pressure)	7.650	item	Accessory, Equipment
11520	Transducer wipe (echo ultrasound)	0.094	wipe	sanitizing cloth-wipe (surface, instruments, equipment)	0.046	item	Infection Control
	transeptic spray	0.027	ml	disinfectant spray (Transeptic)	0.028	ml	Infection Control
92024	transfer pipet	0.020	item	pipette	0.033	item	Lab
75070	transfer pipet, 23ml	0.290	pipet	pipette, transfer 23ml	0.338	item	Lab
	transparency	0.520	sheet	transparency	0.586	item	Office, Grocery
	transtelephonic monitor	10.560		(item deleted)		item	Accessory, Equipment
11103	tray, disposable prep	1.050	item	tray, shave prep	1.812	tray	Kit, Pack, Tray
73412	Tri-X black & white, 35mm 24 exp	3.490	roll	film, Tri-x 35mm BW (per exposure)	0.190	item	Office, Grocery
	trucut needle		item	needle, biopsy for breast-prostate core sample	28.420	item	Hypodermic, IV

93602	tube, gastrostomy, NG tube, (salem sump)	2.150	item	tube, suction NG (Salem sump)	3.218	item	Accessory, Equipment
93614	tubing for I-span gas	4.950	tube	gas tubing set for C3F8 (ISPAN), sterile	23.750	item	Accessory, Equipment
	tubing, double Y		item	tubing, irrigation (cysto)	5.077	item	Accessory, Equipment
	tubing, iv		item	iv tubing (extension)	0.530	foot	Hypodermic, IV
93403	tubing, latex	0.400	foot	tubing, latex	0.583	foot	Accessory, Equipment
	tubing, non-latex	1.000	foot	tubing, suction, non-latex (6ft uou)	1.795	item	Accessory, Equipment
	tubing, non-latex with tip	4.500	item	tubing, suction, non-latex (6ft) with Poole tip (1)	3.759	item	Accessory, Equipment
	tubing, pressure all purpose	4.080	item	tubing, pressure	3.420	item	Accessory, Equipment
	tubing, pump head	4.400	item	tubing, for pump head	4.600	item	Accessory, Equipment
	tubing, suction	0.158	item	tubing, suction, non-latex (6ft uou)	1.795	item	Accessory, Equipment
93606	tubing, suction, 6' with yankauer tip	3.250	foot	tubing, suction, non-latex (6ft) with Yankauer tip (1)	2.961	item	Accessory, Equipment
	tubing, suction, non-latex		foot	tubing, suction, non-latex (6ft uou)	1.795	item	Accessory, Equipment
	tympanometry probe, ear tip		item	ear tip, tympanometry probe	0.953	item	Accessory, Diagnostics
	U-drape, sterile		item	drape, sterile, u-shape	11.397	item	Gown, Drape
	ultrasonic probe	157.000	each	lithotripsy probe	100.125	item	Accessory, Procedure
32017	unna boot	3.650	item	unna boot	4.561	item	Wound Care, Dressings
75042	uranyl acetate	1.200	g	uranyl acetate	3.160	gm	Lab
	urology cysto supply package	63.960	package	pack, urology cystoscopy visit	24.685	pack	Kit, Pack, Tray
	urolume kit	1950.000	each	endoprosthesis (UroLume)	1925.000	item	Accessory, Procedure
	vacuum canister	5.000	item	canister, vacuum	5.456	item	Accessory, Equipment
	vacuum tubing	20.000	item	tubing, vacuum (for Mammotome device)	16.000	item	Accessory, Equipment
	Vaginal/Rectal sensors for EMG unit	50.000	each	sensor, EMG, vaginal-rectal	44.500	item	Accessory, Diagnostics
	valsalva bugles, disposable	1.000	set	mouthpiece, respiratory	0.217	item	Accessory, Diagnostics
	varbar - honey	8.310	each	barium, honey (Varibar)	0.217	ml	Pharmacy, Rx
	varbar - nectar consistency		each	barium, nectar (Varibar)	0.021	ml	Pharmacy, Rx
93815	vascular sheath	16.950	item	vascular sheath	21.000	item	Accessory, Procedure
31107	vaseline, 3 1/4 oz tube	1.190	item	petroleum jelly	0.281	oz	Pharmacy, NonRx
	velcro		yard	Velcro	0.372	foot	Office, Grocery
91113	Venocet tubing	2.650	item	iv tubing (Secondary Venoset)	2.395	item	Hypodermic, IV
	venous access port, implantable	270.000	item	venous access port, implantable	270.000	item	Hypodermic, IV

	vertebroplasty kit	1295.000	item	kit, vertebroplasty (LP2, CDO)	1295.000	kit	Kit, Pack, Tray
	vessel loop	2.000	item	loop, surgical (Surg-I-Loop)	1.275	item	Cutters, Closures, Cautery
31711	Vicryl suture 3-0	6.160	item	suture, vicryl, 3-0 to 6-0, p, ps	7.852	item	Cutters, Closures, Cautery
31708	Vicryl suture 4-0 and 5-0	6.750	item	suture, vicryl, 3-0 to 6-0, p, ps	7.852	item	Cutters, Closures, Cautery
31709	Vicryl suture 6-0	7.050	item	suture, vicryl, 3-0 to 6-0, p, ps	7.852	item	Cutters, Closures, Cautery
	video tape		each	video tape, VHS	2.049	item	Office, Grocery
31520	vigilon dressing, 4" x 4"	3.680	item	dressing, 4inx4in (Vigilon)	4.371	item	Wound Care, Dressings
93615	VTC nephrotomy catheter	89.000	item	catheter, VTC nephrotomy	72.000	item	Accessory, Procedure
75146	wash reagent	0.020	slide	wash reagent	0.009	ml	Lab
	water, distilled	1.300	gallon	water, distilled	0.013	oz	Office, Grocery
91414	water, sterile	0.003	ml	water, sterile inj	0.029	ml	Pharmacy, Rx
	water, sterile	0.003	ml	water, sterile inj	0.029	ml	Pharmacy, Rx
	water, sterile	0.003	ml	water, sterile for irrigation (250-1000ml uou)	2.090	item	Pharmacy, NonRx
75143	waterbath reagent	0.030	block	waterbath reagent	0.002	ml	Lab
31125	wax bite registration wafer	0.234	item	wax, bite registration wafer	0.323	item	Accessory, Diagnostics
32015	Webril, 3" x 4yds.	1.150	item	cast, padding 3in x 4yd (Webril)	1.224	item	Wound Care, Dressings
32016	Webril, 4" x 4yds.	1.540	item	cast, padding 4in x 4yd (Webril)	1.583	item	Wound Care, Dressings
32021	wire, steel, 26 gauge st	0.065	foot	wire, surgical steel	0.128	foot	Cutters, Closures, Cautery
	woodworking kit	12.990	item	kit, woodworking	12.990	kit	Kit, Pack, Tray
	Work gloves			gloves, work-utility	3.400	pair	Gown, Drape
	wound adhesive	32.500	item	adhesive, skin (Dermabond)	30.068	item	Wound Care, Dressings
	wrap, plastic	0.029	ft	plastic wrap	0.012	foot	Office, Grocery
	wright's stain pack, per slide	0.046	slide	stain, Wright's Pack (per slide)	0.048	ml	Lab
	xeroform			dressing, 5inx9in (Xeroform)	1.556	item	Wound Care, Dressings
73424	Xerox dry rad film	1.360	sheet	film, dry, radiographic, 8in x 10in	0.980	item	Office, Grocery
	x-omat film, 8x10 (for phantoms)	1.000	sheet	film, x-ray 8inx10in (X-omat, Radiomat)	1.430	item	Office, Grocery
	x-ray cover, sterile		item	drape, sterile, c-arm, fluoro	4.504	item	Gown, Drape
75043	xylene	55.500	gal	xylenes solvent	0.012	ml	Lab
51503	Xylocaine 1% (20 ml)	0.113	ml	lidocaine 1%-2% inj (Xylocaine)	0.035	ml	Pharmacy, Rx
	xylocaine 2%		cc	lidocaine 1%-2% inj (Xylocaine)	0.035	ml	Pharmacy, Rx
51509	xylocaine 2% with epinephrine	0.150	ml	lidocaine 2% w-epi inj (Xylocaine w-epi)	0.081	ml	Pharmacy, Rx
51505	Xylocaine 2%, 20ml	0.122	ml	lidocaine 1%-2% inj (Xylocaine)	0.035	ml	Pharmacy, Rx
51504	Xylocaine w/ epinephrine 1%, 20ml	0.137	ml	lidocaine 1% w-epi inj (Xylocaine w-epi)	0.064	ml	Pharmacy, Rx

	xylocaine, topical, 4%		gm	lidocaine 4% soln, topical (Xylocaine)	0.153	ml	Pharmacy, Rx
	xylocaine, topical, 4%		ml	lidocaine 4% soln, topical (Xylocaine)	0.153	ml	Pharmacy, Rx
	zinc oxide	0.980	tube	zinc oxide ointment	0.950	oz	Pharmacy, NonRx
	[New item for pack]			dextrose 5% inj (250ml uou)	1.725	item	Pharmacy, Rx
	[New item for pack]			iv PCA extension set	9.800	item	Hypodermic, IV
	[New item for pack]			iv safety catheter with Y adapter (Intima)	5.505	item	Hypodermic, IV
	[New item for pack]			syringe filter, sterile 1.2micron (Acrodisc)	1.262	item	Hypodermic, IV
	[New item for pack]			valve for needle-free system (Ultrasite)	3.803	item	Hypodermic, IV
	[New item for pack]			wristband, patient ID	0.183	item	Gown, Drape

NOTES:

* Unit pricing based on "1" unit.

** Item descriptions followed by "uou" refer to one unit of use. Price reflects full unit. This term is typically associated with items that will not be used for multiple services/patients once the item has been opened (e.g., 0.67ml adhesive remover ampule; 500ml NaCl IV solution; 10-pack sterile gauze).

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Federal Register

Friday,
August 15, 2003

Part IV

Department of Labor

Employee Benefits Security Administration

Proposed Exemptions; Liberty Media 401(k) Savings Plan (the Plan); Notice

DEPARTMENT OF LABOR

Employee Benefits Security Administration

[Application No. D–11170, et al.]

Proposed Exemptions; Liberty Media 401(k) Savings Plan (the Plan)

AGENCY: Employee Benefits Security Administration, Labor.

ACTION: Notice of Proposed Exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restrictions of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or requests for a hearing on the pending exemptions, unless otherwise stated in the Notice of Proposed Exemption, within 45 days from the date of publication of this **Federal Register** Notice. Comments and requests for a hearing should state: (1) The name, address, and telephone number of the person making the comment or request, and (2) the nature of the person's interest in the exemption and the manner in which the person would be adversely affected by the exemption. A request for a hearing must also state the issues to be addressed and include a general description of the evidence to be presented at the hearing.

ADDRESSES: All written comments and requests for a hearing (at least three copies) should be sent to the Employee Benefits Security Administration (EBSA), Office of Exemption Determinations, Room N–5649, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Attention: Application No. _____, stated in each Notice of Proposed Exemption. Interested persons are also invited to submit comments and/or hearing requests to EBSA via e-mail or FAX. Any such comments or requests should be sent either by e-mail to: *''moffitt.betty@dol.gov''*, or by FAX to (202) 219–0204 by the end of the scheduled comment period. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of the Employee Benefits Security Administration, U.S. Department of Labor, Room N–1513, 200 Constitution Avenue, NW., Washington, DC 20210.

Notice to Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the **Federal Register**. Such notice shall include a copy of the notice of proposed exemption as published in the **Federal Register** and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section 408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978, 5 U.S.C. App. 1 (1996), transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of proposed exemption are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Liberty Media 401(k) Savings Plan (the Plan)

Located in Englewood, Colorado

[Application No. D–11170].

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, August 10, 1990). If the exemption is granted, the restrictions of sections 406(a), 406(b)(1) and (b)(2) and 407(a) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1)(A) through (E) of the Code, shall not apply, effective November 25, 2002, to (1) The acquisition of certain stock rights (the Rights) by the Plan in connection with a Rights offering by Liberty Media Corporation (LMC), a party in interest with respect to the Plan; (2) the holding of the Rights by the Plan during the subscription period of the offering; and (3) the exercise of the Rights by the Plan, provided that the following conditions were met:

(a) The Rights were acquired pursuant to Plan provisions for individually-directed investment of such accounts;

(b) The Plan's receipt of the Rights occurred in connection with the Rights offering made available to all shareholders of common stock of LMC;

(c) All decisions regarding the holding and disposition of the Rights by the Plan were made, in accordance with the Plan provisions for individually-directed investment of participant accounts, by the individual Plan participants whose accounts in the Plan received the Rights in connection with the offering;

(d) The Plan's acquisition of the Rights resulted from an independent act of LMC as a corporate entity, and all holders of the Rights, including the Plan, were treated in the same manner with respect to the acquisition; and

(e) The Plan received the same proportionate number of the Rights as other owners of Liberty Media Series A and Series B common stock (the Stock).

This exemption, if granted, will be effective as of November 25, 2002.

Summary of Facts and Representations

1. The Plan is a defined contribution plan that is intended to satisfy the requirements of Code Sections 401(a) and 401(k). As of December 31, 2001, the Plan had approximately 3,466 participants and total assets of $104,044,000. The shares of LMC common stock held by the Plan were valued at $46,265,000 as of December 31, 2001, and comprised approximately 44.8% percent of the total assets in the Plan.

The Plan permits participants to contribute a portion of their respective annual compensation to the Plan as a salary reduction contribution under Code Section 401(k). LMC makes a matching contribution to the Plan, which differs for different groups of employees. Participant salary reduction contributions are immediately 100% vested. The matching contributions are vested according to a schedule based on the years of service each participant has completed. The stock received from exercising the Rights will be vested according to the Plan vesting schedule.

2. The trustee of the Plan is Fidelity Management Trust Company (the Trustee). The Trustee acts as the custodian of Plan assets, holding legal title to the assets, and executing investment directions in accordance with the participants' written instructions. The Plan Administrative Committee is the fiduciary responsible for Plan matters. The Plan allows participants to direct investments of their 401(k) contributions into one of 18 investment categories, including the

Liberty Media Common Stock Fund. Matching contributions always are invested in the Liberty Media Common Stock Fund.

LMC owns interests in a broad range of video programming, broadband distribution, interactive technology services and communications businesses. LMC and its affiliated companies operate in the United States, Europe, South America, and Asia.

3. LMC announced a special rights offering. Holders of record of the Stock on October 31, 2002 (the Record Date), each received 0.04 of a transferable subscription Right for each share of Series A and Series B common stock held. Each whole Right entitled the holder to purchase one share of Series A common stock at a subscription price determined by a special pricing committee of LMC's board of directors, which was determined to be $6.00 per share.

LMC stock is traded on the New York Stock Exchange. Series A common stock is traded under the symbol L and Series B common stock is traded under the symbol LMC.B.

The Plan was a holder of record of the Stock on the Record Date. The Plan established two temporary investment funds under a separate trust called the ''Liberty Media Rights Trust'' (the Rights Trust). The Rights Holding Fund is a separate fund established under the Rights Trust to hold the Rights when they are issued. Rights were credited to participants' accounts based on their respective balances in the Liberty Media Common Stock Fund on October 31, 2002. The second fund, the ''Liberty Media Receivable Fund'' (the Receivable Fund), following the exercise of Rights as directed by the Plan participants, reflected the approximate value of the Liberty Media Series A shares due from the subscription agent.

With respect to Rights allocated to their accounts, Plan participants either may elect to (1) exercise the Rights or (2) sell the Rights. These elections apply to both Stock held in the participant's account attributable to 401(k) contributions and to matching contributions (including vested and unvested matching contributions). Due to securities law restrictions, certain Participants who are reporting persons under Rule 16(b) will not have the right to instruct Fidelity to either Sell or Exercise the Rights credited to their account. Liberty Media provided Fidelity with a list of those Participants. Fidelity established the appropriate restrictions to prevent these participants from exercising or selling the Rights credited to their accounts. As provided by the Plan, Fidelity sold the Rights credited to these Rule 16(b) participant accounts as soon as administratively feasible after the receipt and allocation of the Rights to the participant accounts.[1]

4. With the exception of those reporting persons under Rule 16(b) as described above, each participant in the Plan may elect to exercise any percentage of the Rights granted on the participant's Stock allocated to the participant's account in the Plan. Under the offering, a participant of the Plan could elect to exercise a Right by speaking to a Fidelity representative at any time prior to 4 p.m. Eastern Time, November 25, 2002, (the Election Close-Out Date). Participants had the opportunity prior to the Election Close-Out Date to revoke or change instructions to exercise by (1) electing a new percentage; (2) by placing an order to sell; or (3) a combination of both.

The dollar amount required to exercise the Rights were exchanged from other investments in the participant's account into the Receivable Fund established under the Rights Trust. The required dollar amount equals the percentage of Rights to be exercised (as elected by the participant) multiplied by the number of Rights credited to the participant's account and multiplied by the exercise price for the Rights offering. The dollar amount was exchanged from the other investment categories in which the account is invested on a proportional basis by source. The Liberty Media Stock Fund was not included unless insufficient funds did not exist in the other investment categories under the participant's account. For those individuals with insufficient funds to permit exercise of the entire elected amount, Fidelity exercised as many rights as the account balance permitted.

On or about November 29, 2002, the Rights to be exercised and necessary funds were submitted to the subscription agent for the purchase of shares. Participant's balances in the Rights Holding Fund were reduced by the number of Rights exercised on a participant's behalf. Fidelity sold all remaining Rights on the open market between November 29, 2002, and December 2, 2002, at which time the Rights expired. Upon receipt of the new shares, the Receivable Fund was closed and the newly received shares were transferred into the Liberty Media Stock Fund and allocated to the participant's accounts.

For any Rights sold by the Plan, a commission of 3.4 cents per Right was charged to the Plan account from which the Right was sold. The commission was not paid to LMC but to the broker dealer, National Financial Services (NFS) for the sale transaction. NFS is an affiliate of Fidelity Management Trust Company, which serves as a non-discretionary Trustee for the Plan. The discretionary fiduciary for the Plan is the Plan Administrative Committee appointed by the Board of Directors of LMC. The Administrative Committee determined, after reasonable consideration of the alternatives, that the use of NFS was in the best interests of the Plan.[2]

Those participants who elected to exercise only a portion of their Rights later could elect to exercise additional Rights if sufficient time existed prior to the Election Close-Out Date. The Election Close-Out Date was established to permit sufficient time for the Trustee to liquidate the other assets in an orderly manner so that the necessary cash would be available to exercise the Rights before the Rights offering expiration date (December 2, 2002). All Rights were exercised or sold prior to the end of the Rights offering period, no Rights held by the Plan expired. A participant may have elected to sell rather than exercise the Rights allocated to his or her account. In order to do so, the participant was required to (1) contact the Fidelity representative; and (2) specify the percentage (in whole amounts) of the Rights he desired to sell. The selling period for participants ran from November 8, 2002, through November 25, 2002.

Participants in the Plan will be in a like position with other shareholders who are receiving the Rights with the sole exception that the Plan participants were not entitled to participate in the oversubscription privilege described in the prospectus. No expense will be incurred by the Plan from the Rights offering, and full disclosure of the Rights offering was made in the public documents filed with the SEC. The Rights offering and the resulting transactions were in the best interests of and beneficial to the Plan and its participants and beneficiaries. The rights of the participants and beneficiaries of the Plan were protected in the Rights offering and subsequent transactions. All involved participants were notified in advance of the Rights offering of the procedure for instructing the Trustee of the participant's desires

[1] The Rights issued to the Plan that were sold from the Plan were sold to unrelated third parties on the open market. Those Rights were traded on the New York Stock Exchange under the symbol ''LMC.RT''.

[2] The Department provides no opinion as to whether the selection of the broker dealer meets the conditions set forth under section 408(b)(2).

for exercise or sale under the Rights offering, and all instructions given by the involved participants to the Trustee were properly executed.

All actions by the Trustee with respect to the Rights offering were made pursuant to express instructions except when the involved participant failed to act or acted in violation of the published procedures, in which case the Rights were placed on the open market for sale and any unsold rights were allowed to expire unexercised. These instructions as to the disposition of the Rights upon the failure of the involved participant to act or to give valid instructions were fully disclosed in the procedural instructions given to the involved participants. These instructions are consistent with the nature of participant-directed investments under the Plan.

5. In summary, it is represented that the proposed transaction meets the statutory criteria of section 408(a) of the Act because:

(a) The Rights were acquired pursuant to Plan provisions for individually-directed investment of such accounts;

(b) The Plan's receipt of the Rights occurred in connection with the Rights offering made available to all shareholders of common stock of LMC;

(c) All decisions regarding the holding and disposition of the Rights by the Plan were made, in accordance with the Plan provisions for individually-directed investment of participant accounts, by the individual Plan participants whose accounts in the Plan received the Rights in connection with the offering;

(d) The Plan's acquisition of the Rights resulted from an independent act of LMC as a corporate entity; and

(e) The Plan received the same proportionate number of the Rights as other owners of the Stock.

Notice to Interested Persons: Notice of the proposed exemption shall be given to all interested persons in the manner agreed upon by the Employer and Department within 15 days of the date of publication in the **Federal Register**. Comments and requests for a hearing are due forty-five (45) days after publication of the notice in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Khalif Ford of the Department, telephone (202) 219–8883 (this is not a toll-free number).

RBC Dain Rauscher, Inc. (RBC–DR) Located in Minneapolis, Minnesota [Application No. D–11189]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act, and section 4975 of the Code, in accordance with the procedures set forth in 29 CFR part 2570, subpart B (55 FR 32836, 32847, August 10, 1990).

I. Transactions

A. Effective for transactions occurring on or after April 18, 2003, the restrictions of section 406(a) and 407(a) of the Employee Retirement Income Security Act of 1974, as amended (the Act), and the taxes imposed by section 4975(a) and (b) of the Internal Revenue Code of 1986, as amended (the Code), by reason of section 4975(c)(1)(A) through (D) of the Code, shall not apply to the following transactions involving Issuers and Securities evidencing interests therein:

(1) The direct or indirect sale, exchange or transfer of Securities in the initial issuance of Securities between the Sponsor or Underwriter and an employee benefit plan when the Sponsor, Servicer, Trustee or Insurer of an Issuer, the Underwriter of the Securities representing an interest in the Issuer, or an Obligor is a party in interest with respect to such plan;

(2) The direct or indirect acquisition or disposition of Securities by a plan in the secondary market for such Securities; and

(3) The continued holding of Securities acquired by a plan pursuant to subsection I.A.(1) or (2).

Notwithstanding the foregoing, section I.A. does not provide an exemption from the restrictions of sections 406(a)(1)(E), 406(a)(2) and 407 of the Act for the acquisition or holding of a Security on behalf of an Excluded Plan, by any person who has discretionary authority or renders investment advice with respect to the assets of that Excluded Plan.[3]

B. Effective for transactions occurring on or after April 18, 2003, the restrictions of sections 406(b)(1) and 406(b)(2) of the Act and the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c)(1)(E) of the Code shall not apply to:

(1) The direct or indirect sale, exchange or transfer of Securities in the initial issuance of Securities between the Sponsor or Underwriter and a plan when the person who has discretionary authority or renders investment advice with respect to the investment of plan assets in the Securities is (a) an obligor with respect to 5 percent or less of the fair market value of obligations or receivables contained in the Issuer, or (b) an affiliate or a person described in (a); if (i) The plan is not an Excluded Plan;

(ii) Solely in the case of an acquisition of Securities in connection with the initial issuance of the Securities, at least 50 percent of each class of Securities in which plans have invested is acquired by persons independent of the members of the Restricted Group, and at least 50 percent of the aggregate interest in the Issuer is acquired by persons independent of the Restricted Group;

(iii) A plan's investment in each class of Securities does not exceed 25 percent of all of the Securities of that class outstanding at the time of the acquisition; and

(iv) Immediately after the acquisition of the Securities, no more than 25 percent of the assets of a plan with respect to which the person has discretionary authority or renders investment advice are invested in Securities representing an interest in a Issuer containing assets sold or serviced by the same entity.[4] For purposes of this paragraph B.(1)(iv) only, an entity will not be considered to service assets contained in an Issuer if it is merely a Subservicer of that Issuer;

(2) The direct or indirect acquisition or disposition of Securities by a plan in the secondary market for such Securities, provided that conditions set forth in paragraphs B.(1)(i), (iii) and (iv) are met; and

(3) The continued holding of Securities acquired by a plan pursuant to subsection I.B.(1) or (2).

C. Effective for transactions occurring on or after April 18, 2003, the restrictions of sections 406(a), 406(b) and 407(a) of the Act and the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c) of the Code, shall not apply to transactions in connection with the servicing, management and operation of an Issuer, including the use of any Eligible Swap transaction; or the defeasance of a mortgage obligation held as an asset of the Issuer through the substitution of a new mortgage obligation in a commercial mortgage-backed Designated Transaction, provided:

(1) Such transactions are carried out in accordance with the terms of a binding Pooling and Servicing Agreement;

[3] Section I.A. provides no relief from sections 406(a)(1)(E), 406(a)(2) and 407 of the Act for any person rendering investment advice to an Excluded Plan within the meaning of section 3(21)(A)(ii) and regulation 29 CFR 2510.3–21(c).

[4] For purposes of this exemption, each plan participating in a commingled fund (such as a bank collective trust fund or insurance company pooled separate account) shall be considered to own the same proportionate undivided interest in each asset of the commingled fund as its proportionate interest in the total assets of the commingled fund as calculated on the most recent preceding valuation date of the fund.

(2) The Pooling and Servicing Agreement is provided to, or described in all material respects in the prospectus or private placement memorandum provided to, investing plans before they purchase Securities issued by the Issuer; [5] and

(3) The defeasance of a mortgage obligation and the substitution of a new mortgage obligation in a commercial mortgage-backed Designated Transaction meet the terms and conditions for such defeasance and substitution as are described in the prospectus or private placement memorandum for such Securities, which terms and conditions have been approved by a Rating Agency and does not result in the Securities receiving a lower credit rating from the Rating Agency than the current rating of the Securities.

Notwithstanding the foregoing, section I.C. does not provide an exemption from the restrictions of section 406(b) of the Act or from the taxes imposed by reason of section 4975(c) of the Code for the receipt of a fee by the Servicer of the Issuer from a person other than the Trustee or Sponsor, unless such fee constitutes a ''Qualified Administrative Fee.''

D. Effective for transactions occurring on or after April 18, 2003, the restrictions of sections 406(a) and 407(a) of the Act, and the taxes imposed by sections 4975(a) and (b) of the Code by reason of sections 4975(c)(1)(A) through (D) of the Code shall not apply to any transactions to which those restrictions or taxes would otherwise apply merely because a person is deemed to be a party in interest or disqualified person (including a fiduciary) with respect to a plan by virtue of providing services to the plan (or by virtue of having a relationship to such service provider described in section 3(14)(F), (G), (H) or (I) of the Act or section 4975(e)(2)(F), (G), (H) or (I) of the Code), solely because of the plan's ownership of Securities.

II. General Conditions

A. The relief provided under section I is available only if the following conditions are met:

(1) The acquisition of Securities by a plan is on terms (including the Security price) that are at least as favorable to the plan as such terms would be in an arm's-length transaction with an unrelated party;

(2) The rights and interests evidenced by the Securities are not subordinated to the rights and interests evidenced by other Securities of the same Issuer, unless the Securities are issued in a Designated Transaction;

(3) The Securities acquired by the plan have received a rating from Rating Agency at the time of such acquisition that is in one of the three (or in the case of Designated Transactions, four) highest generic rating categories.

(4) The Trustee is not an Affiliate of any member of the Restricted Group, other than an Underwriter. For purposes of this requirement:

(a) The Trustee shall not be considered to be an Affiliate of a Servicer solely because the Trustee has succeeded to the rights and responsibilities of the Servicer pursuant to the terms of a Pooling and Servicing Agreement providing for such succession upon the occurrence of one or more events of default by the Servicer; and

(b) Subsection II.A.(4) will be deemed satisfied notwithstanding a Servicer becoming an Affiliate of the Trustee as a result of a merger or acquisition involving the Trustee, such Servicer and/or their Affiliates which occurs after the initial issuance of the Securities provided that:

(i) Such Servicer ceases to be an Affiliate of the Trustee no later than six months after the date such Servicer became an Affiliate of the Trustee; and

(ii) Such Servicer did not breach any of its obligations under the Pooling and Servicing Agreement, unless such breach was immaterial and timely cured in accordance with the terms of such agreement, during the period from the closing date of such merger or acquisition transaction through the date the Servicer ceased to be an Affiliate of the Trustee;

(5) The sum of all payments made to and retained by the Underwriters in connection with the distribution or placement of Securities represents not more than Reasonable Compensation for underwriting or placing the Securities; the sum of all payments made to and retained by the Sponsor pursuant to the assignment of obligations (or interests therein) to the Issuer represents not more than the fair market value of such obligations (or interests); and the sum of all payments made to and retained by the Servicer represents not more than Reasonable Compensation for the Servicer's services under the Pooling and Servicing Agreement and reimbursement of the Servicer's reasonable expenses in connection therewith;

(6) The plan investing in such Securities is an ''accredited investor'' as defined in Rule 501(a)(1) of Regulation D of the Securities and Exchange Commission (SEC) under the Securities Act of 1933; and

(7) In the event that the obligations used to fund an Issuer have not all been transferred to the Issuer on the Closing Date, additional obligations as specified in subsection III.B.(1) may be transferred to the Issuer during the Pre-Funding Period in exchange for amounts credited to the Pre-Funding Account, provided that:

(a) The Pre-Funding Limit is not exceeded;

(b) All such additional obligations meet the same terms and conditions for eligibility as the original obligations used to create the Issuer (as described in the prospectus or private placement memorandum and/or Pooling and Servicing Agreement for such Securities), which terms and conditions have been approved by a Rating Agency.

Notwithstanding the foregoing, the terms and conditions for determining the eligibility of an obligation may be changed if such changes receive prior approval either by a majority vote of the outstanding securityholders or by a Rating Agency;

(c) The transfer of such additional obligations to the Issuer during the Pre-Funding Period does not result in the Securities receiving a lower credit rating from a Rating Agency, upon termination of the Pre-Funding Period than the rating that was obtained at the time of the initial issuance of the Securities by the Issuer;

(d) The weighted average annual percentage interest rate (the average interest rate) for all of the obligations in the Issuer at the end of the Pre-Funding Period will not be more than 100 basis points lower than the average interest rate for the obligations which were transferred to the Issuer on the Closing Date;

(e) In order to ensure that the characteristics of the receivables actually acquired during the Pre-Funding Period are substantially similar to those which were acquired as of the Closing Date, the characteristics of the additional obligations will either be monitored by a credit support provider or other insurance provider which is independent of the Sponsor or an independent accountant retained by the Sponsor will provide the Sponsor with a letter (with copies provided to the Rating Agency, the Underwriter and the Trustee) stating whether or not the characteristics of the additional

[5] In the case of a private placement memorandum, such memorandum must contain substantially the same information that would be disclosed in a prospectus if the offering of the Securities were made in a registered public offering under the Securities Act of 1933. In the Department's view, the private placement memorandum must contain sufficient information to permit plan fiduciaries to make informed investment decisions.

obligations conform to the characteristics of such obligations described in the prospectus, private placement memorandum and/or Pooling and Servicing Agreement. In preparing such letter, the independent accountant will use the same type of procedures as were applicable to the obligations which were transferred on the Closing Date;

(f) The Pre-Funding Period shall be described in the prospectus or private placement memorandum provided to investing plans; and

(g) The Trustee of the Trust (or any agent with which the Trustee contracts to provide Trust services) will be a substantial financial institution or trust company experienced in trust activities and familiar with its duties, responsibilities, and liabilities as a fiduciary under the Act. The Trustee, as the legal owner of the obligations in the Trust or the holder of a security interest in the obligations held by the Issuer, will enforce all the rights created in favor of securityholders of such Issuer, including employee benefit plans subject to the Act;

(8) In order to insure that the assets of the Issuer may not be reached by creditors of the Sponsor in the event of bankruptcy or other insolvency of the Sponsor:

(a) The legal documents establishing the Issuer will contain:

(i) Restrictions on the Issuer's ability to borrow money or issue debt other than in connection with the securitization;

(ii) Restrictions on the Issuer merging with another entity, reorganizing, liquidating or selling assets (other than in connection with the securitization);

(iii) Restrictions limiting the authorized activities of the Issuer to activities relating to the securitization;

(iv) If the Issuer is not a Trust, provisions for the election of at least one independent director/partner/member whose affirmative consent is required before a voluntary bankruptcy petition can be filed by the Issuer; and

(v) If the Issuer is not a Trust, requirements that each independent director/partner/member must be an individual that does not have a significant interest in, or other relationships with, the Sponsor or any of its Affiliates;

(b) The Pooling and Servicing Agreement and/or other agreements establishing the contractual relationships between the parties to the securitization transaction will contain covenants prohibiting all parties thereto from filing an involuntary bankruptcy petition against the Issuer or initiating any other form of insolvency proceeding until after the Securities have been paid; and

(c) Prior to the issuance by the Issuer of any Securities, a legal opinion is received which states that either:

(i) A ''true sale'' of the assets being transferred to the Issuer by the Sponsor has occurred and that such transfer is not being made pursuant to a financing of the assets by the Sponsor; or

(ii) In the event of insolvency or receivership of the Sponsor, the assets transferred to the Issuer will not be part of the estate of the Sponsor;

(9) If a particular class of Securities held by any plan involves a Ratings Dependent or Non-Ratings Dependent Swap entered into by the Issuer, then each particular swap transaction relating to such Securities:

(a) Shall be an Eligible Swap;

(b) Shall be with an Eligible Swap Counterparty;

(c) In the case of a Ratings Dependent Swap, shall provide that if the credit rating of the counterparty is withdrawn or reduced by any Rating Agency below a level specified by the Rating Agency, the Servicer (as agent for the Trustee) shall, within the period specified under the Pooling and Servicing Agreement:

(i) Obtain a replacement swap agreement with an Eligible Swap Counterparty which is acceptable to the Rating Agency and the terms of which are substantially the same as the current swap agreement (at which time the earlier swap agreement shall terminate); or

(ii) Cause the swap counterparty to establish any collateralization or other arrangement satisfactory to the Rating Agency such that the then current rating by the Rating Agency of the particular class of Securities will not be withdrawn or reduced.

In the event that the Servicer fails to meet its obligations under this subsection II.A.(9)(c), plan securityholders will be notified in the immediately following Trustee's periodic report which is provided to securityholders, and sixty days after the receipt of such report, the exemptive relief provided under section I.C. will prospectively cease to be applicable to any class of Securities held by a plan which involves such Ratings Dependent Swap; provided that in no event will such plan securityholders be notified any later than the end of the second month that begins after the date on which such failure occurs.

(d) In the case of a Non-Ratings Dependent Swap, shall provide that, if the credit rating of the counterparty is withdrawn or reduced below the lowest level specified in section III.GG., the Servicer (as agent for the Trustee) shall within a specified period after such rating withdrawal or reduction:

(i) Obtain a replacement swap agreement with an Eligible Swap Counterparty, the terms of which are substantially the same as the current swap agreement (at which time the earlier swap agreement shall terminate); or

(ii) Cause the swap counterparty to post collateral with the Trustee in an amount equal to all payments owed by the counterparty if the swap transaction were terminated; or

(iii) Terminate the swap agreement in accordance with its terms; and

(e) Shall not require the Issuer to make any termination payments to the counterparty (other than a currently scheduled payment under the swap agreement) except from Excess Spread or other amounts that would otherwise be payable to the Servicer or the Sponsor;

(10) Any class of Securities, to which one or more swap agreements entered into by the Issuer applies, may be acquired or held in reliance upon this Underwriter Exemption only by Qualified Plan Investors; and

(11) Prior to the issuance of any debt securities, a legal opinion is received which states that the debt holders have a perfected security interest in the Issuer's assets.

B. Neither any Underwriter, Sponsor, Trustee, Servicer, Insurer, nor any Obligor, unless it or any of its Affiliates has discretionary authority or renders investment advice with respect to the plan assets used by a plan to acquire Securities, shall be denied the relief provided under Part I, if the provision in subsection II.A.(6) above is not satisfied with respect to acquisition or holding by a plan of such Securities, provided that (1) such condition is disclosed in the prospectus or private placement memorandum; and (2) in the case of a private placement of Securities, the Trustee obtains a representation of each initial purchaser which is a plan that it is in compliance with such condition, and obtains a covenant from each initial purchaser to the effect that, so long as such initial purchaser (or any transferee of such initial purchaser's Securities) is required to obtain from its transferee a representation regarding compliance with the Securities Act of 1933, any such transferees will be required to make a written representation regarding compliance with the condition set forth in section II.A.(6).

III. Definitions

For purposes of this proposed exemption:

A. ''Security'' means:

(1) A pass-through certificate or trust certificate that represents a beneficial ownership interest in the assets of an Issuer which is a Trust and which entitles the holder to pass-through payments of principal, interest, and/or other payments made with respect to the assets of such Trust; or

(2) A Security which is denominated as a debt instrument that is issued by and is an obligation of an Issuer; with respect to which the Underwriter is either (i) the sole underwriter or the manager or co-manager of the underwriting syndicate, or (ii) a selling or placement agent.

B. ''Issuer'' means an investment pool, the corpus or assets of which are held in trust (including a grantor or owner Trust) or whose assets are held by a partnership, special purpose corporation or limited liability company (which Issuer may be a Real Estate Mortgage Investment Conduit (REMIC) or a Financial Asset Securitization Investment Trust (FASIT) within the meaning of section 860D(a) or section 860L, respectively, of the Code); and the corpus or assets of which consist solely of:

(1)(a) Secured consumer receivables that bear interest or are purchased at a discount (including, but not limited to, home equity loans and obligations secured by shares issued by a cooperative housing association); and/or

(b) Secured credit instruments that bear interest or are purchased at a discount in transactions by or between business entities (including, but not limited to, Qualified Equipment Notes Secured by Leases); and/or

(c) Obligations that bear interest or are purchased at a discount and which are secured by single-family residential, multi-family residential and/or commercial real property (including obligations secured by leasehold interests on residential or commercial real property); and/or

(d) Obligations that bear interest or are purchased at a discount and which are secured by motor vehicles or equipment, or Qualified Motor Vehicle Leases; and/or

(e) Guaranteed governmental mortgage pool certificates, as defined in 29 CFR § 2510.3–101(1)(2)[6] and/or

(f) Fractional undivided interests in any of the obligations described in clauses (a)–(e) of this subsection B.(1);[7]

Notwithstanding the foregoing, residential and home equity loan receivables issued in Designated Transactions may be less than fully secured, provided that (i) the rights and interests evidenced by the Securities issued in such Designated Transactions are not subordinated to the rights and interests evidenced by Securities of the same Issuer; (ii) such Securities acquired by the plan have received a rating from a Rating Agency at the time of such acquisition that is in one of the two highest generic rating categories; and (iii) any obligation included in the corpus or assets of the Issuer must be secured by collateral whose fair market value on the Closing Date of the Designated Transaction is at least equal to 80% of the sum of: (I) The outstanding principal balance due under the obligation which is held by the Issuer and (II) the outstanding principal balance(s) of any other obligation(s) of higher priority (whether or not held by the Issuer) which are secured by the same collateral.

(2) Property which had secured any of the obligations described in subsection III.B.(1);

(3)(a) Undistributed cash or temporary investments made therewith maturing no later than the next date on which distributions are to be made to securityholders; and/or

(b) Cash or investments made therewith which are credited to an account to provide payments to securityholders pursuant to any Eligible Swap Agreement meeting the conditions of subsection I.A.(9) or pursuant to any Eligible Yield Supplement Agreement, and/or

(c) Cash transferred to the Issuer on the Closing Date and permitted investments made therewith which:

(i) Are credited to a Pre-Funding Account established to purchase additional obligations with respect to which the conditions set forth in clauses (a)–(g) of subsection II.A.(7) are met; and/or

(ii) Are credited to a Capitalized Interest Account; and

(iii) Are held by the Issuer for a period ending no later than the first distribution date to securityholders occurring after the end of the Pre-Funding Period.

For purposes of this clause (c) of subsection III.B.(3), the term ''permitted investments'' means investments which are either (i) Direct obligations of, or obligations fully guaranteed as to timely payment of principal and interest by, the United States or any agency or instrumentality thereof, provided that such obligations are backed by the full faith and credit of the United States, or (ii) have been rated (or the Obligor has been rated) in one of the three highest generic rating categories by a Rating Agency; are described in the Pooling and Servicing Agreement; and are permitted by the Rating Agency.

(4) Rights of the Trustee under the Pooling and Servicing Agreement, and rights under any insurance policies, third-party guarantees, contracts of suretyship, Eligible Yield Supplement Agreements, Eligible Swap Agreements meeting the conditions of subsection II.A.(9) or other credit support arrangements with respect to any obligations described in section III.B.(1).

Notwithstanding the foregoing, the term ''Issuer'' does not include any investment pool unless: (i) The assets of the type described in paragraphs (a)–(f) of subsection III.B.(1) which are contained in the investment pool have been included in other investment pools, (ii) Securities evidencing interests in such other investment pools have been rated in one of the three (or in the case of Designated Transactions, four) highest generic rating categories by a Rating Agency for at least one year prior to the plan's acquisition of Securities pursuant to this exemption, and (iii) Securities evidencing interests in such other investment pools have been purchased by investors other than plans for at least one year prior to the plan's acquisition of Securities pursuant to this exemption.

C. ''Underwriter'' means.

(1) RBC–DR;

(2) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by or under common control with such investment banking firm; and

(3) Any member of an underwriting syndicate or selling group of which such firm or person described in subsections III.C.(1) or (2) above is a manager or co-manager with respect to the Securities.

D. ''Sponsor'' means the entity that organizes an Issuer by depositing

[6] In Advisory Opinion 99–05A (Feb. 22, 1999), the Department expressed its view that mortgage pool certificates guaranteed and issued by the Federal Agricultural Mortgage Corporation (''Farmer Mac'') meet the definition of a guaranteed governmental mortgage pool certificate as defined in 29 CFR 2510.3–101(i)(2).

[7] It is the Department's view that the definition of ''Issuer'' contained in section III.B. includes a two-tier structure under which Securities issued by the first Issuer, which contains a pool of receivables described above, are transferred to a second Issuer which issues Securities that are sold to plans. However, the Department is of the further view that, since the exemption generally provides relief for the direct or indirect acquisition or disposition of Securities that are not subordinated, no relief would be available if the Securities held by the second Issuer were subordinated to the rights and interests evidenced by other Securities issued by the first Issuer, unless such Securities were issued in a Designated Transaction.

obligations therein in exchange for Securities.

E. ''Master Servicer'' means the entity that is a party to the Pooling and Servicing Agreement relating to assets of the Issuer and is fully responsible for servicing, directly or through Subservicers, the assets of the Issuer.

F. ''Subservicer'' means an entity which, under the supervision of and on behalf of the Master Servicer, services loans contained in the Issuer, but is not a party to the Pooling and Servicing Agreement.

G. ''Servicer'' means any entity which services loans contained in the Issuer, including the Master Servicer and any Subservicer.

H. ''Trust'' means an Issuer which is a trust (including an owner trust, grantor trust or a REMIC or FASIT which is organized as a Trust.

I. ''Trustee'' means the trustee of any Trust which issues Securities and also includes an Indenture Trustee. ''Indenture Trustee'' means the Trustee appointed under the indenture pursuant to which the subject Securities are issued, the rights of holders of the Securities are set forth and a security interest in the Trust assets in favor of the holders of the Securities is created. The Trustee or the Indenture Trustee is also a party to or beneficiary of all the documents and instruments transferred to the Trust, and as such, has both the authority to, and the responsibility for, enforcing all the rights created thereby in favor of holders of the Securities, including those rights arising in the event of default by the servicer.

J. ''Insurer'' means the insurer or guarantor of, or provider of other credit support for, an Issuer. Notwithstanding the foregoing, a person is not an Insurer solely because it holds securities representing an interest in an Issuer which are of a class subordinated to Securities representing an interest in the same Issuer.

K. ''Obligor'' means any person, other than the Insurer, that is obligated to make payments with respect to any obligation or receivable included in the Issuer. Where an Issuer contains Qualified Motor Vehicle Leases or Qualified Equipment Notes secured by Leases, ''Obligor'' shall also include any owner of property subject to any Lease included in the Issuer, or subject to any Lease securing an obligation included in the Issuer.

L. ''Excluded Plan'' means any plan with respect to which any member of the Restricted Group is a ''plan sponsor'' within the meaning of section 3(16)(B) of the Act.

M. ''Restricted Group'' with respect to a class of Securities means:

(1) Each Underwriter;

(2) Each Insurer;

(3) The Sponsor;

(4) The Trustee;

(5) Each Servicer;

(6) Any Obligor with respect to obligations or receivables included in the Issuer constituting more than 5 percent of the aggregate unamortized principal balance of the assets in the Issuer, determined on the date of the initial issuance of Securities by the Issuer;

(7) Each counterparty in an Eligible Swap Agreement; or

(8) Any Affiliate of a person described in (1)–(7) above.

N. ''Affiliate'' of another person includes:

(1) Any person, directly or indirectly, through one or more intermediaries, controlling, controlled by or under common control with such other person;

(2) Any officer, director, partner, employee, relative (as defined in section 3(15) of the Act), a brother, a sister, or a spouse of a brother or sister of such other person; and

(3) Any corporation or partnership of which such other person is an officer, director or partner.

O. ''Control'' means the power to exercise a controlling influence over the management or policies of a person other than an individual.

P. A person will be ''independent'' of another person only if:

(1) Such person is not an Affiliate of that other person; and

(2) The other person, or an Affiliate thereof, is not a fiduciary who has investment management authority or renders investment advice with respect to assets of such person.

Q. ''Sale'' includes the entrance into a Forward Delivery Commitment, provided:

(1) The terms of the Forward Delivery Commitment (including any fee paid to the investing plan) are no less favorable to the plan than they would be in an arm's-length transaction with an unrelated party;

(2) The prospectus or private placement memorandum is provided to an investing plan prior to the time the plan enters into the Forward Delivery Commitment; and

(3) At the time of the delivery, all conditions of this exemption applicable to sales are met.

R. ''Forward Delivery Commitment'' means a contact for the purchase or sale of one or more Securities to be delivered at an agreed future settlement date. The term includes both mandatory contracts (which contemplate obligatory delivery and acceptance of the Securities) and optional contracts (which give one party the right but not the obligation to deliver Securities to, or demand delivery of Securities from, the other party).

S. ''Reasonable Compensation'' has the same meaning as that term is defined in 29 CFR 2550.408c–2.

T. ''Qualified Administrative Fee'' means a fee which meets the following criteria:

(1) The fee is triggered by an act or failure to act by the Obligor other than the normal timely payment of amounts owing in respect of the obligations;

(2) The Servicer may not charge the fee absent the act or failure to act referred to in (1);

(3) The ability to charge the fee, the circumstances in which the fee may be charged, and an explanation of how the fee is calculated are set forth in the Pooling and Servicing Agreement; and

(4) The amount paid to investors in the Issuer will not be reduced by the amount of any such fee waived by the Servicer.

U. ''Qualified Equipment Note Secured by a Lease'' means an equipment note:

(1) Which is secured by equipment which is leased;

(2) Which is secured by the obligation of the lessee to pay rent under the equipment lease; and

(3) With respect to which the Issuer's security interest in the equipment is at least as protective of the rights of the Issuer as would be the case if the equipment note were secured only by the equipment and not the lease.

V. ''Qualified Motor Vehicle Lease'' means a lease of a motor vehicle where:

(1) The Issuer owns or holds a security interest in the lease;

(2) the Issuer owns or holds a security interest in the leased motor vehicle; and

(3) the Issuer's security interest in the leased motor vehicle is at least as protective of the Issuer's rights as the Issuer would receive under a motor vehicle installment loan contract.

W. ''Pooling and Servicing Agreement'' means the agreement or agreements among a Sponsor, a Servicer and the Trustee establishing a Trust. ''Pooling and Servicing Agreement'' also includes the indenture entered into by the Issuer and the Indenture Trustee.

X. ''Rating Agency'' means Standard & Poor's Ratings Services, a division of The McGraw-Hill Companies, Inc., Moody's Investors Service, Inc., Fitch, Inc. or any successors thereto.

Y. ''Capitalized Interest Account'' means an Issuer account (i) which is established to compensate securityholders for shortfalls, if any, between investment earnings on the Pre-

Funding Account and the pass-through rate payable under the Securities; and (ii) which meets the requirements of clause (c) of subsection III.B.(3).

Z. ''Closing Date'' means the date the Issuer is formed, the Securities are first issued and the Issuer's assets (other than those additional obligations which are to be funded from the Pre-Funding Account pursuant to subsection III.A.(7)) are transferred to the Issuer.

AA. ''Pre-Funding Account'' means an Issuer account (i) which is established to purchase additional obligations, which obligations meet the conditions set forth in clauses (a)-(g) of subsection II.A.(7); and (ii) which meets the requirements of clause (c) of subsection III.B.(3).

BB. ''Pre-Funding Limit'' means a percentage or ratio of the amount allocated to the Pre-Funding Account, as compared to the total principal amount of the Securities being offered which is less than or equal to 25 percent.

CC. ''Pre-Funding Period'' means the period commencing on the Closing Date and ending no later than the earliest to occur of (i) the date the amount on deposit in the Pre-Funding Account is less than the minimum dollar amount specified in the Pooling and Servicing Agreement; (ii) the date on which an event of default occurs under the Pooling and Servicing Agreement; or (iii) the date which is the later of three months or 90 days after the Closing Date.

DD. ''Designated Transaction'' means a securitization transaction in which the assets of the Issuer consist of secured consumer receivables, secured credit instruments or secured obligations that bear interest or are purchased at a discount and are: (i) Motor vehicle, home equity and/or manufactured housing consumer receivables; and/or (ii) motor vehicle credit instruments in transactions by or between business entities; and/or (iii) single-family residential, multi-family residential, home equity, manufactured housing and/or commercial mortgage obligations that are secured by single-family residential, multi-family residential, commercial real property or leasehold interests therein. For purposes of this section III.CC., the collateral securing motor vehicle consumer receivables or motor vehicle credit instruments may include motor vehicles and/or Qualified Motor Vehicle Leases.

EE. ''Ratings Dependent Swap'' means an interest rate swap, or (if purchased by or on behalf of the Issuer) an interest rate cap contract, that is part of the structure of a class of Securities where the rating assigned by the Rating Agency to any class of Securities held by any plan is dependent on the terms and conditions of the swap and the rating of the counterparty, and if such Security rating is not dependent on the existence of the swap and rating of the counterparty, such swap or cap shall be referred to as a ''Non-Ratings Dependent Swap''. With respect to a Non-Ratings Dependent Swap, each Rating Agency rating the Securities must confirm, as of the date of issuance of the Securities by the Issuer, that entering into an Eligible Swap with such counterparty will not affect the rating of the Securities.

FF. ''Eligible Swap'' means a Ratings Dependent or Non-Ratings Dependent Swap:

(1) Which is denominated in U.S. dollars;

(2) Pursuant to which the Issuer pays or receives, on or immediately prior to the respective payment or distribution date for the class of Securities to which the swap relates, a fixed rate of interest, or a floating rate of interest based on a publicly available index (*e.g.*, the London Interbank Offered Rate (LIBOR) or the U.S. Federal Reserve's Cost of Funds Index (COFI)), with the Issuer receiving such payments on at least a quarterly basis and obligated to make separate payments no more frequently than the counterparty, with all simultaneous payments being netted;

(3) Which has a notional amount that does not exceed either: (i) The principal balance of the class of Securities to which the swap relates, or (ii) the portion of the principal balance of such class represented solely by those types of corpus or assets of the Issuer referred to in subsections III.B.(1), (2) and (3);

(4) Which is not leveraged (*i.e.*, payments are based on the applicable notional amount, the day count fractions, the fixed or floating rates designated in subsection III.EE.(2), and the difference between the products thereof, calculated on a one to one ratio and not on a multiplier of such difference);

(5) Which has a final termination date that is either the earlier of the date on which the Issuer terminates or the related class of securities is fully repaid; and

(6) Which does not incorporate any provision which could cause a unilateral alteration in any provision described in subsections III.EE.(1) through (4) without the consent of the Trustee.

GG. ''Eligible Swap Counterparty'' means a bank or other financial institution which has a rating, at the date of issuance of the Securities by the Issuer, which is in one of the three highest long-term credit rating categories, or one of the two highest short-term credit rating categories, utilized by at least one of the Rating Agencies rating the Securities; provided that, if a swap Counterparty is relying on its short-term rating to establish eligibility under the Underwriter Exemption, such swap Counterparty must either have a long-term rating in one of the three highest long-term rating categories or not have a long-term rating from the applicable Rating Agency, and provided further that if the class of Securities with which the swap is associated has a final maturity date of more than one year from the date of issuance of the Securities, and such swap is a Ratings Dependent Swap, the swap Counterparty is required by the terms of the swap agreement to establish any collateralization or other arrangement satisfactory to the Rating Agencies in the event of a ratings downgrade of the swap Counterparty.

HH. ''Qualified Plan Investor'' means a plan investor or group of plan investors on whose behalf the decision to purchase Securities is made by an appropriate independent fiduciary that is qualified to analyze and understand the terms and conditions of any swap transaction used by the Issuer and the effect such swap would have upon the credit ratings of the Securities. For purposes of the Underwriter Exemption, such a fiduciary is either:

(1) A ''qualified professional asset manager'' (QPAM),[8] as defined under Part V(a) of PTE 84–14, 49 FR 9494, 9506 (March 13, 1984);

(2) An ''in-house asset manager'' (INHAM),[9] as defined under part IV(a) of PTE 96–23, 61 FR 15975, 15982 (April 10, 1996); or

(3) A plan fiduciary with total assets under management of at least $100 million at the time of the acquisition of such Securities.

II. ''Excess Spread'' means, as of any day funds are distributed from the Issuer, the amount by which the interest

[8] PTE 84–14 provides a class exemption for transactions between a party in interest with respect to an employee benefit plan and an investment fund (including either a single customer or pooled separate account) in which the plan has an interest, and which is managed by a QPAM, provided certain conditions are met. QPAMs (*e.g.*, banks, insurance companies, registered investment advisers with total client assets under management in excess of $50 million) are considered to be experienced investment managers for plan investors that are aware of their fiduciary duties under ERISA.

[9] PTE 96–23 permits various transactions involving employee benefit plans whose assets are managed by an INHAM, an entity which is generally a subsidiary of an employer sponsoring the plan which is a registered investment adviser with management and control of total assets attributable to plans maintained by the employer and its affiliates which are in excess of $50 million.

allocated to Securities exceeds the amount necessary to pay interest to securityholders, servicing fees and expenses.

JJ. ''Eligible Yield Supplement Agreement'' means any yield supplement agreement, similar yield maintenance arrangement or, if purchased by or on behalf of the Issuer, an interest rate cap contract to supplement the interest rates otherwise payable on obligations described in subsection III.B.(1). Such an agreement or arrangement may involve a notional principal contract provided that:

(1) It is denominated in U.S. dollars;

(2) The Issuer receives on, or immediately prior to the respective payment date for the Securities covered by such agreement or arrangement, a fixed rate of interest or a floating rate of interest based on a publicly available index (*e.g.*, LIBOR or COFI), with the Issuer receiving such payments on at least a quarterly basis;

(3) It is not ''leveraged'' as described in subsection III.EE.(4);

(4) It does not incorporate any provision which would cause a unilateral alteration in any provision described in subsections III.II.(1)–(3) without the consent of the Trustee;

(5) It is entered into by the Issuer with an Eligible Swap Counterparty; and

(6) It has a notional amount that does not exceed either:

(i) The principal balance of the class of Securities to which such agreement or arrangement relates, or (ii) the portion of the principal balance of such class represented solely by those types of corpus or assets of the Issuer referred to in subsections III.B.(1), (2) and (3).

The Department notes that this proposed exemption is included within the meaning of the term ''Underwriter Exemption'' as it is defined in section V(h) of Prohibited Transaction Exemption 95–60 (60 FR 35925, July 12, 1995), the Class Exemption for Certain Transactions Involving Insurance Company General Accounts at (see 60 FR 35932).

Effective Date: This exemption is effective for all transactions described herein which occurred on or after April 18, 2003.

Summary of Facts and Representations

1. RBC–DR is a Minnesota corporation organized on December 29, 1981 and is a wholly-owned subsidiary of RBC Dain Rauscher Corporation which is a wholly-owned subsidiary of Royal Bank of Canada. RBC–DR is a registered broker-dealer, a registered investment adviser and a member of the New York Stock Exchange, the National Association of Securities Dealers, Inc., and other major securities exchanges, as well as the Securities Investor Protection Corporation. RBC–DR engages in the purchase and sale of securities for the account of its customers, which include individual and institutional accounts. It also purchases and sells securities for its own proprietary trading accounts and for the accounts of its affiliates. RBC–DR engages in trading mortgage-related and other securities, including pass-through certificates issued by the Government National Mortgage Association (GNMA), the Federal National Mortgage Association (FNMA) and the Federal Home Loan Mortgage Corporation (FHLMC), callable agency debt, and collateralized mortgage obligations for the account of its customers and for its own accounts. RBC–DR similarly trades certificates of deposit issued by banks, the deposits of which are insured by the Bank Insurance Fund. Through its division ''RBC Capital Markets,'' RBC–DR also conducts similar business.

RBC–DR maintains its principal office at 60 South Sixth Street, Minneapolis, Minnesota 55402–4422. It maintains branch sales offices in 39 states and the District of Columbia.

2. RBC Mortgage Company (RBC Mortgage) is an Illinois corporation organized on June 22, 1992 and is a wholly-owned subsidiary of Royal Bank of Canada, the ultimate parent corporation to the RBC–DR. RBC Mortgage, formerly known as Prism Mortgage Company, is engaged primarily in the mortgage banking business, and originates, purchases, sells and services prime mortgage loans, sub-prime mortgage loans and home equity loans. It originates mortgage loans through a retail branch system and through mortgage loan brokers and purchases loans originated by correspondents nationwide. It also conducts this business through its affiliated entities Lenders Mortgage Services, LLC (Illinois), Mortgage Market Inc. (Oregon), and Pacific Guaranty Mortgage Corporation (California). It sells substantially all loans that it originates or purchases. In the calendar year ending 2001, RBC Mortgage originated over $17 billion in loans. The principal executive offices of RBC Mortgage are located at 440 North Orleans, Chicago, Illinois 60610. RBC Mortgage may participate as an issuer or servicer in securitizations underwritten by RBC–DR or one of its Affiliates.

3. RBC Centura Bank (RBC Centura) is a state chartered banking corporation organized under the laws of North Carolina on February 14, 1990. It is a wholly-owned subsidiary of Royal Bank of Canada. RBC Centura offers financial services, including deposit accounts, investments and mutual funds, financial advice, credit and debit cards, business and personal loans, insurance, residential and commercial mortgages. Its deposits are insured by the Federal Deposit Insurance Corporation (FDIC). RBC Centura offers personal and commercial customers banking services through more than 240 banking centers located in five Southeastern states. Through its division, RBC Builder Finance (''RBC–BF''), headquartered in Houston, Texas, RBC Centura engages in lending activity designed to fund single-family construction loans, residential land acquisition and development loans, including finished lot facilities, and participating debt loans. The RBC–BF division targets professional, middle-market, residential homebuilders and developers in major metropolitan markets throughout the United States. Loan production offices are located in the District of Columbia and 16 states, primarily in the South and West. RBC Centura (including its division RBC–BF) may participate as an issuer, servicer or trustee in securitizations underwritten by RBC–DR or one of its Affiliates.

4. *Other Affiliates.* For purposes of this application, the term ''Affiliate'' shall mean any U.S.-domiciled corporation, partnership, or other business entity controlled by Royal Bank of Canada. The term ''Applicant'' herein shall be used to denote RBC–DR and its Affiliates.

5. RBC–DR seeks exemptive relief to permit plans to invest in pass-through certificates representing undivided interests in the following categories of trusts: (1) Single and multi-family residential or commercial mortgage investment trusts;[10] (2) motor vehicle receivable investment trusts; (3) consumer or commercial receivables investment trusts; and (4) guaranteed governmental mortgage pool certificate investment trusts.[11] For purposes of the

[10] PTE 83–1 (48 F.R. 895, January 7, 1983), a class exemption for mortgage pool investment trusts, would generally apply to trusts containing single-family residential mortgages, provided that the applicable conditions of PTE 83–1 are met. RBC–DR requests relief for single-family residential mortgages in this exemption because it would prefer one exemption for all trusts of similar structure, and because the relief in PTE 83–1 is narrower than that in the requested exemption. However, RBC–DR may still avail itself of the exemptive relief provided by PTE 83–1.

[11] Guaranteed governmental mortgage pool certificates are mortgage-backed securities with respect to which interest and principal payable is guaranteed by GNMA, FHLMC, or FNMA. The Department's regulation relating to the definition of plan assets (29 CFR 2510.3–101(i)) provides that where a plan acquires a guaranteed governmental mortgage pool certificate, the plan's assets include the certificate and all of its rights with respect to such certificate under applicable law, but do not,

following discussion, the term ''trust'' includes partnerships, special purpose corporations or limited liability companies. The term ''certificate'' includes a security which is either a pass-through certificate or a security denominated as a debt security that is issued by one of the above-enumerated entities.

Securitization transactions in which the assets of the securitization vehicle reflect the following categories of receivables (all of which are also described in more detail below) are referred to herein as ''Designated Transactions'': (1) Automobile and other motor vehicle loans, (2) residential and home equity loans (which may have high loan-to value (HLTV) ratios in excess of 100%), (3) manufactured housing loans and (4) commercial mortgages.

Trust Structure

6. Each trust is established under a pooling and servicing agreement between a sponsor, a servicer and a trustee. Prior to the closing date under the pooling and servicing agreement, the sponsor or servicer of a trust establishes the trust, designates an entity as trustee, and, except to the extent a pre-funding account, as described below, will be used, selects assets to be included in the trust. The assets are receivables, which may have been originated by a sponsor or servicer of the trust, an affiliate of the sponsor or servicer, or by an unrelated lender and subsequently acquired by the trust sponsor or servicer.

Typically, on or prior to the closing date, the sponsor acquires legal title to all assets selected for the trust. In some cases, legal title to some or all of such assets continues to be held by the originator of the receivable until the closing date. On the closing date, the sponsor and/or the originator of the receivables conveys to the trust legal title to the assets, and the trustee issues certificates representing fractional undivided interests in the trust assets. RBC–DR, alone or together with other broker-dealers, acts as underwriter or placement agent with respect to the sale of the certificates. RBC–DR currently anticipates that the public offerings of certificates will be underwritten by it on a firm commitment basis. In addition, RBC–DR anticipates that it may privately place certificates on both a firm commitment and an agency basis. RBC–DR may also act as the lead or co-managing underwriter for a syndicate of securities underwriters.

Certificateholders will be entitled to receive monthly, quarterly or semi-annual installments of principal and/or interest, or lease payments due on the receivables, adjusted, in the case of payments of interest, to a specified rate—the pass-through rate—which may be fixed or variable.

When installments or payments are made on a semi-annual basis, funds are not permitted to be commingled with the servicer's assets for longer than would be permitted for a monthly-pay security. A segregated account is established in the name of the trustee (on behalf of certificateholders) to hold funds received between distribution dates. The account is under the sole control of the trustee, who invests the account's assets in short-term securities (*i.e.*, permissible investments), which have received a rating comparable to the rating assigned to the certificates. In some cases, the servicer may be permitted to make a single deposit into the account once a month. When the servicer makes such monthly deposits, payments received from obligors by the servicer may be commingled with the servicer's assets during the month prior to deposit. Usually, the period of time between receipt of funds by the servicer and deposit of these funds in a segregated account does not exceed one month.

Furthermore, in those cases where distributions are made semiannually, the servicer will furnish a report on the operation of the trust to the trustee on a monthly basis. At or about the time this report is delivered to the trustee, it will be made available to certificateholders and delivered to, or made available to, each rating agency that has rated the certificates.

The trust may elect to be treated as a real estate mortgage investment conduit (''REMIC'') or a financial asset securitization investment trust (''FASIT''), or may be treated as a grantor trust or a partnership, for federal income tax purposes.

7. Some of the certificates will be multi-class certificates. RBC–DR requests exemptive relief for two types of multi-class certificates: ''strip'' certificates and ''senior/subordinate'' (also sometimes referred to as ''fast pay/slow pay'') certificates. Strip certificates are a type of security in which the stream of interest payments on receivables is split from the flow of principal payments and separate classes of certificates are established, each representing rights to disproportionate payments of principal and interest.[12]

''Senior/subordinate'' certificates involve the issuance of classes of certificates having different stated maturities or the same maturities with different payment schedules. Interest and/or principal payments received on the underlying receivables are distributed first to the class of certificates having the earliest stated maturity of principal, and/or earlier payment schedule, and only when that class of certificates has been paid in full (or has received a specified amount) will distributions be made with respect to the second class of certificates. Distributions on certificates having later stated maturities will proceed in like manner until all the certificateholders have been paid in full. The only difference between this multi-class pass-through arrangement and a single-class pass-through arrangement is the order in which distributions are made to certificateholders. In each case, certificateholders will have a beneficial ownership interest in the underlying assets. Except as permitted in a Designated Transaction, the rights of a plan purchasing a certificate will not be subordinated to the rights of another certificateholder in the event of default on any of the underlying obligations. In particular, unless the certificates are issued in a Designated Transaction, if the amount available for distribution to certificateholders is less than the amount required to be so distributed, all senior certificateholders then entitled to receive distributions will share in the amount distributed on a pro rata basis.[13]

8. For tax reasons, the trust will be maintained as an essentially passive entity. Therefore, both the sponsor's discretion and the servicer's discretion with respect to assets included in a trust are severely limited. Pooling and servicing agreements provide for the substitution of receivables by the sponsor only in the event of defects in documentation discovered within a

solely by reason of the plan's holding of such certificate, include any of the mortgages underlying such certificate. The Applicant is requesting exemptive relief for trusts containing guaranteed governmental mortgage pool certificates because the certificates in such trusts may be plan assets.

[12] When a plan invests in REMIC ''residual'' interest certificates to which this exemption applies, some of the income received by the plan as a result of such investment may be considered unrelated business taxable income to the plan, which is subject to federal income tax under the Code. The prudence requirement of section 404(a)(1)(B) of the Act would require plan fiduciaries to carefully consider this and other tax consequences prior to causing plan assets to be invested in certificates pursuant to this exemption.

[13] If a trust issues subordinated certificates, holders of such subordinated certificates may not share in the amount distributed on a pro rata basis with the senior certificateholders. The Department notes that the proposed exemption does not provide relief for plan investments in such subordinated certificates, unless such certificates are issued in a Designated Transaction.

short time after the issuance of investor certificates (within 120 days, except in the case of obligations having an original term of 30 years, in which case the period will not exceed two years). Any receivable so substituted is required to have characteristics substantially similar to the replaced receivable and will be at least as creditworthy as the replaced receivable.

In some cases, the affected receivable would be repurchased, with the purchase price applied as a payment on the affected receivable and passed-through to certificateholders.

Interest Rate Swaps

9. RBC–DR requests relief for both ratings dependent and non-ratings dependent swaps as described in Prohibited Transaction Exemption 2000–58 (65 FR 67765, November 13, 2000) (PTE 2000–58), subject to the same terms and conditions regarding interest rate swaps contained in that exemption.

Conditions to Interest Rate Swaps

10. Any class of certificates to which one or more swap agreements entered into by the trust applies will be acquired or held only by qualified plan investors. Qualified plan investors will be plan investors represented by an appropriate independent fiduciary that is qualified to analyze and understand the terms and conditions of any swap transaction relating to the class of certificates to be purchased and the effect such swap would have upon the credit rating of the certificates to which the swap relates.

Yield Supplement Agreements

11. A yield supplement agreement is a contract under which the trust makes a single cash payment to the contract provider in return for the contract provider promising to make certain payments to the trust in the event of market fluctuations in interest rates. For example, if a class of certificates promises an interest rate which is the greater of 7% per annum or LIBOR and LIBOR increases significantly, the yield supplement agreement might obligate the contract provider to pay to the trust the excess of LIBOR over 7% per annum. In some circumstances, the contract provider's obligation may be capped at a certain aggregate maximum dollar liability under the contract. Alternatively, a cap could be placed on the supplemental interest that would be paid to a securityholder from monies paid under the yield supplement agreement. For example, the yield supplement agreement would provide the difference between LIBOR and 7% but only to the extent that the securityholder would be paid a total of 9% per annum. The interest to be paid by the contract provider to the trust under the yield supplement agreement is usually calculated based on a notional principal balance which may mirror the principal balances of those classes of certificates to which the yield supplement agreement relates or some other fixed amount. This notional amount will not exceed either: (i) The principal balance of the class of certificates to which such agreement or arrangement relates, or (ii) the portion of the principal balance of such class represented solely by those types of corpus or assets of the trust referred to in subsections III.B. (1), (2) and (3) of the proposed exemption. In all cases, the trust makes no payments other than the fixed purchase price for the yield supplement agreement and may, therefore, be distinguished from an interest rate swap agreement, notwithstanding that both types of agreements may use an International Swaps and Derivatives Association, Inc. (''ISDA'') form of contract.

The Applicant notes that no ''plan assets'' within the meaning of the plan asset regulation (under 29 CFR 2510–3–101) are utilized in the purchase of the yield supplement agreement, as the sponsor or some other third party funds such arrangement with an up-front single-sum payment. The trust's only obligation is to receive payments from the counterparty if interest rate fluctuations require them under the terms of the contract and to pass them through to securityholders. The rating agencies examine the creditworthiness of the counterparty in a ratings dependent yield supplement agreement. The Applicant suggests that the relief for yield supplement agreements should be subject to the same conditions as for interest rate swaps, to the extent relevant. These conditions would include that the yield supplement agreement must be denominated in U.S. dollars, the agreement must not be leveraged, any changes in these conditions must be subject to the consent of the trustee, and the counterparty must be subject to the same eligibility requirements as an interest rate swap counterparty.

Pre-Funding Accounts

12. Although many transactions occur as described above, it is also common for other transactions to be structured using a pre-funding account and/or a capitalized interest account as described below.

The pre-funding period for any trust will be defined as the period beginning on the closing date and ending on the earliest to occur of (i) The date on which the amount on deposit in the pre-funding account is less than a specified dollar amount, (ii) the date on which an event of default occurs under the related pooling and servicing agreement [14] or (iii) the date which is the later of three months or ninety days after the closing date. If pre-funding is used, the sponsor or originator will transfer to the trust on the closing date cash sufficient to purchase the receivables to be transferred after the closing date. During the pre-funding period, such cash and temporary investments, if any, made therewith will be held in a pre-funding account and used to purchase the additional receivables, the characteristics of which will be substantially similar to the characteristics of the receivables transferred to the trust on the closing date. Certain specificity and monitoring requirements must be met and will be disclosed in the pooling and servicing agreement and/or the prospectus [15] or private placement memorandum.[16]

Capitalized Interest Accounts

13. When a pre-funding account is used, the sponsor and/or originator may also transfer to the trust additional cash on the closing date, to be deposited in a capitalized interest account and used during the pre-funding period to compensate the certificateholders for any shortfall between the investment earnings on the pre-funding account and the pass-through interest rate payable under the certificates.

Because the certificates are supported by the receivables in the trust and the earnings on the pre-funding account, the capitalized interest account is needed when the investment earnings on the pre-funding account and the interest paid on the receivables are less than the interest payable on the certificates. The capitalized interest account funds are paid out periodically to the certificateholders as needed on distribution dates to support the pass-through rate. In addition, a portion of such funds may be returned to the

[14] The minimum dollar amount is generally the dollar amount below which it becomes too uneconomical to administer the pre-funding account. An event of default under the pooling and servicing agreement generally occurs when: (i) A breach of a covenant or a breach of a representation and warranty concerning the sponsor, the servicer, or certain other parties occurs which is not cured; (ii) a required payment to certificateholders is not made; or (iii) the servicer becomes insolvent.

[15] References to the term ''prospectus'' herein shall include any prospectus supplement related thereto, pursuant to which certificates are offered to investors.

[16] See the Proposal to PTE 2000–58 (August 23, 2000, 65 FR 51454, at page 51463) for a fuller explanation of pre-funding accounts.

sponsor from time to time as the receivables are transferred into the trust and the need for the capitalized interest account diminishes. Any amounts held in the capitalized interest account generally will be returned to the sponsor and/or originator either at the end of the pre-funding period or periodically as receivables are transferred and the proportionate amount of funds in the capitalized interest account can be reduced. Generally, the capitalized interest account terminates no later than the end of the pre-funding period. However, there may be some cases where the capitalized interest account remains open until the first date distributions are made to certificateholders following the end of the pre-funding period.

In other transactions, a capitalized interest account is not necessary because the interest paid on the receivables exceeds the interest payable on the certificates at the applicable interest rate and the fees payable by the issuer. Such excess is sufficient to make up any shortfall resulting from the pre-funding account earning less than the interest rate payable on the certificates. In certain of these transactions, this occurs because the aggregate principal amount of receivables exceeds the aggregate principal amount of certificates.

Pre-Funding Account and Capitalized Interest Account Payments and Investments

14. Pending the acquisition of additional receivables during the pre-funding period, it is expected that amounts in the pre-funding account and the capitalized interest account will be invested in certain permitted investments or will be held uninvested. Pursuant to the pooling and servicing agreement, all permitted investments must mature prior to the date the actual funds are needed. The permitted types of investments in the pre-funding account and capitalized interest account are investments which either: (i) Are direct obligations of, or obligations fully guaranteed as to timely payment of principal and interest by, the United States or any agency or instrumentality thereof, provided that such obligations are backed by the full faith and credit of the United States or (ii) have been rated (or the obligor has been rated) in one of the three highest generic rating categories (or four, in the case of Designated Transactions) by a rating agency, as set forth in the pooling and servicing agreement and as required by the rating agencies. The credit grade quality of the permitted investments is generally no lower than that of the certificates. The types of permitted investments will be described in the pooling and servicing agreement.

The ordering of interest payments to be made from the pre-funding and capitalized interest accounts is pre-established and set forth in the pooling and servicing agreement. The only principal payments which will be made from the pre-funding account are those made to acquire the receivables during the pre-funding period and those distributed to the certificateholders in the event that the entire amount in the pre-funding account is not used to acquire receivables. The only principal payments which will be made from the capitalized interest account are those made to certificateholders if necessary to support the certificate pass-through rate or those made to the sponsor either periodically as they are no longer needed or at the end of the pre-funding period when the capitalized interest account is no longer necessary.

The Characteristics of the Receivables Transferred During the Pre-Funding Period

15. In order to ensure that there is sufficient specificity as to the representations and warranties of the sponsor regarding the characteristics of the receivables to be transferred after the closing date:

(i) The pre-funding limit will not be exceeded;

(ii) All such receivables will meet the same terms and conditions for eligibility as those of the original receivables used to create the trust corpus (as described in the prospectus or private placement memorandum and/or pooling and servicing agreement for such certificates), which terms and conditions have been approved by a rating agency. However, the terms and conditions for determining the eligibility of a receivable may be changed if such changes receive prior approval either by a majority vote of the outstanding certificateholders or by a rating agency; [17]

(iii) The transfer to the trust of the receivables acquired during the pre-funding period will not result in the certificates receiving a lower credit rating from the rating agency upon termination of the pre-funding period than the rating that was obtained at the time of the initial issuance of the certificates by the trust;

(iv) The weighted average annual percentage interest rate (the average interest rate) for all of the obligations in the trust at the end of the pre-funding period will not be more than 100 basis points lower than the average interest rate for the obligations which were transferred to the trust on the closing date; and

(v) The trustee of the trust (or any agent with which the trustee contracts to provide trust services) will be a substantial financial institution or trust company experienced in trust activities and familiar with its duties, responsibilities, and liabilities as a fiduciary under ERISA. The trustee, as the legal owner of the obligations in the trust, will enforce all the rights created in favor of certificateholders of such trust, including employee benefit plans subject to ERISA.

In order to ensure that the characteristics of the receivables actually acquired during the pre-funding period are substantially similar to receivables that were acquired as of the closing date, the characteristics of the additional obligations subsequently acquired will either be monitored by a credit support provider or other insurance provider which is independent of the sponsor or an independent accountant retained by the sponsor will provide the sponsor with a letter (with copies provided to the rating agency, the underwriter and the trustees) stating whether or not the characteristics of the additional obligations acquired after the closing date conform to the characteristics of such obligations described in the prospectus, private placement memorandum and/or pooling and servicing agreement. In preparing such letter, the independent accountant will use the same type of procedures as were applicable to the obligations which were transferred as of the closing date.

Each prospectus, private placement memorandum and/or pooling and servicing agreement will set forth the terms and conditions for eligibility of the receivables to be included in the trust as of the related closing date, as well as those to be acquired during the pre-funding period, which terms and conditions will have been agreed to by the rating agencies which are rating the applicable certificates as of the closing date. Also included among these conditions is the requirement that the

[17] In some transactions, the insurer and/or credit support provider may have the right to veto the inclusion of receivables, even if such receivables otherwise satisfy the underwriting criteria. This right usually takes the form of a requirement that the sponsor obtain the consent of these parties before the receivables can be included in the trust. The insurer and/or credit support provider may, therefore, reject certain receivables or require that the sponsor establish certain trust reserve accounts as a condition of including these receivables. Virtually all trusts which have insurers or other credit support providers are structured to give such veto rights to these parties. The percentage of trusts that have insurers and/or credit support providers, and accordingly feature such veto rights, varies.

trustee be given prior notice of the receivables to be transferred, along with such information concerning those receivables as may be requested. Each prospectus or private placement memorandum will describe the amount to be deposited in, and the mechanics of, the pre-funding account and will describe the pre-funding period for the trust.

Parties to Transactions

16. The originator of a receivable is the entity that initially lends money to a borrower (obligor), such as a homeowner or automobile purchaser, or leases property to a lessee. The originator may either retain a receivable in its portfolio or sell it to a purchaser, such as a trust sponsor. Originators of receivables included in the trusts will be entities that originate receivables in the ordinary course of their business, including finance companies for whom such origination constitutes the bulk of their operations, financial institutions for whom such origination constitutes a substantial part of their operations, and any kind of manufacturer, merchant, or service enterprise for whom such origination is an incidental part of its operations. The originator of the receivables may also function as the trust sponsor or servicer. Each trust may contain assets of one or more originators.

17. The sponsor will be one of three entities: (i) A special-purpose or other corporation unaffiliated with the servicer, (ii) a special-purpose or other corporation affiliated with the servicer, or (iii) the servicer itself. Where the sponsor is not also the servicer, the sponsor's role will generally be limited to acquiring the receivables to be included in the trust, establishing the trust, designating the trustee, and assigning the receivables to the trust.

18. The trustee of a trust (or the issuer if it is not a trust) is the legal owner of the obligations in the trust and would hold a security interest in the collateral securing such obligations. The trustee is also a party to or beneficiary of all the documents and instruments deposited in the trust, and as such is responsible for enforcing all the rights created thereby in favor of certificateholders. The trustee generally will be an independent entity, although that the trustee may be related to the Applicant.[18] The Applicant represents that the trustee will be a substantial financial institution or trust company experienced in trust activities. The trustee receives a fee for its services, which will be paid from cash flows in the trust. The method of compensating the trustee, which is specified in the pooling and servicing agreement, will be disclosed in the prospectus or private placement memorandum relating to the offering of the certificates.

The rights and obligations of the indenture trustee are no different than those of the trustee of an issuer which is a trust. The indenture trustee is obligated to oversee and administer the activities of all of the ongoing parties to the transaction and possesses the authority to replace those entities, sue them, liquidate the collateral and perform all necessary acts to protect the interests of the debt holders. If debt is issued in a transaction, there may not be a pooling and servicing agreement. Instead, there is a sales agreement and servicing agreement (or these two agreements are sometimes combined into a single agreement). The agreement(s) set(s) forth, among other things, the duties and responsibilities of the parties to the transaction relating to the administration of the Issuer. The indenture trustee is often a party to these agreements. At a minimum, the indenture trustee acknowledges its rights and responsibilities in these agreements or they are contractually set forth in the indenture agreement pursuant to which the indenture trustee is appointed.

19. The servicer of a trust administers the receivables on behalf of the certificateholders. The servicer's functions typically involve, among other things, notifying borrowers of amounts due on receivables, maintaining records of payments received on receivables and instituting foreclosure or similar proceedings in the event of default. In cases where a pool of receivables has been purchased from a number of different originators and deposited in a trust, the receivables may be ''subserviced'' by their respective originators and a single entity may ''master service'' the pool of receivables on behalf of the owners of the related series of certificates. Where this arrangement is adopted, a receivable continues to be serviced from the perspective of the borrower by the local subservicer, while the investor's perspective is that the entire pool of receivables is serviced by a single, central master servicer who collects payments from the local subservicers and passes them through to certificateholders.

A servicer's default is treated in the same manner whether or not the issuer is a trust. The original servicer can be replaced, and the entity replacing the servicer varies from transaction to transaction. In certain cases, it may be the trustee (or indenture trustee if the issuer is not a trust) or it may be a third party satisfactory to the rating agencies and/or credit support provider. In addition, there are transactions where the trustee or indenture trustee will assume the servicer's responsibilities on a temporary basis until the permanent replacement takes over. In all cases, the replacement entity must be capable of satisfying all of the duties and responsibilities of the original servicer and must be an entity that is satisfactory to the rating agencies.

If, after the initial issuance of certificates, a servicer of receivables held by a trust which has issued certificates in reliance upon the Underwriter Exemptions (or an affiliate thereof) merges with or is acquired by (or acquires) the trustee of such trust (or an affiliate thereof), and thereby becomes an affiliate of the trustee, the requirement that the trustee not be an affiliate of the restricted group (other than the underwriter) will not be violated, provided that: (i) Such servicer ceases to be an affiliate of the trustee no later than six months after the date such servicer became an affiliate of the trustee; and (ii) such servicer did not breach any of its obligations under the pooling and servicing agreement, unless such breach was immaterial and timely cured in accordance with the terms of such agreement, during the period from the closing date of such merger or acquisition transaction through the date the servicer ceased to be an affiliate of the trustee.

20. The underwriter will be a registered broker-dealer that acts as underwriter or placement agent with respect to the sale of the certificates. Public offerings of certificates are generally made on a firm commitment basis. Private placements of certificates may be made on a firm commitment or agency basis. It is anticipated that the lead and co-managing underwriters will make a market in certificates offered to the public.

In most cases, the originator and servicer of receivables to be included in a trust and the sponsor of the trust (although they may themselves be related) will be unrelated to RBC-DR. In other cases, however, affiliates of RBC-DR may originate or service receivables included in a trust or may sponsor a trust.

[18] *See* Prohibited Transaction Exemption 2002–41 (67 FR 54487, August 22, 2002), an amendment to the prior individual exemptions granted for mortgage-backed and other asset-backed securities (the Underwriter Exemptions), which permits the trustee of the trust to be an affiliate of the underwriter of the certificates.

Certificate Price, Interest Rate and Fees

21. As compensation for the receivables transferred to the trust, the sponsor receives certificates representing the entire beneficial interest in the trust, or the cash proceeds of the sale of such certificates. If the sponsor receives certificates from the trust, the sponsor sells all or a portion of these certificates for cash to investors or securities underwriters.

22. The price of the certificates, both in the initial offering and in the secondary market, is affected by market forces, including investor demand, the specified interest rate on the certificates in relation to the rate payable on investments of similar types and quality, expectations as to the effect on yield resulting from prepayment of underlying receivables, and expectations as to the likelihood of timely payment.

The interest rate for certificates is typically equal to the interest rate on receivables included in the trust minus a specified servicing fee.[19] This rate is generally determined by the same market forces that determine the price of a certificate. The price of a certificate and its interest, or coupon, rate together determine the yield to investors. If an investor purchases a certificate at less than par, that discount augments the stated interest rate; conversely, a certificate purchased at a premium yields less than the stated coupon.

23. As compensation for performing its servicing duties, the servicer (who may also be the sponsor or an affiliate thereof, and receive fees for acting in that capacity) will retain the difference between payments received on the receivables in the trust and payments payable (at the interest rate) to certificateholders, except that in some cases a portion of the payments on receivables may be paid to a third party, such as a fee paid to a provider of credit support. The servicer may receive additional compensation by having the use of the amounts paid on the receivables between the time they are received by the servicer and the time they are due to the trust (which time is set forth in the pooling and servicing agreement). The servicer typically will be required to pay the administrative expenses of servicing the trust, including in some cases the trustee's fee, out of its servicing compensation.

The servicer is also compensated to the extent it may provide credit enhancement to the trust or otherwise arrange to obtain credit support from another party. This ''credit support fee'' may be aggregated with other servicing fees, and is either paid out of the interest income received on the receivables in excess of the pass-through rate or paid in a lump sum at the time the trust is established.

24. The servicer may be entitled to retain certain administrative fees paid by a third party, usually the obligor. These administrative fees fall into three categories: (a) Prepayment fees; (b) late payment and payment extension fees; and (c) expenses, fees and charges associated with foreclosure or repossession, or other conversion of a secured position into cash proceeds, upon default of an obligation.

Compensation payable to the servicer will be set forth or referred to in the pooling and servicing agreement and described in reasonable detail in the prospectus or private placement memorandum relating to the certificates.

25. Payments on receivables may be made by obligors to the servicer at various times during the period preceding any date on which pass-through payments to the trust are due. In some cases, the pooling and servicing agreement may permit the servicer to place these payments in non-interest bearing accounts maintained with itself or to commingle such payments with its own funds prior to the distribution dates. In these cases, the servicer would be entitled to the benefit derived from the use of the funds between the date of payment on a receivable and the pass-through date. Commingled payments may not be protected from the creditors of the servicer in the event of the servicer's bankruptcy or receivership. In those instances when payments on receivables are held in non-interest bearing accounts or are commingled with the servicer's own funds, the servicer is required to deposit these payments by a date specified in the pooling and servicing agreement into an account from which the trustee makes payments to certificateholders.

26. The underwriter will receive a fee in connection with the securities underwriting or private placement of certificates. In a firm commitment underwriting, this fee would consist of the difference between what the underwriter receives for the certificates that it distributes and what it pays the sponsor for those certificates. In a private placement, the fee normally takes the form of an agency commission paid by the sponsor. In a best efforts underwriting in which the underwriter would sell certificates in a public offering on an agency basis, the underwriter would receive an agency commission rather than a fee based on the difference between the price at which the certificates are sold to the public and what it pays the sponsor. In some private placements, the underwriter may buy certificates as principal, in which case its compensation would be the difference between what it receives for the certificates that it sells and what it pays the sponsor for these certificates.

Certificate Ratings

27. The certificates for which exemptive relief is requested will have received one of the three highest ratings (four, in the case of Designated Transactions) available from the rating agency. Insurance or other credit support (such as surety bonds, letters of credit, guarantees, or overcollateralization) will be obtained by the trust sponsor to the extent necessary for the certificates to attain the desired rating. The amount of this credit support is set by the rating agencies at a level that is a multiple of the worst historical net credit loss experience for the type of obligations included in the issuing trust.

Subordination

28. The market has now evolved to the point where asset-backed securities/mortgage-backed securities (''ABS/MBS'') offerings typically include multiple tranches of senior and subordinated investment-grade securities. The Applicant believes that rating agencies can rate subordinated classes of securities with a high level of expertise, thereby ensuring the safety of these investments for plans through the use of other credit support (including increased levels of non-investment-grade securities). The subordination of a security, while factored into the evaluation made by the rating agencies in their assessment of credit risk, is not indicative of whether a security is more or less safe for investors. In fact, there are ''AAA'' rated subordinated securities.[20] Subordination is simply another form of credit support. The rating agencies, after determining the level of credit support required to achieve a given rating level, are essentially indifferent as to how these credit support requirements are implemented— whether through

[19] The interest rate on certificates representing interests in trusts holding leases is determined by breaking down lease payments into ''principal'' and ''interest'' components based on an implicit interest rate. Certificates issued by trusts that are classified as REMICs for federal income tax purposes may use different formulas for setting the specified interest rate with respect to certificates.

[20] For example, a transaction may have two classes of ''AAA'' rated securities and one is subordinated to the other. The subordinated class would be required to have more credit support to qualify for the ''AAA'' rating than the more senior ''AAA'' rated class.

subordination or other means. If subordination is used, however, the subordinated class will have no greater credit risks or fewer legal protections in comparison with other credit-supported classes that possesses the same rating.

There is much benefit to plan investors in having subordinated securities eligible for exemptive relief. First, credit support provided through third-party credit providers is more expensive than an equal amount of credit support provided through subordination. As a result, the ability to use subordinated tranches to provide credit support for the more senior classes (which may or may not themselves be subordinated) creates economic savings for all the parties to the transaction which, in turn, can allow greater returns to investors. In addition, if the credit rating of a third-party credit support provider is downgraded, the rating of the securities is also downgraded. Second, the yields available on subordinated securities are often higher than those paid on comparably rated non-subordinated securities because investors expect to receive higher returns for subordinated securities. Third, subordinated securities are usually paid after other more senior securities, which results in their having longer terms to maturity. This is appealing to many investors who are looking for medium-term fixed income investments to diversify their portfolios. The combination of these factors benefits investors by making available securities which can provide higher yields for longer periods. It should be noted that as the rating of a security generally addresses the probability of all interest being timely paid and all principal being paid by maturity under various stress scenarios, the rating agencies are particularly concerned with the ability of the pool to generate sufficient cash flow to pay all amounts due on subordinated tranches, and several features of the credit support mechanisms discussed below are designed to protect subordinated classes of securities.

Types of Credit Support

29. Credit support consists of two general varieties: external credit support and internal credit support. The Applicant notes that the choice of the type of credit support depends on many factors. Internal credit support which is generated by the operation of the Issuer is preferred because it is less expensive than external credit support which must be purchased from outside third parties. In addition, there is a limited number of appropriately rated third-party credit support providers available. Further, certain types of credit support are not relevant to certain asset types. For example, there is generally little or no excess spread available in residential or CMBS transactions because the interest rates on the obligations being securitized are relatively low. Third, the ratings agencies may require certain types of credit support in a particular transaction. In this regard, the selection of the types and amounts of the various kinds of credit support for any given transaction are usually a product of negotiations between the underwriter of the securities and the ratings agencies. For example, the underwriter might propose using excess spread and subordination as the types of credit support for a particular transaction and the rating agency might require cash reserve accounts funded up front by the sponsor, excess spread and a smaller sized subordinated tranche than that proposed by the underwriter. In addition, market forces can affect the types of credit support. For example, there may not be a market for subordinated tranches because the transaction cannot generate sufficient cash flow to pay a high enough interest rate to compensate investors for the subordination feature, or the market may demand an insurance wrap on a class of securities before it will purchase certain classes of securities. All of these considerations interact to dictate which particular combination of credit support will be used in a particular transaction.

External Credit Support

30. In the case of external credit support, credit enhancement for principal and interest repayments is provided by a third party so that if required collections on the pooled receivables fall short due to greater than anticipated delinquencies or losses, the credit enhancement provider will pay the securityholders the shortfall. Examples of such external credit support features include: insurance policies from ''AAA'' rated monoline [21] insurance companies (referred to as ''wrapped'' transactions), corporate guarantees, letters of credit and cash collateral accounts. In the case of wrapped or other credit supported transactions, the Insurer or other credit provider will usually take a lead role in negotiating with the sponsor concerning levels of overcollateralization and selection of receivables for inclusion into the pool as it is the Insurer or credit provider that will bear the ultimate risk of loss.

Internal Credit Support

31. Internal credit support relies upon some combination of utilization of excess interest generated by the receivables, specified levels of overcollateralization and/or subordination of junior classes of certificates. Transactions that look almost exclusively to the underlying pooled assets for cash payments (or ''senior/subordinated'' transactions) will contain multiple classes of certificates, some of which bear losses prior to others and, therefore, support more senior certificates. A subordinate certificate will absorb realized losses from the asset pool, and have its principal amount ''written down'' to zero, before any losses will be allocated to the more senior classes. In this way, the more senior classes will receive higher rating classifications than the more subordinate classes. However, the rating agencies require cash flow modeling of all senior/subordinated structures. These cash flows must be sufficient so that all rated classes, including the subordinated classes, will receive timely payment of interest and ultimate repayment of principal by the maturity date. The cash flow models are tested assuming a variety of stressed prepayment speeds, declining weighted average interest payments and loss assumptions. Other structural mechanisms to assure payment to subordinated classes are to allow collections held in the reserve account for the next payment date to be used if necessary to pay current interest to the subordinated class or to create a separate interest liquidity reserve. The collections held in the reserve account are from principal and interest paid on the underlying mortgages or other receivables held in the trust and are not from the securities issued by the issuer.[22] Also, some structures allow

[21] The term ''monoline'' is used to describe such insurance companies because writing these types of insurance policies is their sole business activity.

[22] A collections reserve account is established for almost all transactions to hold interest and principal payments on the mortgages or receivables as they are collected until the necessary amounts are paid to securityholders on the next periodic distribution date. In some transactions, the rating agencies or other interested parties may require, in order to protect the interests of the securityholders, that excess interest in amount(s) equal to a specified number of future period anticipated collections be retained in the collection account. This protects both senior and subordinated securityholders in situations where there are shortfalls in collections on the underlying obligations because it provides an additional source of funds from which these securityholders can be paid their current distributions before the holders of the residual or more subordinated securities receive their periodic distributions, if any. Accordingly, any reference to ''collections'' from principal and interest paid on the mortgages is intended to describe such excess

both principal and interest to be applied to all payments to securityholders and, in others, principal can be used to pay interest to the subordinate tranches.

Interest which is received but is not required to make monthly payments to securityholders (or to pay servicing or other administrative fees or expenses) can be used as credit support. This excess interest is known as ''excess spread'' or ''excess servicing'' and may be paid out to holders of certain securities, returned to the sponsor or used to build up overcollateralization or a loss reserve. The credit given to excess spread is conservatively evaluated to ensure sufficient cash flow at any one point in time to cover losses. The rating agencies reduce the credit given to excess spread as credit support to take into account the risk of higher coupon loans prepaying first, higher than expected total prepayments, timing mismatching of losses with excess spread collections and the amounts allowed to be returned to the sponsor once minimum overcollateralization targets are met (thereby reducing the amounts available for credit support).

''Overcollateralization'' is the difference between the outstanding principal balance of the pool of assets and the outstanding principal balance of the certificates backed by such pool of assets. This results in a larger principal balance of underlying assets than the amount needed to make all required payments of principal to investors. In all senior/subordinated transactions, the requisite level of overcollateralization and the amount of principal that may be paid to holders of the more subordinated certificates before the more senior securities are retired (since once such amounts are paid, they are unavailable to absorb future losses) is determined by the rating agencies and varies from transaction to transaction, depending on the type of assets, quality of the assets, the term of the certificates and other factors.

The senior/subordinated structure often combines the use of subordinated tranches with overcollateralization that builds over time from the application of excess interest to pay principal on more senior classes. This is often referred to as a ''turbo'' structure. The credit enhancement for each more senior class is provided by the aggregate dollar amount of the respective subordinated classes, plus overcollateralization that results from the payment of principal to the more senior classes using excess spread prior to payment of any principal to the more subordinated classes. As overcollateralization grows, the pool of loans can withstand a larger dollar amount of losses without resulting in losses on the senior certificates. This also has the effect of increasing the amount of funds available to pay the more subordinated classes as an ever-decreasing portion of the principal cash flow is needed to pay the more senior classes. Excess interest is used to pay down the more senior certificate balances until a specific dollar amount of overcollateralization is achieved. This is referred to as the overcollateralization target amount required by the rating agencies. Typically, the targeted amount is set to ensure that even in a worst-case loss scenario commensurate with the assigned rating level, all securityholders, including holders of subordinated classes, will receive timely payment of interest and ultimate payment of principal by the applicable maturity date. In these transactions, the targeted amount is usually set as a percentage of the original pool balance. It may be reduced after a fixed number of years after the closing date, subject to the satisfaction of certain loss and delinquency triggers. These triggers ensure that overcollateralization continues to be available if pool performance begins to deteriorate. In a senior/subordinated structure, every investment-grade class (whether or not subordinated) is protected by either a lower rated subordinated class or classes or other credit support.

Provision of Credit Support Through Servicer Advancing

32. In some cases, the master servicer, or an affiliate of the master servicer, may provide credit support to the trust. In these cases, the master servicer, in its capacity as servicer, will first advance funds to the full extent that it determines that such advances will be recoverable (a) Out of late payments by the obligors, (b) from the credit support provider (which may be the master servicer or an affiliate thereof) or (c) in the case of a trust that issues subordinated certificates, from amounts otherwise distributable to holders of subordinated certificates; and the master servicer will advance such funds in a timely manner. When the servicer is the provider of the credit support and provides its own funds to cover defaulted payments, it will do so either on the initiative of the trustee, or on its own initiative on behalf of the trustee, but in either event it will provide such funds to cover payments to the full extent of its obligations under the credit support mechanism. In some cases, however, the master servicer may not be obligated to advance funds but instead would be called upon to provide funds to cover defaulted payments to the full extent of its obligations as insurer. Moreover, a master servicer typically can recover advances either from the provider of credit support or from future payments on the affected assets.

If the master servicer fails to advance funds, fails to call upon the credit support mechanism to provide funds to cover delinquent payments, or otherwise fails in its duties, the trustee would be required and would be able to enforce the certificateholders' rights, as both a party to the pooling and servicing agreement and the owner of the trust estate, including rights under the credit support mechanism. Therefore, the trustee, who is independent of the servicer, will have the ultimate right to enforce the credit support arrangement.

When a master servicer advances funds, the amount so advanced is recoverable by the master servicer out of future payments on receivables held by the trust to the extent not covered by credit support. However, where the master servicer provides credit support to the trust, there are protections in place to guard against a delay in calling upon the credit support to take advantage of the fact that the credit support declines proportionally with the decrease in the principal amount of the obligations in the trust as payments on receivables are passed through to investors.[23]

Description of Designated Transactions

33. The Applicant requests relief for senior and/or subordinated investment-grade certificates with respect to a limited number of asset categories: Motor vehicles, residential/home equity, manufactured housing and commercial mortgage backed securities. Accordingly, set forth below are separate profiles of a typical transaction for each asset category. Each profile describes specifically how each type of transaction generally is structured. Information on the due diligence that the rating agencies conduct before assigning a rating to a particular class of such securities, the calculations that are performed to determine projected cash flows, loss frequency and loss severity and the manner in which credit support requirements are determined for each rating class is not included because such information has been provided previously to the Department in connection with PTE 2000–58. The

interest or principal not required to cover current payments to the senior and subordinated class eligible to be purchased by plans. Thus, this mechanism is not harmful to the interests of senior securityholders.

[23] See the Proposal to PTE 2000–58 (August 23, 2000, 65 FR 51454, at page 51475) for a fuller explanation of these safeguards.

motor vehicle, residential/home equity, manufactured housing and commercial mortgage backed transactions, as described in this section, are collectively referred to herein as ''Designated Transactions.''

Motor Vehicle Loan Transactions

34. In a typical motor vehicle transaction, ''AAA'' rated senior certificates are issued that might represent approximately 90% or more of the principal balances of the certificates, with ''A'' rated subordinated certificates issued that might represent the remaining 10% or less of the principal balance of the certificates. The total level of credit enhancement from all sources, including excess spread, typically averages approximately 7% of the initial principal balance of certificates issued by prime issuers and 14% for subprime issuers in order to obtain an ''AAA'' rated certificate. Credit support equaling 3% for prime issuers is usually required in order to obtain an ''A'' or better rating on the subordinated certificates. Typical types of credit support used in auto transactions are subordination, reserve accounts, excess spread and financial guarantees from ''AAA'' rated monoline insurance companies. Transactions with subprime sponsors generally use surety bonds as credit enhancement, so there is no subordinated class.

Residential/Home Equity Mortgage Transactions

35. In a typical prime residential mortgage transaction, ''AAA'' rated senior Securities might be issued which represent approximately 95% of the principal balances of the Securities; ''AA'' rated subordinated Securities might comprise 2%; ''A'' rated subordinated 1%; ''BBB'' rated subordinated 1% and junior subordinated Securities might constitute 1%. The total level of credit enhancement from all sources averages about 4% in order to obtain ''AAA'' rated Securities, 2% for an ''AA'' rating, 1.5% for an ''A'' rating and 1% for a ''BBB'' rating. Subordination is the predominant type of credit support used in traditional prime residential mortgage transactions.

In a typical ''B&C home/equity loan'' transaction (loans made primarily to B and C quality borrowers for consolidating credit card and other consumer debt or refinancing mortgage loans), ''AAA'' rated senior certificates might be issued which represent 80% of the principal balances of the certificates; ''AA'' rated subordinated certificates might comprise 11%; ''A'' rated subordinated 6%; ''BBB'' or lower rated subordinated certificates might constitute 3%. The total level of credit enhancement from all sources averages about 13% in order to obtain ''AAA'' rated certificates, 10% for an ''AA'' rating, 7% for an ''A'' rating and 3% for a ''BBB'' rating.

In a typical HLTV ratio (*i.e.*, above 100%) second-lien loan transaction, ''AAA'' rated senior certificates might be issued which represent approximately 76% of the principal balances of the certificates; ''AA'' rated subordinated certificates might comprise 10%; ''A'' rated subordinated 3%; ''BBB'' rated subordinated 4% and junior subordinated certificates might constitute 7%. The total level of credit enhancement from all sources averages about 24% in order to obtain ''AAA'' rated certificates, 14% for an ''AA'' rating, 10% for an ''A'' rating and 7% for a ''BBB'' rating. Typical types of credit support used in home equity transactions are subordination, reserve accounts, excess spread, overcollateralization and in transactions which do not use subordination, financial guarantees from ''AAA'' rated monoline insurance companies or highly rated sponsors.

Manufactured Housing Transactions

36. In a typical manufactured housing transaction, ''AAA'' rated senior certificates might be issued which represent approximately 80% of the principal balances of the certificates; ''AA'' rated subordinated certificates might comprise 6%; ''A'' rated subordinated 5%; ''BBB'' rated subordinated 5% and junior subordinated certificates might constitute 4%. The total level of credit enhancement from all sources including excess spread averages about 15%–16% in order to obtain ''AAA'' rated certificates, 10%–11% for an ''AA'' rating, 7.5%–8.5% for an ''A'' rating and 3.5%–9% for a ''BBB'' rating. Typical types of credit support used in manufactured housing transactions are subordination, reserve accounts, excess spread, overcollateralization and financial guarantees from ''AAA'' rated monoline insurance companies or highly rated sponsors. Overcollateralization is also used as credit support for the subordinated certificates once the seniors have been paid. Because the coupon rate on manufactured housing loans is substantially higher than that charged on traditional residential mortgages, there is a large amount of excess spread (typically more than 300 bps) that can be used for credit support of both senior and subordinated tranches. In other structures, the excess spread is trapped into a reserve fund which provides the credit support for the subordinated tranches. In still other cases, credit support is provided to an investment-grade subordinated tranche through a junior subordinated tranche which receives principal only after the more senior subordinated tranches are paid. Sponsor guarantees are also used as credit support.

Commercial Mortgage-Backed Securities (CMBS)

37. In a typical CMBS transaction, two classes of ''AAA'' rated certificates might be issued which represent approximately 78% of the principal balances of the certificates (one such ''AAA'' class will be issued with a shorter, and the other ''AAA'' class with a longer, expected maturity); ''AA'' rated subordinated certificates might represent 5%; ''A'' rated subordinated 5%; ''BBB'' rated subordinated 5% and junior subordinated certificates 7%. The total level of credit enhancement from all sources averages about 23% in order to obtain ''AAA'' rated certificates, 18% for an ''AA'' rating, 13% for an ''A'' rating and 7% for a ''BBB'' rating. Subordination is generally the only type of credit support used in CMBS transactions.

The servicer function in a CMBS transaction is particularly important because not only does the servicer or servicers fulfill the normal functions of collecting and remitting loan payments from borrowers to securityholders and advancing funds for such purposes, but the servicer may also become responsible for activities relating to defaulted or potentially defaulting loans (which are more likely to be restructured than in non-commercial transactions where the loans are usually liquidated). If a servicer advances funds, its credit rating cannot be more than one rating category below the highest rated tranche in the securitization and no less than ''BBB'' unless it has a qualifying back-up advancer. All entities servicing CMBS transactions must be approved by the rating agencies.

An additional responsibility of the servicer is ensuring that insurance is maintained by each borrower covering each mortgaged property in accordance with the applicable mortgage documents. Insurance coverage typically includes, at a minimum, fire and casualty, general liability and rental interruption insurance but may include flood and earthquake coverage depending on the location of a particular mortgaged property. If a borrower fails to maintain the required insurance coverage or the mortgaged property defaults and becomes an asset

of the trust, the servicer is obligated to obtain insurance which, in pool transactions, may be provided by a blanket policy covering all pool properties. Generally, the blanket policy must be provided by an insurance provider with a rating of at least ''BBB.''

Each servicer, special servicer and subservicer is required to maintain a fidelity bond and a policy of insurance covering loss occasioned by the errors and omissions of its officers and employees in connection with its servicing obligations unless the rating agency allows self-insurance. All fidelity bonds and policies of errors and omissions insurance must be issued in favor of the trustee or other issuer by insurance carriers which are rated by the rating agency with a claims-paying ability rating no lower than two categories below the highest rated certificates in the transaction but no less than ''BBB.'' Subservicers may not make important servicing decisions (such as modifications of the mortgage loans or the decision to foreclose) without the involvement of the master servicer or special servicer, and the trustee or any successor servicer may be permitted to terminate the subservicing agreement without cause and without cost or further obligation to the issuer or the holders of the rated certificates.

Loans secured by credit tenant leases require special analysis. Credit enhancement for credit tenant loans is based on an analysis of the probability that the lessee will file bankruptcy, and the likelihood that the lessee will disaffirm the lease and loan structures that may present a risk other than that of the lessee filing bankruptcy.

Environmental reports for each property are generally required. A reserve is usually required for any reported remediation costs, and any actions covenanted must be completed within a specified period. Risks that cannot be quantified or that have not been mitigated through either remediation or reserves are assumed to pose a risk to the trust and are reflected in the credit enhancement requirements. Properties with certain types of asbestos problems, or those that are assumed to have such problems given their date of construction, are assumed to have higher losses due to the clean-up costs and increased difficulty or cost in leasing or selling the asset. Seasoned or acquired pools that may not have current reports for each property are also assumed to have higher environmental losses.

In general, although there are other types of credit support available, subordination is the only type of credit support used in CMBS. However, protection is also provided to subordinated classes through the concept of a ''directing class'' which has evolved to give those holders of rated subordinated certificates in the first loss position some control over the servicing and realization on defaulted mortgage loans. In a typical transaction, the servicer might be required to obtain the consent of the directing class before proceeding with any of the following: any modification, consent or forgiveness of principal or interest with respect to a defaulted mortgage loan; any proposed foreclosure or acquisition of a mortgaged property by deed-in-lieu of foreclosure; any proposed sale of a defaulted mortgage loan and any decision to conduct environmental clean up or remediation. The directing class might also have the right to remove a servicer, with or without cause, subject to the rating agency's confirmation that appointment of the successor servicer would not result in a qualification, withdrawal or downgrade of the then-applicable rating assigned to the rated certificates, compliance with the terms and conditions of the pooling and servicing agreement and payment by the directing class of any and all termination or other fees relating to such removal. Holders of CMBS enjoy additional protection, in that the master servicer or servicer occupies a first-loss position and usually holds an equity stake in the offering, which gives it an incentive to maximize recoveries on defaulted loans. The master servicer and servicer are in a first loss position because they hold the most subordinated equity position interest(s) in the trust. Accordingly, they absorb losses before any other classes of securityholders.

Additional cash flow stability is created through call protection features on the commercial mortgages held in the trust. Call protection prevents the borrowers from prepaying the mortgage loans during a fixed ''lock-out period.'' In certain transactions, under the terms of the mortgage agreement, the borrower is only allowed to prepay the loan at the end of the lock-out period if it provides ''yield maintenance''[24] whereby it is required to contribute a cash payment derived from a formula which is calculated based on current interest rates and is intended to offset the borrower's refinancing incentive. This amount also effectively compensates the trust for the loss of interest payable on the mortgage loan.

Another mechanism, referred to as ''defeasance'', assures stability of cash flow and operates as follows. If a borrower wishes to have the mortgage lien released on the property (for example, where it is being sold), the original obligation either remains an asset of the trust and is assumed by a third party, or a new obligation with the same outstanding principal balance, interest rate, periodic payment dates, maturity date and default provisions is entered into with such third party. The new obligation replicates the cash flows over the remaining term of the original obligor's obligation. In either case, the property or assets originally collateralizing the obligation are replaced by collateral consisting of United States Treasury securities or any other security guaranteed as to principal and interest by the United States, or by a person controlled or supervised by and acting as an instrumentality of the Government of the United States (referred to herein as ''government securities'').

Defeasance generally operates so that, pursuant to an assumption and release or similar arrangement valid under applicable state law, the original obligor is replaced with a new obligor.

The new obligor is generally a bankruptcy-remote special purpose entity (SPE), the assets of which consist of government securities. In the defeasance of a mortgage loan held in a CMBS pool, a new entity must be created (the SPE) which becomes the obligor on the mortgage loan and holds the government securities being substituted for the original collateral securing the mortgage loan. This newly formed entity is required by the rating agencies to be an SPE in order to assure that the owner of the securities to be pledged has no liabilities or creditors other than the CMBS pool trustee, has no assets or business other than the ownership of the government securities and is not susceptible to substantive consolidation with the original mortgage borrower in the event of the original mortgage borrower's bankruptcy. Such an SPE is purely passive and does not engage in any activities other than the ownership of securities. Although there is no prescribed market requirement as to ownership of the SPE, the securitization sponsor (*e.g.*, the original mortgage lender) is usually its owner, except that in certain circumstances the original mortgage borrower may own the SPE for a variety of reasons; *e.g.*, to be entitled to any excess value of securities pledged as collateral at maturity of the new defeasance note over the amount

[24] The Applicant represents that the yield maintenance provision in the mortgage agreement would meet the definition of a ''yield supplement agreement'' currently permitted under section III.B.(3)(b) of the Underwriter Exemptions.

due at such time. As a condition to defeasance, all fees and expenses are paid at the substitution of the government securities for the mortgage lien.

Mechanically, the government securities are transferred to a custodian which holds then as collateral for the securitization trust. The payments on the government securities are actually made directly to the trust so that the SPE does not receive any payments or make any payments.

Whether the original mortgage obligation is replaced with a new securitized obligation or the original obligation remains an asset of the trust, is usually dictated by how the transaction is treated for mortgage recording tax purposes under state law. Both call protection and defeasance are intended to protect investors from the risk of prepayments of the loans.

Disclosure

38. In connection with the original issuance of certificates, the prospectus or private placement memorandum will be furnished to investing plans. The prospectus or private placement memorandum will contain information material to a fiduciary's decision to invest in the certificates.[25]

Reports indicating the amount of payments of principal and interest are provided to certificateholders at least as frequently as distributions are made to certificateholders. Certificateholders will also be provided with periodic information statements setting forth material information concerning the underlying assets, including, where applicable, information as to the amount and number of delinquent and defaulted loans or receivables.

In the case of a trust that offers and sells certificates in a registered public offering, the trustee, the servicer or the sponsor will file periodic reports in the form and to the extent required under the Securities Exchange Act of 1934 and current interpretations thereof.

At or about the time distributions are made to certificateholders, a report will be delivered to the trustee as to the status of the trust and its assets, including underlying obligations. Such report will typically contain information regarding the trust's assets (including those purchased by the trust from any pre-funding account), payments received or collected by the servicer, the amount of prepayments, delinquencies, servicer advances, defaults and foreclosures, the amount of any payments made pursuant to any credit support, and the amount of compensation payable to the servicer. Such report also will be delivered to or made available to the rating agency or agencies that have rated the trust's certificates.

In addition, promptly after each distribution date, certificateholders will receive a statement prepared by the servicer, paying agent or trustee summarizing information regarding the trust and its assets. Such statement will include information regarding the trust and its assets, including underlying receivables. Such statement will typically contain information regarding payments and prepayments, delinquencies, the remaining amount of the guaranty or other credit support and a breakdown of payments between principal and interest.

Forward Delivery Commitments

39. To date, no forward delivery commitments have been entered into by RBC–DR in connection with the offering of any certificates, but RBC–DR may contemplate entering into such commitments. The utility of forward delivery commitments has been recognized with respect to offering similar certificates backed by pools of residential mortgages, and RBC–DR may find it desirable in the future to enter into such commitments for the purchase of certificates.

Secondary Market Transactions

40. It is the Applicant's normal policy to attempt to make a market for certificates for which it is lead or co-managing underwriter, and it is the Applicant's intention to make a market for any certificates for which the Applicant is a lead or co-managing underwriter, although it will have no obligation to do so. At times the Applicant will facilitate sales by investors who purchase certificates if the Applicant has acted as agent or principal in the original private placement of the certificates and if such investors request the Applicant's assistance.

Retroactive Relief

41. RBC–DR represents that it has not assumed that retroactive relief would be granted prior to the date of its application, and therefore has not engaged in transactions related to mortgage-backed and asset-backed securities based on such an assumption. However, RBC–DR requests the exemptive relief granted to be retroactive to the date of its application, and would like to rely on such retroactive relief for transactions entered into prior to the date exemptive relief may be granted.

Summary

42. In summary, the Applicant represents that the transactions for which exemptive relief is requested satisfy the statutory criteria of section 408(a) of the Act due to the following:

(a) The Issuers contain ''fixed pools'' of assets. There is little discretion on the part of the sponsor to substitute receivables contained in the Issuer once the Issuer has been formed;

(b) In the case where a pre-funding account is used, the characteristics of the receivables to be transferred to the Issuer during the pre-funding period must be substantially similar to the characteristics of those transferred to the Issuer on the closing date thereby giving the sponsor and/or originator little discretion over the selection process, and compliance with this requirement will be assured by the specificity of the characteristics and monitoring mechanisms contemplated under the exemptive relief proposed. In addition, certain cash accounts will be established to support the certificate interest rate and such cash accounts will be invested in short-term, conservative investments; the pre-funding period will be of a reasonably short duration; a pre-funding limit will be imposed; and any Internal Revenue Service requirements with respect to pre-funding intended to preserve the passive income character of the Issuer will be met. Thus, the fiduciary of the plans making the decision to invest in securities will be fully apprised of the nature of the receivables which will be held in the Issuer and will have sufficient information to make a prudent investment decision;

(c) Securities for which exemptive relief is requested will have been rated in one of the three highest rating categories (or four in the case of Designated Transactions) by a rating agency. The rating agency, in assigning a rating to such securities, will take into account the fact that Issuers may hold interest rate swaps or yield supplement agreements with notional principal amounts or, in Designated Transactions, securities may be issued by Issuers holding residential and home equity loans with LTV ratios in excess of 100%. Credit support will be obtained to the extent necessary to attain the desired rating;

(d) Securities will be issued by Issuers whose assets will be protected from the claims of the sponsor's creditors in the event of bankruptcy or other insolvency of the sponsor, and both equity and debt securityholders will have a beneficial or

[25] See the Proposal to PTE 2000–58 (August 23, 2000, 65 FR 51454, at page 51486) for a description of types of disclosure.

security interest in the receivables held by the Issuer. In addition, an independent trustee will represent the securityholders' interests in dealing with other parties to the transaction; and

(e) All transactions for which RBC–DR seeks exemptive relief will be governed by the pooling and servicing agreement, which is summarized in the prospectus or private placement memorandum and distributed to plan fiduciaries for their review prior to the plan's investment in securities.

Notice to Interested Persons: RBC–DR represents that any securities offered in reliance upon the proposed exemption prior to the date the final exemption is published in the **Federal Register** shall disclose in the offering memorandum or prospectus: (a) The availability of the proposed exemption; (b) the right of potentially interested plan fiduciaries to comment on the proposed exemption; and (c) information on how an interested plan fiduciary can obtain a copy of the proposed exemption (once it is available) from RBC–DR. Once this proposed exemption is granted, a copy of the exemption published in the **Federal Register** shall be distributed to any current or prospective plan investor in a security offered in reliance upon the exemption upon request of such investor. Each offering memorandum or prospectus offering securities in reliance upon the exemption shall describe and disclose the availability of the exemption.

Comments and requests for a hearing must be received by the Department not later than 45 days from the date of publication of this notice of proposed exemption in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Gary Lefkowitz of the Department, telephone (202) 693–8546. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 408(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code, including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which, among other things, require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(b) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries, and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the Code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction; and

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that each application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 11th day of August, 2003.

Ivan Strasfeld,

Director of Exemption Determinations, Employee Benefits Security Administration, Department of Labor.

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–741–6043. This list is also available online at *http://www.nara.gov/fedreg/plawcurr.html*.

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H.R. 2859/P.L. 108–69

Emergency Supplemental Appropriations for Disaster Relief Act, 2003 (Aug. 8, 2003; 117 Stat. 885)

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