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## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

### 7 CFR Part 301

**[Docket No. APHIS–2006–0127]**

### Asian Longhorned Beetle; Additions to Quarantined Areas

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Interim rule and request for comments.

**SUMMARY:** We are amending the Asian longhorned beetle regulations by expanding the boundaries of the quarantined areas in New Jersey and restricting the interstate movement of regulated articles from these areas. This action is necessary to prevent the artificial spread of the Asian longhorned beetle to noninfested areas of the United States.

**DATES:** This interim rule was effective October 4, 2006. We will consider all comments that we receive on or before December 11, 2006.

**ADDRESSES:** You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov*, select ''Animal and Plant Health Inspection Service'' from the agency drop-down menu, then click ''Submit.'' In the Docket ID column, select APHIS–2006–0127 to submit or view public comments and to view supporting and related materials available electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''User Tips'' link.
- *Postal Mail/Commercial Delivery:* Please send four copies of your comment (an original and three copies) to Docket No. APHIS–2006–0127, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2006–0127.

*Reading Room:* You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

*Other Information:* Additional information about APHIS and its programs is available on the Internet at *http://www.aphis.usda.gov*.

**FOR FURTHER INFORMATION CONTACT:** Mr. Michael B. Stefan, ALB National Coordinator, Emergency and Domestic Programs, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1231; (301) 734–7338.

**SUPPLEMENTARY INFORMATION:**

## Background

The Asian longhorned beetle (ALB, *Anoplophora glabripennis*), an insect native to China, Japan, Korea, and the Isle of Hainan, is a destructive pest of hardwood trees. It attacks many healthy hardwood trees, including maple, horse chestnut, birch, poplar, willow, and elm. In addition, nursery stock, logs, green lumber, firewood, stumps, roots, branches, and wood debris of half an inch or more in diameter are subject to infestation. The beetle bores into the heartwood of a host tree, eventually killing the tree. Immature beetles bore into tree trunks and branches, causing heavy sap flow from wounds and sawdust accumulation at tree bases. They feed on, and over-winter in, the interiors of trees. Adult beetles emerge in the spring and summer months from round holes approximately three-eighths of an inch in diameter (about the size of a dime) that they bore through branches and trunks of trees. After emerging, adult beetles feed for 2 to 3 days and then mate. Adult females then lay eggs in oviposition sites that they make on the branches of trees. A new generation of ALB is produced each year. If this pest moves into the hardwood forests of the United States, the nursery, maple syrup, and forest product industries could experience severe economic losses. In addition, urban and forest ALB infestations will result in environmental damage, aesthetic deterioration, and a reduction in public enjoyment of recreational spaces.

The regulations in 7 CFR 301.51–1 through 301.51–9 restrict the interstate movement of regulated articles from quarantined areas to prevent the artificial spread of ALB to noninfested areas of the United States. Recent surveys conducted in New Jersey by inspectors of State, county, and city agencies and by inspectors of the Animal and Plant Health Inspection Service (APHIS) have revealed that infestations of ALB have occurred outside the existing quarantined areas. Officials of the U.S. Department of Agriculture and officials of State, county, and city agencies in New Jersey are conducting intensive survey and eradication programs in the infested area, and the State of New Jersey has quarantined the infested area and is restricting the intrastate movement of regulated articles from the quarantined area to prevent the further spread of ALB within that State. However, Federal regulations are necessary to restrict the interstate movement of regulated articles from the quarantined area to prevent the spread of ALB to other States and other countries.

The regulations in § 301.51–3(a) provide that the Administrator of APHIS will list as a quarantined area each State, or each portion of a State, where ALB has been found by an inspector, where the Administrator has reason to believe that ALB is present, or where the Administrator considers regulation necessary because of its inseparability for quarantine enforcement purposes from localities where ALB has been found. Less than an entire State will be quarantined only if (1) the Administrator determines that the State has adopted and is enforcing restrictions on the intrastate movement of regulated articles that are equivalent to those imposed by the regulations on the interstate movement of regulated articles; and (2) the designation of less than an entire State as a quarantined area will be adequate to prevent the artificial spread of ALB. In accordance with these criteria and the recent ALB

findings described above, we are amending the list of quarantined areas in § 301.51–3(c) to include the City of Linden in Union County, as well as portions of the Borough of Roselle, the City of Elizabeth, and Clark Township, also in Union County. In addition, the quarantined area in the City of Carteret in Middlesex County is also being expanded. The expanded quarantined area is described in the regulatory text at the end of this document.

**Emergency Action**

This rulemaking is necessary on an emergency basis to to prevent the artificial spread of ALB to noninfested areas of the United States. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest and that there is good cause under 5 U.S.C. 553 for making this rule effective less than 30 days after publication in the **Federal Register.**

We will consider comments we receive during the comment period for this interim rule (see **DATES** above). After the comment period closes, we will publish another document in the **Federal Register.** The document will include a discussion of any comments we receive and any amendments we are making to the rule.

**Executive Order 12866 and Regulatory Flexibility Act**

This interim rule has been reviewed under Executive Order 12866. For this action, the Office of Management and Budget has waived its review under Executive Order 12866.

This interim rule amends the ALB regulations by expanding the boundaries of the quarantined areas in New Jersey and restricting the interstate movement of regulated articles from these areas. This action is necessary to prevent the artificial spread of the ALB to noninfested areas of the United States.

The Regulatory Flexibility Act (RFA) requires that agencies consider the economic impact of their rules on small entities, i.e. small businesses, organizations, and governmental jurisdictions. We estimate that about 124 small entities, including 4 local governments, may be affected. Types and numbers of entities located within the newly quarantined areas, and corresponding small-entity criteria, are shown in table 1. We expect that most if not all of the affected entities are small.

TABLE 1.—TYPES OF ESTABLISHMENT, NUMBER, AND SMALL ENTITY SIZE STANDARD FOR BUSINESSES AND LOCAL GOVERNMENTS LOCATED WITHIN THE AREAS NEWLY QUARANTINED FOR ALB

| Establishment type | Number of entities | Code | Industry title | Small entity size standard |
|---|---|---|---|---|
| Tree service | 30 | 561730 | Landscaping services | < $6.5m. |
| Landscaping company | 30 | 561730 | Landscaping services | < $6.5m. |
| Excavator | 30 | 238910 | Site preparation contractors | < $13.0m. |
| Garden center | 10 | 444220 | Nursery and garden centers | < $6.5m. |
| Firewood dealer | 5 | 454319 | Other fuel dealers | < $6.5m. |
| Local government | 4 | RFA § 601 | Small governmental jurisdiction | < 50,000 population. |
| Utility | 5 | 237130 | Power and communication lines and related structures construction. | < $31.0m. |
| Waste management | 10 | 562111 | Solid waste collection | < $11.5m. |
| | | 562219 | Other non-hazardous waste treatment and disposal. | < $11.5m. |

The regulations in § 301.51–4 set conditions for the interstate movement of regulated articles from quarantined areas. An affected entity may (1) enter into a compliance agreement with APHIS for the inspection and certification of regulated articles to be moved interstate, or (2) present its regulated articles for inspection and obtain a certificate or a limited permit, issued by an inspector, for the interstate movement of regulated articles. Inspections may be inconvenient, but they should not be costly in most cases, even for entities operating under a compliance agreement that would perform the inspections themselves. For those entities that elect not to enter into a compliance agreement, APHIS provides the services of an inspector without cost. There is also no fee for the compliance agreement, certificate, or limited permit for the interstate movement of regulated articles.

Second, there is a possibility that, upon inspection, a regulated article could be determined by the inspector to be potentially infested by ALB and, as a result, the inspector would not be able to issue a certificate. In this case, the entity's ability to move regulated articles interstate would be restricted. However, the affected entity could conceivably obtain a limited permit under the conditions of § 301.51–5(b). Whether an affected entity would be denied certificates as a result of inspections of regulated articles is unknown. However, because the newly regulated area is primarily urban, the entities located in that area are more likely to be receiving regulated articles from outside the quarantined area than they are to be shipping regulated articles interstate to nonquarantined areas. It is unlikely, therefore, that most entities located in the newly regulated area would be moving regulated articles that would require inspection in the first place.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

**Executive Order 12372**

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

**Executive Order 12988**

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

**Paperwork Reduction Act**

This interim rule contains no information collection or recordkeeping requirements under the Paperwork

Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**List of Subjects in 7 CFR Part 301**

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

■ Accordingly, we are amending 7 CFR part 301 as follows:

## PART 301—DOMESTIC QUARANTINE NOTICES

■ 1. The authority citation for part 301 continues to read as follows:

**Authority:** 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 issued under Sec. 204, Title II, Public Law 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 issued under Sec. 203, Title II, Public Law 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

■ 2. In § 301.51–3, paragraph (c), the entry for New Jersey is revised to read as follows:

**§ 301.51–3 Quarantined areas.**

* * * * *

(c) * * *

**New Jersey**

*Middlesex and Union Counties.* That portion of the counties, including the municipalities of Roselle, Elizabeth City, Linden, Carteret, Woodbridge, Rahway, and Clark, that is bounded by a line drawn as follows: Beginning at the intersection of Locust Street (County Road 619) and West Grand Avenue (Union County 610) in Roselle, NJ; then east on West Grand Avenue to Chilton Street; then south on Chilton Street to South Street; then east on South Street to Broad Street; then south on Broad Street to Summer Street; then east on Summer Street to the Elizabeth River; then east along the Elizabeth River to the Arthur Kill; then south along the Arthur Kill (New Jersey and New York State border) to the point where Roosevelt Avenue (State Route 602) meets the Arthur Kill in Carteret, NJ; then south along Roosevelt Avenue to Port Reading Avenue (State Route 604); then west southwest along Port Reading Avenue to the Conrail railroad; then north and west along the Conrail railroad right-of-way to the NJ Transit railroad right-of-way; then north and northwest along the NJ Transit railroad right-of-way to the south branch of the Rahway River; then west along the south branch of the Rahway River to St. Georges Avenue (State Highway 27); then north along St. Georges Avenue to its intersection with the eastern border of Rahway River Park (Union County Park); then north along the eastern border of Rahway River Park to the intersection of Valley Road and Union County Parkway; then north along Union County Parkway to North Stiles Street; then northwest along North Stiles Street to Raritan Road; then northeast along Raritan Road to the perpendicular intersection of Raritan Road and the Cranford/Linden township border (144 Raritan Road); then north along the Cranford/Linden border to Myrtle Street; then east along Myrtle Street to the intersection of Amsterdam Avenue and Wood Avenue; then southeast along Wood Avenue to 5th Avenue; then northeast along 5th Avenue to Locust Street; then north along Locust Street to the point of beginning.

* * * * *

Done in Washington, DC, this 4th day of October 2006.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. E6–16755 Filed 10–10–06; 8:45 am]

BILLING CODE 3410–34–P

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. FAA–2006–26028; Directorate Identifier 2006–NM–222–AD; Amendment 39–14786; AD 2006–20–51]**

**RIN 2120–AA64**

## Airworthiness Directives; Boeing Model 777–200LR Series Airplanes Powered by General Electric (GE) Model GE90–110B Engines, and Model 777–300ER Series Airplanes Powered by GE Model GE90–115B Engines

**AGENCY:** Federal Aviation Administration (FAA), Department of Transportation (DOT).

**ACTION:** Final rule; request for comments.

**SUMMARY:** This document publishes in the **Federal Register** an amendment adopting airworthiness directive (AD) 2006–20–51 that was sent previously to all known U.S. owners and operators of certain Boeing Model 777–200LR and –300ER series airplanes by individual notices. This AD requires revising the Airplane Flight Manual to prohibit takeoffs at less than full-rated thrust. This AD is prompted by a report of two occurrences of engine thrust rollback (reduction) during takeoff. We are issuing this AD to prevent dual-engine thrust rollback, which could result in the airplane failing to lift off before reaching the end of the runway or failing to clear obstacles below the takeoff flight path.

**DATES:** This AD becomes effective October 16, 2006 to all persons except those persons to whom it was made immediately effective by emergency AD 2006–20–51, issued September 30, 2006, which contained the requirements of this amendment.

We must receive comments on this AD by December 11, 2006.

**ADDRESSES:** Use one of the following addresses to submit comments on this AD.

- *DOT Docket Web site:* Go to *http://dms.dot.gov* and follow the instructions for sending your comments electronically.
- *Government-wide rulemaking Web site:* Go to *http://www.regulations.gov* and follow the instructions for sending your comments electronically.
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, Room PL–401, Washington, DC 20590.
- *Fax:* (202) 493–2251.
- *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.

**FOR FURTHER INFORMATION CONTACT:** Margaret Langsted, Aerospace Engineer, Propulsion Branch, ANM–140S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98057–3356; telephone (425) 917–6500; fax (425) 917–6590.

**SUPPLEMENTARY INFORMATION:** On September 30, 2006, we issued emergency AD 2006–20–51, which applies to all Boeing Model 777–200LR series airplanes powered by General Electric (GE) Model GE90–110B engines, and Model 777–300ER series airplanes powered by GE Model GE90–115B engines.

**Background**

We have received a report of two occurrences of engine thrust rollback (reduction) during takeoff on Boeing Model 777–300ER series airplanes powered by GE Model GE90–115B engines. In both cases, only one engine was affected. The N1 (fan speed—the normal thrust setting parameter for this engine type) thrust level on the affected engine progressively dropped resulting in a thrust loss of 65 to 77% due to an erroneous N1 command computed by the Full Authority Digital Engine Control (FADEC). In both cases, the engine recovered to the proper N1 thrust level as the airplane climbed beyond 400 feet above ground level. In one case,

the operator elected to return to the departure airport after reaching cruise. In the other case, the operator continued to its destination. There were no further anomalies reported during the remainder of the flights. No flight deck messages or maintenance indications occurred as a result of the event.

Investigation indicates that these events are the results of a software algorithm in the FADEC that was introduced in software version A.0.4.5 (GE90–100 Service Bulletin 73–0021). Investigation also indicates that a dual-engine thrust rollback could occur just after V1 (takeoff decision speed after which takeoff is to proceed even after an engine failure), which would result in the airplane not having adequate thrust to safely complete the takeoff. A de-rated or a reduced thrust takeoff, in combination with specific ambient conditions, can result in the FADEC commanding a progressive reduction in the engine thrust. Airplane takeoffs are often performed with engine thrust levels at less than the maximum engine thrust approved for the airplane. This is done to reduce wear on the engines, increase fuel efficiency, and maximize passenger comfort. Operators are permitted to calculate airplane takeoff performance and required engine thrust using two different methods referred to as ''derated takeoff thrust'' (also known as fixed de-rate) and ''reduced takeoff thrust'' (also known as the assumed temperature method). Full-rated thrust takeoffs with the thrust levers at the full forward position are not exposed to the potential thrust rollback caused by the software anomaly described above.

A dual-engine thrust rollback, if not corrected, could result in the airplane failing to lift off before reaching the end of the runway or failing to clear obstacles below the takeoff flight path.

The FADEC software, version A.0.4.5, on certain Model 777–200LR powered by GE Model 90–110B engines is identical to that on the affected Model 777–300ER series airplanes powered by GE Model GE90–115B engines. Therefore, both of these airplane models may be subject to the same unsafe condition.

Although the software anomaly was introduced by this version of software, the affected operators have a mixed fleet of airplanes with and without the affected software version. To avoid reliance on flight crews determining which software version is installed as they operate different airplanes, we have determined that this AD should apply to all airplanes equipped with the affected engines. If operators develop an acceptable method to ensure flight crews will consistently perform the correct procedure on affected airplanes, they may request approval for an alternative method of compliance in accordance with paragraph (h) of this AD.

## FAA's Determination and Requirements of This AD

Since the unsafe condition described is likely to exist or develop on other airplanes of the same type design, we issued emergency AD 2006–20–51 to prevent dual-engine thrust rollback, which could result in the airplane failing to lift off before reaching the end of the runway or failing to clear obstacles below the takeoff flight path. The AD requires revising the Airplane Flight Manual to prohibit takeoffs at less than full-rated thrust.

We found that immediate corrective action was required; therefore, notice and opportunity for prior public comment thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual notices issued on September 30, 2006, to all known U.S. owners and operators of all Boeing Model 777–200LR series airplanes powered by General Electric (GE) Model GE90–110B engines, and Model 777–300ER series airplanes powered by GE Model GE90–115B engines. These conditions still exist, and the AD is hereby published in the **Federal Register** as an amendment to section 39.13 of the Federal Aviation Regulations (14 CFR 39.13) to make it effective to all persons.

## Interim Action

This is considered to be interim action. The engine manufacturer has advised that it currently is developing a modification that will eliminate the unsafe condition addressed by this AD. Once this modification is developed, approved, and available, we may consider additional rulemaking.

## Comments Invited

This AD is a final rule that involves requirements that affect flight safety and was not preceded by notice and an opportunity for public comment; however, we invite you to submit any relevant written data, views, or arguments regarding this AD. Send your comments to an address listed in the **ADDRESSES** section. Include ''Docket No. FAA–2006–26028; Directorate Identifier 2006–NM–222–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of the AD that might suggest a need to modify it.

We will post all comments we receive, without change, to *http://dms.dot.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact with FAA personnel concerning this AD. Using the search function of that Web site, anyone can find and read the comments in any of our dockets, including the name of the individual who sent the comment (or signed the comment on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78), or you may visit *http://dms.dot.gov.*

## Examining the Docket

You may examine the AD docket on the Internet at *http://dms.dot.gov,* or in person at the Docket Management Facility office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Management Facility office (telephone (800) 647–5227) is located on the plaza level of the Nassif Building at the DOT street address stated in the **ADDRESSES** section. Comments will be available in the AD docket shortly after the Docket Management System receives them.

## Authority for This Rulemaking

Title 49 of the United States Code specifies the FAA's authority to issue rules on aviation safety. Subtitle I, Section 106, describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the Agency's authority.

We are issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701, ''General requirements.'' Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

## Regulatory Findings

We have determined that this AD will not have federalism implications under Executive Order 13132. This AD will 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.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If this emergency regulation is later deemed significant under DOT Regulatory Policies and Procedures, we will prepare a final regulatory evaluation and place it in the AD Docket. See the **ADDRESSES** section for a location to examine the regulatory evaluation, if filed.

**List of Subjects in 14 CFR Part 39**

Air transportation, Aircraft, Aviation safety, Safety.

**Adoption of the Amendment**

■ Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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. The FAA amends § 39.13 by adding the following new airworthiness directive (AD):

**2006–20–51 Boeing:** Amendment 39–14786. Docket No. FAA–2006–26028; Directorate Identifier 2006–NM–222–AD.

**Effective Date**

(a) This AD becomes effective October 16, 2006, to all persons except those persons to whom it was made immediately effective by emergency AD 2006–20–51, issued on September 30, 2006, which contained the requirements of this amendment.

**Affected ADs**

(b) None.

**Applicability**

(c) This AD applies to airplanes in Table 1 of this AD certificated in any category.

TABLE 1.—APPLICABILITY

| Boeing model | Powered by General Electric (GE) model |
|---|---|
| (1) 777–200LR series airplanes | GE90–110B engines. |
| (2) 777–300ER series airplanes | GE90–115B engines. |

**Unsafe Condition**

(d) This AD results from a report of two occurrences of engine thrust rollback during takeoff. The Federal Aviation Administration is issuing this AD to prevent dual-engine thrust rollback, which could result in the airplane failing to lift off before reaching the end of the runway or failing to clear obstacles below the takeoff flight path.

**Compliance**

(e) You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

**Revision of the Airplane Flight Manual (AFM)**

(f) Within 24 hours after the effective date of this AD, revise the Certificate Limitations Section of the AFM to include the following statement. This may be done by inserting a copy of this AD into the AFM.

''Use of reduced thrust takeoff ratings determined by either the assumed temperature method or the fixed de-rate method or a combination of both, is prohibited. Full-rated thrust must be used for takeoff.''

**Note 1:** When a statement identical to that in paragraph (f) of this AD has been included in the general revisions of the AFM, the general revisions may be inserted into the AFM, and the copy of this AD may be removed from the AFM.

**Special Flight Permit**

(g) Special flight permits, as described in Section 21.197 and Section 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199), are not allowed.

**Alternative Methods of Compliance (AMOCs)**

(h)(1) The Manager, Seattle Aircraft Certification Office (ACO), FAA, has the authority to approve AMOCs for this AD, if requested in accordance with the procedures found in 14 CFR 39.19.

(2) Before using any AMOC approved in accordance with § 39.19 on any airplane to which the AMOC applies, notify the appropriate principal inspector in the FAA Flight Standards Certificate Holding District Office.

Issued in Renton, Washington, on October 2, 2006.

**Kalene C. Yanamura,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. E6–16670 Filed 10–10–06; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Parts 189 and 700

**[Docket No. 2004N–0257]**

**RIN 0910–AF48**

## Recordkeeping Requirements for Human Food and Cosmetics Manufactured From, Processed With, or Otherwise Containing, Material From Cattle

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is requiring that manufacturers and processors of human food and cosmetics that are manufactured from, processed with, or otherwise contain, material from cattle establish and maintain records sufficient to demonstrate that the human food or cosmetic is not manufactured from, processed with, or does not otherwise contain, prohibited cattle materials. These recordkeeping requirements provide documentation for the provisions in FDA's interim final rule entitled ''Use of Materials Derived From Cattle in Human Food and Cosmetics.'' FDA is requiring recordkeeping because manufacturers and processors of human food and cosmetics need records to ensure that their products do not contain prohibited cattle materials, and records are necessary to help FDA ensure compliance with the requirements of the interim final rule.

**DATES:** This rule is effective on January 9, 2007.

**FOR FURTHER INFORMATION CONTACT:** Rebecca Buckner, Center for Food Safety and Applied Nutrition (HFS–306), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 301–436–1486.

**SUPPLEMENTARY INFORMATION:**

## I. Background

On July 14, 2004, FDA proposed a rule entitled ''Recordkeeping Requirements for Human Food and Cosmetics Manufactured From, Processed With, or Otherwise Containing, Material From Cattle'' (the proposed rule) (69 FR 42275) to require that manufacturers and processors of human food and cosmetics that are manufactured from, processed with, or otherwise contain, material from cattle establish and maintain records sufficient to demonstrate the food or cosmetic is not manufactured from, processed with, or does not otherwise contain, prohibited cattle materials. The proposed rule was a companion rulemaking to FDA's interim final rule (IFR) entitled ''Use of Materials Derived From Cattle in Human Food and Cosmetics'' (the IFR) (69 FR 42256). We believe that records sufficient to demonstrate the absence of prohibited cattle materials in human food and cosmetics are critical for manufacturers, processors, and FDA to ensure compliance with the ban on prohibited cattle materials. Therefore, we are finalizing the proposed rule to require that manufacturers and processors of human food and cosmetics that are manufactured from, processed with, or otherwise contain, material from cattle establish and maintain records sufficient to demonstrate that human food and cosmetics are not manufactured from, processed with, or do not otherwise contain, prohibited cattle materials. We also are finalizing the provision in the proposed rule that these records must be made available to FDA for inspection and copying. FDA notes that the requirement in the IFR that existing records relevant to compliance be made available to FDA remains and has been incorporated into the final record provisions.

In response to the December 2003 finding of an adult cow—imported from Canada—that tested positive for bovine spongiform encephalopathy (BSE) in the State of Washington, FDA published the IFR requiring that specified risk materials (SRMs), small intestine of all cattle, tissue from nonambulatory disabled cattle, tissue from cattle not inspected and passed for human consumption, and mechanically separated beef (MS beef) not be used for FDA-regulated human food and cosmetics.[1] SRMs include the brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the vertebrae of the tail, the transverse process of the thoracic and lumbar vertebrae, and the wings of the sacrum), and dorsal root ganglia of cattle 30 months and older, as well as the tonsils and distal ileum of the small intestine of all cattle.

The U.S. Department of Agriculture (USDA) also published an IFR (69 FR 1862, January 12, 2004) to prohibit certain cattle material from use in human food. FDA's IFR extended the protection from BSE provided under USDA's BSE IFR to FDA-regulated human food and cosmetics. On September 7, 2005, both FDA (70 FR 53063) and USDA (70 FR 53043) published amendments to their respective IFRs to allow the use of small intestine in human food and cosmetics provided the distal ileum has been removed. This final rule on recordkeeping will help ensure compliance with the provisions of FDA's IFR and, thereby, will serve as an additional safeguard to reduce human exposure to the agent that causes BSE that may be present in human food and cosmetics that are manufactured from, processed with, or otherwise contain, material from cattle.

FDA believes that these recordkeeping requirements are necessary for manufacturers and processors to ensure that all cattle material they use is free from prohibited cattle materials. Furthermore, these requirements are necessary for FDA to ensure compliance with the provisions of the IFR. There is currently no validated premortem test to reliably detect the presence of the BSE agent or the presence of prohibited cattle material in human food and cosmetics. Once cattle material such as brain or spinal cord is separated from the source animal, it may not be possible to determine the age of the animal from which the material came without records and, therefore, whether the material is an SRM. In addition, without records, it may not be possible to determine whether a product contains material from cattle that were not inspected and passed for human consumption. Also, a product might contain MS beef without its presence being evident from the appearance of the product.

FDA received 32 responses, each containing one or more comments, from industry, consumers, and other stakeholder groups in response to the proposed rule. We have responded in this document to the comments that were within the scope of this rulemaking. We received several comments that pertained to the prohibitions on the cattle materials themselves, as opposed to the recordkeeping requirements, and other issues that are covered in the IFR. We will be responding to those comments when we finalize the IFR.

## II. Response to Comments

### *A. Who Has to Keep Records? (§§ 189.5(c)(1) and 700.27(c)(1) (21 CFR 189.5(c)(1) and 700.27(c)(1)))*

(Comment) We received several comments stating that only the manufacturer or processor of a finished product should have to maintain the required records. Conversely, other comments suggested that only the manufacturer or processor of an ingredient that directly incorporates cattle material from a slaughterhouse or a rendering establishment should have to keep records. The comments requesting that finished product manufacturers keep records stated that it was appropriate that the recordkeeping responsibility should be placed at the finished product stage because, in some cases, an ingredient manufacturer would be making an ingredient that may or may not be incorporated into a food or cosmetic; therefore, the ban on the use of prohibited cattle materials should not apply to the ingredient at the time of production. The comments that stated the opposite view maintained that only the ingredient manufacturers who are obtaining cattle material from slaughterhouses or rendering establishments know whether or not prohibited cattle materials were incorporated into the ingredient, so it is appropriate that the records be maintained by those who have firsthand knowledge of the source of the cattle material.

Comments also requested that rendering establishments and other similar establishments maintain additional records because they handle prohibited cattle materials. These records would include plans to prevent cross-contamination and cleaning and disinfection records.

We also received several comments requesting that we clarify that manufacturers and processors of certain cattle-derived products (e.g., tallow derivatives and milk and milk products) do not have to keep records because their products are exempt in the IFR.

(Response) We believe that manufacturers and processors of human food and cosmetics as well as ingredients used to produce human food and cosmetics must maintain records. To ensure that a finished human food or cosmetic does not contain prohibited cattle materials, it is necessary to ensure that all of the ingredients are free of prohibited cattle materials. This

[1] In June 2005, USDA confirmed the second case of BSE in the United States in a cow born in Texas.

requires information from ingredient suppliers as well as from the finished product manufacturer. A buyer who purchases cattle material from its producer or manufacturer (e.g., from a slaughter or rendering establishment) is in a better position than subsequent purchasers further downstream in the distribution chain to ensure that the purchased cattle material is free from prohibited cattle material. Manufacturers and processors who use ingredients made of cattle material and incorporate it into final products can only ensure that the final products are free of prohibited cattle material if the upstream suppliers have done the same. Therefore, we have concluded that manufacturers and processors of finished human food and cosmetic products, as well as the manufacturers and processors who supply ingredients (e.g., tallow or gelatin) for those finished products, must maintain records.

We are not specifying particular additional records that must be kept by establishments that handle both prohibited and nonprohibited cattle materials. We note that food establishments are subject to the current good manufacturing practice requirements in 21 CFR part 110 and that the failure to take adequate measures to prevent cross-contamination could result in unsanitary conditions whereby the food may be rendered injurious to health and, therefore, adulterated under section 402(a)(4) of the Federal Food, Drug, and Cosmetic Act (the Act) (21 U.S.C. 342(a)(4)).

Comments asked that we clarify that manufacturers and processors of certain cattle-derived products (e.g., tallow derivatives and milk and milk products) are exempt from the recordkeeping requirements because these products are exempt from the provisions of the IFR. In the **Federal Register** of September 7, 2005 (70 FR 53063), FDA published amendments to the IFR. In that document, we also clarified that milk and milk products, hides and hide-derived products, and tallow derivatives are excluded from the definition of prohibited cattle materials. We are not requiring that records be kept for cattle materials that are specifically exempted from the definition of ''prohibited cattle material'' without restrictions, such as milk and milk products, hides and hide-derived products, and tallow derivatives. Although §§ 189.5(a)(1) and 700.27(a)(1) exclude tallow that contains no more than 0.15 percent insoluble impurities from the definition of prohibited cattle materials, tallow is not exempt from records requirements because there are restrictions on either the amount of insoluble impurities it contains or the cattle material from which it is sourced.

*B. What Type of Records Must Manufacturers and Processors of Human Food and Cosmetics Keep? (§§ 189.5(c)(1) and 700.27(c)(1))*

(Comment) We received several comments related to the type of records that must be kept. Most stated that a requirement for lot-by-lot records for human food and cosmetics was overly burdensome relative to the risk posed by BSE. Many comments suggested that maintenance of a continuing letter of guarantee, renewable annually, would be sufficient to ensure that manufacturers and processors are not using prohibited cattle materials in their products.

Other comments stated that lot-by-lot records were necessary, particularly for imports. Some comments suggested that lot-by-lot records should be kept and should contain enough information to allow downstream tracing of the product and upstream tracing of products or ingredients.

(Response) We are requiring in §§ 189.5(c)(1) and 700.27(c)(1) that manufacturers and processors of human food and cosmetics manufactured from, processed with, or that otherwise contain, material from cattle maintain records sufficient to demonstrate that the human food and cosmetics are not manufactured from, processed with, or otherwise contain, prohibited cattle material. We recommend that manufacturers and processors accomplish this in part by maintaining records, which they renew at least annually, from suppliers of cattle materials and of products that are manufactured from, processed with, or otherwise contain, cattle material documenting that the products obtained from the supplier do not contain prohibited cattle materials. In addition, we recommend that manufacturers and processors maintain a record of the source, type, volume, and date of receipt for the cattle material or product manufactured from, processed with, or otherwise containing, cattle material. We intend to publish guidance describing in detail the types of records we recommend that manufacturers and processors maintain to demonstrate compliance with the ban on prohibited cattle materials.

Because we do not easily have access to records maintained at foreign establishments, we have included in this final rule a requirement, in §§ 189.5(c)(6) and 700.27(c)(6), that when filing entry with U.S. Customs and Border Protection, the importer of record of a human food or cosmetic manufactured from, processed with, or otherwise containing, cattle material must affirm that the human food or cosmetic is manufactured from, processed with, or otherwise contains, cattle material and must affirm that the human food or cosmetic was manufactured in accordance with the applicable requirements. In addition, if a human food or cosmetic is manufactured from, processed with, or otherwise contains, cattle material, the importer of record must, if requested, provide within 5 days records sufficient to support the affirmation (i.e., to demonstrate that the human food or cosmetic is not manufactured from, processed with, or does not otherwise contain, prohibited cattle material). The importer of record must retain or have access to the same records that domestic manufacturers and processors must maintain to demonstrate compliance.

We have made several changes to the import provision in the proposed rule. First, we have clarified that the import provision is applicable to the importer of record because the importer of record is responsible for compliance with import requirements. Second, we have added a requirement for the importer of record to affirm that a human food or cosmetic is manufactured from, processed with, or otherwise contains, cattle material. FDA believes that the addition of this affirmation will minimize the number of importers affirming compliance based on the complete absence of cattle material and will help FDA focus its compliance efforts on products manufactured from, processed with, or otherwise containing, cattle material. We have also changed the time period for providing records from a ''reasonable time'' to 5 days. FDA believes that providing a specific time period will eliminate ambiguity and thereby facilitate compliance. FDA further believes that 5 days is a reasonable amount of time for the importer of record to provide the records while still allowing FDA sufficient time to review the documents to make an initial admissibility decision before the conditional release period for the product expires. If the importer of record fails to provide adequate records within 5 days, the product will be subject to detention because it appears to be adulterated under section 801 of the act (21 U.S.C. 381), and the owner or consignee will be afforded notice and an opportunity for hearing in accordance with section 801(a) of the act.

With regard to the comments that stated that the records required should allow tracing of the product in the event

of a recall, we agree that it is beneficial to have records that will allow for trace-back or trace-forward activities. We intend to recommend records in a guidance document that, in addition to being essential to ensure compliance, will provide useful information in the event of trace-back or trace-forward activities. We note that some manufacturers and processors of human food may already be maintaining such records as part of ordinary business practices to comply with FDA's recordkeeping requirements in ''Establishment and Maintenance of Records Under the Public Health Security and Bioterrorism Preparedness and Response Act of 2002'' (the Bioterrorism Act recordkeeping rule) (69 FR 71562, December 9, 2004).

*C. Should There Be a Requirement That Records Be Certified?*

(Comment) Several comments suggested that any records required should be certified by an appropriate government authority or that the required records be traceable to a record certified by a government authority. Other comments requested that FDA accept the certification of records by foreign governments, if those authorities choose to certify compliance with our records requirements. One comment suggested that records be certified for compliance through independent audit, though not necessarily by a government, and that FDA require documentation of the certification.

(Response) We do not agree that records need to be certified by an appropriate authority, governmental or otherwise. We did not propose certification in the proposed rule because we did not believe it was necessary to ensure compliance with the rule. In addition, we do not traditionally require certification for other FDA-regulated human food and cosmetic products with records requirements (e.g., seafood and juice hazard analysis critical control points (HACCP) records).

*D. How Long Must the Records Be Kept? (§§ 189.5(c)(2) and 700.27(c)(2))*

(Comment) We received several comments regarding the length of time that records must be retained. Several comments stated that the required records should be maintained for 1 year after the date they were created to be consistent with USDA's IFR. One comment suggested that the required records be maintained for 3 years after the date they were created to cover the potential shelf life of the products and any potential need to trace back products. Another comment suggested that records be retained for 40 years after the date they were created because variant Creutzfeldt-Jakob disease (vCJD) has a long incubation period, and the records retention requirement should be commensurate with the potential for outbreak of disease. Finally, several comments requested that the records retention requirement vary with the expected shelf life of the human food or cosmetic, but should be no longer than 2 years.

(Response) We proposed in §§ 189.5(c)(2) and 700.27(c)(2) that all required records be retained for 2 years after the date the records were created. The comments received have not persuaded us to change this requirement. The recordkeeping requirement is intended to ensure compliance with the ban on the use of prohibited cattle material. FDA will verify compliance during inspections of facilities that use cattle material directly or that use human food or cosmetics manufactured from, processed with, or that otherwise contain, cattle material. We believe that a 2-year record retention requirement is an appropriate length of time for achieving the goal of this rulemaking. A 2-year record retention requirement will create a compliance history for the establishment. Furthermore, many of the products (e.g., canned soups, gelatin, dietary supplements, and cosmetics) that include material from cattle have shelf lives of several years. A 2-year record retention period will enable FDA to determine compliance of products on the market.

We do not agree that the records retention time should vary with the shelf life of the product as it does in the Bioterrorism Act recordkeeping rule. It is the goal of that rule to allow for trace-back or trace-forward activities of food in an emergency; thus, shelf life of products was the critical determinant of the records retention period. In contrast, our goal in this rulemaking is to ensure compliance with the ban on the use of prohibited cattle material. As stated previously, the 2-year record retention requirement will enable creation of a compliance history for establishments over an extended period of time. Finally, we do not agree that the long incubation period of vCJD necessitates that records be retained for 40 years. This rulemaking is not intended to create a consumption or use history for individuals. Because vCJD has a long incubation period, potentially decades, it would be impractical to try to match disease development with previous consumption or use of a specific commodity.

It will be necessary for inspectors to review and copy records during an inspection. A review of records is one way that we can determine whether an establishment is complying with the ban on the use of prohibited cattle material. It is also important that we be able to copy the required records. We may consider it necessary to copy records when, for example, our investigators need assistance in reviewing a certain record from relevant experts in our headquarters. If we are unable to copy records, we would have to rely solely on our investigator's notes and reports when drawing conclusions. Finally, copying records will facilitate followup regulatory actions.

*E. When Do Manufacturers and Processors Have to Comply With the Recordkeeping Requirements?*

(Comment) We received several comments requesting that industry be given 90 days after publication of this final rule to comply with the recordkeeping requirements, rather than the proposed 30 days. The comments requested the additional time because they stated that 30 days was not long enough to implement a new recordkeeping protocol in their establishments.

(Response) As we stated in the proposed rule, the agency believes that recordkeeping and records access requirements are necessary immediately. However, because we recognized that recordkeeping systems could not be put in place immediately, we did not include such provisions in the IFR but rather proposed them. The requirements in this rule are no more than are necessary for manufacturers, processors, and importers of record to ensure their compliance with the rule, and we informed industry of the anticipated timeframe for implementation in the proposed rule. These recordkeeping requirements are vital to ensuring compliance with the ban on the use of prohibited cattle material, and we strongly encourage industry to begin keeping them as soon as possible. However, in light of these comments we have decided to make these recordkeeping requirements become effective 90 days after the publication of this final rule in the **Federal Register**.

*F. Legal Authority*

(Comment) We received a comment that maintained that FDA has no authority to require manufacturers to disclose company records to inspectors.

(Response) We disagree with this comment because the agency has authority under the act both to require maintenance of records and to compel official access to such records for the

efficient enforcement of the act. The act's statutory scheme, taken as a whole, including provisions related to adulteration, prohibited acts, injunction, and seizure, makes clear that FDA has authority to issue a regulation requiring recordkeeping and access to the records that are kept. Viewing the act in its entirety, the United States Court of Appeals for the District of Columbia Circuit has found that the agency has authority to require records notwithstanding the act's lack of express, general authority for records. (*National Confectioners Ass'n* v. *Califano*, 569 F.2d 690 (DC Cir. 1978)). The Supreme Court has recognized that FDA has authority that ''is implicit in the regulatory scheme, not spelled out in haec verba'' in the statute (*Weinberger* v. *Bentex Pharmaceuticals, Inc.*, 412 U.S. 645, 653 (1973)). Indeed, ''it is a fundamental principle of administrative law that the powers of an administrative agency are not limited to those expressly granted by the statutes, but include, also, all of the powers that may fairly be implied therefrom. * * * In the construction of a grant of powers, it is a general principle of law that where the end is required the appropriate means are given and that every grant of power carries with it the use of necessary and lawful means for its effective execution'' (*Morrow* v. *Clayton*, 326 F.2d 35, 44 (10th Cir. 1963)).

In *Toilet Goods Ass'n, Inc.* v. *Gardner* (387 U.S. 158 (1967)), cosmetic manufacturers and distributors challenged an FDA regulation, issued under authority of the Color Additive Amendments of 1960 and section 701(a) of the act (21 U.S.C. 371(a)),[2] authorizing FDA to stop certifying the color additives of any person who had refused to provide FDA with access to its manufacturing facilities, processes, and formulae. The cosmetic manufacturers and distributors argued that the regulation exceeded FDA's statutory authority and maintained that FDA had long sought Congressional authorization for the access required by the regulation but had been denied that power, except for prescription drugs (*id.* at 162). In finding that the controversy was not ripe for review, the Supreme Court set forth an approach to determining FDA's rulemaking authority under section 701(a) that extends beyond consideration of whether a specific section of the act includes a particular requirement. Rather, the approach extends to consideration of the act as a whole and the need to accomplish its purposes:

> Whether the regulation is justified thus depends, not only, as petitioners appear to suggest, on whether Congress refused to include a specific section of the Act authorizing such inspections, although this factor is to be sure a highly relevant one, but also on whether the statutory scheme as a whole justified promulgation of the regulation. This will depend not merely on the inquiry into statutory purpose, but concurrently on an understanding of what types of enforcement problems are encountered by the FDA, the need for various sorts of supervision in order to effectuate the goals of the Act, and the safeguards devised to protect legitimate trade secrets.

*Id.* at 163–64 (internal citation omitted).

In *National Confectioners Ass'n* v. *Califano* (569 F.2d 690 (DC Cir. 1978)), the United States Court of Appeals for the District of Columbia Circuit cited *Toilet Goods* in upholding an FDA regulation, issued under the authority of sections 701(a) and 402(a)(4) of the act,[3] requiring recordkeeping by candy manufacturers (*id.* at 691). The Association challenged FDA's recordkeeping requirement on several grounds, including that it exceeded FDA's statutory authority. The DC Circuit rejected the Association's analysis of FDA's statutory authority as ''unreasonably cramped'' and considered enforcement practicalities as suggested by the Supreme Court in *Toilet Goods:*

> There is no persuasive evidence that Congress intended to immunize food manufacturers from * * * record-keeping. Therefore, in assessing the validity of regulations promulgated under section 701(a) for the efficient enforcement of the Act, we must consider ''whether the statutory scheme as a whole justified promulgation of the regulation.'' *Toilet Goods Ass'n* v. *Gardner*, 387 U.S. 158, 163 (1967). The consideration concerns ''not merely an inquiry into statutory purpose'' but also practicalities, such as ''an understanding of what types of enforcement problems are encountered by the FDA (and) the need for various sorts of supervision in order to effectuate the goals of the Act.'' *Id.* at 163–64. The Act is not concerned with purification of the stream of commerce in the abstract. The problem is a practical one of consumer protection, not dialectics. *United States* v. *Urbuteit*, 335 U.S. 355, 357–58 (1948).

*Id.* at 613 (footnote omitted).

In *National Confectioners*, the DC Circuit considered the act's statutory scheme as a whole, specifically citing certain of the act's provisions relating to adulteration, prohibited acts, injunction, and seizure. Viewing the act in its entirety, the court found no basis to distinguish between FDA's roles in preventing and in remedying commerce in adulterated foods (*id.* at 693). The court concluded that FDA's intention to prevent the introduction of adulterated foods into commerce and to hasten their removal from circulation once there ''reflect the objective of the Act and carry out its mandate'' (*id.* at 694). The regulation upheld in *National Confectioners* required the creation and retention of records by candy makers of the initial distribution of candy. Although FDA's access to the records was not explicitly addressed, the DC Circuit implicitly recognized that FDA had the authority to access those records: In particular, the court stated that ''[r]egulations that require source codes and distribution records may be based legitimately on the need to expedite seizure when voluntary recalls are refused'' (*id.* at 695). The only way for records to expedite seizure is if FDA has access to them.

The comment questioning FDA's authority to inspect records cites the Bioterrorism Act's specific grant of authority to FDA to access certain records as ''proof that neither FDA nor Congress believes that the agency has general statutory power to require records inspection for food.'' FDA's belief in its statutory power to inspect food records is evident in the records requirements it has previously issued, such as regulations that provide FDA with access to records for fish and fishery products (21 CFR 123.9(c)) and records for juice (21 CFR 120.12(e)). Further, the Bioterrorism Act provides in section 306 (21 U.S.C. 414), Maintenance and Inspection of Records, that ''[t]his section shall not be construed * * * to limit the authority of the Secretary to inspect records or to require establishment and maintenance of records under any other provision of this Act.'' In addition, Congress indicated its understanding of FDA's records authority in the legislative history of the Bioterrorism Act. The Conference Committee responsible for the Bioterrorism Act acknowledged FDA's recordkeeping authority independent of the Bioterrorism Act in a joint explanatory statement:

> The Managers did not adopt a Senate proposal to authorize the Secretary to require the maintenance and retention of other records for inspection relating to food safety, because the Secretary has authority under section 701(a) of the [Act] to issue regulations for the ''efficient enforcement of this Act'' and this authority, in combination with other

[2] Section 701(a) provides that ''[t]he authority to promulgate regulations for the efficient enforcement of this Act, except as otherwise provided in this section, is hereby vested in the Secretary.''

[3] Section 402(a)(4) states that a food shall be deemed adulterated ''if it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health.''

provisions (such as section 402), gives the Secretary the authority to require appropriate record keeping in food safety regulations.

H.R. Conf. Rep. No. 107–481, at 135 (2002).

The comment questioning FDA's authority to inspect food records further argues that ''if Congress had intended FDA to have broad records inspection authority, section 703, [Records of Interstate Shipment], would have been completely superfluous and meaningless.'' As FDA recognized in a previous rulemaking, the *National Confectioners* court concluded that ''the narrow scope of section 703 of the act is not a limitation on the right of the agency to require recordkeeping and have access to records that are outside the scope of section 703 of the act, so long as [1] the recordkeeping requirement is limited, [2] clearly assists the efficient enforcement of the act, and [3] the burden of recordkeeping is not unreasonably onerous'' (60 FR 65096 at 65100 (*citing National Confectioners*, 569 F.2d at 693 n.9)).

The recordkeeping requirement in this rule satisfies the three criteria in *National Confectioners* for the agency to require records and have access to records. First, the requirement is limited to only manufacturers and processors of human food and cosmetics that are manufactured from, processed with, or otherwise contain, material from cattle and to importers of record of human food and cosmetics that are manufactured from, processed with, or otherwise contain, material from cattle. FDA has excluded all of the other persons who may be involved in the distribution of human food or cosmetics before they reach consumers but who do not manufacture or process the food.

Second, the recordkeeping requirement not only clearly assists the efficient enforcement of the act, but is critical to its enforcement because it is vital to determining compliance with the ban on prohibited cattle material. There is currently no test to detect reliably the presence of prohibited cattle material in human food and cosmetics. If FDA cannot require and access records demonstrating compliance, FDA may not be able to determine whether a human food or cosmetic contains cattle material that is prohibited. For example, without records, FDA may not be able to determine whether cattle material that may be specified risk material (e.g., brain or spinal cord) came from an animal that was less than 30 months old, whether the source animal for cattle material was inspected and passed, whether the source animal for cattle material was nonambulatory disabled, and whether tallow in a human food or cosmetic contains less than 0.15 percent insoluble impurities.

Under the IFR, failure of a manufacture or processor to operate in compliance with the ban on prohibited cattle materials renders a food or cosmetic adulterated as a matter of law. The introduction or delivery for introduction into interstate commerce of an adulterated food or cosmetic is a prohibited act under section 301(a) of the act (21 U.S.C. 331(a)), and the adulteration of any food or cosmetic in interstate commerce violates section 301(b) of the act (21 U.S.C. 331(b)). Thus, in order for us to determine whether a human food or cosmetic is adulterated and whether a manufacturer or processor has committed a prohibited act, we must have access to the manufacturer or processor's records.

Third, the burden of the recordkeeping requirement in this rule is not unreasonably onerous. The only records that must be retained are those sufficient to demonstrate that a human food or cosmetic is not manufactured from, processed with, or does not otherwise contain, prohibited cattle materials. First and foremost, FDA believes that it is only requiring records that a manufacturer or processor itself would need to keep to ensure its compliance with the rule. Just as there is no way for FDA to determine whether a product contains prohibited cattle material because there is currently no test to detect such material, there is no way for a manufacturer or processor to know without records. For example, without records, a manufacturer or processor of human food or cosmetics manufactured from, processed with, or otherwise containing, cattle material cannot determine whether cattle material that may be specified risk material (e.g., brain or spinal cord) came from an animal that was less than 30 months old, whether the source animal for cattle material was inspected and passed, whether the source animal for cattle material was nonambulatory disabled, and whether tallow in a human food or cosmetic contains less than 0.15 percent insoluble impurities.

Further, the rule does not dictate specific records but allows for covered manufacturers and processors to comply in the way that is least burdensome for them while demonstrating compliance. Also, many of the records that covered manufacturers and processors of human food may choose to retain are similar to those that are required by FDA's Bioterrorism Act recordkeeping rule. Finally, by allowing for efficient enforcement of the requirements that minimize human exposure to materials that scientific studies have demonstrated are highly likely to contain the BSE agent in cattle infected with the disease, FDA's recordkeeping rule ''reflect[s] the objective of the [Federal Food, Drug, and Cosmetic] Act and carr[ies] out its mandate'' (*National Confectioners*, 569 F.2d at 694).

## III. Summary of Requirements

The recordkeeping provisions of this rule apply to food and cosmetics covered by the IFR, including food additives, dietary supplements, and dietary ingredients.

As discussed in section II of this document, we have modified the codified section based on comments we received on the proposed rule. In this final rule, in §§ 189.5(c)(1) and 700.27(c)(1), we are requiring that manufacturers and processors of human food and cosmetics that are manufactured from, processed with, or otherwise contain, material from cattle establish and maintain records sufficient to demonstrate that the human food or cosmetic is not manufactured from, processed with, or does not otherwise contain, prohibited cattle materials. We intend to publish guidance that will describe in detail the records we recommend that manufacturers and processors maintain to demonstrate compliance with the ban on the use of prohibited cattle materials.

In §§ 189.5(c)(2) and 700.27(c)(2), we specify the period of time (2 years) that records must be retained. In §§ 189.5(c)(3) and 700.27(c)(3), we require that records be maintained at the manufacturing or processing establishment or at a reasonably accessible location. Sections 189.5(c)(4) and 700.27(c)(4) provide that maintenance of electronic records is acceptable and that electronic records are considered to be reasonably accessible if they are accessible from an onsite location. Sections 189.5(c)(5) and 700.27(c)(5) provide that records required by these sections and existing records relevant to compliance with these sections must be available to FDA for inspection and copying.

Because we do not easily have access to records maintained at foreign establishments, we are requiring in §§ 189.5(c)(6) and 700.27(c)(6), respectively, that when filing entry with U.S. Customs and Border Protection, the importer of record of a human food or cosmetic manufactured from, processed with, or otherwise containing, cattle material must affirm that the human food or cosmetic is manufactured from, processed with, or otherwise contains, cattle material and must affirm that the human food or cosmetic was

manufactured in accordance with this rule. In addition, if a human food or cosmetic is manufactured from, processed with, or otherwise contains, cattle material, then the importer of record must, if requested, provide within 5 days records sufficient to demonstrate that the human food or cosmetic is not manufactured from, processed with, or does not otherwise contain, prohibited cattle material.

Sections 189.5(c)(7) and 700.27(c)(7) provide that records established or maintained to satisfy the requirements of this subpart that meet the definition of electronic records in part 11 (21 CFR part 11) in § 11.3(b)(6) are exempt from the requirements of part 11. Records that satisfy the requirements of this rulemaking, but that are also required under other applicable statutory provisions or regulations, remain subject to part 11.

## IV. Regulatory Impact Analysis

### *A. Benefit-Cost Analysis*

FDA has examined the economic implications of this final rule as required by Executive Order 12866. 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, and other advantages; distributive impacts; and equity). Executive Order 12866 classifies a rule as significant if it meets any one of a number of specified conditions, including the following conditions: Having an annual effect on the economy of $100 million, adversely affecting a sector of the economy in a material way, adversely affecting competition, or adversely affecting jobs. A regulation is also considered a significant regulatory action if it raises novel legal or policy issues. FDA has determined that this final rule is a significant regulatory action because it raises novel policy issues; however, we have determined that this final rule is not an economically significant regulatory action.

The Regulatory Flexibility Act requires agencies to analyze regulatory options that would minimize any significant impact of a rule on small entities. FDA finds that this final rule will have a significant economic impact on a substantial number of small entities.

Section 202(a) of the Unfunded Mandates Reform Act of 1995 requires that agencies prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $122 million, using the most current (2005) Implicit Price Deflator for the Gross Domestic Product (Ref 1). FDA does not expect this final rule to result in any 1-year expenditure that would meet or exceed this amount.

The Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law No. 104–121) defines a major rule for the purpose of congressional review as having caused or being likely to cause one or more of the following: An annual effect on the economy of $100 million or more; a major increase in costs or prices; significant adverse effects on competition, employment, productivity, or innovation; or significant adverse effects on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets. In accordance with the Small Business Regulatory Enforcement Fairness Act, OMB has determined that this final rule will not be a major rule for the purpose of congressional review.

#### 1. Need for Regulation

As explained in this document, USDA's amended BSE IFR requires that SRMs, tissue from nonambulatory disabled cattle, material from cattle not inspected and passed for human consumption, and MS beef not be used for human food. SRMs include the brain, skull, eyes, trigeminal ganglia, spinal cord, vertebral column (excluding the vertebrae of the tail, the transverse process of the thoracic and lumbar vertebrae, and the wings of the sacrum), and dorsal root ganglia of cattle 30 months and older, as well as the tonsils and distal ileum of the small intestine of all cattle. USDA's BSE IFR requires that all of the prohibited materials be destroyed or sent to inedible rendering. This final rule implements recordkeeping for the provisions of the IFR on use of materials from cattle and responds to the same public health concerns. This final rule will not affect the incidence of BSE in cattle, which is addressed in other FDA regulations. This final rule will serve as an additional safeguard to reduce human exposure to the agent that causes BSE that may be present in cattle-derived products from domestic and imported sources. Without the recordkeeping requirements in this final rule manufacturers and processors might not establish and maintain records to ensure that cattle material does not contain prohibited cattle materials, it may not be possible to determine whether cattle material that may be specified risk material (*e.g.*, brain or spinal cord) came from an animal that was less than 30 months old, it may not be possible to determine whether the source animal for cattle material was inspected and passed, and a product might contain MS beef without its presence being evident.

#### 2. Final Rule Coverage

This final rule will require recordkeeping to ensure and document compliance with the provisions of the IFR (on use of materials from cattle) that prohibit the use of ''prohibited cattle materials.'' This final rule will require that manufacturers and processors of human foods and cosmetics that are manufactured from, processed with, or otherwise contain, cattle materials maintain records indicating that prohibited cattle materials have not been used in the manufacture or processing of a human food or cosmetic, and make such records available to FDA for inspection and copying. Because we do not easily have access to records maintained at foreign establishments, we have included in this final rule a requirement that, when filing entry with U.S. Customs and Border Protection, importers of human food and cosmetics manufactured from, processed with, or otherwise containing, cattle material must affirm that the food or cosmetic was manufactured from, processed with, or otherwise contains, cattle material and must affirm that the food or cosmetic was manufactured in accordance with this rule. In addition, if a human food or cosmetic is manufactured from, processed with, or otherwise contains, cattle material, then the importer of record must, if requested, provide within 5 days records sufficient to demonstrate that the human food or cosmetic is not manufactured from, processed with, or does not otherwise contain, prohibited cattle material.

#### 3. Comments Received on the Proposed Rule

(Comment) We received several comments that stated that FDA underestimated the economic impact of the proposed rule by omitting entire industries that would be subject to the rule. According to the comments, FDA had only estimated the costs of the rule to end-users of cattle material and had not considered the costs of the rule to those persons that produce intermediate

cattle-derived products. Specifically, manufacturers of collagen casings, intestinal casings, flavoring extracts, and gelatin are not appropriately accounted for in the proposed rule analysis.

(Response for gelatin) In the case of gelatin, FDA did estimate the impact of the proposed rule on food manufacturers of intermediate products that are from cattle-derived gelatin. Depending on the product, FDA had information on cattle-derived materials manufactured by intermediate producers (e.g., input suppliers to cosmetics manufacturers) or information on end products that contained cattle materials (e.g., foods). Whether our information was on intermediate manufacturers or end products, we estimated the impact of the rule on both the upstream and downstream facilities. FDA did not include estimates of bovine gelatin use in cosmetics in the analysis of the proposed rule. We have included these estimates in the final analysis.

(Response for small intestine) FDA did not estimate any costs, other than recordkeeping, for the requirement that the distal ileum be removed from the small intestine because costs other than recordkeeping are linked to the prohibition in FDA's IFR.

(Response for flavoring extracts) In the case of flavoring extracts, manufacturers and the buyers of flavoring extracts for use in food products were accounted for in the proposed rule. We assessed recordkeeping costs for the 32 facilities (out of 127 facilities) that we estimated were likely to manufacture flavoring extracts using cattle-derived materials and for the buyers of these flavoring extracts. FDA assumed three scenarios for sensitivity analyses: (1) Recordkeeping costs are borne entirely by the flavoring extract manufacturers as the input supplier, (2) recordkeeping costs are borne entirely by the manufacturers of products that use flavoring extracts as an ingredient in their products, and (3) recordkeeping costs are shared between the two types of firms.

(Response for collagen) FDA did not estimate the impacts of our proposed rule on collagen manufacturers or collagen casing manufacturers. This rule does not require recordkeeping for hide-derived collagen. Therefore we do not include the costs of recordkeeping to manufacturers who use hide-derived collagen. We do include costs for some collagen use in cosmetic manufacturing.

4. Costs and Benefits of the Final Rule

This final rule will require manufacturers and processors of FDA-regulated human food and cosmetics manufactured from, processed with, or otherwise containing, cattle material to maintain records demonstrating that prohibited cattle materials are not used in their products. This final rule will require that the manufacturer or processor retain records for 2 years from the date they were created. Records must be kept at the manufacturing or processing establishment or another reasonably accessible location. Manufacturers and processors must provide FDA with access to the required records and other records relevant to compliance for inspection and copying.

a. *Costs of final rule to domestic facilities.* FDA used establishment data from the FDA Small Business Model (which includes information on all establishments in a manufacturing sector regardless of size) (Ref. 2) to determine the number of food manufacturers and processors that will need to comply with the proposed recordkeeping requirements. The model contains information on the number of establishments in certain food producing sectors, but does not have information on specific ingredients used by the food establishments in making products. Data from the model indicates that 181 establishments produce spreads, 127 establishments produce flavoring extracts, 40 establishments produce canned soups and stews, 625 establishments produce nonchocolate candy, 88 establishments produce yogurt, and 451 establishments produce ice cream. FDA cannot verify that all of these establishments actually use cattle materials that fall under the jurisdiction of this final rule; many may not. It is likely that some of the 132 establishments that produce fats and oils currently use tallow or tallow derivatives,[4] so FDA assumes that records will be required to be kept by only 75 percent of the facilities (99 of 132) in this establishment group. We assume that only 25 percent of the establishments from the remaining production sectors listed previously actually produce food that is manufactured from, processed with, or otherwise contains, material from cattle and are therefore required to keep records. We include only 25 percent of the establishments in our estimates because most of the manufacturers likely do not use cattle-derived materials in their products.

FDA research shows that 42 establishments with U.S. addresses supply cattle-derived ingredients that are used in cosmetics (Ref. 3). These cattle-derived ingredients include bovine serum albumin, cholesterol and cholesterol compounds, fibronectin, sphingolipids, spleen extract, tallow, gelatin, and keratin and keratin compounds. From FDA's dietary supplement database (Ref. 4), we are able to tell that there are about 131 U.S.-based dietary supplement brand names that use cattle material as ingredients in their products. We assume that each brand name represents a facility that produces multiple dietary supplement products containing cattle-derived ingredients.

*Recordkeeping costs to domestic facilities.* USDA's BSE rule requires that those establishments that slaughter cattle or that process the carcasses or parts of carcasses of cattle maintain daily records sufficient to document the implementation and monitoring of procedures for removal, segregation, and disposition of SRMs. USDA's BSE requirements will reduce, but likely not eliminate, the startup costs of recordkeeping required by this final rule. We do not expect the USDA rule to completely eliminate start-up costs to recordkeeping for this rule because the beef products under USDA's jurisdiction differ from the food products under FDA's jurisdiction. To the extent that manufacturers of products containing cattle-derived materials produce a variety of food products, some of which are under USDA jurisdiction and some of which are under FDA jurisdiction, the following estimates of recordkeeping costs (for foods only) are likely an over estimate.

Recordkeeping costs include one-time costs and recurring costs. One-time costs include the costs of designing records and training personnel in the maintenance of the records. The recurring costs are the costs of ensuring that the records adequately document that the shipment of cattle materials to an FDA-regulated facility is free of prohibited cattle materials. The costs of retaining records and planning for an FDA request for records access are assumed to be negligible. Current business practices already dictate that records are kept for at least 1 year for tax purposes and product liability purposes. FDA has found that records are usually kept much longer for internal business purposes; therefore, in most cases the marginal private benefits to facilities from retaining records for a second year are apparently greater than the private marginal costs, so they keep most records. Because records retention is already standard practice in many cases, we assume that the additional retention costs associated with this final

[4] Tallow derivatives are exempt from recordkeeping.

rule are approximately zero. The rule provides no specific time period for providing records, except for importers of record, who are given 5 days. In research conducted for FDA's Bioterrorism Act recordkeeping rule (69 FR 71562, December 9, 2004), FDA found that record request costs are not a significant burden under that rule's requirement to submit records to FDA within 24 hours of a request. Therefore, we assume the cost to provide records to FDA under the requirements of this final rule is approximately zero.

We assume that the one-time training burden incurred for each facility is approximately one-third of an hour. This time includes both the training required for personnel to learn how to verify that the appropriate records have been received or created, and the training required for personnel to learn how to file and maintain those records. As part of current business practices, personnel are familiar with recordkeeping. Therefore, the requirement to maintain additional records will be learned quickly. This training burden estimated for recordkeeping in this final rule is consistent with the recordkeeping training burden in the analysis for the Bioterrorism Act recordkeeping rule and the records maintenance burden in the analysis of the juice hazard analysis critical control points (HACCP) rule (66 FR 6137–6202). Consistent with the analysis conducted for the Bioterrorism Act recordkeeping rule, FDA assumes an hourly cost of an administrative worker, $25.10 per hour, which includes overhead costs.

We use the FDA Labeling Cost Model to estimate the one-time records design costs per facility of $1,190 per stock keeping unit (SKU) (Ref. 5). It is likely that facilities using cattle-derived ingredients, whether the ingredients are for human food or cosmetics, will take advantage of their economies of scope and produce more than one product with these ingredients. It is probable that each establishment has several SKUs associated with products containing cattle-derived ingredients that will now require recordkeeping. To account for additional products and SKUs we take the record design costs per facility times 1.5 for a total design cost per facility of $1,785 ($1,095 in labor costs and $690 in capital costs).

We multiplied the cost per product per SKU by 1.5 to account for the additional records design required for the additional SKUs. The record design cost for the first affected product or SKU will be more expensive than the marginal cost of adding records for additional SKUs. This marginal cost of record design for additional SKUs could be negligible, or it could come close to doubling the costs. We therefore pick 1.5, the midpoint of 1 and 2, to be the cost multiplier.

Consistent with the analysis conducted for the Bioterrorism Act recordkeeping rule, this record design cost is assumed to be shared between two facilities—the upstream facility and the downstream facility—as both will need to be involved in record production that meets the needs of both the supplier and customer for the product containing cattle-derived material.

Unlike for the analysis of the Bioterrorism Act recordkeeping rule (69 FR 71562, December 9, 2004), we do not have direct information on all the facilities covered; we do not have data on all the intermediate cattle material suppliers or finished product manufacturers that make use of cattle-derived material for human food and cosmetics under FDA jurisdiction. Using information on the number of human food manufacturers and cosmetic ingredient suppliers that may use cattle-derived ingredients subject to this final rule, we can account for the total shared records costs by assuming that each food manufacturer or processor in table 1 of this document procures ingredients from one upstream input supplier for particular cattle-derived ingredients. Even if multiple input suppliers are used by the manufacturing facility, or an input supplier is used by multiple manufacturing facilities, the marginal record setup costs would decrease for additional suppliers or additional manufacturers. Once a facility has designed the required records, it is less costly to generate records for additional input suppliers or additional end product manufacturers. Table 1 of this document shows estimated set-up costs for U.S. facilities. Dietary supplement facilities listed represent end product manufacturers of dietary supplements that contain cattle-derived material; cosmetics facilities are represented by intermediate cattle-derived ingredients used in cosmetics products from domestic cosmetic input suppliers.

TABLE 1.—FIRST-YEAR RECORDS COSTS FOR DOMESTIC FACILITIES

| Type of product using cattle material | Number of facilities estimated to use cattle materials | Costs per facility for designing records | Costs per facility for training (⅓ hour × $25.10 per hour) | Total setup costs |
|---|---|---|---|---|
| Canned soups and stews | 10 | $1,785 | $8.37 | $17,934 |
| Fats and oils | 99 | 1,785 | 8.37 | 177,544 |
| Flavoring extracts | 32 | 1,785 | 8.37 | 57,388 |
| Spreads | 45 | 1,785 | 8.37 | 80,702 |
| Candy | 156 | 1,785 | 8.37 | 279,766 |
| Yogurt | 22 | 1,785 | 8.37 | 39,454 |
| Ice cream | 113 | 1,785 | 8.37 | 202,651 |
| Small intestine-derived casings | 47 | 1,785 | 8.37 | 84,288 |
| Dietary supplements | 131 | 1,785 | 8.37 | 234,931 |
| Cosmetics | 42 | 1,785 | 8.37 | 75,322 |
| Color additives | 0 | 1,785 | 8.37 | ..... |
| Total | 697 | 1,785 | 8.37 | 1,249,978 |
| Startup Costs Annualized over 10 years (7%) | | | | 177,969 |
| Startup Costs Annualized over 10 years (3%) | | | | 146,536 |

The recurring recordkeeping cost is the cost of ensuring that appropriate records document the absence of prohibited cattle materials in human food and cosmetics. The framework for estimating the amount of time required for FDA-regulated facilities to ensure adequate records for each shipment of materials is based on the regulatory impact analysis of the Bioterrorism Act recordkeeping rule (69 FR 71562, December 9, 2004). In that analysis we estimated that 30 minutes per week would be needed to ensure that records on each shipment to and from a facility contain adequate information regarding the contents of the package, the transporter, supplier, and receiver.

The recordkeeping requirements of this final rule will cover only a small fraction of all ingredients used in food and cosmetic manufacturing and only require that records of cattle-derived ingredient origin from the input supplier be verified and maintained by the food or cosmetic manufacturer and processor. Because this recordkeeping requirement is less complex than the recordkeeping requirements under the Bioterrorism Act and affects fewer ingredients, we estimate the average burden per facility to be about one-half of the burden estimated for the Bioterrorism Act recordkeeping rule: 15 minutes per week, or 13 hours per year. FDA assumes that this recordkeeping burden will be shared between two entities (*i.e.*, the ingredient supplier and the manufacturer of finished products containing cattle-derived ingredients). For facilities using records that are renewable annually, the time pattern of the burden may be different from the assumed 15 minutes per week. We are, however, unable to quantify by how much time, if any, the annual burden will fall for those facilities using that option.

In addition to the recurring costs to domestic firms in the industry, as new firms enter the industry they will bear one-time costs. As in the analysis of the Bioterrorism Act recordkeeping rule, we assume that the average annual rate of turnover is 10 percent. We therefore estimate the annual one-time costs for new domestic firms entering the industry to be 10 percent of the one-time costs of existing domestic firms estimated in table 1 of this document.

Table 2 of this document shows the recurring recordkeeping costs that would be incurred by food and cosmetics input suppliers and manufacturers to comply with this final rule. As stated earlier, information on food producing facilities in table 2 represents U.S. facilities; dietary supplement facilities listed represent end product manufacturers of dietary supplements that contain cattle-derived material and cosmetics facilities are represented by intermediate cattle-derived ingredients used in cosmetics products from domestic cosmetic input suppliers.

TABLE 2.—RECURRING ANNUAL RECORDS COSTS FOR DOMESTIC FACILITIES

| Type of product (from raw or rendered material that needs accompanying documentation) | Number of facilities | Annual costs per facility of ensuring that appropriate records accompany each shipment received (13 hours × $25.10/hour) | Total recurring annual costs |
|---|---|---|---|
| Canned soups and stews | 10 | $326.30 | $3,263 |
| Fats and oils | 99 | 326.30 | 32,304 |
| Flavoring extracts | 32 | 326.30 | 10,442 |
| Spreads | 45 | 326.30 | 14,684 |
| Candy | 156 | 326.30 | 50,903 |
| Yogurt | 22 | 326.30 | 7,179 |
| Ice Cream | 113 | 326.30 | 36,872 |
| Small intestine-derived casings | 47 | 326.30 | 15,336 |
| Dietary supplements | 131 | 326.30 | 42,745 |
| Cosmetics | 42 | 326.30 | 13,705 |
| Color additives | 0 | ..... | ..... |
| Total recurring costs for existing firms | 697 | 326.30 | 227,430 |
| One-time costs for new firms | | | 124,998 |
| Total annual costs | | | 352,428 |
| Total costs of recordkeeping for domestic firms (annualized startup costs (7%) + annual costs) | | | 530,397 |
| Total costs of recordkeeping for domestic firms (annualized startup costs (3%) + annual costs) | | | 498,964 |

b. *Costs of final rule to importers.* This final rule requires that, when filing entry with U.S. Customs and Border Protection, importers of record of human food and cosmetics that are manufactured from, processed with, or otherwise contain, cattle material must affirm that the food or cosmetic was manufactured from, processed with, or otherwise contains, cattle material and must affirm that the human food or cosmetic was manufactured in accordance with this rule. If a human food or cosmetic is manufactured from, processed with, or otherwise contains, cattle material, then the importer of record must, if requested, provide within 5 days records sufficient to demonstrate that the human food or cosmetic is not manufactured from, processed with, or does not otherwise contain, prohibited cattle material.

The affirmation that foods or cosmetics are manufactured from, processed with, or otherwise contain, cattle material and are manufactured in accordance with the rule will be made by the importer of record to FDA through the Agency's Operational and Administrative System for Import Support (OASIS). Table 3, using OASIS data from fiscal year 2004, shows 2,195,000 entry lines of food and cosmetics for the product codes that FDA expects may contain products with cattle materials entered the U.S.; 0 to

100 percent of these imported product lines will be for products that actually do contain cattle material and require affirmation. We use the information in table 3 to generate recordkeeping costs to importers (in tables 4 and 5) whose products actually do contain cattle-derived materials.

TABLE 3.—ANNUAL LINES PER FDA INDUSTRY PRODUCT CODE FOR WHICH IMPORTERS MUST VERIFY USE OF CATTLE-DERIVED MATERIALS [1]

| Industry description | FDA industry product code | Fiscal year 2004 line count |
|---|---|---|
| Bakery products, dough, mix, and icing | 03 | 700,222 |
| Macaroni and noodle products | 04 | 24,011 |
| Milk, butter, and dried milk products | 09 | 12,228 |
| Cheese and cheese products | 12 | 2,712 |
| Ice cream products | 13 | 2,698 |
| Filled milk and imitation milk products | 14 | 990 |
| Fishery and seafood products | 16 | 4,775 |
| Meat, meat products and poultry | 17 | 5,322 |
| Vegetable protein products | 18 | 16,702 |
| Fruit and fruit products | 20 | 16,410 |
| Fruit and fruit products | 21 | 13,112 |
| Fruit and fruit products | 22 | 1,532 |
| Nuts and edible seeds | 23 | 24,216 |
| Vegetables and vegetable products | 24 | 323,004 |
| Vegetables and vegetable products | 25 | 321,032 |
| Vegetable oils | 26 | 1,532 |
| Dressings and condiments | 27 | 16,386 |
| Spices, flavors, and salts | 28 | 203 |
| Candy (except chocolate candy), chewing gum | 33 | 275,733 |
| Chocolate and cocoa products | 34 | 126,719 |
| Gelatin, rennet, pudding mix, pie filling | 35 | 22,485 |
| Multiple food dinners, gravy, and sauces | 37 | 82,105 |
| Soup | 38 | 37,923 |
| Prepared salad products | 39 | 13,357 |
| Baby food products | 40 | 576 |
| Dietary convenience foods and meal replacements | 41 | 18,189 |
| Food additives (human use) | 45 | 23,877 |
| Food additives (human use) | 46 | 14,699 |
| Miscellaneous food related items | 52 | 1,501 |
| Cosmetics | 53 | 27,867 |
| Vitamins, minerals, proteins, unconventional dietary specialties | 54 | 63,184 |
| Total annual lines | | 2,195,302 |

[1] Note that not every import within each two-digit FDA product code will be required to make an affirmation of bovine materials in their products.

*Recordkeeping costs to foreign facilities.* Facilities producing products required to give affirmation on import into the U.S. whose products actually do contain cattle-derived materials will have to create and maintain records of cattle-derived materials used in product production. Therefore, a certain percentage of the firms whose products are listed in Table 3 above will have to incur startup and recurring recordkeeping costs, as domestic facilities do, to comply with the recordkeeping requirements of this final rule.

We do not expect many imported food products under FDA jurisdiction will actually contain cattle-derived materials. Table 4 below revises table 3 to only include the percentage (10 percent) of certain imported products likely to contain cattle materials and whose manufacturing firms will keep records. We do not include the categories of food from table 3 where affirmation could be required but it is not likely that products from that category actually contain cattle-derived materials. We estimate only 10 percent of lines rather than 25 percent or 75 percent as we did for domestic products because import category codes tend to be broader in scope than the categories we used for determining the number of domestic facilities that produced products using cattle-derived materials.

To estimate the number of foreign firms associated with the 10 percent of line entries listed in table 4, we take *all foreign* firms registered in the Food Facilities Registration Database as of the end of the fiscal year 2004 (approximately 125,000) and divide that number of firms by *all imported food entry lines* for fiscal year 2004 (7,486,650).[5] The result is a multiplier (0.0167) that we apply to entry lines to estimate the average number of firms by product category that exported food or cosmetics to the U.S. in fiscal year 2004, and whose products actually contained cattle-derived materials for which records would need to be kept.

Table 4 below shows that about 916 foreign firms will need to keep records of cattle-derived materials. The startup costs to keeping these records will be about $1.6 million. Since we do not have good information on the number of firms that actually produce and export products that contain cattle-derived materials to the U.S., the costs in table 4 below may overestimate recordkeeping costs to firms in some product categories and may

[5] Cosmetic lines have been subtracted from the line total because cosmetics manufacturers do not have to register.

underestimate recordkeeping costs to firms in other product categories.

TABLE 4.—FIRST YEAR RECORDS COSTS FOR FOREIGN FACILITIES

| Industry description | Fiscal year 2004 line count | 10 percent of lines | Number of facilities | Total setup costs ($1,793 per firm) |
|---|---|---|---|---|
| Milk, butter, and dried milk products | 12,228 | 1,223 | 20 | $36,614 |
| Ice cream products | 2,698 | 270 | 5 | 8,079 |
| Meat, meat products and poultry | 5,322 | 532 | 9 | 15,936 |
| Vegetable oils | 1,532 | 153 | 3 | 4,587 |
| Dressings and condiments | 16,386 | 1,639 | 27 | 49,065 |
| Spices, flavors, and salts | 203 | 20 | 0 | 0 |
| Candy (except chocolate candy), chewing gum | 275,733 | 27,5723 | 460 | 825,630 |
| Gelatin, rennet, pudding mix, pie filling | 22,485 | 2,249 | 38 | 67,327 |
| Multiple food dinners, gravy, and sauces | 82,105 | 8,211 | 137 | 245,848 |
| Soup | 37,923 | 3,792 | 63 | 113,553 |
| Baby food products | 576 | 58 | 1 | 1,725 |
| Cosmetics | 27,867 | 2,787 | 47 | 83,442 |
| Vitamins, minerals, proteins, unconventional dietary specialties | 63,184 | 6,318 | 106 | 189,192 |
| Total | | | 916 | 1,640,999 |
| Startup Costs Annualized over 10 years (7%) | | | | 233,641 |
| Startup Costs Annualized over 10 years (3%) | | | | 192,375 |

The recurring recordkeeping cost to importers whose products contain cattle-derived materials is the cost of ensuring that appropriate records document the absence of prohibited cattle materials in human food and cosmetics. We use the same method and rationale to calculate the recurring recordkeeping cost burden to foreign facilities that we used for domestic facilities.

In addition to the recurring costs to foreign firms in the industry, as new firms enter the industry they will bear one-time costs. As in the analysis of the Bioterrorism Act recordkeeping rule, we assume that the average annual rate of turnover is 10 percent. We therefore estimate the annual one-time costs for new foreign firms entering the industry to be 10 percent of the one-time costs of existing foreign firms estimated in table 4.

Also shown in table 5 are the annual costs to importers to affirm that the human food or cosmetics that they are importing do contain cattle material and are in compliance with this rule. Importers of approximately 54,825 lines of food and cosmetics are expected to affirm annually that the products they are importing contain cattle materials. This total represents 10 percent of the total lines imported for fiscal year 2004 for products under FDA product codes that FDA will be looking to for importer affirmation. Using an importer hourly wage cost of $46.58 (Ref. 6), which includes overhead, FDA estimates that importer affirmation will take about two minutes per line at a cost of $1.55 per affirmation for total annual affirmation costs of $84,979.

TABLE 5.—RECURRING ANNUAL RECORDS COSTS FOR FOREIGN FACILITIES

| Industry description | Fiscal year 2004 line count | 10 percent of lines | Number of facilities | Total recurring annual costs ($326.30 per firm) |
|---|---|---|---|---|
| Milk, butter, and dried milk products | 12,228 | 1,223 | 20 | $6,663 |
| Ice cream products | 2,698 | 270 | 5 | 1,470 |
| Meat, meat products and poultry | 5,322 | 532 | 9 | 2,900 |
| Vegetable oils | 1,532 | 153 | 3 | 835 |
| Dressings and condiments | 16,386 | 1,639 | 27 | 8,929 |
| Spices, flavors, and salts | 203 | 20 | 0 | 111 |
| Candy (except chocolate candy), chewing gum | 275,733 | 27,573 | 460 | 150,253 |
| Gelatin, rennet, pudding mix, pie filling | 22,485 | 2,249 | 38 | 12,253 |
| Multiple food dinners, gravy, and sauces | 82,105 | 8,211 | 137 | 44,741 |
| Soup | 37,923 | 3,792 | 63 | 20,665 |
| Baby food products | 576 | 58 | 1 | 314 |
| Cosmetics | 27,867 | 2,787 | 47 | 15,185 |
| Vitamins, minerals, proteins, unconventional dietary specialties | 63,184 | 6,318 | 106 | 34,430 |
| Total | | 54,825 | 916 | 298,638 |
| Total Annual Importer Affirmation Costs ($1.55 per line for 54,825 lines) | | | | 84,979 |
| One-time costs for new firms | | | | 164,100 |
| Total annual costs | | | | 547,717 |
| Total costs of recordkeeping for foreign firms (annualized startup costs (7%) + annual costs | | | | 781,358 |
| Total costs of recordkeeping for foreign firms (annualized startup costs (3%) + annual costs) | | | | 740,092 |

c. *Benefits of the final rule.* The benefits of this final rule are derived from the benefits of the interim final rule on use of material from cattle, which are the value of the public health benefits. The public health benefit is the reduction in the risk of the human illness associated with consumption of the agent that causes BSE.

If we define the baseline risk as the expected annual number of cases of variant Creutzfeldt-Jakob disease (vCJD) per year, then the annual benefits of banning prohibited cattle materials for use in foods and cosmetics would be: (baseline annual cases of vCJD − annual cases of vCJD under FDA IFR on use of materials from cattle) × (value of preventing a case of vCJD).

An alternative way to characterize benefits is:

(reduction in annual cases in vCJD under FDA IFR on use of materials from cattle) × (value of preventing a case of vCJD).

We do not know the baseline expected annual number of cases. But based on the epidemiology of vCJD in the United Kingdom, we anticipate much less than one case of vCJD per year in the United States. Because the IFR on use of materials from cattle and this final rule will reduce, rather than eliminate, risk of exposure to BSE infectious materials, the reduction in the number of cases will be some fraction of the expected number. The value of preventing a case of vCJD is the value of a statistical life plus the value of preventing a year-long or longer illness that precedes certain death for victims of vCJD. In a recent rulemaking regarding labeling of *trans* fatty acids (68 FR 41434, July 11, 2003), we used a range of $5 million to $6.5 million for the value of a statistical life. The value of preventing a vCJD case may be similar. FDA uses the concept of the Value of a Statistical Life (VSL) in order to describe the value of preventing a case of vCJD. This term refers to the sum of risk reductions expected in a population exposed to small changes in risk. It has no application to identifiable individuals or large reductions in risk. Most recent studies suggest values ranging from about $1 million to $10 million. In recent rulemakings, we have used $5 million and $6.5 million as the value of a statistical life, and we believe it is reasonable to use a similar VSL to value the cases of vCJD avoided.

As discussed in FDA's IFR on use of materials from cattle, the Harvard-Tuskegee study has stated that a ban on SRMs, including cattle brains, spinal cord, and vertebral column, from inclusion in human and animal food would reduce the very few potential BSE cases in cattle by 88 percent and potential human exposure to infectivity in meat and meat products by 95 percent (Ref. 7). The FDA IFR on use of materials from cattle, in conjunction with USDA's BSE IFR, will help achieve this reduction in potential human exposure. FDA's IFR on use of materials from cattle will also reduce potential human exposure to BSE infectivity in other human food not covered by the Harvard-Tuskegee study and from cosmetics. This final rule will help ensure that the provisions of the IFR on use of materials from cattle are carried out. For example, this final rule will require documentation that a domestically-produced or foreign-produced dietary supplement or ingredient contains cattle material (*e.g.*, brain) only from animals of an appropriate age.

d. *Summary of costs and benefits of the final rule.* For this final rule, the costs are to set up and then to maintain a recordkeeping system to document that cattle-derived ingredients used in FDA-regulated food and cosmetics do not contain prohibited cattle material. The first year costs of this final rule are about $1.2 million to domestic facilities and about $1.6 million to foreign facilities. The annual costs of this final rule are about $352 thousand in recordkeeping costs to domestic facilities, $548 thousand in recordkeeping costs to foreign facilities. Costs of this final rule annualized at 7 percent over 10 years are about $530 thousand to domestic facilities and $781 thousand to foreign facilities; costs annualized at 3 percent over 10 years are $500 thousand to domestic facilities and $740 thousand to foreign facilities.

The benefits of this final rule are to ensure that cattle-derived products that may possibly be contaminated with BSE do not find their way into food and cosmetic products, thus further reducing the risk of vCJD to humans.

TABLE 6.—SUMMARY OF COSTS AND BENEFITS

| | Number of facilities | Start-up recordkeeping costs | Recurring recordkeeping costs | Total costs annualized at 7% for 10 years | Total costs annualized at 3% for 10 years |
|---|---|---|---|---|---|
| Costs to Domestic Facilities | 697 | $1,249,978 | $352,428 | $530,397 | $498,964 |
| Costs to Foreign Facilities | 916 | $1,640,999 | $547,717 | $781,358 | 740,092 |
| Total | 1613 | $2,890,977 | $900,145 | $1,311,755 | 1,239,056 |

Benefits—To ensure that cattle-derived products that may possibly be contaminated with BSE do not find their way into food and cosmetic products, thus further reducing the risk of vCJD to humans.

*B. Regulatory Flexibility Analysis*

FDA has examined the economic implications of this final rule as required by the Regulatory Flexibility Act (5 U.S.C. 601–612). If a rule has a significant economic impact on a substantial number of small entities, the Regulatory Flexibility Act requires agencies to analyze regulatory options that would lessen the economic effect of the rule on small entities. FDA finds that this final rule will have a significant economic impact on a substantial number of small entities.

First-year costs of this final rule are about $1,800 per facility pair, with this cost divided between the upstream facility (ingredient input supplier) and downstream facilities (manufacturers of food or cosmetics). FDA cannot determine if the cost sharing between the two firms would be equal. If the cost sharing is equal, then each facility would have to bear about a $900 first-year cost to comply with the recordkeeping required by the final rule; if the cost sharing is not equal, then one facility in the partnership may bear zero costs all the way up to the total first-year costs of $1,800. Recurring costs of this final rule are about $326 per facility relationship, which may be borne by only one facility or may be shared between facilities.

Using FDA's Small Business Model, we can estimate, when recordkeeping costs are shared and when they are not shared, the number of facilities that may go out of business as a result of this final rule. Table 7 of this document shows

that if facilities are only responsible for one-half of the recordkeeping cost burden (the burden is equally shared between the upstream and downstream facilities), then only two very small facilities (fewer than 20 employees) may be affected by having to comply with this final rule. If the recordkeeping cost burden is borne by only one facility in the business relationship (either the upstream or the downstream firm), then six very small facilities (fewer than 20 employees) may have trouble complying with this final rule and staying in business. The option to use a continuing letter of guarantee, however, may introduce sufficient flexibility to reduce the burden on some small facilities, which may reduce the number of very small facilities that will have trouble staying in business. Facilities with 20 to 499 employees and facilities with at least 500 employees that must comply with this final rule are not in danger of having to stop operating as a result of the final rule.

TABLE 7.—POTENTIAL FOR DOMESTIC FACILITY SHUTDOWN

| Industry | Estimated number of facilities affected | Regulation burden on each facility (shared burden or total burden) | Number of facilities in industry that may shut down |
|---|---|---|---|
| Canned soups and stews | 10 | $900 | 0 |
| Canned soups and stews | 10 | 1,800 | 0 |
| Fats and oils | 99 | 900 | 0 |
| Fats and oils | 99 | 1,800 | 0 |
| Flavoring extracts | 32 | 900 | 0 |
| Flavoring extracts | 32 | 1,800 | 0 |
| Spreads | 45 | 900 | 0 |
| Spreads | 45 | 1,800 | 1 |
| Candy | 156 | 900 | 1 |
| Candy | 156 | 1,800 | 2 |
| Yogurt | 22 | 900 | 0 |
| Yogurt | 22 | 1,800 | 0 |
| Ice cream | 113 | 900 | 0 |
| Ice cream | 113 | 1,800 | 1 |
| Small intestine-derived casings | 47 | 900 | 0 |
| Small intestine-derived casings | 47 | 1,800 | 0 |
| Dietary supplements | 131 | 900 | 1 |
| Dietary supplements | 131 | 1,800 | 2 |
| Cosmetics | 42 | 900 | 0 |
| Cosmetics | 42 | 1,800 | 0 |

We would expect the potential for small business shutdown would be similar for foreign firms that continue to import their products with cattle-derived materials into the United States. It is possible that some foreign firms would choose to cease doing business with the United States if the recordkeeping requirements of this rule are too burdensome.

## V. Paperwork Reduction Act Analysis

This final rule contains information collection provisions that are subject to review by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). A description of these provisions follows with an estimate of the annual recordkeeping burden. Included in the estimate is the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing each collection of information.

*Title:* Recordkeeping Requirements for Human Food and Cosmetics Manufactured From, Processed With, or Otherwise Containing, Material from Cattle.

*Description:* This final rule will require records on FDA-regulated human food, including dietary supplements, and cosmetics that are manufactured from, processed with, or otherwise contain, material derived from cattle. This final rule implements recordkeeping for the provisions of FDA's interim final rule entitled ''Use of Materials Derived From Cattle in Human Food and Cosmetics.'' This final rule will require that manufacturers and processors of human food and cosmetics manufactured from, processed with, or that otherwise contain, material from cattle maintain records demonstrating that the food or cosmetic has not been manufactured from, processed with, or does not otherwise contain, prohibited cattle materials and make such records available to FDA for inspection and copying.

These requirements are necessary because, once materials are separated from an animal, it may not be possible without records to know the following: (1) Whether cattle material that may be specified risk material (*e.g.*, brain or spinal cord) came from an animal that was less than 30 months old, (2) whether the source animal for cattle material was inspected and passed, (3) whether the source animal for cattle material was nonambulatory disabled, and (4) whether tallow in a human food or cosmetic contains less than 0.15 percent insoluble impurities. Under the final rule, manufacturers and processors must retain records for 2 years at the manufacturing or processing establishment or another reasonably accessible location.

### *A. Information Collection Burden Estimate*

FDA estimates the burden for this information collection as follows:

TABLE 8.—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

| 21 CFR Section | Number of recordkeepers | Annual frequency per record | Total annual records | Hours per record | Total capital costs | Total hours |
|---|---|---|---|---|---|---|
| 189.5(c) and 700.27(c) | 697 | 1 | 697 | 44.33 | $480,930 | 30,898 |
| 189.5(c) and 700.27(c) | 697 | 52 | 36,244 | 0.25 | 0 | 9,061 |
| 189.5(c)(6) and 700.27(c)(6) | 54,825 | 1 | 54,825 | 0.033 | 0 | 1,809 |
| 189.5(c) and 700.27(c) | 69.7 | 1 | 69.7 | 44.33 | 48,093 | 3,090 |
| Total one time burden hours | | | | | | 30,898 |
| Total recurring burden hours | | | | | | 13,960 |

[1] There are no operating and maintenance costs associated with this collection of information.

*B. Hour Burden Estimate*

FDA has determined that there are 697 domestic facility relationships, consisting of the following facilities: An input supplier of cattle-derived materials that require records (the upstream facility) and a purchaser of cattle-derived materials requiring documentation—this may be a human food or cosmetic manufacturer or processor. Together, the upstream and downstream facilities are responsible for designing records, verifying records, and storing records that contain information on sources of cattle materials.

In this hour burden estimate, as in the economic analysis, we treat these recordkeeping activities as shared activities between the upstream and downstream facilities. It is in the best interests of both facilities in the relationship to share the burden necessary to comply with this final rule; therefore we estimate the time burden of developing these records as a joint task between the two facilities.

*C. One Time Burden*

The one-time burden of the final recordkeeping requirement consists of the facilities training their employees on how to keep the records necessary to comply with this rule and designing the records. The one-time training burden incurred for each facility is assumed to be approximately one-third of an hour. This time includes both the training required for personnel to verify that appropriate records have been received or created, and also the training required by personnel to file and maintain those records. Therefore, the total one-time training burden is 697 × 0.33 hrs = 230 hours.

We use the FDA Labeling Cost Model to estimate the one-time records design costs per facility of $1,785 (Ref. 5). This cost includes the costs of designing records for multiple products and consists of $1,095 in labor costs (and $690 in capital costs which we deal with in the next section of this document). Dividing the $1,095 of labor costs by the hourly wage for workers of $25.10 (doubled to include overhead), we have a design-time burden per facility of about 44 hours; we multiplied the burden per facility by 697 facilities to get an estimated total training and design burden of 30,668 hours.

Row 1 of table 8 of this document shows the total hour burden from training and records design to be 44.33 hours per facility × 697 recordkeepers = 30,898 hours for the year.

*D. Recurring Burden*

The recurring recordkeeping burden is the burden of sending and verifying documents regarding shipments of cattle material that is to be used in human food and cosmetics. We estimate that this recurring recordkeeping burden will be about 15 minutes per week, or 13 hours per year. FDA assumes that this recordkeeping burden will be shared between two entities (*i.e.*, the ingredient supplier and the manufacturer of finished products). Therefore the total recurring burden will be 13 hours × 697 = 9,061 hours, as shown in row 2 of table 8 of this document.

There will also be a recurring recordkeeping burden for importers of human food and cosmetics that are manufactured from, processed with, or otherwise contain, cattle material. Importers of these products must affirm that the food or cosmetic is not manufactured from, processed with, or does not otherwise contain, prohibited cattle materials. Affirmation by importers is expected to take approximately 2 minutes per entry line. Row 3 of table 8 of this document shows that 54,825 lines of food and cosmetics that likely contain cattle materials are imported annually. This total represents 10 percent of the total lines imported for fiscal year 2004 for products under FDA product codes that FDA will be looking to for importer affirmation. The annual reporting burden of affirming whether import entry lines contain cattle-derived materials is estimated to take 1,809 hours annually (54,825 lines × 2 minutes per line).

In addition, there will be an annual burden associated with new firms entering the industry. As in the analysis of the Bioterrorism Act recordkeeping rule, we assume that the average annual rate of turnover is 10 percent. We therefore estimate (row 4 of table 8 of this document) the annual one-time burden for new firms entering the industry to be 10 percent of the one-time burden of existing firms estimated.

*E. Capital Cost and Operating and Maintenance Cost Burden*

We use the FDA Labeling Cost Model to estimate the one-time record design costs per facility of $1,875 per facility, based on the facility producing multiple products with ingredients that now require records (Ref. 5). Over $1,000 of the record design cost is due to labor, but $690 of the records design represents capital costs to each facility. The total capital costs for records design for all facilities is $690 × 697 = $480,930. These one time costs are shown in row 1 of table 5 of this document. We estimate the annual capital costs for new firms entering the industry to be 10 percent of the one-time burden of existing firms, or $48,093. These annual costs are shown in row 4 of table 8.

The information collection provisions of this final rule have been submitted to OMB for review. Prior to the effective date of this final rule, FDA will publish a notice in the **Federal Register** announcing OMB's decision to approve, modify, or disapprove the information collection provisions in this final rule. 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.

## VI. Federalism

FDA has analyzed this final rule in accordance with the principles set forth in Executive Order 13132. FDA has determined that the final rule does not

contain policies that 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. Accordingly, the agency concludes that the final rule does not contain policies that have federalism implications as defined in the Executive order and, consequently, a federalism summary impact statement is not required.

## VII. References

The following references have been placed on public display in the Division of Dockets Management (see **ADDRESSES**) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday. (FDA has verified the Web site addresses, but FDA is not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.)

1. Department of Commerce, Bureau of Economic Analysis, National Economic Accounts, *http://www.bea.gov/bea/dn.1.htm.*

2. Model for Estimating the Impacts of Regulatory Costs on the Survival of Small Businesses and its Application to Four FDA-Regulated Industries, Final Report, Eastern Research Group, July 2002.

3. CTFA International Buyer's Guide, produced by the Cosmetic, Toiletry, and Fragrance Association (CTFA), *http://www.ctfa-buyersguide.org.*

4. FDA Database of Dietary Supplement Products that Contain Animal Ingredients (DSPD–A), RTI International, September 2002.

5. FDA Labeling Cost Model, Final Report, RTI International, January 2003.

6. May 2004 Occupational Employment and Wage Estimates, National Cross-Industry estimates, U.S. Department of Labor, Bureau of Labor Statistics, accessed October 2, 2006, *http://www.bls.gov/oes/oes_dl.htm.*

7. Harvard Center for Risk Analysis, Harvard School of Public Health, ''Evaluation of the Potential for Bovine Spongiform Encephalopathy in the United States,'' accessed online at *http://www.hcra.harvard.edu/pdf/madcow.pdf,* 2003.

## List of Subjects

*21 CFR Part 189*

Food additives, Food packaging, Reporting and recordkeeping requirements.

*21 CFR Part 700*

Cosmetics, Packaging and containers, Reporting and recordkeeping requirements.

■ Therefore, under the Federal Food, Drug, and Cosmetic Act, and under authority delegated to the Commissioner of Food and Drugs, the Food and Drug Administration amends 21 CFR parts 189 and 700 as follows:

## PART 189—SUBSTANCES PROHIBITED FROM USE IN HUMAN FOOD

■ 1. The authority citation for 21 CFR part 189 is revised to read as follows:

**Authority:** 21 U.S.C. 321, 342, 348, 371, 381.

■ 2. Section 189.5 is amended by revising paragraph (c) to read as follows:

### § 189.5 Prohibited cattle materials.

* * * * *

(c) *Records.* (1) Manufacturers and processors of a human food that is manufactured from, processed with, or otherwise contains, material from cattle must establish and maintain records sufficient to demonstrate that the food is not manufactured from, processed with, or does not otherwise contain, prohibited cattle materials.

(2) Records must be retained for 2 years after the date they were created.

(3) Records must be retained at the manufacturing or processing establishment or at a reasonably accessible location.

(4) The maintenance of electronic records is acceptable. Electronic records are considered to be reasonably accessible if they are accessible from an onsite location.

(5) Records required by this section and existing records relevant to compliance with this section must be available to FDA for inspection and copying.

(6) When filing entry with U.S. Customs and Border Protection, the importer of record of a human food manufactured from, processed with, or otherwise containing, cattle material must affirm that the food was manufactured from, processed with, or otherwise contains, cattle material and must affirm that the food was manufactured in accordance with this section. If a human food is manufactured from, processed with, or otherwise contains, cattle material, then the importer of record must, if requested, provide within 5 days records sufficient to demonstrate that the food is not manufactured from, processed with, or does not otherwise contain, prohibited cattle material.

(7) Records established or maintained to satisfy the requirements of this subpart that meet the definition of electronic records in § 11.3(b)(6) of this chapter are exempt from the requirements of part 11 of this chapter. Records that satisfy the requirements of this subpart but that are also required under other applicable statutory provisions or regulations remain subject to part 11 of this chapter.

* * * * *

## PART 700—GENERAL

■ 3. The authority citation for 21 CFR part 700 continues to read as follows:

**Authority:** 21 U.S.C. 321, 331, 352, 355, 361, 362, 371, 374.

■ 4. Section 700.27 is amended by revising paragraph (c) to read as follows:

### § 700.27 Use of prohibited cattle materials in cosmetic products.

* * * * *

(c) *Records.* (1) Manufacturers and processors of a cosmetic that is manufactured from, processed with, or otherwise contains, material from cattle must establish and maintain records sufficient to demonstrate that the cosmetic is not manufactured from, processed with, or does not otherwise contain, prohibited cattle materials.

(2) Records must be retained for 2 years after the date they were created.

(3) Records must be retained at the manufacturing or processing establishment or at a reasonably accessible location.

(4) The maintenance of electronic records is acceptable. Electronic records are considered to be reasonably accessible if they are accessible from an onsite location.

(5) Records required by this section and existing records relevant to compliance with this section must be available to FDA for inspection and copying.

(6) When filing entry with U.S. Customs and Border Protection, the importer of record of a cosmetic manufactured from, processed with, or otherwise containing, cattle material must affirm that the cosmetic was manufactured from, processed with, or otherwise contains, cattle material and must affirm that the cosmetic was manufactured in accordance with this section. If a cosmetic is manufactured from, processed with, or otherwise contains, cattle material, then the importer of record must, if requested, provide within 5 days records sufficient to demonstrate that the cosmetic is not manufactured from, processed with, or does not otherwise contain, prohibited cattle material.

(7) Records established or maintained to satisfy the requirements of this subpart that meet the definition of electronic records in § 11.3(b)(6) of this chapter are exempt from the requirements of part 11 of this chapter. Records that satisfy the requirements of this subpart but that are also required under other applicable statutory

provisions or regulations remain subject to part 11 of this chapter.

* * * * *

Dated: October 4, 2006.

**Jeffrey Shuren,**

*Assistant Commissioner for Policy.*

[FR Doc. E6–16830 Filed 10–10–06; 8:45 am]

BILLING CODE 4160–01–P

## DEPARTMENT OF THE TREASURY

## Internal Revenue Service

## 26 CFR Parts 1 and 602

**[TD 9289]**

**RIN 1545–BD48**

## Treatment of Disregarded Entities Under Section 752

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Final regulations.

**SUMMARY:** This document contains final regulations under section 752 for taking into account certain obligations of a business entity that is disregarded as separate from its owner under section 856(i) or section 1361(b)(3) of the Internal Revenue Code, or §§ 301.7701–1 through 301.7701–3 of the Procedure and Administration Regulations. These final regulations clarify the existing regulations concerning when a partner may be treated as bearing the economic risk of loss for a partnership liability based upon an obligation of a disregarded entity. The rules affect partnerships and their partners.

**DATES:** *Effective Date:* These regulations are effective on October 11, 2006.

*Applicability Date:* These regulations generally are applicable for liabilities incurred or assumed by a partnership on or after October 11, 2006.

**FOR FURTHER INFORMATION CONTACT:** Charlotte Chyr, 202–622–3070 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:**

### Paperwork Reduction Act

The collection of information contained in these final regulations has been reviewed and approved by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) under control number 1545–1905. Response to this collection of information is mandatory.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the collection of information displays a valid control number.

The estimated annual burden per respondent varies from 6 minutes to 4 hours, depending on individual circumstances, with an estimated average of 2 hours. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be sent to the Internal Revenue Service, *Attn:* IRS Reports Clearance Officer, SE:W:CAR:MP:T:T:SP, Washington, DC 20224, and to the Office of Management and Budget, Attn: Desk Officer for the Department of Treasury, Office of Information and Regulatory Affairs, Washington, DC 20503.

Books and records relating to these collections of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and return information are confidential, as required by 26 U.S.C. 6103.

### Background

On August 12, 2004, the IRS and the Treasury Department issued proposed regulations under section 752 providing rules for taking into account certain obligations of disregarded entities (69 FR 49832). Comments were received in response to the notice of proposed rulemaking, and a public hearing was scheduled. However, the public hearing was later cancelled when no one requested to speak. After consideration of all the comments, the proposed regulations are adopted as amended by this Treasury decision.

### Summary of Comments and Explanation of Provisions

*1. Net Value Approach In General*

The proposed regulations provide that a payment obligation under § 1.752–2(b)(1) (§ 1.752–2(b)(1) payment obligation) of a disregarded entity for which a partner is treated as bearing the economic risk of loss is taken into account only to the extent of the net value of the disregarded entity. Certain commentators disagreed with the approach taken in the proposed regulations, arguing that the regulations will result in inconsistent treatment of similar economic situations and unwarranted complexity.

Some commentators argued that the presumption of deemed satisfaction of § 1.752–2(b)(1) payment obligations of partners and related persons that is provided in § 1.752–2(b)(6) (presumption of deemed satisfaction) should be applied to disregarded entities that have § 1.752–2(b)(1) payment obligations. Other commentators argued that the presumption of deemed satisfaction should apply only to certain disregarded entities, such as disregarded entities that comprise substantially all of the owner's assets, or disregarded entities that hold active trades or businesses.

The IRS and the Treasury Department believe that applying the presumption of deemed satisfaction to a disregarded entity that shields the federal tax partner from liability for the entity's obligations would, in many cases, cause partnership liabilities that are economically indistinguishable from nonrecourse liabilities to be classified as recourse for purposes of section 752. Applying the presumption of deemed satisfaction to disregarded entities would distort the allocation of partnership liabilities in those cases. Accordingly, these comments are not adopted in the final regulations.

One commentator suggested that § 1.752–2 be amended to provide that, in addition to statutory and contractual obligations, statutory and contractual limitations should be taken into account in determining a partner's economic risk of loss. The IRS and the Treasury Department believe that such limitations are already taken into account under § 1.752–2(b)(3). As a result, the comment is not adopted.

Another commentator suggested that the goal of the proposed regulation could be better achieved by adding an example to the current anti-abuse rule in § 1.752–2(j) (or by publishing a revenue ruling) to illustrate a situation under which a partner's § 1.752–2(b)(1) payment obligation is limited because the partner holds its interest in a partnership through a disregarded entity with a principal purpose to eliminate the partner's economic risk of loss with respect to the partnership's liabilities. The IRS and the Treasury Department agree that, in certain circumstances, the current anti-abuse rule under section 752 prevents allocation of partnership liabilities to a partner that is a disregarded entity. However, if a partner holds a partnership interest through a disregarded entity, and only the assets of the disregarded entity are available to satisfy § 1.752–2(b)(1) payment obligations undertaken by the disregarded entity, the IRS and the Treasury Department believe that a partner should be treated as bearing the economic risk of loss for a partnership liability only to the extent of the net value of a disregarded entity's assets, whether or not the principal purpose of the arrangement is to limit the partner's economic risk of loss. As a result, the comment is not adopted.

*2. Net Value Approach Not Extended to Other Entities*

The proposed regulations requested comments regarding whether the rules of the proposed regulations should be extended to the § 1.752–2(b)(1) payment obligations of other entities, such as entities that are capitalized with nominal equity. Some commentators opposed expanding the approach of the proposed regulations to thinly capitalized entities as unnecessary. Other commentators suggested that the anti-abuse rule of § 1.752–2(j) could be expanded to cover certain situations involving thinly capitalized entities. Specifically, a commentator suggested that the anti-abuse rule should apply if a substantially undercapitalized subsidiary of a consolidated group of corporations or a substantially undercapitalized passthrough entity (other than a disregarded entity) is utilized as the partner (or related obligor) for a principal purpose of limiting its owner's risk of loss in respect of existing partnership liabilities, and obtaining tax benefits for its owners (or other members of the consolidated group) that would not be available but for the additional tax basis in the partnership interest that results from the presumption of deemed satisfaction rule. The commentator also suggested that the regulations provide a safe harbor for determining entities that are not substantially undercapitalized.

Under the anti-abuse rule of § 1.752–2(j), a § 1.752–2(b)(1) payment obligation of a partner or a related person may be disregarded if the facts and circumstances indicate that a principal purpose of the arrangement between the parties is to eliminate the partner's economic risk of loss with respect to that obligation or to create the appearance of the economic risk of loss where the substance of the arrangement is otherwise. Thus, the anti-abuse rule of § 1.752–2(j) can apply to abusive transactions involving thinly capitalized entities. Although these regulations do not modify the anti-abuse rule of § 1.752–2(j) and do not extend the net value approach to thinly capitalized entities, the IRS and the Treasury Department may continue to study these issues in connection with future guidance projects.

*3. Calculating the Net Value of a Disregarded Entity*

Under the proposed regulations, the net value of a disregarded entity equals the fair market value of all assets owned by the disregarded entity that may be subject to creditors' claims under local law, including the disregarded entity's enforceable rights to contributions from its owner but excluding the disregarded entity's interest in the partnership for which the net value is being determined (if any) and the fair market value of property pledged to secure a partnership liability (which is already taken into account under § 1.752–2(h)(1)), less obligations of the disregarded entity that do not constitute, and are senior or of equal priority to, § 1.752–2(b)(1) payment obligations of the disregarded entity.

One commentator suggested that the final regulations should provide (or clarify) that the net value of a disregarded entity can vary depending upon the priority of the § 1.752–2(b)(1) payment obligation for which the value is being computed. A commentator also suggested that obligations of the disregarded entity that are of equal priority to § 1.752–2(b)(1) payment obligations of the disregarded entity should not be subtracted in their entirety. Instead, the commentator suggested that in determining the net value of the disregarded entity, the final regulations should subtract only the pro rata portion of the amount of any obligation of the disregarded entity that is not a § 1.752–2(b)(1) payment obligation of the disregarded entity and that is of equal priority to the § 1.752–2(b)(1) payment obligation of the disregarded entity. Other commentators suggested that prorating a disregarded entity's net value among equal priority obligations would add unnecessary complexity.

The comments illustrate the difficulty of taking into account priorities among obligations of the disregarded entity in determining the net value of the entity and the divergent views regarding the approach that best measures the economic risk of loss of a partner. The IRS and the Treasury Department believe that the regulations should provide clear and administrable rules that avoid unwarranted complexity. As a result, the final regulations provide that the net value of a disregarded entity is determined by subtracting all obligations (regardless of priority) of the disregarded entity that do not constitute § 1.752–2(b)(1) payment obligations from the fair market value of the assets of the entity. That net value is reported by the owner to each partnership for which the disregarded entity may have one or more § 1.752–2(b)(1) payment obligations. Each such partnership independently takes the net value of the disregarded entity into account under § 1.752–2(k)(3) and allocates the net value among liabilities of that partnership in a reasonable and consistent manner, taking into account the relative priorities of those liabilities.

One commentator suggested that the final regulations clarify that a disregarded entity's interest in another partnership (other than the one for which the net value is being determined) is included as an asset to be valued for purposes of the net value calculation. This comment is adopted.

*4. Valuation Events*

Under the proposed regulations, after the net value of a disregarded entity is initially determined, the net value of the disregarded entity is not redetermined unless (1) the obligations of the disregarded entity that do not constitute, and are senior or of equal priority to, § 1.752–2(b)(1) payment obligations of the disregarded entity change by more than a de minimis amount or (2) there is more than a de minimis contribution to or distribution from the disregarded entity, of property other than property pledged to secure a partnership liability under § 1.752–2(h)(1). In the preamble to the proposed regulations, the IRS and the Treasury Department requested comments on whether other events (such as a sale of substantially all of a disregarded entity's assets) should be specified as valuation events.

One commentator suggested that the disposition of a non-de minimis asset should require an adjustment to the net value of the disregarded entity only to the extent such asset changed in value, without valuing other assets held by the disregarded entity. The final regulations adopt this suggestion.

A commentator suggested that the regulations provide that changes in the owner's legally enforceable obligation to contribute to the disregarded entity be a valuation event. The final regulations adopt this comment.

Commentators suggested that certain events that would require the net value of a disregarded entity to be redetermined under the proposed regulations be eliminated as valuation events. For example, one commentator suggested that net value should not be redetermined if a disregarded entity refinances an obligation of the disregarded entity in the same amount. The IRS and the Treasury Department believe that the refinancing of a disregarded entity's obligation is an appropriate and administrable time to redetermine the net value of a disregarded entity. Accordingly, this suggestion is not adopted.

Another commentator suggested that the net value of a disregarded entity should not be redetermined with respect to a particular partnership in which the

disregarded entity holds an interest if (1) a contribution by the owner of the disregarded entity to the disregarded entity corresponds to an equal contribution by the disregarded entity to the partnership or (2) a distribution from the partnership to the disregarded entity corresponds to an equal distribution by the disregarded entity to the owner of the disregarded entity. The IRS and the Treasury Department agree that these transfers to a disregarded entity, which remain in the disregarded entity only briefly, should not be valuation events. Accordingly, the final regulations adopt this comment.

*5. Timing Issues*

Commentators requested that the final regulations clarify the timing of the reallocation of partnership liabilities that may occur as a result of a change in the net value of a disregarded entity. The commentators suggested that, under the proposed regulations, a change in net value could result in a deemed distribution under section 752(b) that would require a determination of a partner's share of partnership liabilities for basis purposes under §§ 1.705–1(a) and 1.752–4(d).

The final regulations clarify when the net value of a disregarded entity initially must be determined if a partnership interest is held by a disregarded entity, and the partnership has or incurs a liability, all or a portion of which may be allocable to the owner of the disregarded entity under § 1.752–2(k). The final regulations clarify that a disregarded entity's net value generally is determined as of the earlier of (A) the first date occurring on or after the date on which the requirement to determine the net value of a disregarded entity arises on which the partnership otherwise determines a partner's share of partnership liabilities under §§ 1.705–1(a) and 1.752–4(d), or (B) the end of the partnership's taxable year in which the requirement to determine the net value of a disregarded entity arises. For example, if a valuation event occurs during the partnership's taxable year, and subsequently, but before the end of the taxable year, the partnership makes a distribution that requires a determination of the distributee partner's basis in the partnership, the net value of the disregarded entity must be redetermined as of the date of the distribution.

Several commentators requested that the final regulations permit an election to redetermine the net value of a disregarded entity annually, regardless of the occurrence of a valuation event, and that if only one valuation event occurs during a partnership's taxable year, the owner have the option of using the net value of the disregarded entity as of the date of the valuation event rather than as of the date on which the partnership allocates liabilities under section 752. Because a change in the net value of a disregarded entity may require a shift of liabilities among partners, the IRS and the Treasury Department believe that valuations should be limited and should be required only as the result of a valuation event. Moreover, the timing of the net value determination should generally coincide with the date on which the partnership otherwise determines partners' shares of partnership liabilities. Accordingly, the final regulations do not adopt these comments.

*6. Value of Pledged Property*

Some commentators suggested that the final regulations conform the rules regarding the valuation of property pledged by partners as security for partnership liabilities with the rules regarding the determination of the net value of a disregarded entity. The commentators also suggested allowing, but not requiring, partners to revalue pledged property annually. In response to these comments, the final regulations provide that if additional property is made subject to a pledge, the addition is treated as a new pledge and the net fair market value of all of the pledged property must be determined at that time. The IRS and the Treasury Department may continue to study whether further modifications to the pledge rule are necessary.

*7. Compliance, Reporting, and Effective Date*

Some commentators asked that the regulations provide that the partnership may make certain assumptions if a partner does not provide the information required. The IRS and the Treasury Department believe that partnerships are responsible for obtaining the required information in order to allocate partnership liabilities correctly among the partners, and that the partnership agreement should require that partners comply with the reporting requirements in the regulations. Thus, the final regulations do not adopt this comment.

Some commentators suggested that the estimated burden of complying with the paperwork requirements in the proposed regulations was too low. The estimated number of respondents has been increased from 500 to 1,500, and the average estimated time per respondent has been increased from 1 hour to 2 hours.

A commentator also suggested certain grandfathering provisions for partnerships with existing liabilities as of the effective date of the regulations. The IRS and the Treasury Department believe that the same rules should apply to all partnership liabilities incurred or assumed by a partnership on or after the date the regulations are final. Accordingly, this comment is not adopted.

**Effective Date**

The final regulations apply to liabilities incurred or assumed by a partnership on or after October 11, 2006 other than liabilities incurred or assumed by a partnership pursuant to a written binding contract in effect prior to October 11, 2006.

**Special Analyses**

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 also has been determined that section 553(b) of the Administrative Procedure Act (5 U.S.C. chapter 5) does not apply to these regulations. It is hereby certified that the collection of information in these regulations will not have a significant economic impact on a substantial number of small entities. This certification is based on the fact that the amount of time necessary to report the required information will be minimal. Accordingly, a Regulatory Flexibility Analysis under the Regulatory Flexibility Act (5 U.S.C. chapter 6) does not apply. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking preceding these final regulations 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 Charlotte Chyr, Office of Associate Chief Counsel (Passthroughs and Special Industries).

**List of Subjects**

*26 CFR Part 1*

Income taxes, Reporting and recordkeeping requirements.

*26 CFR Part 602*

Reporting and recordkeeping requirements.

**Adoption of Amendments to the Regulations**

■ Accordingly, 26 CFR parts 1 and 602 are amended as follows:

## PART 1—INCOME TAXES

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

**Authority:** 26 U.S.C. 7805 * * *

■ **Par. 2.** Section 1.704–2 is amended as follows:

■ 1. The text of paragraph (f)(2), the first sentence of paragraph (g)(3), and the third sentence of paragraph (i)(4) are revised.

■ 2. Paragraph (l)(1)(iv) is added.

The revisions and addition read as follows:

### § 1.704–2 Allocations attributable to nonrecourse liabilities.

* * * * *

(f) * * *

(2) * * * A partner is not subject to the minimum gain chargeback requirement to the extent the partner's share of the net decrease in partnership minimum gain is caused by a recharacterization of nonrecourse partnership debt as partially or wholly recourse debt or partner nonrecourse debt, and the partner bears the economic risk of loss (within the meaning of § 1.752–2) for the liability.

* * * * *

(g) * * *

(3) * * * A partner's share of partnership minimum gain is increased to the extent provided in this paragraph (g)(3) if a recourse or partner nonrecourse liability becomes partially or wholly nonrecourse. * * *

* * * * *

(i) * * *

(4) * * * A partner is not subject to this minimum gain chargeback, however, to the extent the net decrease in partner nonrecourse debt minimum gain arises because a partner nonrecourse liability becomes partially or wholly a nonrecourse liability. * * *

* * * * *

(l) * * *

(1) * * *

(iv) Paragraph (f)(2), the first sentence of paragraph (g)(3), and the third sentence of paragraph (i)(4) of this section apply to liabilities incurred or assumed by a partnership on or after October 11, 2006 other than liabilities incurred or assumed by a partnership pursuant to a written binding contract in effect prior to October 11, 2006. The rules applicable to liabilities incurred or assumed (or subject to a binding contract in effect) prior to October 11, 2006 are contained in this section in effect prior to October 11, 2006. (See 26 CFR part 1 revised as of April 1, 2006.)

* * * * *

■ **Par. 3.** Section 1.752–2 is amended as follows:

■ 1. Paragraph (a), the last sentence of paragraph (b)(6), and paragraph (h)(3) are revised.

■ 2. Paragraphs (k) and (l) are added.

The revisions and additions read as follows:

### § 1.752–2 Partner's share of recourse liabilities.

(a) * * * A partner's share of a recourse partnership liability equals the portion of that liability, if any, for which the partner or related person bears the economic risk of loss. The determination of the extent to which a partner bears the economic risk of loss for a partnership liability is made under the rules in paragraphs (b) through (k) of this section.

* * * * *

(b) * * *

(6) * * * See paragraphs (j) and (k) of this section.

* * * * *

(h) * * *

(3) *Valuation.* The extent to which a partner bears the economic risk of loss for a partnership liability as a result of a direct pledge described in paragraph (h)(1) of this section or an indirect pledge described in paragraph (h)(2) of this section is limited to the net fair market value of the property (pledged property) at the time of the pledge or contribution. If a partner provides additional pledged property, the addition is treated as a new pledge and the net fair market value of the pledged property (including but not limited to the additional property) must be determined at that time. For purposes of this paragraph (h), if pledged property is subject to one or more other obligations, those obligations must be taken into account in determining the net fair market value of pledged property at the time of the pledge or contribution.

* * * * *

(k) *Effect of a disregarded entity*—(1) *In general.* In determining the extent to which a partner bears the economic risk of loss for a partnership liability, an obligation under paragraph (b)(1) of this section (§ 1.752–2(b)(1) payment obligation) of a business entity that is disregarded as an entity separate from its owner under sections 856(i) or 1361(b)(3) or §§ 301.7701–1 through 301.7701–3 of this chapter (disregarded entity) is taken into account only to the extent of the net value of the disregarded entity as of the allocation date (as defined in paragraph (k)(2)(iv) of this section) that is allocated to the partnership liability as determined under the rules of this paragraph (k). The rules of this paragraph (k) do not apply to a § 1.752–2(b)(1) payment obligation of a disregarded entity to the extent that the owner of the disregarded entity is otherwise required to make a payment (that satisfies the requirements of paragraph (b)(1) of this section) with respect to the obligation of the disregarded entity.

(2) *Net value of a disregarded entity*—(i) *Definition.* For purposes of this paragraph (k), the net value of a disregarded entity equals the following—

(A) The fair market value of all assets owned by the disregarded entity that may be subject to creditors' claims under local law (including the disregarded entity's enforceable rights to contributions from its owner and the fair market value of an interest in any partnership other than the partnership for which net value is being determined, but excluding the disregarded entity's interest in the partnership for which the net value is being determined and the net fair market value of property pledged to secure a liability of the partnership under paragraph (h)(1) of this section); less

(B) All obligations of the disregarded entity that do not constitute § 1.752–2(b)(1) payment obligations of the disregarded entity.

(ii) *Timing of the net value determination*—(A) *Initial determination.* If a partnership interest is held by a disregarded entity, and the partnership has or incurs a liability, all or a portion of which may be allocable to the owner of the disregarded entity under this paragraph (k), the disregarded entity's net value must be initially determined on the allocation date described in paragraph (k)(2)(iv) of this section.

(B) *Other events.* If a partnership interest is held by a disregarded entity, and the partnership has or incurs a liability, all or a portion of which may be allocable to the owner of the disregarded entity under this paragraph (k), then, if one or more valuation events (as defined in paragraph (k)(2)(iii) of this section) occur during the partnership taxable year, except as provided in paragraph (k)(2)(iii)(E) of this section, the net value of the disregarded entity is determined on the allocation date described in paragraph (k)(2)(iv) of this section.

(iii) *Valuation events.* The following are valuation events for purposes of this paragraph (k):

(A) A more than de minimis contribution to a disregarded entity of property other than property pledged to secure a partnership liability under paragraph (h)(1) of this section, unless the contribution is followed immediately by a contribution of equal

net value by the disregarded entity to the partnership for which the net value of the disregarded entity otherwise would be determined, taking into account any obligations assumed or taken subject to in connection with such contributions.

(B) A more than de minimis distribution from a disregarded entity of property other than property pledged to secure a partnership liability under paragraph (h)(1) of this section, unless the distribution immediately follows a distribution of equal net value to the disregarded entity by the partnership for which the net value of the disregarded entity otherwise would be determined, taking into account any obligations assumed or taken subject to in connection with such distributions.

(C) A change in the legally enforceable obligation of the owner of the disregarded entity to make contributions to the disregarded entity.

(D) The incurrence, refinancing, or assumption of an obligation of the disregarded entity that does not constitute a § 1.752–2(b)(1) payment obligation of the disregarded entity.

(E) The sale or exchange of a non-de minimis asset of the disregarded entity (in a transaction that is not in the ordinary course of business). In this case, the net value of the disregarded entity may be adjusted only to reflect the difference, if any, between the fair market value of the asset at the time of the sale or exchange and the fair market value of the asset when the net value of the disregarded entity was last determined. The adjusted net value is taken into account for purposes of § 1.752–2(k)(1) as of the allocation date.

(iv) *Allocation Date.* For purposes of this paragraph (k), the allocation date is the earlier of—

(A) The first date occurring on or after the date on which the requirement to determine the net value of a disregarded entity arises under paragraph (k)(2)(ii)(A) or (B) of this section on which the partnership otherwise determines a partner's share of partnership liabilities under §§ 1.705–1(a) and 1.752–4(d); or

(B) The end of the partnership's taxable year in which the requirement to determine the net value of a disregarded entity arises under paragraph (k)(2)(ii)(A) or (B) of this section.

(3) *Multiple liabilities.* If one or more disregarded entities have § 1.752–2(b)(1) payment obligations with respect to one or more liabilities of a partnership, the partnership must allocate the net value of each disregarded entity among partnership liabilities in a reasonable and consistent manner, taking into account the relative priorities of those liabilities.

(4) *Reduction in net value of a disregarded entity.* For purposes of this paragraph (k), the net value of a disregarded entity is determined by taking into account a subsequent reduction in the net value of the disregarded entity if, at the time the net value of the disregarded entity is determined, it is anticipated that the net value of the disregarded entity will subsequently be reduced and the reduction is part of a plan that has as one of its principal purposes creating the appearance that a partner bears the economic risk of loss for a partnership liability.

(5) *Information to be provided by the owner of a disregarded entity.* A partner that may be treated as bearing the economic risk of loss for a partnership liability based upon a § 1.752–2(b)(1) payment obligation of a disregarded entity must provide information to the partnership as to the entity's tax classification and the net value of the disregarded entity that is appropriately allocable to the partnership's liabilities on a timely basis.

(6) *Examples.* The following examples illustrate the rules of this paragraph (k):

*Example 1. Disregarded entity with net value of zero.* (i) In 2007, A forms a wholly owned domestic limited liability company, LLC, with a contribution of $100,000. A has no liability for LLC's debts, and LLC has no enforceable right to contribution from A. Under § 301.7701–3(b)(1)(ii) of this chapter, LLC is a disregarded entity. Also in 2007, LLC contributes $100,000 to LP, a limited partnership with a calendar year taxable year, in exchange for a general partnership interest in LP, and B and C each contributes $100,000 to LP in exchange for a limited partnership interest in LP. The partnership agreement provides that only LLC is required to make up any deficit in its capital account. On January 1, 2008, LP borrows $300,000 from a bank and uses $600,000 to purchase nondepreciable property. The $300,000 debt is secured by the property and is also a general obligation of LP. LP makes payments of only interest on its $300,000 debt during 2008. LP has a net taxable loss in 2008, and under §§ 1.705–1(a) and 1.752–4(d), LP determines its partners' shares of the $300,000 debt at the end of its taxable year, December 31, 2008. As of that date, LLC holds no assets other than its interest in LP.

(ii) Because LLC is a disregarded entity, A is treated as the partner in LP for Federal tax purposes. Only LLC has an obligation to make a payment on account of the $300,000 debt if LP were to constructively liquidate as described in paragraph (b)(1) of this section. Therefore, under this paragraph (k), A is treated as bearing the economic risk of loss for LP's $300,000 debt only to the extent of LLC's net value. Because that net value is $0 on December 31, 2008, when LP determines its partners' shares of its $300,000 debt, A is not treated as bearing the economic risk of loss for any portion of LP's $300,000 debt. As a result, LP's $300,000 debt is characterized as nonrecourse under § 1.752–1(a) and is allocated as required by § 1.752–3.

*Example 2. Disregarded entity with positive net value.* (i) The facts are the same as in *Example 1* except that on January 1, 2009, A contributes $250,000 to LLC. On January 5, 2009, LLC borrows $100,000 and LLC shortly thereafter uses the $350,000 to purchase unimproved land. LP makes payments of only interest on its $300,000 debt during 2009. As of December 31, 2009, LLC holds its interest in LP and the land, the value of which has declined to $275,000. LP has a net taxable loss in 2009, and under §§ 1.705–1(a) and 1.752–4(d), LP determines its partners' shares of the $300,000 debt at the end of its taxable year, December 31, 2009.

(ii) A's contribution of $250,000 to LLC on January 1, 2009, constitutes a more than de minimis contribution of property to LLC under paragraph (k)(2)(iii)(A) of this section and the debt incurred by LLC on January 5, 2009, is a valuation event under paragraph (k)(2)(iii)(D) of this section. Accordingly, under paragraph (k)(2)(ii) of this section, LLC's value must be redetermined as of the end of the partnership's taxable year. At that time LLC's net value is $175,000 ($275,000 land—$100,000 debt). Accordingly, $175,000 of LP's $300,000 debt will be recharacterized as recourse under § 1.752–1(a) and allocated to A under this section, and the remaining $125,000 of LP's $300,000 debt will remain characterized as nonrecourse under § 1.752–1(a) and is allocated as required by § 1.752–3.

*Example 3. Multiple partnership liabilities.* (i) The facts are the same as in *Example 2* except that on January 1, 2010, A forms another wholly owned domestic limited liability company, LLC2, with a contribution of $120,000. Shortly thereafter, LLC2 uses the $120,000 to purchase stock in X corporation. A has no liability for LLC2's debts, and LLC2 has no enforceable right to contribution from A. Under § 301.7701–3(b)(1)(ii) of this chapter, LLC2 is a disregarded entity. On July 1, 2010, LP borrows $100,000 from a bank and uses the $100,000 to purchase nondepreciable property. The $100,000 debt is secured by the property and is also a general obligation of LP. The $100,000 debt is senior in priority to LP's existing $300,000 debt. Also, on July 1, 2010, LLC2 agrees to guarantee both LP's $100,000 and $300,000 debts. LP makes payments of only interest on both its $100,000 and $300,000 debts during 2010. LP has a net taxable loss in 2010 and, under §§ 1.705–1(a) and 1.752–4(d), must determine its partners' shares of its $100,000 and $300,000 debts at the end of its taxable year, December 31, 2010. As of that date, LLC holds its interest in LP and the land, and LLC2 holds the X corporation stock which has appreciated in value to $140,000.

(ii) Both LLC and LLC2 have obligations to make a payment on account of LP's debts if LP were to constructively liquidate as described in paragraph (b)(1) of this section. Therefore, under paragraph (k)(1) of this section, A is treated as bearing the economic risk of loss for LP's $100,000 and $300,000 debts only to the extent of the net values of

LLC and LLC2, as allocated among those debts in a reasonable and consistent manner pursuant to paragraph (k)(3) of this section.

(iii) No events have occurred that would allow a valuation of LLC under paragraph (k)(2)(iii) of this section. Therefore, LLC's net value remains $175,000. LLC2's net value as of December 31, 2010, when LP determines its partners' shares of its liabilities, is $140,000. Under paragraph (k)(3) of this section, LP must allocate the net values of LLC and LLC2 between its $100,000 and $300,000 debts in a reasonable and consistent manner. Because the $100,000 debt is senior in priority to the $300,000 debt, LP first allocates the net values of LLC and LLC2, pro rata, to its $100,000 debt. Thus, LP allocates $56,000 of LLC's net value and $44,000 of LLC2's net value to its $100,000 debt, and A is treated as bearing the economic risk of loss for all of LP's $100,000 debt. As a result, all of LP's $100,000 debt is characterized as recourse under § 1.752–1(a) and is allocated to A under this section. LP then allocates the remaining $119,000 of LLC's net value and LLC2's $96,000 net value to its $300,000 debt, and A is treated as bearing the economic risk of loss for a total of $215,000 of the $300,000 debt. As a result, $215,000 of LP's $300,000 debt is characterized as recourse under § 1.752–1(a) and is allocated to A under this section, and the remaining $85,000 of LP's $300,000 debt is characterized as nonrecourse under § 1.752–1(a) and is allocated as required by § 1.752–3. This example illustrates one reasonable method of allocating net values of disregarded entities among multiple partnership liabilities.

*Example 4. Disregarded entity with interests in two partnerships.* (i) In 2007, B forms a wholly owned domestic limited liability company, LLC, with a contribution of $175,000. B has no liability for LLC's debts and LLC has no enforceable right to contribution from B. Under § 301.7701–3(b)(1)(ii) of this chapter, LLC is a disregarded entity. LLC contributes $50,000 to LP1 in exchange for a general partnership interest in LP1, and $25,000 to LP2 in exchange for a general partnership interest in LP2. LLC retains the $100,000 in cash. Both LP1 and LP2 have taxable years than end on December 31 and, under both LP1's and LP2's partnership agreements, only LLC is required to make up any deficit in its capital account. During 2007, LP1 and LP2 incur partnership liabilities that are general obligations of the partnership. LP1 borrows $300,000 (Debt 1), and LP2 borrows $60,000 (Debt 2) and $40,000 (Debt 3). Debt 2 is senior in priority to Debt 3. LP1 and LP2 make payments of only interest on Debts 1, 2, and 3 during 2007. As of the end of taxable year 2007, LP1 and LP2 each have a net taxable loss and must determine its partners' shares of partnership liabilities under §§ 1.705–1(a) and 1.752–4(d) as of December 31, 2007. As of that date, LLC's interest in LP1 has a fair market value of $45,000, and LLC's interest in LP2 has a fair market value of $15,000.

(ii) Because LLC is a disregarded entity, B is treated as the partner in LP1 and LP2 for federal tax purposes. Only LLC has an obligation to make a payment on account of Debts 1, 2, and 3 if LP1 and LP2 were to constructively liquidate as described in paragraph (b)(1) of this section. Therefore, under this paragraph (k), B is treated as bearing the economic risk of loss for LP1's and LP2's liabilities only to the extent of LLC's net value as of the allocation date, December 31, 2007.

(iii) LLC's net value with respect to LP1 is $115,000 ($100,000 cash + $15,000 interest in LP2). Therefore, under paragraph (k)(1) of this section, B is treated as bearing the economic risk of loss for $115,000 of Debt 1. Accordingly, $115,000 of LP1's $300,000 debt is characterized as recourse under § 1.752–1(a) and is allocated to B under this section. The balance of Debt 1 ($185,000) is characterized as nonrecourse under § 1.752–1(a) and is allocated as required by § 1.752–3.

(iv) LLC's net value with respect to LP2 is $145,000 ($100,000 cash + $45,000 interest in LP1). Therefore, under paragraph (k)(1) of this section, B is treated as bearing the economic risk of loss with respect to Debts 2 and 3 only to the extent of $145,000. Because Debt 2 is senior in priority to Debt 3, LP2 first allocates $60,000 of LLC's net value to Debt 2. LP2 then allocates $40,000 of LLC's net value to Debt 3. As a result, both Debts 2 and 3 are characterized as recourse under § 1.752–1(a) and allocated to B. This example illustrates one reasonable method of allocating the net value of a disregarded entity among multiple partnership liabilities.

(l) *Effective dates.* Paragraph (a), the last sentence of paragraph (b)(6), and paragraphs (h)(3) and (k) of this section apply to liabilities incurred or assumed by a partnership on or after October 11, 2006, other than liabilities incurred or assumed by a partnership pursuant to a written binding contract in effect prior to that date. The rules applicable to liabilities incurred or assumed (or subject to a binding contract in effect) prior to October 11, 2006 are contained in § 1.752–2 in effect prior to October 11, 2006, (see 26 CFR part 1 revised as of April 1, 2006).

## PART 602—OMB CONTROL NUMBERS UNDER THE PAPERWORK REDUCTION ACT

■ **Par. 5.** The authority citation for part 602 continues to read as follows:

**Authority:** 26 U.S.C. 7805.

■ **Par. 6.** Section 602.101 paragraph (b) is amended by adding a new entry to the table for ''1.752–2'' to read as follows:

**§ 602.101 OMB Control numbers.**

* * * * *

(b) * * *

| CFR part or section where identified and described | Current OMB Control No. |
|---|---|
| * * * * * | |
| 1.752–2 ..... | 1545–1905 |
| * * * * * | |

**Mark E. Matthews,**

*Deputy Commissioner for Services and Enforcement.*

Approved: June 30, 2006.

**Eric Solomon,**

*Acting Deputy Assistant Secretary of the Treasury.*

**Editorial Note:** This document was received at the Office of the Federal Register on October 4, 2006.

[FR Doc. E6–16719 Filed 10–10–06; 8:45 am]

BILLING CODE 4830–01–P

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[EPA–R04–OAR–2005–AL–0004–200619a; FRL–8229–8]**

## Approval and Promulgation of Implementation Plans; Alabama: Volatile Organic Compounds

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving revisions to the Alabama State Implementation Plan (SIP), submitted by the Alabama Department of Environmental Management (ADEM) on November 18, 2005. The revisions include modifications to Alabama's Volatile Organic Compounds (VOCs) rules found at Alabama Administrative Code (AAC) Chapter 335–3–1. ADEM is taking an action that was similarly approved by EPA on November 29, 2004 (69 FR 69298). The revision adds several compounds to the list of compounds excluded from the definition of VOC on the basis that they make a negligible contribution to ozone formation. This action is being taken pursuant to section 110 of the Clean Air Act (CAA).

**DATES:** This direct final rule is effective December 11, 2006 without further notice, unless EPA receives adverse comment by November 13, 2006. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. ''EPA–R04–OAR–2005–AL–0004,'' by one of the following methods:

1. *www.regulations.gov:* Follow the on-line instructions for submitting comments.
2. *E-mail: difrank.stacy@epa.gov.*
3. *Fax:* 404–562–9019.
4. *Mail:* ''EPA–R04–OAR–2005–AL–0004,'' Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960.
5. *Hand Delivery or Courier:* Stacy DiFrank, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division 12th floor, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding federal holidays.

*Instructions:* Direct your comments to Docket ID No. ''EPA–R04–OAR–2005–AL–0004.'' EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit through *www.regulations.gov* or e-mail, information that you consider to be CBI or otherwise protected. The *www.regulations.gov* website is an ''anonymous access'' systems, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through *www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. 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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

*Docket:* All documents in the electronic docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. EPA requests that if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30 excluding legal holidays.

**FOR FURTHER INFORMATION CONTACT:** Stacy DiFrank, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9042. Ms. DiFrank can also be reached via electronic mail at *difrank.stacy@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

## I. Today's Action

On November 18, 2005, ADEM submitted proposed SIP revisions to EPA for review and approval into the Alabama SIP. The revisions include changes made by the State of Alabama to AAC Chapter 335–3–1, regarding VOCs. The rules became state effective on December 12, 2005. EPA is now taking direct final action to approve the proposed revisions, which include revising the definition of VOC, which is a part of the State's strategy to meet the national ambient air quality standards (NAAQS) by reducing emissions of VOCs. In summary, the revisions submitted by ADEM added four compounds to the list of those excluded from the definition of VOC, on the basis that these compounds make a negligible contribution to ozone formation. The revision modified the definition to say that: 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-$C_3F_7OCH_3$) (known as HFE–7000); 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluro-2-(trifluoromethyl) hexane (known as HFE–7500), 1,1,1,2,3,3,3-heptafluoropropane (known as HFC–227ea); and methyl formate ($HCOOOCH_3$) will be considered to be negligibly reactive. The revisions summarized above are approvable pursuant to section 110 of the CAA.

## II. Background

Tropospheric ozone, commonly known as smog, occurs when VOCs and nitrogen oxides ($NO_X$) react in the atmosphere. Because of the harmful health effects of ozone, EPA limits the amount of VOCs and $NO_X$ that can be released into the atmosphere. VOCs are those compounds of carbon (excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, or carbonates, and ammonium carbonate) which form ozone through atmospheric photochemical reactions. Compounds of carbon (or organic compounds) have different levels of reactivity; they do not react at the same speed, or do not form ozone to the same extent.

It has been EPA's policy that compounds of carbon with a negligible level of reactivity need not be regulated to reduce ozone (see 42 FR 35314, July 8, 1977). EPA determines whether a given carbon compound has ''negligible'' reactivity by comparing the compound's reactivity to the reactivity of ethane. EPA lists these compounds in its regulations at 40 CFR 51.100(s), and excludes them from the definition of VOC. The chemicals on this list are often called ''negligibly reactive.'' EPA may periodically revise the list of negligibly reactive compounds to add compounds to or delete them from the list.

EPA finalized a similar rule on November 29, 2004 (69 FR 69298), approving the addition of the four compounds listed in Section I above to the list of those excluded from the definition of VOC.

## III. Final Action

EPA is approving revisions to the Alabama SIP to include changes made to Alabama's VOC regulations which are part of the State's strategy to meet the NAAQS. These changes are consistent with the CAA.

EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. However, in the proposed rules section of this **Federal Register** publication, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision should adverse comments be filed. This rule will be effective December 11, 2006 without further notice unless the

Agency receives adverse comments by November 13, 2006.

If EPA receives such comments, then EPA will publish a document withdrawing the final rule and informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period. Parties interested in commenting should do so at this time. If no such comments are received, the public is advised that this rule will be effective on December 11, 2006 and no further action will be taken on the proposed rule.

## IV. Statutory and Executive Order Reviews

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 (Public Law 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 CAA. 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 CAA. 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 CAA. 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.*).

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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by December 11, 2006. 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, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: September 18, 2006.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

■ 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 B—Alabama

■ 2. Section 52.50(c) is amended by revising entries for ''Section 335–3–1.02'' to read as follows:

### § 52.50 Identification of plan.

* * * * *

(c) * * *

EPA APPROVED ALABAMA REGULATIONS

| State citation | Title/subject | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| | **Chapter 335–3–1 General provisions** | | | |
| * | * * | * | * | * |
| Section 335–3–1–.02. | Definitions | 12/12/2005 | 10/11/06 [Insert citation of publication]. | |
| * | * * | * | * | * |

* * * * *

[FR Doc. E6–16812 Filed 10–10–06; 8:45 am]
BILLING CODE 6560–50–P

## DEPARTMENT OF TRANSPORTATION

### Federal Railroad Administration

### 49 CFR Part 213

**[Docket No. FRA–2005–22522]**

**RIN 2130–AB71**

## Track Safety Standards; Inspections of Joints in Continuous Welded Rail (CWR)

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Final rule.

**SUMMARY:** FRA is amending the Federal Track Safety Standards to improve the inspection of rail joints in continuous welded rail (CWR). On November 2, 2005, FRA published an Interim Final Rule (IFR) addressing the inspection of rail joints in CWR. FRA requested comments on the provisions of the IFR and stated that a final rule would be issued after a review of those comments. This final rule adopts a portion of the IFR and makes changes to other portions. This final rule requires track owners to develop and implement a procedure for the detailed inspection of CWR rail joints and also requires track owners to keep records of those inspections.

**DATES:** This final rule is effective October 31, 2006.

**FOR FURTHER INFORMATION CONTACT:** Kenneth Rusk, Staff Director, Office of Safety, FRA, 1120 Vermont Avenue NW., Washington, DC 20590, Telephone: (202) 493–6236; or Sarah Grimmer, Trial Attorney, Office of Chief Counsel, FRA, 1120 Vermont Ave NW., Washington, DC 20950, Telephone (202) 493–6390.

**SUPPLEMENTARY INFORMATION:**

## Background

*I. Continuous Welded Rail (CWR)*

A. General

CWR refers to the way in which rail is joined together to form track. In CWR, rails are welded together to form one continuous rail that may be several miles long. Although CWR is normally one continuous rail, there can be joints [1] in it for one or more reasons: the need for insulated joints that electrically separate track segments for signaling purposes, the need to terminate CWR installations at a segment of jointed rail, or the need to remove and replace a section of defective rail.

B. Statutory and Regulatory History of CWR

The Federal Railroad Administration (FRA) issued the first Federal Track Safety Standards in 1971. *See* 36 FR 20336 (October 20, 1971). FRA addressed CWR in a rather general manner, stating, in § 213.119, that railroads must install CWR at a rail temperature that prevents lateral displacement of track or pull-aparts of rail ends and that CWR should not be disturbed at rail temperatures higher than the installation or adjusted installation temperature.

In 1982, FRA deleted § 213.119, because FRA believed it was so general in nature that it provided little guidance to railroads and it was difficult to enforce. *See* 47 FR 7275 (February 18, 1982) and 47 FR 39398 (September 7, 1982). FRA stated: ''While the importance of controlling thermal stresses within continuous welded rail has long been recognized, research has not advanced to the point where specific safety requirements can be established.'' 47 FR 7279. FRA explained that continuing research might produce reliable data in this area in the future.

The Rail Safety Enforcement and Review Act of 1992 (Public Law 102–365, September 3, 1992), required that FRA evaluate procedures for installing and maintaining CWR. In 1994, Congress required DOT to evaluate cold weather installation procedures for CWR (Federal Railroad Safety Reauthorization Act (Pub. L. 103–272, July 5, 1994)). In light of the evaluation of those procedures, as well as information resulting from FRA's own research and development, FRA addressed CWR procedures by adding § 213.119 during its 1998 revision of the Track Safety Standards. *See* 63 FR 33992 (June 22, 1998).

Section 213.119, as added in 1998, requires railroads to develop procedures that, at a minimum, provide for the installation, adjustment, maintenance, and inspection of CWR, as well as a training program and minimal recordkeeping requirements. Section 213.119 does not dictate which procedures a railroad must use in its CWR plan. It allows each railroad to develop and implement its individual CWR plan based on procedures which have proven effective for it over the years. Accordingly, procedures can vary from railroad to railroad.

On August 10, 2005, President Bush signed the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), (Pub. L. 109–59, August 10, 2005) into law. Section 9005(a) of SAFETEA–LU amended 49 U.S.C. 20142 by adding a new subsection (e) as follows:

(e) Track Standards.—

(1) In General.—Within 90 days after the date of enactment of this subsection, the Federal Railroad Administration shall—

(A) require each track owner using continuous welded rail track to include procedures (in its procedures filed with the Administration pursuant to section 213.119 of title 49, Code of Federal Regulations) to improve the identification of cracks in rail joint bars;

(B) instruct Administration track inspectors to obtain copies of the most recent continuous welded rail programs of each railroad within the inspectors' areas of responsibility and require that inspectors use those programs when conducting track inspections; and

(C) establish a program to review continuous welded rail joint bar inspection data from railroads and Administration track inspectors periodically.

(2) Inspection.—Whenever the Administration determines that it is necessary or appropriate, the Administration may require railroads to increase the frequency of inspection, or improve the methods of inspection, of joint bars in continuous welded rail.

Pursuant to this mandate, on November 2, 2005, FRA revised the Track Safety Standards of 49 CFR part 213 by publishing the IFR, 70 FR 66288, which addresses CWR. FRA requested comments on the IFR and provided the Railroad Safety Advisory Committee (RSAC) with an opportunity to review the comments on the IFR. On February 22, 2006, RSAC established the Track Safety Standards Working Group (working group). The working group was given two tasks: (1) Resolution of comments on the IFR, and (2) recommendations regarding FRA's role in oversight of CWR programs, including analysis of data to determine effective management of CWR safety by the railroads. The first task, referred to as ''Phase I'' of the CWR review, includes analyzing the IFR on inspection of joint bars in CWR territory, reviewing the comments to the IFR, and preparing recommendations for the final rule. The publication of this final rule concludes ''Phase I'' of RSAC's referral to the working group. The working group is currently reviewing ''Phase II'' of RSAC's referral, which involves an examination of all of § 213.119. The working group plans to

[1] Rail joints commonly consist of two joint bars that are bolted to the sides of the rail and that contact the rail at the bottom surface of the rail head and the top surface of the rail base.

report on its Phase II task to the RSAC at the next full RSAC meeting.

*II. Railroad Safety Advisory Committee (RSAC) Overview*

In March 1996, FRA established RSAC, which provides a forum for developing consensus recommendations to FRA's Administrator on rulemakings and other safety program issues. The RSAC includes representation from all of the agency's major customer groups, including railroads, labor organizations, suppliers and manufacturers, and other interested parties. A list of group members follows:

American Association of Private Railroad Car Owners (AARPCO);
American Association of State Highway & Transportation Officials (AASHTO);
American Chemistry Council;
American Petrochemical Institute;
American Public Transportation Association (APTA);
American Short Line and Regional Railroad Association (ASLRRA);
American Train Dispatchers Association (ATDA);
Association of American Railroads (AAR);
Association of Railway Museums (ARM);
Association of State Rail Safety Managers (ASRSM);
Brotherhood of Locomotive Engineers and Trainmen (BLET);
Brotherhood of Maintenance of Way Employees Division (BMWED);
Brotherhood of Railroad Signalmen (BRS);
Chlorine Institute;
Federal Transit Administration (FTA);*
Fertilizer Institute;
High Speed Ground Transportation Association (HSGTA);
Institute of Makers of Explosives;
International Association of Machinists and Aerospace Workers;
International Brotherhood of Electrical Workers (IBEW);
Labor Council for Latin American Advancement (LCLAA)*;
League of Railway Industry Women*;
National Association of Railroad Passengers (NARP);
National Association of Railway Business Women*;
National Conference of Firemen & Oilers;
National Railroad Construction and Maintenance Association;
National Railroad Passenger Corporation (Amtrak);
National Transportation Safety Board (NTSB)*;
Railway Supply Institute (RSI);
Safe Travel America (STA);
Secretaria de Comunicaciones y Transporte*;
Sheet Metal Workers International Association (SMWIA);
Tourist Railway Association Inc.;
Transport Canada*;
Transport Workers Union of America (TWU);
Transportation Communications International Union/BRC (TCIU/BRC);
Transportation Security Administration (TSA); and
United Transportation Union (UTU).

*Indicates associate, non-voting membership.

When appropriate, FRA assigns a task to RSAC, and after consideration and debate, RSAC may accept or reject the task. If the task is accepted, RSAC establishes a working group that possesses the appropriate expertise and representation of interests to develop recommendations to FRA for action on the task. These recommendations are developed by consensus. A working group may establish one or more task forces to develop facts and options on a particular aspect of a given task. The task force then provides that information to the working group for consideration. If a working group comes to unanimous consensus on recommendations for action, the package is presented to the full RSAC for a vote. If the proposal is accepted by a simple majority of RSAC, the proposal is formally recommended to FRA. FRA then determines what action to take on the recommendation. Because FRA staff plays an active role at the working group level in discussing the issues and options and in drafting the language of the consensus proposal, FRA is often favorably inclined toward the RSAC recommendation.

However, FRA is in no way bound to follow the recommendation, and the agency exercises its independent judgment on whether the recommended rule achieves the agency's regulatory goal, is soundly supported, and is in accordance with policy and legal requirements. Often, FRA varies in some respects from the RSAC recommendation in developing the actual regulatory proposal or final rule. Any such variations would be noted and explained in the rulemaking document issued by FRA. If the working group or RSAC is unable to reach consensus on recommendations for action, FRA moves ahead to resolve the issue through traditional rulemaking proceedings.

*III. RSAC Track Safety Standards Working Group*

After its establishment on February 22, 2006, the working group reconvened on April 4–5, 2006, April 26–28, 2006, May 24–25, 2006, and July 19–20, 2006 to discuss revisions to the IFR for this final rule. The working group considered all the comments and reached consensus on recommendations for a final rule. These recommendations were presented to the RSAC and on August 11, 2006, the RSAC accepted these recommendations. The RSAC voted to forward these recommendations to FRA as the basis for a final rule on the inspection of CWR joints.

FRA has worked closely with the RSAC in developing its recommendations and believes that the RSAC has effectively addressed inspection of CWR joints. FRA has greatly benefitted from the open, informed exchange of information during the meetings. There is a general consensus among the railroads, rail labor organizations, state safety managers, and FRA concerning the primary principles FRA sets forth in this final rule. The working group has also benefitted from participation of NTSB staff. FRA believes that the expertise possessed by the RSAC representatives enhances the value of the recommendations, and FRA has made every effort to incorporate them in this rule.

*IV. Train Accidents Involving Joints in CWR*

Since FRA's 1998 revision of the Track Safety Standards, there have been a number of train accidents in which the failure of a rail joint in CWR was a factor. The NTSB investigated three recent accidents and made recommendations to FRA concerning joints in CWR. The NTSB recommendations closely parallel the statutory mandate requiring this IFR. The three accidents and subsequent NTSB recommendations are described below.

A. Derailment of Canadian Pacific Railroad Train 292–16 Near Minot, ND

On January 18, 2002, Canadian Pacific Railway (CPR) freight train 292–15 derailed 31 of its 112 cars about ½ mile west of the city limits of Minot, North Dakota. Five tank cars carrying anhydrous ammonia, a liquefied compressed gas, catastrophically ruptured, and a vapor plume covered the derailment site and surrounding area. About 11,600 people occupied the area affected by the vapor plume. One resident was fatally injured, and 60 to 65 residents of the neighborhood nearest the derailment site were rescued. As a result of the accident, 11 people sustained serious injuries, and 322 people, including the two train crew members, sustained major injuries. Damages exceeded $2 million, and more than $8 million has been spent in environmental remediation.

In its Railroad Accident Report,[2] the NTSB determined that the probable

[2] NTSB Railroad Accident Report: Derailment of Canadian Pacific Railway Freight Train 292–16 and Subsequent Release of Anhydrous Ammonia Near Minot, North Dakota, January 18, 2002 (NTSB/RAR–04–01) (March 9, 2004).

cause of the derailment was ''an ineffective Canadian Pacific Railway inspection and maintenance program that did not identify and replace cracked joint bars before they completely fractured and led to the breaking of the rail at the joint.'' The NTSB found that the catastrophic failure of five tank cars and the instantaneous release of 146,700 gallons of anhydrous ammonia also contributed to the severity of the accident.

The NTSB issued several findings in its report. The NTSB found that the train derailed because joint bars at the east end of the plug rail [3] fractured (either under the previous train or as the accident train passed over the joint), and then, after the joint bars fractured, the rail itself also fractured and broke away. The NTSB found that CPR's inspection procedures regarding rail joint bars in CWR were inadequate to properly inspect and maintain joints within CWR, and those inadequate procedures allowed undetected cracking in the joint bars at the accident location to grow to a critical size. In a similar vein, the NTSB found that FRA's requirements regarding rail joint bars in CWR were ineffective, because they did not require on-the-ground visual inspections or nondestructive testing adequate to identify cracks before they grow to critical size and result in joint bar failure.

The NTSB also found that FRA's oversight of CPR's CWR program was ineffective, because FRA neither reviewed the CWR program nor ensured that its track inspectors had copies of the CWR programs to determine if the railroad was in compliance with it. As a result of these findings, the NTSB made seven safety recommendations, of which the most relevant are quoted below.

> Require all railroads with continuous welded rail track to include procedures (in the programs that are filed with the Federal Railroad Administration) that prescribe on-the-ground visual inspections and nondestructive testing techniques for identifying cracks in rail joint bars before they grow to critical size. (R–04–1).
>
> Establish a program to periodically review continuous welded rail joint bar inspection data from railroads and Federal Railroad Administration track inspectors and, when determined necessary, require railroads to increase the frequency or improve the methods of inspection of joint bars in continuous welded rail. (R–04–2).
>
> Instruct Federal Railroad Administration track inspectors to obtain copies of the most recent continuous welded rail programs of the railroads that fall within the inspectors' areas of responsibility and require that inspectors use those programs when conducting track inspections. (R–04–3).

B. Derailment of Amtrak Train No. 58 Near Flora, MS

On April 6, 2004, National Railroad Passenger Corporation (Amtrak) train No. 58 (*City of New Orleans*) derailed on Canadian National Railway Company track near Flora, Mississippi. The entire train derailed, including one locomotive, one baggage car, and eight passenger cars. The derailment resulted in one fatality, three serious injuries, and 43 minor injuries. The equipment costs associated with the accident totaled about $7 million.

In its Railroad Accident Report,[4] the NTSB determined that the probable cause of the accident was ''the failure of the Canadian National Railway Company to properly maintain and inspect its track, resulting in rail shift and the subsequent derailment of the train, and the Federal Railroad Administration's ineffective oversight to ensure proper maintenance of the track by the railroad.'' The NTSB made two recommendations to FRA, one of which is relevant to the discussion here.

> Emphasize to your track inspectors the importance of enforcing a railroad's continuous welded rail program as a part of the Federal Track Safety Standards, and verify that inspectors are documenting noncompliance with the railroad's program. (R–05–05).

C. Derailment of Union Pacific Train ZLAMN–16 Near Pico Rivera, CA

On October 16, 2004, Union Pacific (UP) freight train ZLAMN–16 derailed 3 locomotives and 11 cars near Pico Rivera, California. Small amounts of hazardous materials were released from the transported cargo. There were no injuries to area residents, the train crew, or the emergency response personnel. UP estimated the monetary damage at $2.7 million.

In its Railroad Accident Brief,[5] the NTSB determined ''that the probable cause of the derailment was the failure of a pair of insulated joint bars due to fatigue cracking. Contributing to the accident was the lack of an adequate on-the-ground inspection program for identifying cracks in rail joint bars before they grow to critical size.''

The NTSB reiterated two of the recommendations that it had made to FRA after the Minot, North Dakota accident: (1) R–04–01 about on-the-ground visual inspections and nondestructive testing techniques and (2) R–04–02 about a program to review joint bar inspection data. The NTSB stated further in its brief:

> The CWR track involved in the Pico Rivera accident had all the inspections required by the UP and the FRA. In some instances, the inspections were done more frequently than required. Nevertheless, the inspections failed to detect the developing problems and ultimate failure. Additionally, during the 2 days after the last inspection, more than 100 trains passed over the insulated joint bars without either discovering or reporting a defect. Trains traversed the area after the insulated joint bars were completely broken, as evidenced by the rail batter in both directions.
>
> Several indications of an imminent or actual defect were present before this accident, which the inspection from a moving vehicle did not discover:
>
> • The epoxy bead was missing from the center section of the insulated joint bar, indicating vertical movement.
>
> • The joint bars cracked before they completely fractured. Part of each crack was visible on the lower outer portion of the bar for some time before its failure.
>
> • Rail end batter developed when the joint bars completely fractured and trains continued to pass over them in both directions.
>
> These indications developed over time, and a close visual inspection from the ground would have likely uncovered the emerging problem and allowed corrective action to be taken to avoid the accident.

*V. FRA's Approach to CWR in This Final Rule*

Earlier versions of § 213.119 did not require track owners to include any provisions in their CWR plans related to joints in CWR. Track owners were required simply to address joints in CWR in the same manner as they addressed joints in conventional jointed rail. *See* 49 CFR 213.121. The IFR required track owners to specifically address joints in CWR in their respective CWR plans. The IFR focused on the track owner maintaining and submitting to FRA a joint inventory which would enable the track owner to identify joints due for periodic inspections. FRA's gathering of this information would have satisfied its obligations under SAFETEA–LU. While this final rule also requires track owners to specifically address joints in CWR in their CWR plans, it eliminates the joint inventory requirement of the IFR. Alternatively, this final rule requires track owners to inspect CWR joints at minimum intervals specific to the class of track, annual tonnage, and whether the track is used for freight or passenger trains. *See* § 213.119(g)(6)(i). This final

[3] A ''plug rail'' describes a short piece of rail inserted into a length of CWR to replace a similar piece that was removed because of defects or damage.

[4] Railroad Accident Report: Derailment of Amtrak Train No. 58, City of New Orleans, Near Flora, Mississippi, April 6, 2004 (NTSB/RAR–05/02) (July 26, 2005).

[5] NTSB Railroad Accident Brief: Accident No. DCA–05–FR–002 (NTSB/RAB–05/02) (March 9, 2004).

rule also requires the track owner to submit a Fracture Report when a cracked or broken CWR joint is discovered pursuant to a § 213.119, § 213.233, or § 213.235 inspection. The Fracture Reports will give FRA the information that a joint inventory would have provided. *See* § 213.119(g)(7)(ii).

To meet the statutory requirement that FRA issue this regulation within 90 days of the enactment of SAFETEA–LU, FRA issued the IFR on November 2, 2005. This final rule addresses 49 U.S.C. 20142(e)(1)(A) and (e)(1)(C) (hereinafter referred to as (e)(1)(A) and (e)(1)(C)). Because 49 U.S.C. 20142(e)(1)(B) does not require regulatory action on the part of FRA, FRA is not addressing it in this rulemaking.

Paragraph (e)(1)(A) mandates that FRA require each track owner to ''include procedures * * * to improve the identification of cracks in rail joint bars.'' Congress did not specify how FRA should effect that improvement. One way of improving the identification of such cracks is through on-foot inspection of joints in CWR. Because most cracks in joint bars can be detected by eye before they grow to failure, on-foot inspections can be of great value in identifying joint failure. Accordingly, FRA is requiring railroads to conduct periodic on-foot inspections of CWR joints. *See* § 213.119(g)(1).

Rather than limit these on-foot inspections to the identification of joint bar cracks, FRA is requiring track owners to also inspect for joint conditions that can lead to the development of joint bar cracks. Track owners should inspect all safety-critical aspects of joints, including any indications of potential failure of the joint itself; any indications of potential failure of any components of the joint (e.g., rails, bolts, supporting crossties, and track fasteners); and the track itself in the vicinity of the joint (including the effectiveness of rail anchors or other devices for restraint of longitudinal movement of the rail). In this final rule, FRA lists examples of conditions that may indicate potential failure. This list is not all-inclusive. There are other conditions that could indicate failure, and FRA urges track owners to consider all conditions, not just the listed examples.

In doing this, railroads will address a preemptive solution—i.e., preventing cracks from developing—rather than merely reacting to cracks after they have developed. It is understood that certain conditions involving rail joints and the surrounding CWR contribute to the development and propagation of cracks in rail joints. If track inspectors inspect for these conditions, detect these conditions, and provide information so that railroads can correct these conditions, it will reduce the probability of joint failures and subsequent train accidents.

Furthermore, this preventive approach is more appropriate given that the development of a crack in a rail joint bar can progress at an unpredictable rate. Some cracks might exist for years without causing a rupture of the joint, while other cracks can progress rapidly from an undetectable size to complete failure. For example, a joint can completely fail under a single impact load if the joint is subjected to low temperatures and very high-tension forces.

FRA believes that the time and effort it takes a track inspector to perform a complete inspection will be minimal while the benefit of a complete inspection will be high. Once a track inspector arrives at a location to inspect a joint and begins inspecting that joint, it takes little time and effort (beyond the effort to search for and identify cracks in joint bars) for him or her to note the condition of the entire joint and its surroundings. There are both safety and management benefits to a complete inspection. The safety benefit is obvious in that it prevents derailments. As for management benefits, track owners will save money and time, because it is easier and more cost effective to repair incipient joint conditions than actual joint cracks. For example, it is more economical to replace joint bolts or to reset rail anchors (i.e., potential failure conditions) than it is to replace a joint bar after it has developed a crack.

FRA realizes that inspections at a frequency that could detect incipient cracks prior to the possibility of failure in every case are not feasible given the current levels of railroad staffing and railroad traffic, and in light of the impediments to train operations that would result from restrictions required to provide for the safety and mobility of inspection personnel. Proper preparation and maintenance of joints, however, together with appropriate joint inspection instructions, can reduce the frequency of crack formation and also prevent rapid propagation in most cases—making a sound program of inspection both feasible and more cost effective.

Paragraph (e)(1)(C) requires that FRA ''establish a program to [periodically] review continuous welded rail joint bar inspection data'' from railroads and FRA track inspectors. Clearly, FRA can gather and review the joint bar inspection data from its own inspectors' inspections. In order for FRA to review railroad CWR joint bar inspection data, however, track owners must gather that data and make it available to FRA for review. Accordingly, this rule now requires track owners to compile a Fracture Report and submit it to FRA. *See* § 213.119(g)(7)(ii). As discussed in more detail below, a Fracture Report is a record which the track owner must prepare whenever a cracked or broken CWR joint is discovered pursuant to a § 213.119, § 213.233, or § 213.235 inspection.

There is not yet an established, efficient method for detecting cracks in joint bars by traditional means of automated non-destructive testing (NDT). FRA believes that such a system might be developed, and that a requirement for effective joint bar inspection by either visual or other effective means can provide an incentive for the railroad industry to develop such a system. FRA is aware that some railroads do employ portable, hand-held equipment to conduct NDT of joint bars. The use of NDT will be discussed further in the section-by-section analysis of § 213.119(g)(8).

NDT technology, in addition to careful visual inspection, could be used where judged effective. FRA notes, however, that there is insufficient engineering data to establish the effectiveness of NDT techniques as applied to joint bars in the service environment. Further, as illustrated by the examination of NDT technology and services by the joint FRA/industry Rail Integrity Task Force,[6] operator qualification and quality control remain areas of concern. Accordingly, FRA focuses the ''benchmark'' inspection requirements of this IFR on visual inspection by a qualified track inspector.

### *VI. Response to Public Comments*

FRA received seventeen comments in response to the IFR. The comments addressed concerns over a variety of issues, including: inspection frequencies, the economic analysis of the regulation, the training of track inspectors, the availability of CWR plans, the joint inventory requirement of

[6] The Rail Integrity Task Force is a joint FRA/industry working group. It was convened in April 2002 to identify ''best practices'' within the railroad industry regarding the inspection, maintenance, and replacement of rail. The goal of the task force is to ''reduce rail-related accidents and casualties resulting from derailments caused by broken rail.''

The task force is comprised of subject-matter experts from the major heavy-haul railroads, the AAR, FRA's Office of Safety Assurance and Compliance, FRA's Office of Railroad Development, as well as technical support from the Volpe National Transportation Systems Center. The task force has also requested and received input from all of the service providers in the field of nondestructive testing of rail.

the IFR, the recordkeeping requirements, and other various issues. The working group addressed each comment in its meetings. A more detailed discussion of the public comments will be found in the section-by-section analysis.

A. Inspection Frequency

The IFR required a track owner's CWR plan to specify the timing of joint inspections based on the configuration and condition of the particular joint. The IFR provided minimum inspection intervals of every 190 days for track classes 4 and higher and every 370 days for class 3 track and class 2 track on which passenger trains operate. Public comments on the required inspection frequency were numerous and varied. For example, BMWED desired much more frequent inspections (i.e., monthly), while other commenters suggested risk-based (variable) inspection intervals taking into account the presence of passenger trains, hazardous materials or the proximity of railroad operations to population centers. Suggestions to increase inspection frequency dominated comments addressing inspection frequency. Further, railroad commenters were almost unanimously opposed to the inventory requirements imposed by the IFR, and some implied that the inventory was far more burdensome than increased inspection frequency would be.

Several Senators urged FRA to increase the required inspection frequencies. In a filing supported by three members of the California congressional delegation and several local officials, the California Public Utilities Commission recommended that FRA require more frequent inspections and take into consideration more factors in determining inspection intervals, such as population density and risk associated with hazardous materials. FRA and the RSAC carefully considered these comments. FRA also took into account the fact that railroad CWR procedures filed in response to the IFR failed to address circumstances that might warrant more frequent inspection.

The FRA decided upon an inspection frequency in lieu of an inventory requirement after considering many different approaches. The inspection frequency was based upon model results developed by the Department of Transportation's Volpe Center (Volpe), the practical realities of railroad operations, as well as discussions, negotiations, and compromises combining practicality, enforceability, and effectiveness. The RSAC working group discussed all of these considerations at its meetings.

Volpe developed several engineering models to estimate the loads imposed on a rail joint. As is true of all models, they were simplifications of reality designed to give insight into underlying facts. The models considered the effects of various joint characteristics such as rail section, rail end gap, batter, height mismatch and vertical support. Loads were used to infer stresses in the joint bar which permitted the conduct of a fatigue analysis to determine the tonnage, expressed as million gross tons (MGT), required to develop a fatigue crack in the bar. The models were based on an assumed rectangular cross section, which, although very different from the actual joint bar shape, seemed to give adequate direction when later compared to actual experience. Under the assumed baseline joint conditions, bar fatigue life was estimated to be greater than 5,000 MGT.

Fatigue life is only tangentially related to a reasonable inspection interval. Crack growth life after crack initiation is far more important. Volpe applied fracture mechanics principles to estimate the tonnage required to grow the crack from a barely detectable size to the size at which the bar would fracture under the next train. For the same baseline joint conditions, the analysis yielded a fatigue crack growth life estimate of 13 MGT, using a minimum detectable crack size of one-sixteenth of an inch. Smaller initial crack sizes yielded dramatically longer fatigue lives, and larger initial crack sizes yielded dramatically shorter fatigue lives. Further, the fatigue and crack growth lives are extremely sensitive to the conditions of the joint. Poor joint conditions result in shorter estimated lifetimes, while better conditions increase the expected joint bar life. For each case, Volpe fatigue life estimates are conservative, as the analysis predicts first percentile life. That is, the fatigue life estimate is the tonnage at which one percent of joint population can be expected to have formed a crack—a standard engineering approach to estimating fatigue life. The Volpe crack growth models also have some conservative features. The Volpe model seemed to forecast slightly more failures than are being realized in actual railroad service, but FRA will compare the model to actual data once fracture reports become available.

These results were considered by the RSAC working group and compared to real life experiences. Many railroads already had inspection plans for their CWR joints. During the RSAC working group meetings, numerous inspection intervals were suggested. Certain parties suggested that 40 MGT be used, while others wanted 10 MGT. A consensus was reached that 20 MGT would be a reasonable inspection interval. Although Volpe's model had suggested 13 MGT, the Volpe representatives assured FRA that 20 MGT is an appropriate inspection interval. Given the practical realities of conducting the required on-foot visual inspections required under the new rule, and FRA's heightened concerns about tracks with 40–60 MGT per year, certain trade-offs were made by RSAC in recommending the inspection frequency schedule. FRA has adopted the RSAC recommendations regarding inspection frequency.

For freight-only operations, the inspection interval depends on the annual tonnage and the FRA track class. The inspection interval is approximately once every 20 MGT up to 60 MGT (or three times per year) for Class 4 and Class 5 track, with less frequent intervals for Class 3 track. These intervals are greater than the estimated crack growth life; however, they represent a practical baseline and account for the likely increased severity of accidents on higher track classes. They are also reflective of the vast majority of freight traffic in the U.S. as most lines accumulate an average of approximately 60 MGT per year. Higher annual tonnage lines generally represent unit train operations consisting of coal, for example. Track with higher speeds is subject to more frequent inspections, because higher speed accidents are likely on the average to be more severe. The inspection intervals provide some balance between risk and cost of inspection.

For track upon which passenger trains operate, a different schedule was developed which considers the potentially greater severity, especially in terms of loss of life, from possible future passenger train accidents. The inspection intervals are again graduated based on track class and whether the line experiences more or less than 20 MGT per year with more frequent inspections required for higher classes of track. If a track owner operates both freight and passenger trains over a given segment of track and there are two different possible inspection interval requirements, the more frequent inspection interval applies.

FRA also provided relief requested by ASLRRA on behalf of smaller railroads, which run occasional passenger service. Pursuant to the frequency chart in § 213.119(g)(6)(i), those railroads can run passenger trains at the maximum speed authorized for the next lower

class of track. FRA believes this is safe, because track with freight service is inspected at frequencies higher or equal to the inspection frequency of the next lower class track with passenger service.

FRA considered adding further complexity to the required inspection frequency, but decided that would not be either necessary or productive. It is not necessary because the inspection strategy embodied in this final rule should be sufficient to address joint integrity issues (conditions that foster development of cracks) and to detect cracks before failure in the vast majority of cases. Further complexity would not be productive because available information does not support development of a useful inspection strategy built on other factors. For instance, protecting nearby populations from hazardous material accidents is always a desirable objective; however, most hazardous materials releases (which are infrequent events) occur along the railroads in unpopulated areas or in small rural communities—thousands of which lie along major rail lines. Hazardous materials shipments traverse most rail lines, yet there is no data suggesting that the volume of shipments predicts the likelihood of a release in a train accident. After discussion of these issues, the RSAC agreed that an inspection strategy based on class of track, tonnage, and presence or absence of passenger traffic was the best approach. The RSAC also developed the Fracture Report process, which may lead to further refinement of inspection intervals over time.

B. Economic Analysis

AAR had extensive comments on the IFR's economic analysis. First, AAR stated that the recordkeeping costs were underestimated, and stressed that the IFR's proposed inventory requirement would be more costly than estimated by FRA. FRA agrees that the cost estimates developed in connection with the IFR were based on an excessively optimistic assumption regarding the extent of railroads' use of electronic technology which would have been necessary to keep inventory costs reasonable. As FRA is no longer requiring an inventory, these costs will not be analyzed further for the final rule.

AAR also stated that FRA underestimated the burden imposed upon inspectors by underestimating the time per inspection and by underestimating the number of joints to be inspected. In response to this comment, FRA will use a longer time period for inspection as part of a sensitivity analysis; four minutes will be allocated for each joint inspection in this analysis and the originally proposed one minute per joint inspection in a separate analysis. Although FRA worked with the AAR to obtain more accurate data to better estimate the number of joints to be inspected and the frequency to which they will be inspected, the AAR was not able to provide significantly improved data in the time available. In its comments, AAR had estimated the number of joints by extrapolating a total number from a six-and-a-half mile segment of track. FRA believes its estimates are at least as good as AAR's extrapolation from a six-and-a-half mile segment.

C. Joint Inventory Requirement in the IFR

Commenters such as AAR, Long Island Railroad (LIRR) and Metro-North found the joint inventory requirements in the CFR to be extremely burdensome. In response to these comments and discussions of the RSAC working group, FRA has eliminated the inventory requirement of the IFR. The RSAC working group agreed that in lieu of the data supplied by a CWR Joint Inventory, the track owner would be required to submit Fracture Reports to the FRA twice annually. FRA will analyze the data provided in the reports to enhance industry knowledge with regard to the factors causing broken joint bars.

D. Training

FRA received a comment from BMWED suggesting that there should be annual re-training of track inspectors on joint bar inspections. FRA interprets this comment as pertaining to CWR training in general. As FRA did not change the CWR training provision in the IFR, FRA has resolved to address training concerns in Phase II of the working group's task of reviewing all of § 213.119.

E. Availability of CWR Plans

FRA received comments that CWR written procedures (designated ''CWR plans'' under this final rule) were not made readily available for inspectors. FRA has resolved this issue by making all CWR plans it receives pursuant to Part 213 available to all FRA and State inspectors. However, FRA agrees that greater clarity is desirable. FRA will ask the working group to include a more suitable process for submission and dissemination of CWR plans in Phase II of its activities.

F. Other Comments

FRA accepted AAR's suggestion to remove the reference to impact loads in the final rule. FRA also added an exception to the inspection frequency requirements to allow for irregularly scheduled passenger trains. *See* § 213.119(g)(6)(ii). To further address this concern, FRA added a definition of ''unscheduled detour operation'' to the list of definitions in § 213.119(j). In response to a comment regarding irregularly scheduled passenger trains, FRA created an exception for tourist and excursion operations in § 213.119(g)(6)(iii). Accordingly, FRA added a definition for Tourist, Scenic, Historic, or Excursion Operations in § 213.119(j).

*VII. Section-by-Section Analysis*

Section 213.119

FRA is revising § 213.119 by requiring track owners to incorporate into their CWR plans written procedures on the inspection of joints in CWR. This will require most track owners to amend their existing CWR plans. Track owners must also create and maintain records of these inspections. FRA provides details of these new provisions below, which affect § 213.119(g)–(j). Paragraphs (a)–(f) of this section are not changed with this final rule.

Paragraph (g)

In the IFR, this paragraph required track owners to specifically address joints in CWR in their respective CWR plans. This final rule adopts a number of changes to the IFR's provisions. Principal among those changes are the Fracture Report requirement and the increased minimum inspection frequencies. Both of these new requirements will be discussed in further detail below.

This paragraph requires each track owner to include in its CWR plan provisions for the scheduling and conducting of joint inspections. A person who is qualified under § § 213.7 to perform inspections of CWR track should perform the inspections required by this paragraph on foot at the joint.

Paragraph (g)(1)

This paragraph governs periodic inspections of CWR joints. Track owners are required to establish procedures for conducting these inspections. Upon identifying actual conditions of joint failures (*i.e.*, broken or cracked joint bars) or potential conditions of joint failure, track owners must initiate the appropriate corrective action and keep the appropriate records. *See* §§ 213.119(g)(5) and 213.119(g)(7). In addition, when a track owner discovers CWR joints that are not in compliance with the requirements of Part 213, the track owner must take the appropriate

remedial action required by Part 213. FRA notes that nothing in this paragraph interferes with the track owners' continuing obligation to conduct track inspections under § 213.233.

Periodic inspections, as referenced herein, are on-foot inspections of CWR joints that track owners must conduct on a regular basis. Track owners are required to conduct periodic inspections at the minimum intervals specified in paragraph (g)(6). Track owners, of course, are free to conduct such inspections more frequently than required.

The IFR had also included special inspections in this paragraph. As a result of working group discussions, FRA removed the discussion of special inspections from this paragraph. Although FRA has removed the discussion of special inspections from § 213.119(g), FRA intends to place it elsewhere in § 213.119. FRA will include the discussion of special inspections (*e.g.*, sun kinks, pull aparts, etc.) in the broader review of § 213.119, during Phase II of this project.

Paragraph (g)(2)

This paragraph requires track owners to identify joint bars with visible or otherwise detectable cracks and conduct remedial action pursuant to § 213.121. The IFR had included cracked joint bars under the list of actions items, which this final rule addresses in paragraph (g)(3). Although the working group placed the identification of cracked joint bars under the list of action items as well, FRA decided to address them separately in this final rule. As SAFETEA–LU mandates FRA to promulgate regulations to improve the identification of cracks in joint bars, FRA is distinguishing between joint bars that are already cracked and joint bars that have the potential of cracking in the future. When a track owner discovers a cracked joint bar, he must take the remedial action specified in § 213.121; however, if he discovers a joint bar with actual or potential joint failure, he must take the corrective action specified by his CWR plan. Corrective action will be further addressed in paragraph (g)(5).

Paragraph (g)(3)

This paragraph identifies those items relating to joint inspections that track owners must address in their CWR plans. FRA notes that these items are the minimum that track owners should address. Of course, track owners are free to include additional items in their respective CWR plans. Track inspectors should identify and record these listed items during their inspection of joints because these items are related to the integrity of the joint, and thus, to the safety of trains that operate over these joints.

The IFR mentioned these items, but it did not specifically state that they were conditions of potential joint failure. FRA notes this list is not all-inclusive. There are other conditions that could indicate failure, and FRA urges track owners to consider all conditions, not just these listed examples.

*Loose, bent, or missing joint bolts.* The bolts through the joint bars and rail ends are a vital component of the joint. Bolts are meant to keep joint bars firmly supported against the joint. If bolts are missing, loose, or bent, the bolts will fail to keep the joint bars firmly in contact with the rails. The rails are then liable to separate when there is cold weather which causes high-tension forces through the joint. Bolts in joints with bars that are separated from the web of the rail at the bolt holes tend to fail when the bolts bend. When the bolts bend beyond their elastic limit, they lose their design tension, and they are no longer capable of holding the joint bars firmly against the rail. The joint then permits the rails to move in relation to each other under passing wheels, causing increased impact loads on the joint and battering of the adjoining rail ends. This can potentially lead to cracks and eventually fracture of the joint bars or rail ends.

*Rail end batter or mismatch that contributes to instability of the joint.* Rail end batter refers to the deformation of the running surface at the end of the rail. Rail end batter occurs when wheels pass over a joint and (1) the rails are pulled apart to the extent that the wheels can drop slightly into the gap, or (2) the rail ends are mismatched, or both. Rail ends can be mismatched because joint bolts are loose or because the rails do not match when installed. Excessive rail end batter causes high impact forces on all components of the joint; this can cause the joint bar or the rail to rupture. Also, vibrations at a battered joint can cause loss of consolidation of ballast at the joint, leaving the joint vulnerable to thermal buckling when high compressive forces are generated in the rails.

The IFR included the term ''impact loads'' as another defect to which rail end batter or mismatch could contribute. The RSAC working group determined that it was redundant to keep the term ''impact loads'' in the rule text, as it is understood that these conditions can cause extreme impact loads. Since other conditions, such as rail end gap, can have the same effect, FRA decided to remove the phrase ''impact loads'' from the final rule.

*Evidence of excessive longitudinal rail movement in or near the joint, including, but not limited to, wide rail gap, defective joint bolts, disturbed ballast, surface deviations, gap between tie plates and rail, or displaced rail anchors.* Longitudinal rail movement is evidence that the rails might not be securely anchored, that excessive tension forces are developing in the rail when it is cold, or that the joint bolts have lost their clamping properties after being stretched in bending. As wheels pass over and drop into the gap, there are high impact forces on the joint. This can have the same consequences as described above for rail end batter. When a joint is not properly supported, it will deflect vertically (or swing), creating substantially increased stress in the joint bars and rail. Irregular surface deviations develop from a vertically displaced joint, which leads to increased lateral loading and stress at the joint. These tension forces, combined with additional impact loads, have a tendency to cause cracks and to cause rupture of joint bars and rail.

Paragraph (g)(4)

This paragraph requires track owners to include procedures in their CWR plans for the inspection of CWR joints that are imbedded in highway-rail grade crossings or in other structures that prevent a complete inspection of the joint (e.g., pans in fueling facilities, scales, passenger walkways at stations that cover the track, etc.). The plans must also include procedures for the removal of loose material or other temporary material from the joint. FRA is adding this paragraph in response to comments by AAR and to subsequent discussions at RSAC working group meetings, as the IFR did not mention ''imbedded'' joints.

Some working group members were concerned that they would be unable to inspect these ''imbedded'' joints, which are sometimes not fully visible on the sides and bottoms of the joint bars. Railroads did not want to be penalized for their inability to see, and therefore inspect, these joints. FRA understands that a small percentage of the joints in CWR are ''imbedded'' joints. FRA acknowledges that railroad engineering personnel have made efforts to remove these imbedded joints where possible, and that, nonetheless, some of these joints remain.

With respect to the procedures for ''imbedded'' joints, FRA does not expect that railroads will need to disassemble or remove the track structure (e.g., remove pavement or crossing pads) to

conduct an inspection of CWR joints. However, FRA does expect that railroads will make every effort, to the extent practicable, to inspect the joints in these structures.

FRA is aware that CWR joints may sometimes be temporarily buried during maintenance (e.g where ballast is distributed in the middle of the track and along the track) and therefore unavailable for inspection. FRA expects that railroads will take necessary measures to conduct inspections of these CWR joints. FRA expects that railroads will schedule their maintenance so as to allow for a complete inspection of these joints. Where CWR joints are buried (e.g., by ballast), FRA expects that railroad maintenance personnel will wait for the completion of the track surfacing and dressing of the ballast before conducting their joint bar inspections. Alternatively, railroads may use hand tools or mechanical means to remove ballast from the sides of track joints, so that they can conduct an inspection of those track joints.

Finally, FRA notes that components of the track (such as crossties, fasteners, tie plates, etc.) are also not fully visible in highway-rail crossings and similar structures. FRA has never specifically exempted these items from the inspections required under Part 213. Instead, FRA expects that the railroads will inspect these areas to the maximum extent possible.

Paragraph (g)(5)

This paragraph requires track owners to specify in their CWR plans the appropriate corrective actions that must be taken when track inspectors find conditions of actual or potential joint failure. The IFR required track owners to specify in their plans the appropriate remedial actions. FRA notes the difference between the terms ''remedial actions'' and ''corrective actions.'' Remedial actions are those actions which track owners are required to take as a result of requirements of Part 213 to address a non-compliant condition. For example, if a track owner discovers a cracked joint bar, he must replace it. *See* 49 CFR 213.121. Corrective actions, on the other hand, are those actions which track owners specify in their CWR plans to address conditions of potential joint failure, including, as applicable, repair, restrictions on operations, and additional on-foot repair. To ensure clarity, FRA has defined these terms in § 213.119(j).

Follow-up inspections, as referenced herein, are joint-specific and conducted in response to conditions that a track owner discovers during periodic inspections. Track owners will identify in their CWR plans the conditions that trigger follow-up inspections. For example, where a track owner identifies ''replace bolt or inspect weekly'' as a corrective action for a bent bolt, if a track inspector discovers a bent bolt during a periodic inspection and does not immediately replace it, then the track inspector will have to conduct follow-up inspections at that joint.

Paragraph (g)(6)

This paragraph requires railroad owners to specify the timing of periodic inspections. As previously mentioned, commenters criticized the IFR's minimum joint inspection frequency. The IFR provided minimum inspection intervals of every 190 days for track classes 4 and higher and every 370 days for class 3 track and class 2 track on which passenger trains operate. To address both public comments and discussions during RSAC working group meetings, FRA increased the minimum number of required joint inspections. The minimum number of required joint inspections are addressed in the table in paragraph (g)(6)(i). As previously discussed, the timing periods in this paragraph represent the minimum of what is expected. Railroad owners are encouraged to implement additional inspection periods as they determine necessary.

The IFR did not allow for any exceptions to the minimum joint inspection frequency. Pursuant to RSAC working group recommendations, in paragraphs (g)(6)(ii)–(iv), FRA is allowing exceptions to the minimum inspection frequencies for unscheduled detours, certain passenger trains, and items that are already inspected on a monthly basis pursuant to 49 CFR 213.235. Each of these exceptions will be discussed in more detail below.

Paragraph (g)(6)(i)

The table contained in this paragraph provides guidance for the minimum required inspection frequency of CWR joints. The working group developed this table to specify inspection frequencies for each class of track. The table contains two footnotes clarifying the inspection frequencies in the table.

The first footnote provides that where a track owner operates both freight and passenger trains over a given segment of track, and there are two different possible inspection interval requirements, the more frequent inspection interval applies. This footnote was developed by the working group to address concerns over track shared by freight and passenger trains. It was anticipated that there could be a potential conflict with the inspection frequency required for the track if the track owner were to follow the chart for both types of trains. By requiring the more frequent inspections in situations of conflict, this footnote ensures greater safety and protection to track used for mixed purposes.

The second footnote is added in response to concerns over sensitivity of extreme regional weather conditions. This concern was raised in the working group by industry representatives with regard to the difficulty of inspecting CWR joints in northern regions when there is a large amount of snow. The working group acknowledged that there could be times when it would be extremely difficult for a track owner to clear snow and ice from the joint in order for it to be seen for inspection. This footnote allows some flexibility for track owners in such a situation.

Paragraph (g)(6)(ii)

This paragraph allows track owners to operate passenger trains without lowering the track speed for a limited period of time without adhering to the required inspection frequencies for passenger trains pursuant to the table in § 213.119(g)(6)(i). This provision accommodates for unplanned outages, derailments, accidents, and other emergency situations. Track owners are still required to adhere to the applicable freight inspection frequencies. This provision is intended to provide relief to railroads that operate passenger trains and that have a last minute emergency situation. However, if a track owner operates passenger trains at the normal track speed for more than fourteen days, the track must be inspected at the appropriate passenger train levels as detailed in the table at § 213.119(g)(6)(i).

Paragraph (g)(6)(iii)

As defined in § 213.119(j), tourist, scenic, historic, or excursion operations mean railroad operations that carry passengers with the conveyance of the passengers to a particular destination not being the principal purpose. These types of operations typically run less frequently than intercity or commuter passenger trains and occur most often on short-line railroads. If a track owner has an operation of this type on the track and does not want to take that operation into account in determining inspection frequency, the owner must drop the track speed one class with regard to that operation. This way, the track owner will still be in compliance with the inspection frequency mandated by the table in paragraph (g)(6)(i) regardless of the class of freight the owner runs on the track. As the first

footnote to the table in paragraph (g)(6)(i) states, where there are two different possible inspection interval requirements, the more frequent inspection interval applies.

Paragraph (g)(6)(iv)

In this paragraph, FRA exempts the following items from the periodic inspection frequency intervals: switches, turnouts, track crossings, lift rail assemblies or other transition devices on moveable bridges. Track owners already inspect these items on a monthly basis pursuant to 49 CFR 213.235. Rather than apply the additional periodic inspection requirements (i.e, apply the intervals in the table in § 213.119(g)(6)(i) to switches and turnouts, etc), FRA believes it is more appropriate to have track owners conduct their inspections of joints at these locations during their monthly 49 CFR 213.235 inspections.

With respect to turnouts, FRA has historically understood and operated under the assumption that a turnout extends from the point of the switch to the heel of the frog. FRA will continue to operate under that assumption, and accordingly, all joints in turnouts, switches, etc. must be inspected monthly pursuant to 49 CFR 213.235 and records of these inspections must be kept in accordance with 49 CFR 213.241. The final rule does not require that the data elements listed in § 213.119(g)(7)(i) appear on the 49 CFR 213.235 inspection record. The reason for this is that, with more frequent inspections, the track inspector should be better able to manage joint conditions without maintaining detailed records.

All joints that extend beyond the point of a switch or beyond the point of the heel of the frog need not be inspected monthly and instead can be inspected at the frequency intervals identified in § 213.119(g)(6)(i). However, track owners are free to include, in their monthly 49 CFR 213.235 inspection, these joints that are located in track structure that is adjacent to turnouts and switches. If track owners choose to do this, they must clearly define the parameters of that arrangement in their CWR plan. In other words, the track owner should clearly identify the physical limits of the adjacent track structure (e.g., insulated joints up until the signal), and they must clearly identify the inspection interval for joints in that adjacent track (e.g., ''inspect all insulated joints to the signal during the monthly 49 CFR 213.235 inspection.'')

In addition, as long as track owners clearly define the parameters in the CWR plans, the track owner need not keep two sets of records (i.e., a record from the 49 CFR 213.235 inspection and a record from the § 213.119(g)(6)(i) inspection) for inspections of these ''adjacent'' joints. For example, if the track owner's CWR plan indicates that joints in crossovers between turnouts must be inspected during the monthly 49 CFR 213.235 inspection, and a railroad track inspector inspects the joints in the crossover during the monthly 49 CFR 213.235 inspection, then it is sufficient for the track owner to create and maintain only the 49 CFR 213.235 record.

FRA believes this option is useful, because it avoids the confusion and duplication that might otherwise result. Without this option, railroad track inspectors would be unsure what to note in their records and which track inspections require which records. In addition, FRA notes that it would be burdensome for track inspectors to inspect those ''adjacent'' joints monthly and make a note of the inspection in the monthly 49 CFR 213.235 record and also be required to make an additional § 213.119(g)(6)(i) record every couple of months.

Paragraph (g)(7)

This paragraph requires track owners to keep records specific to CWR joint bars. As previously mentioned, the IFR required track owners to maintain and submit to FRA a joint inventory. In response to comments that this requirement was too burdensome, FRA has eliminated the joint inventory requirement and replaced it with the new recordkeeping requirements in this paragraph. FRA has distinguished between two major categories of records: (i) records pertaining to periodic follow-up inspections, and (ii) fracture reports.

Paragraph (g)(7)(i)

This paragraph addresses the inspection reports that have to be created after periodic inspections required by paragraph (g)(6)(i) and follow-up inspections as required by the track owner's CWR plan. The inspection reports of the periodic inspections shall be prepared on the day the inspection is made and are to contain the required information. The periodic inspection record can be combined with other records required pursuant to 49 CFR 213.241.

Paragraph (g)(7)(ii)

This paragraph requires railroads to submit Fracture Reports to the FRA. Railroads should complete Fracture Reports when they find cracks during routine inspections pursuant to §§ 213.119(g), 213.233, or 213.235 on track that is required under § 213.119(g)(6)(i) to be inspected. FRA encourages track owners to complete Fracture Reports whenever cracks are discovered, in addition to the required inspections. Track owners, however, do not need to complete a Fracture Report for cracks found in excepted track, Class 1 track, and Class 2 track without passenger service.

The Fracture Reports will enable the FRA to conduct an analysis to further the understanding of the factors causing CWR joint failures. The Fracture Reports are for data collection to expand the agency's expertise concerning joint failures; the FRA does not intend to use the Fracture Reports for enforcement purposes. Likewise, inadvertent errors on the Fracture Report will not be subject to civil penalties. Of course, should FRA encounter repeated failure to prepare and complete such reports, or come upon a persistent and recurring pattern of non-reporting, FRA will take appropriate enforcement action. Track owners are not required to keep the Fracture Reports pursuant to the requirements of 49 CFR 213.241. However, FRA intends for the Fracture Reports to be kept until the track owner has received confirmation that FRA has received the data.

FRA proposes to give the track owner a variety of means of submitting the Fracture Reports. The first option proposed is through an electronic data submission using eXtensible Markup Language (XML) format. FRA plans to have a transaction summary generated that will report the number of records submitted, the number of records accepted to the database, and the number of records rejected due to validation errors, which will be streamed back to the railroad. The second option involves FRA developing a special web page from which railroads can register and receive credentials to access a web data entry form (with validation capabilities) to input individual Fracture Reports. FRA is also considering making available a formatted Excel spreadsheet, into which railroads can input their Fracture Reports. This spreadsheet could be submitted via e-mail, electronic media, or uploaded to the FRA Office of Safety Analysis' Web site. As a final option, FRA plans to make available a printable version of the OMB approved Fracture Report form for download. More specific instructions regarding submission of the Fracture Reports will be made available prior to January 2, 2007, on the Office of Safety Analysis' Web site, *http://safetydata.fra.dot.gov*.

Paragraph (g)(7)(ii)(A)

This paragraph requires that the Fracture Report be prepared on the day the cracked or broken CWR joint bar is found. The CWR Joint Bar Fracture Report was developed by a Task Force comprised of members of the RSAC working group. The Fracture Report is to be completed whenever a cracked or broken joint bar is discovered during the period inspections required by § 213.119(g)(6)(i), as well as those currently required by 49 CFR 213.233 and 213.235. The fracture reporting requirement was implemented in order to comply, in part, with 49 U.S.C. 20142 as amended by SAFETEA–LU (Pub. L. 109–59, August 10, 2005). The Fracture Reports will address 29 U.S.C. 20142(e)(1)(A)'s instruction to improve the identification of cracks in rail joint bars, § 20142(e)(1)(C)'s mandate to ''establish a program to review continuous welded rail joint bar inspection data from railroads and Administration track inspectors periodically,'' and § 20142(e)(2)'s direction to adjust the frequency of inspection or improve the method of inspection of CWR joint bars as necessary.

The Fracture Reports specifically address the statutory language in three specific ways. First, the report provides information on joint conditions as it addresses most joint attributes known to contribute to premature joint failure such as rail end batter and wide rail end gap. It is believed that the joint inspections and the reports generated when cracked or broken bars are discovered will provide useful data to the railroads regarding joint conditions which lead to bar failure and perhaps lead to early preventive measures when these conditions are discovered before a crack develops. Second, in addition to the joint bar inspection records retained by the railroads, the Fracture Reports provide FRA with additional insight into the effectiveness of the new inspection requirements. Finally, as the inspection frequency was developed based in part on modeling results, the Fracture Report data can be used to evaluate the reasonableness of the model predictions. Certain data elements in the report can be used to estimate joint bar crack growth rates, which is crucial to enabling establishment of proper inspection intervals. Based on the number of Fracture Reports submitted to the FRA and the data they provide, an assessment of the appropriateness of the inspection intervals can be made.

The annual gross million ton information requested in the Fracture Report should be entered on the report by an appropriate employee of the railroad, since the railroad track inspector may not have ready access to this information (even though the inspector should impliedly be aware of the range within which the value falls as a result of instructions provided concerning the frequency of inspection required).

Paragraph (g)(7)(ii)(B)

This paragraph requires the track owner to submit the information contained in the Fracture Reports twice annually to the FRA. FRA is collecting the Fracture Report data and will analyze it because SAFETEA–LU mandates that FRA create and gather such data. This information will be periodically submitted so that FRA can analyze the conditions that exist where cracked or broken bars were discovered. FRA requested that railroads submit data more frequently than annually because the agency decided that this practice would foster better analysis. The RSAC working group proposed a semi-annual submission of data. The group determined that more frequent submissions would be burdensome on the railroads. After having collected and analyzed a few years of data, FRA will determine whether it is necessary to continue collecting the data and whether to propose that inspection methods and minimum inspection frequencies should be varied.

Paragraph (g)(7)(ii)(C)

This paragraph allows any track owner to petition FRA after February 1, 2010, to conduct a technical conference to assess whether there is a continued need for the collection of Fracture Report data. During the technical conference, the FRA would review the data collected, the analysis done to date, and determine if sufficient data has been collected to enable FRA to make a technically competent determination of CWR joint bar failure causes and contributing conditions.

Paragraph (g)(8)

This paragraph, which maintains a provision from the IFR, permits a track owner to devise an alternate program for the inspection of joints in CWR. A track owner seeking to deviate from the minimum inspection frequencies specified in § 213.119(g)(6) should submit the alternate procedures and a supporting statement of justification to FRA's Associate Administrator for Safety (Associate Administrator). In the supporting statement, the track owner must include data and analysis that establishes to the satisfaction of the Associate Administrator that the alternate procedures provide at least an equivalent level of safety across the railroad.

If the Associate Administrator approves the alternate procedures, the Associate Administrator will notify the track owner of such approval in writing. In that written notification, the Associate Administrator will specify the date on which the alternate procedures will become effective. After that date, the track owner shall comply with the approved procedures. If the Associate Administrator determines that the alternate procedures do not provide an equivalent level of safety, the Associate Administrator will disapprove the alternate procedures in writing. While a determination is pending with the Associate Administrator, the track owner shall continue to comply with the requirements contained in § 213.119(g)(6).

FRA expects that the track owner will include a risk analysis in its supporting statement of justification for alternate procedures. The risk analysis, whether qualitative or quantitative, should demonstrate that the track owner's program is at least as good (as applied across the entire railroad) as the benchmark level of inspection that FRA mandates in this final rule. The risk analysis would likely address such issues as tonnage, grades, curvature, prior joint failure rates (with respect to frequency), type of traffic, average train speed, and proximity to populations. The track owner might use risk analysis techniques to focus more frequent inspections in areas of greater risk (*e.g.*, approaches to bridges, close proximity to populated areas, heavy tonnage, significant hazardous materials traffic), while utilizing a lesser frequency at other locations and optimizing safety and efficiency.

As mentioned earlier, FRA encourages the use of new technologies for inspecting joint bars and new means of determining information relevant to future joint integrity. FRA's Office of Research and Development has funded research to develop an automated, vehicle-mounted, visual imaging system that can survey joint bars across a territory by recording digital photographic images and generating the data to exception reports. Use of such a system in combination with less frequent walking inspections that employ appropriate attention to joint condition action items might reduce the cost of joint bar inspections while enhancing prevention of joint failure.

The Rail Integrity Task Force [7] has also considered the conditions under which railroads can more effectively detect joint bar cracks. One of the primary objectives of this Task Force is to review industry best practices for the inspection, maintenance, and replacement of rail. The Task Force discussed options for vehicle-mounted non-destructive testing that might, at a future date, provide the ability to detect both internal defects as well as cracks in joint bars. Both FRA and the AAR, through the Transportation Technology Center, Inc., are working on non-destructive testing techniques that may be useful in the future for this purpose. Such systems may have the potential to identify cracks before they become visible to the eye or through visual imaging.

Technology (including frequent automated track geometry surveys) and sound CWR management, including prompt removal of so-called ''temporary'' joints, may provide the additional information required to verify the ongoing integrity of joints in CWR. The alternative procedures provision of this final rule will allow track owners to take advantage of these new approaches as they become available.

Paragraphs (h)–(j)

With the addition of a new paragraph 213.119(g), FRA has renumbered the old paragraphs (g), (h), and (i). The training requirements previously located in paragraph (g) are now located in paragraph (h). The recordkeeping requirements previously located in paragraph (h) are now located in paragraph (i). The definitions section formerly located in paragraph (i) is now located in paragraph (j).

Paragraph (i)

Paragraph (i) contains the recordkeeping requirements for railroads that have track constructed of CWR. At a minimum, a track owner must keep records of the items listed in paragraph (i)(1) through (i)(3). Paragraph (i)(1) requires a track owner to keep a record of the rail temperature, location and date of CWR installations. Paragraph (i)(2) requires a track owner to keep a record of any CWR installation or maintenance work that does not conform with the written procedures. Paragraph (i)(3) requires a track owner to keep records of information on inspection of rail joints as specified in paragraph (g)(7).

The IFR required the track owner to maintain a joint inventory in this paragraph. Pursuant to comments received and working group negotiations, FRA has eliminated the joint inventory requirement; alternatively, FRA now requires the track owner to keep records of each periodic and follow-up inspection, as specified in paragraph (g)(7).

Paragraph (j)

This paragraph defines that terms used throughout § 213.119. In this final rule, FRA is adding definitions for ''Action Item,'' ''Corrective Actions,'' ''CWR Joint,'' and ''Remedial Actions'' to clarify their usage.

*Action Items* mean the rail joint conditions that track owners identify in their CWR plans pursuant to paragraph (g)(3) which require a corrective action. Section 213.119(g)(3) identifies the broad categories that track owners need to address (*e.g.*, rail end batter or mismatch). Track owners will need to identify specific criteria/thresholds in their respective CWR plans (*e.g.*, how many inches of rail end batter is permissible, at what amount of mismatch must railroads take corrective actions, and what corrective actions must they take). FRA would like to note that these broad categories are only the required minimums. Track owners are free to identify additional categories and set thresholds for these categories.

*Corrective Actions* mean those actions which track owners specify in their CWR plans to address conditions of actual or potential joint failure, including, as applicable, repair, restrictions on operations, and additional on-foot inspections. This term is used in § 213.119(g)(5).

CWR Joint means (a) any joint directly connected to CWR, and (b) any joint(s) in a segment of rail between CWR strings that are less than 195 feet apart, except joints located on jointed sections on bridges. CWR joint had not been defined in the past, and the RSAC working group defined ''CWR joint'' to clarify to which joints the new provisions would apply. The working group agreed that the force exerted by CWR extends beyond the joint at the end of the string. This definition is intended to include joints affected by CWR, and joints that are intended to be in CWR but by the addition of temporary joints may not be directly attached to a CWR string, such as an insulated joint plug rail. As many bridges have jointed rail by design, this definition would not include jointed rail joints on bridges.

*Remedial Actions* are those items which track owners are required to take as a result of requirements in Part 213 to address a non-compliant condition.

*VIII. Regulatory Impact*

A. Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule has been evaluated in accordance with existing policies and procedures and determined to be non-significant under both Executive Order 128566 and DOT policies and procedures. *See* 44 FR 11034; February 26, 1979. As part of the regulatory impact analysis, FRA has assessed a quantitative measurement of costs and benefits expected from the implementation of this final rule. The major costs anticipated from implementing this final rule include: the modification of existing CWR plans, conduct of some additional required on-foot inspections, and preparation and submission of Fracture Reports. The major benefit anticipated from implementing this final rule will be a decrease in rule-affected accidents.

This final rule is not anticipated to have very much economic impact, as track owners are already inspecting many of the joints covered by the final rule. This final rule will create annual benefits of $790,000 for an initial cost of $58,000 and recurring annual costs of $85,000 to $120,000. This final rule is therefore expected to create net societal benefits in every year of its application, including the initial year.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (the Act) (5 U.S.C. 601 *et seq.*) requires a review of proposed and final rules to assess their impact on small entities. The U.S. Small Business Administration (SBA) stipulates in its ''Size Standards'' that the largest a railroad business firm that is ''for-profit'' may be, and still be classified as a ''small entity'' is 1,500 employees for ''Line-Haul Operating Railroads,'' and 500 employees for ''Switching and Terminal Establishments.'' ''Small entity'' is defined in the Act as a small business that is not independently owned and operated, and is not dominant in its field of operation. SBA's ''size standards'' may be altered by federal agencies after consultation with SBA and in conjunction with public comment. Pursuant to that authority, FRA has published a final policy that formally establishes ''small entities'' as railroads which meet the line haulage revenue requirements of a Class III railroad. The revenue requirements are currently $20 million or less in annual operating revenue. The $20 million limit (which is adjusted by applying the railroad revenue deflator adjustment) is based on the Surface Transportation Board's (STB) threshold for a Class III

[7] *See* footnote 6 supra.

railroad carrier. FRA uses the same revenue dollar limit to determine whether a railroad or shipper or contractor is a small entity.

Approximately 200 small railroads have CWR and are affected by this final rule. Relatively few Class 3 railroads have CWR. For the minority of Class 3 railroads that have CWR, the portion of their railroad which is CWR is more likely to be small. To the extent they have CWR, Class 3 railroads will be subject to most of the provisions of this rule. Small railroads were consulted frequently during the RSAC Working Group deliberations. Small railroads were most greatly concerned that the inventory requirements of the IFR was unduly burdensome. FRA has eliminated the requirement for an inventory in this final rule. Small railroads were also concerned about infrequent passenger service and its effect on inspection frequency. By allowing for such a scenario pursuant to § 213.119(g)(6)(ii), FRA has resolved this issue in a manner which will minimize any impact on small railroads.

C. Paperwork Reduction Act

The information collection requirements in this final rule have been submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995, 44 U.S.C. 3501 *et seq*. The section that contains the new information collection requirements is noted, and the estimated time and cost to fulfill each of the other requirements are as follows:

| CFR section | Respondent universe | Total annual responses | Average time per response | Total annual burden hours | Total annual burden cost ($) |
|---|---|---|---|---|---|
| 213.4 Excepted Track: | | | | | |
| Designation of track as excepted | 200 railroads | 20 orders | 15 minutes | 5 | 200 |
| Notification to FRA about removal of excepted track. | 200 railroads | 15 notifications | 10 minutes | 3 | 120 |
| 213.5 Responsibility of track owners | 685 railroads | 10 notifications | 8 hours | 80 | 3,200 |
| 213.7 Designation of qualified persons to supervise certain renewals and inspect track: | | | | | |
| Designations | 687 railroads | 1,500 names | 10 minutes | 250 | 10,000 |
| Designations (partially qualified) under paragraph (c) of this section. | 687 railroads | 250 names | 10 minutes | 42 | 1,680 |
| 213.17 Waivers | 687 railroads | 6 petitions | 24 hours | 144 | 5,760 |
| 213.4 Excepted Track: | | | | | |
| Designation of track as excepted | 200 railroads | 20 orders | 15 minutes | 5 | 200 |
| Notification to FRA about removal of excepted track. | 200 railroads | 15 notifications | 10 minutes | 3 | 120 |
| 213.5 Responsibility of track owners | 685 railroads | 10 notifications | 8 hours | 80 | 3,200 |
| 213.7 Designation of qualified persons to supervise certain renewals and inspect track: | | | | | |
| Designations | 687 railroads | 1,500 names | 10 minutes | 250 | 10,000 |
| Designations (partially qualified) under paragraph (c) of this section. | 687 railroads | 250 names | 10 minutes | 42 | 1,680 |
| 213.57 Curves, elevation and speed limitations: | | | | | |
| Request to FRA for approval | 687 railroads | 2 requests | 40 hours | 80 | 3,200 |
| Notification to FRA with written consent of other affected track owners. | 687 railroads | 2 notifications | 45 minutes | 2 | 80 |
| Test Plans for Higher Curving Speeds. | 1 railroad | 2 test plans | 16 hours | 32 | 1,280 |
| 213.110 Gage Restraint Measurement Systems (GRMS): | | | | | |
| Implementing—Notices & Reports | 687 railroads | 10 notifications + 2 tech rpts. | 45 min./4 hours | 16 | 640 |
| GRMS Vehicle Output Reports | 687 railroads | 50 reports | 5 minutes | 4 | 160 |
| GRMS Vehicle Exception Reports | 687 railroads | 50 reports | 5 minutes | 4 | 160 |
| GRMS/PTLF—Procedures for Data Integrity. | 687 railroads | 4 proc. Docs | 2 hours | 8 | 320 |
| GRMS Training Program/Sessions | 687 railroads | 2 prog. + 5 sess | 16 hours | 112 | 4,480 |
| GRMS Inspection Records | 687 railroads | 50 records | 2 hours | 100 | 4,000 |
| 213.119 Continuous welded rail (CWR), general: | | | | | |
| (g) Written procedures for CWR (New). | 239 railroads/ ASLRRA. | 240 modif. proc | 3 hrs./1 hr | 320 | ([1]) |
| Fracture Report for Each Broken CWR Joint Bar (New). | 239 railroads/ ASLRRA. | 12,000 reports | 10 minutes | 2,000 | 74,000 |
| Alternate Procedures For Rail Joints (New). | 239 railroads | 7 letters + 7 proc | 30 min. + 953 hrs | 6,675 | 701,035 |
| Training Programs for CWR procedures (New). | 239 railroads/ ASLRRA. | 240 training Prog | 2 hea/12 hrs | 490 | 19,600 |
| Recordkeeping (Previous) | 239 railroads | 2,000 records | 10 minutes | 333 | 13,320 |
| Recordkeeping for CWR Rail Joints (New). | 239 railroads | 360,000 rcds | 2 minutes | 12,000 | 480,000 |

| CFR section | Respondent universe | Total annual responses | Average time per response | Total annual burden hours | Total annual burden cost ($) |
|---|---|---|---|---|---|
| Periodic Records for CWR Rail Joints (New). | 239 railroads | 480,000 rcds. | 1 minute | 8,000 | 320,000 |
| 213.233 Track inspection | 687 railroads | 2,500 inspections | 1 minute | 42 | 1,554 |
| 213.241 Inspection records | 687 railroads | 1,542,089 rcds | Varies | 1,672,941 | 61,898,817 |
| 213.303 Responsibility for Compliance | 2 railroads | 1 petition | 8 hours | 8 | 320 |
| 213.305 Designation of qualified individuals; general qualifications. | 2 railroads | 150 designations | 10 minutes | 25 | 1,000 |
| Designations (Partially qualified) | 2 railroads | 20 designations | 10 minutes | 3 | 120 |
| 213.317 Waivers | 2 railroads | 1 petition | 24 hours | 24 | 960 |
| 213.329 Curves, elevation and speed limitations: | | | | | |
| FRA approval of qualified equipment and higher curving speeds. | 2 railroads | 3 notifications | 40 hours | 120 | 4,800 |
| Written notifications to FRA with written consent of other affected track owners. | 2 railroads | 3 notifications | 45 minutes | 2 | 80 |
| 213.4 Excepted Track: | | | | | |
| Designation of track as excepted | 200 railroads | 20 orders | 15 minutes | 5 | 200 |
| Notification to FRA about removal of excepted track. | 200 railroads | 15 notifications | 10 minutes | 3 | 120 |
| 213.5 Responsibility of track owners | 685 railroads | 10 notifications | 8 hours | 80 | 3,200 |
| 213.7 Designation of qualified persons to supervise certain renewals and inspect track: | | | | | |
| Designations | 687 railroads | 1,500 names | 10 minutes | 250 | 10,000 |
| Designation (partially qualified) under pargraph (c) of this section. | 687 railroads | 250 names | 10 minutes | 42 | 1,680 |
| 213.333 Automated Vehicle Inspection System: | | | | | |
| Track Geometry Measurement System. | 3 railroads | 18 reports | 20 hours | 360 | 14,400 |
| Track/Vehicle Performance Measurement System: | | | | | |
| Copies of most recent exception printouts. | 2 railroads | 13 printouts | 20 hours | 260 | 10,400 |
| 213.341 Initial inspection of new rail and welds: | | | | | |
| Mill inspection | 2 railroads | 2 reports | 8 hours | 16 | 640 |
| Welding plan inspection | 2 railroads | 2 reports | 8 hours | 16 | 640 |
| Inspection of field wells | 2 railroads | 125 records | 20 minutes | 42 | 1,680 |
| 213.343 Continuous welded rail (CWR) Recordkeeping | 2 railroads | 150 records | 10 minutes | 25 | 1,000 |
| 213.345 Vehicle qualification testing | 1 railroad | 2 reports | 16 hours | 32 | 1,280 |
| 213.347 Automotive or Railroad Crossings at grade | | | | | |
| Protection Plans | 1 railroad | 2 plans | 8 hours | 16 | 640 |
| 213.369 Inspection Records: | | | | | |
| Record of inspection | 2 railroads | 500 records | 1 minutes | 8 | 296 |
| Internal defect inspections and remedial action taken. | 2 railroads | 50 records | 5 minutes | 4 | 148 |

[1] $0 (Included in RIA).

All estimates include the time for reviewing instructions; searching existing data sources; gathering or maintaining the needed data; and reviewing the information.

Organizations and individuals desiring to submit comments on the collection of information requirements should direct them to the Office of Management and Budget, *Attention:* Desk Officer for the Federal Railroad Administration, Office of Information and Regulatory Affairs, Washington, DC 20503.

OMB is required to make a decision concerning the collection of information requirements contained in this final rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

FRA cannot impose a penalty on persons for violating information collection requirements which do not display a current OMB control number, if required. FRA intends to obtain current OMB control numbers for any new information collection requirements resulting from this rulemaking action prior to the effective date of the final rule. The OMB control number, when assigned, will be announced by separate notice in the **Federal Register**.

D. Environmental Impact

FRA has evaluated these revised track safety regulations in accordance with its procedures for ensuring full consideration of the potential

environmental impacts of FRA actions, as required by the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), other environmental statutes, Executive Orders, and DOT Order 5610.1c. This final rule meets the criteria that establish this as a non-major action for environmental purposes.

E. Federalism Implications

Executive Order 13132, ''Federalism'' (64 FR 43255, Aug. 10, 1999), requires FRA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' are defined in the Executive Order to include regulations that 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.'' Under Executive Order 13132, the agency may not issue a regulation with Federalism implications that imposes substantial direct compliance costs and that is not required by statute, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, the agency consults with State and local governments, or the agency consults with State and local government officials early in the process of developing the regulation. Where a regulation has Federalism implications and preempts State law, the agency seeks to consult with State and local officials in the process of developing the regulation.

This final rule has preemptive effect. Subject to a limited exception for essentially local safety hazards, its requirements will establish a uniform Federal safety standard that must be met, and state requirements covering the same subject are displaced, whether those standards are in the form of state statutes, regulations, local ordinances, or other forms of state law, including common law. Section 20106 of Title 49 of the United States Code provides that all regulations prescribed by the Secretary related to railroad safety preempt any State law, regulation, or order covering the same subject matter, except a provision necessary to eliminate or reduce an essentially local safety hazard that is not incompatible with a Federal law, regulations, or order and that does not unreasonably burden interstate commerce. This is consistent with past practice at FRA, and within the Department of Transportation.

FRA has analyzed this final rule in accordance with the principles and criteria contained in Executive Order 13132. This final rule will not have a substantial effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among various levels of government. This final rule will not have federalism implications that impose any direct compliance costs on State and local governments.

FRA notes that RSAC, which endorsed and recommended the majority of this rule, has as permanent members two organizations representing State and local interests: AASHTO and ASRSM. Both of these State organizations concurred with the RSAC recommendation endorsing this rule. The RSAC regularly provides recommendations to the FRA Administrator for solutions to regulatory issues that reflect significant input from its State members. To date, FRA has received no indication of concerns about the Federalism implications of this rulemaking from these representatives or of any other representatives of State government. Consequently, FRA concludes that this final rule has no federalism implications, other than the preemption of state laws covering the subject matter of this final rule, which occurs by operation of law under 49 U.S.C. 20106 whenever FRA issues a rule or order.

F. Unfunded Mandate Reform Act of 1995

Pursuant to Section 201 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, 2 U.S.C. 1531), each Federal agency ''shall, unless otherwise prohibited by law, assess the effects of Federal regulatory actions on State, local, and tribal governments, and the private sector (other than to the extent that such regulations incorporate requirements specifically set forth in law).'' Section 202 of the Act (2 U.S.C. 1532) further requires that ''before promulgating any general notice of proposed rulemaking that is likely to result in the promulgation of any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any 1 year, and before promulgating any final rule for which a general notice of proposed rulemaking was published, the agency shall prepare a written statement'' detailing the effect on State, local, and tribal governments and the private sector. This final rule will not result in the expenditure, in the aggregate, of $128,100,000 or more in any one year, and thus preparation of such a statement is not required.

G. Energy Impact

Executive Order 13211 requires Federal agencies to prepare a Statement of Energy Effects for any ''significant energy action.'' *See* 66 FR 28355 (May 22, 2001). Under the Executive Order a ''significant energy action'' is defined as any action by an agency that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking: (1)(i) that is a significant regulatory action under Executive Order 12866 or any successor order, and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (2) that is designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action. FRA has evaluated this final rule in accordance with Executive Order 13211. FRA has determined that this final rule is not likely to have a significant adverse effect on the supply, distribution, or use of energy. Consequently, FRA has determined that this final rule is not a ''significant energy action'' within the meaning of the Executive Order.

H. Privacy Act Statement

Anyone is able to search the electronic form of all comments received into any of DOT's 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 published in the **Federal Register** on April 11, 2000 (Volume 65, Number 70, Pages 19477–78) or see *http://dms.dot.gov*.

*IX. Effective Date*

This final rule is effective on October 31, 2006 in order to supersede the IFR's impracticable October 31, 2006 joint inventory compliance date. Accordingly, the good cause exception of the Administrative Procedure Act applies. *See* 5 U.S.C. 553(d)(3).

**List of Subjects in 49 CFR Part 213**

Penalties, Railroad safety, Reporting and recordkeeping requirements.

**The Rule**

■ For the reasons discussed in the preamble, the Federal Railroad Administration amends part 213 of

chapter II, subtitle B of Title 49, Code of Federal Regulations, as follows:

## PART 213—[AMENDED]

■ 1. The authority citation for part 213 continues to read as follows:

**Authority:** 49 U.S.C. 20102–20114 and 20142; 28 U.S.C. 2461, note; and 49 CFR 1.49(m).

■ 2. Section 213.119 is amended by revising the introductory language and paragraphs (g) through (j) to read as follows:

### § 213.119 Continuous welded rail (CWR); general

Each track owner with track constructed of CWR shall have in effect and comply with a plan that contains written procedures which address: the installation, adjustment, maintenance, and inspection of CWR; inspection of CWR joints; and a training program for the application of those procedures. The plan shall be submitted to the Federal Railroad Administration. FRA reviews each plan for compliance with the following—

* * * * *

(g) Procedures which prescribe the scheduling and conduct of inspections to detect cracks and other indications of potential failures in CWR joints. On and after January 1, 2007, in formulating the procedures under this paragraph, the track owner shall—

(1) Address the inspection of joints and the track structure at joints, including, at a minimum, periodic on-foot inspections;

(2) Identify joint bars with visible or otherwise detectable cracks and conduct remedial action pursuant to § 213.121;

(3) Specify the conditions of actual or potential joint failure for which personnel must inspect, including, at a minimum, the following items:

(i) Loose, bent, or missing joint bolts;

(ii) Rail end batter or mismatch that contributes to instability of the joint; and

(iii) Evidence of excessive longitudinal rail movement in or near the joint, including, but not limited to; wide rail gap, defective joint bolts, disturbed ballast, surface deviations, gap between tie plates and rail, or displaced rail anchors;

(4) Specify the procedures for the inspection of CWR joints that are imbedded in highway-rail crossings or in other structures that prevent a complete inspection of the joint, including procedures for the removal from the joint of loose material or other temporary material;

(5) Specify the appropriate corrective actions to be taken when personnel find conditions of actual or potential joint failure, including on-foot follow-up inspections to monitor conditions of potential joint failure in any period prior to completion of repairs.

(6) Specify the timing of periodic inspections, which shall be based on the configuration and condition of the joint:

(i) Except as provided in paragraphs (g)(6)(ii) through (iv), track owners must specify that all CWR joints are inspected, at a minimum, in accordance with the intervals identified in the following table—

MINIMUM NUMBER OF INSPECTIONS PER CALENDAR YEAR [1]

| | Freight trains operating over track with an annual tonnage of: | | | Passenger trains operating over track with an annual tonnage of: | |
|---|---|---|---|---|---|
| | Less than 40 mgt | 40 to 60 mgt | Greater than 60 mgt | Less than 20 mgt | Greater than or equal to 20 mgt |
| Class 5 & above | 2 | [2] 3 | [2] 4 | [2] 3 | [2] 3 |
| Class 4 | 2 | [2] 3 | [2] 4 | 2 | [2] 3 |
| Class 3 | 1 | 2 | 2 | 2 | 2 |
| Class 2 | 0 | 0 | 0 | 1 | 1 |
| Class 1 | 0 | 0 | 0 | 0 | 0 |
| Excepted Track | 0 | 0 | 0 | n/a | n/a |

4 = Four times per calendar year, with one inspection in each of the following periods: January to March, April to June, July to September, and October to December; and with consecutive inspections separated by at least 60 calendar days.

3 = Three times per calendar year, with one inspection in each of the following periods: January to April, May to August, and September to December; and with consecutive inspections separated by at least 90 calendar days

2 = Twice per calendar year, with one inspection in each of the following periods: January to June and July to December; and with consecutive inspections separated by at least 120 calendar days.

1 = Once per calendar year, with consecutive inspections separated by at least 180 calendar days.

[1] Where a track owner operates both freight and passenger trains over a given segment of track, and there are two different possible inspection interval requirements, the more frequent inspection interval applies.

[2] When extreme weather conditions prevent a track owner from conducting an inspection of a particular territory within the required interval, the track owner may extend the interval by up to 30 calendar days from the last day that the extreme weather condition prevented the required inspection.

(ii) Consistent with any limitations applied by the track owner, a passenger train conducting an unscheduled detour operation may proceed over track not normally used for passenger operations at a speed not to exceed the maximum authorized speed otherwise allowed, even though CWR joints have not been inspected in accordance with the frequency identified in paragraph (g)(6)(i), provided that:

(A) All CWR joints have been inspected consistent with requirements for freight service; and

(B) The unscheduled detour operation lasts no more than 14 consecutive calendar days. In order to continue operations beyond the 14-day period, the track owner must inspect the CWR joints in accordance with the requirements of paragraph (g)(6)(i).

(iii) Tourist, scenic, historic, or excursion operations, if limited to the maximum authorized speed for passenger trains over the next lower class of track, need not be considered in determining the frequency of inspections under paragraph (g)(6)(i).

(iv) All CWR joints that are located in switches, turnouts, track crossings, lift rail assemblies or other transition devices on moveable bridges must be inspected on foot at least monthly, consistent with the requirements in § 213.235; and all records of those

inspections must be kept in accordance with the requirements in § 213.241. A track owner may include in its § 213.235 inspections, in lieu of the joint inspections required by paragraph (g)(6)(i), CWR joints that are located in track structure that is adjacent to switches and turnouts, provided that the track owner precisely defines the parameters of that arrangement in the CWR plans.

(7) Specify the recordkeeping requirements related to joint bars in CWR, including the following:

(i) The track owner shall keep a record of each periodic and follow-up inspection required to be performed by the track owner's CWR plan, except for those inspections conducted pursuant to § 213.235 for which track owners must maintain records pursuant to § 213.241. The record shall be prepared on the day the inspection is made and signed by the person making the inspection. The record shall include, at a minimum, the following items: the boundaries of the territory inspected; the nature and location of any deviations at the joint from the requirements of this Part or of the track owner's CWR plan, with the location identified with sufficient precision that personnel could return to the joint and identify it without ambiguity; the date of the inspection; the remedial action, corrective action, or both, that has been taken or will be taken; and the name or identification number of the person who made the inspection.

(ii) The track owner shall generate a Fracture Report for every cracked or broken CWR joint bar that the track owner discovers during the course of an inspection conducted pursuant to §§ 213.119(g), 213.233, or 213.235 on track that is required under § 213.119(g)(6)(i) to be inspected.

(A) The Fracture Report shall be prepared on the day the cracked or broken joint bar is discovered. The record shall include, at a minimum: the railroad name; the location of the joint bar as identified by milepost and subdivision; the class of track; annual million gross tons for the previous calendar year; the date of discovery of the crack or break; the rail section; the type of bar (standard, insulated, or compromise); the number of holes in the joint bar; a general description of the location of the crack or break in bar; the visible length of the crack in inches; the gap measurement between rail ends; the amount and length of rail end batter or ramp on each rail end; the amount of tread mismatch; the vertical movement of joint; and in curves or spirals, the amount of gage mismatch and the lateral movement of the joint.

(B) The track owner shall submit the information contained in the Fracture Reports to the FRA Associate Administrator for Safety (Associate Administrator) twice annually, by July 31 for the preceding six-month period from January 1 through June 30 and by January 31 for the preceding six-month period from July 1 through December 31.

(C) After February 1, 2010, any track owner may petition FRA to conduct a technical conference to review the Fracture Report data submitted through December of 2009 and assess whether there is a continued need for the collection of Fracture Report data. The track owner shall submit a written request to the Associate Administrator, requesting the technical conference and explaining the reasons for proposing to discontinue the collection of the data.

(8) In lieu of the requirements for the inspection of rail joints contained in paragraphs (g)(1) through (7) of this section, a track owner may seek approval from FRA to use alternate procedures.

(i) The track owner shall submit the proposed alternate procedures and a supporting statement of justification to the Associate Administrator for Safety (Associate Administrator).

(ii) If the Associate Administrator finds that the proposed alternate procedures provide an equivalent or higher level of safety than the requirements in paragraphs (g)(1) through (g)(7) of this section, the Associate Administrator will approve the alternate procedures by notifying the track owner in writing. The Associate Administrator will specify in the written notification the date on which the procedures will become effective, and after that date, the track owner shall comply with the procedures. If the Associate Administrator determines that the alternate procedures do not provide an equivalent level of safety, the Associate Administrator will disapprove the alternate procedures in writing, and the track owner shall continue to comply with the requirements in paragraphs (g)(1) through (7) of this section.

(iii) While a determination is pending with the Associate Administrator on a request submitted pursuant to paragraph (g)(8) of this section, the track owner shall continue to comply with the requirements contained in paragraphs (g)(1) through (7) of this section.

(h) The track owner shall have in effect a comprehensive training program for the application of these written CWR procedures, with provisions for periodic re-training, for those individuals designated under § 213.7 as qualified to supervise the installation, adjustment, and maintenance of CWR track and to perform inspections of CWR track.

(i) The track owner shall prescribe and comply with recordkeeping requirements necessary to provide an adequate history of track constructed with CWR. At a minimum, these records must include:

(1) Rail temperature, location and date of CWR installations. This record shall be retained for at least one year;

(2) A record of any CWR installation or maintenance work that does not conform with the written procedures. Such record shall include the location of the rail and be maintained until the CWR is brought into conformance with such procedures;

(3) Information on inspection of rail joints as specified in paragraph (g)(7) of this part.

(j) As used in this section—

*Action Items* mean the rail joint conditions that track owners identify in their CWR plans pursuant to paragraph (g)(3) which require the application of a corrective action.

*Adjusting/De-stressing* means the procedure by which a rail's temperature is re-adjusted to the desired value. It typically consists of cutting the rail and removing rail anchoring devices, which provides for the necessary expansion and contraction, and then re-assembling the track.

*Buckling Incident* means the formation of a lateral misalignment sufficient in magnitude to constitute a deviation from the Class 1 requirements specified in § 213.55. These normally occur when rail temperatures are relatively high and are caused by high longitudinal compressive forces.

*Continuous Welded Rail (CWR)* means rail that has been welded together into lengths exceeding 400 feet.

*Corrective Actions* mean those actions which track owners specify in their CWR plans to address conditions of actual or potential joint failure, including, as applicable, repair, restrictions on operations, and additional on-foot inspections.

*CWR Joint* means (a) any joint directly connected to CWR, and (b) any joint(s) in a segment of rail between CWR strings that are less than 195 feet apart, except joints located on jointed sections on bridges.

*Desired Rail Installation Temperature Range* means the rail temperature range, within a specific geographical area, at which forces in CWR should not cause a buckling incident in extreme heat, or a pull-apart during extreme cold weather.

*Disturbed Track* means the disturbance of the roadbed or ballast

section, as a result of track maintenance or any other event, which reduces the lateral or longitudinal resistance of the track, or both.

*Mechanical Stabilization* means a type of procedure used to restore track resistance to disturbed track following certain maintenance operations. This procedure may incorporate dynamic track stabilizers or ballast consolidators, which are units of work equipment that are used as a substitute for the stabilization action provided by the passage of tonnage trains.

*Rail Anchors* means those devices which are attached to the rail and bear against the side of the crosstie to control longitudinal rail movement. Certain types of rail fasteners also act as rail anchors and control longitudinal rail movement by exerting a downward clamping force on the upper surface of the rail base.

*Rail Temperature* means the temperature of the rail, measured with a rail thermometer.

*Remedial Actions* mean those actions which track owners are required to take as a result of requirements of this part to address a non-compliant condition.

*Tight/Kinky Rail* means CWR which exhibits minute alignment irregularities which indicate that the rail is in a considerable amount of compression.

*Tourist, Scenic, Historic, or Excursion Operations* mean railroad operations that carry passengers with the conveyance of the passengers to a particular destination not being the principal purpose.

*Train-induced Forces* means the vertical, longitudinal, and lateral dynamic forces which are generated during train movement and which can contribute to the buckling potential of the rail.

*Track Lateral Resistance* means the resistance provided by the rail/crosstie structure against lateral displacement.

*Track Longitudinal Resistance* means the resistance provided by the rail anchors/rail fasteners and the ballast section to the rail/crosstie structure against longitudinal displacement.

*Unscheduled Detour Operation* means a short-term, unscheduled operation where a track owner has no more than 14 calendar days' notice that the operation is going to occur.

* * * * *

Issued in Washington, DC, on September 29, 2006.

**Joseph H. Boardman,**

*Federal Railroad Administrator.*

[FR Doc. 06–8599 Filed 10–10–06; 8:45 am]

BILLING CODE 4910–06–P

# Proposed Rules

Federal Register
Vol. 71, No. 196
Wednesday, October 11, 2006

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.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

### 7 CFR Parts 305 and 318

**[Docket No. APHIS–2006–0027]**

**RIN 0579–AC15**

### Interstate Movement of Fruits and Vegetables From Hawaii

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Proposed rule.

**SUMMARY:** We are proposing to remove vapor heat treatment as an approved treatment for bell pepper, eggplant, Italian squash, and tomato moved interstate from Hawaii. This action is necessary because these four commodities can serve as hosts for the solanum fruit fly, which has been detected in Hawaii. Vapor heat treatment is not an approved treatment for that pest. We are also proposing to provide for the use of irradiation as an approved treatment for all *Capsicum* spp. (peppers) and *Curcurbita* spp. (squash) moved interstate from Hawaii. This action would relieve unnecessary restrictions on the interstate movement of peppers and squash and allow a greater variety of *Capsicum* spp. and *Curcurbita* spp. to be moved interstate from Hawaii.

**DATES:** We will consider all comments that we receive on or before December 11, 2006.

**ADDRESSES:** You may submit comments by either of the following methods:

- Federal eRulemaking Portal: Go to *http://www.regulations.gov*, select ''Animal and Plant Health Inspection Service'' from the agency drop-down menu, then click ''Submit.'' In the Docket ID column, select APHIS–2006–0027 to submit or view public comments and to view supporting and related materials available electronically. Information on using Regulations.gov, including instructions for accessing documents, submitting comments, and viewing the docket after the close of the comment period, is available through the site's ''User Tips'' link.
- Postal Mail/Commercial Delivery: Please send four copies of your comment (an original and three copies) to Docket No. APHIS–2006–0027, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road Unit 118, Riverdale, MD 20737–1238. Please state that your comment refers to Docket No. APHIS–2006–0027.

*Reading Room:* You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue, SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

*Other Information:* Additional information about APHIS and its programs is available on the Internet at *http://www.aphis.usda.gov.*

**FOR FURTHER INFORMATION CONTACT:** Mr. David B. Lamb, Import Specialist, Commodity Import Analysis and Operations, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1236; (301) 734–8758.

**SUPPLEMENTARY INFORMATION:**

## Background

The Hawaiian fruits and vegetables regulations, contained in 7 CFR 318.13 through 318.13–17 (referred to below as the regulations), govern, among other things, the interstate movement of fruits and vegetables from Hawaii. Regulation is necessary to prevent the spread of dangerous plant diseases and pests that occur in Hawaii. Some fruits and vegetables regulated under the Hawaiian fruits and vegetables regulations are allowed to move interstate if they are treated with an approved treatment for certain plant pests. Lists of approved treatments for these fruits and vegetables and requirements for conducting these treatments are contained in 7 CFR part 305.

Four of the fruits and vegetables that are allowed to move interstate from Hawaii if treated with an approved treatment are bell pepper, eggplant, Italian squash, and tomato. The treatments approved for these commodities, as listed in the table in § 305.2(h)(2)(ii), include the vapor heat treatments numbered VH T106–b–1 (for bell peppers), VH T106–b–2 (for eggplant), VH T106–b–5 and VH T106–b–7 (for tomato), and VH T106–b–6 (for Italian squash). Despite their differing numbers, these treatment numbers all refer to the same treatment schedule, which is described in § 305.24(c). These commodities may also be treated with irradiation in accordance with § 305.34, which sets out requirements for the use of irradiation as a treatment for fruits and vegetables moved interstate from Hawaii. Both the vapor heat treatment and the irradiation treatment are approved to neutralize the Mediterranean fruit fly (*Ceratitis capitata*), the Oriental fruit fly (*Bactrocera dorsalis*), and the melon fruit fly (*Bactrocera curcurbitae*). These fruit flies are present in Hawaii, and these four commodities can serve as hosts for them.

An additional species of fruit fly has been detected in Hawaii, the solanum fruit fly (*Bactrocera latifrons*).[1] Bell peppers, eggplant, Italian squash, and tomatoes can all serve as hosts for this fruit fly. Because limited research has been done regarding the effectiveness of the vapor heat treatment schedule described in § 305.24(c) at neutralizing solanum fruit fly, this treatment is not approved to treat for solanum fruit fly. Therefore, we are proposing to remove vapor heat treatment as an approved treatment for bell pepper, eggplant, tomato, and Italian squash. We would accomplish this by removing the respective vapor heat treatment numbers for these commodities from their entries in § 305.2(h)(2)(ii).

We have also determined that the four fruit flies named above—the Mediterranean fruit fly, the Oriental fruit fly, the melon fruit fly, and the solanum fruit fly—are the only pests for which treatment should be required for the interstate movement of all species of the genus *Capsicum* (peppers), not just the bell pepper, and all species of the genus *Curcurbita* (squash), not just the Italian squash. Like the Mediterranean

[1] See Liquido NJ, Harris EJ, and Dekker LA. ''Ecology of *Bactrocera latifrons* (Diptera: Tephritidae) Populations: Host Plants, Natural Enemies, Distribution, and Abundance,'' *Annals of the Entomological Society of America*, 87(1):71–85, 1994.

fruit fly, the Oriental fruit fly, and the melon fruit fly, the solanum fruit fly is a member of the family Tephritidae. We have previously determined that an irradiation dose of 150 gray is sufficient to neutralize all fruit flies of the family Tephritidae. (For more information on this determination, see the final rule published in the **Federal Register** on January 27, 2006 [Docket No. 03–077–2, 71 FR 4451–4464].)

Therefore, we are proposing to add irradiation as an approved treatment for *Capsicum* spp. and Curcurbita spp. moved interstate from Hawaii. To accomplish this change, we would make the following amendments in 7 CFR parts 305 and 318:

- In paragraph (b) of § 318.13–4b, we would add ''*Capsicum* spp. (peppers)'' and ''*Curcurbita* spp. (squash)'' to the list of commodities that are eligible for interstate movement from Hawaii if, prior to interstate movement, they are inspected for plant pests by an inspector and are then treated for plant pests under the supervision of an inspector in accordance with a treatment prescribed in 7 CFR part 305.
- In § 318.13–4f, which lists fruits and vegetables from Hawaii for which irradiation in accordance with § 305.34 is an approved treatment, we would add ''*Capsicum* spp. (peppers)'' and ''*Curcurbita* spp. (squash)'' to that list.
- In § 305.34(a)(1), in the table that lists fruits and vegetables from Hawaii for which irradiation is an approved treatment and the irradiation dose that is approved for each commodity, we would add entries for ''*Capsicum* spp. (peppers)'' and ''*Curcurbita* spp. (squash)'' and indicate that a dose of 150 gray is approved for their treatment.
- In § 305.2(h)(2)(ii), we would add entries in the table for ''*Capsicum* spp. (peppers)'' and ''*Curcurbita* spp. (squash).'' These entries would list irradiation as an approved treatment for commodities of these genera. They would also indicate that irradiation would be approved to treat all fruit flies of the family Tephritidae that are associated with these commodities. Indicating that the treatment is approved for all fruit flies of the family Tephritidae would mean that we would not have to update the regulations in the event that we discover that another fruit fly of that family is associated with one of these genera.

In each of these locations, we would remove the separate entries for ''bell pepper'' and ''Italian squash.''

Irradiation is already an approved treatment for eggplant and tomato in § 305.2(h)(2)(ii). We would update the entries for these commodities in § 305.2(h)(2)(ii) by indicating that irradiation would be approved to treat all fruit flies of the family Tephritidae associated with these commodities.

**Executive Order 12866 and Regulatory Flexibility Act**

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This proposed rule is in response to a species of fruit fly that has been detected in Hawaii, the solanum fruit fly (*Bactrocera latifrons*). Bell peppers, eggplant, Italian squash, and tomatoes are the four commodities for which vapor heat treatment is an approved treatment that are affected by the solanum fruit fly. Because limited research has been done regarding the effectiveness of vapor heat treatment at neutralizing solanum fruit fly, APHIS is proposing to remove vapor heat treatment from the list of approved treatments for bell peppers, eggplant, Italian squash, and tomatoes moved interstate from Hawaii.

While vapor heat treatment would no longer be an approved treatment, irradiation is an approved treatment for the interstate movement of bell peppers and Italian squash from Hawaii. We are proposing to amend the regulations to approve irradiation as a treatment for all species of the genus *Capsicum* (peppers), not just bell peppers, and all species of the genus *Curcurbita* (squash), not just the Italian squash. APHIS has previously determined that an irradiation dose of 150 gray is sufficient to neutralize all fruit flies that affect *Capsicum* spp. and *Curcurbita* spp. in Hawaii, including the solanum fruit fly.

Approximately $15.4 million worth of eggplant, green peppers, Italian squash, Oriental squash, and tomatoes were produced in the State of Hawaii in 2004, amounting to 52 million pounds (table 1). However, none of the eggplant, green peppers, Italian squash, or tomatoes produced in Hawaii in 2004 was moved interstate to the U.S. mainland. According to the Hawaii Department of Agriculture, none of these commodities has been moved interstate from Hawaii to the U.S. mainland within the last 2 years.

TABLE 1.—PRODUCTION AND VALUE OF HAWAIIAN EGGPLANT, PEPPERS, SQUASH, AND TOMATOES, 2004

| Commodity | Quantity (lb) | Value |
|---|---|---|
| Eggplant | 1,050,000 | $809,000 |
| Peppers (Green) | 3,200,000 | 2,208,000 |
| Squash (Italian, Oriental) | 2,350,000 | 1,263,000 |
| Tomatoes | 16,800,000 | 11,088,000 |
| Total | 52,200,000 | 15,368,000 |

Source: USDA, Hawaii Agricultural Statistics, 2006.

The proposed rule would continue to give Hawaiian entities the opportunity to move *Capsicum* spp. and *Curcurbita* spp. interstate. While vapor heat treatment would no longer be an approved treatment for bell peppers and Italian squash, irradiation would become an approved treatment for all *Capsicum* spp. and *Curcurbita* spp. Irradiation would continue to be an approved treatment for eggplant and tomatoes as well.

Accordingly, we do not expect that this rule would have a significant economic impact on a substantial number of small entities. This proposed rule is necessary to safeguard the U.S. mainland from the introduction of solanum fruit fly (*Bactrocera latifrons*). Because in recent years eggplant, peppers, squash, and tomatoes have not been moved interstate from Hawaii, the rule is not expected to have a significant impact on small or large entities.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

**Executive Order 12372**

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

**Executive Order 12988**

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

**Paperwork Reduction Act**

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

**Lists of Subjects**

*7 CFR Part 305*

Irradiation, Phytosanitary treatment, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements.

*7 CFR Part 318*

Cotton, Cottonseeds, Fruits, Guam, Hawaii, Plant diseases and pests, Puerto Rico, Quarantine, Transportation, Vegetables, Virgin Islands.

Accordingly, we propose to amend 7 CFR parts 305 and 318 to read as follows:

## PART 305—PHYTOSANITARY TREATMENTS

1. The authority citation for part 305 would continue to read as follows:

**Authority:** 7 U.S.C. 7701–7772 and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

2. In § 305.2, in the table in paragraph (h)(2)(ii), the entry for Hawaii would be amended as follows:

a. By removing the entries for ''Bell pepper'' and ''Squash, Italian''.

b. By adding, in alphabetical order, entries for ''*Capsicum* spp. (peppers)'' and ''*Curcurbita* spp. (squash)'' to read as set forth below.

c. By revising the entries for ''Eggplant'' and ''Tomato'' to read as set forth below.

**§ 305.2 Approved treatments.**

* * * * *

(h) * * *

(2) * * *

(ii) * * *

| Location | Commodity | Pest | Treatment schedule |
|---|---|---|---|
| * | * | * | * |
| Hawaii. | | | |
| * | * | * | * |
| | *Capsicum* spp. (peppers) | Fruit flies of the family Tephritidae | IR. |
| * | * | * | * |
| | *Curcurbita* spp. (squash) | Fruit flies of the family Tephritidae | IR. |
| * | * | * | * |
| | Eggplant | Fruit flies of the family Tephritidae | IR. |
| * | * | * | * |
| | Tomato | Fruit flies of the family Tephritidae | IR. |
| | | *Ceratitis capitata* | MB T101–c–3. |
| * | * | * | * |

* * * * *

3. In § 305.34, in paragraph (a)(1), the table would be amended as follows:

a. By removing the entries for ''Bell pepper'' and ''Italian squash''.

b. By adding, in alphabetical order, entries for ''*Capsicum* spp. (peppers)'' and ''*Curcurbita* spp. (squash)'' to read as set forth below.

**§ 305.34 Irradiation treatment of certain fruits and vegetables from Hawaii, Puerto Rico, and the U.S. Virgin Islands.**

(a) * * *

(1) * * *

IRRADIATION FOR PLANT PESTS IN HAWAIIAN FRUITS AND VEGETABLES

| Commodity | Dose (gray) |
|---|---|
| * * * * * | |
| *Capsicum* spp. (peppers) | 150 |
| * * * * * | |
| *Curcurbita* spp. (squash) | 50 |
| * * * * * | |

* * * * *

## PART 318—HAWAIIAN AND TERRITORIAL QUARANTINE NOTICES

4. The authority citation for part 318 would continue to read as follows:

**Authority:** 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

**§ 318.13–4b [Amended]**

5. In § 318.13–4b, paragraph (b) would be amended as follows:

a. By removing the words ''bell peppers'' and adding the words ''*Capsicum* spp. (peppers)'' in their place.

b. By adding the words ''*Curcurbita* spp. (squash),'' after the word ''carambolas,''.

c. By removing the words ''Italian squash,''.

**§ 318.13–4f [Amended]**

6. Section 318.13–4f would be amended as follows:

a. By removing the words ''bell pepper'' and adding the words ''*Capsicum* spp. (peppers)'' in their place.

b. By adding the words ''*Curcurbita* spp. (squash),'' after the word ''carambola,''.

c. By removing the words ''Italian squash,''.

Done in Washington, DC, this 4th day of October 2006.

**Kevin Shea,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. E6–16754 Filed 10–10–06; 8:45 am]

**BILLING CODE 3410–34–P**

## DEPARTMENT OF THE TREASURY

## Internal Revenue Service

## 26 CFR Part 300

**[REG–148576–05]**

**RIN 1545–BF69**

## User Fees for Processing Installment Agreements; Hearing Cancellation

**AGENCY:** Internal Revenue Service, Treasury.

**ACTION:** Cancellation of notice of public hearing on proposed rulemaking.

**SUMMARY:** This document cancels a public hearing on proposed regulations under section 300 of the Internal

Revenue Code relating to user fees for installment agreements.

**DATES:** The public hearing, originally scheduled for October 17, 2006, at 10 a.m. is cancelled.

**FOR FURTHER INFORMATION CONTACT:** Kelly Banks of the Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration), at (202) 622–0392 (not a toll-free number).

**SUPPLEMENTARY INFORMATION:** A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on Wednesday, August 30, 2006 (71 FR 51538), announced that a public hearing was scheduled for October 17, 2006, at 10 a.m. in the Auditorium, Internal Revenue Service, New Carrollton Building, 5000 Ellin Road, Lanham, MD 20706. The subject of the public hearing is under section 300 of the Internal Revenue Code.

The public comment period for these regulations expired on September 29, 2006. The notice of proposed rulemaking and notice of public hearing instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of Monday, October 2, 2006, no one has requested to speak. Therefore, the public hearing scheduled for October 17, 2006, is cancelled.

**Guy R. Traynor,**

*Chief, Publications and Regulations Branch, Legal Processing Division, Associate Chief Counsel (Procedure and Administration).*

[FR Doc. E6–16718 Filed 10–10–06; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF THE INTERIOR

## National Park Service

## 36 CFR Chapter I

## Negotiated Rulemaking Advisory Committee for Dog Management at Golden Gate National Recreation Area

**ACTION:** Notice of meeting.

**SUMMARY:** Notice is hereby given, in accordance with the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770, 5 U.S.C. App 1, section 10), of the sixth meeting of the Negotiated Rulemaking Advisory Committee for Dog Management at Golden Gate National Recreation Area (GGNRA).

**DATES:** The Committee will meet on Wednesday, November 8, 2006 in the Conference Center at Fort Mason Center in San Francisco. The meeting will begin at 3 p.m., and is open to the public.

Although the Committee may modify its agenda during the course of its work, the proposed agenda for this meeting is as follows: Agenda review, review and adopt September 21, 2006 meeting summary, update on activities since last meeting, NEPA update, report on and discussion of technical subcommittee meeting #3, next steps, public comment.

The Committee provides for a public comment period during the meeting; written comments may also be sent to: Superintendent, GGNRA, Ft. Mason, Bldg. 201, San Francisco, CA 94123, Attn: Negotiated Rulemaking.

To request a sign language interpreter, please call the Park TDD line (415) 556–2766, at least a week in advance of the meeting. Please note that Federal regulations prohibit pets in public buildings, with the exception of service animals.

**FOR FURTHER INFORMATION CONTACT:** Go to the *http://www.parkplanning.nps.gov/goga* and select *Negotiated Rulemaking for Dog Management at GGNRA* or call the project information line at 415–561–4728.

**SUPPLEMENTARY INFORMATION:** The Committee was established pursuant to the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561–570) to consider developing a special regulation for dogwalking at GGNRA.

Dated: October 3, 2006.

**Bernard C. Fagan,**

*Acting Chief, Office of Policy.*

[FR Doc. E6–16745 Filed 10–10–06; 8:45 am]

**BILLING CODE 4312–FN–P**

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 52

**[EPA–R04–OAR–2005–AL–0004–200619b; FRL–8229–7]**

## Approval and Promulgation of Implementation Plans; Alabama: Volatile Organic Compounds

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing approval of revisions to the Alabama State Implementation Plan (SIP), submitted by the Alabama Department of Environmental Management (ADEM) on November 18, 2005. The revisions include modifications to Alabama's Volatile Organic Compounds (VOCs) rules found at Alabama Administrative Code (AAC) Chapter 335–3–1. ADEM is taking an action that was similarly approved by EPA on November 29, 2004 (69 FR 69298). The revision adds several compounds to the list of compounds excluded from the definition of VOC on the basis that they make a negligible contribution to ozone formation. This proposed action is being taken pursuant to section 110 of the Clean Air Act (CAA).

**DATES:** Written comments must be received on or before November 13, 2006.

**ADDRESSES:** Comments may be submitted by mail to: Stacy DiFrank, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, GA 30303–8960. Comments may also be submitted electronically, or through hand delivery/courier. Please follow the detailed instructions described in the direct final rule, **ADDRESSES** section which is published in the Rules Section of this **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Stacy DiFrank, Regulatory Development Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, GA 30303–8960. The telephone number is (404) 562–9042. Ms. DiFrank can also be reached via electronic mail at *difrank.stacy@epa.gov.*

**SUPPLEMENTARY INFORMATION:** For additional information, see the direct final rule which is published in the Rules Section of this **Federal Register**.

Dated: September 18, 2006.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

[FR Doc. E6–16810 Filed 10–10–06; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

## 40 CFR Part 174

**[EPA–HQ–OPP–2006–0642; FRL–8095–2]**

## Plant-Incorporated Protectants Derived from a Plant Viral Coat Protein Gene (PVCP-PIPs); Notification to the Secretary of Agriculture

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notification to the Secretary of Agriculture.

**SUMMARY:** This document notifies the public that the Administrator of EPA

has forwarded to the Secretary of Agriculture a draft proposed rule as required by section 25(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). As described in the Agency's semi-annual Regulatory Agenda, the draft proposed rule would add certain plant-incorporated protectants based on viral coat protein genes (PVCP-PIPs) to its plant-incorporated protectants exemptions at 40 CFR part 174. Substances that plants produce for protection against pests and the genetic material necessary to produce them are pesticides under FIFRA if humans intend these substances to ''prevent, repel or mitigate any pest.''

**ADDRESSES:** EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2006–0642. All documents in the docket are listed on the regulations.gov web site. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305-5805.

**FOR FURTHER INFORMATION CONTACT:** Tom McClintock, Hazard Assessment Coordination and Policy Division (7202M), Office of Science Coordination and Policy, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington DC 20460-0001; telephone number: 202-564-8488; e-mail address: *mcclintock.tom@epa.gov*.

**SUPPLEMENTARY INFORMATION:**

## I. General Information

### *A. Does this Action Apply to Me?*

This action is directed to the public in general. It simply announces the submission of a draft proposed rule to the U.S. Department of Agriculture (USDA) and does not otherwise affect any specific entities. This action may, however, be of particular interest to people or companies involved with agricultural biotechnology that may develop and market plant-incorporated protectants. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be interested in this action. If you have any questions regarding this action, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

### *B. How Can I Access Electronic Copies of this Document and Other Related Information?*

In addition to using regulations.gov, you may access this **Federal Register** document electronically through the EPA Internet under the ''**Federal Register**'' listings at *http://www.epa.gov/fedrgstr*.

## II. What Action is EPA Taking?

Section 25(a)(2) of FIFRA requires the Administrator to provide the Secretary of Agriculture with a copy of any proposed regulation at least 60 days before signing it for publication in the **Federal Register**. The draft proposed rule is not available to the public until after it has been signed by EPA. If the Secretary comments in writing regarding the draft proposed rule within 30 days after receiving it, the Administrator shall include the comments of the Secretary and the Administrator's response to those comments in the proposed rule when published in the **Federal Register**. If the Secretary does not comment in writing within 30 days after receiving the draft proposed rule, the Administrator may sign the proposed regulation for publication in the **Federal Register** anytime after the 30–day period not withstanding the foregoing 60–day time requirement.

## III. Do Any Statutory and Executive Order Reviews Apply to this Notification?

No. This document is not a proposed rule, it is merely a notification of submission to the Secretary of Agriculture. As such, none of the regulatory assessment requirements apply to this document.

## List of Subjects in Part 174

Environmental protection, Administrative practice and procedures, Pesticides and pests.

Dated: October 2, 2006.

**Clifford J. Gabriel**

*Director, Office of Science Coordination and Policy.*

[FR Doc. E6–16751 Filed 10–10–06; 8:45 am]

BILLING CODE 6560–50–S

## DEPARTMENT OF TRANSPORTATION

## Federal Railroad Administration

## 49 CFR Part 211

**[Docket No. 2006–24141, Notice No. 1]**

**RIN 2130–AB77**

## Rules of Practice: Proposed Direct Final Rulemaking Procedures

**AGENCY:** Federal Railroad Administration (FRA), DOT.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** FRA is proposing direct final rulemaking procedures to expedite the processing of noncontroversial regulatory changes to which no adverse comment is anticipated. Under the proposed procedures, FRA could choose to make routine or otherwise noncontroversial changes in a direct final rule which would become effective a specified number of days after its publication in the **Federal Register**, provided that no written adverse comment, or no request for a public hearing, was received before the rule's scheduled effective date. FRA would not use direct final rulemaking for complex or controversial matters.

**DATES:** Written comments must be received by December 11, 2006. Comments received after that date will be considered to the extent possible without incurring additional expense or delay.

FRA anticipates being able to resolve this rulemaking without a public, oral hearing. However, if FRA receives a specific request for a public, oral hearing prior to November 13, 2006, one will be scheduled and FRA will publish a supplemental notice in the **Federal Register** to inform interested parties of the date, time, and location of any such hearing.

**ADDRESSES:** *Comments:* Comments related to Docket No. 2006–24141, may be submitted 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:* 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 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. Please see the Privacy Act heading in the ''**SUPPLEMENTARY INFORMATION**'' section of this document for Privacy Act information related to any submitted comments or materials.

*Docket:* For access to the docket to read background documents or comments received, go to *http://dms.dot.gov* at any time or to 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:** Patricia V. Sun, Trial Attorney, Mail Stop 10, Federal Railroad Administration, 1120 Vermont Avenue, NW., Washington, DC 20005 [telephone: (202) 493–6038].

**SUPPLEMENTARY INFORMATION:**

## Background

On January 30, 2004, the Office of the Secretary of Transportation (OST) published a final rule adopting direct final rulemaking procedures intended to expedite the rulemaking process for noncontroversial rules. The rule published by OST applies only to regulations issued by the Office of the Secretary of Transportation and does not apply to the various operating administrations within DOT. By using direct final rulemaking, OST can reduce the time necessary to develop, review, clear and publish a rule to which no adverse public comment is anticipated by eliminating the need to publish separate proposed and final rules (69 FR 4455). In this notice, FRA proposes to amend its Rules of Practice (49 CFR Part 211) to adopt similar direct final rulemaking procedures to promulgate specified categories of rules it does not expect to be controversial and that are unlikely to result in adverse comments.

Many agencies have adopted direct final rulemaking procedures, including the Nuclear Regulatory Commission, the Food and Drug Administration, the Environmental Protection Agency, and the Department of Agriculture. For example, in 2003, the Department of Energy issued a direct final rule amending its test procedures for measuring the energy consumption of clothes washers (October 31, 2003, 68 FR 62197), and last year, the Occupational Safety and Health Administration issued a direct final rule to reinstate its original roll-over protective structures standards for the construction and agriculture industries (December 29, 2005, 70 FR 76795).

## The Direct Final Rulemaking Process

As stated above, the use of direct final rulemaking would allow FRA to eliminate an unnecessary second round of internal review and clearance, as well as public review, for noncontroversial proposed rules. FRA would employ the direct final rulemaking process for a particular rule if, for example, similar rules had been previously proposed and published without receiving adverse comment. FRA believes that direct final rulemaking would be appropriate for noncontroversial rules, including such rules that:

(1) Affect internal procedures of the Federal Railroad Administration, such as filing requirements and rules governing inspection and copying of documents,

(2) are nonsubstantive clarifications or corrections to existing rules;

(3) update existing forms; and

(4) make minor changes in the substantive rules regarding statistics and reporting requirements, such as a lessening of the reporting frequency (for example, from monthly to quarterly) or elimination of a type of data that no longer needs to be collected by FRA.

After determining that a rule would be appropriate for direct final rulemaking, FRA would publish the rule in the final rule section of the **Federal Register**. In each direct final rule document, the ''action'' would be captioned ''direct final rule'' and would include language in the summary and preamble informing interested parties of their right to comment and their right to request an oral hearing, if such opportunity is required. The direct final rule notice would advise the public that FRA anticipates no adverse comment to the rule and that the rule would become effective a specified number of days after the date of publication unless FRA received written adverse comment or a request for an oral hearing (if such opportunity is required by statute) within the specified comment period. An ''adverse'' comment would be one that is critical of the rule, one that suggests that the rule should not be adopted, or one that suggests that a change should be made in the rule. FRA would not consider a comment submitted in support of the rule, or a request for clarification of the rule, to be adverse.

FRA would provide sufficient comment time to allow interested parties to determine whether they wish or need to submit adverse comments, and would answer any requests for clarification while the comment period was running. If FRA received no written adverse comment or request for oral hearing within the comment period, FRA would publish another notice in the **Federal Register** indicating that no adverse comment had been received and confirming that the rule would become effective on the specified date.

If, however, FRA received the timely submission of an adverse comment or notice of intent to submit adverse comment, FRA would stop the direct final rulemaking process and withdraw the direct final rule by publishing a notice in the final rule section of the **Federal Register**. If FRA decided that the rulemaking remained necessary, FRA would recommence the rulemaking under its standard rulemaking procedures by publishing a notice proposing the rule in the proposed rules section of the **Federal Register**. The proposed rule would provide for a new public comment period.

FRA believes that the additional time and effort required to withdraw the direct final rule and issue a Notice of Proposed Rulemaking would be an incentive for FRA to act conservatively in evaluating whether to use the direct final rulemaking process for a particular rule. As stated above, FRA would not use direct final rulemaking for complex or potentially controversial matters.

## Regulatory Analyses and Notices

FRA has determined that this action is not a significant regulatory action under Executive Order 12866 or under the Department's Regulatory Policies and Procedures. There are no costs associated with the proposed rule. There would be some cost savings in **Federal Register** publication costs and efficiencies for the public and FRA personnel in eliminating duplicative reviews. FRA certifies that this rule, if adopted, would not have a significant impact on a substantial number of small entities. FRA does not believe that there would be sufficient federalism implications to warrant the preparation of a federalism assessment.

## Paperwork Reduction Act

The proposed rule contains no information collection requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

## Unfunded Mandates Reform Act of 1995

FRA has determined that the requirements of Title II of the Unfunded

Mandates Reform Act of 1995 do not apply to this rulemaking.

**List of Subjects in 49 CFR Part 211**

Administrative practice and procedure, Rules of practice.

In consideration of the foregoing, FRA proposes to amend 49 CFR part 211 as follows:

## PART 211—[AMENDED]

1. The authority citation for part 211 would continue to read as follows:

**Authority:** 49 U.S.C. 20103, 20107, 20114, 20306, 20502–20504, and 49 CFR 1.49.

2. In part 211, Subpart B—Rulemaking Procedures, would be amended by adding a new § 211.33, Procedures for direct final rulemaking, as follows:

**§ 211.33 Procedures for direct final rulemaking.**

(a) Rules that the Administrator judges to be noncontroversial and unlikely to result in adverse public comment may be published in the final rule section of the **Federal Register** as direct final rules. These include noncontroversial rules that:

(1) Affect internal procedures of the Federal Railroad Administration, such as filing requirements and rules governing inspection and copying of documents,

(2) Are nonsubstantive clarifications or corrections to existing rules,

(3) Update existing forms, and

(4) Make minor changes in the substantive rules regarding statistics and reporting requirements.

(b) The **Federal Register** document will state that any adverse comment or notice of intent to submit adverse comment must be received in writing by the Federal Railroad Administration within the specified time after the date of publication and that, if no written adverse comment or request for oral hearing (if such opportunity is required by statute) is received, the rule will become effective a specified number of days after the date of publication.

(c) If no adverse comment or request for oral hearing is received by the Federal Railroad Administration within the specified time of publication in the **Federal Register**, the Federal Railroad Administration will publish a notice in the **Federal Register** indicating that no adverse comment was received and confirming that the rule will become effective on the date that was indicated in the direct final rule.

(d) If the Federal Railroad Administration receives any written adverse comment or request for oral hearing within the specified time of publication in the **Federal Register**, a notice withdrawing the direct final rule will be published in the final rule section of the **Federal Register** and, if the Federal Railroad Administration decides a rulemaking is warranted, a notice of proposed rulemaking will be published in the proposed rule section of the **Federal Register**.

(e) An ''adverse'' comment for the purpose of this subpart means any comment that the Federal Railroad Administration determines is critical of the rule, suggests that the rule should not be adopted, or suggests a change that should be made in the rule.

Issued in Washington, DC, on September 29, 2006.

**Joseph H. Boardman,**

*Administrator.*

[FR Doc. E6–16825 Filed 10–10–06; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 17

**RIN 1018–AV01**

## Endangered and Threatened Wildlife and Plants; Withdrawal of the Proposed Rule To List the Cow Head Tui Chub (*Gila bicolor vaccaceps*) as Endangered

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; withdrawal.

**SUMMARY:** We, the Fish and Wildlife Service (Service), have determined that the proposed listing of the Cow Head tui chub (*Gila bicolor vaccaceps*) as an endangered species under the Endangered Species Act of 1973, as amended (Act), is not warranted, and we therefore withdraw our March 30, 1998, proposed rule (63 FR 15152–15158). We have made this determination because the threats to the species identified in the March 30, 1998, proposed rule are not significant, and currently available data do not indicate that the threats to the species, as analyzed under the five listing factors described in section 4(a)(1) of the Act, are likely to endanger the species in the foreseeable future throughout all or a significant portion of its range.

**ADDRESSES:** Supporting documentation for this action is available for public inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, Klamath Falls Fish and Wildlife Office, 6610 Washburn Way, Klamath Falls, OR 97603.

**FOR FURTHER INFORMATION CONTACT:** Curt Mullis, Field Supervisor, at the above address (telephone, 541–885–8481, or facsimile, 541–885–7837).

**SUPPLEMENTARY INFORMATION:**

### Background

The Cow Head tui chub, *Gila* (*Siphateles*) *bicolor vaccaceps*, is a small fish in the minnow family Cyprinidae. It was first recognized as a distinct subspecies in 1939, and was later named and formally described in 1980 (Bills and Bond 1980, pp. 320–322). Although it was referred to as the Cowhead Lake tui chub in the March 30, 1998, proposed listing (63 FR 15152), we now conform to the accepted geographical spelling of Cow Head as two words and use the shorter name, Cow Head tui chub, for reasons discussed in Reid (2006b, pp. 1–6). It is distinguished from other tui chubs primarily by the number and form of its gill rakers (bony projections in the gills), as well as other characteristics, such as fin and scale counts, and the shape of its fins and head (Bills and Bond 1980, pp. 320–322). Like other tui chubs, its coloration is generally silver, except for a dark lateral stripe and dark speckles scattered on the cheek, operculum (area behind the eye), and lower body.

The known range of the Cow Head tui chub is limited to the Cow Head Basin in extreme northeastern California and northwestern Nevada (Reid 2006a, pp. 15–19). The Cow Head Basin is relatively small (10,400 hectares (ha); 25,700 acres) and drains north into the Warner Basin of Oregon through Cow Head Slough. Historically, the basin contained a shallow, marshy lake when sufficient water was available. Cow Head Lake was altered in the 1930s, following the extended drought of the 1920–30s, to allow drainage of the lake in the spring and to facilitate agricultural uses of the lakebed.

Populations of Cow Head tui chub occupy all principal low gradient streams in the basin (Cow Head Slough and Barrel, West Barrel and Keno creeks) and a relatively large population still exists on the lakebed, where it is restricted to permanent water in drainage channels when the lake is dry (Scoppettone and Rissler 2006, pp. 108–109). Stream populations of Cow Head tui chub annually expand throughout most of the low gradient stream habitat in the basin during wet periods and contract as the summer progresses and streams dry up. Connectivity between stream populations of Cow Head tui chub is generally unobstructed during springtime flows, but during summer and fall, all populations are restricted to

isolated perennial pools (Reid 2006a, p.19).

Landownership in the Cow Head Basin is both private and Federal (U.S. Bureau of Land Management (BLM)). However, most perennial habitat of the chub is on private land (Reid 2006a, p. 10–11).

Cow Head tui chubs generally occupy pool areas in streams and open water channels having dense aquatic vegetation (Homuth 2000, p. 6; Moyle 2002, p. 124; Reid 2006a, p. 20). They grow about 50 millimeters (mm) (2 inches (in)) fork length (tip of nose to the fork in tail) during the first year and reach an average of 100 mm (4 in) at about 5 years of age, with larger individuals uncommon (Scoppettone and Rissler 2003, p. 5; Scoppettone and Rissler 2006, p. 110). The maximum recorded size for Cow Head tui chubs is 235 mm (9 in) (Scoppettone and Rissler 2006, p. 111).

Although there is no specific information on the reproductive behavior of the Cow Head tui chub, spawning by most tui chubs usually takes place from late April to late June, beginning in their second to fourth year (Moyle 2002, pp. 124–125). Fecundity is relatively high, and a female of 100 mm (4 in) produces about 4,000 eggs over a series of spawning events. Tui chubs typically spawn in groups, with several males attending each female. Eggs adhere to plants, or the bottom, and hatch in about 3–6 days (Moyle 2002, pp. 124–125).

Tui chubs in general evolved in the arid Great Basin where water bodies experience wide fluctuations in water conditions, and therefore they are highly tolerant of high alkalinity, high turbidity, and high temperatures (Moyle 2002, pp. 124–125). They also appear to tolerate relatively low levels of dissolved oxygen (Castleberry and Cech 1986, pp. 149–150; Moyle 2002, p. 124). While there have been no long-term diurnal studies of water quality in the Cow Head Basin, short-term surveys and measurements associated with distributional surveys in Cow Head streams and channels indicate that most water quality parameters are generally well within the documented tolerances of tui chubs, with the exception of localized low dissolved oxygen conditions near the bottom of desiccating pools and canals (Richey 1999, pp. 20–25; Homuth 2000, p. 6; Scoppettone and Rissler 2003, p. 6). There are no records of large fish die-offs caused by water quality in permanent pools or canals associated with the Basin, again indicating that water quality parameters are well within limits tolerated by tui chubs. Fish trapped in seasonal pools die as the season progresses and the pools dry up (Homuth 2000, p. 8), but this is not due to water quality.

**Previous Federal Actions**

On December 30, 1982, the Service published a revised notice of review for vertebrate wildlife in the **Federal Register** (47 FR 58454) designating the Cow Head tui chub as a category 2 candidate. At that time, the Service defined category 2 candidates as taxa for which information in the Service's possession indicated that a proposed listing rule was possibly appropriate, but for which sufficient data on biological vulnerability and threats were not available to support a proposed rule (45 FR 82481, December 15, 1980). The Service reclassified the Cow Head tui chub as a category 1 candidate in the November 21, 1991, notice of review (56 FR 58804). Category 1 candidate species were defined as ''taxa for which the Service presently has sufficient information on hand to support the biological appropriateness of their being listed as endangered or threatened'' (45 FR 82480, December 15, 1980). In the Candidate Notice of Review published on February 28, 1996 (61 FR 7595), the Service announced a revised list of candidate plant and animal taxa based on a single category for candidates that closely matched the previous definition of category 1 candidates. Specifically, the 1996 notice adopted a single category of candidates, defined as: ''those species for which the Service has on file sufficient information on biological vulnerability and threat(s) to support issuance of a proposed rule to list but issuance of the proposed rule is precluded'' (61 FR 7597). As a former category 1 candidate taxon, the Cow Head tui chub was included as a candidate in the February 28, 1996 (61 FR 7596), and September 19, 1997 (62 FR 49398), notices of review.

On March 30, 1998, the Service published in the **Federal Register** a proposed rule to list the Cow Head tui chub as endangered (63 FR 15152). The Cow Head tui chub was proposed for listing based primarily on concerns about the apparent present and threatened destruction, modification, and curtailment of its habitat and range (particularly as related to dewatering of Cow Head Lake and livestock grazing), as well as other natural or manmade factors affecting its continued existence (particularly the introduction of pesticides into the drainage as a result of pest control activity, and vulnerability to random naturally occurring events that can pose risks associated to small, restricted populations) (63 FR 15152–15155). The proposed rule also stated that introduction of nonnative fish, game fish, or other nonnative tui chubs could harm the Cow Head Lake tui chub through increased competition, predation, and hybridization (63 FR 15154). The proposed rule had a 60-day public comment period, until May 29, 1998. On June 17, 1998, we reopened the comment period for an additional 65 days at the request of private citizens and organizations (63 FR 33033). The second comment period closed on August 3, 1998. On February 2, 2000, we opened a third comment period at the request of signatories of the conservation agreement (described below), to allow the Service to consider conservation measures in the conservation agreement; this comment period closed on February 16, 2000 (65 FR 4940).

**Conservation Agreement**

On October 22, 1999, stakeholders signed a conservation agreement (CA), including a conservation strategy, with the stated purpose of ensuring the long-term survival of the Cow Head tui chub (Service 1999, p. 2). Signatories included private landowners of Cow Head Lake, Cow Head Slough, and the California reach of Barrel Creek (four owners, all CA signatories); principal permittees on BLM lands within the drainage; California and Modoc County Cattlemen's Associations; the California Farm Bureau Federation; the BLM (Surprise Field Office); and California Department of Fish and Game (CDFG). The two owners on West Barrel Creek and the single owner for perennial reaches of Barrel and Keno creeks (Nevada) were not original signatories to the CA, as chub populations in those areas were unknown at the time; however, these landowners have been supportive by providing access to meet the goals and objectives of the conservation strategy.

The stated purpose of the conservation strategy is to identify specific procedures and strategies required for the long-term survival of the Cow Head tui chub. The strategy has two main objectives: Phase one—develop baseline data; and Phase two—use the baseline data to determine the most feasible conservation actions to implement the goals of the conservation strategy. Phase one included studies intended to increase our understanding of the species and its habitat. Most of the proposed actions in Phase one have been addressed or are part of ongoing projects.

Phase two builds upon the information developed in Phase one, or

by any future studies, to adaptively implement conservation and management actions to meet the goals of the conservation strategy. The general goals of actions implemented in Phase two (and their completion status) are: (1) To establish, or confirm the current existence of, additional populations (completed); (2) to create more stable habitat for those populations (in progress); (3) to provide greater assurance of stability for the Cow Head tui chub population upstream of the pump in the lakebed channels (ongoing); (4) to create, to the extent feasible, additional stable habitat in the area of historic Cow Head Lake upstream of the pump (under review); and (5) to monitor, as appropriate, the status of Cow Head tui chub populations and effectiveness of conservation actions (ongoing).

By signing the October 22, 1999, CA, the Service and other stakeholders in the Cow Head Lake watershed committed to actions and goals intended to ensure the long-term survival of the Cow Head tui chub by balancing current practices in the watershed with the long-term needs of the subspecies. As previously stated, we opened a third comment period on the proposed rule on February 2, 2000, by request of signatories to the CA, so that the Service could also consider the conservation measures of the CA when making a final determination (65 FR 4940). The third comment period closed on February 16, 2000.

**Summary of Public Comments**

During the comment period for the March 30, 1998, proposed rule, we received 13 responses from local government, local organizations, and private individuals. Of those responses, none provided new information pertinent to the proposed listing. Six responses expressed views against the listing, one implied general support of the listing, and six were requests for a 60-day extension. There were no requests for a public hearing.

On June 17, 1998, the Service reopened the comment period on the proposed rule in response to requests from private organizations and private citizens (63 FR 33033). During the second comment period, only one comment letter was received. It provided additional information on historical conditions, past and current management, and trends in riparian conditions. The commenter did not state a position relative to the appropriateness of the proposed listing.

On February 2, 2000, we reopened the comment period on the proposed rule to allow consideration of the conservation agreement signed on October 22, 1999, and to solicit additional information on the biology, distribution, and status of the Cow Head tui chub (65 FR 4940). The reopening of comment period was in response to requests from signatories of the conservation agreement. During the third comment period, the Service received five responses from State and local governments and private individuals. Four responses were against the proposed listing, and one was in support. No new information pertinent to the proposed listing was obtained.

(1) *Comment:* One commenter felt that the Service could not demonstrate that this action has the purpose of interstate commerce, and thus the Service did not have the authority to apply the protection of the Act.

*Our Response:* We disagree with this comment. The Service has the authority to protect all endangered species, including intrastate species or those with no direct commercial value in interstate commerce.

(2) *Comment:* One commenter stated that there is a deficiency in the data, asserting the Service lacks information about the historical range of the fish and evidence of endangerment across the species range, and thus cannot move forward with listing the species under the Act.

*Our Response:* In the March 30, 1998, proposed rule (63 FR 15152), the present or threatened destruction, modification, or curtailment of its habitat and range was a factor considered to threaten the Cow Head tui chub. At that time, we stated that the diversion of water from Cow Head Lake had eliminated approximately 98 percent of the chub's historical range and that the dewatering was a threat to the species. Based on the information available, the chub was thought to be restricted to a very small portion of its historic range, occurring only in various pools along the southern portion of Cow Head Slough, and in the drainage channels on the bed of Cow Head Lake, for a total range of approximately 5.4 km (3.4 mi), with no additional populations known (for additional information see Factor A below). Since the proposed rule was published, the Service has gathered much more information about the species' range and habitat conditions (including information from Reid 2006a, 2006b). Current information, based on more complete basin-wide surveys, demonstrates that the Cow Head tui chub is more widely distributed than previously thought and maintains populations throughout all of its historical range, including in all streams and lakebed channels that would have offered suitable habitat in the past. We therefore recognize that the perceived reduction of historical range, and the related concern of dewatering that was believed to be the cause of the reduction in the range, was a function of incomplete information and that current information demonstrates that reduction of the historical range has not occurred and is not a threat to the Cow Head tui chub. Recognizing that this and other threats we identified in the March 30, 1998, proposed rule (63 FR 15152) either (1) do not exist or (2) have been eliminated or otherwise ameliorated, we have determined that the Cow Head tui chub does not meet the Act's definition of either a threatened or an endangered species. Consequently, we are withdrawing the proposal to list the species. For further information, please see the Summary of Factors Affecting the Species section below.

(3) *Comment:* One commenter stated that Cow Head tui chub could live in highly eutrophic water and that this was not a threat as the Service had indicated in the March 30, 1998, proposed rule.

*Our Response:* Eutrophic water conditions were not one of the substantial threats we identified in our proposed rule; however, we noted this condition as a subject of potential concern. As described in the background section of this notice, tui chubs in general evolved in the arid Great Basin and are highly tolerant of high alkalinity, high turbidity, and high temperatures (Moyle 2002, pp. 124–125). They also appear to tolerate relatively low dissolved oxygen levels in water (Castleberry and Cech 1986, pp. 149–150; Moyle 2002, p. 124). While there have been no long-term diurnal studies of water quality in the Cow Head Basin, short-term surveys and measurements associated with distributional surveys in the various Cow Head streams and channels indicate that most water quality parameters are generally well within the tolerances of tui chubs. Additionally, there are no records of large fish die-offs caused by water quality in the permanent pools or the canals associated with the Basin, again indicating that water quality parameters are well within limits tolerated by the chubs. Fish trapped in seasonal pools certainly die as the season progresses and the pools dry up (Homuth 2000, p. 8). We recognize that most water quality parameters collected within the range of the Cow Head tui chub since the 1998 proposed rule, with the exception of localized low dissolved oxygen conditions near the bottom of desiccating pools and canals, are

generally well within the tolerances of tui chubs (Richey 1999, pp. 20–25; Homuth 2000, p. 6; Scoppettone and Rissler 2003, p. 6), and poor water quality is not a threat to the Cow Head tui chub. Considering that this and the other threats we identified in the March 30, 1998, proposed rule do not exist, or have been eliminated or otherwise ameliorated, we are withdrawing the proposal to list the species. For further information, please see the Summary of Factors Affecting the Species section below.

(4) *Comment:* One commenter stated the Service had poorly articulated the threat from native wildlife, and the threat from future introductions of nonnative fish and disease was unlikely.

*Our Response:* In the March 30, 1998, proposed rule (63 FR 15152), the introductions of a catastrophic disease or nonnative predatory fish were both recognized as potentially harmful to Cow Head tui chub, particularly due to the small estimated population size and confined known range of the chub at that time. However, this factor was not considered a principal threat to the chub. Since 1998, the Service has gathered additional information about the extent of predation and the likelihood of nonnative introduction and disease (Reid 2006a, p. 28; also see Factor C discussion, below). The Service notes that no disease or predator currently threatens the Cow Head tui chub and that the introduction and establishment of a disease or nonnative fish predator into the Cow Head Basin is unlikely. Were introduction and establishment of a disease or nonnative fish predator into the Cow Head Basin to occur, is not likely to threaten the chub with extinction, as explained below in our discussion of Factor C. We recognize that the potential threats to the tui chub from disease and introductions of nonnative predatory fish are both unlikely and minor. Considering that these and other threats we identified in the March 30, 1998, proposed rule (63 FR 15152) either (1) do not exist or (2) have been eliminated or otherwise ameliorated, we are withdrawing the proposal to list the species. For further information, please see the Summary of Factors Affecting the Species section below.

(5) *Comment:* One commenter stated there were no current threats to the species; therefore the Service was incorrect in its determination that inadequacy of existing regulations to reduce risk was a threat to the species.

*Our Response:* In the March 30, 1998, proposed rule, the Service found that there were no existing regulations to deal with the threats to the species described in the proposed rule (63 FR 15152). Since 1998, information developed about potential threats leads the Service to conclude that there are currently no recognized threats to the continued existence of the Cow Head tui chub; therefore additional regulatory mechanisms are unnecessary. Also, we now know that the Cow Head tui chub maintains populations throughout all of its historical range, and this has occurred in the context of the existing regulatory mechanisms. Therefore, we recognize that inadequacy of existing regulatory mechanisms is not a threat to the Cow Head tui chub. Considering that this and other threats we identified in the March 30, 1998, proposed rule (63 FR 15152) either (1) do not exist or (2) have been eliminated or otherwise ameliorated, we are withdrawing the proposal to list the species. More information on the topic of adequacy of existing regulatory mechanisms can be found in Factor D discussion, below.

(6) *Comment:* One commenter stated that the Service offered no proof that pesticide programs were a threat to the species.

*Our Response:* The concern over impacts of pesticides was based on the assumption that nearby agricultural activities used pesticides and that the Cow Head tui chub population had been reduced to a single, small population, with an extremely restricted range and no additional populations available for recolonization in the event of a localized extinction (63 FR 15152). Using new information gathered since 1998, the Service has found that the population is not as small as previously thought. (See Factor D discussion below.) Agricultural activities and land management in the Cow Head Basin are limited to hay production and grazing (Reid 2006a, p. 10). The only substantial use of pesticides is in the U.S. Department of Agriculture's grasshopper control program, which occurs only during occasional years when grasshopper outbreaks occur, and then it focuses on localized upland areas surrounding the lakebed that are used by grasshoppers for egg laying. Pesticides are not applied to aquatic habitat, and in the event of an accidental spill or application, the adverse effect would be localized, particularly because application typically occurs in late summer when flow is low and pool habitats are not connected (Reid 2006a p. 19; see also Factor E discussion below). We recognize that pesticide use is not a significant threat to the Cow Head tui chub. Considering that this and other threats we identified in the March 30, 1998, proposed rule (63 FR 15152) either (1) do not exist or (2) have been eliminated or otherwise ameliorated, we are withdrawing the proposal to list the species. For further information, please see the Summary of Factors Affecting the Species section below.

(7) *Comment:* One commenter stated that the Service had no proof that the risks associated with small and restricted fish populations was a threat.

*Our Response:* The vulnerabilities identified in the March 30, 1998, proposed rule (63 FR 15152) (possible excessively high death or low birth rates, deleterious effects of genetic drift and inbreeding, and sensitivity to localized stochastic events) were based on the assumption that the Cow Head tui chub had been reduced to a single, small population, with an extremely restricted range and no additional populations were available for recolonization in the event of a localized extinction. Using information gathered since 1998, we have found that the chub is not as reduced as previously thought. (See Factor D discussion, below.) Also, a recent genetic study of tui chubs found that the genetic diversity in the Cow Head tui chub is similar to other stream-resident chub populations, and there is no indication of genetic threats (Chen 2006, p. 46–48). The fact that the Cow Head tui chub is restricted in population size and distribution does not by itself pose a significant risk to the species. Considering that this and other threats we identified in the March 30, 1998, proposed rule (63 FR 15152 either (1) do not exist or (2) have been eliminated or otherwise ameliorated, we are withdrawing the proposal to list the species. For further information, please see the Summary of Factors Affecting the Species section below.

(8) *Comment:* Six commenters requested a 60-day extension of the comment period.

*Our Response:* In response to these requests, the Service reopened the comment period for 65 days.

(9) *Comment:* Two commenters stated that humans have influenced water movement in the Cow Head tui chub's range and this has benefited the chub by enhancing or protecting aquatic habitat.

*Our Response:* We agree with the commenters that humans can provide benefits to aquatic species in a highly manipulated environment because of our desire to create permanent water sources. In the Cow Head basin, some areas of perennial habitat are maintained by water management structures and these structures can decrease the likelihood of nonnative fish getting into the area. (See discussions of Factors C and E, below.)

Since 1998, we have investigated the effects of historical changes in water-flow patterns on the Cow Head tui chub's status. As a result of interest in the conservation agreement, we were able to work with local residents to develop a better understanding of water flow and management in the area, and have considered that information in our assessment of potential impacts to the chub. (See discussion of habitat under Factor A, below.) We no longer believe that water management is a current or potential threat. Considering that this and other threats we identified in the March 30, 1998, proposed rule (63 FR 15152) either (1) do not exist or (2) have been eliminated or otherwise ameliorated, we are withdrawing the proposal to list the species. For further information, please see the Summary of Factors Affecting the Species section below.

(10) *Comment:* One commenter felt that the proposed listing was an attempt to take away private landowner's rights.

*Our Response:* The commenter's concerns regarding the effects of listing on private property rights is no longer germane because we are withdrawing our 1998 proposal to list the Cow Head tui chub (63 FR 15152). However, the listing of a species under the Act, in and of itself, does not affect private lands and does not effect a taking of private property by the Federal government. Only if the landowner engages in an activity that is likely to take a listed fish or wildlife species, or an activity that requires Federal authorization or funding and may affect a listed species, do the Act's regulatory restrictions come into play. In those situations, the Act provides regulatory mechanisms under Sections 7 and 10 to enable such activities to proceed consistent with protection of the listed species.

(11) *Comment:* One commenter stated that the Cow Head tui chub should not be listed because the conservation agreement was in place.

*Our Response:* We believe conservation agreements are important conservation tools, and this particular agreement was especially crucial for identifying information gaps and forming a basis for collaboration. By signing the conservation agreement, the Service and other stakeholders in the Cow Head Lake watershed committed to actions and goals intended to ensure the long-term survival of the chub by balancing current practices in the watershed with the long-term needs of the subspecies. Although we believe the Cow Head tui chub conservation agreement is important, listing decisions are made based on a thorough analysis of all substantial and foreseeable threats. Based on an analysis of all the factors, and the new information collected with the help of the conservation agreement, we no longer believe the Cow Head tui chub is in danger of extinction throughout all or a significant portion of its range or likely to become so in the foreseeable future; therefore we are withdrawing the March 30, 1998 proposal to list the chub (63 FR 15152).

(12) *Comment:* California Department of Fish and Game questioned whether the modification to landowner agreements would impact the implementation of the conservation agreement.

*Our Response:* In a recent peer review of Reid (2006a), Randal C. Benthin, Senior Fishery Biologist at the California Department of Fish and Game (CDFG), wrote a letter to us confirming that the landowners have been working with management agencies to implement the conservation agreement, and he praised their commitment. We discussed this comment with Mr. Benthin, in a September 22, 2006 phone call, and he said the issue was satisfactorily addressed in the final conservation agreement. He further stated that CDFG had no further concerns.

(13) *Comment:* One commenter stated that the listing should be delayed so that additional populations could be established. The commenter felt that if the species were listed, the resulting section 7 consultation process would delay the establishment of additional populations.

*Our Response:* We agree with the commenter that multiple populations are important for species conservation. In the case of the Cow Head tui chub at the time of the original listing proposal, we believed that the number of populations was quite small (63 FR 15152). Since the March 30, 1998, proposed rule was published, we determined that the number of populations is larger than originally thought. New surveys show the Cow Head tui chub maintains populations throughout all of its historical range in all streams and lakebed channels that would have offered suitable habitat in the past (Reid 2006a, p. 18). Therefore the chub is more widely distributed than previously thought. (See Factor A discussion, below.) We now recognize that the number of populations and relatively narrow range of the species are not threats to the Cow Head tui chub. Considering that this and other threats we identified in the March 30, 1998, proposed rule (63 FR 15152) either (1) do not exist or (2) have been eliminated or otherwise ameliorated, we are withdrawing the proposal to list the species. For further information, please see the Summary of Factors Affecting the Species section below.

Regarding the comment that listing the species and any resulting section 7 consultations would delay the establishment of additional populations, because we are withdrawing the proposal to list the Cow Head tui chub, this comment is no longer germane. Nevertheless, even if the species were listed, section 7 consultation would not have hampered efforts to establish additional populations. Section 7 consultation is a valuable tool to minimize adverse effects of Federal actions to listed species and, as such, provides benefits to species.

(14) *Comment:* One commenter offered several specific goals for conservation actions for the species, including establishment of additional populations, water management certainty, and protection of habitat from over-grazing.

*Our Response:* We agree with the commenter that multiple populations and protection of habitat from threats are key to species conservation. In the case of the Cow Head tui chub, at the time of the original proposal, we believed that the number of populations was quite small and that there were threats to the quantity and quality of habitat (63 FR 15152). Since that time, we have focused on addressing these and other potential threats and obtaining additional information from various sources to clarify the status of the species (*e.g.*, Reid 2006a). As a result, we have determined that the number of populations is larger than originally thought.

We also looked carefully into the role that current and future water availability could have on the conservation of the species. As described in more detail under the discussions of Factors A and E below, the Cow Head tui chub evolved in a low-precipitation region and has survived numerous droughts including a severe 16-year drought early in the 20th century. We have also found that current water management is compatible with the conservation needs of the species and that there is a lack of evidence to suggest water management will substantially change in the foreseeable future.

Furthermore, we have reached a similar conclusion regarding grazing management. As described under the discussion of Factor A below, the chub has coexisted with the current grazing management for decades, and we have no information that leads us to believe grazing management will substantially change in a manner that would

adversely affect the species in the foreseeable future. We now recognize that water availability, water management, and grazing do not pose threats to the Cow Head tui chub. Considering that these and other threats we identified in the March 30, 1998, proposed rule (63 FR 15152) either (1) do not exist or (2) have been eliminated or otherwise ameliorated, we are withdrawing the proposal to list the species. For further information, please see the Summary of Factors Affecting the Species section below.

(15) *Comment:* One commenter felt that conservation agreements fail to protect species adequately.

*Our Response:* The Service believes conservation agreements (CAs) can serve a valuable role in helping to conserve species, and we also recognize that they may have limitations, as suggested by this comment. In the specific case of the Cow Head tui chub, the CA enabled the Service get additional valuable information on the species' status on private lands, and it provided a means for stakeholders to take an active role in the conservation of the species. This withdrawal of the proposed rule to list the Cow Head tui chub is not based on anticipation of future improvements in the status of the species that we believe will occur as a result of the CA. Instead, this withdrawal is based on new information that demonstrates a lack of identified treats, as is described below in the discussions of Factors A–E; this new information was obtained in large measure through implementation of the CA. More discussion of this topic is found under the sections titled ''Conservation Agreement'' above and ''Summary of Factors Affecting the Species'' below.

**Conservation Review**

At the time the March 30, 1998, proposed rule was published (63 FR 15152), little information was available regarding the Cow Head tui chub. The CA has allowed us to obtain more extensive and accurate information on the Cow Head tui chub, including its distribution, population status, habitat use, and land management in the Cow Head basin. The CA has also resulted in the initiation of management activities by private and public stakeholders, which further secure the Cow Head tui chub and its habitat.

In 2005, in order to make a final determination on the listing status of the Cow Head tui chub given this crucial new information, we arranged for an independent scientific review of the Cow Head tui chub to obtain a comprehensive synthesis of all available data pertinent to the conservation of the species, including clarification of the complicated history and management of the basin, evaluation of biological information regarding the species, and compilation of previous population and habitat surveys in the basin. The purpose of the review was to assemble all scientific and commercial information on the Cow Head tui chub, as well as to assimilate the collective knowledge of local landowners and managers. The review did not evaluate the status of the Cow Head tui chub under the Act, as that is the Service's ultimate responsibility. The principal author of the review is Dr. Stewart Reid, an independent biologist, who is a recognized expert in the native fishes of this region and who is familiar with the Cow Head Basin. The review was peer reviewed in May–June 2006 and made available to stakeholders to ensure its accuracy and completeness (see Peer Review section, below). The revised synthesis (Reid 2006a) and its supporting documentation reflect the most recent information regarding the Cow head tui chub; this information significantly informs our determination to withdraw our previous proposal to list this subspecies (63 FR 15152, March 30, 1998).

**Peer Review**

In accordance with our July 1, 1994, Interagency Cooperative Policy for Peer Review in Endangered Species Act Activities (59 FR 34270), we solicited the opinions of seven independent specialists. We provided the reviewers with the synthesis document (Reid 2006a) which contains new information, and a review of all available scientific, historical, and management information pertaining to the species. We specifically asked the reviewers to review the document for accuracy of the information, any missing information, and threats to the species not mentioned in the report. Reviewers were not asked to interpret the Act as it applies to this species or to make a recommendation as to the appropriate regulatory status for the Cow Head tui chub.

The Service's Policy for Peer Review requires that we: (1) Solicit the expert opinions of a minimum of three appropriate and independent specialists regarding pertinent scientific and commercial data and assumptions relating to the taxonomy, population models, and supportive biological and ecological information for species under consideration for listing; and (2) summarize in the final decision document the opinions of all independent peer reviewers received on the species under consideration. The purpose of a peer review is to ensure that listing decisions are based on scientifically sound data, assumptions, and analyses, including input of appropriate experts and specialists.

Peer reviewers included two senior research scientists familiar with the Cow Head tui chub and the Cow Head Basin (one from the University of California, Davis and one from U.S. Geological Survey—Biological Resources Division, Reno), four scientists from agencies with management responsibilities in the Cow Head Basin (two from CDFG, one from BLM, and one from the U.S. Forest Service), and one representative of the Cow Head Irrigation District who could provide detailed information on local conditions, especially water management in the basin.

All reviewers confirmed the accuracy and completeness of the scientific information in the synthesis. Two reviewers (BLM and Cow Head Irrigation District) helped clarify details of management and hydrology in the Cow Head Basin, which have been incorporated into the final document used for this analysis, along with minor editorial suggestions from the various reviewers. The reviewers did not identify any additional factors that might threaten the Cow Head tui chub.

**Summary of Factors Affecting the Species**

Section 4 of the Act and its implementing regulations (50 CFR 424) establishes procedures for adding species to the Federal Lists of Endangered and Threatened Wildlife and Plants. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1) of the Act: (A) The present or threatened destruction, modification, or curtailment of habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. In making this finding, we evaluated whether any of these five factors are a threat to the continued existence of the Cow Head tui chub throughout all or a significant portion of its range. Our evaluation of these threats is presented below.

*A. The Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range*

In the 1998 proposed rule, reduction of historical range and modification of habitat were considered threats to the

Cow Head tui chub (63 FR 15153—54, March 28, 1998). We stated that the range had been reduced by 98 percent due to loss of Cow Head Lake. A better understanding of the basin's hydrology has shown that the lake still provides seasonal habitat in wet years and maintains permanent habitat in the lakebed canals (Reid 2006a, pp. 15–19).

In 1998, we also stated that stream habitat was restricted to 5.4 km (3.4 miles). New information developed by Reid (2006a, pp. 15–19) has shown that total linear stream and channel habitat was approximately 10.5 km (6.5 mi) in 2001, a very dry year (Scoppettone and Rissler 2006, p. 108). In the spring, and at times when there is sufficient water, the chub occupies the full lengths of the tributary streams (21.2 km; 13.2 mi).

Current information, based on more complete basin-wide surveys, demonstrates that the Cow Head tui chub is more widely distributed than previously thought and maintains populations throughout all of its historical range in all streams and lakebed channels that would have offered suitable habitat in the past.

Range

Based on our knowledge of historical conditions, the species' habitat needs, and its current distribution, we assume the natural historical range (geographical distribution) of the Cow Head tui chub would have encompassed all low gradient streams with perennial reaches in the Cow Head Basin of California and Nevada, including: Cow Head Lake, Cow Head Slough, Barrel Creek, West Barrel Creek, and Keno Creek (Reid 2006a, pp. 5–6 and 15–19). Based on knowledge of the chub's biology, it is logical to assume there was some natural dispersal downstream into the Twelvemile Creek drainage during higher springtime flows, as there apparently is today, but the fate of these individuals is not known (Reid 2006a, pp. 18–19). Within the Cow Head Basin, the primary distribution of tui chubs, based on habitat needs, would have included any low-energy aquatic habitats, including stream pools, emergent marshes with open water, and Cow Head Lake itself, when present (Moyle 2002, p. 124–125; Reid 2006a, p. 20). Because tui chubs show a preference for low-energy habitats such as pools, it is unlikely they would have typically occupied higher-energy stream reaches with steep gradients, strong flow, or shallow riffles (*e.g.*, the lower canyon section of Cow Head Slough), although they might move through such habitats. They also would not have occupied higher gradient reaches of the western tributaries coming off the Warner Mountains (*e.g.*, Eightmile and Ninemile creeks), which have cooler temperatures and are occupied by trout, *Oncorhynchus mykiss*, and speckled dace, *Rhinichthys osculus* (Hubbs 1934, p. 2; Sato 1992, p. 5).

Recent surveys on public and private land, facilitated by the 1999 CA, have documented the presence of Cow Head tui chub in all historically perennial water bodies (Minto 1879; see map and discussion in Reid 2006a, pp. 5–8) containing suitable habitat in the Cow Head Basin (Scoppettone and Rissler 2006, p. 5). In 2001, populations were found in all eastern tributaries (Keno, West Barrel, and Barrel Creeks, as well as Cow Head Slough), including private land that had not been previously surveyed, and a large population (estimated to be in the 10,000s) exists on the historic lakebed in perennial canals (Scoppettone and Rissler 2002, p. 5; Reid 2006a, p. 22). Cow Head tui chub presumably disperse throughout Cow Head Slough and the various low-gradient tributaries in the spring and onto the lakebed when it is flooded, with their distribution contracting to the lakebed channels and perennial spring-fed stream reaches each year as the arid summer progresses. In 2001, a very dry year, perennial habitat occupied by the chub remained in all eastern tributaries (Keno Creek—0.5 km (0.3 mi) perennial, West Barrel Creek—1.0 km (0.6 mi) perennial, and Barrel Creek—4.0 km (2.5 mi) perennial), Cow Head Slough (approximately 3 km (1.9 mi) perennial) and the two principal lakebed channels (Pump and Eightmile canals—2 km (1.2 mi) perennial) (Scoppettone and Rissler 2006, pp.108–109; Reid 2006a, pp. 16–18).

Habitat—Streams

Stream populations of Cow Head tui chub primarily occupy pool habitats, and available habitat area varies depending on the time of year and degree of drought severity (Homuth 2000, p. 10; Scoppettone and Rissler 2006, p.109). Historically, there were four low gradient stream drainages in the Cow Head Basin that had perennial flow and would have contained suitable Cow Head tui chub habitat; all still maintain Cow Head tui chub populations (Reid 2006a, pp. 15–19; Scoppettone and Rissler 2002, p. 5; Scoppettone and Rissler 2006, p. 109). These drainages are currently referred to as Cow Head Slough, which forms the outlet for the Cow Head Basin; Barrel Springs and West Barrel, both of which entered Cow Head Lake itself from the east in 1879; and Keno Spring, which enters Cow Head Slough from the east before it drops into the higher-gradient canyon section. All contain locally perennial pool habitat, which is naturally maintained by small springs.

Cow Head Slough flows out of Cow Head Lake. After flowing about 5 km (3.1 mi) to the north, the slough enters a short, half-mile-long canyon and then joins Twelvemile Creek in the Warner Basin. Historically, the slough apparently contained water along most of its length into the summer (Minto 1879; see map and discussion in Reid 2006a, pp. 5–8), but Minto's survey notes do not mention actual flow conditions, and local ranchers interviewed in the 1930s reported that the slough overflowed only during high spring runoff periods (Hubbs 1934, p. 1).

Under present management, Cow Head Slough only flows into Twelvemile Creek during the springtime runoff period and while the lakebed is being pumped down, with most continuous stream flow typically ending by late May or early June. Pools with marshy margins and herbaceous riparian vegetation are present all along the length of the slough, with perennial spring-fed reaches concentrated in the southern (upstream) 3 km (1.9 mi). The Barrel Springs drainage also carries considerable runoff in the spring, but summer flows are low, and in the 1879 Minto surveys, the stream channel did not have perennial flow between the Nevada border and Cow Head Lake (see Minto map in Reid 2006a, p. 6). Likewise, the Keno Springs drainage near its confluence with Cow Head Slough was surveyed by Minto in 1879, and was noted simply as a meadow with no creek.

The Cow Head Basin is in an arid landscape. (See Factor E—Natural Drought, below). Although surface water is present throughout most of the basin in the early spring, hot and dry summer conditions naturally reduce the quantity of aquatic habitat progressively through the summer and early fall. In drier years, much of Cow Head Slough and the reaches of tributary streams without perennial springs are reduced to isolated pools which often dry up. Permanent pool habitat suitable for Cow Head tui chubs is restricted to reaches maintained by perennial springs. Under historical conditions channel desiccation may have been retarded in Cow Head Slough by the storage capacity of the lake and associated wetlands, and in other streams by narrow wet meadows along the riparian corridors. However, in most dry years when the lake was not overflowing during the summer (which is similar to the current situation under present management), desiccation and loss of aquatic habitat would have progressed

in a manner similar to that experienced today; by late summer, available stream habitat would have been limited to perennial spring-fed reaches of Cow Head Slough and the three eastern tributaries (Barrel, West Barrel and Keno creeks). All spring-fed reaches of the slough and the three eastern tributaries currently maintain perennial tui chub populations (Scoppettone and Rissler 2006, p. 109).

The only direct modification of streams containing Cow Head tui chub occurred in the 1930s with the dredging of Cow Head Slough for a distance of about 1.3 km (0.8 mi) downstream of Cow Head Lake, and with construction of an earthen levy on the east side to divert flow from the eastern watershed (West Barrel and Barrel Spring drainages) directly into Cow Head Slough near the historical outlet of Cow Head Lake (Reid 2006a, p.8). These modified reaches have since developed into stream reaches with vegetated riparian corridors. There are no water diversions in Cow Head Slough or the eastern tributary streams. Modification of grazing management in the last decade has produced notable improvements and continuing upward trends in channel stability, riparian vegetation, and aquatic habitat quality (USBLM 1996, p. 2; USBLM 2003, p. 9; Reid 2006a, pp. 10, 15–16).

Habitat—Cow Head Lake

In 1879 a shallow lake covered much of the Cow Head valley floor (Minto 1879, pp. 47, 56, 59; see map, Reid 2006a, p. 8). The maximum depth of the lake was not recorded, but general depths of 40–60 cm (15–24 in) were noted. Its northwestern and southeastern shores were bounded by belts of wet meadow and tule marshes, which are dominated by hardstem bulrush (*Scirpus acutus*), as was the outlet channel for a distance of about 4 km (2.5 mi) north along Cow Head Slough, which carried overflow north to a short canyon where it entered Twelvemile Creek and the southern Warner Basin. The lake was fed primarily by snow runoff in the spring from the Warner Mountains to the west and the Barrel Creek and West Barrel Creek drainages in the lower hills to the east. Summer and fall inputs to the lake would have been limited to ground-water-fed base flows of Eightmile Creek, which is supplemented by perennial springs in its lower reaches, and other small perennial springs in the immediate vicinity of the lake (Reid 2006, pp. 5–8). The original survey map shows only Eightmile Creek and the short spring-fed West Barrel Creek as providing flow into the lake in July 1879. Ninemile Creek, which currently does not reach Cow Head Lake during the summer, was shown as a ''brook'' with no surface flow closer than about 0.8 km (0.5 mi) to the west of the lake on the 1879 survey map drawn by Minto (Reid 2006a, pp. 6–7). Barrel Creek, which contains perennial springs in its middle and upper reaches, apparently did not reach the lake in July 1879. Although Cow Head Lake and its associated emergent marsh historically provided extensive aquatic habitat during some years, it was not a permanent feature. Regional, climatic, and historical evidence suggests that Cow Head Lake itself would have periodically dried up (Reid 2006a, pp. 8, 26–27). (For additional information, see Factor E—Natural Drought, below.)

Modification of the western tributaries to Cow Head Lake began in the late 1800s with the diversion of the upper reaches of Eightmile Creek itself to the south into Lake Annie (Reid 2006a, pp. 7–10). The upper Eightmile drainage would have historically provided considerable spring snow runoff into Cow Head Lake; however, late summer base flows from that elevation are minimal following loss of the snow pack. The lower Eightmile drainage is now primarily fed by the Schadler Ditch (built around 1904), which captures runoff from Mount Bidwell (not originally part of the Cow Head Basin) and carries it into Schadler Creek (labeled as Eightmile Creek on the U.S. Geological Survey, Lake Annie Quadrangle). Schadler Reservoir, which is approximately 250 acre-feet in size and was built in the 1960s, collects the flow of Schadler Creek and numerous small springs about 1.6 km (1 mi) upstream of the lake. Water from the reservoir (about 50 acre-feet/month) is used throughout the summer to irrigate downstream pastures, which drain into the Cow Head lakebed channels, or is sent downstream to maintain water in the lakebed channels themselves.

In the 1930s, following a period of extended drought, alterations were made to the lakebed to allow drainage of the lake in the spring for agricultural use. Three channels were dug to carry water out of the lakebed. The first comes from the center of the lake to the northwest (here referred to as Lakebed Canal), where it meets a second channel carrying flow from the Eightmile drainage (Eightmile Canal), and then enters a third channel (Pump Canal, also known as Cow Head Ditch) that runs 1 km (0.6 mi) northeast to a pumping station. At that point, water is pumped past a weir into a continuation of the channel (Discharge Channel) that continues on to Cow Head Slough. The outlet of Cow Head Lake into Cow Head Slough was also dredged in the 1930s for a distance of about 1.3 km (0.8 mi), and an earthen levy was constructed on the east side to divert flow from the eastern watershed (West Barrel and Barrel Spring drainages) directly into Cow Head Slough, reducing runoff into the lakebed.

Cow Head Lake is now flooded only in the springtime, when it receives local snowmelt and rain, as well as runoff primarily from the western slopes of the basin. Most runoff from the eastern tributaries either flows naturally (Keno Creek) or is now diverted by the earthen levy (Barrel and West Barrel Creeks) into Cow Head Slough. There was enough water to fill the lake in the mid-1980s, 1997, and 2006. When extensive standing water is present, it is pumped off the lakebed by May or June to allow for growth of hay or pasture grass. Pumping has not been necessary for more than a few days since about 1999; however, the high runoff year of 2006 required about 30 days of pumping to bring water levels off the lakebed and into the channels. During the summer, irrigation water is supplemented by local groundwater inputs and water brought down the Eightmile system with releases of water from Schadler Reservoir and perennial spring flow.

Perennial aquatic habitat on the lakebed is contained within the canals above the pump. The canal channels are about 10 meters (m) (33 ft) wide, with a depth up to about 4 m (13 ft). The Pump Canal is approximately 1 km (0.6 mi) long and contains water throughout the summer. Suitable chub habitat in Eightmile Canal is slightly less than 1 km (0.6 mi) long; while this reach has not been specifically surveyed for Cow Head tui chubs, it receives high quality water from the Eightmile drainage and carries it into the Pump Canal. The Lakebed Canal is approximately 1.3 km (0.8 mi) long; however this channel dries up through the summer, after water is pumped down off the lakebed, and rarely contains water much upstream of the confluence with the Pump Channel. Although the lakebed is no longer characterized by extensive emergent marsh habitat, the canals contain submerged aquatic vegetation that provides food, cover, and spawning habitat for the chub.

Modifications to the natural hydrology of Cow Head Lake, which occurred in the late 1800s and early 1900s, altered the characteristics and availability of suitable habitat for the Cow Head tui chub on the lakebed (reviewed in Reid 2006a, pp. 5–9). The annual diversion and pumping of water from Cow Head Lake, initiated in the

late 1930s, eliminated the opportunity for continuous utilization of lake and peripheral marsh habitat in wet years when the lake would have otherwise filled. However, the Cow Head Basin historically went through periods of extended drought, during which the lake would have contracted or dried completely. During these periods, available Cow Head tui chub habitat would have been restricted to stream reaches fed by perennial springs, as it currently is during dry years.

Some of the modifications to the lakebed now actually serve to maintain perennial habitat on the lakebed, which would not have been available to the fish prior to the modifications. The present-day lakebed channels, which provide approximately 2 km (1.2 mi) of perennial habitat, are deeper than the historical lakebed, and water management practices that maintain suitable habitat in the canals during dry periods have actually expanded the habitat available to the Cow Head tui chub during droughts (Reid 2006a, p. 9). The Cow Head tui chub population in the lakebed channels presumably still disperses onto the lakebed when it is flooded in the spring, as there are no barriers that would prevent such movement.

Land Management

The Cow Head lakebed was generally farmed for grain from 1924 until about 1980, when farming was discontinued (Reid 2006a, p. 10). Since then, the lakebed has been managed solely for grazing and hay production, with no tillage and no application of fertilizers or pesticides. Changes in land management within the basin have resulted in a generally upward trend for Cow Head tui chub habitat. These changes include: (1) Runoff storage in west-side reservoirs to supplement late-season water supplies for the western channels; (2) the termination of farming and switch to grazing management on the lakebed itself in the early 1980s, which has resulted in reduced sedimentation in the lakebed channels and Cow Head Slough; (3) modifications in grazing management on public and private lands, which have resulted in improved conditions within stream corridors and upward trending riparian vegetation conditions; (4) acquisition of an additional 80-acre parcel by BLM in 2003, which places it under management guidelines established to improve aquatic and riparian habitat, including about 0.5 km (0.3 mi) of occupied habitat in Cow Head Slough containing perennial springs and permanent pools (USBLM 2003, p. 4; Reid 2006a, p. 10); and (5) ongoing cooperation between public and private stakeholders under a CA signed in 1999 with the stated purpose of conserving the Cow Head tui chub. Landownership in the basin is limited to seven families and the BLM, with most land dedicated to hay and grazing. Based on our knowledge of the area and on the general stability of the local ranching community, we know of no reason why current land use is likely to substantially change in the foreseeable future.

Factor A Conclusion

The range of the Cow Head tui chub has not changed substantially since 1879. Modification of low-gradient stream habitat in the Cow Head Basin occurred primarily in the early 20th century, with channelization of the southern end of Cow Head Slough in the 1930s and continued livestock grazing. Current management of riparian corridors has resulted in upward habitat trends (USBLM 1996, p. 2; USBLM 2003, p. 9; Reid 2006a, pp. 10, 15–16), and there has been no substantial loss of perennial stream habitat for the Cow Head tui chub. In contrast, the character of Cow Head Lake has changed considerably since the 1800s, with the dewatering of the lake and its associated emergent marshes as a generally perennial, though intermittent, landscape feature. However, even prior to such changes, Cow Head Lake would have been dry and would have provided no habitat during past periods of natural drought when the Cow Head tui chub population would have been most stressed by environmental conditions.

During natural droughts, perennial stream reaches associated with permanent springs provided habitat for the Cow Head tui chub, as they do today (Scoppettone and Rissler 2006, p. 109). Furthermore, management of the Cow Head Basin has been essentially stable since the late 1930s, following a 16-year period (1923–1938) of drought when the entire lake was naturally dry; during that time a large population of Cow Head tui chub nevertheless sustained itself throughout the basin and specifically in the drainage canals on the lakebed (Reid 2006a, pp. 5–10; Scoppettone and Rissler 2006, pp. 108–109).

There is no reason to expect substantial negative changes to the current management regime. Habitat conditions are generally upward trending and private and public land managers have incorporated and are continuing to implement strategies that have enhanced the availability of permanent water and suitable habitat for Cow Head tui chub (USBLM 1996, p. 2; USFWS 1999, pp. 2, 12; USBLM 2003, p. 9; Reid 2006a, pp. 10, 15–16). Therefore, destruction, modification, or curtailment of its habitat or range is not likely to threaten the Cow Head tui chub with extinction throughout all or a significant portion of its range within the foreseeable future.

*B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes*

Overutilization was not considered a threat to the species in the 1998 proposed rule (63 FR 15154). The Cow Head tui chub is not a commercial or recreational fish species, and there have been only a few documented scientific collections since 1939 (Reid 2006a, pp. 37–38). Future collections for scientific purposes presumably would be limited to small collections for genetic, morphological, or life history studies, and these would not substantially affect the population as a whole. Therefore, over-utilization is not likely to threaten the Cow Head tui chub with extinction throughout all or a significant portion of its range within the foreseeable future.

*C. Disease or Predation*

In the 1998 proposed rule, we indicated that the potential introduction of a catastrophic disease or a nonnative predatory fish could be harmful to Cow Head tui chub, particularly due to the small estimated population size and confined known range of the Cow Head tui chub at that time (63 FR 15154). We also noted that there were no documented instances of disease actually affecting the tui chub or detections of nonnative predatory fish in tui chub habitat. This factor was not considered a principal threat to the species.

The potential introductions of a disease or nonnative predators to the Cow Head Basin would be subject to a number of constraints that greatly reduce the likelihood of such occurrence and also reduce the likelihood that a nonnative predator would become established if introduced. These constraints include: (1) The isolated location of the Cow Head Basin; (2) the absence of existing nonnative fish populations in the basin; (3) the habitat characteristics of upper Twelvemile Creek (high gradient, cool water) and the lower canyon reach of Cow Head Slough (high gradient, generally dry or low flow, with no upstream passage except possibly during high spring flows), both of which would impede the upstream invasion of warm-water game fish from the Warner Valley floor; (4) the absence of source water bodies suitable for warm-water

sport fishing (e.g., reservoirs) in the basin (all permanent reservoirs in the Basin are at higher elevations and contain cold water suitable only for trout); (5) the warm water habitat characteristic of the lower elevation streams containing Cow Head tui chub are not suitable for establishment of nonnative trout; (6) the location of perennial stream reaches and reservoirs on private lands (so public access and the potential introduction of nonnative fish is less likely); (7) the expectation that a point source introduction transported illegally to the basin would be limited to relatively few individuals of the nonnative species; and (8) the continued participation and awareness of private landowners in the CA, which addresses the potential risks of disease or nonnative introductions.

The low likelihood of introductions also is supported by the lack of historical introductions of disease or nonnative fishes to the basin over the last century. In the event of an introduction of a nonnative fish, risks to the Cow Head tui chub are further ameliorated by its separation into at least six seasonally isolated populations, and the complete upstream isolation of the largest population (Cow Head lakebed channels) from other areas by the pump structure. We also note that stakeholders will continue to monitor the composition of the fish community in the Cow Head Basin through implementation of the CA and can notify CDFG and the Service if a nonnative fish is identified. The agencies could then remove the introduced fish.

While the outbreak of a catastrophic fish disease in the Cow Head Basin could theoretically threaten the Cow Head tui chub due to its relatively limited range, there is no evidence of fish disease in the Cow Head Basin, and we are aware of no documented loss of any native tui chub populations (*Siphateles* spp.) or other native western cyprinid (fish in the minnow family) due to disease. Because it is unlikely that fish or other exotic hosts will be introduced into Cow Head Basin, there is a very low likelihood that disease will be introduced and spread in the basin.

The Cow Head tui chub is most vulnerable to predation during droughts, when much of the drainage dries up and fish are concentrated in smaller pools. Natural predators of the Cow Head tui chub include garter snakes, aquatic insects, and fish-eating birds, with which the population has naturally coexisted under current conditions since the 1920s (Homuth 2000, pp. 6, 8). The original name of Cow Head Lake was Pelican Lake (see Minto 1879 map in Reid 2006a, p. 6), and therefore it is logical to assume that pelicans were among the historic natural predators of the chub. There is no indication that these natural predators represent an extinction threat to the Cow Head tui chub. Introduction of predatory nonnative fishes (e.g., bass, crappie, sunfish, and brown trout) would increase predation pressure on the Cow Head tui chub population. However, for a nonnative predator to represent a threat to the Cow Head tui chub, the nonnative species would have to successfully establish a resident population that spreads throughout a significant portion of basin. This is unlikely for the reasons given above, and during a severe drought, when the Cow Head tui chub would be most vulnerable, the various populations and even individual pools are generally isolated by dry reaches.

Factor C Conclusion

No known disease or predator currently threatens the Cow Head tui chub. For the reasons described above, the introduction and establishment of a disease or nonnative fish predator into the Cow Head Basin is not likely to occur and, in the unlikely event it were to occur, is not likely to threaten the Cow Head tui chub with extinction. Therefore, disease and predation are not likely to threaten the Cow Head tui chub with extinction throughout all or a significant portion of its range within the foreseeable future.

*D. The Inadequacy of Existing Regulatory Mechanisms*

The 1998 proposed rule stated that there were no regulatory mechanisms that specifically protected the Cow Head tui chub or its habitat, and generally concluded that available regulatory mechanisms were inadequate to protect or appropriately manage the species (63 FR 15154, March 30, 1998). The proposed rule summarized the following regulatory mechanisms: (1) CDFG's designation of the Cow Head tui chub as a species of special concern, Class 1: Endangered; (2) The National Environmental Policy Act; (3) section 404 of the Clean Water Act; (4) the California Environmental Quality Act; and (5) section 1603 of the California Fish and Game Code (63 FR 15154). However, as discussed above, based on current information, we have determined that there are no significant threats to the Cow Head tui chub or its habitat that would trigger the need for additional regulation.

The Cow Head tui chub occurs on a mix of public (BLM) and private land, with the majority of the populations being on private land where there is more perennial water. On public lands (i.e., Cow Head Slough) and most adjoining riparian corridors on private lands used for grazing, Cow Head tui chub habitat is managed according to riparian health standards under BLM policy and receives protection from measures undertaken by BLM as a result of a Section 7 consultation with the Service on the Warner sucker, *Catostomus warnerensis,* a federally-listed species with similar habitat requirements (BLM 2003, p. 4).

Factor D Conclusion

We are not aware of threats to the continued existence of the Cow Head tui chub that would require or be ameliorated by further regulation. Therefore ''inadequacy of existing regulatory mechanisms'' is not a factor likely to threaten the Cow Head tui chub with extinction throughout all or a significant portion of its range within the foreseeable future.

*E. Other Natural or Manmade Factors Affecting Its Continued Eistence*

The 1998 proposed rule briefly discussed several additional factors that were considered potential threats to the Cow Head tui chub, including the generalized vulnerabilities of species that have very small populations, pesticides, introduction of nonnative competitors, and natural drought (63 FR 15154–55, March 30, 1998). The vulnerabilities identified in the 1998 proposed rule (possible excessively high death or low birth rates, deleterious effects of genetic drift and inbreeding, and sensitivity to localized stochastic events) were based on the assumption that the Cow Head tui chub had been reduced to a single, small population, with an extremely restricted range and no additional populations available for recolonization in the event of a localized extinction (63 FR 15155, March 30, 1998). Current information demonstrates that the Cow Head tui chub population is considerably larger and more widely distributed than previously thought and is separated into six seasonally isolated populations in five subdrainages of the Cow Head Basin. (See Factor A discussion, above.) A recent genetic study of regional tui chubs also found that genetic diversity in the Cow Head tui chub is similar to other stream-resident chub populations, and shows no indication of genetic threats to the species (Chen 2006, pp. 46–48).

In the proposed rule we said: ''Pest control programs * * * that introduce pesticides into the drainage are a threat to the Cowhead Lake tui chub.'' We no

longer believe such programs pose a threat to the Cow Head tui chub. The only substantial use of pesticides in the Cow Head Basin is in the U.S. Department of Agriculture's Animal Plant Health Inspection Service (APHIS) rangeland grasshopper/cricket control program, which is implemented only during occasional years when there are grasshopper or cricket outbreaks. The Service is familiar with this program because of section 7 consultations with APHIS. Pesticides are applied so as to minimize risk to non-target species; this is done through ultra-low volume sprays, selection of chemical sprays and baits, use of adequate buffers, and other means. Moreover, this program focuses on localized upland areas (surrounding the lakebed) where grasshoppers lay their eggs. Pesticides are not applied to aquatic habitat, and in the event of an accidental spill or application or drift by wind or water movement, the adverse effect would be localized, particularly since application typically occurs during low or no flow seasons, when pool habitats are not interconnected. Other agricultural activities and land management in the Cow Head Basin are limited to hay production and grazing and pesticides are not applied to these crops (Reid 2006a, p. 10). Therefore, pesticide contamination is not likely to threaten the Cow Head tui chub with extinction throughout all or a significant portion of its range within the foreseeable future.

The introduction of nonnative competitors, such as bait minnows (e.g., shiners, fathead minnows) tui chubs introduced from other basins, and mosquito fish (*Gambusia*), could adversely affect the Cow Head tui chub. However, there are no populations of nonnative fishes present in the basin at this time, and the likelihood of their introduction and subsequent establishment is low, for the reasons discussed earlier (see Factor C discussion of predation, above).

Natural Drought

The northwestern corner of the Great Basin, where Cow Head Lake is located is subject to extended droughts, during which even the larger lakes are sometimes dry (Phillips and Van Denburgh 1971, p. B6; Negrini 2002, p. 40). Goose Lake, with an area over 100,000 acres, is located in the next basin to the west. It was recorded as essentially dry in the summers of 1846 and 1849 by early travelers, and more recently was dry in the late summers of 1926, 1929–34 and 1992 (Pease 1965, p. 30, 58; Phillips and Van Denburgh 1971, pp. 31–32; Johnson et al. 1985, p. 82). Crump Lake, which is the southernmost lake in the Warner Basin into which Cow Head and Twelvemile Creek waters ultimately flow, also has a history of natural desiccation and sometimes goes dry for several years at a time. Also, the large, shallow Alkali lakes in Surprise Valley to the south of the Cow Head Basin are dry or nearly dry in most summers (Phillips and Van Denburgh 1971, pp. 37–38; Johnson et al. 1985, p. 180). There is no record of how frequently Cow Head Lake went dry under natural conditions. However, residents of the Cow Head Basin reported that Cow Head Lake was dry in 1908, 1912, 1923 or 1924, 1928, and from 1930–34, all prior to alteration of the lakebed (Hubbs 1934, p.1; Reid 2006a, p. 8).

In the past, the Cow Head tui chub must have survived severe droughts by occupying perennial habitat such as natural spring-fed reaches of tributary drainages and more recently, in perennial canal habitat on the lakebed. The ''dustbowl'' drought of the 1920–30s appears to have been the most extreme regional drought in at least the last 270 years, and probably the last 700 years (Keen 1937, p.188; Knapp et al. 2004, p.144). The original collection of Cow Head tui chub in 1939 followed that drought. Since that time, periodic droughts have occurred every 10–20 years (Reid 2006a, p. 26–27).

A recent genetic study indicates that the population has maintained genetic diversity comparable to other stream populations of chubs, in spite of the relatively frequent constraints on its distribution and potential population size reductions caused by droughts (Chen 2006, pp. 46–48). The 2001 distribution surveys, undertaken in one of the driest years under current management regimes, showed Cow Head tui chubs were widely distributed, thus providing further evidence of the ability of the chub population to persist given availability of suitable habitat (Scoppettone and Rissler 2006, p.109; Reid 2006a, p.27).

Although it is impossible to accurately predict future climatic conditions, drought will very likely continue to play an important role in the biology of the Cow Head tui chub. Conservation of perennial spring-fed reaches in the tributary drainages and on the lakebed is, therefore, crucial to the long-term survival of the Cow Head tui chub. Public and private land managers are providing grazing management and efforts that have protected and continue to protect and enhance spring resources. We have no reason to believe this situation will change.

Although extreme natural drought has the potential to reduce the distribution of the Cow Head tui chub and its available habitat (and droughts are likely to occur periodically in the future), the chub has demonstrated considerable resiliency in its ability to survive substantial regional droughts experienced over the last century, all under the current management regime. Permanent habitat, provided by perennial spring-fed stream reaches in five subdrainages of the Cow Head Basin, including the lakebed channels, is likely to remain available in the foreseeable future.

**Factor E Conclusion**

As discussed above, based on the best scientific information currently available, we have determined that none of the natural or manmade factors identified as potential threats in the 1998 proposed rule (63 FR 15152, March 30, 1998), including vulnerabilities associated with local endemic species, pesticide use, nonnative competitors and natural droughts, individually or collectively rise to a level likely to threaten the Cow Head tui chub throughout all or significant portion of its range in the foreseeable future.

**Finding**

In making this determination, we carefully assessed the best scientific and commercial information available regarding past, present, and future threats to the Cow Head tui chub. Much of this information was developed or improved subsequent to the original 1998 proposal to list the Cow Head tui chub (63 FR 15152, March 30, 1998). As discussed under Factor A, the natural range of the Cow Head tui chub has not changed substantially since 1879. Modification of low-gradient stream habitat in the Cow Head Basin occurred primarily in the early 20th century, and there has been no substantial loss of perennial stream habitat for the Cow Head tui chub due to habitat modification. Although the character of Cow Head Lake itself has changed considerably since the 1800s, management of the Cow Head Basin has been essentially stable since the late 1930s. This is evidenced most dramatically by the fact that a large population of Cow Head tui chub has sustained itself throughout the basin (and specifically in the drainage canals on the lakebed), even following an especially severe, 16-year (1923–1938) drought when the entire lake was naturally dry. There is no reasonable expectation for substantial negative changes to the current management

regime, and habitat conditions are generally upward trending, with management by private and public land managers incorporating strategies that enhance the availability of permanent water and suitable habitat for Cow Head tui chub.

As discussed under Factor B, the Cow Head tui chub is not a commercial or recreational fish species and there are only a few documented scientific collections since 1939. Future collections for scientific purposes presumably would be limited, and overutilization is not likely to threaten the Cow Head tui chub with extinction in the foreseeable future.

As discussed under Factor C, no disease or predator currently threatens the Cow Head tui chub. Furthermore, the introduction and establishment of a disease or nonnative predator into the Cow Head Basin is not likely to occur and, in the unlikely event it were to occur, is not likely to threaten the Cow Head tui chub with extinction in the foreseeable future.

As discussed under Factor D, there are currently no recognized threats to the continued existence of the Cow Head tui chub identified under the other factors that require or would be ameliorated by further regulation. Further, the chub has persisted, with populations still occurring throughout its historic range, with the existing regulatory mechanisms. Therefore, we conclude that the possible inadequacy of existing regulatory mechanisms is not likely to threaten the Cow Head tui chub with extinction in the foreseeable future.

As discussed under Factor E, we have not identified additional factors that rise to a level likely to threaten the Cow Head tui chub with extinction throughout all or a significant portion of its range. Extreme natural drought has the potential to severely constrain the distribution of the Cow Head tui chub and its available habitat as it has in the past, and droughts are likely to occur periodically in the future. However, the Cow Head tui chub has demonstrated considerable resiliency in its ability to survive substantial regional droughts experienced over the last century, all under the current management regime. Permanent habitat provided by perennial spring-fed stream reaches in five subdrainages of the Cow Head Basin is likely to remain available in the foreseeable future. Therefore, natural drought and the additional factors discussed in Factor E are not likely to threaten the Cow Head tui chub with extinction in the foreseeable future.

Based on the lack of present or foreseeable threats to its continued existence, we have determined that the Cow Head tui chub is not likely to become in danger of extinction in the foreseeable future throughout all or a significant portion of its range (section 3(6) of the Act) and, therefore, does not meet the Act's definition of threatened or endangered. Consequently, we withdraw our 1998 proposal to list the Cow Head tui chub as endangered (63 FR 15152, March 30, 1998).

We will continue to monitor the status of the species and to accept additional information and comments from all concerned governmental agencies, the scientific community, industry, or any other interested party concerning this finding. We will reconsider this determination in the event that new information indicates that such an action is appropriate.

## References Cited

A complete list of all references cited is available at the Service's Klamath Falls Fish and Wildlife Office (see **ADDRESSES**).

## Author

The primary authors of this notice are the staff of the Service's Klamath Falls Fish and Wildlife Office (see **ADDRESSES** above).

## Authority

The authority of this action is section 4(b)(6)(B)(ii) of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: September 28, 2006.

**Marshall Jones,**

*Acting Director, U.S. Fish and Wildlife Service.*

[FR Doc. E6–16544 Filed 10–10–06; 8:45 am]

**BILLING CODE 4310–55–P**

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## DEPARTMENT OF THE INTERIOR

## Fish and Wildlife Service

## 50 CFR Part 17

## Endangered and Threatened Wildlife and Plants; Revised 12-Month Finding for the Beaver Cave Beetle (*Pseudanophthalmus major*)

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of revised 12-month petition finding.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce our revised 12-month finding for a petition to list the Beaver Cave beetle (*Pseudanophthalmus major*) under the Endangered Species Act (Act) of 1973 (16 U.S.C. 1531 *et seq.*). After a review of the best available scientific and commercial information, we conclude that this species is not likely to become an endangered or threatened species within the foreseeable future throughout all or a significant portion of its range. Therefore, we find that proposing a rule to list the species is not warranted, and we no longer consider it to be a candidate species for listing. However, the Service will continue to seek new information on the taxonomy, biology, and ecology of this species, as well as potential threats to its continued existence.

**DATES:** This finding was made on October 11, 2006. Although no further action will result from this finding, we request that you submit new information concerning the taxonomy, biology, ecology, and status of the Beaver Cave beetle, as well as potential threats to its continued existence, whenever such information becomes available.

**ADDRESSES:** The complete file for this finding is available for inspection, by appointment and during normal business hours, at the U.S. Fish and Wildlife Service, 3761 Georgetown Road, Frankfort, Kentucky 40601. Submit new information, materials, comments, or questions concerning this species to us at the same address.

**FOR FURTHER INFORMATION CONTACT:** Dr. Michael A. Floyd, Kentucky Ecological Services Field Office at the address listed above, by telephone at 502–695–0468, by facsimile at 502–695–1024, or by e-mail at *mike_floyd@fws.gov.*

**SUPPLEMENTARY INFORMATION:**

## Background

The Act provides two mechanisms for considering species for listing. One method allows the Secretary, on his own initiative, to identify species for listing under the standards of section 4(a)(1). We implement this through an assessment process to identify species that are candidates for listing, which means we have on file sufficient information on biological vulnerability and threats to support a proposal to list the species as endangered or threatened, but for which preparation and publication of a proposal is precluded by higher-priority listing actions. Using this process, we identified the Beaver Cave beetle as a candidate for listing in 2001 and included it in the Candidate Notice of Review (CNOR) published in the **Federal Register** on October 30, 2001 (66 FR 54808). In subsequent CNORs that we published on June 13, 2002 (67 FR 40657), May 4, 2004 (69 FR 24875), and May 11, 2005 (70 FR 24870), we continued to recognize this

species as a candidate for listing based on updated assessments of its status. We also published a CNOR on September 12, 2006 (71 FR 53755), which maintained the species as a candidate for listing because we had not yet finalized this, our most current review of the species.

A second mechanism that the Act provides for considering species for listing is for the public to petition us to add a species to the Federal Lists of Threatened or Endangered Species (Lists) found at 50 CFR 17.11 (animals) and § 17.12 (plants). Under section 4(b)(3)(A), when we receive such a petition, we must determine within 90 days, to the extent practicable, whether the petition presents substantial scientific or commercial information that listing may be warranted (a ''90-day finding''). If we make a positive 90-day finding, we must promptly commence a status review of the species and under section 4(b)(3)(B), we must make and publish one of three possible findings within 12 months of receipt of such a petition (a ''12-month finding''):

1. The petitioned action is not warranted;

2. The petitioned action is warranted (in which case we are to promptly publish a proposed regulation to implement the petitioned action); or

3. The petitioned action is warranted but (a) the immediate proposal of a regulation and final promulgation of a regulation implementing the petitioned action is precluded by pending proposals, and (b) expeditious progress is being made to add qualified species to the Lists (i.e., a ''warranted but precluded'' 12-month petition finding). Our standard for making a species a candidate through our own initiative is identical to the standard for making a ''warranted but precluded'' 12-month petition finding.

On May 11, 2004, the Service received a petition from the Center for Biological Diversity to list 225 species we previously had identified as candidates for listing, including the Beaver Cave beetle. Pursuant to requirements in section 4(b)(3)(B) of the Act, the CNOR and Notice of Findings on Resubmitted Petitions published by the Service on May 11, 2005 (70 FR 24870) included a finding that the immediate issuance of a proposed listing rule and the timely promulgation of a final rule for each of these petitioned species, including the Beaver Cave beetle, was warranted but precluded by higher priority listing actions, and that expeditious progress was being made to add qualified species to the Lists.

Section 4(b)(3)(C)(i) of the Act directs that when we make a ''warranted but precluded'' finding on a petition, we are to treat the petition as being one that is resubmitted annually on the date of the finding; thus the Act requires us to reassess the petitioned actions and to publish a finding on the resubmitted petition on an annual basis. We included a ''warranted but precluded'' finding on the resubmitted petition on the Beaver Cave beetle in the CNOR and Notice of Findings on Resubmitted Petitions published in the **Federal Register** on September 12, 2006 (71 FR 53755). The resubmitted petition finding was based on an assessment of the Beaver Cave beetle that covered information available as of October 2005. Although we typically make the annual finding for petitioned candidate species through the CNOR, we are not required to wait a full year to reassess the status of such species and may publish a revised petition finding separately from the CNOR. That is what we are doing in this situation.

As a result of new information regarding conservation efforts for the Beaver Cave beetle, we have completed a reassessment of its status (FWS 2006a). The updated assessment document is available from our Kentucky Ecological Services Field Office (see **ADDRESSES**, above). This resubmitted 12-month finding evaluates new information, as described in the species assessment and related documents referenced in it, and re-evaluates previously-acquired information.

## Species Information

The Beaver Cave beetle (*Pseudanophthalmus major*) was described by Krekeler (1973) from 3 specimens collected from Beaver Cave, Harrison County, Kentucky by T.C. Barr and J.R. Holsinger in 1966. Cave beetles in the genus Pseudanophthalmus are small, eyeless, reddish-brown insects that belong to the predatory ground beetle family Carabidae. Like most other insects, they have six legs and a body that consists of a head, thorax, and abdomen. Body length is generally from 3.0 to 8.0 millimeters (mm) (0.12 to 0.32 inches), depending upon the species. Maximum body length for the Beaver Cave beetle is 8 mm. According to Barr (1996), the genus *Pseudanophthalmus* is represented by approximately 255 species. The different species within the genus are differentiated by differences in the shape and size of the various body parts, especially the shape of the male appendages used during reproduction. Most members of the genus are cave dependent (troglobites) and are not found outside the cave environment. All are predatory and feed upon small cave invertebrates such as spiders, mites, millipedes, and diplurans, while the larger *Pseudanophthalmus* species also feed on cave cricket eggs (Barr 1996). Members of this genus vary in rarity from fairly common, widespread species that are found in many caves to species that are extremely rare and restricted to only one cave, such as the Beaver Cave beetle.

Little detailed life history information is available for the rarest of the cave beetles, including the Beaver Cave beetle. However, the generalized summary that follows is accurate for the more common and more easily studied species and is believed to also apply to the rarer species (Barr 1998). Cave beetles copulate in the fall, and the eggs are deposited in the cave soil during late fall. The eggs hatch and larvae appear in late fall through early winter. Pupation occurs in late winter to early summer with the adult beetles emerging in early summer (Barr 1996).

The limestone caves in which these cave beetles are found provide a unique and fragile environment that supports a variety of species that have evolved to survive and reproduce under the demanding conditions found in cave ecosystems. No photosynthesis takes place within the dark zone of a cave. Therefore, all organisms that are adapted to life within a cave are dependent upon energy from the surface. This energy can be in the form of leaf litter, woody debris or small bits of organic matter that is washed or falls into the cave, or guano deposited by cave-dependent bats that feed on the surface and return to the cave to roost (Barr 1996).

The Beaver Cave beetle is restricted to Beaver Cave, a limestone cave located in the Bluegrass Region of central Kentucky. There are no other caves in the vicinity of Beaver Cave, and the Beaver cave beetle has not been found at any other locations. The only known entrance to Beaver Cave is located in an open pasture and hillside of a dairy farm in eastern Harrison County. The cave generally trends northeastward from its entrance for approximately 350 meters before terminating in a breakdown (i.e., a portion of the cave where the ceiling has collapsed) (Laudermilk 2006). Most of Beaver Cave is comprised of a simple, narrow passage approximately 1 meter wide and 2.5 meters high. However, there are several larger rooms present, and there are multiple levels in a few places (Laudermilk 2006). A more extensive description of the cave can be found in Barr (1996).

**Conservation Efforts**

The Service's Partners for Fish and Wildlife (Partners) Program (Kentucky Ecological Services Field Office) began working with the owner of the Beaver Cave property in 2002, and other partners (Kentucky Department of Fish and Wildlife Resources (KDFWR), Natural Resource Conservation Service (NRCS), Farm Service Agency (FSA), Kentucky State Nature Preserves Commission, and Kentucky Division of Forestry) soon thereafter, to implement projects that would conserve Beaver Cave and the species that occupy it and in order to eliminate the threats to the Beaver Cave beetle and its habitat or reduce them to the point that listing was no longer warranted. The Partners Program coordinated several conservation efforts that were planned and implemented through five inter-related agreements/contracts between the landowner and the agencies listed above: (a) A Partners Program 15-year Wildlife Habitat Enhancement Agreement; (b) a Continuous Conservation Reserve Program (CCRP) 15-year contract through FSA; (c) a Wildlife Habitat Incentives Program (WHIP) 15-year contract through NRCS; and (d) two Landowner Incentive Program (LIP) 10-year agreements through KDFWR. These projects were initiated in the summer of 2003 and fully implemented by fall of 2005. Collectively, these agreements and contracts encompassed three general conservation efforts: (1) Maintain Beaver Cave and the landowner's surrounding property in a manner that (a) reduces or eliminates sediment and animal waste within the cave's watershed by excluding cattle from the cave entrance with fencing, developing and implementing a rotational grazing program, and installing hardened stream crossings and heavy use areas, and (b) establishes and maintains a forested buffer around the entrance to Beaver Cave; (2) construct and maintain the metal gate at the entrance to Beaver Cave; and (3) control and limit access to Beaver Cave and the landowner's surrounding property.

Many aspects of the conservation efforts identified in the five inter-related agreements are on-going, such as maintenance of the gate and control of access into the cave, and others have already been implemented (e.g., exclusion of cattle, construction of the cave gate, tree plantings, hardened stream crossings). Based on our evaluation of each of the three conservation efforts using the criteria provided in the Policy for Evaluation of Conservation Efforts When Making Listing Decisions (PECE) (68 FR 15100), we have determined that each of the three efforts is sufficiently certain to be implemented and effective so as to have contributed to the elimination or reduction of threats to the species (FWS 2006b). Therefore, the Service can consider these conservation efforts in making a determination as to whether the Beaver Cave beetle meets the Service's definition of a threatened or endangered species.

**Discussion of Listing Factors**

Section 4 of the Act and implementing regulations at 50 CFR part 424 set forth procedures for adding species to the Lists. A species may be determined to be an endangered or threatened species based on the applicability of one or more of the five factors described in section 4(a)(1). These factors and their application to the Beaver Cave beetle are summarized below.

*A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range*

In our initial assessment of the Beaver Cave beetle in 2001, we identified this species as a candidate for listing due to the present and threatened destruction and modification of its habitat (66 FR 54800). The activities contributing to this threat factor have now been addressed, as summarized below.

In our initial 2001 assessment and subsequent CNORs and petition findings, we identified and recognized a potential risk of destruction or modification of the cave environment (the species' habitat) which could occur as a result of (1) polluted runoff from the farm operation, specifically animal waste, sediment, or spills of toxic materials in the watershed in which the cave occurs; and (2) unauthorized human entry to Beaver Cave (i.e., trash dumping, vandalism, physical habitat disturbance, and trampling of beetles). We now have determined that the potential risk of polluted stormwater runoff is limited, because these pollutants have been significantly reduced through full implementation of the CCRP contracts, LIP agreement, and Partners agreement specified above. These contracts and agreements and subsequent conservation efforts have eliminated these threats or reduced them to a point that any negative effects are unexpected or would be insignificant to the point that this listing factor no longer applies. The reduction in threats has been accomplished through the installation of two heavy-use feeding areas that are away from the cave and its entrance and associated exclusion fencing, the development of a rotational grazing program that concentrates cattle away from the cave entrance and its watershed, and the installation of a hardened stream crossing within the Beaver Cave watershed. Also, these agreements and contracts provided funding for cattle exclusion fencing and native vegetation plantings surrounding the cave entrance, thereby protecting it from cattle disturbance and establishing a natural filter (barrier) for any potential non-point source pollutants that could potentially enter the cave during storm events. Toxic material spills from external sources are improbable, because the Beaver Cave watershed is small and not in an area where toxic chemicals are produced or stored, nor is there likely to be transport of toxic materials in the area due to the rural nature of the surrounding area. A trash and debris-filled sinkhole that is connected to Beaver was also unclogged and cleaned, providing further protection against contamination of the underground drainage basin.

To address the unlawful human trespass, trash dumping, vandalism, and habitat degradation of Beaver Cave, a bat-friendly cave gate was constructed just inside the cave entrance in 2004. The WHIP contract provided 53 percent of the funding for the cave gate construction, and the remaining 47 percent was obtained through a second LIP agreement. Under these agreements and contracts, unlawful entry to Beaver Cave is prevented, and the landowner has assumed responsibility for maintaining and inspecting the gate. This includes periodic inspections of the gate, taking necessary steps to repair the gate as needed, and ensuring the gate does not become blocked with rock or other debris that would block access to the cave for native bats or other species or prevent organic matter from entering the cave. Bat guano and other organic matter from the surface are important components of energy flow for the cave environment. Fencing has been erected around an approximate 1-acre area containing the entrance to Beaver Cave to promote the development of natural habitat around the cave entrance, provide further protection to the property, and control access to the cave entrance. These actions promote energy flow and eliminate the threats from dumping, vandalism, and unauthorized trespass such that this listing factor no longer applies.

Many aspects of these conservation efforts are on-going, such as the growth and monitoring of the riparian plantings, maintenance of the cave gate,

and control of access into the cave, but all of the primary habitat restoration and protection efforts (e.g., cave gate construction, fencing and subsequent cattle exclusion, hardened feeding areas, tree plantings, sinkhole clean-up) have already been completed.

Based on the information summarized above, the Beaver Cave beetle is not threatened by the present or threatened destruction, modification, or curtailment of its habitat or range.

*B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes*

We have no evidence of overutilization of the Beaver Cave beetle in the past for commercial, recreational, scientific, or educational purposes, and have no information that suggests such a threat exists in the foreseeable future. Under the inter-related agreements specified above, collection for scientific purposes would be allowed only with the permission of the landowner and the Service. The cave has been used for recreational purposes by spelunkers and by passive recreationists in the past, but placement of the locked metal gate across the cave entrance in 2004 has effectively eliminated such uses. Further, through maintenance of the metal gate at the cave entrance, as required by the LIP agreement and WHIP contract, all unauthorized access to the cave is prevented. Based on these considerations, overutilization for commercial, recreational, scientific, or educational purposes is not a threat to the species.

*C. Disease or Predation*

Disease and predation are not known to be threats for this species and are, instead, a normal part of its life history. Mortality from disease or predation likely occurs but has not eliminated this species in the past, and we have no reason to expect disease or predation to pose a substantial risk to the species in the future. Based on these considerations, disease or predation is not a threat to the species.

*D. The Inadequacy of Existing Regulatory Mechanisms*

Although the Beaver Cave beetle is listed as endangered in Kentucky by the Kentucky State Nature Preserves Commission, such listings provide no substantive protection under the current Kentucky law. However, there are no foreseeable reasons why specific regulatory mechanisms are necessary to ensure the conservation of this species, because the landowner and the involved agencies have committed to and are implementing various conservation efforts to protect Beaver Cave and the Beaver Cave beetle. These include, but are not limited to, strictly controlling access to the cave and the property surrounding the cave opening and restoring and enhancing the vegetation communities surrounding the cave and in its watershed. The metal gate is effective in preventing unauthorized entry into the cave, and as described above, the landowner has committed to and is implementing measures to strictly control access to the cave. Based on these considerations, the inadequacy of existing regulatory mechanisms is not a threat to the species.

*E. Other Natural or Manmade Factors Affecting Its Continued Existence*

Populations of this beetle species are restricted to Beaver Cave and are generally thought to be represented by a small number of individuals. Although this is a natural situation, their limited distribution and numbers make this species vulnerable to extirpation due to effects from various manmade factors, such as spills of toxic substances, non-point source pollutants, and habitat-related damage, as described above under Factor A. As described above, the conservation efforts included in the five inter-related agreements summarized above have removed or substantially reduced these habitat-related risks. Small population sizes for these species may also limit the natural interchange of genetic material within the population, which could affect long-term genetic and population viability. However, this is an endemic species that has persisted over time (i.e., from at least the time of its discovery to the present time) and under conditions that were worse than the current, more-protective situation despite the perceived risks of limited genetic interchange. For the reasons described above, the Beaver Cave beetle is not threatened by other natural or human-caused factors.

## Revised Petition Finding

We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by the Beaver Cave beetle.

We have evaluated the threats to the Beaver Cave beetle and considered factors that, individually and in combination, presently or potentially could pose a risk to the species and its habitat. We conclude that listing this species under the Act is not warranted, because the species is not likely to become an endangered or threatened species within the foreseeable future throughout all or a significant portion of its range. This species no longer meets our definition of a candidate and is removed from candidate status.

We will continue to monitor the status of the Beaver Cave beetle, and to accept additional information and comments from all concerned governmental agencies, the scientific community, industry, or any other interested party concerning this finding. We will reconsider this determination in the event that new information indicates that the threats to this species are of a considerably greater magnitude or imminence than identified here.

## References

A complete list of all references cited herein is available upon request from the Kentucky Ecological Services Field Office, U.S. Fish and Wildlife Service (see **ADDRESSES**).

## Author

The primary author of this finding is Dr. Michael A. Floyd, U.S. Fish and Wildlife Service (see **ADDRESSES**).

## Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: September 28, 2006.

**Marshall Jones,**

*Acting Director, Fish and Wildlife Service.*

[FR Doc. E6–16540 Filed 10–10–06; 8:45 am]

**BILLING CODE 4310–55–P**

# Notices

Federal Register

Vol. 71, No. 196

Wednesday, October 11, 2006

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

### Submission for OMB Review; Comment Request

October 4, 2006.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (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; (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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

#### Food and Nutrition Service

*Title:* Summer Food Service Program Claim for Reimbursement.

*OMB Control Number:* 0584–0041.

*Summary of Collection:* The Summer Food Service Program Claim for Reimbursement Form is used to collect meal and cost data from sponsors to determine the reimbursement entitlement for meals served. The form is sent to the Food and Nutrition Service's (FNS) Regional Offices where it is entered into a computerized payment system. The payment system computes earnings to date and the number of meals to date and generates payments for the amount of earnings in excess of prior advance and claim payments. To fulfill the earned reimbursement requirements set forth in the Summer Food Service Program Regulations issued by the Secretary of Agriculture (7 CFR 225.9), the meal and cost data must be collected on the FNS–143, Claim for Reimbursement form.

*Need and Use of the Information:* FNS will collect information to manage, plan, evaluate, and account for government resources. The reports and records are required to ensure the proper and judicious use of public funds. If the information is not collected on the claim form, the sponsor could not receive reimbursement.

*Description of Respondents:* Not-for-profit institutions.

*Number of Respondents:* 123.

*Frequency of Responses:* Recordkeeping; Reporting: Other (5 per year).

*Total Burden Hours:* 423.

**Ruth Brown,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. E6–16724 Filed 10–10–06; 8:45 am]

BILLING CODE 3410–30–P

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

October 5, 2006.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (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; (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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

#### National Agricultural Statistics Service

*Title:* Honey Survey.

*OMB Control Number:* 0535–0153.

*Summary of Collection:* The National Agricultural Statistics Service (NASS) primary function is to prepare and issue State and national estimates of crop and livestock production. General authority for these data collection activities is granted under U.S. Code Title 7, Section 2204. Domestic honeybees are critical to the pollination of U.S. crops, especially fruits and vegetables. Africanized bees, parasites, diseases, and pesticides threaten the survival of bees. Programs are provided by federal, State and local governments to assist in the survival of

bees and to encourage beekeepers to maintain bee colonies.

*Need and Use of the Information:* NASS will collect information on the number of colonies, honey production, stocks, and prices. The survey will provide data needed by the Department and other government agencies to administer programs and to set trade quotas and tariffs. Without the information agricultural industry would not be aware of changes at the State and national level.

*Description of Respondents:* Farms.

*Number of Respondents:* 5,281.

*Frequency of Responses:* Reporting: Annually.

*Total Burden Hours:* 790.

**Charlene Parker,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. E6–16725 Filed 10–10–06; 8:45 am]

**BILLING CODE 3410–20–P**

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

October 4, 2006.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (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; (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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

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**Forest Service**

*Title:* Forest Industries Data Collection System.

*OMB Control Number:* 0596–0010.

*Summary of Collection:* The Forest and Range Renewable Resources Planning Act of 1974 and the Forest and Rangeland Renewable Resources Research Act of 1978 require the Forest Service (FS) to evaluate trends in the use of logs and wood chips, to forecast anticipated levels of logs and wood chips, and to analyze changes in the harvest of the resources. Forest product and other wood-using industries are important to state, regional, and national economies. In most southern states, the value of rounded timber products is ranked either first or second in relation to other major agricultural crops. The importance and value of the timber products industry is significant in other regions of the United States as well. The FS will collect information using questionnaires.

*Need and Use of the Information:* FS will collect information to monitor the types, species, volumes, sources, and prices of the timber products harvested throughout the Nation. The data will be used to develop specific economic development plans for a new forest-related industry in a State and to assist existing industries in identifying raw material problems and opportunities. If the information were not collected, data would not be available for sub-state, state, regional, and national policy makers and program developers to make decisions related to the forestland on a scientific basis.

*Description of Respondents:* Business or other for-profit; Not-for-profit institutions.

*Number of Respondents:* 1,816.

*Frequency of Responses:* Reporting: On occasion; Annually.

*Total Burden Hours:* 1,462.

**Forest Service**

*Title:* Application for Permit, Non-Federal Commercial Use of Roads Restricted by Order.

*OMB Control Number:* 0596–0016.

*Summary of Collection:* The Forest Service (FS) transportation system includes approximately 380,000 miles of roads. These roads are grouped into five maintenance levels. Level one includes roads, which are closed and maintained only to protect the environment. Level of maintenance increase to level five, which is maintained for safe passenger car use. The roads usually provide the only access to commercial products including timber and minerals found on both Federal and private lands within and adjacent to National Forests. Annual maintenance not performed becomes a backlog that creates a financial burden for the FS. To remedy the backlog and pay for needed maintenance the FS requires commercial users to apply and pay for a permit to use the FS Road System. Maintenance resulting from commercial use is accomplished through collection of funds or requiring the commercial users to perform the maintenance. The vehicle for this is the Road Use Permit. The authority for the Road Use Permit process comes from 36 CFR 212.5, 36 CFR 212.9 and 36 CFR 261.54 Section 212.9 authorizes the FS to develop a road system with private in holders that is mutually beneficial to both parties.

*Need and Use of the Information:* Persons wishing to haul commercial will use form, FS 7700–40. The form provides identifying information about the applicant such as, the name; address; and telephone number; description of mileage of roads; purpose of use; use schedule; and plans for future use. FS will use the information to prepare the applicant's permit, to identify the road maintenance that is the direct result of the applicant's traffic, to calculate any applicable collections for recovery of past Federal investments in roads and assure that the requirements are met. Without the Road Use Permit, the backlog of maintenance would increase and the FS would have great difficulty providing the transportation system necessary to meet our mission.

*Description of Respondents:* Business or other for-profit; Individuals or households; State, Local or Tribal Government; Not-for-profit institutions.

*Number of Respondents:* 2000.

*Frequency of Responses: Reporting:* On occasion.

*Total Burden Hours:* 500.

**Charlene Parker,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. E6–16726 Filed 10–10–06; 8:45 am]

**BILLING CODE 3410–11–P**

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

October 4, 2006.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (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; (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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

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**Rural Housing Service**

*Title:* 7 CFR Part 1924-A, Planning and Performing Construction and Other Development.

*OMB Control Number:* 0575–0042.

*Summary of Collection:* The Rural Housing Service (RHS) is the credit agency for rural housing and community development within the Rural Development mission area of the United States Department of Agriculture. RHS offers a supervised credit program to build modest housing and essential community facilities in rural areas. Section 501 of Title V of the Housing Act of 1949, authorizes the Secretary of Agriculture to extend financial assistance to construct, improve, alter, repair, replace, or rehabilitate dwellings, farm buildings and/or related facilities to provide decent, safe sanitary living conditions and adequate farm building and other structures in rural areas.

*Need and Use of the Information:* RHS provides several forms to assist in the collection and submission of information. The information will be used to determine whether a loan/grant can be approved; to ensure that RHS has adequate security for the loans financed; to monitor compliance with the terms and conditions of the agency loan/grant and to monitor the prudent use of Federal funds. If the information is not collected and submitted, RHS would have no control over the type and quality of construction and development work planned and performed with Federal funds.

*Description of Respondents:* Individuals or households; Business or other for-profit; Not-for-profit institutions; Farms.

*Number of Respondents:* 25,340.

*Frequency of Responses: Recordkeeping; Report:* On occasion.

*Total Burden Hours:* 117,858.

**Charlene Parker,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. E6–16727 Filed 10–10–06; 8:45 am]

BILLING CODE 3410–XT–P

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

October 5, 2006.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments regarding (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; (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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), *OIRA_Submission@OMB.EOP.GOV* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8681.

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**Rural Business Service**

*Title:* Intermediary Re-lending Program.

*OMB Control Number:* 0570–0021.

*Summary of Collection:* The objective of the Intermediary Relending Program (IRP) is to improve community facilities and employment opportunities and increase economic activity in rural areas by financing business facilities and community development. This purpose is achieved through loans made by the Rural Business-Cooperative Service (RBS) to intermediaries that establish programs for the purpose of providing loans to ultimate recipients for business facilities and community development. The Food Security Act of 1985 provides USDA with the authority to make loans to nonprofit entities who will in turn provide financial assistance to rural businesses to improve business, industry and employment opportunities as well as provide a diversification of the economy in rural areas.

*Need and Use of the Information:* The information requested is necessary for RBS to process applications in a responsible manner, make prudent credit and program decisions, and effectively monitor the intermediaries' activities to protect the Government's financial interest and ensure that funds obtained from the Government are used appropriately. Various forms are used to include information to identify the intermediary, describe the intermediary's experience and expertise, describe how the intermediary will operate its revolving loan fund, provide

for debt instruments, loan agreements, and security, and other material necessary for prudent credit decisions and reasonable program monitoring.

*Description of Respondents:* Not-for-profit institutions; Business or other for-profit.

*Number of Respondents:* 202.

*Frequency of Responses:* Reporting: On occasion.

*Total Burden Hours:* 17,959.

**Charlene Parker,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. E6–16752 Filed 10–10–06; 8:45 am]

**BILLING CODE 3410–XT–P**

## DEPARTMENT OF AGRICULTURE

### Farm Service Agency

### Finding of No Significant Impact

**AGENCY:** Farm Service Agency, USDA.

**SUMMARY:** The Farm Service Agency (FSA) is issuing a Finding of No Significant Impact (FONSI) consistent with the National Environmental Policy Act of 1969 with respect to the implementation of the following Disaster Assistance Programs: (1) Hurricane Indemnity Program, (2) Feed Indemnity Program, (3) Livestock Indemnity Program, (4) Tree Indemnity Program, and (5) Aquaculture Grant Program as well as (6) the 2006 Livestock Assistance Grant Program.

**DATES:** This action is effective November 13, 2006.

**ADDRESSES:** The Final Programmatic Environmental Assessment and FONSI may be reviewed at *http://www.fsa.usda.gov/dafp/cepd/epb/assessments.htm*. Written comments should be directed to Mike Linsenbigler, USDA/FSA/CEPD/Stop 0513, 1400 Independence Ave., SW., Washington, DC 20250–0513. Electronic comments may be submitted to *Mike.Linsenbigler@wdc.usda.gov*. Persons with disabilities who require alternative means for communication (Braille, large print, audio tape, etc.) should contact the USDA Target Center at (202) 720–2600 (voice and TDD).

**SUPPLEMENTARY INFORMATION:** FSA prepared a Final Programmatic Environmental Assessment for disaster assistance programs supporting production loss and damage caused by damaging weather that occurred between 2005 and 2006. Consistent with the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321, *et seq.*) (NEPA), the Council on Environmental Quality (CEQ) Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508), and FSA's policy and procedures (7 CFR part 799), FSA is issuing a Finding of No Significant Impact (FONSI) with respect to the implementation of the Proposed Action under consideration here. These actions involve 2005–2006 disaster assistance programs that solely transfer funds to offset production and disaster related losses with no site-specific or ground-disturbing actions occurring as an immediate result of implementing these programs. These programs include the following Disaster Assistance Programs: (1) Hurricane Indemnity Program, (2) Feed Indemnity Program, (3) Livestock Indemnity Program, (4) Tree Indemnity Program, (5) Aquaculture Grant Program, and (6) the 2006 Livestock Assistance Grant Program. Because normal agricultural related production was hindered by the widespread and significant destruction caused by the 2005 hurricanes and the severe droughts occurring from March 7, 2006, to August 31, 2006, the Secretary is responding by utilizing the equivalent of 30 percent of annual customs revenues available under Section 32 to restore purchasing power to affected eligible producers.

Current disaster programs operated by USDA and other Federal and State agencies do not fully cover the types of loss and destruction experienced by a majority of producers within the States affected by these hurricanes and drought. Without the immediate financial assistance provided by these programs, producers would face delays and experience additional financial hardships in their efforts to return their farming or livestock operations to pre-disaster or pre-drought levels.

Under the Proposed Action Alternative, FSA would disburse up to $300 million either through direct payments to eligible producers or through grants administered by State agencies for the grant programs. In making direct payments, FSA does not require that payments be used for specific purposes. These programs solely provide payments to eligible producers for weather-related losses. The direct-payment programs are based on the producers documenting the type and amount of the weather-related loss.

*Determination:* In consideration of the analysis documented in the Final Programmatic Environmental Assessment and the reasons outlined in this FONSI, the preferred alternative would not constitute a *major* State or Federal action that would significantly affect the human environment. In accordance with the National Environmental Policy Act regulations at 40 CFR part 1502.4, ''Major Federal actions requiring the preparation of Environmental Impact Statements,'' and 7 CFR Part 799, ''Environmental Quality and Related Environmental Concerns—Compliance with NEPA implementing the regulations of the Council on Environmental Quality,'' and 40 CFR parts 1500–1508, I find that neither the proposed action nor any of the alternatives analyzed constitute a major Federal action significantly affecting the quality of the human environment. Therefore, no environmental impact statement will be prepared.

Signed in Washington DC on October 2, 2006.

**Glen L. Keppy,**

*Acting Administrator, Farm Service Agency.*

[FR Doc. E6–16734 Filed 10–10–06; 8:45 am]

**BILLING CODE 3410–05–P**

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Notice of New Fees; Federal Lands Recreation Enhancement Act (Title VIII, Pub. L. 108–447)

**AGENCY:** Chugach National Forest, USDA Forest Service.

**ACTION:** Notice of new fees.

**SUMMARY:** The Chugach National Forest will begin charging fees for a group campsite, cabins, individual campsites, and a backcountry permit for the Whistle Stop project area. Fees for other group campsites, cabins, and individual campsites on the Chugach National Forest have shown that the public values the availability of these facilities. In addition, market research conducted for the Whistle Stop project shows that people understand the need for backcountry permits given the remote nature of the area. Fees will be commensurate with the benefits and services provided. Funds received from the fees will be used for the continued operation and maintenance of the facilities and enhanced services of the area.

**DATES:** Backcountry Permits will be available spring 2007 for the 2007 Whistle Stop season. The group campsite, individual campsites, and cabins are expected to be available in 2008.

**ADDRESSES:** Forest Supervisor, Chugach National Forest, 3301 C Street, Anchorage, AK 9503.

**FOR FURTHER INFORMATION CONTACT:** Adam McClory, Whistle Stop Project Manager, 907–754–2352.

**SUPPLEMENTARY INFORMATION:** The Federal Recreation Lands Enhancement

Act (Title VII, Public Law 108–447) directed the Secretary of Agriculture to publish a six month advance notice in the **Federal Register** whenever new recreation fee areas are established.

The Whistle Stop project is a partnership between the Forest Service and Alaska Railroad that will provide additional recreation opportunities using alternative transportation. This new service will allow the opportunity for visitors to access National Forest lands which were previously inaccessible to the majority of forest visitors. Market research demonstrates a demand for these sorts of recreation opportunities on the Kenai Peninsula. The Forest Service has identified a goal of achieving cost recovery through a combination of revenue sharing with the Alaska Railroad; fees from public-use cabin rentals and campsites; and fees obtained through backcountry permits.

Implementation of backcountry permits, as described in the Record of Decision, will provide the Forest Service with the ability to accurately track recreation use and ensure that use levels and numbers of encounters are not exceeding thresholds established in the Forest Plan and Recreation Opportunity Spectrum (ROS) guidelines. Chugach National Forest goals include maintaining a backcountry social experience and protecting the natural and cultural resources throughout the area. Backcountry permits will be required for visitors utilizing the enhanced amenities provided through the Whistle Stop Project area. Amenities include a developed trail system, backcountry campsites, interpretive materials, and Whistle Stop stations that will include a shelter, restroom facilities and bear-proof food storage containers. Issuance of the backcountry permit will allow for better public safety and result in improved visitor education and information about proper camping techniques, fir prevention, safety in bear country, and sanitation. Members of the public are welcome to comment.

Dated: October 4, 2006.

**Joe Meade,**

*Chugach National Forest Supervisor.*

[FR Doc. 06–8591 Filed 10–10–06; 8:45 am]

BILLING CODE 3410–11–M

## DEPARTMENT OF COMMERCE

### Submission for OMB Review; Comment Request

DOC will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

*Agency:* U.S. Census Bureau.

*Title:* American Community Survey, 2007 Methods Panel.

*Form Number(s):* ACS–1(2005), ACS–1(X)Seq, ACS–1(X)Pro.

*Agency Approval Number:* None.

*Type of Request:* New collection.

*Burden:* 46,000 hours.

*Number of Respondents:* Postage Test—20,000; Grid vs. Sequential Test—40,000; Degree Test Reinterview—32,000.

*Avg. Hours per Response:* Questionnaires—38 minutes; Reinterview—15 minutes.

*Needs and Uses:* The U.S. Census Bureau requests authorization from the Office of Management and Budget (OMB) to conduct the American Community Survey 2007 Methods Panel tests.

Given the rapid demographic changes experienced in recent years and the strong expectation that such changes will continue and accelerate, the once-a-decade data collection approach of a census is no longer acceptable as a source for the housing and socio-economic data collected on the census long-form. To meet the needs and expectations of the country, the Census Bureau developed the American Community Survey (ACS). This survey collects detailed socioeconomic data every month and provides tabulations of these data on a yearly basis. The ACS allows the Census Bureau to provide more timely and relevant housing and socio-economic data while also reducing operational risks in the census by eliminating the long-form historically given to one in every six addresses.

Full implementation of the ACS includes an annual sample of approximately three million residential addresses a year in the 50 states and the District of Columbia, and another 36,000 addresses in Puerto Rico. A sample this large allows for annual production and release of single-year estimates for areas with a population of 65,000 or more. Lower levels of geography require aggregates of three and five years' worth of data in order to produce estimates of comparable reliability to the census long-form. However, an ongoing data collection effort with an annual sample of this magnitude requires that the ACS continue to research possible methods for maintaining if not reducing data collection costs. If costs increase, the ACS would have to consider reductions in sample thus reducing the reliability of the data as compared to the reliability of the census long-form, especially at lower levels of geography.

One of the tests included in the 2007 Methods Panel addresses a method for potentially reducing data collection costs. In this test, we will implement the same mailing strategy as ACS production and send each sampled address a prenotice letter, an initial questionnaire (ACS–1(2005)) packet, and a reminder postcard and for those who haven't responded by a certain date, we will send a second questionnaire packet. However, for this test we will send the prenotice letter using standard postage. Current ACS production procedures send all mail pieces using a first-class postage rate. Using standard postage rather than first-class postage for this mail piece can potentially save the ACS approximately two hundred and thirty thousand dollars in data collection costs each year. The test will evaluate whether the use of standard mailing for the prenotice letter impacts mail response rates.

A second test included in the 2007 Methods Panel addresses another aspect of ACS data collection relative to the census. Both the ACS and the census collect a core set of basic demographic questions (age and date of birth, gender, relationship, Hispanic origin and race). However, the 2010 Census will use a different format (similar to the format for the 2000 Census) from the format used by the ACS for collecting this information on the mail questionnaire. The census format, referred to as a sequential person design, creates a column for each person that includes each question and associated response categories. The ACS format, referred to as the grid design, lists the names of all persons down the left side of the form, the questions across the top of the page, and the response categories fall in the 'cells' created by crossing the person names by question.

This second test will compare the sequential person (ACS–1(X)Seq) and grid (ACS–1(X)Pro) formats for collecting the basic demographic information to measure the impact on data quality, specifically unit and item non-response rates, response distributions, and within household coverage. The outcome of the test will determine whether the different formats might contribute to differences in the estimates for the basic demographic questions. If the format does influence how people respond to these basic demographic questions, the Census Bureau will decide whether the ACS should alter its format of the collection of these data items to more closely reflect the census style format prior to the 2010 Census.

The 2007 Methods Panel may also include a third test contingent on the

funding allocations in the President's budget for 2007. This third test will measure and compare the data quality between two versions of new content proposed by the National Science Foundation for inclusion on the ACS. The proposed content asks about the major field in which a person received his or her bachelor's degree. In this test, half the sample will answer an open-ended question reporting the actual degree he or she received. The other half of the sample will provide their field of degree information by answering a series of yes/no questions. The test will assess which, if either, version results in data of sufficient quality for inclusion on the ACS.

Given that the ACS collects data every day of the year in every county in the U.S. and in every municipio in Puerto Rico, the ACS provides an opportunity to produce data not available from any other source or survey at the same low levels of geography. The Census Bureau, in conjunction with the Office of Management and Budget, has a policy for determining whether new content or questions will be added to the ACS. As part of the content determination process, the Census Bureau must test the proposed content to determine whether the ACS can produce data of sufficiently high quality for the proposed topic. In all likelihood, this test will fold into the grid versus sequential form design test noted above in an effort to reduce cost and burden. The test would, however, include a Content Follow-Up Reinterview of approximately 80 percent of the sample. The Census Bureau and OMB will consider these results in deciding whether to include the new content, per the Census Bureau's Policy on New Content for the ACS.

In order to provide data of comparable reliability as the census long-form at low levels of geography (*e.g.*, census tract level) or for characteristics of special, small populations, the ACS must collect data on a continual basis and aggregate three to five years worth of data. Essentially the ACS collects data every day of the year, either by mail, telephone interviews or personal-visit interviews in order to have an adequate number of interviews to achieve estimates with comparable reliability to the census long-form at low levels of geography. Federal agencies use the ACS data to determine appropriate funding for state and local governments through block grants. State and local governments use ACS data for program planning, administration and evaluation. Thus, the reliability and the quality of the data must remain high in order for the users to rely on the data for funding decisions.

Similarly, the federal government as well as state and local governments uses the core, basic demographics collected as part of the census for funding and programmatic decisions. With full implementation of the ACS, those same data are available every year. From a data user's perspective, large differences in the estimates for those core data items between ACS and the census can be problematic in terms of funding and program decisions. Since the ACS is a sample survey rather than a census we expect some differences in results between the two. However, there are many other factors that contribute to different results, such as differences in the interviewing staff, social relevance of the census versus a current survey, and even form design.

Thus, the 2007 Methods Panel will investigate ways to reduce or at least maintain data collection costs so the Census Bureau can continue to provide data of comparable reliability as the census long-form did. Additionally, the 2007 Methods Panel will test whether differences in form design between the census and the ACS may contribute to differences in results for the basic demographic items used by federal, state and local governments for funding and programmatic decisions. Lastly, funding permitting, the Methods panel will test proposed content regarding major field of study for a person's bachelor degree in order to provide the National Science Foundation and the National Center for Education Statistics with current information regarding estimates of types of fields in which people receive bachelor's degrees.

*Affected Public:* Individuals or households.

*Frequency:* One time.

*Respondent's Obligation:* Mandatory.

*Legal Authority:* Title 13, United States Code, Sections 141, 193, and 221.

*OMB Desk Officer:* Brian Harris-Kojetin, (202) 395–7314.

Copies of the above information collection proposal can be obtained by calling or writing Diana Hynek, Departmental Paperwork Clearance Officer, (202) 482–0266, Department of Commerce, room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dhynek@doc.gov*).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to Brian Harris-Kojetin, OMB Desk Officer either by fax (202–395–7245) or e-mail (*bharrisk@omb.eop.gov*).

Dated: October 3, 2006.

**Madeleine Clayton,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. E6–16728 Filed 10–10–06; 8:45 am]

**BILLING CODE 3510–07–P**

## DEPARTMENT OF COMMERCE

### Membership of the Office of the Secretary Performance Review Board

**AGENCY:** Department of Commerce.

**ACTION:** Notice of Membership on the Office of the Secretary Performance Review Board.

**SUMMARY:** In accordance with 5 U.S.C., 4314(c)(4), DOC announces the appointment of persons to serve as members of the Office of the Secretary (OS) Performance Review Board (PRB). The OS/PRB is responsible for reviewing performance appraisals and ratings of Senior Executive Service (SES) members. The appointment of these members to the OS/PRB will be for a period of 24 months.

**DATES:** *Effective Date:* The effective date of service of appointees to the Office of the Secretary Performance Review Board is upon publication of this notice.

**FOR FURTHER INFORMATION CONTACT:** Denise Yaag, Director, Office of Executive Resources, Office of Human Resources Management, Office of the Director, 14th and Constitution Avenue, NW., Washington, DC 20230, (202) 482–3600.

**SUPPLEMENTARY INFORMATION:** The names, position titles, and type of appointment of the members of the OS/PRB are set forth below by organization:

**Department of Commerce, Office of the Secretary, 2006–2008 Performance Review Board Membership**

*Office of the Secretary*

Tracey S. Rhodes, Director, Executive Secretariat.

Richard Yamamoto, Director, Office of Security (Alternate).

*Office of Assistant Secretary for Administration*

Lisa Casias, Deputy Director for Financial Policy.

*Economic Development Administration*

Mary Pleffner, Deputy Assistant Secretary for Management Services and CFO.

*National Oceanic and Atmospheric Administration*

John E. Jones, Jr., Deputy Assistant Administrator for Weather Services.

*Office of the General Counsel*

Michael A. Levitt, Assistant General Counsel for Legislation and Regulation.

Dated: September 26, 2006.

**Denise Yaag,**

*Director, Office of Executive Resources.*

[FR Doc. 06–8583 Filed 10–10–06; 8:45 am]

BILLING CODE 3510–BS–M

## DEPARTMENT OF COMMERCE

### Membership of the Departmental Performance Review Board

**AGENCY:** Department of Commerce.

**ACTION:** Notice of membership on the Departmental Performance Review Board.

**SUMMARY:** In accordance with 5 U.S.C., 4314(c)(4), Department of Commerce (DOC) announces the appointment of persons to serve as members of the Departmental Performance Review Board (DPRB). The DPRB is responsible for reviewing performance appraisals and ratings of Senior Executive Service (SES) members and serves as the higher level review of executives who report to an appointing authority. The appointment of these members to the DPRB will be for a period of 24 months.

**DATES:** *Effective Date:* The effective date of service of appointees to the Departmental Performance Review Board is upon publication of this notice.

**FOR FURTHER INFORMATION CONTACT:** Denise Yaag, Director, Office of Executive Resources, Office of Human Resources Management, Office of the Director, 14th and Constitution Avenue, NW., Washington, DC 20230, (202) 482–3600.

**SUPPLEMENTARY INFORMATION:** The names and position titles of the members of the DPRB are set forth below by organization:

**Department of Commerce, Departmental Performance Review Board Membership 2006–2008**

*Office of the Secretary*

Aimee L. Strudwick, Chief of Staff to the Deputy Secretary.

*Office of General Counsel*

Michael A. Levitt, Assistant General Counsel for Legislation and Regulation.

Joan McGinnis, Assistant General Counsel for Finance and Litigation.

*Chief Financial Officer and Assistant Secretary for Administration*

William J. Fleming, Deputy Director for Human Resources Management.

*Bureau of the Census*

Dr. Hermann Habermann, Deputy Director.

Marvin Raines, Associate Director for Field Operations.

*Economics and Statistics Administration*

James K. White, Associate Under Secretary for Management.

*Economics and Development Administration*

Mary Pleffner, Deputy Assistant Secretary for Management.

*National Telecommunications and Information Administration*

Kathy D. Smith, Chief Counsel.

*National Oceanic and Atmospheric Administration*

Bonnie Morehouse, Director, Program Analysis and Evaluation.

Maureen Wylie, Deputy Chief Financial Officer, Director of Budget.

Kathleen A. Kelly, Director, Office of Satellite Operations, NESDIS.

*National Technical Information Service*

Ellen Herbst, Director, National Technical Information Service.

*National Institute of Standards and Technology*

Richard F. Kayser, Director, Materials Science and Engineering Laboratory.

Kathleen M. Higgins, Director, Office of Law Enforcement Standards, EEEL.

Dated: September 28, 2006.

**Denise Yaag,**

*Director, Office of Executive Resources.*

[FR Doc. 06–8586 Filed 10–10–06; 8:45 am]

BILLING CODE 3510–BS–M

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

### Sensors and Instrumentation Technical Advisory Committee; Notice of Partially Closed Meeting

The Sensors and Instrumentation Technical Advisory Committee (SITAC) will meet on October 24, 2006, 9:30 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Constitution and Pennsylvania Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to sensors and instrumentation equipment and technology.

**Agenda**

*Public Session*

1. Welcome and Introductions.
2. Remarks from the Bureau of Industry and Security Management.
3. Industry Presentations.
4. Government Presentations.
5. New Business.

*Closed Session*

6. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that the materials be forwarded before the meeting to Ms. Yvette Springer at *Yspringer@bis.doc.gov.*

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on September 29, 2006 pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § 10(d)), that the portion of this meeting dealing with pre-decisional changes to the Commerce Control List and U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information contact Yvette Springer on (202) 482–2813.

Dated: October 5, 2006.

**Yvette Springer,**

*Committee Liaison Officer.*

[FR Doc. 06–8598 Filed 10–10–06; 8:45 am]

BILLING CODE 3510–JT–M

## DEPARTMENT OF COMMERCE

### International Trade Administration

**[A–570–904]**

### Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination: Certain Activated Carbon From the People's Republic of China

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**EFFECTIVE DATE:** October 11, 2006.

**SUMMARY:** We preliminarily determine that certain activated carbon from the People's Republic of China (''PRC'') is being, or is likely to be, sold in the United States at less than fair value (''LTFV''), as provided in section 733 of the Tariff Act of 1930, as amended (''the Act''). The estimated margins of sales at LTFV are shown in the ''Preliminary Determination'' section of this notice.

**FOR FURTHER INFORMATION CONTACT:** Catherine Bertrand or Anya Naschak, AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: 202–482–3207 or 202–482–6375, respectively.

**SUPPLEMENTARY INFORMATION:**

## Case History

On March 8, 2006, the Department of Commerce (''Department'') received a petition on imports of certain activated carbon from the People's Republic of China (''PRC'') from Calgon Carbon Corporation and Norit Americas Inc. (''Petitioners''). This investigation was initiated on March 28, 2006. *See Initiation of Antidumping Duty Investigation: Certain Activated Carbon From the People's Republic of China,* 71 FR 16757 (April 4, 2006) (''*Initiation Notice*'').

Since the initiation of this investigation, the following events have occurred. On April 4, 2006, the Department requested quantity and value (''Q&V'') information from the producers and exporters of certain activated carbon that Petitioners identified in the petition. Also, on April 4, 2006, the Department sent a letter requesting Q&V information to the China Bureau of Fair Trade for Imports & Exports (''BOFT'') of the Ministry of Commerce (''MOFCOM'') requesting that BOFT transmit the letter to all companies who manufacture and export subject merchandise to the United States, or produce the subject merchandise for the companies who were engaged in exporting the subject merchandise to the United States during the period of investigation (''POI'').

The Q&V information was due on April 19, 2006. The Department received twenty-three responses. The Department did not receive any type of communication from BOFT regarding its request for Q&V information. For a complete list of all parties from which the Department requested Q&V information, *see* Memorandum to James C. Doyle, Director, AD/CVD Operations, Office 9, through Carrie Blozy, Program Manager, AD/CVD Operations, Office 9, from Catherine Bertrand, Senior Case Analyst, Office 9: Selection of Respondents for the Antidumping Investigation of Certain Activated Carbon From the People's Republic of China, dated May 3, 2006 (''Respondent Selection Memo'').

On April 21, 2006, the United States International Trade Commission (''ITC'') issued its affirmative preliminary determination that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports from the PRC of certain activated carbon. The ITC's determination was published in the **Federal Register** on May 2, 2006. *See Investigation No. 731–TA–1103 (Preliminary), Certain Activated Carbon From China,* 71 FR 25858 (May 2, 2006).

On May 3, 2006, the Department selected Calgon Carbon (Tianjin) Co., Ltd. (''CCT''), Tianjin Jacobi Int'l Trading Co., Ltd. (''Jacobi Tianjin''), and Datong Huibao Activated Carbon Co., Ltd and its affiliated company Beijing Hibridge Trading Co., Ltd. (''Huibao/Hibridge''), as mandatory respondents in this investigation. *See* Respondent Selection Memo. On May 4, 2006, the Department issued the full antidumping questionnaire to the selected mandatory respondents.

On May 15, 2006, the Department received a letter from Huibao/Hibridge, informing the Department that Huibao/Hibridge was withdrawing from this investigation. *See* Memorandum to the File from Catherine Bertrand, Senior Case Analyst, dated May 15, 2006. Additionally, as described below, although Huibao/Hibridge filed a separate rate application, we have not considered its request for a separate rate in this investigation given its failure to participate as a mandatory respondent. Any references to the separate rate applicants in this notice specifically exclude Huibao/Hibridge.

On May 19, 2006, the Department selected an additional mandatory respondent, Jilin Province Bright Future Chemicals Co. Ltd. (''JBF Chemical'') and its affiliated company Jilin Province Bright Future Industry & Commerce Co. Ltd. (''JBF Industry'') (collectively, ''Jilin Bright Future''). *See* Memorandum to James C. Doyle, Director, AD/CVD Operations, Office 9, through Carrie Blozy, Program Manager, AD/CVD Operations, Office 9, from Catherine Bertrand, Senior Case Analyst, Office 9: Selection of Additional Mandatory Respondent, dated May 19, 2006, (''Additional Respondent Selection Memo''). On May 19, 2006, the Department issued the full antidumping questionnaire to Jilin Bright Future.

On April 20, 2006, the Department requested comments from all interested parties on proposed product characteristics to be used in the designation of control numbers (''CONNUMs'') to be assigned to the subject merchandise. The Department received comments from Petitioners. On May 10, 2006, the Department released the product characteristics to be used in the designation of CONNUMs to be assigned the subject merchandise.

On June 1, 2006, the Department determined that India, Indonesia, Sri Lanka, the Philippines, and Egypt are countries comparable to the PRC in terms of economic development. *See* Memorandum from Ron Lorentzen, Director, Office of Policy, to James C. Doyle, Office Director, Office 9: Antidumping Investigation of Certain Activated Carbon from the People's Republic of China: Request for a List of Surrogate Countries, dated June 1, 2006. (''Office of Policy Surrogate Countries Memorandum'').

On June 6, 2006, the Department invited interested parties to comment on the Department's surrogate country selection and/or significant production in the potential surrogate countries and to submit publicly available information to value the factors of production. On July 25, 2006, we received comments from Petitioners on the selection of a surrogate country. No other party to the proceeding submitted information or comments concerning the selection of a surrogate country. For a detailed discussion of the selection of the surrogate country, *See* ''Surrogate Country'' section below, and the Memorandum to James C. Doyle, Director, AD/CVD Operations, Office 9, from Anya Naschak, Senior Case Analyst, AD/CVD Operations, Office 9: Antidumping Duty Investigation of Certain Activated Carbon from the People's Republic of China: Selection of a Surrogate Country, dated October 4, 2006 (''Surrogate Country Memo'').

On July 25, 2006, Jacobi Tianjin submitted comments on information with which to value the factors of production in this investigation. Petitioners and Jilin Bright Future submitted comments on information with which to value the factors of production in this investigation on August 10, 2006. Petitioners submitted additional comments on August 21, 2006.

We received questionnaire responses from the mandatory respondents in June and July 2006, and we issued supplemental questionnaires and received responses in July, August, and September 2006. We received separate rate applications from 20 companies.

We issued deficiency questionnaires to all applicants. *See* ''Separate Rates'' section below, and the Memorandum to James C. Doyle, Director, AD/CVD Operations, Office 9, from Anya Naschak, Senior Case Analyst, AD/CVD Operations, Office 9: Antidumping Duty Investigation of Certain Activated Carbon from the People's Republic of China: Separate Rates Memorandum, dated October 4, 2006 (''Separate Rates Memo'').

On July 21, 2006, Petitioners made a timely request pursuant to 733(c)(1)(A) of the Act and 19 CFR 351.205(e) for a fifty-day postponement of the preliminary determination, until October 4, 2006. On August 2, 2006, the Department published a postponement of the preliminary antidumping duty determination on certain activated carbon from the PRC. *See Postponement of Preliminary Determination of Antidumping Duty Investigation: Certain Activated Carbon from the People's Republic of China,* 71 FR 43714 (August 2, 2006).

**Postponement of Final Determination**

Section 735(a)(2) of the Act provides that a final determination may be postponed until no later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise or, in the event of a negative preliminary determination, a request for such postponement is made by the Petitioners. The Department's regulations at 19 CFR 351.210(e)(2) require that requests by respondents for postponement of a final determination be accompanied by a request for an extension of the provisional measures from a four-month period to not more than six months.

On September 26, 2006, CCT requested the Department postpone its final determination by 60 days until 135 days after the publication of the preliminary determination. Additionally, CCT requested that the Department extend the provisional measures under Section 733(d) of the Act. Accordingly, because we have made an affirmative preliminary determination and the requesting parties account for a significant proportion of the exports of the subject merchandise, pursuant to 735(a)(2) of the Act, we have postponed the final determination until no later than 135 days after the date of publication of the preliminary determination and are extending the provisional measures accordingly.

**Period of Investigation**

The period of investigation (''POI'') is July 1, 2005, through December 31, 2005.

This period corresponds to the two most recent fiscal quarters prior to the month of the filing of the petition (March 8, 2006). *See* 19 CFR 351.204(b)(1).

**Scope of Investigation**

The merchandise subject to this investigation is certain activated carbon. Certain activated carbon is a powdered, granular, or pelletized carbon product obtained by ''activating'' with heat and steam various materials containing carbon, including but not limited to coal (including bituminous, lignite, and anthracite), wood, coconut shells, olive stones, and peat. The thermal and steam treatments remove organic materials and create an internal pore structure in the carbon material. The producer can also use carbon dioxide gas ($CO_2$) in place of steam in this process. The vast majority of the internal porosity developed during the high temperature steam (or $CO_2$ gas) activated process is a direct result of oxidation of a portion of the solid carbon atoms in the raw material, converting them into a gaseous form of carbon.

The scope of this investigation covers all forms of activated carbon that are activated by steam or $CO_2$, regardless of the raw material, grade, mixture, additives, further washing or post-activation chemical treatment (chemical or water washing, chemical impregnation or other treatment), or product form. Unless specifically excluded, the scope of this investigation covers all physical forms of certain activated carbon, including powdered activated carbon (''PAC''), granular activated carbon (''GAC''), and pelletized activated carbon.

Excluded from the scope of the investigation are chemically-activated carbons. The carbon-based raw material used in the chemical activation process is treated with a strong chemical agent, including but not limited to phosphoric acid, zinc chloride sulfuric acid or potassium hydroxide, that dehydrates molecules in the raw material, and results in the formation of water that is removed from the raw material by moderate heat treatment. The activated carbon created by chemical activation has internal porosity developed primarily due to the action of the chemical dehydration agent. Chemically activated carbons are typically used to activate raw materials with a lignocellulosic component such as cellulose, including wood, sawdust, paper mill waste and peat.

To the extent that an imported activated carbon product is a blend of steam and chemically activated carbons, products containing 50 percent or more steam (or $CO_2$ gas) activated carbons are within this scope, and those containing more than 50 percent chemically activated carbons are outside this scope.

Also excluded from the scope are reactivated carbons. Reactivated carbons are previously used activated carbons that have had adsorbed materials removed from their pore structure after use through the application of heat, steam and/or chemicals.

Also excluded from the scope is activated carbon cloth. Activated carbon cloth is a woven textile fabric made of or containing activated carbon fibers. It is used in masks and filters and clothing of various types where a woven format is required.

Any activated carbon meeting the physical description of subject merchandise provided above that is not expressly excluded from the scope is included within this scope. The products under investigation are currently classifiable under the Harmonized Tariff Schedule of the United States (''HTSUS'') subheading 3802.10.00. Although HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

**Scope Comments**

In accordance with the preamble to our regulations (*see Antidumping Duties; Countervailing Duties,* 62 FR 27296, 27323 (May 19, 1997)), in our initiation notice we set aside a period of time for parties to raise issues regarding product coverage and encouraged all parties to submit comments within 20 calendar days of publication of the initiation notice. *See Initiation Notice* 71 FR at 16758.

On May 4, 2006, Carbochem Inc. (''Carbochem'') submitted timely scope comments in which it argued that the Department should issue a ruling that the scope of these investigations does not cover certain grades of Carbochem® activated carbon. Carbochem argued that these certain grades are not manufactured in the United States by the Petitioners. Carbochem further argued that it has developed a number of unique and proprietary grades of activated carbon that exceed the performance capabilities of the products produced by Petitioners.

On August 24, 2006, Petitioners submitted comments on Carbochem's scope request. Petitioners argued that

the domestic industry does manufacture products with the same or competitive properties and performance characteristics as the products for which Carbochem proposed an exclusion. Petitioners further argued that the domestic industry is not required to produce every product that is within the scope of the investigation but simply has to be able to produce the class or kind of products covered by the scope, which Petitioners argue that they do. Petitioners assert that there is no basis on which to exclude the products requested by Carbochem. On September 14, 2006, Carbochem filed rebuttal comments in response to Petitioners' August 24, 2006 submission stating that its products are not comparable to those produced by Petitioners.

The Department has analyzed the comments received by Carbochem and Petitioners. For this preliminary determination, the Department has determined to deny the request by Carbochem. For a detailed discussion of this issue, *see* the Memorandum to James C. Doyle, Office Director, AD/CVD Operations, Office 9 from Catherine Bertrand, Senior Case Analyst, AD/CVD Operations, Office 9: Antidumping Duty Investigation of Certain Activated Carbon From the People's Republic of China: Comments on the Scope of the Investigation, dated October 4, 2006 (''Scope Memorandum''). We will afford interested parties an opportunity to provide comments on our preliminary finding on this issue in their case and rebuttal briefs, and, if any are provided, we will revisit this issue in our final determination.

**Selection of Respondents**

Section 777A(c)(1) of the Act directs the Department to calculate individual weighted-average dumping margins for each known exporter and producer of the subject merchandise. Section 777A(c)(2) of the Act gives the Department discretion, when faced with a large number of exporters/producers, to limit its examination to a reasonable number of such companies if it is not practicable to examine all companies. Where it is not practicable to examine all known producers/exporters of subject merchandise, this provision permits the Department to investigate either (A) a sample of exporters, producers, or types of products that is statistically valid based on the information available to the Department at the time of selection or (B) exporters/producers accounting for the largest volume of the merchandise under investigation that can reasonably be examined. After consideration of the complexities expected to arise in this proceeding and the available resources, the Department determined that it was not practicable in this investigation to examine all known producers/exporters of subject merchandise. Instead, we limited our examination to the three exporters accounting for the largest volume of shipments of the subject merchandise to the United States during the POI pursuant to section 777A(c)(2)(B) of the Act. We selected CCT, Jacobi Tianjin, and Huibao/Hibridge to be mandatory respondents, as they are the exporters accounting for the largest volume of exports to the United States during the POI of subject merchandise from the PRC. After Huibao/Hibridge informed the Department that it was withdrawing from this investigation, the Department selected Jilin Bright Future as a mandatory respondent. Jilin Bright Future was the next largest producer/exporter of those companies that submitted quantity and value responses. *See* Respondent Selection Memo and Additional Respondent Selection Memo.

**Non-Market-Economy Country**

For purposes of initiation, Petitioners submitted LTFV analyses for the PRC as a non-market economy (''NME''). *See Initiation Notice*. In every case conducted by the Department involving the PRC, the PRC has been treated as an NME country. In accordance with section 771(18)(C)(i) of the Act, any determination that a foreign country is an NME country shall remain in effect until revoked by the administering authority. *See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Preliminary Results 2001–2002 Administrative Review and Partial Rescission of Review*, 68 FR 7500 (February 14, 2003), unchanged in *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Final Results of 2001–2002 Administrative Review*, 68 FR 70488 (December 18, 2003). No party has challenged the designation of the PRC as an NME country in this investigation. Therefore, we have treated the PRC as an NME country for purposes of this preliminary determination.

**Surrogate Country**

When the Department is investigating imports from an NME, section 773(c)(1) of the Act directs it to base normal value, in most circumstances, on the NME producer's factors of production valued in a surrogate market-economy country or countries considered to be appropriate by the Department. In accordance with section 773(c)(4) of the Act, in valuing the factors of production, the Department shall utilize, to the extent possible, the prices or costs of factors of production in one or more market-economy countries that are at a level of economic development comparable to that of the NME country and are significant producers of comparable merchandise. The sources of the surrogate values we have used in this investigation are discussed under the normal value section below.

On July 25, 2006, the Department received comments from Petitioners on the appropriate surrogate country for valuing the factors of production (''FOP''). Petitioners argue that India is the most appropriate surrogate country in this investigation because India is at a comparable level of economic development with the PRC based on the Department's repeated use of India as a surrogate. Petitioners also provided evidence demonstrating that India is a significant producer of identical and comparable merchandise. Additionally, Petitioners contend that India provides publicly available information on which to base surrogate values. See Surrogate Country Memo for a complete description of Petitioners' surrogate country arguments.

As detailed in the Surrogate Country Memo, the Department has preliminarily selected India as the surrogate country on the basis that: (1) It is a significant producer of comparable merchandise; (2) it is at a similar level of economic development pursuant to 733(c)(4) of the Act; and (3) we have reliable data from India that we can use to value the FOP. *See* Surrogate Country Memo. Thus, we have calculated normal value using Indian prices, when available and appropriate, to value the FOP of the certain activated carbon producers. We have obtained and relied upon publicly available information wherever possible. *See* Memorandum to the File from Anya Naschak, Senior Case Analyst, AD/CVD Operations, Office 9: Certain Activated Carbon from the People's Republic of China: Surrogate Values for the Preliminary Determination, dated October 4, 2006 (''Surrogate Value Memo'').

In accordance with 19 CFR 351.301(c)(3)(i), for the final determination in an antidumping investigation, interested parties may submit publicly available information to value the FOP within forty days after the date of publication of the preliminary determination.

**Affiliation**

Based on the evidence on the record of this investigation, we preliminarily find that Jacobi Tianjin, Jacobi Carbons AB (''Jacobi AB''), and Jacobi Carbons Inc. (''Jacobi US'') (collectively, ''Jacobi'') are affiliated pursuant to sections 771(33)(D), (E), and (G) of the Act. Due to the proprietary nature of this issue, for a detailed discussion of our analysis, *see* Memorandum to the File from Anya Naschak, Senior Case Analyst, AD/CVD Operations, to James C. Doyle, Director, AD/CVD Operations: Certain Activated Carbon from the People's Republic of China: Affiliation and Treatment of Sales of Jacobi Tianjin International Trading Co., Ltd., Jacobi Carbons AB, and Jacobi Carbons, Inc., dated October 4, 2006 (''Jacobi Affiliation and Treatment of Sales Memo'').

With respect to Jilin Bright Future, JBF Chemical and JBF Industry submitted separate rate applications on May 4, 2006. In their applications, JBF Chemical and JBF Industry certified that they were affiliated with each other. *See* JBF Chemical and JBF Industry's separate rate applications dated May 4, 2006. In their Section A questionnaire responses, dated June 9, 2006, JBF Chemical and JBF Industry stated that both companies are under common ownership. *See* JBF Chemical's Section A questionnaire response dated June 9, 2006, at 2 and Exhibit A–3; JBF Industry's Section A questionnaire response dated June 9, 2006, at 2 and Exhibit A–3. Based on the evidence on the record of this investigation, we preliminarily find that JBF Chemical and JBF Industry are affiliated pursuant to section 771(33)(E) of the Act.

**Separate Rates**

CCT has reported that it is wholly foreign-owned. CCT reported that 100 percent of its shares are held by Calgon Carbon Corporation, which is located in the United States. Therefore, there is no PRC ownership of CCT, and because we have no evidence indicating that it is under the control of the PRC, a separate rates analysis is not necessary to determine whether it is independent from government control. *See Brake Rotors From the People's Republic of China: Preliminary Results and Partial Rescission of the Fourth New Shipper Review and Rescission of the Third Antidumping Duty Administrative Review*, 66 FR 1303, 1306 (January 8, 2001), unchanged in the final determination; *Notice of Final Determination of Sales at Less Than Fair Value: Creatine Monohydrate From the People's Republic of China*, 64 FR 71104 (December 20, 1999). Accordingly, we have preliminarily granted a separate rate for CCT.

As discussed in detail in the Jacobi Affiliation and Treatment of Sales Memo, the Department has preliminarily determined that Jacobi Tianjin should not be considered the mandatory respondent in this investigation. The Department has preliminarily determined that Jacobi Tianjin's affiliated company, Jacobi AB, conducted all sales-related activities with respect to exports made by Jacobi Tianjin of the merchandise under investigation and sold to unaffiliated U.S. customers through Jacobi US. *See* Jacobi Affiliation and Treatment of Sales Memo. All exports made by Jacobi Tianjin were negotiated and sold by Jacobi AB and Jacobi Tianjin made no sales during the POI; therefore, Jacobi Tianjin has not demonstrated that it qualifies for a separate rate.[1] However, because the Department has preliminarily determined that Jacobi AB is the respondent in this investigation, because Jacobi AB is a market economy company located in Sweden (*see* Jacobi's Section A questionnaire response dated June 1, 2006 at page 14), and consistent with the Department's practice where the seller is located in a market economy country, we have preliminarily granted Jacobi AB its own rate. *See Notice of Preliminary Determination of Sales at Less Than Fair Value: Silicomanganese From Kazakhstan*, 66 FR 56639, 56641 (November 9, 2001), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Silicomanganese From Kazakhstan*, 67 FR 15535 (April 2, 2002). Further, where Jacobi Tianjin acted as an export facilitator for Jacobi AB, those exports are also eligible for Jacobi AB's antidumping duty cash deposit rate. *See* 19 CFR 351.107(b)(2); *Final Determination of Sales at Less Than Fair Value and Final Partial Affirmative Determination of Critical Circumstances: Diamond Sawblades and Parts Thereof from the People's Republic of China*, 71 FR 29303 (May 22, 2006) and accompanying Issues and Decision Memorandum at Comment 18. *See also* Jacobi Affiliation and Treatment of Sales Memo.

In proceedings involving NME countries, the Department begins with a rebuttable presumption that all companies within the country are subject to government control and thus should be assessed a single antidumping duty rate. It is the Department's policy to assign all exporters of merchandise subject to investigation in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate. As explained below, Jilin Bright Future and certain companies who submitted separate rate applications have provided company-specific information in order to demonstrate that they operate independently of *de jure* and *de facto* government control, and, therefore, satisfy the standards for the assignment of a separate rate.

The separate rate application issued in this investigation (see *http://www.trade.gov/ia/*) explained that all applications are due sixty calendar days after publication of the *Initiation Notice*, and the Department will not consider applications that remain incomplete by that deadline. We received 20 applications by the deadline. On June 14, 2006, the Department received a request from Ningxia Fengyuan Activated Carbon Co., Ltd. (''NFAC'') to extend the time limits with which to submit a response to the Department's quantity and value information, and to submit a separate rate application, until June 28, 2006. On June 27, 2006, the Department noted that NFAC had received notice of the deadlines with respect to the quantity and value questionnaire and the separate rates application in the *Initiation Notice*, and that the deadline had passed for submitting a separate rate application. The Department informed NFAC that it would be unable to grant NFAC's request for an extension of time to file the quantity and value questionnaire and the separate rate application. *See* Letter from Carrie Blozy, Program Manager, AD/CVD Operations, Office 9, dated June 27, 2006.

We have considered whether each mandatory respondent and each separate rate applicant[2] is eligible for a separate rate. The Department's separate-rate test is not concerned, in

[1] The Department notes that although Jacobi Tianjin submitted a separate rate application and complete information in its Section A questionnaire response, all documents contained therein demonstrate that Jacobi AB was the seller of the merchandise. *See* Jacobi Affiliation and Treatment of Sales Memo.

[2] We received separate rate applications from the following: Datong Yunguang Chemicals Plant; Hebei Foreign Trade & Advertising Corp.; Ningxia Guanghua Cherishmet Activated Carbon Co. Ltd.; Ningxia Huahui Activated Carbon Co. Ltd.; Ningxia Mineral & Chemical Ltd.; Shanxi DMD Corp; Shanxi Industry Technology Trading Co. Ltd.; Shanxi Newtime Co. Ltd.; Shanxi Qixian Foreign Trade Corp.; Shanxi Sincere Industrial Co. Ltd.; Shanxi Xuanzhong Chemical Industry Co. Ltd.; Tangshan Solid Carbon Co., Ltd.; United Manufacturing Int'l (Beijing) Ltd. Xi'an Shuntong Int'l Trade & Industries Co. Ltd.; Panshan Import and Export Corp; and, Tianjin Maijin Industries Co. Ltd.

general, with macroeconomic/border-type controls, *e.g.*, export licenses, quotas, and minimum export prices, particularly if these controls are imposed to prevent dumping. Rather, the test focuses on controls over the investment, pricing, and output decision-making process at the individual firm level. *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from Ukraine*, 62 FR 61754, 61757 (November 19, 1997), and *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 62 FR 61276, 61279 (November 17, 1997).

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, the Department analyzes each entity exporting the subject merchandise under a test arising from the *Final Determination of Sales at Less Than Fair Value: Sparklers from the People's Republic of China*, 56 FR 20588 (May 6, 1991) (''*Sparklers*''), as amplified by *Notice of Final Determination of Sales at Less Than Fair Value: Silicon Carbide from the People's Republic of China*, 59 FR 22585 (May 2, 1994) (''*Silicon Carbide*''), 59 FR at 22586–87. In accordance with the separate-rates criteria, the Department assigns separate rates in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* governmental control over export activities.

*1. Absence of De Jure Control*

The Department considers the following *de jure* criteria in determining whether an individual company may be granted a separate rate: (1) An absence of restrictive stipulations associated with an individual exporter's business and export licenses; (2) any legislative enactments decentralizing control of companies; and (3) other formal measures by the government decentralizing control of companies. *See Sparklers*, 56 FR at 20589.

The information provided by Jilin Bright Future and the separate rate applicants supports a preliminary finding of *de jure* absence of governmental control based on the following: (1) An absence of restrictive stipulations associated with the individual exporter's business and export licenses; (2) the applicable legislative enactments decentralizing control of the companies; and (3) any other formal measures by the government decentralizing control of companies. *See* Separate Rates Memo.

*2. Absence of De Facto Control*

Typically the Department considers four factors in evaluating whether each respondent is subject to *de facto* governmental control of its export functions: (1) Whether the export prices are set by or are subject to the approval of a governmental agency; (2) whether the respondent has authority to negotiate and sign contracts and other agreements; (3) whether the respondent has autonomy from the government in making decisions regarding the selection of management; and (4) whether the respondent retains the proceeds of its export sales and makes independent decisions regarding disposition of profits or financing of losses. *See Silicon Carbide*, 59 FR at 22587; *see also Notice of Final Determination of Sales at Less Than Fair Value: Furfuryl Alcohol From the People's Republic of China*, 60 FR 22544, 22545 (May 8, 1995). The Department has determined that an analysis of *de facto* control is critical in determining whether respondents are, in fact, subject to a degree of governmental control which would preclude the Department from assigning separate rates.

As noted above, the Department considers four factors in evaluating whether each respondent is subject to *de facto* governmental control of its export functions. In the instant case, we determine that, with regard to Jilin Bright Future and the separate rate applicants, except for Panshan Import and Export Corporation (''Panshan'') (hereinafter referred to as the Separate Rate Companies), the evidence on the record supports a preliminary finding of *de facto* absence of governmental control based on record statements and supporting documentation showing the following: (1) Each exporter sets its own export prices independent of the government and without the approval of a government authority; (2) each exporter retains the proceeds from its sales and makes independent decisions regarding disposition of profits or financing of losses; (3) each exporter has the authority to negotiate and sign contracts and other agreements; and (4) each exporter has autonomy from the government regarding the selection of management.

With regard to Panshan, it failed to provide any evidence that it had autonomy in making decisions regarding the selection of management. The separate rate application requires that the applicant provide specific documentation that evidences independence in the selection of management. Panshan did not provide any evidence of independent selection of management in its application nor in its supplemental response in regard to a specific question from the Department asking for this documentation. *See* Separate Rates Memo. Therefore, as the application requires the applicant to provide proof of the independent selection of management, Panshan has not met the basic requirements of the application. The Department finds that Panshan's application is deficient and therefore finds that Panshan is not eligible for a separate rate.

The evidence placed on the record of this investigation by Jilin Bright Future and the separate rate applicants, except for Panshan, demonstrates an absence of *de jure* and *de facto* government control with respect to each of the exporter's exports of the merchandise under investigation, in accordance with the criteria identified in *Sparklers* and *Silicon Carbide*. CCT is wholly-owned by a market economy entity and has therefore been granted a separate rate. Jacobi AB is a market economy entity and has therefore been granted its own rate. As a result, for the purposes of this preliminary determination, we have granted separate, company-specific rates to CCT, Jacobi AB, Jilin Bright Future, and to the Separate Rate Companies, a weight-averaged margin of the mandatory respondents. For a full discussion of this issue, *see* Separate Rates Memo.

**Use of Adverse Facts Available and the PRC-Wide Rate**

CCT, Jacobi, Jilin Bright Future, and Huibao/Hibridge were given the opportunity to respond to the Department's questionnaire. As explained above, we received complete separate rates information from CCT, Jacobi, and Jilin Bright Future, and these entities will receive their own rate. The PRC-wide rate applies to all entries of subject merchandise except for entries from PRC producers/exporters that have their own calculated rate. *See* ''Separate Rates'' section above. As discussed in the Separate Rates Memo, Huibao/Hibridge is appropriately considered to be part of the PRC-wide entity because it failed to establish its eligibility for a separate rate.

We note that Section 776(a)(1) of the Act mandates that the Department use the facts available if necessary information is not available on the record of an antidumping proceeding. In addition, 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; (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), the Department shall, subject to section 782(d) of the Act, use the facts otherwise available in reaching the applicable determination under this title. Where the Department determines that a response to a request for information does not comply with the request, section 782(d) of the Act provides that the Department shall promptly inform the party submitting the response of the nature of the deficiency and shall, to the extent practicable, provide that party with an opportunity to remedy or explain the deficiency. Section 782(d) further states that if the party submits further information that is unsatisfactory or untimely, the administering authority may, subject to subsection (e), disregard all or part of the original and subsequent responses. Section 782(e) of the Act provides that the Department shall not decline to consider information that is submitted by an interested party and is necessary to the determination but does not meet all the applicable requirements established by the administering authority if (1) the information is submitted by the deadline established for its submission, (2) the information can be verified, (3) the information is not so incomplete that it cannot serve as a reliable basis for reaching the applicable determination, (4) the interested party has demonstrated that it acted to the best of its ability in providing the information and meeting the requirements established by the administering authority with respect to the information, and (5) the information can be used without undue difficulties.

As addressed below separately for each company, we find that the PRC-wide entity, Huibao/Hibridge, and certain suppliers of CCT, did not respond to our request for information, and necessary information either was not provided, or the information provided cannot be verified and is not sufficiently complete to enable the Department to use it for this preliminary determination. Therefore, we find it necessary, under section 776(a)(2) of the Act, to use facts otherwise available as the basis for the preliminary determination of this review for the PRC-wide entity, Huibao/Hibridge, and certain suppliers of CCT.

In their pre-preliminary determination comments, Petitioners have argued for the application of total adverse facts available (''AFA'') with respect to Huibao/Hibridge, Datong Huibao Activated Carbon Co., Ltd. (''Datong Huibao'') as a supplier to CCT and Jacobi, as well as for total AFA for Jacobi and Jilin Bright Future. As discussed below, we find that total AFA is warranted for Huibao/Hibridge, but AFA is unwarranted for Datong Huibao as a supplier to CCT and Jacobi, and total AFA is unwarranted for Jacobi and Jilin Bright Future.

*Jacobi*

Petitioners argue that the Department should apply total AFA to Jacobi, as the U.S. sales and factors of production data provided are unreliable. Petitioners allege the information on the record demonstrates a lack of cooperation and that the data is of poor quality and is inconsistent. Petitioners argue that Jacobi's data are based on unsubstantiated estimates and certain documentation has been destroyed, and that, though Jacobi has been given an opportunity to remedy its mistakes, the mistakes still exist. Petitioners also assert that the application of partial AFA is not practicable due to the cumulative effect of the errors, which renders the data unusable. Specifically, Petitioners argue that the omissions and errors include: Failure to identify the composition of carbonized materials and coal inputs for appropriate surrogate valuation; failure to report factors of production for sales of powdered activated carbon; unsubstantiated electricity and water consumption; refusal to report product-specific consumption of impregnation inputs; and its use of standard consumption amounts without appropriate documentation. *See* Petitioners' September 8, 2006, submission for a detailed discussion of their allegations. Petitioners further argue the use of undocumented standards creates distortions of a degree that the application of AFA is necessary.

The Department disagrees with Petitioners that the use of AFA is appropriate with respect to Jacobi. As noted above, Jacobi responded to the Department's original questionnaire, and several supplemental questionnaires. *See* Jacobi's Section A response dated June 1, 2006 (''Section A''), Jacobi's Section C and D response dated July 10, 2006 (''Section C&D''), Jacobi's Supplemental Section A, C and D response dated August 23, 2006 (''Jacobi's Supplemental''), Jacobi's Second Supplemental response dated September 15, 2006 (''Jacobi's Second Supplemental'').

Contrary to Petitioners' assertions, Jacobi has provided detailed and potentially verifiable information on its allocation methodologies (*see*, *e.g.*, Jacobi's Supplemental at Exhibit 52), and for each of its suppliers, reconciled the information reported to the financial statements of the respective suppliers. *See* Jacobi's Section C&D at Exhibits II–5, III–5, IV–5, V–5, and Jacobi's Supplemental at Exhibit 49. Because Jacobi's suppliers do not maintain CONNUM-specific records, Jacobi has constructed an allocation methodology based on records maintained by each of its suppliers. In addition, Petitioners' allegation that Jacobi's data are based on unsubstantiated estimates is unfounded. Jacobi has provided detailed and potentially verifiable information on the standards used in the ordinary course of business by certain suppliers for raw materials including coal and carbonized material. *See* Jacobi's Supplemental at Exhibits 48 and 48b. In addition, Jacobi has provided samples of daily production reports, demonstrating that estimated and actual yields are used in the ordinary course of business by its suppliers. *See* Jacobi's Supplemental at Exhibit 99b. Further, Jacobi has explained that each of its suppliers maintains records on the consumption of all raw materials. Jacobi notes that certain suppliers do not have complete POI records, but claims that it has acted to the best of its ability in providing the information requested by the Department and used the information maintained by the suppliers in providing the requested information, from production records, raw material consumption records, *etc. See* Jacobi's Second Supplemental at 11. With respect to the U.S. sales information, except where indicated, we have determined to rely on the information provided. Therefore, on the basis of the data submitted by Jacobi, which the Department intends to carefully scrutinize at verification, the Department determines that the use of total adverse facts available is not warranted for the preliminary determination. However, as discussed in the ''Normal Value'' section below, the Department has applied facts available with respect to the unreported factors of production for one control number of powdered activated carbon.

*CCT*

For certain of its suppliers, CCT did not report the factors of production used to produce the subject merchandise. Therefore, in accordance with sections 776(a)(2)(A) and (B) of the Act, the

Department must use the facts otherwise available in determining the normal value for these sales because CCT withheld the factors information and otherwise failed to provide the information in a timely manner and in the form requested. For the reasons described below, the Department has determined to apply an adverse inference to the unreported factors of production. CCT stated that one of its suppliers, Nuclear Ningxia Activated Carbon Co., Ltd. (''NC''), ceased production after the POI. CCT stated that NC refused to provide the data necessary to prepare an FOP response. *See* CCT's August 7, 2006, response at page 2. CCT stated that another of its suppliers, Ningxia Luyuanheng Activated Carbon Co., Ltd. (''HD'') also ceased production after the POI and also refused to provide data necessary to prepare an FOP response. *See id.* CCT provided documentation of its attempts to obtain the necessary data from these two companies. *See* June 29, 2006, letter at Exhibits 2 and 3, and CCT's August 7, 2006, supplemental response at Exhibit M. On September 8, 2006, HD submitted a letter to the Department stating that, due to restructuring, HD temporarily suspended production of activated carbon but resumed production in August 2006. *See* September 8, 2006 Memorandum to the File from Catherine Bertrand, Senior Case Analyst, AD/CVD Operations, Office 9.

The Department preliminarily finds that, in accordance with sections 776 (a)(2)(A) and (B) of the Act, CCT did not cooperate to the best of its ability regarding its suppliers HD and NC and has determined to use adverse facts available for the preliminary determination with regard to these suppliers and will apply the highest calculated normal value for CCT to the sales of merchandise supplied by HD and NC. *See* CCT's Prelim Analysis Memo. Due to the proprietary nature of the factual information concerning these suppliers, these issues are addressed in a separate business proprietary memorandum. *See* Memorandum to James C. Doyle, Director, AD/CVD Operations, Office 9, from Catherine Bertrand, Senior Case Analyst, AD/CVD Operations, Office 9: Application of Adverse Facts Available for Calgon Carbon (Tianjin) Co., Ltd., in the Preliminary Determination in the Antidumping Duty Investigation of Certain Activated Carbon from the People's Republic of China, dated October 4, 2006.

Further, CCT also informed the Department that certain of its suppliers purchased activated carbon from other producers which was then sold to CCT. CCT did not provide the FOP information for these ultimate suppliers. On August 18, 2006, a full month after CCT's original Section D response was due, CCT informed the Department that certain of the companies that it had previously identified as producers, had in fact sourced activated carbon from upstream producers, which was then sold to CCT. CCT specifically identified suppliers Shanxi Xuanzhong Chemical Industry Co., Ltd. (''SXZ''), Huairen Jinbei Chemical Co. Ltd. (''JB'') and Jiaocheng Xinxin Purification Material Co., Ltd. (''XX'') as having sourced activated carbon from upstream producers. In CCT's September 12, 2006 response, CCT identified SXZ's suppliers as Datong Changtai Activated Carbon Co., Ltd. (''DCA''), and Yuyang Activated Carbon Co., Ltd. (''YAC'') and XX's suppliers as Datong Kangda Activated Carbon Factory (''DKA'') and Datong Runmei Activated Carbon Factory (''DRA''). *See* CCT's September 12, 2006 response at 4. While CCT noted that JB's supplier was Fangyuan Carbonization Co., Ltd., it also noted that all activated carbon sold to the United States from that supply chain was further manufactured in the United States and would be subject to the exclusion under the Department's application of the special rule. For SXZ, and its suppliers, and XX's suppliers, CCT stated that it attempted to obtain the FOP information but was unable to do so. *See* CCT's September 12, 2006, response.

CCT provided documentation of its attempts to obtain the data from the companies, and also argued that alternative data is available to the Department because certain products are also produced by other suppliers from whom we have FOP information. CCT provided declarations from officials from DCA, DKA, and DRA which stated that these are small companies that do not have the time and labor to provide the requested data. See September 12, 2006, supplemental response at Exhibit D–42.

As stated above, CCT stated that its supplier XX purchased activated carbon produced by DKA and DRA which was then sold to CCT. *See* CCT's September 12, 2006 response at 4. Further, CCT stated that ''{d}uring the POI most of the merchandise under consideration that XX produced for CCT was made from activated carbon that XX purchased from unaffiliated suppliers.'' *See* July 11, 2006, Section D response at D–H. XX reported that the merchandise it purchased from DKA and DRA underwent a second activation at XX's facilities before being sold to CCT. The Department finds that XX should have reported the factors of production for its suppliers, as instructed, because the material it purchased from DKA and DRA was already steam activated carbon. *See Id.* at 2. Therefore, although XX did provide a FOP database, the Department is applying the highest normal value for CCT to the sales of XX's merchandise by CCT because XX purchased the activated carbon from the ultimate producers and that FOP information was not reported.

On September 19, 2006, CCT informed the Department that it was also supplied by Ningxia Yinchuan Lanqiya Activated Carbon Co., Ltd. (''LQY''), and that sales of merchandise produced by LQY were made by CCT pursuant to municipal contracts awarded during the POI. As discussed below in the ''Date of Sale'' Section, CCT reported that the appropriate date of sale for municipal contracts is the date of the contract award, which is the date when the price and quantity are fixed. Therefore, although certain sales of LQY were invoiced in 2006, which is after the POI, they were made pursuant to municipal contracts from the POI and the appropriate date of sale for these sales is the date the municipal contract was awarded. CCT did include these sales in its U.S. sales database, but did report the FOP information for these sales.

On September 28, 2006, CCT also informed the Department that it was also supplied by Dushanzi Chemical Factory (''DSZ''). *See* September 28, 2006, supplemental response at page 2. On September 29, 2006, CCT indicated that another supplier, Xingtai Coal Chemical Co., Ltd. (''TX'') also supplied CCT. *See* September 29, 2006, supplemental response.

The Department's original questionnaire asked CCT to report the factors of production for the ultimate producer of the merchandise under consideration. The original questionnaire states, ''If your company did not produce the merchandise under consideration, we request that this section be immediately forwarded to the company that produces the merchandise and supplies it to you or to your customers.'' *See* May 4, 2006 Questionnaire to CCT at page D–2. Further, on August 21, 2006, the Department sent CCT a letter which stated, in part,

> We are also requiring CCT to report the FOP information for the ultimate producer of the merchandise under consideration. Therefore, for those suppliers of CCT who purchased merchandise under consideration from another supplier, whether affiliated or unaffiliated, which was then sold to CCT, we

are requiring CCT to report the FOP information of these ultimate suppliers for the products sold during the POI. This includes, but is not limited to, reporting the FOP information for Shanxi Xuanzhong Chemical Industry Co., Ltd. (''SXZ'') and the unnamed suppliers of Huairen Jinbei Chemical Co. Ltd. (''JB'') which CCT identified on page 8 of its August 18, 2006 extension request.

*See* August 21, 2006, letter to CCT.

CCT did not provide any FOP data from SXZ, DCA, YAC, DSZ, TX, LQY, DRA, or DKA. Furthermore, XX purchased most of the activated carbon it sold to CCT from DRA and DKA. As such, since CCT did not provide the FOP data from these suppliers after being given two opportunities to do so, the Department finds that the application of adverse facts available is warranted because CCT did not act to the best of its ability. It is the Department's practice to obtain the FOP data from the actual producer of the merchandise under consideration. CCT was therefore required to provide this FOP information and did not do so. Pursuant to section 776(b) of the Act, the Department may use information that is adverse to the interest of that party when the party fails to cooperate by not acting to the best of its ability in responding to the Department's request for information. *See Nippon Steel Corp.* v. *United States*, 337 F.3d 1373, 1382 (Fed. Cir. 2003). Further, section 776(b) of the Act authorizes the Department to use as AFA information derived from the petition, the final determination from the LTFV investigation, a previous administrative review, or any other information placed on the record. In selecting a rate for adverse facts available, the Department selects a rate that is sufficiently adverse ''as to effectuate the purpose of the facts available rule to induce respondents to provide the Department with complete and accurate information in a timely manner.'' *See Notice of Final Determination of Sales at Less Than Fair Value: Static Random Access Memory Semiconductors from Taiwan*, 63 FR 8909, 8932 (February 23, 1998) (''*Semiconductors*'').

In order for the Department to fulfill its obligation to calculate dumping margins as accurately as possible, it is essential that respondents provide the Department with accurate, complete, and verifiable information. In striving to obtain this information, the Department has discretion to modify its reporting requirements when an interested party explains why it is unable to submit the information in the requested form and manner and suggests alternative reporting forms. However, if the necessary information is not on the record, section 776(a)(1) of the Act provides for the use of facts available.

Moreover, if an interested party has failed to cooperate by not acting to the best of its ability to comply with a request for information, the Department may apply adverse inferences where the use of facts available is appropriate. *See* section 776(b) of the Act. We have determined that these ultimate producers have failed to cooperate by not acting to the best of their ability to comply with a request for information and thus an adverse inference is warranted. This position is consistent with that taken by the Department in *Certain Cased Pencils from the People's Republic of China; Final Results and Partial Rescission of Antidumping Duty Administrative Review*, 67 FR 48612 (July 25, 2002), and accompanying Issue and Decision Memorandum at Comment 10, which cited *Ferrovanadium and Nitrided Vanadium From the Russian Federation: Notice of Final Results of Antidumping Duty Administrative Review*, 62 FR 65656, 65658 (December 15, 1997) (''*Ferrovanadium and Nitrided Vanadium*''). *In Ferrovanadium and Nitrided Vanadium,* the Department stated that ''by failing to respond Chusovoy {the producer} is an interested party which has not cooperated to the best of its ability under section 776 (b) of the Act. Therefore, we have continued to use an adverse inference in selecting from the facts available to determine the margins for Galt's sales of Chusovoy-produced merchandise * * *''.

In the instant investigation, as partial AFA, we have assigned the highest calculated normal value for CCT to the sales of the following suppliers for which CCT did not provide FOP information: SXZ (which includes its ultimate suppliers DCA and YAC); DSZ; TX; LQY; and, XX (which includes its ultimate suppliers DKA and DRA). It was not necessary to apply the highest calculated normal value for CCT to JB's supplier, Fangyuan Carbonization Co., Ltd., because all activated carbon sold in that supply chain was further manufactured in the United States and was subject to exclusion pursuant to the special rule.

*Jilin Bright Future*

Petitioners also argue in their pre-preliminary comments on Jilin Bright Future, dated September 13, 2006, that total AFA is warranted with respect to Jilin Bright Future because Jilin Bright Future has failed to provide reliable factors of production data. Petitioners assert that Jilin Bright Future's submissions to date demonstrate a lack of cooperation due to the low quality and internal inconsistency of the data. Petitioners allege that the information submitted is based on unsubstantiated and unexplained estimates based on aggregate allocations irrespective of product characteristics. Petitioners argue that despite an opportunity to remedy its errors, Jilin Bright Future failed to do so. Therefore, Petitioners argue, the totality of the deficiencies support the application of total AFA. Petitioners assert that the range of the problems with Jilin Bright Future's response precludes the application of partial AFA. Further, Petitioners argue that some of the information with respect to normal value is not available on the record making the data unusable, and AFA is warranted. Petitioners argue that Jilin Bright Future does not warrant a separate rate due to unexplained connections with its predecessor companies. Further, Petitioners assert that it has provided no support for the reported FOPs of Zuoyun Bright Future Activated Carbon Plant (''ZBF''), one of Jilin Bright Future's suppliers of subject merchandise during the POI. Petitioners discuss in detail claimed deficiencies with ZBF's reported FOPs in their September 13, 2006, submission, a proprietary discussion that cannot be summarized here. In addition, Petitioners assert that Jilin Bright Future's reported standard consumption amounts for ZBF are based on a value-based allocation methodology rather than the physical amounts actually consumed, an allocation methodology that Jilin Bright Future has not supported. Petitioners also argue that the basis for this value-based allocation, that granular activated carbon has higher costs than powdered activated carbon, is unsupported by Jilin Bright Future's own statements that the production process for these products is the same prior to the screening process. *See* Petitioners' September 13, 2006, submission for a detailed discussion of this issue. Therefore, Petitioners argue, the application of total AFA is warranted.

The Department disagrees with Petitioners that the use of total AFA is appropriate with respect to Jilin Bright Future. As noted above, Jilin Bright Future responded to the Department's original questionnaire, and several supplemental questionnaires. *See* JBF Chem and JBF Industry's separate rate application and Section A, dated May 4, 2006, and June 9, 2006, respectively (''JBF Section As''), Jilin Bright Future's Section C and D response dated June 24, 2006 (''JBF Section C&D''), Jilin Bright Future's Supplemental Section C and D

response dated August 25, 2006 (''JBF Supplemental''), Jilin Bright Future's Second Supplemental response dated September 21, 2006 (''JBF Second Supplemental''). Contrary to Petitioners' assertions, Jilin Bright Future has provided detailed and potentially verifiable information on its allocation methodologies (*see, e.g.*, JBF's Supplemental at Exhibits S2–D–33 and S2–D–70; JBF's Second Supplemental at Exhibit S3–5), and for each of its suppliers, reconciled the information reported to the financial statements of the respective suppliers. *See* JBF's Section C&D at Exhibits D–ZY–10, D–TH–6, and D–XH–6. Because Jilin Bright Future's suppliers do not maintain CONNUM-specific records, Jilin Bright Future has constructed an allocation methodology based on records maintained by each of its suppliers.

In addition, Petitioners' allegation that Jilin Bright Future's data are based on unsubstantiated estimates is unfounded. Jilin Bright Future has provided potentially verifiable information on the standards used in the ordinary course of business by its suppliers for raw materials, including coal, and constructed a reasonable allocation when Jilin Bright Future's suppliers' normal books and records do not maintain the information requested by the Department. In addition, Jilin Bright Future has provided samples of daily production reports that were used by ZBF and standards that were used by Shanxi Xinhua Activated Carbon Co., Ltd. (''Xinhua'') to report utilization quantities to the Department, demonstrating that actual yields are used in the ordinary course of business by its suppliers. *See* JBF's Supplemental at Exhibits S2–D–33 and S2–D–70. Further, Jilin Bright Future has explained that its suppliers maintain records on the total POI consumption of raw materials. Jilin Bright Future notes that certain suppliers do not have complete, product-specific POI records, but the Department finds that its allocations are reasonable, given the records maintained by Jilin Bright Future's suppliers. Therefore, on the basis of the data submitted by Jilin Bright Future, which the Department intends to carefully scrutinize at verification, the Department preliminarily determines that the use of total adverse facts available is not warranted for the preliminary determination.

*Datong Huibao and Huibao/Hibridge*

Petitioners argue that Datong Huibao should receive total AFA, consistent with the law and past practice because it withdrew from the proceeding as a mandatory respondent (a.k.a., mandatory respondent Huibao/Hibridge). *See* section 776 of the Act; *Notice of Final Determination of Sales at Less Than Fair Value and Affirmative Final Determination of Critical Circumstances of the Antidumping Investigation: Certain Lined Paper Products from Indonesia*, 71 FR 47171 (August 9, 2006), and accompanying Issues and Decision memorandum at Comments 1 through 11. Petitioners also argue that the Department should apply AFA to sales made by Jacobi and CCT that were supplied by Datong Huibao. *See* Petitioners' September 8, 2006, submission. Petitioners argue that Datong Huibao's withdrawal from the proceeding makes its information unverifiable, which should apply to Datong Huibao as both a mandatory respondent and a supplier to Jacobi and CCT. Petitioners contend that Datong Huibao should receive the highest rate in the petition, 333.66 percent, as a mandatory respondent (a.k.a. Huibao/Hibridge), and should not qualify for a potentially lower rate through a different export channel. Petitioners assert that Datong Huibao's factors of production information should be deemed unverifiable as a mandatory respondent, and, thus, should also be considered unverifiable as a supplier. Therefore, Petitioners argue, the Department should assign a margin of 333.66 percent to all U.S. sales of products which were produced by Datong Huibao as AFA.

The Department does not find that Petitioners' allegation, that U.S. sales made by cooperating mandatory respondents Jacobi and CCT should be assigned an adverse rate simply because these respondents sourced some of their activated carbon from Datong Huibao (a.k.a., mandatory respondent Huibao/Hibridge), is consistent with the statute and regulations. Further, the Department's practice on combination rates as explained in *Policy Bulletin 05.1*, available at *http://www.trade.gov/ia/*, is to calculate one rate for the exporter and all of the producers which supplied subject merchandise to it during the POI. Specifically, the *Policy Bulletin 05.1* states if ''an exporter receiving a separate rate sourced from multiple producers (including itself) during the period of investigation, and provided the Department with the required information about each of these producers, the *exporter's cash-deposit rate will be applied to merchandise it sourced from any combination of its identified producers without restriction.* In other words, the Department will not assign combination rates to an exporter and individual producers, but rather to an exporter and its producers as a group'' (emphasis added). Therefore, for purposes of a combination rate, because the exporter provided the requested information (as discussed further below), the Department should apply the cash-deposit rate for all combinations of its identified producers ''without restriction.''

Jacobi and CCT are mandatory respondents that have responded to the Department's requests for information, except where noted above. Jacobi reported that it sourced a portion of its U.S. sales of subject merchandise from Datong Huibao, and reported the factors of production for Datong Huibao. *See* Jacobi's Section A; Jacobi's Section C&D; Jacobi's Supplemental; and Jacobi's Second Supplemental. Also, Jacobi responded to detailed supplemental questions with respect to the data submitted by Jacobi for Datong Huibao in Jacobi's Supplemental and Jacobi's Second Supplemental. With respect to CCT, although CCT reported that one of its suppliers of the merchandise under investigation during the POI was Datong Huibao, the Department excused CCT from reporting the factors information from several suppliers, including Datong Huibao, due to the large numbers of producers that supplied CCT during the investigation. *See* Letter to CCT dated July 19, 2006.

The Department does not find that failure to participate as a mandatory respondent should affect the inclusion in a combination rate for another participating mandatory respondent. Section 776(a)(2) of the Act does not provide for the application of adverse facts available for an exporter, in this case Jacobi and CCT, where the information on the record demonstrates that it has provided the information requested by the Department in a timely manner, irrespective of the separate status of any of its suppliers. Therefore, the Department preliminarily determines that sales made by Jacobi and CCT, sourced from merchandise produced by Datong Huibao, should be considered verifiable and the Department will include, for this preliminary determination, these sales in its calculation of a margin for Jacobi and CCT. Further, the Department will, as discussed below under ''Combination Rates,'' include Datong Huibao in Jacobi and CCT's combination rates.

However, the record of this investigation demonstrates that the mandatory respondent Huibao/Hibridge failed to provide information specifically requested by the Department during the course of this investigation. Huibao/Hibridge was

selected as a mandatory respondent in this investigation and was issued the Department's full questionnaire on May 10, 2006. On May 15, 2006, after submission of its separate-rate application and receiving the Department's full sections A, C, and D questionnaire, Huibao/Hibridge submitted a letter stating that it was withdrawing as a mandatory respondent in this investigation and would not be participating further. Although Huibao/Hibridge submitted a separate rate application, it did not submit a response to any portion of the Department's questionnaire, which it is required to do as a mandatory respondent; therefore, Huibao/Hibridge cannot be considered as a separate rate applicant and is considered part of the PRC-entity. The mandatory respondent Huibao/Hibridge is appropriately considered to be part of the PRC-wide entity because it failed to establish its eligibility for a separate rate.

**PRC-Wide Entity**

Section 776(a)(2) of the Act provides that, if an interested party (A) withholds information that has been requested by the Department, (B) fails to provide such information in a timely manner or in the form or manner requested, subject to subsections 782(c)(1) and (e) of the Act, (C) significantly impedes a proceeding under the antidumping statute, or (D) provides such information but the information cannot be verified, the Department shall, subject to subsection 782(d) of the Act, use facts otherwise available in reaching the applicable determination. Information on the record of this investigation indicates that the PRC-wide entity was non-responsive. Huibao/Hibridge did not respond to our questionnaire. As a result, pursuant to section 776(a)(2)(A) of the Act, we find that the use of facts available is appropriate to determine the PRC-wide rate. *See Notice of Preliminary Determination of Sales at Less Than Fair Value, Affirmative Preliminary Determination of Critical Circumstances and Postponement of Final Determination: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam*, 68 FR 4986, 4991 (January 31, 2003), unchanged in *Notice of Final Antidumping Duty Determination of Sales at Less Than Fair Value and Affirmative Critical Circumstances: Certain Frozen Fish Fillets from the Socialist Republic of Vietnam*, 68 FR 37116 (June 23, 2003). Section 776(b) of the Act provides that, in selecting from among the facts otherwise available, the Department may employ an adverse inference if an interested party fails to cooperate by not acting to the best of its ability to comply with requests for information. *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Flat-Rolled Carbon-Quality Steel Products from the Russian Federation*, 65 FR 5510, 5518 (February 4, 2000). *See also* ''Statement of Administrative Action''(''SAA'') accompanying the Uruguay Round Agreements Act (''URAA''), H.R. Rep. No. 103–316 vol. 1, at 870 (1994). We find that because the PRC-wide entity, including Huibao/Hibridge, failed to participate in the investigation, failed to respond to the Department's requests for information, and none of the information submitted can be verified, the PRC-wide entity, including Huibao/Hibridge, has failed to cooperate to the best of its ability and will be subject to the PRC-wide rate. Therefore, the Department preliminarily finds that, in selecting from among the facts available, an adverse inference is appropriate.

Further, section 776(b) of the Act authorizes the Department to use as AFA information derived from the petition, the final determination from the LTFV investigation, a previous administrative review, or any other information placed on the record. In selecting a rate for adverse facts available, the Department selects a rate that is sufficiently adverse ''as to effectuate the purpose of the facts available rule to induce respondents to provide the Department with complete and accurate information in a timely manner.'' *See Semiconductors* 63 FR at 8932. It is the Department's practice to select, as AFA, the higher of the (a) highest margin alleged in the petition, or (b) the highest calculated rate of any respondent in the investigation. *See Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Flat-Rolled Carbon Quality Steel Products from the People's Republic of China*, 65 FR 34660 (May 31, 2000) and accompanying Issues and Decision Memorandum, at ''Facts Available.'' In the instant investigation, as AFA, we have assigned to the PRC-wide entity a margin based on information in the petition.

As there were three margins from the petition, we have used the highest one of the three that is corroborated by the individual margins for the mandatory respondents; this margin is 228.11 percent. Therefore, we have applied the highest corroborated rate of 228.11 percent to the PRC-wide entity.

**Corroboration**

Section 776(c) of the Act requires that, when the Department relies on secondary information rather than on information obtained in the course of an investigation as facts available, it must, to the extent practicable, corroborate that information from independent sources reasonably at its disposal.[3] The *SAA* also states that the independent sources may include published price lists, official import statistics and customs data, and information obtained from interested parties during the particular investigation. *See id.* The *SAA* also clarifies that ''corroborate'' means that the Department will satisfy itself that the secondary information to be used has probative value. *See SAA* at 870. As noted in *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, from Japan; Preliminary Results of Antidumping Duty Administrative Reviews and Partial Termination of Administrative Reviews*, 61 FR 57391, 57392 (November 6, 1996), unchanged in *Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From Japan, and Tapered Roller Bearings, Four Inches or Less in Outside Diameter, and Components Thereof, From Japan: Final Results of Antidumping Duty Administrative Reviews and Termination in Part*, 62 FR 11825 (March 13, 1997), to corroborate secondary information, the Department will, to the extent practicable, examine the reliability and relevance of the information used. Petitioners' methodology for calculating the export price and normal value in the petition is discussed in the initiation notice. *See Initiation Notice.* To corroborate the AFA margin selected, we compared that margin to the margins we found for the respondents.

As discussed in the Memorandum to the File regarding the corroboration of the AFA rate, dated October 4, 2006, we found that the margin of 228.11 percent has probative value. *See* Memorandum to the File from Catherine Bertrand, Senior Case Analyst, AD/CVD Operations, Office 9: Corroboration of the PRC-Wide Facts Available Rate for the Preliminary Determination in the Antidumping Duty Investigation of Certain Activated Carbon from the People's Republic of China, dated October 4, 2006, (''Corroboration Memo''). Accordingly, we find that the rate of 228.11 percent is corroborated

[3] Secondary information is described in the *SAA* as ''information derived from the petition that gave rise to the investigation or review, the final determination concerning the subject merchandise, or any previous review under section 751 concerning the subject merchandise.'' *See SAA* at 870.

within the meaning of section 776(c) of the Act. Consequently, we are applying 228.11 as the single antidumping rate to the PRC-wide entity.

The Department will consider all margins on the record at the time of the final determination for the purpose of determining the most appropriate AFA rate for the PRC-wide entity. *See Notice of Preliminary Determination of Sales at Less Than Fair Value: Saccharin from the People's Republic of China*, 67 FR 79049, 79053–79054 (December 27, 2002), unchanged in *Notice of Final Determination of Sales at Less Than Fair Value: Saccharin From the People's Republic of China*, 68 FR 27530 (May 20, 2003) (''*Saccharin*'').

**Margin for the Separate Rate Applicants**

The Department received timely and complete separate rates applications from the Separate Rates Companies, who are all exporters of certain activated carbon from the PRC, which were not selected as mandatory respondents in this investigation. Through the evidence in their applications, these companies have demonstrated their eligibility for a separate rate, as discussed above in the ''Separate Rates'' section and in the Separate Rates Memo. Consistent with the Department's practice, as the separate rate, we have established a weight-averaged margin for the Separate Rates Companies based on the rates we calculated for the mandatory respondents, the companies for which the Department calculated an antidumping duty margin for this preliminary determination, excluding any rates that are zero, *de minimis*, or based entirely on AFA. *See* Memorandum to the File from Anya Naschak, Preliminary Weight-Averaged Margin for Separate Rate Applicants, dated October 4, 2006. Companies receiving this rate are identified by name in the ''Suspension of Liquidation'' section of this notice.

**Date of Sale**

Section 351.401(i) of the Department's regulations state that,

> In identifying the date of sale of the subject merchandise or foreign like product, the Secretary normally will use the date of invoice, as recorded in the exporter or producer's records kept in the normal course of business. However, the Secretary may use a date other than the date of invoice if the Secretary is satisfied that a different date better reflects the date on which the exporter or producer establishes the material terms of sale.

*See* 19 CFR 351.401(i); *See also Allied Tube and Conduit Corp.* v. *United States*, 132 F. Supp. 2d 1087, 1090–1093 (CIT 2001) (''*Allied Tube*''). The date of sale is generally the date on which the parties agree upon all substantive terms of the sale. This normally includes the price, quantity, delivery terms and payment terms. In order to simplify the determination of date of sale for both the respondent and the Department and in accordance with 19 CFR 351.401(i), the date of sale will normally be the date of the invoice, as recorded in the exporter's or producer's records kept in the ordinary course of business, unless satisfactory evidence is presented that the exporter or producer establishes the material terms of sale on some other date. In other words, the date of the invoice is the presumptive date of sale, although this presumption may be overcome. For instance, in *Notice of Final Determination of Sales at Less Than Fair Value: Polyvinyl Alcohol from Taiwan*, 61 FR 14064, 14067 (March 29, 1996), the Department used the date of the purchase order as the date of sale because the terms of sale were established at that point.

After examining the questionnaire responses and the sales documentation that Jacobi and Jilin Bright Future provided, we preliminarily determine that invoice date is the most appropriate date of sale for Jacobi and Jilin Bright Future. Jacobi and Jilin Bright Future do not dispute that invoice date is the appropriate date of sale, and the information on the record supports this contention. CCT, however, reported that the appropriate date of sale for spot sales and sales pursuant to framework agreements is the date of invoice while the appropriate date of sale for municipal contracts is the date of the contract award, which is the date when the price and quantity are fixed. The Department finds that, based on the information on the record, CCT has rebutted the presumption that invoice date is the appropriate date of sale for municipal contract sales and the award contract date is the most appropriate date of sale for these types of sales. *See Saccharin* 68 FR at 27531. This conclusion is based on the information on the record demonstrating that the quantity and value of sales pursuant to the municipal contacts were fixed at the date the contract was awarded.

**Fair Value Comparisons**

To determine whether sales of certain activated carbon to the United States by CCT, Jacobi, and Jilin were made at less than fair value, we compared either export price (''EP'') or constructed export price (''CEP'') to normal value (''NV''), as described in the ''U.S. Price,'' and ''Normal Value'' sections of this notice. We compared NV to weighted-average EPs and CEPs in accordance with section 777A(d)(1) of the Act.

*U.S. Price*

Export Price

For Jilin Bright Future, we based U.S. price on EP in accordance with section 772(a) of the Act, because the first sale to an unaffiliated purchaser was made prior to importation, and CEP was not otherwise warranted by the facts on the record. We calculated EP based on the packed price from the exporter to the first unaffiliated customer in the United States. Where applicable, we deducted foreign movement expenses and foreign brokerage and handling expenses from the starting price (gross unit price), in accordance with section 772(c)(2) of the Act. Where foreign movement services were provided by PRC service providers or paid for in Renminbi (''RMB''), we valued these services using surrogate values (*see* ''Factors of Production'' section below for further discussion).

Jilin Bright Future reported that it made U.S. sales of subject merchandise in November 2005, which it characterized as ''sample sales'' and reported these sales in its Section C database. Jilin Bright Future argues that these samples should be ''excluded from the Section C database as an abnormal sale, based on the fact that the amount of sample was comparably small and the production for that certain sample was specially from the laboratory.'' *See* JBF's Section C&D response at 2. The Department notes that these samples, far from being an out-of-ordinary transaction, appear on an invoice containing several other types of merchandise and were paid for by the U.S. customer. *See* JBF Chem's Separate Rate Application dated May 4, 2006, at Exhibit 1. Further, the Department notes that these claimed samples appear on the same purchase order as other non-sample merchandise, and the order summary notes a price for these samples. *See* JBF Chem's Separate Rate Application dated May 4, 2006, at Exhibit 8.

The Federal Circuit has not required the Department to exclude zero-priced or *de minimis* sales from its analysis, but rather, has defined a sale as requiring ''both a transfer of ownership to an unrelated party and consideration.'' *See NSK Ltd.* v. *United States*, 115 F.3d 965, 975 (Fed. Cir. 1997). The Courts have consistently ruled that the burden rests with a respondent with respect to its own data. *See, e.g., Zenith Electronics Corp.* v. *United States*, 988 F. 2d 1573, 1583 (Fed. Cir. 1993) (explaining that the

burden of evidentiary production belongs ''to the party in possession of the necessary information''). *See also Tianjin Machinery Import & Export Corp.* v. *United States*, 806 F. Supp. 1008, 1015 (CIT 1992) (''The burden of creating an adequate record lies with respondents and not with {the Department}.'') (citation omitted). Moreover, ''{e}ven where the Department does not ask a respondent for specific information that would enable it to make an exclusion determination in the respondent's favor, the respondent has the burden of proof to present the information in the first place with its request for exclusion.'' *See Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, Singapore, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews*, 70 FR 54711 (September 16, 2005), and accompanying Issues and Decision Memorandum at Comment 12 (citing *NTN Bearing Corp. of America.* v. *United States*, 997 F. 2d 1453, 1458 (Fed. Cir. 1993)). In this case, though Jilin Bright Future has requested that it be excluded from reporting the purported samples, Jilin Bright Future has not demonstrated that these samples were sold in a manner inconsistent with its normal sales process.

As noted above, an analysis of Jilin Bright Future's Section C computer sales listings reveals that it provided these ''samples'' to the same customers to whom it was selling or had sold products in commercial quantities, and, in this case, on the same invoice. *See* JBF Chem's Separate Rate Application dated May 4, 2006, at Exhibit 8. Therefore, based on the information on the record, we have for this preliminary determination not excluded these samples from the margin calculation of Jilin Bright Future.

Constructed Export Price

For CCT and Jacobi, we based U.S. price on CEP in accordance with section 772(b) of the Act, because sales were made on behalf of the PRC-based company by its U.S. affiliate to unaffiliated purchasers. For CCT and Jacobi's sales, we based CEP on packed, delivered or ex-warehouse prices to the first unaffiliated purchaser in the United States. Where appropriate, we made deductions from the starting price (gross unit price) for foreign movement expenses, international movement expenses, U.S. movement expenses, and appropriate selling adjustments, in accordance with section 772(c)(2)(A) of the Act.

In accordance with section 772(d)(1) of the Act, we also deducted those selling expenses associated with economic activities occurring in the United States. We deducted, where appropriate, commissions, inventory carrying costs, interest revenue, credit expenses, warranty expenses, and indirect selling expenses. Where foreign movement expenses, international movement expenses, or U.S. movement expenses were provided by PRC service providers or paid for in Renminbi, we valued these services using surrogate values (*see* ''Factors of Production'' section below for further discussion). For those expenses that were provided by a market-economy provider and paid for in market-economy currency, we used the reported expense. Due to the proprietary nature of certain adjustments to U.S. price, for a detailed description of all adjustments made to U.S. price for each company, see the company specific analysis memorandums, dated October 4, 2006.

CCT also requested that the Department apply the ''special rule'' for merchandise with value added after importation and excuse CCT from reporting U.S. resales of subject merchandise further processed by Calgon Carbon Corporation (''CCC''), CCT's U.S. parent company, in the United States and the U.S. further-processing cost information associated with the resales. CCT made this request with respect to all categories of U.S. sales with further manufacturing. *See* CCT's August 8, 2006 Letter. Petitioner NORIT submitted a letter on August 2, 2006 requesting that the Department deny CCT's request. The Department analyzed the information on the record with regard to this issue from both CCT and Petitioner. The Department determined that the valued added by CCC in the United States to the further manufactured sales would exceed 65 percent. Also, the quantity of sales not further manufactured was sufficient to provide a reasonable basis for comparison. Moreover, analyzing the further manufactured sales and the further manufacturing costs would impose an unnecessary burden on the Department. *See* Memorandum to James C. Doyle, Director, AD/CVD Operations, Office 9, through Carrie Blozy, Program Manager, AD/CVD Operations, Office 9, from Catherine Bertrand, Senior Case Analyst, Office 9: Special Rule for Merchandise with Value Added after Importation for the Antidumping Investigation of Certain Activated Carbon from the People's Republic of China, dated September 1, 2006 (''Special Rule Memo''). For those reasons, the Department decided to apply the ''special rule'' to merchandise with value added after importation to CCT's U.S. resales of subject merchandise further processed by CCC in the United States and excuse CCT from reporting these U.S. sales and the U.S. further-processing cost information associated with the resales. The ''Special Rule for Merchandise with Value Added After Importation'' is defined by Section 772(e) the Act as:

> Where the subject merchandise is imported by a person affiliated with the exporter or producer, and the value added in the United States by the affiliated person is likely to exceed substantially the value of the subject merchandise, the administering authority shall determine the constructed export price for such merchandise by using one of the following prices if there is a sufficient quantity of sales to provide a reasonable basis for comparison, and the administering authority determines that the use of such sales is appropriate:
>
> (1) The price of identical subject merchandise sold by the exporter or producer to an unaffiliated person.
>
> (2) The price of other subject merchandise sold by the exporter or producer to an unaffiliated person.
>
> If there is not sufficient quantity of sales to provide a reasonable basis for comparison under paragraph (1) and (2), or the administering authority determines that neither of the prices described in such paragraphs is appropriate, then the constructed export price may be determined on any other reasonable basis.

Also, the Department's regulation, 19 CFR 351.402(c)(2), states that the value added in the United States by the affiliated person is likely to exceed substantially the value of the subject merchandise when the value added is estimated to be at least 65 percent of the price charged to the first unaffiliated purchaser for the merchandise as sold in the United States. For a full discussion of the issue, *see* the Special Rule Memo. For purposes of the preliminary determination, we have applied the weighted-average margin from CCT's other U.S. sales to the quantity of U.S. further manufactures sales. *See* CCT Prelim Analysis Memo.

The Department's original questionnaire defines ''other direct selling expenses'' to be ''the unit cost of other direct selling expenses you incurred on sales of the subject merchandise which are not reported in other fields.'' *See* the Department's questionnaire dated May 4, 2006. The Department notes that direct selling expenses are expenses that can be tied to specific sales transactions and related directly to the sales reported, and salaries for sales personnel are normally considered an indirect selling expense. As a result, the Department requested that Jacobi reclassify its reported sales personal salaries from direct selling

expenses to be part of its indirect selling expense calculation. As Jacobi has continued to report these expenses as a direct selling expense, the Department has re-classified these expenses as part of total CEP selling expenses for purposes of the margin calculation. *See* Jacobi's Analysis Memo.

*Normal Value*

Section 773(c)(1) of the Act provides that the Department shall determine the NV using a factors-of-production methodology if the merchandise is exported from an NME and the information does not permit the calculation of NV using home-market prices, third-country prices, or constructed value under section 773(a) of the Act. The Department bases NV on the FOP because the presence of government controls on various aspects of non-market economies renders price comparisons and the calculation of production costs invalid under the Department's normal methodologies.

*Factor Methodology*

During the POI, CCT did not have production of all types of merchandise for which it had POI sales. Consequently, CCT requested that it be allowed to report the factors-of-production data for the most similar products produced during the POI as a surrogate for products sold during the POI, but produced prior to the POI. However, the Department denied this request and requested that CCT expand the FOP reporting for certain suppliers to report the FOP data based on twelve months from January 1, 2005 to December 31, 2005. *See* August 9, 2005 Letter to CCT. For the CONNUMs for which FOPs are still not included in the expanded FOP database, the Department has assigned FOPs for similar subject merchandise that was produced by CCT, as facts available. The Department then calculated an average of the FOPs for each product grouping and assigned the product-group average FOPs to CONNUMs where no FOPs were reported by CCT. *See* CCT Prelim Analysis Memo.

On June 29, 2006, CCT requested to be excused from reporting factors of production data for certain of its suppliers due to the large number of suppliers from which CCT purchased certain activated carbon during the POI. Due to the large numbers of producers that supplied CCT during the POI, the Department excused CCT from reporting the factors of production data for certain suppliers and also the quantity relating to the unknown suppliers for which CCT had been unable to identify the actual suppliers. *See* June 29, 2006, letter from CCT. The Department determined that CCT was not required to report the factors of production data for the following suppliers: Datong Fuping Activated Carbon Co., Ltd. (''FP''); Datong Huibao Activated Carbon Co., Ltd. (''HB''); Datong Hongtai Activated Carbon Co., Ltd. (''HT''); Ningxia Honghua Carbon Industrial Corp. (''HA''); Honke Activated Carbon Co., Ltd. (''HK''); and Ningxia Tianfu Activated Carbon Co., Ltd. (''TF''). *See* Letters to CCT dated July 19, 2006, and August 10, 2006. As the corresponding U.S. sales from the material supplied by the above producers were reported in the U.S. sales listing, we have assigned FOPs for similar subject merchandise that was produced by CCT, as facts available, using the same methodology described above for products that were not produced during the expanded POI. *See* CCT Prelim Analysis Memo.

Jacobi has reported certain U.S. sales of powdered activated carbon, sourced from Datong Huibao, that Jacobi considers a byproduct of the production process. Jacobi states on page 12 of its Second Supplemental that it is unable to determine appropriate FOPs for this CONNUM, because Datong Huibao has no way of determining the products from which it was generated. Jacobi argues that all material inputs have been reported in the other products produced during the POI by this supplier, and Datong Huibao has no basis by which to make an allocation to this product. Based on the information on the record, the Department has preliminarily determined that Jacobi acted to the best of its ability, and that to apply an allocation which would increase the quantity of input and output on Datong Huibao's factors of production worksheets would make any reconciliation of Datong Huibao's factors of production impossible. Therefore, the Department has preliminarily determined to apply neutral facts available and apply the average of the usage rates reported by Datong Huibao to the unreported factors for this CONNUM. *See* Memorandum to the File from Anya Naschak, Senior Case Analyst, AD/CVD Operations, Office 9: Program Analysis for the Preliminary Determination of Antidumping Duty Investigation of Activated Carbon from the People's Republic of China: Tianjin Jacobi International Trading Co., Ltd. and Jacobi Carbons, Inc., dated October 4 2006 (''Jacobi Analysis Memo'') for a detailed discussion of the methodology.

*Factor Valuations*

In accordance with section 773(c) of the Act, we calculated NV based on factors of production reported by respondents for the POI, except as noted above. To calculate NV, we multiplied the reported per-unit factor-consumption rates by publicly available Indian surrogate values. In selecting the surrogate values, we considered the quality, specificity, and contemporaneity of the data. As appropriate, we adjusted input prices by including freight costs to make them delivered prices. Specifically, we added to Indian import surrogate values a surrogate freight cost using the shorter of the reported distance from the domestic supplier to the factory of production or the distance from the nearest seaport to the factory of production where appropriate. This adjustment is in accordance with the Court of Appeals for the Federal Circuit's decision in *Sigma Corp.* v. *United States*, 117 F. 3d 1401, 1407–1408 (Fed. Cir. 1997). Where we did not use Indian Import Statistics, we calculated freight based on the reported distance from the supplier to the factory.

For this preliminary determination, in accordance with the Department's practice, we used data from the Indian Import Statistics in order to calculate surrogate values for the mandatory respondents' material inputs, except where noted below. In selecting the best available information for valuing FOP in accordance with section 773(c)(1) of the Act, the Department's practice is to select, to the extent practicable, surrogate values which are non-export average values, most contemporaneous with the POI, product-specific, and tax-exclusive. *See, e.g., Notice of Preliminary Determination of Sales at Less Than Fair Value, Negative Preliminary Determination of Critical Circumstances and Postponement of Final Determination: Certain Frozen and Canned Warmwater Shrimp From the Socialist Republic of Vietnam*, 69 FR 42672, 42682 (July 16, 2004), unchanged in *Final Determination of Sales at Less Than Fair Value: Certain Frozen and Canned Warmwater Shrimp from the Socialist Republic of Vietnam*, 69 FR 71005 (December 8, 2004). The record shows that data in the Indian Import Statistics represent import data that are contemporaneous with the POI, product-specific, and tax-exclusive. Where we could not obtain publicly available information contemporaneous to the POI with which to value factors, we adjusted the surrogate values using, where appropriate, the Indian Wholesale Price Index (''WPI'') as published in the *International Financial*

*Statistics* of the International Monetary Fund.

Furthermore, with regard to the Indian import-based surrogate values, we have disregarded import prices that we have reason to believe or suspect may be subsidized. We have reason to believe or suspect that prices of inputs from Indonesia, South Korea, and Thailand may have been subsidized. We have found in other proceedings that these countries maintain broadly available, non-industry-specific export subsidies and, therefore, it is reasonable to infer that all exports to all markets from these countries may be subsidized. *See Honey from the People's Republic of China: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review*, 70 FR 74764, 74773 (December 16, 2005), unchanged in *Honey from the People's Republic of China: Final Results and Final Rescission, In Part, of Antidumping Duty Administrative Review*, 71 FR 34893 (June 16, 2006); *see also Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China: Final Results of 1999–2000 Administrative Review, Partial Rescission of Review, and Determination Not to Revoke Order in Part*, 66 FR 57420 (November 15, 2001), and accompanying Issues and Decision Memorandum at Comment 1. We are also directed by the legislative history not to conduct a formal investigation to ensure that such prices are not subsidized. *See* H.R. Rep. 100–576 at 590 (1988). Rather, Congress directed the Department to base its decision on information that is available to it at the time it makes its determination. Therefore, we have not used prices from these countries in calculating the Indian import-based surrogate values.

We valued certain factors based on price data obtained from the Indian publication *Chemical Weekly*. These prices represent prices available in the Indian domestic market. In all cases, we assumed the chemical concentration to be 100 percent since we had no information to the contrary. Where multiple prices were available, we used the average of all prices with effective dates during the POI. We adjusted the average value to exclude excise and sales tax in each case where the price was specifically identified as being inclusive of excise and sales tax or solely inclusive of excise tax, as appropriate. Based on the 16 percent excise tax identified in *Central Excise Tariff 1998–99* (as published by Cen-Cus Publications, New Delhi), we calculated tax-exclusive prices. We then calculated a weighted-average POI price for each material. This methodology was applied for the following inputs: Hydrochloric acid; potassium iodide; and, potassium permanganate.

To value electricity, the Department used rates from *Key World Energy Statistics 2003*, published by the International Energy Agency. Because these data were not contemporaneous to the POI, we adjusted for inflation using WPI. *See* Surrogate Value Memo.

Jacobi has reported that it purchased plastic bags during the POI from a market economy country and paid for these bags in a market economy currency. However, the Department has preliminarily determined that certain of these bags should more appropriately be valued using surrogate values because they were purchased from countries that maintain subsidies or were purchased prior to the POI. *See* Surrogate Value Memo and Jacobi Analysis Memo.

For direct, indirect, and packing labor, consistent with 19 CFR 351.408(c)(3), we used the PRC regression-based wage rate as reported on Import Administration's home page, Import Library, Expected Wages of Selected NME Countries, revised in November 2005, *http://ia.ita.doc.gov/wages/index.html.* The source of these wage-rate data on the Import Administration's Web site is the Yearbook of Labour Statistics 2002, ILO (Geneva: 2002), Chapter 5B: Wages in Manufacturing. Because this regression-based wage rate does not separate the labor rates into different skill levels or types of labor, we have applied the same wage rate to all skill levels and types of labor reported by the respondent. *See* Surrogate Value Memo.

Because water is essential to the production process of the subject merchandise, the Department is considering water to be a direct material input, and not as overhead, and valued water with a surrogate value according to our practice. *See Final Determination of Sales at Less Than Fair Value and Critical Circumstances: Certain Malleable Iron Pipe Fittings From the People's Republic of China*, 68 FR 61395 (October 28, 2003) and, accompanying Issue and Decision Memorandum at Comment 11. Although some suppliers have reported that they obtain water from a well, we find that whether the producer pays for water is irrelevant in determining whether it should be considered a direct material input. Further, there is no evidence on the record that the Indian producer of activated carbon from which we are obtaining an overhead financial ratio accounts for water as an overhead expense. The Department valued water using data from the Maharashtra Industrial Development Corporation (*http://www.midcindia.org*) since it includes a wide range of industrial water tariffs. This source provides 386 industrial water rates within the Maharashtra province from June 2003: 193 for the ''inside industrial areas'' usage category and 193 for the ''outside industrial areas'' usage category. Because the value was not contemporaneous with the POI, we adjusted the rate for inflation. *See* Surrogate Value Memo.

For natural gas, we applied a surrogate value obtained from the Gas Authority of India Ltd. Web site, a supplier of natural gas in India, covering the period January through June 2002. In addition, based on the February 1, 2005, article from *Chemical Weekly*, we note that the Petroleum Ministry had been considering raising the price but no action was taken. Therefore, consistent with the Department's recent determination in Polyvinyl Alcohol from the People's Republic of China, we took the average of the base and ceiling prices, added the transportation charge, and inflated the calculated value using the appropriate WPI inflator. *See* Surrogate Value Memo and *Polyvinyl Alcohol From the People's Republic of China: Final Results of Antidumping Duty Administrative Review*, 71 FR 27991 (May 15, 2006), and accompanying Issues and Decision Memorandum at Comment 2.

The Department valued steam following the methodology used in the investigation of *Certain Tissue Paper Products and Certain Crepe Paper Products from the People's Republic of China*, but updated the natural gas price. *See* Surrogate Value Memo and *Notice of Preliminary Determinations of Sales at Less Than Fair Value, Affirmative Preliminary Determination of Critical Circumstances and Postponement of Final Determination for Certain Tissue Paper Products*, 69 FR 56407 (September 21, 2004), unchanged in the final determination, *Notice of Final Determination of Sales at Less Than Fair Value: Certain Tissue Paper Products from the People's Republic of China*, 70 FR 7475 (February 14, 2005).

The Department used Indian transport information in order to value the freight-in cost of the raw materials. We determined the best available information for valuing truck freight to be from *http://www.infreight.com.* This source provides daily rates from six major points of origin to five destinations in India during the POI. We obtained a price quote on the first day of each month of the POI from each point of origin to each destination and averaged the data accordingly. *See*

Surrogate Value Memo. To value rail freight, the Department used an average of rail freight prices based on the publicly available freight rates reported by the official Web site of the Indian Ministry of Railways at *http://www.indianrailways.gov.in/railway/freightrates/freight_charges.htm*. The Department used an average of the price-per-kilogram rate for class 130 based on the freight distances between cities. As the prices were denoted in quintals, the Department divided the price by 100 to derive a value in Rupees per kilogram. Consistent with the calculation of inland truck freight, the Department used the same freight distances used in the calculation of inland truck freight, as reported by *http://www.infreight.com* to derive a value in Rupees per kilogram per kilometer. *See* Surrogate Value Memo.

The Department used two sources to calculate a surrogate value for domestic brokerage expenses. The Department used a simple average of the publicly summarized version of the average value (adjusted for inflation) for brokerage and handling expenses reported in the U.S. sales listings in the submission from Essar Steel Ltd. (Essar Steel), dated February 28, 2005, in the antidumping duty review of Certain Hot-Rolled Carbon Steel Flat Products from India, and the submission from Agro Dutch Industries Limited (Agro Dutch), dated May 24, 2005, in the antidumping duty administrative review of Certain Preserved Mushrooms from India. *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products from India*, 66 FR 50406 (October 3, 2001), *Certain Preserved Mushrooms From India: Final Results of Antidumping Duty Administrative Review*, 71 FR 10646 (March 2, 2006), and Surrogate Value Memo.

With respect to the respondents' request for by-product offsets, the Department has preliminarily determined that the products respondents have claimed as a by-product are in fact merchandise within the scope of this investigation because they are still considered activated carbon, and, therefore, should not be considered a by-product. We are therefore not granting by-product credits in our margin calculations, except for coal tar as reported by Jilin Bright Future because this is not subject merchandise. *See* Analysis Memos for CCT, Jilin Bright Future, and Jacobi.

*Currency Conversion*

We made currency conversions into U.S. dollars, in accordance with section 773A(a) of the Act, based on the exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank.

*Verification*

As provided in section 782(i)(1) of the Act, we intend to verify the information upon which we will rely in making our final determination.

*Combination Rates*

In the *Initiation Notice* the Department stated that it would calculate combination rates for certain respondents that are eligible for a separate rate in this investigation. *See Initiation Notice.* This change in practice is described in *Policy Bulletin 05.1*, available at *http://ia.ita.doc.gov/.*

The *Policy Bulletin 05.1,* states:

> {w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME investigations will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question and produced by a firm that supplied the exporter during the period of investigation. See *Policy Bulletin 05.1,* at page 6.

Also, the Department is not including Ningxia Haoqing Activated Carbon Co., Ltd (''HQG''), or Ningxia Guanghua Activated Carbon Co., Ltd (''GH''), in the combination rate for CCT as both HQG and GH are trading companies who sold other companies' merchandise to CCT during the POI. *See Policy Bulletin 05.1* and Memo to the File from Catherine Bertrand, Senior Case Analyst, AD/CVD Operations, Office 9, dated October 3, 2006.

**Preliminary Determination**

The weighted-average (''WA'') dumping margins are as follows:

| Exporter | Supplier | WA margin |
|---|---|---|
| Beijing Pacific Activated Carbon Products Co., Ltd | Alashan Yongtai Activated Carbon Co., Ltd | 72.52 |
| Beijing Pacific Activated Carbon Products Co., Ltd | Changji Hongke Activated Carbon Co., Ltd | 72.52 |
| Beijing Pacific Activated Carbon Products Co., Ltd | Datong Forward Activated Carbon Co., Ltd | 72.52 |
| Beijing Pacific Activated Carbon Products Co., Ltd | Datong Locomotive Coal & Chemicals Co., Ltd | 72.52 |
| Beijing Pacific Activated Carbon Products Co., Ltd | Datong Yunguang Chemicals Plant | 72.52 |
| Beijing Pacific Activated Carbon Products Co., Ltd | Ningxia Guanghua Cherishment Activated Carbon Co., Ltd | 72.52 |
| Beijing Pacific Activated Carbon Products Co., Ltd | Ningxia Luyuangheng Activated Carbon Co., Ltd | 72.52 |
| Calgon Carbon Tianjin Co., Ltd | Calgon Carbon Tianjin Co., Ltd | 84.45 |
| Calgon Carbon Tianjin Co., Ltd | Datong Carbon Corporation | 84.45 |
| Calgon Carbon Tianjin Co., Ltd | Datong Changtai Activated Carbon Co., Ltd | 84.45 |
| Calgon Carbon Tianjin Co., Ltd | Datong Forward Activated Carbon Co., Ltd | 84.45 |
| Calgon Carbon Tianjin Co., Ltd | Datong Fuping Activated Carbon Co., Ltd | 84.45 |
| Calgon Carbon Tianjin Co., Ltd | Datong Hongtai Activated Carbon Co., Ltd | 84.45 |
| Calgon Carbon Tianjin Co., Ltd | Datong Huanqing Activated Carbon Co., Ltd | 84.45 |
| Calgon Carbon Tianjin Co., Ltd | Datong Huibao Activated Carbon Co., Ltd | 84.45 |
| Calgon Carbon Tianjin Co., Ltd | Datong Kangda Activated Carbon Factory | 84.45 |
| Calgon Carbon Tianjin Co., Ltd | Datong Runmei Activated Carbon Factory | 84.45 |
| Calgon Carbon Tianjin Co., Ltd | Dushanzi Chemical Factory | 84.45 |
| Calgon Carbon Tianjin Co., Ltd | Fangyuan Carbonization Co., Ltd | 84.45 |
| Calgon Carbon Tianjin Co., Ltd | Hongke Activated Carbon Co., Ltd | 84.45 |
| Calgon Carbon Tianjin Co., Ltd | Huairen Jinbei Chemical Co., Ltd | 84.45 |
| Calgon Carbon Tianjin Co., Ltd | Jiaocheng Xinxin Purification Material Co., Ltd | 84.45 |
| Calgon Carbon Tianjin Co., Ltd | Ningxia Guanghua Cherishment Activated Carbon Co., Ltd | 84.45 |
| Calgon Carbon Tianjin Co., Ltd | Ningxia Guanghua A/C Co., Ltd | 84.45 |
| Calgon Carbon Tianjin Co., Ltd | Ningxia Honghua Carbon Industrial Corporation | 84.45 |
| Calgon Carbon Tianjin Co., Ltd | Ningxia Luyuanheng Activated Carbon Co., Ltd | 84.45 |

| Exporter | Supplier | WA margin |
|---|---|---|
| Calgon Carbon Tianjin Co., Ltd | Ningxia Pingluo Yaofu Activated Carbon Factory | 84.45 |
| Calgon Carbon Tianjin Co., Ltd | Ningxia Tianfu Activated Carbon Co., Ltd | 84.45 |
| Calgon Carbon Tianjin Co., Ltd | Ningxia Yinchuan Lanqiya Activated Carbon Co., Ltd | 84.45 |
| Calgon Carbon Tianjin Co., Ltd | Nuclear Ningxia Activated Carbon Co., Ltd | 84.45 |
| Calgon Carbon Tianjin Co., Ltd | Pingluo Xuanzhong Activated Carbon Co., Ltd | 84.45 |
| Calgon Carbon Tianjin Co., Ltd | Shanxi Xuanzhong Chemical Industry Co., Ltd | 84.45 |
| Calgon Carbon Tianjin Co., Ltd | Xingtai Coal Chemical Co., Ltd | 84.45 |
| Calgon Carbon Tianjin Co., Ltd | Yuyang Activated Carbon Co., Ltd | 84.45 |
| Datong Juqiang Activated Carbon Co., Ltd | Datong Juqiang Activated Carbon Co., Ltd | 72.52 |
| Datong Locomotive Coal & Chemicals Co., Ltd | Datong Locomotive Coal & Chemicals Co., Ltd | 72.52 |
| Datong Municipal Yunguang Activated Carbon Co., Ltd | Datong Municipal Yunguang Activated Carbon Co., Ltd | 72.52 |
| Datong Yunguang Chemicals Plant | Datong Yunguang Chemicals Plant | 72.52 |
| Hebei Foreign Trade and Advertising Corporation | Da Neng Zheng Da Activated Carbon Co., Ltd | 72.52 |
| Hebei Foreign Trade and Advertising Corporation | Shanxi Bluesky Purification Material Co., Ltd | 72.52 |
| Jacobi Carbons AB | Datong Forward Activated Carbon Co., Ltd | 49.09 |
| Jacobi Carbons AB | Datong Hongtai Activated Carbon Co., Ltd | 49.09 |
| Jacobi Carbons AB | Datong Huibao Activated Carbon Co., Ltd | 49.09 |
| Jacobi Carbons AB | Ningxia Guanghua Activated Carbon Co., Ltd | 49.09 |
| Jacobi Carbons AB | Ningxia Huahui Activated Carbon Company Limited | 49.09 |
| Jilin Bright Future Chemicals Company, Ltd | Shanxi Xinhua Chemicals Co., Ltd | 13.78 |
| Jilin Bright Future Chemicals Company, Ltd | Tonghua Bright Future Activated Carbon Plant | 13.78 |
| Jilin Bright Future Chemicals Company, Ltd | Zuoyun Bright Future Activated Carbon Plant | 13.78 |
| Jilin Province Bright Future Industry and Commerce Co., Ltd | Shanxi Xinhua Chemicals Co., Ltd | 13.78 |
| Jilin Province Bright Future Industry and Commerce Co., Ltd | Tonghua Bright Future Activated Carbon Plant | 13.78 |
| Jilin Province Bright Future Industry and Commerce Co., Ltd | Zuoyun Bright Future Activated Carbon Plant | 13.78 |
| Ningxia Guanghua Cherishment Activated Carbon Co., Ltd | Ningxia Guanghua Cherishment Activated Carbon Co., Ltd | 72.52 |
| Ningxia Huahui Activated Carbon Co., Ltd | Ningxia Huahui Activated Carbon Co., Ltd | 72.52 |
| Ningxia Mineral & Chemical Limited | Ningxia Baota Activated Carbon Co., Ltd | 72.52 |
| Shanxi DMD Corporation | China Nuclear Ningxia Activated Carbon Plant | 72.52 |
| Shanxi DMD Corporation | Ningxia Guanghua Activated Carbon Co., Ltd | 72.52 |
| Shanxi DMD Corporation | Shanxi Xinhua Chemical Co., Ltd | 72.52 |
| Shanxi DMD Corporation | Tonghua Xinpeng Activated Carbon Factory | 72.52 |
| Shanxi Industry Technology Trading Co., Ltd | Actview Carbon Technology Co., Ltd | 72.52 |
| Shanxi Industry Technology Trading Co., Ltd | Datong Forward Activated Carbon Co., Ltd | 72.52 |
| Shanxi Industry Technology Trading Co., Ltd | Datong Tri-Star & Power Carbon Plant | 72.52 |
| Shanxi Industry Technology Trading Co., Ltd | Fu Yuan Activated Carbon Co., Ltd | 72.52 |
| Shanxi Industry Technology Trading Co., Ltd | Jing Mao (Dongguan) Activated Carbon Co., Ltd | 72.52 |
| Shanxi Industry Technology Trading Co., Ltd | Xi Li Activated Carbon Co., Ltd | 72.52 |
| Shanxi Newtime Co., Ltd | Datong Forward Activated Carbon Co., Ltd | 72.52 |
| Shanxi Newtime Co., Ltd | Ningxia Guanghua Chemical Activated Carbon Co., Ltd | 72.52 |
| Shanxi Newtime Co., Ltd | Ningxia Tianfu Activated Carbon Co., Ltd | 72.52 |
| Shanxi Qixian Foreign Trade Corporation | Datong Locomotive Coal & Chemicals Co., Ltd | 72.52 |
| Shanxi Qixian Foreign Trade Corporation | Datong Tianzhao Activated Carbon Co., Ltd | 72.52 |
| Shanxi Qixian Foreign Trade Corporation | Ningxia Huinong Xingsheng Activated Carbon Co., Ltd | 72.52 |
| Shanxi Qixian Foreign Trade Corporation | Ningxia Yirong Alloy Iron Co., Ltd | 72.52 |
| Shanxi Qixian Foreign Trade Corporation | Ninxia Tongfu Coking Co., Ltd | 72.52 |
| Shanxi Qixian Foreign Trade Corporation | Shanxi Xiaoyi Huanyu Chemicals Co., Ltd | 72.52 |
| Shanxi Sincere Industrial Co., Ltd | Datong Guanghua Activated Co., Ltd | 72.52 |
| Shanxi Sincere Industrial Co., Ltd | Ningxia Guanghua Cherishmemt Activated Carbon Co., Ltd | 72.52 |
| Shanxi Sincere Industrial Co., Ltd | Ningxia Pingluo County YaoFu Activated Carbon Factory | 72.52 |
| Shanxi Xuanzhong Chemical Industry Co., Ltd | Ningxia Pingluo Xuanzhong Activated Carbon Co., Ltd | 72.52 |
| Tangshan Solid Carbon Co., Ltd | Datong Zuoyun Biyun Activated Carbon Co., Ltd | 72.52 |
| Tangshan Solid Carbon Co., Ltd | Ningxia Guanghua Activated Carbon Co., Ltd | 72.52 |
| Tangshan Solid Carbon Co., Ltd | Ningxia Xingsheng Coal and Active Carbon Co., Ltd | 72.52 |
| Tangshan Solid Carbon Co., Ltd | Pingluo Yu Yang Activated Carbon Co., Ltd | 72.52 |
| Tianjin Maijin Industries Co., Ltd | Hegongye Ninxia Activated Carbon Factory | 72.52 |
| Tianjin Maijin Industries Co., Ltd | Ningxia Pingluo County YaoFu Activated Carbon Plant | 72.52 |
| Tianjin Maijin Industries Co., Ltd | Yinchuan Lanqiya Activated Carbon Co., Ltd | 72.52 |
| United Manufacturing International (Beijing) Ltd | Datong Fu Ping Activated Carbon Co., Ltd | 72.52 |
| United Manufacturing International (Beijing) Ltd | Datong Locomotive Coal & Chemical Co. Ltd | 72.52 |
| United Manufacturing International (Beijing) Ltd | Xinhua Chemical Company Ltd | 72.52 |
| Xi'an Shuntong International Trade & Industrials Co., Ltd | DaTong Tri-Star & Power Carbon Plant | 72.52 |
| Xi'an Shuntong International Trade & Industrials Co., Ltd | Ningxia Huahui Activated Carbon Company Limited | 72.52 |
| PRC-Wide Rate | | 228.11 |

As discussed above in the ''Affiliation'' section, the WA Margin of Jacobi Carbons AB of 49.09 percent applies to exports made by Jacobi Tianjin.

**Disclosure**

We will disclose the calculations performed within five days of the date of publication of this notice to parties in this proceeding in accordance with 19 CFR 351.224(b).

**Suspension of Liquidation**

In accordance with section 733(d) of the Act, we will instruct U.S. Customs and Border Protection (''CBP'') to suspend liquidation of all entries of subject merchandise, entered, or

withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. We will instruct CBP to require a cash deposit or the posting of a bond equal to the weighted-average amount by which the normal value exceeds U.S. price, as indicated above. The suspension of liquidation will remain in effect until further notice.

**International Trade Commission Notification**

In accordance with section 733(f) of the Act, we have notified the ITC of our preliminary affirmative determination of sales at less than fair value. Section 735(b)(2) of the Act requires the ITC to make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of certain activated carbon, or sales (or the likelihood of sales) for importation, of the subject merchandise within 45 days of our final determination.

**Public Comment**

Case briefs or other written comments may be submitted to the Assistant Secretary for Import Administration no later than seven days after the date of the final verification report is issued in this proceeding. *See* 19 CFR 351.309(c). Rebuttal briefs limited to issues raised in case briefs may be submitted no later than five days after the deadline date for case briefs. *See* 19 CFR 351.309(d). A list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. This summary should be limited to five pages total, including footnotes.

In accordance with section 774 of the Act, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. If a request for a hearing is made, we intend to hold the hearing three days after the deadline of submission of rebuttal briefs at the U.S. Department of Commerce, 14th Street and Constitution Ave. NW., Washington, DC 20230, at a time and location to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, within 30 days after the date of publication of this notice. *See* 19 CFR 351.310(c). Requests should contain the party's name, address, and telephone number, the number of participants, and a list of the issues to be discussed. At the hearing, each party may make an affirmative presentation only on issues raised in that party's case brief and may make rebuttal presentations only on arguments included in that party's rebuttal brief.

We will make our final determination no later than 135 days after the date of publication of this preliminary determination, pursuant to section 735(a)(2) of the Act.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act.

Dated: October 4, 2006.

**David Spooner,**

*Assistant Secretary for Import Administration.*

[FR Doc. 06–8622 Filed 10–10–06; 8:45 am]

BILLING CODE 3510–DS–P

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## DEPARTMENT OF COMMERCE

### International Trade Administration

**A–570–848**

### Notice of Extension of the Preliminary Results of New Shipper Antidumping Duty Reviews: Freshwater Crawfish Tail Meat from the People's Republic of China

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** The Department of Commerce (''Department'') is conducting new shipper antidumping duty reviews of freshwater crawfish tail meat from the People's Republic of China (''PRC'') in response to requests by Nanjing Merry Trading Co., Ltd. (''Nanjing Merry''), Leping Lotai Foods Co., Ltd. (''Leping Lotai''), Weishan Hongrun Aquatic Co., Ltd. (''Weishan Hongrun''), and Shanghai Strong International Trading Co., Ltd. (''Shanghai Strong''). These reviews cover shipments to the United States for the period September 1, 2005, to February 28, 2006, by these four respondents. For the reasons discussed below, we are extending the preliminary results of the new shipper reviews of Nanjing Merry, Leping Lotai, and Weishan Hongrun by an additional 90 days, and the new shipper review of Shanghai Strong by an additional 65 days, to no later than January 23, 2007.

**EFFECTIVE DATE:** October 11, 2006.

**FOR FURTHER INFORMATION CONTACT:** Erin Begnal or Mike Quigley; AD/CVD Operations, Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–1442 and (202) 482–4047, respectively.

**SUPPLEMENTARY INFORMATION:**

**Background**

The Department received timely requests from Nanjing Merry, Leping Lotai, Weishan Hongrun, and Shanghai Strong in accordance with 19 CFR 351.214(c) for new shipper reviews of the antidumping duty order on freshwater crawfish tail meat from the PRC. On May 5, 2006, the Department found that the requests for review with respect to Nanjing Merry, Leping Lotai, and Weishan Hongrun met all of the regulatory requirements set forth in 19 CFR 351.214(b) and initiated these new shipper antidumping duty reviews covering the period September 1, 2005, through February 28, 2006. *See Freshwater Crawfish Tail Meat From the People's Republic of China: Initiation of Antidumping Duty New Shipper Reviews*, 71 FR 26453 (May 5, 2006).

On May 31, 2006, the Department found that the request for review with respect to Shanghai Strong met all of the regulatory requirements set forth in 19 CFR 351.214(b) and initiated a new shipper antidumping duty review covering the period September 1, 2005, through February 28, 2006. *See Freshwater Crawfish Tail Meat From the People's Republic of China: Initiation of Antidumping Duty New Shipper Review*, 71 FR 30866 (May 31, 2006).

**Extension of Time Limits for Preliminary Results**

Section 751(a)(2)(B)(iv) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.214(i)(1) require the Department to issue the preliminary results of a new shipper review within 180 days after the date on which the new shipper review was initiated and final results of a review within 90 days after the date on which the preliminary results were issued. The Department may, however, extend the deadline for completion of the preliminary results of a new shipper review to 300 days if it determines that the case is extraordinarily complicated (19 CFR 351.214 (i)(2)).

The Department has determined that the review is extraordinarily complicated as the Department must gather additional publicly available information, issue additional supplemental questionnaires, and conduct verifications of the four respondents. Based on the timing of the case and the additional information that must be gathered and verified, the preliminary results of this new shipper review cannot be completed within the

statutory time limit of 180 days. Accordingly, the Department is extending the time limit for the completion of the preliminary results of the new shipper reviews of Nanjing Merry, Leping Lotai, and Weishan Hongrun by 90 days from the original October 25, 2006, deadline. Additionally, the Department is extending the time limit for the completion of the preliminary results of the new shipper review of Shanghai Strong by 65 days from the original November 19, 2006, deadline. The preliminary results for all four new shipper reviews will now be due January 23, 2007, in accordance with section 751(a)(2)(B)(iv) of the Act and 19 CFR 351.214(i)(2). The final results will, in turn, be due 90 days after the date of issuance of the preliminary results, unless extended.

This notice is published pursuant to sections 751(a)(2)(B)(iv) and 777(i)(1) of the Act.

Dated: September 3, 2006.

**Stephen J. Claeys,**

*Deputy Assistant Secretaryfor Import Administration*

[FR Doc. E6–16819 Filed 10–10–06; 8:45 am]

**BILLING CODE 3510–DS–S**

## DEPARTMENT OF COMMERCE

### International Trade Administration

**(A–580–829)**

### Stainless Steel Wire Rod from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative Review

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**SUMMARY:** In response to a request by domestic interested parties,[1] the Department of Commerce (the ''Department'') is conducting an administrative review of the antidumping duty order on stainless steel wire rod (''SSWR'') from the Republic of Korea (''Korea''). This review covers two producer/exporters of the subject merchandise that have been collapsed for purposes of the Department's analysis, consistent with the record of this review and prior determinations in this proceeding. The period of review (''POR'') is September 1, 2004, through August 31, 2005.

The Department has preliminarily determined that the companies subject to this review made U.S. sales of SSWR at prices less than normal value (''NV''). If these preliminary results are adopted in our final results of administrative review, we will instruct U.S. Customs and Border Protection (''CBP'') to assess antidumping duties on all appropriate entries. Interested parties are invited to comment on these preliminary results of review. We will issue the final results of review no later than 120 days from the date of publication of this notice.

**EFFECTIVE DATE:** October 11, 2006.

**FOR FURTHER INFORMATION CONTACT:** Karine Gziryan or Malcolm Burke, AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, telephone: (202) 482–4081 and (202) 482–3584, respectively.

**SUPPLEMENTARY INFORMATION:**

#### Background

On September 15, 1998, the Department published in the **Federal Register** the antidumping duty order on SSWR from Korea. *See Notice of Amendment of Final Determination of Sales at Less Than Fair Value and Antidumping Duty Order: Stainless Steel Wire Rod From Korea*, 63 FR 49331 (September 15, 1998) (''*Amended Final Determination*'') and *Stainless Steel Wire Rod From Korea: Amendment of Final Determination of Sales at Less Than Fair Value Pursuant to Court Decision*, 66 FR 41550 (August 8, 2001) (''*Amended Final Determination Pursuant to Court Decision*'').[2] In September 2005, the Department published in the **Federal Register** a notice of ''Opportunity to Request Administrative Review'' of the antidumping duty order on SSWR from Korea. *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review*, 70 FR 52072 ( September 1, 2005).

On September 30, 2005, in accordance with 19 CFR § 351.213(b)(1), the Domestic Interested Parties requested that the Department conduct a review of Changwon and Dongbang Special Steel Co., Ltd. (''Dongbang''), and any of their affiliates (collectively, as a collapsed entity, the ''Respondents'' or ''Changwon/Dongbang'') for the period from September 1, 2004, through August 31, 2005. *See* the ''Collapsing of Respondents'' section of this notice below.

In October 2005, the Department initiated an administrative review of the Respondents. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 70 FR 61601 (October 25, 2005). Also in October, the Department issued its antidumping questionnaire to the Respondents, and in December 2005, the Respondents responded to this questionnaire. Thereafter, the Department issued supplemental questionnaires to the Respondents - to which the Department received timely responses- and the Domestic Interested Parties submitted comments regarding the Respondents' questionnaire and supplemental questionnaire responses.

In May 2006, the Department extended the deadline for issuing the preliminary results in this administrative review until October 2, 2006. *See Stainless Steel Wire Rod from the Republic of Korea: Notice of Extension of Time Limit for Preliminary Results of Antidumping Duty Administrative Review*, 71 FR 30658 (May 30, 2006).

The Department is conducting this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the ''Act'').

#### Collapsing of Respondents

In the less–than-fair value (''LTFV'') investigation in this proceeding, the Department determined that Pohang Iron and Steel Co., Ltd. (''POSCO''), and its subsidiary, Changwon, were affiliated with Dongbang through a close supplier relationship and that all three companies should be treated as one entity (collapsed). *See Notice of Final Determination of Sales at Less than Fair Value: Stainless Steel Wire Rod from Korea*, 63 FR 40404, 40408 (July 29, 1998) (''*Final Determination*'') (Comment 2). The Department found a close supplier relationship between POSCO/Changwon and Dongbang based on the fact that Dongbang, whose operations were almost exclusively dependent upon finishing unfinished SSWR (also known as black coil), was not able to obtain suitable black coil from sources other than POSCO/Changwon. *See* Memorandum from the Team to Holly Kuga regarding: ''Whether Pohang Iron and Steel Co., Ltd. (POSCO), and its subsidiary Changwon Specialty Steel Co., Ltd. (Changwon), are affiliated with Dongbang Special Steel Co., Ltd. (Dongbang). Whether to collapse Dongbang with the already collapsed

[1] The domestic interested parties are Carpenter Technology Corporation; Dunkirk Specialty Steel, LLC, a subsidiary of Universal Stainless & Alloy Products; and North American Stainless (hereinafter, the ''Domestic Interested Parties'').

[2] In the *Amended Final Determination Pursuant To Court Decision*, the Department reclassified Changwon Specialty Steel Co., Ltd.'s (''Changwon'') U.S. sales as constructed export price (''CEP'') sales and recalculated the dumping margin for the collapsed entity which included Changwon. As a result of the recalculation, the ''all others'' rate also changed. *See Amended Final Determination Pursuant To Court Decision*, 66 FR at 41550.

entity POSCO/Changwon for antidumping analysis purposes,'' dated July 20, 1998 (LTFV affiliation memorandum) at page 8 (which the Department has placed on the record of this administrative review). The Department collapsed these companies because their interdependent operations resulted in a significant potential for the manipulation of price and production and the nature of their facilities allowed them to shift the production of SSWR among one another. *See id.* Specifically, the Department found a significant potential for manipulation of price and production based on the importance of the black coil trade between the companies (Dongbang's reliance upon POSCO/Changwon for black coil as well as its position as a significant consumer of POSCO/Changwon's black coil), POSCO/Changwon's leverage over SSWR production due to the fact that it supplied a major input used in production, and the fact that the companies had facilities for producing subject merchandise.

Consistent with the record from the LTFV investigation, we find that the instant record indicates that Dongbang has not obtained suitable black coil from alternative sources but continues to exclusively rely upon POSCO/Changwon for this input. *See* Dongbang's December 1, 2005, questionnaire response at 14. Additionally, POSCO/Changwon and Dongbang are still able to shift the production of SSWR among one another and there continues to be a significant potential for the manipulation of price and production because these companies remain intertwined by virtue of the significant transactions between them, including sales of both SSWR and black coil for the production of SSWR. *See* Dongbang's December 1, 2005, questionnaire response at 3 and 14. Finally, Dongbang's business operations remain considerably dependent upon the production of subject merchandise. *See* Dongbang's May 12, 2006, Sales Reconciliation at Attachment 1. Given these facts, we continue to find that POSCO and Changwon are affiliated with Dongbang through a close supplier relationship and the three companies should continue to be treated as a single entity for purposes of the Department's dumping analysis. *See* LTFV affiliation memorandum.

**Period of Review**

The POR is September 1, 2004, through August 31, 2005.

**Scope of the Order**

For purposes of this order, the products covered are those SSWR that are hot–rolled or hot–rolled annealed and/or pickled and/or descaled rounds, squares, octagons, hexagons or other shapes, in coils, that may also be coated with a lubricant containing copper, lime or oxalate. SSWR is made of alloy steels containing, by weight, 1.2 percent or less of carbon and 10.5 percent or more of chromium, with or without other elements. These products are manufactured only by hot–rolling or hot–rolling annealing, and/or pickling and/or descaling, are normally sold in coiled form, and are of solid cross-section. The majority of SSWR sold in the United States is round in cross-sectional shape, annealed and pickled, and later cold–finished into stainless steel wire or small–diameter bar. The most common size for such products is 5.5 millimeters or 0.217 inches in diameter, which represents the smallest size that normally is produced on a rolling mill and is the size that most wire–drawing machines are set up to draw. The range of SSWR sizes normally sold in the United States is between 0.20 inches and 1.312 inches in diameter.

Two stainless steel grades are excluded from the scope of the order. SF20T and K–M35FL are excluded. The chemical makeup for the excluded grades is as follows:

| SF20T | |
|---|---|
| Carbon | 0.05 max |
| Manganese | 2.00 max |
| Phosphorous | 0.05 max |
| Sulfur | 0.15 max |
| Silicon | 1.00 max |
| Chromium | 19.00/21.00 |
| Molybdenum | 1.50/2.50 |
| Lead–added | (0.10/0.30) |
| Tellurium–added | (0.03 min) |

| K–M35FL | |
|---|---|
| Carbon | 0.015 max |
| Silicon | 0.70/1.00 |
| Manganese | 0.40 max |
| Phosphorous | 0.04 max |
| Sulfur | 0.03 max |
| Nickel | 0.30 max |
| Chromium | 12.50/14.00 |
| Lead | 0.10/0.30 |
| Aluminum | 0.20/0.35 |

The products subject to the order are currently classifiable under subheadings 7221.00.0005, 7221.00.0015, 7221.00.0030, 7221.00.0045, and 7221.00.0075 of the Harmonized Tariff Schedule of the United States (''HTSUS''). Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

**Affiliation**

During this administrative review, the Respondents reported U.S. sales to trading companies which they classified as unaffiliated parties in their questionnaire responses. The Domestic Interested Parties contend that these trading companies are affiliated with the Respondents through a principal–agent relationship, while the Respondents maintain that they have no agency relationship with these customers. In reviewing the record evidence, we find that the Respondents did not have principal–agent relationships with their respective trading company customers and, therefore, we have preliminarily determined that the Respondents are not affiliated with these customers through a principal–agent relationship pursuant to section 771(33)(G) of the Act. *See* the proprietary memorandum to Thomas F. Futtner from Malcolm Burke, Agency Analysis of Respondents' Reseller Customers, dated concurrently with this notice.

**Comparison Methodology**

To determine whether the Respondents sold SSWR in the United States at prices less than NV, the Department compared the export price (''EP'') and CEP of individual U.S. sales to the weighted–average NV of sales of the foreign like product made in the ordinary course of trade in a month contemporaneous with the month in which the U.S. sale was made. *See* section 777A(d)(2) of the Act; *see also* section 773(a)(1)(B)(i) of the Act. Section 771(16) of the Act defines foreign like product as merchandise that is identical or similar to subject merchandise and produced by the same person and in the same country as the subject merchandise. Thus, we considered all products covered by the scope of the order, that were produced by the same person and in the same country as the subject merchandise, and sold by Respondents in the home market during the POR, to be foreign like products for the purpose of determining appropriate product comparisons to SSWR sold in the United States.

The Department compared U.S. sales to sales made in the home market within the contemporaneous window period, which extends from three months prior to the month in which the U.S. sale was made until two months after the month in which the U.S. sale was made. Where there were no sales of identical merchandise made in the home market in the ordinary course of trade, the Department compared U.S. sales to sales of the most similar foreign

like product made in the ordinary course of trade. In making product comparisons, the Department selected identical and most similar foreign like products based on the physical characteristics reported by the Respondents in the following order of importance: grade, diameter, further processing, and coating.

**Date of Sale**

Respondents used invoice date as the date of sale for their EP, CEP, and home market sales. In comments filed with the Department, the Domestic Interested Parties contested the use of the invoice date as the date of sale and argued for use of the order input date or revised purchase order date. Normally, the Department considers the respondent's invoice date as recorded in its business records to be the date of sale unless a date other than the invoice date better reflects the date on which the company establishes the material terms of sale. *See* 19 CFR § 351.401(i). In this case, after additional inquiry, the Department determined that the use of a date other than the invoice date was not appropriate. Specifically, Changwon and Dongbang reported that the information obtained on the order input date was informal in nature, non–binding on the customer, and was obtained only to schedule production. Further, Changwon and Dongbang reported that the final price and quantity of a particular order were established when a particular shipment was invoiced, with that invoice being the first written documentation of those confirmed sales terms. Moreover, Changwon and Dongbang presented evidence that the material terms of sale were subject to change between the order date and the invoice date and, in fact, did change for numerous sales. *See* Dongbang's June 20, 2006, supplemental questionnaire response at 3 and Appendix SB–3, Dongbang's April 24, 2006, supplemental questionnaire response at 3 and Appendix SC–2, Changwon's April 6, 2006, supplemental questionnaire response at 5 and Appendix SA–2, and Changwon's January 23, 2006, supplemental questionnaire response at 11–13. Thus, when compared to invoice date, the record does not demonstrate that the order input date or revised purchase order date better reflects the date on which the material terms of sale were established. Therefore, consistent with prior segments of this proceeding, we have preliminarily used invoice date as the date of sale for both the U.S. and home markets. However, consistent with the Department's practice, where the invoice was issued after the date of shipment to the first unaffiliated customer, we relied upon the date of shipment as the date of sale. *See e.g.*, *Certain Cold–Rolled and Corrosion–Resistant Carbon Steel Flat Products From Korea: Final Results of Antidumping Duty Administrative Reviews*, 64 FR 12927, 12935 (March 16, 1999).

**Export Price and Constructed Export Price**

The Department based the price of the Respondents' U.S. sales of subject merchandise on EP or CEP, as appropriate. Specifically, when Changwon or Dongbang sold subject merchandise to unaffiliated purchasers in the United States prior to importation, and CEP was not otherwise warranted based on the facts of the record, we based the price of the sale on EP, in accordance with section 772(a) of the Act. Alternatively, when Changwon sold subject merchandise to unaffiliated purchasers in the United States through a U.S. affiliate, Pohang Steel America Corporation (''POSAM''), after importation, we based the price of the sale on CEP, in accordance with section 772(b) of the Act.

In accordance with sections 772(a) and (c) of the Act, we calculated EP using the prices the Respondents charged for packed subject merchandise. From this price we deducted, where applicable, the following expenses: foreign inland freight charges (from the Respondents' plants to the port of exportation) - including wharfage charges, terminal handling charges, container taxes, document and miscellaneous fees, international freight, and marine insurance, consistent with section 772(c)(2)(A) of the Act. Additionally, we added to the starting price an amount for duty drawback pursuant to section 772(c)(1)(B) of the Act.

In accordance with sections 772(c)(2)(A) and 772(d)(1) and (3) of the Act, we calculated CEP using the prices charged for packed subject merchandise sold to the first unaffiliated purchaser in the United States, from which we deducted the following expenses: foreign inland freight (from the Respondents' plants to the port of exportation), brokerage and handling, international ocean freight, marine insurance, container handling fee, harbor fee, other U.S. transportation, U.S. duty, direct and indirect selling expenses (to the extent these expenses are associated with economic activity in the United States), and CEP profit (profit allocated to expenses deducted under sections 772(d)(1) and (d)(2) of the Act in accordance with sections 772(d)(3) and 772(f) of the Act). We computed profit by deducting from total revenue realized on sales in both the U.S. and home markets, all expenses associated with those sales. We then allocated profit to expenses incurred with respect to U.S. economic activity, based on the ratio of total U.S. expenses to total expenses for both the U.S. and home markets. Lastly, we added to the starting price an amount for duty drawback pursuant to section 772(c)(1)(B) of the Act.

**Normal Value**

After testing home market viability, whether home market sales to affiliates were at arm's–length prices, and whether home market sales were at below–cost prices, we calculated NV for Respondents as noted in the ''Price–to-Price Comparisons'' section of this notice.

A. Home Market Viability

In accordance with section 773(a)(1)(C) of the Act, in order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating NV (*i.e.*, the aggregate volume of home market sales of the foreign like product is greater than or equal to five percent of the aggregate volume of U.S. sales), we compared the aggregate volume of the Respondents' home market sales of the foreign like product to the aggregate volume of their U.S. sales of subject merchandise. Because the aggregate volume of the Respondents' home market sales of foreign like product is more than five percent of the aggregate volume of their U.S. sales of subject merchandise, we based NV on sales of the foreign like product in the Respondents' home market.

B. Affiliated–Party Transactions and Arm's–Length Test

The Department may calculate NV based on a sale to an affiliated party only if it is satisfied that the price to the affiliated party is comparable to the prices at which sales are made to parties not affiliated with the exporter or producer, *i.e.*, sales at arm's–length. *See* 19 CFR § 351.403(c). Sales to affiliated customers for consumption in the home market that are determined not to be at arm's–length are excluded from our analysis. In this proceeding the Respondents reported sales of the foreign like product to an affiliated customer. To test whether these sales were made at arm's–length prices, the Department compared the prices of sales of comparable merchandise to affiliated and unaffiliated customers, net of all

movement charges, direct selling expenses, and packing. Pursuant to 19 CFR § 351.403(c), and in accordance with the Department's practice, when the prices charged to an affiliated party were, on average, between 98 and 102 percent of the prices charged to unaffiliated parties for merchandise comparable to that sold to the affiliated party, we determined that the sales to the affiliated party were at arm's–length. *See Antidumping Proceedings: Affiliated Party Sales in the Ordinary Course of Trade*, 67 FR 69186, 69187 (November 15, 2002). Where the Respondents' sales to affiliated home market customers did not pass the arm's length test we excluded those sales from our analysis.

C. Cost of Production (''COP'') Analysis

In the most recent administrative review in this proceeding, the Department determined that the Respondents sold foreign like product at prices below the cost of producing the product and excluded such sales from the calculation of NV. *See Stainless Steel Wire Rod from Korea: Final Results of Antidumping Duty Administrative Review*, 69 FR 19153 (April 12, 2004). As a result, in accordance with section 773(b)(2)(A)(ii) of the Act, the Department has determined that there are reasonable grounds to believe or suspect that during the instant POR, the Respondents sold foreign like product at prices below the cost of producing the product. Thus, the Department initiated a sales below cost inquiry with respect to the Respondents.

1. Calculation of COP

In accordance with section 773(b)(3) of the Act, for each foreign like product sold by the Respondents during the POR, we calculated a weighted–average COP based on the sum of the Respondents' materials and fabrication costs and general and administrative (''G&A'') expenses, including interest expenses. We adjusted the cost data reported by Respondents by setting Changwon's negative interest expense to zero. For further information *see* the Calculation Memorandum dated concurrently with this notice, on file in the Central Records Unit, Room B–099 of the Main Commerce Building (CRU).

2. Test of Home Market Sales Prices

In order to determine whether sales were made at prices below the COP, on a product–specific basis we compared the Respondents' weighted–average COP to the prices of its home market sales of foreign like product, as required under section 773(b) of the Act. In accordance with sections 773(b)(1)(A) and (B) of the Act, in determining whether to disregard home market sales made at prices less than the COP, we examined whether such sales were made: (1) in substantial quantities within an extended period of time; and (2) at prices which permitted the recovery of all costs within a reasonable period of time. We compared the COP to home market sales prices, less any applicable movement charges, direct and indirect selling, or packing expenses.

3. Results of the COP Test

Pursuant to section 773(b)(2)(C) of the Act, where less than 20 percent of the Respondents' sales of a given product were made at prices less than the COP, we did not disregard any below–cost sales of that product because the below–cost sales were not made in ''substantial quantities.'' Where 20 percent or more of the Respondents' sales of a given product were made at prices less than the COP during the POR, we determined such sales to have been made in ''substantial quantities'' for an extended period of time (*i.e.*, one year) pursuant to sections 773(b)(2)(B) and (C) of the Act. In such cases, because we used POR average costs we also determined, in accordance with section 773(b)(2)(D) of the Act, that these sales were not made at prices which would permit recovery of all costs within a reasonable period of time. Based on the results of our cost test, we disregarded the Respondents' below–cost sales.

**Price–to-Price Comparisons**

Where it was appropriate to base NV on prices, we used the prices at which the foreign like product was first sold by the Respondents for consumption in the home market, in the usual commercial quantities, in the ordinary course of trade, and, to the extent possible, at the same level of trade (''LOT'') as the comparison U.S. sale.

We calculated NV using prices for packed foreign like product delivered to unaffiliated purchasers or, were appropriate, affiliated purchasers in the home market. In accordance with sections 773(a)(6)(A), (B), and (C) of the Act, where appropriate, we deducted from the starting price warranty expenses, movement expenses, home market packing costs, credit expenses and other direct selling expenses, and added U.S. packing costs and, for NVs compared to EPs, credit expenses and other direct selling expenses. Additionally, where appropriate, we made price adjustments for physical differences in the merchandise. *See* 773(a)(6)(C)(ii) of the Act and 19 CFR § 351.410(e).

**Level of Trade**

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determined NV based on sales in the home market at the same LOT as the EP or CEP sales. The NV LOT is based on the starting price of the sales in the home market or, when NV is based on constructed value, the starting price of the sales from which we derive selling general and administrative expenses and profit. For EP sales, the U.S. LOT is based on the starting price of the sales to the U.S. market. For CEP sales, the U.S. LOT is based on the starting price of the sales to the U.S. market, as adjusted under section 772(d) of the Act. *See Micron Technology, Inc. v. United States*, 243 F.3d, 1301, 1315 (Fed. Cir. 2001).

To determine whether NV sales are at a different LOT than the EP and CEP sales, the Department examines stages in the marketing process and selling functions along the chain of distribution between the producer and the customer. If the comparison–market sales are at a different LOT than the EP and CEP sales, and the difference affects price comparability, as manifested by a pattern of consistent price differences between comparison–market sales at the NV LOT and comparison–market sales at the LOT of the export transaction, the Department makes a LOT adjustment under section 773(a)(7)(A) of the Act. For CEP sales, if the NV LOT is at a more advanced stage of distribution than the CEP LOT and there is no basis for determining whether the difference between the NV and CEP LOTs affects price comparability, the Department adjusts NV under section 773(A)(7)(B) of the Act (the CEP offset provision). *See Notice of Final Determination of Sales at Less Than Fair Value: Certain Carbon Steel Plate from South Africa*, 62 FR 61731 (November 19, 1997).

In determining whether the Respondents made sales at separate LOTs, we obtained information from the Respondents regarding the marketing stages for the reported U.S. and home market sales, including a description of the selling activities performed by Respondents for each channel of distribution. Generally, if the reported LOTs are the same, the functions and activities of the seller at each level should be similar. Conversely, if a party reports that LOTs are different for different groups of sales, the selling functions and activities of the seller for each group should be dissimilar.

In the home market, Changwon and Dongbang each sold foreign like product

during the POR directly to end users through one channel of distribution. We compared the types of selling activities performed in each channel of distribution, as well as the level of intensity at which each activity was performed and found no significant differences between the two channels (we cannot discuss the comparison here without referencing business proprietary information; therefore, for a detailed analysis, *see* the proprietary memorandum to Thomas F. Futtner from the Team regarding level of trade, dated concurrently herewith (''Level of Trade Memorandum''). Thus, we determined that there is one home market LOT.

In the U.S. market, Changwon sold subject merchandise during the POR to trading companies and end users through two channels of distribution, namely through unaffiliated Korean trading companies and an affiliated company located in the United States. Dongbang sold subject merchandise during the POR to trading companies and end users through only one channel of distribution, unaffiliated Korean trading companies. We compared the types of selling activities performed in each channel of distribution, as well as the level of intensity at which each activity was performed and found no significant differences between the U.S. channels. *See* the Level of Trade Memorandum. Thus, we determined that there is one U.S. market LOT.

We then compared the home market LOT to the U.S. market LOT. We did not find substantial differences in the selling activities performed in the two LOTs. *See* the Level of Trade Memorandum for further analysis. Therefore, we determined that the home and U.S. LOTs are at the same level. *See* 19 CFR § 351.412(c)(2) (noting that ''substantial differences in selling activities are a necessary ... condition for determining that there is a difference in the stage of marketing''). Thus, neither a LOT adjustment to NV, pursuant to section 773(a)(7)(A) of the Act, nor a CEP offset pursuant to 773(a)(7)(B) of the Act, is warranted. *See Antidumping Duties; Countervailing Duties; Final Rule*, 62 FR 27296, 27372 (May 19, 1997) (''{t}he Department will not make a CEP offset where ... the Department bases normal value on home market sales at the same LOT as the CEP'').

**Currency Conversion**

Pursuant to section 773A(a) of the Act, we converted amounts expressed in foreign currencies into U.S. dollar amounts based on the exchange rates in effect on the dates of the U.S. sales, as reported by the Federal Reserve Bank.

**Preliminary Results of Review**

As a result of this review, we preliminarily determine that the following weighted- average dumping margin exists for the period September 1, 2004, through August 31, 2005.

| Manufacturer/Exporter | Margin (percent) |
|---|---|
| POSCO/Changwon/Dongbang ... | 9.77 % |

**Public Comment**

Within 10 days of publicly announcing the preliminary results of this review, we will disclose to interested parties any calculations performed in connection with the preliminary results. *See* 19 CFR § 351.224(b). Any interested party may request a hearing within 30 days of the publication of this notice in the **Federal Register**. *See* 19 CFR § 351.310(c). If requested, a hearing will be held 44 days after the date of publication of this notice in the **Federal Register**, or the first workday thereafter. Interested parties are invited to comment on the preliminary results of this review. The Department will consider case briefs filed by interested parties within 30 days after the date of publication of this notice in the **Federal Register**. Also, interested parties may file rebuttal briefs, limited to issues raised in the case briefs. The Department will consider rebuttal briefs filed not later than five days after the time limit for filing case briefs. Parties who submit arguments are requested to submit with each argument: (1) A statement of the issue, (2) a brief summary of the argument and (3) a table of authorities cited. Further, we request that parties submitting written comments provide the Department with a diskette containing an electronic copy of the public version of such comments. Unless the deadline for issuing the final results of review is extended, the Department will issue the final results of this administrative review, including the results of its analysis of issues raised in the written comments, within 120 days of publication of the preliminary results in the **Federal Register**.

**Assessment Rates**

In accordance with 19 CFR § 351.212(b)(1), in these preliminary results of review we calculated importer/customer–specific assessment rates. Where the importer/customer–specific assessment rate is above *de minimis* (*i.e.*, 0.50 percent *ad valorem* or greater), we will instruct CBP to assess the importer/customer–specific rate uniformly, as appropriate, on all entries of subject merchandise during the POR that were entered by the importer or sold to the customer. Within 15 days of publication of the final results of review, the Department will issue instructions to CBP directing it to assess the final assessment rates (if above *de minimis*) uniformly on all entries of subject merchandise made by the relevant importer or sold to the relevant customer during the POR.

The Department clarified its ''automatic assessment'' regulation on May 6, 2003 (68 FR 23954). This clarification applies to POR entries of subject merchandise produced by companies examined in this review (*i.e.*, companies for which a dumping margin was calculated) where the companies did not know that their merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all–others rate if there is no rate for the intermediate company(ies) involved in the transaction. For a full discussion of this clarification, see *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).

**Cash Deposit Requirements**

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) the cash deposit rate for the companies examined in the instant review will be the rate established in the final results of this review (except that if the rate for a particular company is *de minimis*, *i.e.*, less than 0.50 percent, no cash deposit will be required for that company); (2) for previously investigated or reviewed 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 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 subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be the ''all others'' rate of 5.77 percent, which is the ''all others'' rate established in the LTFV investigation, as adjusted in a subsequent remand redetermination. *See Amended Final Determination* and *Amended Final Determination Pursuant*

*to Court Decision*. These cash deposit rates, when imposed, shall remain in effect until publication of the final results of the next administrative review.

**Notification to Importers**

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR § 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing this notice in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: October 2, 2006.

**Joseph A. Spetrini,**

*Acting Assistant Secretaryfor Import Administration.*

[FR Doc. E6–16820 Filed 10–10–06; 8:45 am]

BILLING CODE 3510–DS–S

## DEPARTMENT OF COMMERCE

### International Trade Administration

### The President's Export Council: Meeting of the President's Export Council; Sunshine Act

**AGENCY:** International Trade Administration, U.S. Department of Commerce.

**ACTION:** Notice of an open meeting via teleconference.

**SUMMARY:** The President's Export Council will hold a meeting via teleconference to deliberate a draft recommendation to the President regarding Asia-Pacific Economic Cooperation.

**DATE:** November 1, 2006.

**TIME:** 2 p.m. (EST).

**FOR THE CONFERENCE CALL-IN NUMBER AND FURTHER INFORMATION, CONTACT:** The President's Export Council Executive Secretariat, Room 4043, Washington, DC 20230 (Phone: 202–482–1124), or visit the PEC Web site, *http://www.export.gov/pec*.

Dated: October 6, 2006.

**J. Marc Chittum,**

*Staff Director and Executive Secretary, President's Export Council.*

[FR Doc. 06–8634 Filed 10–6–06; 2:04 pm]

BILLING CODE 3510–DR–P

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

### Announcement of a Meeting for the Proposed Autonomous Guided Vehicle Consortia

**AGENCY:** National Institute of Standards and Technology, Commerce.

**ACTION:** Notice of Public Meeting.

**SUMMARY:** The National Institute of Standards and Technology (NIST) invites interested parties to attend a meeting on November 1, 2006, at 9:30 a.m. at the NIST main campus in Gaithersburg, MD to discuss collaboration, between NIST and industry, in the Autonomous Guided Vehicle (AGV) Consortium. The objective of this meeting will be to briefly explain the proposed consortium tasks and to solicit interested AGV companies to join the consortium. The consortium is open to members joining prior to November 17, 2006. Beyond this date, joining the collaboration will not be allowed. The consortium will research advanced 3D imaging techniques for AGVs over a three phase effort.

**DATES:** The meeting will take place on Wednesday, November 1, 2006, at 9:30 a.m. Interested parties who wish to attend and participate in the meeting must inform NIST at the contact information shown below at least 48 hours prior to the meeting.

**ADDRESSES:** The meeting will take place at the National Institute of Standards and Technology (NIST), 100 Bureau Drive, Gaithersburg, MD 20899, Shops Building 304 Conference Room.

**FOR FURTHER INFORMATION CONTACT:** Roger Bostelman, Intelligent Systems Division, National Institute of Standards and Technology (NIST), 100 Bureau Drive MS 8230, Gaithersburg, MD 20899. Telephone (301) 975–3426; e-mail: *roger.bostelman@nist.gov*.

**SUPPLEMENTARY INFORMATION:** Any program undertaken will be within the scope and confines of The Federal Technology Transfer Act of 1986 (Pub.

L. 99–502, 15 U.S.C. 3710a), which provides federal laboratories including NIST, with the authority to enter into cooperative research agreements with qualified parties. Under this law, NIST may contribute personnel, equipment, and facilities but no funds to the cooperative research program. This is not a grant program.

Dated: October 3, 2006.

**James E. Hill,**

*Acting Deputy Director.*

[FR Doc. E6–16822 Filed 10–10–06; 8:45 am]

BILLING CODE 3510–13–P

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

### National Fire Protection Association (NFPA) Proposes To Revise Codes and Standards

**AGENCY:** National Institute of Standards and Technology, Commerce.

**ACTION:** Notice.

**SUMMARY:** The National Fire Protection Association (NFPA) proposes to revise some of its safety codes and standards and requests proposals from the public to amend existing or begin the process of developing new NFPA safety codes and standards. The purpose of this request is to increase public participation in the system used by NFPA to develop its codes and standards. The publication of this notice of request for proposals by the National Institute of Standards and Technology (NIST) on behalf of NFPA is being undertaken as a public service; NIST does not necessarily endorse, approve, or recommend any of the standards referenced in the notice.

The NFPA process provides ample opportunity for public participation in the development of its codes and standards. All NFPA codes and standards are revised and updated every three to five years in Revision Cycles that begin twice each year and that takes approximately two years to complete. Each Revision Cycle proceeds according to a published schedule that includes final dates for all major events in the process. The process contains five basic steps that are followed both for developing new documents as well as revising existing documents. These steps are: Calling for Proposals; Publishing the Proposals in the Report on Proposals; Calling for Comments on the Committee's disposition of the proposals and these Comments are published in the Report on Comments; having a Technical Report Session at the NFPA Annual Meeting; and finally, the Standards Council Consideration and Issuance of documents.

**Note:** Under new rules effective Fall 2005, anyone wishing to make Amending Motions on the Technical Committee Reports (ROP and ROC) must signal their intention by submitting a Notice of Intent to Make a Motion by the Deadline stated in the ROC.

Certified motions will then be posted on the NFPA Web site. Documents that receive notice of proper Amending Motions (Certified Amending Motions) will be presented for action at the annual June Association Technical Meeting. Documents that receive no motions will be forwarded directly to the Standards Council for action on issuance.

For more information on these new rules and for up-to-date information on schedules and deadlines for processing NFPA Documents, check the NFPA Web site at *www.nfpa.org* or contact NFPA Codes and Standards Administration.

**DATES:** Interested persons may submit proposals on or before the dates listed with the standards.

**ADDRESSES:** Casey C. Grant, Secretary, Standards Council, NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02269–7471.

**FOR FURTHER INFORMATION CONTACT:** Casey C. Grant, Secretary, Standards Council, at above address, (617) 770–3000.

**SUPPLEMENTARY INFORMATION:**

## Background

The National Fire Protection Association (NFPA) develops building, fire, and electrical safety codes and standards. Federal agencies frequently use these codes and standards as the basis for developing Federal regulations concerning safety. Often, the Office of the Federal Register approves the incorporation by reference of these standards under 5 U.S.C. 552(a) and 1 CFR Part 51.

When a Technical Committee begins the development of a new or revised NFPA code or standard, it enters one of two Revision Cycles available each year. The Revision Cycle begins with the Call for Proposals, that is, a public notice asking for any interested persons to submit specific written proposals for developing or revising the Document. The Call for Proposals is published in a variety of publications. Interested parties have approximately twenty weeks to respond to the Call for Proposals.

Following the Call for Proposals period, the Technical Committee holds a meeting to consider and accept, reject or revise, in whole or in part, all the submitted Proposals. The committee may also develop its own Proposals. A document known as the Report on Proposals, or ROP, is prepared containing all the Public Proposals, the Technical Committees' action and each Proposal, as well as all Committee-generated Proposals. The ROP is then submitted for the approval of the Technical Committee by a formal written ballot. If the ROP does not receive approval by a two-thirds vote calculated in accordance with NFPA rules, the Report is returned to the committee for further consideration and is not published. If the necessary approval is received, the ROP is published in a compilation of Reports on Proposals issued by NFPA twice yearly for public review and comment, and the process continues to the next step.

The Reports on Proposals are sent automatically free of charge to all who submitted proposals and each respective committee member, as well as anyone else who requests a copy. All ROP's are also available for free downloading at *www.nfpa.org.*

Once the ROP becomes available, there is a 60-day comment period during which anyone may submit a Public Comment on the proposed changes in the ROP. The committee then reconvenes at the end of the comment period and acts on all Comments.

As before, a two-thirds approval vote by written ballot of the eligible members of the committee is required for approval of actions on the Comments. All of this information is complied into a second Report, called the Report on Comments (ROC), which, like the ROP, is published and made available for public review for a seven-week period.

The process of public input and review does not end with the publication of the ROP and ROC. Following the completion of the Proposal and Comment periods, there is yet a further opportunity for debate and discussion through the Technical Report Sessions that take place at the NFPA Annual Meeting.

The Technical Report Session provides an opportunity for the final Technical Committee Report (i.e., the ROP and ROC) on each proposed new or revised code or standard to be presented to the NFPA membership for the debate and consideration of motions to amend the Report. Before making an allowable motion at a Technical Report Session, the intended maker of the motion must file, in advance of the session, and within the published deadline, a Notice of Intent to Make a Motion. A Motions Committee appointed by the Standards Council then reviews all notices and certifies all amending motions that are proper. Only these Certified Amending Motions, together with certain allowable Follow-Up Motions (that is, motions that have become necessary as a result of previous successful amending motions) will be allowed at the Technical Report Session.

For more information on dates/locations of NFPA Technical Committee meetings and NFPA Annual Technical Report Sessions, check the NFPA Web site at: *http://www.nfpa.org/itemDetail.asp?categoryID=822&itemID=22818*

The specific rules for the types of motions that can be made are who can make them are set forth in NFPA's Regulation Governing Committee Projects which should always be consulted by those wishing to bring an issue before the membership at a Technical Report Session.

Interested persons may submit proposals, supported by written data, views, or arguments to Casey C. Grant, Secretary, Standards Council, NFPA, 1 Batterymarch Park, Quincy, Massachusetts 02269–7471. Proposals should be submitted on forms available from the NFPA Codes and Standards Administration Office or on NFPA's Web site at *www.nfpa.org.*

Each person must include his or her name and address, identify the document and give reasons for the proposal. Proposals received before or by 5 p.m. local time on the closing date indicated would be acted on by the Committee. The NFPA will consider any proposal that it receives on or before the date listed with the codes or standard.

| Document—Edition | Document title | Proposal closing date |
|---|---|---|
| NFPA 45—2004 | Standard on Fire Protection for Laboratories Using Chemicals | 11/22/2006 |
| NFPA 51B—2003 | Standard for Fire Prevention During Welding, Cutting, and Other Hot Work | 11/22/2006 |
| NFPA 52—2006 | Vehicular Fuel Systems Code | 11/22/2006 |
| NFPA 54—2006 | National Fuel Gas Code | 11/22/2006 |
| NFPA 55—2005 | Standard for the Storage, Use, and Handling of Compressed Gases and Cryogenic Fluids in Portable and Stationary Containers, Cylinders, and Tanks. | 5/25/2007 |
| NFPA 59A—2006 | Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG) | 11/22/2006 |
| NFPA 90A—2002 | Standard for the Installation of Air-Conditioning and Ventilating Systems | 11/22/2006 |

| Document—Edition | Document title | Proposal closing date |
|---|---|---|
| NFPA 90B—2006 | Standard for the Installation of Warm Air Heating and Air-Conditioning Systems | 11/22/2006 |
| NFPA 92A—2006 | Standard for Smoke-Control Systems Utilizing Barriers and Pressure Differences | 11/22/2006 |
| NFPA 92B—2005 | Standard for Smoke Management Systems in Malls, Atria, and Large Spaces | 11/22/2006 |
| NFPA 170—2006 | Standard for Fire Safety and Emergency Symbols | 11/22/2006 |
| NFPA 241—2004 | Standard for Safeguarding Construction, Alteration, and Demolition Operations | 11/22/2006 |
| NFPA 256—2003 | Standard Methods of Fire Tests of Roof Coverings | 11/22/2006 |
| NFPA 260—2003 | Standard Methods of Tests and Classification System for Cigarette Ignition Resistance of Components of Upholstered Furniture. | 11/22/2006 |
| NFPA 261—2003 | Standard Method of Test for Determining Resistance of Mock-Up Upholstered Furniture Material Assemblies to Ignition by Smoldering Cigarettes. | 11/22/2006 |
| NFPA 274—2003 | Standard Test Method to Evaluate Fire Performance Characteristics of Pipe Insulation. | 11/22/2006 |
| NFPA 275—P * | Standard Method of Tests for the Evaluation of Thermal Barriers Used Over Foam Plastic. | 11/22/2006 |
| NFPA 290—2003 | Standard for Fire Testing of Passive Protection Materials for Use on LP-Gas Containers. | 11/22/2006 |
| NFPA 306—2003 | Standard for the Control of Gas Hazards on Vessels | 11/22/2006 |
| NFPA 318—2006 | Standard for the Protection of Semiconductor Fabrication Facilities | 11/22/2006 |
| NFPA 450—2004 | Guide for Emergency Medical Services and Systems | 11/22/2006 |
| NFPA 484—2006 | Standard for Combustible Metals | 11/22/2006 |
| NFPA 505—2006 | Fire Safety Standard for Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance, and Operations. | 11/22/2006 |
| NFPA 555—2004 | Guide on Methods for Evaluating Potential for Room Flashover | 11/22/2006 |
| NFPA 610—2003 | Guide for Emergency and Safety Operations at Motorsports Venues | 11/22/2006 |
| NFPA 705—2003 | Recommended Practice for a Field Flame Test for Textiles and Films | 11/22/2006 |
| NFPA 1002—2003 | Standard for Fire Apparatus Driver/Operator Professional Qualifications | 11/22/2006 |
| NFPA 1021—2003 | Standard for Fire Officer Professional Qualifications | 11/22/2006 |
| NFPA 1026—P * | Standard for Incident Management Personnel Professional Qualifications | 11/22/2006 |
| NFPA 1031—2003 | Standard for Professional Qualifications for Fire Inspector and Plan Examiner | 11/22/2006 |
| NFPA 1033—2003 | Standard for Professional Qualifications for Fire Investigator | 11/22/2006 |
| NFPA 1143—2003 | Standard for Wildland Fire Management | 11/22/2006 |
| NFPA 1620—2003 | Recommended Practice for Pre-Incident Planning | 11/22/2006 |
| NFPA 1670—2004 | Standard on Operations and Training for Technical Search and Rescue Incidents | 5/25/2007 |
| NFPA 1963—2003 | Standard for Fire Hose Connections | 5/25/2007 |
| NFPA 1965—2003 | Standard for Fire Hose Appliances | 5/25/2007 |
| NFPA 2010—2006 | Standard for Fixed Aerosol Fire Extinguishing Systems | 11/22/2006 |

* P Proposed NEW drafts are available from NFPA's Web site—*www.nfpa.org* or may be obtained from NFPA's Codes and Standards Administration, 1 Batterymarch Park, Quincy, Massachusetts 02269—7471.

Dated: October 3, 2006.

**James E. Hill,**

*Acting Deputy Director.*

[FR Doc. E6–16818 Filed 10–10–06; 8:45 am]

**BILLING CODE 3510–13–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### Proposed Information Collection; Comment Request; An Observer Program for Catcher Vessels in the Pacific Coast Groundfish Fishery

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before December 11, 2006.

**ADDRESSES:** Direct all written comments to Diana Hynek, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6625, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at *dHynek@doc.gov*).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Jonathan Cusick, 360–332–2793 or *Jonathan.Cusick@noaa.gov*.

**SUPPLEMENTARY INFORMATION:**

### I. Abstract

This data collection requires that a representative (owner, operator, or manager) for selected catcher vessels participating in the Pacific Coast Groundfish Fishery provide National Marine Fisheries Service with notification at least 24 hours before departure for a fishing trip and notification when the vessel ceases to participate in the observed portion of the fleet. The information will be used to plan for fishery observer assignments.

### *II. Method of Collection*

Telephone calls are required from participants.

### III. Data

*OMB Number:* 0648–0423.

*Form Number:* None.

*Type of Review:* Regular submission.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 2,116.

*Estimated Time Per Response:* 10 minutes.

*Estimated Total Annual Burden Hours:* 1,763.

*Estimated Total Annual Cost to Public:* $0 in recordkeeping/reporting costs.

### IV. Request for 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 shall have

practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of 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 respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: October 4, 2006.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. E6–16733 Filed 10–10–06; 8:45 am]

BILLING CODE 3510–22–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[I.D. 100406D]**

### Gulf of Mexico Fishery Management Council; Public Meetings

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of Closed Session SEDAR Selection Committee Conference Call.

**SUMMARY:** The Gulf of Mexico Fishery Management Council (Council) will convene its Southeast Data, Assessment and Review (SEDAR) Selection Committee via Conference Call to select participants for SEDAR 12 for red grouper for recommendation to the Council.

**DATES:** The Conference Call will be held on Friday, October 27, 2006, from 11 a.m. EDT to 11:30 a.m. EDT.

**ADDRESSES:** The meeting will be held via Closed Session conference call.

*Council address*: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

**FOR FURTHER INFORMATION CONTACT:** Mr. Wayne Swingle, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630.

**SUPPLEMENTARY INFORMATION:** The Gulf of Mexico Fishery Management Council (Council) will convene its Southeast Data, Assessment and Review (SEDAR) Selection Committee in a closed session conference call on Friday, October 27, 2006 at 11 a.m. EDT. The purpose of the meeting is to select members for the SEDAR 12 series for Red Grouper for recommendation to the Council. The Committee recommendations will be presented to the Council at the November 13 - 17, 2006 Council Meeting in Galveston, TX.

**Special Accommodations**

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Tina Trezza at the Council (see **ADDRESSES**) at least 5 working days prior to the meeting.

Dated: October 5, 2006.

**Tracey L. Thompson,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. E6–16787 Filed 10–10–06; 8:45 am]

BILLING CODE 3510–22–S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**[I.D. 100406C]**

### New England Fishery Management Council; Public Meeting

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public meetings.

**SUMMARY:** The New England Fishery Management Council (Council) is scheduling a public meetings of its Monkfish Advisory Panel and Monkfish Oversight Committee in October and November, 2006, to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

**DATES:** These meetings will be held on Tuesday, October 31, 2006, at 9:30 a.m. and Wednesday, November 1, 2006, at 9:30 a.m.

**ADDRESSES:** These meetings will be held at the Sheraton Ferncroft, 50 Ferncroft Road, Danvers, MA 01923; telephone: (978) 777–2500; fax: (978) 750–7991.

*Council address*: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

**SUPPLEMENTARY INFORMATION:** The schedule and agenda for the following meetings are as follows:

**1. Tuesday, October 31, 2006; Monkfish Advisory Panel meeting.**

The advisory panel will review the draft Framework Adjustment 4 documents and analyses and make recommendations to the Monkfish Committee and the Councils for final measures to be adopted at the November New England Council meeting and the December Mid-Atlantic Council meeting, and subsequently submitted to the National Marine Fisheries Service. Framework 4 includes alternatives for target total allowable catch (TAC) alternatives and associated trip limits and days-at-sea (DAS) alternatives for the final three years of the monkfish rebuilding program starting May 1, 2007. Framework 4 also contains other alternatives including eliminating the directed fishery; backstop provisions to ensure that management measures achieve the target TAC on an ongoing basis; modification or elimination of the DAS carryover provision; and modification of the boundary of the North Carolina/Virginia area monkfish fishery. Following the completion of the Framework 4 business, the advisors will discuss and make recommendations to the Monkfish Committee on possible adjustment to the monkfish incidental catch limit on scallop vessels fishing in the scallop closed area access programs. The advisors will also discuss and outline the issues related to the development of a monkfish DAS leasing program.

**2. Wednesday, November 1, 2006; Monkfish Oversight Committee meeting.**

The Committee will review the draft Framework Adjustment 4 documents and analyses and the recommendations of the Monkfish Advisory Panel and finalize recommendations for measures to be adopted at the November New England Council meeting and the December Mid-Atlantic Council meeting and subsequently submitted to the National Marine Fisheries Service. Framework 4 includes alternatives for target total allowable catch (TAC) alternatives and associated trip limits and days-at-sea alternatives for the final three years of the monkfish rebuilding program starting May 1, 2007. Framework 4 also contains other alternatives including eliminating the directed fishery; backstop provisions to ensure that management measures achieve the target TACs on an ongoing basis; modification or elimination of the DAS carryover provision and

modification of the boundary of the North Carolina/Virginia area monkfish fishery. Following the completion of the Framework 4 business, the Committee will discuss and make recommendations to the Councils on possible adjustment to the monkfish incidental catch limit on scallop vessels fishing in the scallop closed area access programs. The Committee will also review comments and recommendations of the Advisory Panel on the development of a monkfish DAS leasing program.

Although non-emergency issues not contained in this agenda may come before these groups for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens 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 Paul J. Howard, Executive Director, at (978) 465–0492, at least 5 days prior to the meeting date.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: October 5, 2006.

**Tracey L. Thompson,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. E6–16786 Filed 10–10–06; 8:45 am]

BILLING CODE 3510–22–S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### Membership of the National Oceanic and Atmospheric Administration Performance Review Board

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Notice of Membership of the NOAA Performance Review Board.

**SUMMARY:** In accordance with 5 U.S.C. 4314(c)(4), NOAA announces the appointment of twenty-three members to serve on the NOAA Performance Review Board (PRB). The NOAA PRB is responsible for reviewing performance appraisals and ratings of Senior Executive Service (SES) members and making written recommendations to the appointing authority on SES retention and compensation matters, including performance-based pay adjustments, awarding of bonuses and reviewing recommendations for potential Presidential Rank Award nominees. The appointment of members to the NOAA PRB will be for a period of 24 months.

**DATES:** *Effective Date:* The effective date of service of the twenty-three appointees to the NOAA Performance Review Board is October 13, 2006.

**FOR FURTHER INFORMATION CONTACT:** Claudia McMahon, Executive Resources Program Manager, Workforce Management Office, NOAA, 1305 East-West Highway, Silver Spring, Maryland 20910, (301) 713–6306.

**SUPPLEMENTARY INFORMATION:** The names and position titles of the members of the NOAA PRB are set forth below (all are NOAA officials except Tyra D. Smith, Director, Human Resources, Bureau of the Census, Department of Commerce; William J. Fleming, Deputy Director for Human Resources Management, Office of Human Resources Management, Department of Commerce:

John E. Oliver, Jr., Deputy Assistant Administrator for Operations, National Marine Fisheries Service.

Craig N. McLean, Deputy Assistant Administrator for Programs and Administration, Office of Oceanic and Atmospheric Research.

John E. Jones, Jr., Deputy Assistant Administrator for Weather Services, National Weather Service.

Charles S. Baker, Chief Financial Officer, Chief Administrative Officer for Environmental Satellite, Data and Information, National Environmental Satellite, Data and Information Service.

Bonnie L. Morehouse, Director, Program Analysis and Evaluation.

Maureen E. Wylie, Chief Financial Officer.

Timothy R.E. Kenney, Deputy Assistant Secretary.

Elizabeth R. Scheffler, Associate Assistant Administrator for Management and CFO/CAO, National Ocean Service.

Tyra D. Smith, Director, Human Services, Bureau of the Census, Department of Commerce.

David M. Kennedy, Director for Ocean and Coastal Resource Management, National Ocean Service.

Steven A. Murawski, Director, Scientific Programs and Chief Science Advisor, National Marine Fisheries Service.

Alexander E. MacDonald, Deputy Assistant Administrator for Laboratories and Cooperative Institutes and Director, ESRL, Office of Oceanic and Atmospheric Research.

Ants Leetmaa, Director, Geophysical Fluid Dynamics Laboratory, Office of Oceanic and Atmospheric Research.

Helen H. Hurcombe, Director, Acquisition and Grants Office.

Gregory A. Mandt, Director, Science and Technology, National Weather Service.

Louis W. Uccellini, Director, National Centers for Environmental Prediction, National Weather Service.

Samuel D. Rauch III, Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

Steven I. Gallagher, Director, Budget Office.

William F. Broglie, Chief Administrative Officer.

Kathleen A. Kelly, Director, Office of Satellite Operations, National Environmental Satellite, Data and Information Service.

Daniel J. Basta, Director, Office of National Marine Sanctuaries, National Ocean Service.

Jordan P. St. John, Director, Office of Public and Constituent Affairs.

William J. Fleming, Deputy Director for Human Resources Management, Department of Commerce.

Dated: September 29, 2006.

**Conrad C. Lautenbacher, Jr.,**

*Vice Admiral, U.S. Navy (Ret.), Under Secretary of Commerce for Oceans and Atmosphere.*

[FR Doc. 06–8575 Filed 10–10–06; 8:45 am]

BILLING CODE 3510-12-M

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Defense Science Board

**AGENCY:** Department of Defense

**ACTION:** Notice of advisory committee meetings.

**SUMMARY:** The Defense Science Board Task Force on Software Assurance will meet in closed session on *October 16–17, 2006:* at Science Applications International Corporation (SAIC), 4001 N. Fairfax Drive, Arlington, VA. This meeting is to assess the future direction of space requirements and identify the industrial base to meet the Nation's future requirements.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At

these meetings, the Defense Science Board Task Force will: assess the health of the U.S. space industrial base and determine if there is any adverse impact from export controls, in particular, on the health of lower-tier contractors; anticipate future space requirements and the shape of the space industrial base required to achieve the anticipated capabilities; and recommend improvements to current policies and processes, where applicable, while also identifying policies and processes that can shape the space industrial base to deliver future capabilities.

In accordance with Section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. II), it has been determined that these Defense Science Board Task Force meetings concern matters listed in 5 U.S.C. 552b(c)(1) and that, accordingly, the meetings will be closed to the public.

**FOR FURTHER INFORMATION CONTACT:** LCDR Clifton Phillips, USN, Defense Science Board, 3140 Defense Pentagon, Room 3C553, Washington, DC 20301–3140, via e-mail at *clifton.phillips@osd.mil,* or via phone at (703) 571–0083.

Due to scheduling and work burden difficulties, there is insufficient time to provide timely notice required by Section 10(a) of the Federal Advisory Committee Act and Subsection 102–3.150(b) of the GSA Final Rule on Federal Advisory Committee Management, 41 CFR Part 102–3.150(b), which further requires publication at least 15 calendar days prior to the meeting.

Dated: October 4, 2006.

**C.R. Choate,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 06–8595 Filed 10–10–06; 8:45 am]

BILLING CODE 5001–06–M

## DEPARTMENT OF EDUCATION

### Notice of Proposed Information Collection Requests

**AGENCY:** Department of Education.

**SUMMARY:** The IC Clearance Official, Regulatory Information Management Services, Office of Management, 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 December 11, 2006.

**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 IC Clearance Official, Regulatory Information Management Services, Office of Management, 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: October 4, 2006.

**Angela C. Arrington,**

*IC Clearance Official, Regulatory Information Management Services, Office of Management.*

**Institute of Education Sciences**

*Type of Review:* New.

*Title:* National Study on Alternate Assessments (NSAA).

*Frequency:* Annually.

*Affected Public:* State, Local, or Tribal Gov't, SEAs or LEAs.

*Reporting and Recordkeeping Hour Burden:*

*Responses:* 104.

*Burden Hours:* 232.

*Abstract:* The National Study on Alternate Assessments (NSAA) examines the development and use of alternate assessments in ensuring that schools are accountable for the performance of students with disabilities. The purpose of the National Study on Alternate Assessment (NSAA) is to evaluate the degree to which states and schools provide grade-level, modified, and alternate achievement standards; access to standards; include them in state accountability; and improve their education and academic performance.

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 3209. When you access the information collection, click on ''Download Attachments'' to view. Written requests for information should be addressed to U.S. Department of Education, 400 Maryland Avenue, SW., Potomac Center, 9th Floor, Washington, DC 20202–4700. Requests may also be electronically mailed to *ICDocketMgr@ed.gov* or faxed to 202–245–6623. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements should be electronically mailed to *ICDocketMgr@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. E6–16753 Filed 10–10–06; 8:45 am]

BILLING CODE 4000–01–P

## DEPARTMENT OF EDUCATION

### Office of Postsecondary Education; Overview Information; Business and International Education Program; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2007

*Catalog of Federal Domestic Assistance (CFDA) Number: 84.153A.*

**DATES:** *Applications Available:* October 11, 2006.

*Deadline for Transmittal of Applications:* November 21, 2006.

*Deadline for Intergovernmental Review:* January 22, 2007.

*Eligible Applicants:* Institutions of higher education that enter into agreements with business enterprises, trade organizations or associations that are engaged in international economic activity—or a combination or consortium of these enterprises, organizations, or associations—for the purposes of pursuing the activities authorized under this program.

*Estimated Available Funds:* The Administration has requested $2,195,000 for new awards for this program for FY 2007. The actual level

of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

*Estimated Range of Awards:* $50,000—$110,000.

*Estimated Average Size of Awards:* $84,000.

*Maximum Award:* We will reject any application that proposes a budget exceeding $110,000 for a single budget period of 12 months. The Assistant Secretary for Postsecondary Education may change the maximum amount through a notice published in the **Federal Register**.

*Estimated Number of Awards:* 26.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 24 months.

**Full Text of Announcement**

**I. Funding Opportunity Description**

*Purpose of Program:* The Business and International Education program provides grants to enhance international business education programs and to expand the capacity of the business community to engage in international economic activities.

*Competitive Preference Priority:* For FY 2007 this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i) and 34 CFR 661.32 we award up to an additional five (5) points to an application, depending on how well the application meets this priority. In accordance with 34 CFR 75.105(b)(2)(ii), this priority is from the regulations for this program (34 CFR 661.32).

This priority is:

Innovation and improvement of international education curricula to serve the needs of the business community, including the development of new programs for nontraditional, mid-career, or part-time students.

*Invitational Priorities:* For FY 2007 these priorities are invitational priorities. Under 34 CFR 75.105(c)(1) we do not give an application that meets these invitational priorities a competitive or absolute preference over other applications.

These priorities are:

*Invitational Priority I:*

Applications from institutions of higher education that propose educational projects that include activities focused on the targeted world areas of the Middle East, East Asia, South Asia, Russia, and Africa. These projects should be integrated into the curricula of the home institution or institutions.

*Invitational Priority II:*

Applications that focus on developing, improving and/or disseminating best practices of international business training programs, teaching, and curriculum development to increase American competitiveness.

**Program Authority:** 20 U.S.C. 1130–1130b.

*Applicable Regulations:* (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 84, 85, 86, 97, 98, and 99. (b) The regulations in 34 CFR parts 655 and 661.

**Note:** The regulations in 34 CFR part 86 apply to institutions of higher education only.

**II. Award Information**

*Type of Award:* Discretionary grants.

*Estimated Available Funds:* The Administration has requested $2,195,000 for this program for FY 2007. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

*Estimated Range of Awards:* $50,000–$110,000.

*Estimated Average Size of Awards:* $84,000.

*Maximum Award:* We will reject any application that proposes a budget exceeding $110,000 for a single budget period of 12 months. The Assistant Secretary for Postsecondary Education may change the maximum amount through a notice published in the **Federal Register**.

*Estimated Number of Awards:* 26.

**Note:** The Department is not bound by any estimates in this notice.

*Project Period:* Up to 24 months.

**III. Eligibility Information**

1. *Eligible Applicants:* Institutions of higher education that enter into agreements with business enterprises, trade organizations or associations that are engaged in international economic activity—or a combination or consortium of these enterprises, organizations, or associations—for the purposes of pursuing the activities authorized under this program.

2. *Cost Sharing or Matching:* The matching requirement is described in section 613(d) of the Higher Education Act of 1965, as amended (20 U.S.C. 1130a) (HEA). The HEA provides that the applicant's share of the total cost of carrying out a program supported by a grant under this program must be no less than 50 percent of the total cost of the project in each fiscal year. The non-Federal share of the cost may be provided either in-kind or in cash.

**IV. Application and Submission Information**

1. *Address to Request Application Package:* Ms. Tanyelle Richardson, International Education Programs Service, U.S. Department of Education, 1990 K Street, NW., room 6017, Washington, DC 20006–8521. Telephone: (202) 502–7626 or by e-mail: *tanyelle.richardson@ed.gov* or visit *http://www.ed.gov/HEP/iegps* to download an application.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain a copy of the application package in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) by contacting the program contact person listed in this section.

2. *Content and Form of Application Submission:* Requirements concerning the content of an application, together with the forms you must submit, are in the application package for this program.

*Page Limit:* The application narrative is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit the section of the narrative that addresses the selection criteria to the equivalent of no more than 40 pages, using the following standards:

- A ''page'' is 8.5″ x 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions. However, you may single space all text in charts, tables, figures and graphs.
- Use a font that is either 12-point or larger or no smaller than 10 pitch (characters per inch). However, you may use a 10-point font in charts, tables, figures, and graphs.
- Use one of the following fonts: Times New Roman, Courier, Courier New or Arial. Applications submitted in any other font (including Times Roman, Arial Narrow) will not be accepted.

The page limit does not apply to the cover sheet; the budget section, including the narrative budget justification; the assurances and certifications; the one-page abstract; or the appendices. However, you must include your complete response to the selection criteria in the application narrative.

We will reject your application if—

• You apply these standards and exceed the page limit; or

• You apply other standards and exceed the equivalent of the page limit.

3. *Submission Dates and Times:*

*Applications Available:* October 11, 2006.

*Deadline for Transmittal of Applications:* November 21, 2006.

Applications for grants under this program must be submitted electronically using the Grants.gov Apply site (Grants.gov). For information (including dates and times) about how to submit your application electronically or by mail or hand delivery if you qualify for an exception to the electronic submission requirement, please refer to section IV. 6. *Other Submission Requirements* in this notice.

*Deadline for Intergovernmental Review:* January 22, 2007.

4. *Intergovernmental Review:* This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79. Information about Intergovernmental Review of Federal Programs under Executive Order 12372 is in the application package for this program.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Other Submission Requirements:* Applications for grants under this program must be submitted electronically unless you qualify for an exception to this requirement in accordance with the instructions in this section.

a. *Electronic Submission of Applications.* Applications for grants under the Business and International Education program must be submitted electronically using the Grants.gov Apply site at: *http://www.grants.gov*. Through this site, you will be able to download a copy of the application package, complete it offline, and then upload and submit your application. You may not e-mail an electronic copy of a grant application to us.

We will reject your application if you submit it in paper format unless, as described elsewhere in this section, you qualify for one of the exceptions to the electronic submission requirement *and* submit, no later than two weeks before the application deadline date, a written statement to the Department that you qualify for one of these exceptions. Further information regarding calculation of the date that is two weeks before the application deadline date is provided later in this section under *Exception to Electronic Submission Requirement.*

You may access the electronic grant application for the Business and International Education program at: *http://www.grants.gov/*. You must search for the downloadable application package for this competition by the CFDA number. Do not include the CFDA number's alpha suffix in your search.

Please note the following:

• When you enter the Grants.gov site, you will find information about submitting an application electronically through the site, as well as the hours of operation.

• Applications received by Grants.gov are time and date stamped. Your application must be fully uploaded and submitted, and must be date/time stamped by the Grants.gov system no later than 4:30 p.m., Washington, DC time, on the application deadline date. Except as otherwise noted in this section, we will not consider your application if it is date/time stamped by the Grants.gov system later than 4:30 p.m., Washington, DC time, on the application deadline date. When we retrieve your application from Grants.gov, we will notify you if we are rejecting your application because it was date/time stamped by the Grants.gov system after 4:30 p.m., Washington, DC time, on the application deadline date.

• The amount of time it can take to upload an application will vary depending on a variety of factors including the size of the application and the speed of your Internet connection. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the submission process through Grants.gov.

• You should review and follow the Education Submission Procedures for submitting an application through Grants.gov that are included in the application package for this program to ensure that you submit your application in a timely manner to the Grants.gov system. You can also find the Education Submission Procedures pertaining to Grants.gov at: *http://e-Grants.ed.gov/help/GrantsgovSubmissionProcedures.pdf.*

• To submit your application via Grants.gov, you must complete all the steps in the Grants.gov registration process (see *http://www.grants.gov/applicants/get_registered.jsp*). These steps include (1) registering your organization, (2) registering yourself as an Authorized Organization Representative (AOR), and (3) getting authorized as an AOR by your organization. Details on these steps are outlined in the Grants.gov 3-Step Registration Guide (see *http://www.grants.gov/section910/Grants.govRegistrationBrochure.pdf*). You must also provide on your application the same D–U–N–S Number used with this registration. Please note that the registration process may take five or more business days to complete.

• You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you qualify for an exception to the electronic submission requirement, as described elsewhere in this section, and submit your application in paper format.

• You must submit all documents electronically, including all information typically included on the Application for Federal Assistance (SF 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications. You must attach any narrative sections of your application as files in a .DOC (document), .RTF (rich text), or .PDF (Portable Document) format. If you upload a file type other than the three file types specified above or submit a password protected file, we will not review that material.

• Your electronic application must comply with any page limit requirements described in this notice.

• After you electronically submit your application, you will receive an automatic acknowledgement from Grants.gov that contains a Grants.gov tracking number. The Department will retrieve your application from Grants.gov and send you a second confirmation by e-mail that will include a PR/Award number (an ED-specified identifying number unique to your application).

• We may request that you provide us original signatures on forms at a later date.

*Application Deadline Date Extension in Case of Technical Issues with the Grants.gov System:* If you are prevented from electronically submitting your application on the application deadline date because of technical problems with the Grants.gov system, we will grant you an extension until 4:30 p.m., Washington, DC time, the following business day to enable you to transmit your application electronically, or by hand delivery. You also may mail your application by following the mailing instructions as described elsewhere in this notice. If you submit an application after 4:30 p.m., Washington, DC time, on the deadline date, please contact the person listed elsewhere in this notice

under **FOR FURTHER INFORMATION CONTACT**, and provide an explanation of the technical problem you experienced with Grants.gov, along with the Grants.gov Support Desk Case Number (if available). We will accept your application if we can confirm that a technical problem occurred with the Grants.gov system and that that problem affected your ability to submit your application by 4:30 p.m., Washington, DC time, on the application deadline date. The Department will contact you after a determination is made on whether your application will be accepted.

**Note:** Extensions referred to in this section apply only to the unavailability of or technical problems with the Grants.gov system. We will not grant you an extension if you failed to fully register to submit your application to Grants.gov before the deadline date and time or if the technical problem you experienced is unrelated to the Grants.gov system.

*Exception to Electronic Submission Requirement:* You qualify for an exception to the electronic submission requirement, and may submit your application in paper format, if you are unable to submit an application through the Grants.gov system because—

- You do not have access to the Internet; or
- You do not have the capacity to upload large documents to the Grants.gov system;

*and*

- No later than two weeks before the application deadline date (14 calendar days or, if the fourteenth calendar day before the application deadline date falls on a Federal holiday, the next business day following the Federal holiday), you mail or fax a written statement to the Department, explaining which of the two grounds for an exception prevent you from using the Internet to submit your application. If you mail your written statement to the Department, it must be postmarked no later than two weeks before the application deadline date. If you fax your written statement to the Department, we must receive the faxed statement no later than two weeks before the application deadline date.

Address and mail or fax your statement to: Ms. Tanyelle Richardson, U.S. Department of Education, 1990 K Street, NW., 6th Floor, Washington, DC 20006–8521. FAX: (202) 502–7691.

Your paper application must be submitted in accordance with the mail or hand delivery instructions described in this notice.

b. *Submission of Paper Applications by Mail.* If you qualify for an exception to the electronic submission requirement, you may mail (through the U.S. Postal Service or a commercial carrier) your application to the Department. You must mail the original and two copies of your application, on or before the application deadline date, to the Department at the applicable following address:

*By mail through the U.S. Postal Service:* U.S. Department of Education, Application Control Center, Attention: 84.153A, 400 Maryland Avenue, SW., Washington, DC 20202–4260, or

*By mail through a commercial carrier:* U.S. Department of Education, Application Control Center—Stop 4260, Attention: 84.153A, 7100 Old Landover Road, Landover, MD 20785–1506.

Regardless of which address you use, you must show proof of mailing consisting of one of the following:

(1) A legibly dated U.S. Postal Service postmark,

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service,

(3) A dated shipping label, invoice, or receipt from a commercial carrier, or

(4) Any other proof of mailing acceptable to the Secretary of the U.S. Department of Education.

If you mail your application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark, or

(2) A mail receipt that is not dated by the U.S. Postal Service.

If your application is postmarked after the application deadline date, we will not consider your application.

**Note:** The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

c. *Submission of Paper Applications by Hand Delivery.* If you qualify for an exception to the electronic submission requirement, you (or a courier service) may deliver your paper application to the Department by hand. You must deliver the original and two copies of your application by hand, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: 84.153A, 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8 a.m. and 4:30 p.m., Washington, DC time, except Saturdays, Sundays and Federal holidays.

*Note for Mail or Hand Delivery of Paper Applications:* If you mail or hand deliver your application to the Department:

(1) You must indicate on the envelope and—if not provided by the Department—in Item 11 of the Application for Federal Assistance (SF 424) the CFDA number—and suffix letter, if any—of the competition under which you are submitting your application.

(2) The Application Control Center will mail a grant application receipt acknowledgment to you. If you do not receive the grant application receipt acknowledgment within 15 business days from the application deadline date, you should call the U.S. Department of Education Application Control Center at (202) 245–6288.

## V. Application Review Information

*Selection Criteria:* The selection criteria for this program are in 34 CFR 661.31 and are as follows: (a) Need for the project (25 points); (b) plan of operation (20 points); (c) qualifications of the key personnel (10 points); (d) budget and cost effectiveness (15 points); (e) evaluation plan (25 points); and (f) adequacy of resources (5 points).

## VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN). We may also notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Reporting:* At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multi-year award, you must submit an annual performance report that provides the most current performance and financial expenditure information as specified by the Secretary in 34 CFR 75.118. The applicant is required to use the electronic data instrument Evaluation of Exchange, Language, International and

Areas Studies (EELIAS) system to complete the final report.

4. *Performance Measures:* Under the Government Performance and Results Act of 1993 (GPRA), the objective for the BIE program is to meet the nation's security and economic needs through the development of a national capacity in foreign languages, and area and international studies.

The Department will use the following measures to evaluate its success in meeting this objective.

BIE Performance Measures: (1) The number of outreach activities that are adopted or further disseminated within a year, divided by the total number of BIE outreach activities conducted in the current year. (2) Percentage of projects judged to be successful by the program officer, based on a review of information provided in annual performance reports.

If funded, information from your final performance report submitted via the electronic Evaluation of Exchange, Language, International, and Area Studies system will be used to record and evaluate the performance of your project.

## VII. Agency Contact

*For Further Information Contact:* Ms. Tanyelle Richardson, International Education Programs Service, U.S. Department of Education, 1990 K Street, NW., room 6017, Washington, DC 20006–8521. Telephone: (202) 502–7626 or by e-mail: *tanyelle.richardson@ed.gov*.

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (*e.g.*, Braille, large print, audiotape, or computer diskette) on request to the program contact person listed in this section.

## VIII. Other Information

*Electronic Access to This Document:* You may view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/news/fedregister.*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.gpoaccess.gov/nara/index.html.*

Dated: October 5, 2006.

**James F. Manning,**

*Acting Assistant Secretary for Postsecondary Education.*

[FR Doc. E6–16827 Filed 10–10–06; 8:45 am]

BILLING CODE 4000–01–P

# ELECTION ASSISTANCE COMMISSION

## Sunshine Act Notice; Meeting

**AGENCY:** United States Election Assistance Commission.

**ACTION:** Notice of Public Meeting and Hearing Agenda.

**DATE AND TIME:** Thursday, October 26, 2006, 10:00 a.m.–4:00 p.m.

**PLACE:** U.S. Election Assistance Commission (EAC), 1225 New York Ave., NW., Suite 1100, Washington, DC 20005. (Metro Stop: Metro Center)

**AGENDA:** The Commission will conduct a public meeting and hearing on EAC's post-election voting system testing and certification program. The Commission will receive presentations by representatives of the National Institute of Standards and Technology (NIST), representatives of testing laboratories, equipment manufacturers, election officials, community interest groups and Commission staff members. The Commission will also meet to consider other administrative matters.

EAC will provide a public comment period to receive comments regarding the voting system testing and certification program. Members of the public who wish to speak must contact and register with EAC by 5:00 p.m. on Tuesday, October 24, 2006. Speakers may contact EAC via e-mail at *testimony@ec.gov*, or via mail addressed to the U.S. Election Assistance Commission, 1225 New York Ave., NW., Suite 1100, Washington, DC 20005, or by fax at 202/566–3127. Comments will be strictly limited to 3 minutes per person or organization to ensure the fullest participation possible. All speakers will be contacted prior to the hearing. EAC also encourages members of the public to submit written testimony via e-mail, mail or fax. All public comments will be taken in writing via e-mail at *testimony@eac.gov*, or via mail addressed to the U.S. Election Assistance Commission, 1225 New York Ave., NW., Suite 1100, Washington, DC 20005, or by fax at 202/566–3127.

This meeting and hearing will be open to the public.

**FOR FURTHER INFORMATION CONTACT:** Bryan Whitener, Telephone: (202) 566–3100.

**Thomas R. Wilkey,**

*Executive Director, U.S. Election Assistance Commission.*

[FR Doc. 06–8645 Filed 10–6–06; 4:01 pm]

BILLING CODE 6820–KF–M

# DEPARTMENT OF ENERGY

## The No FEAR Act Notice

**AGENCY:** Department of Energy (DOE).

**ACTION:** Notice.

**SUMMARY:** DOE is providing notice to all of its employees, former employees, and applicants for employment about the rights and remedies that are available to them under the Federal antidiscrimination laws and whistleblower protection laws. This notice fulfills DOE's notification obligations under the Notification and Federal Employees Antidiscrimination and Retaliation Act (No FEAR Act), as implemented by Office of Personnel Management (OPM) regulations.

**FOR FURTHER INFORMATION CONTACT:** Neil Schuldenfrei, Attorney-Advisor, Office of Civil Rights and Diversity, U.S. Department of Energy, Room 5B–168, 1000 Independence Ave., SW., Washington, DC 20585, telephone (202) 586–5687 (this is not a toll-free number). Hearing-impaired or speech-impaired individuals may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

**SUPPLEMENTARY INFORMATION:** On May 15, 2002, Congress enacted the ''Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002,'' which is now known as the No FEAR Act. One purpose of the Act is to ''require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws.'' Public Law 107–174, Summary. In support of this purpose, Congress found that ''agencies cannot be run effectively if those agencies practice or tolerate discrimination.'' Public Law 107–174, Title I, General Provisions, section 101(1).

The Act also requires this agency to provide this notice to Federal employees, former Federal employees and applicants for Federal employment to inform you of the rights and protections available to you under Federal antidiscrimination and whistleblower protection laws.

**Antidiscrimination Laws**

A Federal agency cannot discriminate against an employee or applicant with respect to the terms, conditions or privileges of employment on the basis of race, color, religion, sex, national origin, age, disability, marital status or political affiliation. Discrimination on these bases is prohibited by one or more of the following statutes: 5 U.S.C. 2302(b)(1), 29 U.S.C. 206(d), 29 U.S.C. 631, 29 U.S.C. 633a, 29 U.S.C. 791 and 42 U.S.C. 2000e-16. In addition, Department of Energy policy prohibits discrimination on the basis of sexual orientation. DOE Order 311.1B, Section (4)(d).

If you believe that you have been the victim of unlawful discrimination on the basis of race, color, religion, sex, sexual orientation, national origin or disability, you must contact an Equal Employment Opportunity (EEO) counselor within 45 calendar days of the alleged discriminatory action, or, in the case of a personnel action, within 45 calendar days of the effective date of the action, before you can file a formal complaint of discrimination with your agency. *See, e.g.* 29 CFR Part 1614. If you believe that you have been the victim of unlawful discrimination on the basis of age, you must either contact an EEO counselor as noted above or give notice of intent to sue to the Equal Employment Opportunity Commission (EEOC) within 180 calendar days of the alleged discriminatory action. If you are alleging discrimination based on marital status or political affiliation, you may file a written complaint with the U.S. Office of Special Counsel (OSC) (see contact information below). In the alternative (or in some cases, in addition), you may pursue a discrimination complaint by filing a grievance through your agency's administrative or negotiated grievance procedures, if such procedures apply and are available.

**Whistleblower Protection Laws**

A Federal employee with authority to take, direct others to take, recommend or approve any personnel action must not use that authority to take or fail to take, or threaten to take or fail to take, a personnel action against an employee or applicant because of disclosure of information by that individual that is reasonably believed to evidence violations of law, rule or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety, unless disclosure of such information is specifically prohibited by law and such information is specifically required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs.

Retaliation against an employee or applicant for making a protected disclosure is prohibited by 5 U.S.C. Section 2302(b)(8). If you believe that you have been the victim of whistleblower retaliation, you may file a written complaint (Form OSC–11) with the U.S. Office of Special Counsel at 1730 M Street NW., Suite 218, Washington, DC 20036–4505 or online through the OSC Web site—*http://www.osc.gov.*

**Retaliation for Engaging in Protected Activity**

A Federal agency cannot retaliate against an employee or applicant because that individual exercises his or her rights under any of the Federal antidiscrimination or whistleblower protection laws listed above. If you believe that you are the victim of retaliation for engaging in protected activity, you must follow, as appropriate, the procedures described in the Antidiscrimination Laws and Whistleblower Protection Laws sections or, if applicable, the administrative or negotiated grievance procedures in order to pursue any legal remedy.

**Disciplinary Actions**

Under the existing laws, each agency retains the right, where appropriate, to discipline a Federal employee for conduct that is inconsistent with Federal Antidiscrimination and Whistleblower Protection Laws up to and including removal. If OSC has initiated an investigation under 5 U.S.C. 1214, however, according to 5 U.S.C. 1214(f), agencies must seek approval from the Special Counsel to discipline employees for, among other activities, engaging in prohibited retaliation. Nothing in the No FEAR Act alters existing laws or permits an agency to take unfounded disciplinary action against a Federal employee or to violate the procedural rights of a Federal employee who has been accused of discrimination

**Additional Information**

For further information regarding the No FEAR Act regulations, refer to 5 CFR Part 724, as well as the appropriate offices within your agency (*e.g.*, EEO/civil rights office, human resources office or legal office). At the Department of Energy, please contact your local EEO/diversity office, call the Headquarters Office of Civil Rights and Diversity at (202) 586–2218, or visit *http://civilrights.doe.gov.* Additional information regarding Federal antidiscrimination, whistleblower protection and retaliation laws can be found at the EEOC Web site—*http://www.eeoc.gov* and the OSC Web site—*http://www.osc.gov.*

**Existing Rights Unchanged**

Pursuant to section 205 of the No FEAR Act, neither the Act nor this notice creates, expands or reduces any rights otherwise available to any employee, former employee or applicant under the laws of the United States, including the provisions of law specified in 5 U.S.C. 2302(d).

Issued in Washington, DC on October 4, 2006.

**Poli A. Marmolejos,**

*Director, Office of Civil Rights and Diversity.*

[FR Doc. E6–16748 Filed 10–10–06; 8:45 am]

BILLING CODE 6450–01–P

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## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. RP00–445–015]**

## Alliance Pipeline L.P.; Notice of Negotiated Rates

October 3, 2006.

Take notice that on September 29, 2006, Alliance Pipeline L.P. (Alliance) tendered for filing to become part of its FERC Gas Tariff, Original Volume No. 1, Tenth Revised Sheet No. 11, to become effective October 1, 2006.

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of § 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically

should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16765 Filed 10–10–06; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP99–301–146]**

### ANR Pipeline Company; Notice of Negotiated Rate Filing

October 3, 2006.

Take notice that on September 29, 2006, ANR Pipeline Company (ANR), tendered notice of the termination of a negotiated rate/lease dedication arrangement. ANR also tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Eleventh Revised Sheet No. 190A, to be effective November 1, 2006.

ANR states that a copy of this filing has been served upon ANR's customers and interested state regulatory commissions.

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16759 Filed 10–10–06; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. CP06–464–000]**

### ANR Pipeline Company; Notice of Application

October 3, 2006.

Take notice that on September 21, 2006, ANR Pipeline Company (ANR) Pipeline), 1001 Louisiana, Houston, Texas 77002, filed in docket CP06–464–000 an application pursuant to section 7 of the Natural Gas Act (NGA), as amended, for authority to develop, construct, and operate the Storage Enhancement Project—2008, consisting of the acquisition and conversion of the depleted Cold Springs 1 natural gas reservoir located in Kalkaska County, Michigan, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, call (202) 502–8659 or TTY, (202) 208–3676.

Any questions regarding this application should be directed to Dawn McGuire, Attorney, ANR Pipeline Company, 1001 Louisiana, Houston, Texas 77002, or call (713) 420–5503 or fax (713) 420–1601.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of

environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments, protests and interventions via the Internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov*) under the ''e-Filing'' link.

Comment Date: October 24, 2006.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16761 Filed 10–10–06; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP06–613–000]**

### ANR Pipeline Company; Notice of Tariff Filing

October 3, 2006.

Take notice that on September 29, 2006, ANR Pipeline Company (ANR) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, with an effective date of November 1, 2006.

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of § 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16770 Filed 10–10–06; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP06–433–001]**

### CenterPoint Energy Gas Transmission Company; Notice of Compliance Filing

October 3, 2006.

Take notice that on September 28, 2006, CenterPoint Energy Gas Transmission Company (CEGT) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, tariff sheets listed below to be effective September 1, 2006. CEGT states that the purpose of this filing is to make certain corrections to tariff sheets submitted on July 12, 2006 to the following tariff sheets:

Substitute Original Sheet No. 729A
Substitute First Revised Sheet No. 734
Substitute First Revised Sheet No. 742
Substitute First Revised Sheet No. 743
Sheet Nos. 765–769
Substitute Original Sheet No. 787A
Sheet Nos. 791–798

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing 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. Such protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16768 Filed 10–10–06; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP05–672–004]**

### East Tennessee Natural Gas, LLC; Notice of Compliance Filing

October 3, 2006.

Take notice that on September 29, 2006, East Tennessee Natural Gas, LLC (East Tennessee) submitted a compliance filing pursuant to the letter orders issued on May 4, 2006 and August 31, 2006.

East Tennessee states that copies of the filing were served on parties on the official service list.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing 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. Such protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to

the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16766 Filed 10–10–06; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP06–615–000]**

### El Paso Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

October 3, 2006.

Take notice that on September 29, 2006, El Paso Natural Gas Company (El Paso) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1–A, Thirty-First Revised Sheet No. 1 and Twelfth Revised Sheet No. 2 to become effective November 1, 2006, and three firm transportation service agreements (TSAs) with Public Service Company of New Mexico.

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16772 Filed 10–10–06; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP06–623–000]**

### Enbridge Pipelines (KPC); Notice of Proposed Changes in FERC Gas Tariff

October 3, 2006.

Take notice that on September 29, 2006, Enbridge Pipelines (KPC) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets, to become effective November 1, 2006:

Eighth Revised Sheet No. 15.
Second Revised Sheet No. 16A.
Third Revised Sheet No. 17.
First Revised Sheet No. 17A.
Eighth Revised Sheet No. 21.
Eighth Revised Sheet No. 26.
Eighth Revised Sheet No. 28.
Eighth Revised Sheet No. 30.

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16780 Filed 10–10–06; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP06–625–000]**

### Gas Transmission Northwest Corporation; Notice of Proposed Changes in FERC Gas Tariff

October 4, 2006.

Take notice that on September 29, 2006, Gas Transmission Northwest Corporation (GTN) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1–A, Second Revised Eighth Revised Sheet No. 4, to become effective November 1, 2006.

GTN states that it is revising this tariff sheet to modify the rate for service under Rate Schedule FTS–1(E–2)(WWP) in accordance with the negotiated rate formula for that service as specified in GTN's tariff. The proposed changes would increase revenues associated with Rate Schedule FTS–1(E–2)(WWP) by approximately 4.282%.

GTN further states that a copy of this filing has been served on GTN's jurisdictional customers and interested state regulatory agencies.

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16796 Filed 10–10–06; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP06–624–000]**

### Great Lakes Gas Transmission Limited Partnership; Notice of Proposed Changes in FERC Gas Tariff

October 3, 2006.

Take notice that on September 29, 2006, Great Lakes Gas Transmission Limited Partnership (Great Lakes) tendered for filing as part of its FERC Gas Tariff the following tariff sheets, to become effective November 1, 2006:

Eleventh Revised Sheet No. 10
Ninth Revised Sheet No. 10A
Original Sheet No. 10B
Eighth Revised Sheet No. 11
Seventh Revised Sheet No. 16
Seventh Revised Sheet No. 16A
Tenth Revised Sheet No. 45
Fourth Revised Sheet No. 50B
Sixth Revised Sheet No. 64
Fourth Revised Sheet No. 66

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of § 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16781 Filed 10–10–06; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. CP05–13–001]**

### Ingleside Energy Center LLC; Notice of Application To Amend Authorization

October 4, 2006.

Take notice that on September 26, 2006, Ingleside Energy Center LLC (IEC), 5 Greenway Plaza, Suite 1600, Houston, Texas 77046, filed in Docket No. CP05–13–001, an abbreviated application pursuant to section 3 of the Natural Gas Act (NGA) and parts 153 and 380 of the Commission's Regulations, for an amendment to its authorizations granted in Docket No. CP05–13–000 on July 22, 2005. Specifically, IEC is seeking approval for: (i) Full containment LNG storage tank structures rather than double containment tank structures; and (ii) related and conforming changes associated with the change in tank configuration approved in the July 22 Order. IEC also seeks approval for the incorporation of an off-loading dock to be used during construction. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC at *FERCOnlineSupport@gerc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this application should be directed to Lawrence G. Acker, LeBoeuf, Lamb, Greene & MacRae, L.L.P., 1875 Connecticut Avenue, NW., Suite 1200 Washington, DC 20009–5728, or call (202) 986–8000 or fax (202) 986–8102.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the comment date stated below, file with the Federal Energy Regulatory Commission, 888

First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commentors will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commentors will not be required to serve copies of filed documents on all other parties. However, the non-party commentors will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

The Commission strongly encourages electronic filings of comments protests and interventions via the Internet in lieu of paper. See 18 CFR 385.2001(a) (1)(iii) and the instructions on the Commission's Web (*http://www.ferc.gov*) site under the ''e-Filing'' link.

*Comment Date:* 5 p.m. eastern time on October 25, 2006.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16802 Filed 10–10–06; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP98–18–022]**

### Iroquois Gas Transmission System, L.P.; Notice of Negotiated Rate

October 3, 2006.

Take notice that on September 29, 2006, Iroquois Gas Transmission System, L.P. (Iroquois) tendered for filing the following revised sheets to its FERC Gas Tariff, First Revised Volume No. 1, to be effective on October 1, 2006:

Third Revised Sheet No. 7
Original Sheet No. 7C

Iroquois states that copies of its filing were served on all jurisdictional customers and interested state regulatory agencies and all parties to the proceeding.

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of § 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16783 Filed 10–10–06; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP06–629–000]**

### Maritimes & Northeast Pipeline, L.L.C.; Notice of Proposed Changes in FERC Gas Tariff

October 4, 2006.

Take notice that on September 29, 2006, Maritimes & Northeast Pipeline, L.L.C. (Maritimes) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Tenth Revised Sheet No. 11, to become effective on November 1, 2006.

Maritimes states that it is making this Fuel Retainage Quantity (FRQ) filing pursuant to section 20 of the General Terms and Conditions (GT&C) of its FERC Gas Tariff. For deliveries north of the Richmond, ME Compressor Station Maritimes is proposing a decrease of 0.02% to the Fuel Retainage Percentage (''FRP'') for the Winter Period and a decrease of 0.01% for the Non-Winter Period. The projected FRP for deliveries north of the Richmond, ME Compressor Station for the Winter Period is 1.00% and for the Non-Winter Period the FRP is 0.88%. For deliveries south of the Richmond, ME Compressor Station Maritimes is proposing a decrease of 0.06% to the Fuel Retainage Percentage (FRP) for the Winter Period and a decrease of 0.04% for the Non-Winter Period. The projected FRP for deliveries south of the Richmond, ME Compressor Station for the Winter Period is 1.04% and for the Non-Winter Period the FRP is 0.91%.

Maritimes also states that it is submitting the calculation of the FRQ Deferred Account amount, pursuant to Section 20 of the GT&C, which provides that Maritimes will calculate surcharges or refunds designed to amortize the net monetary value of the balance in the

FRQ Deferred Account at the end of the previous accumulation period.

Maritimes states that for the period August 1, 2005 through July 31, 2006, the FRQ Deferred Account resulted in a net credit balance of $1,641,748.73, inclusive of carrying charges, that will be refunded to Maritimes' customers.

Maritimes states that copies of this filing were mailed to all affected customers of Maritimes and interested state commissions.

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16800 Filed 10–10–06; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP99–176–118]**

### Natural Gas Pipeline Company of America; Notice of Negotiated Rates

October 3, 2006.

Take notice that on September 29, 2006, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, the following tariff sheets, to become effective November 1, 2006, and a Rate Schedule FTS Service Agreement with a Negotiated Rate Agreement.

Second Revised Sheet No. 26D.02
First Revised Sheet No. 26D.03
Second Revised Sheet No. 414A.01

Natural states that copies of the filing are being mailed to all parties set out on the Commission's official service list.

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16784 Filed 10–10–06; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Project Number 11858–002]**

### Nevada Hydro Company, Inc. and Elsinore Valley Municipal Water District; Notice of Modified Transmission Alignment Proposal and Staff NEPA Alternatives for the Lake Elsinore Advanced Pumped Storage Project

October 3, 2006.

On February 2, 2004, the Elsinore Valley Municipal Water District and Nevada Hydro Company, Inc. (co-applicants) filed an application for the Lake Elsinore Advanced Pumped Storage Project (LEAPS Project).

The proposed LEAPS project would consist of: (1) A new upper reservoir (Morrell Canyon) having a 180-foot-high main dam and a gross storage volume of 5,750 feet, at a normal reservoir surface elevation of 2,880 feet above mean sea level; (2) a powerhouse with two reversible pump-turbine units with a total installed capacity of 500 megawatts; (3) the existing Lake Elsinore as a lower reservoir; (4) about 30 miles of 500-kV transmission line connecting the project to an existing transmission line owned by Southern California Edison, located north of the proposed project, and to an existing San Diego Gas & Electric Company transmission line located to the south.

This notice is being sent to landowners of property crossed by or near either the proposed or alternative routes for the transmission line and other interested parties to the proceeding. The maps attached to this notice show two transmission alignments: (1) The applicant's current proposal, modified in response to staff's draft EIS and filed with the Commission on June 12, 2006; and (2) the staff alternative alignment being considered for the final EIS.

The February 17, 2006, draft EIS for the proposed LEAPS Project shows both the co-applicant's proposed transmission line (figure 2 of the draft EIS) and the Commission and U.S.

Forest Service staff alternative alignment (figure 5 of the draft EIS). In response to public comments on the draft EIS, the co-applicants' revised their original transmission alignment and now propose to place part of the line underground (see the attached co-applicant's modified alignment). After considering the co-applicants' modified proposal, as well as the comments filed on the draft EIS, Commission and U.S. Forest Service staff are proposing to revise their draft EIS alternative transmission alignment and consider a revised alignment in the final EIS. The staff alternative alignment also includes an underground segment along South Main Divide Road as shown by the blue dotted line on the staff alternative alignment and the same underground segment from the transmission line to the powerhouse as shown by the red dotted line on the co-applicants' modified transmission alignment. The final EIS will include a response to the comments received on the draft EIS and those on this notice and will be used by the Commission in making a decision on the proposal.

Please provide any comments in response to this public notice within 30 days of the date of this notice. All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, and should have the docket number P–11858–002 in the reference heading. Comments may be filed electronically via the Internet in lieu of paper. The Commission strongly encourages electronic filings. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the eLibrary link.

The licensing schedule for the project will be revised as follows:

| Milestone | Tentative date |
|---|---|
| Notice of the availability of the final EIS | December 2006. |
| Ready for Commission's decision on the application | May 2007. |

For further information, contact Jim Fargo at (202) 502–6095, *james.fargo@ferc.gov.*

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16764 Filed 10–10–06; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. CP06–461–000]**

### Northern Natural Gas Company; Notice of Application

October 3, 2006.

Take notice that on September 20, 2006, Northern Natural Gas Company (Northern), 1111 South 103rd Street, Omaha, Nebraska 68124, filed in Docket No. CP06–461–000, an application pursuant to section 7 of the Natural Gas Act (NGA) to increase the certificated storage capacity of the Redfield Storage Field located in Dallas County, Iowa by 2.102 Bcf to 124.102 Bcf, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be also viewed on the Web at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call (866) 208–3676 or TTY, (202) 502–8659.

Any questions regarding this application may be directed to Michael T. Loeffler, Director of Certificates for Northern, 1111 South 103rd Street, Omaha, Nebraska 68124, (402) 398–7103 or Bret Fritch, Senior Regulatory Analyst, at (402) 398–7140.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, before the comment date of this notice, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Comments, 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.

*Comment Date:* October 24, 2006.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16760 Filed 10–10–06; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP06–456–001]**

### Northern Natural Gas Company; Notice of Compliance Filing

October 3, 2006.

Take notice that on September 28, 2006, Northern Natural Gas Company (Northern) tendered for filing its information filing in compliance with the Commission's August 31, 2006 Order in the above referenced docket.

Northern further states that copies of the filing have been provided to each of its customers and interested state commissions.

Any person desiring to protest this filing must file in accordance with Rule 211 of the Commission's Rules of Practice and Procedure (18 CFR 385.211). Protests to this filing 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. Such protests must be filed in

accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing a protest must serve a copy of that document on all the parties to the proceeding.

The Commission encourages electronic submission of protests in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16769 Filed 10–10–06; 8:45 am]

**BILLING CODE 6717–01–P**

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP06–616–000]**

### Northern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

October 3, 2006.

Take notice that on September 29, 2006, Northern Natural Gas Company (Northern) tendered for filing in its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets, with an effective date of November 1, 2006:

Thirteenth Revised Sheet No. 66C
Fifth Revised Sheet No. 66D

Northern further states that copies of the filing have been mailed to each of its customers and interested state commissions.

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16773 Filed 10–10–06; 8:45 am]

**BILLING CODE 6717–01–P**

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP06–620–000]**

### Northern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

October 3, 2006.

Take notice that on September 29, 2006 Northern Natural Gas Company (Northern) tendered for filing to become part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets proposed to be effective on November 1, 2006:

74 Revised Sheet No. 50 75
Revised Sheet No. 51 38
Revised Sheet No. 52 74
Revised Sheet No. 53 12
Revised Sheet No. 55 30
Revised Sheet No. 59 14
Revised Sheet No. 59A 33
Revised Sheet No. 60 13
Revised Sheet No. 60A

Northern states that copies of the filing have been mailed to each of its customers and interested state commissions.

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16777 Filed 10–10–06; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP06–617–000]**

### Panhandle Eastern Pipe Line Company, LP; Notice of Proposed Changes in FERC Gas Tariff

October 3, 2006.

Take notice that on September 29, 2006, Panhandle Eastern Pipe Line Company, LP (Panhandle) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the revised tariff sheets listed on Appendix A attached to the filing, to become effective November 1, 2006.

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16774 Filed 10–10–06; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP06–200–013]**

### Rockies Express Pipeline LLC; Notice of Negotiated Rate

October 3, 2006.

Take notice that on September 29, 2006, Rockies Express Pipeline LLC (REX) tendered for filing to become part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets, with an effective date of October 1, 2006:

Ninth Revised Sheet No. 22
Third Revised Sheet Mp/24

REX stated that a copy of this filing has been served upon all parties to this proceeding, REX's customers, the Colorado Public Utilities Commission and the Wyoming Public Service Commission.

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16767 Filed 10–10–06; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP06–631–000]**

### SCG Pipeline, Inc.; Notice of Filing

October 4, 2006.

Take notice that on September 29, 2006, under General Terms and Conditions (GT&C) sections 12.8, 22, 25 and 26 of its FERC Gas Tariff, Original Volume No. 1 and Part 154 of the Commission's regulations, 18 CFR part 154 (2006), SCG Pipeline, Inc. (SCG) submitted work papers calculating the anticipated balances as of October 31, 2006 in each of the following three accounts and the estimated amounts either owed to shippers by SCG or owed to SCG by shippers in order to clear each account: (1) The Fuel Retainage Quantity (FRQ) Deferred Account; (2) the System Balancing Cost Reconciliation Mechanism (SBCRM) Deferred Account; and (3) the interruptible transportation (IT) revenue account.

SCG requests that the Commission approve its calculations and its treatment of balances to clear SCG's FRQ, SBCRM and IT revenue accounts in connection with SCG's closing of operations and the cancellation of its FERC Gas Tariff. SCG states that the affected SCG customers have agreed to this filing.

SCG states that a copy of this filing has been served upon all of its customers and interested state commissions.

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16801 Filed 10–10–06; 8:45 am]

**BILLING CODE 6717–01–P**

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP06–626–000]**

### Southwest Gas Storage Company; Notice of Proposed Changes in FERC Gas Tariff

October 4, 2006.

Take notice that on September 29, 2006, Southwest Gas Storage Company (Southwest) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, Eighteenth Revised Sheet No. 5, to become effective November 1, 2006.

Southwest states that the purpose of this filing, made in accordance with Section 16 (Fuel Reimbursement Adjustment) of the General Terms and Conditions in Southwest's FERC Gas Tariff, First Revised Volume No. 1, is to update the fuel reimbursement percentages proposed to be effective November 1, 2006.

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16797 Filed 10–10–06; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP06–630–000]**

### Stingray Pipeline Company, L.L.C.; Notice of Petition for Waiver of Tariff Provisions and Request for Expedited Action

October 3, 2006.

Take notice that on September 29, 2006, Stingray Pipeline Company (Stingray) filed a Petition for Temporary Waiver of Tariff Provisions and Request for Expedited Action. The purpose of this filing is to seek waiver of the tiered imbalance cash-out procedures set forth in section 11.3 and 11.4 of the General Terms & Conditions of Stingray's FERC Gas Tariff to enable the cash-out of imbalances at the average monthly index price for the month of September 2006. Stingray requests a Commission decision on its petition by October 10, 2006.

Stingray states that copies were mailed to its customers and to interested state commissions.

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of § 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC.

There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment, Intervention, and Protest Date: October 4, 2006.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16782 Filed 10–10–06; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP06–619–000]**

### Transcontinental Gas Pipe Line Corporation; Notice of Proposed Changes in FERC Gas Tariff

October 3, 2006.

Take notice that on September 29, 2006, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, Ninth Revised Sheet No. 30, and Second Revised Sheet No. 30A to be effective November 1, 2006.

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16776 Filed 10–10–06; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP06–621–000]**

### Transcontinental Gas Pipe Line Corporation; Notice of Proposed Changes in FERC Gas Tariff

October 3, 2006.

Take notice that on September 29, 2006, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, Sixth Revised Sheet No. 282, Fourth Revised Sheet No. 293, and Original Sheet No. 293A to become effective November 1, 2006.

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of § 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16778 Filed 10–10–06; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP06–627–000]**

### Transcontinental Gas Pipe Line Corporation; Notice of Proposed Changes in FERC Gas Tariff

October 4, 2006.

Take notice that on September 29, 2006, Transcontinental Gas Pipe Line Corporation (Transco) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, Twenty-Fifth Revised Sheet No. 29, to become effective November 1, 2006.

Transco states that the purpose of the instant filing is to reflect an increase in the fuel retention percentage for Rate Schedules LG-A, LNG and LG-S from 14.57% to 16.04%. The filing is submitted pursuant to Section 38 of the General Terms and Conditions of Transco's FERC Gas Tariff which provides that Transco will file a redetermination of its fuel retention percentage applicable to Rate Schedules LG-A, LNG and LG-S to be effective each November 1. The derivation of the revised fuel retention percentage included therein is based on Transco's actual gas required for operations (GRO) for the period September 2003 through August 2006 plus the balance accumulated in the Deferred GRO Account at August 31, 2006. Appendix A contains work papers supporting the

derivation of the revised fuel retention percentage.

Transco states that copies of the filing are being mailed to affected customers and interested State Commissions.

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of § 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible online at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16798 Filed 10–10–06; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP06–614–000]**

### Transwestern Pipeline Company, LLC; Notice of Proposed Changes in FERC Gas Tariff

October 3, 2006.

Take notice that on September 29, 2006, Transwestern Pipeline Company, LLC, (Transwestern) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the tariff sheets listed in Appendices A and B, attached to the filing, to become effective November 1, 2006.

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of § 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov*, using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive e-mail notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please e-mail *FERCOnlineSupport@ferc.gov*, or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16771 Filed 10–10–06; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP06–618–000]**

### Trunkline Gas Company, LLC; Notice of Proposed Changes in FERC Gas Tariff

October 3, 2006.

Take notice that on September 29, 2006, Trunkline Gas Company, LLC (Trunkline) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets to become effective November 1, 2006:

Twelfth Revised Sheet No. 10
Twelfth Revised Sheet No. 11
Twelfth Revised Sheet No. 12
Twelfth Revised Sheet No. 13
Twelfth Revised Sheet No. 14
Twelfth Revised Sheet No. 15
Twelfth Revised Sheet No. 16
Twelfth Revised Sheet No. 17

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

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**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16775 Filed 10–10–06; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. EG06–70–000]**

### White Creek Wind I, LLC; Tolling Notice

October 3, 2006.

White Creek Wind I, LLC (White Creek Wind) filed a notice of self-certification of exempt wholesale generator (EWG) status in this proceeding on August 4, 2006. The Commission has determined that additional information is required to process the notice of self-certification and therefore cannot process the self-certification within 60 days from the date of filing, *i.e.*, by October 3, 2006. Accordingly, the Commission hereby tolls the initial 60-day review period to allow additional time for submission of the information within 7 days from the date of this notice. White Creek Wind has temporary EWG status pursuant to the Commission's regulations. *See 18 CFR 366.7(a ) (2006)*. If the Commission takes no further action within 30 days from the date of this notice, then the self-certification shall be deemed to have been granted.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16762 Filed 10–10–06; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP06–622–000]**

### Williston Basin Interstate Pipeline Company; Notice of Tariff Filing

October 3, 2006.

Take notice that on September 29, 2006, Williston Basin Interstate Pipeline Company (Williston Basin) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, to become effective October 29, 2006:

Second Revised Volume No. 1
Sixth Revised Sheet No. 232B
First Revised Sheet No. 232B.01

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

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**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16779 Filed 10–10–06; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP06–628–000]**

### Williston Basin Interstate Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

October 4, 2006.

Take notice that on September 29, 2006, Williston Basin Interstate Pipeline Company (Williston Basin) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Seventh Revised Sheet No. 358I, to become effective September 29, 2006.

Williston Basin states that as of July 31, 2006 it had a zero balance in FERC Account No. 191. As a result, Williston Basin states that it will neither refund nor bill its former sales customers for any amounts under the conditions of Subsection No. 39.3.1 of its Tariff.

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed in accordance with the provisions of Section 154.210 of the Commission's regulations (18 CFR 154.210). Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

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**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16799 Filed 10–10–06; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP06–634–000]**

### Young Gas Storage Company, Ltd; Notice of Operational Purchases/Sales Annual Report

October 4, 2006.

Take notice that on September 29, 2006, Young Gas Storage Company, Ltd tendered for filing its annual report of operational purchases and sales in accordance with Section 29.3 of the General Terms and Conditions of its FERC Gas Tariff, Original Volume No. 1.

Any person desiring to intervene or to protest this filing must file 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 notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the date as indicated below. Anyone filing an intervention or protest must serve a copy of that document on the Applicant. Anyone filing an intervention or protest on or before the intervention or protest date need not serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 14 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

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*Intervention and Protest Date:* 5 p.m. Eastern Time October 11, 2006.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16788 Filed 10–10–06; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings # 1

October 4, 2006.

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC06–46–001.

*Applicants:* Aquila, Inc.; Mid-Kansas Electric Company, LLC.

*Description:* Aquila, Inc. and Mid-Kansas Electric Co., LLC submit a supplement to their 12/19/05 application to reflect the final negotiated terms.

*Filed Date:* 8/31/2006.

*Accession Number:* 20060906–0145.

*Comment Date:* 5 p.m. Eastern Time on Monday, October 16, 2006.

*Docket Numbers:* EC06–167–000.

*Applicants:* MACH Gen, LLC; Millennium Power Partners, L.P.; New Athens Generating Company, LLC; New Covert Generating Company, LLC; New Harquahala Generating Company, LLC; Lehman Commercial Paper Inc.; Merrill Lynch Credit Products, LLC.

*Description:* MACH Gen LLC et al submit an application for order requesting that FERC authorize an indirect disposition of jurisdictional facilities resulting from proposed transfers of ownership and/or control of equity interests in MACH Gen.

*Filed Date:* 9/28/2006.

*Accession Number:* 20061003–0134.

*Comment Date:* 5 p.m. Eastern Time on Thursday, October 19, 2006.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER05–644–000.

*Applicants:* PSEG Fossil LLC.

*Description:* PSEG Energy Resources & Trade LLC submits an informational filing of a list of planned Project Investments and projected Project Investment costs for calendar year 2007 for Sewaren 1–4 and Hudson 1.

*Filed Date:* 9/29/2006.

*Accession Number:* 20060929–5066.

*Comment Date:* 5 p.m. Eastern Time on Friday, October 20, 2006.

*Docket Numbers:* ER05–1482–002.

*Applicants:* Electric Energy Inc.

*Description:* Electric Energy Inc. submits a notice of a potential change in status pursuant to the Commission's Order 652.

*Filed Date:* 9/29/2006.

*Accession Number:* 20061003–0160.

*Comment Date:* 5 p.m. Eastern Time on Friday, October 20, 2006.

*Docket Numbers:* ER06–199–003; ER06–499–004.

*Applicants:* PJM Interconnection, LLC.

*Description:* PJM Interconnection, LLC submits revisions to its OATT, Substitute Original Sheet 224.04b to correct its 8/7/06 filing.

*Filed Date:* 9/25/2006.

*Accession Number:* 20061003–0125.

*Comment Date:* 5 p.m. Eastern Time on Monday, October 16, 2006.

*Docket Numbers:* ER06–787–003.

*Applicants:* Idaho Power Company.

*Description:* Idaho Power Company submits a compliance filing providing revisions to its OATT, pursuant to the Commission's Order issued on 5/31/06.

*Filed Date:* 9/28/2006.

*Accession Number:* 20061002–0195.

*Comment Date:* 5 p.m. Eastern Time on Thursday, October 19, 2006.

*Docket Numbers:* ER06–1134–001.

*Applicants:* Central Vermont Public Service Corp.

*Description:* Central Vermont Public Service Corp. submits a revised cancellation, reflecting the actual 9/1/06 closing date of the purchase and sale contemplated in the Purchase and Sale Agreement w/Rochester Electric Light & Power Co.

*Filed Date:* 9/28/2006.

*Accession Number:* 20061003–0096.

*Comment Date:* 5 p.m. Eastern Time on Thursday, October 19, 2006.

*Docket Numbers:* ER06–1266–001.

*Applicants:* Niagara Mohawk Power Corporation.

*Description:* Niagara Mohawk submits its amended Exit Agreement and notifies the Commission of its effective date, pursuant to Order No. 614.

*Filed Date:* 9/29/2006.

*Accession Number:* 20061003–0169.

*Comment Date:* 5 p.m. Eastern Time on Friday, October 20, 2006.

*Docket Numbers:* ER06–1279–001.
*Applicants:* Louisville Gas & Electric Company.
*Description:* E.ON. U.S., LLC on behalf of Louisville Gas and Electric Co. and Kentucky Utilities Co. submits an agreement with TVA Distributor Group and Kentucky Municipals.
*Filed Date:* 9/27/2006.
*Accession Number:* 20061003–0128.
*Comment Date:* 5 p.m. Eastern Time on Wednesday, October 18, 2006.

*Docket Numbers:* ER06–1430–001.
*Applicants:* SP Newsprint Co.
*Description:* SP Newsprint Co. submits its revised FERC Electric Tariff, Original Volume No. 1, Original Sheet No. 1 and Rate Schedule.
*Filed Date:* 9/29/2006.
*Accession Number:* 20061003–0170.
*Comment Date:* 5 p.m. Eastern Time on Tuesday, October 10, 2006.

*Docket Numbers:* ER06–1539–000.
*Applicants:* PSEG Energy Resources & Trade LLC.
*Description:* PSEG Energy Resources & Trade LLC submits a Notice of Cancellation of its FERC Rate Schedule FERC 3, effective 11/1/06.
*Filed Date:* 9/28/2006.
*Accession Number:* 20060929–0205.
*Comment Date:* 5 p.m. Eastern Time on Thursday, October 19, 2006.

*Docket Numbers:* ER06–1545–000.
*Applicants:* North American Electric Reliability Council.
*Description:* North American Electric Reliability Council submits revisions to the Transmission Loading Relief Procedure use in the Eastern Interconnection.
*Filed Date:* 9/29/2006.
*Accession Number:* 20061003–0098.
*Comment Date:* 5 p.m. Eastern Time on Friday, October 20, 2006.

*Docket Numbers:* ER06–1546–000.
*Applicants:* Florida Power Corporation.
*Description:* Florida Power Corporation dba Progress Energy Florida, Inc submits amendments to its cost-based wholesale power sales tariff CR–1.
*Filed Date:* 9/29/2006.
*Accession Number:* 20061003–0126.
*Comment Date:* 5 p.m. Eastern Time on Friday, October 20, 2006.

*Docket Numbers:* ER06–1548–000.
*Applicants:* Chehalis Power Generating, L.P.
*Description:* Chehalis Power Generating, LP submits a compliance filing pursuant to Settlement Agreement, revised Reactive Supply and Voltage Control from Generation Sources Service Rate Schedule No. 2.
*Filed Date:* 9/29/2006.
*Accession Number:* 20061003–0152.
*Comment Date:* 5 p.m. Eastern Time on Friday, October 20, 2006.

*Docket Numbers:* ER06–1550–000.
*Applicants:* PJM Interconnection, LLC.
*Description:* PJM Interconnection, LLC submits revisions to the Chart in Schedule 2 of the PJM OATT to incorporate the updated revenue requirements of Virginia Electric and Power Co etc.
*Filed Date:* 9/29/2006.
*Accession Number:* 20061003–0174.
*Comment Date:* 5 p.m. Eastern Time on Friday, October 20, 2006.

*Docket Numbers:* ER06–1551–000.
*Applicants:* Avista Corporation.
*Description:* Avista Corporation submits its Second Revised Sheet 8 et al to First Revised FERC Rate Schedule 184, Exchange Agreement w/ the Washington Water Power Co and Bonneville Power Administration.
*Filed Date:* 9/29/2006.
*Accession Number:* 20061003–0173.
*Comment Date:* 5 p.m. Eastern Time on Friday, October 20, 2006.

*Docket Numbers:* ER06–1552–000.
*Applicants:* Midwest Independent Transmission System Operator, Inc.
*Description:* Midwest Independent Transmission System Operator,, Inc. submits proposed revisions to its Midwest ISO's Open Access Transmission and Energy Markets Tariff, FERC Electric Tariff, Volume No. 1.
*Filed Date:* 9/29/2006.
*Accession Number:* 20061003–0172.
*Comment Date:* 5 p.m. Eastern Time on Friday, October 20, 2006.

*Docket Numbers:* ER06–1553–000.
*Applicants:* Duke Energy Shared Services, Inc.
*Description:* The Cincinnati Gas & Electric Co and Ohio Valley Electric Corp submits an amendment to the Third Supplemental Agreement to Facility Agreement.
*Filed Date:* 9/29/2006.
*Accession Number:* 20061003–0171.
*Comment Date:* 5 p.m. Eastern Time on Friday, October 20, 2006.

*Docket Numbers:* ER06–1554–000.
*Applicants:* Midwest Independent Transmission System Operator, Inc.
*Description:* Midwest Independent Transmission System Operator, Inc. submits proposed revisions to the Midwest ISO OAT&EMT, FERC Electric Tariff Third Revised Volume 1.
*Filed Date:* 9/29/2006.
*Accession Number:* 20061003–0133.
*Comment Date:* 5 p.m. Eastern Time on Friday, October 20, 2006.

*Docket Numbers:* ER06–1555–000.
*Applicants:* Entergy Services Inc; Entergy Operating Companies.
*Description:* Entergy Operating Companies submits an executed Network Integration Transmission Service Agreement & a notice of cancellation of Entergy Louisiana LLC's Rate Schedule 11.
*Filed Date:* 9/29/2006.
*Accession Number:* 20061003–0132.
*Comment Date:* 5 p.m. Eastern Time on Friday, October 20, 2006.

*Docket Numbers:* ER06–1556–000.
*Applicants:* Midwest Independent Transmission System Operator, Inc.
*Description:* Midwest Independent Transmission System Operator, Inc. submits proposed revisions to the Midwest ISO OAT&EMT, FERC Electric Third Revised Volume 1.
*Filed Date:* 9/29/2006.
*Accession Number:* 20061003–0131.
*Comment Date:* 5 p.m. Eastern Time on Friday, October 20, 2006.

*Docket Numbers:* ER06–1557–000.
*Applicants:* New England Power Pool Participants Committee.
*Description:* The New England Power Pool Participants Committee submits counterpart signature pages of their Agreement dated 9/1/71 to expand NEPOOL membership to include BG Dighton Power, LLC *et al.*
*Filed Date:* 9/29/2006.
*Accession Number:* 20061003–0130.
*Comment Date:* 5 p.m. Eastern Time on Friday, October 20, 2006.

*Docket Numbers:* ER06–1558–000.
*Applicants:* American Electric Power Service Corp.
*Description:* Ohio Power Company and Columbus Southern Power Company submit their Sixth Revised Interconnection and Local Delivery Service Agreement with Buckeye Power, Inc.
*Filed Date:* 9/28/2006.
*Accession Number:* 20061003–0129.
*Comment Date:* 5 p.m. Eastern Time on Thursday, October 19, 2006.

*Docket Numbers:* ER06–1559–000.
*Applicants:* Tampa Electric Company.
*Description:* Tampa Electric Co submits its First Revised Sheet Nos. 1 and 27 to First Revised Rate Schedule FERC 62.
*Filed Date:* 9/29/2006.
*Accession Number:* 20061003–0127.
*Comment Date:* 5 p.m. Eastern Time on Friday, October 20, 2006.

*Docket Numbers:* ER06–1561–000.
*Applicants:* Central Maine Power Company.
*Description:* Central Maine Power Co submits an Executed Large Generator Interconnection Agreement with CMP Androscoggin LLC.
*Filed Date:* 9/29/2006.
*Accession Number:* 20061003–0153.
*Comment Date:* 5 p.m. Eastern Time on Friday, October 20, 2006.

*Docket Numbers:* ER06–1562–000.
*Applicants:* American Electric Power Service Corporation.
*Description:* Indiana Michigan Power Co submits a third revision to its Interconnection and Local Delivery Service Agreement 1262 between Wabash Valley Power Association and AEP.
*Filed Date:* 9/29/2006.
*Accession Number:* 20061003–0154.
*Comment Date:* 5 p.m. Eastern Time on Friday, October 20, 2006.

*Docket Numbers:* ER06–1563–000.
*Applicants:* American Electric Power Company.
*Description:* American Electric Power submits a revision to its Repair and Maintenance Agreement between Indiana Michigan Power Co and Wabash Valley Power Association.
*Filed Date:* 9/29/2006.
*Accession Number:* 20061003–0155.
*Comment Date:* 5 p.m. Eastern Time on Friday, October 20, 2006.

Any person desiring to intervene or to protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5 p.m. Eastern time on the specified comment date. It is not necessary to separately intervene again in a subdocket related to a compliance filing if you have previously intervened in the same docket. 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. Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant. In reference to filings initiating a new proceeding, interventions or protests submitted on or before the comment deadline need not be served on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

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**Magalie R. Salas,**
*Secretary.*
[FR Doc. E6–16803 Filed 10–10–06; 8:45 am]
**BILLING CODE 6717–01–P**

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## DEPARTMENT OF ENERGY

## Federal Energy Regulatory Commission

**[Docket No. AD07–1–000]**

## Billing Procedures for Annual Charges for the Costs for Administering Part I of the Federal Power Act; Notice Reporting Increase in Municipal Costs for FY 2005 Actual and FY 2006 Estimated Hydropower Administrative Annual Charges

October 3, 2006.

1. Municipal licensees have expressed concerns regarding the substantial increases they have observed in their Statement of Annual Charges issued on August 4, 2006. Specifically, licensees are concerned with the amounts assessed for the current year's *Administrative Charge* and the prior year's *Adjustment of FERC Administrative Charge*. The increase in these charges is primarily attributable to a substantial increase in the proportion of direct labor hours staff charged to municipal projects in FY 2005. The purpose of this notice is to provide licensees with information regarding the Commission's process for assessing these charges and how this increase in direct labor applicable to municipal projects resulted in the increases observed on the August 4, 2004 billing statements.

### Components of Administrative Annual Charges

2. The Federal Power Act requires the Federal Energy Regulatory Commission to assess annual charges against licensees to reimburse the United States for the costs of administration of the Commission's hydropower regulatory program.[1] The Omnibus Budget Reconciliation Act of 1986 provided FERC with the authority to ''assess and collect fees and annual charges in any fiscal year in amounts equal to all of the costs incurred by the Commission in that fiscal year.''[2] Each fiscal year the Commission estimates the total costs of its operations for the current year. These estimates are the basis for the current year's *Administrative Charge* which is reflected on the annual billing statements as such. In addition, the Commission determines the actual operating costs for the prior fiscal year, and the prior year's *Administrative Charge* is adjusted either upward or downward for the difference between the prior year's actual costs and the prior year's estimates. These adjustments to the prior year's costs are then reflected as the *Adjustment to FERC Administrative Charge* on the annual billing statements.

### Allocation Methodology for Hydropower Projects

3. The total costs for the hydropower regulatory program consist of both direct and indirect costs. Once the Commission calculates estimated and actual program costs, it allocates these costs based on direct time charged by Commission staff to designated time and labor codes for municipal and non-municipal projects.[3] Annually the Commission allocates current year estimated costs and prior year actual costs based on the direct labor proportions of staff time recorded against municipal and non-municipal projects in the prior fiscal year. Applying this methodology allows the Commission to utilize credible historical information for the allocation of current year estimated costs and provides the relevant data needed to appropriately affect the prior year downward or upward adjustment when allocating the prior year's actual costs.

4. With regard to the August 4, 2006 statements, the Commission allocated the cost bases for the current year's *Administrative Charge* and the prior year's *Adjustment to FERC*

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[1] 16 U.S.C 794–823b.

[2] Pub. L. 99–509 § 3401, 100 Stat. 1874, 1890–91 (1986) (codified at 42 U.S.C. 7178).

[3] The Commission has implemented within its time and attendance system designated codes which segregate staff hours spent on municipal projects from staff hours spent on non-municipal projects. In calculating direct labor proportions, the Commission aggregates the hours recorded against municipal and non-municipal time codes. The number of hours charged to municipal codes is divided by this aggregate total to derive the municipal proportion used to allocate hydropower program costs. The number of hours charged to non-municipal projects is treated similarly to derive the non-municipal proportion.

*Administrative Charge* using FY 2005 direct labor proportions. In FY 2005, Commission staff spent 25% of the total hours charged to licensing of hydropower projects on municipal projects. Conversely, 75% of the total hours charged to project licensing were attributable to work on non-municipal projects.

**Impact of FY 2005 Direct Labor Allocation**

5. The significant increase in municipal project costs for the FY 2006 *Administrative Charge* and the FY 2005 *Adjustment to FERC Administrative Charge* was the result of more direct time charged to hydropower municipal time and labor codes in FY 2005 then in FY 2004. Since the Commission used the FY 2005 municipal allocation of 25% to allocate its FY 2006 Administrative Annual Charges, licensees will likely notice an increase to their current year *Administrative Charge* when compared to previous years. Additionally, since the Commission used the FY 2004 municipal allocation of 11% to allocate its FY 2005 *Administrative Charge*, the FY 2005 *Adjustment to FERC Administrative Charge* reflects both a significant adjustment resulting from a 14% increase in the proportion of direct labor allocated and a minor upward adjustment related to the difference in actual and estimated costs previously assessed in FY 2005.

**Review of Hydropower Program Costs**

6. After calculating the annual charges, the Commission reviewed the total FY 2005 and FY 2006 hydropower costs and the applicable time and labor categories for the hydropower program which clearly differentiates between municipal and non-municipal activities. Overall, total costs for the hydropower program were found to have only small increases between the fiscal years. There were no new programs added in the hydropower area in FY 2005 or FY 2006 that would have contributed to this increase, thus the small increase in total hydropower program costs. However, since there was more direct time charged to municipal time and labor codes in FY 2005 than in FY 2004, municipal licensees received a larger proportion of the total hydropower program costs.

7. The Commission's hydropower program workload depends on how many hydropower applications or inspections are pending before the Commission in any given year. The Commission can not predict with exact certainty which licensees will file each year. In addition, the complexity of the projects under review and the length of time it takes to process a hydropower application could impact the workload proportions. hydropower program workload is cyclical, so in some years there may be more municipal projects pending versus non-municipal projects. While this increase does represent a large swing between municipal and non-municipal direct-labor hours, our review did show a history of cyclical fluctuations in this split.

8. For questions concerning this notice or any other annual charges issues, please direct inquiries via e-mail to *annualcharges@ferc.gov* or call Troy Cole at (202) 502–6161.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16785 Filed 10–10–06; 8:45 am]

BILLING CODE 6717–01–P

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. CP06–442–000]**

### UGI LNG, Inc.; Notice of Intent To Prepare an Environmental Assessment for the Proposed Temple LNG Plant and Request for Comments on Environmental Issues

October 4, 2006.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental assessment (EA) that will discuss the environmental impacts of the operation of facilities for the Temple LNG Plant involving operation of facilities by UGI LNG, Inc (UGI LNG) in Berks County, Pennsylvania.[1] This EA will be used by the Commission in its decision-making process to determine whether the project is in the public convenience and necessity.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' was attached to the project notice UGI LNG provided to landowners. This fact sheet addresses a number of typically asked questions, including how to participate in the Commission's proceedings. It is available for viewing on the FERC Internet Web site (*http://www.ferc.gov*).

**Summary of the Proposed Project**

UGI LNG seeks authorization to acquire and operate in interstate commerce an existing liquefied natural gas (LNG) peak-shaving facility in Berks County, Pennsylvania, and certain appurtenant pipeline facilities interconnecting with the interstate facilities of Texas Eastern Transmission L.P. The Temple LNG Plant is presently owned by UGI Energy Services, Inc. (UGIES). The existing Temple LNG Plant consists of:

- 250,000 Mcf (73,000 Bbl) storage tank,
- A vaporization system designed to deliver up to 50,000 Dth/d and a liquefier designed to deliver 4,000 Dth/d, and
- Approximately 5,000 feet of 8-inch-diameter pipeline.

No additional land is required since UGI LNG does not propose any new facilities or any modifications to existing facilities. The general location of the project facilities is shown in Appendix 1.[2]

**Land Requirements for Construction**

The existing Temple LNG Plant consists of about 71.59 acres of land. No new facilities would be constructed as part of UGI LNG's application.

**The EA Process**

The National Environmental Policy Act (NEPA) requires the Commission to take into account the environmental impacts that could result from an action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. NEPA also requires us to discover and address concerns the public may have about proposals. This process is referred to as ''scoping''. The main goal of the scoping process is to focus the analysis in the EA on the important environmental issues. By this Notice of Intent, the Commission staff requests public comments on the scope of the issues to address in the EA. All comments received are considered during the preparation of the EA. State and local government representatives are encouraged to notify their constituents of this proposed action and encourage them to comment on their areas of concern.

Because the Temple LNG Plant is an existing facility and no new additions or modifications are proposed, the EA will focus on the operation of the proposed project, the cryogenic design aspects of the plant, and public safety.

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[1] UGI LNG's application was filed with the Commission under section 7 of the Natural Gas Act and Part 157 of the Commission's regulations.

[2] The appendices referenced in this notice are not being printed in the **Federal Register**. Copies of all appendices, other than Appendix 1 (maps), are available on the Commission's Web site at the ''eLibrary'' link or from the Commission's Public Reference Room, 888 First Street, NE., Washington, DC 20426, or call (202) 502–8371. For instructions on connecting to eLibrary refer to the last page of this notice. Copies of the appendices were sent to all those receiving this notice in the mail.

In the EA we[3] will discuss impacts that could occur as a result of the operation of the project under these general headings:

- Geology and soils.
- Land use.
- Air quality and noise.
- Public safety.

We will not discuss impacts to the following resource areas since they are not present in the project area, or would not be affected by the operation of the facilities.

- Water resources.
- Fisheries.
- Wetlands.
- Wildlife.

Our independent analysis of the issues will be in the EA. Depending on the comments received during the scoping process, the EA may be published and mailed to Federal, State, and local agencies, public interest groups, interested individuals, affected landowners, newspapers, libraries, and the Commission's official service list for this proceeding. A comment period will be allotted for review if the EA is published. We will consider all comments on the EA before we make our recommendations to the Commission.

To ensure your comments are considered, please carefully follow the instructions in the public participation section below.

**Currently Identified Environmental Issues**

We have already identified several issues that we think deserve attention based on a preliminary review of the proposed facilities and the environmental information provided by UGI LNG.

- Air and Noise.
- Safety.
- Geology.

**Public Participation**

You can make a difference by providing us with your specific comments or concerns about the project. By becoming a commentor, your concerns will be addressed in the EA and considered by the Commission. You should focus on the potential environmental effects of the proposal, alternatives to the proposal, and measures to avoid or lessen environmental impact. The more specific your comments, the more useful they will be. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send an original and two copies of your letter to: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426.
- Label one copy of the comments for the attention of Gas Branch 3.
- Reference Docket No. CP06–442–000
- Mail your comments so that they will be received in Washington, DC on or before November 6, 2006.

Please note that we are continuing to experience delays in mail deliveries from the U.S. Postal Service. As a result, we will include all comments that we receive within a reasonable time frame in our environmental analysis of this project. However, the Commission strongly encourages electronic filing of any comments or interventions or protests to this proceeding. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site at *http://www.ferc.gov* under the ''e-Filing'' link and the link to the User's Guide. Before you can file comments you will need to create a free account which can be created online.

If you do not want to send comments at this time but still want to remain on our mailing list, please return the Information Request (Appendix 3). If you do not return the Information Request, you will be taken off the mailing list.

**Becoming an Intervenor**

In addition to involvement in the EA scoping process, you may want to become an official party to the proceeding, or ''intervenor''. To become an intervenor you must file a motion to intervene according to Rule 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.214). Intervenors have the right to seek rehearing of the Commission's decision. Motions to Intervene should be electronically submitted using the Commission's eFiling system at *http://www.ferc.gov*. Persons without Internet access should send an original and 14 copies of their motion to the Secretary of the Commission at the address indicated previously. Persons filing Motions to Intervene on or before the comment deadline indicated above must send a copy of the motion to the Applicant. All filings, including late interventions, submitted after the comment deadline must be served on the Applicant and all other intervenors identified on the Commission's service list for this proceeding. Persons on the service list with e-mail addresses may be served electronically; others must be served a hard copy of the filing.

Affected landowners and parties with environmental concerns may be granted intervenor status upon showing good cause by stating that they have a clear and direct interest in this proceeding which would not be adequately represented by any other parties. You do not need intervenor status to have your environmental comments considered.

**Environmental Mailing List**

An effort is being made to send this notice to all individuals, organizations, and government entities interested in and/or potentially affected by the project. This includes all landowners who are right-of-way grantors or who own homes within distances defined in the Commission's regulations of certain aboveground facilities.

**Additional Information**

Additional information about the project is available from the Commission's Office of External Affairs, at 1–866–208–FERC or on the FERC Internet Web site (*http://www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number excluding the last three digits in the Docket Number field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at 1–866–208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission now offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries and direct links to the documents. Go to *http://www.ferc.gov/esubscribenow.htm*.

Finally, public meetings or site visits will be posted on the Commission's calendar located at *http://www.ferc.gov/EventCalendar/EventsList.aspx* along with other related information.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16789 Filed 10–10–06; 8:45 am]

BILLING CODE 6717–01–P

[3] ''We'', ''us'', and ''our'' refer to the environmental staff of the Office of Energy Projects (OEP).

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Notice of Application for Transfer of License and Soliciting Comments, Motions To Intervene, and Protests

October 3, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Application Type:* Transfer of License.

b. *Project No:* 11685–007.

c. *Date Filed:* May 5, 2006.

d. *Applicants:* Stockport Mill Country Inn, Inc. (Transferor) and Stockport Mill Inn, LLC (Transferee).

e. *Name and Location of Project:* The Stockport Project is located at the Muskingum Lock and Dam No. 6 on the Muskingum River, in Morgan County, Ohio.

f. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

g. *Applicant Contact:* For Transferee: Dottie J. Singer, Stockport Mill Inn, LLC, 1995 Broadway Avenue, P.O. Box 478, Stockport, OH 45787.

h. *FERC Contact:* Etta L. Foster (202) 502–8769.

i. *Deadline for filing comments, protests, and motions to intervene:* October 27, 2006.

All documents (original and eight copies) should be filed with Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, 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. Please include the project number (P–11685–007) on any comments, protests, or motions filed. The Commission's Rules of Practice and Procedure require all intervenors filing a document with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the documents on that resource agency.

j. *Description of Application:* Applicants request approval, under Section 8 of the Federal Power Act, of a transfer of license for the Stockport Project No. 11685 from the Stockport Mill Country Inn, Inc. to the Stockport Mill Inn, LLC.

k. This filing is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the project number excluding the last three digits (P–11685) in the docket number field to access the document. For online assistance, contact *FERCOnlineSupport@ferc.gov* or call toll-free (866) 208–3676, for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the addresses in item g.

l. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

m. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

n. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''PROTESTS'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

o. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filling comments, it will be assumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16763 Filed 10–10–06; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

October 4, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12694–000.

c. *Date filed:* June 15, 2006.

d. *Applicant:* Alaska Tidal Energy Company.

e. *Name of Project:* Kachemak Bay Tidal Energy Hydroelectric Project.

f. *Location:* The project would be located in Kachemak Bay, between Anchor Point and Point Pogibshi, in a section of the southern part of Cook Inlet, in Kenai Peninsula Borough, Alaska.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contacts:* Joseph A. Cannon, Pillsbury Winthrop Shaw Pittman LLP, 2300 N Street, NW., Washington, DC 20037, phone: (202)–663–8000, and Charles B. Cooper, TRC Environmental, Boott Mills South, 116 John St., Lowell, MA 01852, phone: (978)–656–3567.

i. *FERC Contact:* Chris Yeakel, (202) 502–8132.

j. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would consist of: (1) 50 to 200 Tidal In Stream Energy Conversion (TISEC) devices consisting of, (2) rotating propeller blades, (3) integrated generators with a capacity of 0.5 to 2.0 MW, (4) anchoring systems, (5) mooring lines, and (6) interconnection transmission lines. The project is estimated to have an annual generation of 8.76 gigawatt-hours per-unit per-year, which would be sold to a local utility.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street NE., Room 2A, Washington DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Competing Preliminary Permit:* Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (*see* 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

o. *Competing Development Application:* Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

p. *Notice of Intent:* A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. *Proposed Scope of Studies under Permit:* A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, 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 ''e-filing'' link. The Commission strongly encourages electronic filing.

s. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', ''COMPETING APPLICATION'' OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16790 Filed 10–10–06; 8:45 am]

**BILLING CODE 6717–01–P**

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

October 4, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No:* 12695–000.

c. *Date filed:* June 15, 2006.

d. *Applicant:* Alaska Tidal Energy Company.

e. *Name of Project:* Icy Passage Tidal Energy Hydroelectric Project.

f. *Location:* The project would be located in Icy Passage and Icy Strait, between Lemesurier Island and Pleasant Island, in Skagway-Hoonah-Angoon Borough, Alaska.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. *Applicant Contacts:* Joseph A. Cannon, Pillsbury Winthrop Shaw Pittman LLP, 2300 N Street, NW., Washington, DC 20037, phone: (202)–663–8000, and Charles B. Cooper, TRC Environmental, Boott Mills South, 116 John St., Lowell, MA 01852, phone: (978)–656–3567.

i. *FERC Contact:* Chris Yeakel, (202) 502–8132.

j. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would consist of: (1) 25 to 50 Tidal In Stream Energy Conversion (TISEC) devices consisting of, (2) rotating propeller blades, (3) integrated generators with a capacity of

0.5 to 2.0 MW, (4) anchoring systems, (5) mooring lines, and (6) interconnection transmission lines. The project is estimated to have an annual generation of 8.76 gigawatt-hours per-unit per-year, which would be sold to a local utility.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street NE., Room 2A, Washington DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Competing Preliminary Permit:* Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

o. *Competing Development Application:* Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

p. *Notice of Intent:* A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. *Proposed Scope of Studies under Permit:* A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, 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 ''e-filing'' link. The Commission strongly encourages electronic filing.

s. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', ''COMPETING APPLICATION'' OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. *Agency Comments:* Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16791 Filed 10–10–06; 8:45 am]

**BILLING CODE 6717–01–P**

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

October 4, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No:* 12696–000.

c. *Date filed:* June 15, 2006.

d. *Applicant:* Alaska Tidal Energy Company.

e. *Name of Project:* Gastineau Channel Tidal Energy Hydroelectric Project.

f. *Location:* The project would be located in Gastineau Channel, between Douglas Island and the Alaskan mainland near the city of Juneau, in Juneau Borough, Alaska.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. *Applicant Contacts:* Joseph A. Cannon, Pillsbury Winthrop Shaw Pittman LLP, 2300 N Street, NW., Washington, DC 20037, phone: (202)–663–8000, and Charles B. Cooper, TRC Environmental, Boott Mills South, 116 John St., Lowell, MA 01852, phone: (978)–656–3567.

i. *FERC Contact:* Chris Yeakel, (202) 502–8132.

j. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would consist of: (1) 50 to 200 Tidal In Stream Energy Conversion (TISEC) devices consisting of, (2) rotating propeller blades, (3) integrated generators with a capacity of 0.5 to 2.0 MW, (4) anchoring systems, (5) mooring lines, and (6) interconnection transmission lines. The project is estimated to have an annual generation of 8.76 gigawatt-hours per-unit per-year, which would be sold to a local utility.

l. Locations of Applications: A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street NE., Room 2A, Washington DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Competing Preliminary Permit:* Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (*see* 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

o. *Competing Development Application:* Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

p. *Notice of Intent:* A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. *Proposed Scope of Studies under Permit:* A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, 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 ''e-filing'' link. The Commission strongly encourages electronic filing.

s. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', ''COMPETING APPLICATION'' OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16792 Filed 10–10–06; 8:45 am]

**BILLING CODE 6717–01–P**

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Notice of Application Accepted for Filing and Soliciting Motions to Intervene, Protests, and Comments

October 4, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 12697–000.

c. *Date filed:* June 15, 2006.

d. *Applicant:* Alaska Tidal Energy Company.

e. *Name of Project:* Wrangell Narrows Tidal Energy Hydroelectric Project

*f. Location:* The project would be located in Wrangell Narrows, between Mitkof Island and the Lindenberg Peninsula and Woewodski Island, in Wrangell-Petersburg Borough, Alaska.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contacts:* Joseph A. Cannon, Pillsbury Winthrop Shaw Pittman LLP, 2300 N Street, NW., Washington, DC 20037, phone: (202) 663–8000, and Charles B. Cooper, TRC Environmental, Boott Mills South, 116 John St., Lowell, MA 01852, phone: (978) 656–3567.

i. *FERC Contact:* Chris Yeakel, (202) 502–8132.

j. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor

files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would consist of: (1) 25 to 50 Tidal In Stream Energy Conversion (TISEC) devices consisting of, (2) rotating propeller blades, (3) integrated generators with a capacity of 0.5 to 2.0 MW, (4) anchoring systems, (5) mooring lines, and (6) interconnection transmission lines. The project is estimated to have an annual generation of 8.76 gigawatt-hours per-unit per-year, which would be sold to a local utility.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov*. For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Competing Preliminary Permit:* Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

o. *Competing Development Application:* Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

p. *Notice of Intent:* A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. *Proposed Scope of Studies under Permit:* A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, 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 ''e-filing'' link. The Commission strongly encourages electronic filing.

s. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', ''COMPETING APPLICATION'' OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16793 Filed 10–10–06; 8:45 am]

**BILLING CODE 6717–01–P**

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Notice of Application Accepted for Filing and Soliciting Motions To Intervene, Protests, and Comments

October 4, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Preliminary Permit.

b. *Project No:* 12705–000.

c. *Date filed:* June 28, 2006.

d. *Applicant:* Alaska Tidal Energy Company.

e. *Name of Project:* Central Cook Inlet Tidal Energy Hydroelectric Project.

f. *Location:* The project would be located in Cook Inlet, between West Foreland and East Foreland townships, in Kenai Peninsula Borough, Alaska.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)—825(r).

h. *Applicant Contacts:* Joseph A. Cannon, Pillsbury Winthrop Shaw Pittman LLP, 2300 N Street, NW., Washington, DC 20037, phone: (202) 663–8000, and Charles B. Cooper, TRC Environmental, Boott Mills South, 116 John St., Lowell, MA 01852, phone: (978) 656–3567.

i. *FERC Contact:* Chris Yeakel, (202) 502–8132.

j. *Deadline for filing comments, protests, and motions to intervene:* 60 days from the issuance date of this notice.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Project:* The proposed project would consist of: (1) 100 to 500 Tidal In Stream Energy Conversion (TISEC) devices consisting of, (2) rotating propeller blades, (3) integrated generators with a capacity of 0.5 to 2.0 MW, (4) anchoring systems, (5) mooring lines, and (6) interconnection transmission lines. The project is estimated to have an annual generation of 8.76 gigawatt-hours per-unit per-year, which would be sold to a local utility.

l. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street NE., Room 2A, Washington DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov*. For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Competing Preliminary Permit:* Anyone desiring to file a competing application for preliminary permit for a proposed project must submit the competing application itself, or a notice of intent to file such an application, to the Commission on or before the specified comment date for the particular application (see 18 CFR 4.36). Submission of a timely notice of intent allows an interested person to file the competing preliminary permit application no later than 30 days after the specified comment date for the particular application. A competing preliminary permit application must conform with 18 CFR 4.30(b) and 4.36.

o. *Competing Development Application:* Any qualified development applicant desiring to file a competing development application must submit to the Commission, on or before a specified comment date for the particular application, either a competing development application or a notice of intent to file such an application. Submission of a timely notice of intent to file a development application allows an interested person to file the competing application no later than 120 days after the specified comment date for the particular application. A competing license application must conform with 18 CFR 4.30(b) and 4.36.

p. *Notice of Intent:* A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit, if such an application may be filed, either a preliminary permit application or a development application (specify which type of application). A notice of intent must be served on the applicant(s) named in this public notice.

q. *Proposed Scope of Studies under Permit:* A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

r. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Comments, 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 ''e-filing'' link. The Commission strongly encourages electronic filing.

s. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', ''COMPETING APPLICATION'' OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

t. *Agency Comments:* Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16794 Filed 10–10–06; 8:45 am]

**BILLING CODE 6717–01–P**

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## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Notice of Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Protests

October 4, 2006.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Competing Preliminary Permit.

b. *Project No:* 12742–000.

c. *Date Filed:* September 20, 2006.

d. *Applicant:* City of Port Townsend, Washington.

e. *Name of Project:* Admiralty Inlet Tidal Energy Project.

f. *Location:* The project would be located under water in a section of Admiralty Inlet in the Puget Sound in Island, Jefferson and Kitsap Counties, Washington. Admiralty Inlet lies between the Olympic Peninsula on the mainland of the State of Washington and Whidbey Island in the Puget Sound.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contacts:* Mr. David Timmons, City Manager, City of Port Townsend, 250 Madison Street, Port Townsend, WA 98368. Phone: (360)–379–5047.

i. *FERC Contact:* Mr. Chris Yeakel, (202)–502–8132.

j. *Deadline for filing motions to intervene, protests and comments:* 30 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: Magalie R. Salas, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, 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. Please include the project number (P–12742–000) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person in the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Competing Application:* Project No. 12690–000, Date Filed: June 15, 2006, Notice Issued: June 22, 2006, Due Date: August 22, 2006.

l. *Description of Project:* The proposed project would consist of: (1) 450 Tidal In Stream Energy Conversion (TISEC) devices consisting of, (2) rotating propeller blades 20 meters in diameter, (3) integrated generators with a capacity of 50 kW, (4) anchoring systems, (5) mooring lines, and (6) interconnection transmission lines. The project is estimated to have an annual generation of 146.2 gigawatt-hours per-year, which would be used within city limits or service area limits.

m. *Locations of Applications:* A copy of the application is available for inspection and reproduction at the Commission in the Public Reference Room, located at 888 First Street NE., Room 2A, Washington DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or e-mail *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item h above.

n. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

o. *Proposed Scope of Studies under Permit:* A preliminary permit, if issued, does not authorize construction. The term of the proposed preliminary permit would be 36 months. The work proposed under the preliminary permit would include economic analysis, preparation of preliminary engineering plans, and a study of environmental impacts. Based on the results of these studies, the Applicant would decide whether to proceed with the preparation of a development application to construct and operate the project.

p. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

q. *Filing and Service of Responsive Documents:* Any filings must bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Comments, 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

r. *Agency Comments:* Federal, State, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

**Magalie R. Salas,**

*Secretary.*

[FR Doc. E6–16795 Filed 10–10–06; 8:45 am]

**BILLING CODE 6717–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–8229–9]**

## Science Advisory Board Staff Office; Notification of a Public Meeting of the Science Advisory Board Environmental Economics Advisory Committee

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The EPA's Science Advisory Board (SAB) Staff Office is announcing a public teleconference of the SAB Environmental Economics Advisory Committee (EEAC) to discuss the valuation of mortality risk reduction.

**DATES:** The teleconference will be held from 11 am—1 pm (EST) on October 30, 2006.

**FOR FURTHER INFORMATION CONTACT:** Any member of the public wishing further information regarding the public teleconference and call-in number may contact Dr. Holly Stallworth, Designated Federal Officer (DFO), U.S. EPA Science Advisory Board Staff Office by telephone/voice mail at (202) 343–9867, or via e-mail at *stallworth.holly@epa.gov*. The SAB mailing address is: U.S. EPA, Science Advisory Board (1400F), 1200 Pennsylvania Avenue, NW., Washington, DC 20460. General information about the SAB, as well as any updates concerning the meeting announced in this notice, may be found in the SAB Web site at: *http://www.epa.gov/sab*. The technical contact for EPA's work on valuing mortality risk reduction is Dr. Chris Dockins who may be reached at (202) 566–2286 or *dockins.chris@epa.gov*.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Federal Advisory Committee Act, Public Law 92–463, notice is hereby given that the SAB Environmental Economics Advisory Committee will hold a public teleconference to discuss appropriate methods for valuing mortality risks in the context of cost-benefit analysis. The EEAC will be

augmented by economists from the chartered Science Advisory Board as well as the Advisory Council on Clean Air Compliance Analysis. The SAB was established by 42 U.S.C. 4365 to provide independent scientific and technical advice to the Administrator on the technical basis for Agency positions and regulations. The SAB is a Federal Advisory Committee chartered under the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C., App. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

*Background:* Background information on this advisory was published in 71 FR 48546 (August 21, 2006). This teleconference follows a face-to-face meeting of the EEAC on September 14–15, 2006. At this meeting, EEAC discussed two papers related to valuing mortality risk reduction. These papers are posted at *http://yosemite.epa.gov/EE/epa/eerm.nsf/vwRepNumLookup/EE–0494?OpenDocument* and *http://yosemite.epa.gov/EE/epa/eerm.nsf/vwRepNumLookup/EE–0495?OpenDocument*. On the October 30, 2006 teleconference, EEAC members will discuss draft comments to be written in response to the Agency's charge (posted at *http://www.epa.gov/sab/panels/eeac_adv_val_mortal_rick_reduc.htm*).

*Availability of Meeting Materials:* Materials in support of this meeting will be placed on the SAB Web site at: *http://www.epa.gov/sab/* in advance of this meeting.

*Procedures for Providing Public Input:* Interested members of the public may submit relevant written or oral information for the SAB to consider during the advisory process. *Oral Statements:* In general, individuals or groups requesting an oral presentation at a public teleconference will be limited to five minutes per speaker, with no more than a total of one hour for all speakers. Interested parties should contact Dr. Stallworth, DFO, at the contact information noted above, by October 17, 2006, to be placed on the public speaker list for the October 30, 2006 teleconference. *Written Statements:* Written statements should be received in the SAB Staff Office by October 17, 2006, so that the information may be made available to the SAB for their consideration prior to this teleconference. Written statements should be supplied to the DFO in the following formats: one hard copy with original signature, and one electronic copy via e-mail to *stallworth.holly@epa.gov* (acceptable file format: Adobe Acrobat PDF, WordPerfect, MS Word, MS PowerPoint, or Rich Text files in IBM-PC/Windows 98/2000/XP format).

*Meeting Access:* For information on access or services for individuals with disabilities, please contact Dr. Stallworth at (202) 343–9867 or *stallworth.holly@epa.gov*. To request accommodation of a disability, please contact Dr. Stallworth, preferably at least 10 days prior to the meeting to give EPA as much time as possible to process your request.

Dated: October 2, 2006.

**Anthony F. Maciorowski,**

*Associate Director of Science, EPA Science Advisory Board Staff Office.*

[FR Doc. E6–16811 Filed 10–10–06; 8:45 am]

**BILLING CODE 6560–50–P**

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## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPP–2005–0545; FRL–8097–5]**

## Notice of Filing of Pesticide Petitions for Establishment or Amendment to Regulations for Residues of Lambda-Cyhalothrin in or on Pistachio

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces the initial filing of pesticide petitions proposing the establishment or amendment of regulations for residues of pesticide chemicals in or on various commodities.

**DATES:** Comments must be received on or before November 13, 2006.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2005–0545 and pesticide petition number (PP 6E7077), by one of the following methods:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket telephone number is (703) 305–5805.

*Instructions*: Direct your comments to docket ID number EPA–HQ–OPP–2005–0545. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The Federal regulations.gov website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. 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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket*: All documents in the docket are listed in the docket index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305–5805.

**FOR FURTHER INFORMATION CONTACT:** Barbara Madden, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703)

305–6463; e-mail: *madden.barbara@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 code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 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 at the end of the pesticide petition summary of interest.

*B. What Should I Consider as I Prepare My Comments for EPA?*

1. *Submitting CBI*. Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, 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 claimed as CBI. In addition to one complete version of the comment that includes 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. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments*. When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

## II. What Action is the Agency Taking?

EPA is printing a summary of a pesticide petition received under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or amendment of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. EPA has determined that this pesticide 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 pesticide petition. Additional data may be needed before EPA rules on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition included in this notice, prepared by the petitioner along with a description of the analytical method available for the detection and measurement of the pesticide chemical residues is available on EPA's Electronic Docket at *http://www.regulations.gov*. To locate this information on the home page of EPA's Electronic Docket, select ''Quick Search'' and type the OPP docket ID number. Once the search has located the docket, clicking on the ''Docket ID'' will bring up a list of all documents in the docket for the pesticide including the petition summary.

### New Tolerance

*PP 6E7077*. Interregional Research Project #4 (IR-4), Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, proposes to establish a tolerance for residues of the insecticide lambda-cyhalothrin, 1:1 mixture of (S)-α-cyano-3-phenoxybenzyl-(Z)-(1R,3R)-3-(2-chloro-3,3,3- trifluoroprop-1-enyl)-2,2-dimethylcyclopropanecarboxylate and (R)-α-cyano-3-phenoxybenzyl-(Z)-(1S,3S)-3-(2-chloro-3,3,3- trifluoroprop-1-enyl)-2,2-dimethylcyclopropanecarboxylate and its epimer expressed as epimer of lambda-cyhalothrin, a 1:1 mixture of (S)-α-cyano-3-phenoxybenzyl-(Z)-(1S,3S)-3-(2-chloro-3,3,3-trifluoroprop-1-enyl)-2,2-dimethylcyclopropanecarboxylate and (R)-α-cyano-3- phenoxybenzyl-(Z)-(1R,3R)-3-(2-chloro-3,3,3- trifluoroprop-1-enyl)-2,2-dimethylcyclopropanecarboxylate in or on food commodity pistachio at 0.05 parts per million (ppm). Gas liquid chromatography with a electron capture detector is used to measure and evaluate the chemical residue.

### List of Subjects

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 29, 2006.

**Lois Rossi,**

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

[FR Doc. E6–16592 Filed 10–10–06; 8:45 am]

BILLING CODE 6560–50–S

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## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPP–2006–0821; FRL–8098–1]**

## Notice of Filing of Pesticide Petitions for Establishment or Amendment to Regulations for Residues of Buprofezin in or on Various Commodities

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces the initial filing of pesticide petitions proposing the establishment or amendment of regulations for residues of pesticide chemicals in or on various commodities.

**DATES:** Comments must be received on or before November 13, 2006.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2006–0821 and pesticide petition number *(PP 5E6979, PP 5E6980, or PP 5E6981)*, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail*: Office of Pesticide Programs (OPP) Public Regulatory Docket (7502P),

Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.

• *Delivery*: OPP Public Regulatory Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Drive, Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket telephone number is (703) 305–5805.

*Instructions*: Direct your comments to docket ID number EPA–HQ–OPP–2006–0821. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The Federal regulations.gov website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD-ROM you submit. 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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket*: All documents in the docket are listed in the docket index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Public Regulatory Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Drive, Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305–5805.

**FOR FURTHER INFORMATION CONTACT:** Barbara Madden, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–6463; e-mail address: *madden.barbara@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 code 111).
• Animal production (NAICS code 112).
• Food manufacturing (NAICS code 311).
• Pesticide manufacturing (NAICS code 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. What Should I Consider as I Prepare My Comments for EPA?*

1. *Submitting CBI*. Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, 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 claimed as CBI. In addition to one complete version of the comment that includes 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. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments*. When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

## II. What Action is the Agency Taking?

EPA is printing a summary of each pesticide petition received under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or amendment of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. EPA has determined that this pesticide 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 pesticide petition. Additional data may be needed before EPA rules on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition included in this notice, prepared by the petitioner along with a description of the analytical method available for the detection and measurement of the pesticide chemical residues is available on EPA's Electronic Docket at *http://www.regulations.gov*. To locate this information on the home page of EPA's Electronic Docket, select ''Quick Search'' and type the OPP docket ID number. Once the search has located the docket, clicking on the ''Docket ID'' will bring up a list of all

documents in the docket for the pesticide including the petition summary.

**New Tolerances**

1. *PP 5E6979.* Interregional Research Project #4 (IR-4), Rutgers, The State University of New Jersey,500 College Road East, Suite 201 W, Princeton, NJ 08540, proposes to establish a tolerance for residues of the insecticide buprofezin (2-[(1,1-dimethylethyl)imino]tetrahydro-3-(1-methylethyl)-5- phenyl-4H-1,3,5-thiadiazin-4-one) in or on food commodities fruit, stone, group 12 (except peaches and nectarines) at 2.0 parts per million (ppm).

2. *PP 5E6980.* Interregional Research Project #4 (IR-4), Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ 08540, proposes to establish a tolerance for residues of the insecticide buprofezin (2-[(1,1-dimethylethyl)imino]tetrahydro-3-(1-methylethyl)-5- phenyl-4H-1,3,5-thiadiazin-4-one) in or on food commodities black sapote, canistel, mamey sapote, mango, papaya, sapodilla, and star apple, at 0.80 ppm.

**Amendment to Existing Tolerances**

*PP 5E6981.* Interregional Research Project #4 (IR–4), Rutgers, The State University of New Jersey, 500 College Road East, Suite 201 W, Princeton, NJ, proposes to amend the tolerances in 40 CFR 180.511 for residues of the insecticide buprofezin (2-[(1,1-dimethylethyl)imino]tetrahydro-3-(1-methylethyl)-5- phenyl-4H-1,3,5-thiadiazin-4-one) in or on the food commodities grapes at 0.80 ppm and grape, raisin at 1.2 ppm.

For all three petitions *(PP 5E6979, 5E6980 and 5E6981)* the analytical method of gas chromatography using nitrogen phosphorous detection is used to measure and evaluate the chemical residue(s).

**List of Subjects**

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 28, 2006.

**Lois Rossi,**

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

[FR Doc. E6–16690 Filed 10–10–06; 8:45 am]

BILLING CODE 6560–50–S

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPP–2006–0524; FRL–8097–6]**

## Notice of Filing of a Pesticide Petition for Establishment or Amendment to Regulations for Residues of Oxytetracyline in or on Apples

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** This notice announces the initial filing of a pesticide petition proposing the establishment or amendment of regulations for residues of the fungicide, oxytetracyline in or on apples.

**DATES:** Comments must be received on or before November 13, 2006.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2006–0524 and pesticide petition number (PP) 7E4855, by one of the following methods:

- *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation (8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for deliveries of boxed information. The Docket telephone number is (703) 305-5805.

*Instructions*: Direct your comments to docket ID number EPA–HQ–OPP–2006–0524. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The Federal regulations.gov website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. 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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket*: All documents in the docket are listed in the docket index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov,* or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Building), 2777 S. Crystal Drive, Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305–5805.

**FOR FURTHER INFORMATION CONTACT:** Barbara Madden, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number (703) 305–6463; e-mail address: *madden.barbara@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 code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 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. What Should I Consider as I Prepare My Comments for EPA?*

1. *Submitting CBI*. Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, 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 claimed as CBI. In addition to one complete version of the comment that includes 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. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments*. When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

**II. What Action is the Agency Taking?**

EPA is printing a summary of a pesticide petition received under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, proposing the establishment or amendment of regulations in 40 CFR part 180 for residues of the fungicide, oxytetracyline in or on apples. EPA has determined that this pesticide 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 pesticide petition. Additional data may be needed before EPA rules on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition included in this notice, prepared by the petitioner along with a description of the analytical method available for the detection and measurement of the pesticide chemical residues is available on EPA's Electronic Docket at *http://www.regulations.gov*. To locate this information on the home page of EPA's Electronic Docket, select ''Quick Search'' and type the OPP docket ID number. Once the search has located the docket, clicking on the ''Docket ID'' will bring up a list of all documents in the docket for the pesticide including the petition summary.

**New Tolerance**

*(PP) 7E4855*. Interregional Research Project #4 (IR–4), 500 College Rd., East, Princeton, NJ 08540, proposes to establish a tolerance for residues of the fungicide, oxytetracycline in or on food commodity apple at 0.35 parts per million (ppm). HWI Method MR–OPAP–MA with modifications is used to measure and evaluate oxytetracycline residues. The method is adapted from Pfizer Method STP No. 012.14 entitled *Microbiological Agar Diffusion Assy for Oxytetracycline in Fruit Extract* and Hazelton Method OTCF entitled *Oxytetracycline in Feeds* which is published in Official Methods of Analysis of the AOAC, 15th Edition as Method 968.50. The method is similar to Final Action Microbiological Methods I and II in the AOAC Official Methods of Analysis (1984; 42.293-42.298).

**List of Subjects**

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: September 28, 2006.

**Lois Rossi,**

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

[FR Doc. E6–16691 Filed 10–10–06; 8:45 am]

BILLING CODE 6560–50–S

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPP–2002–0302; FRL–8096–7]**

## Petition to Revoke Tolerances Established for Dichlorvos

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA is seeking public comment on a June 2, 2006, petition from the Natural Resources Defense Council (NRDC), available in docket (ID) number EPA–HQ–OPP–2002–0302, requesting that the Agency revoke all tolerances for the pesticide dichlorvos (DDVP). The petitioner, NRDC, requests this action to obtain what they believe would be proper application of the safety standards of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Federal Food, Drug, and Cosmetic Act (FFDCA), section 408, as amended by the Food Quality Protection Act (FQPA) of 1996. The DDVP Interim Reregistration Eligibility Decision (IRED) is available in the electronic docket at *http://www.regulations.gov*, or at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA.

**DATES:** Comments must be received on or before November 13, 2006.

**ADDRESSES:** Submit your comments, identified by docket ID number EPA–HQ–OPP–2002–0302, by one of the following methods:

- *Federal eRulemaking Portal*: *http://www.regulations.gov*. Follow the on-line instructions for submitting comments.
- *Mail*: Office of Pesticide Programs (OPP) Regulatory Public Docket (7502P), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001.
- *Delivery*: OPP Regulatory Public Docket (7502P), Environmental Protection Agency, Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. Deliveries are only accepted during the Docket's normal hours of operation 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays). Special arrangements should be made for

deliveries of boxed information. The Docket telephone number is (703) 305–5805.

*Instructions*: Direct your comments to docket ID number EPA–HQ–OPP–2002–0302. EPA's policy is that all comments received will be included in the docket without change and may be made available on-line at *http://www.regulations.gov*, including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through regulations.gov or e-mail. The Federal regulations.gov website is an ''anonymous access'' system, which means EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an e-mail comment directly to EPA without going through regulations.gov, your e-mail address will be automatically captured and included as part of the comment that is placed in the docket and made available on the Internet. If you submit an electronic comment, EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. 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. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

*Docket*: All documents in the docket are listed in the docket index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation of this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket telephone number is (703) 305–5805.

**FOR FURTHER INFORMATION CONTACT:**

Dayton Eckerson, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8038; fax number: (703) 308–8005; e-mail address: *eckerson.dayton@epa.gov*.

**SUPPLEMENTARY INFORMATION:**

## I. General Information

### *A. Does this Action Apply to Me?*

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this 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. What Should I Consider as I Prepare My Comments for EPA?*

1. *Submitting CBI*. Do not submit this information to EPA through regulations.gov or e-mail. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD ROM that you mail to EPA, 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 claimed as CBI. In addition to one complete version of the comment that includes 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. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments*. When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

## II. What Action is the Agency Taking?

EPA requests public comment during the next 30 days on a petition (available in docket ID number EPA–HQ–OPP–2002–0302) received from the NRDC requesting that the Agency revoke all tolerances, or maximum legal residue limits for the pesticide DDVP. The petitioner claims that EPA erred in making its safety finding that there is a reasonable certainty of no harm from dietary residues of DDVP and, therefore, EPA must revoke all tolerances established under section 408 of the FFDCA, as amended by the FQPA. In addition, NRDC is petitioning the Agency to cancel all uses of DDVP because NRDC believes DDVP cannot perform its intended function without causing unreasonable adverse affects on the environment. See 136 *et seq.* of FIFRA. NRDC filed its petition in pursuant to section 408(d) of FFDCA. EPA's assessment of human health and environmental risks of DDVP, and finding on whether the tolerances for DDVP comply with the safety standard in FFDCA section 408, as amended by FQPA, are contained in the IRED document for DDVP, which is available in the electronic docket at *http://www.regulations.gov*, or at the OPP Regulatory Public Docket in Rm. S–4400, One Potomac Yard (South Bldg.), 2777 S. Crystal Dr., Arlington, VA.

## List of Subjects

Environmental protection, Pesticides and pests.

Dated: September 28, 2006.

**Debra Edwards,**

*Director, Special Review and Reregistration Division, Office of Pesticide Programs.*

[FR Doc. E6–16484 Filed 10–10–06; 8:45 a.m.]

BILLING CODE 6560–50–S

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPP–2004–0404; FRL–8096–8]**

## Pesticides; Availability of Schedule for Registration Review

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA is announcing the availability of a schedule for the registration review of pesticides mandated in section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). EPA is making the schedule available pursuant to the Registration Review procedural regulations, to inform the public and help interested stakeholders prepare for the initiation of the registration reviews scheduled for the first four years of the program. To develop the schedule, EPA used procedures set forth in the August 9, 2006 final rule. The schedule shows how the Agency plans to sequence pesticide reviews to meet the goal of reviewing each pesticide's registration every 15 years. Although there is not a comment period for this schedule, the Agency may consider issues raised by the public or the registrant when reviewing the posted schedule, to schedule a pesticide registration review, or to modify the schedule of a pesticide registration review as appropriate. This schedule will take effect on October 10, 2006, the effective date of the registration review regulation.

**FOR FURTHER INFORMATION CONTACT:** Kennan Garvey, Special Review and Reregistration Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 305–7106; fax number: (703) 308–8005; e-mail address: *garvey.kennan@epa.gov*.

**SUPPLEMENTARY INFORMATION:**

### I. General Information

*A. Does this Action Apply to Me?*

You may be potentially affected by this action if you hold pesticide registrations. Pesticide users or other persons interested in the regulation of the sale, distribution, or use of pesticides may also be interested in this action.

Potentially affected entities may include, but are not limited to:

Producers of pesticide products (NAICS code 32532).

Producers of antifoulant paints (NAICS code 32551).

Producers of antimicrobial pesticides (NAICS code 32561).

Producers of nitrogen stabilizer products (NAICS code 32531).

Producers of wood preservatives (NAICS code 32519).

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. To determine whether you or your business may be affected by this action, you should carefully examine the applicability provisions in § 155.40 of the regulatory text of the **Federal Register** of August 9, 2006 (71 FR 45720–45734)(FRL– 8080–4). 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 a docket for this action under docket identification (ID) number EPA–HQ–OPP–2004–0404. Publicly available docket materials are available either in the electronic docket at *http://www.regulations.gov*, or, if only available in hard copy, at the Office of Pesticide Programs (OPP) Regulatory Public Docket in Rm. S-4400, One Potomac Yard (South Building), 2777 S. Crystal Drive Arlington, VA. The hours of operation of this Docket Facility are 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/*.

### II. Background

*A. What Action is the Agency Taking?*

EPA has issued a schedule for the registration review program, the periodic review of all registered pesticides mandated by section 3(g) of FIFRA. The schedule will take effect upon the registration review regulation effective date of October 10, 2006.

This schedule is a timetable for opening registration review dockets for the first four years of the program. It shows how EPA plans to sequence the initiation of pesticide reviews to meet the statutory goal of reviewing all registered pesticides every 15 years to determine whether they still meet the statutory standard for registration. As noted in the explanation of the schedule, EPA expects a total of about 676 registration review cases comprised of about 1,075 pesticide active ingredients to undergo registration review. To review all of these pesticides every 15 years, the Agency plans to make decisions on 45 or more registration review cases, or about 70 pesticide active ingredients, each year.

The schedule shows which registration review cases are expected to begin the review process during the first four years of the program, beginning in fiscal year 2007. Each pesticide's place on the schedule is generally determined by its baseline date, that is, the date of its last substantive review. The oldest cases go first. The baseline date for a pesticide subject to reregistration is the date of the Reregistration Eligibility Decision (RED) or Interim RED, while for pesticides not subject to reregistration, it is the date the first product containing the active ingredient was registered. Although the draft schedule generally is constructed chronologically using baseline dates, some registration review cases in years two through four are grouped in the schedule to achieve greater program efficiencies. For example, pesticides that are chemically or use related, such as the organophosphate and carbamate chemical classes, the coppers group and the pyrethroids, pyrethrins and synergists group, would be reviewed during the same time frame.

Background information on the program is provided at:

*http://www.epa.gov/oppsrrd1/registration_review/*

An explanation of the schedule is at:

*http://www.epa.gov/oppsrrd1/registration_review/explanation.htm*

The schedule is at:

*http://www.epa.gov/oppsrrd1/registration_review/schedule.htm.*

*B. What is the Agency's Authority for Taking this Action?*

EPA is announcing this schedule as provided in § § 155.42(d) and 155.44 of the Procedural Regulations for Registration Review: Final Rule *http://www.epa.gov/fedrgstr/EPA-PEST/2006/August/Day–09/p12904.htm)*. In general, the Agency may consider issues raised by the public or the registrant when reviewing a posted schedule, to schedule a pesticide registration review, or to modify the schedule of a pesticide registration review as appropriate. This schedule will be updated at least annually.

**List of Subjects**

Environmental protection, Agricultural commodities, Pesticides and pests.

Dated: September 26, 2006.

**Debra Edwards,**

*Director, Special Review and Reregistration Division, Office of Pesticide Programs.*

[FR Doc. E6–16483 Filed 10–10–06; 8:45 am]

BILLING CODE 6560–50–S

## FARM CREDIT ADMINISTRATION

### Farm Credit Administration Board; Regular Meeting, Sunshine Act

**AGENCY:** Farm Credit Administration.

**SUMMARY:** Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the regular meeting of the Farm Credit Administration Board (Board).

Date and Time: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on October 12, 2006, from 9 a.m. until such time as the Board concludes its business.

**FOR FURTHER INFORMATION CONTACT:** Roland E. Smith, Secretary to the Farm Credit Administration Board, (703) 883–4009, TTY (703) 883–4056.

**ADDRESSES:** Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

**SUPPLEMENTARY INFORMATION:** Parts of this meeting of the Board will be open to the public (limited space available), and parts will be closed to the public. In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

**Open Session**

*A. Approval of Minutes*

- September 14, 2006 (Open and Closed).

*B. New Business*

1. Regulations

- Regulatory Burden—Final Rule.

2. Reports

- OE Quarterly Report on FCS Condition.

**Closed Session***

- Update on OE Oversight Activities.
- Overview of OE FY 2007 Oversight and Examination Plan.

Dated: October 6, 2006.

**Roland E. Smith,**

*Secretary, Farm Credit Administration Board.*

*Session Closed—Exempt pursuant to 5 U.S.C. 552b(c)(8) and (9).

[FR Doc. 06–8633 Filed 10–6–06; 12:40 pm]

BILLING CODE 6705–01–P

## FEDERAL COMMUNICATIONS COMMISSION

### Notice of Public Information Collection(s) Being Reviewed by the Federal Communications Commission for Extension Under Delegated Authority

October 4, 2006.

**SUMMARY:** The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act (PRA) of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

**DATES:** Written Paperwork Reduction Act (PRA) comments should be submitted on or before December 11, 2006. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** You may submit your all Paperwork Reduction Act (PRA) comments by email or U.S. postal mail. To submit your comments by e-mail send them to *PRA@fcc.gov*. To submit your comments by U.S. mail, mark them to the attention of Cathy Williams, Federal Communications Commission, Room 1–C823, 445 12th Street, SW., Washington, DC 20554.

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection(s) send an e-mail to *PRA@fcc.gov* or contact Cathy Williams at (202) 418–2918.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060–0945.

*Title:* Section 79.2, Accessibility of Programming Providing Emergency Information.

*Form Number:* Not applicable.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit entities; Not-for-profit institutions; State, local or tribal government.

*Number of Respondents:* 200.

*Estimated Time per Response:* 1 hour–2 hours.

*Frequency of Response:* On occasion reporting requirement.

*Total Annual Burden:* 250 hours.

*Total Annual Cost:* $5,000.

*Privacy Impact Assessment:* No impact(s).

*Needs and Uses:* 47 CFR 79.2 requires any broadcast station or multiple video programming distributor (MVPD) that provides local emergency information as part of a regularly scheduled newscast, or as part of a newscast that interrupts regularly scheduled programming, to make the critical details of the information accessible to persons with visual disabilities in the affected local area. In addition, any broadcast station or MVPD that provides emergency information through a crawl or scroll must accompany that information with an aural tone to alert persons with visual disabilities that the station or MVPD is providing this information. Under 47 CFR 79.2(c), a complaint alleging a violation of this section may be transmitted to the Commission by any reasonable means that would best accommodate the complainant's disability. The complaint should include the name of the video programming distributor against whom the complaint is alleged, the date and time of the omission of emergency information, and the type of emergency. The Commission will notify the video programming distributor of the complaint, and the distributor will reply to the complaint within 30 days.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. E6–16829 Filed 10–10–06; 8:45 am]

BILLING CODE 6712–10–P

## FEDERAL COMMUNICATIONS COMMISSION

### Public Information Collections Approved by Office of Management and Budget

October 2, 2006.

**SUMMARY:** The Federal Communications Commission (Commission) has received Office of Management and Budget (OMB) approval for the following public information collections pursuant to the Paperwork Reduction Act of 1995, Public Law 104–13. 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.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Laurenzano, Federal Communications Commission, 445 12th Street, SW., Washington, DC 20554, (202) 418–1359 or via the Internet at *plaurenz@fcc.gov.*

**SUPPLEMENTARY INFORMATION:**

*OMB Control No.:* 3060–0921.

*OMB Approval Date:* 09/13/2006.

*Expiration Date:* 09/30/2009.

*Title:* Petitions for LATA Boundary Modification for the Deployment of Advanced Services.

*Form No.:* N/A.

*Estimated Annual Burden:* 1 response; 8 total annual burden hours.

*Needs and Uses:* Bell Operating Companies (BOCs) that petition for LATA boundary modifications to encourage the deployment of advanced service on a reasonable and timely basis are requested to include information in accordance with specified criteria. The Commission will use this information to review the petitions.

*OMB Control No.:* 3060–0710.

*OMB Approval Date:* 09/21/2006.

*Expiration Date:* 12/31/2006.

*Title:* Part 36—Separations.

*Form No.:* N/A.

*Estimated Annual Burden:* 5,788 responses; 58,418 total annual burden hours.

*Needs and Uses:* In order to allow determination of the study areas that are entitled to an expense adjustment, and the wire centers that are entitled to high-cost universal service support, incumbent and competitive telecommunications carriers must provide certain data to the National Exchange Carrier Association or the Universal Service Administrative Company annually and/or quarterly. Local telecommunications carriers who want to participate in the federal universal service support program must make certain informational showings to demonstrate eligibility.

Federal Communications Commission.

**Marlene H. Dortch,**

*Secretary.*

[FR Doc. E6–16831 Filed 10–10–06; 8:45 am]

BILLING CODE 6712–01–P

## FEDERAL COMMUNICATIONS COMMISSION

### Sunshine Act Meeting; Open Commission Meeting Thursday, October 12, 2006

October 5, 2006.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, October 12, 2006, which is scheduled to commence at 9:30 a.m. in Room TW–C305, at 445 12th Street, SW., Washington, DC.

| Item No. | Bureau | Subject |
|---|---|---|
| 1 | Media | *Title:* Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming.<br>*Summary:* The Commission will consider a Notice of Inquiry that seeks comments and information for the Thirteenth Annual Report on the status of competition in the market for the delivery of video programming. |
| 2 | Wireless Telecommunications | *Title:* Qualcomm Incorporated Petition for Declaratory Ruling (WT Docket No. 05–7).<br>*Summary:* The Commission will consider an Order concerning a request for declaratory ruling regarding the interference protection requirements applicable to the 700 MHz Band. |
| 3 | Office of Engineering and Technology | *Title:* Unlicensed Operation in the TV Broadcast Bands (ET Docket No. 04–186).<br>*Summary:* The Commission will consider a First Report and Order and Further Notice of Proposed Rule Making concerning new wireless operations in the TV broadcast bands. |
| 4 | Wireline Competition | *Title:* AT&T Inc. and BellSouth Corporation Application for Transfer of Control (WC Docket No. 06–74).<br>*Summary:* The Commission will consider a Memorandum Opinion and Order regarding the transfer of control application of AT&T and BellSouth. |
| 5 | Wireline Competition | *Title:* Broadband Industry Practices.<br>*Summary:* The Commission will consider a Notice of Inquiry regarding broadband industry practices. |

Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Include a description of the accommodation you will need including as much detail as you can. Also include a way we can contact you if we need more information. Make your request as early as possible; please allow at least 5 days advance notice. Last minute requests will be accepted, but may be impossible to fill. Send an e-mail to: *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).

Additional information concerning this meeting may be obtained from Audrey Spivack or David Fiske, Office of Media Relations, (202) 418–0500; TTY 1–888–835–5322. Audio/Video coverage of the meeting will be broadcast live with open captioning over the Internet from the FCC's Audio/Video Events Web page at *http://www.fcc.gov/realaudio.*

For a fee this meeting can be viewed live over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. To purchase these services, call (703) 993–3100 or go to *http://www.capitolconnection.gmu.edu.*

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, Best Copy and Printing, Inc. (202) 488–5300; Fax (202) 488–5563; TTY (202) 488–5562. These copies are available in paper format and alternative media, including large print/type; digital disk; and audio and video tape. Best Copy and Printing, Inc. may be reached by e-mail at *FCC@BCPIWEB.com.*

Federal Communications Commission.

**William F. Caton,**

*Deputy Secretary.*

[FR Doc. 06–8639 Filed 10–6–06; 2:18 pm]

BILLING CODE 6712–01–P

## FEDERAL RESERVE SYSTEM

### Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than October 24, 2006.

**A. Federal Reserve Bank of Dallas** (W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

*1. Mark A. Long*, McQueeney, Texas, and Kelly Goulart, Seguin, Texas; individually and as trustees for The First Commercial Financial Corp. Employee Stock Ownership Plan, to acquire additional voting shares of First Commercial Financial Corp., Seguin, Texas, and thereby indirectly additional voting shares of First Commercial Bank, National Association, Seguin, Texas.

**B. Federal Reserve Bank of Minneapolis** (Jacqueline G. King, Community Affairs Officer) 90 Hennepin Avenue, Minneapolis, Minnesota 55480-0291:

*1. Katherine Anne Gray*, Superior, Wisconsin, to acquire voting shares of Superior National Banc Holding Company, Superior, Wisconsin, and thereby indirectly acquire voting shares of Superior Bank, Superior, Wisconsin.

Board of Governors of the Federal Reserve System, October 4, 2006.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. E6–16704 Filed 10–10–06; 8:45 am]

BILLING CODE 6210–01–S

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 3, 2006.

**A. Federal Reserve Bank of Philadelphia** (Michael E. Collins, Senior Vice President) 100 North 6th Street, Philadelphia, Pennsylvania 19105–1521:

*1. Conestoga Bancorp, Inc.*, Chester Springs, Pennsylvania; to merge with PSB Bancorp, Inc., Philadelphia, Pennsylvania, and thereby indirectly acquire voting shares of First Penn Bank, Philadelphia, Pennsylvania.

In connection with this application, Applicant also has applied to acquire Jade Abstract Company, Feasterville, Pennsylvania, and engage in providing real estate settlement services, and Jade Insurance Agency, Inc., Feasterville, Pennsylvania, and engage in providing credit insurance, pursuant to sections 225.28(b)(2)(viii) and 225.28(b)(11)(i) of Regulation Y respectively.

*2. Sterling Banks, Inc.* Mount Laurel, New Jersey; to become a bank holding company by acquiring 100 percent of the voting shares of Sterling Bank, Mount Laurel, New Jersey.

In connection with this application, applicant also has applied to acquire Farnsworth Bancorp, Inc., Bordentown, New Jersey, and thereby acquire Peoples Savings Bank, Bordentown, New Jersey, and engage in operating a savings bank, pursuant to section 225.25(b)(4)(ii) of Regulation Y.

**B. Federal Reserve Bank of Chicago** (Patrick M. Wilder, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

*1. Dearborn Bancorp, Inc.*, Dearborn, Michigan; to merge with Fidelity Financial Corporation of Michigan, Birmingham, Michigan, and thereby indirectly acquire Fidelity Bank, Birmingham, Michigan.

Board of Governors of the Federal Reserve System, October 4, 2006.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. E6–16705 Filed 10–10–06; 8:45 am]

BILLING CODE 6210–01–S

## FEDERAL RESERVE SYSTEM

### Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank

holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than November 3, 2006.

**A. Federal Reserve Bank of New York** (Anne McEwen, Financial Specialist) 33 Liberty Street, New York, New York 10045-0001:

*1. Fort Orange Financial Corporation*, Albany New York; to become a bank holding company by acquiring 100 percent of the voting shares of Capital Bank & Trust Company, Albany, New York.

**B. Federal Reserve Bank of San Francisco** (Tracy Basinger, Director, Regional and Community Bank Group) 101 Market Street, San Francisco, California 94105-1579:

*1. Castle Creek Capital Partners III, L.P., Castle Creek Capital III LLC, Eggemeyer Capital LLC, Ruh Capital LLC, Western States Opportunity LLC, Eggemeyer Family Trust, William J. Ruh Trust, Legions IV Advisory Corp.*, all located in Rancho Santa Fe, California, and LDF, Inc., Chicago, Illinois; to acquire 100 percent of the voting shares of BB&T Bancshares, Corp., and thereby indirectly acquire Bloomingdale Bank and Trust, both of Bloomingdale, Illinois.

*2. West Valley Bancorp, Inc.*, Avondale, Arizona; to become a bank holding company by acquiring 100 percent of the voting shares of West Valley National Bank (in organization), both of Avondale, Arizona.

Board of Governors of the Federal Reserve System, October 5, 2006.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. E6–16737 Filed 10–10–06; 8:45 am]

**BILLING CODE 6210–01–S**

## FEDERAL RESERVE SYSTEM

### Notice of Proposals to Engage in Permissible Nonbanking Activities or to Acquire Companies that are Engaged in Permissible Nonbanking Activities

The companies listed in this notice have given notice under section 4 of the Bank Holding Company Act (12 U.S.C. 1843) (BHC Act) and Regulation Y (12 CFR Part 225) to engage *de novo*, or to acquire or control voting securities or assets of a company, including the companies listed below, that engages either directly or through a subsidiary or other company, in a nonbanking activity that is listed in § 225.28 of Regulation Y (12 CFR 225.28) or that the Board has determined by Order to be closely related to banking and permissible for bank holding companies. Unless otherwise noted, these activities will be conducted throughout the United States.

Each notice is available for inspection at the Federal Reserve Bank indicated. The notice also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether the proposal complies with the standards of section 4 of the BHC Act. Additional information on all bank holding companies may be obtained from the National Information Center website at *www.ffiec.gov/nic/*.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than October 25, 2006.

**A. Federal Reserve Bank of Chicago** (Patrick M. Wilder, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690-1414:

*1. Great River Financial Group, Inc.*, Burlington, Iowa; to operate a federal Savings Bank upon the conversion of its subsidiary Burlington Bank and Trust, Burlington, Iowa, to a Federal Savings Bank, pursuant to section 225.28(b)(4)(ii) of Regulation Y.

Board of Governors of the Federal Reserve System, October 4, 2006.

**Robert deV. Frierson,**

*Deputy Secretary of the Board.*

[FR Doc. E6–16703 Filed 10–10–06; 8:45 am]

**BILLING CODE 6210–01–S**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Notice of Meeting of the Advisory Committee on Minority Health

**AGENCY:** Office of Minority Health, Office of Public Health and Science, Office of the Secretary, DHHS.

**ACTION:** Notice.

**SUMMARY:** As stipulated by the Federal Advisory Committee Act, the Department of Health and Human Services (DHHS) is hereby giving notice that the Advisory Committee on Minority Health (ACMH) will hold a meeting. This meeting is open to the public. Preregistration is required for both public attendance and comment. Any individual who wishes to attend the meeting and/or participate in the public comment session should e-mail *acmb@osophs.dhhs.gov*.

**DATES:** The meeting will be held on October 31, 2006, from 8:30 a.m. to 5 p.m.

**ADDRESSES:** The meeting will be held at the Crowne Plaza Hotel, 8777 Georgia Avenue, Silver Spring, Maryland 20910. The meeting is accessible from the Silver Spring Metro Station. The Crowne Plaza Hotel will provide shuttle service to and from the Silver Spring Metro Station for individuals attending the ACMH meeting on October 31, 2006. Meeting participants can call the hotel at (301) 589–0800 for shuttle pick-up if they don't see the shuttle. Meeting participants may also walk the three short blocks to the hotel from the Silver Spring station by existing onto Wayne Avenue and walking toward the Discovery Building. Make a left onto Georgia Avenue and walk the 1 block toward the Crowne Plaza. The hotel will be on the right-hand side.

**FOR FURTHER INFORMATION CONTACT:** Ms. Monica A. Baltimore, Tower Building, 1101 Wootton Parkway, Suite 600, Rockville, Maryland 20852. Phone: 240–453–2882 Fax: 240–453–2883.

**SUPPLEMENTARY INFORMATION:** In accordance with Public Law 105–392, the ACMH was established to provide advice to the Deputy Assistant Secretary for Minority Health in improving the health of each racial and ethnic minority group and on the development of goals and specific program activities of the Office of Minority Health.

Topics to be discussed during this meeting will include strategies to improve the health of racial and ethnic minority populations through the development of health policies and programs that will help eliminate health disparities, as well as other related issues.

Public attendance at the meeting is limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the designated contact person at least fourteen business days prior to the meeting. Members of the public will have an opportunity to provide comments at the meeting. Public comments will be limited to three minutes per speaker. Individuals who would like to submit written statements should mail or fax their comments to the Office of Minority Health at least five business days prior to the meeting. Any member of the public who wishes to have printed material distributed to ACMH committee members should submit their materials to Garth Graham, M.D., M.P.H., Executive Secretary, ACMH, Tower Building, 1101 Wootton Parkway, Suite 600, Rockville, Maryland 20852, prior to close of business on October 18, 2006.

October 3, 2006.

**Mirtha R. Beadle,**

*Deputy Director, Office of Minority Health, Office of Public Health and Science, Office of the Secretary, U.S. Department of Health and Human Services.*

[FR Doc. 06–8596 Filed 10–10–06; 8:45 am]

BILLING CODE 4150–29–m

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Healthcare Research and Quality

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Agency for Healthcare Research and Quality, Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) allow the proposed information collection project: ''Assessment of Unreimbursed Care among Community Primary Care Physicians.'' In accordance with the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)), AHRQ invites the public to comment on this proposed information collection.

**DATES:** Comments on this notice must be received by November 13, 2006.

**ADDRESSES:** Written comments should be submitted to: Doris Lefkowitz, Reports Clearance Officer, AHRQ, 540 Gaither Road, Room #5036, Rockville, MD 20850. Copies of the proposed collection plans, data collection instruments, and specific details on the estimated burden can be obtained from AHRQ's Reports Clearance Officer.

**FOR FURTHER INFORMATION CONTACT:** Doris Lefkowitz, AHRQ, Reports Clearance Officer, (301) 427–1477.

**SUPPLEMENTARY INFORMATION:**

### Proposed Project

*''Assessment of Unreimbursed Care among Community Primary Care Physicians''*

This project is being conducted as part of AHRQ's Primary Care Practice-Based Research Networks (PBRN). One of AHRQ's PBRN contractors, the American Academy of Family Physician's National Research Network (AAFP–NRN), will survey primary care practices participating in its PBRN in order to assess the current state of un-reimbursed medical care provided in community based primary care practices.

There has been substantial research conducted to quantify the amount of un-reimbursed care provided in private physicians' offices. This survey will collect information from a sample of community-based primary care practices that are widely representative of private physicians across the United States in order to understand the current state of private primary care office un-reimbursed care and help assess factors that encourage and discourage practices from engaging in this activity.

The AAFP–NRN will collaborate with AHRQ on the design of a self-administered, web-based questionnaire. The survey will collect information pertaining to the level of un-reimbursed care in the practice as well as characteristics of the practice, the physician(s) and the patient population.

### Methods of Collection

The survey will be distributed to 1200 primary care physicians with an expected response rate of 65% (780 responses). A stratified sampling approach will be used to ensure appropriate representation from the four Census regions, urban and rural areas, and small and large practices. Selected physicians will receive a letter informing them of the purpose of the study, inviting them to participate and offering them the opportunity to complete the survey on paper or via the Internet. A follow-up mailing with a duplicate paper-based version of the questionnaire will be mailed to non-responders after two weeks. Reminder phone calls will be placed in weeks four and six to all non-responders. If necessary to achieve target response rates, a re-mailing of the paper-based questionnaire will occur in week eight. The questionnaire is estimated to take no more than fifteen minutes to complete.

ESTIMATED ANNUAL RESPONDENT BURDEN

| Data collection effort | Number of respondents | Estimated time per respondent in hours | Estimated total burden hours |
|---|---|---|---|
| Primary care clinicians | 780 | .25 | 195 |

### Estimated Costs to the Federal Government

The total cost to the government for this activity is estimated to be $129,956.

### Request for Comments

In accordance with the above-cited legislation, comments on AHRQ's information collection are requested with regard to any of the following: (a) Whether the proposed collection of information is necessary for the proper performance of health care research and information dissemination functions of AHRQ, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of 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 upon the respondents, including the use of automated collection techniques or other forms of information technology.

To date, one comment has been received. The commenter noted that s/he believed no physicians provide free care. The purpose of this survey is to assess the current state of private primary care office un-reimbursed care and help assess factors that encourage and discourage practices from engaging in this activity.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: September 26, 2006.

**Carolyn M. Clancy,**

*Director.*

[FR Doc. 06–8607 Filed 10–10–06; 8:45am]

BILLING CODE 4160–90–M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[60Day–06–05AI]**

### Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–5960 and send comments to Seleda Perryman, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS–D74, Atlanta, GA 30333 or send an e-mail to *omb@cdc.gov.*

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 shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of 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 respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

**Proposed Project**

Quantitative Assessment of Internet Use and HIV-Related Risk Behavior Among Black and Latino Men Who Have Sex with Men—New—National Center for HIV, STD, and TB Prevention (NCHSTP), Centers for Disease Control and Prevention (CDC).

*Background and Brief Description*

CDC is requesting a two year approval from the Office of Management and Budget (OMB) to administer an epidemiological survey on the Internet. CDC is funding an Internet study that examines behaviors of gay-identified and nongay-identified Black and Latino men who have sex with men. The objectives of the study are threefold: (1) To determine if Black and Latino men who have sex with men (MSM) who use the Internet to meet sexual partners report greater HIV-related sexual and drug risks than those who do not; (2) to identify respondents' non-Internet sex-seeking behaviors, and (3) to explore to what degree Black and Latino MSM with Internet access view this medium as a potential tool for HIV prevention.

African American and Latino men, especially those men who have sex with men, continue to be an extremely vulnerable population affected by high rates of HIV/AIDS. The impact of HIV/AIDS on African American and Latino communities has been devastatingly disproportionate as compared to European American populations. Through December 2001, CDC reported that while African Americans represented only 12% of the total U.S. population, they accounted for almost 38% of all the AIDS cases. For all men, the exposure category of ''men who have sex with men'' represented the largest transmission route for HIV infection.

While existing studies show that Black and Latino MSM may be at greater risk for contracting and transmitting HIV/AIDS to partners, CDC knows little about Black and Latino MSM using the Internet and/or potential avenues for HIV prevention with this population since most of the studies conducted this far have been with White MSM samples. Data gathered from this study will guide CDC development of risk reduction programs for this high-risk population.

A convenience sample of 500 Black (African American, African-Latin, African-Caribbean, African, Mixed race) and 500 Latino (Caribbean, Central or South American ancestry) MSM will be asked to respond to a one-time survey of attitudes, knowledge and behavior related to Internet sex seeking behavior and HIV/STD (sexually transmitted disease) transmission. This survey will take approximately 20 minutes to complete and will include questions on the following topics: demographics (*i.e.*, age, education, income, HIV status, etc.); sexual identity, racial/ethnic identity; homophobia; HIV/AIDS knowledge, attitudes, behavior; perceived HIV/AIDS susceptibility; STD history; characteristics of sexual partners and perceived HIV/AIDS susceptibility of sexual partners; risk behavior specific to online versus traditional venues; use of screen names and cruising sites; sexual compulsivity; substance use; time spent online and time spent sex seeking. There is no cost to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

| Respondents | Number of respondents | Number of responses/respondent | Average burden per response (in hours) | Total burden hours |
|---|---|---|---|---|
| Participants: | | | | |
| 1) Screener | 1000 | 1 | 5/60 | 83 |
| 2) Survey | 1000 | 1 | 15/60 | 250 |
| Total | 1000 | | | 333 |

Dated: October 4, 2006.

**Joan F. Karr,**

*Acting Reports Clearance Officer, Centers for Disease Control and Prevention.*

[FR Doc. E6–16746 Filed 10–10–06; 8:45 am]

BILLING CODE 4163–18–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

### CDC/HRSA Advisory Committee on HIV and STD Prevention and Treatment (CHACHSPT)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) and the Health Resources and Services Administration (HRSA) announce the following committee meeting.

*Name:* CDC/HRSA Advisory Committee on HIV and STD Prevention and Treatment.

*Times and Dates:* 8 a.m.–5 p.m., November 13, 2006. 8 a.m.–12:15 p.m., November 14, 2006.

*Place:* Hotel Washington, 15th Street and Pennsylvania Avenue, NW., Washington, DC 20004, Telephone: 202–638–5900 or Fax 202–638–1594.

*Status:* Open to the public, limited only by the space available. The meeting room will accommodate approximately 100 people.

*Purpose:* This Committee is charged with advising the Secretary, the Director, CDC and the Administrator, HRSA, regarding activities related to prevention and control of HIV/AIDS and other STDs, the support of health care services to persons living with HIV/AIDS, and education of health professionals and the public about HIV/AIDS and other STDs.

*Matters To Be Discussed:* Agenda items include issues pertaining to (1) HIV issues related to stigma, racism and discrimination and (2) Comprehensive adolescent sexual health and other HIV related issues. Agenda items are subject to change as priorities dictate.

*For Further Information Contact:* Margie Scott-Cseh, Committee Management Specialist, National Center for HIV, STD, and TB Prevention, 1600 Clifton Road, NE., Mailstop E–07, Atlanta, Georgia 30333. Telephone: 404–639–8317, or Fax 404–639–3125, e-mail *zkr7@cdc.gov.*

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: October 4, 2006.

**Alvin Hall,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. E6–16739 Filed 10–10–06; 8:45 am]

BILLING CODE 4163–18–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

### National Institute for Occupational Safety and Health (NIOSH); Advisory Board on Radiation and Worker Health

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention announces the following committee meeting:

*Name:* Advisory Board on Radiation and Worker Health, National Institute for Occupational Safety and Health.

*Time and Date:* 10 a.m.–4 p.m., October 18, 2006.

*Place:* Via Teleconference. For toll-free access, please dial 866–643–6504. Participant Pass Code 9448550.

*Status:* Open to the public, but without a public comment period.

*Background:* The Advisory Board was established under the Energy Employees Occupational Illness Compensation Program Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the new compensation program. Key functions of the Advisory Board include providing advice on the development of probability of causation guidelines that have been promulgated by the Department of Health and Human Services (HHS) as a final rule, advice on methods of dose reconstruction which have also been promulgated by HHS as a final rule, advice on the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program, and advice on petitions to add classes of workers to the Special Exposure Cohort.

In December 2000, the President delegated responsibility for funding, staffing, and operating the Advisory Board to HHS, which subsequently delegated this authority to CDC. NIOSH implements this responsibility for CDC. The charter was issued on August 3, 2001, renewed at appropriate intervals, and will expire on August 3, 2007.

*Purpose:* The Advisory Board is charged with (a) Providing advice to the Secretary, HHS, on the development of guidelines under Executive Order 13179; (b) providing advice to the Secretary, HHS, on the scientific validity and quality of dose reconstruction efforts performed for this program; and (c) upon request by the Secretary, HHS, advise the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is reasonable likelihood that such radiation doses may have endangered the health of members of this class.

*Matters To Be Discussed:* The agenda for the Advisory Board meeting includes Updates on Conflict of Interest Issues; Working Group Updates; Selection of Board Members for Individual Dose Reconstruction Reviews; Planning for Board Future Meetings and Activities; and Discussion of Past Public Comments and Possible Board Actions.

The agenda is subject to change as priorities dictate. In the event an individual cannot attend, written comments may be submitted. Any written comments received will be provided at the meeting and should be submitted to the contact person below well in advance of the meeting.

Due to programmatic matters, this **Federal Register** Notice is being published on less than 15 calendar days notice to the public (41 CFR 102–3.150(b)).

*Contact Person for More Information:* Dr. Lewis V. Wade, Executive Secretary, NIOSH, CDC, 4676 Columbia Parkway, Cincinnati, Ohio 45226, telephone 513–533–6825, fax 513–533–6826.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both CDC and the Agency for Toxic Substances and Disease Registry.

Dated: October 4, 2006.

**Alvin Hall,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).*

[FR Doc. E6–16747 Filed 10–10–06; 8:45 am]

BILLING CODE 4163–18–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### Request for Nominations for Voting Members on Public Advisory Panels or Committees

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is requesting nominations for voting members to serve on the Device Good Manufacturing Practice Advisory Committee, certain device panels of the Medical Devices Advisory Committee, the National Mammography Quality Assurance Advisory Committee, and the Technical Electronic Products Radiation Safety Standards Committee in the Center for Devices and Radiological Health. Nominations will be accepted

for current vacancies and those that will or may occur through August 31, 2007.

FDA has a special interest in ensuring that women, minority groups, and individuals with disabilities are adequately represented on advisory committees and, therefore, encourages nominations of qualified candidates from these groups.

**DATES:** Because scheduled vacancies occur on various dates throughout each year, no cutoff date is established for the receipt of nominations. However, when possible, nominations should be received at least 6 months before the date of scheduled vacancies for each year, as indicated in this notice.

**ADDRESSES:** Send all nominations and curricula vitae to the following contact persons in table 1 of this document:

TABLE 1.

| Contact Person | Committee/Panel |
|---|---|
| Geretta P. Wood, Center for Devices and Radiological Health (HFZ–400), Food and Drug Administration, 9200 Corporate Blvd., Rockville, MD 20850, 301–594–2022, e-mail: *geretta.wood@fda.hhs.gov* | Certain Device Panels of the Medical Devices Advisory Committee |
| Nancy M. Wynne, Center for Devices and Radiological Health (HFZ–240), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850, e-mail: *nancy.wynne@fda.hhs.gov* | National Mammography Quality Assurance Advisory Committee |
| Collin L. Figueroa, Center for Devices and Radiological Health (HFZ–342), Food and Drug Administration, 2094 Gaither Rd., Rockville, MD 20850, e-mail: *collin.figueroa@fda.hhs.gov* | Device Good Manufacturing Practice Advisory Committee |
| Richard V. Kaczmarek, Center for Devices and Radiological Health (HFZ–240), Food and Drug Administration, 1350 Piccard Dr., Rockville, MD 20850, e-mail: *richard.kaczmarek@fda.hhs.gov* | Technical Electronic Product Radiation Safety Standards Committee |

**FOR FURTHER INFORMATION CONTACT:** Kathleen L. Walker, Center for Devices and Radiological Health (HFZ–17), Food and Drug Administration, 7520 Standish Pl., Rockville, MD 20855, 301–827–7293, e-mail: *kathleen.walker@fda.hhs.gov*.

**SUPPLEMENTARY INFORMATION:**

## I. Vacancies

FDA is requesting nominations of voting members for vacancies listed as follows:

TABLE 2.

| Committee/Panel Expertise Needed | Current and Upcoming Vacancies | Approximate Date Needed |
|---|---|---|
| Anesthesiology and Respiratory Therapy Devices Panel of the Medical Devices Advisory Committee—anesthesiologists, pulmonary medicine specialists, or other experts who have specialized interests in ventilator support, pharmacology, physiology, or the effects and complications of anesthesia | 2<br>2 | Immediately<br>December 1, 2006 |
| Circulatory System Devices Panel of the Medical Devices Advisory Committee—interventional cardiologists, electrophysiologists, invasive (vascular) radiologists, vascular and cardiothoracic surgeons, and cardiologists with special interest in congestive heart failure | 4 | July 1, 2007 |
| Clinical Chemistry and Clinical Toxicology Devices Panel of the Medical Devices Advisory Committee—doctors of medicine or philosophy with experience in clinical chemistry (e.g., cardiac markers), clinical toxicology, clinical pathology, clinical laboratory medicine, and endocrinology | 2 | March 1, 2007 |
| Dental Products Panel of the Medical Devices Advisory Committee—dentists, engineers, and scientists who have expertise in the areas of dental implants, dental materials, periodontology, tissue engineering, and dental anatomy | 2 | November 1, 2006 |
| Ear, Nose, and Throat Devices Panel of the Medical Devices Advisory Committee—otologists, neurotologists, and audiologists | 1 | November 1, 2006 |
| Gastroenterology and Urology Devices Panel of the Medical Devices Advisory Committee—gastroenterologists, urologists, and nephrologists | 2 | January 1, 2007 |
| General and Plastic Surgery Devices Panel of the Medical Devices Advisory Committee—surgeons (general, plastic, reconstructive, pediatric, thoracic, abdominal, pelvic, and endoscopic); dermatologists; experts in biomaterials, lasers, wound healing, and quality of life; and biostatisticians | 2<br>2 | Immediately<br>September 1, 2007 |

TABLE 2.—Continued

| Committee/Panel Expertise Needed | Current and Upcoming Vacancies | Approximate Date Needed |
|---|---|---|
| Hematology and Pathology Devices Panel of the Medical Devices Advisory Committee—hematologists (benign and/or malignant hematology), hematopathologists (general and special hematology, coagulation and homeostasis, and hematological oncology), gynecologists with special interests in gynecological oncology, cytopathologists, and molecular pathologists with special interests in development of predictive and prognostic biomarkers | 3 | Immediately |
| Immunology Devices Panel of the Medical Devices Advisory Committee—persons with experience in medical, surgical, or clinical oncology, internal medicine, clinical immunology, allergy, molecular diagnostics, or clinical laboratory medicine | 2 | March 1, 2007 |
| Medical Devices Dispute Resolution Panel of the Medical Devices Advisory Committee—experts with broad, cross-cutting scientific, clinical, analytical, or mediation skills | 1 | Immediately |
| Microbiology Devices Panel of the Medical Devices Advisory Committee—infectious disease clinicians (e.g., pulmonary disease specialists, sexually transmitted disease specialists, pediatric infectious disease specialists, experts in tropical medicine and emerging infectious diseases, and mycologists); clinical microbiologists and virologists; clinical virology and microbiology laboratory directors, with expertise in clinical diagnosis and in vitro diagnostic assays (e.g., hepatologists and molecular biologists) | 3<br>2 | Immediately<br>March 1, 2007 |
| Molecular and Clinical Genetics Devices Panel of the Medical Devices Advisory Committee—experts in human genetics and in the clinical management of patients with genetic disorders (e.g., pediatricians, obstetricians, and neonatologists); individuals with training in inborn errors of metabolism, biochemical and/or molecular genetics, population genetics, epidemiology, and related statistical training; individuals with experience in genetic counseling or medical ethics; ancillary fields of study will be considered as well | 1<br>3 | Immediately<br>June 1, 2007 |
| Obstetrics and Gynecology Devices Panel of the Medical Devices Advisory Committee—experts in perinatology, embryology, reproductive endocrinology, pediatric gynecology, gynecological oncology, operative hysteroscopy, pelviscopy, electrosurgery, laser surgery, assisted reproductive technologies, contraception, postoperative adhesions, and cervical cancer and colposcopy; biostatisticians and engineers with experience in obstetrics/gynecology devices; urogynecologists; experts in breast care; experts in gynecology in the older patient; experts in diagnostic (optical) spectroscopy; experts in midwifery; labor and delivery nursing | 2 | February 1, 2007 |
| Radiological Devices Panel of the Medical Devices Advisory Committee—physicians with experience in general radiology, mammography, ultrasound, magnetic resonance, computed tomography, other radiological subspecialties, and radiation oncology; scientists with experience in diagnostic devices, radiation physics, statistical analysis, digital imaging, and image analysis | 1 | February 1, 2007 |
| National Mammography Quality Assurance Advisory Committee—physician, practitioner, or other health professional whose clinical practice, research specialization, or professional expertise includes a significant focus on mammography | 1 | February 1, 2007 |
| Device Good Manufacturing Practice Advisory Committee—Nine vacancies occurring immediately; three government representatives, two industry representatives, two public representatives, and two health professionals | 9 | Immediately |
| Technical Electronic Product Radiation Safety Standards Committee—10 vacancies occurring immediately, 4 government representatives, 2 industry representatives, and 4 general public representatives; 5 vacancies occurring January 1, 2007, 3 industry representatives, 1 government representative, and 1 general public representative | 10<br>5 | Immediately<br>January 1, 2007 |

## II. Functions

### *A. Medical Devices Advisory Committee*

The committee reviews and evaluates data on the safety and effectiveness of marketed and investigational devices and makes recommendations for their regulation. The panels engage in a number of activities to fulfill the functions the Federal Food, Drug, and Cosmetic Act (the act) envisions for device advisory panels. With the exception of the Medical Devices Dispute Resolution Panel, each panel, according to its specialty area, performs the following duties: (1) Advises the Commissioner of Food and Drugs (the Commissioner) regarding recommended classification or reclassification of devices into one of three regulatory categories, (2) advises on any possible risks to health associated with the use of devices, (3) advises on formulation of product development protocols, (4)

reviews premarket approval applications for medical devices, (5) reviews guidelines and guidance documents, (6) recommends exemption of certain devices from the application of portions of the act, (7) advises on the necessity to ban a device, and (8) responds to requests from the agency to review and make recommendations on specific issues or problems concerning the safety and effectiveness of devices. With the exception of the Medical Devices Dispute Resolution Panel, each panel, according to its specialty area, may also make appropriate recommendations to the Commissioner on issues relating to the design of clinical studies regarding the safety and effectiveness of marketed and investigational devices.

The Dental Products Panel also functions at times as a dental drug panel. The functions of the dental drug panel are to evaluate and recommend whether various prescription drug products should be changed to over-the-counter status and to evaluate data and make recommendations concerning the approval of new dental drug products for human use.

The Medical Devices Dispute Resolution Panel provides advice to the Commissioner on complex or contested scientific issues between FDA and medical device sponsors, applicants, or manufacturers relating to specific products, marketing applications, regulatory decisions and actions by FDA, and agency guidance and policies. The panel makes recommendations on issues that are lacking resolution, are highly complex in nature, or result from challenges to regular advisory panel proceedings or agency decisions or actions.

*B. National Mammography Quality Assurance Advisory Committee*

The functions of the committee are to advise FDA on the following topics: (1) Developing appropriate quality standards and regulations for mammography facilities, (2) developing appropriate standards and regulations for bodies accrediting mammography facilities under this program, (3) developing regulations with respect to sanctions, (4) developing procedures for monitoring compliance with standards, (5) establishing a mechanism to investigate consumer complaints, (6) reporting new developments concerning breast imaging which should be considered in the oversight of mammography facilities, (7) determining whether there exists a shortage of mammography facilities in rural and health professional shortage areas and determining the effects of personnel on access to the services of such facilities in such areas, (8) determining whether there will exist a sufficient number of medical physicists after October 1, 1999, and (9) determining the costs and benefits of compliance with these requirements.

*C. Device Good Manufacturing Practice Advisory Committee*

The functions of the committee are to review proposed regulations issuance regarding good manufacturing practices governing the methods used in, and the facilities and controls used for manufacture, packaging, storage, installation, and servicing of devices, and make recommendations regarding the feasibility and reasonableness of those proposed regulations. The committee also reviews and makes recommendations on proposed guidelines developed to assist the medical device industry in meeting the good manufacturing practice requirements, and provides advice with regard to any petition submitted by a manufacturer for an exemption or variance from good manufacturing practice regulations.

Section 520 of the act (21 U.S.C. 360(j)), as amended, provides that the Device Good Manufacturing Practice Advisory Committee shall be composed of nine members as follows: (1) Three of the members shall be appointed from persons who are officers or employees of any Federal, State, or local government; (2) two shall be representatives of interests of the device manufacturing industry; (3) two shall be representatives of the interests of physicians and other health professionals; and (4) two shall be representatives of the interests of the general public.

*D. Technical Electronic Product Radiation Safety Standards Committee*

The function of the committee is to provide advice and consultation on the technical feasibility, reasonableness, and practicability of performance standards for electronic products to control the emission of radiation from such products. The committee may recommend electronic product radiation safety standards for consideration.

Section 534(f) of the act (21 U.S.C. 360kk(f)), as amended by the Safe Medical Devices Act of 1990, provides that the Technical Electronic Product Radiation Safety Standards Committee include five members from governmental agencies, including State or Federal Governments, five members from the affected industries, and five members from the general public, of which at least one shall be a representative of organized labor.

**III. Qualifications**

*A. Panels of the Medical Devices Advisory Committee*

Persons nominated for membership on the panels should have adequately diversified experience appropriate to the work of the panel in such fields as clinical and administrative medicine, engineering, biological and physical sciences, statistics, and other related professions. The nature of specialized training and experience necessary to qualify the nominee as an expert suitable for appointment may include experience in medical practice, teaching, and/or research relevant to the field of activity of the panel. The particular needs at this time for each panel are listed in section I of this document. The term of office is up to 4 years, depending on the appointment date.

*B. National Mammography Quality Assurance Advisory Committee*

Persons nominated for membership should be physicians, practitioners, and other health professionals, whose clinical practice, research specialization, or professional expertise include a significant focus on mammography and individuals identified with consumer interests. Prior experience on Federal public advisory committees in the same or similar subject areas will also be considered relevant professional expertise. The particular needs at this time for this committee are listed in section I of this document. The term of office is up to 4 years, depending on the appointment date.

*C. Device Good Manufacturing Practice Advisory Committee*

Persons nominated for membership as a health professional or officer or employee of any Federal, State, or local government should have knowledge of or expertise in any one or more of the following areas: Quality assurance concerning the design, manufacture, and use of medical devices. To be eligible for selection as a representative of the general public or industry, nominees should possess appropriate qualifications to understand and contribute to the committee's work. The particular needs at this time for this committee are listed in section I of this document. The term of office is up to 4 years, depending on the appointment date.

*D. Technical Electronic Product Radiation Safety Standards Committee*

Persons nominated should be technically qualified by training and experience in one or more fields of science or engineering applicable to electronic product radiation safety. The particular needs at this time for this committee are listed in section I of this document. The term of office is up to 4 years, depending on the appointment date.

**IV. Nomination Procedures**

Any interested person may nominate one or more qualified persons for membership on one or more of the advisory panels or advisory committees. Self-nominations are also accepted. Nominations will include complete curriculum vitae of each nominee, current business address and telephone number. Nominations will specify the advisory panel(s) or advisory committee(s) for which the nominee is recommended. Nominations will include confirmation that the nominee is aware of the nomination, is willing to serve as a member of the advisory committee if selected, and appears to have no conflict of interest that would preclude membership. Potential candidates will be required to provide detailed information concerning such matters as financial holdings, employment, and research grants and/or contracts to permit evaluation of possible sources of conflict of interest.

This notice is issued under the Federal Advisory Committee Act (5 U.S.C. app. 2) and 21 CFR part 14 relating to advisory committees.

Dated: October 3, 2006.

**Randall W. Lutter,**

*Associate Commissioner for Policy and Planning.*

[FR Doc. E6–16679 Filed 10–10–06; 8:45 am]

BILLING CODE 4160–01–S

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. 2004E–0444]**

### Redetermination of Regulatory Review Period for Purposes of Patent Extension; BONIVA; Correction

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice; correction.

**SUMMARY:** The Food and Drug Administration (FDA) is correcting a notice that appeared in the **Federal Register** of June 22, 2006 (71 FR 35918). The document announced that FDA had determined the regulatory review period for BONIVA. The notice provided that on or before August 21, 2006, anyone with knowledge that any of the dates as published are incorrect may submit a request for a redetermination of the regulatory review period. A request for revision of the regulatory review period was filed for the product on July 25, 2006. FDA reviewed its records and found that the effective date of the investigational new drug application (IND) was incorrect because of a clerical error. Therefore, FDA is republishing a determination of the regulatory review period to reflect the corrected effective date for the IND. FDA has made a determination of the regulatory review period because of the submission of an application to the Director of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human drug product.

**ADDRESSES:** Submit written comments and petitions to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to *http://www.fda.gov/dockets/ecomments*.

**FOR FURTHER INFORMATION CONTACT:** Beverly Friedman, Office of Regulatory Policy (HFD–007), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–2041.

**SUPPLEMENTARY INFORMATION:** The Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Public Law 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human drug products, the testing phase begins when the exemption to permit the clinical investigations of the drug becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human drug product and continues until FDA grants permission to market the product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Director of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human drug product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human drug product BONIVA (ibandronate sodium). BONIVA is indicated for treatment and prevention of osteoporosis in postmenopausal women. Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for BONIVA (U.S. Patent No. 4,927,814) from Hoffmann-La Roche, Inc., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated October 19, 2004, FDA advised the Patent and Trademark Office that this human drug product had undergone a regulatory review period and that the approval of BONIVA represented the first permitted commercial marketing or use of the product. Shortly thereafter, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable adjusted regulatory review period for BONIVA is 3,122 days. Of this time, 2,817 days occurred during the testing phase of the regulatory review period, while 305 days occurred during the approval phase. These periods of time were derived from the following dates:

1. The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 355(i)) became effective: October 30, 1994. FDA has verified the applicant's claim that the date the IND became effective was on October 30, 1994.

2. The date the application was initially submitted with respect to the human drug product under section 505(b) of the act: July 16, 2002. FDA has verified the applicant's claim that the new drug application (NDA) for BONIVA (NDA 21–455) was initially submitted on July 16, 2002.

3. The date the application was approved: May 16, 2003. FDA has verified the applicant's claim that NDA 21–455 was approved on May 16, 2003.

This redetermination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations

of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,713 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Division of Dockets Management (see **ADDRESSES**) written or electronic comments and ask for a redetermination by December 11, 2006. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by April 9, 2007. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41–42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Division of Dockets Management. Three copies of any mailed information are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document.

Comments and petitions may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday.

Dated: September 22, 2006.

**Jane A. Axelrad,**

*Associate Director for Policy, Center for Drug Evaluation and Research.*

[FR Doc. E6–16816 Filed 10–10–06; 8:45 am]

**BILLING CODE 4160–01–S**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Clinical Center; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors of the NIH Clinical Center.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the Clinical Center, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Board of Scientific Counselors of the NIH Clinical Center.

*Date:* October 16, 2006.

*Time:* 3 p.m. to 5 p.m.

*Agenda:* To review and evaluate the Rehabilitation Medicine Program.

*Place:* National Institutes of Health, Building 10, 10 Center Drive, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* David K. Henderson, MD, Deputy Director for Clinical Care, Office of the Director, Clinical Center, National Institutes of Health, Building 10, Room 6–1480, Bethesda, MD 20892, 301/402–0244.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the intramural research review cycle.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Dated: October 4, 2006.

**Anna Snouffer,**

*Acting Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 06–8602 Filed 10–10–06; 8:45 am]

**BILLING CODE 4140–01–M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Notice of Meeting; Interagency Autism Coordinating Committee

The National Institutes of Health (NIH) hereby announces a meeting of the Interagency Autism Coordinating Committee (IACC) to be held on November 17, 2006, on the NIH campus in Bethesda, Maryland.

The Children's Health Act of 2000 (Pub.L. 106–310), Title I, Section 104, mandated the establishment of an Interagency Autism Coordinating Committee (IACC) to coordinate autism research and other efforts within the Department of Health and Human Services (DHHS). In April 2001, the HHS Secretary delegated the authority to establish the IACC to the National Institutes of Health (NIH). The National Institute of Mental Health (NIMH) at the NIH has been designated the lead for this activity.

The IACC meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the contact person listed below in advance of the meeting.

*Name of Committee:* Interagency Autism Coordinating Committee.

*Date:* November 17, 2006.

*Time:* 9 a.m.–4 p.m.

*Agenda:* Discussion of autism activities across Federal agencies.

*Place:* National Institutes of Health, Building 31, Conference Room 10 (6th floor), 31 Center Drive, Bethesda, Maryland 20892.

*Contact Person:* Ann Wagner, Ph.D., Division of Pediatric Translational Research and Treatment Development, National Institute of Mental Health, NIH, 6001 Executive Boulevard, Room 6184, MSC 9617, Bethesda, Maryland 20892. E-mail: *awagner@mail.nih.gov.* Phone: 301–443–5944.

Any member of the public interested in presenting oral comments to the Committee may notify the contact person listed on this notice at least 5 days in advance of the meeting. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Presentations may be limited to 5 minutes; both printed and electronic copies are requested for the record. In addition, any interested person may file written comments with the Committee by forwarding his/her statement to the contact person listed on this notice. The statement should include the name, address, telephone number, and, when applicable, the business or professional affiliation of the interested person.

Information about the meeting and online registration forms are also available on-line on the NIMH homepage at *http://www.nimh.nih.gov/autismiacc/index.cfm.*

Dated: September 29, 2006.

**Raynard S. Kington, M.D., Ph.D.,**

*Deputy Director, National Institutes of Health.*

[FR Doc. E6–16721 Filed 10–10–06; 8:45 am]

**BILLING CODE 4167–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 522b(c)(6), Title 5 U.S.C.,

as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Cancer Institute Special Emphasis Panel, SBIR Topic 211 and Topic 212 (Phase II).

*Date:* November 7, 2006.

*Time:* 1 p.m. to 4 p.m.

*Agenda:* To review and evaluate contract proposals.

*Place:* National Institutes of Health, 6116 Executive Boulevard, Rockville, MD 20852. (Telephone Conference Call).

*Contact Person:* Kirt Vener, PhD. Branch Chief, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 6116 Executive Boulevard, Room 8061, Rockville, MD 20852. (301) 496–7174. *venerk@mail.nih.gov.*

Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: October 1, 2006.

**Anna Snouffer,**

*Acting Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 06–8585 Filed 10–10–06; 8:45 am]

BILLING CODE 4140–01–M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Heart, Lung, and Blood Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Heart, Lung, and Blood Initial Review Group, Clinical Trials Review Committee.

*Date:* October 30–31, 2006.

*Time:* 8 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hyatt Regency Hotel Baltimore, 300 Light Street, Baltimore, MD 21202.

*Contact Person:* Patricia A. Haggerty, PhD, Section Chief, Clinical Studies and Traning Scientific Review Group, Review Branch, Division of Extramural Research Activities, National Heart, Lung, and Blood Institute, NIH, 6701 Rockledge Drive, Room 7194, MSC 7924, Bethesda, MD 20892, 301/435–0288, *haggertp@nhlbi.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos.93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseasse Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: October 4, 2006.

**Anna Snouffer,**

*Acting Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 06–8601 Filed 10–10–06; 8:45 am]

BILLING CODE 4140–01–M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Mental Health; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Mental Health Special Emphasis Panel, HIV Prevention.

*Date:* October 26, 2006.

*Time:* 9 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Holiday Inn Chevy Chase, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

*Contact Person:* David I. Sommers, PhD., Scientific Review Administrator, Division of Extramural Activities, National Institutes of Mental Health, National Institutes of Health, 6001 Executive Blvd., Room 6154, MSC 9609, Bethesda, MD 20892–9606. 301–435–7861. *dsommers@mail.nih.gov.*

*Name of Committee:* National Institute of Mental Health Special Emphasis Panel, Building Translational Research in Integrative Behavioral Science.

*Date:* October 26, 2006.

*Time:* 10 a.m. to 11:30 a.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852. (Telephone Conference Call).

*Contact Person:* Peter J. Sheridan, PhD. Scientific Review Administrator, Division of Extramural Activities, National Institutes of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 6142, MSC 9606, Bethesda, MD 20892, 301–433–1513. *psherida@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: October 1, 2006.

**Anna Snouffer,**

*Acting Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 06–8584 Filed 10–10–06; 8:45 am]

BILLING CODE 4140–01–M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Arthritis and Musculoskeletal and Skin Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Board of Scientific Counselors, NIAMS.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in sections 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute of Arthritis and Musculoskeletal and Skin Diseases, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Board of Scientific Counselors, NIAMS.

*Date:* November 6–7, 2006.

*Time:* November 6, 2006, 6:30 p.m. to 9:30 p.m.

*Agenda:* To review and evaluate personnel qualifications and performance, and competence of individual investigators.

*Place:* Doubletree Hotel Bethesda, 8120 Wisconsin Avenue, Bethesda, MD 20814.

*Time:* November 7, 2006, 8 a.m. to 3:30 p.m.

*Agenda:* To review and evaluate personnel qualifications and performance, and competence of individual investigators.

*Place:* National Institutes of Health, Building 31, 31 Center Drive, Conference Room 4C32, Bethesda, MD 20892.

*Contact Person:* John J. O'Shea, MD, PhD, Scientific Director, National Institute of Arthritis & Musculoskeletal and Skin Diseases, Building 10, Room 9N262 MSC 1820, Bethesda, MD 20892, (301) 496–6026, *osheaj@arb.niams.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.846, Arthritis, Musculoskeletal and Skin Diseases Research, National Institutes of Health, HHS)

Dated: October 4, 2006.

**Anna Snouffer,**

*Acting Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 06–8603 Filed 10–10–06; 8:45 am]

**BILLING CODE 4140–01–M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Child Health and Human Development; Notices of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of Child Health and Human Development Special Emphasis Panel, Estrogen and Neural Pathways in Female Pain Syndrome.

*Date:* October 24, 2006.

*Time:* 8 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Jon M. Ranhand, PhD, Scientist Review Administrator, Division of Scientific Review, National Institute of Child Health, and Human Development, NIH, 6100 Executive Boulevard, Room 5B01, Bethesda, MD 20892, (301) 435–6884, *ranhandj@mail.nih.gov*.

*Name of Committee:* National Institute of Child Health and Human Development Special Emphasis Panel, Autism Centers of Excellence.

*Date:* October 26–27, 2006.

*Time:* 8 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Holiday Inn Georgetown, 2101 Wisconsin Avenue, NW., Washington, DC 20007.

*Contact Person:* Norman Chang, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH, 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892, (301) 496–1485, *changn@mail.nih.gov*.

*Name of Committee:* National Institute of Child Health and Human Development Special Emphasis Panel, IEARDA Review Meeting.

*Date:* October 31, 2006.

*Time:* 8 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

*Contact Person:* Carla T. Walls, PhD, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, NIH 6100 Executive Blvd., Room 5B01, Bethesda, MD 20892, (301) 435–6898, *wallsc@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: October 3, 2006.

**Anna Snouffer,**

*Acting Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 06–8604 Filed 10–10–06; 8:45 am]

**BILLING CODE 4140–01–M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of General Medical Sciences; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Institute of General Medical Sciences Special Emphasis Panel, Internet Assisted Review for R13 Conference Grant Applications.

*Date:* October 23, 2006.

*Time:* 9 a.m. to 5 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institute of General Medical Sciences, Office of Scientific Review, 45 Center Drive, 3AN–12, Bethesda, MD 20892.

*Contact Person:* Arthur L. Zachary, PhD, Office of Scientific Review, National Institute of General Medical Sciences, National Institutes of Health, Natcher Building, Room 3AN–12, Bethesda, MD 20892, (301) 594–2886, *zacharya@nigms.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.375, Minority Biomedical Research Support; 93.821, Cell Biology and Biophysics Research; 93.859, Pharmacology, Physiology, and Biological Chemistry Research; 93.862, Genetics and Developmental Biology Research; 93.88, Minority Access to Research Careers; 93.96, Special Minority Initiatives, National Institutes of Health, HHS)

Dated: October 3, 2006.

**Anna Snouffer,**

*Acting Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 06–8605 Filed 10–10–06; 8:45 am]

**BILLING CODE 414–01–M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Neurological Disorders and Stroke; Cancellation of Meeting

Notice is hereby given of the cancellation of the National Institute of Neurological Disorders and Stroke Special Emphasis Panel, October 17, 2006, 7 p.m. to October 18, 2006, 9 p.m., Atlanta-Centennial Olympic Park, Embassy Suites Hotel, 267 Marietta Street, Atlanta, GA, 30313 which was published in the **Federal Register** on September 15, 2006, 71 FR 06–7676.

Cancelled due to withdrawn application.

Dated: October 3, 2006.

**Anna Snouffer,**

*Acting Director, Office of Federal Advisory Committee Policy.*

[FR Doc. 06–8606 Filed 10–10–06; 8:45am]

**BILLING CODE 4140–01–M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

**[HHS Reference Nos. E–095–2000/0, 1, 2, 3 and 4]**

### Public Teleconference Regarding Licensing and Collaborative Research Opportunities for: A Promising Treatment for Inflammatory Arthritis Targeting the Pre-ligand Assembly Domain (PLAD) of Tumor Necrosis Factor Receptors; Michael J. Lenardo et al. (NIAID)

**AGENCY:** National Institutes of Health, Public Health Service, HHS.

**ACTION:** Notice.

**Technology Summary**

The technology is an innovative treatment for inflammatory arthritis that involves modulating Tumor Necrosis Factor Receptor (TNFR) 1 signaling. NIH scientists have discovered that the Pre-ligand Assembly Domains (PLADs) of TNFR1 can be selectively blocked by soluble P60-PLAD protein compositions (P60 PLAD-Sol) which interfere with TNFR1 assembly thereby preventing the inflammatory effects of TNFα both *in vitro* and *in vivo*.

**Technology Description**

Current anti-TNFα arthritis treatments rely on the use of antibodies or fusion proteins directed against TNFα to reduce inflammation. The cytokine TNFα plays a key role in the pathogenesis of numerous autoimmune and inflammatory diseases including psoriatic, rheumatoid, and septic arthritis. It has been shown that blocking TNFα has a dramatic therapeutic effect; however, blocking TNFα also blocks TNFα's beneficial effects during immune responses that are mediated through TNFR2.

This invention involves a functional domain, which is essential for signaling involving receptors of the TNFR superfamily including TNFR–1 (p60), TNFR–2 (p80), FAS, TRAIL-R, LTR, CD40, CD30, CD27, HVEM, OX40 and DR4. PLADs can be isolated as functional polypeptides which can be useful in inhibiting the first step in TNFR mediated signaling, ligand-independent assembly of members of the TNFR superfamily. The ability to inhibit TNFR signaling suggests that these PLAD polypeptides may be useful in developing new therapeutic molecules or as therapeutic molecules themselves.

P60 PLAD-Sol has the benefit of selectively blocking only the signaling of TNFR1, not signaling mediated through TNFR2. Treatment of mice with the P60 PLAD-Sol ameliorated inflammatory joint disease with no side effects in 5 different animal models of arthritis including: collagen-induced arthritis, adjuvant and lipopolysaccharide induced arthritis, and joint disease due to TNF. Therefore, P60 PLAD-Sol may lead to novel inflammatory arthritis treatments that avoid the serious side effects associated with currently marketed therapeutics that directly block TNFα rather than TNFR1.

**Competitive Advantage of Our Technology**

More than 20% of the population in the USA currently seek arthritis treatment; of these over 2 million suffer rheumatic symptoms. Worldwide this figure is close to five million people. Existing commercially available anti-TNFα treatments are expensive: in the U.S. Enbrel®, Remicade®, and Humira® all cost more than $10,000 per year. In addition to this market there is the potential to treat other inflammatory based diseases such as Crohn's Disease and Multiple Sclerosis. Owing to the high price of these agents and their increased use in treatment, the market for TNFα inhibitors is expected to grow from $7.1 billion in 2005 to nearly $12 billion in 2014 in the United States, Western Europe, and Japan.

The existing TNF blockers, *e.g.*, Enbrel® (Etanercept—a dimeric fusion protein by Amgen/Wyeth), Remicade® (Infliximab—a mouse chimeric anti-TNF monoclonal antibody by J&J), and Humira® (Adalimumab—a humanized anti-TNF monoclonal antibody by Abbott) have been effective in the treatment of rheumatoid arthritis. They are beneficial in over 70% of patients including many who have not responded to Rheumatrex® (Methotrexate—an antimetabolite by STADA); however, serious and sometimes fatal side effects have been observed. In addition, the current costs of these drugs are prohibitive for many patients. This technology has the potential to be less expensive yet more effective than existing products.

For arthritis sufferers who are unresponsive to, or adversely affected by, current inflammatory arthritis treatments our technology is a new method of blocking inflammation that provides a more targeted action. Unlike the currently marketed anti-TNF medications, P60 PLAD-Sol has the potential to more effectively treat a broader range of inflammatory diseases with no known side-effects. The current anti-TNF drugs directly block the binding of TNFα to both TNFR1 and TNFR2. There is evidence that this inhibits the beneficial effects mediated by TNFR2, while arresting the disease-causing effects of TNFR1. This is because the P60 PLAD-Sol involves the use of small soluble proteins that preferentially target only the PLAD of TNFR1. In our models, a dose of a P60 PLAD-Sol (5 mg/kg) had similar effects to doses of Infliximab (10 mg/kg) and Etanercept (0.4 mg/kg) that have been used clinically in the amelioration of arthritis. As a selective TNFR1 blocking agent, this technology may avoid the serious side effects of these currently available compounds yet have enhanced efficacy.

**Patent Estate**

A PCT application, filed 9 February 2001 (WO 01/58953), has entered the national phase in the US, EP, AU and CA.

**Next Step: Teleconference**

There will be a teleconference where the principal investigator will discuss non-confidential information concerning this technology. Licensing and collaborative research opportunities will also be discussed. If you are interested in participating in this teleconference please call or email Mojdeh Bahar; (301) 435–2950; *baharm@mail.nih.gov*. OTT will then e-mail you the date, time and number for the teleconference.

Dated: October 2, 2006.

**Steven M. Ferguson,**

*Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.*

[FR Doc. E6–16735 Filed 10–10–06; 8:45 am]

BILLING CODE 4140–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Substance Abuse and Mental Health Services Administration

### Current List of Laboratories Which Meet Minimum Standards To Engage in Urine Drug Testing for Federal Agencies

**AGENCY:** Substance Abuse and Mental Health Services Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Department of Health and Human Services (HHS) notifies Federal agencies of the laboratories currently certified to meet the standards of Subpart C of the Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines). The

Mandatory Guidelines were first published in the **Federal Register** on April 11, 1988 (53 FR 11970), and subsequently revised in the **Federal Register** on June 9, 1994 (59 FR 29908), on September 30, 1997 (62 FR 51118), and on April 13, 2004 (69 FR 19644).

A notice listing all currently certified laboratories is published in the **Federal Register** during the first week of each month. If any laboratory's certification is suspended or revoked, the laboratory will be omitted from subsequent lists until such time as it is restored to full certification under the Mandatory Guidelines.

If any laboratory has withdrawn from the HHS National Laboratory Certification Program (NLCP) during the past month, it will be listed at the end, and will be omitted from the monthly listing thereafter.

This notice is also available on the Internet at *http://workplace.samhsa.gov* and *http://www.drugfreeworkplace.gov.*

**FOR FURTHER INFORMATION CONTACT:** Mrs. Giselle Hersh or Dr. Walter Vogl, Division of Workplace Programs, SAMHSA/CSAP, Room 2–1035, 1 Choke Cherry Road, Rockville, Maryland 20857; 240–276–2600 (voice), 240–276–2610 (fax).

**SUPPLEMENTARY INFORMATION:** The Mandatory Guidelines were developed in accordance with Executive Order 12564 and section 503 of Public Law 100–71. Subpart C of the Mandatory Guidelines, ''Certification of Laboratories Engaged in Urine Drug Testing for Federal Agencies,'' sets strict standards that laboratories must meet in order to conduct drug and specimen validity tests on urine specimens for Federal agencies. To become certified, an applicant laboratory must undergo three rounds of performance testing plus an on-site inspection. To maintain that certification, a laboratory must participate in a quarterly performance testing program plus undergo periodic, on-site inspections.

Laboratories which claim to be in the applicant stage of certification are not to be considered as meeting the minimum requirements described in the HHS Mandatory Guidelines. A laboratory must have its letter of certification from HHS/SAMHSA (formerly: HHS/NIDA) which attests that it has met minimum standards.

In accordance with Subpart C of the Mandatory Guidelines dated April 13, 2004 (69 FR 19644), the following laboratories meet the minimum standards to conduct drug and specimen validity tests on urine specimens:

ACL Laboratories, 8901 W. Lincoln Ave., West Allis, WI 53227, 414–328–7840/800–877–7016, (Formerly: Bayshore Clinical Laboratory)

ACM Medical Laboratory, Inc., 160 Elmgrove Park, Rochester, NY 14624, 585–429–2264

Advanced Toxicology Network, 3560 Air Center Cove, Suite 101, Memphis, TN 38118, 901–794–5770/888–290–1150

Aegis Analytical Laboratories, Inc., 345 Hill Ave., Nashville, TN 37210, 615–255–2400

Baptist Medical Center-Toxicology Laboratory, 9601 I–630, Exit 7, Little Rock, AR 72205–7299, 501–202–2783, (Formerly: Forensic Toxicology Laboratory Baptist Medical Center)

Clinical Reference Lab, 8433 Quivira Road, Lenexa, KS 66215–2802, 800–445–6917

Diagnostic Services, Inc., dba DSI, 12700 Westlinks Drive, Fort Myers, FL 33913, 239–561–8200/800–735–5416

Doctors Laboratory, Inc., 2906 Julia Drive, Valdosta, GA 31602, 229–671–2281

DrugScan, Inc., P.O. Box 2969, 1119 Mearns Road, Warminster, PA 18974, 215–674–9310

Dynacare Kasper Medical Laboratories*, 10150–102 St., Suite 200, Edmonton, Alberta, Canada T5J 5E2, 780–451–3702 / 800–661–9876

ElSohly Laboratories, Inc., 5 Industrial Park Drive, Oxford, MS 38655, 662–236–2609

Gamma-Dynacare Medical Laboratories*, A Division of the Gamma-Dynacare Laboratory Partnership, 245 Pall Mall Street, London, ONT, Canada N6A 1P4, 519–679–1630

General Medical Laboratories, 36 South Brooks St., Madison, WI 53715, 608–267–6225

Kroll Laboratory Specialists, Inc., 1111 Newton St., Gretna, LA 70053, 504–361–8989/800–433–3823, (Formerly: Laboratory Specialists, Inc.)

Kroll Scientific Testing Laboratories, Inc., 450 Southlake Blvd., Richmond, VA 23236, 804–378–9130, (Formerly: Scientific Testing Laboratories, Inc.)

Laboratory Corporation of America Holdings, 7207 N. Gessner Road, Houston, TX 77040, 713–856–8288/800–800–2387

Laboratory Corporation of America Holdings, 69 First Ave., Raritan, NJ 08869, 908–526–2400/800–437–4986, (Formerly: Roche Biomedical Laboratories, Inc.)

Laboratory Corporation of America Holdings, 1904 Alexander Drive, Research Triangle Park, NC 27709, 919–572–6900 / 800–833–3984, (Formerly: LabCorp Occupational Testing Services, Inc., CompuChem Laboratories, Inc.; CompuChem Laboratories, Inc., A Subsidiary of Roche Biomedical Laboratory; Roche CompuChem Laboratories, Inc., A Member of the Roche Group)

Laboratory Corporation of America Holdings, 10788 Roselle St., San Diego, CA 92121, 800–882–7272, (Formerly: Poisonlab, Inc.)

Laboratory Corporation of America Holdings, 550 17th Ave., Suite 300, Seattle, WA 98122, 206–923–7020/800–898–0180, (Formerly: DrugProof, Division of Dynacare/Laboratory of Pathology, LLC; Laboratory of Pathology of Seattle, Inc.; DrugProof, Division of Laboratory of Pathology of Seattle, Inc.)

Laboratory Corporation of America Holdings, 1120 Main Street, Southaven, MS 38671, 866–827–8042/800–233–6339, (Formerly: LabCorp Occupational Testing Services, Inc.; MedExpress/National Laboratory Center)

LabOne, Inc. d/b/a Quest Diagnostics. 10101 Renner Blvd., Lenexa, KS 66219, 913–888–3927/800–873–8845, (Formerly: Quest Diagnostics Incorporated; LabOne, Inc.; Center for Laboratory Services, a Division of LabOne, Inc., )

Marshfield Laboratories, Forensic Toxicology Laboratory, 1000 North Oak Ave., Marshfield, WI 54449, 715–389–3734/800–331–3734

MAXXAM Analytics Inc.*, 6740 Campobello Road, Mississauga, ON Canada L5N 2L8, 905–817–5700, (Formerly: NOVAMANN (Ontario), Inc.)

MedTox Laboratories, Inc., 402 W. County Road D, St. Paul, MN 55112, 651–636–7466/800–832–3244

MetroLab-Legacy Laboratory Services, 1225 NE 2nd Ave., Portland, OR 97232, 503–413–5295/800–950–5295

Minneapolis Veterans Affairs Medical Center, Forensic Toxicology Laboratory, 1 Veterans Drive, Minneapolis, MN 55417, 612–725–2088

National Toxicology Laboratories, Inc., 1100 California Ave., Bakersfield, CA 93304, 661–322–4250/800–350–3515

One Source Toxicology Laboratory, Inc. 1213 Genoa-Red Bluff Pasadena, TX 77504 888–747–3774 (Formerly: University of Texas Medical Branch, Clinical Chemistry Division; UTMB Pathology-Toxicology Laboratory)

Oregon Medical Laboratories 123 International Way Springfield, OR 97477 541–341–8092

Pacific Toxicology Laboratories 9348 DeSoto Ave. Chatsworth, CA 91311 800–328–6942 (Formerly: Centinela Hospital Airport Toxicology Laboratory)

Pathology Associates Medical Laboratories 110 West Cliff Dr. Spokane, WA 99204 509–755–8991 / 800–541–7897 x7
Physicians Reference Laboratory 7800 West 110th St. Overland Park, KS 66210 913–339–0372 / 800–821–3627
Quest Diagnostics Incorporated 3175 Presidential Dr. Atlanta, GA 30340 770–452–1590 / 800–729–6432 (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories)
Quest Diagnostics Incorporated 4770 Regent Blvd. Irving, TX 75063 800–824–6152 (Moved from the Dallas location on 03/31/01; Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories)
Quest Diagnostics Incorporated 4230 South Burnham Ave., Suite 250 Las Vegas, NV 89119–5412 702–733–7866 / 800–433–2750 (Formerly: Associated Pathologists Laboratories, Inc.)
Quest Diagnostics Incorporated 400 Egypt Road Norristown, PA 19403 610–631–4600 / 877–642–2216 (Formerly: SmithKline Beecham Clinical Laboratories; SmithKline Bio-Science Laboratories)
Quest Diagnostics Incorporated 506 E. State Pkwy. Schaumburg, IL 60173 800–669–6995 / 847–885–2010 (Formerly: SmithKline Beecham Clinical Laboratories; International Toxicology Laboratories)
Quest Diagnostics Incorporated 7600 Tyrone Ave. Van Nuys, CA 91405 866–370–6699 / 818–989–2521 (Formerly: SmithKline Beecham Clinical Laboratories)
Quest Diagnostics Incorporated 2282 South Presidents Drive, Suite C West Valley City, UT 84120 801–606–6301 / 800–322–3361 (Formerly: Northwest Toxicology, a LabOne Company; LabOne, Inc., dba Northwest Toxicology; NWT Drug Testing, NorthWest Toxicology, Inc.; Northwest Drug Testing, a division of NWT Inc.)
S.E.D. Medical Laboratories 5601 Office Blvd. Albuquerque, NM 87109 505–727–6300 / 800–999–5227
South Bend Medical Foundation, Inc. 530 N. Lafayette Blvd. South Bend, IN 46601 574–234–4176 x276
Southwest Laboratories 4645 E. Cotton Center Boulevard Suite 177 Phoenix, AZ 85040 602–438–8507 / 800–279–0027
Sparrow Health System Toxicology Testing Center, St. Lawrence Campus 1210 W. Saginaw Lansing, MI 48915 517–364–7400 (Formerly: St. Lawrence Hospital & Healthcare System)
St. Anthony Hospital Toxicology Laboratory 1000 N. Lee St. Oklahoma City, OK 73101 405–272–7052
Toxicology & Drug Monitoring Laboratory University of Missouri Hospital & Clinics 301 Business Loop 70 West, Suite 208 Columbia, MO 65203 573–882–1273
Toxicology Testing Service, Inc. 5426 N.W. 79th Ave. Miami, FL 33166 305–593–2260
US Army Forensic Toxicology Drug Testing Laboratory 2490 Wilson St. Fort George G. Meade, MD 20755–5235 301–677–7085

* The Standards Council of Canada (SCC) voted to end its Laboratory Accreditation Program for Substance Abuse (LAPSA) effective May 12, 1998. Laboratories certified through that program were accredited to conduct forensic urine drug testing as required by U.S. Department of Transportation (DOT) regulations. As of that date, the certification of those accredited Canadian laboratories will continue under DOT authority. The responsibility for conducting quarterly performance testing plus periodic on-site inspections of those LAPSA-accredited laboratories was transferred to the U.S. HHS, with the HHS' NLCP contractor continuing to have an active role in the performance testing and laboratory inspection processes. Other Canadian laboratories wishing to be considered for the NLCP may apply directly to the NLCP contractor just as U.S. laboratories do.

Upon finding a Canadian laboratory to be qualified, HHS will recommend that DOT certify the laboratory (**Federal Register**, July 16, 1996) as meeting the minimum standards of the Mandatory Guidelines published in the **Federal Register** on April 13, 2004 (69 FR 19644). After receiving DOT certification, the laboratory will be included in the monthly list of HHS-certified laboratories and participate in the NLCP certification maintenance program.

Dated: October 4, 2006.

**Elaine Parry,**

*Acting Director, Office Program Services, SAMHSA.*

[FR Doc. E6–16744 Filed 10–10–06; 8:45 am]

BILLING CODE 4160–20–P

## DEPARTMENT OF HOMELAND SECURITY

### Office of the Secretary

### Designation of Manager, National Communications System

**AGENCY:** Office of the Secretary, Department of Homeland Security.

**ACTION:** Notice.

**SUMMARY:** The Secretary of Homeland Security announces the designation of the Under Secretary for Preparedness, Directorate for Preparedness, as the Manager, National Communications System (NCS).

**DATES:** The designation of the Manager, National Communications System, is effective August 15, 2006.

**FOR FURTHER INFORMATION CONTACT:** Ms. Marilyn Witcher, Chief, Industry, Government, and External Affairs, National Communications System, telephone (703) 235–5515, e-mail: *Marilyn.Witcher@dhs.gov* or write the Deputy Manager, National Communications System, PREP/CS&T/NCS/N5, Mail Stop 8500, Department of Homeland Security, 245 Murray Lane, Building 410, Washington, DC 20528–8500.

**SUPPLEMENTARY INFORMATION:** This designation is issued in accordance with section 1(e)(1) of Executive Order 12472 of April 3, 1984, as amended by section 46 of Executive Order 13286 of February 28, 2003. It supersedes the designation to the Assistant Secretary of Homeland Security for Infrastructure Protection.

The NCS consists of the telecommunications assets of the entities represented on the NCS Committee of Principals and an administrative structure consisting of the Executive Agent, the NCS Committee of Principals, and the Manager. The mission of the NCS is to assist the President, the National Security Council, the Homeland Security Council, the Director of the Office of Science and Technology Policy, and the Director of the Office of Management and Budget in:

(1) The exercise of designated telecommunications functions and responsibilities; and

(2) The coordination of the planning for and provision of national security and emergency preparedness communications for the Federal Government under all circumstances, including crisis or emergency, attack, recovery, and reconstitution.

As stated in Section 1(g) of Executive Order 12472 of April 3, 1984, as amended, the Manager, NCS, shall develop for consideration by the NCS Committee of Principals and the Executive Agent:

(1) A recommended evolutionary telecommunications architecture designed to meet current and future Federal Government national security and emergency preparedness telecommunications requirements;

(2) Plans and procedures for the management, allocation, and use,

including the establishment of priorities or preferences, of federally owned or leased telecommunications assets under all conditions of crisis or emergency;

(3) Plans, procedures, and standards for minimizing or removing technical impediments to the interoperability of government-owned and/or commercially-provided telecommunications systems;

(4) Test and exercise programs and procedures for the evaluation of the capability of the Nation's telecommunications resources to meet national security or emergency preparedness telecommunications requirements; and

(5) Alternative mechanisms for funding, through the budget review process, national security or emergency preparedness telecommunications initiatives that benefit multiple Federal departments, agencies, or entities. Those mechanisms recommended by the NCS Committee of Principals and the Executive Agent shall be submitted to the Director of the Office of Management and Budget.

The Manager shall also:

(1) Implement and administer any approved plans or programs as assigned, including any system of priorities and preferences for the provision of communications service, in consultation with the NCS Committee of Principals and the Federal Communications Commission, to the extent practicable or otherwise required by law or regulation;

(2) Chair the NCS Committee of Principals and provide staff support and technical assistance thereto;

(3) Serve as a focal point for joint industry-government planning, including the dissemination of technical information, concerning the national security or emergency preparedness telecommunications requirements of the Federal Government;

(4) Conduct technical studies or analyses, and examine research and development programs, for the purpose of identifying, for consideration by the NCS Committee of Principals and the Executive Agent, improved approaches that may assist Federal entities in fulfilling national security or emergency preparedness telecommunications objectives;

(5) Pursuant to the Federal Standardization Program of the General Services Administration, and in consultation with other appropriate entities of the Federal Government including the NCS Committee of Principals, manage the Federal Telecommunications Standards Program, ensuring wherever feasible that existing or evolving industry, national, and international standards are used as the basis for Federal telecommunications standards; and

(6) Provide such reports and perform such other duties as are from time to time assigned by the President or his authorized designee, the Executive Agent, or the NCS Committee of Principals. Any such assignments of responsibility to, or reports made by, the Manager shall be transmitted through the Executive Agent.

*Designation:* In accordance with section 1(e)(1) of Executive Order 12472 of April 3, 1984, as amended by section 46 of Executive Order 13286 of February 28, 2003, and as the designated Executive Agent for the National Communications System, Department of Homeland Security, I designate the position Under Secretary for Preparedness, Directorate for Preparedness, as the Manager, National Communications System. This designation supersedes the prior designation to the Assistant Secretary of Homeland Security for Infrastructure Protection.

Dated: September 28, 2006.

**Michael Chertoff,**

*Secretary of Homeland Security.*

[FR Doc. E6–16833 Filed 10–10–06; 8:45 am]

**BILLING CODE 4410–10–P**

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## DEPARTMENT OF HOMELAND SECURITY

### U.S. Citizenship and Immigration Services

### Agency Information Collection Activities: Extension of a Currently approved information Collection; Comment Request

**ACTION:** 30-Day Notice of Information Collection under Review: Interagency Record of Individual Requesting Change/Adjustment to or From A or G Status or Requesting A, G, or NATO dependent Employment Authorization; Form I–566; Control No. 1615–0027.

The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS), has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on July 26, 2006 at 71FR 42407, allowing for a 60-day public comment period. No comments were received on this information collection.

The purpose of this notice is to notify the public that the USCIS is seeking OMB approval on this information collection and to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until November 13, 2006. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/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 Department of Homeland Security (DHS), and to the Office of Management and Budget (OMB) USCIS Desk Officer. Comments may be submitted to: USCIS, Director, Regulatory Management Division, Clearance Office, 111 Massachusetts Avenue, 3rd floor, Washington, DC 20529. Comments may also be submitted to DHS via facsimile to 202–272–8352 or via e-mail at *rfs.regs@dhs.gov*, and to the OMB USCIS Desk Officer via facsimile at 202–395–6974 or via e-mail at *kastrich@omb.eop.gov*.

When submitting comments by e-mail please make sure to add OMB Control Number 1615–0027. Written comments and suggestions from the public and affected agencies 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 functions 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; and

(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 collection:

(1) *Type of Information Collection: Extension of a currently approved information collection.*

(2) *Title of the Form/Collection:* Interagency Record of Individual Requesting Change/Adjustment to or From A or G Status or Requesting A, G, or NATO Dependent Employment Authorization.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security*

*sponsoring the collection:* Form I–566. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. The data on this form is used by Department of State (DOS) to certify to USCIS eligibility of dependents of A or G principals requesting employment authorization, as well as for North Atlantic Treaty Organization/Headquarters, Supreme Allied Commander Transformation (NATO/HQ SACT) to certify to USCIS similar eligibility for dependents of NATO principals. DOS also uses this form to certify to USCIS that certain, A, G or NATO nonimmigrants may change their status to another nonimmigrant status. USCIS, on the other hand, uses data on this form in the adjudication of change or adjustment of status applications from aliens in A, G, or NATO classifications, and following any such adjudication informs DOS of the results by use of this form.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 5,800 responses at 15 minutes (.250 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 1,450 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please visit the USCIS Web site at: *http://uscis.gov/graphics/formsfee/forms/pra/index.htm*.

If additional information is required contact: USCIS, Regulatory Management Division, 111 Massachusetts Avenue, 3rd Floor Suite 3008, Washington, DC 20529, (202) 272–8377.

Dated: October 4, 2006.

**Richard A. Sloan,**

*Director, Regulatory Management Division, U.S. Citizenship and Immigration Services, Department of Homeland Security.*

[FR Doc. 06–8578 Filed 10–10–06; 8:45 am]

BILLING CODE 4410–10–M

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Citizenship and Immigration Services

### Agency Information Collection Activities: Extension of a Currently Approved Information Collection, Comment Request

**ACTION:** 30-day notice of information collection under review; Application for Waiver of Grounds of Excludability, Form I–690, OMB Control Number 1615–0032.

The Department of Homeland Security, U.S. Citizenship and Immigration Services (USCIS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection was previously published in the **Federal Register** on July 26, 2006, at 71FR 42408. The notice allowed for a 60-day public comment period. No comments were received on this information collection.

The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until November 13, 2006. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/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 Department of Homeland Security (DHS), and to the Office of Management and Budget (OMB) USCIS Desk Officer. Comments may be submitted to: USCIS, Director, Regulatory Management Division, Clearance Officer, 111 Massachusetts Avenue, 3rd Floor, Washington, DC 20529. Comments may also be submitted to DHS via facsimile to 202–272–8352 or via e-mail at *rfs.regs@dhs.gov*, and to the OMB USCIS Desk Officer via facsimile at 202–395–6974 or via e-mail at *kastrich@omb.eop.gov*.

When submitting comments by e-mail please make sure to add OMB Control Number 1615–0032. Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(1) Evaluate 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;

(2) Evaluate the accuracy of the agency's estimate of the burden of the 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; and

(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 collection:

(1) *Type of Information Collection: Extension of a currently approved information collection.*

(2) *Title of the Form/Collection:* Application for Waiver of Grounds of Excludability.

(3) *Agency form number, if any, and the applicable component of the Department of Homeland Security sponsoring the collection:* Form I–690. U.S. Citizenship and Immigration Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or Households. This information on the application will be used by the USCIS in considering eligibility for legalization under sections 210 and 245A of the Immigration and Nationality Act.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 85 respondents at 15 minutes (.25 hours) per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 21 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please visit the USCIS Web site at: *http://uscis.gov/graphics/formsfee/forms/pra/index.htm*.

If additional information is required contact: USCIS, Regulatory Management Division, 111 Massachusetts Avenue, 3rd Floor, Suite 3008, Washington, DC 20529, 272–8377.

Dated: October 4, 2006.

**Richard A. Sloan,**

*Director, Regulatory Management Division, U.S. Citizenship and Immigration Services, Department of Homeland Security.*

[FR Doc. 06–8579 Filed 10–10–06; 8:45 am]

BILLING CODE 4410–10–M

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–5037-N–69]**

### Notice of Submission of Proposed Information Collection to OMB; Application for the Transfer of Physical Assets

**AGENCY:** Office of the Chief Information Officer, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below

has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

The Application for the Transfer of Physical Assets is completed and submitted to HUD by prospective purchasers of properties with mortgage either HUD-insured or HUD-held prior to conveying the title. The form cites all the supportive documentation that must be submitted to HUD for approval. HUD uses the information submitted to determine the suitability of new owners and managers of multifamily projects and to ensure the legal and administrative sufficiency of the proposal.

**DATES:** *Comments Due Date:* October 11, 2006.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2502–0275) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–6974.

**FOR FURTHER INFORMATION CONTACT:** Lillian Deitzer, Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail *Lillian_L._Deitzer@HUD.gov* or telephone (202) 708–2374. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Ms. Deitzer or from HUD's Web site at *http://hlannwp031.hud.gov/po/i/icbts/collectionsearch.cfm.*

**SUPPLEMENTARY INFORMATION:** This notice informs the public that the Department of Housing and Urban Development has submitted to OMB a request for approval of the information collection described below. This notice is soliciting comments from members of the public and affecting agencies concerning the proposed collection of information to: (1) Evaluate 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; (2) Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) Enhance the quality, utility, and clarity of the information to be collected; and (4) Minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This notice also lists the following information:

*Title of Proposal:* Application for the Transfer of Physical Assets.

*OMB Approval Number:* 2502–0275.

*Form Numbers:* HUD–92266.

*Description of the Need for the Information and Its Proposed Use:*

The Application for the Transfer of Physical Assets is completed and submitted to HUD by prospective purchasers of properties with mortgages either HUD-insure or HUD-held prior to conveying the title. The form cites all the supportive documentation that must be submitted to HUD for approval. HUD uses the information submitted to determine the suitability of new owners and managers of multifamily projects and to ensure the legal and administrative sufficiency of the proposal.

*Frequency of Submission:* On Occasion.

| | Number of respondents | Annual responses | × | Hours per response | = | Burden hours |
|---|---|---|---|---|---|---|
| Reporting Burden | 350 | 1 | | 92 | | 32,200 |

*Total Estimated Burden Hours:* 32,200.

*Status:* Extension of a currently approved collection.

*Authority:* Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 35, as amended.

Dated: October 4, 2006.

**Lillian L. Deitzer,**

*Departmental Paperwork Reduction Act Officer, Office of the Chief Information Officer.*

[FR Doc. E6–16716 Filed 10–10–06; 8:45 am]

**BILLING CODE 4210–67–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–5030–FA–19]**

## Announcement of Funding Awards for Fiscal Year 2006 Hispanic-Serving Institutions Assisting Communities Program

**AGENCY:** Office of the Assistant Secretary for Policy Development and Research, HUD.

**ACTION:** Announcement of funding awards.

**SUMMARY:** In accordance with section 102 (a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this document notifies the public of funding awards for Fiscal Year 2005 Hispanic-Serving Institutions Assisting Communities (HSIAC) Program. The purpose of this document is to announce the names, addresses and the amount awarded to the winners to be used to help Hispanic-Serving Institutions of higher education to expand their role and effectiveness in addressing community development needs in their localities, consistent with the purposes of Title I of the Housing and Community Development Act of 1974 as amended.

**FOR FURTHER INFORMATION CONTACT:** Susan Brunson, Office of University Partnerships, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Room 8106, Washington, DC 20410, telephone (202) 708–3061, extension 3852. To provide service for persons who are hearing-or-speech-impaired, this number may be reached via TTY by Dialing the Federal Information Relay Service on (800) 877–8339 or (202) 708–1455. (Telephone numbers, other than ''800'' TTY numbers, are not toll free).

**SUPPLEMENTARY INFORMATION:** The Hispanic-Serving Institutions Assisting Communities Program was approved by Congress under section 107 of the Community Development Block Grant (CDBG) appropriations for the Fiscal Year 2006, and is administered by the Office of University Partnerships under the Assistant Secretary for Policy Development and Research. In addition to this program, the Office of University Partnerships administers HUD's ongoing grant programs to institutions of higher education as well as creates initiatives through which colleges and universities can bring their traditional missions of teaching, research, service, and outreach to bear on the pressing local problems in their communities.

The HSIAC program provides funds for a wide range of CDBG-eligible

activities including housing rehabilitation and financing, property demolition or acquisition, public facilities, economic development, business entrepreneurship, and fair housing programs.

The Catalog of Federal Domestic Assistance number for this program is 14.514.

On March 8, 2006, (71 FR 11756), HUD published a Notice of Funding Availability (NOFA) announcing the availability of $5.94 million in Fiscal Year 2006, plus $78,000 in previously unobligated funds for the HSIAC Program. The Department reviewed, evaluated, and scored the applications received based on the criteria in the NOFA. As a result, HUD has funded the applications below, in accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545).

**List of Awardees for Grant Assistance Under the FY 2006 Hispanic-Serving Institutions Assisting Communities Program Funding Competition, by Institution, Address and Grant Amount**

*Region I*

1. Urban College of Boston, Ms. Shelia Taylor-King, Urban College of Boston, 178 Tremont Street, Boston, MA 02111–1093. Grant: $600,000.

*Region II*

2. Passaic County Community College, Mr. Todd Sorber, Passaic County Community College, One College Boulevard, Paterson, NJ 07505. Grant: $597,035.

*Region IV*

3. Universidad Del Este, Mr. Alberto Maldonado-Ruiz, Universidad Del Este, CARR 190 Road km 1.8, Avenue Principle Sabana bo, Sabana Abajo, Carolina, PR 00983. Grant: $600,000.

4. University of Puerto Rico at Humacao, Dr. Hilda M. Colon-Plumay, University of Puerto Rico at Humacao, Office of the Chancellor, 100 Street 908th Road, Humacao, PR 00791–4300. Grant: $583,284.

5. Universidad del Turabo, SUAGM, Ms. Betsy Vidal, Universidad del Turabo, SUAGM, State Road 189, km. 3.3. Gurabo, PR 00778–3030. Grant: $599,635.

*Region VI*

6. Mesalands Community College, Mr. David Buchen, Mesalands Community College, 911 South Tenth Street, Tucumcari, NM 88401. Grant: $600,000.

7. San Jacinto College North, Dr. Richard Bailey, San Jacinto College North, 5800 Uvalde Street, Houston, TX 77049. Grant: $599,815.

8. University of Texas at San Antonio, Dr. Harriett Romo, University of Texas at San Antonio, 501 West Durango Boulevard, Frio Street, Building 4.418, San Antonio, TX 78207. Grant: $599,984.

*Region IX*

9. Yosemite Community College District-Modesto Junior College, Ms. Judith Monast, Yosemite Community College District-Modesto Junior College, 2201 Blue Gum Avenue, Modesto, CA 95352. Grant: $527,290.

*Region X*

10. Columbia Basin College, Ms. Evangelina Galvan-Holt, Columbia Basin College, 2600 North 20th Avenue, Pasco, WA 99301. Grant: $600,000.

Dated: September 21, 2006.

**Darlene F. Williams,**

*Assistant Secretary.*

[FR Doc. E6–16714 Filed 10–10–06; 8:45 am]

BILLING CODE 4210–67–P

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## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–5030–FA–28]**

## Announcement of Funding Awards for Fiscal Year 2006 Historically Black Colleges and Universities Program

**AGENCY:** Office of the Assistant Secretary for Policy Development and Research, HUD.

**ACTION:** Announcement of funding awards.

**SUMMARY:** In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this document notifies the public of funding awards for Fiscal Year (FY) 2006 Historically Black Colleges and Universities Program. The purpose of this document is to announce the names, addresses and the amount awarded to the winners to be used to help Historically Black Colleges and Universities (HBCUs) expand their role and effectiveness in addressing community development needs in their localities, consistent with the purposes of HUD's Community Development Block Grant program (CDBG).

**FOR FURTHER INFORMATION CONTACT:** Susan Brunson, Office of University Partnerships, U.S. Department of Housing and Urban Development, 451 Seventh Street, SW., Room 8106, Washington, DC 20410, telephone (202) 708–3061, extension 3852. To provide service for persons who are hearing-or-speech-impaired, this number may be reached via TTY by Dialing the Federal Information Relay Service on (800) 877–8339 or (202) 708–1455. (Telephone number, other than ''800'' TTY numbers are not toll free.)

**SUPPLEMENTARY INFORMATION:** The Historically Black Colleges and Universities Program was enacted under section 107 of the CDBG appropriation for FY 2006, as part of the ''Veterans Administration, HUD and Independent Agencies Appropriations Act of 2002'' and is administered by the Office of University Partnerships under the Assistant Secretary for Policy Development and Research. In addition to this program, the Office of University Partnerships administers HUD's ongoing grant programs to institutions of higher education as well as creates initiatives through which colleges and universities can bring their traditional missions of teaching, research, service, and outreach to bear on the pressing local problems in their communities.

The HBCU Program provides funds for a wide range of CDBG-eligible activities including housing rehabilitation and financing, property demolition or acquisition, public facilities, economic development, business entrepreneurship, and fair housing programs.

The Catalog Federal Domestic Assistance number for this program is 14.520.

On March 8, 2006 (71 FR 11747), HUD published a Notice of Funding Availability (NOFA) announcing the availability of $7.9 million in FY 2006, plus $2.5 million in previously unobligated funds for the HBCU Program. This year HUD awarded two types of grants: Category I and Category II. Of the amount available, $6.0 million was available to Category I applicants and $4.4 million is available to fund Category II applicants.

Category I grants were awarded to institutions that sustained in excess of $50 million in damages and destructions from hurricanes Katrina or Rita in FY 2005 (applicants can request up to $2,000,000) to provide critical resources and assistance. Funding awarded under Category II grants will allow institutions to expand their role and effectiveness in addressing community development needs in their localities or a designated disaster area (applicants could request up to $600,000). The Department reviewed, evaluated, and scored the applications received based on the criteria in the NOFA. As a result, HUD has funded the applications below, in accordance with section 102(a)(4)(C) of the Department of

Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545).

**List of Awardees for Grant Assistance Under the FY 2006 Historically Black Program Funding Competition, by Institution, Address, and Grant Amount**

*Region III*

1. Howard University, Dr. Rodney Green, Howard University, Center for Urban Progress, 1840 7th Street, NW., Suite 318, Washington, DC 20001. Grant: $586,027.
2. Morgan State University, Mr. Ellis Brown, Morgan State University, Community and Economic Development, Truth Hall, Room #111–G, 1700 East Cold Spring Lane, Baltimore, MD 21251. Grant: $600,000.
3. Norfolk State University, Mrs. Debra Atkins, Norfolk State University, Community and Outreach Service, 700 Park Avenue, Norfolk, VA 23504. Grant: $600,000.

*Region IV*

4. Alabama A&M University, Mr. Larry Dejarnett, Alabama A&M University, Community Planning/Urban Studies, 4900 Meridian Street, James I. Dawson Building, Rm. 316B, Normal, AL 35762. Grant: $600,000.
5. Benedict College, Dr. Jabari Simama, Benedict College, Benedict-Allen Community Development Corporation, 1600 Harden Street, Columbia, SC 29204. Grant: $600,000.
6. C.A. Fredd Technical College Campus, Dr. Cordell Wynn, C.A. Fredd Technical College Campus, 3401 Martin Luther King Jr. Boulevard, Tuscaloosa, AL 35401. Grant: $599,020.
7. Morris College, Ms. Dorothy Cheagle, Morris College, Planning and Governmental Relations, 100 West College Street, Sumter, SC 29150. Grant: $600,000.
8. North Carolina A&T State University, Dr. N. Radhakrishman, North Carolina A&T State University, Research and Economic Development, 1601 East Market Street, Greensboro, NC 27411. Grant: $597,538.

*Region VI*

9. Southern University and A&M College, Dr. Alma Thornton, Southern University and A&M College, Center for Social Research, 208 Higgins Hall, Roosevelt Steptoe Drive, Baton Rouge, LA 70813. Grant: $600,000.
10. Dillard University, Mr. Theodore Callier, Dillard University, Office of Sponsored Programs,1555 Poydras Street, 12th Floor, New Orleans, LA 70112. Grant: $2,000,000.
11. Langston University, Ms. Linda Tillman, Langston University, Rural Business Development, 4205 North Lincoln Boulevard, Room 109, Oklahoma City, OK 73105. Grant: $587,806.
12. Xavier University of Louisiana, Dr. Kyshun Webster, Xavier University of Louisiana, One Drexel Drive, New Orleans, LA 70125. Grant: $2,000,000.
13. University of Arkansas at Pine Bluff, Mr. Henry Golatt, Sr., University of Arkansas at Pine Bluff, Economic Research and Development Center, 1200 North University Drive, Pine Bluff, AR 71601. Grant: $429,609.

Dated: September 21, 2006.

**Darlene F. Williams,**

*Assistant Secretary.*

[FR Doc. E6–16715 Filed 10–10–06; 8:45 am]

**BILLING CODE 4210–67–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

### Notice of Cancellation of the Environmental Impact Statement for the Proposed Operations and Maintenance of the Flathead Indian Irrigation Project Upon Transfer in Favor of Preparation of an Environmental Assessment, Flathead, Lake, Missoula and Sanders Counties, MO

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice advises the public that the Bureau of Indian Affairs (BIA) intends to prepare an Environmental Assessment (EA) instead of an Environmental Impact Statement (EIS) for the proposed operations and maintenance of the Flathead Indian Irrigation Project upon transfer. This notice also announces a public comment period. The purpose of this notice and public comment period is to obtain additional suggestions and information from other agencies and the public regarding BIA's intention to prepare an EA instead of an EIS. Because the BIA has already held public meetings to satisfy scoping requirements for preparation of an EIS, and the subject matter of the EA is identical, at this time, the BIA does not intend to hold additional public meetings. However, if the need for additional public meetings becomes evident through public comment or otherwise, the BIA will hold additional public meetings.

**DATES:** Comments on the implementation of this proposal must be received before November 13, 2006.

**ADDRESSES:** Mail or hand deliver written comments to Mr. Travis Teegarden, Project Manager, Branch of Irrigation, Power, and Safety of Dams, Natural Resources Division, Office of Trust Services, Bureau of Indian Affairs, 490 N. 31st Street, Suite 203, Billings, MT 59101. You may also fax comments to Mr. Travis Teegarden at (406) 657–5988.

**FOR FURTHER INFORMATION CONTACT:** Mr. Travis Teegarden, (406) 657–5987.

**SUPPLEMENTARY INFORMATION:** The Flathead Indian Irrigation Project (Project) is located on the Flathead Indian Reservation in northwestern Montana. The Secretary of the Interior (Secretary) is required to transfer the operations and management of the Project as provided by the Act of May 29, 1908, Public Law 60–156, 35 Stat. 441 (the 1908 Act) and the Act of May 25, 1948, Public Law 80–554, 62 Stat. 269 (the 1948 Act).

In 1904, the Flathead Indian Allotment Act authorized allotments of land within the Flathead Indian Reservation to members of the Confederated Salish and Kootenai Tribes (Tribes) and construction of the Flathead Indian Irrigation Project for ''the benefit of Indians'' on the Flathead Indian Reservation (33 Stat. 302). When this Act was amended in 1908, it also authorized the construction of irrigation systems to serve homesteaded lands within the Flathead Indian Reservation and provided for turnover of the operation and management of irrigation works serving non-Indian lands when certain Project construction repayment conditions had been met (35 Stat. 450). Further, upon turnover of the project, the 1948 Act called for the operation and management of the Project under rules and regulations approved by the Secretary.

As of August 2002, there were 134,788 total acres in the project; 127,535 of which were assessed acres, with 7,252 designated as temporarily non-assessed acres. Approximately 10 percent of the Project's irrigated lands are held in trust by the United States for the benefit of individual Indian landowners and for the Confederated Salish and Kootenai Tribes. Trust land totals 11,771 acres, while land in fee status totals 115,764 acres. The primary source of the water for the Project originates from the Mission Mountains which border the east side of the reservation. The Project facilities include 17 major storage reservoirs, 1,300 miles of canals and laterals and more than 10,000 structures. The Project is divided into the Mission, Post, Pablo, Camas, and Jocko divisions. Primary irrigated crops are hay and alfalfa,

grains, potatoes, canola, and some fruit orchards.

Currently, the BIA's Flathead Agency Superintendent is the Officer-in-Charge of the Project and administers activities through the Irrigation Systems Manager. The Irrigation Systems Manager supervises the operation and maintenance of the Project works.

Non-Indian irrigation interests are represented by three irrigation districts, the Flathead Irrigation District, the Mission Irrigation District, and the Jocko Valley Irrigation District. These Districts signed repayment contracts with the United States in 1928, 1931, and 1934 respectively, and are collectively represented by the Flathead Joint Board of Control (FJBC), which is chartered under state law and represents only owners of fee lands. Individual Indians and the Tribes that irrigate lands held in trust by the United States are statutorily excluded from representation by the FJBC.

Repayment of Project construction conditions were fulfilled in early January 2004. The BIA, the Tribes and the FJBC are developing proposed standard operating procedures for the Project and are proposing to contract the management of the Project under a Cooperating Management Entity, made up of representatives from the FJBC and the Tribes, with the BIA providing oversight functions and maintaining its role as trustee.

The BIA has been delegated the responsibility to serve as the Lead Agency for National Environmental Policy Act compliance in connection with the proposed operations and maintenance of the Flathead Indian Irrigation Project upon transfer. Issues to be addressed in the environmental analysis include, but are not limited to, irrigation and farming, rights-of-ways, treaty-protected fisheries, aquatic habitat, biological resources, wildlife habitat, and Indian traditional and cultural properties and resources.

On June 7, 2004, the BIA issued a Notice of Intent to prepare an EIS for the proposed operations and maintenance of the Flathead Indian Irrigation Project upon transfer (69 FR 31835). The BIA held public scoping meetings on June 28, 2004, in Arlee, Montana, and June 30, 2004, in Ronan, Montana. Public comments were solicited and received by the BIA and work began on the EIS. As work on the EIS progressed, it became evident that an EA would be a more appropriate NEPA document for the proposed transfer of the operation and maintenance of the Project. Preliminary analysis of current operation and maintenance of the Project and proposed future operations and maintenance after turnover showed the two plans to be very similar and any environmental affects of the limited changes and new actions to be taken would result primarily in environmental benefits. Thus, after consultation with the Tribes, the FJBC, and the U.S. Fish and Wildlife Service, the BIA now intends to prepare an EA instead of an EIS. A biological assessment prepared in accordance with the Endangered Species Act will accompany the EA.

The proposed operations and management of the Project after transfer will be examined in the EA, including Project management control structures, certain operating and maintenance methods or procedures, system rehabilitation, and alternative water delivery regimes. The environmental issues will be substantially the same as those that were to be addressed in the EIS that was originally contemplated. A draft EA will be made available for public comment. Following consideration of public comments on the draft EA, BIA will publish a final EA. Based on the information in the final EA, BIA will either issue a finding of no significant impact (FONSI), or, if the final EA reveals significant environmental impacts, BIA will prepare an EIS.

**Authority**

This notice is published in accordance with Council on Environmental Quality regulations (40 CFR parts 1500 through 1508) implementing the procedural requirements of the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*) and the Department of the Interior Manual (516 DM 1.6) and is within in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8.l.

Dated: September 22, 2006.

**Michael D. Olsen,**

*Principal Deputy Assistant Secretary—Indian Affairs.*

[FR Doc. E6–16720 Filed 10–10–06; 8:45 am]

BILLING CODE 4310–W7–P

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[AZ-410–06–1220-AL]**

### Emergency Closure of Public Lands: Graham County, AZ

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

**ACTION:** Notice of Emergency Closure.

**SUMMARY:** Notice is hereby given that certain public lands in Graham County, Arizona are temporarily closed to public use.

This Closure Order restricts all public use on a year-round basis on public lands administered by the BLM Safford Field Office in the Watson Wash area. This Order is issued under the authority of 43 CFR 8364.1 and affects the following public lands: Gila and Salt River Meridian, Arizona, T. 6 S., R.25 E., Sec. 14, S½, SW¼: Sec. 15, S½ SE¼; Sec. 22, E½ NE¼; Sec. 23, NW¼.

The affected lands contain conditions that compromised public health and safety due to illegal activities at the site that included murder, assaults, fights, disorderly conduct, drugs, under-age drinking, weapon offenses, motor vehicle accidents, vandalism, and littering. Public health and safety hazards have increased substantially and are expected to continue to do so unless immediate management action is taken. The restriction prohibiting public entry and use will help to mitigate public health and safety threats. The BLM's immediate removal of an unauthorized hot tub, which was an attractive nuisance, will reduce the area's appeal as a party spot.

**DATES:** This temporary closure will be effective the date this notice is published in the **Federal Register** and will remain in effect until rescinded or modified by the Authorized Officer.

**FOR FURTHER INFORMATION CONTACT:** Bill Brandau, Safford Field Manager, BLM, Safford Field Office, 711 14th Avenue, Safford, AZ 85546, (928) 348–4461.

*Discussion of the Rules:* Pursuant to 43 CFR 8364.1 the following is prohibited on lands administered by BLM within the Watson Wash Area:

1. Unless otherwise authorized, no person shall enter or remain in the closed area.

2. Persons who are exempt from the restriction include:

a. Any Federal, State or local officer or member of an organized firefighting force in the performance of an official duty.

b. BLM employees engaged in official duties, and

c. Persons specifically authorized by the BLM to enter the restricted area.

*Penalties:* Violation of this Order is punishable by a fine of not more than $1,000, and/or imprisonment of not more than 12 months (43 CFR 8364.1(d)).

**Marlo M. Draper,**

*Acting Safford Field Office Manager.*

[FR Doc. E6–16698 Filed 10–10–06; 8:45 am]

BILLING CODE 4310–32–P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[OR–130–1020–PH; GP7–0005]**

### Notice of Public Meeting, Eastern Washington Resource Advisory Council Meeting

**AGENCY:** Bureau of Land Management, U.S. Department of the Interior.

**ACTION:** Notice of Public Meeting.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act of 1976 and the Federal Advisory Committee Act of 1972, the U.S. Department of the Interior, Bureau of Land Management Eastern Washington Resource Advisory Council will meet as indicated below.

**DATES:** The Eastern Washington Resource Advisory Council will meet Friday, November 3, 2006 at the Spokane District Office, Bureau of Land Management, 1103 North Fancher Road, Spokane Valley, Washington, 99212–1275.

**SUPPLEMENTARY INFORMATION:** The meeting will start at 8 a.m., adjourn at 4 p.m., and will be open to the public. Topics of discussion will include Federal Energy Regulatory Commission (FERC) re-licensing of dams, energy development, and rights-of-way corridors. There will be an opportunity for public comment at 3 p.m.

**FOR FURTHER INFORMATION CONTACT:** Scott Pavey, Bureau of Land Management, Spokane District Office, 1103 N. Fancher Road, Spokane Valley, Washington, 99212, or call (509) 536–1200.

Dated: October 4, 2006.

**Richard Bailey,**

*Acting District Manager.*

[FR Doc. E6–16743 Filed 10–10–06; 8:45 am]

**BILLING CODE 4310–33–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[CO–922–06–1310–FI; COC68518]**

### Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

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

**ACTION:** Notice of proposed reinstatement of terminated oil and gas lease.

**SUMMARY:** Under the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), the Bureau of Land Management (BLM) received a petition for reinstatement of oil and gas lease COC68518 from Gunsmoke Production Company for lands in Rio Blanco County, Colorado. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

**FOR FURTHER INFORMATION CONTACT:** Bureau of Land Management, Milada Krasilinec, Land Law Examiner, Branch of Fluid Minerals Adjudication, at 303–239–3767.

**SUPPLEMENTARY INFORMATION:** The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre or fraction thereof, per year and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $163 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease COC68518 effective July 1, 2006, under the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Dated: September 28, 2006.

**Milada Krasilinec,**

*Land Law Examiner.*

[FR Doc. E6–16697 Filed 10–10–06; 8:45 am]

**BILLING CODE 4310–JB–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[CO–922–06–1310–FI; COC68525]**

### Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

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

**ACTION:** Notice of Proposed Reinstatement of Terminated Oil and Gas Lease.

**SUMMARY:** Under the provisions of 30 U.S.C. 188 (d) and (e), and 43 CFR 3108.2–3 (a) and (b)(1), the Bureau of Land Management (BLM) received a petition for reinstatement of oil and gas lease COC68525 from Gunsmoke Production Company for lands in Rio Blanco County, Colorado. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

**FOR FURTHER INFORMATION CONTACT:** Bureau of Land Management, Milada Krasilinec, Land Law Examiner, Branch of Fluid Minerals Adjudication, at 303.239.3767.

**SUPPLEMENTARY INFORMATION:** The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre or fraction thereof, per year and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $163 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease COC68525 effective July 1, 2006, under the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Dated: September 28, 2006.

**Milada Krasilinec,**

*Land Law Examiner.*

[FR Doc. E6–16699 Filed 10–10–06; 8:45 am]

**BILLING CODE 4310–JB–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[CO–922–06–1310–FI; COC68524]**

### Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

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

**ACTION:** Notice of Proposed Reinstatement of Terminated Oil and Gas Lease.

**SUMMARY:** Under the provisions of 30 U.S.C. 188 (d) and (e), and 43 CFR 3108.2–3 (a) and (b)(1), the Bureau of Land Management (BLM) received a petition for reinstatement of oil and gas lease COC68524 from Gunsmoke Production Company for lands in Rio Blanco County, Colorado. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

**FOR FURTHER INFORMATION CONTACT:** Bureau of Land Management, Milada Krasilinec, Land Law Examiner, Branch of Fluid Minerals Adjudication, at 303.239.3767.

**SUPPLEMENTARY INFORMATION:** The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre or fraction thereof, per year and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $163 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31 (d) and (e) of the Mineral

Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease COC68524 effective July 1, 2006, under the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Dated: September 28, 2006.

**Milada Krasilinec,**

*Land Law Examiner.*

[FR Doc. E6–16701 Filed 10–10–06; 8:45 am]

BILLING CODE 4310–JB–P

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

**[CO–922–06–1310–FI; COC68523]**

## Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

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

**ACTION:** Notice of Proposed Reinstatement of Terminated Oil and Gas Lease.

**SUMMARY:** Under the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), the Bureau of Land Management (BLM) received a petition for reinstatement of oil and gas lease COC68523 from Gunsmoke Production Company for lands in Rio Blanco County, Colorado. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

**FOR FURTHER INFORMATION CONTACT:** Bureau of Land Management, Milada Krasilinec, Land Law Examiner, Branch of Fluid Minerals Adjudication, at 303.239.3767.

**SUPPLEMENTARY INFORMATION:** The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre or fraction thereof, per year and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $163 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease COC68523 effective July 1, 2006, under the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Dated: September 28, 2006.

**Milada Krasilinec,**

*Land Law Examiner.*

[FR Doc. E6–16702 Filed 10–10–06; 8:45 am]

BILLING CODE 4310–JB–P

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

**[CO–922–06–1310–FI; COC68522]**

## Notice of Proposed Reinstatement of Terminated Oil and Gas Lease

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

**ACTION:** Notice of proposed reinstatement of terminated oil and gas lease.

**SUMMARY:** Under the provisions of 30 U.S.C. 188(d) and (e), and 43 CFR 3108.2–3(a) and (b)(1), the Bureau of Land Management (BLM) received a petition for reinstatement of oil and gas lease COC68522 from Gunsmoke Production Company for lands in Rio Blanco County, Colorado. The petition was filed on time and was accompanied by all the rentals due since the date the lease terminated under the law.

**FOR FURTHER INFORMATION CONTACT:** Bureau of Land Management, Milada Krasilinec, Land Law Examiner, Branch of Fluid Minerals Adjudication, at 303–239–3767.

**SUPPLEMENTARY INFORMATION:** The lessee has agreed to the amended lease terms for rentals and royalties at rates of $10.00 per acre or fraction thereof, per year and 16⅔ percent, respectively. The lessee has paid the required $500 administrative fee and $163 to reimburse the Department for the cost of this **Federal Register** notice. The lessee has met all the requirements for reinstatement of the lease as set out in Section 31(d) and (e) of the Mineral Lands Leasing Act of 1920 (30 U.S.C. 188), and the Bureau of Land Management is proposing to reinstate lease COC68522 effective July 1, 2006, under the original terms and conditions of the lease and the increased rental and royalty rates cited above.

Dated: September 28, 2006.

**Milada Krasilinec,**

*Land Law Examiner.*

[FR Doc. E6–16706 Filed 10–10–06; 8:45 am]

BILLING CODE 4310–JB–P

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

**[UTU81046]**

## Notice of Proposed Reinstatement of Terminated Oil and Gas Lease, Utah

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

**ACTION:** Notice.

**SUMMARY:** In accordance with Title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97–451), Petro-Hunt LLC timely filed a petition for reinstatement of oil and gas lease UTU81046 for lands in Sanpete County, Utah, and it was accompanied by all required rentals and royalties accruing from May 1, 2006, the date of termination.

**FOR FURTHER INFORMATION CONTACT:** Douglas F. Cook, Chief, Branch of Fluid Minerals at (801) 539–4040.

**SUPPLEMENTARY INFORMATION:** The Lessee has agreed to new lease terms for rentals and royalties at rates of $5 per acre and 16⅔ percent, respectively. The $500 administrative fee for the lease has been paid and the lessee has reimbursed the Bureau of Land Management for the cost of publishing this notice.

Having met all the requirements for reinstatement of the lease as set out in Section 31(d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate lease UTU81046, effective May 1, 2004, subject to the original terms and conditions of the lease and the increased rental and royalty rates cited above.

**Douglas F. Cook,**

*Chief, Branch of Fluid Minerals.*

[FR Doc. E6–16707 Filed 10–10–06; 8:45 am]

BILLING CODE 4310–DQ–P

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

**[CO–910–06–7122–PN–C002]**

## Notice of Proposed Amended Supplementary Rules for Public Land Administered by the Bureau of Land Management in Colorado Relating to the Unlawful Use of Alcohol by Underage Persons, Driving Under the Influence of Alcohol and/or Drugs, and Firearms and Drug Paraphernalia Use and Possession on Public Land

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

**ACTION:** Proposed amended supplementary rules for public land within the State of Colorado.

**SUMMARY:** The Bureau of Land Management (BLM) is proposing to amend the supplementary rules established in 2003 (68 FR 1858, January 14, 2003) for the public lands within the State of Colorado. The rules relate to the illegal use of alcohol and drugs on the public lands. The amended supplementary rules are necessary to protect natural resources and the health and safety of public land users. These amended supplementary rules will allow BLM personnel to continue enforcement of existing public land regulations pertaining to alcohol and drug use in a manner consistent with current state laws as contained in the Colorado Revised Statutes.

**DATES:** Comments on the proposed supplementary rules must be received or postmarked by December 11, 2006 to be assured consideration. In developing final supplementary rules, BLM may not consider comments postmarked or delivered in person or by electronic mail after this date.

**ADDRESSES:** You may submit comments by the following methods:

*Mail or hand-delivery:* Bureau of Land Management, Colorado State Office, 2850 Youngfield Street, Lakewood, Colorado 80215.

*Internet e-mail: http://www.co_proposed_rule@blm.gov* (Include Attn: Dorothy Bensusan in your subject line).

*Federal eRulemaking Portal: http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Dorothy Bensusan, Bureau of Land Management, 2850 Youngfield Street, Lakewood, Colorado 80215, telephone (303) 239–3893. Persons who use a telecommunications device for the deaf (TDD) may contact this individual by calling the Federal Information Relay Service (FIRS) at (800) 877–8339, 24 hours a day, 7 days a week.

**SUPPLEMENTARY INFORMATION:**

I. Public Comment Procedures
II. Background
III. Procedural Matters

## I. Public Comment Procedures

*Electronic Access and Filing Address*

You may also comment via the Internet to *http://www.co_proposed_rule@blm.gov.* Please also include your name and return address in your Internet message, and include ''attn: Dorothy Bensusan.''

You also may comment via the Internet by accessing the Federal eRulemaking Portal at *http://www.regulations.gov* and following the instructions there.

*Written Comments*

Written comments on the proposed amended supplementary rules should be specific, confined to issues pertinent to the proposed amendments, and should explain the reason for any recommended change. Where possible, comments should reference the specific section or paragraph of the proposal which the comment is addressing. BLM may not necessarily consider or include in the Administrative Record for the final rule comments that BLM receives after the close of the comment period (see **DATES**), unless they are postmarked or electronically dated before the deadline, or comments delivered to an address other than those listed above (see **ADDRESSES**).

Comments, including names, street addresses, and other contact information of respondents, will be available for public review at 2850 Youngfield Street, Lakewood, CO 80215, during regular business hours (7:45 a.m. to 3:45 p.m.), Monday through Friday, except Federal holidays. Individual respondents may request confidentiality. If you wish to request that BLM consider withholding your name, street address, and other contact information (such as: Internet address FAX or phone number) from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comment. BLM will honor requests for confidentiality on a case-by-case basis to the extent allowed by law. BLM will make available for public inspection in their entirety all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses.

## II. Background

The BLM, Colorado, published final supplementary rules in 2003 that prohibited certain activities related to drug and alcohol use on public lands in the state. Since that publication, state legislation has been passed that is more restrictive in several of these areas, and as a result the existing supplemental regulations are no longer in concurrence with state law. These amended supplementary rules will correct this, and further promote consistency between the BLM and other agencies including Colorado Division of Wildlife, Colorado State Parks, Colorado State Patrol, and various County Sheriff Offices where working relationships and partnerships in public land management exist.

In keeping with the BLM's performance goal of reducing threats to public health, safety, and property, these amended supplementary rules are necessary to protect natural resources and allow for safe public recreation and public health; to reduce the potential for damage to the environment; and to enhance the safety of visitors and neighboring residents. Alcohol-related offenses are a growing problem on the public lands. Unlawful consumption of alcohol and drugs poses a significant health and safety hazard to all users. Operation of motor vehicles while under the influence of alcohol or drugs can result in the destruction of natural resources and property, and/or serious physical injury or death. Of special concern is the use of firearms by persons under the influence of alcohol or drugs, or in violation of state law. Vandalism to public land resources as a result of firearm use, and the clear risks to public safety, demonstrate the need for greater regulation of these activities. Possession of drug paraphernalia has frequently been linked to other illegal use of controlled substances, including cultivation, manufacture, or possession for distribution. The BLM, in keeping with the National Drug Control policy, intends to continue efforts towards the reduction of illegal use of controlled substances on public lands. These amended supplementary rules will provide an avenue for consistent application and enforcement of alcohol and drug regulations on public lands, further enhancing public safety by all public land users.

## III. Procedural Matters

*Executive Order 12866, Regulatory Planning and Review*

These proposed amended supplementary rules are not a significant regulatory action and are not subject to review by the Office of Management and Budget under Executive Order 12866. These amended rules will not have an effect of $100 million or more on the economy. They will not adversely affect, in a material way, the economy, productivity, competition, jobs, the environment, public health or safety, or state, local, or Tribal governments or communities. These proposed supplementary rules will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. The amended supplementary rules do not alter the budgetary effects of entitlements, grants, user fees, or loan programs or the right or obligations of

their recipients; nor do they raise novel legal or policy issues. The amended supplementary rules would merely revise the existing supplementary rules for greater consistency with the Colorado Revised Statutes, as applied to public land management. They prohibit unlawful personal behavior on public lands in order to protect public health and safety, and natural resources.

*Clarity of the Supplementary Rules*

Executive Order 12866 requires each agency to write regulations that are simple and easy to understand. We invite your comments on how to make these proposed supplementary rules easier to understand, including answers to questions such as the following: (1) Are the requirements in the proposed supplementary rules clearly stated? (2) Do the proposed supplementary rules contain technical language or jargon that interferes with their clarity? (3) Does the format of the proposed supplementary rules (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity? (4) Would the supplementary rules be easier to understand if they were divided into more (but shorter) sections? (5) Is the description of the proposed supplementary rules in the **SUPPLEMENTARY INFORMATION** section of this preamble helpful to your understanding of the proposed supplementary rules? How could this description be more helpful in making the proposed supplementary rules easier to understand?

Please send any comments you have on the clarity of the supplementary rules to the address specified in the **ADDRESSES** section.

*National Environmental Policy Act*

BLM has prepared an environmental assessment (EA) and has found that the proposed supplementary rules would not constitute a major Federal action significantly affecting the quality of the human environment under section 102(2)(C) of the Environmental Protection Act of 1969 (NEPA), 42 U.S.C. 4332(2)(C). The supplementary rules will enable BLM law enforcement personnel to cite persons for unlawful possession/use of alcohol or drugs on public lands, in order to protect public health, safety, and the environment. BLM has placed the EA and the Finding of No Significant Impact (FONSI) on file in the BLM Administrative Record at the address specified in the **ADDRESSES** section. BLM invites the public to review these documents and suggests that anyone wishing to submit comments in response to the EA and FONSI do so in accordance with the Written Comments section, above.

*Regulatory Flexibility Act*

Congress enacted the Regulatory Flexibility Act of 1980, as amended, 5 U.S.C. 601–612, (RFA) to ensure that Government regulations do not unnecessarily or disproportionately burden small entities. The RFA requires a regulatory flexibility analysis if a rule would have a significant economic impact, either detrimental or beneficial, on a substantial number of small entities. The proposed supplementary rules do not pertain specifically to commercial or governmental entities of any size, but contain rules to protect the health and safety of individuals, property, and resources on the public lands. Therefore, BLM has determined under the RFA that these proposed supplementary rules would not have a significant economic impact on a substantial number of small entities.

*Small Business Regulatory Enforcement Fairness Act (SBREFA)*

These supplementary rules do not constitute a major rule under 5 U.S.C. 804(2). Again, the supplementary rules pertain only to individuals who may wish to use alcohol or drugs on the public lands. In this respect, the regulation of such use is necessary to protect the public lands and facilities and those, including small business concessionaires and outfitters, who use them. The supplementary rules have no effect on business, commercial, or industrial use of the public lands.

*Unfunded Mandates Reform Act*

These proposed supplementary rules do not impose an unfunded mandate on state, local, or Tribal governments or the private sector of more than $100 million per year; nor do these supplementary rules have a significant or unique effect on state, local, or Tribal governments or the private sector. The supplementary rules do not require anything of state, local, or Tribal governments. Therefore, BLM is not required to prepare a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*)

*Executive Order 12630, Governmental Actions and Interference With Constitutionally Protected Property Rights (Takings)*

The proposed supplementary rules do not represent a government action capable of interfering with constitutionally protected property rights. The supplementary rules do not address property rights in any form, and do not cause the impairment of anyone's property rights. Therefore, the Department of the Interior has determined that the proposed supplementary rules would not cause a taking of private property or require further discussion of takings implications under this Executive Order.

*Executive Order 13132, Federalism*

The proposed supplementary rules will 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. The supplementary rules apply in only one state, Colorado, and do not address jurisdictional issues involving the Colorado State government. Therefore, in accordance with Executive Order 13132, BLM has determined that these proposed supplementary rules do not have sufficient Federalism implications to warrant preparation of a Federalism Assessment.

*Executive Order 12988, Civil Justice Reform*

Under Executive Order 12988, Colorado State Office of BLM has determined that these proposed supplementary rules would not unduly burden the judicial system and that they meet the requirements of sections 3(a) and 3(b)(2) of the Order. They merely update the existing supplementary rules to conform with changed state laws.

*Executive Order 13175, Consultation and Coordination With Indian Tribal Governments*

In accordance with E.O. 13175, we have found that these proposed supplementary rules do not include policies that have Tribal implications. Since the rules do not change BLM policy and do not involve Indian reservation lands or resources, we have determined that the government-to-government relationships should remain unaffected. The supplementary rules only prohibit the illegal use of alcoholic beverages and controlled substances, and regulate the use of firearms, on public lands, in conformance with state law.

*Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*

These proposed supplementary rules do not comprise a significant energy action. The rules will not have an adverse effect on energy supplies, production, or consumption. They only address use of alcoholic beverages,

drugs, and firearms on public lands, and have no conceivable connection with energy policy.

*Paperwork Reduction Act*

These proposed supplementary rules do not contain information collection requirements that the Office of Management and Budget must approve under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

*Author*

The principal author of these proposed supplementary rules is State Staff Ranger Dorothy Bensusan, Colorado State Office, Bureau of Land Management.

For the reasons stated in the Preamble, and under the authority of 43 CFR 8365.1–6, the Colorado State Director, Bureau of Land Management, proposes supplementary rules for public lands in Colorado, to read as follows:

**Supplementary Rules on Public Lands in Colorado**

A. You must not violate any state laws relating to the purchase, possession, use, or consumption of alcohol.

B. You must not operate a motor vehicle while under the influence of alcohol, in violation of any state law.

C. You must not possess any drug paraphernalia, in violation of any state law.

D. You must not possess or discharge a firearm or explosive device in violation of any state law.

E. Penalties. Under section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733(a) and 43 CFR 8360.0–7), any person who violates any of these supplementary rules on public lands may be tried before a United States Magistrate and fined no more than $1,000 or imprisoned for no more than 12 months, or both. Such violations may also be subject to enhanced fines provided for by 18 U.S.C. 3571.

**Sally Wisely,**

*Colorado State Director, Bureau of Land Management.*

[FR Doc. E6–16709 Filed 10–10–06; 8:45 am]

BILLING CODE 4310–JB–P

## DEPARTMENT OF THE INTERIOR

### National Park Service

### Chesapeake and Ohio Canal National Historical Park; Notice of Public Meeting

**AGENCY:** Department of the Interior, National Park Service, Chesapeake and Ohio Canal National Historical Park.

**ACTION:** Notice of meeting.

**SUMMARY:** Notice is hereby given that a meeting of the Chesapeake and Ohio Canal National Historical Park Advisory Commission will be held at 9:30 a.m., on Friday, October 20, 2006, at the Chesapeake and Ohio Canal National Historical Park Headquarters, 1850 Dual Highway, Hagerstown, Maryland 21740.

**DATES:** Friday, October 20, 2006.

**ADDRESSES:** Chesapeake and Ohio Canal National Historical Park Headquarters, 1850 Dual Highway, Hagerstown, Maryland 21740.

**FOR FURTHER INFORMATION CONTACT:** Kevin Brandt, Superintendent, Chesapeake and Ohio Canal National Historical Park, 1850 Dual Highway, Suite 100, Hagerstown, Maryland 21740, *telephone:* (301) 714–2201.

**SUPPLEMENTARY INFORMATION:** The Commission was established by Public Law 91–664 to meet and consult with the Secretary of the Interior on general policies and specific matters related to the administration and development of the Chesapeake and Ohio Canal National Historical Park.

The members of the Commission are as follows:

Mrs. Sheila Rabb Weidenfeld, Chairperson, Mr. Charles J. Weir, Mr. Barry A. Passett, Mr. Terry W. Hepburn, Ms. JoAnn M. Spevacek, Mrs. Mary E. Woodward, Mrs. Donna Printz, Mrs. Ferial S. Bishop, Ms. Nancy C. Long, Mrs. Jo Reynolds, Dr. James H. Gilford, Brother James Kirkpatrick, Mr. George E. Lewis, Jr., Mr. Charles D. McElrath, Ms. Patricia Schooley, Mr. Jack Reeder.

Topics that will be presented during the meeting include:

1. Update on park operations.
2. Update on major construction/development projects.
3. Update on partnership projects.

The meeting will be open to the public. Any member of the public may file with the Commission a written statement concerning the matters to be discussed. Persons wishing further information concerning this meeting, or who wish to submit written statements, may contact Kevin Brandt, Superintendent, Chesapeake and Ohio Canal National Historical Park. Minutes of the meeting will be available for public inspection six weeks after the meeting at Chesapeake and Ohio Canal National Historical Park Headquarters, 1850 Dual Highway, Suite 100, Hagerstown, Maryland 21740.

Dated: September 11, 2006.

**Kevin D. Brandt,**

*Superintendent, Chesapeake and Ohio Canal, National Historical Park.*

[FR Doc. E6–16740 Filed 10–10–06; 8:45 am]

BILLING CODE 4310–6V–P

## DEPARTMENT OF THE INTERIOR

### National Park Service

### Notice of Meeting of Concessions Management Advisory Board

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770, 5 U.S.C. App 1, Section 10), notice is hereby given that the Concessions Management Advisory Board (the Board) will hold its 16th meeting October 24–25, 2006, at Glen Canyon National Recreation Area in Page, Arizona. The meeting will be held at the Lake Powell Lodge located in Glen Canyon National Recreation Area. The meeting will convene at 8:30 a.m. each day and will conclude at 4:30 p.m.

**SUPPLEMENTARY INFORMATION:** The Board was established by Title IV, Section 409 of the National Park Omnibus Management Act of 1998, November 13, 1998 (Public Law 105–391). The purpose of the Board is to advise the Secretary and the National Park Service on matters relating to management of concessions in the National Park System. The Board will meet at 8:30 a.m. for the regular business meeting for continued discussions on the following subjects:

- Leasehold Surrender Interest Regulations Status.
- Service Contract Act issues.
- Standards, Evaluations and Rate Approval Project Update.
- Concession Contracting Status Update.
- Superintendent's Training Project Update.
- Electronic Annual Financial Report Project Update.
- Concession Data Management System Project Update.

The meeting will be open to the public, however, facilities and space for accommodating members of the public are limited, and persons will be accommodated on a first-come-first-served basis.

**Assistance to Individuals With Disabilities at the Public Meeting**

The meeting site is accessible to individuals with disabilities. If you plan to attend and will require an auxiliary aid or service to participate in the meeting (e.g., interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice at least 2 weeks before the scheduled meeting date, however, we may not be able to

make the requested auxiliary aid or service available because of insufficient time to arrange for it. Anyone may file with the Board a written statement concerning matters to be discussed. The Board may also permit attendees to address the Board, but may restrict the length of the presentations, as necessary to allow the Board to complete its agenda within the allotted time. Such requests should be made to the Director, National Park Service, Attention: Manager Concession Program, at least 7 days prior to the meeting.

Further information concerning the meeting may be obtained from National Park Service, Concession Program, 1201 Eye Street, NW., Washington, DC 20240, Telephone: 202/513–7151. Draft minutes of the meeting will be available for public inspection approximately 6 weeks after the meeting, at the Concession Program office located at 102 Eye Street, NW., 11th Floor, Washington, DC.

Dated: October 2, 2006.

**Fran P. Mainella,**

*Director, National Park Service.*

[FR Doc. 06–8590 Filed 10–10–06; 8:45 am]

BILLING CODE 4312–53–M

## DEPARTMENT OF THE INTERIOR

### National Park Service

### National Preservation Technology and Training Board—National Center for Preservation Technology and Training: Meeting

**AGENCY:** National Park Service, U.S. Department of the Interior.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. Appendix (1988)), that the Preservation Technology and Training Board (Board) of the National Center for Preservation Technology and Training, National Park Service will meet on Monday and Tuesday, October 16–17, 2006, at Yellowstone National Park, Wyoming.

The Board was established by Congress to provide leadership, policy advice, and professional oversight to the National Park Service's National Center for Preservation Technology and Training (National Center) in compliance with Section 404 of the National Historic Preservation Act of 1966, as amended, (16 U.S.C. 470x–2(e)).

The Board will meet at the Old Faithful Snow Lodge, One Grand Loop Road, Yellowstone, WY 82190—telephone (307) 344–7901. The meeting will begin at 9 a.m. and end no later than 5 p.m. each day.

The Board's meeting agenda will include: review and comment on National Center FY2006 accomplishments and operational priorities for FY2007; status of FY2007 National Center budget and initiatives; development and launch of the Lee. H. Nelson Prize in Historic Preservation Technology; proposed Wingspread Conference on Sustainability in Preservation; revitalization of the Center's Friends group, and Board workgroup reports.

The Board meeting is open to the public. Facilities and space for accommodating members of the public are limited, however, and persons will be accommodated on a first come first served basis. Any member of the public may file a written statement concerning any of the matters to be discussed by the Board.

Persons wishing more information concerning this meeting, or who wish to submit written statements, may contact: Mr. Kirk A. Cordell, Executive Director, National Center for Preservation Technology and Training, National Park Service, U.S. Department of the Interior, 645 University Parkway, Natchitoches, LA 71457—telephone (318) 356–7444. In addition to U.S. Mail or commercial delivery, written comments may be sent by fax to Mr. Cordell at (318) 356–9119.

Minutes of the meeting will be available for public inspection no later than 90 days after the meeting at the office of the Executive Director, National Center for Preservation Technology and Training, National Park Service, U.S. Department of the Interior, 645 University Parkway, Natchitoches, LA 71457—telephone (318) 356–7444.

September 14, 2006.

**Kirk A. Cordell,**

*Executive Director, National Center for Preservation Technology and Training, National Park Service.*

[FR Doc. 06–8592 Filed 10–10–06; 8:45 am]

BILLING CODE 4312–52–M

## DEPARTMENT OF THE INTERIOR

### National Park Service

### Committee for the Preservation of the White House; Notice of Public Meeting

**AGENCY:** Department of the Interior, National Park Service.

**ACTION:** Notice of meeting.

**SUMMARY:** Notice is hereby given in accordance with the Federal Advisory Committee Act that a meeting of the Committee for the Preservation of the White House will be held at the White House at 10 a.m. on Thursday, October 26, 2006.

**DATES:** October 26, 2006.

**FOR FURTHER INFORMATION CONTACT:** Executive Secretary, Committee for the Preservation of the White House, 1100 Ohio Drive, SW., Washington, DC 20242. (202) 619–6344.

**SUPPLEMENTARY INFORMATION:** It is expected that the meeting agenda will include policies, goals, and long range plans. The meeting will be open, but subject to appointment and security clearance requirements. Clearance information, which includes full name, date of birth and social security number, must be received by October 19, 2006. Due to the present mail delays being experienced, clearance information should be faxed to (202) 619–6353 in order to assure receipt by deadline. Inquiries may be made by calling the Committee for the Preservation of the White House between 9 a.m. and 4 p.m. weekdays at (202) 619–6344. Written comments may be sent to the Executive Secretary, Committee for the Preservation of the White House, 1100 Ohio Drive, SW., Washington, DC 20242.

Dated: October 2, 2006.

**Ann Bowman Smith,**

*Executive Secretary, Committee for the Preservation of the White House.*

[FR Doc. E6–16876 Filed 10–10–06; 8:45 am]

BILLING CODE 4312–52–P

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

### Central Valley Project Improvement Act, Water Management Plans

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** The following Water Management Plans are available for review:

- Santa Clara Valley Water District
- City of Fairfield
- Solano County Water Agency
- City of Roseville
- Suisun-Solano Irrigation District

To meet the requirements of the Central Valley Project Improvement Act of 1992 (CVPIA) and the Reclamation Reform Act of 1982, the Bureau of Reclamation has developed and published the Criteria for Evaluating Water Management Plans (Criteria).

**Note:** For the purpose of this announcement, Water Management Plans (Plans) are considered the same as Water

Conservation Plans. The above districts have developed Plans, which Reclamation has evaluated and preliminarily determined to meet the requirements of these Criteria. Reclamation is publishing this notice in order to allow the public to review the Plans and comment on the preliminary determinations. Public comment on Reclamation's preliminary (i.e., draft) determination is invited at this time.

**DATES:** All public comments must be received by November 13, 2006.

**ADDRESSES:** Please mail comments to Laurie Sharp, Bureau of Reclamation, 2800 Cottage Way , MP–410, Sacramento, California 95825, or contact at 916–978–5232 (TDD 978–5608), or e-mail *lsharp@mp.usbr.gov*.

**FOR FURTHER INFORMATION CONTACT:** To be placed on a mailing list for any subsequent information, please contact Ms. Sharp at the e-mail address or telephone number above.

**SUPPLEMENTARY INFORMATION:** We are inviting the public to comment on our preliminary (i.e., draft) determination of Plan adequacy. Section 3405(e) of the CVPIA (Title 34 Public Law 102–575) requires the Secretary of the Interior to establish and administer an office on Central Valley Project water conservation best management practices (BMPs) that shall ''* * * develop criteria for evaluating the adequacy of all water conservation plans developed by project contractors, including those plans required by Section 210 of the Reclamation Reform Act of 1982.'' Also, according to Section 3405(e)(1), these Criteria must be developed. ''* * * with the purpose of promoting the highest level of water use efficiency reasonably achievable by project contractors using best available cost-effective technology and best management practices.'' These Criteria state that all parties (Contractors) that contract with Reclamation for water supplies (municipal and industrial contracts over 2,000 acre-feet and agricultural contracts over 2,000 irrigable acres) must prepare Plans that contain the following information:

1. Description of the District.
2. Inventory of Water Resources.
3. BMPs for Agricultural Contractors.
4. BMPs for Urban Contractors.
5. BMP Plan Implementation.
6. BMP Exemption Justification.

Reclamation will evaluate Plans based on these Criteria. A copy of these Plans will be available for review at Reclamation's Mid-Pacific (MP) Regional Office located in Sacramento, California, and the local area office.

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that Reclamation withhold their home address from public disclosure, and we will honor such requests to the extent allowable by law. There also may be circumstances in which Reclamation would elect to withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comments. We will make all submissions from organizations, businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses available for public disclosure in their entirety. If you wish to review a copy of these Plans, please contact Ms. Sharp to find the office nearest you.

Dated: September 5, 2006.

**Michael Heaton,**

*Acting Regional Resources Manager, Mid-Pacific Region.*

[FR Doc. 06–8573 Filed 10–10–06; 8:45 am]

**BILLING CODE 4310–MN–M**

## INTERNATIONAL TRADE COMMISSION

**[Inv. No. 337–TA–576]**

### In the Matter of Certain Portable Digital Media Players and Components Thereof; Notice of Commission Decision Not To Review an Initial Determination of the Administrative Law Judge Terminating the Investigation on the Basis of a Binding Term Sheet

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ'') initial determination (''ID'') (Order No. 3) terminating the above-captioned investigation on the basis of a binding term sheet.

**FOR FURTHER INFORMATION:** Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–3152. Copies of the ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

**SUPPLEMENTARY INFORMATION:** On July 6, 2006, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, based on a complaint, as supplemented and amended, filed by Apple Computer, Inc. of Cupertino, California (''Apple''), alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain portable digital media players and components thereof by reason of infringement of claim 25 of U.S. Patent No. 7,046,230; claims 25 and 33 of U.S. Patent No. 5,341,293; claims 36–39, 48, 65, 72–73, and 77–78 of U.S. Patent No. 5,898,434; and claims 1, 24, and 32 of U.S. Patent No. 6,282,646. 71 FR 38421 (July 6, 2006). The complainant named Creative Labs, Inc. of Milpitas, California, and Creative Technology Ltd. of Singapore (collectively, ''Creative'') as respondents.

On September 13, 2006, the ALJ issued an ID (Order No. 3) granting a joint motion filed by Apple and Creative seeking termination of this investigation on the basis of a binding term sheet. No party petitioned for review of Order No. 3.

The Commission has determined not to review Order No. 3.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in § 210.42(h) of the Commission's Rules of Practice and Procedure (19 CFR 210.42(h)).

By order of the Commission.

Issued: October 4, 2006.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E6–16808 Filed 10–10–06; 8:45 am]

**BILLING CODE 7020–02–P**

## INTERNATIONAL TRADE COMMISSION

**[Inv. No. 337–TA–573]**

### In the Matter of Certain Portable Digital Media Players; Notice of Commission Decision Not To Review an Initial Determination of the Administrative Law Judge Terminating the Investigation on the Basis of a Binding Term Sheet

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's (''ALJ'') initial determination (''ID'') (Order No. 4) terminating the above-captioned investigation on the basis of a binding term sheet.

**FOR FURTHER INFORMATION CONTACT:** Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–3152. Copies of the ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202–205–2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.*

**SUPPLEMENTARY INFORMATION:** On June 14, 2006, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, based on a complaint, as supplemented, filed by Creative Labs, Inc. of Milpitas, California, and Creative Technology Ltd. of Singapore (collectively, ''Creative''), alleging a violation of section 337 in the importation, sale for importation, and sale within the United States after importation of certain portable digital media players by reason of infringement of claims 2–5, 7, 11–13, 15, and 16 of U.S. Patent No. 6,928,433. 71 FR 34390 (June 14, 2006). The complainant named Apple Computer, Inc. of Cupertino, California (''Apple'') as the respondent.

On September 13, 2006, the ALJ issued an ID (Order No. 4) granting a joint motion filed by Creative and Apple seeking termination of this investigation on the basis of a binding term sheet. No party petitioned for review of Order No. 4.

The Commission has determined not to review Order No. 4.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in section 210.42(h) of the Commission's Rules of Practice and Procedure (19 CFR 210.42(h)).

By order of the Commission.

Issued: October 4, 2006.

**Marilyn R. Abbott,**

*Secretary to the Commission.*

[FR Doc. E6–16809 Filed 10–10–06; 8:45 am]

**BILLING CODE 7020–02–P**

## DEPARTMENT OF JUSTICE

**[OMB Number 1103–0087]**

### Office of Community Oriented Policing Services; Agency Information Collection Activities: Revision of a Currently Approved Collection; Comments Requested

**ACTION:** 60-Day Notice of Information Collection Under Review: Tribal Resources Grant Program Equipment/Training Progress Report.

The Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS) has submitted the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The revision of a currently approved information collection is published to obtain comments from the public and affected agencies.

The purpose of this notice is to allow for 60 days for public comment until December 11, 2006. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Rebekah Dorr, Department of Justice Office of Community Oriented Policing Services, 1100 Vermont Avenue, NW., Washington, DC 20530.

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:

—Evaluate 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;

—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;

—Enhance the quality, utility, and clarity of the information to be collected; and

—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 Collection**

(1) *Type of Information Collection:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Tribal Resources Grant Program Equipment/Training Progress Report.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* None. U.S. Department of Justice Office of Community Oriented Policing Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Tribal Resources Grant Program—Equipment and Training grant recipients will report to the COPS Office on the status of grant implementation on an annual basis. Secondary: None.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:*

It is estimated that 275 respondents will complete the form annually within 30 minutes.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 138 total annual burden hours.

If additional information is required contact: Lynn Bryant, Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Patrick Henry Building, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: October 4, 2006.

**Lynn Bryant,**

*Department Clearance Officer, PRA, Department of Justice.*

[FR Doc. E6–16723 Filed 10–10–06; 8:45 am]

**BILLING CODE 4410–AT–P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Consent Decree Under the Clean Air Act

Notice is hereby given that on August 24, 2006, a proposed Consent Decree in *United States of America and the Michigan Department of Environmental Quality* v. *CEMEX, Inc., St. Mary's Cement Inc. (U.S.), and St. Barbara Cement, Inc.,* Civil Action No. 1:06–CV–0607, was lodged with the United States District Court for the Western District of Michigan.

In this action the United States sought injunctive relieve and civil penalties for violations for the Clean Air Act that occurred at the portland cement manufacturing facility located in 16000 Bell Bays Road, in Charlevoix, Michigan, which was owned and operated by CEMEX, Inc. prior to March 31, 2005, and owned by St. Barbara Cement Inc. and operated by St.Marys Cement Inc. (U.S.) on and after March 31, 2005. The complaint alleges that CEMEX Inc. failed to control and limit particulate matter (dust) emissions, failed to perform required compliance monitoring, and failed to comply with various other requirements government operation of portland cement manufacturing plants.

The proposed consent decree resolves all violations alleged in the complaint. Among other things, the consent decree requires CEMEX Inc. to pay a civil penalty of $1,359,422 to the United States and the State of Michigan and requires St. Marys and St. Barbara to install a baghouse filtering system, which is estimated to cost in excess of $11 million, to remedy the ongoing emissions violations. In addition, the consent decree requires the defendants to spend at least $6.2 million on the installation of a new indirect firing system for the facility's kiln, which is expected to substantially reduce emissions of particulate matter, sulfur dioxide, and nitrogen oxides.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environmental and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States, et al.* v. *CEMEX, et al.*, D.J. Ref. 90–5–2–1–08077.

The Consent Decree may be examined at the Office of the United States Attorney, Fifth Floor, 330 Ionia NW., Grand Rapids, MI. During the public comment period, the Consent Decree may also be examined on the following Department of Justice Web site, *http://www.usdoj.gov/enrd/Consent_Decrees.html.* A copy of the Consent Decree may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, or by faxing or e-mailing a request to Tonia Fleetwood (*tonia.fleetwood@usdoj.gov*), fax no. (202) 514–0097. phone confirmation number (202) 514–1547. In requesting a copy from the Consent Decree Library, please enclose a check in the amount of $50.50 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by e-mail or fax, forward a check in that amount to the Consent Decree Library at the state address. In requesting a copy exclusive of exhibits, please enclose a check in the amount of $10.00 (25 cents per page reproduction cost) payable to the U.S. Treasury.

**Margaret M. Chiara,**

*United States Attorney.*

**W. Francesca Ferguson,**

*Assistant United States Attorney, Western District of Michigan.*

[FR Doc. 06–8574 Filed 10–10–06; 8:45 am]

**BILLING CODE 4410–15–M**

## DEPARTMENT OF JUSTICE

**[AAG/A Order No. 016–2006]**

### Privacy Act of 1974; Systems of Records

**AGENCY:** United States Trustee Program, Department of Justice.

**ACTION:** Notice of modifications to current systems of records and establishment of a new system of records.

**SUMMARY:** Pursuant to the Privacy Act of 1974 (5 U.S.C. 552a) and Office of Management and Budget Circular No. A–130, the United States Trustee Program (USTP), Department of Justice, proposes to modify the following existing Privacy Act systems of records:

JUSTICE/UST–001, ''Bankruptcy Case Files and Associated Records'' (last substantively revised on March 4, 2004, at 69 FR 10255; as amended June 15, 2004, 69 FR 33403); JUSTICE/UST–002, ''Bankruptcy Trustee Oversight Records'' (last substantively revised on March 4, 2004, at 69 FR 10255; as amended June 15, 2004, 69 FR 33403); JUSTICE/UST–003, ''U.S. Trustee Program Timekeeping Records'' (last substantively revised on March 4, 2004, at 69 FR 10255; as amended June 15, 2004, 69 FR 33403); and JUSTICE/UST–004, ''U.S. Trustee Program Case Referral System'' (last substantively revised on March 4, 2004, at 69 FR 10255; as amended June 15, 2004, 69 FR33403). In addition, the USTP proposes to establish a new system of records entitled, JUSTICE/UST–005, ''Credit Counseling and Debtor Education Files and Associated Records.'' The modified system notices and the new system notice are published in their entirety below.

**DATES:** These actions will be effective November 20, 2006.

**FOR FURTHER INFORMATION CONTACT:** For information regarding these changes and for general information regarding the USTP's Privacy Act systems, contact Sue Ann Slates, FOIA/Privacy Counsel, Executive Office for United States Trustees (EOUST), at (202) 307–1399.

**SUPPLEMENTARY INFORMATION:** On April 20, 2005, amendments to the Bankruptcy Code, 11 U.S.C. 101, *et seq.*, were enacted that took effect on October 17, 2005. Under the new provisions, all individual debtors are required to receive credit counseling and a budget analysis from a USTP approved nonprofit budget and credit counseling agency within 180 days prior to filing a bankruptcy petition. Also, an individual debtor is required to take a personal financial management course from a USTP approved debtor education provider before receiving a bankruptcy discharge. The United States Trustees approve credit counseling and debtor education providers after determining their qualifications meet the standards set forth in the Bankruptcy Code and agency regulations. Accordingly, a new system of records is needed to cover applicants seeking to be USTP approved and reapproved providers of credit counseling and debtor education services under the Bankruptcy Code, as well as individuals who submit complaints and comments to the USTP regarding such providers. The records in this system will be used, among other things, to assist the EOUST and United States Trustees to assess the qualifications of credit counseling and debtor education applicants and providers, ensure compliance with the statutory and regulatory requirements, and collect and maintain complaints and comments submitted by individuals.

In addition to the above amendments, other changes to the Bankruptcy Code further necessitate modifications to the categories of individuals in JUSTICE/UST–001 and JUSTICE/UST–003 and to the categories of records in JUSTICE/UST–001 and JUSTICE/UST–004. For example, individual debtors must undergo means testing and possible debtor audits and, in certain business cases, bankruptcy examiners and ombudsmen may be appointed. The USTP is also implementing a new employee timekeeping system. Besides modifications to comport with amendments to the Bankruptcy Code, the USTP has made minor changes and clarifications in its existing systems of records to correct typographical errors, update certain statutory references, reflect uniform nomenclature changes, and add data elements. A summary of the changes to the current systems of records and a summary of the new system of records is set forth below:

In system of records JUSTICE/UST–001, Bankruptcy Case Files and Associated Records, the paragraph entitled ''Categories of Individuals Covered by the System'' has been modified to cover credit counseling and debtor education providers, auditors, examiners, and ombudsmen, as well as individuals who may be considered for appointment as trustees, examiners, and ombudsmen. Also included in the system are individuals who have filed complaints or inquiries related to a bankruptcy case with the USTP. The ''Categories of Records in the System'' paragraph has been revised to include new categories of records resulting from amendments to the Bankruptcy Code and to reflect the types of records covered by this system. The routine use that allows the release of information to bankruptcy trustees has been modified to clarify that such information may be shared when necessary to enable trustees to respond to complaints and inquiries by interested parties. Four new ''Routine Uses'' are being added for release of information to law enforcement authorities, USTP approved credit counseling and debtor education providers, bankruptcy examiners, and ombudsmen. The ''Retrievability'' and ''Record Source Categories'' paragraphs have been updated to reflect agency practices. The system of records was also modified to correct typographical errors, update certain statutory references, and reflect uniform nomenclature changes.

System of records, JUSTICE/UST–002, Bankruptcy Trustee Oversight Records, was modified to reflect uniform nomenclature changes. Also, the routine use that allows the release of information to bankruptcy trustees has been modified to clarify that such information may be shared when necessary to enable trustees to respond to complaints and inquiries by interested parties. A new routine use allows information to be shared with law enforcement authorities.

System of records, JUSTICE/UST–003, U.S. Trustee Program Timekeeping Records, was modified to reflect uniform nomenclature changes. Also, the ''Categories of Individuals Covered by the System'' and the ''System Managers and Address'' paragraphs were modified to reflect agency practices.

In system of records JUSTICE/UST–004, U.S. Trustee Program Case Referral System, the paragraph ''Categories of Records in the System'' has been modified to include information pertaining to credit counseling and debtor education providers. The routine use that allows the release of information to bankruptcy trustees has been modified to clarify that such information may be shared when necessary to enable trustees to respond to complaints and inquiries by interested parties. Four new ''Routine Uses'' are being added for release of information to law enforcement authorities, USTP approved credit counseling and debtor education providers, bankruptcy examiners, and ombudsmen. The ''Retention and Disposal'' paragraph is being amended to include criminal referral records in which a criminal case has been brought against an individual subject (National Archives and Records Administration approval pending). The system of records was also modified to reflect uniform nomenclature changes.

The USTP has added a new system of records entitled JUSTICE/UST–005, Credit Counseling and Debtor Education Files and Associated Records, to cover applicants seeking to be USTP approved and reapproved providers of credit counseling and debtor education services under the Bankruptcy Code, as well as third parties who submit information, including complaints and comments, to the USTP regarding such providers. In addition to the standard routine uses currently used in the existing systems of records, three new routine uses are being added to system of records JUSTICE/UST–005: (1) for the release of information to law enforcement authorities, (2) for the release of information to appropriate third parties, including government agencies, in connection with USTP decisions to grant, deny, or revoke approval or reapproval of credit counseling and debtor education applicants and providers, and (3) for the release of information to approved credit counseling and debtor education providers to the extent necessary to enable providers to accomplish the credit counseling and debtor education requirements of the Bankruptcy Code and to respond to complaints and inquiries submitted to the USTP by interested parties. The entire systems of records notice is published below.

In accordance with 5 U.S.C. 552a(e)(4) and (11), the public is given a 30-day period in which to comment; and the Office of Management and Budget (OMB), which has oversight responsibility of the Act, requires a 40-day period in which to conclude its review of the system. Therefore, please submit any comments by November 20, 2006. The public, OMB, and Congress are invited to submit comments to: Mary Cahill, Management and Planning Staff, Justice Management Division, Department of Justice, Washington, DC 20530 (Room 1400, National Place Building).

In accordance with 5 U.S.C. 552a(r), the Department has provided a report to OMB and Congress.

Dated: October 4, 2006.

**Lee J. Lofthus,**

*Acting Assistant Attorney General for Administration.*

## JUSTICE/UST–001

### SYSTEM NAME:

Bankruptcy Case Files and Associated Records.

### SECURITY CLASSIFICATION:

Sensitive But Unclassified.

### SYSTEM LOCATION:

The Executive Office for United States Trustees (EOUST) and other offices of the United States Trustee Program (USTP) depending upon the judicial district where a bankruptcy case or proceeding is pending or was administered. (Office addresses can be located on the Internet at *http://www.usdoj.gov/ust.*)

### CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals and entities involved in cases or proceedings under the Bankruptcy Code (11 U.S.C. 101, *et seq.*), including, but not limited to: debtors; creditors; bankruptcy trustees; other parties in interest; professionals, attorneys, and agents representing debtors, creditors, and trustees; credit counselors; debtor education providers; auditors; examiners; ombudsmen; and individuals who may be considered for appointment as trustees, examiners, and

ombudsmen, or otherwise involved in bankruptcy cases or proceedings.

Individuals who have filed complaints, inquiries, or comments related to a bankruptcy case with the USTP.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records in this system may include: (a) Petitions/orders for relief; (b) schedules of assets and liabilities of debtors; (c) lists of creditors; (d) statements of financial affairs; (e) operating or status reports; (f) alphabetical cross-reference index cards; (g) general correspondence regarding bankruptcy cases and proceedings; (h) miscellaneous investigative records; (i) copies of certain pleadings, official forms, or other papers filed in court, including those filed by the USTP; (j) appraisal reports; (k) names of bank depositories and amounts of funds deposited therein; (l) names of sureties and amounts of trustees' bonds; (m) tape or other recordings of creditors meetings conducted under 11 U.S.C. 341 for the purpose of examination of debtors by creditors, trustees, and others; (n) plans filed under chapter 11, 12, or 13; (o) names of persons serving as counsel, trustee, professionals, or other functionaries in bankruptcy cases and proceedings, including compensation earned or sought by each; (p) names and qualifications of individuals who may be considered for appointment as trustees, examiners, and ombudsmen; (q) names and contact information of credit counselors and debtor education providers; (r) credit counseling certificates, debtor education certificates, certificate numbers, completion dates of credit counseling briefings and debtor education courses; (s) debt management plans; (t) means test review forms; (u) targeted and random debtor audit forms, audit reports, and related working papers; (v) federal and state tax returns; and (w) other case-related information, such as case number, case status, case type, parties' names and other personal identifiers, Social Security numbers and financial account numbers, estate assets/liabilities, case filings/reports, trustee bonds, calendars of meetings and hearings, due dates of plan, schedules and other filings, creditors' committee status, attorneys/professionals' data, and trustees/examiners' data, and ombudsmen data, including health care and medical records of patients of entities involved in cases or proceedings under 11 U.S.C. 101, *et seq.* and related information.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

This system is established and maintained pursuant to the bankruptcy oversight and related responsibilities of the USTP under, *e.g.*, 28 U.S.C. 581, *et seq.*, and 11 U.S.C. 101, *et seq.*

**PURPOSES:**

The records in this system are used by USTP personnel to determine the existence of a case, to ascertain the status of actions with respect to a case, to ensure that timely action is taken as appropriate, to determine the involvement by agents or other representatives of parties in such cases, to implement and monitor compliance with credit counseling and debtor education requirements, and to facilitate the performance of USTP duties under, *e.g.*, 28 U.S.C. 581, *et seq.*, 11 U.S.C. 101, *et seq.*, and other legal authority.

As provided in 11 U.S.C. 107, a document filed in a case and the dockets of the bankruptcy court are public records and open to examination except when the court enters a protective order or otherwise acts to seal a docket entry.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(A) Release of Information to Former Employees:

The Department of Justice may disclose relevant and necessary information to a former employee of the Department for purposes of: responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

(B) Release of Information to Contractors:

Information from these records may be disclosed to contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government, when necessary to accomplish an agency function related to this system of records.

(C) Release of Information in Proceedings:

Information from these records may be disclosed in an appropriate proceeding before a court, or administrative or adjudicative body, when the Department of Justice determines that the records are arguably relevant to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

(D) Release of Information for Litigation-related Discussions:

Information from these records may be disclosed to an actual or potential party to litigation or the party's authorized representative for the purpose of negotiation or discussion of such matters as settlement, plea bargaining, or in informal discovery proceedings.

(E) Release of Information to Bankruptcy Trustees:

Information from these records may be disclosed to a trustee under chapter 7, 11, 12, or 13 of title 11, U.S. Code, when the United States Trustee determines that the release of such information is necessary to enable the trustee to properly administer a case or to perform the duties and responsibilities of a case trustee under 28 U.S.C. 586, 18 U.S.C. 3057, or 11 U.S.C. 101, *et seq.,* including responding to complaints and inquiries related to a bankruptcy case, submitted to the USTP by interested parties.

(F) Release of Information to Complainants and Victims:

Information from these records may be disclosed to complainants and/or victims to the extent necessary to provide such persons with information and explanations concerning the progress and/or results of the investigation or case arising from the matters of which they complained and/or of which they were a victim.

(G) Release of Information to the News Media:

Information from these records may be disclosed to the news media and the public, including disclosures pursuant to 28 CFR 50.2, unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

(H) Release of Information to Members of Congress:

Information from these records may be disclosed to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

(I) Release of Information to National Archives and Records Administration:

A record from this system of records may be disclosed to the National Archives and Records Administration for purposes of records management

inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

(J) Release of Information to Law Enforcement or Regulatory Agencies:

With respect to non-law enforcement records, where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil, or regulatory in nature—the relevant records may be referred to the appropriate federal, state, local, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law.

(K) Release of Information to Licensing Agencies:

Information from these records may be disclosed to federal, state, local, tribal, foreign or international licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit.

(L) Release of Information for Employment, Clearance, Contract, or Grant Purposes:

Information from these records may be disclosed to appropriate officials and employees of a Federal agency or entity which requires information relevant to a decision concerning the hiring, appointment, or retention of an employee; the issuance, renewal, suspension, or revocation of a security clearance; the execution of a security or suitability investigation; the letting of a contract, or the issuance of a grant or benefit.

(M) Release of Information to Credit/Consumer Reporting Agencies:

Information from these records may be disclosed to a credit or consumer reporting agency, as such terms are used in the Fair Credit Reporting Act (15 U.S.C. 1681, *et seq.*) and the Debt Collection Act (31 U.S.C. 3701, *et seq.,*) when such information is necessary or appropriate to ensure that bankruptcy-related credit information is correct and accurate.

(N) Release of Information related to Investigations and Proceedings:

Information from these records may be disclosed in the course of investigating the potential or actual violation of any law—whether civil, criminal, or regulatory in nature—or for the preparation of a trial or hearing for such violation. Such information may be disclosed to a Federal, state, local, tribal, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing, and if the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant.

(O) Release of Information in connection with Section 341 Meetings:

Information from these records may be disclosed in connection with meetings held under 11 U.S.C. 341 and related proceedings, when the Department of Justice determines that the records are arguably relevant to such meetings or bankruptcy proceedings. Transcripts or other records of such meetings may also be disclosed upon request pursuant to relevant bankruptcy laws or rules.

(P) Release of Information to Law Enforcement Authority:

With respect to law enforcement records, to any criminal, civil, or regulatory law enforcement authority (whether federal, state, local, tribal, or foreign) where the information is relevant to the recipient entity's law enforcement responsibilities.

(Q) Release of Information to USTP Approved Credit Counseling and Debtor Education Providers:

Information from these records may be disclosed to a USTP approved credit counseling and/or debtor education provider when the EOUST or United States Trustee determines that the release of such information is necessary to enable the approved provider to properly perform the duties and responsibilities of a credit counseling and/or debtor education provider under 11 U.S.C. 101, *et seq.,* and other legal authority, including responding to complaints and inquiries related to the provider, submitted to the USTP by interested parties.

(R) Release of Information to Bankruptcy Examiners:

Information from these records may be disclosed to a bankruptcy examiner appointed in a case under title 11, U.S. Code, when the United States Trustee determines that the release of such information is necessary to enable the bankruptcy examiner to properly perform the duties and responsibilities of an examiner under 11 U.S.C. 101, *et seq.,* and other legal authority, including responding to complaints and inquiries related to a bankruptcy case, submitted to the USTP by interested parties.

(S) Release of Information to Ombudsmen:

Information from these records may be disclosed to an ombudsman appointed in a case under title 11, U.S. Code, when the United States Trustee determines that the release of such information is necessary to enable the ombudsman to properly perform the duties and responsibilities of an ombudsman under 11 U.S.C. 101, *et seq.,* and other legal authority, including responding to complaints and inquiries related to a bankruptcy case, submitted to the USTP by interested parties.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records in this system, except as specified below, are recorded on paper/cardboard material and maintained in file cabinets, storage containers, electric file/card retrievers, or safes. Certain records in this system are entered into automated information systems and stored on servers and/or magnetic disks for use or reproduction in report form at various times.

**RETRIEVABILITY:**

In USTP field offices, bankruptcy case records are retrieved by bankruptcy court case numbers, cross-referenced alphabetically by names of debtors. Bankruptcy case records pertaining to case trustees, sureties, depository banks, and to agents representing parties are maintained and retrieved alphabetically. Bankruptcy case records and records of potential candidates for appointment as trustees, examiners, and ombudsmen in the EOUST are maintained and retrieved alphabetically by name of the debtor or the particular person involved. Automated information is retrieved by a variety of key words, including names of individuals.

**SAFEGUARDS:**

Records contained in this system are unclassified. They are safeguarded and protected in accordance with Departmental rules and procedures governing the handling of office records and computerized information. During duty hours, access to this system is monitored and controlled by USTP personnel. During nonduty hours, offices are locked.

**RETENTION AND DISPOSAL:**

Chapter 7 no-asset case records may be destroyed six months after the case is closed. Section 341 meeting tapes may be destroyed two years after the date of the 341 meeting. Chapter 7 asset case records may be destroyed three years after the case is closed. Chapter 11 case records may be destroyed three years after the case is dismissed or closed. Chapter 12 and chapter 13 case records may be destroyed six months after the case is dismissed or closed. To prevent unauthorized disclosure, records are destroyed by shredding, burning, or similar methods.

**SYSTEM MANAGER(S) AND ADDRESS:**

The system managers for this system of records are: (a) the United States Trustees or Assistant United States Trustees, to the extent these records are maintained in their offices; and (b) the General Counsel, to the extent these records are maintained in the EOUST. (Office addresses can be located on the Internet at *http://www.usdoj.gov/ust*.)

**NOTIFICATION PROCEDURE:**

Address such inquiries to the Office of the General Counsel (FOIA/Privacy Counsel) at the address listed on the USTP FOIA/Privacy Act Web site (*http://www.usdoj.gov/ust*). The envelope and letter should be clearly marked ''Privacy Act Request'' and comply with 28 CFR 16.40, *et seq.*

**RECORD ACCESS PROCEDURES:**

Address such inquiries to the Office of the General Counsel (FOIA/Privacy Counsel) at the address listed on the USTP FOIA/Privacy Act Web site (*http://www.usdoj.gov/ust*). The envelope and letter should be clearly marked ''Privacy Act Request'' and comply with 28 CFR 16.40, *et seq.*

**CONTESTING RECORD PROCEDURES:**

Individuals desiring to contest or amend information maintained in the system should clearly and concisely state what information is being contested, the reasons for contesting it, and the proposed amendment to the information. Address such inquiries to the Office of the General Counsel (FOIA/Privacy Counsel) at the address listed on the USTP FOIA/Privacy Act Web site (*http://www.usdoj.gov/ust*). The envelope and letter should be clearly marked ''Privacy Act Request'' and comply with 28 CFR 16.40, *et seq.*

**RECORD SOURCE CATEGORIES:**

Sources of information contained in this system generally consist of debtors, creditors, trustees, examiners, auditors, ombudsmen, USTP approved credit counseling and/or debtor education providers, attorneys, and other agents participating in the administration of a case, judges of the bankruptcy courts and other judicial officers, parties in interest, and employees of the USTP.

**EXEMPTIONS CLAIMED FOR SYSTEM:**

None.

## JUSTICE/UST–002

**SYSTEM NAME:**

Bankruptcy Trustee Oversight Records

**SECURITY CLASSIFICATION:**

Sensitive But Unclassified

**SYSTEM LOCATION:**

The Executive Office for United States Trustees (EOUST) and other offices of the United States Trustee Program (USTP) depending upon the judicial district where the bankruptcy case trustee serves or has made application to serve. (Office addresses can be located on the Internet at *http://www.usdoj.gov/ust*.)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Persons serving or applying to serve as estate trustees in bankruptcy cases filed under chapter 7, 11, 12, or 13 of the Bankruptcy Code (11 U.S.C. 101, *et seq.*) and/or subject to USTP oversight pursuant to 28 U.S.C. 586.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records in this system may include: resumes, applications, references, recommendations, and related materials; notes, correspondence, memoranda, messages, and agreements; audits, reviews, evaluations, financial records, transcripts, and security clearance information; Social Security numbers, financial account numbers, and other personal identifiers; and other information provided to USTP by trustees, applicants, and third parties or developed by USTP personnel.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

This system is established and maintained pursuant to the bankruptcy oversight and related responsibilities of the USTP under, *e.g.,* 28 U.S.C. 581, *et seq.,* and 11 U.S.C. 101, *et seq.*

**PURPOSE:**

These records are used by USTP personnel for determining and reassessing the qualifications and eligibility of persons serving or applying to serve as trustees in bankruptcy cases.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(A) Release of Information to Former Employees:

The Department of Justice may disclose relevant and necessary information to a former employee of the Department for purposes of: responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

(B) Release of Information to Contractors:

Information from these records may be disclosed to contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government, when necessary to accomplish an agency function related to this system of records.

(C) Release of Information in Proceedings:

Information from these records may be disclosed in an appropriate proceeding before a court, or administrative or adjudicative body, when the Department of Justice determines that the records are arguably relevant to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

(D) Release of Information for Litigation-related Discussions:

Information from these records may be disclosed to an actual or potential party to litigation or the party's authorized representative for the purpose of negotiation or discussion of such matters as settlement, plea bargaining, or in informal discovery proceedings.

(E) Release of Information to Bankruptcy Trustees:

Information from these records may be disclosed to a trustee under chapter 7, 11, 12, or 13 of title 11, U.S. Code, when the United States Trustee determines that the release of such information is necessary to enable the trustee to properly administer a case or to perform the duties and responsibilities of a case trustee under 28 U.S.C. 586, 18 U.S.C. 3057, or 11 U.S.C. 101, *et seq.,* including responding to complaints and inquiries related to a bankruptcy case, submitted to the USTP by interested parties.

(F) Release of Information to Complainants and Victims:

Information from these records may be disclosed to complainants and/or victims to the extent necessary to provide such persons with information and explanations concerning the progress and/or results of the investigation or case arising from the matters of which they complained and/or of which they were a victim.

(G) Release of Information to the News Media:

Information from these records may be disclosed to the news media and the public, including disclosures pursuant to 28 CFR 50.2, unless it is determined

that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

(H) Release of Information to Members of Congress:

Information from these records may be disclosed to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

(I) Release of Information to National Archives and Records Administration:

A record from this system of records may be disclosed to the National Archives and Records Administration for purposes of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

(J) Release of Information to Law Enforcement or Regulatory Agencies:

With respect to non-law enforcement records, where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil, or regulatory in nature—the relevant records may be referred to the appropriate federal, state, local, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law.

(K) Release of Information to Licensing Agencies:

Information from these records may be disclosed to federal, state, local, tribal, foreign, or international licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit.

(L) Release of Information to Credit/Consumer Reporting Agencies:

Information from these records may be disclosed to a credit or consumer reporting agency, as such terms are used in the Fair Credit Reporting Act (15 U.S.C. 1681, *et seq.*) and the Debt Collection Act (31 U.S.C. 3701, *et seq.*), when such information is necessary or appropriate to ensure that bankruptcy-related credit information is correct and accurate.

(M) Release of Information Related to Investigations and Proceedings:

Information from these records may be disclosed in the course of investigating the potential or actual violation of any law—whether civil, criminal, or regulatory in nature—or for the preparation of a trial or hearing for such violation. Such information may be disclosed to a federal, state, local, tribal, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing, and if the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant.

(N) Release of Information in Connection with Section 341 Meetings:

Information from these records may be disclosed in connection with meetings held under 11 U.S.C. 341 and related proceedings when the Department of Justice determines that the records are arguably relevant to such meetings or proceedings. Transcripts or other records of such meetings may also be disclosed upon request pursuant to relevant bankruptcy laws or rules.

(O) Release of Information to Law Enforcement Authority

With respect to law enforcement records, to any criminal, civil, or regulatory law enforcement authority (whether federal, state, local, tribal, or foreign) where the information is relevant to the recipient entity's law enforcement responsibilities.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records in this system, except as specified below, are recorded on paper/cardboard material and maintained in file cabinets, storage containers, electric file/card retrievers, or safes. Certain records in this system are entered into automated information systems and stored on servers and/or magnetic disks for use or reproduction in report form at various times.

**RETRIEVABILITY:**

In USTP field offices, bankruptcy trustee oversight records are filed alphabetically by the trustee's or applicant's name. In EOUST, similar records are maintained alphabetically, organized by region. Automated information is retrieved by a variety of key words, including names of individuals.

**SAFEGUARDS:**

Records contained in this system are unclassified. They are safeguarded and protected in accordance with Departmental rules and procedures governing the handling of official records and computerized information. During duty hours, access to this system is monitored and controlled by USTP office personnel. During nonduty hours, offices are locked.

**RETENTION AND DISPOSAL:**

Bankruptcy trustee oversight records may be destroyed after three years except in the following circumstances. If the trustee dies, his/her trustee oversight records may be destroyed after one year. Case Trustee Interim Reports may be destroyed after five years. To prevent unauthorized disclosure, records are destroyed by shredding, burning, or similar methods.

**SYSTEM MANAGER(S) AND ADDRESS:**

The system managers for this system of records are: (a) the United States Trustees or Assistant United States Trustees, to the extent these records are maintained in their offices; and (b) the Assistant Director, Office of Review and Oversight, to the extent these records are maintained in the EOUST. (Office addresses can be located on the Internet at *http://www.usdoj.gov/ust*.)

**NOTIFICATION PROCEDURE:**

Address such inquiries to the Office of the General Counsel (FOIA/Privacy Counsel) at the address listed on the USTP FOIA/Privacy Act Web site (*http://www.usdoj.gov/ust*). The envelope and letter should be clearly marked ''Privacy Act Request'' and comply with 28 CFR 16.40, *et seq.*

**RECORD ACCESS PROCEDURE:**

Address such inquiries to the Office of the General Counsel (FOIA/Privacy Counsel) at the address listed on the USTP FOIA/Privacy Act Web site (*http://www.usdoj.gov/ust*). The envelope and letter should be clearly marked ''Privacy Act Request'' and comply with 28 CFR 16.40, *et seq.*

**CONTESTING RECORD PROCEDURES:**

Individuals desiring to contest or amend information maintained in the system should clearly and concisely state what information is being contested, the reasons for contesting it, and the proposed amendment to the information. Address such inquiries to the Office of the General Counsel (FOIA/Privacy Counsel) at the address listed on the USTP FOIA/Privacy Act Web site (*http://www.usdoj.gov/ust*). The envelope and letter should be clearly marked ''Privacy Act Request'' and comply with 28 CFR 16.40, *et seq.*

**RECORD SOURCE CATEGORIES:**

Sources of information contained in this system generally consist of the applicant, the applicant's references, interested third parties, and/or USTP personnel.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

## JUSTICE/UST–003

**SYSTEM NAME:**

U.S. Trustee Program Timekeeping Records.

**SECURITY CLASSIFICATION:**

Sensitive But Unclassified.

**SYSTEM LOCATION:**

The Executive Office for United States Trustees (EOUST) and other offices of the United States Trustee Program (USTP) depending upon where an employee has been assigned for duty. (Office addresses can be located on the Internet at *http://www.usdoj.gov/ust.*)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Employees of the USTP field offices, generally to include Assistant United States Trustees, trial attorneys, bankruptcy analysts, paralegal specialists, and clerical support staff.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records in this system may include USTP employees' names, personal identifiers, and a record of their work time.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

This system is established and maintained pursuant to the responsibilities of the USTP under, *e.g.*, 28 U.S.C. 581, *et seq.*, and 11 U.S.C. 101, *et seq.*

**PURPOSE:**

This system consists of records of the work time of employees of the USTP, and is used, *e.g.*, to evaluate workload as a basis for requesting and allocating personnel and other resources.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(A) Release of Information to Former Employees:

The Department of Justice may disclose relevant and necessary information to a former employee of the Department for purposes of: responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

(B) Release of Information to Contractors:

Information from these records may be disclosed to contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government, when necessary to accomplish an agency function related to this system of records.

(C) Release of Information to Members of Congress:

Information from these records may be disclosed to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

(D) Release of Information to National Archives and Records Administration:

A record from this system of records may be disclosed to the National Archives and Records Administration for the purposes of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

(E) Release of Information in Proceedings:

Information from these records may be disclosed in an appropriate proceeding before a court, or administrative or adjudicative body, when the Department of Justice determines that the records are arguably relevant to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

(F) Release of Information related to Investigations and Proceedings:

Information from these records may be disclosed in the course of investigating the potential or actual violation of any law—whether civil, criminal, or regulatory in nature—or for the preparation of a trial or hearing for such violation. Such information may be disclosed to a federal, state, local, tribal, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing, and if the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records in this system, except as specified below, are recorded on paper/cardboard material and maintained in file cabinets, storage containers, electric file/card retrievers, or safes. Certain records in this system are entered into automated information systems and stored on servers and/or magnetic disks for use or reproduction in report form at various times.

**RETRIEVABILITY:**

In USTP field offices, USTP timekeeping records are maintained by the name of the employee. In EOUST, such records are maintained and organized by USTP office, job title, and the name of the employee. Automated information is retrieved by a variety of key words.

**SAFEGUARDS:**

Records contained in this system are unclassified. They are safeguarded and protected in accordance with Departmental rules and procedures governing the handling of official records and computerized information. During duty hours, access to this system is monitored and controlled by USTP office personnel. During nonduty hours, offices are locked.

**RETENTION AND DISPOSAL:**

These records may be destroyed by shredding, burning, or similar methods after being audited or when three years old.

**SYSTEM MANAGER(S) AND ADDRESS:**

The system managers for this system of records are: (a) the United States Trustees or Assistant United States Trustees, to the extent these records are maintained in their offices; and (b) the Assistant Director, Office of Research and Planning, to the extent these records are maintained in the EOUST. (Office addresses can be located on the Internet at *http://www.usdoj.gov/ust.*)

**NOTIFICATION PROCEDURE:**

Address such inquiries to the Office of the General Counsel (FOIA/Privacy Counsel) at the address listed on the USTP FOIA/Privacy Act Web site (*http://www.usdoj.gov/ust*). The envelope and letter should be clearly marked ''Privacy Act Request'' and comply with 28 CFR 16.40, *et seq.*

**RECORD ACCESS PROCEDURE:**

Address such inquiries to the Office of the General Counsel (FOIA/Privacy Counsel) at the address listed on the USTP FOIA/Privacy Act Web site *(http://www.usdoj.gov/ust*). The envelope and letter should be clearly marked ''Privacy Act Request'' and comply with 28 CFR 16.40, *et seq.*

**CONTESTING RECORD PROCEDURES:**

Individuals desiring to contest or amend information maintained in the system should clearly and concisely state what information is being contested, the reasons for contesting it,

and the proposed amendment to the information. Address such inquiries to the Office of the General Counsel (FOIA/Privacy Counsel) at the address listed on the USTP FOIA/Privacy Act Web site (*http://www.usdoj.gov/ust*). The envelope and letter should be clearly marked ''Privacy Act Request'' and comply with 28 CFR 16.40, *et seq.*

**RECORD SOURCE CATEGORIES:**

Sources of information contained in this system generally consist of USTP personnel.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

## JUSTICE/UST–004

**SYSTEM NAME:**

U.S. Trustee Program Case Referral System.

**SECURITY CLASSIFICATION:**

Sensitive But Unclassified.

**SYSTEM LOCATION:**

The Executive Office for United States Trustees (EOUST) and other offices of the United States Trustee Program (USTP), depending on where the acts under investigation occurred. (Office addresses can be located on the Internet at *http://www.usdoj.gov/ust.*)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Entities and individuals involved in the bankruptcy process who are suspected of having engaged in criminal conduct or of having violated other federal laws, and whose activities have been or may be investigated or reported by the USTP to a United States Attorney or other law enforcement authority for investigation, prosecution, or other action pursuant to 28 U.S.C. 586, 18 U.S.C. 3057, or other legal authority.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records in this system may include information associated with a referral to law enforcement authorities in connection with bankruptcy proceedings or related matters arising under 11 U.S.C. 101, *et seq.*, or 28 U.S.C. 581, *et seq.* This system may contain information pertaining to the subject of the referral, who may be a debtor, creditor, party in interest, credit counseling and/or debtor education provider, or any other entity associated with the bankruptcy or other proceedings. This system may also contain information about the proceedings with which the subject of the referral is associated. Such information may include the subject's name, address, date of birth, Social Security number, financial account numbers, or other personal identifiers; a chronological account of the incident(s); the source of the information, including confidential sources, if any; witnesses' names, addresses, and other personal identifiers; the law enforcement agency to which the referral is made; the status or final disposition of the referral; the case number, chapter, and status of any related proceedings; the bankruptcy trustee/examiner's name, address, phone number, and other personal identifiers; the judge assigned to the case; and such other case data as may be furnished to or available in the records of the court or of the USTP.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

This system is established and maintained pursuant to the responsibilities of the USTP under, *e.g.*, 28 U.S.C. 581, *et seq.*, 11 U.S.C. 101, *et seq.*, and 18 U.S.C. 3057.

**PURPOSE(S):**

The purposes of this system are to assist the United States Trustees: (1) in supervising the administration of cases and trustees in cases and proceedings filed under the Bankruptcy Code (11 U.S.C. 101, *et seq.*); (2) in carrying out their congressional mandate ''to serve as bankruptcy watch-dogs to prevent fraud, dishonesty, and overreaching in the bankruptcy arena'' (H.R. Rep. No. 595, 95th Cong., 2d Sess. 88 (1978)); and (3) in complying with 18 U.S.C. 3057, which directs trustees to report for investigation any instance where there are reasonable grounds for believing that there has been a violation of federal laws relating to insolvent debtors or reorganization plans. The USTP may inform the appropriate law enforcement authorities when fraud or other violations of federal law are suspected or discovered in a bankruptcy case and will maintain records thereof described under ''Categories of Records in the System'' (above). The data will be used for Program-wide evaluation purposes, for statistical purposes, and to track the number, type, and outcome of cases referred for investigation.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

(A) Release of Information to Former Employees:

The Department of Justice may disclose relevant and necessary information to a former employee of the Department for purposes of: responding to an official inquiry by a federal, state, or local government entity or professional licensing authority, in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

(B) Release of Information to Contractors:

Information from these records may be disclosed to contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government, when necessary to accomplish an agency function related to this system of records.

(C) Release of Information in Proceedings:

Information from these records may be disclosed in an appropriate proceeding before a court, or administrative or adjudicative body, when the Department of Justice determines that the records are arguably relevant to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator holds the records to be relevant to the proceeding.

(D) Release of Information for Litigation-related Discussions:

Information from these records may be disclosed to an actual or potential party to litigation or the party's authorized representative for the purpose of negotiation or discussion of such matters as settlement, plea bargaining, or in informal discovery proceedings.

(E) Release of Information to Bankruptcy Trustees:

Information from these records may be disclosed to a trustee under chapter 7, 11, 12, or 13 of title 11, U.S. Code, when the United States Trustee determines that the release of such information is necessary to enable the trustee to properly administer a case or to perform the duties and responsibilities of a case trustee under 28 U.S.C. 586, 18 U.S.C. 3057, or 11 U.S.C. 101, *et seq.*, including responding to complaints and inquiries related to a bankruptcy case, submitted to the USTP by interested parties.

(F) Release of Information to Complainants and Victims:

Information from these records may be disclosed to complainants and/or victims to the extent necessary to provide such persons with information and explanations concerning the progress and/or results of the investigation or case arising from the matters of which they complained and/or of which they were a victim.

(G) Release of Information to the News Media:

Information from these records may be disclosed to the news media and the public, including disclosures pursuant to 28 CFR 50.2, unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of privacy.

(H) Release of Information to Members of Congress:

Information from these records may be disclosed to a Member of Congress or staff acting on the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual to whom the records pertain.

(I) Release of Information to National Archives and Records Administration:

These records may be disclosed to the National Archives and Records Administration for purposes of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

(J) Release of Information to Law Enforcement or Regulatory Agencies:

With respect to non-law enforcement records, where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil, or regulatory in nature—the relevant records may be referred to the appropriate federal, state, local, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law.

(K) Release of Information to Licensing Agencies:

Information from these records may be disclosed to federal, state, local, tribal, foreign, or international licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit.

(L) Release of Information to Judicial Branch:

These records may be disclosed to members of the judicial branch of the federal government where disclosure appears relevant to the authorized function of the recipient judicial office or court system under 18 U.S.C. 3057.

(M) Release of Information to Credit/Consumer Reporting Agencies:

Information from these records may be disclosed to a credit or consumer reporting agency, as such terms are used in the Fair Credit Reporting Act (15 U.S.C. 1681, *et seq.*) and the Debt Collection Act (31 U.S.C. 3701, *et seq.*), when such information is necessary or appropriate to ensure that bankruptcy-related credit information is correct and accurate.

(N) Release of Information Related to Investigations and Proceedings:

Information from these records may be disclosed in the course of investigating the potential or actual violation of any law—whether civil, criminal, or regulatory in nature—or for the preparation of a trial or hearing for such violation. Such information may be disclosed to a federal, state, local, tribal, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing, and if the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant.

(O) Release of Information in Connection with Section 341 Meetings:

Information from these records may be disclosed in connection with meetings held under 11 U.S.C. 341 and related proceedings, when the Department of Justice determines that the records are arguably relevant to such meetings or proceedings. Transcripts or other records of such meetings may also be disclosed upon request pursuant to relevant bankruptcy laws or rules.

(P) Release of Information to Law Enforcement Authority:

With respect to law enforcement records, to any criminal, civil, or regulatory law enforcement authority (whether federal, state, local, tribal, or foreign) where the information is relevant to the recipient entity's law enforcement responsibilities.

(Q) Release of Information to USTP Approved Credit Counseling and Debtor Education Providers:

Information from these records may be disclosed to a USTP approved credit counseling and/or debtor education provider when the EOUST or United States Trustee determines that the release of such information is necessary to enable the approved provider to properly perform the duties and responsibilities of a credit counseling and/or debtor education provider under 11 U.S.C. 101, *et seq.*, and other legal authority, including responding to complaints and inquiries related to the provider, submitted to the USTP by interested parties.

(R) Release of Information to Bankruptcy Examiners:

Information from these records may be disclosed to a bankruptcy examiner appointed in a case under title 11, U.S. Code, when the United States Trustee determines that the release of such information is necessary to enable the bankruptcy examiner to properly perform the duties and responsibilities of an examiner under 11 U.S.C. 101, *et seq.*, and other legal authority, including responding to complaints and inquiries related to a bankruptcy case, submitted to the USTP by interested parties.

(S) Release of Information to Ombudsmen:

Information from these records may be disclosed to an ombudsman appointed in a case under title 11, U.S. Code, when the United States Trustee determines that the release of such information is necessary to enable the ombudsman to properly perform the duties and responsibilities of an ombudsman under 11 U.S.C. 101, *et seq.*, and other legal authority, including responding to complaints and inquiries related to a bankruptcy case, submitted to the USTP by interested parties.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records in this system, except as specified below, are recorded on paper/cardboard material and maintained in file cabinets, storage containers, electric file/card retrievers, or safes. Certain records in this system are entered into automated information systems and stored on servers and/or magnetic disks for use or reproduction in report form at various times.

**RETRIEVABILITY:**

In EOUST and in USTP field offices, case referral records are filed alphanumerically or chronologically. Automated information is retrieved by a variety of key words, including names of individuals or other personal identifiers.

**SAFEGUARDS:**

Records contained in this system are unclassified but highly sensitive. They are safeguarded and protected in accordance with Departmental rules and procedures governing the handling of official records and computerized information. During duty hours, access to this system is monitored and controlled by USTP office personnel. During nonduty hours, offices are locked. Only those persons with a need to know have access to the records.

**RETENTION AND DISPOSAL:**

Criminal referral records may be destroyed by shredding, burning, or similar methods five years from the date of the finding of insufficient evidence, declination of prosecution, or the voting of a No True Bill by a Grand Jury. For

criminal referral records in which criminal charges have been brought, such records may be destroyed five years from the date of sentencing or the date of a nonappealable judicial determination, whichever is later (National Archives and Records Administration approval pending).

**SYSTEM MANAGER(S) AND ADDRESS:**

The system managers for this system of records are: (a) the United States Trustees or Assistant United States Trustees, to the extent these records are maintained in their offices; and (b) Office of the General Counsel and/or Chief of Criminal Enforcement, to the extent these records are maintained in the EOUST. (Office addresses can be located on the Internet at *http://www.usdoj.gov/ust.*)

**NOTIFICATION PROCEDURE:**

Address such inquiries to the Office of the General Counsel (FOIA/Privacy Counsel) at the address listed on the USTP FOIA/Privacy Act Web site (*http://www.usdoj.gov/ust*). The envelope and letter should be clearly marked ''Privacy Act Request'' and comply with 28 CFR 16.40, *et seq.*

**RECORDS ACCESS PROCEDURE:**

Address such inquiries to the Office of the General Counsel (FOIA/Privacy Counsel) at the address listed on the USTP FOIA/Privacy Act Web site (*http://www.usdoj.gov/ust*). The envelope and letter should be clearly marked ''Privacy Act Request'' and comply with 28 CFR 16.40, *et seq.*

**CONTESTING RECORD PROCEDURES:**

Individuals desiring to contest or amend information maintained in the system should clearly and concisely state what information is being contested, the reasons for contesting it, and the proposed amendment to the information. Address such inquiries to the Office of the General Counsel (FOIA/Privacy Counsel) at the address listed on the USTP FOIA/Privacy Act Web site (*http://www.usdoj.gov/ust*). The envelope and letter should be clearly marked ''Privacy Act Request'' and comply with 28 CFR 16.40, *et seq.*

**RECORD SOURCE CATEGORIES:**

The records generally contain information obtained by or furnished to the USTP from: (1) Federal or state court records; (2) debtors or debtors' principals, agents or representatives; (3) informants and interested third parties; and (4) other law enforcement sources.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

The Attorney General has exempted this system of records from subsections (c)(3) and (4); (d); (e)(1), (2), and (3), (e)(4)(G) and (H), (e)(5) and (8); (f) and (g) of the Privacy Act, pursuant to 5 U.S.C. 552a(j)(2) and (k)(2). Rules have been promulgated in accordance with the requirements of 5 U.S.C. 553(b), (c), and (e) and have been published in the **Federal Register**. *See* 28 CFR 16.77.

## JUSTICE/UST–005

**SYSTEM NAME:**

Credit Counseling and Debtor Education Files and Associated Records.

**SECURITY CLASSIFICATION:**

Sensitive But Unclassified

**SYSTEM LOCATION:**

The Executive Office for U.S. Trustees (EOUST) and other offices of the United States Trustee Program (USTP) depending upon the judicial district(s) where the credit counselor or debtor education provider delivers services or has made application to deliver services under title 11, U.S. Code (11 U.S.C. 101, *et seq.*). (Office addresses can be located on the Internet at *http://www.usdoj.gov/ust.*)

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Individuals and entities applying for approval and reapproval by the United States Trustee(s) to provide credit counseling and/or debtor education services under title 11, U.S. Code, including, but not limited to: (a) primary contact persons, agency representatives, principals, owners, counselors, educators, teachers, sole proprietors, managers, supervisors, employees, current and former directors, officers, and trustees; (b) individuals and entities whose approval and reapproval are pending or withdrawn or have been granted, denied, or revoked by the United States Trustee(s); (c) other parties in interest, agents, affiliates, related entities, independent contractors, contract service providers, credit counseling and debtor education clients, students, professionals, debtors, creditors, bankruptcy trustees, attorneys, accountants, auditors, or those otherwise involved in credit counseling and debtor education.

Individuals who have filed complaints or comments with the United States Trustee(s) or EOUST against credit counseling and debtor education providers whose approval and reapproval are pending or withdrawn or have been granted, denied, or revoked by the United States Trustee(s) under title 11, U.S. Code.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

Records in this system may include: (a) Applications, appendices, and related documents submitted to EOUST or the United States Trustee(s) by credit counseling agencies and debtor education providers; (b) supplemental submissions to applications and related correspondence; (c) data relating to the agencies' and providers' approval status and performance such as memoranda, notes, messages, check lists, reviews, and evaluations; (d) information from federal, state, and local government agencies, including Internal Revenue Service (IRS) release/waiver forms and IRS audit information; (e) Social Security numbers and tax identification numbers; (f) federal and state tax returns; (g) names, addresses, business locations and corresponding judicial districts, email addresses, telephone and fax numbers, resumes, Curriculum Vitae, education, qualifications, and/or experience of primary contact persons, agency representatives, principals, owners, counselors, educators, teachers, sole proprietors, managers, supervisors, employees, current and former directors, officers, and trustees, parties in interest, agents, affiliates, subsidiaries, related entities, independent contractors, contract service providers, professionals, attorneys, accountants, and auditors, including compensation earned or sought by each; (h) names of sureties and amounts of bonds, securities, insurance policies, and letters of credit; (i) general correspondence, forms, contracts, client agreements, schedules, budget analysis forms, training materials, counseling and teaching methods, manuals, procedures, scripts, counseling materials, debtor education curriculum, and Internet information; (j) fee schedules, suggested contributions, and ''fair share'' contributions made by creditors; (k) bank and financial institution information, including names of depositories and amounts of funds deposited in operating accounts and trust accounts; (l) audits, audited and unaudited financial statements, and cash flow projections (balance sheets, profit and loss statements, and statements of cash flow, and a year-to-date budget versus actual comparison, including all underlying assumptions); (m) annual disbursements; (n) business plans; (o) debt management plan servicing agreements; (p) statistics and activity reports; (q) background checks and miscellaneous investigative records; (r) copies of certain pleadings or other papers filed in court, including those filed by the USTP; (s) bond or other claims, arbitrations, and mediations, (t)

tracking and monitoring records and management reports, including information obtained during onsite visits to credit counseling and debtor education providers to monitor quality assurance, such as records, notes, and tape recorded client counseling sessions and debtor education courses; (u) disciplinary and enforcement actions and administrative reviews; (v) licenses, accreditations, and certifications; (w) standards, guidelines, and memberships with associations, (x) credit counseling certificates, debt management plans, debtor education certificates, certificate numbers, certificate issue and completion dates, and bankruptcy case names and numbers, (y) acknowledgments, agreements, and declarations; and (z) names of complainants, complaints, complaint forms, comments, related correspondence, client surveys, client evaluations and forms, and complaint reports and referral information, including records provided to and received from federal, state, and local agencies.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

This system is established and maintained pursuant to the bankruptcy oversight and related responsibilities of the USTP under, e.g., 28 U.S.C. 581, *et seq.*, and 11 U.S.C. 101, *et seq.*, and other legal authority.

**PURPOSES:**

The records in this system will be used to assist the EOUST and United States Trustee(s) to: (a) Determine and reassess the suitability, eligibility, and qualifications of persons providing or applying to provide credit counseling and/or debtor education services under title 11, U.S. Code; (b) maintain the requisite data conveniently; (c) ensure compliance with statutory requirements; (d) monitor credit counseling agencies' and debtor education providers' approval status, compliance with approval standards, and performance of approved providers; (e) monitor the issuance of certificates and detect and deter certificate forgery; and (f) collect and maintain complaints and comments from bankruptcy debtors and the public in order to take appropriate actions, including referrals to other government agencies.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

(A) Release of Information to Former Employees:

The Department of Justice may disclose relevant and necessary information to a former employee of the Department for purposes of: responding to an official inquiry by a federal, state, or local government entity or professional licensing authority in accordance with applicable Department regulations; or facilitating communications with a former employee that may be necessary for personnel-related or other official purposes where the Department requires information and/or consultation assistance from the former employee regarding a matter within that person's former area of responsibility.

(B) Release of Information to Contractors:

Information from these records may be disclosed to contractors, grantees, experts, consultants, students, and others performing or working on a contract, service, grant, cooperative agreement, or other assignment for the federal government, when necessary to accomplish an agency function related to this system of records.

(C) Release of Information in Proceedings:

Information from these records may be disclosed in an appropriate proceeding before a court, or administrative or adjudicative body, when the Department of Justice determines that the records are arguably relevant to the proceeding; or in an appropriate proceeding before an administrative or adjudicative body when the adjudicator determines the records to be relevant to the proceeding.

(D) Release of Information for Litigation-Related Discussions:

Information from these records may be disclosed to an actual or potential party to litigation or the party's authorized representative for the purpose of negotiation or discussion of such matters as settlement, plea bargaining, or in informal discovery proceedings.

(E) Release of Information to Bankruptcy Trustees:

Information from these records may be disclosed to a trustee under chapter 7, 11, 12, or 13 of title 11, U.S. Code, when the United States Trustee determines that the release of such information is necessary to enable the trustee to properly administer a case or to perform the duties and responsibilities of a case trustee under 28 U.S.C. 586, 18 U.S.C. 3057, or 11 U.S.C. 101, *et seq.*, including responding to complaints and inquiries related to a bankruptcy case, submitted to the USTP by interested parties.

(F) Release of Information to Complainants and Victims:

Information from these records may be disclosed to complainants and/or victims to the extent necessary to provide such persons with information and explanations concerning the progress and/or results of the investigation or case arising from the matters of which they complained and/or of which they were a victim.

(G) Release of Information to the News Media:

Information from these records may be disclosed to the news media and the public, including disclosures pursuant to 28 CFR 50.2, unless it is determined that release of the specific information in the context of a particular case would constitute an unwarranted invasion of personal privacy.

(H) Release of Information to Members of Congress:

Information from these records may be disclosed to a Member of Congress or staff acting upon the Member's behalf when the Member or staff requests the information on behalf of, and at the request of, the individual who is the subject of the record.

(I) Release of Information to National Archives and Records Administration:

A record from this system of records may be disclosed to the National Archives and Records Administration for purposes of records management inspections conducted under the authority of 44 U.S.C. 2904 and 2906.

(J) Release of Information to Law Enforcement or Regulatory Agencies:

With respect to non-law enforcement records, where a record, either alone or in conjunction with other information, indicates a violation or potential violation of law—criminal, civil, or regulatory in nature—the relevant records may be referred to the appropriate federal, state, local, tribal, or foreign law enforcement authority or other appropriate entity charged with the responsibility for investigating or prosecuting such violation or charged with enforcing or implementing such law.

(K) Release of Information to Licensing Agencies:

Information from these records may be disclosed to federal, state, local, tribal, foreign, or international licensing agencies or associations which require information concerning the suitability or eligibility of an individual for a license or permit.

(L) Release of Information for Employment, Clearance, Contract, or Grant Purposes:

Information from these records may be disclosed to appropriate officials and employees of a federal agency or entity which requires information relevant to a decision concerning the hiring, appointment, or retention of an employee; the issuance, renewal, suspension, or revocation of a security

clearance; the execution of a security or suitability investigation; the letting of a contract; or the issuance of a grant or benefit.

(M) Release of Information to Credit/Consumer Reporting Agencies:

Information from these records may be disclosed to a credit or consumer reporting agency, as such terms are used in the Fair Credit Reporting Act (15 U.S.C. 1681, *et seq.*) and the Debt Collection Act (31 U.S.C. 3701, *et seq.*), when such information is necessary or appropriate to ensure that bankruptcy-related credit information is correct and accurate.

(N) Release of Information Related to Investigations and Proceedings:

Information from these records may be disclosed in the course of investigating the potential or actual violation of any law—whether civil, criminal, or regulatory in nature—or for the preparation of a trial or hearing for such violation. Such information may be disclosed to a federal, state, local, tribal, or foreign agency, or to an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information relating to the investigation, trial, or hearing, and if the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of a witness or an informant.

(O) Release of Information in Connection with Section 341 Meetings:

Information from these records may be disclosed in connection with meetings held under 11 U.S.C. 341 and related proceedings, when the Department of Justice determines that the records are arguably relevant to such meetings or bankruptcy proceedings. Transcripts or other records of such meetings may also be disclosed upon request pursuant to relevant bankruptcy laws or rules.

(P) Release of Information to Law Enforcement Authority

With respect to law enforcement records, to any criminal, civil, or regulatory law enforcement authority (whether federal, state, local, tribal, or foreign) where the information is relevant to the recipient entity's law enforcement responsibilities.

(Q) Release of Information in Connection with USTP Decisions to Grant, Deny, or Revoke Approval or Reapproval of Credit Counseling and Debtor Education Applicants and Providers:

Information from these records may be disclosed to appropriate third parties to the extent necessary to collect or verify information pertinent to the USTP's decision to grant, deny, or revoke approval or reapproval of a provider of credit counseling or debtor education services under title 11, U.S. Code, including to a federal, state, local, tribal, or foreign agency, or an individual or organization, if there is reason to believe that such agency, individual, or organization possesses information that the USTP needs to make a determination related to the granting, denial, or revocation of approval or reapproval of an applicant, and if the dissemination is reasonably necessary to elicit such information or to obtain the cooperation of any third party.

(R) Release of Information to USTP Approved Credit Counseling and Debtor Education Providers:

Information from these records may be disclosed to a USTP approved credit counseling and/or debtor education provider when the EOUST or United States Trustee determines that the release of such information is necessary to enable the approved provider to properly perform the duties and responsibilities of a credit counseling and/or debtor education provider under 11 U.S.C. 101, *et seq.*, and other legal authority, including responding to complaints and inquiries related to the provider, submitted to the USTP by interested parties.

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records in this system, except as specified below, are recorded on paper/cardboard material and maintained in file cabinets, storage containers, electric file/card retrievers, or safes. Certain records in this system are entered into automated information systems and stored on servers and/or magnetic disks for use or reproduction in report form at various times.

**RETRIEVABILITY:**

In EOUST, records are maintained and organized alphanumerically by assigned number and alphabetically by name. In USTP field offices, credit counseling and debtor education records are filed alphabetically by the applicant's name and assigned number. Automated information is retrieved by a variety of key words, including names of individuals and other personal identifiers.

**SAFEGUARDS:**

Records contained in this system are unclassified. They are safeguarded and protected in accordance with Departmental rules and procedures governing the handling of official records and computerized information. During duty hours, access to this system is monitored and controlled by USTP office personnel. During nonduty hours, offices are locked.

**RETENTION AND DISPOSAL:**

Credit counseling and debtor education applications and related records may be destroyed three years after the date of the USTP's final dispositive decision or final agency action or three years from the date of a nonappealable judicial determination, except in the following circumstances. If the provider dies or withdraws an initial application for a six-month approval period before a final decision by the UST is made to approve or disapprove the application, the records may be destroyed after one year. Complaints filed with the USTP may be destroyed two years from the date of receipt. To prevent unauthorized disclosure, records are destroyed by shredding, burning, or similar methods. (National Archives and Records Administration approval pending).

**SYSTEM MANAGER(S) ADDRESS:**

The system managers for this system of records are (a) the Chief, Credit Counseling and Debtor Education Unit, to the extent these records are maintained in the EOUST; and (b) the United States Trustee(s) or Assistant United States Trustee(s) to the extent these records are maintained in their offices. (Office addresses can be located on the Internet at *http://www.usdoj.gov/ust*).

**NOTIFICATION PROCEDURE:**

Address such inquiries to the Office of the General Counsel (FOIA/Privacy Counsel) at the address listed on the USTP FOIA/Privacy Act Web site (*http://www.usdoj.gov/ust*). The envelope and letter should be clearly marked ''Privacy Act Request'' and comply with 28 CFR 16.40, *et seq.*

**RECORD ACCESS PROCEDURES:**

Address such inquiries to the Office of the General Counsel (FOIA/Privacy Counsel) at the address listed on the USTP FOIA/Privacy Act Web site (*http://www.usdoj.gov/ust*). The envelope and letter should be clearly marked ''Privacy Act Request'' and comply with 28 CFR 16.40, *et seq.*

**CONTESTING RECORD PROCEDURES:**

Individuals desiring to contest or amend information maintained in the system should clearly and concisely state what information is being contested, the reason for contesting it, and the proposed amendment to the information. Address such inquiries to

the Office of the General Counsel (FOIA/Privacy Counsel) at the address listed on the USTP FOIA/Privacy Act Web site (*http://www.usdoj.gov/ust*). The envelope and letter should be clearly marked ''Privacy Act Request'' and comply with 28 CFR 16.40, *et seq.*

**RECORD SOURCE CATEGORIES:**

Sources of information contained in this system generally consist of the credit counseling and/or debtor education provider applicants, and those whose applications for approval or reapproval have been withdrawn by the applicant or granted, denied, or revoked by the United States Trustee(s); the applicants' references; interested third parties; federal and state agencies; and/or USTP personnel.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

None.

[FR Doc. E6–16814 Filed 10–10–06; 8:45 am]

**BILLING CODE 4410–40–P**

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

### Gregg Brothers Wholesale Co., Inc.; Denial of Application

On April 26, 2005, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued an Order To Show Cause to Gregg Brothers Wholesale Co., Inc., (Respondent) of Powell, Tennessee. The Show Cause Order proposed to deny Respondent's application for registration as a distributor of the List I chemicals ephedrine, pseudoephedrine, and phenylpropanolamine on the ground that its registration would be inconsistent with the public interest as that term is defined in 21 U.S.C. 823(h). *See* Show Cause Order at 1.

The Show Cause Order specially alleged that methamphetamine production ''continues unabated within the Tennessee region,'' that the State ''has a large number of independent methamphetamine producers,'' and that the State leads DEA's southeast region in the number of clandestine laboratory seizures. *Id.* at 2. The Show Cause Order also alleged that ''several distributors in Tennessee were selling pseudoephedrine and ephedrine products to many of the same retail customers.'' *Id.* at 3.

The Show Cause Order alleged that Respondent's owner, Mr. Thomas Gregg, told DEA Diversion Investigators (DIs) that he intended to distribute both traditional pseudoephedrine products and non-traditional or ''gray market'' products, including products that have been found during seizures of clandestine laboratories. *Id.* at 4. The Show Cause Order further alleged that ''during the pre-registration inspection, the DIs found that Respondent had several pseudoephedrine products in its possession and that Mr. Gregg ''did not realize that these products contained pseudoephedrine.'' *Id.* The Show Cause Order also alleged that between 2002 and 2005, Respondent had made ''about 17 purchases of various pseudoephedrine products,'' and that ''[b]etween 2002 and 2004, [Respondent] sold about 200 orders of pseudoephedrine products to various convenience stores and similar retail establishments.'' *Id.* at 5.

The Show Cause Order next alleged that Respondent expected to sell List I chemical products ''to about 190 various convenience stores and similar retail establishments.'' *Id.* at 5. Finally, the Show Cause Order alleged that Respondent's owner had indicated that ''ephedrine 2-way products would be the largest volume'' List 1 chemical product. *Id.* at 5–6. The Show Cause Order also notified Respondent of its right to a hearing.

The Show Cause Order was served by certified mail, return receipt requested, and on May 4, 2005, Respondent acknowledged receipt. Thereafter, Respondent, in a letter dated June 1, 2005, but which was not received until June 9, 2005, requested a hearing; the matter was initially assigned to Administrative Law Judge (ALJ) Mary Ellen Bittner.

On June 16, 2005, the Government moved to deny Respondent a hearing on the ground that Respondent had not timely filed its request. *See* 21 CFR 1301.43(a). On June 28, 2005, the ALJ issued a memorandum offering Respondent the opportunity to respond to the Government's motion by 4 p.m. on July 21, 2005. When, by August 26, 2005, no response had been received, the ALJ granted the government's motion. *See* Order Terminating Proceedings at 1. The ALJ also found that Respondent had not timely requested a hearing and thus concluded that it had waived its right to a hearing. *See id.* The ALJ then ordered that the proceeding be terminated. *See id.* at 2.

Thereafter, the investigative file was forwarded to me for final agency action. I adopt the ALJ's finding that Respondent has waived its hearing right and hereby enter this final order based on relevant material in the investigative file.

**Findings**

Respondent is a Tennessee Corporation which is located in Powell, Tennessee. Mr. Thomas Gregg is Respondent's President and owns all of its shares. Respondent distributes bait, groceries, candy, snack food, health and beauty items and novelty items to convenience stores and gas stations in East Tennessee, Virginia, Kentucky, and North Carolina. On August 15, 2002, Respondent applied for a registration to distribute the List I chemicals pseudoephedrine, ephedrine, and phenylpropanolamine (PPA).

While ephedrine and pseudoephedrine have therapeutic uses, they are easily extracted from lawful over-the-counter products and used in the illicit manufacture of methamphetamine, a schedule II controlled substance. *See* 21 U.S.C. 802(34); 21 CFR 1308.12(d). PPA can also be used to manufacture methamphetamine. In November 2000, the FDA issued a public health advisory regarding PPA based on a study that found that the use of PPA increases the risk of hemorrhagic stroke.[1]

Methamphetamine is a powerful and addictive central nervous system stimulant, *see A–1 Distribution Wholesale*, 70 FR 28573 (2005), and is a schedule II controlled substance. 21 CFR 1308.12(d). The illegal manufacture and abuse of methamphetamine pose a grave threat to this country. Methamphetamine abuse had destroyed numerous lives and families and has ravaged communities. The manufacture of methamphetamine also causes serious environmental harms because of the toxic nature of the chemicals used to make the drug.

The problem of methamphetamine abuse is especially serious in Tennessee. In 2004, law enforcement agencies seized 939 clandestine methamphetamine labs in the State. These seizures were the second largest per-state total in the nation.

On September 1, 2004, two DEA Diversion Investigators (DIs) visited Respondent at its proposed registered location to conduct a pre-registration investigation. The DIs met with Mr. Gregg, who told them that he intended to sell both traditional and non-traditional List I chemical products and that his suppliers included Sessions Specialty Company of Lewisville, North

[1] More recently, on December 22, 2005, the FDA issued a notice of proposed rulemaking, which proposed to reclassify over-the-counter PPA products as ''not generally recognized as safe and effective.'' U.S. FDA, Center for Drug Evaluation and Research, Phenylpropanolamine (PPA) Information Page *http://www.fda.gov/cder/drug/infopage/ppa/* (visited June 15, 2006).

Carolina, and Proactive Labs of Lithin Springs, Georgia. Among the non-traditional products which Respondent intended to sell were 2-way ephedrine products including bottles containing 48 tablets manufactured by Body Dynamics, Inc. (BDI). Of note, DEA has issued numerous warning letters to both BDI and ProActive Labs advising them that their products have been found at illegal methamphetamine labs. *See D & S Sales*, 71 FR 37607, 37608 (2006).

During the course of the investigation, the DIs found that Respondent had obtained several pseudoephedrine products (3 boxes of Tylenol Sinus Tablets and 1 box of Advil Cold and Sinus Tablets) from the Sessions Specialty Company. Mr. Gregg further told the DIs that he had sold some pseudoephedrine products to his customers. Respondent did not, however, have a DEA registration to distribute the products.

When told by the DIs that Respondent could not lawfully sell these products, Mr. Gregg told the DIs that he did not know that the products contained List I chemicals. According to the DIs, Mr. Gregg returned the List I products to the distributor. There is, however, an invoice dated October 11, 2004, documenting the sale of Tylenol Sinus Geltabs to a food market; this was a product which Respondent was required to return to its distributor because it contained pseudoephedrine.

A review of Respondent's purchase records shows that Respondent purchased pseudoephedrine products sixteen times between January 2002 and June 2004. Respondent's sales records further show that Respondent sold List I chemical products containing pseudoephedrine on approximately 160 occasions during the 2002 through 2004 time period.[2]

The DIs evaluated Respondent's security measures; the physical security of its premises appeared to be adequate. Mr. Gregg further told the DIs that he did not allow merchandise to be stored on trucks overnight. When the DIs discussed with Mr. Gregg the problem of List I chemical diversion into the illicit manufacture of methamphetamine, Mr. Gregg told the DIs that he was not responsible because he did not make methamphetamine himself and could not control what other people did.

Mr. Gregg provided the DIs with a customer list. The DIs determined that Respondent's customer list included seventeen establishments that were also customers of another firm (Rite, Inc.), which was then under investigation and ultimately surrendered its registration.

The DIs determined that Respondent did not have a current business license. Finally, the DIs conducted background checks on Mr. Gregg and his employees. The backgrounds checks found no adverse information on any of these individuals.

**Discussion**

Under 21 U.S.C. 823(h), an applicant to distribute List I chemicals is entitled to be registered unless the registration would be ''inconsistent with the public interest.'' In making this determination, Congress directed that I consider the following factors:

(1) Maintenance by the applicant of effective controls against diversion of listed chemicals into other than legitimate channels;

(2) Compliance by the applicant with applicable Federal, State, and local law;

(3) Any prior conviction record of the applicant under Federal or State laws relating to controlled substances or to chemicals controlled under Federal or State law;

(4) Any past experience of the applicant in the manufacture and distribution of chemicals; and

(5) Such other factors as are relevant to and consistent with the public health and safety.

*Id.*

''These factors are considered in the disjunctive.'' *Joy's Ideas*, 70 FR 33195, 33197 (2005). I may rely on any one or a combination of factors, and may give each factor the weight I deem appropriate in determining whether an application for registration should be denied. *See, e.g., David M. Starr*, 71 FR 39367 (2006); *Energy Outlet*, 64 FR 14269 (1999). Moreover, I am ''not required to make findings as to all of the factors.'' *Hoxie* v. *DEA*, 419 F.3d 477, 482 (6th Cir. 2005); *Morall* v. *DEA,* 412 F.3d 165, 173–74 (D.C. Cir. 2005). In this case, I conclude that factors one, two, and four are dispositive. Moreover, because the record establishes that Respondent has a substantial history of non-compliance with the registration provisions and that this provides ample reason for denying its application, I do not make any findings on factor five.

*Factor One—Maintenance of Effective Controls Against Diversion*

The investigative file does not establish that Respondent would fail to provide effective physical security to protect List I chemicals from theft. Moreover, Respondent appears capable of maintaining the required records. I have serious reservations, however, as to whether Respondent would report suspicious transactions.

During his discussions with the DIs regarding the diversion of List I chemicals, Mr. Gregg made statements to the effect that he was not responsible because he did not make methamphetamine himself and could not control what other people did. In light of the well documented problem of methamphetamine abuse in Tennessee, I find this statement extremely disturbing.

Recently, I ordered the revocation of a List I chemical distributor's registration in part because the registrant's attitude was that he was not responsible for diversion of his products into the illicit manufacture of methamphetamine after he delivered them to his customers. *See D & S Sales*, 71 FR 37607, 37610 (2006). In *D & S Sales*, the registrant had failed to report any suspicious sales notwithstanding that he clearly had reason to know that many of his customers were purchasing products in amounts that far exceeded legitimate demand. As I noted in *D & S Sales*, a registrant's attitude that it is not responsible for what happens to its product after delivery ''is fundamentally inconsistent with the obligations of a registrant.'' *Id.* Moreover, ''[t]his attitude is highly relevant in assessing the adequacy of [an applicant's] systems for monitoring the disposition of List I chemicals.'' *Id.*

As DEA has learned in cases such as *D & S Sales*, the effectiveness of our regulation which requires the reporting of suspicious transactions is dependent on registrants taking seriously their obligation to report. In short, Mr. Gregg's comments do not inspire confidence in his willingness to report sales of excessive quantities. I therefore conclude that Respondent would not maintain effective controls against diversion and that this factor supports a finding that Respondent's registration would be inconsistent with the public interest.

*Factor Two—Compliance With Applicable Laws*

The investigative file establishes that between 2002 and 2004, Respondent repeatedly violated the Controlled Substances Act when it engaged in approximately 160 distributions of List I chemical products without being registered to do so.[3] *See* 21 U.S.C.

[2] Approximately thirty-six of the invoices documented the sale of Alka-Seltzer Plus Cold. The invoices did not, however, specify whether these were in tablet or gelcap form. According to the manufacturer's web site, while Alka-Seltzer Plus Cold Liqui-Gels contain pseudoephedrine, the tablets do not. Because the investigative file does not establish the specific product sold, I do not count these sales as instances in which Respondent violated the CSA.

[3] Respondent's sales records indicate that it frequently sold several pseudoephedrine products on a single invoice. The 160 figure counts each

Continued

823(h); *id.* section 843(a)(9). Furthermore, according to Respondent's records, it sold List I chemical products even after the DIs conducted the on-site inspection and told Mr. Gregg that Respondent could not distribute these products without a registration. I thus conclude that Respondent's numerous and repeated violations of the CSA demonstrate that its registration would be inconsistent with the public interest and are reason alone to deny its application. I further note that Respondent did not produce a valid business license during the on-site inspection.

*Factor Three—The Applicant's Prior Record of Relevant Criminal Convictions*

There is no evidence that Respondent's owner, or any of its employees, has been convicted of a crime relating to controlled substances or chemicals under either Federal or State law. This factor ordinarily supports a finding that Respondent's registration would not be inconsistent with the public interest. But in this case, I decline to give the factor any weight because of the evidence establishing Respondent's non-compliance with the CSA.

*Factor Four—The Applicant's Past Experience in the Distribution of Listed Chemicals*

According to a letter from Mr. Gregg, Respondent previously distributed ephedrine and pseudoephedrine during some unspecified period prior to these products becoming regulated. I do not, however, consider this to be relevant experience as it occurred before the adoption of the current regulatory scheme and thus does not address whether Respondent would comply with federal regulations. Furthermore, for the reasons discussed under Factor Two, Respondent's past experience in distributing List I chemicals involved approximately 160 distributions over a nearly three year period without being registered and Respondent sold pseudoephedrine even after the DIs expressly told Mr. Gregg that Respondent could not distribute pseudoephedrine products without a registration.

As I noted in *Sato Pharmaceutical, Inc.*, 71 FR 52165, 52166 (2006), there is simply no excuse for Respondent to have engaged in the repeated distribution of List I chemical products without a registration, or for Respondent's owner or employees to be unaware that several of the products it was distributing contained List I chemicals. Because Respondent's past experience in distributing List I chemicals manifests a lengthy failure of non-compliance with the CSA's registration requirements, I therefore conclude that granting Respondent's application would be inconsistent with the public interest. Finally, because of the seriousness and duration of these violations, I deem them dispositive of the ultimate issue and need not make findings on the remaining factor. *See Hoxie* v. *DEA*, 419 F.3d 477, 482 (2005); *Morall* v. *DEA*, 412 F.3d 165, 173 (2005).

**Order**

Accordingly, pursuant to the authority vested in me by 21 U.S.C. 823(h), and 28 CFR 0.100(b) and 0.104, I hereby order that the previously submitted application of Gregg Brothers Wholesale, Co., Inc., for a DEA Certificate of Registration as a distributor of List I chemicals be, and it hereby is, denied. This order is effective November 13, 2006.

Dated: September 29, 2006.

**Michele M. Leonhart,**

*Deputy Administrator.*

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invoice as a single distribution even if the invoice documented the sale of several pseudoephedrine products.

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

### Integrity Wholesale, Inc.; Denial of Application

On July 12, 2005, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Integrity Wholesale, Inc., (Respondent) of Fairview, Tennessee. The Show Cause Order proposed to deny Respondent's application for a DEA Certificate of Registration as a distributor of the List I chemical pseudoephedrine, on the ground that issuance of a registration would be inconsistent with the public interest. *See* 21 U.S.C. 823(h); Show Cause Order at 1.

The Show Cause Order specifically alleged that Respondent is a wholesale distributor of various products including batteries, disposable cameras, film, household goods and health and beauty aids, and that in September 2003, Respondent had applied for a registration to distribute pseudoephedrine products from its Tennessee location. Show Cause Order at 1–2. The Show Cause Order alleged that Respondent's owner, Mr. Andrew Splendorio, had informed DEA investigators that Respondent distributes products to all fifty states and that approximately eighty percent of the orders it receives are made by telephone or the Internet. *Id.* at 2.

The Show Cause Order alleged that Respondent provided DEA investigators with a list that included several hundred proposed customers. *See id.* at 2. The Show Cause Order alleged that the list included numerous non-traditional retailers of over-the-counter drug products including dive shops, paintball shops, gun shops, rafting and kayak shops, photo shops, audio stores, wildlife centers and zoos, publishing companies, and a theatre. *See id.* The Show Cause Order further alleged that the list included numerous individuals who were not listed as being affiliated with any particular business. *Id.*

The Show Cause Order alleged that the proposed customers ''have zero expectation of sales of over the counter drug products.'' *Id.* The Show Cause Order also alleged that only ''[a]n extremely small amount of face-to-face purchases'' of pseudoephedrine products occur in non-traditional retailers, and that DEA has found that these establishments ''purchase inordinate amounts of these products and become conduits for the diversion'' of these products into the illicit manufacture of methamphetamine. *Id.*

Finally, the Show Cause Order alleged that the illicit manufacture of methamphetamine continues unabated in Tennessee. *See id.* at 2. The Show Cause Order further alleged that DEA had noted a trend towards smaller capacity laboratories and that these laboratories often obtain precursor chemicals from non-traditional retailers. *See id.* at 2–3. The Show Cause Order also alleged that some non-traditional retailers obtain List I chemicals from multiple distributors and that these products are then diverted into the illicit manufacture of methamphetamine. *See id.*

The Show Cause Order was served on Respondent by certified mail, return receipt requested. On July 22, 2005, Respondent received the Show Cause Order as evidenced by the signed return receipt card. Notwithstanding that the Show Cause Order clearly stated that Respondent's failure to request a hearing within 30 days after the date of receipt of the Order would be deemed a waiver of its right to a hearing, Respondent did not request a hearing until September 27, 2005. In response, on October 5, 2005, the Government moved for summary disposition

contending that Respondent had failed to timely file its request for a hearing.

On October 7, 2005, the Administrative Law Judge (ALJ) issued a memorandum directing that Respondent file a response to the Government's motion. Thereafter, on October 13, 2005, Respondent filed a response stating that it had failed to timely file a request for a hearing because it was ''extremely busy and a little under staffed.'' Mr. Splendorio further admitted that he had failed to give the matter ''my immediate attention.''

On October 25, 2005, the ALJ issued an Order terminating the proceeding and directing that the investigative file be forwarded to me for final agency action. The ALJ specifically noted that Respondent had neither filed a timely request for a hearing nor a timely request for an extension of time to file a request for a hearing. The ALJ further found that Respondent had not presented sufficient grounds for failing to file a timely request and that Respondent had waived its right to a hearing.

Having reviewed the record as a whole, I concur with the ALJ's findings that Respondent has not presented a sufficient reason to excuse its failure to timely request a hearing and that Respondent has waived its right to a hearing. I therefore enter this final order without a hearing based on relevant material contained in the investigative file and make the following findings.

**Findings**

Pseudoephedrine is a List I chemical that, while having therapeutic uses, can be extracted from lawful non-prescription products and used to manufacture methamphetamine, a schedule II controlled substance. *See* 21 U.S.C. 802(34); 21 CFR 1308.12(d). As noted in numerous prior DEA orders, ''methamphetamine is an extremely potent central nervous system stimulant.'' *Sujak Distributors*, 71 FR 50102, 50103 (2006), *A–1 Distribution Wholesale*, 70 FR 28573 (2005). Methamphetamine abuse has destroyed lives and families, ravaged communities, and caused serious environmental harms. *Sujak*, 71 FR at 50103.

Respondent, which is registered as a Colorado Corporation, is located at 7905 Pinecrest Lane, Fairview, Tennessee. On September 24, 2003, Respondent's president, Mr. Andrew Splendorio, submitted an application on behalf of Respondent for a registration as a distributor of the List I chemical pseudoephedrine.

On March 10, 2004, a DEA Diversion Investigator (DI) conducted an on-site inspection at Respondent's proposed registered location and met with Mr. Splendorio. The firm is located in the basement and garage area of a two-story brick home. Access to the area is gained through a wooden door which has a dead-bolt lock. The building also has an electronic alarm system.

Mr. Splendorio informed the DI that Respondent is a wholesale distributor of assorted products including cameras, film, batteries, household items, health and beauty aids, and other items. The DI determined that Respondent's sales territory includes all fifty states, as well as Puerto Rico, the U.S. Virgin Islands, and American Samoa. Mr. Splendorio further told the DI that eighty percent of the orders Respondent receives are are placed by telephone, five percent are placed over the internet, and the remaining fifteen percent are placed with the firm's three salespersons who are located in Florida, Nevada, and Alaska.[1] Respondent's salespersons do not, however, handle products. Rather, Respondent uses the United Parcel Service (UPS) to ship its products.

According to the investigative file, Respondent proposed to distribute such products as Tylenol Sinus, Tylenol Allergy Sinus, Tylenol Cold, Advil Cold and Sinus, Sudafed, Claritin and Benadryl. According to a letter provided by Mr. Splendorio, Respondent would initially carry products that are packaged in single dose pouches of 1–2 tablets with 12 pouches in a sleeve. The letter further stated, however, that Respondent intended to eventually also sell ''the 2 smallest multiple dose [packages] offered by each brand.'' Respondent's intended supplier was Lil' Drug Stores Products, Inc.

The DI inspected Respondent's recordkeeping system and found it to be adequate. The DI also obtained a list of proposed List I chemical customers from Mr. Splendorio. The list included dive shops, paintball facilities, camera shops, photo labs, canoe and kayak businesses, pools and waterparks, several museums and zoos, several markets, and numerous individuals who were not listed as owning any particular business. Moreover, the customers were located throughout the United States.

The DI contacted several of the potential customers; the DI verified that Respondent was a supplier of each firm and uncovered no other adverse information. The DI also conducted background checks on Respondent's officers and employees; the checks found no derogatory information on any individual.

**Discussion**

Under 21 U.S.C. 823(h), an applicant to distribute List I chemicals is entitled to be registered unless the registration would be ''inconsistent with the public interest.'' In making this determination, Congress directed that I consider the following factors:

(1) Maintenance by the applicant of effective controls against diversion of listed chemicals into other than legitimate channels;

(2) Compliance by the applicant with applicable Federal, State, and local law;

(3) Any prior conviction record of the applicant under Federal or State laws relating to controlled substances or to chemicals controlled under Federal or State law;

(4) Any past experience of the applicant in the manufacture and distribution of chemicals; and

(5) Such other factors as are relevant to and consistent with the public health and safety.

*Id.*

''These factors are considered in the disjunctive.'' *Joy's Ideas*, 70 FR 33195, 33197 (2005). I may rely on any one or a combination of factors, and may give each factor the weight I deem appropriate in determining whether an application for registration should be denied. *See*, *e.g.*, David M. Starr, 71 FR 39367, 39368 (2006); *Energy Outlet*, 64 FR 14269 (1999). Moreover, I am ''not required to make findings as to all of the factors.'' *Hoxie* v. *DEA*, 419 F.3d 477, 482 (6th Cir. 2005); *Morall* v. *DEA*, 412 F.3d 165, 173–74 (D.C. Cir. 2005). In this case, I conclude that factors one and five are dispositive and establish that Respondent's application should be denied.

*Factor One—Maintenance of Effective Controls Against Diversion*

I acknowledge that Respondent would provide adequate physical security to protect List I chemical products in its possession from theft. I further acknowledge that Respondent's recordkeeping system appears adequate.

Respondent's proposed method of distributing pseudoephedrine does not, however, provide adequate controls to protect against diversion. As found above, most of Respondent's business is derived from telephone and internet orders and Respondent sells its goods to all fifty states, as well as Puerto Rico, the U.S. Virgin Islands, and American Samoa. Moreover, the orders are then shipped by UPS, a commercial carrier.

Under Federal law and DEA regulations, a distributor who uses a

[1] Respondent also employs an administrative assistant and a warehouse manager.

commercial carrier to distribute to a non-regulated person nine grams or more of pseudoephedrine in the course of a calendar month engages in a regulated transaction. *See* 21 U.S.C. 802(39)(A)(iv), *id.* section 830(b)(3); 21 CFR 1310.03(c), *id.* 1310.04(f). Federal law further provides that ''[i]t is the duty of each regulated person who engages in a regulated transaction to identify each other party to the transaction.'' 21 U.S.C. 830(a)(3); *see also* 21 CFR 1310.07. Under DEA's regulations, ''[f]or sales to individuals * * * the type of documents and other evidence of proof must consist of at least a signature of the purchaser, a driver's license and one other form of identification.'' 21 CFR 1310.07(d).[2]

It seems highly likely that Respondent's sales would frequently exceed the threshold. Most significantly, Respondent does not appear to have in place any procedures to verify the identity of its customers, most of which are located outside of Tennessee and at a great distance from Respondent's three salespersons. I thus find that Respondent lacks effective controls to prevent diversion. While this factor is reason alone to conclude that granting Respondent's application would be inconsistent with the public interest, a discussion of factor five is also warranted.

*Factor Five—Other Factors That Are Relevant to and Consistent With Public Health and Safety*

The record establishes that Respondent's proposed customers are not participants in the traditional retail market for pseudoephedrine products. *See*, *e.g.* D & S Sales, 71 FR 37607, 37608–09 (2006); *Joy's Ideas*, 70 FR at 33197. Indeed, dive shops and paint ball facilities seem to be an even less likely source for legitimate consumer purchases of pseudoephedrine than convenience stores and gas stations, establishments which DEA has repeatedly found to be ''sources for the diversion of listed chemical products.'' *Joey Enterprises*, 70 FR 76866, 76867 (2005). Moreover, Respondent's customer list included numerous individuals with no listed business affiliation. Why these individuals would need to purchase pseudoephedrine from a wholesaler rather than a retailer is not clear.

DEA final orders have repeatedly recognized that ''there is a substantial risk of diversion of List I chemicals into the illicit manufacture of methamphetamine when these products are sold by non-traditional retailers.'' *Tri-County Bait Distributors*, 71 FR 52160, 52164 (2006). *See also Joy's Ideas*, 70 FR at 33199 (finding that the risk of diversion was ''real, substantial and compelling''); *Jay Enterprises*, 70 FR at 24621 (noting ''heightened risk of diversion'' should application be granted). Under DEA precedents, an applicant's proposal to sell into the non-traditional market weighs heavily against the granting of a registration under factor five. So too here.

I acknowledge that Respondent proposed to sell only name brand pseudoephedrine products in lower dosage counts. While these products have not been preferred by illicit methamphetamine manufacturers, they have nonetheless been subject to diversion. *See*, *e.g.*, *TNT Distributors*, 70 FR 12729, 12730 (2005). Indeed, in light of recently enacted restrictions on the sale of List I chemical products imposed by both Congress and numerous state legislatures, it is reasonable to expect that methamphetamine traffickers will resort to using increasing amounts of name-brand products.

As I recently explained, ''[b]ecause of the methamphetamine epidemic's devastating effects, DEA has repeatedly denied an application when an applicant proposed to sell into the non-traditional market and analysis of one of the other statutory factors supports the conclusion that granting the application would create an unacceptable risk of diversion.'' *Tri-County Bait*, 71 FR at 52164. Thus, even though Respondent proposes to distribute only name-brand pseudoephedrine products, the fact that its proposed customers are primarily non-traditional retailers (and also include individuals with no known business affiliation) and that it has no effective measures to identify its customers and determine whether their purchases would be to meet legitimate consumer demand, creates an unacceptable risk that its products would be diverted. Therefore, while I acknowledge that none of Respondent's officers or employees has a record of criminal convictions (factor three) and that the investigative file does not otherwise establish that Respondent would fail to comply with applicable laws (factor two), I conclude that granting Respondent's application would be inconsistent with the public interest. *See Joy's Ideas*, 70 FR at 33199 (registrant's ''lack of a criminal record, previous general compliance with the law and regulations and willingness to comply with regulations and guard against diversion, are far outweighed by [registrant's] intent to continue selling * * * pseudoephedrine exclusively in the gray market'').

**Order**

Accordingly, pursuant to the authority vested in me by 21 U.S.C. 823(h), and 28 CFR 0.100(b) and 0.104, I hereby order that the application of Integrity Wholesale, Inc., for a DEA Certificate of Registration as a distributor of List I chemicals be, and it hereby is, denied. This order is effective November 13, 2006.

Dated: September 29, 2006.

**Michele M. Leonhart,**

*Deputy Administrator.*

[FR Doc. E6–16757 Filed 10–10–06; 8:45 am]

**BILLING CODE 4410–09–P**

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## DEPARTMENT OF JUSTICE

## Drug Enforcement Administration

## Premier Holdings, Inc.; Denial of Application

On October 20, 2005, the Acting Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to Premier Holdings, Inc. (Respondent), d/b/a/ Filmart, of Brooklyn, New York. The Show Cause Order proposed to deny Respondent's application for a DEA Certificate of Registration as a distributor of List I chemicals, on the ground that issuance of a registration would be inconsistent with the public interest. *See* 21 U.S.C. 823(h); Show Cause Order at 1.

The Show Cause Order specifically alleged that Respondent was proposing to distribute List I chemical products containing pseudoephedrine to various firms including convenience stores. *See* Show Cause Order at 3. The Show Cause Order alleged that DEA has determined that convenience stores constitute a non-traditional or ''gray market'' for products containing pseudoephedrine and that there is ''a high incidence of diversion'' of these products from these retailers into the illicit manufacture of methamphetamine, a Schedule II controlled substance. *Id.* at 2. The Show Cause Order also alleged that even traditional cold and cough products have been diverted into the illicit manufacture of methamphetamine. *Id.* at 2.

The Show Cause Order further alleged that Respondent's owner, Mr. Eugene Lefkowitz, told DEA investigators that

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[2] For sales to a new customer that is ''not an individual * * *, the regulated person shall establish the identity of the authorized purchasing agent or agents and have on file that person's signature, electronic password, or other identification.'' 21 CFR 1310.07(e). A regulated person must also ''verify the existence and apparent validity of a business entity.'' *Id.* at 1310.07(b).

his firm, which sells film, phone cards, batteries, and health and beauty products, was seeking registration because it was ''losing business.'' *Id.* at 3. The Show Cause Order alleged that Mr. Lefkowitz estimated that his sales of List I chemicals products would amount to approximately 10 percent of his firm's total annual sales of $25 million. *See id.*

The Show Cause Order also alleged that Mr. Lefkowitz provided investigators with a list of potential suppliers and a list of products which Respondent intended to distribute. *See id.* The Show Cause Order alleged that while the product list included ''predominately traditional pseudoephedrine products * * *. these products were not consistent with the known product lines of several suppliers.'' *See id.*

The Show Cause Order alleged that Respondent provided the investigators with a list of 25 prospective customers for List I chemicals of which only 2 were located in New York State. *Id.* at 3. The Show Cause Order alleged that investigators conducted verifications with 17 of the prospective customers, and that while all of the customers acknowledged having bought film from Respondent, 15 of them informed the investigators ''that they had never discussed purchasing listed chemical products from'' Respondent. *Id.*

The Show Cause Order further alleged that many of these customers were large distributors who were ''capable of purchasing products directly from the manufacturers.'' *Id.* The Show Cause Order also alleged that Mr. Lefkowitz subsequently claimed to investigators that he was ''losing money'' because his customers were requesting that he sell them List I chemical products and lacked a registration to do so. *Id.* Finally, the Show Cause Order alleged that Respondent ''and its principals * * * failed to provide truthful and accurate information about the nature of their business * * * and cannot be expected to properly discharge the duties of a registrant.'' *Id.*

The Show Cause Order was sent by certified mail to Respondent's business address as listed on its application. According to United States Postal Service records, Respondent received the Show Cause Order on October 31, 2005.

Since the effectuation of service, neither Respondent, nor anyone purporting to represent it, has responded. Because (1) more than 30 days have passed since Respondent received the Show Cause Order, and (2) no request for a hearing has been received, I conclude that Respondent has waived its right to a hearing. *See* 21 CFR 1309.53(c). I therefore enter this final order without a hearing based on relevant material contained in the investigative file and make the following findings.

**Findings**

Pseudoephedrine is a List I chemical that, while having therapeutic uses, can be extracted from lawful non-prescription products and used to manufacture methamphetamine, a schedule II controlled substance. *See* 21 U.S.C. 802(34); 21 CFR 1308.12(d). As noted in numerous prior DEA orders, ''methamphetamine is an extremely potent central nervous system stimulant.'' Sujak Distributors, 71 FR 50102, 50103 (2006); A–1 Distribution Wholesale, 70 FR 28573 (2005). Methamphetamine abuse has destroyed lives and families, ravaged communities, and caused serious environmental harms. Sujak, 71 FR at 50103.

Respondent is a corporation which is located at 4111 Glenwood Road, Brooklyn, New York. On June 8, 2004, Respondent submitted an application for a Certificate of Registration to distribute pseudoephedrine.

On October 19, 2004, two DEA Diversion Investigators (DIs) visited Respondent at its proposed registered location to conduct a pre-registration investigation. The DIs met with Mr. Eugene Lefkowitz, Respondent's President, and Mr. Aron Kohn, its General Manager. The DIs presented their credentials, discussed the nature of their visit, inspected the facility and interviewed Mssrs. Lefkowitz and Kohn regarding the firm's business.

Respondent is located in an industrial area of Brooklyn and occupies a warehouse built of brick and cinderblock. According to the investigative file, the warehouse has motion detectors, cameras, and an alarm system. All visitors are screened and warehouse access is limited to certain employees. The List I chemicals would be stored on shelves located near the warehouse manager's desk. The investigative file indicates that only four employees would have access to List I chemicals. Moreover, the investigation did not uncover any adverse information as to any of these employees or the firm's officers. Finally, Respondent's recordkeeping practices apparently would comply with DEA regulations.

During the interview, the DIs were informed that Respondent had total annual sales of approximately $25 million and that the firm had been in business for approximately 10 years. Respondent sells film, batteries, and health and beauty products to drug stores, supermarkets, wholesalers, and convenience stores throughout the United States.

Most significantly, Respondent had no experience in distributing List I chemicals. Mssrs. Kohn and Lefkowitz told the DIs that the firm intended to distribute name brand, over-the-counter, cold and flu medications containing pseudoephedrine. Mssrs. Kohn and Lefkowitz also stated to the DIs that their customers frequently requested name brand cold and flu remedies.

Mr. Kohn provided the DIs with a list of the products Respondent intended to distribute. The List contained only traditional name brand products. Mr. Kohn also provided the DIs with a list of suppliers. Several of the firms were, however, under investigation for supplying products that have been diverted into the illicit manufacture of methamphetamine.

Mr. Kohn also provided the DIs with a list of twenty-five potential customers. All but two of these customers were located outside of New York State. The customer list included large grocery and drug store chains, as well as large wholesalers who supply grocery and drug store chains and convenience stores.[1] Most of the firms already had DEA registrations authorizing them to distribute List I chemicals.

Thereafter, a DI contacted five of the firms. Three of the firms told the DI that they were no longer buying products from Respondent.

On March 23, 2005, Mr. Lefkowitz called Ms. Margaret Brophy, the Diversion Program Manager for the New York Field Division to inquire about the status of his application. During the conversation, Mr. Lefkowitz related that

[1] The customer list included Winn Dixie Stores, Inc., which owns approximately 920 grocery and drug stores in the southeastern U.S.; Wakefern Food Corp., a cooperative of independent grocers who operate more than 200 Shop Rite Supermarkets (more than half of which have pharmacies) throughout the northeastern U.S.; and Brookshire Grocery, which operates more than 150 stores in Texas and adjacent states. The list also included USA Drugs, which distributes health and beauty products to more than 1,000 grocery, drug, and discount stores, and which operates more than 170 drug stores in Arkansas and adjacent states; and Discount Drug Mart, Inc., which operates more than 60 stores in Ohio. The list further included Eby-Brown Co., the largest privately owned wholesale distributor of various products to convenience stores in the U.S. with more than 25,000 customers in the midwestern and southeastern U.S.; Spartan Stores, which owns and operates 68 supermarkets and 19 drugstores in Michigan and Ohio, and which also distributes products to more than 350 independent grocery stores in the midwestern U.S.; and Grocery Supply Co., which supplies more than 15,000 independently-owned supermarkets, convenience stores, wholesale houses, discount stores and other retailers.

he was losing business because he could not fully service his customers by selling them pseudoephedrine products and that his customers had told him that if his firm could not provide them with all the items they required, they would take their business to a firm that would. Mr. Lefkowitz further claimed that he was being forced to offer deep discounts to maintain his customer base.

Ms. Brophy asked Mr. Lefkowitz why most of Respondent's customers were located outside of New York. Mr. Lefkowitz stated that he had lost New York customers because his firm could not supply them with all the products they required. Mr. Lefkowitz further related that his non-New York based customers were less demanding with respect to purchasing all of their products from one source.

Thereafter, in May 2005, a DI conducted additional inquiries of the firms listed on Respondent's customer list and contacted seventeen of the firms. While all of the firms verified that they had purchased film from Respondent, fifteen of the firms informed the DI that they had never discussed with Respondent the purchase of List I chemical products from it.[2]

**Discussion**

Under 21 U.S.C. 823(h), an applicant to distribute List I chemicals is entitled to be registered unless I determine that the registration would be ''inconsistent with the public interest.'' In making this determination, Congress directed that I consider the following factors:

(1) Maintenance by the applicant of effective controls against diversion of listed chemicals into other than legitimate channels;

(2) Compliance by the applicant with applicable Federal, State, and local law;

(3) Any prior conviction record of the applicant under Federal or State laws relating to controlled substances or to chemicals controlled under Federal or State law;

(4) Any past experience of the applicant in the manufacture and distribution of chemicals; and

(5) Such other factors as are relevant to and consistent with the public health and safety.

*Id.* ''These factors are considered in the disjunctive.'' Joy's Ideas, 70 FR 33195, 33197 (2005). I may rely on any one or a combination of factors, and may give each factor the weight I deem appropriate in determining whether an application for registration should be denied. *See, e.g.*, David M. Starr, 71 FR 39367, 39368 (2006); Energy Outlet, 64 FR 14269, 14271 (1999). In this case, I conclude that factors four and five are dispositive and establish that Respondent's application should be denied.

*Factor One—Maintenance of Effective Controls Against Diversion*

The investigative file does not establish that Respondent would fail to maintain effective controls against the theft and diversion of listed chemicals. Respondent's facility appears to meet DEA's regulations pertaining to physical security. *See* 21 CFR 1309.71(b)(1)–(7). Moreover, it appears that Respondent has an adequate system ''for monitoring the receipt, distribution, and disposition of List I chemicals.'' *Id.* § 1309.71(b)(8). I thus conclude that this factor supports a finding that Respondent's registration would be consistent with the public interest.

*Factors Two and Three—Compliance With Applicable Law and the Applicant's Prior Record of Relevant Criminal Convictions*

The investigative file does not establish that Respondent has failed to comply with applicable Federal, State, and local laws. Moreover, there is no evidence establishing that Respondent, any of its officers, or any employee with access to List I chemicals has been convicted of a criminal offense related to controlled substances or chemicals. Both factors thus support a finding that Respondent's registration would be consistent with the public interest.

*Factor Four—The Applicant's Past Experience In Distributing Chemicals*

The investigative file establishes that Respondent has no experience distributing List I chemicals. Moreover, Respondent did not provide evidence to the DIs that any of its employees have experience in distributing List I chemicals. Because of the high risk of diversion, DEA has repeatedly held that an applicant's (and its employees') lack of experience in distributing List I chemicals is a factor that weighs heavily against granting an application for a registration. Sujak Distributors, 71 FR at 50104; Jay Enterprises, 70 FR 24620, 24621 (2005); ANM Wholesale, 69 FR 11652, 11653 (2004). This factor thus supports a finding that Respondent's registration would be inconsistent with the public interest.

*Factor Five—Other Factors That Are Relevant To and Consistent With Public Health and Safety*

Numerous DEA cases recognize that the sale of List I chemical products by non-traditional retailers such as convenience stores is an area of particular concern in preventing diversion of these products into the illicit manufacture of methamphetamine. *See, e.g.*, Joey Enterprises, 70 FR 76866, 76867 (2005). As Joey Enterprises explains, ''[w]hile there are no specific prohibitions under the Controlled Substances Act regarding the sale of listed chemical products to [convenience stores], DEA has nevertheless found that [these entities] constitute sources for the diversion of listed chemical products.'' *Id. See also* TNT Distributors, 70 FR 12729, 12730 (2005) (special agent testified that ''80 to 90 percent of ephedrine and pseudoephedrine being used [in Tennessee] to manufacture methamphetamine was being obtained from convenience stores''); OTC Distribution Co., 68 FR 70538, 70541 (2003) (noting ''over 20 different seizures of [gray market distributor's] pseudoephedrine product at clandestine sites,'' and that in an eight month period distributor's product ''was seized at clandestine laboratories in eight states, with over 2 million dosage units seized in Oklahoma alone.''); MDI Pharmaceuticals, 68 FR 4233, 4236 (2003) (finding that ''pseudoephedrine products distributed by [gray market distributor] have been uncovered at numerous clandestine methamphetamine settings throughout the United States and/or discovered in the possession of individuals apparently involved in the illicit manufacture of methamphetamine'').

Respondent's list of potential customers included wholesale distributors to convenience stores. Moreover, during the on-site inspection, the DIs determined that Respondent sells various products to convenience stores. DEA final orders recognize that there is a substantial risk of diversion of List I chemicals into the illicit manufacture of methamphetamine when these products are sold by these non-traditional retailers. *See, e.g.*, Joy's Ideas, 70 FR at 33199 (finding that the risk of diversion was ''real, substantial and compelling''); Jay Enterprises, 70 FR at 24621 (noting ''heightened risk of diversion'' should application be granted).

I acknowledge that Respondent's list of potential customers included grocery chains, drug store chains, and wholesale distributors to these firms. DEA has found that these firms constitute the traditional market for pseudoephedrine products. *See, e.g.*, D & S Sales, 71 FR 37607, 37608–09 (2006); Joy's Ideas, 70 FR at 33196–97.

[2] Two of the firms had discussed purchasing List I chemicals from Respondent.

There is, however, substantial reason to question the validity of the customer information Respondent provided to DEA. In DEA's experience, many of the firms listed as potential customers are of large enough size that they are able to purchase List I chemical products either directly from manufacturers or from large wholesalers. *See* John Vanags, 71 FR 39365, 39366 (2006). Indeed, it seems unlikely that Respondent could offer prices that are competitive with those offered by the manufacturers of List I products or large wholesalers.

Most significantly, the investigative file establishes that Mr. Lefkowitz represented to DEA investigators that Respondent's customers had requested List I chemical products from his firm and that he had lost business and was forced to offer deep discounts to keep other customers. Yet all but two of the firms contacted by the DI told her that they had never discussed the purchase of List I products with Respondent. Moreover, several of the firms told the DI that they were no longer purchasing products from Respondent.

That the overwhelming majority of the customers told the DI that they had never discussed purchasing List I products from Respondent (and that some of the firms no longer bought any products from it) raises a serious question as to the validity of Mr. Lefkowitz's statements to DEA personnel. Indeed, the information uncovered by the customer verifications suggests that Respondent may have provided the customer list (which contains legitimate businesses) to induce DEA to grant it a registration, which it would then use to distribute List I products into the non-traditional market, the principle supply source of mom-and-pop methamphetamine labs. Whether this was the intent of Respondent's officers I need not decide because DEA will not grant any application when there is reason to question the validity of the information an applicant has provided.

As it is, it is indisputable that Respondent's customers include convenience stores. Under DEA precedents, an applicant's proposal to sell List I products into the non-traditional market weighs heavily against the granting of a registration under factor five. So too here.

DEA has repeatedly denied an application when an applicant proposed to sell into the non-traditional market and the analysis of one of the other statutory factors supports the conclusion that granting the application would create an unacceptable risk of diversion. Thus, in Xtreme Enterprises, 67 FR 76195, 76197 (2002), my predecessor denied an application, observing that the respondent's ''lack of criminal record, compliance with the law and willingness to upgrade her security system are far outweighed by her lack of experience with selling List I chemicals and the fact that she intends to sell ephedrine almost exclusively in the gray market.''

More recently, I denied an application, observing that the respondent's ''lack of a criminal record and any intent to comply with the law and regulations are far outweighed by his lack of experience and the company's intent to sell ephedrine and pseudoephedrine exclusively to the gray market.'' Jay Enterprises, 70 FR at 24621. Accord Prachi Enterprises, 69 FR 69407, 69409 (2004). Consistent with these precedents, and considering the serious concern raised by the investigation as to Respondent's intended customers, I conclude that granting Respondent's application for a registration would be inconsistent with the public interest.

## Order

Accordingly, pursuant to the authority vested in me by 21 U.S.C. 823(h), as well as 28 CFR 0.100(b) and 0.104, I hereby order that the application of Premier Holdings, Inc., d/b/a/ Filmart, for a DEA Certificate of Registration as a distributor of List I chemicals be, and it hereby is, denied. This order is effective November 13, 2006.

Dated: September 29, 2006.

**Michele M. Leonhart,**

*Deputy Administrator.*

[FR Doc. E6–16756 Filed 10–10–06; 8:45 am]

BILLING CODE 4410–09–P

# NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

## Information Security Oversight Office

## Public Interest Declassification Board (PIDB); Notice of Meeting

Pursuant to Section 1102 of the Intelligence Reform and Terrorism Prevention Act of 2004 which extended and modified the Public Interest Declassification Board (PIDB) as established by the Public Interest Declassification Act of 2000 (Pub. L. 106–567, title VII, December 27, 2000, 114 Stat. 2856), announcement is made for the following committee meeting:

*Name of Committee:* Public Interest Declassification Board (PIDB).

*Date of Meeting:* Friday, October 13, 2006.

*Time of Meeting:* 9 a.m. to 12:30 p.m.

*Place of Meeting:* National Archives and Records Administration, 700 Pennsylvania Avenue, NW., Archivist's Reception Room, Room 105, Washington, DC 20408.

*Purpose:* To discuss declassification program issues.

This meeting will be open to the public. However, due to space limitations and access procedures, the name and telephone number of individuals planning to attend must be submitted to the Information Security Oversight Office (ISOO) no later than Wednesday, October 11, 2006. ISOO will provide additional instructions for gaining access to the location of the meeting.

*For Further Inforamtion Contact:* J. William Leonard, Director Information Security Oversight Office, National Archives Building, 700 Pennsylvania Avenue, NW., Washington, DC 20408, telephone number (202) 357–5250.

Dated: October 4, 2006.

**J. William Leonard,**

*Director, Information Security Oversight Office.*

[FR Doc. E6–16749 Filed 10–10–06; 8:45 am]

BILLING CODE 7515–01–P

# NATIONAL COUNCIL ON DISABILITY

## Cultural Diversity Advisory Committee Meetings (Teleconferences)

*Times and Dates:*

November 16, 2006, 3 p.m. Eastern.
February 16, 2007, 3 p.m. Eastern.
May 17, 2007, 3 p.m. Eastern.
July 19, 2007, 3 p.m. Eastern.
September 20, 2007, 3 p.m. Eastern.

*Place:* NCD, 1331 F Street, NW., Suite 850, Washington, DC.

**AGENCY:** NCD.

*Status:* All parts of these conference calls will be open to the public for observation only. Those interested in observing on conference calls should contact the appropriate staff member listed below. Due to limited resources, only a few telephone lines will be available for each conference call.

*Agenda:* Roll call, announcements, reports, new business, adjournment.

**FOR FURTHER INFORMATION CONTACT:** Gerrie Drake Hawkins, Ph.D., Senior Program Analyst, NCD, 1331 F Street, NW., Suite 850, Washington, DC 20004; 202–272–2004 (voice), 202–272–2074 (TTY), 202–272–2022 (fax), *cultural-diversity@ncd.gov (e-mail).*

*Cultural Diversity Advisory Committee Mission:* The purpose of NCD's Cultural Diversity Advisory Committee is to provide advice and recommendations to NCD on issues affecting people with disabilities from culturally diverse backgrounds. Specifically, the committee will help identify issues, expand outreach, infuse participation, and elevate the voices of

underserved and unserved segments of this nation's population that will help NCD develop federal policy that will address the needs and advance the civil and human rights of people from diverse cultures.

*Accommodations:* Those needing reasonable accommodations should notify NCD at least two weeks before this meeting.

*Language Translation:* In accordance with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, those people with disabilities who are limited English proficient and seek translation services for this meeting should notify NCD at least two weeks before this meeting.

Dated: October 3, 2006.

**Martin Gould,**

*Acting Executive Director.*

[FR Doc. E6–16710 Filed 10–10–06; 8:45 am]

**BILLING CODE 6820–MA–P**

## NATIONAL COUNCIL ON DISABILITY

### Youth Advisory Committee Meetings (Teleconferences)

*Times and Dates:*

November 14, 2006, 3:30 p.m. Eastern.
January 23, 2007, 3:30 p.m. Eastern.
April 24, 2007, 3:30 p.m. Eastern.
July 24, 2007, 3:30 p.m. Eastern.
September 18, 2007, 3:30 p.m. Eastern.

*Place:* National Council on Disability, 1331 F Street, NW., Suite 850, Washington, DC.

**AGENCY:** National Council on Disability (NCD).

*Status:* All parts of these conference calls will be open to the public for observation only. Those interested in observing on conference calls should contact the appropriate staff member listed below. Due to limited resources, only a few telephone lines will be available for each conference call.

*Agenda:* Roll call, announcements, reports, new business, adjournment.

**FOR FURTHER INFORMATION CONTACT:** Gerrie Drake Hawkins, Ph.D., Senior Program Analyst, National Council on Disability, 1331 F Street, NW., Suite 850, Washington, DC 20004; 202–272–2004 (voice), 202–272–2074 (TTY), 202–272–2022 (fax), *youth@ncd.gov* (e-mail).

*Accommodations:* Those needing reasonable accommodations should notify NCD at least two weeks before this meeting.

*Language Translation:* In accordance with Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, those people with disabilities who are limited English proficient and seek translation services for this meeting should notify NCD at least two weeks before this meeting.

*Youth Advisory Committee Mission:* The purpose of NCD's Youth Advisory Committee is to provide input into NCD activities consistent with the values and goals of the Americans with Disabilities Act.

Dated: October 3, 2006.

**Martin Gould,**

*Acting Executive Director.*

[FR Doc. E6–16711 Filed 10–10–06; 8:45 am]

**BILLING CODE 6820–MA–P**

## NATIONAL INSTITUTE FOR LITERACY

### National Institute for Literacy Advisory Board

**AGENCY:** National Institute for Literacy.

**ACTION:** Notice of an open meeting.

**SUMMARY:** This notice sets forth the schedule and a summary of the agenda for an upcoming meeting of the National Institute for Literacy Advisory Board (Board). The notice also describes the functions of the Board. Notice of this meeting is required by section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend the meeting. Individuals who will need accommodations for a disability in order to attend the meeting (*e.g.*, interpreting services, assistive listening devices, or materials in alternative format) should notify Liz Hollis at telephone number (202) 233–2072 no later than October 18, 2006. We will attempt to meet requests for accommodations after this date but cannot guarantee their availability. The meeting site is accessible to individuals with disabilities.

**DATE AND TIME:** *Open sessions*—October 25, 2006, from 8:30 a.m. to 6 p.m.; and October 26, 2006, from 8:30 a.m. to 2 p.m.

**ADDRESSES:** The National Institute for Literacy, 1775 I Street, NW., Suite 730, Washington, DC 20006.

**FOR FURTHER INFORMATION CONTACT:** Liz Hollis, Special Assistant to the Director; National Institute for Literacy, 1775 I Street, NW., Suite 730, Washington, DC 20006; telephone number: (202) 233–2072; e-mail: *ehollis@nifl.gov*.

**SUPPLEMENTARY INFORMATION:** The Board is established under section 242 of the Workforce Investment Act of 1998, Pub. L. 105–220 (20 U.S.C. 9252). The Board consists of ten individuals appointed by the President with the advice and consent of the Senate. The Board advises and makes recommendations to the Interagency Group that administers the Institute. The Interagency Group is composed of the Secretaries of Education, Labor, and Health and Human Services. The Interagency Group considers the Board's recommendations in planning the goals of the Institute and in implementing any programs to achieve those goals. Specifically, the Board performs the following functions: (a) Makes recommendations concerning the appointment of the Director and the staff of the Institute; (b) provides independent advice on operation of the Institute; and (c) receives reports from the Interagency Group and the Institute's Director.

The National Institute for Literacy Advisory Board will meet on October 25–26, 2006. On October 25, 2006 from 8:30 a.m. to 6 p.m.; and October 26, 2006 from 8:30 a.m. to 2 p.m., the Board will meet in open session to discuss the Institute's future and current program priorities; status of on-going Institute work; other relevant literacy activities and issues; and other Board business as necessary.

Records are kept of all Advisory Board proceedings and are available for public inspection at the National Institute for Literacy, 1775 I Street, NW., Suite 730, Washington, DC 20006, from 8:30 a.m. to 5 p.m.

Dated: October 4, 2006.

**Sandra L. Baxter,**

*Director.*

[FR Doc. E6–16731 Filed 10–10–06; 8:45 am]

**BILLING CODE 6055–01–P**

## NATIONAL SCIENCE FOUNDATION

### Advisory Committee for Education and Human Resources; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

*Name:* Advisory Committee for Education and Human Resources (#1119).

*Date/Time:* November 1, 2006; 8:30 a.m. to 5 p.m.; November 2, 2006; 8:30 a.m. to 12 p.m.

*Place:* The Westin Arlington Gateway Hotel, Conference Room ''D'', Second Floor, 801 North Glebe Road, Arlington, VA 22202.

*Type of Meeting:* Open.

*Contact Person:* James Colby, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, (703) 292–5331. If you are attending the meeting and need access to the NSF, please contact the individual listed above so your name may be added to the building access list.

*Purpose of Meeting:* To provide advice with respect to the Foundation's education and human resources programming.

**Agenda**

*Wednesday, November 1*

Assistant Director's Report.
Critical Junctures in STEM, K–16; Beyond Professional Development—Workforce Productivity Continuum or Sustaining Competitiveness in the Transformation of Undergraduate STEM Education.
COV Reports.
Director of NSF's Office of Cyberinfrastructure (CI).

*Thursday, November 2, 2006*

Discussion of NSB Commission on K–16 Education for 21st C.
Meet with Director Bement.
Possible items for Spring 2007 Meeting.
Reports on current efforts of Working Group on Broadening Participation and Working Group on Undergraduate Education.

Dated: October 4, 2006.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 06–8577 Filed 10–10–06; 8:45 am]

BILLING CODE 7555–01–M

## NATIONAL SCIENCE FOUNDATION

### Proposal Review Panel for Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463 as amended), the National Science Foundation announces the following meeting:

*Name:* Proposal Review Panel for Materials Research (1203).

*Dates & Times:* November 13, 2006; 7:30 a.m.–9 p.m.; November 14, 2006; 7:45 a.m.–3:30 p.m.

*Place:* University of Southern Mississippi, Hattiesburg, MS

*Type of Meeting:* Part-open.

*Contact Person:* Dr. Thomas Rieker, Program Director, Materials Research Science and Engineering Centers Programs, Division of Materials Research, Room 1065, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone (703) 292–4914.

*Purpose of Meeting:* To provide advice and recommendations concerning further support of the Materials Research Science and Engineering Center.

**Agenda**

*Monday, November 13, 2006*

7:45 a.m.–8:45 a.m.
Closed—Executive session.
8:45 a.m.–4:30 p.m.
Open—Review of the Materials Research Science and Engineering Center at the University of Southern Mississippi.
4:30 p.m.–5:45 p.m.
Closed—Executive session.
7 p.m.–9 p.m.
Open—Dinner.

*Tuesday, November 14, 2006*

8 a.m.–9 a.m.
Closed—Executive session.
9 a.m.–10 a.m.
Open—Review of the Materials Research Science and Engineering Center at the University of Southern Mississippi.
10 a.m.–3:30 p.m.
Closed—Executive Session, Draft and Review Report.

*Reason for Closing:* The work being reviewed may include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: October 4, 2006.

**Susanne Bolton,**

*Committee Management Officer.*

[FR Doc. 06–8576 Filed 10–10–06; 8:45 am]

BILLING CODE 7555–01–M

## NATIONAL TRANSPORTATION SAFETY BOARD

### Sunshine Act Meeting

**Agenda**

**TIME AND DATE:** 9:30 a.m., Tuesday, October 17, 2006.

**PLACE:** NTSB Conference Center, 429 L'Enfant Plaza, SW., Washington, DC 20594.

**STATUS:** The two items are open to the public.

**MATTERS TO BE CONSIDERED:** 7835—*Railroad Accident Brief and Safety Recommendation Letters*—Collision of Two Union Pacific Railroad Freight Trains, Texarkana, Arkansas, October 15, 2005.

7836—*Railroad Accident Brief and Safety Recommendation Letters*—Derailment of Amtrak Passenger Train No. 27, Home Valley, Washington, April 3, 2005.

**NEWS MEDIA CONTACT:** The Office of Public Affairs, Telephone: (202) 314–6100.

Individuals requesting specific accommodations should contact Chris Bisett at (202) 314–6305 by Friday, October 13, 2006.

The public may view the meeting via a live or archived webcast by accessing a link under ''News & Events'' on the NTSB home page at *www.ntsb.gov.*

**FOR FURTHER INFORMATION CONTACT:** Vicky D'Onofrio, (202) 314–6410.

Dated: October 6, 2006.

**Vicky D'Onofrio,**

*Federal Register Liaison Officer.*

[FR Doc. 06–8644 Filed 10–6–06; 8:45 am]

BILLING CODE 7533–01–M

## NUCLEAR REGULATORY COMMISSION

**[DOCKET NO. 030–29288]**

### Notice of Availability of Environmental Assessment and Finding of No Significant Impact for License Amendment to Byproduct Materials License No. 37–17860–02, to Incorporate Revision Four of the Decommissioning Plan for the Pennsylvania Department of Environmental Protection, Bureau of Radiation Protection's Quehanna Facility in Karthaus, PA

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Issuance of Environmental Assessment and Finding of No Significant Impact for License Amendment.

**FOR FURTHER INFORMATION CONTACT:** James Kottan, Senior Health Physicist, Decommissioning Branch, Division of Nuclear Materials Safety, Region I, 475 Allendale Road, King of Prussia, PA 19406; telephone (610) 337–5214; fax number (610) 337–5269; or by e-mail: *jjk@nrc.gov.*

**SUPPLEMENTARY INFORMATION:**

**I. Introduction**

The U.S. Nuclear Regulatory Commission (NRC) is considering the issuance of a license amendment to Byproduct Materials License No. 37–17860–02. This license is held by the Pennsylvania Department of Environmental Protection, Bureau of Radiation Protection (PADEP, BRP) (the Licensee), for its Quehanna Facility (the Facility), located in Karthaus, Pennsylvania. Issuance of the amendment would incorporate revision four of the Decommissioning Plan (DP) into the license to allow completion of decommissioning activities at the site and eventual unrestricted release of the Facility.

The Quehanna Facility is located near Karthaus, Clearfield County, Pennsylvania, in the Quehanna Wild Area of the Moshannon State Forest. The site is approximately seven acres in size, and the area is heavily wooded and sparsely populated. The land in the vicinity of the Facility is used for recreational activities, including hiking, camping, and hunting. The site contains one large building, several smaller buildings, asphalt parking lots and driveways, a septic system leach field used for sanitary sewer waste, and an approximately one acre pond. The main building was constructed to house a pool reactor and associated laboratories,

hot cells, and offices. Auxiliary buildings included the waste water treatment building with associated underground tanks and piping and the water storage building.

The Facility was constructed in 1957 after the Commonwealth of Pennsylvania enacted legislation for the location of a research facility at the Quehanna site. The Commonwealth of Pennsylvania anticipated that the project would be a contributor to the economy in the area. The facility was to be operated by Curtiss-Wright Corporation. Plans for the facility included development of nuclear jet engines, and research in nucleonics, metallurgy, and other areas. In 1958, the AEC issued a license to the Curtiss-Wright Corporation to operate a pool reactor at the facility. The license also included use of the hot cells and laboratories.

In September 1960, Curtiss-Wright Corporation donated the Facility to the Pennsylvania State University (PSU). PSU planned to use the reactor for training and research and leased the hot cells to Martin-Marietta Corporation. Beginning in 1962 Martin-Marietta Corporation used the hot cells to manufacture thermoelectric generators, known as SNAP generators. The SNAP generators contained Sr-90, with as much as 80,000 Curies per generator. In 1967, Martin-Marietta Corporation terminated its lease for use of the hot cells after performing a partial decontamination. However, licensable quantities of Sr-90 contamination remained in the hot cells and associated facilities. Martin-Marietta Corporation was the last user of Sr-90 at the facility.

Also in 1967, PSU returned the site back to the Commonwealth of Pennsylvania. The Commonwealth then leased the site to NUMEC, a subsidiary of the Atlantic-Richfield Corporation. NUMEC used the reactor pool, after removal and shipment of the reactor components and nuclear fuel, as a storage pool for a large (approximately one million Curies) Co-60 irradiator. The irradiator was used for various projects, including food irradiation, sterilization, and irradiation of polymer-impregnated hardwood.

In 1978, a group of Atlantic-Richfield Corporation employees purchased the wood irradiation process, including the Co-60 pool irradiator. The new company was named Permagrain Products Corporation (Permagrain), and this company was issued NRC Byproduct Materials License No. 37–17860–01. Permagrain also assumed responsibility for the radioactive material left on site by the previous tenants. In 1998 NRC Byproduct Materials License No. 37–17860–02 was issued to Permagrain for the radioactive material remaining on site from past operations. In December 2002, Permagrain initiated bankruptcy proceedings, and NRC Byproduct Materials License No. 37–17860–02 was transferred to PADEP, BRP. In 2003, the Co-60 in the irradiator was removed from the pool and shipped to a licensed disposal site, and in 2004 Permagrain's NRC Byproduct Materials License No. 37–17860–01 was terminated.

No information is available regarding decontamination of the site by previous tenants, Martin-Marietta Corporation, and Atlantic-Richfield Corporation. In the early 1990s, the Commonwealth of Pennsylvania contracted with Canberra, Inc. to perform a site characterization. The characterization determined that the radioactive contaminants of concern were Co-60 and Sr-90. In 1998, a DP for the site was submitted to the NRC, and decommissioning of the site began. A revision to the DP was submitted to the NRC in 2003, and decommissioning of the site continued under this revision to the DP. In February 2005 a Final Status Survey Report (FSSR) was submitted to the NRC for review. The FSSR indicated that the site met the release criteria specified in the NRC approved DP.

A subsequent confirmatory survey by the NRC in May 2005 indicated that the site did not meet the release criteria specified in the NRC approved DP. An investigation by the licensee determined that the site failed to meet the release criteria, because Sr-90 had leached to the surface of the concrete resulting in contamination levels in excess of the release limits. This finding indicated that concrete thought to contain only surface contamination was volumetrically contaminated. Therefore, the previous criteria for release of the site for unrestricted use, which were based on surface contamination only, were no longer applicable.

In a letter dated March 9, 2006, the Licensee submitted revision four of the DP which included dose based criteria for unrestricted release of the site in accordance with 10 CFR 20, Subpart E, taking into account the volumetrically contaminated concrete. The Licensee's March 9, 2006 license amendment request was noticed in the **Federal Register** on May 22, 2006 (71 FR 29357). This **Federal Register** notice also provided an opportunity for a hearing on this licensing action. No hearing requests were received. The NRC has prepared an Environmental Assessment (EA) in support of this proposed action in accordance with the requirements of Title 10, Code of Federal Regulations (CFR), Part 51 (10 CFR Part 51). Based on the EA, the NRC has concluded that a Finding of No Significant Impact (FONSI) is appropriate with respect to the proposed action. The amendment will be issued to the Licensee following the publication of this FONSI and EA in the **Federal Register**.

## II. Environmental Assessment

### *Identification of Proposed Action*

The proposed action would approve the Licensee's March 9, 2006 license amendment request to incorporate revision four of the DP into the license resulting in final decommissioning of the Facility and subsequent release of the Facility and surrounding site for unrestricted use. In addition to granting the licensee's license amendment request, the proposed action would also grant, pursuant to 10 CFR 30.11(a), an exemption to the Onyx Greentree Landfill, LLC (located in Kersey, Pennsylvania) from 10 CFR Part 30 licensing requirements. This disposal facility will receive the low-contaminated above-grade demolition material generated during the Facility and site remediation activities. 10 CFR 30.11(a) provides that the Commission may, upon application by an interested person, ''or upon its own initiative, grant such exemptions'' from the 10 CFR Part 30 requirements ''as it determines are authorized by law and will not endanger life or property or the common defense and security and are otherwise in the public interest.'' Under the exemption granted to the Onyx Greentree Landfill, any low-contaminated demolition material from the Facility and site would, upon its receipt at the Onyx Greentree Landfill, no longer be subject to NRC regulation and would no longer be NRC licensed material.

### *Need for the Proposed Action*

The proposed action is to approve revision four of the DP so that the Licensee may complete Facility decommissioning activities. Completion of decommissioning activities will reduce residual radioactivity at the Quehanna site and Facility. NRC regulations require licensees to begin timely decommissioning of their sites, or any separate buildings that contain residual radioactivity, upon cessation of licensed operational activities, in accordance with 10 CFR 30.36(d). Additionally, due to the fact that the site is located in the Quehanna Wild Area of the Moshannon State Forest, the Licensee plans to eventually restore and return the land to beneficial unrestricted use. The proposed licensing action will support such an ultimate goal. NRC is fulfilling its responsibilities under the

Atomic Energy Act and the National Environmental Policy Act to make a decision on a proposed license amendment for decommissioning that ensures protection of the public health and safety and the environment.

*Environmental Impacts of the Proposed Action*

The affected environment was described in the Introduction section of this EA. The NRC staff has reviewed the license amendment request for the PADEP, BRP Quehanna site in Karthaus, Pennsylvania and examined the impacts of this license amendment request. Potential impacts include water resource impact (*e.g.*, water may be used for dust control) , air quality impacts from dust emissions, temporary local traffic impacts resulting from transporting demolition debris to a landfill, beneficial local economic effects due to the creation of jobs to perform the decommissioning, human health impacts, noise impacts from equipment operation, scenic quality impacts, and waste management impacts. The resultant dose arising from granting the related exemption would be less than one mrem per year.

Based on its review, the staff has determined that no surface water or ground water impacts are expected from the dismantlement, deconstruction, and decontamination activities. Additionally, the staff has determined that significant air quality, noise, land use, and off-site radiation exposure impacts are also not expected. No significant air quality impacts are anticipated because of the contamination controls that will be implemented by PADEP, BRP during dismantlement and deconstruction. In addition, the environmental impacts associated with dismantlement and deconstruction and the decontamination activities are bounded by impacts evaluated by NUREG–0586, ''Final Generic Environmental Impact Statement on the Decommissioning of Nuclear Facilities,'' (GEIS). Generic impacts for this type of dismantlement and deconstruction and decontamination process were previously evaluated and described in the GEIS, which concludes that the environmental consequences are small. The risk to human health from the transportation of all radioactive material in the U.S. was evaluated in NUREG–0170, ''Final Environmental Statement on the Transportation of Radioactive Materials by Air and Other Modes.'' The principal radiological environmental impact during normal transportation is direct radiation exposure to nearby persons from radioactive material in the package. The average annual individual dose from all radioactive material transportation in the U.S. was calculated to be approximately 0.5 mrem, well below the 10 CFR 20.1301 limit of 100 mrem for a member of the public. Additionally, PADEP, BRP estimates that approximately 2,800 cubic yards of low-contaminated demolition material waste will leave the site over the course of the decommissioning project for disposal at Onyx Greentree Landfill (a non-NRC licensed landfill). The trucks will travel on local roads then on Commonwealth highways to their intended destinations. This proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase in occupational or public radiation exposure. Thus, waste management and transportation impacts from the building dismantlement and deconstruction will not be significant.

Occupational health was also considered in the ''Final Environmental Impact Statement on the Transportation of Radioactive Material by Air and Other Modes.'' The Department of Transportation (DOT) regulations in 49 CFR 177.842(g) require that the radiation dose may not exceed 0.02 mSv (2 mrem) per hour in any position normally occupied by an individual in a motor vehicle. Shipment of these materials would not affect the assessment of environmental impacts or the conclusions in the ''Final Environmental Impact Statement on the Transportation of Radioactive Material by Air and Other Modes.''

The Staff also finds that the proposed license amendment will meet the radiological criteria for unrestricted release as specified in 10 CFR 20.1402. The Licensee demonstrated this through the development of derived concentration guideline limits (DCGLs) for its Facility. The Licensee conducted site specific dose modeling using parameters specific to the Facility that adequately bounded the potential dose. This included dose modeling for three scenarios: building surfaces, remaining concrete, and soil. The building surface scenario was based on the disposal of the above-grade structure demolition debris in an industrial landfill, and the concrete and soil dose modeling were based on a hunting camp scenario.

PADEP, BRP will maintain an appropriate level of radiation protection staff, procedures, and capabilities, and, through its Radiation Safety Officer, will implement an acceptable program to keep exposure to radioactive materials as low as reasonably achievable (ALARA). Work activities are not anticipated to result in radiation exposures to the public in excess of 10 percent of the 10 CFR 20.1301 limits.

The NRC also evaluated whether cumulative environmental impacts could result from an incremental impact of the proposed action when added to other past, present, or reasonably foreseeable future actions in the area. The proposed NRC approval of the license amendment request, when combined with known effects on resource areas at the site, including further site remediation, are not anticipated to result in any cumulative impacts at the site.

*Environmental Impacts of the Alternatives to the Proposed Action*

The only alternative to the proposed action of decommissioning the Facility is no action. The no action alternative is not acceptable because it conflicts with 10 CFR 30.36(d) which requires that decommissioning of byproduct material facilities be completed and approved by the NRC after licensed activities cease. The no action alternative would keep radioactive material on site without disposal. Maintaining the buildings on site would provide negligible, if any, environmental benefit, but would greatly reduce options for future use of the site, including restoring the site to its wild state.

*Conclusion*

The NRC staff has concluded that the proposed action is consistent with NRC guidance and regulations. Because the proposed action will not significantly impact the quality of the human environment, the NRC staff concludes that the proposed action is the preferred alternative.

*Agencies and Persons Consulted*

The NRC staff prepared this EA with input from the U.S. Fish and Wildlife Service in its letter dated August 22, 2006. The Fish and Wildlife Service indicated, in its letter, that on the basis of current information, no current Federally identified or proposed threatened or endangered species under U.S. Fish and Wildlife Service jurisdiction are known to occur in the site project area. Additionally, NRC had contacted the Pennsylvania Historical and Museum Commission, Bureau for Historical Preservation, in June 2003 regarding preparation of an EA for a previous licensing action for this Facility. At that time the Pennsylvania Historical and Museum Commission, Bureau for Historical Preservation stated

that ''there are no National Register eligible or listed historical or archaeological properties in the area of the proposed project and your responsibility for consultation with the State Historic Preservation Office for this project, under Section 106, is complete.'' Therefore, no further consultation is required under Section 106 of the National Historic Preservation Act for this EA.

NRC provided a draft of this EA to PADEP, BRP for review. On July 27, 2006, PADEP, BRP responded by e-mail. PADEP, BRP agreed with the conclusions of the EA, and otherwise had no substantive comments.

**III. Finding of No Significant Impact**

The NRC staff has prepared this EA in support of the proposed action. On the basis of this EA, the NRC finds that there are no significant environmental impacts from the proposed action, and that preparation of an environmental impact statement is not warranted. Accordingly, the NRC has determined that a FONSI is appropriate.

**IV. Further Information**

Documents related to this action, including the application for license amendment and supporting documentation, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this site, you can access the NRC's Agencywide Document Access and Management System (ADAMS), which provides text and image files of NRC's public documents. The documents related to this action are listed below, along with their ADAMS accession numbers.

1. Amendment request with revision four of the DP (ML060790152);
2. The Licensee's March 9, 2006, license amendment request was noticed in the **Federal Register** on May 22, 2006 (71 FR 29357). This **Federal Register** notice also provided an opportunity for a hearing on this licensing action;
3. NUREG–0170, ''Final Environmental Impact Statement on the Transportation of Radioactive Material by Air and Other Modes;''
4. NUREG–0586, ''Final Generic Environmental Impact Statement on the Decommissioning of Nuclear Facilities;''
5. NUREG–1748, ''Environmental Review Guidance for Licensing Actions Associated with NMSS Programs;''
6. NUREG–1757, ''Consolidated NMSS Decommissioning Guidance;''
7. Title 10 Code of Federal Regulations, Part 20, Subpart E, ''Radiological Criteria for License Termination;''
8. Title 10, Code of Federal Regulations, Part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions;''
9. NUREG–1496, ''Generic Environmental Impact Statement in Support of Rulemaking on Radiological Criteria for License Termination of NRC-Licensed Nuclear Facilities''

If you do not have access to ADAMS, or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737, or by e-mail to *pdr@nrc.gov.* These documents may also be viewed electronically on the public computers located at the NRC's PDR, O 1 F21, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852. The PDR reproduction contractor will copy documents for a fee.

Dated at King of Prussia, Pennsylvania this 29th day of September 2006.

For the Nuclear Regulatory Commission.

**James Kottan,**

*Acting Chief, Decommissioning Branch, Division of Nuclear Materials Safety, Region I.*

[FR Doc. E6–16738 Filed 10–10–06; 8:45 am]

**BILLING CODE 7590–01–P**

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## NUCLEAR REGULATORY COMMISSION

### Sunshine Act Federal Register Notice

**AGENCY HOLDING THE MEETINGS:** Nuclear Regulatory Commission.

**DATE:** Weeks of October 9, 16, 23, 30, November 6, 13, 2006.

**PLACE:** Commissioner' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

**STATUS:** Public and Closed.

**MATTERS TO BE CONSIDERED:**

**Week of October 9, 2006**

*Tuesday, October 10, 2006*

12:55 p.m.
Affirmation Sessions (Public Meeting) (Tentative), a. Entergy Nuclear Vermont Yankee, LLC and Entergy Nuclear Operations, Inc., (Pilgrim Nuclear Power Station and Vermont Yankee Nuclear Power Station), Massachusetts Attorney General's Petition for Backfit Order (Tentative).

**Week of October 16, 2006—Tentative**

*Monday, October 16, 2006*

9:30 a.m.
Briefing on Status of New Reactor Issues—Combined Operating Licenses (COLS) (morning session).

1:30 p.m.
Briefing on Status of New Reactor Issues—Combined Operating Licenses (COLS) (afternoon session). (Public Meetings) (Contact: Dave Matthews, 301–415–1199).

These meetings will be Webcast live at the Web address—*http://www.nrc.gov.*

*Friday, October 20, 2006*

2:30 p.m.
Meeting with Advisory Committee on Reactor Safeguards (ACRS) (Public Meeting) (Contact: John Larkins, 301–415–7360).

This meeting will be Webcast live at the Web address—*http://www.nrc.gov.*

**Week of October 23, 2006—Tentative**

*Tuesday, October 24, 2006*

9:30 a.m.
Briefing on Transshipment and Domestic Shipment Security of Radioactive Material Quantities of Concern (RAMQC) (Closed—Ex. 3) (morning session).

1:30 p.m.
Briefing on transshipment and Domestic Shipment Security of Radioactive Material Quantities of Concern (RAMQC) (Closed—Ex. 3 & 9) (afternoon session).

*Wednesday, October 25, 2006*

9:30 a.m.
Briefing on Institutionalization and Integration of Agency Lessons Learned (Public Meeting) (Contact: John Lamb, 301–415–1727).

This meeting will be Webcast live at the Web address—*http://www.nrc.gov.*

1:30 p.m.
Briefing on Resolution of GSI–191, Assessment of Debris Accumulation on PWR Sump Performance (Public Meeting) (Contact: Michael L. Scott, 301–415–0565).

This meeting will be Webcast live at the Web address—*http://www.nrc.gov.*

**Week of October 30, 2006—Tentative**

There are no meetings scheduled for the week of October 30, 2006.

**Week of November 6, 2006—Tentative**

*Wednesday, November 8, 2006*

9:30 a.m.
Briefing on Digital Instrumentation and Control (Public Meeting) (Contact: Paul Rebstock, 301–415–3295).

This meeting will be Webcast live at the Web address—*http://www.nrc.gov.*

*Thursday, November 9, 2006*

9:30 a.m.

Briefing on Draft Final Rule—Part 52 (Early Site permits/Standard Design Certification/Combined Licenses) (Public Meeting) (Contact: Dave Matthews, 301–415–1199).

This meeting will be Webcast live at the Web address—*http://www.nrc.gov.*

**Week of November 13, 2006—Tentative**

There are no meetings scheduled for the week of November 13, 2006.

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: Michelle Schroll, (301) 415–1662.

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/what-we-do/policy-making/schedule.html.*

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.*, braille, large print), please notify the NRC's Disability Program Coordinator, Deborah Chan, at 301–415–7041, TDD: 301–415–2100, or by e-mail at *DLC@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to *dkw@nrc.gov.*

Dated: October 5, 2006.

**R. Michelle Schroll,**

*Office of the Secretary.*

[FR Doc. 06–8623 Filed 10–6–06; 10:00 am]

**BILLING CODE 7590–01–M**

## OVERSEAS PRIVATE INVESTMENT CORPORATION

### No FEAR Act Notice

On May 15, 2002, Congress enacted the ''Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002,'' commonly known as the No FEAR Act. One purpose of the Act is to ''require that Federal agencies be accountable for violations of antidiscrimination and whistleblower protection laws.'' Public Law 107–174, Summary. In support of this purpose, Congress found that ''agencies cannot be run effectively if those agencies practice or tolerate discrimination.'' Public Law 107–174, Title I, General Provisions, Section 101(1).

The Act also requires the Overseas Private Investment Corporation (OPIC) to provide this notice to OPIC employees, former OPIC employees and applicants for OPIC employment to inform you of the rights and protections available to you under Federal antidiscrimination, whistleblower protection and retaliation laws.

**Federal Antidiscrimination Laws**

OPIC cannot discriminate against an employee or applicant with respect to the terms, conditions or privileges of employment on the basis of race, color, religion, sex, national origin, age, disability, marital status or political affiliation. Discrimination on these bases is prohibited by one or more of the following statutes: 5 U.S.C. 2302(b)(1), 29 U.S.C. 206(d), 29 U.S.C. 631, 29 U.S.C. 663a, 29 U.S.C. 791 and 42 U.S.C. 2000e–16.

If you believe that you have been the victim of unlawful discrimination on the basis of race, color, religion, sex, national origin or disability, you must contact an OPIC Equal Employment Opportunity (EEO) Counselor within 45 calendar days of the alleged discriminatory action, or, in the case of a personnel action, within 45 calendar days of the effective date of the personnel action, before you can file a formal complaint of discrimination with OPIC., 29 CFR 1614.105(a).

If you believe that you have been the victim of unlawful discrimination on the basis of age, you must either contact an EEO Counselor as noted above or give notice of intent to file a civil action in a United States District Court within 180 days of the alleged discriminatory action. 29 CFR 1614.201. The notice of intent to sue must be provided to the U.S. Equal Employment Opportunity Commission (EEOC) at least 30 days before actually filing the civil action. The notice must be sent to: Director, Office of Federal Operations, EEOC, P.O. Box 19848, Washington, DC 20036.

Federal agencies also are prohibited from discriminating against employees because of their marital status or political affiliation, and employees who raise such allegations may file a written complaint with the U.S. Office of Special Counsel (OSC). This right does not extend to OPIC employees or applicants for OPIC employment because OPIC is a Federal corporation and is thus excluded by statute. 5 U.S.C. 2302(a)(2)(C)(i). However, as an alternative, if you are alleging discrimination based on marital status or political affiliation, you may file a grievance through OPIC's administrative or negotiated grievance procedures, to the extent such procedures apply and are available.

**Whistleblower Protection Laws**

An OPIC employee with authority to take, direct others to take, recommend or approve any personnel action must not use that authority to take or fail to take, or threaten to take or fail to take, a personnel action against an employee or applicant because of disclosure of information by that individual that is reasonably believed to evidence violations of law, rule or regulation; gross mismanagement; gross waste of funds; an abuse of authority; or a substantial and specific danger to public health or safety, unless disclosure of such information is specifically prohibited by law and such information is specifically required by Executive Order to be kept secret in the interest of national defense or the conduct of foreign affairs.

Additionally, the statute protects any disclosure to the Special Counsel, or to the Inspector General of an agency or another employee designated by the head of the agency to receive such disclosures, of information which the employee or applicant reasonably believes evidences—(i) a violation of any law, rule, or regulation, or (ii) gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

Retaliation against an employee or applicant for making a protected disclosure is prohibited by 5 U.S.C. 2302(b)(8). If you believe that you have been the victim of whistleblower retaliation, you may file a written complaint (Form OSC–11) with the U.S. Office of Special Counsel at 1730 M Street, NW., Suite 218, Washington, DC 20036–4505 or online through the OSC Web site—*http://www.osc.gov.*

**Retaliation for Engaging in Protected Activity**

OPIC cannot retaliate against an employee or applicant because the individual exercises his or her rights under any of the Federal antidiscrimination or whistleblower protections laws listed above, except as otherwise noted with respect to marital status and political affiliation discrimination. If you believe that you are the victim of retaliation for engaging in protected activity, you must follow, as appropriate, the procedures described

in the Antidiscrimination Laws and Whistleblower Protection Laws sections or, if applicable, the administrative or negotiated grievance procedures in order to pursue any legal remedy.

**Disciplinary Actions**

Under the existing laws, OPIC retains the right, where appropriate, to discipline a Federal employee who has engaged in discriminatory or retaliatory conduct, up to and including removal. If the Office of Special Counsel has initiated an investigation under 5 U.S.C. 1214 (''Investigation of prohibited personnel practices; corrective action''), however, according to 5 U.S.C. 1214(f), OPIC must seek approval from the Special Counsel to discipline employees for, among other activities, engaging in prohibited retaliation. Nothing in the No FEAR Act alters existing laws or permits an agency to take unfounded disciplinary action against a Federal employee or to violate the procedural rights of a Federal employee who has been accused of discrimination.

**Additional Information**

For further information regarding the No FEAR regulations, refer to OPIC's EEO Office, Human Resources Management or the Department of Legal Affairs. Additional information regarding Federal antidiscrimination, whistleblower protection and retaliation laws can be found at the EEOC Web site—*http://www.eeoc.gov* and the OSC Web site—*http://www.osc.gov*.

**Existing Rights Unchanged**

Pursuant to section 205 of the No FEAR Act, neither the Act nor this notice creates, expands or reduces any rights otherwise available to any employee, former employee or applicant under the laws of the United States, including the provisions of law specified in 5 U.S.C. 2302(d).

**William L. Garrett,**

*EEO Director.*

[FR Doc. 06–8588 Filed 10–10–06; 8:45 am]

**BILLING CODE 3210–01–M**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–54561; File No. SR–ISE–2006–54]**

## Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to ISE Stock Exchange Fees

October 2, 2006.

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 September 6, 2006, the International Securities Exchange, LLC (''ISE'' 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 ISE has designated this proposal as one changing a fee imposed by the ISE under Section 19(b)(3)(A)(ii) of the Act [3] and Rule 19b–4(f)(2) thereunder,[4] which renders the proposal effective upon filing with the Commission. 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

The ISE proposes to amend its Schedule of Fees to adopt fees related to the ISE Stock Exchange, LLC (''ISE Stock''). The text of the proposed rule change is available on the Exchange's Web site at *http://www.iseoptions.com*, at the principal office of the Exchange, and at the Commission's Public Reference Room.

### 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 ISE 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 ISE has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[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).

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The ISE states that the purpose of the proposed rule change is to adopt fees related to the trading of equity securities on ISE Stock, a facility of the Exchange. The proposed fee schedule includes execution fees, access fees, and regulatory fees for trading of equity securities, as well as changes to existing language to clarify the application of certain fees that are specific to options trading only. With regard to the execution fees, the Exchange proposes to charge fees based on a member's average daily shares executed, with the average daily volume (''ADV'') calculated on a monthly basis. This fee would be charged on a tiered basis (*e.g.*, a member that executes 9,600,000 shares in a 20-day month would have an ADV of 480,000 shares and would be charged as follows: $0.0025 for the first 200,000 shares ADV (4,000,000 shares) and $0.0020 for the remaining 280,000 shares ADV (5,600,000 shares)). Further, a member that transacts more than 3,000,000 shares on a daily basis would be charged a fee of $0.0010 per share for all of its monthly volume instead of being charged on a tiered basis.[5] Additionally, in an effort to promote ISE Stock, the Exchange proposes to waive all execution fees until December 1, 2006.

With regard to access fees, the Exchange states that it currently charges an Electronic Access Member (''EAM'') that trades options an access fee of $500 per month. Access fees for these EAMs will remain unchanged if they also trade equities on ISE Stock. For an EAM that trades equities only, the Exchange proposes a monthly access fee of $200. Finally, the Exchange states that it currently charges an EAM that trades options a regulatory fee of $5,000 per year. For EAMs that trade equities only, the Exchange proposes an annual regulatory fee of $5,000. For EAMs that trade both equities and options, the

[5] The tiers are as follows:

A.D.V. Up to 200,000 shares—$0.0025 per share.

A.D.V. From 200,001 to 500,000 shares—$0.0020 per share.

A.D.V. From 500,001 to 2,000,000 shares—$0.0015 per share.

A.D.V. From 2,000,001 to 3,000,000 shares—$0.0010 per share.

A.D.V. Over 3,000,000 shares—$0.0010 per share (applied to all volume).

Telephone conversation between Michou H.M. Nguyen, Special Counsel, Division of Market Regulation, Commission, and Samir Patel, Assistant General Counsel, Exchange, on September 27, 2006.

Exchange proposes an annual regulatory fee of $6,000.[6]

The Exchange also proposes to amend (1) the Notes for the cancellation fee to clarify that the fee is applicable to options orders only; and (2) language to the EAM / Trade Review Terminal fee and the Order Routing Service Connection Fee to clarify that these fees are options fees and are applicable to EAMs that trade options.[7] The Exchange states that both these fees currently appear as Session/API Fee in the current fee schedule.

Finally, the Exchange also proposes to charge EAMs that trade equity securities certain administrative fees. These would include fees related to the registration of Form U4 as well as a CRD fee. The Exchange states that these administrative fees currently appear under the Legal & Regulatory section of the current fee schedule.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[8] in general, and furthers the objectives of Section 6(b)(4) of the Act[9] in particular, in that it provides for an equitable allocation of reasonable dues, fees, and other charges among ISE members.

*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 that is not necessary or 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*

The Exchange has not solicited nor received any written comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing proposed rule change has been designated as a fee change pursuant to Section 19(b)(3)(A)(ii) of the Act[10] and Rule 19b–4(f)(2)[11] thereunder, because it establishes or changes a due, fee, or other charge imposed by the Exchange. Accordingly, the proposal will take effect upon filing with 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.

**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. Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov.* Please include File Number SR–ISE–2006–54 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2006–54. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). 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 ISE. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–ISE–2006–54 and should be submitted on or before November 1, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[12]

**Nancy M. Morris,**

*Secretary.*

[FR Doc. E6–16729 Filed 10–10–06; 8:45 am]

BILLING CODE 8011–01–P

[6] The Exchange represents that there exists overlap in the costs associated with the regulatory fee for trading options and for trading equities. Therefore, if an EAM trades both, the EAM is only charged $6,000 instead of $10,000. *Id.*

[7] The Exchange represents that the Trade Review Terminal and the related Order Routing Service are used exclusively for the trading of options. Therefore, the Trade Review Terminal fee and the associated Order Routing Service Connection Fee would only be charged to EAMs trading options. *Id.*

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4).

[10] 15 U.S.C. 78s(b)(3)(A)(ii).

[11] 17 CFR 240.19b–4(f)(2).

[12] 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–54562; File No. SR–NASD–2006–111]**

## Self Regulatory Organizations; National Association of Securities Dealers, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Amending the Citation to Section 19 of the Securities Exchange Act in NASD Rule 9559

October 3, 2006.

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 September 25, 2006, the National Association of Securities Dealers, Inc. (''NASD'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by NASD. NASD has designated the proposed rule change as constituting a ''non-controversial'' rule change under section 19(b)(3)(A) of the Act[3] and Rule 19b–4(f)(6) thereunder,[4] which renders the proposal effective upon receipt of this filing by the Commission. 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**

NASD is proposing to amend NASD Rule 9559(s), to amend the citation to section 19 of the Act. Below is the text

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

of the proposed rule change. Proposed deletions are in [brackets].

* * * * *

9559. Hearing Procedures for Expedited Proceedings Under the Rule 9550 Series

(a) through (r) No Change.

(s) Application to Commission for Review

The right to have any action pursuant to this Rule reviewed by the Securities and Exchange Commission is governed by Section 19[(f)] of the Securities Exchange Act. The filing of an application for review by the Securities and Exchange Commission shall not stay the effectiveness of final NASD action, unless the Securities and Exchange Commission otherwise 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, NASD 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. NASD 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 Rule 9550 Series of NASD's procedural rules establishes the procedures for expedited proceedings brought against NASD members or associated persons for certain types of actions. These actions include proceedings initiated for failure to pay NASD dues, fees, and other charges;[5] failure to comply with an arbitration award or related settlement;[6] and failure to comply with temporary cease and desist orders.[7] The hearing procedures for all expedited proceedings initiated under the NASD Rule 9550 Series are set forth in NASD Rule 9559. Although most of the provisions in NASD Rule 9559 relate to the procedural requirements of the hearing and NASD's written decisions, paragraph (s) notes that respondents have the right to appeal any decision issued after an expedited proceeding to the Commission and cites section 19(f) of the Act. Other provisions of NASD's procedural rules refer more broadly to the Commission's review of NASD decisions under section 19 of the Act without specifying a particular paragraph of the section.[8] The proposed rule change would amend the reference to the Commission's review of NASD decisions in expedited proceedings pursuant to section 19 of the Act by deleting the specific reference to paragraph (f) of section 19 and replacing it with a broad reference to section 19.

NASD has filed the proposed rule change for immediate effectiveness. The effective date and the implementation date will be the date of filing, September 25, 2006.

2. Statutory Basis

NASD believes that the proposed rule change is consistent with the provisions of section 15A of the Act,[9] in general, and with section 15A(b)(6) of the Act,[10] in particular, which requires, among other things, that NASD rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest and with section 15A(b)(8) of the Act,[11] which requires, among other things, that NASD rules must provide a fair procedure for the disciplining of members and persons associated with members. NASD believes that the proposed rule change will clarify the citation to the Act with respect to the appeal of expedited proceedings to the Commission.

### *B. Self-Regulatory Organization's Statement on Burden on Competition*

NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or 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

Because the foregoing proposed rule change does not:

(i) Significantly affect the protection of investors or the public interest;

(ii) Impose any significant burden on competition; and

(iii) Become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate if consistent with the protection of investors and the public interest, it has become effective pursuant to section 19(b)(3)(A) of the Act–[12] and Rule 19b–4(f)(6) thereunder.[13] As required under Rule 19b–4(f)(6)(iii),[14] NASD provided the Commission with written notice of NASD's 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 filing date of the proposed rule change.

A proposed rule change filed under Rule 19b–4(f)(6) normally may not become operative for 30 days after the date of its filing.[15] However, Rule 19b–4(f)(6)(iii)[16] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. NASD has requested that the Commission waive the 30-day operative delay based upon a representation that the proposed rule change merely clarifies a citation to section 19 of the Act. In light of the foregoing, the Commission believes such waiver is consistent with the protection of investors and the public interest. Accordingly, the Commission designated the proposal to be effective and operative upon filing with the Commission.[17]

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. Comments may be submitted by any of the following methods:

[5] *See* NASD Rule 9553.

[6] *See* NASD Rule 9554.

[7] *See* NASD Rule 9556.

[8] *See e.g.* NASD Rule 9870.

[9] 15 U.S.C. 78*o*–3.

[10] 15 U.S.C. 78*o*–3(b)(6).

[11] 15 U.S.C. 78*o*–3(b)(8).

[12] 15 U.S.C. 78s(b)(3)(A).

[13] 17 CFR 240.19b–4(f)(6).

[14] 17 CFR 240.19.6–4(P)(6)(iii).

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii).

[17] For purposes only of waiving the 30-day operative delay of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

*Electronic Comments*

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an e-mail to *rule-comments@sec.gov*. Please include File Number SR–NASD–2006–111 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Nancy M. Morris, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR-NASD–2006–111. This file number should be included on the subject line if e-mail is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). 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 NASD.

All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–NASD–2006–111 and should be submitted on or before November 1, 2006.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[18]

**Nancy M. Morris,**

*Secretary.*

[FR Doc. E6–16717 Filed 10–10–06; 8:45 am]

BILLING CODE 8011–01–P

**DEPARTMENT OF STATE**

**[Public Notice 5577]**

## Determination on the Use of FY 2005 Supplemental Peacekeeping Operations Funds To Support the Global War on Terrorism

The Secretary of State, pursuant to the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief (P.L. 109–13) and the President's delegation of his authority to make the necessary determination on the use of these funds, determined on September 9th that the use of the $30 million in FY 2005 supplemental peacekeeping operations funds in Lebanon and Kyrgyz Republic will support the global war on terrorism.

Dated: September 29, 2006.

**Michael W. Coulter,**

*Deputy Assistant Secretary , Bureau of Political-Military Affairs, Department of State.*

BILLING CODE 4710–27–P

# DETERMINATION ON THE USE OF FY 2005 SUPPLEMENTAL PEACEKEEPING OPERATIONS FUNDS TO SUPPORT THE GLOBAL WAR ON TERRORISM

Pursuant to the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief (P.L. 109-13) and the President's delegation to me of his authority to make the necessary determination on the use of these funds, I hereby determine that the use of the $30 million in FY 2005 supplemental peacekeeping operations funds in Lebanon and Kyrgyz Republic will support the global war on terrorism.

This determination shall be reported to Congress promptly and published in the *Federal Register*.

SEP - 9 2006

Date

Condoleezza Rice
Secretary of State

[18] 17 CFR 200.30–3(a)(12).

# MEMORANDUM OF JUSTIFICATION THAT THE USE OF PEACEKEEPING OPERATIONS FUNDS WILL SUPPORT THE GLOBAL WAR ON TERRORISM CONSISTENT WITH THE EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE, THE GLOBAL WAR ON TERROR, AND TSUNAMI RELIEF ACT, 2005 (P.L. 109-13)

Pursuant to the "Peacekeeping Operations" section of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror (GWOT), and Tsunami Relief Act, 2005 (P.L. 109-13), $30 million in Peacekeeping Operations (PKO) funds appropriated by this Emergency Supplemental may be used pursuant to a Presidential Determination that such use will support the GWOT after consultations with the Committees on Appropriations. On May 25, 2006, the President delegated to the Secretary of State the authority to make the determination on these funds.

The Secretary has determined that the intended use of the $30 million in FY 2005 supplemental PKO funds supports the GWOT.

The assistance to Lebanon ($27.95 million) will support the Lebanese Armed Forces' efforts to regain control of their national territory from Hizballah, a U.S.-designated terrorist organization. In addition, this funding will support the efforts of the Lebanese Armed Forces (LAF) and the Lebanese Internal Security Forces (ISF) to secure Lebanon's borders, airport, and harbors and prevent the shipment of illicit arms. Support for the LAF and the ISF is a key component to the successful implementation of UNSCRs 1559 and 1701, and to put an end to the violence that Hizballah and its sponsors imposed on the people of Lebanon and Israel, while laying the framework for a lasting peace.

The assistance to the Kyrgyz Republic ($2.05 million) will be used towards the purchase of one Mi-8MTV utility helicopter to complement Kyrgyzstan's three other Mi-8MTV helicopters. The aircraft are used to enhance border surveillance, improve interdiction of illicit cross-border activity, and generally support ground security operations in remote mountainous areas with known terrorist transit activity. Also, the assistance is a component of the compensation package negotiated with the Kyrgyz Government for maintaining the Manas Coalition Airbase, which supports coalition operations in Afghanistan and is a strategically critical component of the global war on terrorism.

[FR Doc. 06–8609 Filed 10–10–06; 8:45 am]
BILLING CODE 4710–27–C

## DEPARTMENT OF STATE

### Notice of Intent To Prepare an Environmental Impact Statement and To Conduct Scoping Meetings and Notice of Floodplain and Wetland Involvement; Transcanada Keystone Pipeline, L.P.

**AGENCY:** Department of State.

**ACTION:** Notice of Intent to Prepare an Environmental Impact Statement (EIS) and to Conduct Public Scoping Meetings. Notice of Floodplain and Wetlands Involvement.

**SUMMARY:** TransCanada Keystone Pipeline, L.P. has applied to the United States Department of State for a Presidential Permit for the proposed construction, connection, operation, or maintenance, at the border of the United States of facilities for the importation of petroleum from a foreign country. The Department of State receives and considers applications for Presidential Permits for such energy-related pipelines pursuant to authority delegated to it by the President under Executive Order 13337 of April 30, 2004 (69 FR 25299). To issue a Permit, the Department of State must find that issuance would serve the national interest. It consults extensively with concerned Federal and State agencies, and invites public comment in arriving at its determination. With respect to the application submitted by TransCanada Keystone Pipeline, L.P., the Department of State has concluded that the issuance of the Presidential Permit would constitute a major Federal action that may have a significant impact upon the environment within the meaning of the National Environmental Policy Act of 1969 (NEPA). For this reason, Department of State intends to prepare an environmental impact statement (EIS) to address reasonably foreseeable impacts from the proposed action and alternatives, to include the proposed Cushing extension.

The purpose of this Notice of Intent is to inform the public about the proposed action, announce plans for scoping meetings, invite public participation in the scoping process, and solicit public comments for consideration in establishing the scope and content of the EIS. As the proposed project may involve an action in a floodplain or wetland, the EIS will include a floodplain and wetlands assessment and floodplain statement of findings.

**DATES:** Department of State invites interested agencies, organization, and members of the public to submit comments or suggestions to assist in identifying significant environmental issues and in determining the appropriate scope of the EIS. The public scoping period starts with the publication of this Notice in the **Federal Register** and will continue until November 30, 2006. Written, electronic and oral comments will be given equal weight and State will consider all comments received or postmarked by November 30th in defining the scope of this EIS. Comments received or postmarked after that date will be considered to the extent practicable.

During this public scoping period, the Department of State plans to use the scoping process to help identify consulting parties and historic preservation issues for consideration under Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR Part 800).

Dates and locations for the public scoping meetings are:

1. October 24, 2006, 7 to 10 p.m., Michigan, North Dakota, Michigan Civic Center, 113 Broadway N., Michigan.
2. October 24, 2006, 7 to 10 p.m., Yankton, South Dakota, Minerva Convention Centre at the Best Western, Kelley Inn, 1607 East Highway 50, Yankton.
3. October 25, 2006, 7 to 10 p.m., Lisbon, North Dakota, Commons Room, Lisbon High School, 502 Ash Street, Lisbon.
4. October 25, 2006, 7 to 10 p.m., Stanton, Nebraska, VFW Meeting Hall, 1106 Veteran's Avenue, Stanton.
5. October 28, 2006, 7 to 10 p.m., Clark, South Dakota, Clark Community Center, 120 N. Commercial Street, Clark.
6. October 28, 2006, 7 to 10 p.m., Seward, Nebraska, Seward Civic Center, Auditorium, 616 Bradford St., Seward.
7. November 1, 2006, 7 to 10 p.m., St. Charles, Missouri, Commons Area, Orchard Farm High School, 2165 Highway V, St. Charles.
8. November 2, 2006, 7 to 10 p.m., Collinsville, Illinois, Gateway Center Marquette Room, One Gateway, Drive (Highway 157 & Eastport Plaza Drive), Collinsville.
9. November 8, 2006, 7 to 10 p.m., Carrollton, Missouri, Rupe Community Building (Behind Fire Station, park on north side of building, do not block fire station) 710 Harvest Hills Road, Carrollton.
10. November 9, 2006, 7 to 10 p.m., Seneca, Kansas, Nemaha Community Center, 1500 Community Drive, Seneca.
11. November 14, 2006, 7 to 10 p.m., Abilene, Kansas, Abilene Convention & Visitor's Bureau, Historical Train Depot, 210 NW 2nd Street, Abilene.
12. November 15, 2006, 7 to 10 p.m., El Dorado, Kansas, El Dorado Civic Center, Main Meeting Room, 210 E. Central, El Dorado.
13. November 16, 2006, 7 to 10 p.m., Morrison, Oklahoma, Morrison Park Pavillion, Hwy 64 & Casey Trail, (One block from 7th Street), Morrison.

The scoping meetings will be conducted in a workshop style. A court reporter will be present and will accept comments for the record.

**ADDRESSES:** Written comments or suggestions on the scope of the EIS should be addressed to: Elizabeth Orlando, OES/ENV Room 2657, U.S. Department of State, Washington, DC 20520. Comments may be submitted electronically to *keystoneeis@state.gov.* Public comments will be posted on the Web site identified below.

**FOR FURTHER INFORMATION CONTACT:** For information on the proposed project or to receive a copy of the Draft EIS when it is issued, contact Elizabeth Orlando at the address listed in the **ADDRESSES** section of this notice by electronic or regular mail as listed above, or by telephone (202) 647–4284, or by fax at (202) 647–5947.

More information on the TransCanada Keystone Pipeline application for a Presidential Permit, including associated maps and drawings will be downloadable in its entirety from a Web site that is being established for this purpose: *http://www.keystonepipeline.state.gov* (hosted by Entrix, Department of State's contractor to perform the EIS study). This Web site is expected to be operational on or about October 20, 2006. This Web site will accept public comments for the record.

Department of State Presidential Permit information and process can also be found at the above internet address.

A TransCanada hosted project Web site is also available at: *http://www.transcanada.com/keystone/index.html.* The Keystone Project toll-free number is: 1 (866) 717–7473 (United States and Canada).

**SUPPLEMENTARY INFORMATION:**

### Background and Need for Agency Action

TransCanada Keystone Pipeline, LP (Keystone) proposes to construct and operate an interstate crude oil pipeline and related facilities from an oil supply hub near Hardisty, Alberta, in Canada, to destinations in the United States. The proposed project, known as the

Keystone Pipeline Project, initially would have the nominal capacity to deliver 435,000 barrels per day (bpd) of crude oil from the oil supply hub near Hardisty to existing terminals at Wood River (Madison County) and Patoka (Marion County), Illinois. Additional pumping capacity could be added to increase the average throughput to 591,000 bpd if market conditions warrant expansion in the future. Keystone is considering the construction of two pipeline extensions to take crude oil from terminals at Fort Saskatchewan, Alberta, and deliver it to Cushing (Payne County), Oklahoma.

As initially proposed, the Keystone Pipeline Project would consist of approximately 1,845 miles of pipeline, including about 767 miles in Canada and 1,078 miles within the United. States traversing the States of North Dakota, South Dakota, Nebraska, Missouri, Kansas and Illinois. The project is proposed to be located primarily in rural areas, with more populated areas occurring around Troy and St. Louis, Missouri and Wood River and Edwardsville, Illinois. These distances would increase if the proposed pipeline were extended to Fort Saskatchewan, Alberta, and/or Cushing, Oklahoma. U.S. counties that could possibly be affected by construction of the proposed pipeline, including the proposed Cushing extension are:

*North Dakota:* Pembina, Cavalier, Walsh, Nelson, Steele, Barnes, Ransom, and Sargent.

*South Dakota:* Marshall, Day, Clark, Beadle, Kingsbury, Miner, Hanson, McCook, Hutchinson, and Yankton; Nebraska: Cedar, Wayne, Stanton, Platte, Colfax, Butler, Seward, Saline, Jefferson, and Gage;

*Kansas:* Marshall, Nemaha, Brown, Washington, Clay, Dickinson, Marion, Butler, Cowley and Doniphan;

*Missouri:* Buchanan, Clinton, Caldwell, Carroll, Chariton, Randolph, Audrain, Montgomery, Lincoln, and St. Charles;

*Illinois:* Madison, Bond, Fayette, Marion; and

*Oklahoma (under a possible future extension):* Kay, Noble and Payne.

In Canada, the project as proposed would involve the transfer to Keystone of an existing 530 mile, 34-inch-diameter pipeline currently owned by TransCanada and conversion of that line to crude oil service; construction of a new 237-mile pipeline extension from Hardisty to the existing pipeline; and construction of a pipeline extension from the existing pipeline to the U.S.-Canada border. Appropriate regulatory authorities in Canada will conduct an independent environmental review process for the Canadian facilities.

In the United States, the proposed Keystone pipeline consists of 1,023 miles of 30-inch pipe between the U.S.-Canada border in Cavalier County, North Dakota, and Wood River, Illinois, and a 55-mile segment of 24-inch pipeline between Wood River and Patoka, Illinois. In addition, Keystone may construct a 292-mile 36-inch pipeline, referred to as the ''Cushing Extension'', commencing in Platte County near the Nebraska-Kansas border and terminating at existing crude oil terminals in Cushing (Payne County), Oklahoma.

Keystone proposes to construct the 30- and 36-inch pipelines within a 110-foot-wide corridor, consisting of both a temporary 60-foot-wide construction right-of-way (ROW) and a 50-foot permanent ROW. In Illinois, where a portion of the Keystone Pipeline is proposed to be 24-inch pipeline, the proposed project would be constructed within a 95-foot-wide corridor, consisting of both a temporary 45-foot-wide construction ROW and a 50-foot permanent ROW. Extra temporary workspace would be required in some locations, including stream, wetland and road crossings.

Above ground facilities for the proposed Keystone pipeline include an initial 23 pump stations and 45 mainline valves located within the ROW. The pump stations would enable Keystone to maintain the pressure required to make crude oil deliveries. Valves are proposed to be installed and located as dictated by the hydraulic characteristics of the pipeline and as required by Federal regulations. Construction of delivery metering and other facilities at Wood River, Patoka, and Cushing would measure the amount of product transported and delivered to terminals.

Above ground facilities for the proposed Cushing Extension include facilities at Ponca City and 12 mainline valves within the ROW. The delivery facility is proposed to be located adjacent to existing operational tanks in Ponca City and Cushing, Oklahoma.

It is estimated that approximately 163 perennial waterbody crossings could occur during the proposed construction of the Keystone mainline and 81 perennial waterbody crossings could occur on the proposed Cushing extension. Proposed major river crossings include but are not limited to the Missouri, Platte, Chariton, Cuivre and Mississippi Rivers. Wetlands may be crossed by the proposed route of the main pipeline and the Cushing extension.

New pump stations and remotely activated valves proposed to be located along the pipeline route require electrical transmission power lines and facility upgrades in multiple locations along its route. These proposed electrical components would be constructed and operated by local power providers, not Keystone. The construction and operation of these facilities are considered connected actions under the National Environmental Policy Act (NEPA) and, therefore, will be evaluated within the EIS.

Keystone proposes to begin construction of the pipeline in early 2008. Proposed construction would occur over an approximately 18-month period. Construction of the proposed Cushing Extension, if undertaken, is anticipated to commence in 2009 and require a 12-month period.

**Land Requirements**

It is estimated that construction of the project as proposed would cause approximately 16,272 acres of land to be disturbed as temporary construction workspace; which would be restored after construction is complete. In addition, approximately 6,565 acres of land would be required as permanent ROW. Of that total, approximately 6,512 acres are proposed to be restored and returned to their previous use after construction. As proposed, approximately 53 acres of permanent ROW would not be restored but would serve to provide adequate space for above-ground facilities, including pump stations, valves, etc. for the life of the pipeline. As currently proposed, no federally owned lands appear to be implicated; however, some federally managed lands would be affected.

If the proposed Cushing Extension were constructed as proposed, it is estimated that approximately 4,580 acres of additional land would be disturbed as temporary construction workspace, which would be restored after construction is complete. Approximately 1,789 acres of land would be required as permanent ROW. Of that total, approximately 1,778 acres are proposed to be restored and returned to their previous use after construction.

**The EIS Process**

NEPA requires the Department of State to take into account the environmental impacts that could result from the approval of a Presidential Permit authorizing construction, operation, and maintenance of pipeline facilities for the importation of crude oil to be located at the international border of the United States and Canada. The

Department of State will use the EIS to assess the environmental impact that could result if the Keystone Pipeline Project is granted a Presidential Permit.

NEPA also requires Department of State to identify concerns the public may have about proposals under consideration by the Department of State. This process is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the EIS on the important environmental issues. With this Notice of Intent, the Department of State is requesting public comments on the scope of the issues to be addressed in the EIS. All comments received during the scoping period will be considered during preparation of the EIS. Comments received after the close of the comment period will be considered to the extent practicable.

In the EIS, Department of State will discuss impacts that could occur as a result of the construction and operation of the proposed project under these general headings:

- Geology and soils;
- Water resources;
- Fish, wildlife, and vegetation;
- Threatened and endangered species;
- Cultural resources;
- Land use, recreation and special interest areas; visual resources;
- Air quality and noise;
- Socioeconomics; and
- Reliability and safety.

In the EIS, Department of State will also evaluate reasonable alternatives to the proposed project or portions of the project and make recommendations on how to lessen or avoid impacts on affected resources. In addition, a ''no action alternative'' will be considered.

The Department of State's independent analysis of the issues will be included in a draft EIS. The draft EIS will be published and mailed to relevant Federal, State and local government agencies, elected officials, environmental and public interest groups, Native American tribes, affected landowners, commentors, local libraries, newspapers and other interested parties. A 45-day comment period will be allotted for review of the draft EIS. We will consider all timely comments on the draft EIS and revise the document, as necessary, before issuing a final EIS. We will consider all comments on the final EIS before reaching a conclusion on whether to grant Keystone a Presidential Permit authorizing construction, operation, and maintenance of pipeline facilities for the importation of crude oil to be located at the international border of the United States and Canada.

**Currently Identified Environmental Issues**

The EIS will discuss impacts that could occur as a result of the construction, operation and maintenance of the proposed project. We have already identified several issues that we think deserve attention. This preliminary list of issues may be changed based on public comments and analysis.

- The minimization of construction rights-of-way and associated construction impacts.
- Potential effects on prime farmland and soils with a high potential for compaction.
- Potential impacts to existing land uses, including residences, agricultural and managed forested lands.
- Potential impacts to perennial and intermittent waterbodies, including waterbodies with Federal and/or State designations.
- Evaluation of the potential for temporary and permanent impacts on wetlands.
- Potential impacts to fish and wildlife habitat, including potential impacts to federally and State-listed threatened and endangered species.
- Potential impacts to wildlife management areas.
- Potential impacts and benefits of construction workforce on local housing, infrastructure, public services and economy.
- Public safety and potential hazards associated with the transport of crude oil.
- Alternative alignments for the pipeline route.
- Assessment of the effect of the proposed project when combined with other past, present, or reasonably foreseeable future actions in the project area.
- Public Participation.

You are encouraged to become involved in this process and provide your specific comments or concerns about the proposed project. By becoming a commentor, your concerns will be addressed in the EIS and considered by the Department of State. Your comments should focus on the potential environmental impacts, reasonable alternatives (including alternative facility sites and alternative pipeline routes), and measures to avoid or lessen environmental impacts. The more specific your comments, the more useful they will be.

The public scoping meetings identified above are designed to provide another opportunity to offer comments on the proposed project. Interested individuals and groups are encouraged to attend these meetings and to present comments on the environmental issues they believe should be addressed in the EIS. Again, written comments are considered with equal weight in the process relative to those received in public scoping meetings.

Issued in Washington, DC on October 4, 2006.

**David Brown,**

*Director, Bureau of Oceans and International Environmental and Scientific Affairs/Office of Environmental Policy, U.S. Department of State.*

[FR Doc. E6–16807 Filed 10–10–06; 8:45 am]

BILLING CODE 4710–05–P

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

**[Docket No. FHWA–2006–25976]**

### Agency Information Collection Activities: Request for Comments for a New Information Collection

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice and request for comments.

**SUMMARY:** The FHWA invites public comments about our request for the Office of Management and Budget's (OMB) approval for a new information collection, which is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

**DATES:** Please submit comments by November 13, 2006.

**ADDRESSES:** You may send comments within 30 days to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention: DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. All comments should include the Docket number FHWA–2006–25976.

**FOR FURTHER INFORMATION CONTACT:** James March, 202–366–9237, or William Linde, 202–366–9637, Office of Transportation Policy Studies, Federal

Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:**

*Title:* National Evaluation of a Mileage-Based Road User Charge.

*Background:* Section 1919 of *The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users of 2005 (SAFETEA–LU)* requires the Secretary of the Department of Transportation to submit annual reports and a final report to the Secretary of the Treasury, the Committee on Transportation and Infrastructure and the Committee on Ways and Means of the House of Representatives; the Committee on Environment and Public Works and the Committee on Finance of the Senate on the results of an analysis of highway vehicle mileage data collected to assess a mileage-based approach to collecting highway use fees. Specifically, the Act requires:

**SEC. 1919. Road User Fees.**

*(a) STUDY.—The Secretary shall enter into an agreement with the Public Policy Center of the University of Iowa for an analysis and report to the Secretary and the Secretary of the Treasury on a long-term field test of an approach to assessing highway use fees based upon actual mileage driven by a specific vehicle on specific types of highways by use of an onboard computer—*

*(1) Which is linked to satellites to calculate highway mileage traversed;*

*(2) Which computes the appropriate highway use fees for each of the Federal, State, and local governments as the vehicle makes use of the highways;*

*(3) The data from which is periodically downloaded by the vehicle owner to a collection center for an assessment of highway use fees due in each jurisdiction traversed; and*

*(4) Which includes methods of ensuring privacy of road users.*

The Secretary has assigned the execution and management of the agreement with the University of Iowa to the Office of Policy of the Federal Highway Administration. This study will include 200 participants in the first year and 250 participants in the second year in each of six geographic regions of the country who have been recruited through radio, television, and print media. Persons selected to participate in the field-testing will have agreed to have the necessary on-board computer technology installed in their personal vehicles for testing the mileage data collection technology. Field-testing will be conducted over 2 years with a new set of participants in each year, 1,200 in the first year and 1,500 in the second. The participants will be asked to provide information every 2 months over the course of their participation in the field test in order to collect data that provides for an analysis of participant opinion on different aspects of the field test, such as privacy of data, level of detail of data transmitted to collection center, billing transmittal, among others. The participants will have a choice of providing their information by means of telephone, internet, or printed survey.

The FHWA published notice of this new information collection and requested comments on the bi-monthly survey component of the study in the **Federal Register** [71 FR 38206, July 5, 2006]. This notice includes information on the recruitment and Global Positioning System installation that was omitted in the initial notice, as well as the information on the survey collection that was included in the initial notice.

In order to meet the requirements of the Study, the Public Policy Center must recruit and select field test participants. The recruitment effort will include advertising in radio, television, and print media seeking individuals to participate in the study. It is expected that in order to achieve the University of Iowa's goal of selecting a total of 2,700 individuals, 1,200 in the first year and 1,500 in the second, to participate in two field tests of 1 year each, the number of individuals responding to the recruitment effort will be 15,000. Of these, an estimated 12,000 will pass through the first qualification screen and therefore be eligible to become candidates for participating in the field study. Those eligible candidates selected to participate in the study will receive training on the study and their participation in it. It will be necessary to install on-board computer systems in the vehicles of those individuals selected to participate, and to remove the systems at the end of the individuals' participation in the study.

The transfer of data from the on-board computer system to the data collection center will be done remotely and require no action on the part of the field test participant.

The individuals selected to participate in the field testing will be asked to provide information every 2 months over the course of their participation in the field test in order to collect data that provides for an analysis of participant opinion on different aspects of the field test, such as privacy of data, level of detail of data transmitted to the collection center, billing transmittal, among others. The participants will have a choice of providing their information by means of telephone, internet, or printed survey.

*Respondents:* Approximately 6,625 respondents to the multi-media recruitment campaign are expected for the first year's effort and approximately 8,375 for the second year's effort—a total of approximately 15,000 for the two recruitment efforts.

Of the respondents to the recruitment campaigns, approximately 5,300 are expected to pass through the initial qualification screening in the first year, and therefore eligible to participate in the field testing, and approximately 6,700 in the second year, a total of approximately 12,000 over the 2-year field-testing period.

Approximately 1,200 field test participants in the first year of field testing and 1,500 in the second year for a total of approximately 2,700 over the 2-year field testing period will receive training on study participation prior to their entrance into the field-testing phase. They will have on-board computer systems installed in their vehicles at the beginning of their participation and removed at the conclusion of their participation. Over the course of the field-testing, participants will be surveyed once every 2 months, for a total of six collections from each over the course of their participation in the study.

*Frequency:* Each field test year's recruitment, selection, and training efforts will occur once, for a total of two efforts over the course of the study.

Each participant will have on-board computer systems installed in their vehicle once at the beginning of their participation and removed once from their vehicle at the conclusion of their participation.

Each participant will be surveyed once every 2 months, for a total of six collections over the course of their participation in the study.

*Estimated Average Burden per Response:* The average amount of time spent by a prospective field-test participant in responding to the multi-media recruitment campaign is expected to be 5 minutes. The average time for individuals proceeding to additional screening for inclusion in the study is expected to be 15 minutes. The total amount of time for each individual spent in the recruitment process for participants in the study is expected to be 20 minutes.

Respondents selected for inclusion in the study will spend 5 minutes on average scheduling the training session and the training session itself will last 60 minutes. The total amount of time for each individual spent in the training

phase of the study is expected to be 65 minutes.

The average amount of time required for participants to make their vehicle available for installation of the on-board computer system is expected to be 90 minutes. The average amount of time for removal is expected to be 60 minutes. The total amount of time for each individual spent making their vehicle available for on-board system installation and removal is 150 minutes.

The average amount of time to respond to the first five bi-monthly survey collections over the course of the field study is 15 minutes. The average amount of time to respond to the exit survey collection at the end of the field study is 30 minutes. The average total time spent responding to surveys for participants over their involvement in the study is 105 minutes.

The total amount of time for a respondent not selected to participate in the study is expected to be 5 minutes.

The total amount of time spent by a field-test participant who completes the study is expected to be 340 minutes.

*Estimated Total Annual Burden Hours:* Approximately 552 hours in the first year and 698 in the second year for a total of 1,250 hours over the course of the study for the response to the recruitment campaign.

Approximately 1,325 hours in the first year and 1,675 in the second year for a total of 3,000 over the course of the study for the additional screening to be selected for inclusion in the study.

Approximately 1,300 hours in the first year and 1,625 in the second year for a total of 2,925 hours over the course of the study for participant training.

Approximately 3,000 hours in the first year and 3,750 in the second year for a total of 6,750 hours over the course of the study for the installation and removal of the on-board computer systems to and from the participants' vehicles.

Approximately 2,100 hours in the first year and 2,625 hours in the second year for a total of 4,725 hours over the course of the study for the survey collections.

Total annual burden hours in the first year are expected to be 8,277. Total annual burden hours in the second year are expected to be 10,373 for a total of 18,650 hours over the course of the study.

*Electronic Access:* Internet users may access all comments received by the U.S. DOT Dockets, Room PL–401, by using the universal resource locator (URL): *http://dms.dot.gov,* 24 hours each day, 365 days each year. Please follow the instructions online for more information and help.

**Authority:** The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: October 3, 2006.

**James R. Kabel,**

*Chief, Management Programs and Analysis Division.*

[FR Doc. E6–16683 Filed 10–10–06; 8:45 am]

**BILLING CODE 4910–22–P**

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## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

**[Docket Number: FTA–2006–25471]**

### Notice of Proposed Safety and Security Management Circular

**AGENCY:** Federal Transit Administration (FTA), DOT.

**ACTION:** Notice of proposed circular and request for comment.

**SUMMARY:** The Federal Transit Administration (FTA) proposes to issue a Circular on Safety and Security Management Guidance for FTA-funded major capital projects. The proposed circular is for those FTA-funded projects that involve: (1) The construction of a new fixed guideway or extension of an existing fixed guideway; (2) the rehabilitation or modernization of an existing fixed guideway with a total project cost in excess of $100 million; or (3) projects designated as major capital projects by the Administrator. The Circular, which is located on the DMS Web site, identifies the safety and security management activities to be performed by grantees and the criteria for documenting these activities in the Safety and Security Management Plan (SSMP). FTA is also developing a manual of effective practices to accompany the circular.

**DATES:** Comments must be received by December 11, 2006. Late filed comments will be considered to the extent practicable.

**ADDRESSES:** You may submit comments identified by the Document Management System (DMS) Docket Number FTA–2006–25471 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:* 202–493–2251;
- *Mail:* Docket Management Facility; U.S. Department of Transportation, 400 Seventh Street, SW., Nassif Building, PL–401, Washington, DC 20590–0001; or
- *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.

*Instructions:* You must include the agency name (Federal Transit Administration) and the Docket Number (FTA–2006–25471). You should submit two copies of your comments if you submit them by mail. If you wish to receive confirmation that FTA received your comments, you must include a self-addressed, stamped postcard. Note that all comments received will be posted without change to the Department's DMS Web site located at *http://dms.dot.gov.* This means that if your comment includes any personal identifying information, such information will be made available to users of DMS.

**FOR FURTHER INFORMATION CONTACT:** For issues regarding safety and security in FTA's project development phases, contact Carlos M. Garay, Office of Engineering, 400 Seventh Street, SW., Washington, DC, 20590, (202) 366–6471; or *Carlos.Garay@dot.gov.* For issues regarding specific safety and security management activities, contact Levern McElveen, Office of Safety and Security, 400 Seventh Street, SW., Washington, DC, 20590, (202) 366–1651; or *Levern.McElveen@dot.gov.* For legal issues, contact Bruce Walker, Office of Chief Counsel, Federal Transit Administration, 400 Seventh Street, SW., Room 9316, Washington, DC 20590, (202) 366–4011; or *Bruce.Walker@dot.gov.*

**SUPPLEMENTARY INFORMATION:**

### Background

FTA's Full Funding Grant Agreement (FFGA) Circular 5200.1A, Chapter II, Section 6, Safety and Security Management Plan, issued on December 5, 2002, contains recommended guidance for grantees with FFGA projects. The guidance identifies specific safety and security management activities that must be performed and documented by the grantee in a Safety and Security Management Plan (SSMP) and submitted to FTA for review and conditional approval with application for FFGA.

Section 3026 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU), [Pub. L. 109–59, August 10, 2005] now requires ''safety and security management'' as an element of the Project Management Plan (PMP) to be submitted by grantees for major capital projects. FTA is in the process of developing a proposed rulemaking to fully implement this provision of SAFETEA–LU. In the interim, this

proposed circular identifies specific safety and security management activities to be performed for all major capital projects, as defined in 49 CFR part 633. The circular also proposes guidance regarding how these activities may be documented in the SSMP, which would be submitted as part of the PMP.

*I. What is FTA proposing for the SSMP?*

For certain major capital projects, commonly referred to as ''New Starts,'' that involve the construction or extension of rail transit, commuter rail, or certain bus service in dedicated lanes, FTA is proposing that the initial version of the SSMP will be submitted with the grantee's request to enter Preliminary Engineering. As part of the PMP, the SSMP will be updated regularly, and evaluated for conditional approval by FTA prior to entry into subsequent project development phases. For other major capital projects, including modernization of existing fixed guideway systems and the purchase of bus and bus-related equipment and facilities, FTA proposes that the SSMP be submitted and updated whenever the PMP is required.

The proposed circular also includes a description of each section to be included in the SSMP and a listing of the evaluation criteria FTA proposes to use in assessing the grantee's development and implementation of the SSMP.

The SSMP will document the grantee's approach to developing management structures and work programs to effectively plan and implement safety and security related elements of major capital projects. The SSMP should also explain how the grantee expects to manage required coordination with external agencies, including the State Safety Oversight Agency (SSOA)—for rail transit projects affected by 49 CFR Part 659, Rail Fixed Guideway Systems; State Safety Oversight; the Federal Railroad Administration (FRA)—for commuter rail projects and rail transit projects with shared use track, limited connections to the general railroad system, and common corridors; and the Transportation Security Administration (TSA)—for projects affected by Security Directives and other TSA requirements and programs.

The proposed circular references other FTA regulations, including 49 CFR Part 633, Project Management Oversight; 49 CFR Part 611, Major Capital Investment Projects; and 49 CFR Part 659, Rail Fixed Guideway Systems; State Safety Oversight. In all cases, when using the proposed circular, the most current regulation will supersede any references to rules that have been cancelled or revised. FTA reserves the right to make page changes to proposed and final circulars regarding updates to other provisions, without subjecting the entire circular to public comment. The Circular can be found on the DMS Web site: *http://dms.dot.gov.* Please refer to docket number FTA–2006–25471.

*II. Why Is FTA Developing the Circular?*

This proposed circular is the initial step in providing guidance in meeting the criteria of section 3026 of SAFETEA–LU which amends 49 U.S.C. 5327(a) to require ''safety and security management'' as an element of the PMP. Historically, grantees for FTA-funded major capital projects have described project safety and security management strategies and controls as sub-elements of other required PMP sections. However, the level to which safety and security were addressed and the specific approaches to ensure safety and security during each phase of project development varied greatly among grantees. As such, it became increasingly difficult for FTA to ensure a consistent approach to safety and security in each major capital project. Likewise, since the publication of Circular 5200.1A in December 2002, grantees have indicated that they do not have sufficient guidance for the consistent implementation of safety and security management activities, nor do they have a clear understanding of the criteria FTA used to evaluate implementation of safety and security activities.

The proposed circular describes specific safety and security activities to be identified and performed for each major capital project, and how these activities should be documented in the SSMP. FTA will then assess the development and implementation of the SSMP as part of the PMP. By describing these activities, the proposed circular will provide guidance for strengthening safety and security management in major capital projects.

*III. What Factors Guided FTA's Development of the Circular?*

A. Results From Previous Experience With SSMPs for FFGA Projects.

FTA reviewed SSMP submissions made for FFGA projects since December 2002. FTA also evaluated the results of in-depth assessments performed by project management oversight consultants (PMOCs) regarding SSMP development and implementation by grantees with FFGA projects.

FTA found that previously developed SSMPs did not clearly explain the project's organization responsible for managing safety and security. In many instances, staff and contractors assigned to the organization were not identified by name, title, and department. Committees established to support the organization were not clearly identified by name and acronym, and membership was not always listed by title and affiliation. For specific authorities delegated to contractors, grantee staff members or committees were not always clearly identified as responsible for oversight. Organization charts were not always provided, and budgets and schedules were not always developed for safety and security activities.

FTA also determined that by not specifically encouraging the referencing of other safety and security plans and procedures, grantees copied large amounts of text from these other plans into their SSMPs. The resulting documents were much more voluminous than necessary and, in some instances, were difficult to follow and implement. In some cases, it was hard to distinguish the specific activities being performed as part of the SSMP from the grantee's other safety and security programs.

Finally, FTA found that grantees did not always clearly address how the project's existing design and construction verification programs should be used to support safety and security management. For example, grantees did not always explain how their safety and security functions were working with their quality control/quality assurance functions to obtain verification that safety and security requirements established for their projects were, in fact, addressed in technical specifications and contract documents and in the as-built facilities, installed systems, and procured equipment delivered for their projects.

In another example, grantees did not always explain how the project's activation team was coordinating with the safety and security function to make sure that staffing plans, established qualifications and certifications, training programs, and demonstration activities were sufficient to ensure the readiness of operations and maintenance personnel to support revenue service. In several instances, FTA had difficulty determining how the grantee's safety and security functions were using the project's document control system to ensure the tracking and resolution of ''open items'' and ''work-arounds'' that could potentially impact safety and security.

B. New Industry Guidance

FTA also considered new guidance developed for industry since the publication of Circular 5200.1A in December 2002. Specifically, FTA has published a number of documents with recommendations to grantees for addressing safety and security in major capital projects, including: *Handbook for Transit Safety and Security Certification (2002); Project Construction and Management Guidelines Update (2003); Public Transportation System Security and Emergency Preparedness Planning Guide* (2003); FTA's Top 20 Security Action Items Web site (2003); and *Transit Security Design Considerations* (2005).

In partnership with the Transit Cooperative Research Program (TCRP) of the Transportation Research Board (TRB), FTA has also funded research that identifies and recommends activities to be performed by grantees to address safety and security in the engineering, design, construction, and operation of transit projects. For example, FTA is currently funding: *Project J–10G, Making Transportation Tunnels Safe and Secure; Project A–30, Improving Safety Where Light Rail, Pedestrians, and Vehicles Intersect; Project D–10, Audible Signals for Pedestrian Safety in Light Rail Transit Environments;* and *Project D–11, Design, Operation, and Safety of At-Grade Crossings of Exclusive Busways.* These projects build on previous FTA-funded research for TCRP Report 17: *Integration of Light Rail Transit into City Streets (1996); TCRP Report 69: Light Rail Service: Pedestrian and Vehicular Safety (2000); TCRP Research Results Digest 51, Second Train Coming Warning Sign: Demonstration Projects (2002);* and *TCRP Report 86, Volume 4: Public Transportation Security: Intrusion Detection for Public Transportation Facilities Handbook* (2003).

Also, since the publication of the 5200.1A Circular, the American Public Transportation Association (APTA) has completed its Rail Transit Standards Program, issuing over 90 standards to support the design, operation and maintenance of rail transit projects. The Federal Highway Administration (FHWA) updated Part 10 of the *Manual on Uniform Traffic Control Devices* (MUTCD) in 2003, which relates to the design of rail transit grade crossings. Operation Lifesaver, in partnership with FTA and FRA, has developed program materials for use by rail transit grantees regarding public marketing, education, and communications efforts for rail grade crossings.

C. Federal Security Requirements

Finally, as a result of the events of September 11, 2001, many grantees are now performing extensive vulnerability analyses as part of their major capital projects, following guidance issued by FTA, TSA, or the Department of Homeland Security (DHS) Office of Grants and Training (G&T). Grantees are also designing and specifying the use of security equipment, such as closed circuit television surveillance systems, passenger call boxes, enhanced lighting, access control systems, and intrusion detection systems, following guidance established by consensus-based standards organizations.

Additionally, in 2004, DOT and TSA issued a joint rule-making ''Protection of Sensitive Security Information,'' published at 49 CFR Part 15 and 49 CFR Part 1520, respectively. DOT published ''Interim Policies and Procedures for 49 CFR Part 15, Protection of Sensitive Security Information'' on June 7, 2005 (a copy is available with this docket). The DOT policy and procedures apply to all DOT employees and to all DOT contractors, grantees, consultants, licensees, and regulated entities that have access to or receive Sensitive Security Information (SSI). Procedures have been established by grantees for managing SSI materials and to guide the sharing of SSI with FTA and other external agencies. FTA also has established procedures for working with grantees regarding the handling of these materials by Regional Offices, Headquarters staff, and PMOCs. Specifically, FTA personnel and PMOCs must comply with the grantee's SSI procedures as established in accordance with 49 CFR Part 15. Depending on the materials being reviewed and the procedures established by grantees, activities may include performing on-site reviews of SSI materials at the grantee's location, not removing SSI materials from specific locations, and ensuring that a grantee escort is available to observe FTA/PMOC review of SSI materials.

*IV. What Specific Safety and Security Management Activities Are Required?*

To address concerns identified from previous experience with developing and implementing SSMPs, and to reflect changes in available guidance and industry practices, the proposed circular identifies specific safety and security management activities to be performed by grantees for major capital projects. These activities include preparation of a policy statement, signed by the grantee's executive leadership, endorsing the safety and security activities, as documented in the SSMP. The proposed activities also include the development of a well-defined organization, supported by a budget and schedule, for identifying, resolving, and managing safety and security activities during all development phases of the major capital project.

Further, these proposed activities include specific requirements regarding the conduct of safety and security analysis, the development of safety and security design criteria, the establishment of programs to ensure the training and qualification of operations and maintenance personnel prior to the initiation of revenue service, and the establishment of verification programs to ensure that safety and security design criteria are included in the technical specifications and contract documents for the project and delivered in the final project placed into revenue service.

Finally, the proposed activities ensure the issuance of final safety and security certification for the project, including its operational readiness, and the performance of appropriate coordination throughout the project to address requirements specified by local, State and Federal agencies, including applicable requirements from SSOAs, FRA, and TSA.

*V. How Are Safety and Security Activities Documented in the SSMP?*

To support consistent development of SSMPs by grantees for major capital projects, Chapter IV of the proposed circular identifies 11 sections required for the SSMP. Each section provides a detailed description of what should be included in the SSMP. The proposed circular, when published in final form will reference a manual being developed by FTA to promote effective practices for safety and security management. This manual will provide examples that may be used by grantees in preparing SSMPs.

*VI. Request for Comments*

FTA is establishing a docket to receive public comment on the proposed circular. FTA will publish the final circular, which may be revised based on public comment, in a later **Federal Register** notice.

In reviewing the proposed circular, FTA is requesting comments on the following:

1. Required Safety and Security Management Activities

The proposed circular identifies specific safety and security management activities to be performed by grantees

for major capital projects. These activities are noted in Chapter II, Section 2, of the proposed SSMP Circular. FTA is interested to learn of opinions regarding these proposed activities and their relevance to ensuring the safety and security of major capital projects.

Specifically, FTA would like to know if all of the required activities are necessary; if there are activities which should be added; and if grantees currently have programs underway addressing these requirements. Also, for ''New Starts'' projects requesting entry into Preliminary Engineering (PE), FTA is interested to learn what specific safety and security management activities grantees will perform during PE.

2. Listing of FTA Evaluation Criteria

The proposed circular identifies the criteria to be used by FTA in assessing and evaluating the grantee's performance of required safety and security management activities. These activities are noted in Chapter II, Section 3, of the proposed SSMP Circular. FTA would like to learn if commenters believe that these criteria are appropriate; if there are other criteria that should be considered by FTA, and if grantees believe that they have the project management organization and information management systems in place to meet these criteria.

3. Sensitive Security Information

The proposed circular references the DOT regulation on Sensitive Security Information (see 49 CFR Part 15). FTA has developed procedures to coordinate with grantees regarding their implementation of programs and procedures to identify and protect sensitive security information. FTA is interested in receiving comments regarding how well these procedures have worked in practice, and if there are any suggestions for improvements that should be addressed in the proposed circular.

4. Process for Developing and Updating SSMPs

FTA is seeking comments on the proposed approach to developing and updating SSMPs as part of the PMP. These criteria are found in Chapter III of the proposed circular. Specifically, do grantees require additional guidance regarding the appropriate contents of the SSMP for different project development phases? Do grantees prefer to include the SSMP as a separate chapter of the PMP or referenced as a separate plan within the PMP? Do grantees with ''New Starts'' projects believe the proposed circular provides enough information regarding FTA's requirements for the SSMP at entry to Preliminary Engineering, entry to Final Design, application for FFGA, and at other times when circumstances require?

5. Required SSMP Contents

Chapter IV of the proposed circular lists eleven sections to be included in the SSMP developed by the grantee. FTA requests comments regarding these eleven sections. Are the requirements reasonable? Should additional sections or sub-sections be added? Should specific sections or sub-sections be removed? Are the descriptions for any section or sub-section unclear or confusing? Do grantees need additional guidance?

6. Other Comments

FTA also requests comments concerning the costs and benefits associated with meeting guidance in the proposed circular. Grantees are encouraged to comment on the number of hours and/or financial cost associated with implementing the proposed circular's guidance as well as the extent to which following the guidance will assist the grantee in achieving its organizational objectives for safety and security management in major capital projects.

Issued in Washington, DC, this 3rd of October 2006.

**James S. Simpson,**

*Administrator, Federal Transit Administration.*

[FR Doc. E6–16684 Filed 10–10–06; 8:45 am]

BILLING CODE 4910–57–P

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## DEPARTMENT OF TRANSPORTATION

## Surface Transportation Board

**[STB Finance Docket No. 34909]**

## CSX Transportation, Inc., Norfolk Southern Railway Company, and Consolidated Rail Corporation—Joint Use and Operation Exemption

**AGENCY:** Surface Transportation Board, DoT.

**ACTION:** Notice of exemption.

**SUMMARY:** Under 49 U.S.C. 10502, the Board is granting a petition for exemption from the prior approval requirements of 49 U.S.C. 11323–25 for petitioners to provide for the joint use and joint rail freight operations over 7.69 miles of abandoned rail line of the former Staten Island Railway Corporation [1] in New York and New Jersey, lying generally between the Conrail Chemical Coast Line and points on Staten Island, NY, subject to appropriate employee protective conditions.[2] The line consists of two segments as follows: (a) The North Shore Line between the end of track at milepost 4.6 at Union Avenue east of Arlington Yard, Richmond County, NY, and milepost 7.4, via the Chemical Coast Connector, at the proposed point of switch at the connection between the Chemical Coast Connector and Conrail's Chemical Coast Line in Union County, NJ, a distance of 2.8 miles; and (b) the Travis Branch between milepost 0.00 Arlington Yard Station and milepost 4.41 in Richmond County, a distance of 4.41 miles. Included within the North Shore Line segment are all tracks in Arlington Yard together with lead tracks on both the east and west ends of the yard, the so-called Wye Connector, that provides a direct connection to the Travis Branch from the North Shore Line and a track designated as the Travis Lead that provides a connection to and from the Travis Branch to the east end of Arlington Yard.[3] Petitioners have asked for expedited consideration of the petition.

**DATES:** The exemption will be effective on October 8, 2006. Petitions to reopen must be filed by October 25, 2006.

**ADDRESSES:** An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34909, must be filed with the Surface Transportation Board, 1925 K Street, NW., Washington, DC 20423–0001. In addition, one copy of all pleadings must be served on petitioners' representatives: Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204, Peter J. Shudtz, 1331 Pennsylvania Avenue NW., Suite 560,

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[1] *See Staten Island Railway Corporation—Abandonment Exemption—in Richmond County, NY*, Docket No. AB–263 (Sub-No. 2X) (ICC served July 3, 1990), and *Staten Island Railway Corporation—Abandonment*, Docket No. AB–263 (Sub-No. 3) (ICC served Dec. 5, 1991). The lines were subsequently acquired by the New York City Economic Development Corporation (NYCEDC) and the Port Authority of New York and New Jersey (Port Authority).

[2] Notice of the filing and a request for comments was served and published in the **Federal Register** on August 25, 2006 (71 FR 50500–01). Comments in support of the petition were filed by Mayor Michael R. Bloomberg of the City of New York, NYCEDC and the Port Authority. No comments were filed in opposition.

[3] Petitioners concurrently filed a Notice of Modified Certificate of Public Convenience and Necessity to operate the subject line in STB Finance Docket No. 34908, *CSX Transportation, Inc., Norfolk Southern Railway Company, and Consolidated Rail Corporation—Modified Rail Certificate*. That request was granted by decision served and published in the **Federal Register** on August 25, 2006 (71 FR 50499–50500).

Washington, DC 20004, and John V. Edwards, Three Commercial Place, Norfolk, VA 23510.

**FOR FURTHER INFORMATION CONTACT:** Joseph H. Dettmar, (202) 565–1609. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

**SUPPLEMENTARY INFORMATION:** Additional information is contained in the Board's decision served on October 5, 2006. To purchase a copy of the full decision, write, e-mail, or call: ASAP Document Solutions, 9332 Annapolis Rd., Suite 103, Lanham, MD 20706; e-mail: *asapdc@verizon.net*; telephone: (202) 306–4004. [Assistance for the hearing impaired is available through FIRS at 1–800–877–8339.]

Board decisions and notices are available on our Web site at *www.stb.dot.gov*.

Decided: October 4, 2006.

By the Board, Chairman Nottingham, Vice Chairman Mulvey, Commissioner Buttrey.

**Vernon A. Williams,**

*Secretary.*

[FR Doc. E6–16817 Filed 10–10–06; 8:45 am]

**BILLING CODE 4915–01–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Proposed Collection; Comment Request for Form 8816

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8816, Special Loss Discount Account and Special Estimated Tax Payments for Insurance Companies.

**DATES:** Written comments should be received on or before December 11, 2006 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Glenn Kirkland, Internal Revenue Service, Room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, at Internal Revenue Service, Room 6516, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202) 622–6665, or through the Internet at *Allan.M.Hopkins@irs.gov*.

**SUPPLEMENTARY INFORMATION:**

*Title:* Special Loss Discount Account and Special Estimated Tax Payments for Insurance Companies.

*OMB Number:* 1545–1130.

*Form Number:* 8816.

*Abstract:* Form 8816 is used by insurance companies claiming an additional deduction under Internal Revenue Code section 847 to reconcile estimated tax payments and to determine their tax benefit associated with the deduction. The information is needed by the IRS to determine that the proper additional deduction was claimed and to insure the proper amount of special estimated tax was computed and deposited.

*Current Actions:* There are no changes being made to the form at this time.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 3,000.

*Estimated Time Per Respondent:* 6 hr., 37 minutes.

*Estimated Total Annual Burden Hours:* 19,830.

*The following paragraph applies to all of the collections of information covered by this notice:*

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. 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 shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 27, 2006.

**Glenn Kirkland,**

*IRS Reports Clearance Officer.*

[FR Doc. E6–16712 Filed 10–10–06; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

**[CO–93–90]**

### Proposed Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, CO–93–90 (TD 8364), Corporations; Consolidated Returns-Special Rules Relating to Dispositions and Deconsolidations of Subsidiary Stock (§§ 1.337(d)–2 and 1.1502–20).

**DATES:** Written comments should be received on or before December 11, 2006 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Glenn Kirkland, Internal Revenue Service, room 6512, 1111 Constitution Avenue, NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulations should be directed to Larnice Mack at Internal Revenue Service, room 6512, 1111 Constitution Avenue, NW., Washington, DC 20224, or at (202)622–3179, or through the Internet at *Larnice.Mack@irs.gov*.

**SUPPLEMENTARY INFORMATION:**

*Title:* Corporations; Consolidated Returns-Special Rules Relating to Dispositions and Deconsolidations of Subsidiary Stock.

*OMB Number:* 1545–1160.

*Regulation Project Number:* CO–93–90.

*Abstract:* This regulation prevents elimination of corporate-level tax because of the operation of the consolidated returns investment adjustment rules. Statements are required for dispositions of a subsidiary's stock for which losses are claimed, for basis reductions within 2 years of the stock's deconsolidation, and for elections by the common parent to retain the net operating losses of a disposed subsidiary.

*Current Actions:* There is no change to this existing regulation.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 3,000.

*Estimated Time Per Respondent:* 2 hours.

*Estimated Total Annual Burden Hours:* 6,000.

*The following paragraph applies to all of the collections of information covered by this notice:*

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. 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 shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: September 28, 2006.

**Glenn Kirkland,**

*IRS Reports Clearance Officer.*

[FR Doc. E6–16713 Filed 10–10–06; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF THE TREASURY

### Bureau of the Public Debt

### Proposed Collection: Comment Request

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A). Currently the Bureau of the Public Debt within the Department of the Treasury is soliciting comments concerning collections of information required to comply with the terms and conditions of FHA debentures.

**DATES:** Written comments should be received on or before December 11, 2006, to be assured of consideration.

**ADDRESSES:** Direct all written comments to Bureau of the Public Debt, Vicki S. Thorpe, 200 Third Street,A–4A, Parkersburg, WV 26106–1328, or *Vicki.Thorpe@bpd.treas.gov*.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form and instructions should be directed to Vicki S. Thorpe, Bureau of the Public Debt, 200 Third Street, Parkersburg, WV 26106–1328, (304) 480–8150.

**SUPPLEMENTARY INFORMATION:**

*Titles:* FHA New Account Request; FHA Transaction Request; FHA Debenture Transfer Request.

*OMB Number:* 1535–0120.

*Form Numbers:* PD F 5366, 5354, and 5367.

*Abstract:* The information is used to (1) establish a book-entry account; (2) change information on a book-entry account; and (3) transfer ownership of a book-entry account on the HUD system, maintained by the Federal Reserve Bank of Philadelphia.

*Current Actions:* None.

*Type of Review:* Extension.

*Affected Public:* Individuals or households, businesses or other for-profit.

*Estimated Number of Respondents:* 300.

*Estimated Time Per Respondent:* 10 minutes.

*Estimated Total Annual Burden Hours:* 50.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. 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 shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: October 4, 2006.

**Vicki S. Thorpe,**

*Manager, Graphics, Printing and Records Branch.*

[FR Doc. E6–16742 Filed 10–10–06; 8:45 am]

**BILLING CODE 4810–39–P**

## U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

### Notice of Open Meeting To Prepare Annual Report; Advisory Committee: U.S.-China Economic and Security Review Commission

**ACTION:** Notice of open meeting to prepare Annual Report—October 16–17, 2006, Washington, DC.

**SUMMARY:** Notice is hereby given of a meeting of the U.S.-China Economic and Security Review Commission.

The Commission is mandated by Congress to investigate, assess, evaluate and report to Congress annually on the U.S.-China economic and security relationship. The mandate specifically charges the Commission to prepare an annual report to the Congress ''regarding the national security implications and impact of the bilateral trade and economic relationship between the United States and the People's Republic of China . . . [that] shall include a full analysis, along with conclusions and recommendations for legislative and administrative actions . . .''

*Purpose of Meeting:* Pursuant to this mandate, the Commission will meet in Washington, DC on October 16 and 17,

2006, to consider drafts of material for its 2006 Annual Report that have been prepared for its consideration by the Commission staff, and to make modifications to those drafts that Commission members believe are needed.

*Topics to Be Discussed:* The Commissioners will be considering draft Report sections addressing the following topics:

- China's Regional Activities.
- China's Energy Activities.
- China's Enforcement of Intellectual Property Rights and Its Production of Counterfeit Goods.
- China's Financial System and Its Effect on the United States.
- China's Proliferation To and Relationships With North Korea and Iran.
- China's Media Control Activities.

In addition, Commissioners may discuss draft Report sections previously considered at the Commission's August 23 meeting:

- China's Internal Challenges and Their Impact on China's Actions Affecting Other Nations Including the United States.
- China's Military Modernization.
- The Effect of U.S. and Multilateral Export Controls on China's Military Modernization.
- The Impact of China's Industrial Expansion and Industrial Subsidies on U.S. and Other Markets.
- China's WTO Compliance.
- China's Impact on the U.S. Auto and Auto Parts Industries.

*Date and Time:* Monday and Tuesday, October 16–17, 2006, 9:30 a.m. to 4:30 p.m.

*Place of Meeting:* The meetings will occur in Conference Room 333 on Monday, October 16 and in Conference Room 235 on Tuesday, October 17 of the Hall of The States, 444 North Capitol Street, NW., Washington, DC 20001. Public seating is limited, and will be available on a ''first-come, first-served'' basis. Advance reservations are not required.

*Accessibility Statement:*

- The entirety of this Commission meeting will be open to the public.
- Any member of the public is permitted to file a written statement with the Commission. Such statements may be left with the Commission's Executive Director during the meeting, or mailed or delivered to him at the Commission's office address: 444 North Capitol Street, Suite 602, Washington, DC 20001.
- The Commission's procedures for conducting its Annual Report preparation meetings do *not* provide for members of the public to speak during these meetings.
- The drafts prepared for Commissioners' use and consideration during the meeting are available for public inspection in the Commission's offices (see address above) during its normal office hours of 9 a.m. to 5:30 p.m., Monday through Friday. Any member of the public may request copies of any of these materials, which shall be provided at the Commission's actual cost for photocopying—10 cents per page—with payment to be made in cash in advance.
- During the meeting, at various points the Commission may take breaks from work on its Annual Report to deal with various administrative matters, such as budgetary, scheduling, and personnel matters. Those matters are not subject to the open meeting requirements of the Federal Advisory Committee Act and at those times, all members of the public will be asked to depart the room.
- The circumstances under which the Commission is permitted to use appropriated funds to pay for food or beverages are limited, and this meeting does not qualify. Therefore, Commissioners have paid out of their own pockets for coffee and other refreshments for their consumption during the meeting, and for lunch; these will *not* be available to guests. Members of the public may obtain refreshments in a carry-out store on the ground floor of the building in which the meeting will be conducted, or may bring refreshments to the meeting from other sources.

*For Further Information About This Meeting, Contact:* Kathy Michels, Associate Director, U.S.-China Economic and Security Review Commission, 444 North Capitol Street, NW., Suite 602, Washington DC 20001; phone 202–624–1409; e-mail *kmichels@uscc.gov.*

**Authority:** Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Public Law 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Public Law 108–7), as amended by Public Law 109–108 (November 22, 2005).

Dated: October 5, 2006.

**Kathleen J. Michels,**

*Associate Director, U.S.-China Economic and Security Review Commission.*

[FR Doc. E6–16823 Filed 10–10–06; 8:45 am]

BILLING CODE 1137–00–P

Federal Register

Wednesday,
October 11, 2006

# Part II

# Department of Agriculture

## Office of Energy Policy and New Uses

## 7 CFR Part 2902

## Designation of Biobased Items for Federal Procurement; Proposed Rule

**DEPARTMENT OF AGRICULTURE**

**Office of Energy Policy and New Uses**

**7 CFR Part 2902**

**RIN 0503–AA32**

## Designation of Biobased Items for Federal Procurement

**AGENCY:** Office of Energy Policy and New Uses, USDA.

**ACTION:** Notice of Proposed Rulemaking.

**SUMMARY:** The U.S. Department of Agriculture (USDA) is proposing to amend the guidelines for designating biobased products for Federal procurement, to add 10 sections to designate the following 10 items within which biobased products would be afforded Federal procurement preference, as provided for under section 9002 of the Farm Security and Rural Investment Act of 2002: Bath and tile cleaners; clothing products; concrete and asphalt release fluids; cutting, drilling, and tapping oils; de-icers; durable films; firearm lubricants; floor strippers; laundry products; and wood and concrete sealers. USDA also is proposing minimum biobased content for each of these items. Once USDA designates an item, procuring agencies are required generally to purchase biobased products within these designated items where the purchase price of the procurement item exceeds $10,000 or where the quantity of such items or the functionally equivalent items purchased over the preceding fiscal year equaled $10,000 or more.

**DATES:** USDA will accept public comments on this proposed rule until December 11, 2006.

**ADDRESSES:** You may submit comments by any of the following methods. All submissions received must include the agency name and Regulatory Information Number (RIN). The RIN for this rulemaking is 0503–AA32. Also, please identify submittals as pertaining to the ''Proposed Designation of Items.''

- Federal eRulemaking Portal: *http://www.regulations.gov.* Follow the instructions for submitting comments.
- E-mail: *fb4p@oce.usda.gov.* Include RIN number 0503–AA32 and ''Proposed Designation of Items'' on the subject line. Please include your name and address in your message.
- Mail/commercial/hand delivery: Mail or deliver your comments to: Marvin Duncan, USDA, Office of the Chief Economist, Office of Energy Policy and New Uses, Room 4059, South Building, 1400 Independence Avenue, SW., MS–3815, Washington, DC 20250–3815.
- Persons with disabilities who require alternative means for communication for regulatory information (braille, large print, audiotape, etc.) should contact the USDA TARGET Center at (202)720–2600 (voice) and (202)401–4133 (TDD).

**FOR FURTHER INFORMATION CONTACT:** Marvin Duncan, USDA, Office of the Chief Economist, Office of Energy Policy and New Uses, Room 4059, South Building, 1400 Independence Avenue SW., MS–3815, Washington, DC 20250–3815; e-mail: *mduncan@oce.usda.gov;* phone (202) 401–0461. Information regarding the Federal Biobased Products Preferred Procurement Program is available on the Internet at *http://www.biobased.oce.usda.gov.*

**SUPPLEMENTARY INFORMATION:** The information presented in this preamble is organized as follows:

I. Authority
II. Background
III. Summary of Today's Proposed Rulemaking
IV. Designation of Items, Minimum Biobased Contents, and Time Frame
  A. Background
  B. Items Proposed for Designation
  C. Minimum Biobased Contents
  D. Effective Date for Procurement Preference and Incorporation Into Specifications
V. Where Can Agencies Get More Information on These USDA-Designated Items?
VI. Regulatory Information
  A. Executive Order 12866: Regulatory Planning and Review
  B. Regulatory Flexibility Act (RFA)
  C. Executive Order 12630: Governmental Actions and Interference With Constitutionally Protected Property Rights
  D. Executive Order 12988: Civil Justice Reform
  E. Executive Order 13132: Federalism
  F. Unfunded Mandates Reform Act of 1995
  G. Executive Order 12372: Intergovernmental Review of Federal Programs
  H. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments
  I. Paperwork Reduction Act
  J. E-Government Act Compliance

### I. Authority

The designation of these items is proposed under the authority of section 9002 of the Farm Security and Rural Investment Act of 2002 (FSRIA), 7 U.S.C. 8102 (referred to in this document as ''section 9002'').

### II. Background

Section 9002 of FSRIA, as amended by section 943 of the Energy Policy Act of 2005, Pub. L. 109–58 (Energy Policy Act), provides for the preferred procurement of biobased products by procuring agencies. Section 943 of the Energy Policy Act amended the definitions section of FSRIA, 7 U.S.C. 8101, by adding a definition of ''procuring agency'' that includes both Federal agencies and ''any person contracting with any Federal agency with respect to work performed under that contract.'' The amendment also made Federal contractors, as well as Federal agencies, expressly subject to the procurement preference provisions of section 9002 of FSRIA. However, because this program requires agencies to incorporate the preference for biobased products into procurement specifications, the statutory amendment makes no substantive change to the program. USDA amended the Guidelines to incorporate the new definition of ''procuring agency'' through an interim final rule.

Procuring agencies must procure biobased products within each designated item unless they determine that products within a designated item are not reasonably available within a reasonable period of time, fail to meet the reasonable performance standards of the procuring agencies, or are available only at an unreasonable price. As stated in the Guidelines, biobased products that are merely incidental to Federal funding are excluded from the preferred procurement program. In implementing the preferred procurement program for biobased products, procuring agencies should follow their procurement rules and Office of Federal Procurement Policy guidance on buying non-biobased products when biobased products exist and should document exceptions taken for price, performance, and availability.

USDA recognizes that the performance needs for a given application are important criteria in making procurement decisions. USDA is not requiring procuring agencies to limit their choices to biobased products that fall under the items for designation in this proposed rule. Rather, the effect of the designation of the items is to require procuring agencies to determine their performance needs, determine whether there are qualified biobased products that fall under the designated items that meet the reasonable performance standards for those needs, and purchase such qualified biobased products to the maximum extent practicable as required by section 9002.

Section 9002 also requires USDA to provide information to procuring agencies on the availability, relative price, performance, and environmental and public health benefits of such items and, under section 9002(e)(1)(c), to recommend where appropriate the

minimum level of biobased content to be contained in the procured products.

*Overlap with EPA Comprehensive Procurement Guidelines program for recovered content products.* Some of the biobased items designated for preferred procurement may overlap with products designated under the Environmental Protection Agency's (EPA) Comprehensive Procurement Guidelines program for recovered content products. Where that occurs, an EPA-designated recovered content product (also known as ''recycled content products'' or ''EPA-designated products'') has priority in Federal procurement over the qualifying biobased product. In situations where USDA believes there may be an overlap, it plans to ask manufacturers of qualifying biobased products to provide additional product and performance information including the various suggested uses of their product and the performance standards against which a particular product has been tested. In addition, depending on the type of biobased product, manufacturers may also be asked to provide other types of information, such as whether the product contains petroleum-, coal-, or natural gas-based components and whether the product contains recovered materials. Federal agencies may also ask manufacturers for information on a product's biobased content and its profile against environmental and human health measures and life cycle costs (the Building for Environmental and Economic Sustainability (BEES) analysis or ASTM International (ASTM) Standard D7075 for evaluating and reporting on environmental performance of biobased products). Such information will assist Federal agencies in determining whether the biobased products in question are, or are not, the same products for the same uses as the recovered content products and will be available on USDA's Web site with its catalog of qualifying biobased products.

Where a biobased item is used for the same purposes and to meet the same requirements as an EPA-designated recovered content product, the Federal agency must purchase the recovered content product. For example, if a biobased hydraulic fluid is to be used as a fluid in hydraulic systems and because ''lubricating oils containing re-refined oil'' has already been designated by EPA for that purpose, then the Federal agency must purchase the EPA-designated recovered content product, ''lubricating oils containing re-refined oil.'' If, on the other hand, that biobased hydraulic fluid is to be used to address certain environmental or health requirements that the EPA-designated recovered content product would not meet, then the biobased product should be given preference, subject to cost, availability, and performance.

*Federal Government Purchase of ''Green'' Products.* Three components of the Federal government's green purchasing program are the Biobased Products Preferred Purchasing Program, the Environmental Protection Agency's Comprehensive Procurement Guidelines for products containing recovered materials, and the Environmentally Preferable Products Program. The Office of the Federal Environmental Executive (OFEE) and the Office of Management and Budget (OMB) encourage agencies to implement these components comprehensively when purchasing products and services.

Procuring agencies should note that not all biobased products are ''environmentally preferable.'' For example, unless cleaning products contain no or reduced levels of metals and toxic and hazardous constituents, they can be harmful to aquatic life, the environment, or workers. When purchasing environmentally preferable cleaning products, many Federal agencies specify that products must meet Green Seal standards for institutional cleaning products or that products have been reformulated in accordance with recommendations from the U.S. EPA's Design for the Environment (DfE) program. Both the Green Seal standards and the DfE program identify chemicals of concern in cleaning products. These include zinc and other metals, formaldehyde, ammonia, alkyl phenol ethoxylates, ethylene glycol, and volatile organic compounds. In addition, both require that cleaning products have neutral or less caustic pH.

On the other hand, some biobased products may be better for the environment than some products that meet Green Seal standards for institutional cleaning products or that have been reformulated in accordance with EPA's DfE program. To fully compare products, one must look at the ''cradle-to-grave'' impacts of the manufacture, use, and disposal of products. Biobased products that will be available for preferred procurement under this program have been assessed as to their ''cradle-to-grave'' impacts.

One consideration of a product's impact on the environment is whether it introduces (and to what degree) new, fossil carbon into the atmosphere. Qualifying biobased products offer the user the opportunity to manage the carbon cycle and limit the introduction of new, fossil carbon into the atmosphere, whereas non-biobased products derived from fossil fuels add new, fossil carbon to the atmosphere.

Manufacturers of qualifying biobased products under the Federal Biobased Products Preferred Procurement Program (FB4P) will be able to provide, at the request of Federal agencies, factual information on environmental and human health effects of their products, including the results of the BEES analysis, which examines 11 different environmental parameters, including human health, or the comparable ASTM D7505. Therefore, USDA encourages Federal procurement agencies to examine all available information on the environmental and human health effects of products when making their purchasing decisions.

*Green Building Council.* More than a dozen Federal agencies use the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Green Building Rating Systems for new construction, building renovation, and building operation and maintenance. The systems provide criteria for implementing sustainable design principles in building design, construction, operation, and maintenance. Points are assigned to each criterion, and building projects can be certified to be ''certified,'' ''silver,'' ''gold,'' or ''platinum'' depending on the number of points for which the project qualifies. LEED for New Construction and Major Renovations (LEED-NC) includes a ''Materials & Resources'' criterion, with one point allocated for the use of rapidly renewable materials. Thus, the use of biobased construction products can help agencies obtain LEED certification for their building construction projects.

*Interagency Council.* USDA has created, and is chairing, an ''interagency council,'' with membership selected from among Federal stakeholders to the FB4P. To augment its own research, USDA consults with this council in identifying the order of item designation, manufacturers producing and marketing products that fall within an item proposed for designation, performance standards used by Federal agencies evaluating products to be procured, and warranty information used by manufacturers of end user equipment and other products with regard to biobased products.

*Other Preferred Procurement Programs.* Federal procurement officials should also note that biobased products may be available for purchase by Federal agencies through the Javits-Wagner-O'Day (JWOD) program. Under this program, members of organizations including the National Industries for the Blind and the National Industries for the

Severely Handicapped offer products and services for preferred procurement by Federal agencies. A search of the JWOD online catalog (*www.jwod.com*) indicated that three of the items being proposed today (bath and tile cleaners, floor strippers, and laundry products) are available through the JWOD program. While none of the specific products within these items are identified in the JWOD online catalog as being biobased products, it is possible that biobased products are available or will be available in the future. Also, because additional categories of products are frequently added to the JWOD program, it is possible that biobased products within other items being proposed for designation today may be available through the JWOD program in the future. Procurement of biobased products through the JWOD program would further the objectives of both the JWOD program and the FB4P program.

## III. Summary of Today's Proposed Rulemaking

Today, USDA is proposing to designate the following 10 items for preferred procurement: Bath and tile cleaners; clothing products; concrete and asphalt release fluids; cutting, drilling, and tapping oils; de-icers; durable films; firearm lubricants; floor strippers; laundry products; and wood and concrete sealers. USDA is also proposing minimum biobased content for each of these items (see Section IV.C). Lastly, USDA is proposing a date by which Federal agencies must incorporate designated items into their procurement specifications (see Section IV.D).

In today's proposed rulemaking, USDA is providing information on its findings as to the availability, economic and technical feasibility, environmental and public health benefits, and life cycle costs for each of the 10 designated items. Information on the availability, relative price, performance, and environmental and public health benefits of individual products within each of these 10 items is not presented in this notice. Further, USDA has reached an agreement with manufacturers not to publish their names in the **Federal Register** when designating items. This agreement was reached to encourage manufacturers to submit products for testing to support the designation of an item. Once an item has been designated, USDA will encourage the manufacturers of products within the designated item to voluntarily post their names and other contact information on the USDA FB4P Web site.

*Warranties.* Some of the items being proposed for designation today may affect maintenance warranties. As time and resources allow, USDA will work with manufacturers on addressing any effect the use of biobased products may have on maintenance warranties. At this time, however, USDA does not have information available as to whether or not the manufacturers will state that the use of these products will void maintenance warranties. USDA encourages manufacturers of biobased products to work with original equipment manufacturers (OEMs) to ensure that biobased products will not void maintenance warranties when used. USDA is willing to assist manufacturers of the biobased products, if they find that existing performance standards for maintenance warranties are not relevant or appropriate for biobased products, in working with the appropriate OEMs to develop tests that are relevant and appropriate for the end uses in which biobased products are intended. If despite these efforts there is insufficient information regarding the use of a biobased product and its effect of maintenance warranties, USDA notes that the procurement agent would not be required to buy such a product. As information is available on warranties, USDA will make such information available on its FB4P Web site.

*Additional Information.* USDA is working with manufacturers and vendors to post all relevant product and manufacturer contact information on the FB4P Web site before a procuring agency asks for it, in order to make the preferred program more efficient. Steps USDA has implemented, or will implement, include: making direct contact with submitting companies through email and phone conversations to encourage completion of product listing; coordinating outreach efforts with intermediate material producers to encourage participation of their customer base; conducting targeted outreach with industry and commodity groups to educate stakeholders on the importance of providing complete product information; participating in industry conferences and meetings to educate companies on program benefits and requirements; and communicating the potential for expanded markets beyond the Federal government, to include State and local governments, as well as the general public markets. Section V provides instructions to agencies on how to obtain this information on products within these items through the following Web site: *http://www.biobased.oce.usda.gov.*

*Comments.* USDA invites comment on the proposed designation of these 10 items, including the definition, proposed minimum biobased content, and any of the relevant analyses performed during the selection of these items. In addition, USDA invites comments and information in the following areas:

1. One of the items being proposed for designation (durable plastic films) may overlap with one of the products designated under EPA's Comprehensive Procurement Guidelines for products containing recovered material. To help procuring agencies in making their purchasing decisions between biobased products within the proposed designated items that overlap with products containing recovered material, USDA is requesting product specific information on unique performance attributes, environmental and human health effects, disposal costs, and other attributes that would distinguish biobased products from products containing recovered material as well as non-biobased products.

2. De-icers are used in a variety of applications and settings. In today's proposed rulemaking, this item would not apply to de-icers used at airports to de-ice airplanes and runways. USDA is seeking comment on whether this is appropriate; that is, whether there are differences in the de-icers used at airports and the de-icers used elsewhere that would preclude this item from including airport de-icers. Please provide detailed rationale and information to support your comments.

3. We are proposing a single item designation for bath and tile cleaners. We are seeking comment as to whether there are different performance standards for this item and, if so, whether USDA should consider either creating subcategories within this item, each with its own minimum biobased content, or limiting the scope of the current item and proposing one or more new items for bath and tile cleaners. In your comments, please be sure to identify specific performance standards and rationale for either subdividing the current proposed item or for limiting the scope of the current proposed item and proposing one or more new items for bath and tile cleaners.

4. We have attempted to identify relevant and appropriate performance standards and other relevant measures of performance for each of the proposed items. If you know of other such standards or relevant measures of performance for the proposed items, USDA requests that you submit information identifying such standards and measures, including their name (and other identifying information as necessary), identifying who is using the

standard/measure, and describing the circumstances under which the product is being used.

5. We are proposing a minimum biobased content for biobased clothing based on a projected blend of biobased material with non-qualifying biobased material or with non-biobased material. USDA requests information from manufacturers of biobased clothing on what blends are being used today or that might be reasonably forecast to be used in the future. Please provide specific information, including discussion on why you use or will use particular blends and what those blends levels are or are projected to be.

6. Many biobased products within the items being proposed for designation will have positive environmental and human health attributes. USDA is seeking comments on such attributes in order to provide additional information on the FB4P Web site. This information will then be available to Federal procuring agencies and will assist them in making ''best value'' purchase decisions. When possible, please provide appropriate documentation to support the environmental and human health attributes you describe.

To assist you in developing your comments, the background information used in proposing these items for designation can be found on the FB4P Web site. All comments should be submitted as directed in the **ADDRESSES** section above.

## IV. Designation of Items, Minimum Biobased Contents, and Time Frame

### *A. Background*

In order to designate items (generic groupings of specific products such as crankcase oils or products that contain qualifying biobased fibers) for preferred procurement, section 9002 requires USDA to consider: (1) The availability of items; and (2) the economic and technological feasibility of using the items, including the life cycle costs of the items.

In considering an item's availability, USDA uses several sources of information. USDA performs Internet searches, contacts trade associations (such as the Biobased Manufacturers Association) and commodity groups, searches the Thomas Register (a database, used as a resource for finding companies and products manufactured in North America, containing over 173,000 entries), and contacts individual manufacturers and vendors to identify those manufacturers and vendors with biobased products within items being considered for designation. USDA uses the results of these same searches to determine if an item is generally available.

In considering an item's economic and technological feasibility, USDA examines evidence pointing to the general commercial use of an item and its cost and performance characteristics. This information is obtained from the sources used to assess an item's availability. Commercial use, in turn, is evidenced by any manufacturer and vendor information on the availability, relative prices, and performance of their products as well as by evidence of an item being purchased by a procuring agency or other entity, where available. In sum, USDA considers an item economically and technologically feasible for purposes of designation if products within that item are being offered and used in the marketplace.

In considering the life cycle costs of items proposed for designation, USDA uses the BEES analytical tool to test individual products within each proposed item. (Detailed information on this analytical tool can be found on the Web site *http://www.bfrl.nist.gov/oae/software/bees.html*.) The BEES analytical tool measures the environmental performance and the economic performance of a product.

Environmental performance is measured in the BEES analytical tool using the internationally-standardized and science-based life cycle assessment approach specified in the International Organization for Standardization (ISO) 14000 standards. The BEES environmental performance analysis includes human health as one of its components. All stages in the life of a product are analyzed: Raw material production; manufacture; transportation; installation; use; and recycling and waste management. The time period over which environmental performance is measured begins with raw material production and ends with disposal (waste management). The BEES environmental performance analysis also addresses products made from biobased feedstocks.

Economic performance in the BEES analysis is measured using the ASTM standard life cycle cost method (ASTM E917), which covers the costs of initial investment, replacement, operation, maintenance and repair, and disposal. The time frame for economic performance extends from the purchase of the product to final disposal.

USDA then utilizes the BEES results of individual products within a designated item in its consideration of the life cycle costs at the item level. There is a single unit of comparison associated with each designated item. The basis for the unit of comparison is the ''functional unit,'' defined so that the products compared are true substitutes for one another. If significant differences have been identified in the useful lives of alternative products within a designated item (e.g., if one product lasts twice as long as another), the functional unit will include reference to a time dimension to account for the frequency of product replacement. The functional unit also will account for products used in different amounts for equivalent service. For example, one surface coating product may be environmentally and economically preferable to another on a pound-for-pound basis, but may require twice the mass to cover one square foot of surface, and last half as long, as the other product. To account for these performance differences, the functional unit for the surface coating item could be ''one square foot of application for 20 years'' instead of ''one pound of surface coating product.'' The functional unit provides the critical reference point to which all BEES results for products within an item are scaled. Because functional units vary from item to item, performance comparisons are valid only among products within a designated item.

The complete results of the BEES analysis, extrapolated to the item level, for each item proposed for designation in today's proposed rulemaking can be found at *http://www.biobased.oce.usda.gov.*

As discussed above, the BEES analysis includes information on the environmental performance, human health impacts, and economic performance. In addition, ASTM D7505, which manufacturers may use in lieu of the BEES analytical tool, provides similar information. USDA is working with manufacturers and vendors to post this information on the FB4P Web site before a procuring agency asks for it, in order to make the preferred procurement program more efficient. As discussed earlier, USDA has also implemented, or will implement, several other steps intended to educate the manufacturers and other stakeholders on the benefits of this program and the need to post this information, including manufacturer contact information, on the FB4P Web site to make it available to procurement officials. Additional information on specific products within the items proposed for designation may also be obtained directly from the manufacturers of the products.

USDA recognizes that information related to the functional performance of biobased products is a primary factor in making the decision to purchase these

products. USDA is gathering from manufacturers of biobased products being considered for designation information on industry standard test methods that they are using to evaluate the functional performance of their products. Additional standards are also being identified during meetings of the Interagency council and during the review process for each proposed rule. We have listed under the detailed discussion of each item proposed for designation (presented in Section IV.B) the functional performance test methods identified during the development of this **Federal Register** notice for these 10 items. While this process identifies many of the relevant standards, USDA recognizes that the performance test methods identified herein do not represent all of the methods that may be applicable for a designated item or for any individual product within the designated item. As noted earlier in this preamble, USDA is requesting identification of other relevant performance standards and measures of performance. As the program becomes fully implemented, these and other additional relevant performance standards will be available on the FB4P Web site.

In gathering information relevant to the analyses discussed above, USDA has made extensive efforts to contact and request information and product samples from representatives of all known manufacturers of products within the items proposed for designation. However, because the submission of information is on a strictly voluntary basis, USDA was able to obtain information and samples only from those manufacturers who were willing voluntarily to invest the resources required to gather and submit the information and samples. USDA used the samples to test for biobased content and the information to conduct the BEES analyses. The data presented are all the data that were submitted in response to USDA requests for information from all known manufacturers of the products within the 10 items proposed for designation. While USDA would prefer to have complete data on the full range of products within each item, the data that were submitted are sufficient to support designation of the items in today's proposed rulemaking.

To propose an item for designation, USDA must have sufficient information on a sufficient number of products within an item to be able to assess its availability and its economic and technological feasibility, including its life cycle costs. For some items, there may be numerous products available. For other items, there may be very few products currently available. Given the infancy of the market for some items, it is not unexpected that even single-product items will be identified. Further, given that the intent of section 9002 is largely to stimulate the production of new biobased products and to energize emerging markets for those products, USDA has determined that the identification of two or more biobased products within an item, or even a single product with two or more suppliers, is sufficient to consider the designation of that item. Similarly, the documented availability, benefits, and life cycle costs of even a very small percentage of all products that may exist within an item are also considered sufficient to support designation.

*B. Items Proposed for Designation*

USDA uses a model (as summarized below) to identify and prioritize items for designation. Through this model, USDA has identified over 100 items for potential designation under the preferred procurement program. A list of these items and information on the model can be accessed on the USDA biobased program Web site at *http://www.biobased.oce.usda.gov.*

In general, items are developed and prioritized for designation by evaluating them against program criteria established by USDA and by gathering information from other government agencies, private industry groups, and independent manufacturers. These evaluations begin by asking the following questions about the products within an item:

- Are they cost competitive with non-biobased products?
- Do they meet industry performance standards?
- Are they readily available on the commercial market?

In addition to these primary concerns, USDA then considers the following points:

- Are there manufacturers interested in providing the necessary test information on products within a particular item?
- Are there a number of manufacturers producing biobased products in this item?
- Are there products available in this item?
- What level of difficulty is expected when designating this item?
- Is there Federal demand for the product?
- Are Federal procurement personnel looking for biobased products?
- Will an item create a high demand for biobased feed stock?
- Does manufacturing of products within this item increase potential for rural development?

After completing this evaluation, USDA prioritizes the list of items for designation. USDA then gathers information on products within the highest priority items and, as sufficient information becomes available for groups of approximately 10 items, a new rulemaking package will be developed to designate the items within that group. The list of items may change, with items being added or dropped, and the order in which items are proposed for designation is likely to change because the information necessary to designate an item may take more time to obtain than an item lower on the list.

In today's proposed rulemaking, USDA is proposing to designate 10 items for the preferred procurement program: Bath and tile cleaners; clothing products; concrete and asphalt release fluids; cutting, drilling, and tapping oils; de-icers; durable films; firearm lubricants; floor strippers; laundry products; and wood and concrete sealers. USDA has determined that each of these 10 items meets the necessary statutory requirements—namely, that they are being produced with biobased products and that their procurement by procuring agencies will carry out the following objectives of section 9002:

- To increase demand for biobased products, which would in turn increase demand for agricultural commodities that can serve as feedstocks for the production of biobased products;
- To spur development of the industrial base through value-added agricultural processing and manufacturing in rural communities; and
- To enhance the Nation's energy security by substituting biobased products for products derived from imported oil and natural gas.

Further, USDA has sufficient information on these 10 items to determine their availability and to conduct the requisite analyses to determine their biobased content and their economic and technological feasibility, including life cycle costs.

*Mature Markets.* Section 2902.5(c)(2) of the final guidelines states that USDA will not designate items for preferred procurement that are determined to have mature markets. Mature markets are described as items that had significant national market penetration in 1972. USDA contacted manufacturers, manufacturing associations, and industry researchers to determine if, in 1972, biobased products had a significant market share within

any of the items proposed for designation today. USDA found that biobased products within none of the 10 items proposed for designation today had a significant market share in 1972 and that, generally, the companies that produce biobased products within these proposed designated items have been in business for only 10 to 20 years.

*Overlap with EPA-Designated Recovered Content Products.* In today's proposed rule, one of the 10 items may overlap with the EPA-designated recovered content product ''Nonpaper Office Products: Plastic trash bags.'' This item is durable plastic films. For this item, USDA is requesting that certain information on the qualifying biobased products be made available by its manufacturers to assist Federal agencies in determining if an overlap exists between durable plastic films and plastic trash bags (the applicable EPA-designated recovered content product). As noted earlier in this preamble, USDA is requesting information on overlap situations to further help procuring agencies make informed decisions when faced with purchasing a recovered content material product or a biobased product. As this information is developed, USDA will make it available on the FB4P Web site.

*Exemptions.* When proposing items for preferred procurement under the FB4P, USDA will identify, on an item-by-item basis, any item that would be exempt from preferred procurement on the basis of their use in products and systems designed or procured for combat or combat-related missions. USDA believes it is inappropriate to apply the biobased purchasing requirement to tactical equipment unless the Department of Defense has documented that these products can meet the performance requirements for such equipment and are available in sufficient supply to meet domestic and overseas deployment needs. After evaluating these situations for each of the 10 items being proposed for designation, USDA is proposing to exempt firearm lubricants, de-icers, and clothing products from preferred procurement under the FB4P when used in combat or combat-related missions.

USDA is proposing an exemption for all designated items when used in spacecraft systems and launch support equipment, because failure of such items could lead to catastrophic consequences. Many, if not all, items that USDA is or is planning to designate for preferred procurement are or will be used in space applications. Frequently, such applications used these items in ways that are different from their more ''conventional'' use on Earth. It is difficult, if not impossible, to forecast what situations may occur when these items are used in space and how they will perform. Therefore, USDA believes it is reasonable to limit the preferred procurement program to items used in more conventional applications and is proposing to exempt all designated items used in space applications from the FB4P.

For each item being proposed for exemption, the exemption does not extend to contractors performing work for DoD or NASA. For example, if a contractor is producing a part for use on the space shuttle, the metalworking fluid the contractor uses to produce the part should be biobased (provided it meets the specifications for metalworking). The exemption does apply, however, if the product being purchased by the contractor is for use in combat or combat-related missions or for use in space applications. For example, if the part being produced by the contractor would actually be part of the space shuttle, then the exemption applies.

Each of the 10 proposed designated items are discussed in the following sections.

1. Bath and Tile Cleaners

Bath and tile cleaners are products designed to clean deposits on bath tubs, shower doors, shower curtains, bathroom tiles, floors, doors, counter tops, etc. They are available both in concentrated and ready-to-use forms.

As noted earlier in this preamble, USDA is requesting comment on whether there should be one or more subcategories within this item based on required performance properties of the item. For example, bath and tile cleaners used in medical situations might be required to meet different performance standards from those used in households. If this is the case, then there may be differences in the level of biobased content depending on the performance standard to be met. As proposed, USDA is not differentiating between settings in which bath and tile cleaners are used.

Procuring agencies should note that, as discussed in section II of this preamble, not all biobased cleaning products are ''environmentally preferable'' to non-biobased products. Unless cleaning products have been formulated to contain no (or reduced levels of) metals and toxic and hazardous constituents, they can be harmful to aquatic life, the environment, or workers. When purchasing environmentally preferable cleaning products, Federal agencies must compare the ''cradle-to-grave'' impacts of the manufacture, use, and disposal of both biobased and non-biobased products.

For bath and tile cleaners, USDA identified 16 different manufacturers producing 29 individual biobased products. These 16 manufacturers do not necessarily include all manufacturers of biobased bath and tile cleaners, merely those identified during USDA information gathering activities. Information supplied by these manufacturers indicates that these products are typically tested against an industry performance standard and are being used commercially. While other applicable performance standards may exist, applicable industry performance standards against which these products have been typically tested, as identified by manufacturers of products within this item, include:

- Boeing Specification #D6–7127, Cleaning Interiors of Commercial Transport Aircraft.
- Green Seal #GS–37, Green Seal Environmental Standard for General-Purpose, Bathroom, Glass, and Carpet Cleaners Used for Industrial and Institutional Purposes.

USDA contacted procurement officials with various procuring agencies including GSA, several offices within the Defense Logistics Agency, the OFEE, USDA Departmental Administration, the National Park Service, EPA, Oak Ridge National Laboratory, and OMB in an effort to gather information on the purchases of bath and tile cleaners and products within the other nine items proposed for designation today. Communications with these officials lead to the conclusion that obtaining credible current usage statistics and specific potential markets within the Federal government for biobased products within the 10 proposed designated items is not possible at this time. Most of the contacted officials reported that procurement data are reported in higher level groupings of materials and supplies than the proposed designated items. Also, the purchasing of such materials as part of contracted services and with individual purchase cards used to purchase products locally further obscures credible data on purchases of specific products.

USDA also investigated the Web site *FEDBIZOPPS.gov*, a site which lists Federal contract purchase opportunities greater than $25,000. The information provided on this Web site, however, is for broad categories of products rather than the specific types of products that are included in today's rulemaking. Therefore, USDA has been unable to obtain data on the amount of bath and

tile cleaners purchased by procuring agencies. However, Federal agencies routinely perform cleaning activities, or procure contract services, for cleaning their bathroom facilities. Thus, they have a need for bath and tile cleaners and for services that require the use of bath and tile cleaners. Designation of bath and tile cleaners will promote the use of biobased products, furthering the objectives of this program.

An analysis of the environmental and human health benefits and the life cycle costs of biobased bath and tile cleaners was performed for two of the products using the BEES analytical tool. Table 1 summarizes the BEES results for the two bath and tile cleaners. As seen in Table 1, the environmental performance score, which includes human health, ranges from 0.0129 to 0.0130 points per gallon of bath and tile cleaner. The environmental performance score indicates the share of annual per capita U.S. environmental impacts that is attributable to one gallon of the product, expressed in 100ths of 1 percent. For example, the total amount of criteria air pollutants emitted in the U.S. in one year was divided by the total U.S. population to derive a ''criteria air pollutants per person value.'' The production and use of one gallon of bath and tile cleaner sample A was estimated to contribute 0.000002 percent of this value.

TABLE 1.—SUMMARY OF BEES RESULTS FOR BATH AND TILE CLEANERS

| Parameters | Bath and tile cleaners | |
|---|---|---|
| | Sample A | Sample B |
| BEES Environmental Performance—Total Score[1] | 0.0130 | 0.0129 |
| Acidification (5%) | 0.0000 | 0.0000 |
| Criteria Air Pollutants (6%) | 0.0002 | 0.0001 |
| Ecological Toxicity (11%) | 0.0004 | 0.0052 |
| Eutrophication (5%) | 0.0044 | 0.0003 |
| Fossil Fuel Depletion (5%) | 0.0029 | 0.0031 |
| Global Warming (16%) | 0.0024 | 0.0011 |
| Habitat Alteration (16%) | 0.0000 | 0.0000 |
| Human Health (11%) | 0.0010 | 0.0013 |
| Indoor Air (11%) | 0.0000 | 0.0000 |
| Ozone Depletion (5%) | 0.0000 | 0.0000 |
| Smog (6%) | 0.0015 | 0.0005 |
| Water Intake (3%) | 0.0002 | 0.0013 |
| Economic Performance (Life Cycle Costs ($))[2] | 1.69 | 7.43 |
| First Cost | 1.69 | 7.43 |
| Future Cost (3.9%) | ([3]) | ([3]) |
| Functional Unit | 1 gallon of bath and tile cleaner. | |

[1] Numbers in parentheses indicate weighting factor.
[2] Costs are per functional unit.
[3] For this item, no significant/quantifiable performance or durability differences were identified among competing alternative products. Therefore, future costs were not calculated.

When evaluating the information presented in Table 1, as well as in the subsequent tables presented in this preamble, it should be noted that comparisons of the environmental performance scores are valid only among products within a designated item. Thus, comparisons of the scores presented in Table 1 and the scores presented in tables for other proposed designated items are not meaningful.

The numbers in parentheses following each of the 12 environmental impacts listed in the tables in this preamble indicate weighting factors. The weighting factors represent the relative importance of the 12 environmental impacts, including human health impacts, that contribute to the BEES Environmental Score. They are derived from lists of the relative importance of these impacts developed by the EPA Science Advisory Board for the purpose of advising EPA as to how best to allocate its limited resources among environmental impact areas. Note that a lower Environmental Performance score is better than a higher score.

Life cycle costs presented in the tables in this preamble are per the appropriate functional unit for the proposed designated item. Future costs are discounted to present value using the OMB discount rate of 3.9 percent.

The life cycle costs of the submitted bath and tile cleaners range from $1.69 to $7.43 (present value dollars) per gallon. Present value dollars presented in this preamble represent the sum of all costs associated with a product over a fixed period of time, including any applicable costs for purchase, installation, replacement, operation, maintenance and repair, and disposal. Present value dollars presented in this preamble reflect 2006 dollars. Dollars are expressed in present value terms to adjust for the effects of inflation. The complete results of the BEES analysis, extrapolated to the item level, for each item proposed for designation in today's proposed rulemaking can be found at *http://www.biobased.oce.usda.gov*.

2. Clothing Products

Clothing products are coverings designed to be worn on a person's body. These products include coverings for the torso and limbs, as well as coverings for the hands, feet, and head. While this item applies to all types of clothing, some products within this item may not be applicable to specialized types of clothing, such as those categorized as person protective devices. Procuring agencies, therefore, need to assess an individual product's performance specifications for applicability for such specialized types of clothing.

For the reasons cited earlier in this notice, USDA is proposing to exempt this item from preferred procurement under the FB4P when used in products and systems designed or procured for combat or combat-related missions and in spacecraft systems and launch support equipment.

For biobased clothing products, USDA identified 3 different manufacturers producing 5 individual biobased products. These 3

manufacturers do not necessarily include all manufacturers of biobased clothing products, merely those identified during USDA information gathering activities. Information supplied by these manufacturers indicates that many of these products are typically tested against multiple industry standards and are being used commercially. While other applicable performance standards may exist, applicable industry performance standards against which these products have been typically tested, as identified by manufacturers of products within this item, include:

- NATICK Military Wicking Rate of Fabric;
- NATICK Military Air Permeability;
- NATICK Military Fabric Count;
- NATICK Military Weight;
- NATICK Military Seam Strength;
- NATICK Military Burst Strength;
- NATICK Military MVT Rate;
- NATICK Military pH; and
- NATICK Military Dimensional Stability.

USDA attempted to gather data on the potential market for biobased products within the Federal government as discussed in the section on bath and tile cleaners. These attempts were largely unsuccessful. However, various Federal agencies procure clothing products for use by their employees. Thus, they have a need for clothing products. Designation of clothing products will promote the use of biobased products, furthering the objectives of this program.

An analysis of the environmental and human health benefits and the life cycle costs of biobased clothing products was performed for one of the products using the BEES analytical tool. Table 2 summarizes the BEES results for the clothing product. As seen in Table 2, the environmental performance score, which includes human health, is 0.0143 points per one XL T-shirt. The environmental performance score indicates the share of annual per capita U.S. environmental impacts that is attributable to one case of the product, expressed in 100ths of 1 percent.

TABLE 2.—SUMMARY OF BEES RESULTS FOR CLOTHING PRODUCTS

| Parameters | Clothing products |
|---|---|
| | Sample A |
| BEES Environmental Performance—Total Score [1] | 0.0143 |
| Acidification (5%) | 0.0000 |
| Criteria Air Pollutants (6%) | 0.0001 |
| Ecological Toxicity (11%) | 0.0010 |
| Eutrophication (5%) | 0.0002 |
| Fossil Fuel Depletion (5%) | 0.0073 |
| Global Warming (16%) | 0.0019 |
| Habitat Alteration (16%) | 0.0000 |
| Human Health (11%) | 0.0024 |
| Indoor Air (11%) | 0.0000 |
| Ozone Depletion (5%) | 0.0000 |
| Smog (6%) | 0.0006 |
| Water Intake (3%) | 0.0008 |
| Economic Performance (Life Cycle Costs ($)) [2] | 12.50 |
| First Cost | 12.50 |
| Future Cost (3.9%) | ([3]) |
| Functional Unit | ([4]) |

[1] Numbers in parentheses indicate weighting factor.
[2] Costs are per functional unit.
[3] For this item, no significant/quantifiable performance or durability differences were identified among competing alternative products. Therefore, future costs were not calculated.
[4] One XL T-shirt.

The life cycle costs of the submitted clothing product is $12.50 (present value dollars) per XL T-shirt.

3. Concrete and Asphalt Release Fluids

Concrete and asphalt release fluids are products designed to provide a lubricating barrier between the composite surface materials (*e.g.*, concrete or asphalt) and the container (*e.g.*, wood or metal forms, truck beds, roller surfaces, etc.). They provide a non-sticking surface to help prevent waste and to improve clean up procedures.

For reasons cited earlier in this notice, USDA is proposing to exempt this item from preferred procurement under FB4P when used in spacecraft systems and launch support equipment.

For biobased concrete and asphalt release fluids, USDA identified 23 different manufacturers producing 37 individual products. These 23 manufacturers do not necessarily include all manufacturers of biobased concrete and asphalt release fluids, merely those identified during USDA information gathering activities. Information supplied by these manufacturers indicates that these products are typically tested against multiple industry performance standards and are being used commercially. While other applicable performance standards may exist, applicable industry performance standards against which these products have been typically tested, as identified by manufacturers of products within this item, include:

- ASTM D445–04e2, Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and the Calculation of Dynamic Viscosity);
- ASTM 5864–00, Standard Test Method for Determining Aerobic Aquatic Biodegradation of Lubricants or Their Components;
- ASTM D92, Standard Test Method for Flash and Fire Points by Cleveland Open Cup Tester; and
- ASTM D97, Standard Test Method for Pour Point of Petroleum Products.

USDA attempted to gather data on the potential market for biobased products within the Federal government as discussed in the section on bath and tile cleaners. These attempts were largely unsuccessful. However, Federal agencies routinely procure such products for paving and construction, or contract for paving and construction services involving the use of such products. Thus, they have a need for

concrete and asphalt release fluids and for services that use concrete and asphalt release fluids. Designation of biobased concrete and asphalt release fluids will promote the use of biobased products, furthering the objectives of this program.

An analysis of the environmental and human health benefits and the life cycle costs of biobased concrete and asphalt release fluids was performed for two of the products using the BEES analytical tool. Table 3 summarizes the BEES results for the two biobased concrete and asphalt release fluids. As seen in Table 3, the environmental performance score, which includes human health, ranges from 0.5194 to 0.7453 points per 1000 gallons of release product (diluted and ready for use). The environmental performance score indicates the share of annual per capita U.S. environmental impacts that is attributable to 1000 gallons of the product (diluted and ready for use), expressed in 100ths of 1 percent.

TABLE 3.—SUMMARY OF BEES RESULTS FOR CONCRETE AND ASPHALT RELEASE FLUIDS

| Parameters | Concrete and asphalt release fluids | |
|---|---|---|
| | Sample A | Sample B |
| BEES Environmental Performance—Total Score [1] | 0.7453 | 0.5194 |
| Acidification (5%) | 0.0001 | 0.0000 |
| Criteria Air Pollutants (6%) | 0.0077 | 0.0053 |
| Ecological Toxicity (11%) | 0.0827 | 0.0252 |
| Eutrophication (5%) | 0.0121 | 0.0290 |
| Fossil Fuel Depletion (5%) | 0.3097 | 0.2624 |
| Global Warming (16%) | 0.0927 | 0.0616 |
| Habitat Alteration (16%) | 0.0000 | 0.0000 |
| Human Health (11%) | 0.1203 | 0.0883 |
| Indoor Air (11%) | 0.0000 | 0.0000 |
| Ozone Depletion (5%) | 0.0000 | 0.0000 |
| Smog (6%) | 0.0526 | 0.0123 |
| Water Intake (3%) | 0.0674 | 0.0353 |
| Economic Performance (Life Cycle Costs ($)) [2] | 604.82 | 154.97 |
| First Cost | 604.82 | 154.97 |
| Future Cost (3.9%) | ([3]) | ([3]) |
| Functional Unit | 1,000 gallons of release product (diluted and ready for use). | |

[1] Numbers in parentheses indicate weighting factor.
[2] Costs are per functional unit.
[3] For this item, no significant/quantifiable performance or durability differences were identified among competing alternative products. Therefore, future costs were not calculated.

The life cycle cost of the submitted concrete and asphalt release fluids was $154.97 to $604.82 (present value dollars) per 1000 gallons of product, diluted and ready for use.

4. Cutting, Drilling, and Tapping Oils

Cutting, drilling, and tapping oils are products designed to provide lubrication and reduce wear and friction on the contact parts for cutting, drilling, and tapping machinery, helping these parts last longer. This item only applies to neat oils, and does not apply to water emulsions.

For the reasons cited earlier in this notice, USDA is proposing to exempt this item from preferred procurement under the FB4P when used in products and systems designed or procured for spacecraft systems and launch support equipment.

For biobased cutting, drilling, and tapping oils, USDA identified 13 different manufacturers producing 33 individual biobased products. These 13 manufacturers do not necessarily include all manufacturers of biobased cutting, drilling, and tapping oils, merely those identified during USDA information gathering activities. Information supplied by these manufacturers indicates that many of these products have been tested against multiple industry performance standards and are being used commercially. While other applicable performance standards may exist, applicable industry performance standards against which these products have been typically tested, as identified by manufacturers of products within this item, include:

- ASTM D130, Standard Test Method for Corrosiveness to Copper from Petroleum Products by Copper Strip Test;
- ASTM D1401–02, Standard Test Method for Water Separability of Petroleum Oils and Synthetic Fluids;
- ASTM D1748–02, Standard Test Method for Rust Protection by Metal Preservatives in the Humidity Cabinet;
- ASTM D2266–01, Standard Test Method for Wear Preventive Characteristics of Lubricating Grease (Four-Ball Method);
- ASTM D2270–04, Standard Practice for Calculating Viscosity Index From Kinematic Viscosity at 40 and 100 °C;
- ASTM D2783–03, Standard Test Method for Measurement of Extreme-Pressure Properties of Lubricating Fluids (Four-Ball Method);
- ASTM D287–92(2000)e1, Standard Test Method for API Gravity of Crude Petroleum and Petroleum Products (Hydrometer Method);
- ASTM D2982–98(2004), Standard Test Method for Detecting Glycol-Base Antifreeze in Used Lubricating Oils;
- ASTM D2983–04a, Standard Test Method for Low-Temperature Viscosity of Lubricants Measured by Brookfield Viscometer;
- ASTM D3233–93(2003), Standard Test Methods for Measurement of Extreme Pressure Properties of Fluid Lubricants (Falex Pin and Vee Block Methods);
- ASTM D455, Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and the Calculation of Dynamic Viscosity);
- ASTM D56–05, Standard Test Method for Flash Point by Tag Closed Cup Tester;
- ASTM D5864–00, Standard Test Method for Determining Aerobic

Aquatic Biodegradation of Lubricants or Their Components;

• ASTM D5985, Standard Test Method for Pour Point of Petroleum Products (Rotational Method);

• ASTM D665, Standard Test Method for Rust-Preventing Characteristics of Inhibited Mineral Oil in the Presence of Water;

• ASTM D92, Standard Test Method for Flash and Fire Points by Cleveland Open Cup Tester;

• ASTM D97, Standard Test Method for Pour Point of Petroleum Products;

• Environmental Protection Agency #600/4–90–027, Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms; and

• Environmental Protection Agency #560/6–82–003, Biodegradability.

USDA attempted to gather data on the potential market for biobased products within the Federal government as discussed in the section on bath and tile cleaners. These attempts were largely unsuccessful. However, Federal agencies routinely own and operate cutting, drilling, and tapping machinery. In addition, many Federal agencies contract for services involving the use of such equipment. Thus, they have a need for cutting, drilling, and tapping oils and for services that require the use of machinery which requires cutting, drilling, and tapping oils. Designation of cutting, drilling, and tapping oils will promote the use of biobased products, furthering the objectives of this program.

An analysis of the environmental and human health benefits and the life cycle costs of cutting, drilling, and tapping oils was performed for two of the products using the BEES analytical tool. Table 4 summarizes the BEES results for the two tapping oils. As seen in Table 4, the environmental performance score, which includes human health, ranges from 0.0296 to 0.0607 points per gallon of tapping oil. The environmental performance score indicates the share of annual per capita U.S. environmental impacts that is attributable to one gallon of tapping oil, expressed in 100ths of 1 percent.

TABLE 4.—SUMMARY OF BEES RESULTS FOR CUTTING, DRILLING, AND TAPPING OILS

| Parameters | Cutting, drilling, and tapping oils | |
|---|---|---|
| | Sample A | Sample B |
| BEES Environmental Performance—Total Score [1] | 0.0607 | 0.0296 |
| Acidification (5%) | 0.0000 | 0.0000 |
| Criteria Air Pollutants (6%) | 0.0002 | 0.0002 |
| Ecological Toxicity (11%) | 0.0018 | 0.0067 |
| Eutrophication (5%) | 0.0003 | 0.0051 |
| Fossil Fuel Depletion (5%) | 0.0163 | 0.0070 |
| Global Warming (16%) | 0.0334 | 0.0038 |
| Habitat Alteration (16%) | 0.0000 | 0.0000 |
| Human Health (11%) | 0.0068 | 0.0027 |
| Indoor Air (11%) | 0.0000 | 0.0000 |
| Ozone Depletion (5%) | 0.0000 | 0.0000 |
| Smog (6%) | 0.0012 | 0.0017 |
| Water Intake (3%) | 0.0007 | 0.0024 |
| Economic Performance (Life Cycle Costs($)) [2] | 152.15 | 20.00 |
| First Cost | 152.15 | 20.00 |
| Future Cost (3.9%) | ([3]) | ([3]) |
| Functional Unit | One gallon of tapping oil | |

[1] Numbers in parentheses indicate weighting factor.
[2] Costs are per functional unit.
[3] For this item, no significant/quantifiable performance or durability differences were identified among competing alternative products. Therefore, future costs were not calculated.

The life cycle cost of the submitted tapping oils range from $20.00 to $152.15 (present value dollars) per gallon of tapping oil.

5. De-icers

De-icers are agents that aid in the removal of snow and ice. For the purposes of this rulemaking, this category does not include de-icers used at airports to de-ice airplanes and runways.

For the reasons cited earlier in this notice, USDA is proposing to exempt this item from preferred procurement under the FB4P when used in products and systems designed or procured for combat or combat-related missions and in spacecraft systems and launch support equipment.

For biobased de-icers, USDA identified 3 different manufacturers producing 9 individual biobased products. These 3 manufacturers do not necessarily include all manufacturers of biobased de-icers, merely those identified during USDA information gathering activities. Information supplied by these manufacturers indicates that these products are typically tested against one or more industry performance standards and are being used commercially. While other applicable performance standards may exist, applicable industry performance standards against which these products have been typically tested, as identified by manufacturers of products within this item, include:

• National Association of Corrosion Engineers Standard TM–01–69 (1976 rev.)—Standardizes immersion corrosion testing and provides a consensus on the technology in this field of laboratory corrosion testing;

• Pacific Northwest Snowfighters—Standard Methods for the Examination of Water and Wastewater; and

• American Association of State Highway & Transportation Officials.

USDA attempted to gather data on the potential market for biobased products within the Federal government as discussed in the section on bath and tile cleaners. These attempts were largely unsuccessful. However, many Federal agencies routinely perform, or procure contract services to perform, snow and ice removal activities. Thus, they have a need for de-icers. Designation of biobased de-icers will promote the use of biobased products, furthering the objectives of this program.

An analysis of the environmental and human health benefits and the life cycle costs of biobased de-icers was performed for one of the products using the BEES analytical tool. Table 5 summarizes the BEES results for this biobased de-icer. As seen in Table 5, the environmental performance score, which includes human health, is 0.0173 points per 1,500 square yards of surface area. The environmental performance score indicates the share of annual per capita U.S. environmental impacts that is attributable to 1,500 square yards of surface area, expressed in 100ths of 1 percent.

TABLE 5.—SUMMARY OF BEES RESULTS FOR DE-ICERS

| Parameters | De-icer |
|---|---|
| | Sample A |
| BEES Environmental Performance—Total Score [1] | 0.0173 |
| Acidification (5%) | 0.0000 |
| Criteria Air Pollutants (6%) | 0.0001 |
| Ecological Toxicity (11%) | 0.0025 |
| Eutrophication (5%) | 0.0002 |
| Fossil Fuel Depletion (5%) | 0.0072 |
| Global Warming (16%) | 0.0024 |
| Habitat Alteration (16%) | 0.0000 |
| Human Health (11%) | 0.0037 |
| Indoor Air (11%) | 0.0000 |
| Ozone Depletion (5%) | 0.0000 |
| Smog (6%) | 0.0010 |
| Water Intake (3%) | 0.0002 |
| Economic Performance (Life Cycle Costs($)) [2] | 3.75 |
| First Cost | 3.75 |
| Future Cost (3.9%) | ([3]) |
| Functional Unit | ([4]) |

[1] Numbers in parentheses indicate weighting factor.
[2] Costs are per functional unit.
[3] For this item, no significant/quantifiable performance or durability differences were identified among competing alternative products. Therefore, future costs were not calculated.
[4] 1,500 square yards of surface area.

The life cycle cost of the submitted biodegradable cutlery was $3.75 (present value dollars) per 1,500 square yards of surface area.

6. Durable Plastic Films

Durable plastic films are products such as bags and packaging materials. They are designed to resist water, ammonia, and other compounds, and do not readily biodegrade. This item applies to all types of applications, including construction barriers. However, some products within this item may not be applicable to all applications, such as construction barriers, which may require specific moisture protection properties. Procuring agencies, therefore, need to assess an individual product's performance specifications before using in specific applications, such as construction barriers.

Qualifying products within this item may overlap with the EPA-designated recovered content product: Nonpaper Office Products: Plastic trash bags.

For the reasons cited earlier in this notice, USDA is proposing to exempt this item from preferred procurement under the FB4P when used in spacecraft systems and launch support equipment.

For biobased durable plastic films, USDA identified 2 different manufacturers producing 2 individual biobased products. These 2 manufacturers do not necessarily include all manufacturers of biobased durable plastic films, merely those identified during USDA information gathering activities. Information supplied by these manufacturers indicates that these products are typically tested against one relevant measure of performance and are being used commercially. While applicable performance standards and other measures of performance may exist, applicable industry performance standards and relevant measures of performance against which these products have been typically tested, as identified by manufacturers of products within this item and by others, include:

- Building Performance Institute, Inc.

USDA attempted to gather data on the potential market for biobased products within the Federal government as discussed in the section on bath and tile cleaners. These attempts were largely unsuccessful. However, Federal agencies routinely utilize durable plastic films in a variety of applications, including building cleaning and maintenance, landscaping and construction activities, and packaging activities, or procure services that use these products. Thus, they have a need for durable plastic films and for services that require the use of durable plastic films. Designation of durable plastic films will promote the use of biobased products, furthering the objectives of this program.

An analysis of the environmental and human health benefits and the life cycle costs of biobased durable plastic films was performed for one of the products using the BEES analytical tool. Table 6 summarizes the BEES results for this durable plastic film. As seen in Table 6, the environmental performance score, which includes human health, is 0.0125 per kilogram of durable film. The environmental performance score indicates the share of annual per capita U.S. environmental impacts that is attributable to one kilogram of durable film, expressed in 100ths of 1 percent.

TABLE 6.—SUMMARY OF BEES RESULTS FOR DURABLE PLASTIC FILMS

| Parameters | Durable plastic film |
|---|---|
| | Sample A |
| BEES Environmental Performance—Total Score[1] | 0.0125 |
| Acidification (5%) | 0.0000 |
| Criteria Air Pollutants (6%) | 0.0001 |
| Ecological Toxicity (11%) | 0.0004 |
| Eutrophication (5%) | 0.0004 |
| Fossil Fuel Depletion (5%) | 0.0077 |
| Global Warming (16%) | 0.0013 |
| Habitat Alteration (16%) | 0.0000 |
| Human Health (11%) | 0.0016 |
| Indoor Air (11%) | 0.0000 |
| Ozone Depletion (5%) | 0.0000 |
| Smog (6%) | 0.0008 |
| Water Intake (3%) | 0.0002 |
| Economic Performance (Life Cycle Costs($))[2] | 2.32 |
| First Cost | 2.32 |
| Future Cost (3.9%) | ([3]) |
| Functional Unit | ([4]) |

[1] Numbers in parentheses indicate weighting factor.
[2] Costs are per functional unit.
[3] For this item, no significant/quantifiable performance or durability differences were identified among competing alternative products. Therefore, future costs were not calculated.
[4] One kilogram of durable film.

The life cycle cost of the submitted durable plastic film is $2.32 (present value dollars) per kilogram of durable plastic film.

7. Firearm Lubricants

Firearm lubricants are used in firearms to reduce the friction and wear between the moving parts of a firearm. They may also help keep the weapon clean and prevent the formation of deposits that could cause the weapon to jam.

For the reasons cited earlier in this notice, USDA is proposing to exempt this item from preferred procurement under the FB4P when used in products and systems designed or procured for combat or combat-related missions and in spacecraft systems and launch support equipment.

For biobased firearm lubricants, USDA identified 2 different manufacturers producing 2 individual biobased products. The 2 manufacturers do not necessarily include all manufacturers of biobased firearm lubricants, merely those identified during USDA information gathering activities.

Information supplied by these manufacturers indicates that these products have been tested against multiple industry performance standards and are being used commercially. While other applicable performance standards may exist, applicable industry performance standards against which these products have been typically tested, as identified by manufacturers of products within this item, include:

- ASTM D130, Standard Test Method for Corrosiveness to Copper from Petroleum Products by Copper Strip Test;
- ASTM D445, Standard Test Method for Kinematic Viscosity of Transparent and Opaque Liquids (and the Calculation of Dynamic Viscosity);
- ASTM D5864–00, Standard Test Method for Determining Aerobic Aquatic Biodegradation of Lubricants or Their Components
- ASTM D5985, Standard Test Method for Pour Point of Petroleum Products (Rotational Method);
- ASTM D665, Standard Test Method for Rust-Preventing Characteristics of Inhibited Mineral Oil in the Presence of Water; and
- ASTM D93, Standard Test Methods for Flash-Point by Pensky-Martens Closed Cup Tester.

USDA attempted to gather data on the potential market for biobased products within the Federal government as discussed in the section on bath and tile cleaners. These attempts were largely unsuccessful. However, Federal agencies routinely use, or procure contract services to provide, the types of firearms that require the use of firearm lubricants. Thus, they have a need for firearm lubricants. Designation of firearm lubricants will promote the use of biobased products, furthering the objectives of this program.

An analysis of the environmental and human health benefits and the life cycle costs of biobased firearm lubricants was performed for two of the products using the BEES analytical tool. Table 7 summarizes the BEES results for the two firearm lubricants. As seen in Table 7, the environmental performance score, which includes human health, ranges from 0.0236 to 0.0501 points per gallon of firearm lubricant. The environmental performance score indicates the share of annual per capita U.S. environmental impacts that is attributable to one gallon of firearm lubricant, expressed in 100ths of 1 percent.

TABLE 7.—SUMMARY OF BEES RESULTS FOR FIREARM LUBRICANTS

| Parameters | Firearm lubricants | |
|---|---|---|
| | Sample A | Sample B |
| BEES Environmental Performance—Total Score[1] | 0.0501 | 0.0236 |
| Acidification (5%) | 0.0000 | 0.0000 |

TABLE 7.—SUMMARY OF BEES RESULTS FOR FIREARM LUBRICANTS—Continued

| Parameters | Firearm lubricants | |
|---|---|---|
| | Sample A | Sample B |
| Criteria Air Pollutants (6%) | 0.0002 | 0.0002 |
| Ecological Toxicity (11%) | 0.0061 | 0.0043 |
| Eutrophication (5%) | 0.0110 | 0.0007 |
| Fossil Fuel Depletion (5%) | 0.0154 | 0.0091 |
| Global Warming (16%) | 0.0044 | 0.0040 |
| Habitat Alteration (16%) | 0.0000 | 0.0000 |
| Human Health (11%) | 0.0056 | 0.0035 |
| Indoor Air (11%) | 0.0000 | 0.0000 |
| Ozone Depletion (5%) | 0.0000 | 0.0000 |
| Smog (6%) | 0.0032 | 0.0010 |
| Water Intake (3%) | 0.0042 | 0.0008 |
| Economic Performance (Life Cycle Costs($)) [2] | 42.13 | 4.00 |
| First Cost | 42.13 | 4.00 |
| Future Cost (3.9%) | ([3]) | ([3]) |
| Functional Unit | One gallon of firearm lubricant. | |

[1] Numbers in parentheses indicate weighting factor.
[2] Costs are per functional unit.
[3] For this item, no significant/quantifiable performance or durability differences were identified among competing alternative products. Therefore, future costs were not calculated.

The life cycle cost of the submitted firearm lubricants ranges from $4.00 to $42.13 (present value dollars) per gallon of firearm lubricant.

8. Floor Strippers

Floor strippers are products formulated to loosen waxes, resins, or varnishes from floor surfaces. They can be in either liquid or gel form, and may also be used with or without mechanical assistance.

For the reasons cited earlier in this notice, USDA is proposing to exempt this item from preferred procurement under the FB4P when used in spacecraft systems and launch support equipment.

Procuring agencies should note that, as discussed in section II of this preamble, not all biobased cleaning products are ''environmentally preferable'' to non-biobased products. Unless cleaning products have been formulated to contain no (or reduced levels of) metals and toxic and hazardous constituents, they can be harmful to aquatic life, the environment, or workers. When purchasing environmentally preferable cleaning products, Federal agencies must compare the ''cradle-to-grave'' impacts of the manufacture, use, and disposal of both biobased and non-biobased products.

For biobased floor strippers, USDA identified 10 different manufacturers producing 12 individual biobased products. These 12 manufacturers do not necessarily include all manufacturers of biobased floor strippers, merely those identified during USDA information gathering activities. Information supplied by these manufacturers indicates that these products are typically tested against one or more industry performance standards and are being used commercially. While other applicable performance standards may exist, applicable industry performance standards against which these products have been typically tested, as identified by manufacturers of products within this item, include:

- ASTM D6400–04, Standard Specification for Compostable Plastics;
- ASTM D877–02e1, Standard Test Method for Dielectric Breakdown Voltage of Insulating Liquids Using Disk Electrodes;
- Boeing Specification #D6–7127—Cleaning Interiors of Commercial Transport Aircraft;
- Federal Test Method Standard No. 536A;
- South Coast Air Quality Management District Method #313–91—Determination of volatile organic compounds (VOCs) by gas chromatography/mass spectrometry;
- ARP 1755B—Effect of Cleaning Agents on Aircraft Engine Material; and
- U.S. Navy #Navsea 6840—U.S. Navy surface ship (non-submarine) authorized chemical cleaning products and dispensing systems.
- Green Seal #GS–34—Standard establishing environmental requirements for cleaning/degreasing agents;

USDA attempted to gather data on the potential market for biobased products within the Federal government as discussed in the section on bath and tile cleaners. These attempts were largely unsuccessful. However, Federal agencies routinely use, or procure contract services that use, floor strippers in cleaning and maintenance activities. Thus, they have a need for floor strippers and for services that require the use of floor strippers. Designation of floor strippers will promote the use of biobased products, furthering the objectives of this program.

An analysis of the environmental and human health benefits and the life cycle costs of biobased floor strippers was performed for one of the products using the BEES analytical tool. Table 8 summarizes the BEES results for this floor stripper. As seen in Table 8, the environmental performance score, which includes human health, is 0.0559 points per treatment of 2,500 square feet of floor. The environmental performance score indicates the share of annual per capita U.S. environmental impacts that is attributable to 2,500 square feet of application, expressed in 100ths of 1 percent.

TABLE 8.—SUMMARY OF BEES RESULTS FOR FLOOR STRIPPERS

| Parameters | Floor strippers |
|---|---|
| | Sample A |
| BEES Environmental Performance—Total Score[1] | 0.0559 |
| Acidification (5%) | 0.0000 |
| Criteria Air Pollutants (6%) | 0.0005 |
| Ecological Toxicity (11%) | 0.0272 |
| Eutrophication (5%) | 0.0028 |
| Fossil Fuel Depletion (5%) | 0.0103 |
| Global Warming (16%) | 0.0041 |
| Habitat Alteration (16%) | 0.0000 |
| Human Health (11%) | 0.0035 |
| Indoor Air (11%) | 0.0024 |
| Ozone Depletion (5%) | 0.0000 |
| Smog (6%) | 0.0035 |
| Water Intake (3%) | 0.0016 |
| Economic Performance (Life Cycle Costs ($))[2] | 8.50 |
| First Cost | 8.50 |
| Future Cost (3.9%) | ([3]) |
| Functional Unit | [4] 2,500 |

[1] Numbers in parentheses indicate weighting factor.
[2] Costs are per functional unit.
[3] For this item, no significant/quantifiable performance or durability differences were identified among competing alternative products. Therefore, future costs were not calculated.
[4] Square feet of application.

The life cycle cost of the submitted floor stripper is $8.50 (present value dollars) per 2,500 square feet of application.

9. Laundry Products

Laundry products include laundry detergents, bleach, stain removers, fabric softeners, etc., that do not leave skin-irritating residues and that clean effectively without the use of toxic chemicals. These products are generally safe for all washable fabrics.

Based on the information acquired, USDA is proposing to subcategorize this item into two primary types as follows: (1) Pretreatment and spot remover products and (2) general purpose products. USDA believes this is reasonable because of the varying concentrations of the products required to perform satisfactorily.

For the reasons cited earlier in this notice, USDA is proposing to exempt this item from preferred procurement under the FB4P when used in spacecraft systems and launch support equipment.

For biobased laundry products, USDA identified 17 different manufacturers producing 45 individual biobased products. These 17 manufacturers do not necessarily include all manufacturers of biobased laundry products, merely those identified during USDA information gathering activities. Information supplied by these manufacturers indicates that these products are typically tested against an industry performance standard and are being used commercially. While other applicable performance standards may exist, applicable industry performance standards against which these products have been typically tested, as identified by manufacturers of products within this item, include:

- Boeing Specification #D6–7127—Cleaning Interiors of Commercial Transport Aircraft.

USDA attempted to gather data on the potential market for biobased products within the Federal government as discussed in the section on bath and tile cleaners. These attempts were largely unsuccessful. However, Federal agencies routinely use, or procure contract services that use, laundry products in cleaning and maintenance activities. Thus, they have a need for laundry products and for services that require the use of laundry products. Designation of laundry products will promote the use of biobased products, furthering the objectives of this program.

An analysis of the environmental and human health benefits and the life cycle costs of biobased laundry products was performed for one of the products using the BEES analytical tool. Table 9 summarizes the BEES results for this laundry product. As seen in Table 9, the environmental performance score, which includes human health, is 0.1362 per a quantity of laundry product sufficient to wash 1,000 loads of laundry. The environmental performance score indicates the share of annual per capita U.S. environmental impacts that is attributable to washing 1,000 loads of laundry, expressed in 100ths of 1 percent.

TABLE 9.—SUMMARY OF BEES RESULTS FOR LAUNDRY PRODUCTS

| Parameters | Laundry products |
|---|---|
| | Sample A |
| BEES Environmental Performance—Total Score[1] | 0.1362 |
| Acidification (5%) | 0.0000 |
| Criteria Air Pollutants (6%) | 0.0012 |
| Ecological Toxicity (11%) | 0.0269 |
| Eutrophication (5%) | 0.0032 |
| Fossil Fuel Depletion (5%) | 0.0609 |
| Global Warming (16%) | 0.0119 |

TABLE 9.—SUMMARY OF BEES RESULTS FOR LAUNDRY PRODUCTS—Continued

| Parameters | Laundry products |
|---|---|
| | Sample A |
| Habitat Alteration (16%) | 0.0000 |
| Human Health (11%) | 0.0216 |
| Indoor Air (11%) | 0.0000 |
| Ozone Depletion (5%) | 0.0000 |
| Smog (6%) | 0.0043 |
| Water Intake (3%) | 0.0062 |
| Economic Performance (Life Cycle Costs ($))[2] | 84.54 |
| First Cost | 84.54 |
| Future Cost (3.9%) | ([3]) |
| Functional Unit | ([4]) |

[1] Numbers in parentheses indicate weighting factor.
[2] Costs are per functional unit.
[3] For this item, no significant/quantifiable performance or durability differences were identified among competing alternative products. Therefore, future costs were not calculated.
[4] Amount required to wash 1,000 loads of laundry.

The life cycle cost of the submitted laundry product was $84.54 per 1,000 loads of laundry washed.

10. Wood and Concrete Sealers

Wood and concrete sealers are products used to protect wood and/or concrete from damage caused by insects, moisture, and decaying fungi and to make surfaces water resistant.

For the reasons cited earlier in this notice, USDA is proposing to exempt this item from preferred procurement under the FB4P when used in spacecraft systems and launch support equipment.

For biobased wood and concrete sealers, USDA identified 17 different manufacturers producing 30 individual biobased products. These 17 manufacturers do not necessarily include all manufacturers of biobased wood and concrete sealers, merely those identified during USDA information gathering activities. Information supplied by these manufacturers indicates that these products are typically tested against multiple measures of performance and are being used commercially. While other relevant measurements of performance may exist, applicable relevant measurements of performance against which these products have been typically tested, as identified by manufacturers of products within this item, include:

- ASTM D4446–05, Standard Test Method for Anti-Swelling Effectiveness of Water-Repellent Formulations and Differential Swelling of Untreated Wood When Exposed to Liquid Water Environments;
- ASTM D5401–03, Standard Test Method for Evaluating Clear Water Repellent Coatings on Wood;
- ASTM D92–05a, Standard Test Method for Flash and Fire Points by Cleveland Open Cup Tester; and
- ASTM E84–05e1, Standard Test Method for Surface Burning Characteristics of Building Materials.

USDA attempted to gather data on the potential market for biobased products within the Federal government as discussed in the section on bath and tile cleaners. These attempts were largely unsuccessful. However, Federal agencies routinely perform, and procure services that perform, the types of construction and paving activities that utilize wood and concrete sealers. Thus, they have a need for wood and concrete sealers and for services that require the use of wood and concrete sealers. Designation of wood and concrete sealers will promote the use of biobased products, furthering the objectives of this program.

An analysis of the environmental and human health benefits and the life cycle costs of biobased wood and concrete sealers was performed for two of the products using the BEES analytical tool. Table 10 summarizes the BEES results for the two wood and concrete sealers. As seen in Table 10, the environmental performance score, which includes human health, ranges from 0.0336 to 2.4769 points per 250 square feet of surface area sealed. The environmental performance score indicates the share of annual per capita U.S. environmental impacts that is attributable to 250 square feet of surface area sealed, expressed in 100ths of 1 percent.

TABLE 10.—SUMMARY OF BEES RESULTS FOR WOOD AND CONCRETE SEALERS

| Parameters | Wood and concrete sealers | |
|---|---|---|
| | Sample A | Sample B |
| BEES Environmental Performance—Total Score[1] | 0.0336 | 2.4769 |
| Acidification (5%) | 0.0000 | 0.0000 |
| Criteria Air Pollutants (6%) | 0.0003 | 0.0027 |
| Ecological Toxicity (11%) | 0.0048 | 0.0397 |
| Eutrophication (5%) | 0.0017 | 0.3876 |
| Fossil Fuel Depletion (5%) | 0.0144 | 0.0559 |
| Global Warming (16%) | 0.0047 | 0.0203 |
| Habitat Alteration (16%) | 0.0000 | 0.0000 |
| Human Health (11%) | 0.0054 | 1.9630 |
| Indoor Air (11%) | 0.0000 | 0.0000 |
| Ozone Depletion (5%) | 0.0000 | 0.0000 |
| Smog (6%) | 0.0016 | 0.0050 |
| Water Intake (3%) | 0.0007 | 0.0027 |
| Economic Performance (Life Cycle Costs($))[2] | 18.00 | 200.00 |

TABLE 10.—SUMMARY OF BEES RESULTS FOR WOOD AND CONCRETE SEALERS—Continued

| Parameters | Wood and concrete sealers | |
|---|---|---|
| | Sample A | Sample B |
| First Cost | 18.00 | 200.00 |
| Future Cost (3.9%) | (3) | (3) |
| Functional Unit | 250 square feet of surface area sealed. | |

[1] Numbers in parentheses indicate weighting factor.
[2] Costs are per functional unit.
[3] For this item, no significant/quantifiable performance or durability differences were identified among competing alternative products. Therefore, future costs were not calculated.

The life cycle cost of the submitted wood and concrete sealers range from $18.00 to $200.00 (present value dollars) per 250 square feet of surface area sealed.

*C. Minimum Biobased Contents*

Section 9002(e)(1)(c) directs USDA to recommend minimum biobased content levels where appropriate. In today's proposed rulemaking, USDA is proposing minimum biobased content for each of the 10 items proposed for designation based on information currently available to USDA.

As discussed in Section IV.A of this preamble, USDA relied entirely on manufacturers' voluntary submission of samples to support the proposed designation of these 10 items. The data presented in the following paragraphs are the test results from all of the product samples that were submitted for analysis. It is the responsibility of the manufacturers to ''self-certify'' that each product being offered as a biobased product for preferred procurement contains qualifying feedstock. As contained in the Guidelines, the FB4P program will consider qualifying feedstocks for biobased products as originating from ''designated countries'' (as that term is defined in the Federal Acquisition Regulation (FAR) § 25.003)) as well as from the United States. USDA will develop a monitoring process for these self-certifications to ensure manufacturers are using qualifying feedstocks. If misrepresentations are found, USDA will remove the subject biobased product from the preferred procurement program and may take further actions as deemed appropriate.

As a result of public comments received on the first designated items rulemaking proposal, USDA decided to account for the slight imprecision in the analytical method used to determine biobased content of products when establishing the minimum biobased content. Thus, rather than establishing the minimum biobased content for an item at the tested biobased content of the product selected as the basis for the minimum value, USDA is establishing the minimum biobased content at a level 3 percentage points less than the tested value. USDA believes that this adjustment is appropriate to account for the expected variations in analytical results.

USDA has determined that setting a minimum biobased content for designated items is appropriate. Establishing a minimum biobased content will encourage competition among manufacturers to develop products with higher biobased contents and will prevent products with de minimus biobased content from being purchased as a means of satisfying the requirements of section 9002. USDA believes that it is in the best interest of the preferred procurement program for minimum biobased contents to be set at levels that will realistically allow products to possess the necessary performance attributes and allow them to compete with non-biobased products in performance and economics. Setting the minimum biobased content for an item at a level met by several of the tested products will provide more products from which procurement officials may choose, will encourage the most widespread usage of biobased products by procuring agencies, and is expected to accomplish the objectives of section 9002. Procuring agencies are encouraged to seek products with the highest biobased content that is practicable in all 10 of the proposed designated items.

The following paragraphs summarize the information that USDA used to propose minimum biobased contents within each proposed designated item.

1. Bath and Tile Cleaners

Eight of the 29 biobased bath and tile cleaners identified have been tested for biobased content using ASTM D6866 [1] The biobased content of these 8 samples ranged from 16 percent to 100 percent.

USDA evaluated the manufacturer's performance claims for the product whose biobased content was tested at 16 percent. The available information for this product did not indicate any unique performance characteristics or features not found in products with a higher biobased content. In addition, the tested biobased content of this product was substantially lower than the next lowest tested biobased content of 77 percent. Therefore, USDA dropped this product from consideration in setting the minimum biobased content for the item.

The remaining 7 tested products have biobased contents ranging from 77 to 100 percent. USDA is proposing to set the minimum biobased content for this item at 74 percent, based on the product with a tested biobased content of 77 percent. Setting the minimum biobased content level based on the product with a tested biobased content of 77 percent will offer procuring agencies more choices in selecting products to purchase and will encourage the most widespread usage of biobased products by procuring agencies. To account for possible variability in the results of ASTM D6866, as discussed earlier, the tested 77 percent value was then adjusted to 74 percent.

2. Clothing Products

Two of the 5 available biobased clothing products have been tested for biobased content using ASTM D6866. The biobased content of these two clothing products was 99 percent and 100 percent.

Both of the products tested were composed of essentially 100 percent polylactic acid (PLA) fibers, which are a 100 percent biobased material. Another synthetic fiber made with qualifying biobased material is also available for clothing manufacture. When tested for the blankets, bedding, and bed linens item, the biobased

[1] ASTM D6866 (Standard Test Methods for Determining the Biobased Content of Natural Range Materials Using Radiocarbon and Isotope Ratio Mass Spectrometry Analysis) is used to distinguish between carbon from fossil resources (non-biobased carbon) and carbon from renewable sources (biobased carbon). The biobased content is expressed as the percentage of total carbon that is biobased carbon.

content of this other synthetic fiber was 29 percent. USDA knows that clothing can be and is being manufactured using this other synthetic fiber. Based on percent blends typically found in clothing, USDA believes that it is reasonable that both synthetic fibers will be used in blends where their content may be around 25 percent with the other 75 percent being non-qualifying biobased/non-biobased material.

Given the potential for the manufacture of biobased clothing as described above, USDA is proposing to set the minimum biobased content for this item at 6 percent. This is based on a clothing product composed of 25 percent of the synthetic fiber with the lower biobased content and 75 percent non-qualifying biobased content or non-biobased content. The 6 percent is calculated by lowering the 29 percent biobased content by 3 percentage points (to account for the variability in the ASTM D6866), multiply the result (*i.e.*, 26) by 25 percent, and then rounding down to the next whole integer (26 x 0.25 = 6.5, rounded down to 6).

USDA believes that this is a reasonable methodology for setting the minimum biobased content for biobased clothing and will offer procuring agencies more choices in selecting products to purchase and will encourage the most widespread usage of biobased products by procuring agencies. As noted earlier in this preamble, USDA welcomes comments specifically on the methodology used to set the proposed minimum biobased content for biobased clothing.

3. Concrete and Asphalt Release Fluids

Eight of the 37 biobased concrete and asphalt release fluids identified have been tested for biobased content using ASTM D6866. The biobased content of these 8 biobased concrete and asphalt release fluids ranged from 90 percent to 98 percent.

USDA is proposing to set the minimum biobased content for this item at 87 percent, based on the product with a tested biobased content of 90 percent. Given that the range of tested biobased contents is narrow, USDA is proposing to set the minimum biobased content at the lowest tested level, which will allow all of the products sampled to meet the minimum biobased content. Setting the minimum biobased content level based on the lowest level found among the sampled products will offer procuring agencies more choices in selecting products to purchase and will encourage the most widespread usage of biobased products by procuring agencies.

4. Cutting, Drilling, and Tapping Oils

Twelve of the 33 biobased cutting, drilling, and tapping oils identified have been tested for biobased content using ASTM D6866. The biobased content of these 12 biobased cutting, drilling, and tapping oils ranged from 67 percent to 100 percent.

USDA is proposing to set the minimum biobased content for this item at 64 percent, based on the product with a tested biobased content of 67. Cutting, drilling, and tapping oils can be formulated to meet a wide range of demands. For example, one of the products with a tested biobased content of 67 percent is a heavy duty oil. Because of the resulting range in product characteristics, USDA is proposing to set the minimum biobased content at a level that will include all of the products sampled. USDA believes that it is in the best interest of the preferred procurement program for minimum biobased contents to be set at levels that will realistically allow products to possess the necessary performance attributes and allow them to compete with non-biobased products in performance and economics. Furthermore, setting the minimum biobased content level based on the lowest level found among the sampled products will offer procuring agencies more choices in selecting products to purchase and will encourage the most widespread usage of biobased products by procuring agencies.

5. De-Icers

Two of the 9 biobased de-icers identified have been tested for biobased content using ASTM D6866. The biobased content of both of these biobased de-icers was 100 percent. Therefore, USDA is proposing to set the minimum biobased content for this item at 97 percent.

6. Durable Plastic Films

One of the 2 biobased durable plastic films identified have been tested for biobased content using ASTM D6866. The biobased contents of this durable plastic film was 64 percent. Therefore, USDA is proposing to set the minimum biobased content for this item at 61 percent.

7. Firearm Lubricants

Both biobased firearm lubricants identified have been tested for biobased content using ASTM D6866. The tested biobased contents for these samples ranged were 52 percent and 95 percent.

USDA is proposing to set the minimum biobased content for firearm lubricants at 49 percent, based on the product with a tested biobased content of 52 percent. The firearm lubricant with the lower biobased content was specifically formulated for use in cold weather regions. Because of this range in product characteristics, USDA is proposing to set the minimum biobased content at a level that will include both products sampled. USDA believes that it is in the best interest of the preferred procurement program for minimum biobased contents to be set at levels that will realistically allow products to possess the necessary performance attributes and allow them to compete with non-biobased products in performance and economics. Setting the minimum biobased content level based on the lowest level found among the sampled products will offer procuring agencies more choices in selecting products to purchase and will encourage the most widespread usage of biobased products by procuring agencies.

8. Floor Strippers

Three of the 12 biobased floor strippers identified have been tested for biobased content using ASTM D6866. The biobased contents of these 3 biobased floor strippers ranged from 82 percent to 96 percent.

USDA is proposing to set the minimum biobased content for this item at 79 percent, based on the product with a tested biobased content of 82 percent. USDA is proposing to set the minimum biobased content at a level that will include all of the products sampled, including the product with 82 percent biobased content. USDA believes that it is in the best interest of the preferred procurement program for minimum biobased contents to be set at levels that will realistically allow products to possess the necessary performance attributes and allow them to compete with non-biobased products in performance and economics. Furthermore, setting the minimum biobased content level based on the lowest level found among the sampled products will offer procuring agencies more choices in selecting products to purchase and will encourage the most widespread usage of biobased products by procuring agencies.

9. Laundry Products

Five of the 45 biobased laundry products identified have been tested for biobased content using ASTM D6866—one pretreatment or spot remover biobased laundry product and 4 general purpose biobased laundry products. The biobased content of the one pretreatment or spot remover product was 11 percent. The biobased contents of the 4 general purpose biobased

laundry products ranged from 37 percent to 83 percent.

For pretreatment or spot remover biobased laundry products, USDA is proposing to set the minimum biobased content at 8 percent, based on the one product tested.

For general purpose biobased laundry products, USDA is proposing to set the minimum biobased content at 34 percent, based on the product with a tested biobased content of 37 percent. Three of the 4 general purpose biobased laundry products had tested biobased contents between 37 and 40 percent. While USDA knows of no performance differences between the four general purpose biobased products, USDA is proposing to set the minimum biobased content at a level that will include all of the general purpose biobased laundry products sampled. Furthermore, setting the minimum biobased content level based on the lowest level found among these sampled products will provide more products from which procurement officials may choose and will encourage the most widespread usage of biobased products by procuring agencies.

10. Wood and Concrete Sealers

Five of the 17 biobased wood and concrete sealers identified have been tested for biobased content using ASTM D6866. The biobased content of these 5 biobased wood and concrete sealers ranged from 82 percent to 91 percent.

USDA is proposing to set the minimum biobased content for this item at 79 percent, based on the products with a biobased content of 82 percent. USDA is proposing to set the minimum biobased content at a level that will include all of the products sampled. USDA believes that it is in the best interest of the preferred procurement program for minimum biobased contents to be set at levels that will realistically allow products to possess the necessary performance attributes and allow them to compete with non-biobased products in performance and economics. Furthermore, setting the minimum biobased content level based on the lowest level found among the sampled products will offer procuring agencies more choices in selecting products to purchase and will encourage the most widespread usage of biobased products by procuring agencies.

### *D. Effective Date for Procurement Preference and Incorporation Into Specifications*

USDA intends for the final rule to take effect thirty (30) days after publication of the final rule. However, under the terms of the proposed rule, procuring agencies would have a one-year transition period, starting from the date of publication of the final rule, before the procurement preference for biobased products within a designated item would take effect.

USDA proposes a one-year period before the procurement preferences would take effect based on an understanding that Federal agencies will need time to incorporate the preferences into procurement documents and to revise existing standardized specifications. Section 9002(d) of FSRIA and section 2902(c) of 7 CFR part 2902 explicitly acknowledge the latter need for Federal agencies to have sufficient time to revise the affected specifications to give preference to biobased products when purchasing the designated items. Procuring agencies will need time to evaluate the economic and technological feasibility of the available biobased products for their agency-specific uses and for compliance with agency-specific requirements, including manufacturers' warranties for machinery in which the biobased products would be used.

By the time these items are promulgated for designation, Federal agencies will have had a minimum of 18 months (from when these designated items were proposed), and much longer considering when the Guidelines were first proposed and these requirements were first laid out, to implement these requirements.

For these reasons, USDA proposes that the mandatory preference for biobased products under the designated items take effect one year after promulgation of the final rule. The one-year period provides these agencies with ample time to evaluate the economic and technological feasibility of biobased products for a specific use and to revise the specifications accordingly. However, some agencies may be able to complete these processes more expeditiously, and not all uses will require extensive analysis or revision of existing specifications. Although it is allowing up to one year, USDA encourages procuring agencies to implement the procurement preferences as early as practicable for procurement actions involving any of the designated items.

## V. Where Can Agencies Get More Information on These USDA-Designated Items?

Once the item designations in today's proposal become final, manufacturers and vendors voluntarily may post information on specific products, including product and contact information, on the USDA biobased products Web site *http://www.biobased.oce.usda.gov.* USDA will periodically audit the information displayed on the Web site and, where questions arise, contact the manufacturer or vendor to verify, correct, or remove incorrect or out-of-date information. Procuring agencies should contact the manufacturers and vendors directly to discuss specific needs and to obtain detailed information on the availability and prices of biobased products meeting those needs.

By accessing the Web site, agencies will also be able to obtain the voluntarily-posted information on each product concerning: Relative price; life cycle costs; hot links directly to a manufacturer's or vendor's Web site (if available); performance standards (industry, government, military, ASTM/ISO) that the product has been tested against; and environmental and public health information from the BEES analysis or the alternative analysis embedded in the ASTM Standard D7075, ''Standard Practice for Evaluating and Reporting Environmental Performance of Biobased Products.''

USDA has linked its Web site to DoD's list of specifications and standards, which can be used as guidance when procuring products. To access this list, go to USDA's FB4P Web site and click on the ''Product Submission'' tab and look for the DoD Specifications link.

## VI. Regulatory Information

### *A. Executive Order 12866: Regulatory Planning and Review*

Executive Order 12866 requires agencies to determine whether a regulatory action is ''significant.'' The Order defines a ''significant regulatory action'' as one that is likely to result in a rule that may: ''(1) Have an annual effect on the economy of $100 million or more or 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; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in this Executive Order.''

It has been determined that this rule is not a ''significant regulatory action'' under the terms of Executive Order 12866. The annual economic effect associated with today's proposed rule has not been quantified because the information necessary to estimate the effect does not exist. As was discussed earlier in this preamble, USDA made extensive efforts to obtain information on the Federal agencies' usage of the 10 items proposed for designation. These efforts were largely unsuccessful. Therefore, attempts to determine the economic impacts of today's proposed rule would necessitate estimating the anticipated market penetration of biobased products, which would entail many assumptions and, thus, be of questionable value. Also, the program allows procuring agencies the option of not purchasing biobased products if the costs are deemed ''unreasonable.'' Under this program, the determination of ''unreasonable'' costs will be made by individual agencies. USDA knows these agencies will consider such factors as price, life-cycle costs, and environmental benefits in determining whether the cost of a biobased product is determined to be ''reasonable'' or ''unreasonable.'' However, until the program is actually implemented by the various agencies, it is impossible to quantify the impact this option would have on the economic effect of the rule. Therefore, USDA relied on a qualitative assessment to reach the judgment that the annual economic effect of the designation of these 10 items is less than $100 million, and likely to be substantially less than $100 million. This judgment was based primarily on the offsetting nature of the program (an increase in biobased products purchased with a corresponding decrease in petroleum products purchased) and, secondarily, on the ability of procuring agencies not to purchase these items if costs are judged unreasonable, which would reduce the economic effect.

1. Summary of Impacts

Today's proposed rulemaking is expected to have both positive and negative impacts to individual businesses, including small businesses. USDA anticipates that the biobased preferred procurement program will provide additional opportunities for businesses to begin supplying biobased materials to manufacturers of bath and tile cleaners, clothing products, concrete and asphalt release fluids, cutting, drilling, and tapping oils, de-icers, durable plastic films, firearm lubricants, floor strippers, laundry products, and wood and concrete sealers and to begin supplying these products made with biobased materials to Federal agencies and their contractors. In addition, other businesses, including small businesses, that do not directly contract with procuring agencies may be affected positively by the increased demand for these biobased materials and products. However, other businesses that manufacture and supply only non-qualifying products and do not offer a biobased alternative product may experience a decrease in demand for their products. Thus, today's proposed rule will likely increase the demand for biobased products, while decreasing the demand for non-qualifying products. It is anticipated that this will create a largely ''offsetting'' economic impact.

USDA is unable to determine the number of businesses, including small businesses, that may be adversely affected by today's proposed rule. If a business currently supplies any of the items proposed for designation to a procuring agency and those products do not qualify as biobased products, the proposed rule may reduce that company's ability to compete for future contracts. However, the proposed rule will not affect existing purchase orders, nor will it preclude businesses from modifying their product lines to meet new specifications or solicitation requirements for these products containing biobased materials. Thus, many businesses, including small businesses, that market to Federal agencies and their contractors have the option of modifying their product lines to meet the new biobased specifications.

2. Summary of Benefits

The designation of these 10 items provides the benefits outlined in the objectives of section 9002: To increase domestic demand for biobased products and, thus, for the many agricultural commodities that can serve as feedstocks for production of biobased products; to spur development of the industrial base through value-added agricultural processing and manufacturing in rural communities; and to enhance the Nation's energy security by substituting biobased products for products derived from imported oil and natural gas. The increased demand for biobased products will also lead to the substitution of products with a possibly more benign or beneficial environmental impact, as compared to the use of non-biobased products. By purchasing these biobased products, procuring agencies can increase opportunities for all of these benefits. On a national and regional level, today's proposed rule can result in expanding and strengthening markets for biobased materials used in these 10 items. However, because the extent to which procuring agencies will find the performance and costs of biobased products acceptable is unknown, it is impossible to quantify the actual economic effect of today's proposed rule. USDA, however, anticipates the annual economic effect of the designation of these 10 items to be substantially below the $100 million threshold. In addition, today's proposed rule does not: Create serious inconsistency or otherwise interfere with an action taken or planned by another agency; materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

*B. Regulatory Flexibility Act (RFA)*

The RFA, 5 U.S.C. 601–602, generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

USDA evaluated the potential impacts of its proposed designation of these 10 items to determine whether its actions would have a significant impact on a substantial number of small entities. Because the Federal Biobased Products Preferred Procurement Program in section 9002 of FSRIA applies only to Federal agencies and their contractors, small governmental (city, county, etc.) agencies are not affected. Thus, the proposal, if promulgated, will not have a significant economic impact on small governmental jurisdictions. USDA anticipates that this program will affect entities, both large and small, that manufacture or sell biobased products. For example, the designation of items for preferred procurement will provide additional opportunities for businesses to manufacture and sell biobased products to Federal agencies and their contractors. Similar opportunities will be provided for entities that supply biobased materials to manufacturers. Conversely, the biobased procurement program may decrease opportunities for businesses that manufacture or sell non-biobased products or provide components for the manufacturing of such products. However, the proposed

rule will not affect existing purchase orders and it will not preclude procuring agencies from continuing to purchase non-biobased items under certain conditions relating to the availability, performance, or cost of biobased items. Today's proposed rule will also not preclude businesses from modifying their product lines to meet new specifications or solicitation requirements for these products containing biobased materials. Thus, the economic impacts of today's proposed rule are not expected to be significant.

The intent of section 9002 is largely to stimulate the production of new biobased products and to energize emerging markets for those products. Because the program is still in its infancy, however, it is unknown how many businesses will ultimately be affected. While USDA has no data on the number of small businesses that may choose to develop and market products within the 10 items proposed for designation by today's proposed rulemaking, the number is expected to be small. Because biobased products represent an emerging market, only a small percentage of all manufacturers, large or small, are expected to develop and market biobased products. Thus, the number of small businesses affected by today's proposed rulemaking is not expected to be substantial.

After considering the economic impacts of today's proposed rule on small entities, USDA certifies that this action will not have a significant economic impact on a substantial number of small entities. This rule, therefore, does not require a regulatory flexibility analysis.

While not a factor relevant to determining whether the proposed rule will have a significant impact for RFA purposes, USDA has concluded that the effect of today's proposed rule would be to provide positive opportunities to businesses engaged in the manufacture of these biobased products. Purchase and use of these biobased products by procuring agencies increase demand for these products and result in private sector development of new technologies, creating business and employment opportunities that enhance local, regional, and national economies. Technological innovation associated with the use of biobased materials can translate into economic growth and increased industry competitiveness worldwide, thereby, creating opportunities for small entities.

*C. Executive Order 12630: Governmental Actions and Interference With Constitutionally Protected Property Rights*

This proposed rule has been reviewed in accordance with Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, and does not contain policies that would have implications for these rights.

*D. Executive Order 12988: Civil Justice Reform*

This proposed rule has been reviewed in accordance with Executive Order 12988, Civil Justice Reform. This proposed rule does not preempt State or local laws, is not intended to have retroactive effect, and does not involve administrative appeals.

*E. Executive Order 13132: Federalism*

This proposed rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Provisions of this proposed rule will not have a substantial direct effect on States or their political subdivisions or on the distribution of power and responsibilities among the various government levels.

*F. Unfunded Mandates Reform Act of 1995*

This proposed rule contains no Federal mandates under the regulatory provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538, for State, local, and tribal governments, or the private sector. Therefore, a statement under section 202 of UMRA is not required.

*G. Executive Order 12372: Intergovernmental Review of Federal Programs*

For the reasons set forth in the Final Rule Related Notice for 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of the Executive Order 12372, which requires intergovernmental consultation with State and local officials. This program does not directly affect State and local governments.

*H. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments*

Today's proposed rule does not significantly or uniquely affect ''one or more Indian tribes, * * * the relationship between the Federal Government and Indian tribes, or * * * the distribution of power and responsibilities between the Federal Government and Indian tribes.'' Thus, no further action is required under Executive Order 13175.

*I. Paperwork Reduction Act*

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 through 3520), the information collection under this proposed rule is currently approved under OMB control number 0503–0011.

*J. E-Government Act Compliance*

The Office of Energy Policy and New Uses is committed to compliance with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes. USDA is implementing an electronic information system for posting information voluntarily submitted by manufacturers or vendors on the products they intend to offer for preferred procurement under each item designated. For information pertinent to GPEA compliance related to this rule, please contact Marvin Duncan at (202) 401–0461.

**List of Subjects in 7 CFR Part 2902**

Biobased products, Procurement.

For the reasons stated in the preamble, the Department of Agriculture proposes to amend 7 CFR chapter XXIX as follows:

**CHAPTER XXIX—OFFICE OF ENERGY POLICY AND NEW USES, DEPARTMENT OF AGRICULTURE**

## PART 2902—GUIDELINES FOR DESIGNATING BIOBASED PRODUCTS FOR FEDERAL PROCUREMENT

1. The authority citation for part 2902 continues to read as follows:

**Authority:** 7 U.S.C. 8102.

2. Add §§ 2902.36 through 2902.45 to subpart B to read as follows:

### § 2902.36 Bath and tile cleaners.

(a) *Definition.* Bath and tile cleaners are products designed to clean deposits on bath tubs, shower doors, shower curtains, bathroom tiles, floors, doors, counter tops, etc. They are available both in concentrated and ready-to-use forms.

(b) *Minimum biobased content.* The minimum biobased content is 74 percent and shall be based on the amount of qualifying biobased carbon in the product as a percent of the weight (mass) of the total organic carbon in the finished product.

(c) *Preference effective date.* No later than [date one year after the date of publication of the final rule], procuring

agencies, in accordance with this part, will give a procurement preference for qualifying biobased bath and tile cleaners. By that date, Federal agencies that have the responsibility for drafting or reviewing specifications for items to be procured shall ensure that the relevant specifications require the use of biobased bath and tile cleaners.

(d) *Exemptions.* Spacecraft systems and launch support equipment applications are exempt from the preferred procurement requirement for this item.

**§ 2902.37 Clothing products.**

(a) *Definition.* Clothing products are coverings designed to be worn on a person's body. These products include coverings for the torso and limbs, as well as coverings for the hands, feet, and head.

(b) *Minimum biobased content.* The minimum biobased content is 6 percent and shall be based on the amount of qualifying biobased carbon in the product as a percent of the weight (mass) of the total organic carbon in the finished product.

(c) *Preference effective date.* No later than [date one year after the date of publication of the final rule], procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased clothing products. By that date, Federal agencies that have the responsibility for drafting or reviewing specifications for items to be procured shall ensure that the relevant specifications require the use of biobased clothing products.

(d) *Exemptions.* The following applications are exempt for the preferred procurement requirement for this item:

(1) Military equipment: Product or system designed or procured for combat or combat-related missions.

(2) Spacecraft systems and launch support equipment.

**§ 2902.38 Concrete and asphalt release fluids.**

(a) *Definition.* Concrete and asphalt release fluids are products designed to provide a lubricating barrier between the composite surface materials (e.g., concrete or asphalt) and the container (e.g., wood or metal forms, truck beds, roller surfaces, etc.).

(b) *Minimum biobased content.* The minimum biobased content is 87 percent and shall be based on the amount of qualifying biobased carbon in the product as a percent of the weight (mass) of the total organic carbon in the finished product.

(c) *Preference effective date.* No later than [date one year after the date of publication of the final rule], procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased concrete and asphalt release fluids. By that date, Federal agencies that have the responsibility for drafting or reviewing specifications for items to be procured shall ensure that the relevant specifications require the use of biobased concrete and asphalt release fluids.

(d) *Exemptions.* Spacecraft systems and launch support equipment applications are exempt from the preferred procurement requirement for this item.

**§ 2902.39 Cutting, drilling, and tapping oils.**

(a) *Definition.* Cutting, drilling, and tapping oils are products designed to provide lubrication and reduce wear on the contact parts for cutting, drilling, and tapping machinery. This item applies only to neat oils.

(b) *Minimum biobased content.* The minimum biobased content is 64 percent and shall be based on the amount of qualifying biobased carbon in the product as a percent of the weight (mass) of the total organic carbon in the finished product.

(c) *Preference effective date.* No later than [date one year after the date of publication of the final rule], procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased cutting, drilling, and tapping oils. By that date, Federal agencies that have the responsibility for drafting or reviewing specifications for items to be procured shall ensure that the relevant specifications require the use of biobased cutting, drilling, and tapping oils.

(d) *Exemptions.* Spacecraft systems and launch support equipment are exempt for the preferred procurement requirement for this item.

**§ 2902.40 De-icers.**

(a) *Definition.* De-icers are agents that aid in the removal of snow and ice. For the purposes of this rule, de-icers do not include materials used to de-ice aircraft and airport runways.

(b) *Minimum biobased content.* The minimum biobased content is 97 percent and shall be based on the amount of qualifying biobased carbon in the product as a percent of the weight (mass) of the total organic carbon in the finished product.

(c) *Preference effective date.* No later than [date one year after the date of publication of the final rule], procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased de-icers. By that date, Federal agencies that have the responsibility for drafting or reviewing specifications for items to be procured shall ensure that the relevant specifications require the use of biobased de-icers.

(d) *Exemptions.* The following applications are exempt for the preferred procurement requirement for this item:

(1) Military equipment: Product or system designed or procured for combat or combat-related missions.

(2) Spacecraft systems and launch support equipment.

**§ 2902.41 Durable plastic films.**

(a) *Definition.* Durable plastic films are products typically used in the production of bags and packaging materials, and designed to resist water, ammonia, and other compounds, and to not readily biodegrade.

(b) *Minimum biobased content.* The minimum biobased content is 61 percent and shall be based on the amount of qualifying biobased carbon in the product as a percent of the weight (mass) of the total organic carbon in the finished product.

(c) *Preference effective date.* No later than [date one year after the date of publication of the final rule], procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased durable plastic films. By that date, Federal agencies that have the responsibility for drafting or reviewing specifications for items to be procured shall ensure that the relevant specifications require the use of biobased durable plastic films.

(d) *Determining overlap with an EPA-designated recovered content product.* Qualifying products within this item may overlap with the EPA-designated recovered content product: Nonpaper Office Products: Plastic trash bags. USDA is requesting that manufacturers of these qualifying biobased products provide information on the USDA Web site of qualifying biobased products about the intended uses of the product, information on whether or not the product contains any recovered material, in addition to biobased ingredients, and performance standards against which the product has been tested. This information will assist Federal agencies in determining whether or not a qualifying biobased product overlaps with EPA-designated nonpaper office products (plastic trash bags) and which product should be afforded the preference in purchasing.

(e) *Exemptions.* Spacecraft systems and launch support equipment applications are exempt from the

preferred procurement requirement for this item.

**§ 2902.42 Firearm lubricants.**

(a) *Definition.* Firearm lubricants are used in firearms to reduce the friction and wear between the moving parts of a firearm, and to keep the weapon clean and prevent the formation of deposits that could cause the weapon to jam.

(b) *Minimum biobased content.* The minimum biobased content is 49 percent and shall be based on the amount of qualifying biobased carbon in the product as a percent of the weight (mass) of the total organic carbon in the finished product.

(c) *Preference effective date.* No later than [date one year after the date of publication of the final rule], procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased firearm lubricants. By that date, Federal agencies that have the responsibility for drafting or reviewing specifications for items to be procured shall ensure that the relevant specifications require the use of biobased firearm lubricants.

(d) *Exemptions.* The following applications are exempt for the preferred procurement requirement for this item:

(1) Military equipment: Product or system designed or procured for combat or combat-related missions.

(2) Spacecraft systems and launch support equipment.

**§ 2902.43 Floor Strippers.**

(a) *Definition.* Floor strippers are products formulated to loosen waxes, resins, or varnishes from floor surfaces. They can be in either liquid or gel form, and may also be used with or without mechanical assistance.

(b) *Minimum biobased content.* The minimum biobased content is 79 percent and shall be based on the amount of qualifying biobased carbon in the product as a percent of the weight (mass) of the total organic carbon in the finished product.

(c) *Preference effective date.* No later than [date one year after the date of publication of the final rule], procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased floor strippers. By that date, Federal agencies that have the responsibility for drafting or reviewing specifications for items to be procured shall ensure that the relevant specifications require the use of biobased floor strippers.

(d) *Exemptions.* Spacecraft systems and launch support equipment applications are exempt from the preferred procurement requirement for this item.

**§ 2902.44 Laundry products.**

(a) *Definition.* (1) Laundry products include laundry detergents, bleach, stain removers, fabric softeners, etc., that do not leave skin-irritating residues and that clean effectively without the use of toxic chemicals.

(2) The two types of laundry products for which minimum biobased contents under paragraph (b) of this section apply are:

(i) *Pretreatment or spot removers.* Laundry products specifically used to pretreat laundry to remove spots and stains.

(ii) *General purpose laundry products.* Laundry products used for regular cleaning activities.

(b) *Minimum biobased content.* The minimum biobased content shall be based on the amount of qualifying biobased carbon in the product as a percent of the weight (mass) of the total organic carbon in the finished product. The applicable minimum biobased contents are:

(1) Pretreatment and spot removers—8 percent.

(2) General purpose laundry products—34 percent.

(c) *Preference effective date.* No later than [date one year after the date of publication of the final rule], procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased laundry products. By that date, Federal agencies that have the responsibility for drafting or reviewing specifications for items to be procured shall ensure that the relevant specifications require the use of biobased laundry products.

(d) *Exemptions.* Spacecraft systems and launch support equipment applications are exempt from the preferred procurement requirement for this item.

**§ 2902.45 Wood and concrete sealers.**

(a) *Definition.* Wood and concrete sealers are products used to protect wood and/or concrete from damage caused by insects, moisture, and decaying fungi and to make surfaces water resistant.

(b) *Minimum biobased content.* The minimum biobased content is 79 percent and shall be based on the amount of qualifying biobased carbon in the product as a percent of the weight (mass) of the total organic carbon in the finished product.

(c) *Preference effective date.* No later than [date one year after the date of publication of the final rule], procuring agencies, in accordance with this part, will give a procurement preference for qualifying biobased wood and concrete sealers. By that date, Federal agencies that have the responsibility for drafting or reviewing specifications for items to be procured shall ensure that the relevant specifications require the use of biobased wood and concrete sealers.

(d) *Exemptions.* Spacecraft systems and launch support equipment applications are exempt from the preferred procurement requirement for this item.

Dated: September 26, 2006.

**Roger Conway,**

*Director, Office of Energy Policy and New Uses , U.S. Department of Agriculture.*

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October 11, 2006

# Part III

# Department of Health and Human Services

## Centers for Medicare & Medicaid Services

## Medicare Program; Hospital Inpatient Prospective Payment Systems and Fiscal Year 2007 Rates; Notice

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Centers for Medicare & Medicaid Services**

**[CMS–1488–N]**

**RIN 0938–AO12**

# Medicare Program; Hospital Inpatient Prospective Payment Systems and Fiscal Year 2007 Rates: Final Fiscal Year 2007 Wage Indices and Payment Rates After Application of Revised Occupational Mix Adjustment to Wage Index

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

**ACTION:** Notice.

**SUMMARY:** This notice contains tables listing the final occupational mix adjusted wage indices, hospital reclassifications, payment rates, impacts, and other related tables as a result of the application of the occupational mix adjustment to 100 percent of the wage index effective for fiscal year (FY) 2007.

**DATES:** *Effective Date:* This notice is effective on October 1, 2006.

**FOR FURTHER INFORMATION CONTACT:** Valerie Miller, (410) 786–4535, Wage Index Issues. Brian Slater, (410) 786–5229, Geographic Reclassification Issues. Marc Hartstein, (410) 786–4548, All Other Issues.

**SUPPLEMENTARY INFORMATION:**

## I. Background

In the August 18, 2006 **Federal Register** (71 FR 47870) (hereinafter referred to as the FY 2007 IPPS final rule), we set forth our final rule for the Medicare inpatient prospective payment system (IPPS). Due to the decision in the case *Bellevue Hosp. Center* v. *Leavitt,* 443 F. 3d 163 (2nd Cir. 2006), we stated that we would publish the FY 2007 occupational mix adjusted wage index tables, rates, and impacts on our Web site and in a **Federal Register** document subsequent to the FY 2007 IPPS final rule. (See the FY 2007 IPPS final rule for a full explanation of the reasons for such subsequent publication.) This notice includes such wage index tables, rates, and impacts.

## II. Final FY 2007 Occupational Mix Adjusted Wage Indices, Rates, and Impacts

### *A. Wage Index and Occupational Mix Adjustment*

#### 1. Implementation of the New Occupational Mix Adjustment for the FY 2007 Wage Index

The final wage index values for FY 2007 (except those for hospitals receiving wage index adjustments under section 505 of Pub. L. 108–173) are included in Tables 4A–1, 4A–2, 4B, 4C–1, 4C–2, and 4F of the Addendum to this notice and are posted on our Web site at *http://www.cms.hhs.gov/AcuteInpatientPPS/.* For hospitals that are receiving a wage index adjustment under section 505 of Pub. L. 108–173, the hospital's final wage index will reflect the adjustment shown in Table 4J of the Addendum to this notice. Tables 3A and 3B of the Addendum to this notice and on our Web site reflect the 3-year average of the average hourly wage for each labor market area before the redesignation of hospitals, used for FYs 2005, 2006, and 2007. Table 3A lists average hourly wages for urban areas and Table 3B lists these data for rural areas. In addition, Table 2 in the Addendum to this notice includes the occupational mix adjusted average hourly wage for each hospital from the FYs 2001, 2002, and 2003 cost reporting periods. The average hourly wages for FYs 2001 and 2002 reflect a 10 percent occupational mix adjustment using the survey data used to develop the FYs 2005 and 2006 wage indices, respectively. The FY 2003 average hourly wages reflect a 100 percent occupational mix adjustment using the recently collected survey data and were used to calculate the FY 2007 wage index.

#### 2. Proxy Occupational Mix Adjustment for Hospitals With No Survey Data

As stated in the FY 2007 IPPS final rule (71 FR 48014), we have applied the average occupational mix adjustment for a hospital's labor market area to the wage data of hospitals that did not submit occupational mix survey data or that submitted survey data that could not be used because we determined it to be aberrant. For example, a hospital's individual nurse category average hourly wages were out of range (that is, unusually high or low), and the hospital did not provide sufficient documentation to explain the aberrancy, or the hospital did not submit any registered nurse staff salaries or hours data.

In calculating the average occupational mix adjustment factor for an area, we replicated Steps 1 through 6 of the calculation for the occupational mix adjustment (see 71 FR 48009). However, instead of performing these steps at the hospital level, we aggregated the data at the labor market area level. In following these steps, for example, for Core-Based Statistical Areas (CBSAs) that contain providers that did not submit occupational mix survey data, the occupational mix adjustment factor ranged from a low of 0.8944 (CBSA 39820, Redding, CA), to a high of 1.0924 (CBSA 38220, Pine Bluff, AR). Also, in computing a hospital's occupational mix adjusted salaries and wage-related costs for nursing employees (Step 7 of the calculation (see 71 FR 48010)) in the absence of occupational mix survey data, we multiplied the hospital's total salaries and wage-related costs by the percentage of the *area's* total workers attributable to the *area's* total nursing category. There were also two CBSAs in which none of the providers submitted the occupational mix survey (CBSA 49740, Yuma, AZ, and CBSA 25020, Guayama, P.R.). In the absence of any data in these labor market areas, we applied an occupational mix adjustment factor of 1.0 to all providers.

#### 3. Analysis of the Final FY 2007 Wage Index

Using the new occupational mix survey data and applying the occupational mix adjustment to 100 percent of the FY 2007 wage index results in a national average hourly wage of $29.6529 and a Puerto-Rico specific average hourly wage of $13.0943. We calculated the FY 2007 wage index using the Worksheet S–3 cost report data of 3,570 hospitals and occupational mix survey data from 3,239 hospitals (90.7 percent response rate). Although more than 3,239 hospitals submitted occupational mix survey data for the January through March 2006 collection period, we excluded the data for 37 hospitals that did not have FY 2003 Worksheet S–3 cost report data for use in calculating the FY 2007 wage index. Also, we excluded the occupational mix survey data of another 30 hospitals because their data was incomplete or aberrant. Using the occupational mix data of 3,239 hospitals, the FY 2007 national average hourly wages for each occupational mix nursing subcategory as calculated in Step 2 of the occupational mix calculation are as follows:

| Occupational mix nursing subcategory | Average hourly wage |
|---|---|
| National RN Management .... | $38.5908 |
| National RN Staff ..... | 33.3739 |
| National LPN ..... | 19.2721 |
| National Nurse Aides, Orderlies, and Attendants ..... | 13.6906 |
| National Medical Assistants | 15.6304 |
| National Nurse Category ..... | 28.7431 |

The national average hourly wage for the entire nurse category as computed in Step 5 of the occupational mix calculation is $28.7431. Hospitals with a nurse category average hourly wage (as calculated in Step 4) of greater than national nurse category average hourly wage receive an occupational mix adjustment factor (as calculated in Step 6) of less than 1.0. Hospitals with a nurse category average hourly wage (as calculated in Step 4) of less than national nurse category average hourly wage receive an occupational mix adjustment factor (as calculated in Step 6) of greater than 1.0.

Based on the January through March 2006 occupational mix survey data, we determined (in Step 7 of the occupational mix calculation) that the national percentage of hospital employees in the Nurse category is 42.9 percent, and the national percentage of hospital employees in the All Other Occupations category is 57.1 percent. At the CBSA level, the percentage of hospital employees in the Nurse category ranged from a low of 23.0 percent in one CBSA, to a high of 85.5 percent in another CBSA.

After adjusting the FY 2007 wage indices by 100 percent for occupational mix, the wage index values for a total of 250 hospitals in 73 labor market areas are assigned a statewide rural wage index value (''the rural floor'') according to section 4410 of Pub. L. 105–33, or an imputed floor, for hospitals located in all-urban States, according to § 412.64(h).

*a. Effect of the 2006 Occupational Data on the FY 2007 Wage Index (Unadjusted Relative to Adjusted Wage Index).* We compared the FY 2007 unadjusted wage indices for each CBSA to the FY 2007 wage indices adjusted for occupational mix. In implementing an occupational mix adjusted wage index based on the above calculation, the final wage index values for 14 rural areas (29.8 percent) and 201 urban areas (52.1 percent) would decrease as a result of the adjustment. Six rural areas (12.8 percent) and 108 urban areas (28.0 percent) would experience a decrease of 1 percent or greater in their wage index values. The largest negative impacts would be 2.7 percent and 6.0 percent. In addition, 33 rural areas (70.2 percent) and 181 urban areas (46.9 percent) would experience an increase in their wage index values. The largest increase for a rural area would be 3.16 percent and the largest increase for an urban area would be 8.39 percent. Four urban areas would be unaffected. These results indicate that a larger percentage of rural areas benefit from an occupational mix adjustment than do urban areas. However, as was the case with the previous occupational mix data, close to a third of rural CBSAs (29.8 percent) continue to experience a decrease in their wage indices as a result of the occupational mix adjustment.

*b. Effect of the 2006 Occupational Mix Survey Data Relative to the 2003 Survey Data.* We also analyzed the effect on the FY 2007 wage index of applying the January through March 2006 occupational mix survey data, relative to applying the 2003 occupational mix survey data. In this analysis, we compared the FY 2007 wage index adjusted 100 percent using 2003 and 2006 survey data. By controlling for changes in hospitals' wage data and geographic reclassification, we determined that the wage index values for 27 rural areas (57.4 percent) and 183 urban areas (47.4 percent) would decrease as a result of applying the 2006 survey data instead of the 2003 survey data. Ten rural areas (21.3 percent) and 96 urban areas (24.9 percent) would experience a decrease of 1 percent or greater in their wage index values. The largest negative impact for a rural area would be 3.6 percent. Six urban areas (1.2 percent) would be decreasing by greater than 5 percent; the largest urban decrease would be 20.9 percent, and the second largest decrease for an urban area would be 7.7 percent. One rural and one urban area would be unaffected by the change in the occupational mix data. In addition, 19 rural areas (40.4 percent) and 202 urban areas (52.3 percent) would experience an increase in their wage index values. The largest increase for a rural area would be 2.6 percent and the largest increase for an urban area would be 7.15 percent.

*B. Final FY 2007 Hospital Reclassifications/Redesignations*

1. Withdrawals and Terminations

As we stated in the FY 2007 IPPS final rule (71 FR 48020), for FY 2007, rather than hospitals withdrawing or terminating their 3-year reclassifications within 45 days of the publication of the IPPS proposed rule, hospitals would be subject to special procedures unique to FY 2007.

These procedures are as follows:

- Hospitals had 15 days from the display date of the FY 2007 IPPS final rule to notify us of whether, in the absence of viewing the final 100 percent occupational mix-adjusted wage index data, they wish to choose a particular wage index for which they are eligible (such as to definitively maintain, terminate, or withdraw from a reclassification that they received ).
- If we did not receive notice from the hospital within the 15-day timeframe, we made our best efforts to give the hospital the highest wage index among its available options. We made reclassification withdrawal and termination decisions based on what we perceived would be most advantageous to the hospital. (See 71 FR 48020 for an explanation of the reclassifications and adjustment we chose among.) Please note that in some cases we terminated a hospital's Lugar reclassification under section 1886(d)(8)(B) of the Act in order to receive the out-migration adjustment. Because this termination would result in the hospital losing urban status, we published a separate table (Table 9D) identifying these hospitals that move from Lugar/urban status to rural status with the out-migration adjustment. Also, in some cases, we may have made half-year terminations/withdrawals on behalf of section 508 hospitals (or groups containing section 508 hospitals) using the procedures identified in the FY 2007 IPPS final rule. (See 71 FR 48021 for an explanation of the half-year reclassifications that could occur for section 508 hospitals and groups containing section 508 hospitals.
- We have posted the final occupational mix-adjusted wage indices, out-migration adjustments, and our decisions on hospital reclassification on the CMS Web site at *http://www.cms.hhs.gov/AcuteInpatientPPS/WIFN/list.asp.* We have posted the same table on the CMS Web site that appeared in the **Federal Register** final notice of the occupational mix-adjusted wage indices.
- In the FY 2007 IPPS final rule, we acknowledged that hospitals may base termination/withdrawal decisions on factors other than simply what results in the highest wage index for the upcoming fiscal year. For this reason, we allowed a hospital to change a decision that is made by CMS on its behalf. Hospitals now have a 30-day period from the date these final data and our final decisions appear on the CMS Web site to notify CMS in writing, with a copy to the MGCRB, of whether they wish to reverse the reclassification decision made by CMS or to choose another reclassification for which they are eligible. Hospitals are able to

determine the reclassification decision applied on their behalf by reviewing Tables 9A through 9C for hospitals that are reclassified under section 1886(d)(8)(B) of the Act, section 508 of Pub. L. 108–173, or section 1886(d)(10) of the Act. The applicable wage index for these hospitals will be found on Table 2. If a hospital is not listed in Tables 9A through 9C, CMS has made a decision not to reclassify the hospital and its home wage index will apply, including the effect of any out-migration adjustment (if applicable). Again, the wage index that will apply to the hospital is found in Table 2. Any applicable out-migration adjustment for the hospital is found in Table 4J. As indicated above in this section, we are publishing a separate table identifying hospitals that we move from Lugar/urban status to rural status with the out-migration adjustment in Table 9D.

• Requests to reverse a decision made on behalf of a hospital by CMS and to choose another reclassification or adjustment for which the hospital is otherwise eligible must be *received* by CMS no later than 5 p.m., e.s.t., with a copy sent to the MGCRB by October 30, 2006 (or within 30 days from the date the information appears on the CMS Web site at *http://www.cms.hhs.gov/AcuteInpatientPPS/WIFN/list.asp* at the following addresses: Division of Acute Care, C4–08–06, 7500 Security Boulevard, Baltimore, MD 21244, Attn: Marianne Myers; and a copy to Medicare Geographic Classification Review Board, 2520 Lord Baltimore Drive, Suite L, Baltimore, MD 21244–2670.

As required under § 412.273(c), requests by groups of hospitals must be made by all hospitals that are a party to the application or reclassification. The reclassification or adjustment chosen by the hospital must be one for which the hospital would otherwise be eligible had CMS not made the withdrawal or termination decision on the hospital's behalf.

• If a hospital (or group of hospitals) fails to notify CMS that it is revising a determination made on its behalf within 30 days from the date the information appears on the CMS Web site, the decision made by CMS on the hospital's behalf will be final for FY 2007. Therefore, if CMS made a decision on a hospital's (or group of hospitals) behalf to terminate or withdraw a reclassification and the hospital does not reverse or modify CMS's decision within 30 days of posting the decision on the CMS Web site, we will deem the hospital's reclassification is withdrawn or terminated. If the hospital does not reverse or modify CMS's decision within 30 days of posting of the decision on the CMS Web site, once CMS's decision on the hospital's behalf is in effect, it will be treated in the same manner as if the hospital(s) had made the reclassification decision on its own. Thus, for example, because a hospital cannot have overlapping reclassifications, if we decide a hospital should accept a FY 2007 through 2009 reclassification and the hospital does not modify or reverse CMS's decision within 30 days of posting the decision on the CMS Web site, any reclassification the hospital previously had for FY 2006 through 2008 would be permanently terminated.

Hospitals should note that we will not recalculate the wage indices or budget neutrality factors now that CMS has made their decisions regarding what is most advantageous to each hospital using the 100 percent occupational mix-adjusted wage data. That is, we will not further recalculate the wage indices (including any rural floors or imputed rural floors) or standardized amounts based on hospital decisions that further revise decisions made by CMS on the hospitals' behalf.

In addition, we note that rural areas that include a section 508 hospital (specifically a hospital with wages relatively higher than the wages of other hospitals) may experience a decrease in their wage index for the second half of FY 2007. This is because section 508 hospitals are not considered reclassified under section 1886(d)(10) of the Act, and therefore, are not subject to the rule in section 1886(d)(8)(C)(ii) of the Act requiring rural area wage indices to be calculated exclusive of hospitals reclassified under section 1886(d)(10) of the Act, if doing so would increase the rural wage index. Thus, for the first half of the year, a section 508 hospital may be included in the home wage index of a rural area, while the hospitals reclassified under section 1886(d)(10) of the Act are excluded, since such exclusion increases the wage index of the rural area. However, for the second half of the year, the hospital is no longer a section 508 hospital. If the former section 508 hospital is reclassified under section 1886(d)(10) of the Act, it is grouped with other hospitals so reclassified. The high wages of the section 508 hospital may operate such that, for the second half of the year, it is more advantageous for *all* of the reclassified hospitals to be *included* in the wage index of the rural area (rather than excluded as they were in the first half of the year). However, because the other reclassified hospitals are now included in the wage index, and not just the sole section 508 hospital with high wages, the area may see a decline in the wage index. We view this scenario as arising due to the rural area's higher than expected wage index during the first half of the year from including only the section 508 hospital and not any reclassified hospitals. If we did not establish special rules that allowed for one-half year reclassifications, the section 508 hospital likely would have reclassified for the entire year under section 1886(d)(10) of the Act. In that case, the wage index for the second-half of FY 2007 would have applied for the entire year.

2. MGCRB Applications for FY 2008

Section 1886(d)(10)(C)(ii) of the Act indicates that a hospital requesting a change in geographic classification for a fiscal year must submit its application to the MGCRB no later than the first day of the 13-month period ending on September 30 of the preceding fiscal year. Thus, the statute requires that FY 2008 reclassification applications be submitted to the MGCRB no later than September 1, 2006. For this reason, hospitals must have filed a FY 2008 reclassification application by the September 1, 2006 deadline even though the average hourly wage data used to develop the final FY 2007 wage indices was not available.

The MGCRB, in evaluating a hospital's request for reclassification for FY 2008 for the wage index, must utilize the official data used to develop the FY 2007 wage index. The wage data used to support the hospital's wage comparisons must be from the CMS hospital wage survey. Generally, the source for these data is the IPPS final rule. However, the wage tables identifying the 3-year average hourly wages of hospitals were not available in time to include them in the FY 2007 IPPS final rule and by the September 1, 2006 deadline for submitting FY 2008 geographic reclassification applications.

As outlined in § 412.256(c)(2), hospitals with incomplete applications have the opportunity to request that the MGCRB grant a hospital that has submitted an application by September 1, 2006, an extension beyond September 1, 2006, to complete its application. Thus, while hospitals must file an application for reclassification to the MGCRB by September 1, 2006, they are able to supplement the reclassification application with official data used to develop the FY 2007 wage index after filing their initial application.

Therefore, as we stated in the FY 2007 IPPS final rule (71 FR 48022 through 48023), we are allowing hospitals 30 days after the final wage data is posted on the CMS Web site or by October 30,

2006 to file a supplement to the reclassification application they filed by September 1, 2006. The supplement would include the official data (Attachment H in the MGCRB Application) used to develop the FY 2007 wage index. Supplements must be *received* within 30 days this final data is posted on the CMS Web site or by October 30, 2006. The 3-year average hourly wage information necessary for FY 2008 reclassification applications appears in Tables 2, 3A, and 3B of the Addendum to this notice. The information also is available on the CMS Web site at: *http://www.cms.hhs.gov/AcuteInpatientPPS/WIFN/list.asp* and then by accessing the page titled ''*MGCRB Reclassification Data for FY 2008 Applications.*'' Applications and other information about MGCRB reclassifications may be obtained via the CMS Internet Web site at: *http://www.cms.hhs.gov/mgcrb/,* or by calling the MGCRB at (410) 786–1174. The mailing address of the MGCRB is: 2520 Lord Baltimore Drive, Suite L, Baltimore, MD 21244–2670.

3. Cancellations of Previous Withdrawals or Terminations for FY 2008 and Subsequent Fiscal Years

We are also allowing a 30-day period from the date the final wage data is posted on the CMS Web site to cancel a previous withdrawal or termination in order for a hospital to reinstate its reclassification for FY 2008 (for a FY 2006–2008 reclassification) or FY 2008 and FY 2009 (for a FY 2007–2009 reclassification). Because we have made termination or withdrawal decisions on behalf of hospitals, hospitals should look carefully at these decisions and determine whether they want to cancel such withdrawals or terminations for FY 2008 or FY 2009 if the reclassification time period includes these years. Hospitals must request to reinstate a reclassification that includes FY 2008 within 30 days of posting the Web site data for the reclassification to continue in that year even if they agree with the decision we made on their behalf for FY 2007.

Hospitals must request to reinstate a reclassification that includes FY 2008 within 30 days of when the data are posted to the CMS Web site or by October 30, 2006.

Requests to cancel a withdrawal or termination in order to reinstate a hospital's reclassification for FY 2008 or FY 2009, or both fiscal years, should be forwarded to the following addresses: Medicare Geographic Classification Review Board, 2520 Lord Baltimore Drive, Suite L, Baltimore, MD 21244–2670; and a copy to Division of Acute Care, C4–08–06, 7500 Security Boulevard, Baltimore, MD 21244, Attn: Marianne Myers.

All requests must be received within 30 days of this posting of CMS final wage data and final reclassification decisions on the CMS Web site or by October 30, 2006.

*C. Final FY 2007 Prospective Payment Systems Payment Rates for Hospital Operating and Capital Related Costs*

As discussed in the FY 2007 IPPS final rule, due to the unusual circumstances imposed by the order of the Court of Appeals for the Second Circuit in the decision in *Bellevue Hospital Center* v. *Leavitt,* we did not publish the final FY 2007 budget neutrality factors, standardized amounts, fixed-loss cost threshold, outlier offset factor, DRG weights, or wage indices in the FY 2007 IPPS final rule. Because the occupational mix adjustment affects the calculation of the outlier threshold as well as the outlier offset and budget neutrality factors that are applied to the standardized amounts, we were only able to provide tentative figures in that final rule. As discussed above in this notice, we are publishing final occupation mix-adjusted wage indices. Accordingly, in this section of this notice, we are discussing the final FY 2007 prospective payment rates for Medicare hospital inpatient operating costs and Medicare hospital inpatient capital-related costs. We calculated these final rates using the methodology we adopted in the FY 2007 IPPS final rule.

We note that, because hospitals excluded from the IPPS are paid on a cost basis (and not by the IPPS), these hospitals were not affected by the tentative figures for standardized amounts, offsets, and budget neutrality factors. Therefore, the rate-of-increase percentages for updating the target amounts for hospitals and hospital units excluded from the IPPS that are effective October 1, 2006 were finalized in the FY 2007 IPPS final rule (71 FR 48164) and are not included in this notice.

1. Final FY 2007 Prospective Payment Rates for Hospital Inpatient Operating Costs

a. *Final FY 2007 Standardized Amount.* We calculated the final FY 2007 standardized amounts using the methodology we adopted in the FY 2007 IPPS final rule. For a complete description of this methodology, please see the FY 2007 IPPS final rule (71 FR 48145 through 48155). Tables 1A and 1B in the Addendum to this notice contain the final national standardized amount that we are applying to all hospitals, except hospitals in Puerto Rico. The final Puerto Rico-specific amounts are shown in Table 1C. The final amounts shown in Tables 1A and 1B differ only in that the labor-related share applied to the final standardized amounts in Table 1A is 69.7 percent, and the labor-related share applied to the final standardized amounts in Table 1B is 62 percent. (The labor-related share is 62 percent for all hospitals (other than those in Puerto Rico) whose wage indices are less than or equal to 1.0000.)

In addition, Tables 1A and 1B include final standardized amounts reflecting the full 3.4 percent update for FY 2007, and final standardized amounts reflecting the 2.0 percentage point reduction to the update (a 1.4 percent update) applicable for hospitals that fail to submit quality data consistent with section 1886(b)(3)(B)(viii) of the Act.

In the FY 2007 IPPS final rule, we did not supply a table that illustrated the changes from the FY 2006 national average standardized amount because we were only setting the standardized amounts tentatively, but we stated that we would provide the table in the subsequent **Federal Register** notice. Therefore, in this notice, we include below a table that details the calculation of the final standardized amounts.

COMPARISON OF FY 2006 STANDARDIZED AMOUNTS TO FINAL FY 2007 SINGLE STANDARDIZED AMOUNT WITH FULL UPDATE AND REDUCED UPDATE

| | Full update (3.4 percent) | Reduced update (1.4 percent) |
|---|---|---|
| FY 2006 Base Rate, after removing reclassification budget neutrality, demonstration budget neutrality, wage index transition budget neutrality factors and outlier offset (based on the proposed labor and nonlabor market share percentage for FY 2007). | Labor: $3,505.76 ..... Nonlabor: $1,524.03 ... | Labor: $3,505.76. Nonlabor: $1,524.03. |
| Final FY 2007 Update Factor ..... | 1.034. ..... | 1.014. |

COMPARISON OF FY 2006 STANDARDIZED AMOUNTS TO FINAL FY 2007 SINGLE STANDARDIZED AMOUNT WITH FULL UPDATE AND REDUCED UPDATE—Continued

| | Full update (3.4 percent) | Reduced update (1.4 percent) |
|---|---|---|
| Final FY 2007 DRG Recalibrations and Wage Index Budget Neutrality Factor | 0.995662. | 0.995662. |
| Final FY 2007 Reclassification Budget Neutrality Factor | 0.992355. | 0.992355. |
| Adjusted for Blend of FY 2006 DRG Recalibration and Wage Index Budget Neutrality Factors | Labor: $3,581.64<br>Nonlabor: $1,557.01 | Labor: $3,512.37.<br>Nonlabor: $1,526.90. |
| Final FY 2007 Outlier Factor | 0.948968. | 0.948968. |
| Final FY 2007 Labor Market Wage Index Transition Budget Neutrality Factor | 0.999700. | 0.999700. |
| Final Rural Demonstration Budget Neutrality Factor | 0.999905. | 0.999905. |
| Final Rate for FY 2007 (after multiplying FY 2006 base rate by above factors) where the wage index is less than or equal to 1.0000. | Labor: $3,022.18<br>Nonlabor: $1,852.31 | Labor: $2,963.73.<br>Nonlabor: $1,816.48. |
| Final Rate for FY 2007 (after multiplying FY 2006 base rate by above factors) where the wage index is greater than 1.0000. | Labor: $3,397.52<br>Nonlabor: $1,476.97 | Labor: $3,331.80.<br>Nonlabor: $1,448.40. |

The final labor-related and nonlabor-related portions of the national average standardized amounts for Puerto Rico hospitals for FY 2007 are set forth in Table 1C in the Addendum to this notice. (The labor-related share applied to the Puerto Rico-specific standardized amount is 58.7 percent, or 62 percent, depending on which is more advantageous to the hospital.

b. *Final Adjustments for Area Wage Levels.* The final occupational mix adjusted wage indices by geographic area are listed in Tables 4A–1, 4A–2, 4B, 4C–1, 4C–2, and 4F in the Addendum to this notice. (These tables are also available on the CMS Web site.)

c. *FY 2007 Final Outlier Fixed-Loss Cost Threshold.* Using the methodology we adopted in the FY 2007 IPPS final rule, we are establishing a final outlier fixed-loss cost threshold for FY 2007 equal to the prospective payment rate for the DRG, plus any IME and DSH payments, and any add-on payments for new technology, plus $24,485.

d. *DRG Weights.* Because we rely on the wage index data as one of the standardizing factors that we use in calculating both the charge-based and the cost-based relative weights that we are blending to set the FY 2007 transitional relative weights, we have recalculated the FY 2007 relative weights. We list the final DRG weights in Table 5 of the Addendum to this notice.

2. Final FY 2007 Prospective Payment Rates for Acute Care Hospital Inpatient Capital-Related Costs

We have calculated the final FY 2007 capital Federal rates, offsets, and budget neutrality factors using the methodology we adopted in the FY 2007 IPPS final rule. For a complete description of this methodology, please see the FY 2007 IPPS final rule (71 FR 48155 through 48156).

a. *Inpatient Hospital Capital-Related Prospective Payment Rate Update.* The factors used in the update framework are not affected by the occupational mix information used to adjust the wage index. Therefore, the update factor for FY 2007 was not revised from the capital PPS standard Federal rate update factor published in the FY 2007 IPPS final rule and remains at 1.10 percent for FY 2007. A full discussion of the update framework is provided in the FY 2007 IPPS final rule (71 FR 48156 through 48158).

b. *Outlier Payment Adjustment Factor.* Based on the final thresholds as set forth in section II.C. of this notice, we estimate that final outlier payments for capital-related costs will equal 4.32 percent for inpatient capital-related payments based on the final Federal rate in FY 2007. Therefore, we are applying a final outlier adjustment factor of 0.9568 to the final capital Federal rate. Thus, we estimate that the percentage of capital outlier payments to total capital standard payments for FY 2007 will be slightly lower than the percentages for FY 2006.

The outlier thresholds for FY 2007 are in section II.C.1. of this notice. For FY 2007, a case qualifies as a cost outlier if the cost for the case plus the IME and DSH payments are greater than the prospective payment rate for the DRG plus $24,485.

c. *Budget Neutrality Adjustment Factor for Changes in DRG Classifications and Weights and the GAF.* Using the methodology discussed in the FY 2007 IPPS final rule (71 FR 48158 through 48161), for FY 2007, we are establishing a final GAF/DRG budget neutrality factor of 0.9986. The GAF/DRG budget neutrality factors are built permanently into the capital rates; that is, they are applied cumulatively in determining the capital Federal rate. This follows from the requirement that estimated aggregate payments each year be no more or less than they would have been in the absence of the annual DRG reclassification and recalibration and changes in the GAF. The final incremental change in the adjustment from FY 2006 to FY 2007 is 0.9986. The final cumulative change in the capital Federal rate due to this adjustment is 0.9906 (the product of the incremental factors for FYs 1993 though 2006 and the final incremental factor of 0.9986 for FY 2007). (We note that averages of the incremental factors that were in effect during FYs 2005 and 2006, respectively, were used in the calculation of the final cumulative adjustment of 0.9986 for FY 2007.)

This factor accounts for DRG reclassifications and recalibration and for changes in the GAF as well as the revised wage index as adjusted by occupational mix data. It also incorporates the effects on the final GAF of FY 2007 geographic reclassification decisions made by the MGCRB compared to FY 2006 decisions. However, it does not account for changes in payments due to changes in the DSH and IME adjustment factors or in the large urban add-on.

d. *Exceptions Payment Adjustment Factor.* The adjustments made to the wage index as a result of the application of occupational mix data had no effect on capital exceptions payments. Therefore, the special exceptions adjustment factor remains at 0.9997 as discussed in section III.A.4. of FY 2007 IPPS final rule (71 FR 48161). We also explained that the adjustments for regular exception payments are no longer necessary as they were only applicable during the capital transition period (cost reporting periods beginning on or after October 1, 1991 and before October 1, 2001).

e. *Capital Standard Federal Rate for FY 2007.* We are providing a chart that shows how each of the factors and adjustments for FY 2007 affected the computation of the final FY 2007 capital Federal rate in comparison to the FY

2006 capital Federal rate. The FY 2007 update factor has the effect of increasing the final capital Federal rate by 1.1 percent compared to the average FY 2006 Federal rate. The final GAF/DRG budget neutrality factor has the effect of decreasing the final capital Federal rate by 0.14 percent. The final FY 2007 outlier adjustment factor has the effect of increasing the final capital Federal rate by 0.56 percent compared to the average FY 2006 capital Federal rate. The FY 2007 exceptions payment adjustment factor remains unchanged from the FY 2006 exceptions payment adjustment factor, and therefore, has a 0.0 percent net effect on the final FY 2007 capital Federal rate. The combined effect of all the changes is to increase the capital Federal rate by 1.52 percent compared to the average FY 2006 capital Federal rate.

COMPARISON OF FACTORS AND ADJUSTMENTS: FY 2006 CAPITAL FEDERAL RATE AND FY 2007 CAPITAL FEDERAL RATE

| | FY 2006 | FY 2007 | Change | Percent change |
|---|---|---|---|---|
| Update Factor [1] | 1.0080 | 1.0110 | 1.0110 | 1.10 |
| GAF/DRG Adjustment Factor [1] | 1.0008 | [3] 0.9986 | 0.9986 | −0.14 |
| Outlier Adjustment Factor [2] | 0.9515 | [3] 0.9568 | 1.0056 | 0.56 |
| Exceptions Adjustment Factor [2] | 0.9997 | 0.9997 | 0.0000 | 0.00 |
| Capital Federal Rate | $420.65 | [3] $427. 03 | 1.0152 | 1.52 |

[1] The update factor and the GAF/DRG budget neutrality factors are built permanently into the capital rates. Thus, for example, the incremental change from FY 2006 to FY 2007 resulting from the application of the final GAF/DRG budget neutrality factor for FY 2007 is 0.9986.
[2] The outlier reduction factor and the exceptions adjustment factor are not built permanently into the capital rates; that is, these factors are not applied cumulatively in determining the capital rates. Thus, for example, the net change resulting from the application of the final FY 2007 outlier adjustment factor would be 0.9568/0.9515, or 1.0056.
[3] Final factors for FY 2007, as discussed in section II.E. of this notice.

We provided a chart in the FY 2007 IPPS final rule (71 FR 48162) that compared the tentative FY 2007 capital Federal rate to the proposed FY 2007 capital Federal rate (71 FR 24158 through 24159). We are now providing a chart that shows how the final FY 2007 capital Federal rate differs from the tentative FY 2007 capital Federal rate as presented in the FY 2007 IPPS final rule.

COMPARISON OF FACTORS AND ADJUSTMENTS: FY 2007 TENTATIVE CAPITAL FEDERAL RATE AND FY 2007 FINAL CAPITAL FEDERAL RATE

| | Tentative FY 2007 [1] | Final FY 2007 [2] | Change | Percent change |
|---|---|---|---|---|
| Update Factor [1] | 1.0110 | 1.0110 | 0 | 0 |
| GAF/DRG Adjustment Factor [1] | 0.9994 | 0.9986 | 0.0008 | −0.08 |
| Outlier Adjustment Factor [2] | 0.9568 | 0.9568 | 0 | 0 |
| Exceptions Adjustment Factor [2] | 0.9997 | 0.9997 | 0.0000 | 0.00 |
| Capital Federal Rate | $427.38 | $427.03 | 0.0008 | 0.08 |

[1] As published in the FY 2007 IPPS final rule without the application of occupational mix data to the wage index.
[2] Final capital inpatient factors and rates after occupational mix adjustment to wage index in accordance with the order of the Second Circuit Court.

As a final comparison, we are providing a chart that shows how the final FY 2007 capital Federal rate differs from the proposed FY 2007 capital Federal rate presented in the FY 2007 IPPS proposed rule (71 FR 24158 through 24159).

COMPARISON OF FACTORS AND ADJUSTMENTS: PROPOSED FY 2007 CAPITAL FEDERAL RATE AND FINAL FY 2007 CAPITAL FEDERAL RATE

| | Proposed FY 2007 | Final FY 2007 | Change | Percent change |
|---|---|---|---|---|
| Update Factor | 1.0080 | 1.0110 | 1.0030 | 0.30 |
| GAF/DRG Adjustment Factor | 1.0012 | * 0.9986 | 0.9974 | −0.26 |
| Outlier Adjustment Factor | 0.9513 | * 0.9568 | 1.0058 | 0.58 |
| Exceptions Adjustment Factor | 0.9997 | 0.9997 | 0.0000 | 0.00 |
| Capital Federal Rate | $424.42 | * $427.03 | 1.0061 | 0.61 |

* Final factors for FY 2007, as discussed in section II.C.2 of this notice.

g. *Special Capital Rate for Puerto Rico Hospitals.* Using the methodology discussed in the FY 2007 IPPS final rule (71 FR 48104), the final FY 2007 special capital rate for Puerto Rico is $203.06. (See the FY 2007 IPPS final rule (71 FR 48163) for additional information on the calculation of FY 2007 capital PPS payments.)

*D. Final FY 2007 Inpatient Operating and Capital-Related Impacts*

1. Final FY 2007 Inpatient Operating Impacts (Quantitative Effects of the Final Occupational Mix Adjusted Wage Indices)

The impact analysis for policy changes under the IPPS for operating costs was included in the FY 2007 IPPS final rule. As stated in that impact section (71 FR 48332), we were unable to provide final occupational mix adjusted wage indices because of our obligation to collect new occupational mix survey data consistent with the order of the Court of Appeals in the Second Circuit. We were also unable to provide final relative weights, budget neutrality calculations, the outlier threshold and outlier offsets to the standardized amounts because these figures are all dependent on final wage indices. However, we also indicated that when 100 percent occupational mix adjusted wage data were available, we would recalculate the impacts and provide them in a subsequent **Federal Register** notice prior to October 1, 2006. Now that the new occupational mix survey data are available and the final 100 percent occupational mix adjusted wage data have been prepared, we are providing the final impacts for FY 2007 including the effect of the occupational mix adjusted wage data. Since there are statutory budget neutrality requirements applied to changes in DRGs and recalibration, wage index and geographic reclassifications, our payment estimates for hospitals overall are consistent with our estimate from the FY 2007 IPPS final rule (71 FR 48331). That is, the revisions to these figures do not increase or decrease aggregate total IPPS payments relative to those we earlier calculated. We continue to estimate that the changes in the FY 2007 IPPS final rule, in conjunction with the final IPPS rates included in this notice, will result in an approximate $3.4 billion increase in operating and capital payments. (See the FY 2007 IPPS final rule (71 FR 48331) for a more detailed explanation of how we estimated this $3.4 billion increase).

a. *Analysis of Impact Table I.* Table I displays the results of our analysis of the payment changes for FY 2007 that are affected by use of the 100 percent occupational-mix adjusted wage data using occupational-mix survey data from January through March. These impacts update the tentative ones that were shown in the FY 2007 IPPS final rule. As explained in the FY 2007 IPPS final rule and this notice, the FY 2006 occupational-mix survey data were unavailable in time for the completion of the IPPS final rule that was made available to the public on August 1. In this notice, we are only displaying the columns that were affected by the change to the 100 percent occupational-mix adjusted wage data and therefore we are not reprinting the impacts to the quality data rate difference or the MDH changes from section 5003 of the Deficit Reduction Act that were published in the FY 2007 IPPS final rule. (See the FY 2007 IPPS final rule (71 FR 48333 through 48341) for a full discussion of the FY 2007 regulatory impact analysis.)

Table I categorizes hospitals by various geographic and special payment consideration groups to illustrate the varying impacts on different types of hospitals. The top row of the table shows the overall impact on the 3,595 hospitals included in the analysis. The next four rows of Table I contain hospitals categorized according to their geographic location: all urban, which is further divided into large urban and other urban; and rural. There are 2,590 hospitals located in urban areas included in our analysis. Among these, there are 1,441 hospitals located in large urban areas (populations over 1 million), and 1,149 hospitals in other urban areas (populations of 1 million or fewer). In addition, there are 1,005 hospitals in rural areas. The next two groupings are by bed-size categories, shown separately for urban and rural hospitals. The final groupings by geographic location are by census divisions, also shown separately for urban and rural hospitals.

The second part of Table I shows hospital groups based on hospitals' FY 2007 payment classifications, including any reclassifications under section 1886(d)(10) of the Act. For example, the rows labeled urban, large urban, other urban, and rural show that the number of hospitals paid based on these categorizations after consideration of geographic reclassifications (including reclassifications under sections 1886(d)(8)(B) and 1886(d)(8)(E) of the Act, which have implications for capital payments) are 2,607, 1,448, 1,159, and 988, respectively.

The next three groupings examine the impacts of the changes on hospitals grouped by whether or not they have GME residency programs (teaching hospitals that receive an IME adjustment) or receive DSH payments, or some combination of these two adjustments. There are 2,511 non-teaching hospitals in our analysis, 843 teaching hospitals with fewer than 100 residents, and 241 teaching hospitals with 100 or more residents.

In the DSH categories, hospitals are grouped according to their DSH payment status, and whether they are considered urban or rural for DSH purposes. The next category groups hospitals considered urban after geographic reclassification, in terms of whether they receive the IME adjustment, the DSH adjustment, both, or neither.

The next five rows examine the impacts of the changes on rural hospitals by special payment groups (sole community hospitals (SCHs), rural referral centers (RRCs), and Medicare dependent hospitals (MDHs)), as well as rural hospitals not receiving a special payment designation. There were 187 RRCs, 376 SCHs, 146 MDHs, 98 hospitals that are both SCHs and RRCs, and 8 hospitals that are both MDHs and RRCs.

The next two groupings are based on type of ownership and the hospital's Medicare utilization expressed as a percent of total patient days. These data are taken primarily from the FY 2004 Medicare cost reports, if available, (otherwise FY 2003 data are used).

The next series of groupings concern the geographic reclassification status of hospitals. The first grouping displays all urban hospitals that were reclassified by the MGCRB for FY 2007. The next grouping shows the MGCRB rural reclassifications. The final three rows in Table I contain hospitals located in urban counties, but deemed to be rural under section 1886(d)(8)(E) of the Act, hospitals located in rural counties but deemed to be urban under section 1886(d)(8)(B) of the Act, and hospitals currently reclassified under section 508 of Pub. L. 108–173, which expires on March 31, 2007.

TABLE I.—IMPACT ANALYSIS OF CHANGES FOR FY 2007

| | Number of hospitals [1] (1) | FY 2007 Transitional ⅓ Cost ⅔ charge weights & DRG changes [2] (2) | FY 2007 wage data [3] (3) | FY 2007 DRG, Rel. Wts. and Wage index changes [4] (4) | FY 2007 wage index transition for hospitals moving from urban to rural [5] (5) | FY 2007 MGCRB reclassifications [6] (6) | FY 2007 out-migration adjustment [7] (7) | All FY 2007 changes [8] (8) |
|---|---|---|---|---|---|---|---|---|
| All Hospitals | 3,595 | 0.3 | 0.2 | 0.0 | 0.0 | 0.0 | 0.1 | 3.5 |
| By Geographic Location: | | | | | | | | |
| Urban hospitals | 2,590 | 0.2 | 0.1 | 0.0 | 0.0 | −0.3 | 0.1 | 3.4 |
| Large urban areas (populations over 1 million) | 1,441 | 0.4 | 0.0 | −0.1 | 0.0 | −0.4 | 0.0 | 3.5 |
| Other urban areas (populations of 1 million or fewer) | 1,149 | 0.1 | 0.3 | 0.0 | 0.0 | −0.1 | 0.2 | 3.4 |
| Rural hospitals | 1,005 | 0.3 | 0.3 | 0.4 | 0.3 | 2.1 | 0.1 | 3.9 |
| Bed Size (Urban): | | | | | | | | |
| 0–99 beds | 651 | 0.4 | 0.1 | 0.0 | 0.0 | −0.5 | 0.1 | 3.5 |
| 100–199 beds | 867 | 0.6 | 0.2 | 0.3 | 0.0 | −0.1 | 0.1 | 3.8 |
| 200–299 beds | 492 | 0.3 | 0.1 | 0.0 | 0.0 | −0.3 | 0.1 | 3.6 |
| 300–499 beds | 413 | 0.1 | 0.2 | −0.2 | 0.0 | −0.3 | 0.1 | 3.3 |
| 500 or more beds | 167 | 0.0 | 0.1 | −0.3 | 0.0 | −0.3 | 0.0 | 3.2 |
| Bed Size (Rural): | | | | | | | | |
| 0–49 beds | 348 | 0.5 | 0.2 | 0.6 | 0.1 | 0.8 | 0.2 | 4.7 |
| 50–99 beds | 370 | 0.5 | 0.2 | 0.4 | 0.2 | 1.1 | 0.2 | 4.9 |
| 100–149 beds | 174 | 0.4 | 0.4 | 0.5 | 0.5 | 2.5 | 0.1 | 3.6 |
| 150–199 beds | 68 | 0.3 | 0.4 | 0.3 | 0.4 | 3.4 | 0.1 | 3.3 |
| 200 or more beds | 45 | 0.0 | 0.3 | −0.1 | 0.0 | 3.1 | 0.0 | 3.0 |
| Urban by Region: | | | | | | | | |
| New England | 128 | 0.4 | 1.1 | 1.0 | 0.0 | 0.3 | 0.1 | 3.5 |
| Middle Atlantic | 357 | 0.5 | 0.6 | 0.7 | 0.0 | −0.1 | 0.2 | 3.9 |
| South Atlantic | 388 | 0.1 | −0.2 | −0.5 | 0.0 | −0.4 | 0.0 | 3.2 |
| East North Central | 395 | 0.2 | 0.3 | 0.1 | 0.0 | −0.3 | 0.0 | 3.4 |
| East South Central | 165 | −0.1 | −0.6 | −1.0 | 0.0 | −0.4 | 0.1 | 2.7 |
| West North Central | 157 | 0.0 | −0.4 | −0.8 | 0.0 | −0.6 | 0.0 | 2.8 |
| West South Central | 374 | 0.2 | −0.1 | −0.3 | 0.0 | −0.5 | 0.0 | 3.4 |
| Mountain | 149 | 0.2 | 0.2 | 0.0 | 0.0 | −0.2 | 0.0 | 3.7 |
| Pacific | 424 | 0.4 | 0.1 | 0.1 | 0.0 | −0.3 | 0.1 | 3.7 |
| Puerto Rico | 53 | 0.3 | −1.4 | −1.5 | 0.0 | −0.6 | 0.0 | 2.0 |
| Rural by Region: | | | | | | | | |
| New England | 19 | 0.5 | −0.2 | 0.1 | 0.0 | 2.0 | 0.1 | 6.0 |
| Middle Atlantic | 72 | 0.5 | 0.2 | 0.5 | 0.1 | 2.3 | 0.0 | 5.2 |
| South Atlantic | 176 | 0.4 | 0.4 | 0.5 | 0.2 | 2.2 | 0.2 | 3.8 |
| East North Central | 125 | 0.2 | −0.2 | −0.1 | 0.1 | 1.6 | 0.0 | 3.8 |
| East South Central | 180 | 0.3 | 0.6 | 0.5 | 0.2 | 2.5 | 0.1 | 3.5 |
| West North Central | 116 | 0.2 | 0.2 | 0.2 | 0.0 | 2.0 | 0.1 | 4.3 |
| West South Central | 193 | 0.4 | 0.9 | 0.9 | 0.5 | 2.8 | 0.2 | 4.1 |
| Mountain | 81 | 0.3 | −0.2 | −0.1 | 2.1 | 0.8 | 0.1 | 2.7 |
| Pacific | 43 | 0.3 | −0.3 | −0.2 | 0.0 | 1.8 | 0.1 | 3.2 |
| By Payment Classification: | | | | | | | | |
| Urban hospitals | 2,607 | 0.2 | 0.1 | 0.0 | 0.0 | −0.3 | 0.1 | 3.4 |
| Large urban areas (populations over 1 million) | 1,448 | 0.4 | 0.0 | −0.1 | 0.0 | −0.4 | 0.0 | 3.5 |
| Other urban areas (populations of 1 million or fewer) | 1,159 | 0.1 | 0.3 | 0.0 | 0.0 | −0.1 | 0.2 | 3.4 |
| Rural areas | 988 | 0.3 | 0.3 | 0.4 | 0.3 | 2.0 | 0.1 | 4.0 |
| Teaching Status: | | | | | | | | |
| Nonteaching | 2,511 | 0.4 | 0.1 | 0.1 | 0.0 | 0.2 | 0.1 | 3.8 |
| Fewer than 100 residents | 843 | 0.2 | 0.1 | −0.1 | 0.0 | −0.2 | 0.1 | 3.4 |
| 100 or more residents | 241 | 0.1 | 0.3 | −0.1 | 0.0 | −0.3 | 0.0 | 3.1 |
| Urban DSH: | | | | | | | | |
| Non−DSH | 906 | 0.2 | 0.1 | −0.1 | 0.0 | −0.1 | 0.1 | 3.6 |
| 100 or more beds | 1,520 | 0.2 | 0.1 | 0.0 | 0.0 | −0.3 | 0.1 | 3.4 |
| Less than 100 beds | 346 | 0.6 | 0.0 | 0.2 | 0.0 | −0.3 | 0.1 | 3.6 |
| Rural DSH: | | | | | | | | |
| SCH | 386 | 0.3 | 0.2 | 0.4 | 0.2 | 0.6 | 0.1 | 4.6 |

TABLE I.—IMPACT ANALYSIS OF CHANGES FOR FY 2007—Continued

| | Number of hospitals [1] (1) | FY 2007 Transitional ⅓ Cost ⅔ charge weights & DRG changes [2] (2) | FY 2007 wage data [3] (3) | FY 2007 DRG, Rel. Wts. and Wage index changes [4] (4) | FY 2007 wage index transition for hospitals moving from urban to rural [5] (5) | FY 2007 MGCRB reclassifications [6] (6) | FY 2007 out-migration adjustment [7] (7) | All FY 2007 changes [8] (8) |
|---|---|---|---|---|---|---|---|---|
| RRC | 199 | 0.2 | 0.4 | 0.3 | 0.2 | 3.4 | 0.0 | 3.5 |
| Other Rural: | | | | | | | | |
| 100 or more beds | 55 | 0.6 | 0.7 | 0.9 | 0.9 | 0.7 | 0.2 | 3.5 |
| Less than 100 beds | 183 | 0.6 | 0.5 | 0.7 | 0.4 | 0.9 | 0.4 | 3.8 |
| Urban teaching and DSH: | | | | | | | | |
| Both teaching and DSH | 815 | 0.2 | 0.1 | −0.1 | 0.0 | −0.3 | 0.0 | 3.3 |
| Teaching and no DSH | 201 | 0.1 | 0.3 | 0.0 | 0.0 | −0.1 | 0.2 | 3.3 |
| No teaching and DSH | 1,051 | 0.5 | 0.1 | 0.1 | 0.0 | −0.1 | 0.1 | 3.7 |
| No teaching and no DSH | 540 | 0.3 | 0.0 | −0.2 | 0.0 | −0.3 | 0.0 | 3.5 |
| Special Hospital Types: | | | | | | | | |
| RRC | 187 | 0.2 | 0.5 | 0.3 | 0.2 | 3.1 | 0.1 | 3.5 |
| SCH | 376 | 0.3 | 0.1 | 0.3 | 0.2 | 0.4 | 0.1 | 3.6 |
| MDH | 146 | 0.5 | 0.2 | 0.5 | 0.0 | 0.7 | 0.1 | 9.0 |
| SCH and RRC | 98 | 0.1 | −0.1 | −0.1 | 0.0 | 1.9 | 0.0 | 3.1 |
| MDH and RRC | 8 | 0.3 | −0.1 | 0.3 | 0.0 | 1.0 | 0.0 | 14.0 |
| Type of Ownership: | | | | | | | | |
| Voluntary | 2,102 | 0.2 | 0.2 | 0.1 | 0.0 | 0.0 | 0.1 | 3.5 |
| Proprietary | 880 | 0.4 | −0.1 | −0.2 | 0.1 | −0.1 | 0.0 | 3.5 |
| Government | 603 | 0.3 | 0.0 | −0.2 | 0.0 | 0.1 | 0.1 | 3.4 |
| Unknown | 10 | 2.2 | 0.1 | 1.7 | 0.0 | −0.3 | 0.2 | 7.6 |
| Medicare Utilization as a Percent of Inpatient Days: | | | | | | | | |
| 0–25 | 243 | 0.6 | −0.1 | 0.1 | 0.0 | −0.3 | 0.0 | 3.6 |
| 25–50 | 1,328 | 0.2 | 0.0 | −0.2 | 0.0 | −0.4 | 0.0 | 3.3 |
| 50–65 | 1,478 | 0.3 | 0.3 | 0.2 | 0.0 | 0.4 | 0.1 | 3.7 |
| Over 65 | 462 | 0.2 | 0.3 | 0.1 | 0.0 | 0.5 | 0.1 | 3.8 |
| Unknown | 84 | 1.0 | −0.4 | 0.1 | 0.0 | −0.5 | 0.1 | 4.4 |
| Urban Hospitals Reclassified by the Medicare Geographic Classification Review Board: First Half FY 2007 Reclassifications | 281 | 0.3 | 0.3 | 0.1 | 0.0 | 2.4 | 0.0 | 3.7 |
| Urban Nonreclassified, First Half FY 2007: | 2,284 | 0.2 | 0.1 | −0.1 | 0.0 | −0.6 | 0.1 | 3.4 |
| All Urban Hospitals Reclassified Second Half FY 2007: | 341 | 0.3 | 0.4 | 0.2 | 0.0 | 1.8 | 0.0 | 3.5 |
| Urban Nonreclassified Hospitals Second Half FY 2007: | 2,224 | 0.2 | 0.1 | −0.1 | 0.0 | −0.6 | 0.1 | 3.4 |
| All Rural Hospitals Reclassified Full Year FY 2007: | 369 | 0.2 | 0.3 | 0.2 | 0.1 | 3.6 | 0.0 | 3.6 |
| Rural Nonreclassified Hospitals Full Year FY 2007: | 578 | 0.5 | 0.3 | 0.5 | 0.6 | −0.3 | 0.3 | 4.4 |
| All Section 401 Reclassified Hospitals: | 30 | 0.2 | 0.8 | 0.8 | 0.0 | −0.1 | 0.0 | 5.4 |
| Other Reclassified Hospitals (Section 1886(d)(8)(B)) | 57 | 0.6 | 0.3 | 0.6 | 0.0 | 3.6 | 0.0 | 4.4 |
| Section 508 Hospitals | 108 | 0.2 | 0.6 | 0.4 | 0.0 | −0.2 | 0.0 | 1.9 |
| Specialty Hospitals | | | | | | | | |
| Cardiac Specialty Hospitals | 21 | −2.0 | 0.0 | −2.4 | 0.0 | −0.6 | 0.0 | 1.2 |

[1] Because data necessary to classify some hospitals by category were missing, the total number of hospitals in each category may not equal the national total. Discharge data are from FY 2005, and hospital cost report data are from reporting periods beginning in FY 2004 and FY 2003.

[2] This column displays the final payment impact of the changes to the V24 GROUPER and the recalibration of the DRG cost weights based on FY 2005 MedPAR data in accordance with section 1886(d)(4)(C)(iii) of the Act.

[3] This column displays the final payment impact of updating the wage index data with the 100 percent occupational mix adjustment applied to the FY 2003 cost report data.

[4] This column displays the final payment impact of the 0.995662 budget neutrality factor for DRG and wage index changes (with a 100 percent occupational mix adjustment applied to the wage index) data in accordance with section 1886(d)(4)(C)(iii) of the Act and section 1886(d)(3)(E) of the Act.

[5] Shown here are the final effects of providing rural hospitals formerly located in urban areas with urban wage index values in FY 2007. The effects reflected here are budget neutral: this column therefore includes the effect of the 0.999700 adjustment that we have applied to the rates to ensure budget neutrality.

[6] Shown here are the final effects of geographic reclassifications by the Medicare Geographic Classification Review Board (MGCRB) and CMS decisions made on behalf of the hospital for FY 2007. The effects demonstrate the FY 2007 payment impact of going from no reclassifications to the reclassifications scheduled to be in effect for FY 2007. Reclassification for prior years has no bearing on the payment impacts shown here. This column reflects the geographic budget neutrality factor of 0.992355.

[7] This column displays the final impact of the FY 2007 implementation of section 505 of Pub. L. 108–173, which provides for an increase in a hospital's wage index if the hospital qualifies by meeting a threshold percentage of residents of the county where the hospital is located who commute to work at hospitals in counties with higher wage indices.

[8] This column shows final changes in payments from FY 2006 to FY 2007. It incorporates all of the changes displayed in Columns 2, 3, 4,5, and 6 (the changes displayed in Columns 2 and 3 are included in Column 4), as well as those displayed in columns 2 and 3 (related to the quality data differential in the IPPS update and implementation of the MDH DRA provisions) of the FY 2007 IPPS final rule. It also reflects the impact of the FY 2007 update, changes in hospitals' reclassification status in FY 2007 compared to FY 2006, and the changes in payments as a result of continuing the reclassifications under section 508 of Pub. L. 108–173. The product of these impacts may be different from the percentage changes shown here due to rounding and interactive effects.

(1) *Effects of the Changes to the DRG Reclassifications and Relative Cost-Based Weights (Column 2).* In Column 2 of Table I, we present the combined effects of the DRG reclassifications and recalibration, as discussed in section II. of the preamble to the FY 2007 IPPS final rule (71 FR 47879 through 47979). Section 1886(d)(4)(C)(i) of the Act requires us annually to make appropriate classification changes in order to reflect changes in treatment patterns, technology, and any other factors that may change the relative use of hospital resources.

As discussed in the preamble of the FY 2007 IPPS final rule (71 FR 47882 through 47898), we are changing the relative weight calculation methodology from a charge-based to a cost-based method. Further, we are implementing the new methodology under a 3-year transition such that weights in FY 2007 are ⅓ cost-based and ⅔ charge-based. As part of the methodology for determining cost weights, we standardize hospital charges by the wage index to remove the effect of area wage differences. Since the wage index data has been updated to reflect a 100 percent occupational mix adjustment based on the latest survey data available, we recalculated the relative weights for the FY 2007 by standardizing charges using the 100 percent occupational mix adjusted wage indices. The use of occupational mix adjusted wage indices to standardize hospital charges resulted in very small changes to the DRG relative weights. No DRG weight changed by greater or less than 1 percent from those shown in Table 5 of the FY 2007 IPPS final rule. The revised and final FY 2007 DRG relative weights are shown in Table 5 of the Addendum to this notice.

In column 2, we compare aggregate payments using the FY 2007 blended relative weights (GROUPER Version 24) to the FY 2006 DRG relative charge weights (GROUPER Version 23.0) so the percentages shown here illustrate the effect of changes to the DRGs and relative weights. The method of calculating the relative weights and the reclassification changes to the GROUPER are described in more detail in section II. of the preamble to the FY 2007 IPPS final rule. The impacts shown in this column are generally very consistent by hospital category with those shown in column 4 of Table I of the FY 2007 IPPS final rule (71 FR 48335). With the exception of using occupational mix adjusted wage indices to standardize hospital charges, the data and methodology that we modeled in this column are identical to the FY 2007 IPPS final rule. Therefore, any differences in the impacts shown in this column from column 6 of Table I of the FY 2007 IPPS final rule and column 4 of the table above are due to the use of occupational mix adjusted wage data. We note that this column reflects the impact of changes to the DRG classifications and relative weights only and is not budget neutral. Consistent with section 1886(d)(4)(C)(iii) of the Act, we apply a single budget neutrality factor to ensure that the combined overall payment impact of changes to the DRG classification, relative weights, and wage index is budget neutral. The budget neutrality factor for the combined changes to the DRGs, relative weights, and wage index are shown in the table above entitled, ''Comparison of FY 2006 Standardized Amounts to Final FY 2007 Single Standardized Amount with Full Update and Reduced Update.''

*(2) Effects of Wage Index Changes (Column 3).* Section 1886(d)(3)(E) of the Act requires that, beginning October 1, 1993, we annually update the wage data used to calculate the wage index. In accordance with this requirement, the wage index for FY 2007 is based on data submitted for hospital cost reporting periods beginning on or after October 1, 2002 and before October 1, 2003. In the IPPS FY 2007 IPPS final rule, due to the decision in *Bellevue Hosp. Center* v. *Leavitt,* in which the Court of Appeals for the Second Circuit ordered CMS to apply the occupational mix adjustment to 100 percent of the wage index effective for FY 2007 (see section III.C. of the FY 2007 IPPS final rule for more details of this Court decision (71 FR 48006)), we were unable to show the impact of the 100 percent occupational mix adjustment as the necessary data were unavailable in time for making the final IPPS rule available to the public on August 1. This column now shows the final estimated effect of updating the wage index with wage data from FY 2003 hospital cost reports and moving to a 100 percent occupational mix adjusted wage index using occupational mix survey data for January through March of this year.

The estimated impact on hospital payments of the new wage data with the 100 percent occupational mix adjustment applied using the new survey data is isolated in Column 3 by holding the other payment parameters constant. That is, Column 3 shows the percentage changes in payments when going from a model using the FY 2006 wage index, based on FY 2002 wage data and having a 10-percent occupational mix adjustment applied, to a model using the FY 2007 pre-reclassification wage index, based on FY 2003 wage data with a 100 percent occupational mix adjustment based on the latest occupational mix survey data. The wage data collected on the FY 2003 cost report are the same as the FY 2002 wage data that were used to calculate the FY 2006 wage index.

Hospitals located in urban New England are estimated to receive the greatest benefit from the new wage and occupational mix data. Payments to hospitals in urban New England are estimated to increase 1.1 percent while rural hospitals located in the West South Central region experience an increase of 0.9 percent from these data.

Puerto Rico hospitals see the least benefit from the change to the wage and occupational mix data with a 1.4 percent estimated decrease in payments.

The national average hourly wage increased 5.9 percent compared to FY 2006 from the new wage data. Therefore, the only manner in which to maintain or exceed the previous year's wage index was to match the national 5.9 increase in average hourly wage. Of the 3,491 hospitals with wage data for both FYs 2006 and 2007, 1,706, or 48.9 percent, also experienced an average hourly wage increase of 5.9 percent or more.

The following chart compares the shifts in wage index values for hospitals for FY 2007 relative to FY 2006. Among urban hospitals, 40 will experience an increase of between 5 percent and 10 percent and 15 will experience an increase of more than 10 percent. No rural hospitals will experience an increase greater than 5 percent, but 790 will experience increases between 0 and 5 percent. On the negative side, 79 urban hospitals will experience decreases in their wage index values of at least 5 percent, but less than 10 percent. Eight urban hospitals will experience decreases in their wage index values greater than 10 percent.

The following chart shows the projected impact for urban and rural hospitals:

| Percentage change in area wage index values | Number of hospitals | |
|---|---|---|
| | Urban | Rural |
| Increase more than 10 percent | 15 | 0 |
| Increase more than 5 percent and less than 10 percent | 40 | 0 |
| Increase or decrease less than 5 percent | 2,354 | 986 |
| Decrease more than 5 percent and less than 10 percent | 79 | 5 |
| Decrease more than 10 percent | 8 | 4 |

(3) *Combined Effects of DRG and Wage Index Changes, Including Budget Neutrality Adjustment (Column 4).* Section 1886(d)(4)(C)(iii) of the Act requires that changes to DRG reclassifications and the relative weights cannot increase or decrease aggregate payments. In addition, section 1886(d)(3)(E) of the Act specifies that any updates or adjustments to the wage index are to be budget neutral. As noted in the Addendum to this final rule, in determining the budget neutrality factor, we equated simulated aggregate payments for FY 2006 and FY 2007 using the FY 2005 Medicare utilization data after applying the changes to the DRG relative weights and the wage index.

We computed a wage and DRG recalibration budget neutrality factor of 0.995662. The 0.0 percent impact for all hospitals demonstrates that these changes, in combination with the budget neutrality factor, are budget neutral. In Table I, the combined overall impacts of the effects of both the DRG reclassifications and the updated wage index are shown in Column 4. The changes in this column are the sum of the changes in Columns 2 and 3, combined with the budget neutrality factor for the wage index, including the wage index floor for urban areas required by section 4410 of Pub. L. 105–33. There also may be some variation of plus or minus 0.1 percentage point due to rounding. As indicated above, the changes in the relative weights are generally consistent with those we showed in Table I of the FY 2007 IPPS final rule while the impacts due to the wage data may be somewhat different than those shown there because of the new occupational mix survey and a 100 percent adjustment to the wage index. Any changes between column 6 of Table I of the FY 2007 IPPS final rule and column 4 of Table I of this notice are due to use of a 100 percent adjustment for occupational mix and the new survey data.

(4) *Effects of the 3-Year Provision Allowing Urban Hospitals that Were Converted to Rural as a Result of the FY 2005 Labor Market Area Changes to Maintain the Wage Index of the Urban Labor Market Area in Which They Were Formerly Located (Column 5).* To help alleviate the decreased payments for urban hospitals that became rural under the new labor market area definitions, for purposes of the wage index, we adopted a policy in FY 2005 to allow them to maintain the wage index assignment of the MSA where they were located for the 3-year period FY 2005, FY 2006, and FY 2007. Column 5 shows the impact of the remaining labor market area transition, for those hospitals that were urban under the old labor market area designations and are now considered rural hospitals. Section 1886(d)(3)(E) of the Act specifies that any updates or adjustments to the wage index are to be budget neutral. Therefore, we applied a adjustment of 0.999700 to ensure that the effects of reclassification are budget neutral as indicated by the zero effect on payments to hospitals overall. The rural hospital row shows a 0.3 percent benefit from this provision as these hold-harmless hospitals are now classified as geographically rural.

(5) *Effects of MGCRB Reclassifications (Column 6).* Our impact analysis up to this point has assumed hospitals are paid on the basis of their actual geographic location (with the exception of ongoing policies that provide that certain hospitals receive payments on other bases than where they are geographically located, such as hospitals in rural counties that are deemed urban under section 1886(d)(8)(B) of the Act). The changes in Column 6 reflect the per case payment impact of moving from this baseline to a simulation incorporating the MGCRB decisions for FY 2007 which affect hospitals' wage index area assignments.

By February 28 of each year, the MGCRB makes reclassification determinations that will be effective for the next fiscal year, which begins on October 1. The MGCRB may approve a hospital's reclassification request for the purpose of using another area's wage index value. The FY 2007 wage index values incorporate all of the MGCRB's reclassification decisions for FY 2007 as well as any decisions made by the CMS Administrator through the appeals and review process.

For FY 2007, as stated in the FY 2006 IPPS final rule (70 FR 47382, August 12, 2005), we established procedural rules under section 1886(d)(10)(D)(v) of the Act to address specific circumstances where individual and group reclassifications involve a section 508 hospital. The rules were designed to recognize the special circumstances of section 508 hospital reclassifications ending midyear during FY 2007 and were intended to allow previously approved reclassifications to continue through March 31, 2007, and new section 1886(d)(10) reclassifications to begin April 1, 2007, upon the conclusion of the section 508 reclassifications. Under these procedural rules, some section 1886(d)(10) hospital reclassifications are only in effect for the second half of the fiscal year.

The first and second half fiscal year section 1886(d)(10) reclassifications permitted under these procedural rules have implications for the calculation of the reclassified wage indices and the reclassification budget neutrality factor. Section 1886(d)(8)(c) of the Act provides requirements for determining the wage index values for hospitals that were reclassified as a result of the MGCRB decisions under 1886(d)(10) of the Act. As provided in the statute, we are required to calculate a separate wage index for hospitals reclassified to an area if including the wage data for the reclassified hospitals would reduce the area wage index by more than 1 percent.

Because of the half-year reclassifications permitted under the procedural rules, in this final rule, we are issuing two separate wage indices for affected areas (one effective from October 1, 2006, through March 31, 2007 and a second reclassified wage index effective April 1, 2007, through September 30, 2007). The FY 2007 wage index values are calculated based on the wage data for hospitals reclassified to the area in the respective half of the fiscal year. The impact of this policy is modeled in Column 6 of Table I of this notice.

The overall effect of geographic reclassification is required by section 1886(d)(8)(D) of the Act to be budget neutral. In this final rule, we are calculating one budget neutrality adjustment that reflects the average of the adjustments required for first and second half fiscal year reclassifications, respectively. Therefore, we applied an adjustment of 0.992355 to ensure that the effects of the section 1886(d)(10) reclassifications are budget neutral. (See section II.A. of the Addendum to FY 2007 IPPS final rule (71 48146).) As noted in section II.B. of this notice, CMS applied reclassification decisions for FY 2007 on behalf of hospitals to give them the highest wage index. Hospitals have 30 days from the date of the posting of these data on the CMS Web site to revise the decision that CMS made on their behalf.

The impacts shown in Column 6 of Table 1 above reflect the CMS reclassification decisions on behalf of hospitals, which reflect the area that would give the hospital the highest wage index using a 100 percent occupational-mix adjustment and the most recent survey data. As a group, rural hospitals benefit most from reclassification. We estimate that their payments will rise 2.1 percent in FY 2007. Payments to urban hospitals will decline by 0.3 percent. Hospitals in other urban areas will experience an overall decrease in payments of 0.1 percent, while hospitals in large urban areas will lose 0.4 percent. Among urban hospital groups (that is, bed size, census division and IME/DSH status), payments generally would decline.

A positive impact is evident among all of the rural hospital groups. The smallest increase among rural census divisions is 0.8 percent for the Mountain region. The largest increases are in the rural West South Central and rural East South Central regions with 2.8 and 2.5 percent, respectively. Urban hospitals reclassified for FY 2007 are expected to receive an increase of 2.4 percent, while rural reclassified hospitals are expected to benefit from the MGCRB changes with a 3.6 percent increase in payments. Payments to urban and rural hospitals that did not reclassify are expected to decrease slightly due to the MGCRB changes, decreasing by 0.6 percent for urban hospitals and 0.3 percent for rural hospitals.

(6) *Effects of the Wage Index Adjustment for Out-Migration (Column 7).* Section 1886(d)(13) of the Act, as added by section 505 of Pub. L. 108–173, provides for an increase in the wage index for hospitals located in certain counties that have a relatively high percentage of hospital employees who reside in the county, but work in a different area with a higher wage index. Hospitals located in counties that qualify for the payment adjustment are to receive an increase in the wage index that is equal to a weighted average of the difference between the wage index of the resident county and the higher wage index work area(s), weighted by the overall percentage of workers who are employed in an area with a higher wage index.

Using our established criteria, 583 providers in 282 counties are eligible for this adjustment. Due to the statutory formula to calculate the adjustment and the small number of counties that qualify, the impact on hospitals is minimal, with an overall impact on all hospitals of 0.1 percent.

(7) *Effects of All Changes (Column 8).* Column 8 compares our estimate of payments per case between FY 2006 and FY 2007, incorporating all changes reflected in the FY 2007 IPPS final rule and in this notice (including statutory changes). This column reflects the impact of all FY 2007 changes relative to FY 2006, including the impact of the quality data changes and the MDH changes from section 5003 of the DRA (see 70 FR 48335) and the impacts shown in Columns 2 through 8 as well as other factors that are not applied until the final rates are calculated. The average increase for all hospitals is approximately 3.5 percent. This increase includes the effects of the 3.4 percent market basket update. It also reflects the 0.5 percentage point difference between the projected outlier payments in FY 2006 (5.1 percent of total DRG payments) and the current estimate of the percentage of actual outlier payments in FY 2006 (4.6 percent), as described in the introduction to this Appendix and the Addendum to this final rule. As a result, payments are projected to be 0.5 percentage points lower in FY 2006 than originally estimated, resulting in a 0.5 percentage point greater increase for FY 2007 than would otherwise occur. In addition, the impact of section 505 adjustments accounted for a 0.1 percent increase. Indirect medical education formula changes for teaching hospitals under section 502 of Pub. L. 108–173, changes in payments due to the difference between the FY 2006 and FY 2007 wage index values assigned to providers reclassified under section 508 of Pub. L. 108–173, and changes in the incremental increase in payments from section 505 of Pub. L. 108–173 out-migration adjustments account for the remaining −0.6 percent.

There might also be interactive effects among the various factors comprising the payment system that we are not able to isolate. For these reasons, the values in Column 8 may not equal the product of the percentage changes described above. We estimate that payments will increase across all hospitals in each category shown in column 8.

We estimate that the average payment per case will increase in FY 2007 by 3.5 percent across all hospitals, 3.4 percent for hospitals in urban areas, 3.5 percent for hospitals in large urban areas, 3.4 percent for hospitals in other urban areas and 3.9 percent for hospitals in rural areas.

Among urban census divisions, we estimate the largest payment increases would be 3.9 percent in the Mid Atlantic region and 3.7 percent in the Pacific and Mountain regions. We estimate that the smallest urban increase will be 2.0 percent in Puerto Rico.

Among rural areas, the New England and Middle Atlantic regions would benefit the most from changes in the FY 2007 IPPS final rule, with 6.0 and 5.2 percent increases, respectively. The smallest increase would occur in the Mountain region, with a 2.7 percent increase in payments.

Among special categories of rural hospitals in Column 8, MDH/RRC providers receive an increase in payments of 14.0 percent and MDH providers receive an increase of 9.0 percent, primarily due to the changes to MDH payments set forth in section 5003 of Pub. L. 109–171 (see 70 FR 48062).

Urban hospitals reclassified for the first half of FY 2007 are anticipated to receive an increase of 3.7 percent, while urban hospitals that reclassified for the second half of FY 2007 are expected to receive an increase of 3.5 percent. The same set of rural hospitals is reclassified for the first and second half of FY 2007. Rural hospitals reclassifying for the entire year of FY 2007 are anticipated to receive a 3.6 percent payment increase. Those hospitals located in rural counties, but deemed to be urban under section 1886(d)(8)(B) of the Act are expected to receive an increase in

payments of 4.4 percent. Hospitals that were reclassified under section 508 of Pub. L. 108–173, which is only effective through March 31, 2007, are expected to receive an increase of 1.9 percent. This lower estimated increase in payment than the average for all hospitals is due to the expiration of the higher section 508 wage indices in effect for 6 months of FY 2007.

b. *Analysis of Impact Table II.* Table II presents the projected impact of the changes for FY 2007 for urban and rural hospitals and for the different categories of hospitals shown in Table I. It compares the estimated payments per case for FY 2006 with the average estimated per case payments for FY 2007, as calculated under our models. Thus, this table presents, in terms of the average dollar amounts paid per discharge, the combined effects of the changes presented in Table I. The percentage changes shown in the last column of Table II equal the percentage changes in average payments from Column 8 of Table I.

TABLE II.—IMPACT ANALYSIS OF CHANGES FOR FY 2007 OPERATING PROSPECTIVE PAYMENT SYSTEM

[Payments per case]

| | Number of hospitals (1) | Average FY 2006 payment per case [1] (2) | Average FY 2007 payment per case [1] (3) | All FY 2007 changes (4) |
|---|---|---|---|---|
| All hospitals | 3,595 | 8,540 | 8,838 | 3.5 |
| By Geographic Location: | | | | |
| Urban hospitals | 2,590 | 8,951 | 9,258 | 3.4 |
| Large urban areas (populations over 1 million) | 1,441 | 9,368 | 9,692 | 3.5 |
| Other urban areas (populations of 1 million or fewer) | 1,149 | 8,446 | 8,731 | 3.4 |
| Rural hospitals | 1,005 | 6,228 | 6,474 | 3.9 |
| Bed Size (Urban): | | | | |
| 0–99 beds | 651 | 6,730 | 6,964 | 3.5 |
| 100–199 beds | 867 | 7,490 | 7,772 | 3.8 |
| 200–299 beds | 492 | 8,403 | 8,702 | 3.6 |
| 300–499 beds | 413 | 9,405 | 9,719 | 3.3 |
| 500 or more beds | 167 | 11,388 | 11,748 | 3.2 |
| Bed Size (Rural): | | | | |
| 0–49 beds | 348 | 5,222 | 5,466 | 4.7 |
| 50–99 beds | 370 | 5,622 | 5,897 | 4.9 |
| 100–149 beds | 174 | 6,199 | 6,425 | 3.6 |
| 150–199 beds | 68 | 6,933 | 7,163 | 3.3 |
| 200 or more beds | 45 | 7,898 | 8,134 | 3.0 |
| Urban by Region: | | | | |
| New England | 128 | 9,391 | 9,717 | 3.5 |
| Middle Atlantic | 357 | 9,833 | 10,217 | 3.9 |
| South Atlantic | 388 | 8,476 | 8,747 | 3.2 |
| East North Central | 395 | 8,561 | 8,854 | 3.4 |
| East South Central | 165 | 8,209 | 8,433 | 2.7 |
| West North Central | 157 | 8,689 | 8,929 | 2.8 |
| West South Central | 374 | 8,447 | 8,737 | 3.4 |
| Mountain | 149 | 8,812 | 9,140 | 3.7 |
| Pacific | 424 | 10,742 | 11,144 | 3.7 |
| Puerto Rico | 53 | 4,190 | 4,272 | 2.0 |
| Rural by Region: | | | | |
| New England | 19 | 8,137 | 8,627 | 6.0 |
| Middle Atlantic | 72 | 6,291 | 6,616 | 5.2 |
| South Atlantic | 176 | 6,033 | 6,264 | 3.8 |
| East North Central | 125 | 6,457 | 6,700 | 3.8 |
| East South Central | 180 | 5,973 | 6,181 | 3.5 |
| West North Central | 116 | 6,422 | 6,696 | 4.3 |
| West South Central | 193 | 5,669 | 5,902 | 4.1 |
| Mountain | 81 | 6,589 | 6,768 | 2.7 |
| Pacific | 43 | 7,608 | 7,850 | 3.2 |
| By Payment Classification: | | | | |
| Urban hospitals | 2,607 | 8,939 | 9,245 | 3.4 |
| Large urban areas (populations over 1 million) | 1,448 | 9,357 | 9,682 | 3.5 |
| Other urban areas (populations of 1 million or fewer) | 1,159 | 8,431 | 8,714 | 3.4 |
| Rural areas | 988 | 6,278 | 6,530 | 4.0 |
| Teaching Status: | | | | |
| Non-teaching | 2,511 | 7,124 | 7,393 | 3.8 |
| Fewer than 100 Residents | 843 | 8,640 | 8,932 | 3.4 |
| 100 or more Residents | 241 | 12,605 | 13,001 | 3.1 |
| Urban DSH: | | | | |
| Non-DSH | 906 | 7,725 | 8,001 | 3.6 |
| 100 or more beds | 1,520 | 9,424 | 9,746 | 3.4 |
| Less than 100 beds | 346 | 6,159 | 6,383 | 3.6 |
| Rural DSH: | | | | |
| SCH | 386 | 5,816 | 6,080 | 4.6 |
| RRC | 199 | 6,946 | 7,186 | 3.5 |

TABLE II.—IMPACT ANALYSIS OF CHANGES FOR FY 2007 OPERATING PROSPECTIVE PAYMENT SYSTEM—Continued

[Payments per case]

| | Number of hospitals (1) | Average FY 2006 payment per case [1] (2) | Average FY 2007 payment per case [1] (3) | All FY 2007 changes (4) |
|---|---|---|---|---|
| Other Rural: | | | | |
| 100 or more beds | 55 | 5,737 | 5,936 | 3.5 |
| Less than 100 beds | 183 | 5,104 | 5,301 | 3.8 |
| Urban teaching and DSH: | | | | |
| Both teaching and DSH | 815 | 10,367 | 10,707 | 3.3 |
| Teaching and no DSH | 201 | 8,601 | 8,889 | 3.3 |
| No teaching and DSH | 1,051 | 7,617 | 7,899 | 3.7 |
| No teaching and no DSH | 540 | 7,283 | 7,539 | 3.5 |
| Rural Hospital Types: | | | | |
| RRC | 187 | 7,277 | 7,529 | 3.5 |
| SCH | 376 | 6,216 | 6,439 | 3.6 |
| MDH | 146 | 5,190 | 5,657 | 9.0 |
| SCH and RRC | 98 | 7,408 | 7,637 | 3.1 |
| MDH and RRC | 8 | 6,439 | 7,341 | 14.0 |
| Unknown | ..... | ..... | ..... | ..... |
| Type of Ownership: | | | | |
| Voluntary | 2,102 | 8,680 | 8,984 | 3.5 |
| Proprietary | 880 | 7,714 | 7,984 | 3.5 |
| Government | 603 | 8,779 | 9,078 | 3.4 |
| Unknown | 10 | 13,196 | 14,194 | 7.6 |
| Medicare Utilization as a Percent of Inpatient Days: | | | | |
| 0–25 | 243 | 12,182 | 12,620 | 3.6 |
| 25–50 | 1,328 | 9,739 | 10,057 | 3.3 |
| 50–65 | 1,478 | 7,438 | 7,714 | 3.7 |
| Over 65 | 462 | 6,662 | 6,915 | 3.8 |
| Unknown | 84 | 9,920 | 10,354 | 4.4 |
| Hospitals Reclassified by the Medicare Geographic Classification Review Board: FY 2005 Reclassifications: | | | | |
| Urban Hospitals Reclassified by the Medicare Geographic Classification Review Board: First Half FY 2007 Reclassifications: | 281 | 8,778 | 9,099 | 3.7 |
| Urban Nonreclassified, First Half FY 2007: | 2,284 | 8,983 | 9,288 | 3.4 |
| All Urban Hospitals Reclassified Second Half FY 2007: | 341 | 9,038 | 9,351 | 3.5 |
| Urban Nonreclassified Hospitals Second Half FY 2007: | 2,224 | 8,947 | 9,253 | 3.4 |
| All Rural Hospitals Reclassified Second Half FY 2007: | 369 | 6,759 | 7,004 | 3.6 |
| Rural Nonreclassified Hospitals Second Half FY 2007: | 578 | 5,559 | 5,806 | 4.4 |
| All Section 401 Reclassified Hospitals: | 30 | 7,030 | 7,408 | 5.4 |
| Other Reclassified Hospitals (Section 1886(d)(8)(B)) | 57 | 5,839 | 6,097 | 4.4 |
| Section 508 Hospitals | 108 | 9,268 | 9,446 | 1.9 |
| Specialty Hospitals | ..... | ..... | ..... | ..... |
| Cardiac Specialty Hospitals | 21 | 11,363 | 11,497 | 1.2 |

[1] These payment amounts per case do not reflect any estimates of annual case-mix increase.

2. Final FY 2007 Capital-Related Impacts (Quantitative Effects of the Final Occupational Mix Adjusted Wage Indices)

(a) *General Considerations.* In accordance with § 412.312, the basic methodology for determining a capital PPS payment is:

*(Standard Federal Rate) × (DRG weight) × (Geographic Adjustment Factor (GAF)) × (Large Urban Add-on, if applicable) × (COLA for hospitals located in Alaska and Hawaii) × (1 + Disproportionate Share (DSH) Adjustment Factor + Indirect Medical Education (IME) Adjustment Factor, if applicable).*

In addition, hospitals may also receive outlier payments for those cases that qualify under the threshold established for each fiscal year.

The data used in developing the impact analysis presented below are taken from the March 2006 update of the FY 2005 MedPAR file and the March 2006 update of the Provider-Specific File that is used for payment purposes. Although the analyses of the changes to the capital prospective payment system do not incorporate cost data, we used the March 2006 update of the most recently available hospital cost report data (FYs 2003 and 2004) to categorize hospitals. Our analysis has several qualifications. First, we do not make adjustments for behavioral changes that hospitals may adopt in response to policy changes. Second, due to the interdependent nature of the IPPS, it is very difficult to precisely quantify the impact associated with each change. Third, we draw upon various sources for the data used to categorize hospitals in the tables. In some cases (for instance, the number of beds), there is a fair degree of variation in the data from different sources. We have attempted to construct these variables with the best available sources overall. However, for individual hospitals, some miscategorizations are possible.

Using cases from the March 2006 update of the FY 2005 MedPAR file, we simulated payments under the capital PPS for FY 2006 and FY 2007 for a comparison of total payments per case. Any short-term, acute care hospitals not paid under the general IPPS (Indian Health Service hospitals and hospitals in Maryland) are excluded from the simulations.

We modeled payments for each hospital by multiplying the capital Federal rate by the GAF and the hospital's case-mix. We then added estimated payments for indirect medical education, disproportionate share, large urban add-on, and outliers, if applicable. For purposes of this impact analysis, the model includes the following assumptions:

- We estimate that the Medicare case-mix index will increase by 1.0 percent in both FYs 2006 and 2007.
- We estimate that the Medicare discharges will be 13.5 million in FY 2006 and 13.1 million in FY 2007 for a 3.0 percent decrease from FY 2006 to FY 2007.
- The capital Federal rate was updated beginning in FY 1996 by an analytical framework that considers changes in the prices associated with capital-related costs and adjustments to account for forecast error, changes in the case-mix index, allowable changes in intensity, and other factors. The FY 2007 update is 1.1 percent (see section II.E.2. of this notice).
- In addition to the FY 2007 update factor, the FY 2007 capital Federal rate was calculated based on a GAF/DRG budget neutrality factor of 0.9986, an outlier adjustment factor of 0.9568, and an exceptions adjustment factor of 0.9997.

(b) *Results.* We used the actuarial model described above to estimate the potential impact of our changes for FY 2007 on total capital payments per case, using a universe of 3,595 hospitals. As described above, the individual hospital payment parameters are taken from the best available data, including the March 2006 update of the FY 2005 MedPAR file, the March 2006 update to the Provider-Specific File, and the most recent cost report data from the March 2006 update of HCRIS. In Table III, we present a comparison of total payments per case for FY 2006 compared to FY 2007 based on the FY 2007 payment policies. Column 2 shows estimates of payments per case under our model for FY 2006. Column 3 shows estimates of payments per case under our model for FY 2007. Column 4 shows the total percentage change in payments from FY 2006 to FY 2007. The change represented in Column 4 includes the 1.1 percent update to the capital Federal rate, a 0.0 percent increase in case-mix, changes in the adjustments to the capital Federal rate (for example, the effect of the hospital wage index on the GAF), and reclassifications by the MGCRB. The comparisons are provided by: (1) Geographic location; (2) region; and (3) payment classification.

The simulation results show that, on average, capital payments per case can be expected to increase 2.4 percent in FY 2007. In addition to the 1.1 percent increase due to the capital market basket update, this projected increase in capital payments per case is largely attributable to the change in the DRG recalibration process methodology for FY 2007 as discussed in section II.C. of the preamble of the FY 2007 IPPS final rule (71 FR 48006). To a lesser extent, the final outlier factor also contributes to the increase in capital payments per case, while the final GAF has the opposite effect on capital payments (0.2 percent and −0.1 percent, respectively).

The results of our comparisons by geographic location and by region are consistent with the results we expected after applying the changes to the DRG recalibration methodology. The geographic comparison shows that urban hospitals are expected to experience a 2.3 percent increase in IPPS capital payments per case, while rural hospitals are expected to experience a 2.4 percent increase in capital payments per case. This difference is mostly due to the changes to the methodology used to recalibrate DRGs discussed in the FY 2007 IPPS final rule (71 FR 47882). The capital impact is largely consistent with the impacts in the FY 2007 IPPS final rule (71 FR 48348). However the capital GAF is somewhat affected by the wage index changes resulting from using the revised occupational mix survey data and applying a 100 percent occupational mix adjustment. Any changes from the impact presented in the FY 2007 IPPS final rule would be due to the revised wage indices and the new occupational mix adjustment. Due to circumstances described in the FY 2007 IPPS final rule (71 FR 48005), the wage index used in these calculations is final.

All regions are estimated to receive an increase in total capital payments per case from FY 2006 to FY 2007. Changes vary by region from a minimum increase of 0.14 percent in Puerto Rico for (urban) to a maximum increase of 3.1 percent in the West South Central rural region and the Middle Atlantic rural region. The change in payments per case for all hospitals is 2.4 percent and is the same as indicated in the FY 2007 IPPS final rule.

Section 1886(d)(10) of the Act established the MGCRB. Before FY 2005, hospitals could apply to the MGCRB for reclassification for purposes of the standardized amount, wage index, or both. Section 401(c) of Pub. L. 108–173 equalized the standardized amounts under the operating IPPS. Therefore, beginning in FY 2005, there is no longer reclassification for the purposes of the standardized amounts; however, hospitals still may apply for reclassification for purposes of the wage index for FY 2007. Reclassification for wage index purposes also affects the GAF because that factor is constructed from the hospital wage index.

As discussed in the FY 2007 IPPS final rule (71 FR 48067), procedural rules were established in the FY 2006 IPPS final rule (70 FR 47382) to recognize the special circumstances of section 508 hospital reclassifications ending midyear during FY 2007. Under these procedural rules, some section 1886(d)(10) hospital reclassifications are only in effect for the second half of the fiscal year. These half fiscal year reclassifications have implications for the calculation of reclassified wage indices and therefore, affect capital payments because GAF values are calculated from the hospital wage index.

To present the effects of the hospitals being reclassified for FY 2007, we show the average payments per case for reclassified hospitals for each half of FY 2007 compared to the average payments per case for the same time period in FY 2006. The reclassified groups are compared to all other nonreclassified hospitals for the same time period. These categories are further identified by urban and rural designation. In general, the average payments per case in the first half of FY 2007 is the same or 0.1 percent less as the average payments per case in the second half of FY 2007 for each category of reclassified hospitals shown in Table III . The exception to that generalization is rural nonreclassified hospitals, which are expected to have the largest increases in payments, as well as the largest increase from the first half to the second half of FY 2007, that is, 2.7 percent in the first half of FY 2007, and 3.0 percent in the second half of FY 2007. Urban reclassified hospitals are expected to increase 2.6 percent and 2.5 percent in the first and second halves of FY 2007, respectively. Reclassified rural hospitals and nonreclassified urban hospitals are projected to have the same increase of 2.3 percent in the first half, while in the second half, the increase in payments per discharge to urban nonreclassified hospitals will remain at 2.3 percent but payments per discharge to rural reclassified hospitals are expected to decrease by 0.1 percent to 2.2 percent from the first half of FY 2007 to the second half of FY 2007.

TABLE III.—COMPARISON OF TOTAL PAYMENTS PER CASE

[FY 2006 payments compared to FY 2007 payments]

| | Number of hospitals | Average FY 2006 payments/ case | Average FY 2007 payments/ case | Change |
|---|---|---|---|---|
| By Geographic Location: | | | | |
| All hospitals | 3,595 | 753 | 771 | 2.4 |
| Large urban areas (populations over 1 million) | 1,441 | 849 | 869 | 2.4 |
| Other urban areas (populations of 1 million or fewer) | 1,149 | 731 | 747 | 2.3 |
| Rural areas | 1,005 | 513 | 526 | 2.4 |
| Urban hospitals | 2,590 | 796 | 814 | 2.3 |
| 0–99 beds | 651 | 617 | 631 | 2.3 |
| 100–199 beds | 867 | 673 | 690 | 2.6 |
| 200–299 beds | 492 | 751 | 769 | 2.4 |
| 300–499 beds | 413 | 827 | 845 | 2.2 |
| 500 or more beds | 167 | 1,005 | 1,027 | 2.2 |
| Rural hospitals | 1,005 | 513 | 526 | 2.4 |
| 0–49 beds | 348 | 422 | 435 | 3.1 |
| 50–99 beds | 370 | 469 | 482 | 2.8 |
| 100–149 beds | 174 | 516 | 528 | 2.3 |
| 150–199 beds | 68 | 564 | 576 | 2.2 |
| 200 or more beds | 45 | 642 | 654 | 1.9 |
| By Region: | | | | |
| Urban by Region | 2,590 | 796 | 814 | 2.3 |
| New England | 128 | 853 | 874 | 2.5 |
| Middle Atlantic | 357 | 873 | 898 | 2.9 |
| South Atlantic | 388 | 755 | 771 | 2.0 |
| East North Central | 395 | 782 | 801 | 2.5 |
| East South Central | 165 | 720 | 731 | 1.6 |
| West North Central | 157 | 783 | 795 | 1.6 |
| West South Central | 374 | 740 | 758 | 2.4 |
| Mountain | 149 | 787 | 808 | 2.6 |
| Pacific | 424 | 920 | 942 | 2.4 |
| Puerto Rico | 53 | 347 | 348 | 0.1 |
| Rural by Region | 1,005 | 513 | 526 | 2.4 |
| New England | 19 | 686 | 696 | 1.5 |
| Middle Atlantic | 72 | 518 | 534 | 3.1 |
| South Atlantic | 176 | 497 | 511 | 2.7 |
| East North Central | 125 | 547 | 560 | 2.2 |
| East South Central | 180 | 476 | 487 | 2.3 |
| West North Central | 116 | 540 | 551 | 2.2 |
| West South Central | 193 | 464 | 479 | 3.1 |
| Mountain | 81 | 535 | 542 | 1.3 |
| Pacific | 43 | 616 | 627 | 1.7 |
| By Payment Classification: | | | | |
| All hospitals | 3,595 | 753 | 771 | 2.4 |
| Large urban areas (populations over 1 million) | 1,448 | 848 | 869 | 2.4 |
| Other urban areas (populations of 1 million or fewer) | 1,159 | 730 | 746 | 2.3 |
| Rural areas | 988 | 515 | 527 | 2.4 |
| Teaching Status: | | | | |
| Non-teaching | 2,511 | 630 | 645 | 2.5 |
| Fewer than 100 Residents | 843 | 765 | 782 | 2.2 |
| 100 or more Residents | 241 | 1,100 | 1,125 | 2.3 |
| Urban DSH: | | | | |
| 100 or more beds | 1,520 | 821 | 840 | 2.4 |
| Less than 100 beds | 346 | 543 | 557 | 2.5 |
| Rural DSH: | | | | |
| Sole Community (SCH/EACH) | 386 | 464 | 477 | 2.7 |
| Referral Center (RRC/EACH) | 199 | 570 | 582 | 2.1 |
| Other Rural: | | | | |
| 100 or more beds | 55 | 475 | 486 | 2.3 |
| Less than 100 beds | 183 | 423 | 435 | 3.0 |
| Urban teaching and DSH: | | | | |
| Both teaching and DSH | 815 | 902 | 922 | 2.3 |
| Teaching and no DSH | 201 | 816 | 835 | 2.3 |
| No teaching and DSH | 1,051 | 667 | 683 | 2.5 |
| No teaching and no DSH | 540 | 700 | 716 | 2.3 |
| Rural Hospital Types: | | | | |
| Non special status hospitals | 2,490 | 799 | 818 | 2.3 |
| RRC/EACH | 44 | 707 | 722 | 2.2 |
| SCH/EACH | 39 | 627 | 640 | 2.1 |
| Medicare-dependent hospitals (MDH) | 18 | 421 | 433 | 2.8 |
| SCH, RRC and EACH | 16 | 736 | 756 | 2.7 |

TABLE III.—COMPARISON OF TOTAL PAYMENTS PER CASE—Continued

[FY 2006 payments compared to FY 2007 payments]

| | Number of hospitals | Average FY 2006 payments/ case | Average FY 2007 payments/ case | Change |
|---|---|---|---|---|
| Hospitals Reclassified by the Medicare Geographic Classification Review Board: | | | | |
| FY2007 Reclassifications: | | | | |
| All Urban Reclassified 1st Half | 281 | 777 | 797 | 2.6 |
| All Urban Non-Reclassified 1st Half | 2,284 | 799 | 818 | 2.3 |
| All Rural Reclassified 1st Half | 358 | 555 | 568 | 2.3 |
| All Rural Non-Reclassified 1st Half | 589 | 460 | 473 | 2.7 |
| All Urban Reclassified 2nd Half | 341 | 807 | 826 | 2.5 |
| All Urban Non-Reclassified 2nd Half | 2,224 | 795 | 814 | 2.3 |
| ALL Rural Reclassified 2nd Half | 369 | 559 | 571 | 2.2 |
| All Rural Non-Reclassified 2nd Half | 578 | 451 | 464 | 3.0 |
| All Section 401 Reclassified Hospitals | 30 | 553 | 565 | 2.3 |
| Other Reclassified Hospitals (Section 1886(d)(8)(B)) | 53 | 516 | 528 | 2.2 |
| Type of Ownership: | | | | |
| Voluntary | 2,102 | 771 | 790 | 2.4 |
| Proprietary | 880 | 679 | 695 | 2.3 |
| Government | 603 | 740 | 757 | 2.3 |
| Medicare Utilization as a Percent of Inpatient Days: | | | | |
| 0–25 | 243 | 999 | 1,026 | 2.7 |
| 25–50 | 1,328 | 855 | 874 | 2.2 |
| 50–65 | 1,478 | 663 | 680 | 2.5 |
| Over 65 | 462 | 597 | 611 | 2.4 |

## III. 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.

**Authority:** Program; No. 93.773 Medicare—Hospital Insurance Program; and No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: September 21, 2006.

**Mark B. McClellan,**

*Administrator, , Centers for Medicare & Medicaid Services.*

Approved: September 27, 2006.

**Michael O. Leavitt,**

*Secretary.*

## Addendum

This addendum includes tables referred to throughout the notice which contain data relating to the FY 2007 wage indices and the hospital reclassifications and payment amounts for operating and capital-related costs that are affected by the new occupational mix survey data discussed in section II. of this notice.

Table 1A—National Adjusted Operating Standardized Amounts, Labor/Nonlabor (69.7 Percent Labor Share/30.3 Percent Nonlabor Share If Wage Index Is Greater Than 1)

Table 1B—National Adjusted Operating Standardized Amounts, Labor/Nonlabor (62 Percent Labor Share/38 Percent Nonlabor Share If Wage Index Is Less Than or Equal To 1)

Table 1C—Adjusted Operating Standardized Amounts for Puerto Rico, Labor/Nonlabor

Table 1D—Capital Standard Federal Payment Rate

Table 2—Hospital Case-Mix Indexes for Discharges Occurring in Federal Fiscal Year 2005; Hospital Wage Indexes for Federal Fiscal Year 2007; Hospital Average Hourly Wage for Federal Fiscal Years 2005 (2001 Wage Data), 2006 (2002 Wage Data), and 2007 (2003 Wage Data); Wage Indexes and 3-Year Average of Hospital Average Hourly Wages

Table 3A—FY 2007 and 3-Year Average Hourly Wage for Urban Areas by CBSA

Table 3B—FY 2007 and 3-Year Average Hourly Wage for Rural Areas by CBSA

Table 4A—1—Wage Index and Capital Geographic Adjustment Factor (GAF) for Urban Areas by CBSA—FY 2007

Table 4A—2—Wage Index and Capital Geographic Adjustment Factor (GAF) for Certain Urban Areas by CBSA for the Period April 1 through September 30, 2007

Table 4B—1—Wage Index and Capital Geographic Adjustment Factor (GAF) for Rural Areas by CBSA—FY 2007

Table 4B—2—Wage Index and Capital Geographic Adjustment Factor (GAF) for Certain Rural Areas by CBSA for the Period April 1 through September 30, 2007*

Table 4C—1—Wage Index and Capital Geographic Adjustment Factor (GAF) for Hospitals That Are Reclassified by CBSA—FY 2007

Table 4C—2—Wage Index and Capital Geographic Adjustment Factor (GAF) for Certain Hospitals That Are Reclassified by CBSA for the Period April 1 through September 30, 2007

Table 4F—Puerto Rico Wage Index and Capital Geographic Adjustment Factor (GAF) by CBSA—FY 2007

Table 4J—Out-Migration Adjustment—FY 2007

Table 5—List of Diagnosis-Related Groups (DRGs), Relative Weighting Factors, and Geometric and Arithmetic Mean Length of Stay (LOS)

Table 9A—Hospital Reclassifications and Redesignations by Individual Hospitals and CBSA for FY 2007

Table 9B—Hospital Reclassifications and Redesignations by Individual Hospital Under Section 508 of Pub. L. 108–173 for FY 2007

Table 9C—Hospitals Redesignated as Rural under Section 1886(d)(8)(E) of the Act for FY 2007

Table 9D—Hospitals who waived Lugar status to receive Out-migration Adjustment

Table 10—Geometric Mean Plus the Lesser of 0.75 of the National Adjusted Operating Standardized Payment Amount (Increased to Reflect the Difference Between Costs and Charges) or 0.75 of One Standard Deviation of Mean Charges by Diagnosis-Related Group (DRG)—September 2006

TABLE 1A.—NATIONAL ADJUSTED OPERATING STANDARDIZED; LABOR/NONLABOR

[69.7 Percent Labor Share/30.3 Percent Nonlabor Share If Wage Index Greater Than 1]

| Full Update (3.4 Percent) | | Reduced Update (1.4 Percent) | |
|---|---|---|---|
| Labor-related | Nonlabor-related | Labor-related | Nonlabor-related |
| $3,397.52 | $1,476.97 | $3,331.80 | $1,448.40 |

TABLE 1B.—NATIONAL ADJUSTED OPERATING STANDARDIZED AMOUNTS, LABOR/NONLABOR

[62 Percent Labor Share/38 Percent Nonlabor Share If Wage Index Less Than or Equal to 1]

| Full Update (3.4 Percent) | | Reduced Update (1.4 Percent) | |
|---|---|---|---|
| Labor-related | Nonlabor-related | Labor-related | Nonlabor-related |
| $3,022.18 | $1,852.31 | $2,963.73 | $1,816.48 |

TABLE 1C.—ADJUSTED OPERATING STANDARDIZED AMOUNTS FOR PUERTO RICO, LABOR/NONLABOR

| | Rates If Wage Index Greater Than 1 | | Rates If Wage Index Less Than or Equal to 1 | |
|---|---|---|---|---|
| | Labor | Nonlabor | Labor | Nonlabor |
| National | $3,397.52 | $1,476.97 | $3,022.18 | $1,852.31 |
| Puerto Rico | 1,436.12 | 880.20 | 1,359.68 | 956.64 |

TABLE 1D.—CAPITAL STANDARD FEDERAL PAYMENT RATE

| | Rate |
|---|---|
| National | $427.03 |
| Puerto Rico | 203.03 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 010001 | 1.4913 | 0.7664 | 20.6563 | 21.6546 | 22.1989 | 21.5314 |
| 010004 | *** | * | 22.7585 | * | * | 22.7585 |
| 010005 [h] | 1.1262 | 0.8889 | 20.4937 | 22.4906 | 23.6022 | 22.2289 |
| 010006 | 1.4596 | 0.7876 | 21.0241 | 23.4823 | 23.4975 | 22.6401 |
| 010007 | 1.0707 | 0.7664 | 16.8811 | 18.2430 | 19.9328 | 18.3636 |
| 010008 | 0.9820 | 0.7933 | 23.8333 | 20.4591 | 17.9533 | 20.5783 |
| 010009 | 0.9668 | 0.8756 | 21.6422 | 23.2229 | 23.5626 | 22.8435 |
| 010010 [h] | 1.0464 | 0.9226 | 22.3021 | 21.4974 | 27.0386 | 23.4333 |
| 010011 | 1.5930 | 0.8889 | 24.8166 | 27.4850 | 27.6658 | 26.6785 |
| 010012 | 1.2376 | 0.8822 | 21.7622 | 22.7020 | 24.4059 | 22.9524 |
| 010015 | 1.0200 | 0.7664 | 20.4732 | 21.5111 | 22.3383 | 21.4818 |
| 010016 | 1.5194 | 0.8889 | 23.0414 | 25.1502 | 24.6488 | 24.2708 |
| 010018 | 1.4681 | 0.8889 | 20.5888 | 22.2990 | 23.7048 | 22.1788 |
| 010019 | 1.2315 | 0.7876 | 20.1336 | 22.0906 | 22.8766 | 21.7323 |
| 010021 [h] | 1.2160 | 0.7664 | 20.7108 | 18.6785 | 19.7367 | 19.6613 |
| 010022 | 0.9818 | 0.9699 | 25.8797 | 24.5670 | 25.8403 | 25.4393 |
| 010023 | 1.9061 | 0.7933 | 23.7791 | 27.6174 | 25.4272 | 25.5461 |
| 010024 | 1.6733 | 0.7933 | 20.0067 | 20.7265 | 22.0819 | 20.8864 |
| 010025 | 1.2764 | 0.8371 | 19.8561 | 21.2674 | 22.7635 | 21.2709 |
| 010027 | 0.7773 | 0.7664 | 14.9585 | 15.3704 | 16.4681 | 15.5470 |
| 010029 | 1.5790 | 0.8371 | 21.6724 | 22.6976 | 23.9007 | 22.7914 |
| 010031 | *** | * | 20.9463 | * | * | 20.9463 |
| 010032 | 0.8962 | 0.7664 | 18.5073 | 19.1555 | 19.3311 | 19.0281 |
| 010033 | 2.0668 | 0.8889 | 25.5165 | 26.3784 | 27.4181 | 26.4464 |
| 010034 | 0.9985 | 0.7933 | 17.1625 | 16.9686 | 17.7457 | 17.3133 |
| 010035 | 1.2645 | 0.8889 | 23.1319 | 22.2870 | 24.2425 | 23.2085 |
| 010036 | 1.1237 | 0.7664 | 20.5125 | 22.9747 | 21.5796 | 21.7075 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 010038 | 1.3446 | 0.8059 | 20.3935 | 21.4509 | 23.7039 | 21.9034 |
| 010039 | 1.6165 | 0.8967 | 23.4151 | 25.8820 | 26.9919 | 25.4654 |
| 010040 | 1.5959 | 0.8060 | 21.6708 | 22.8851 | 24.3207 | 22.9524 |
| 010043 | 1.0507 | 0.8889 | 19.5422 | 22.5945 | 21.9775 | 21.4194 |
| 010044 | 1.0646 | 0.8889 | 23.0220 | 21.4036 | 22.5009 | 22.2925 |
| 010045 | 1.1547 | 0.8889 | 20.5658 | 19.8803 | 20.4927 | 20.3026 |
| 010046 | 1.4907 | 0.8060 | 20.8935 | 21.6965 | 23.4219 | 21.9636 |
| 010047 | 0.8902 | 0.7819 | 19.5937 | 21.0604 | 26.4851 | 22.3753 |
| 010049 | 1.1436 | 0.7664 | 17.7801 | 20.2413 | 21.7888 | 19.9912 |
| 010050 | 1.0226 | 0.8889 | 21.5625 | 22.1584 | 22.9620 | 22.2007 |
| 010051 | 0.8417 | 0.8761 | 14.7053 | 15.2208 | 18.7700 | 16.2601 |
| 010052 | 0.8872 | 0.7767 | 21.3673 | 16.4959 | 25.9233 | 21.5543 |
| 010053 | 1.0524 | * | 17.4160 | 19.0108 | * | 18.2193 |
| 010054 | 1.0884 | 0.8756 | 23.1894 | 22.5554 | 23.3624 | 23.0327 |
| 010055 | 1.5280 | 0.7664 | 19.1847 | 22.3800 | 22.5396 | 21.3292 |
| 010056 | 1.5788 | 0.8889 | 22.7183 | 23.7144 | 23.7398 | 23.3988 |
| 010058 | 0.9540 | 0.8889 | 20.3182 | 18.5537 | 19.5091 | 19.5962 |
| 010059 | 1.0302 | 0.8756 | 23.6963 | 21.3237 | 23.0012 | 22.7246 |
| 010061 | 1.0116 | 0.8170 | 20.5683 | 21.9370 | 24.1185 | 22.2906 |
| 010062 | 1.0689 | 0.7664 | 18.1323 | 18.3435 | 21.4805 | 19.2652 |
| 010064 | 1.6993 | 0.8889 | 25.4345 | 26.1110 | 24.8155 | 25.4466 |
| 010065 | 1.4873 | 0.7933 | 20.0108 | 21.3785 | 23.0477 | 21.5043 |
| 010066 | 0.8394 | 0.7664 | 17.0935 | 17.6152 | 19.8692 | 18.2085 |
| 010068 | *** | * | 17.5690 | 19.0789 | 22.7156 | 19.7871 |
| 010069 | 1.0221 | 0.7664 | 19.6317 | 21.3608 | 23.1243 | 21.2883 |
| 010072 | *** | * | 21.5419 | 21.8169 | 24.4989 | 22.5892 |
| 010073 | 0.9710 | 0.7664 | 16.4043 | 16.4168 | 18.3963 | 17.0851 |
| 010078 | 1.5086 | 0.8059 | 21.0633 | 21.6857 | 23.5279 | 22.1019 |
| 010079 | 1.1637 | 0.8967 | 20.4254 | 21.8199 | 22.7337 | 21.6778 |
| 010083 [h] | 1.1649 | 0.7871 | 20.2166 | 22.3041 | 22.4279 | 21.6675 |
| 010084 | 1.5041 | 0.8889 | 22.5219 | 24.7127 | 26.3238 | 24.5148 |
| 010085 | 1.3171 | 0.8756 | 23.7007 | 24.4710 | 24.2609 | 24.1411 |
| 010086 | 1.0946 | 0.7664 | 19.4332 | 18.6081 | 22.2096 | 20.0606 |
| 010087 | 1.9800 | 0.7847 | 21.6226 | 22.5225 | 22.4318 | 22.1820 |
| 010089 | 1.2666 | 0.8889 | 22.2508 | 22.8448 | 25.0811 | 23.4064 |
| 010090 | 1.7203 | 0.7847 | 21.4322 | 23.6948 | 26.0494 | 23.6535 |
| 010091 | 0.9645 | 0.7664 | 19.4222 | 18.6912 | 23.1309 | 20.2880 |
| 010092 | 1.6031 | 0.8761 | 22.0709 | 24.4592 | 26.6796 | 24.3552 |
| 010095 | 0.8478 | 0.8761 | 13.4426 | 13.9326 | 16.5250 | 14.6585 |
| 010097 | 0.7204 | 0.7933 | 17.1735 | 16.7548 | 19.4511 | 17.7707 |
| 010098 | 1.0596 | * | 19.6717 | 14.3076 | * | 16.5936 |
| 010099 | 0.9988 | 0.7664 | 18.1849 | 18.7909 | 20.8383 | 19.2535 |
| 010100 [h] | 1.6823 | 0.7871 | 20.0027 | 21.2915 | 23.8919 | 21.8071 |
| 010101 | 1.1315 | 0.7997 | 21.0085 | 21.6593 | 24.2575 | 22.2800 |
| 010102 | 0.9487 | 0.7664 | 19.9196 | 21.0903 | 25.6158 | 22.2527 |
| 010103 | 1.8923 | 0.8889 | 24.2201 | 26.1163 | 27.8272 | 26.0578 |
| 010104 | 1.8099 | 0.8889 | 24.1929 | 24.7394 | 27.6471 | 25.5331 |
| 010108 | 1.1555 | 0.7933 | 23.7803 | 28.4624 | 24.6740 | 25.5797 |
| 010109 | 0.9897 | 0.8115 | 21.7128 | 21.6194 | 17.6733 | 20.3002 |
| 010110 | 0.7990 | 0.7664 | 19.2706 | 17.5957 | 26.0039 | 20.5257 |
| 010112 | 1.0377 | 0.7664 | 17.2963 | 16.8902 | 17.1833 | 17.1259 |
| 010113 | 1.6543 | 0.7847 | 20.4181 | 21.4121 | 22.3282 | 21.3874 |
| 010114 | 1.3860 | 0.8889 | 21.5319 | 22.3752 | 25.6152 | 23.1874 |
| 010115 | 0.8661 | * | 17.5985 | 21.7478 | * | 19.2200 |
| 010118 | 1.2128 | 0.8362 | 18.8560 | 19.7673 | 21.4630 | 20.1843 |
| 010119 | *** | * | 21.8215 | * | * | 21.8215 |
| 010120 | 0.9876 | 0.7664 | 20.5855 | 20.9450 | 20.9019 | 20.8146 |
| 010121 | *** | * | 17.0329 | 24.0867 | * | 19.3686 |
| 010125 | 1.0409 | 0.7664 | 16.8419 | 18.4114 | 21.5123 | 18.8320 |
| 010126 | 1.1468 | 0.7933 | 23.1856 | 23.1381 | 23.9327 | 23.4131 |
| 010128 | 0.8695 | 0.7664 | 17.9354 | 21.4201 | 23.6648 | 21.1327 |
| 010129 [h] | 1.0101 | 0.7968 | 18.7821 | 21.3555 | 22.1574 | 20.8452 |
| 010130 | 0.9443 | 0.8889 | 18.4944 | 23.2488 | 23.7528 | 21.6390 |
| 010131 | 1.3815 | 0.8967 | 24.2197 | 25.7837 | 26.4297 | 25.5385 |
| 010137 | 1.2390 | 0.8889 | 29.7665 | 24.7366 | 27.5782 | 27.2371 |
| 010138 | 0.6122 | 0.7664 | 13.5082 | 13.8475 | 16.7601 | 14.7816 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 010139 | 1.5771 | 0.8889 | 24.9410 | 25.3014 | 26.8726 | 25.7394 |
| 010143 | 1.1687 | 0.8889 | 22.1312 | 22.0215 | 26.2762 | 23.4710 |
| 010144 | 1.5743 | 0.7847 | 20.6425 | 20.8209 | 22.5133 | 21.3563 |
| 010145 | 1.3832 | 0.8761 | 23.1976 | 24.9531 | 24.5092 | 24.2395 |
| 010146 | 1.1039 | 0.8059 | 19.9944 | 20.8917 | 22.6586 | 21.2025 |
| 010148 | 0.8960 | 0.7664 | 18.5309 | 20.5589 | 23.9246 | 21.0046 |
| 010149 | 1.2672 | 0.7933 | 23.1593 | 26.5854 | 24.4805 | 24.6823 |
| 010150 | 1.0581 | 0.8152 | 20.6738 | 21.6377 | 23.6081 | 21.9568 |
| 010152 | 1.1825 | 0.7847 | 22.1626 | 22.6202 | 22.4075 | 22.4009 |
| 010157 | 1.1543 | 0.7876 | 21.3574 | 24.3560 | 23.3829 | 23.0158 |
| 010158 | 1.1398 | 0.8065 | 22.4440 | 24.3531 | 23.5533 | 23.4497 |
| 010161 | *** | * | 27.5119 | * | * | 27.5119 |
| 010162 | *** | * | * | * | 33.8778 | 33.8778 |
| 010164 | 1.1726 | 0.7997 | * | * | * | * |
| 010165 | 1.5088 | 0.8967 | * | * | * | * |
| 010166 | 1.6844 | 0.8761 | * | * | * | * |
| 020001 | 1.6874 | 1.1916 | 31.6091 | 32.8120 | 35.4232 | 33.3471 |
| 020004 | 1.1410 | 1.0702 | 29.9926 | 32.0966 | 31.8004 | 31.3123 |
| 020006 | 1.2700 | 1.1916 | 33.4210 | 36.0540 | 34.3752 | 34.6332 |
| 020008 | 1.2785 | 1.2055 | 34.5856 | 35.9236 | 36.1251 | 35.5664 |
| 020012 | 1.3355 | 1.0993 | 29.3419 | 31.8995 | 32.5975 | 31.2913 |
| 020014 | 1.1955 | 1.0702 | 32.1233 | 32.0893 | 29.4472 | 31.1605 |
| 020017 | 1.9901 | 1.1916 | 32.9281 | 33.5852 | 35.4119 | 33.9602 |
| 020018 | 0.9378 | 1.9343 | * | * | * | * |
| 020019 | 0.9085 | 1.9343 | * | * | * | * |
| 020020 | 0.8722 | * | * | * | * | * |
| 020024 | 1.1254 | 1.0702 | 27.9799 | 33.0644 | 29.5195 | 30.2029 |
| 020026 | 1.6132 | 1.9343 | * | * | * | * |
| 020027 | 0.8940 | 1.9343 | * | * | * | * |
| 030001 | 1.4281 | 1.0146 | 27.7572 | 29.9840 | 32.4791 | 30.1381 |
| 030002 | 2.0911 | 1.0146 | 27.9628 | 29.0519 | 30.2200 | 29.0083 |
| 030006 | 1.6285 | 0.9390 | 24.0169 | 25.8872 | 27.0599 | 25.7641 |
| 030007 | 1.4071 | 1.1073 | 26.9442 | 29.6174 | 31.1928 | 29.3442 |
| 030009 | *** | * | 21.4065 | 22.3992 | 26.5408 | 22.6580 |
| 030010 | 1.3731 | 0.9390 | 22.8647 | 24.8275 | 28.5684 | 25.4056 |
| 030011 | 1.4469 | 0.9390 | 22.8422 | 25.1361 | 28.1423 | 25.5193 |
| 030012 | 1.3762 | 0.9748 | 25.5205 | 26.3859 | 27.3895 | 26.4764 |
| 030013 | 1.4295 | 0.9269 | 23.5229 | 25.7050 | 27.0111 | 25.4677 |
| 030014 | 1.4878 | 1.0146 | 25.1189 | 25.6259 | 29.6582 | 26.7569 |
| 030016 | 1.2207 | 1.0146 | 27.1583 | 26.7003 | 29.1980 | 27.7047 |
| 030017 | 2.0849 | 1.0146 | 24.4055 | 26.2452 | 30.6008 | 27.1050 |
| 030018 | 1.2384 | 1.0146 | 24.4308 | 28.9476 | 29.4567 | 27.3566 |
| 030019 | 1.3107 | 1.0146 | 28.4917 | 27.3156 | 29.5921 | 28.5143 |
| 030022 | 1.5662 | 1.0146 | 25.1461 | 26.4404 | 30.5710 | 27.4209 |
| 030023 | 1.6988 | 1.1538 | 28.4112 | 33.8333 | 34.2142 | 32.1557 |
| 030024 | 2.0618 | 1.0146 | 28.3470 | 31.6658 | 31.9247 | 30.7056 |
| 030027 | 0.9474 | * | 21.0527 | 20.4031 | * | 20.7264 |
| 030030 | 1.5463 | 1.0146 | 24.6005 | 30.2712 | 32.0993 | 28.8311 |
| 030033 | 1.2690 | 1.1073 | 26.6009 | 26.6531 | 28.7508 | 27.3705 |
| 030036 | 1.4179 | 1.0146 | 26.5708 | 30.3521 | 30.9834 | 29.5043 |
| 030037 | 2.2619 | 1.0146 | 30.3907 | 28.6453 | 31.2878 | 30.1945 |
| 030038 | 1.6872 | 1.0146 | 26.5178 | 29.5509 | 29.9314 | 28.8772 |
| 030040 | 0.9065 | 0.9269 | 22.5130 | 24.8145 | 27.5322 | 24.9809 |
| 030043 | 1.2654 | 0.9269 | 26.0825 | 24.7932 | 26.5834 | 25.8015 |
| 030044 | 0.8433 | * | 19.5714 | * | * | 19.5714 |
| 030055 [h] | 1.4168 | 1.1148 | 23.1837 | 24.5202 | 27.1473 | 25.0480 |
| 030059 | *** | * | 24.7676 | * | * | 24.7676 |
| 030060 | 1.1881 | 0.9269 | 22.3551 | 24.3523 | 24.8373 | 23.8179 |
| 030061 | 1.6331 | 1.0146 | 23.4722 | 25.5529 | 28.0696 | 25.7847 |
| 030062 | 1.2612 | 0.9269 | 21.9849 | 23.8068 | 26.6881 | 24.2112 |
| 030064 | 1.9613 | 0.9390 | 24.6732 | 25.4922 | 28.3853 | 26.2854 |
| 030065 | 1.5988 | 1.0146 | 25.6738 | 27.1646 | 29.5883 | 27.5688 |
| 030067 | 1.0785 | 0.9269 | 19.1332 | 20.4376 | 20.7590 | 20.1031 |
| 030068 | 1.1498 | 0.9269 | 19.7030 | 20.8846 | 23.1394 | 21.2604 |
| 030069 [h] | 1.3722 | 1.1148 | 25.6243 | 26.3518 | 30.2224 | 27.2876 |
| 030071 | 0.9150 | 1.4448 | * | * | * | * |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 030073 | 0.8489 | 1.4448 | * | * | * | * |
| 030074 | 0.9110 | 1.4448 | * | * | * | * |
| 030077 | 0.8100 | 1.4448 | * | * | * | * |
| 030078 | 0.9644 | 1.4448 | * | * | * | * |
| 030080 | 1.4636 | 0.9390 | 24.3573 | 25.2077 | 27.1360 | 25.5290 |
| 030083 | 1.3648 | 1.0146 | 24.9269 | 27.5353 | 27.4983 | 26.6771 |
| 030084 | 0.8727 | 1.4448 | * | * | * | * |
| 030085 | 1.5795 | 0.9390 | 23.2070 | 24.5792 | 26.8364 | 24.9731 |
| 030087 | 1.5934 | 1.0146 | 26.3878 | 26.6594 | 29.5962 | 27.6820 |
| 030088 | 1.3693 | 1.0146 | 23.2478 | 26.6796 | 27.8604 | 25.9831 |
| 030089 | 1.5137 | 1.0146 | 26.2166 | 27.1835 | 28.9068 | 27.5504 |
| 030092 | 1.4265 | 1.0146 | 25.4127 | 27.3203 | 31.7512 | 28.3500 |
| 030093 | 1.2271 | 1.0146 | 23.5623 | 25.8955 | 26.4430 | 25.4779 |
| 030094 | 1.3649 | 1.0146 | 26.9985 | 29.5948 | 31.5422 | 29.4037 |
| 030099 | 0.8324 | 0.9269 | 26.7996 | 26.3236 | 27.1402 | 26.7623 |
| 030100 | 2.0680 | 0.9390 | * | 29.0691 | 31.5628 | 30.3333 |
| 030101 [h] | 1.4490 | 1.1148 | 25.0077 | 26.1927 | 27.8302 | 26.3906 |
| 030102 | 2.6120 | 1.0146 | * | 29.0942 | 31.6285 | 30.4080 |
| 030103 | 1.6687 | 1.0146 | 28.2832 | 30.1994 | 31.7322 | 30.0675 |
| 030105 | 2.3289 | 1.0146 | 27.6900 | 31.3094 | 31.2970 | 30.3890 |
| 030106 | 1.6799 | 1.0146 | 30.4791 | 34.7222 | 32.9840 | 32.3777 |
| 030107 | 1.9370 | 1.0146 | * | * | 35.6197 | 35.6197 |
| 030108 | 2.0799 | 1.0146 | * | * | * | * |
| 030109 | 2.6500 | 1.0146 | * | * | 16.5905 | 16.5905 |
| 030110 | 1.4264 | 1.0146 | * | * | 31.4852 | 31.4852 |
| 030111 | 1.0600 | 0.9390 | * | * | * | * |
| 030112 | 1.9402 | 1.0146 | * | * | * | * |
| 030113 | 0.9319 | 1.4448 | * | * | * | * |
| 030114 | 1.3877 | 0.9390 | * | * | * | * |
| 030115 | 1.3290 | 1.0146 | * | * | * | * |
| 030116 | 2.1291 | * | * | * | * | * |
| 040001 | 1.0908 | 0.9027 | 23.1475 | 23.7718 | 22.9327 | 23.2665 |
| 040002 | 1.2196 | 0.7475 | 19.3429 | 20.1384 | 21.2021 | 20.2735 |
| 040003 | 1.2374 | * | 18.5000 | * | * | 18.5000 |
| 040004 | 1.6187 | 0.9027 | 23.3504 | 25.0286 | 27.1741 | 25.2030 |
| 040007 | 1.7035 | 0.9704 | 23.4565 | 25.7142 | 40.1291 | 29.6908 |
| 040010 | 1.3929 | 0.9027 | 22.0984 | 23.0274 | 24.2315 | 23.1437 |
| 040011 | 1.0337 | 0.7475 | 19.0319 | 20.3970 | 21.0968 | 20.2388 |
| 040014 | 1.4604 | 0.9265 | 24.0846 | 25.3451 | 26.4777 | 25.2922 |
| 040015 | 1.0455 | 0.7475 | 18.0793 | 19.2831 | 20.4279 | 19.2708 |
| 040016 | 1.6832 | 0.9704 | 22.7219 | 22.1228 | 25.8056 | 23.5485 |
| 040017 | 1.1272 | 0.8816 | 19.4365 | 21.9875 | 21.9147 | 21.1493 |
| 040018 | 1.0700 | 0.7850 | 23.8515 | 23.6044 | 24.0026 | 23.8116 |
| 040019 | 1.1015 | 0.8984 | 21.5316 | 23.7328 | 23.8705 | 23.0548 |
| 040020 | 1.5654 | 0.8984 | 20.9136 | 21.6603 | 22.6497 | 21.7619 |
| 040021 | 1.2737 | 0.9704 | 24.7771 | 25.6917 | 25.4047 | 25.3035 |
| 040022 | 1.5286 | 0.9027 | 23.7462 | 25.4052 | 29.5000 | 26.1298 |
| 040024 | 0.6959 | * | 20.1101 | * | * | 20.1101 |
| 040026 | 1.5264 | 0.8829 | 24.3053 | 25.4072 | 27.7931 | 25.9042 |
| 040027 | 1.4577 | 0.8412 | 19.9348 | 21.1412 | 21.4252 | 20.8384 |
| 040029 | 1.5455 | 0.9704 | 22.8770 | 24.0704 | 24.8409 | 23.9749 |
| 040032 | *** | * | 18.5171 | * | * | 18.5171 |
| 040035 | *** | * | 13.4265 | * | * | 13.4265 |
| 040036 | 1.6111 | 0.9704 | 24.2851 | 26.3226 | 27.6234 | 26.1793 |
| 040039 | 1.2926 | 0.8353 | 17.7976 | 19.5998 | 21.2712 | 19.5845 |
| 040041 | 1.1431 | 0.9265 | 22.0188 | 22.1531 | 23.7787 | 22.6793 |
| 040042 | 1.3631 | 0.9307 | 18.9550 | 19.9627 | 21.1716 | 20.0582 |
| 040045 | 0.9923 | * | 18.7952 | 17.2280 | * | 17.9500 |
| 040047 | 1.1022 | 0.8353 | 21.5334 | 21.9163 | 22.4250 | 21.9377 |
| 040050 | 1.1632 | 0.7475 | 15.4782 | 16.3930 | 17.6906 | 16.5483 |
| 040051 | 0.9570 | 0.7475 | 18.8943 | 19.1401 | 21.3342 | 19.8090 |
| 040053 | 1.0148 | * | 20.8153 | 20.7824 | * | 20.7984 |
| 040054 | 1.1388 | 0.7475 | 16.7370 | 18.2684 | 18.0510 | 17.6860 |
| 040055 | 1.5959 | 0.7850 | 22.2237 | 23.3156 | 23.0448 | 22.8516 |
| 040062 | 1.7015 | 0.7850 | 21.6403 | 23.3083 | 23.8994 | 22.9604 |
| 040066 | *** | * | 23.4616 | * | * | 23.4616 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 040067 | 1.0263 | 0.7475 | 15.1441 | 16.8799 | 19.0471 | 16.9179 |
| 040069 | 1.0365 | 0.8984 | 21.7607 | 24.4662 | 24.8060 | 23.6538 |
| 040071 | 1.4687 | 0.9265 | 22.9350 | 24.3824 | 25.4680 | 24.2630 |
| 040072 | 1.0609 | 0.7475 | 20.8269 | 19.9009 | 22.4741 | 21.0044 |
| 040074 | 1.1734 | 0.9704 | 22.6147 | 25.2423 | 25.2700 | 24.2961 |
| 040075 | 0.9763 | * | 16.2583 | 18.3254 | * | 17.2857 |
| 040076 | 1.0169 | 0.9265 | 21.0442 | 20.6272 | 23.5742 | 21.7288 |
| 040077 | 0.9627 | * | 18.3261 | 18.2082 | * | 18.2646 |
| 040078 | 1.6285 | 0.9265 | 24.4589 | 24.5378 | 23.5915 | 24.1852 |
| 040080 | 1.0358 | 0.8345 | 21.3483 | 22.3392 | 24.1921 | 22.7065 |
| 040081 | 0.8428 | 0.7475 | 13.7148 | 15.1081 | 16.8436 | 15.2255 |
| 040084 | 1.1782 | 0.9704 | 22.6441 | 24.7225 | 27.7626 | 25.1456 |
| 040085 | 1.0419 | 0.7475 | 18.0756 | 29.8444 | 22.9916 | 22.7039 |
| 040088 | 1.3247 | 0.8688 | 21.2974 | 22.6183 | 22.4860 | 22.1468 |
| 040091 | 1.2014 | 0.8107 | 23.0252 | 23.1320 | 24.2398 | 23.4639 |
| 040100 | 1.3467 | 0.9265 | 19.3560 | 20.0460 | 21.3051 | 20.2851 |
| 040105 | 1.0208 | * | 15.8171 | 18.2182 | * | 16.9121 |
| 040109 | 1.1303 | * | 18.8624 | 22.8801 | * | 20.7540 |
| 040114 | 1.7605 | 0.9704 | 23.5628 | 24.8992 | 26.7581 | 25.1160 |
| 040118 | 1.4309 | 0.8345 | 24.2547 | 24.7363 | 26.0389 | 24.9780 |
| 040119 | 1.4108 | 0.9265 | 20.1631 | 21.0103 | 24.3680 | 21.8564 |
| 040126 | 0.8957 | * | 12.5944 | 14.0701 | 15.6984 | 14.0818 |
| 040132 | *** | * | 36.5525 | 28.1390 | * | 32.3748 |
| 040134 | 2.4378 | 0.9704 | * | 27.3412 | 31.9325 | 29.6807 |
| 040137 | 1.3158 | 0.9704 | 23.4672 | 25.2907 | 25.9979 | 24.8946 |
| 040138 | 1.3474 | 0.9027 | 23.3615 | 25.7513 | 27.8584 | 25.9401 |
| 040140 | *** | * | 25.1224 | * | * | 25.1224 |
| 040141 | 0.8250 | 0.9027 | * | 24.0901 | 26.1041 | 25.1761 |
| 040142 | 1.4241 | 0.8829 | * | 27.9695 | 21.4222 | 24.3073 |
| 040143 | *** | * | * | * | 37.1976 | 37.1976 |
| 040144 | *** | * | * | * | 21.4007 | 21.4007 |
| 040145 | 1.7851 | 0.8345 | * | * | * | * |
| 040147 | 1.7154 | 0.9704 | * | * | * | * |
| 050002 | 1.3823 | 1.5617 | 31.9709 | 34.1948 | 35.5184 | 33.9903 |
| 050006 | 1.6010 | 1.2203 | 27.6176 | 30.5373 | 33.5751 | 30.3271 |
| 050007 | 1.4646 | 1.5419 | 37.5804 | 38.7033 | 43.4440 | 39.9548 |
| 050008 | 1.3293 | 1.5445 | 36.9371 | 39.1539 | 49.3166 | 41.9596 |
| 050009 | 1.7661 | 1.4095 | 35.5384 | 39.6393 | 43.0584 | 39.5056 |
| 050013 | 1.9243 | 1.4095 | 31.7637 | 31.9837 | 35.7592 | 33.1828 |
| 050014 | 1.1607 | 1.2986 | 29.5726 | 33.0373 | 36.0305 | 33.0187 |
| 050015 | 1.2479 | 1.1202 | 30.1398 | 30.7940 | 32.2188 | 31.0764 |
| 050016 | 1.3066 | 1.1305 | 25.5735 | 26.2162 | 24.5768 | 25.4173 |
| 050017 | 2.0706 | 1.2986 | 30.5863 | 36.6593 | 39.6653 | 35.6426 |
| 050018 | 1.1919 | 1.1686 | 20.3179 | 22.3472 | 23.3204 | 21.9572 |
| 050022 | 1.5562 | 1.1202 | 28.2773 | 29.8632 | 31.6467 | 30.0139 |
| 050024 | 1.1462 | 1.1202 | 26.9378 | 27.5587 | 29.4062 | 27.9891 |
| 050025 | 1.9310 | 1.1202 | 31.7242 | 36.1622 | 33.5466 | 33.8328 |
| 050026 | 1.5374 | 1.1202 | 26.6406 | 28.3027 | 31.5250 | 28.9332 |
| 050028 | 1.2575 | 1.1202 | 21.5448 | 26.6160 | 27.3826 | 24.7519 |
| 050029 | *** | * | 34.3934 | * | * | 34.3934 |
| 050030 | 1.2476 | 1.1202 | 22.9148 | 24.9707 | 27.2945 | 25.0204 |
| 050036 | 1.6440 | 1.1202 | 27.4915 | 32.7929 | 33.8000 | 31.4474 |
| 050038 | 1.5531 | 1.5324 | 35.0441 | 38.7527 | 44.2265 | 39.3929 |
| 050039 | 1.6651 | 1.1202 | 29.8179 | 31.6734 | 35.2630 | 32.1614 |
| 050040 | 1.3176 | 1.1686 | 31.8983 | 34.3279 | 35.8322 | 34.0141 |
| 050042 | 1.4741 | 1.2203 | 29.8062 | 33.9415 | 37.3760 | 33.6941 |
| 050043 | 1.6384 | 1.5617 | 39.6054 | 43.1589 | 45.4887 | 42.6954 |
| 050045 | 1.2887 | 1.1202 | 22.7051 | 23.8408 | 25.0150 | 23.8863 |
| 050046 | 1.1821 | 1.1525 | 25.2786 | 25.6875 | 26.1926 | 25.7298 |
| 050047 | 1.7523 | 1.5445 | 39.3993 | 40.9874 | 55.9367 | 45.8065 |
| 050054 | 1.2126 | 1.1202 | 27.1437 | 24.1262 | 21.3650 | 24.0140 |
| 050055 | 1.2484 | 1.5445 | 36.9386 | 37.5879 | 42.9516 | 39.0065 |
| 050056 | 1.3357 | 1.1686 | 29.4829 | 27.9330 | 30.6126 | 29.3527 |
| 050057 | 1.6734 | 1.1202 | 26.2099 | 29.4351 | 30.0236 | 28.5928 |
| 050058 | 1.5474 | 1.1686 | 27.3584 | 33.8215 | 33.1409 | 31.4044 |
| 050060 | 1.5254 | 1.1202 | 26.5515 | 27.3282 | 29.9762 | 27.9723 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 050061 | *** | * | * | 32.2172 | * | 32.2172 |
| 050063 | 1.3269 | 1.1686 | 32.0515 | 33.3039 | 34.0906 | 33.1167 |
| 050065 | 1.8250 | 1.1525 | 33.8223 | 34.0280 | 34.9110 | 34.2663 |
| 050067 | 1.1481 | 1.1735 | 29.6982 | 31.9597 | 38.8070 | 33.9918 |
| 050069 | 1.6715 | 1.1525 | 28.6752 | 31.2172 | 34.6353 | 31.5321 |
| 050070 | 1.2884 | 1.5419 | 40.5645 | 45.3382 | 47.4099 | 44.7713 |
| 050071 | 1.2950 | 1.5617 | 41.1036 | 44.9464 | 50.7602 | 46.0847 |
| 050072 | 1.2895 | 1.5617 | 40.8108 | 44.2651 | 49.4344 | 45.2871 |
| 050073 | 1.2440 | 1.5617 | 41.3430 | 45.9765 | 49.9730 | 46.2034 |
| 050075 | 1.1895 | 1.5617 | 43.7101 | 47.2356 | 54.4089 | 49.0009 |
| 050076 | 1.7287 | 1.5617 | 43.0845 | 46.4990 | 52.3788 | 47.8548 |
| 050077 | 1.5565 | 1.1202 | 29.6264 | 32.0245 | 34.8660 | 32.3083 |
| 050078 | 1.2226 | 1.1686 | 25.6814 | 31.1425 | 32.0133 | 29.3832 |
| 050079 | 1.4970 | 1.5617 | 42.7385 | 47.8597 | 47.3448 | 46.0427 |
| 050082 | 1.6400 | 1.1439 | 28.9139 | 37.7783 | 38.2878 | 35.2197 |
| 050084 | 1.5674 | 1.2029 | 28.2664 | 33.0179 | 35.5196 | 32.1347 |
| 050088 | *** | * | 26.4093 | 25.7385 | * | 26.0862 |
| 050089 | 1.3319 | 1.1525 | 29.4884 | 33.5323 | 33.9593 | 32.4106 |
| 050090 | 1.2881 | 1.5260 | 31.1774 | 32.9584 | 33.8953 | 32.6836 |
| 050091 | 1.1230 | 1.1686 | 30.1534 | 30.8560 | 32.1301 | 31.0759 |
| 050093 | 1.5061 | 1.1202 | 31.1083 | 33.4119 | 36.9481 | 33.8765 |
| 050096 | 1.2727 | 1.1686 | 24.2277 | 24.6680 | 34.9236 | 28.0644 |
| 050097 | *** | * | 26.6788 | * | * | 26.6788 |
| 050099 | 1.4964 | 1.1525 | 28.7711 | 31.0437 | 33.4174 | 31.1779 |
| 050100 | 1.8441 | 1.1202 | 28.0303 | 29.6949 | 31.4404 | 29.7728 |
| 050101 | 1.3366 | 1.5617 | 35.4655 | 40.3195 | 42.4588 | 39.5443 |
| 050102 | 1.3128 | 1.1202 | 24.9381 | 29.1364 | 32.0616 | 28.5338 |
| 050103 | 1.5647 | 1.1686 | 28.7375 | 34.2529 | 34.0935 | 32.3903 |
| 050104 | 1.3779 | 1.1686 | 29.1240 | 29.7326 | 32.3043 | 30.4154 |
| 050107 | 1.4629 | 1.1202 | 27.6002 | 33.1358 | 32.5846 | 31.0605 |
| 050108 | 1.9357 | 1.2986 | 31.4271 | 35.5711 | 38.8672 | 35.5484 |
| 050110 | 1.2698 | 1.1202 | 20.0769 | 26.1453 | 26.8408 | 24.0659 |
| 050111 | 1.3184 | 1.1686 | 26.6345 | 28.1588 | 28.7875 | 27.9310 |
| 050112 | 1.5285 | 1.1686 | 34.0258 | 36.8026 | 37.7281 | 36.2500 |
| 050113 | 1.3113 | 1.5419 | 34.2851 | 33.8064 | 39.4882 | 35.9070 |
| 050114 | 1.4274 | 1.1686 | 29.2858 | 31.1294 | 34.0309 | 31.5876 |
| 050115 | 1.4751 | 1.1202 | 27.5207 | 30.9288 | 28.8051 | 29.0865 |
| 050116 | 1.6889 | 1.1686 | 28.8193 | 34.5110 | 36.8825 | 33.4540 |
| 050117 | 2.3561 | 1.1873 | 28.2227 | 32.4414 | 34.2020 | 31.0046 |
| 050118 | 1.1820 | 1.2029 | 33.0650 | 35.4044 | 39.9682 | 36.1405 |
| 050121 | 1.2703 | 1.1202 | 25.5962 | 27.9537 | 30.6105 | 28.1711 |
| 050122 | 1.5505 | 1.2029 | 29.7629 | 34.2416 | 33.9812 | 32.7589 |
| 050124 | 1.2995 | 1.1686 | 26.7065 | 28.0288 | 30.2522 | 28.3801 |
| 050125 | 1.3913 | 1.5324 | 40.9218 | 41.7020 | 44.9523 | 42.5088 |
| 050126 | 1.4154 | 1.1686 | 29.6203 | 29.3360 | 31.7619 | 30.2508 |
| 050127 | 1.3262 | 1.2986 | 23.6208 | 26.1222 | 32.0355 | 26.5981 |
| 050128 | 1.5338 | 1.1202 | 28.3278 | 31.0662 | 31.1308 | 30.2212 |
| 050129 | 1.7927 | 1.1525 | 27.8488 | 32.2680 | 34.7359 | 31.8447 |
| 050131 | 1.3098 | 1.5419 | 38.6834 | 40.5321 | 45.3152 | 41.4420 |
| 050132 | 1.3859 | 1.1686 | 29.4317 | 35.1544 | 35.9199 | 33.5661 |
| 050133 | 1.4906 | 1.1372 | 27.6030 | 31.3530 | 31.9527 | 30.3390 |
| 050135 | 1.0146 | 1.1686 | 24.9415 | 24.3927 | 25.1813 | 24.9002 |
| 050136 | 1.2800 | 1.5260 | 35.2834 | 37.4560 | 43.3747 | 38.6810 |
| 050137 | 1.3472 | 1.1686 | 36.5409 | 38.4827 | 39.1496 | 38.1206 |
| 050138 | 2.1425 | 1.1686 | 43.8671 | 46.9557 | 45.3728 | 45.4025 |
| 050139 | 1.3186 | 1.1686 | 35.1013 | 37.6217 | 37.8986 | 36.8930 |
| 050140 | 1.3895 | 1.1525 | 37.5473 | 39.6269 | 40.9725 | 39.4753 |
| 050144 | 1.3908 | 1.1686 | 32.4042 | 33.5109 | 33.6662 | 33.2263 |
| 050145 | 1.3605 | 1.4220 | 39.5676 | 42.3134 | 42.2921 | 41.4134 |
| 050148 | 1.0941 | 1.1202 | 24.7063 | 27.3005 | 28.2305 | 26.7960 |
| 050149 | 1.4779 | 1.1686 | 30.1596 | 33.2270 | 35.8821 | 33.4099 |
| 050150 | 1.2279 | 1.2986 | 31.5333 | 31.7560 | 33.6583 | 32.3465 |
| 050152 | 1.4758 | 1.5445 | 40.3464 | 43.6487 | 46.1553 | 43.4147 |
| 050153 | 1.5471 | 1.5324 | 40.4446 | 43.3190 | 42.8955 | 42.2727 |
| 050155 | *** | * | 21.8829 | 21.8550 | 16.9516 | 19.9648 |
| 050158 | 1.3036 | 1.1686 | 33.6400 | 35.1326 | 35.7805 | 34.9098 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 050159 | 1.2083 | 1.1439 | 30.8069 | 31.3199 | 32.5704 | 31.6137 |
| 050167 | 1.2947 | 1.2029 | 25.9850 | 28.5179 | 31.4798 | 28.6280 |
| 050168 | 1.6535 | 1.1525 | 30.8036 | 33.2506 | 37.9784 | 34.1091 |
| 050169 | 1.4280 | 1.1686 | 26.2864 | 27.4644 | 29.4693 | 27.8379 |
| 050172 | 1.2615 | * | 27.1497 | 28.5604 | * | 27.8554 |
| 050173 | 1.2388 | 1.1525 | 27.6097 | 30.3582 | 29.0576 | 28.9733 |
| 050174 | 1.6319 | 1.5260 | 36.3117 | 40.1747 | 44.4199 | 40.3075 |
| 050175 | 1.2512 | 1.1686 | 31.5615 | 30.5733 | 33.3061 | 31.8069 |
| 050177 | *** | * | 24.7531 | 25.1442 | 24.0717 | 24.6630 |
| 050179 | 1.2169 | 1.1735 | 25.8072 | 27.1155 | 30.4973 | 28.0977 |
| 050180 | 1.5858 | 1.5617 | 40.8101 | 40.2504 | 42.0358 | 41.0704 |
| 050188 | 1.4240 | 1.5324 | 39.3507 | 39.5110 | 41.0943 | 39.9979 |
| 050189 | 1.0412 | 1.4220 | 20.0709 | 29.1280 | 30.1155 | 26.4779 |
| 050191 | 1.5121 | 1.1686 | * | 34.2091 | 37.7805 | 35.9193 |
| 050192 | 1.0053 | 1.1202 | 21.2448 | 27.0424 | 27.1401 | 25.1605 |
| 050193 | 1.2486 | 1.1525 | 30.7341 | 29.6421 | 33.9520 | 31.4458 |
| 050194 | 1.3581 | 1.5108 | 38.6750 | 40.9096 | 44.7107 | 41.4882 |
| 050195 | 1.5046 | 1.5617 | 43.9696 | 48.4358 | 48.8595 | 47.1589 |
| 050196 | 1.0903 | 1.1202 | 25.2168 | 32.1933 | 34.0955 | 30.7710 |
| 050197 | 2.0246 | 1.5617 | 40.8832 | 48.9052 | 50.0728 | 46.5930 |
| 050204 | 1.4506 | 1.1686 | 25.2512 | 28.6423 | 32.0121 | 28.5691 |
| 050205 | 1.4300 | 1.1686 | 28.0504 | 27.8611 | 29.3334 | 28.4470 |
| 050207 | 1.2588 | 1.1202 | 27.0216 | 29.5215 | 30.0062 | 28.8170 |
| 050211 | 1.2854 | 1.5617 | 38.3319 | 41.2166 | 35.0514 | 38.0606 |
| 050214 | *** | * | 24.4785 | 23.9972 | 25.4647 | 24.6387 |
| 050215 | 1.8352 | 1.5324 | 41.6886 | 43.7985 | 48.8112 | 44.7172 |
| 050217 | 1.2206 | * | 23.6286 | * | * | 23.6286 |
| 050219 | 1.2040 | 1.1686 | 22.9226 | 22.4065 | 26.4143 | 23.9545 |
| 050222 | 1.6335 | 1.1202 | 26.3882 | 29.1094 | 32.3882 | 29.4132 |
| 050224 | 1.6696 | 1.1525 | 26.7916 | 29.3143 | 32.5010 | 29.5025 |
| 050225 | 1.4619 | 1.1202 | 29.5184 | 29.9656 | 34.0836 | 31.3086 |
| 050226 | 1.5853 | 1.1525 | 29.2259 | 30.5867 | 32.4411 | 30.8007 |
| 050228 | 1.3602 | 1.5617 | 40.1362 | 42.4226 | 43.7939 | 42.1033 |
| 050230 | 1.4633 | 1.1525 | 34.1417 | 32.9555 | 34.0600 | 33.7136 |
| 050231 | 1.6358 | 1.1686 | 30.1298 | 30.9607 | 32.1813 | 31.1097 |
| 050232 | 1.6119 | 1.1305 | 24.4383 | 27.4099 | 26.3004 | 26.0053 |
| 050234 | 1.2193 | 1.1202 | 29.2421 | 29.6560 | 32.3725 | 30.4116 |
| 050235 | 1.5333 | 1.1686 | 27.8965 | 29.2979 | 30.5405 | 29.2413 |
| 050236 | 1.4058 | 1.1439 | 28.1969 | 32.1647 | 33.0686 | 31.1130 |
| 050238 | 1.4869 | 1.1686 | 29.1481 | 31.1764 | 33.3346 | 31.3169 |
| 050239 | 1.5982 | 1.1686 | 28.2327 | 31.0963 | 33.1148 | 30.8373 |
| 050240 | 1.6431 | 1.1686 | 35.2284 | 35.5735 | 36.1154 | 35.6475 |
| 050242 | 1.3743 | 1.5108 | 39.7629 | 44.3130 | 46.4844 | 43.6095 |
| 050243 | 1.5345 | 1.1202 | 31.8153 | 31.4883 | 32.9385 | 32.1106 |
| 050245 | 1.3329 | 1.1525 | 27.0949 | 28.6527 | 27.3866 | 27.7236 |
| 050248 | 1.0132 | 1.4220 | 31.6240 | 35.3864 | * | 33.4763 |
| 050251 | 1.0297 | 1.1202 | 26.5021 | 27.2675 | 27.8452 | 27.2522 |
| 050253 | *** | * | 22.2450 | 24.0044 | 23.5381 | 23.1900 |
| 050254 | 1.2450 | 1.2986 | 24.1512 | 27.0041 | 31.2386 | 27.5193 |
| 050256 | 1.6386 | 1.1686 | 28.4728 | 29.8194 | 29.6793 | 29.3205 |
| 050257 | 0.9830 | 1.1202 | 20.8367 | 21.3216 | 20.1830 | 20.7129 |
| 050261 | 1.3082 | 1.1202 | 25.3005 | 27.3234 | 29.2150 | 27.4408 |
| 050262 | 2.0811 | 1.1686 | 36.1162 | 44.0256 | 39.9946 | 40.0775 |
| 050264 | 1.3604 | 1.5617 | 41.3478 | 41.1211 | 47.7024 | 43.4930 |
| 050267 | *** | * | 26.7060 | * | * | 26.7060 |
| 050270 | 0.8638 | 1.1202 | 30.0540 | 32.4812 | 33.6855 | 32.1141 |
| 050272 | 1.3489 | 1.1525 | 25.9103 | 27.1989 | 29.4671 | 27.5457 |
| 050276 | 1.2459 | 1.5617 | 41.2251 | 39.3778 | 41.1406 | 40.5997 |
| 050277 | 1.0096 | 1.1686 | 35.8246 | 32.5213 | 35.4443 | 34.4246 |
| 050278 | 1.5335 | 1.1686 | 28.0351 | 29.9244 | 31.8712 | 30.0483 |
| 050279 | 1.1779 | 1.1525 | 25.5299 | 27.6573 | 29.7118 | 27.6742 |
| 050280 | 1.6857 | 1.2450 | 30.6723 | 35.2030 | 38.8341 | 34.8751 |
| 050281 | 1.4210 | 1.1686 | 26.2623 | 27.3824 | 29.4882 | 27.7172 |
| 050283 | 1.4252 | 1.5617 | 38.5600 | 43.0638 | 44.3122 | 42.0650 |
| 050286 | *** | * | 19.4973 | * | * | 19.4973 |
| 050289 | 1.6373 | 1.5419 | 38.6875 | 41.1774 | 44.2814 | 41.4520 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 050290 | 1.5790 | 1.1686 | 32.6388 | 34.5482 | 37.3563 | 34.8783 |
| 050291 | 1.8385 | 1.5260 | 29.6162 | 35.3653 | 38.4366 | 34.3153 |
| 050292 | 1.0979 | 1.1202 | 27.0775 | 26.8879 | 26.9786 | 26.9804 |
| 050295 | 1.4627 | 1.1202 | 31.5960 | 36.1950 | 34.7383 | 34.3567 |
| 050296 | 1.1644 | 1.5324 | 34.9952 | 39.0061 | 39.9842 | 38.1164 |
| 050298 | 1.1633 | 1.1525 | 25.8232 | 27.7416 | 30.2022 | 27.9356 |
| 050299 | 1.3599 | 1.1686 | 27.7535 | 31.5435 | 35.1249 | 31.6510 |
| 050300 | 1.4916 | 1.1525 | 28.3862 | 30.7148 | 30.2874 | 29.8366 |
| 050301 | 1.3253 | 1.1202 | 28.5769 | 31.9995 | 35.9490 | 32.3183 |
| 050305 | 1.4147 | 1.5617 | 40.9978 | 44.8630 | 44.9681 | 43.6141 |
| 050308 | 1.4700 | 1.5324 | 38.0564 | 43.0691 | 43.7413 | 41.6020 |
| 050309 | 1.4129 | 1.2986 | 28.9181 | 34.4145 | 38.2659 | 34.1832 |
| 050312 | *** | * | 32.6846 | 33.9022 | 36.8498 | 34.2537 |
| 050313 | 1.2209 | 1.2029 | 27.5321 | 31.8003 | 35.0479 | 31.7666 |
| 050315 | 1.3325 | 1.1202 | 26.1224 | 28.5933 | 33.2038 | 29.4498 |
| 050320 | 1.2498 | 1.5617 | 36.3252 | 40.2352 | 45.7686 | 40.6332 |
| 050324 | 1.8676 | 1.1202 | 30.9958 | 32.9792 | 34.5503 | 32.9848 |
| 050325 | 1.1370 | 1.1378 | 30.2280 | 30.6117 | 31.3730 | 30.7522 |
| 050327 | 1.7458 | 1.1525 | 29.8327 | 33.0087 | 33.9507 | 32.3300 |
| 050329 | 1.2527 | 1.1202 | 26.8021 | 26.2120 | 23.2927 | 25.4012 |
| 050331 | 1.2280 | * | 20.9847 | 20.2692 | * | 20.6171 |
| 050333 | 1.1134 | 1.1202 | 15.3119 | 23.4009 | 19.6352 | 18.9052 |
| 050334 | 1.6668 | 1.4220 | 38.7635 | 40.7467 | 43.9656 | 41.1996 |
| 050335 | 1.4584 | 1.1378 | 27.4046 | 28.9403 | 30.9928 | 29.1535 |
| 050336 | 1.2343 | 1.2029 | 25.3062 | 28.5659 | 30.4664 | 28.2054 |
| 050342 | 1.2359 | 1.1202 | 24.7654 | 26.8507 | 29.2244 | 27.0322 |
| 050348 | 1.6978 | 1.1525 | 33.2676 | 37.7898 | 31.5156 | 34.1296 |
| 050349 | 0.9599 | 1.1202 | 16.9251 | 17.4791 | 24.4864 | 19.6872 |
| 050350 | 1.3676 | 1.1686 | 29.4262 | 31.1833 | 31.0136 | 30.5845 |
| 050351 | 1.5247 | 1.1686 | 29.3082 | 30.8661 | 30.6599 | 30.2977 |
| 050352 | 1.3521 | 1.2986 | 24.2931 | 33.9362 | 36.7673 | 31.5149 |
| 050353 | 1.5321 | 1.1686 | 26.6332 | 31.8291 | 29.4215 | 29.2166 |
| 050355 | *** | * | 11.2498 | * | * | 11.2498 |
| 050357 | 1.4364 | 1.1202 | 26.7265 | 32.3095 | 32.6763 | 30.1138 |
| 050359 | 1.2192 | 1.1202 | 23.6030 | 25.7739 | 29.8345 | 26.4944 |
| 050360 | 1.5305 | 1.5419 | 38.8658 | 37.0769 | 47.4497 | 41.1219 |
| 050366 | 1.2087 | 1.1202 | 25.7692 | 31.1854 | 33.6715 | 30.0643 |
| 050367 | 1.4254 | 1.5617 | 34.4959 | 38.7727 | 38.6329 | 37.5738 |
| 050369 | 1.4148 | 1.1686 | 27.1327 | 29.5697 | 30.6439 | 29.1392 |
| 050373 | 1.3742 | 1.1686 | 32.2315 | 31.9271 | 35.1380 | 33.1243 |
| 050376 | 1.5441 | 1.1686 | 30.7562 | 32.9393 | 34.3539 | 32.7049 |
| 050377 | *** | * | 20.2484 | * | * | 20.2484 |
| 050378 | 0.9844 | 1.1686 | 33.9087 | 34.2417 | 37.9904 | 35.4690 |
| 050379 | *** | * | 31.7645 | 32.9575 | * | 32.3515 |
| 050380 | 1.6100 | 1.5324 | 39.1098 | 42.0782 | 46.0276 | 42.2717 |
| 050382 | 1.3879 | 1.1686 | 26.0927 | 29.4323 | 30.4014 | 28.6935 |
| 050385 | 1.3152 | 1.5260 | 25.5735 | 34.5184 | 36.8107 | 32.2632 |
| 050390 | 1.1621 | 1.1202 | 28.7761 | 26.0066 | 27.3183 | 27.2656 |
| 050391 | *** | * | 21.3012 | 18.1004 | 17.2141 | 18.6587 |
| 050392 | 1.2020 | * | 22.7209 | * | * | 22.7209 |
| 050393 | 1.4296 | 1.1686 | 28.2369 | 30.0661 | 34.1743 | 30.7057 |
| 050394 | 1.5878 | 1.1439 | 26.0074 | 27.5061 | 27.4861 | 27.0365 |
| 050396 | 1.5934 | 1.1202 | 30.5470 | 33.5699 | 32.4918 | 32.2135 |
| 050397 | 0.8803 | 1.1202 | 27.4716 | 28.1640 | 28.3671 | 28.0135 |
| 050407 | 1.1762 | 1.5445 | 35.6035 | 37.9066 | 42.2749 | 38.7172 |
| 050410 | *** | * | 19.4995 | 21.3814 | * | 20.4290 |
| 050411 | 1.5452 | 1.1686 | 37.3817 | 37.8064 | 38.8294 | 38.0498 |
| 050414 | 1.2911 | 1.2986 | 28.8561 | 34.6672 | 38.7585 | 34.0180 |
| 050417 | 1.2514 | 1.1202 | 25.2930 | 29.5031 | 32.9341 | 29.2963 |
| 050419 | 1.3320 | * | 28.4471 | 33.3125 | * | 30.8677 |
| 050420 | 1.1777 | 1.1686 | 26.1838 | 24.9401 | 35.2869 | 28.4351 |
| 050423 | 0.9632 | 1.1202 | 28.5944 | 30.6416 | 28.3768 | 29.2408 |
| 050424 | 2.0029 | 1.1202 | 29.9133 | 31.0730 | 34.5680 | 31.9323 |
| 050425 | 1.3412 | 1.2986 | 38.5317 | 42.4177 | 49.2245 | 43.9305 |
| 050426 | 1.3733 | 1.1525 | 30.0077 | 30.6899 | 33.2030 | 31.2980 |
| 050430 | 0.9590 | 1.1713 | 24.6684 | 25.0607 | 23.9045 | 24.4689 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 050432 | 1.6418 | 1.1686 | 30.3547 | 30.8030 | 33.1876 | 31.4607 |
| 050433 | 0.9337 | 1.1202 | 20.7565 | 23.0806 | 21.3574 | 21.7258 |
| 050434 | 1.1058 | 1.1202 | 25.9506 | 26.1621 | 32.6256 | 28.5792 |
| 050435 | 1.1466 | 1.1202 | 32.2183 | 28.0306 | 30.6531 | 30.1967 |
| 050438 | 1.5700 | 1.1686 | 26.4668 | 27.2662 | 36.3026 | 30.1499 |
| 050441 | 1.9822 | 1.5324 | 38.2823 | 42.9765 | 44.5694 | 41.9504 |
| 050444 | 1.3300 | 1.1873 | 27.6971 | 30.5504 | 34.6313 | 31.2077 |
| 050447 | 0.9591 | 1.1202 | 21.8552 | 25.2573 | 26.7960 | 24.7104 |
| 050448 | 1.2706 | 1.1202 | 25.0983 | 27.9759 | 30.6201 | 27.9782 |
| 050454 | 1.8552 | 1.5445 | 36.8383 | 43.5311 | 38.5833 | 39.6847 |
| 050455 | 1.5956 | 1.1202 | 24.5314 | 22.7235 | 30.4606 | 25.8673 |
| 050456 | 1.1261 | 1.1686 | 22.1675 | 22.5630 | 21.6261 | 21.9834 |
| 050457 | 1.6077 | 1.5445 | 40.2725 | 45.5829 | 47.8947 | 44.5967 |
| 050464 | 1.6823 | 1.1735 | 37.1342 | 37.3692 | 38.3058 | 37.5977 |
| 050468 | 1.5043 | 1.1686 | 29.4280 | 29.5448 | 31.1111 | 30.0666 |
| 050469 | 1.1467 | 1.1202 | 27.3281 | 28.9079 | 30.6502 | 28.9560 |
| 050470 | 1.0615 | 1.1202 | 18.4689 | 24.6755 | 27.8678 | 24.0395 |
| 050471 | 1.7553 | 1.1686 | 34.5484 | 34.5211 | 35.4768 | 34.8480 |
| 050476 | 1.4352 | 1.1459 | 30.9974 | 34.6585 | 38.7856 | 34.6344 |
| 050477 | 1.3492 | 1.1686 | 34.6400 | 34.6995 | 37.7668 | 35.7856 |
| 050478 | 1.0004 | 1.1202 | 30.9865 | 33.3998 | 40.2556 | 34.9669 |
| 050481 | 1.4204 | 1.1686 | 31.9177 | 33.7446 | 36.1394 | 33.9350 |
| 050485 | 1.6266 | 1.1686 | 28.8459 | 31.4233 | 36.1488 | 32.1490 |
| 050488 | 1.3296 | 1.5617 | 40.5313 | 42.9904 | 42.6854 | 42.1042 |
| 050491 | *** | * | 30.6461 | 32.1379 | 34.3597 | 32.1132 |
| 050492 | 1.5153 | 1.1202 | 27.4933 | 27.1540 | 28.0826 | 27.5900 |
| 050494 | 1.4200 | 1.2817 | 35.1457 | 35.9909 | 38.1177 | 36.4266 |
| 050496 | 1.7749 | 1.5617 | 38.2871 | 42.2672 | 48.2467 | 43.0259 |
| 050497 | *** | * | 15.9501 | * | * | 15.9501 |
| 050498 | 1.3332 | 1.2986 | 28.2667 | 33.0298 | 37.1667 | 32.9092 |
| 050502 | 1.7123 | 1.1686 | 28.7200 | 29.5615 | 28.7046 | 29.0024 |
| 050503 | 1.4525 | 1.1202 | 29.2001 | 31.6418 | 34.0994 | 31.7841 |
| 050506 | 1.6735 | 1.1305 | 32.4509 | 36.0164 | 37.7420 | 35.5222 |
| 050510 | 1.2151 | 1.5617 | 44.3883 | 47.5510 | 52.5376 | 48.6080 |
| 050512 | 1.3525 | 1.5617 | 41.8921 | 46.9233 | 50.9264 | 47.2122 |
| 050515 | 1.3793 | 1.1202 | 37.4251 | 38.9978 | 38.9543 | 38.4957 |
| 050516 | 1.4811 | 1.2986 | 29.4936 | 36.2772 | 39.8161 | 35.0756 |
| 050517 | 1.2133 | 1.1525 | 23.6034 | 23.9007 | 20.0213 | 22.2544 |
| 050523 | 1.3275 | 1.5617 | 34.7491 | 35.5452 | 40.6535 | 36.9799 |
| 050526 | 1.2474 | 1.1525 | 29.9495 | 31.3744 | 28.1997 | 29.7074 |
| 050528 | 1.1660 | 1.1202 | 28.6273 | 29.6838 | 31.4941 | 30.0548 |
| 050531 | 1.0315 | 1.1686 | 25.0157 | 26.9420 | 27.1974 | 26.4070 |
| 050534 | 1.4460 | 1.1202 | 29.7546 | 29.8603 | 33.1666 | 30.9274 |
| 050535 | 1.4912 | 1.1525 | 32.3646 | 32.3723 | 34.6143 | 33.2035 |
| 050537 | 1.4619 | 1.2986 | 27.4196 | 31.3844 | 34.9931 | 31.3766 |
| 050539 | 1.2494 | * | 28.0586 | 29.8242 | * | 29.0033 |
| 050541 | 1.5030 | 1.5617 | 43.7765 | 46.1121 | 52.5908 | 47.7289 |
| 050543 | 0.7329 | 1.1525 | 25.7161 | 26.1103 | 29.4443 | 27.0500 |
| 050545 | 0.7250 | 1.1686 | 42.9451 | 30.5554 | 31.3079 | 35.1359 |
| 050546 | 0.7178 | 1.1202 | 52.7180 | 30.2329 | 33.2245 | 38.3907 |
| 050547 | 0.9892 | 1.5260 | 45.1842 | 33.2205 | 34.8400 | 38.0953 |
| 050548 | 0.7079 | 1.1525 | 37.1314 | 30.3775 | 39.2233 | 35.6910 |
| 050549 | 1.5798 | 1.2818 | 33.8288 | 34.9818 | 35.2792 | 34.7104 |
| 050550 | 1.3091 | 1.1525 | 31.1918 | 30.2302 | 30.9612 | 30.7860 |
| 050551 | 1.3252 | 1.1525 | 31.6782 | 31.6165 | 34.0467 | 32.4689 |
| 050552 | 1.0915 | 1.1686 | 26.8274 | 27.1744 | 33.0711 | 29.0925 |
| 050557 | 1.5384 | 1.1735 | 28.3111 | 31.8048 | 33.3654 | 31.3154 |
| 050559 | *** | * | 26.9662 | * | * | 26.9662 |
| 050561 | 1.2834 | 1.1686 | 37.5863 | 38.8651 | 38.0196 | 38.1604 |
| 050567 | 1.5530 | 1.1525 | 30.1167 | 32.9829 | 35.7063 | 33.0025 |
| 050568 | 1.1784 | 1.1264 | 22.5008 | 24.4061 | 25.2337 | 24.0827 |
| 050569 | 1.2251 | 1.4116 | 30.4874 | 33.0259 | 31.6785 | 31.7510 |
| 050570 | 1.5461 | 1.1525 | 32.6896 | 34.0171 | 34.5161 | 33.7750 |
| 050571 | 1.2096 | 1.1686 | 32.1656 | 33.6156 | 34.7627 | 33.5372 |
| 050573 | 1.6877 | 1.1202 | 30.5249 | 34.1991 | 34.7279 | 33.1788 |
| 050575 | 1.1689 | 1.1686 | 23.2447 | 25.2513 | 25.1457 | 24.6365 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 050577 | *** | * | 28.7060 | 30.8841 | 32.3744 | 30.7024 |
| 050578 | 1.4763 | 1.1686 | 31.5953 | 33.8825 | 35.2390 | 33.5020 |
| 050579 | *** | * | 40.2740 | 39.4976 | 42.5081 | 40.6599 |
| 050580 | 1.2604 | 1.1525 | 29.4337 | 31.6256 | 31.5806 | 30.8643 |
| 050581 | 1.4067 | 1.1686 | 32.0823 | 32.1801 | 34.0136 | 32.7981 |
| 050583 | 1.6855 | 1.1202 | 33.5209 | 33.3697 | 34.5747 | 33.8027 |
| 050584 | 1.4318 | 1.1525 | 24.5757 | 24.8180 | 30.3434 | 26.6143 |
| 050585 | 1.2170 | 1.1525 | 27.2982 | 22.7121 | 22.2521 | 23.7456 |
| 050586 | 1.2743 | 1.1525 | 25.3551 | 27.4173 | 26.4782 | 26.3460 |
| 050588 | 1.2716 | 1.1686 | 32.3603 | 32.8212 | 32.7556 | 32.6569 |
| 050589 | 1.2035 | 1.1525 | 30.6273 | 30.9547 | 34.5100 | 32.0611 |
| 050590 | 1.3728 | 1.2986 | 31.5987 | 32.2142 | 38.4971 | 34.2056 |
| 050591 | 1.1708 | 1.1686 | 28.5915 | 28.8549 | 30.6106 | 29.3830 |
| 050592 | 1.1327 | 1.1525 | 32.5000 | 24.4542 | 27.3606 | 27.8692 |
| 050594 | 1.9222 | 1.1525 | 34.6747 | 34.7946 | 36.5256 | 35.3266 |
| 050597 | 1.2186 | 1.1686 | 25.4868 | 27.5691 | 28.8295 | 27.3013 |
| 050599 | 1.8973 | 1.2986 | 30.8420 | 38.1975 | 32.7835 | 33.9374 |
| 050601 | 1.5102 | 1.1686 | 35.0325 | 34.7409 | 36.0572 | 35.2836 |
| 050603 | 1.3782 | 1.1525 | 28.6982 | 30.2464 | 34.0275 | 31.1144 |
| 050604 | 1.3849 | 1.5324 | 45.4433 | 49.9429 | 55.0821 | 50.5390 |
| 050608 | 1.3380 | 1.1202 | 22.1999 | 23.3630 | 30.4169 | 25.2399 |
| 050609 | 1.3781 | 1.1525 | 38.4561 | 41.1797 | 41.7208 | 40.5323 |
| 050613 | 1.0078 | 1.5419 | * | * | 42.8105 | 42.8105 |
| 050615 | 1.0963 | 1.1686 | 32.8786 | 33.2909 | 35.9547 | 34.0424 |
| 050616 | 1.3821 | 1.1439 | 28.5636 | 36.9017 | 37.7284 | 34.6404 |
| 050618 | 0.9782 | 1.1202 | 25.4500 | 27.4539 | 31.3183 | 28.1589 |
| 050623 | *** | * | 29.6550 | 32.0627 | * | 30.7447 |
| 050624 | 1.2715 | 1.1686 | 28.1941 | 32.2907 | 33.9594 | 31.5331 |
| 050625 | 1.7561 | 1.1686 | 33.5137 | 36.3631 | 38.6591 | 36.2037 |
| 050630 | *** | * | 28.0726 | 30.9410 | * | 29.5481 |
| 050633 | 1.2263 | 1.1305 | 33.4771 | 35.3734 | 36.8303 | 35.2594 |
| 050636 | 1.3118 | 1.1202 | 27.2360 | 30.5156 | 32.5576 | 30.1670 |
| 050641 | 1.1720 | 1.1686 | 20.4720 | 21.4612 | 39.6921 | 25.1547 |
| 050644 | 0.9033 | 1.1686 | 25.6614 | 27.6547 | 28.8237 | 27.4079 |
| 050662 | 0.8777 | 1.5324 | 47.5065 | 32.6362 | 33.2447 | 38.3228 |
| 050663 | 1.1413 | 1.1686 | 25.1493 | 25.7747 | 27.7334 | 26.1922 |
| 050667 | 0.8949 | 1.4095 | 25.9250 | 26.3937 | 24.2771 | 25.5661 |
| 050668 | 1.0956 | 1.5445 | * | 31.8065 | 56.6555 | 40.5623 |
| 050674 | 1.2957 | 1.2986 | 38.4454 | 42.6866 | 48.0894 | 43.5231 |
| 050677 | 1.4891 | 1.1686 | 37.3389 | 38.7984 | 38.5770 | 38.2896 |
| 050678 | 1.3229 | 1.1525 | 29.1159 | 30.7220 | 32.4473 | 30.8749 |
| 050680 | 1.2209 | 1.5617 | 35.6614 | 38.3946 | 38.2871 | 37.6296 |
| 050681 | 1.7997 | 1.1686 | * | * | * | * |
| 050682 | 0.9902 | 1.1202 | 21.7264 | 21.7791 | 17.9077 | 20.1030 |
| 050684 | 1.1436 | 1.1202 | 25.2575 | 26.4234 | 27.5256 | 26.4105 |
| 050686 | 1.2893 | 1.1202 | 38.5595 | 40.9486 | 41.0188 | 40.2696 |
| 050688 | 1.2391 | 1.5324 | 41.3305 | 41.9325 | 44.1511 | 42.5500 |
| 050689 | 1.4993 | 1.5617 | 40.3815 | 42.2018 | 45.0951 | 42.6213 |
| 050690 | 1.2757 | 1.5260 | 43.9228 | 47.2769 | 50.9094 | 47.7953 |
| 050693 | 1.3127 | 1.1525 | 34.8040 | 35.0621 | 34.5798 | 34.8155 |
| 050694 | 1.0811 | 1.1202 | 26.7041 | 28.9544 | 30.7858 | 28.8478 |
| 050695 | 1.0919 | 1.2029 | 30.1226 | 35.6549 | 39.6004 | 35.5145 |
| 050696 | 2.1349 | 1.1686 | 36.9314 | 35.9220 | 37.3837 | 36.7347 |
| 050697 | 1.0815 | 1.2450 | 19.2603 | 25.1984 | 16.6605 | 19.8559 |
| 050698 | 1.0543 | 1.1202 | * | * | * | * |
| 050699 | *** | * | 25.6818 | 26.8210 | 28.9082 | 27.1586 |
| 050701 | 1.3401 | 1.1202 | 29.6896 | 29.6253 | 31.9529 | 30.7478 |
| 050704 | 1.0476 | 1.1686 | 24.6609 | 25.3488 | 29.7740 | 26.8344 |
| 050707 | 1.1988 | 1.5419 | 32.4877 | 34.0550 | 35.7311 | 34.0717 |
| 050708 | 1.6962 | 1.1202 | 21.2163 | 22.5034 | 30.5860 | 24.5174 |
| 050709 | 1.4049 | 1.1525 | 21.9079 | 25.6119 | 26.8549 | 24.7524 |
| 050710 | 1.3641 | 1.1202 | 34.8311 | 39.9858 | 45.8021 | 40.7733 |
| 050713 | *** | * | 20.7448 | 20.2803 | 21.1273 | 20.6573 |
| 050714 | 1.3795 | 1.5108 | 32.4491 | 33.6676 | 31.9527 | 32.6539 |
| 050717 | 1.6681 | 1.1686 | 34.5519 | 38.0796 | 39.3227 | 37.1972 |
| 050718 | 1.1405 | 1.1202 | 15.4037 | 21.4996 | 25.5140 | 20.3162 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 050720 | 0.9434 | 1.1525 | 24.8117 | 30.0812 | 29.4726 | 28.3760 |
| 050722 | 0.9491 | 1.1202 | * | * | 31.4867 | 31.4867 |
| 050723 | 1.2769 | 1.1686 | 34.9814 | 35.0119 | 38.5446 | 36.2599 |
| 050724 | 1.9863 | 1.1202 | * | 34.4267 | 31.6910 | 32.9742 |
| 050725 | 0.9894 | 1.1686 | 22.0946 | 21.7816 | 24.3100 | 22.6726 |
| 050726 | 1.5734 | 1.1735 | 27.0928 | 27.8433 | 30.6479 | 28.7808 |
| 050727 | 1.3048 | 1.1686 | 23.7179 | 24.3026 | 33.9118 | 27.6309 |
| 050728 | 1.3608 | 1.5260 | 31.4768 | 36.0820 | 39.3581 | 35.2411 |
| 050729 | 1.4064 | 1.1686 | * | 34.2580 | 36.5432 | 35.4092 |
| 050730 | 1.1559 | 1.1686 | * | 51.5425 | 37.0629 | 43.8573 |
| 050732 | 2.4544 | 1.1202 | * | * | * | * |
| 050733 | 1.5502 | 1.2450 | * | * | * | * |
| 050735 | 1.4627 | 1.1686 | * | * | * | * |
| 050736 | 1.2134 | 1.1686 | * | * | * | * |
| 050737 | 1.4924 | 1.1686 | * | * | * | * |
| 050738 | 1.3628 | 1.1686 | * | * | * | * |
| 050739 | 1.6628 | 1.1686 | * | * | * | * |
| 050740 | 1.2672 | 1.1686 | * | * | * | * |
| 050741 | 1.4585 | 1.1686 | * | * | * | * |
| 050742 | 1.4555 | 1.1686 | * | * | * | * |
| 050743 | 1.1726 | 1.1686 | * | * | * | * |
| 050744 | 2.0256 | 1.1379 | * | * | * | * |
| 050745 | 1.2873 | 1.1379 | * | * | * | * |
| 050746 | 1.7748 | 1.1379 | * | * | * | * |
| 050747 | 1.3755 | 1.1379 | * | * | * | * |
| 050749 | 1.2621 | 1.1439 | * | * | * | * |
| 050750 | 2.3783 | 1.1735 | * | * | * | * |
| 050751 | 1.9927 | 1.1686 | * | * | * | * |
| 050752 | 1.3824 | 1.1686 | * | * | * | * |
| 060001 | 1.5405 | 1.0555 | 24.9410 | 26.8470 | 29.6191 | 27.1542 |
| 060003 | 1.4532 | 1.0555 | 24.7856 | 24.2224 | 29.4809 | 26.1917 |
| 060004 | 1.3034 | 1.0719 | 28.0656 | 29.9649 | 32.4609 | 30.2066 |
| 060006 | 1.4080 | 0.9091 | 22.7493 | 24.5704 | 25.2139 | 24.1949 |
| 060007 | *** | * | 21.4792 | * | * | 21.4792 |
| 060008 | 1.2490 | 0.9091 | 21.8037 | 23.3859 | 23.0947 | 22.7895 |
| 060009 | 1.4538 | 1.0719 | 27.0511 | 28.7645 | 31.5210 | 29.1966 |
| 060010 | 1.7117 | 0.9386 | 27.2290 | 28.9850 | 27.1916 | 27.7894 |
| 060011 | 1.5312 | 1.0719 | 26.1958 | 27.2833 | 35.1573 | 29.4531 |
| 060012 | 1.4921 | 0.9091 | 24.1557 | 26.2469 | 27.3885 | 25.9174 |
| 060013 | 1.4258 | 0.9091 | 24.9708 | 24.5994 | 26.8676 | 25.4904 |
| 060014 | 1.8045 | 1.0719 | 29.6744 | 31.2588 | 31.0542 | 30.6493 |
| 060015 | 1.6893 | 1.0719 | 30.1158 | 30.4533 | 32.5285 | 30.9302 |
| 060016 | 1.2537 | 0.9091 | 23.9655 | 25.6527 | 26.5428 | 25.4113 |
| 060018 | 1.2920 | 0.9091 | 23.6620 | 25.7628 | 24.1086 | 24.5180 |
| 060020 | 1.5924 | 0.9091 | 22.2052 | 22.6748 | 24.5992 | 23.1908 |
| 060022 | 1.6182 | 0.9475 | 25.7832 | 26.5238 | 28.2944 | 26.8827 |
| 060023 | 1.7037 | 1.0555 | 26.7285 | 27.7644 | 29.5760 | 28.0282 |
| 060024 | 1.8007 | 1.0719 | 28.7231 | 29.0130 | 30.0279 | 29.2786 |
| 060027 | 1.5713 | 1.0555 | 26.6348 | 28.0909 | 29.6121 | 28.2088 |
| 060028 | 1.4292 | 1.0719 | 27.9686 | 30.0448 | 31.6900 | 29.9400 |
| 060030 | 1.3866 | 0.9386 | 26.0011 | 26.6251 | 27.8642 | 26.8679 |
| 060031 | 1.5479 | 0.9475 | 25.6207 | 26.3650 | 27.8345 | 26.6058 |
| 060032 | 1.5218 | 1.0719 | 28.2234 | 30.4247 | 31.0686 | 29.8864 |
| 060034 | 1.6709 | 1.0719 | 28.4604 | 29.8445 | 30.9359 | 29.7630 |
| 060036 | 1.1556 | 0.9091 | 20.4635 | 20.7131 | 20.3226 | 20.5024 |
| 060041 | 0.9159 | 0.9091 | 22.7123 | 23.4978 | 24.6142 | 23.6373 |
| 060043 | 1.0578 | 0.9091 | 20.0939 | 18.7896 | 18.2142 | 19.0158 |
| 060044 | 1.1647 | 1.0555 | 25.2471 | 25.0360 | 26.5611 | 25.6008 |
| 060049 | 1.3863 | 0.9233 | 26.8089 | 29.0598 | 29.3724 | 28.4549 |
| 060050 | *** | * | 21.9108 | * | * | 21.9108 |
| 060054 | 1.4653 | 0.9767 | 23.5803 | 22.3490 | 24.3389 | 23.4176 |
| 060057 | *** | * | 26.9891 | * | * | 26.9891 |
| 060064 | 1.6763 | 1.0719 | 30.0963 | 31.3105 | 32.3681 | 31.2601 |
| 060065 | 1.3928 | 1.0719 | 28.5282 | 31.1987 | 32.4735 | 30.6917 |
| 060071 | 1.1611 | 0.9091 | 20.2706 | 25.7248 | 27.6658 | 24.7362 |
| 060075 | 1.2848 | 1.0378 | 30.7835 | 32.7563 | 32.2545 | 31.9445 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 060076 | 1.2450 | 0.9091 | 25.5406 | 26.8236 | 26.5631 | 26.3246 |
| 060096 | 1.5427 | 1.0555 | 27.4085 | 30.0602 | 32.1310 | 29.8666 |
| 060100 | 1.7198 | 1.0719 | 29.7690 | 32.1537 | 32.6104 | 31.5134 |
| 060103 | 1.3046 | 1.0555 | 28.8063 | 30.3002 | 31.6314 | 30.2903 |
| 060104 | 1.3928 | 1.0719 | 30.8625 | 32.0889 | 32.4232 | 31.7749 |
| 060107 | 1.4001 | 1.0719 | 26.8267 | 26.1883 | 26.8388 | 26.6135 |
| 060111 | *** | * | 31.2571 | * | * | 31.2571 |
| 060112 | 1.6920 | 1.0719 | * | * | 34.9272 | 34.9272 |
| 060113 | 1.2801 | 1.0719 | * | * | * | * |
| 060114 | 1.2895 | 1.0719 | * | * | * | * |
| 060115 | 0.8229 | 0.9091 | * | * | * | * |
| 060116 | 1.2586 | 1.0284 | * | * | * | * |
| 060117 | 1.2771 | 0.9091 | * | * | * | * |
| 070001 | 1.6277 | 1.2851 | 32.2718 | 34.0302 | 35.8958 | 34.0563 |
| 070002 | 1.8171 | 1.1988 | 29.0663 | 31.1530 | 33.4398 | 31.2193 |
| 070003 | 1.0815 | 1.1988 | 31.3716 | 32.4197 | 34.1352 | 32.6566 |
| 070004 | 1.1931 | 1.1988 | 27.3004 | 29.2544 | 29.4448 | 28.6613 |
| 070005 | 1.3646 | 1.2851 | 29.3265 | 32.1668 | 33.7813 | 31.8765 |
| 070006 | 1.3639 | 1.3124 | 33.9310 | 36.8469 | 37.9148 | 36.2310 |
| 070007 | 1.3022 | 1.2031 | 30.3648 | 31.7125 | 35.9617 | 32.7355 |
| 070008 | 1.2429 | 1.1988 | 24.9176 | 26.4806 | 28.5506 | 26.6856 |
| 070009 | 1.2252 | 1.1988 | 28.8649 | 30.2706 | 32.9299 | 30.7068 |
| 070010 | 1.7838 | 1.3124 | 33.1535 | 32.5798 | 35.3730 | 33.7345 |
| 070011 | 1.3944 | 1.1988 | 27.5391 | 29.9105 | 31.8987 | 29.7848 |
| 070012 | 1.1780 | 1.1988 | 40.3337 | 44.1424 | 29.4216 | 36.6050 |
| 070015 | 1.3750 | 1.1988 | 30.9728 | 33.4595 | 35.3385 | 33.3123 |
| 070016 | 1.3832 | 1.2851 | 29.6662 | 31.0903 | 31.4930 | 30.7535 |
| 070017 | 1.3804 | 1.2851 | 30.3951 | 31.7223 | 34.0490 | 32.0928 |
| 070018 | 1.3399 | 1.3124 | 35.7189 | 37.6081 | 39.7515 | 37.8041 |
| 070019 | 1.3176 | 1.2851 | 29.6290 | 31.8148 | 34.5125 | 32.0051 |
| 070020 | 1.3725 | 1.2061 | 29.9507 | 31.0935 | 33.6453 | 31.5617 |
| 070021 | 1.2493 | 1.1997 | 31.4397 | 33.2357 | 36.9241 | 33.8921 |
| 070022 | 1.7511 | 1.2851 | 32.3625 | 35.4120 | 39.0462 | 35.6388 |
| 070024 | 1.3625 | 1.2031 | 31.0243 | 32.0430 | 35.2323 | 32.7934 |
| 070025 | 1.7937 | 1.1988 | 29.2540 | 30.9938 | 32.4085 | 30.9015 |
| 070027 | 1.3370 | 1.1988 | 27.3487 | 31.8018 | 29.8513 | 29.7253 |
| 070028 | 1.6327 | 1.3124 | 29.5653 | 31.5036 | 35.1966 | 32.1039 |
| 070029 | 1.3097 | 1.1988 | 26.3871 | 27.7213 | 30.9299 | 28.3559 |
| 070031 | 1.3067 | 1.2851 | 27.2359 | 28.9190 | 30.1915 | 28.8298 |
| 070033 | 1.3587 | 1.3124 | 35.5355 | 37.1929 | 40.1594 | 37.7106 |
| 070034 | 1.4051 | 1.3124 | 35.6831 | 36.3899 | 38.3965 | 36.8448 |
| 070035 | 1.2927 | 1.1988 | 27.1816 | 27.5585 | 30.7440 | 28.4859 |
| 070036 | 1.6615 | 1.2536 | 34.0555 | 36.1610 | 38.3413 | 36.2392 |
| 070038 | 1.1293 | 1.2399 | 31.1133 | 25.7516 | 25.7914 | 26.4172 |
| 070039 | 0.9388 | 1.2851 | 35.0164 | 31.2269 | 36.1368 | 34.0454 |
| 080001 | 1.6237 | 1.0633 | 30.2463 | 30.0242 | 32.0105 | 30.7967 |
| 080002 | *** | * | 26.4192 | 27.7932 | 29.6800 | 27.9942 |
| 080003 | 1.5782 | 1.0633 | 27.1131 | 29.2266 | 30.7697 | 29.0947 |
| 080004 | 1.4760 | 1.0570 | 26.0092 | 27.4921 | 30.1094 | 27.9303 |
| 080006 | 1.2843 | 1.0009 | 24.4204 | 25.6160 | 27.4749 | 25.8999 |
| 080007 | 1.4513 | 1.0336 | 24.6485 | 27.0074 | 30.1100 | 27.3014 |
| 090001 | 1.7673 | 1.0977 | 31.3552 | 35.0413 | 36.6577 | 34.3712 |
| 090002 | *** | * | 29.6780 | * | * | 29.6780 |
| 090003 | 1.2576 | 1.0977 | 27.0514 | 29.2660 | 31.0419 | 29.1969 |
| 090004 | 1.9193 | 1.0977 | 29.9785 | 32.2021 | 35.6964 | 32.6312 |
| 090005 | 1.3406 | 1.0977 | 30.2504 | 30.7728 | 33.0178 | 31.3326 |
| 090006 | 1.4551 | 1.0977 | 25.9086 | 29.5590 | 29.4912 | 28.3058 |
| 090007 | *** | * | 30.1419 | * | * | 30.1419 |
| 090008 | 1.3936 | 1.0977 | 29.6744 | 29.1059 | 32.0745 | 30.1717 |
| 090011 | 2.0633 | 1.0977 | 32.4412 | 34.0693 | 36.7579 | 34.3904 |
| 100001 | 1.5464 | 0.9281 | 25.2381 | 24.4060 | 26.4631 | 25.3882 |
| 100002 | 1.4095 | 0.9535 | 22.1269 | 25.3389 | 27.2350 | 24.9594 |
| 100004 | 0.8950 | * | 16.2637 | 16.5974 | * | 16.4390 |
| 100006 | 1.6312 | 0.9575 | 26.2372 | 26.3789 | 29.1505 | 27.2566 |
| 100007 | 1.6674 | 0.9575 | 25.4333 | 26.5378 | 28.5702 | 26.9172 |
| 100008 | 1.7223 | 0.9821 | 25.7377 | 27.4314 | 29.1705 | 27.5517 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 100009 | 1.4600 | 0.9821 | 24.4666 | 25.9381 | 27.4424 | 25.9449 |
| 100010 | *** | * | 26.9486 | * | * | 26.9486 |
| 100012 | 1.6716 | 0.9460 | 24.5762 | 26.3788 | 28.4600 | 26.5368 |
| 100014 | 1.3936 | 0.9321 | 22.3054 | 24.5862 | 25.1524 | 24.0248 |
| 100015 | 1.3953 | 0.9265 | 22.5781 | 24.6038 | 26.0916 | 24.3631 |
| 100017 | 1.6141 | 0.9321 | 22.9545 | 26.1580 | 27.9654 | 25.7954 |
| 100018 | 1.6468 | 1.0107 | 27.8582 | 28.1481 | 30.2423 | 28.7763 |
| 100019 | 1.6747 | 0.9547 | 25.5566 | 27.6179 | 28.6630 | 27.3589 |
| 100020 | *** | * | 23.6106 | 23.9414 | 27.1257 | 24.9125 |
| 100022 | 1.6889 | 1.0320 | 29.0519 | 29.9345 | 32.8088 | 30.7076 |
| 100023 | 1.5049 | 0.9575 | 21.4015 | 23.0074 | 25.2652 | 23.1917 |
| 100024 | 1.2664 | 0.9821 | 27.6476 | 30.2395 | 29.1894 | 28.9778 |
| 100025 | 1.6759 | 0.8733 | 21.1174 | 22.1580 | 23.3843 | 22.2470 |
| 100026 | 1.5933 | 0.8733 | 21.3533 | 21.4703 | 23.4730 | 22.1335 |
| 100027 | 0.9083 | 0.8733 | 12.0314 | 16.1223 | 18.9433 | 15.6380 |
| 100028 | 1.3355 | 0.9547 | 23.7818 | 26.8661 | 27.7497 | 26.1615 |
| 100029 | 1.2695 | 0.9821 | 26.9307 | 27.5844 | 28.8842 | 27.8024 |
| 100030 | 1.3127 | 0.9575 | 22.4887 | 24.0943 | 24.6314 | 23.8140 |
| 100032 | 1.7818 | 0.9265 | 23.0174 | 25.2450 | 26.8162 | 25.0796 |
| 100034 | 1.9037 | 0.9821 | 24.4064 | 25.9415 | 28.1280 | 26.0553 |
| 100035 | 1.5586 | 0.9743 | 25.3590 | 26.9407 | 29.4803 | 27.2447 |
| 100038 | 1.9601 | 1.0320 | 27.4422 | 29.8583 | 31.3403 | 29.6015 |
| 100039 | 1.4632 | 1.0320 | 26.6016 | 28.4627 | 28.2531 | 27.7905 |
| 100040 | 1.7005 | 0.9281 | 23.5372 | 23.6443 | 26.2429 | 24.4804 |
| 100043 | 1.3480 | 0.9265 | 22.8963 | 25.2273 | 26.4221 | 24.8888 |
| 100044 | 1.4396 | 0.9866 | 26.3208 | 28.3596 | 30.3659 | 28.3803 |
| 100045 | 1.3377 | 0.9575 | 23.0520 | 26.9641 | 29.7375 | 26.6960 |
| 100046 | 1.2870 | 0.9265 | 26.6169 | 26.3673 | 26.9469 | 26.6450 |
| 100047 | 1.7647 | 0.9738 | 24.4212 | 25.0404 | 26.7674 | 25.4543 |
| 100048 | 0.9433 | 0.8733 | 18.3767 | 18.8771 | 19.3226 | 18.8647 |
| 100049 | 1.1970 | 0.9056 | 22.9532 | 22.9810 | 24.0385 | 23.3402 |
| 100050 | 1.1346 | 0.9821 | 20.6893 | 19.8713 | 21.5101 | 20.6851 |
| 100051 | 1.3474 | 0.9575 | 22.3311 | 23.1940 | 28.0945 | 24.5496 |
| 100052 | 1.3124 | 0.9056 | 20.9078 | 22.3920 | 23.6796 | 22.3593 |
| 100053 | 1.2507 | 0.9821 | 27.3383 | 27.3224 | 28.5118 | 27.7190 |
| 100054 | 1.2320 | 0.8733 | 25.7279 | 28.0512 | 28.7646 | 27.4784 |
| 100055 | 1.3545 | 0.9265 | 22.1051 | 23.5332 | 25.6243 | 23.6414 |
| 100056 | *** | * | 25.7945 | * | * | 25.7945 |
| 100057 | 1.5520 | 0.9575 | 22.6038 | 25.3897 | 24.8010 | 24.2932 |
| 100061 | 1.5485 | 0.9821 | 26.7673 | 29.2565 | 31.4413 | 29.1651 |
| 100062 | 1.7005 | 0.8793 | 24.1413 | 25.2340 | 25.1280 | 24.8453 |
| 100063 | 1.2623 | 0.9265 | 21.5566 | 24.7026 | 25.5097 | 23.9301 |
| 100067 | 1.4089 | 0.9265 | 23.9333 | 26.1213 | 26.8628 | 25.6148 |
| 100068 | 1.7592 | 0.9321 | 24.9025 | 25.9202 | 26.1341 | 25.6436 |
| 100069 | 1.3305 | 0.9265 | 22.4386 | 24.7442 | 25.7450 | 24.2629 |
| 100070 | 1.7307 | 0.9743 | 23.7746 | 24.8883 | 26.8461 | 25.1171 |
| 100071 | 1.2351 | 0.9265 | 23.4176 | 24.9682 | 26.3768 | 24.9867 |
| 100072 | 1.3773 | 0.9321 | 24.2934 | 26.0459 | 25.7962 | 25.4285 |
| 100073 | 1.7645 | 1.0320 | 25.3685 | 30.3358 | 30.5845 | 28.7448 |
| 100075 | 1.4896 | 0.9265 | 23.3503 | 25.1691 | 25.7612 | 24.7961 |
| 100076 | 1.2186 | 0.9821 | 21.0777 | 21.9483 | 23.4551 | 22.0827 |
| 100077 | 1.3555 | 0.9738 | 24.3478 | 26.0347 | 30.6925 | 26.9874 |
| 100079 | 1.6357 | * | * | * | * | * |
| 100080 | 1.8116 | 0.9535 | 26.3596 | 27.0126 | 28.2188 | 27.2307 |
| 100081 | 1.0726 | 0.8733 | 16.9168 | 15.6662 | 16.9756 | 16.5056 |
| 100084 | 1.7983 | 0.9575 | 25.4140 | 26.3393 | 27.4947 | 26.3972 |
| 100086 | 1.2726 | 1.0320 | 26.4817 | 28.2641 | 28.5971 | 27.7722 |
| 100087 | 1.8922 | 0.9743 | 25.9909 | 27.1531 | 29.5823 | 27.6390 |
| 100088 | 1.6379 | 0.9281 | 24.8729 | 25.9182 | 26.7574 | 25.8681 |
| 100090 | 1.5337 | 0.9281 | 24.0501 | 24.2422 | 26.5703 | 24.9740 |
| 100092 | 1.5375 | 0.9547 | 26.0856 | 28.4789 | 27.8341 | 27.4734 |
| 100093 | 1.7528 | 0.8733 | 21.1547 | 21.3524 | 21.6438 | 21.3874 |
| 100098 | *** | * | 21.2505 | * | * | 21.2505 |
| 100099 | 1.0833 | 0.9056 | 20.4328 | 21.3036 | 25.8454 | 22.5611 |
| 100102 | 1.1386 | 0.8858 | 22.8850 | 23.8596 | 26.1015 | 24.2912 |
| 100103 | 0.9737 | * | 21.7494 | * | * | 21.7494 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 100105 | 1.4701 | 0.9886 | 24.9503 | 26.8091 | 29.9745 | 27.2337 |
| 100106 | 0.9704 | 0.8733 | 20.2882 | 24.0389 | 24.7650 | 23.0934 |
| 100107 | 1.2033 | 0.9460 | 24.4484 | 26.1337 | 27.4760 | 26.0486 |
| 100108 | 0.8099 | 0.8733 | 16.3757 | 22.0750 | 21.3540 | 19.9366 |
| 100109 | 1.3123 | 0.9575 | 23.8836 | 24.9951 | 25.5669 | 24.8206 |
| 100110 | 1.6054 | 0.9575 | 28.3699 | 29.1494 | 29.4788 | 29.0275 |
| 100113 | 1.9748 | 0.9420 | 25.0067 | 26.3806 | 28.0440 | 26.5361 |
| 100114 | 1.3111 | 0.9821 | 27.7413 | 29.2195 | 29.2862 | 28.7488 |
| 100117 | 1.1933 | 0.9281 | 26.0451 | 26.4536 | 27.7198 | 26.7684 |
| 100118 | 1.3355 | 0.9131 | 23.6669 | 28.0569 | 27.6438 | 26.7909 |
| 100121 | 1.1049 | 0.9056 | 24.0937 | 24.8579 | 26.2990 | 25.0954 |
| 100122 | 1.2251 | 0.8733 | 21.2597 | 23.4751 | 24.6285 | 23.1068 |
| 100124 | 1.1802 | 0.8733 | 21.6483 | 22.7023 | 24.0333 | 22.8131 |
| 100125 | 1.2462 | 0.9821 | 25.3532 | 26.7452 | 29.7750 | 27.4535 |
| 100126 | 1.3357 | 0.9265 | 23.2996 | 24.4515 | 29.6247 | 25.8173 |
| 100127 | 1.6100 | 0.9265 | 21.3223 | 24.4485 | 26.0923 | 24.0085 |
| 100128 | 2.1062 | 0.9265 | 25.6763 | 29.4979 | 29.2566 | 28.2264 |
| 100130 | 1.1701 | 0.9535 | 22.8324 | 24.2046 | 26.0268 | 24.3054 |
| 100131 | 1.3340 | 0.9821 | 25.8316 | 29.2462 | 27.8164 | 27.6277 |
| 100132 | 1.2356 | 0.9265 | 23.0428 | 24.3293 | 26.0526 | 24.5196 |
| 100134 | 0.8984 | 0.8733 | 19.5337 | 20.9244 | 20.7366 | 20.4127 |
| 100135 | 1.6167 | 0.8959 | 22.3071 | 24.0024 | 26.7030 | 24.2814 |
| 100137 | 1.2153 | 0.9056 | 23.3692 | 25.1974 | 24.8519 | 24.5488 |
| 100139 | 0.8417 | 0.9420 | 14.5046 | 17.5489 | 18.2197 | 16.8625 |
| 100140 | 1.1403 | 0.9281 | 24.8165 | 26.4720 | 26.1352 | 25.8497 |
| 100142 | 1.2146 | 0.8733 | 20.7219 | 22.9577 | 24.8853 | 22.8722 |
| 100150 | 1.3085 | 0.9821 | 25.7122 | 26.1990 | 26.8492 | 26.2510 |
| 100151 | 1.8217 | 0.9281 | 26.1848 | 28.1322 | 30.6447 | 28.4405 |
| 100154 | 1.5616 | 0.9821 | 26.3703 | 27.6127 | 28.2506 | 27.4698 |
| 100156 | 1.1229 | 0.8858 | 22.2757 | 26.7092 | 27.5706 | 25.5636 |
| 100157 | 1.5921 | 0.9265 | 25.9133 | 27.3851 | 29.7455 | 27.7488 |
| 100160 | 1.2343 | 0.8733 | 27.2019 | 26.9851 | 30.7454 | 28.3902 |
| 100161 | 1.5324 | 0.9575 | 28.3607 | 28.8077 | 28.0545 | 28.4084 |
| 100166 | 1.4991 | 0.9743 | 24.4251 | 27.9618 | 28.8685 | 27.0088 |
| 100167 | 1.2687 | 1.0320 | 26.8584 | 30.3694 | 30.2166 | 29.1294 |
| 100168 | 1.4247 | 0.9535 | 26.0864 | 27.1292 | 27.6739 | 26.9486 |
| 100172 | 1.3332 | 0.9821 | 18.4651 | 18.2735 | 20.7857 | 19.1686 |
| 100173 | 1.7335 | 0.9265 | 22.4866 | 24.8721 | 26.5436 | 24.6249 |
| 100175 | 0.9868 | 0.8964 | 22.0666 | 23.5455 | 23.9665 | 23.2366 |
| 100176 | 1.9619 | 0.9866 | 29.8326 | 31.2694 | 30.7087 | 30.6163 |
| 100177 | 1.2940 | 0.9547 | 25.3973 | 26.6781 | 28.0089 | 26.7699 |
| 100179 | 1.7746 | 0.9281 | 26.6537 | 29.5619 | 29.1111 | 28.4820 |
| 100180 | 1.3300 | 0.9265 | 26.3299 | 27.1804 | 29.9238 | 27.8921 |
| 100181 | 1.0971 | 0.9821 | 19.5022 | 21.8540 | 24.3708 | 22.2363 |
| 100183 | 1.2054 | 0.9821 | 26.7893 | 27.4951 | 29.0270 | 27.7882 |
| 100187 | 1.2353 | 0.9821 | 26.1394 | 27.3653 | 27.8144 | 27.1054 |
| 100189 | 1.2957 | 1.0320 | 26.5763 | 28.4136 | 28.8320 | 27.9981 |
| 100191 | 1.2912 | 0.9265 | 24.3553 | 26.6340 | 28.3710 | 26.5244 |
| 100200 | 1.4194 | 1.0320 | 28.0926 | 29.8963 | 28.7694 | 28.9347 |
| 100204 | 1.5539 | 0.9420 | 24.4697 | 25.7537 | 27.4763 | 25.9442 |
| 100206 | 1.3170 | 0.9265 | 23.0340 | 25.2196 | 27.0295 | 25.1380 |
| 100208 | *** | * | 24.9854 | * | * | 24.9854 |
| 100209 | 1.3780 | 0.9821 | 25.0778 | 26.6246 | 26.8473 | 26.2262 |
| 100210 | 1.5743 | 1.0320 | 28.6449 | 28.9486 | 29.8515 | 29.1402 |
| 100211 | 1.1966 | 0.9265 | * | 24.7095 | 24.7533 | 24.7320 |
| 100212 | 1.5442 | 0.8793 | 24.2669 | 24.7566 | 26.1846 | 25.1112 |
| 100213 | 1.5878 | 0.9743 | 25.1893 | 27.1936 | 27.9282 | 26.7868 |
| 100217 | 1.2291 | 0.9866 | 25.2635 | 25.2907 | 27.3989 | 26.0415 |
| 100220 | 1.6503 | 0.9460 | 25.0154 | 26.0905 | 28.3868 | 26.5820 |
| 100223 | 1.5397 | 0.8733 | 23.4556 | 24.7015 | 25.0332 | 24.4003 |
| 100224 | 1.2347 | 1.0320 | 23.3593 | 24.8077 | 26.6446 | 24.9810 |
| 100225 | 1.2268 | 1.0320 | 27.9473 | 28.4316 | 28.5259 | 28.2940 |
| 100226 | 1.2326 | 0.9281 | 27.8003 | 29.3317 | 28.8165 | 28.6850 |
| 100228 | 1.3939 | 1.0320 | 27.2873 | 29.8952 | 28.1396 | 28.4955 |
| 100230 | 1.3497 | 1.0320 | 26.3690 | 28.1703 | 29.8493 | 28.0929 |
| 100231 | 1.7195 | 0.8733 | 24.6994 | 25.5175 | 25.7037 | 25.3245 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 100232 [h] | 1.2507 | 0.9281 | 23.9405 | 24.9322 | 28.5537 | 25.7586 |
| 100234 | 1.3905 | 0.9535 | 25.2574 | 26.3601 | 27.4456 | 26.3418 |
| 100236 | 1.4137 | 0.9738 | 25.9282 | 26.6585 | 28.9955 | 27.2146 |
| 100237 | 1.9184 | 1.0320 | 25.6112 | 31.3543 | 31.7848 | 29.3573 |
| 100238 | 1.6235 | 0.9265 | 27.1748 | 28.4302 | 30.1094 | 28.6270 |
| 100239 | 1.2918 | 0.9743 | 26.9668 | 27.7592 | 28.6893 | 27.8452 |
| 100240 | 0.9279 | 0.9821 | 23.4830 | 25.3265 | 27.3523 | 25.4118 |
| 100242 | 1.4339 | 0.8733 | 21.5130 | 24.0990 | 25.6083 | 23.7414 |
| 100243 | 1.5820 | 0.9265 | 25.2987 | 26.1131 | 27.4534 | 26.3676 |
| 100244 | 1.3465 | 0.9460 | 24.1515 | 25.2584 | 26.6876 | 25.4268 |
| 100246 | 1.5881 | 0.9866 | 27.6382 | 28.9894 | 29.3310 | 28.6770 |
| 100248 | 1.5692 | 0.9265 | 25.9170 | 27.7797 | 28.8082 | 27.5357 |
| 100249 | 1.3057 | 0.9265 | 23.4021 | 23.2084 | 24.9876 | 23.8607 |
| 100252 | 1.2191 | 0.9866 | 24.9860 | 25.8540 | 27.8256 | 26.2449 |
| 100253 | 1.3737 | 0.9535 | 24.4051 | 25.7121 | 27.4927 | 25.9011 |
| 100254 | 1.5413 | 0.8959 | 25.0192 | 25.7338 | 26.1406 | 25.6593 |
| 100255 | 1.2759 | 0.9265 | 22.2341 | 24.4808 | 26.5570 | 24.4495 |
| 100256 | 1.8563 | 0.9265 | 26.0629 | 28.8856 | 30.3081 | 28.4725 |
| 100258 | 1.5210 | 1.0320 | 31.8772 | 31.2482 | 31.2203 | 31.4361 |
| 100259 | 1.2661 | 0.9265 | 24.9404 | 26.0175 | 27.4809 | 26.1720 |
| 100260 | 1.3662 | 0.9866 | 25.2630 | 27.5188 | 26.7129 | 26.5422 |
| 100262 | *** | * | 26.3954 | * | * | 26.3954 |
| 100264 | 1.2611 | 0.9265 | 25.0250 | 25.5489 | 26.8216 | 25.7971 |
| 100265 | 1.3040 | 0.9265 | 23.4758 | 24.1454 | 25.7432 | 24.5258 |
| 100266 | 1.4177 | 0.8733 | 22.6614 | 23.2340 | 23.0208 | 22.9808 |
| 100267 | 1.2934 | 0.9743 | 26.5059 | 27.3768 | 28.7259 | 27.4997 |
| 100268 | 1.1879 | 0.9535 | 29.8289 | 29.2898 | 29.0668 | 29.3827 |
| 100269 | 1.3968 | 0.9535 | 25.3228 | 26.7450 | 26.6047 | 26.2648 |
| 100275 | 1.3032 | 0.9535 | 24.3059 | 26.0361 | 26.8943 | 25.8067 |
| 100276 | 1.2537 | 1.0320 | 27.2589 | 30.0576 | 29.7606 | 29.0605 |
| 100277 | 1.4184 | 0.9821 | 47.3905 | 16.5427 | 20.4791 | 22.3428 |
| 100279 | 1.3023 | 0.9460 | 25.4909 | 26.8606 | 28.6383 | 27.1157 |
| 100281 | 1.3368 | 1.0320 | 27.0864 | 28.6660 | 29.6698 | 28.5549 |
| 100284 | 1.0852 | 0.9821 | 22.5927 | 23.8170 | 22.3134 | 22.9032 |
| 100285 | 1.2180 | 1.0320 | * | * | * | * |
| 100286 | 1.6225 | 1.0107 | 27.1051 | 29.4284 | 28.3645 | 28.3421 |
| 100287 | 1.3360 | 0.9535 | 28.2229 | 28.3427 | 28.1051 | 28.2241 |
| 100288 | 1.5523 | 0.9535 | 37.4785 | 33.8141 | 28.7902 | 32.8594 |
| 100289 | 1.7459 | 1.0320 | 28.4504 | 29.2915 | 29.6376 | 29.1710 |
| 100290 | 1.1712 | 0.9315 | * | 23.5080 | 27.1011 | 25.2897 |
| 100291 | 1.2990 | 0.9547 | * | * | 28.4722 | 28.4722 |
| 100292 | 1.2991 | 0.8733 | * | * | 26.7063 | 26.7063 |
| 100293 | *** | * | * | * | 32.7963 | 32.7963 |
| 100294 | *** | * | * | * | 30.7557 | 30.7557 |
| 100295 | *** | * | * | * | 26.1984 | 26.1984 |
| 100296 | 1.3525 | 0.9821 | * | * | * | * |
| 100298 | 0.8795 | 0.8959 | * | * | * | * |
| 100299 | 1.2958 | 0.9743 | * | * | * | * |
| 100300 | 1.3542 | 0.9743 | * | * | * | * |
| 110001 | 1.2731 | 0.9793 | 25.1164 | 25.3102 | 26.4338 | 25.6244 |
| 110002 | 1.3410 | 0.9793 | 21.8616 | 25.3897 | 26.4715 | 24.6188 |
| 110003 | 1.2581 | 0.9281 | 20.0968 | 21.4002 | 22.7066 | 21.4287 |
| 110004 | 1.2773 | 0.8948 | 22.7929 | 23.9911 | 24.9978 | 23.9083 |
| 110005 | 1.2279 | 0.9793 | 22.3645 | 22.9000 | 28.1209 | 24.5854 |
| 110006 | 1.4658 | 0.9456 | 25.0719 | 28.6090 | 28.3839 | 27.3103 |
| 110007 | 1.5951 | 0.9056 | 30.7430 | 23.8729 | 26.6396 | 26.6582 |
| 110008 | 1.2927 | 0.9793 | 23.4662 | 27.1711 | 29.2947 | 26.6955 |
| 110010 | 2.1808 | 0.9793 | 28.7690 | 29.7142 | 31.7185 | 30.0899 |
| 110011 | 1.2365 | 0.9793 | 25.4620 | 26.0899 | 28.0599 | 26.5310 |
| 110015 | 1.1256 | 0.9793 | 25.5661 | 26.6610 | 28.1274 | 26.8684 |
| 110016 | 1.1750 | 0.7825 | 18.8376 | 21.7610 | 22.7263 | 21.0503 |
| 110018 | 1.1837 | 0.9793 | 25.6485 | 28.2431 | 26.8016 | 26.9090 |
| 110020 | 1.3216 | 0.9793 | 24.8735 | 26.8501 | 28.3822 | 26.7786 |
| 110023 | 1.3232 | 0.9793 | 25.3746 | 27.3029 | 29.8062 | 27.5717 |
| 110024 | 1.4005 | 0.9139 | 23.8091 | 25.7205 | 27.0225 | 25.4856 |
| 110025 | 1.4670 | 1.0478 | 31.5253 | 26.1311 | 31.0703 | 29.3670 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 110026 | 1.1055 | 0.7825 | 20.5740 | 21.2826 | 21.8018 | 21.2258 |
| 110027 | 1.0719 | 0.8212 | 19.2323 | 20.2175 | 22.6058 | 20.5759 |
| 110028 | 1.8256 | 0.9640 | 25.1836 | 28.1619 | 30.4641 | 27.9113 |
| 110029 | 1.7459 | 0.9793 | 25.2335 | 24.8893 | 27.3618 | 25.9487 |
| 110030 | 1.2271 | 0.9793 | 25.0842 | 26.4770 | 29.6841 | 27.2126 |
| 110031 | 1.2787 | 0.9793 | 24.1711 | 24.7874 | 27.1989 | 25.4247 |
| 110032 | 1.1284 | 0.7825 | 20.7211 | 21.9407 | 23.2586 | 21.9694 |
| 110033 | 1.3700 | 0.9793 | 25.2326 | 28.3210 | 30.3415 | 28.0866 |
| 110034 | 1.6784 | 0.9640 | 24.4141 | 26.9986 | 27.2338 | 26.2690 |
| 110035 | 1.6167 | 0.9793 | 25.7562 | 27.4583 | 28.9408 | 27.4538 |
| 110036 | 1.8136 | 0.9139 | 25.4854 | 26.8789 | 26.6664 | 26.3681 |
| 110038 | 1.4929 | 0.8489 | 20.5880 | 21.2138 | 22.2720 | 21.3810 |
| 110039 | 1.4454 | 0.9640 | 19.4032 | 24.7248 | 26.3503 | 23.2514 |
| 110040 | 1.1186 | 0.9793 | 18.8744 | 19.7509 | 20.9487 | 19.8426 |
| 110041 | 1.2480 | 0.9456 | 21.5402 | 23.4074 | 24.8864 | 23.2210 |
| 110042 | 1.0820 | 0.9793 | 26.8321 | 28.6873 | 34.9954 | 30.1769 |
| 110043 | 1.7845 | 0.9139 | 25.2788 | 26.6323 | 27.8477 | 26.5830 |
| 110044 | 1.1532 | 0.7825 | 19.6940 | 20.9654 | 23.3039 | 21.2906 |
| 110045 | 1.1325 | 0.9793 | 21.3922 | 24.9821 | 24.4275 | 23.6022 |
| 110046 | 1.1529 | 0.9793 | 24.0022 | 23.8292 | 26.7464 | 24.8445 |
| 110049 | *** | * | 19.8706 | * | * | 19.8706 |
| 110050 | 1.1084 | 0.8955 | 25.6020 | 26.1320 | 27.5985 | 26.4636 |
| 110051 | 1.1406 | 0.7825 | 19.0995 | 19.4276 | 20.1756 | 19.6094 |
| 110054 | 1.3977 | 0.9793 | 22.2250 | 25.7085 | 28.9254 | 25.6688 |
| 110056 | 0.9186 | * | 23.0080 | * | * | 23.0080 |
| 110059 | 1.1330 | 0.7825 | 18.7097 | 20.5565 | 23.2138 | 20.6555 |
| 110063 | *** | * | 20.3760 | * | * | 20.3760 |
| 110064 | 1.4831 | 0.8530 | 23.8739 | 24.2739 | 24.1219 | 24.0962 |
| 110069 | 1.2904 | 0.9443 | 22.3006 | 24.1669 | 26.2085 | 24.2858 |
| 110071 | 1.0425 | 0.7825 | 13.3731 | 18.0224 | 21.3963 | 17.3306 |
| 110073 | 1.0765 | 0.7825 | 16.3610 | 18.6336 | 18.5753 | 17.7815 |
| 110074 | 1.5359 | 0.9456 | 27.5836 | 27.1207 | 27.9190 | 27.5465 |
| 110075 | 1.2854 | 0.9023 | 20.9973 | 22.0935 | 23.7585 | 22.3216 |
| 110076 | 1.4229 | 0.9793 | 25.2424 | 26.3506 | 28.7871 | 26.8106 |
| 110078 | 2.0301 | 0.9793 | 27.8627 | 29.5779 | 29.9625 | 29.1837 |
| 110079 | 1.4423 | 0.9793 | 24.5255 | 23.1024 | 26.8412 | 24.7843 |
| 110080 | 1.2828 | 0.9793 | 21.5482 | 22.3213 | 18.4714 | 20.7691 |
| 110082 | 1.9031 | 0.9793 | 28.9731 | 29.8366 | 30.8320 | 29.9122 |
| 110083 | 1.9213 | 0.9793 | 26.2604 | 27.8245 | 30.4287 | 28.2139 |
| 110086 | 1.2855 | 0.7825 | 20.8557 | 21.1509 | 21.6898 | 21.2396 |
| 110087 | 1.4602 | 0.9793 | 26.2872 | 28.0471 | 28.1633 | 27.5194 |
| 110089 | 1.1177 | 0.7825 | 21.2013 | 21.9509 | 23.9026 | 22.3784 |
| 110091 | 1.2769 | 0.9793 | 26.3857 | 26.5523 | 29.5337 | 27.6143 |
| 110092 | 1.0499 | 0.7825 | 18.7397 | 18.5527 | 20.8911 | 19.3785 |
| 110095 | 1.4359 | 0.8632 | 21.8709 | 23.4846 | 26.3075 | 23.9099 |
| 110096 | 0.9724 | * | 19.4498 | * | * | 19.4498 |
| 110100 | 0.9648 | 0.7825 | 16.5833 | 16.5600 | 16.2575 | 16.4514 |
| 110101 | 1.0859 | 0.7825 | 14.4630 | 16.4270 | 19.4256 | 16.6428 |
| 110104 | 1.0425 | 0.7825 | 19.5575 | 18.7951 | 20.3777 | 19.5859 |
| 110105 | 1.2943 | 0.7825 | 20.6270 | 21.1077 | 23.1405 | 21.6320 |
| 110107 | 1.9344 | 0.9798 | 26.0763 | 26.2526 | 28.9352 | 27.1700 |
| 110109 | 0.9988 | 0.7825 | 20.4726 | 21.4280 | 23.0376 | 21.7482 |
| 110111 | 1.1905 | 0.9640 | 20.5577 | 29.2190 | 25.1270 | 24.4796 |
| 110112 | 0.9195 | 0.7825 | 21.0612 | 24.2463 | 22.7672 | 22.5600 |
| 110113 | 1.0313 | 0.9640 | 16.7641 | 19.1753 | 21.3417 | 19.1306 |
| 110115 | 1.7085 | 0.9793 | 29.8699 | 32.0197 | 31.5074 | 31.1529 |
| 110121 | 1.0256 | 0.7825 | 21.2534 | 21.6637 | 26.2336 | 23.1172 |
| 110122 | 1.5462 | 0.8802 | 22.0210 | 23.7589 | 25.1934 | 23.6859 |
| 110124 | 1.0268 | 0.8253 | 20.9334 | 22.7058 | 22.9212 | 22.1901 |
| 110125 | 1.3198 | 0.9443 | 22.1458 | 22.4238 | 23.7834 | 22.7748 |
| 110128 | 1.2475 | 0.9023 | 23.2576 | 24.4596 | 25.7839 | 24.5520 |
| 110129 | 1.5065 | 0.8530 | 22.4202 | 23.3631 | 25.9625 | 23.9322 |
| 110130 | 0.9196 | 0.7825 | 17.6529 | 18.7549 | 19.1284 | 18.5478 |
| 110132 | 1.0220 | 0.7825 | 18.9927 | 19.2307 | 20.2502 | 19.4901 |
| 110135 | 1.2396 | 0.7825 | 20.0057 | 20.4411 | 22.5346 | 21.1020 |
| 110136 | *** | * | 22.7715 | 15.8573 | 18.8212 | 19.2514 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 110142 | 0.9619 | 0.7825 | 17.3328 | 18.1980 | 21.3935 | 19.0415 |
| 110143 | 1.3859 | 0.9793 | 25.4932 | 27.7055 | 28.6583 | 27.3468 |
| 110146 | 1.0797 | 0.8630 | 19.9221 | 23.9067 | 27.0987 | 23.5994 |
| 110149 | *** | * | 24.7686 | 27.1477 | 28.4040 | 26.9572 |
| 110150 | 1.2473 | 0.9793 | 23.8157 | 22.6624 | 25.3742 | 23.8995 |
| 110153 | 1.1488 | 0.9443 | 22.8660 | 24.5368 | 25.7467 | 24.4337 |
| 110161 | 1.4855 | 0.9793 | 27.4435 | 29.3201 | 30.4885 | 29.1179 |
| 110163 | 1.3814 | 0.9056 | 25.5461 | 26.0764 | 28.2169 | 26.5897 |
| 110164 | 1.5878 | 0.9798 | 26.4450 | 27.0600 | 28.8946 | 27.4989 |
| 110165 | 1.3710 | 0.9793 | 24.3897 | 26.8378 | 27.0977 | 26.1136 |
| 110166 | *** | * | 25.2264 | 26.8070 | * | 26.0253 |
| 110168 | 1.8671 | 0.9793 | 24.6321 | 27.0022 | 28.5700 | 26.7717 |
| 110172 | 1.2061 | 0.9793 | 27.0240 | 29.1703 | 31.1234 | 29.1343 |
| 110177 | 1.7152 | 0.9640 | 25.0129 | 26.7504 | 28.8356 | 26.9030 |
| 110179 | *** | * | 26.1173 | 26.0759 | * | 26.0961 |
| 110183 | 1.2171 | 0.9793 | 27.6020 | 29.6133 | 28.6209 | 28.6681 |
| 110184 | 1.1745 | 0.9793 | 25.5420 | 26.5240 | 28.3545 | 26.9173 |
| 110186 | 1.3395 | 0.8530 | 23.2348 | 25.0299 | 27.4925 | 25.2601 |
| 110187 | 1.2422 | 0.9793 | 22.5730 | 24.2933 | 25.2139 | 24.1099 |
| 110189 | 1.0972 | 0.9793 | 23.9404 | 26.7653 | 26.1418 | 25.6509 |
| 110190 | 1.0640 | 0.8007 | 19.1054 | 14.2517 | 23.3204 | 18.4486 |
| 110191 | 1.2821 | 0.9793 | 25.8409 | 26.8277 | 27.7760 | 26.8257 |
| 110192 | 1.3475 | 0.9793 | 25.7406 | 26.7852 | 28.8267 | 27.1606 |
| 110193 | *** | * | 27.8223 | 27.3341 | 27.9161 | 27.6860 |
| 110194 | 0.9307 | 0.7825 | 16.3148 | 18.4776 | 19.1919 | 18.0639 |
| 110198 | 1.3364 | 0.9793 | 30.8014 | 31.7748 | 31.0557 | 31.2165 |
| 110200 | 1.8336 | 0.8530 | 21.2177 | 22.3249 | 24.9236 | 22.7176 |
| 110201 | 1.4301 | 0.9798 | 27.0388 | 28.2232 | 31.0841 | 28.8164 |
| 110203 | 0.9786 | 0.9793 | 25.8951 | 26.8768 | 29.7888 | 27.5748 |
| 110205 | 1.1484 | 0.9793 | 20.6150 | 19.7409 | 22.0207 | 20.8493 |
| 110209 | 0.5449 | 0.7825 | 19.1000 | 19.0450 | 21.1534 | 19.8407 |
| 110212 | 1.0916 | 0.8632 | 20.9365 | 40.5120 | * | 32.6453 |
| 110214 | *** | * | * | * | 37.1448 | 37.1448 |
| 110215 | 1.2879 | 0.9793 | 23.9657 | 25.7886 | 27.5566 | 25.8696 |
| 110218 | *** | * | 26.1073 | * | * | 26.1073 |
| 110219 | 1.3686 | 0.9793 | 27.1880 | 27.0362 | 28.8814 | 27.7093 |
| 110220 | *** | * | * | * | 37.5739 | 37.5739 |
| 110221 | *** | * | * | * | 28.0500 | 28.0500 |
| 110222 | *** | * | * | * | 35.6189 | 35.6189 |
| 110224 | 1.2679 | 0.9798 | * | * | * | * |
| 110225 | 1.1580 | 0.9793 | * | * | * | * |
| 110226 | 1.1751 | 0.9793 | * | * | * | * |
| 120001 | 1.7470 | 1.0911 | 31.7108 | 34.7715 | 34.1385 | 33.5501 |
| 120002 | 1.1929 | 1.0627 | 26.9900 | 29.9913 | 32.3784 | 29.9272 |
| 120004 | 1.2404 | 1.0911 | 28.3569 | 28.6527 | 30.0668 | 28.9863 |
| 120005 | 1.2997 | 1.0627 | 26.9053 | 29.3405 | 31.1985 | 29.0894 |
| 120006 | 1.2452 | 1.0911 | 29.6751 | 31.2285 | 31.6786 | 30.8697 |
| 120007 | 1.6780 | 1.0911 | 28.7964 | 30.4247 | 30.2473 | 29.8341 |
| 120010 | 1.8793 | 1.0911 | 27.1265 | 30.1659 | 29.5714 | 28.8285 |
| 120011 | 1.4124 | 1.0911 | 31.7447 | 34.1643 | 37.1792 | 34.4536 |
| 120014 | 1.2894 | 1.0627 | 28.0786 | 28.6416 | 30.3463 | 29.0519 |
| 120016 | *** | * | 52.1034 | 19.6034 | * | 31.3542 |
| 120019 | 1.1559 | 1.0627 | 28.9661 | 30.3809 | 30.4257 | 29.9613 |
| 120022 | 1.8325 | 1.0911 | 24.7875 | 26.6100 | 29.9527 | 27.0886 |
| 120024 | 0.8986 | * | * | * | * | * |
| 120025 | *** | * | 48.7148 | 30.2358 | * | 39.4887 |
| 120026 | 1.3757 | 1.0911 | 28.5048 | 30.3293 | 32.4566 | 30.5540 |
| 120027 | 1.3069 | 1.0911 | 26.4630 | 28.6717 | 28.7905 | 27.9738 |
| 120028 | 1.3517 | 1.0911 | 31.3195 | 30.3794 | 32.4847 | 31.4126 |
| 120029 | 2.0189 | 1.0911 | * | * | * | * |
| 130002 | 1.4008 | 0.9313 | 21.6626 | 23.6078 | 24.7871 | 23.4445 |
| 130003 | 1.3799 | 0.9978 | 25.4904 | 27.6345 | 28.6158 | 27.2882 |
| 130005 | *** | * | 25.2550 | 25.7523 | * | 25.4954 |
| 130006 | 1.7910 | 0.9445 | 24.3982 | 25.3221 | 27.2158 | 25.7084 |
| 130007 | 1.7747 | 0.9445 | 24.8764 | 24.9562 | 28.7246 | 26.1776 |
| 130011 | 1.1958 | * | 22.9336 | * | * | 22.9336 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 130013 | 1.3191 | 0.9445 | 26.3118 | 27.9209 | 30.9609 | 28.4102 |
| 130014 | 1.2907 | 0.9445 | 23.4789 | 24.3884 | 27.2543 | 25.0229 |
| 130018 | 1.6800 | 0.9204 | 23.9798 | 26.4125 | 27.3439 | 25.9628 |
| 130021 | *** | * | 18.9400 | 16.1658 | * | 17.6183 |
| 130024 | 1.0804 | 0.8843 | 21.7853 | 23.3347 | 23.6212 | 22.9207 |
| 130025 | 1.2184 | 0.8568 | 19.7066 | 20.1452 | 21.1998 | 20.3710 |
| 130026 | *** | * | 25.4020 | * | * | 25.4020 |
| 130028 | 1.3899 | 0.9204 | 25.2938 | 26.3443 | 27.2195 | 26.4364 |
| 130036 | *** | * | 16.7907 | * | * | 16.7907 |
| 130049 | 1.5536 | 1.0244 | 24.5841 | 26.9749 | 27.3597 | 26.3413 |
| 130060 | *** | * | 26.7516 | * | * | 26.7516 |
| 130062 | 0.4992 | 0.9127 | 16.7951 | 20.6642 | 25.6467 | 20.2308 |
| 130063 | 1.3170 | 0.9445 | 20.9502 | 22.5904 | 26.0955 | 23.1804 |
| 130065 | 1.8549 | 0.9127 | * | * | 21.9792 | 21.9792 |
| 130066 | 2.0224 | 0.9576 | * | * | * | * |
| 130067 | 1.1199 | 0.9127 | * | * | * | * |
| 140001 | 1.0835 | 0.8358 | 21.4779 | 22.3170 | 22.3001 | 22.0343 |
| 140002 | 1.3226 | 0.8998 | 24.4908 | 24.6954 | 27.0165 | 25.3917 |
| 140003 | *** | * | 22.6230 | * | * | 22.6230 |
| 140007 | 1.3229 | 1.0670 | 26.7943 | 28.3482 | 30.7378 | 28.6514 |
| 140008 | 1.4480 | 1.0670 | 27.2211 | 28.5297 | 29.1767 | 28.3071 |
| 140010 | 1.5072 | 1.0670 | 31.5774 | 35.1024 | 31.8806 | 32.8561 |
| 140011 | 1.1495 | 0.8358 | 20.6338 | 22.4091 | 23.8575 | 22.3078 |
| 140012 | 1.1871 | 1.0564 | 24.3675 | 28.6564 | 29.0336 | 27.3314 |
| 140013 | 1.4048 | 0.9126 | 22.6022 | 23.3065 | 23.9269 | 23.2600 |
| 140015 | 1.4177 | 0.8889 | 22.2266 | 23.0600 | 24.4687 | 23.2637 |
| 140016 | 1.0262 | * | 17.1372 | 18.1242 | * | 17.6389 |
| 140018 | 1.4132 | 1.0670 | 27.3334 | 27.7548 | 26.3533 | 27.1487 |
| 140019 | 0.9332 | 0.8358 | 18.4554 | 18.9228 | 21.3438 | 19.5637 |
| 140024 | 1.0363 | * | 16.9672 | 17.5249 | * | 17.2349 |
| 140026 | 1.1434 | 0.8704 | 21.6847 | 23.0470 | 25.9669 | 23.5256 |
| 140027 | *** | * | 22.6208 | * | * | 22.6208 |
| 140029 | 1.5819 | 1.0670 | 27.7304 | 28.6565 | 30.2688 | 28.9563 |
| 140030 | 1.5647 | 1.0670 | 28.7623 | 29.7771 | 30.2776 | 29.6264 |
| 140032 | 1.2512 | 0.8889 | 22.8157 | 24.0574 | 26.7310 | 24.5432 |
| 140033 | 1.2029 | 1.0798 | 26.1553 | 25.6068 | 27.9993 | 26.5352 |
| 140034 | 1.2185 | 0.8889 | 22.1003 | 23.0034 | 24.0470 | 23.0607 |
| 140040 | 1.1746 | 0.8966 | 20.0269 | 22.2969 | 23.2293 | 21.7520 |
| 140043 | 1.2700 | 0.9828 | 26.0330 | 26.7996 | 27.3470 | 26.7278 |
| 140045 | 1.0697 | * | 21.0042 | 20.6548 | * | 20.8316 |
| 140046 | 1.4750 | 0.8889 | 22.5022 | 23.2127 | 24.7334 | 23.5891 |
| 140048 | 1.2695 | 1.0670 | 27.0874 | 28.2222 | 29.3877 | 28.2118 |
| 140049 | 1.5162 | 1.0670 | 26.6533 | 27.4009 | 29.0976 | 27.7293 |
| 140051 | 1.5325 | 1.0670 | 27.9935 | 27.7901 | 30.9696 | 28.9022 |
| 140052 | 1.2827 | 0.8998 | 22.2588 | 23.5662 | 25.9617 | 23.9400 |
| 140053 | 1.8870 | 0.8951 | 23.5477 | 24.8455 | 27.4518 | 25.2478 |
| 140054 | 1.4543 | 1.0670 | 31.7265 | 31.8564 | 33.1406 | 32.2116 |
| 140058 | 1.2184 | 0.8889 | 22.1269 | 22.8423 | 24.6058 | 23.1976 |
| 140059 | 1.1145 | 0.8998 | 22.7121 | 22.4651 | 22.6743 | 22.6149 |
| 140061 | 1.0686 | * | 30.9925 | 20.8063 | * | 25.9797 |
| 140062 | 1.2106 | 1.0670 | 31.2359 | 34.7704 | 34.1230 | 33.3538 |
| 140063 | 1.4113 | 1.0670 | 26.5584 | 27.8306 | 28.6559 | 27.7359 |
| 140064 | 1.1907 | 0.8966 | 21.7470 | 22.0407 | 23.8639 | 22.5902 |
| 140065 | 1.3830 | 1.0670 | 26.1904 | 29.4678 | 30.1856 | 28.6478 |
| 140066 | 1.1268 | 0.8998 | 20.4353 | 21.9771 | 22.1524 | 21.5121 |
| 140067 | 1.8109 | 0.9126 | 23.5906 | 25.3986 | 28.3506 | 25.8096 |
| 140068 | 1.1930 | 1.0670 | 25.8963 | 27.3956 | 28.3938 | 27.2467 |
| 140075 | 1.2757 | 1.0670 | 26.9257 | 27.9325 | 26.2626 | 27.0784 |
| 140077 | 1.0413 | 0.8998 | 19.0922 | 19.1363 | 20.3999 | 19.5250 |
| 140079 | *** | * | 29.3040 | * | * | 29.3040 |
| 140080 | 1.4393 | 1.0670 | 26.0109 | 23.2575 | 28.8791 | 25.8555 |
| 140082 | 1.4747 | 1.0670 | 26.8077 | 25.6645 | 28.3429 | 26.9404 |
| 140083 | 1.0315 | 1.0670 | 24.6491 | 26.2972 | 26.8919 | 25.9773 |
| 140084 | 1.2295 | 1.0798 | 27.6819 | 29.2515 | 30.5036 | 29.1891 |
| 140088 | 1.8434 | 1.0670 | 31.0364 | 32.4978 | 30.5450 | 31.3321 |
| 140089 | 1.1873 | 0.8358 | 22.1227 | 23.3401 | 24.1066 | 23.1482 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 140091 | 1.8211 | 0.9582 | 26.1075 | 26.8518 | 27.8536 | 26.9704 |
| 140093 | 1.1799 | 0.9554 | 22.1540 | 25.3127 | 28.3299 | 24.9634 |
| 140094 | 1.0394 | 1.0670 | 25.3678 | 27.9273 | 27.3841 | 26.9242 |
| 140095 | 1.2495 | 1.0670 | 29.9746 | 27.6799 | 28.7617 | 28.8255 |
| 140100 | 1.2994 | 1.0798 | 32.8743 | 37.0819 | 41.3374 | 37.5441 |
| 140101 | 1.1667 | 1.0670 | 25.4784 | 28.5365 | 29.4081 | 27.9410 |
| 140102 | *** | * | 21.2278 | * | * | 21.2278 |
| 140103 | 1.1933 | 1.0670 | 21.7512 | 23.3258 | 23.6406 | 22.9147 |
| 140105 | 1.2772 | 1.0670 | 26.3054 | 27.4531 | 29.5274 | 27.7174 |
| 140109 | 1.0886 | * | 17.8103 | 19.5675 | * | 18.6923 |
| 140110 | 1.0875 | 1.0564 | 25.6561 | 27.9844 | 28.6364 | 27.4425 |
| 140113 | 1.5713 | 0.9582 | 23.5337 | 26.7969 | 29.5452 | 26.4452 |
| 140114 | 1.4152 | 1.0670 | 25.7968 | 28.3014 | 28.2151 | 27.4930 |
| 140115 | 1.0859 | 1.0670 | 26.3677 | 25.1498 | 26.0383 | 25.8616 |
| 140116 | 1.2914 | 1.0670 | 30.5166 | 31.9902 | 34.5537 | 32.4348 |
| 140117 | 1.5368 | 1.0670 | 25.6314 | 26.8802 | 27.7201 | 26.7483 |
| 140118 | 1.6169 | 1.0670 | 27.7392 | 29.7570 | 32.5518 | 29.9912 |
| 140119 | 1.7689 | 1.0670 | 33.6302 | 36.1419 | 34.2118 | 34.6281 |
| 140120 | 1.2168 | 0.9126 | 22.5795 | 22.7375 | 23.9724 | 23.1437 |
| 140122 | 1.4292 | 1.0670 | 26.4991 | 28.4188 | 30.5653 | 28.4691 |
| 140124 | 1.3358 | 1.0670 | 35.2798 | 36.1327 | 35.7563 | 35.7220 |
| 140125 | 1.1965 | 0.8998 | 20.7189 | 20.4014 | 22.7571 | 21.2893 |
| 140127 | 1.6235 | 0.9140 | 22.8172 | 24.1658 | 25.6668 | 24.2120 |
| 140130 | 1.2441 | 1.0798 | 26.3518 | 29.5247 | 32.6210 | 29.6539 |
| 140133 | 1.2976 | 1.0670 | 26.1599 | 28.0339 | 31.0269 | 28.2512 |
| 140135 | 1.4700 | 0.8358 | 21.2104 | 22.3264 | 23.3196 | 22.3265 |
| 140137 | 1.0247 | 0.8998 | 20.5053 | 21.4700 | 23.4173 | 21.8843 |
| 140140 | *** | * | 21.4710 | * | * | 21.4710 |
| 140141 | 1.0468 | * | 23.0515 | 21.7871 | * | 22.4305 |
| 140143 | 1.2220 | 0.8966 | 23.8255 | 26.2954 | 27.4498 | 25.8938 |
| 140144 | *** | * | 27.8046 | * | * | 27.8046 |
| 140145 | 1.0887 | 0.8998 | 21.6168 | 23.4608 | 26.0875 | 23.7613 |
| 140147 | 1.0976 | 0.8358 | 19.5896 | 19.8541 | 21.0686 | 20.1703 |
| 140148 | 1.7291 | 0.8951 | 23.0022 | 24.7031 | 25.5677 | 24.3492 |
| 140150 | 1.6333 | 1.0670 | 33.9013 | 35.2711 | 52.0970 | 40.8033 |
| 140151 | 0.8184 | 1.0670 | 22.4842 | 23.4879 | 27.0312 | 24.3445 |
| 140152 | 1.0939 | 1.0670 | 29.6882 | 27.6086 | 30.2209 | 29.1503 |
| 140155 | 1.2892 | 1.0564 | 27.6610 | 28.9724 | 29.5734 | 28.7857 |
| 140158 | 1.4147 | 1.0670 | 23.8542 | 27.0986 | 27.3722 | 25.9304 |
| 140160 | 1.2535 | 0.9828 | 22.7002 | 24.5373 | 25.8684 | 24.4086 |
| 140161 | 1.1453 | 1.0564 | 24.1071 | 23.1647 | 25.2898 | 24.1984 |
| 140162 | 1.6053 | 0.9140 | 26.0312 | 27.4472 | 29.4121 | 27.6488 |
| 140164 | 1.7878 | 0.8889 | 22.0424 | 23.7457 | 24.6009 | 23.4644 |
| 140165 | 1.0582 | * | 15.9312 | 16.6304 | * | 16.2816 |
| 140166 | 1.1850 | 0.8358 | 21.7776 | 23.1005 | 26.4800 | 23.8158 |
| 140167 | 1.1217 | 0.8358 | 19.7610 | 22.8911 | 22.8703 | 21.8280 |
| 140168 | *** | * | 20.0225 | * | * | 20.0225 |
| 140170 | 0.9592 | * | 17.1608 | * | * | 17.1608 |
| 140172 | 1.4070 | 1.0670 | 27.1121 | 29.8568 | 32.1220 | 30.0105 |
| 140174 | 1.4703 | 1.0670 | 24.7011 | 27.8131 | 30.5905 | 27.6886 |
| 140176 | 1.2002 | 1.0670 | 28.9378 | 31.3490 | 32.9794 | 31.1817 |
| 140177 | 0.9911 | 1.0670 | 19.3328 | 22.5610 | 26.4340 | 23.0166 |
| 140179 | 1.3023 | 1.0670 | 26.3200 | 27.6376 | 29.3657 | 27.7872 |
| 140180 | 1.2039 | 1.0670 | 27.4366 | 28.3629 | 27.8887 | 27.8969 |
| 140181 | 1.1966 | 1.0670 | 23.6034 | 25.0100 | 25.0226 | 24.5453 |
| 140182 | 1.5610 | 1.0670 | 28.0337 | 28.2211 | 30.1755 | 28.6376 |
| 140184 | 1.2352 | 0.8358 | 20.1279 | 21.1802 | 25.2327 | 22.4037 |
| 140185 | 1.4516 | 0.8998 | 22.0222 | 23.8531 | 25.2423 | 23.7296 |
| 140186 | 1.5500 | 1.0564 | 28.1977 | 30.6951 | 29.8022 | 29.6224 |
| 140187 | 1.5300 | 0.8998 | 22.0674 | 23.2892 | 24.8332 | 23.4161 |
| 140189 | 1.1765 | 0.9096 | 25.6954 | 23.7198 | 22.5965 | 24.0163 |
| 140190 | 1.0748 | * | 18.8530 | 19.8297 | * | 19.3398 |
| 140191 | 1.2979 | 1.0670 | 25.2817 | 25.8678 | 28.5836 | 26.6009 |
| 140193 | *** | * | 22.9443 | * | * | 22.9443 |
| 140197 | 1.3210 | 1.0670 | 21.8060 | 23.0684 | 24.0463 | 22.8812 |
| 140199 | 1.0471 | * | 21.3464 | 22.0315 | * | 21.6914 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 140200 | 1.4725 | 1.0670 | 24.9217 | 26.3379 | 28.8435 | 26.6579 |
| 140202 | 1.5687 | 1.0798 | 27.4336 | 29.7870 | 32.7915 | 30.2241 |
| 140203 | *** | * | 28.2212 | * | * | 28.2212 |
| 140205 | 1.7125 | 1.0211 | * | * | * | * |
| 140206 | 1.0864 | 1.0670 | 27.5481 | 30.6561 | 29.7953 | 29.3812 |
| 140207 | 1.2426 | 1.0670 | 25.7331 | 24.1048 | 26.0535 | 25.2825 |
| 140208 | 1.6504 | 1.0670 | 27.6586 | 29.4708 | 29.5380 | 28.9138 |
| 140209 | 1.5769 | 0.9126 | 23.3886 | 24.5376 | 26.3230 | 24.7727 |
| 140210 | 1.1302 | 0.8358 | 16.6729 | 19.2639 | 20.6954 | 18.8291 |
| 140211 | 1.2952 | 1.0670 | 29.5114 | 29.7054 | 30.3286 | 29.8828 |
| 140213 | 1.2114 | 1.0670 | 29.1649 | 30.2945 | 31.6926 | 30.3982 |
| 140215 | *** | * | 22.3097 | * | * | 22.3097 |
| 140217 | 1.4960 | 1.0670 | 29.3711 | 31.5324 | 32.1277 | 30.9714 |
| 140223 | 1.4778 | 1.0670 | 29.2540 | 30.4923 | 31.7267 | 30.4940 |
| 140224 | 1.3623 | 1.0670 | 29.0350 | 28.2177 | 29.6181 | 28.9621 |
| 140228 | 1.5659 | 1.0048 | 25.0074 | 25.6419 | 27.9456 | 26.1931 |
| 140231 | 1.4835 | 1.0670 | 28.3545 | 30.6410 | 30.0236 | 29.7211 |
| 140233 | 1.6157 | 1.0564 | 27.3379 | 28.6305 | 29.7093 | 28.6138 |
| 140234 | 1.0927 | 0.8966 | 23.2604 | 23.6928 | 24.5476 | 23.8450 |
| 140239 | 1.5446 | 1.0048 | 24.2112 | 29.0092 | 31.1879 | 28.1166 |
| 140240 | 1.4016 | 1.0670 | 27.2654 | 28.7310 | 31.5637 | 29.1193 |
| 140242 | 1.4813 | 1.0670 | 30.4005 | 32.0522 | 34.6120 | 32.4400 |
| 140245 | *** | * | 16.0772 | * | * | 16.0772 |
| 140250 | 1.1848 | 1.0670 | 27.4628 | 28.5971 | 29.6305 | 28.5866 |
| 140251 | 1.3410 | 1.0670 | 26.7266 | 27.1687 | 28.0622 | 27.3178 |
| 140252 | 1.3921 | 1.0670 | 30.2656 | 33.3351 | 34.4268 | 32.7497 |
| 140258 | 1.5354 | 1.0670 | 27.9478 | 30.2639 | 34.2333 | 30.9152 |
| 140271 | 0.8890 | * | 18.8535 | * | * | 18.8535 |
| 140275 | 1.3319 | 0.8836 | 25.2824 | 26.1473 | 27.8186 | 26.4002 |
| 140276 | 1.8198 | 1.0670 | 27.5936 | 29.8325 | 31.6359 | 29.7289 |
| 140280 | 1.4341 | 0.8836 | 21.9302 | 23.4447 | 24.9401 | 23.3818 |
| 140281 | 1.6800 | 1.0670 | 29.2602 | 30.4838 | 33.3903 | 31.0381 |
| 140285 | *** | * | 17.7824 | 20.7576 | * | 19.1679 |
| 140286 | 1.1244 | 1.0670 | 28.4378 | 29.1543 | 30.3237 | 29.3213 |
| 140288 | 1.5563 | 1.0670 | 26.9581 | 29.3988 | 31.5197 | 29.3022 |
| 140289 | 1.3118 | 0.8998 | 22.3274 | 22.6211 | 23.8452 | 22.9498 |
| 140290 | 1.3524 | 1.0670 | 28.6926 | 31.7341 | 31.8135 | 30.8270 |
| 140291 | 1.5010 | 1.0564 | 28.2338 | 29.8958 | 31.9052 | 30.1168 |
| 140292 | 1.1576 | 1.0670 | 26.1781 | 27.6285 | 28.5094 | 27.4893 |
| 140294 | 1.1608 | 0.8358 | 22.6123 | 23.4504 | 24.0750 | 23.3919 |
| 140300 | 1.1256 | 1.0670 | 33.3983 | 34.8568 | 35.1494 | 34.4550 |
| 140301 | 1.2606 | 1.0670 | * | 31.7073 | 49.9507 | 37.2543 |
| 140303 | 1.8630 | 1.0670 | * | * | 29.6470 | 29.6470 |
| 150001 | 1.1113 | 0.9769 | 27.1021 | 29.6844 | 28.9076 | 28.5842 |
| 150002 | 1.4352 | 1.0564 | 23.3804 | 25.0063 | 26.6222 | 24.9683 |
| 150003 | 1.6225 | 0.8777 | 23.3196 | 25.3458 | 26.7586 | 25.1237 |
| 150004 | 1.4916 | 1.0564 | 24.8884 | 26.8458 | 28.7336 | 26.8380 |
| 150005 | 1.1814 | 0.9769 | 25.4443 | 27.2369 | 29.5371 | 27.5141 |
| 150006 | 1.3516 | 0.9721 | 24.8976 | 26.4061 | 25.6265 | 25.6444 |
| 150007 | 1.3519 | 0.9657 | 23.5841 | 26.6073 | 29.4971 | 26.6826 |
| 150008 | 1.4462 | 1.0564 | 23.6953 | 26.6928 | 27.5703 | 26.0637 |
| 150009 | 1.3856 | 0.9155 | 20.4993 | 22.2147 | 25.4496 | 22.7673 |
| 150010 | 1.4095 | 0.9657 | 23.9740 | 26.8524 | 27.2272 | 25.9937 |
| 150011 | 1.1796 | 0.9619 | 23.2249 | 24.3490 | 25.3178 | 24.3148 |
| 150012 | 1.5616 | 0.9914 | 22.9314 | 27.3029 | 30.0348 | 26.5266 |
| 150013 | 1.0068 | * | 19.7689 | 21.8465 | * | 20.8053 |
| 150014 | *** | * | 26.5785 | * | * | 26.5785 |
| 150015 | 1.3194 | 1.0564 | 24.3015 | 26.2434 | 28.0931 | 26.2255 |
| 150017 | 1.7796 | 0.9283 | 23.7180 | 25.2342 | 26.3973 | 25.1400 |
| 150018 | 1.6551 | 0.9376 | 24.7048 | 26.3289 | 27.3689 | 26.1456 |
| 150021 | 1.7596 | 0.9283 | 27.8168 | 29.6967 | 28.9196 | 28.8209 |
| 150022 | 1.1126 | 0.8813 | 22.8035 | 22.6773 | 23.1041 | 22.8651 |
| 150023 | 1.5344 | 0.8806 | 23.1253 | 23.7159 | 26.9095 | 24.3494 |
| 150024 | 1.4036 | 0.9769 | 24.7879 | 27.1589 | 28.1656 | 26.7187 |
| 150026 | 1.2898 | 0.9376 | 23.7185 | 28.1127 | 28.6517 | 26.9683 |
| 150027 | 1.0217 | * | 21.2855 | 17.4862 | * | 19.1736 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 150029 | 1.3955 | 0.9914 | 23.4103 | 26.9680 | 28.7187 | 26.0327 |
| 150030 | 1.1543 | 0.9619 | 24.4361 | 26.9533 | 29.1493 | 26.8916 |
| 150033 | 1.6423 | 0.9769 | 25.8851 | 27.9995 | 28.6838 | 27.5306 |
| 150034 | 1.5435 | 1.0564 | 23.9388 | 26.0465 | 28.6429 | 26.3135 |
| 150035 | 1.5470 | 0.9480 | 26.0952 | 26.6620 | 26.9700 | 26.5906 |
| 150037 | 1.3021 | 0.9769 | 27.7009 | 28.5451 | 31.0935 | 29.1215 |
| 150038 | 1.1294 | 0.9769 | 24.4188 | 28.8054 | 29.3156 | 27.5259 |
| 150042 | 1.4437 | 0.8564 | 21.9917 | 23.0102 | 22.8786 | 22.6362 |
| 150044 | 1.3829 | 0.9155 | 23.1200 | 23.7065 | 25.2137 | 24.0706 |
| 150045 [h] | 1.0469 | 0.9699 | 24.2899 | 25.2225 | 26.9818 | 25.5105 |
| 150046 | 1.4064 | 0.8806 | 21.0417 | 21.9369 | 24.5593 | 22.5538 |
| 150047 | 1.7515 | 0.9283 | 24.5455 | 25.8349 | 25.5194 | 25.3061 |
| 150048 | 1.3731 | 0.9522 | 24.5864 | 27.1817 | 27.1233 | 26.2805 |
| 150049 | 1.2079 | * | 20.2178 | 22.3370 | * | 21.2543 |
| 150051 | 1.5936 | 0.9619 | 22.6866 | 23.7061 | 26.5655 | 24.3118 |
| 150052 | 1.0624 | * | 19.6073 | 20.6339 | * | 20.1223 |
| 150056 | 1.9001 | 0.9769 | 27.6754 | 28.2842 | 28.8727 | 28.2800 |
| 150057 | 2.0303 | 0.9769 | 22.7804 | 24.8605 | 28.9529 | 25.4129 |
| 150058 | 1.5500 | 0.9914 | 26.9753 | 27.5341 | 29.1445 | 27.9361 |
| 150059 | 1.5327 | 0.9769 | 27.0792 | 28.5715 | 31.4987 | 29.0629 |
| 150060 | 1.0850 | * | 23.2409 | 24.8544 | * | 24.0586 |
| 150061 | 1.1346 | 0.8564 | 21.3640 | 22.2822 | 21.3711 | 21.6717 |
| 150062 | 1.0875 | * | 23.5550 | 24.6088 | * | 24.0884 |
| 150063 | *** | * | 19.0377 | * | * | 19.0377 |
| 150064 | 1.2094 | 0.8564 | 21.6370 | 23.7707 | 25.4987 | 23.6332 |
| 150065 | 1.2357 | 0.9619 | 24.4451 | 25.9461 | 27.9283 | 26.1247 |
| 150069 | 1.2455 | 0.9522 | 25.3445 | 25.2655 | 26.2028 | 25.6133 |
| 150070 | *** | * | 22.6260 | * | * | 22.6260 |
| 150072 | 1.1543 | 0.8564 | 20.3191 | 20.5111 | 21.2120 | 20.6926 |
| 150074 | 1.4535 | 0.9769 | 24.4374 | 25.2586 | 25.9321 | 25.2121 |
| 150075 | 1.0892 | 0.9283 | 24.2085 | 24.0745 | 25.1568 | 24.4755 |
| 150076 | 1.2756 | 0.9721 | 24.1434 | 28.1874 | 29.3249 | 27.1556 |
| 150078 | 1.0091 | * | 21.2476 | * | * | 21.2476 |
| 150079 | 1.1106 | * | 20.6486 | 21.4067 | * | 21.0466 |
| 150082 | 1.7142 | 0.8898 | 22.2054 | 25.5860 | 28.3494 | 25.3487 |
| 150084 | 1.7587 | 0.9769 | 28.7722 | 29.3905 | 31.1720 | 29.7450 |
| 150086 | 1.1986 | 0.9522 | 22.4471 | 23.9404 | 25.1992 | 23.9069 |
| 150088 | 1.2537 | 0.9619 | 23.0998 | 23.6253 | 27.2103 | 24.6426 |
| 150089 | 1.5788 | 0.8564 | 22.6545 | 25.0449 | 24.7233 | 24.0903 |
| 150090 | 1.5435 | 1.0564 | 24.6758 | 26.2899 | 30.4835 | 27.1134 |
| 150091 [h] | 1.1169 | 0.9856 | 27.8087 | 30.6209 | 30.4235 | 29.7411 |
| 150096 | 0.9101 | * | 21.9091 | * | * | 21.9091 |
| 150097 | 1.1189 | 0.9769 | 24.4179 | 25.0367 | 27.7468 | 25.7862 |
| 150100 | 1.7129 | 0.8898 | 22.2687 | 24.3530 | 25.7997 | 24.0897 |
| 150101 | 1.0796 | 0.9283 | 27.9745 | 29.1657 | 29.0300 | 28.7724 |
| 150102 | 1.0335 | 0.9397 | 22.6870 | 24.5923 | 25.7424 | 24.3784 |
| 150104 | 1.0430 | 0.9769 | 21.8172 | 25.5871 | 28.2552 | 25.1795 |
| 150106 | 1.0601 | * | 20.9955 | 20.9387 | * | 20.9659 |
| 150109 | 1.4360 | 0.8777 | 24.3786 | 23.5865 | 25.3367 | 24.4270 |
| 150112 | 1.4112 | 0.9619 | 24.7455 | 26.5643 | 28.0068 | 26.4823 |
| 150113 | 1.2571 | 0.9619 | 23.0450 | 24.8760 | 24.7960 | 24.2644 |
| 150115 | 1.4456 | 0.8564 | 20.5215 | 19.3411 | 22.0747 | 20.5908 |
| 150122 | 1.1591 | 0.9619 | 24.2471 | 26.0173 | * | 25.1559 |
| 150123 | *** | * | 15.3050 | * | * | 15.3050 |
| 150124 | 1.1006 | * | 18.8218 | 21.3933 | * | 20.1237 |
| 150125 | 1.4955 | 1.0564 | 24.3872 | 26.7666 | 27.6535 | 26.2866 |
| 150126 | 1.4314 | 1.0564 | 25.5585 | 26.9887 | 28.9454 | 27.2077 |
| 150128 | 1.4221 | 0.9769 | 23.1660 | 26.4976 | 28.7810 | 26.1051 |
| 150129 | 1.1677 | 0.9769 | 35.4311 | 29.9099 | 29.7398 | 31.3352 |
| 150130 | 1.0936 | * | 21.5678 | 21.7399 | * | 21.6494 |
| 150132 | *** | * | 24.2559 | 25.6257 | 27.6560 | 25.8491 |
| 150133 | 1.2284 | 0.9283 | 21.8839 | 22.7293 | 25.1322 | 23.2323 |
| 150134 | 1.0654 | 0.9155 | 22.1085 | 23.8526 | 26.3248 | 24.0103 |
| 150136 | *** | * | 25.7004 | 26.2703 | * | 25.9880 |
| 150146 | 1.0527 | 0.9283 | 26.1168 | 29.3383 | 29.5256 | 28.3979 |
| 150147 | 1.2949 | 1.0564 | 32.3336 | 22.8456 | 27.2339 | 26.5823 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 150148 | *** | * | 27.2081 | * | * | 27.2081 |
| 150149 | 0.9789 | 0.8898 | 23.8554 | 23.6361 | 23.7026 | 23.7280 |
| 150150 | 1.2516 | 0.9283 | 26.5138 | 25.5331 | 27.0542 | 26.3875 |
| 150151 | *** | * | * | 38.1446 | * | 38.1446 |
| 150152 | *** | * | * | 44.7143 | * | 44.7143 |
| 150153 | 2.4889 | 0.9769 | * | * | 32.1022 | 32.1022 |
| 150154 | 2.5312 | 0.9769 | * | * | 29.8514 | 29.8514 |
| 150155 | *** | * | * | * | 45.0125 | 45.0125 |
| 150156 | *** | * | * | * | 25.9681 | 25.9681 |
| 150157 | 1.5340 | 0.9769 | * | * | * | * |
| 150158 | 1.1765 | 0.9769 | * | * | * | * |
| 150159 | 0.9340 | 0.8564 | * | * | * | * |
| 150160 | 1.8626 | 0.9769 | * | * | * | * |
| 160001 | 1.1593 | 0.9219 | 23.8657 | 25.1220 | 24.5108 | 24.4801 |
| 160003 | 0.8939 | * | 19.0037 | * | * | 19.0037 |
| 160005 | 1.1851 | 0.8709 | 21.1745 | 21.8950 | 23.1034 | 22.0673 |
| 160008 | 1.0862 | 0.8709 | 19.8066 | 20.7200 | 22.1402 | 20.8765 |
| 160013 | 1.2689 | 0.8927 | 23.0163 | 23.7163 | 24.0956 | 23.5930 |
| 160014 | 0.9603 | * | 19.2447 | 20.5882 | * | 19.9190 |
| 160016 | 1.5514 | 0.9009 | 21.2785 | 23.3619 | 24.5338 | 23.0645 |
| 160020 | 1.1036 | * | 19.0043 | 19.5554 | * | 19.2901 |
| 160024 | 1.6000 | 0.9170 | 24.2385 | 26.2392 | 27.4158 | 25.9688 |
| 160026 | 1.0127 | * | 24.2045 | 24.7424 | * | 24.4805 |
| 160028 | 1.3164 | 0.9399 | 26.0052 | 26.2948 | 27.8535 | 26.8171 |
| 160029 | 1.6096 | 0.9598 | 24.9493 | 27.9277 | 28.7324 | 27.2104 |
| 160030 | 1.4171 | 0.9745 | 24.9920 | 26.7068 | 28.7786 | 26.8184 |
| 160031 | 0.9885 | * | 18.5281 | 19.7368 | * | 19.1263 |
| 160032 | 1.0670 | 0.8981 | 22.3837 | 23.4727 | 25.4662 | 23.8323 |
| 160033 | 1.7526 | 0.8836 | 23.4148 | 24.6768 | 26.5315 | 24.9144 |
| 160034 | 0.9761 | * | 19.4837 | 19.3503 | * | 19.4156 |
| 160039 | 0.9847 | * | 20.9623 | 22.1180 | * | 21.5414 |
| 160040 | 1.2762 | 0.8709 | 21.8187 | 23.9053 | 25.9032 | 23.9141 |
| 160044 | 1.1479 | * | 19.5635 | * | * | 19.5635 |
| 160045 | 1.7219 | 0.8756 | 24.4957 | 25.4153 | 26.6463 | 25.5518 |
| 160047 | 1.4020 | 0.9399 | 24.5000 | 25.2072 | 26.0227 | 25.2497 |
| 160048 | 1.0438 | * | 19.5701 | 19.5832 | * | 19.5767 |
| 160050 | 1.1274 | * | 23.8830 | 24.5403 | * | 24.2221 |
| 160057 | 1.2427 | 0.9454 | 22.0472 | 23.0937 | 25.1272 | 23.4614 |
| 160058 | 1.9602 | 0.9598 | 25.5244 | 27.1646 | 28.4167 | 27.0670 |
| 160064 | 1.5239 | 0.9491 | 27.6301 | 28.6139 | 28.7669 | 28.4068 |
| 160066 | 1.0583 | * | 21.4631 | 22.7709 | * | 22.1300 |
| 160067 | 1.3113 | 0.8709 | 21.9418 | 23.4060 | 24.8137 | 23.5158 |
| 160069 | 1.5045 | 0.8994 | 22.7514 | 25.3402 | 27.4473 | 25.2028 |
| 160074 | 1.0988 | * | 20.2418 | * | * | 20.2418 |
| 160076 | *** | * | 20.9749 | * | * | 20.9749 |
| 160079 | 1.5445 | 0.8756 | 22.5299 | 23.7234 | 24.7372 | 23.6850 |
| 160080 | 1.3034 | 0.8836 | 23.5721 | 23.1837 | 25.8252 | 24.2266 |
| 160081 | 1.1639 | * | 21.3614 | 23.1930 | * | 22.2788 |
| 160082 | 1.8118 | 0.9170 | 23.8181 | 26.4398 | 27.4718 | 25.8854 |
| 160083 | 1.6842 | 0.9170 | 25.0617 | 28.2193 | 27.3004 | 26.8898 |
| 160089 | 1.2916 | 0.9009 | 21.5693 | 22.6551 | 23.2149 | 22.4971 |
| 160090 | 0.8236 | * | 21.2753 | * | * | 21.2753 |
| 160091 | 0.9379 | * | 18.0630 | 17.9862 | * | 18.0240 |
| 160092 | 0.9932 | * | 22.0841 | * | * | 22.0841 |
| 160101 | 1.1212 | 0.9170 | 24.2309 | 25.1000 | 25.0503 | 24.7943 |
| 160104 | 1.5160 | 0.8836 | 24.0075 | 24.9134 | 28.1891 | 25.7176 |
| 160106 | *** | * | 21.4912 | * | * | 21.4912 |
| 160107 | *** | * | 21.3754 | * | * | 21.3754 |
| 160110 | 1.5216 | 0.8709 | 24.1762 | 24.9434 | 26.6633 | 25.2722 |
| 160112 | 1.2343 | 0.8709 | 21.8901 | 23.0672 | 24.7957 | 23.3023 |
| 160113 | *** | * | 18.6599 | * | * | 18.6599 |
| 160115 | 1.0431 | * | 19.5764 | * | * | 19.5764 |
| 160116 | 1.0101 | * | 22.2019 | * | * | 22.2019 |
| 160117 | 1.3161 | 0.8994 | 23.4250 | 25.0278 | 25.4659 | 24.6501 |
| 160118 | *** | * | 18.3322 | 19.7764 | * | 19.0436 |
| 160122 | 1.1026 | 0.8709 | 22.9565 | 22.5872 | 23.9177 | 23.1647 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 160124 | 1.1569 | 0.8709 | 22.7223 | 23.1690 | 22.5482 | 22.8123 |
| 160126 | 1.0168 | * | 20.3748 | 19.8323 | * | 20.1046 |
| 160140 | 1.0468 | * | 22.5230 | * | * | 22.5230 |
| 160146 | 1.4552 | 0.9062 | 20.9583 | 22.9897 | 22.6949 | 22.1903 |
| 160147 | 1.3425 | 0.9009 | 26.6577 | 26.6438 | 28.6303 | 27.3539 |
| 160153 | 1.6240 | 0.9062 | 26.3671 | 28.9881 | 29.9378 | 28.4563 |
| 160154 | 0.8245 | * | * | * | * | * |
| 170001 | 1.2230 | 0.8018 | 20.9837 | 21.9131 | 23.1260 | 21.9964 |
| 170006 | 1.2544 | 0.8626 | 20.6460 | 21.9019 | 24.2068 | 22.3015 |
| 170009 | 1.0730 | 0.9345 | 29.1979 | 29.2588 | 30.9025 | 29.7689 |
| 170010 | 1.2042 | 0.8310 | 21.2131 | 24.0008 | 23.9707 | 23.0819 |
| 170012 | 1.6403 | 0.8776 | 22.6869 | 24.7392 | 26.1367 | 24.4947 |
| 170013 | 1.5197 | 0.8776 | 23.1159 | 25.0419 | 25.2476 | 24.4806 |
| 170014 | 1.0370 | 0.9345 | 22.9772 | 23.5960 | 23.8135 | 23.4738 |
| 170015 | 1.0219 | * | 19.1902 | 20.2367 | * | 19.7243 |
| 170016 | 1.6343 | 0.8763 | 24.2336 | 25.9482 | 25.8061 | 25.3473 |
| 170017 | 1.1055 | 0.9016 | 23.3030 | 24.7771 | 26.9657 | 25.0890 |
| 170018 | 0.9384 | * | 17.9497 | * | * | 17.9497 |
| 170019 | 1.1578 | * | 20.3243 | 22.0251 | * | 21.1885 |
| 170020 | 1.5647 | 0.8776 | 22.2571 | 23.1800 | 23.2757 | 22.9031 |
| 170022 | 1.1216 | * | 22.9313 | 22.2878 | * | 22.6058 |
| 170023 | 1.4424 | 0.8776 | 23.2690 | 23.9808 | 24.0561 | 23.7670 |
| 170027 | 1.4371 | 0.8018 | 21.4678 | 22.5103 | 23.1766 | 22.3745 |
| 170033 | 1.3350 | 0.8776 | 20.0801 | 20.7865 | 21.9709 | 20.9382 |
| 170039 | 0.9529 | 0.9016 | 20.1983 | 21.5203 | 26.9852 | 22.6024 |
| 170040 | 1.9231 | 0.9345 | 27.1771 | 28.2856 | 28.4458 | 27.9951 |
| 170049 | 1.4626 | 0.9345 | 24.1208 | 24.7895 | 25.2070 | 24.7282 |
| 170052 | 1.2007 | * | 17.3794 | 18.5291 | * | 17.9769 |
| 170054 | *** | * | 17.5500 | * | * | 17.5500 |
| 170058 | 1.0573 | 0.9345 | 22.0398 | 23.3398 | 22.9209 | 22.7663 |
| 170068 | 1.2227 | 0.9248 | 20.8771 | 22.6087 | 23.0635 | 22.2050 |
| 170070 | 0.9776 | * | 16.4767 | 16.0162 | * | 16.2556 |
| 170074 | 1.2346 | 0.8018 | 20.4936 | 21.0565 | 23.7829 | 21.8361 |
| 170075 | 0.8407 | 0.8018 | 16.2047 | 16.5444 | 19.7760 | 17.4870 |
| 170085 | 0.9089 | * | 18.4867 | * | * | 18.4867 |
| 170086 | 1.5628 | 0.8763 | 22.7737 | 24.0812 | 26.1362 | 24.3755 |
| 170090 | *** | * | 15.9807 | * | * | 15.9807 |
| 170093 | 0.8364 | * | 16.8710 | 16.5553 | * | 16.7116 |
| 170094 | 0.9776 | 0.8018 | 20.3678 | 21.3887 | 21.5295 | 21.2055 |
| 170097 | *** | * | 20.3391 | * | * | 20.3391 |
| 170098 | 0.9881 | * | 20.0078 | 20.1242 | * | 20.0657 |
| 170103 | 1.2325 | 0.9016 | 21.4985 | 22.8707 | 23.8042 | 22.7657 |
| 170104 | 1.5046 | 0.9345 | 26.1866 | 26.9671 | 26.2990 | 26.4895 |
| 170105 | 1.0170 | 0.8018 | 19.6687 | 21.4422 | 21.9606 | 21.0348 |
| 170109 | 1.0424 | 0.9345 | 22.7166 | 23.2626 | 23.1089 | 23.0341 |
| 170110 | 0.9595 | 0.8018 | 21.8904 | 22.9195 | 23.3260 | 22.7144 |
| 170114 | 0.8803 | * | 18.1610 | 18.9158 | * | 18.5532 |
| 170116 | *** | * | 23.1127 | * | * | 23.1127 |
| 170120 | 1.3342 | 0.8626 | 19.8723 | 21.0499 | 22.0253 | 20.9846 |
| 170122 | 1.6347 | 0.9016 | 24.6532 | 25.3981 | 26.6605 | 25.5592 |
| 170123 | 1.6504 | 0.9016 | 26.4676 | 27.2239 | 27.6653 | 27.0980 |
| 170133 | 1.0473 | 0.9345 | 21.7748 | 22.9309 | 23.1226 | 22.6168 |
| 170137 | 1.2362 | 0.8018 | 22.7676 | 23.8863 | 24.7096 | 23.8060 |
| 170142 | 1.3490 | 0.8639 | 22.4095 | 22.5778 | 23.9527 | 23.0055 |
| 170143 | 1.1942 | * | 19.7643 | 20.4459 | * | 20.1017 |
| 170144 | *** | * | 24.4259 | 24.6260 | * | 24.5144 |
| 170145 | 1.0743 | 0.8018 | 21.4472 | 21.5756 | 23.2162 | 22.0629 |
| 170146 | 1.4609 | 0.9345 | 28.1965 | 29.1358 | 29.8858 | 29.0716 |
| 170147 | 2.0068 | 0.9016 | 23.1610 | 21.4753 | 22.4974 | 22.3452 |
| 170150 | 1.1855 | 0.8018 | 17.4916 | 18.5744 | 20.9448 | 19.0505 |
| 170166 | 1.0178 | 0.8018 | 18.5978 | 19.2842 | 21.0762 | 19.6365 |
| 170175 | 1.3744 | 0.8776 | 23.6262 | 23.9304 | 25.6281 | 24.4016 |
| 170176 | 1.4949 | 0.9345 | 24.2283 | 26.2366 | 27.2332 | 25.8724 |
| 170180 | *** | * | * | 25.1366 | 32.5016 | 27.5336 |
| 170182 | 1.4645 | 0.9345 | 24.3820 | 25.7443 | 27.3503 | 25.8409 |
| 170183 | 1.9822 | 0.9016 | 22.8633 | 24.5539 | 25.8340 | 24.4112 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 170185 | 1.3211 | 0.9345 | 24.8478 | 26.7797 | 27.8139 | 26.6943 |
| 170186 | 2.6912 | 0.9016 | 30.5157 | 31.7896 | 32.8392 | 31.7827 |
| 170187 | 1.4503 | 0.8018 | 21.0780 | 23.3702 | 22.8493 | 22.4498 |
| 170188 | 2.0361 | 0.9345 | 27.2225 | 29.9751 | 30.6844 | 29.3821 |
| 170190 | 1.0363 | 0.8639 | 22.4865 | 22.8729 | 22.9540 | 22.7638 |
| 170191 | 1.6075 | 0.8018 | 24.9599 | 21.3069 | 22.1197 | 22.8235 |
| 170192 | 2.0024 | 0.9016 | * | 27.9704 | 26.2724 | 27.0528 |
| 170193 | 1.6307 | 0.8776 | * | 24.7430 | 20.6821 | 22.6027 |
| 170194 | 1.3761 | 0.9345 | * | 27.9904 | 29.9014 | 29.1704 |
| 170195 | 2.0115 | 0.9345 | * | * | 30.1001 | 30.1001 |
| 170196 | 2.2556 | 0.9016 | * | * | * | * |
| 180001 | 1.2877 | 0.9522 | 24.7647 | 25.4217 | 27.6917 | 25.9876 |
| 180002 | 1.0773 | 0.7805 | 21.6843 | 22.9727 | 25.7862 | 23.5332 |
| 180004 | 1.0803 | 0.7805 | 19.0834 | 19.5437 | 22.0798 | 20.2498 |
| 180005 | 1.0872 | 0.8681 | 22.8871 | 24.5561 | 24.9779 | 24.1687 |
| 180006 | 0.8758 | * | 15.7136 | 14.8011 | * | 15.2405 |
| 180007 | 1.4567 | 0.8965 | 21.8724 | 22.7606 | 25.7042 | 23.4417 |
| 180009 | 1.6459 | 0.8828 | 24.0971 | 25.3837 | 26.4101 | 25.3074 |
| 180010 | 1.9202 | 0.8965 | 26.4116 | 24.7256 | 25.6153 | 25.5471 |
| 180011 | 1.3634 | 0.8643 | 22.3183 | 22.7364 | 25.5463 | 23.5535 |
| 180012 | 1.4663 | 0.9155 | 22.9096 | 24.6642 | 25.6000 | 24.4113 |
| 180013 | 1.4623 | 0.9550 | 21.4728 | 22.9512 | 23.7075 | 22.7169 |
| 180016 | 1.3119 | 0.9155 | 22.2148 | 23.1832 | 24.8408 | 23.4361 |
| 180017 | 1.2736 | 0.8144 | 19.0694 | 20.8630 | 21.8885 | 20.6079 |
| 180018 | 1.3813 | 0.8643 | 18.3314 | 19.0992 | 20.9857 | 19.4553 |
| 180019 | 1.1119 | 0.9522 | 22.0379 | 24.1342 | 24.0283 | 23.3932 |
| 180020 | 1.0626 | 0.7805 | 22.3477 | 21.9494 | 24.6953 | 23.0320 |
| 180021 | 0.9566 | 0.7805 | 17.9346 | 18.5966 | 20.7950 | 19.1192 |
| 180024 | 1.1103 | 0.9155 | 23.6826 | 32.1824 | 31.1159 | 28.8617 |
| 180025 | 1.1078 | 0.9155 | 17.4781 | 19.1543 | 22.6897 | 19.7126 |
| 180026 | 1.0667 | * | 15.8431 | 18.2120 | * | 17.0401 |
| 180027 | 1.1918 | 0.8014 | 22.1072 | 23.8763 | 20.8303 | 22.1687 |
| 180028 | 0.9369 | * | 21.4766 | 24.7968 | * | 23.0070 |
| 180029 | 1.3613 | 0.8215 | 21.2110 | 23.0536 | 25.6479 | 23.3608 |
| 180035 | 1.6181 | 0.9522 | 26.7702 | 29.8438 | 31.0794 | 29.2980 |
| 180036 | 1.2003 | 0.8828 | 23.1636 | 25.1154 | 25.2972 | 24.4850 |
| 180037 | 1.2535 | 0.9155 | 24.4451 | 25.7361 | 26.3132 | 25.4961 |
| 180038 | 1.4731 | 0.8783 | 22.2750 | 24.6348 | 26.0440 | 24.2668 |
| 180040 | 2.0443 | 0.9155 | 24.5590 | 26.2125 | 27.9979 | 26.3498 |
| 180041 | *** | * | 18.5483 | * | * | 18.5483 |
| 180043 | 1.1644 | 0.7805 | 18.8436 | 19.0617 | 20.9326 | 19.5996 |
| 180044 | 1.6041 | 0.8681 | 21.6837 | 23.0971 | 24.4569 | 23.0785 |
| 180045 | 1.3358 | 0.9522 | 24.5856 | 25.8349 | 27.4732 | 25.9866 |
| 180046 | 1.0512 | 0.8965 | 24.7562 | 27.2244 | 27.1034 | 26.3870 |
| 180047 | 0.9201 | * | 20.4768 | 21.8037 | * | 21.1276 |
| 180048 | 1.2648 | 0.9155 | 22.3601 | 21.6571 | 23.9230 | 22.6272 |
| 180049 [h] | 1.3774 | 0.8965 | 19.4488 | 23.3407 | 22.4769 | 21.7967 |
| 180050 | 1.1551 | 0.7805 | 21.7150 | 22.6473 | 26.3604 | 23.5163 |
| 180051 | 1.2714 | 0.8420 | 19.2100 | 21.3312 | 23.5299 | 21.4111 |
| 180053 | 1.0067 | 0.7805 | 18.6610 | 19.1578 | 21.3044 | 19.7765 |
| 180054 | *** | * | 19.0657 | * | * | 19.0657 |
| 180055 | 1.1303 | * | 21.1989 | 20.7237 | * | 20.9496 |
| 180056 | 1.1053 | 0.8898 | 21.4695 | 22.8910 | 24.3074 | 22.8882 |
| 180063 | 1.1270 | * | 15.9185 | 17.9741 | * | 17.0063 |
| 180064 | 1.2602 | 0.7805 | 15.3819 | 16.2638 | 17.1010 | 16.2746 |
| 180066 | 1.1315 | 0.9550 | 24.6359 | 24.9543 | 22.2713 | 23.9117 |
| 180067 | 2.0437 | 0.8965 | 24.0551 | 25.4080 | 26.0238 | 25.1529 |
| 180069 | 1.0849 | 0.8681 | 20.8797 | 22.3674 | 26.3701 | 23.2754 |
| 180070 | 1.1710 | 0.7805 | 17.4266 | 20.1308 | 20.6741 | 19.4068 |
| 180078 | 1.1193 | 0.8681 | 25.4196 | 26.2636 | 27.6806 | 26.4807 |
| 180079 | 1.1196 | 0.7805 | 19.5783 | 19.7791 | 20.2100 | 19.8774 |
| 180080 | 1.2862 | 0.8643 | 20.1651 | 21.7380 | 21.5818 | 21.1535 |
| 180087 | 1.1961 | 0.7805 | 17.7758 | 18.4331 | 20.8841 | 19.0598 |
| 180088 | 1.6309 | 0.9155 | 24.6053 | 27.5767 | 28.0916 | 26.7964 |
| 180092 | 1.1822 | 0.8965 | 22.4864 | 22.5679 | 23.7909 | 22.9525 |
| 180093 | 1.5107 | 0.8553 | 19.2748 | 20.5422 | 20.5807 | 20.1295 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 180095 | 1.0526 | 0.7805 | 17.1354 | 17.9677 | 17.9146 | 17.6813 |
| 180101 | 1.1141 | 0.8965 | 24.2242 | 25.4796 | 27.4505 | 25.7555 |
| 180102 | 1.6191 | 0.8014 | 19.1136 | 18.4388 | 21.0896 | 19.5180 |
| 180103 | 2.1786 | 0.8965 | 25.1577 | 26.9407 | 28.4583 | 26.8131 |
| 180104 | 1.6182 | 0.8014 | 22.8911 | 24.9441 | 25.6157 | 24.5153 |
| 180105 | 0.8727 | 0.7805 | 19.5364 | 19.7615 | 21.6002 | 20.2965 |
| 180106 | 0.9324 | 0.7805 | 15.7851 | 17.8020 | 20.2884 | 18.1134 |
| 180115 | 0.9398 | 0.7805 | 19.9316 | 20.9831 | 20.5539 | 20.4877 |
| 180116 | 1.2062 | 0.8248 | 21.8698 | 22.7353 | 23.5354 | 22.7278 |
| 180117 | 0.9702 | 0.7805 | 20.5952 | 21.1854 | 22.8469 | 21.5379 |
| 180124 | 1.2974 | 0.9550 | 21.4270 | 23.1917 | 24.8292 | 23.1576 |
| 180126 | 1.0694 | * | 15.1776 | * | * | 15.1776 |
| 180127 | 1.2937 | 0.9155 | 21.4633 | 23.4765 | 24.6774 | 23.2297 |
| 180128 | 0.9157 | 0.8087 | 20.5575 | 20.8406 | 22.6056 | 21.3498 |
| 180130 | 1.6564 | 0.9155 | 24.8441 | 26.0278 | 27.8900 | 26.2745 |
| 180132 | 1.4773 | 0.8643 | 22.2101 | 23.7652 | 24.5105 | 23.5278 |
| 180134 | 1.0266 | * | 17.3449 | 18.6779 | * | 18.0324 |
| 180138 | 1.2251 | 0.9155 | 25.1789 | 27.3400 | 28.1901 | 26.9211 |
| 180139 | 1.0358 | 0.8643 | 21.3797 | 23.5363 | 23.3569 | 22.7612 |
| 180141 | 1.8316 | 0.9155 | 24.3140 | 25.3042 | 25.3358 | 25.0026 |
| 180143 | 1.6110 | 0.8965 | 23.9125 | 25.1613 | 28.1924 | 25.9094 |
| 180144 | *** | * | * | * | 29.5053 | 29.5053 |
| 180147 | 1.6512 | 0.8082 | * | * | * | * |
| 180148 | 1.8464 | 0.7805 | * | * | * | * |
| 180149 | 0.9801 | 0.7805 | * | * | * | * |
| 190001 | 1.1108 | 0.8649 | 19.5680 | 19.7516 | 22.1394 | 20.6159 |
| 190002 | 1.6691 | 0.8408 | 21.7000 | 22.0056 | 23.3368 | 22.3427 |
| 190003 | 1.4723 | 0.8408 | 21.8156 | 23.4977 | 25.8294 | 23.7039 |
| 190004 | 1.3170 | 0.8185 | 22.1835 | 23.3290 | 25.3473 | 23.6439 |
| 190005 | 1.4546 | 0.8649 | 20.7987 | 22.3208 | 22.6029 | 21.9167 |
| 190006 | 1.3351 | 0.8408 | 19.4573 | 22.2467 | 22.7979 | 21.4568 |
| 190007 | 1.1639 | 0.7660 | 18.7854 | 19.7528 | 21.8206 | 20.0897 |
| 190008 | 1.7441 | 0.8185 | 21.4137 | 24.0111 | 24.6074 | 23.4003 |
| 190009 | 1.1756 | 0.7961 | 18.8295 | 19.8404 | 21.1005 | 19.8550 |
| 190010 | 1.0742 | * | 19.9788 | 21.6889 | * | 20.8295 |
| 190011 | 1.0616 | 0.8074 | 18.1525 | 19.7319 | 21.4052 | 19.7587 |
| 190013 | 1.4955 | 0.7922 | 19.6346 | 20.8626 | 21.4573 | 20.6529 |
| 190014 | 1.2468 | 0.7660 | 17.4740 | 22.4596 | 22.7151 | 20.7373 |
| 190015 | 1.3197 | 0.8649 | 22.1046 | 22.8875 | 23.7789 | 22.9635 |
| 190017 [h] | 1.3276 | 0.8643 | 18.6962 | 21.5033 | 24.5390 | 21.4075 |
| 190019 | 1.7264 | 0.7961 | 23.0704 | 23.7168 | 24.0468 | 23.6134 |
| 190020 | 1.1659 | 0.8085 | 19.8505 | 21.6136 | 22.1967 | 21.1781 |
| 190025 | 1.1943 | 0.7660 | 20.4651 | 20.8950 | 23.5007 | 21.6221 |
| 190026 | 1.5818 | 0.7961 | 21.3386 | 22.5087 | 23.7702 | 22.5754 |
| 190027 | 1.7065 | 0.7922 | 21.2449 | 21.2526 | 24.3007 | 22.2353 |
| 190034 | 1.1159 | 0.7660 | 17.5002 | 19.6943 | 20.7334 | 19.3253 |
| 190036 | 1.7084 | 0.8649 | 23.7356 | 24.8152 | 25.4164 | 24.6493 |
| 190037 | 1.0152 | 0.7922 | 16.7629 | 18.6393 | 19.4071 | 18.1994 |
| 190039 | 1.4772 | 0.8649 | 23.3105 | 25.6665 | 24.4386 | 24.4904 |
| 190040 | 1.3321 | 0.8649 | 23.8076 | 26.7428 | 28.6297 | 26.2612 |
| 190041 | 1.4753 | 0.8848 | 23.9082 | 24.6734 | 28.5376 | 25.5929 |
| 190043 | 0.9745 | * | 16.8944 | 17.3477 | * | 17.1195 |
| 190044 [h] | 1.2786 | 0.8408 | 19.5304 | 19.5567 | 20.9993 | 20.0144 |
| 190045 | 1.5975 | 0.8649 | 24.0490 | 25.3854 | 25.8238 | 25.0923 |
| 190046 | 1.4254 | 0.8649 | 22.2884 | 24.2128 | 23.8552 | 23.4370 |
| 190048 | 1.0931 | * | 18.6148 | 19.6288 | * | 19.1025 |
| 190049 | *** | * | 20.1229 | * | * | 20.1229 |
| 190050 | 1.1067 | 0.7660 | 18.5287 | 19.1076 | 21.0259 | 19.5664 |
| 190053 | 1.0858 | 0.7660 | 15.7258 | 16.4968 | 17.9788 | 16.7792 |
| 190054 | 1.3101 | 0.7767 | 20.3525 | 20.1108 | 23.1471 | 21.2261 |
| 190059 | 0.8305 | * | 19.2396 | * | * | 19.2396 |
| 190060 | 1.4859 | 0.7922 | 22.2517 | 23.6278 | 23.7393 | 23.2026 |
| 190064 | 1.5764 | 0.8085 | 21.5514 | 23.3617 | 23.1358 | 22.7104 |
| 190065 | 1.5175 | 0.8085 | 23.0523 | 23.7450 | 22.1880 | 22.9778 |
| 190077 | 0.9229 | * | 18.4043 | 18.8409 | * | 18.6185 |
| 190078 [h] | 1.0615 | 0.8643 | 21.5782 | 21.3786 | 22.2432 | 21.7436 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 190079 | 1.2813 | 0.8649 | 21.8158 | 21.2546 | 24.0985 | 22.4209 |
| 190081 | 0.8860 | 0.7660 | 14.9141 | 15.6146 | 20.0122 | 16.8709 |
| 190083 | 0.8253 | * | 19.2683 | * | * | 19.2683 |
| 190086 | 1.2378 | 0.8074 | 18.8306 | 19.8823 | 22.0610 | 20.2693 |
| 190088 [h] | 1.0650 | 0.9553 | 22.5045 | 22.3480 | 23.8562 | 22.8805 |
| 190089 | 1.0009 | * | 16.2961 | * | * | 16.2961 |
| 190090 | 1.0438 | 0.7660 | 20.0745 | 20.2045 | 23.1241 | 21.2141 |
| 190095 | *** | * | 18.7302 | 18.0174 | * | 18.3606 |
| 190098 | 1.6553 | 0.8848 | 23.0802 | 24.6353 | 25.6854 | 24.4830 |
| 190099 | 0.9915 | 0.8085 | 21.1657 | 20.4597 | 22.0610 | 21.2491 |
| 190102 | 1.5576 | 0.8408 | 23.4618 | 25.2267 | 27.3126 | 25.3096 |
| 190106 | 1.1755 | 0.7961 | 21.5643 | 21.7228 | 23.5376 | 22.2922 |
| 190109 | 1.1008 | * | 17.4842 | 18.6524 | * | 18.0560 |
| 190110 | 0.9269 | * | 19.0611 | * | * | 19.0611 |
| 190111 | 1.6347 | 0.8848 | 25.2370 | 24.4998 | 25.5729 | 25.0944 |
| 190114 | 1.0617 | 0.7660 | 14.6258 | 15.8031 | 17.2677 | 15.9330 |
| 190115 | 1.1204 | 0.8848 | 26.0272 | 26.6295 | 28.2067 | 26.9308 |
| 190116 | 1.2672 | 0.7660 | 18.6074 | 20.3844 | 22.3710 | 20.4868 |
| 190118 | 0.9545 | 0.8848 | 19.0200 | 19.7025 | 22.8809 | 20.5837 |
| 190122 | 1.2834 | 0.8085 | 19.3131 | 23.7082 | 22.0072 | 21.5659 |
| 190124 | 1.5832 | 0.8649 | 23.4862 | 24.6675 | 26.0032 | 24.7034 |
| 190125 | 1.6555 | 0.8074 | 22.3976 | 23.9649 | 25.5463 | 23.9119 |
| 190128 | 1.0067 | 0.8085 | 24.7842 | 27.9136 | 28.3257 | 27.0431 |
| 190130 | 1.0390 | * | 16.6910 | * | * | 16.6910 |
| 190131 | 1.1780 | 0.8649 | 22.5032 | 25.1917 | 27.8465 | 25.2415 |
| 190133 | 0.9374 | 0.7898 | 14.3089 | 13.6266 | 18.2044 | 15.9159 |
| 190135 | 1.4966 | 0.8649 | 26.9920 | 26.8238 | 27.7540 | 27.1854 |
| 190140 | 1.0113 | 0.7660 | 17.0371 | 17.6936 | 18.9652 | 17.9144 |
| 190144 [h] | 1.1488 | 0.9553 | 21.1658 | 21.7547 | 22.9181 | 21.9664 |
| 190145 | 0.9687 | 0.7660 | 17.3361 | 18.9678 | 19.9265 | 18.7714 |
| 190146 | 1.5834 | 0.8649 | 23.7721 | 26.1792 | 27.4824 | 25.7165 |
| 190148 | *** | * | 20.8321 | * | * | 20.8321 |
| 190149 | 0.9361 | * | 17.1671 | 18.8819 | * | 17.9835 |
| 190151 | 0.9783 | 0.7660 | 17.8741 | 18.6293 | 18.7467 | 18.4210 |
| 190152 | 1.3713 | 0.8649 | 27.4708 | 27.6099 | 28.1334 | 27.7337 |
| 190156 | 0.8841 | * | 18.3702 | * | * | 18.3702 |
| 190158 | 1.5509 | 0.8649 | 26.2352 | 26.3042 | 26.4787 | 26.3387 |
| 190160 | 1.5686 | 0.8074 | 20.0025 | 21.6740 | 22.9325 | 21.4638 |
| 190161 | 1.0937 | 0.7922 | 17.8794 | 19.1022 | 22.6187 | 19.7054 |
| 190162 | *** | * | 22.1781 | 25.0328 | 25.2952 | 24.1135 |
| 190164 | 1.0912 | 0.7961 | 21.4247 | 22.8599 | 25.2560 | 23.2755 |
| 190167 | 1.1962 | 0.7660 | 17.8604 | 24.3185 | 26.4669 | 22.7193 |
| 190175 | 1.3762 | 0.8649 | 24.6790 | 27.1531 | 26.0547 | 26.0095 |
| 190176 | 1.7623 | 0.8649 | 25.8482 | 25.6997 | 25.8826 | 25.8092 |
| 190177 | 1.6937 | 0.8649 | 25.4769 | 27.4621 | 27.7792 | 26.9287 |
| 190182 | 1.0531 | 0.8649 | 25.0837 | 28.4799 | 27.1682 | 26.8223 |
| 190183 | 1.1291 | 0.8185 | 18.3151 | 19.8084 | 22.6928 | 20.1357 |
| 190184 | 0.9625 | 0.7821 | 21.3191 | 23.9609 | 24.9476 | 23.4329 |
| 190185 | 1.4395 | 0.8649 | 24.4176 | 24.7912 | 25.6394 | 24.9988 |
| 190190 | 0.8828 | 0.7821 | 14.0052 | 16.1195 | 24.3328 | 19.1578 |
| 190191 [h] | 1.3171 | 0.8085 | 22.3755 | 23.5734 | 24.1923 | 23.4096 |
| 190196 | 0.9256 | 0.8408 | 21.9355 | 24.7135 | 24.0385 | 23.5870 |
| 190197 | 1.3938 | 0.8074 | 22.9631 | 24.3735 | 25.8071 | 24.3487 |
| 190199 | 1.0924 | 0.8085 | 18.5317 | 14.1410 | 27.3304 | 19.2137 |
| 190200 | *** | * | 26.4258 | 27.5681 | 28.8173 | 27.4415 |
| 190201 | 1.4429 | 0.7922 | 22.5588 | 24.5877 | 25.1010 | 24.1146 |
| 190202 | 1.3470 | 0.8085 | 21.8900 | 24.7944 | 27.6084 | 24.9263 |
| 190203 | 5.8369 | 0.8649 | 26.9099 | 26.8795 | 28.1832 | 27.2998 |
| 190204 | 1.4639 | 0.8649 | 28.8777 | 28.3684 | 28.1033 | 28.4525 |
| 190205 | 1.7275 | 0.8408 | 21.7696 | 24.4540 | 26.6832 | 24.2969 |
| 190206 | 1.5338 | 0.8649 | 26.9117 | 26.0139 | 26.7401 | 26.5489 |
| 190208 | 0.8155 | 0.7660 | 24.8409 | 24.2586 | 28.7306 | 26.0391 |
| 190218 | 1.1787 | 0.8688 | 23.9182 | 25.0356 | 26.7262 | 25.2399 |
| 190236 | 1.4242 | 0.8848 | 23.8233 | 23.6824 | 24.7142 | 24.0796 |
| 190240 | *** | * | 13.9888 | * | * | 13.9888 |
| 190241 | 1.4547 | 0.8185 | 28.9620 | 23.9700 | 25.2123 | 25.8649 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 190242 | 1.1385 | 0.8085 | 20.5937 | 23.0072 | 24.8461 | 22.9349 |
| 190243 | *** | * | 30.6060 | * | * | 30.6060 |
| 190245 | 1.6195 | 0.8074 | * | 27.1786 | 25.5751 | 26.4103 |
| 190246 | 1.6846 | 0.7821 | * | * | * | * |
| 190247 | *** | * | * | * | 32.7499 | 32.7499 |
| 190248 | *** | * | * | * | 23.2221 | 23.2221 |
| 190249 | 1.3588 | 0.8085 | * | * | 20.0468 | 20.0468 |
| 190250 | 2.2896 | 0.8649 | * | * | 31.5102 | 31.5102 |
| 190251 | 1.3358 | 0.8085 | * | * | 21.4464 | 21.4464 |
| 190252 | *** | * | * | * | 23.6921 | 23.6921 |
| 190253 | 1.0057 | 0.8649 | * | * | 22.8060 | 22.8060 |
| 190254 | *** | * | * | * | 32.9289 | 32.9289 |
| 190255 | 0.7976 | 0.8408 | * | * | 22.2413 | 22.2413 |
| 190256 | 1.0317 | 0.8649 | * | * | * | * |
| 190257 | 1.6566 | 0.7660 | * | * | * | * |
| 190258 | 1.6648 | 0.8848 | * | * | 31.3712 | 31.3712 |
| 190259 | 1.6861 | 0.8408 | * | * | * | * |
| 190260 | 1.4933 | 0.8649 | * | * | * | * |
| 190261 | 0.8547 | 0.8074 | * | * | * | * |
| 190262 | 1.4612 | 0.8649 | * | * | * | * |
| 190263 | 2.3858 | 0.8408 | * | * | * | * |
| 190264 | 0.8850 | 0.7660 | * | * | * | * |
| 190265 | 1.7399 | 0.8074 | * | * | * | * |
| 190266 | 2.1688 | 0.8085 | * | * | * | * |
| 190267 | 1.2267 | 0.8649 | * | * | * | * |
| 190268 | 1.0791 | 0.8408 | * | * | * | * |
| 190272 | 1.3853 | 0.8408 | * | * | * | * |
| 200001 | 1.3795 | 0.9612 | 23.2210 | 25.1145 | 25.2542 | 24.5664 |
| 200002 | 1.1618 | 0.8522 | 24.1446 | 25.7478 | 25.7212 | 25.1676 |
| 200007 | 1.0627 | * | 22.3920 | * | * | 22.3920 |
| 200008 | 1.3474 | 0.9862 | 25.1741 | 27.4412 | 27.7137 | 26.7659 |
| 200009 | 1.9092 | 0.9862 | 28.1409 | 31.1056 | 30.7510 | 29.9948 |
| 200012 | 1.2208 | * | 24.1243 | 25.7623 | * | 24.9713 |
| 200013 | 1.0873 | * | 23.9048 | 24.4131 | * | 24.1576 |
| 200018 | 1.3054 | 0.8393 | 24.3294 | 23.6337 | 23.5632 | 23.8074 |
| 200019 | 1.2797 | 0.9862 | 24.0926 | 25.1367 | 25.6649 | 24.9808 |
| 200020 | 1.2476 | 1.0237 | 28.7351 | 31.7083 | 32.6436 | 31.0873 |
| 200021 | 1.2292 | 0.9862 | 25.1027 | 24.5519 | 27.1380 | 25.6456 |
| 200024 | 1.5488 | 0.9472 | 24.6484 | 26.0080 | 27.5410 | 26.1631 |
| 200025 | 1.1535 | 0.9862 | 24.3646 | 26.0573 | 26.3124 | 25.5690 |
| 200026 | *** | * | 21.9997 | * | * | 21.9997 |
| 200027 | 1.2026 | * | 23.2912 | 26.3118 | * | 24.7659 |
| 200028 | 1.0031 | * | 24.3061 | 24.3271 | * | 24.3172 |
| 200031 | 1.2782 | 0.8393 | 20.6202 | 21.9489 | 21.2370 | 21.2688 |
| 200032 | 1.1773 | 0.8859 | 24.2221 | 25.5227 | 26.3322 | 25.3678 |
| 200033 | 1.8616 | 0.9612 | 26.8727 | 28.6479 | 29.3109 | 28.2775 |
| 200034 | 1.3301 | 0.9472 | 26.1150 | 26.2926 | 27.0582 | 26.4957 |
| 200037 | 1.1683 | 0.8393 | 23.3490 | 23.2333 | 24.1732 | 23.5989 |
| 200039 | 1.2819 | 0.9472 | 24.0474 | 25.1196 | 25.1179 | 24.7718 |
| 200040 | 1.2346 | 0.9862 | 23.6791 | 25.5405 | 25.9893 | 25.0498 |
| 200041 | 1.1669 | 0.8393 | 23.6797 | 24.5532 | 24.9670 | 24.4227 |
| 200050 | 1.2140 | 0.9612 | 25.5233 | 26.4992 | 27.6825 | 26.5809 |
| 200052 | 1.1178 | 0.8393 | 22.7763 | 21.8726 | 22.5159 | 22.3874 |
| 200063 | 1.1531 | 0.9472 | 24.7235 | 25.0167 | 25.8623 | 25.2032 |
| 200066 | 1.1290 | * | 21.6354 | * | * | 21.6354 |
| 210001 | 1.4094 | 0.9443 | 26.3144 | 27.7561 | 28.2858 | 27.4567 |
| 210002 | 1.9797 | 0.9922 | 25.2859 | 26.4992 | 32.3005 | 27.8930 |
| 210003 | 1.6765 | 1.0977 | 32.3042 | 29.8684 | 34.1109 | 32.0785 |
| 210004 | 1.4263 | 1.0888 | 29.4300 | 34.2392 | 33.6056 | 32.4277 |
| 210005 | 1.2774 | 1.0848 | 27.1276 | 28.7557 | 28.9554 | 28.2840 |
| 210006 | 1.0947 | 0.9922 | 25.6396 | 25.4081 | 25.9005 | 25.6506 |
| 210007 | 1.9020 | 0.9922 | 28.4496 | 30.2548 | 31.8767 | 30.2102 |
| 210008 | 1.3683 | 0.9922 | 26.3008 | 25.2833 | 24.3341 | 25.2443 |
| 210009 | 1.7601 | 0.9922 | 24.6332 | 26.2360 | 27.7900 | 26.2273 |
| 210010 | *** | * | 24.5071 | 25.7775 | * | 25.1483 |
| 210011 | 1.4000 | 0.9922 | 24.8373 | 27.5031 | 30.8575 | 27.8034 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 210012 | 1.6649 | 0.9922 | 25.7934 | 27.4103 | 30.3078 | 27.9645 |
| 210013 | 1.3042 | 0.9922 | 23.9875 | 25.1348 | 28.5327 | 25.8589 |
| 210015 | 1.3239 | 0.9922 | 25.8532 | 28.2029 | 29.9261 | 28.0246 |
| 210016 | 1.8457 | 1.0888 | 28.6992 | 32.2081 | 32.3506 | 31.0721 |
| 210017 | 1.2232 | 0.8881 | 21.3983 | 23.2168 | 25.1890 | 23.3045 |
| 210018 | 1.2039 | 1.0888 | 27.5431 | 29.1870 | 29.5533 | 28.7862 |
| 210019 | 1.7900 | 0.8881 | 24.9252 | 26.1824 | 27.3731 | 26.1640 |
| 210022 | 1.3750 | 1.0888 | 30.1470 | 33.8015 | 35.4727 | 33.0908 |
| 210023 | 1.4346 | 1.0131 | 29.0844 | 30.4656 | 32.1812 | 30.6344 |
| 210024 | 1.7257 | 0.9922 | 27.1756 | 29.5579 | 30.6359 | 29.1340 |
| 210025 | 1.2558 | 0.8881 | 23.8943 | 26.0771 | 23.8552 | 24.4884 |
| 210027 | 1.4335 | 0.8881 | 23.9255 | 26.0111 | 24.6343 | 24.8754 |
| 210028 | 1.1088 | 0.9393 | 24.1265 | 25.9221 | 26.3469 | 25.4770 |
| 210029 | 1.2765 | 0.9922 | 31.2888 | 27.9741 | 31.0266 | 29.9864 |
| 210030 | 1.3401 | 0.8881 | 27.5507 | 29.5635 | 26.9764 | 28.0053 |
| 210032 | 1.1394 | 1.0570 | 25.7138 | 26.1829 | 27.0727 | 26.3385 |
| 210033 | 1.1855 | 0.9922 | 26.6113 | 29.0420 | 28.5534 | 28.0912 |
| 210034 | 1.2987 | 0.9922 | 26.3896 | 28.4308 | 30.2908 | 28.4088 |
| 210035 | 1.2624 | 1.0977 | 24.5198 | 26.1082 | 28.6484 | 26.4956 |
| 210037 | 1.2117 | 0.8881 | 24.1913 | 27.0973 | 27.3287 | 26.3152 |
| 210038 | 1.1800 | 0.9922 | 28.3414 | 29.5980 | 29.8121 | 29.2809 |
| 210039 | 1.1329 | 1.0977 | 25.8415 | 27.6940 | 30.4991 | 28.0360 |
| 210040 | 1.2314 | 0.9922 | 28.3723 | 29.3514 | 28.3559 | 28.7007 |
| 210043 | 1.3294 | 1.0131 | 24.3070 | 27.5657 | 26.6524 | 26.1522 |
| 210044 | 1.3531 | 0.9922 | 24.8083 | 28.8700 | 29.7339 | 27.7789 |
| 210045 | 1.0580 | 0.8881 | 15.0867 | 15.6380 | 14.2223 | 14.9750 |
| 210048 | 1.3008 | 1.0209 | 25.0617 | 28.4638 | 27.5043 | 27.0601 |
| 210049 | 1.2077 | 0.9922 | 25.9342 | 26.9656 | 26.0900 | 26.3249 |
| 210051 | 1.3111 | 1.0977 | 27.3692 | 29.2998 | 29.8892 | 28.8773 |
| 210054 | 1.3541 | 1.0977 | 24.6658 | 26.2295 | 27.4328 | 26.1740 |
| 210055 | 1.2013 | 1.0977 | 28.0014 | 29.9708 | 30.6941 | 29.5880 |
| 210056 | 1.2833 | 0.9922 | 26.6884 | 28.6091 | 30.0810 | 28.5239 |
| 210057 | 1.4087 | 1.0888 | 29.2233 | 32.2883 | 31.6787 | 31.1224 |
| 210058 | 1.0870 | 0.9922 | 24.8576 | 29.7841 | 31.0873 | 28.8006 |
| 210060 | 1.1529 | 1.0977 | 28.7531 | 28.5087 | 27.1764 | 28.0775 |
| 210061 | 1.3212 | 0.8881 | 24.1369 | 23.6662 | 23.1645 | 23.6063 |
| 220001 | 1.2571 | 1.1343 | 27.3238 | 29.0014 | 30.6070 | 28.9932 |
| 220002 | 1.3255 | 1.1343 | 28.9722 | 30.3598 | 32.4356 | 30.6685 |
| 220003 | 1.0789 | * | 20.5790 | 22.0549 | * | 21.3294 |
| 220006 | *** | * | 29.5946 | 30.8599 | 30.7673 | 30.4550 |
| 220008 | 1.2811 | 1.1343 | 27.1675 | 30.1043 | 31.3385 | 29.5889 |
| 220010 | 1.2576 | 1.1343 | 27.4161 | 29.7998 | 30.7804 | 29.3611 |
| 220011 | 1.1839 | 1.1343 | 32.6624 | 34.4064 | 34.7655 | 33.9600 |
| 220012 | 1.5044 | 1.2589 | 32.9791 | 35.7872 | 37.8763 | 35.6334 |
| 220015 | 1.1777 | 1.0757 | 25.5449 | 28.3397 | 29.6315 | 27.9301 |
| 220016 | 1.1124 | 1.0757 | 26.8798 | 28.0609 | 30.4813 | 28.4997 |
| 220017 | 1.2640 | 1.1765 | 28.8264 | 29.7108 | 31.6170 | 30.0573 |
| 220019 | 1.1445 | 1.1343 | 22.2294 | 23.2544 | 24.4009 | 23.3159 |
| 220020 | 1.1741 | 1.1343 | 24.2279 | 26.5305 | 28.5288 | 26.4682 |
| 220024 | 1.3141 | 1.0757 | 25.5837 | 27.3488 | 28.7342 | 27.2019 |
| 220025 | 1.0668 | 1.1343 | 24.5186 | 23.0637 | 25.6478 | 24.4025 |
| 220028 | 1.5225 | 1.1343 | 31.3592 | 32.0980 | 31.7122 | 31.7174 |
| 220029 | 1.1166 | 1.1343 | 28.1432 | 28.6970 | 30.6935 | 29.2047 |
| 220030 | 1.1035 | 1.0757 | 23.6257 | 24.4289 | 26.8849 | 25.0306 |
| 220031 | 1.6599 | 1.1765 | 32.2660 | 34.8183 | 36.8477 | 34.6797 |
| 220033 | 1.1722 | 1.1343 | 26.8049 | 28.2539 | 31.8249 | 28.9540 |
| 220035 | 1.4001 | 1.1343 | 27.5533 | 28.6238 | 31.4470 | 29.2909 |
| 220036 | 1.5276 | 1.1765 | 29.6296 | 31.5184 | 33.1436 | 31.4741 |
| 220041 | *** | * | 29.7464 | * | * | 29.7464 |
| 220046 | 1.4368 | 1.1050 | 27.7726 | 28.1396 | 30.4460 | 28.8367 |
| 220049 | 1.2182 | 1.1343 | 27.0464 | 27.7517 | 30.4740 | 28.4587 |
| 220050 | 1.1374 | 1.0757 | 24.9945 | 26.3768 | 28.3434 | 26.6118 |
| 220051 | 1.2550 | 1.0757 | 26.5575 | 29.8380 | 30.2552 | 28.8630 |
| 220052 | 1.1654 | 1.1765 | 28.0925 | 29.8577 | 32.4130 | 30.0033 |
| 220058 | 1.0047 | 1.1343 | 25.0598 | 24.9642 | 25.7247 | 25.2429 |
| 220060 | 1.1930 | 1.2156 | 30.8242 | 32.3362 | 32.5477 | 31.9429 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 220062 | 0.5767 | 1.1343 | 21.9489 | 24.2779 | 25.0766 | 23.7777 |
| 220063 | 1.2313 | 1.1343 | 25.5840 | 27.3967 | 30.2866 | 27.7358 |
| 220065 | 1.2384 | 1.0757 | 24.8737 | 26.5513 | 27.6008 | 26.3514 |
| 220066 | 1.3649 | 1.0757 | 26.2561 | 27.1317 | 27.8073 | 27.0980 |
| 220067 | 1.1644 | 1.1765 | 28.5220 | 29.8911 | 30.2222 | 29.5765 |
| 220070 | 1.1710 | 1.1343 | 28.9100 | 31.9283 | 33.1299 | 31.1606 |
| 220071 | 1.8443 | 1.1765 | 31.8322 | 32.2936 | 36.5065 | 33.6250 |
| 220073 | 1.2140 | 1.1343 | 29.2399 | 31.3566 | 34.2989 | 31.5750 |
| 220074 | 1.2997 | 1.1765 | 27.5763 | 28.4930 | 30.5607 | 28.9335 |
| 220075 | 1.5908 | 1.1765 | 27.9503 | 29.1588 | 30.9176 | 29.3379 |
| 220076 | *** | * | 27.2534 | 29.7507 | 27.5148 | 28.1088 |
| 220077 | 1.7132 | 1.0970 | 28.0935 | 30.2684 | 31.7325 | 30.0900 |
| 220080 | 1.2124 | 1.1343 | 27.1578 | 28.9835 | 29.9595 | 28.7641 |
| 220082 | 1.2837 | 1.1343 | 24.8060 | 26.9841 | 30.0611 | 27.3261 |
| 220083 | 1.1496 | 1.1765 | 29.9001 | 32.9143 | 34.5118 | 32.3792 |
| 220084 | 1.2299 | 1.1343 | 29.0505 | 32.5711 | 30.9527 | 30.8898 |
| 220086 | 1.8113 | 1.1765 | 31.7482 | 34.3667 | 34.2388 | 33.4363 |
| 220088 | 1.8517 | 1.1765 | 28.5711 | 28.5462 | 35.8255 | 30.6287 |
| 220089 | 1.2972 | 1.1252 | 32.4409 | 31.1708 | 32.6305 | 32.0650 |
| 220090 | 1.1951 | 1.1343 | 29.7945 | 30.8685 | 32.9011 | 31.2877 |
| 220095 | 1.1323 | 1.1343 | 24.9871 | 27.4273 | 28.0673 | 26.8577 |
| 220098 | 1.1206 | 1.1343 | 26.8538 | 28.8314 | 30.5869 | 28.7807 |
| 220100 | 1.3384 | 1.1765 | 28.4848 | 29.6912 | 31.9859 | 30.1232 |
| 220101 | 1.2602 | 1.1343 | 31.0834 | 33.1690 | 35.3464 | 33.3404 |
| 220105 | 1.2376 | 1.1343 | 30.0892 | 31.9421 | 33.2625 | 31.8413 |
| 220108 | 1.1458 | 1.1765 | 29.0804 | 30.6252 | 32.6131 | 30.7736 |
| 220110 | 1.9956 | 1.1765 | 35.4242 | 36.6084 | 39.2167 | 37.1574 |
| 220111 | 1.1994 | 1.1765 | 28.9092 | 31.1850 | 33.6167 | 31.3228 |
| 220116 | 1.9509 | 1.1765 | 32.2337 | 32.9988 | 36.4149 | 33.8060 |
| 220119 | 1.1208 | 1.1765 | 27.8372 | 30.1056 | 30.9965 | 29.7091 |
| 220126 | 1.1709 | 1.1765 | 26.7660 | 28.7805 | 31.4882 | 29.0005 |
| 220133 | *** | * | 31.2981 | 33.6003 | 29.4855 | 31.4913 |
| 220135 | 1.3341 | 1.2589 | 31.3246 | 33.9866 | 36.0204 | 33.8724 |
| 220153 | 0.9848 | 1.0757 | 18.9267 | * | * | 18.9267 |
| 220154 | 0.9275 | 1.1765 | 30.9009 | 28.6462 | * | 29.8324 |
| 220163 | 1.6447 | 1.1343 | 30.5056 | 33.6484 | 34.4874 | 32.8033 |
| 220171 | 1.7913 | 1.1343 | 28.9733 | 30.4036 | 32.7414 | 30.7623 |
| 220174 | 1.1970 | 1.1343 | 30.3356 | 31.7572 | 30.0406 | 30.6618 |
| 220176 | 1.5403 | 1.0852 | * | * | * | * |
| 230001 | 1.0768 | * | 24.3660 | * | * | 24.3660 |
| 230002 | 1.2924 | 1.0411 | 27.0305 | 29.1410 | 32.9010 | 29.6675 |
| 230003 | 1.2105 | 1.0280 | 25.2596 | 26.1278 | 27.5824 | 26.3760 |
| 230004 | 1.7219 | 1.0451 | 25.5573 | 26.7206 | 29.3933 | 27.2951 |
| 230005 [h] | 1.2738 | 1.0678 | 22.1018 | 24.1902 | 25.8768 | 23.9997 |
| 230006 | 1.1131 | * | 22.7656 | 23.8835 | * | 23.3472 |
| 230013 | 1.3542 | 1.0442 | 22.7014 | 23.7822 | 24.6511 | 23.6944 |
| 230015 | 1.0340 | 0.9387 | 23.4512 | 24.6570 | 26.2782 | 24.8017 |
| 230017 | 1.6748 | 1.0797 | 27.3259 | 29.5178 | 31.8821 | 29.6573 |
| 230019 | 1.5655 | 1.0442 | 27.6563 | 28.4575 | 32.3401 | 29.4214 |
| 230020 | 1.7229 | 1.0502 | 26.8516 | 29.2869 | 28.5646 | 28.2520 |
| 230021 | 1.5575 | 0.9164 | 23.4663 | 24.9551 | 26.5659 | 25.0307 |
| 230022 | 1.2785 | 0.9896 | 22.2528 | 23.3000 | 25.6683 | 23.7468 |
| 230024 | 1.5454 | 1.0502 | 27.6555 | 30.0813 | 32.1483 | 29.9620 |
| 230027 | 1.1116 | * | 22.5736 | 23.5511 | * | 23.0457 |
| 230029 | 1.6042 | 1.0442 | 27.9012 | 29.0935 | 32.3538 | 29.7300 |
| 230030 | 1.2780 | 0.9028 | 20.9867 | 22.3174 | 23.8082 | 22.4064 |
| 230031 | 1.3662 | 1.0108 | 23.2910 | 25.4678 | 29.7232 | 25.9464 |
| 230034 | 1.3322 | 0.9028 | 20.9195 | 26.7967 | 24.4846 | 24.0745 |
| 230035 | 1.3003 | 0.9554 | 20.9197 | 21.2317 | 24.8822 | 22.3344 |
| 230036 | 1.3772 | 1.0323 | 26.5854 | 28.3622 | 29.3754 | 28.0904 |
| 230037 | 1.2798 | 1.0502 | 24.7875 | 26.2000 | 28.9244 | 26.6763 |
| 230038 | 1.7584 | 1.0176 | 25.2499 | 26.3480 | 28.2012 | 26.6334 |
| 230040 | 1.2051 | 0.9554 | 21.9813 | 24.2349 | 25.5154 | 23.9790 |
| 230041 | 1.5361 | 1.0161 | 25.2518 | 26.1760 | 27.8853 | 26.4751 |
| 230042 | 1.2203 | * | 24.3640 | 26.2037 | * | 25.3026 |
| 230046 | 1.8667 | 1.0678 | 29.2683 | 30.3591 | 31.6235 | 30.4859 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 230047 | 1.4851 | 1.0331 | 26.2447 | 28.1351 | 31.1771 | 28.5765 |
| 230053 | 1.6033 | 1.0502 | 28.3030 | 29.8703 | 32.5711 | 30.1870 |
| 230054 | 1.9975 | 0.9573 | 24.0137 | 24.9905 | 25.7591 | 24.9339 |
| 230055 | 1.2481 | 0.9028 | 23.7671 | 25.4143 | 27.4349 | 25.5202 |
| 230058 | 1.1661 | 0.9028 | 21.9308 | 24.0657 | 25.9291 | 23.9790 |
| 230059 | 1.5538 | 1.0176 | 23.1451 | 25.5350 | 27.9091 | 25.6093 |
| 230060 | 1.2059 | 0.9028 | 24.5073 | 25.5015 | 28.2873 | 26.0729 |
| 230065 | *** | * | 27.9179 | 28.4631 | 32.6255 | 29.1713 |
| 230066 | 1.3033 | 1.0451 | 25.8517 | 27.4928 | 30.6184 | 28.1658 |
| 230069 | 1.1384 | 1.0602 | 27.6815 | 29.5556 | 30.2663 | 29.1683 |
| 230070 | 1.6440 | 0.9211 | 25.1587 | 24.2342 | 25.6778 | 25.0070 |
| 230071 | 0.8889 | 1.0442 | 24.7707 | 26.3907 | 28.3064 | 26.5185 |
| 230072 | 1.4159 | 1.0280 | 24.1560 | 24.4933 | 26.2838 | 25.0178 |
| 230075 | 1.3099 | 0.9811 | 24.1482 | 27.6193 | 28.2540 | 26.6577 |
| 230077 | 2.0231 | 1.0602 | 27.3117 | 27.6157 | 29.8538 | 28.2916 |
| 230078 | 1.0344 | 0.9028 | 21.9200 | 23.9901 | 25.6809 | 23.9487 |
| 230080 | 1.2969 | 0.9028 | 21.2840 | 21.2314 | 24.1573 | 22.2347 |
| 230081 | 1.1996 | 0.9028 | 20.6777 | 23.0788 | 24.7374 | 22.8590 |
| 230082 | 0.9762 | * | 23.1240 | 22.2165 | * | 22.6498 |
| 230085 | 1.2326 | 1.0797 | 22.2569 | 22.7314 | 23.4959 | 22.8465 |
| 230086 | 1.1553 | * | 20.8759 | * | * | 20.8759 |
| 230087 | *** | * | * | 16.9168 | * | 16.9168 |
| 230089 | 1.3467 | 1.0502 | 23.9486 | 28.7015 | 31.0522 | 27.8258 |
| 230092 | 1.3456 | 1.0106 | 24.3768 | 26.3584 | 28.6829 | 26.5066 |
| 230093 | 1.2117 | 0.9554 | 24.5055 | 26.4967 | 25.5804 | 25.5235 |
| 230095 | 1.3539 | 0.9028 | 19.2244 | 21.3915 | 22.8681 | 21.1860 |
| 230096 | 1.1629 | 1.0797 | 26.7578 | 28.7681 | 30.6024 | 28.6974 |
| 230097 | 1.7856 | 1.0176 | 25.2104 | 26.5773 | 28.2526 | 26.7006 |
| 230099 | 1.2237 | 1.0502 | 25.0390 | 26.4882 | 29.0221 | 26.8789 |
| 230100 | 1.2241 | 0.9028 | 20.4565 | 21.8895 | 24.1881 | 22.1951 |
| 230101 | 1.1571 | 0.9028 | 23.1349 | 24.3772 | 25.4839 | 24.3698 |
| 230103 | 1.0628 | * | 18.4304 | 21.6609 | * | 19.9258 |
| 230104 | 1.6297 | 1.0502 | 27.8864 | 30.5570 | 32.4634 | 30.2435 |
| 230105 | 1.9751 | 1.0062 | 24.6853 | 27.2705 | 32.4583 | 28.1815 |
| 230106 | 1.0950 | 1.0191 | 24.1128 | 24.3980 | 25.3243 | 24.6281 |
| 230108 | 1.1243 | 0.9028 | 22.4966 | 18.4063 | 20.2538 | 20.2585 |
| 230110 | 1.2875 | 0.9028 | 22.7621 | 28.7704 | 27.0040 | 26.2349 |
| 230117 | 1.8669 | 1.0797 | 29.6361 | 29.4775 | 32.7994 | 30.5541 |
| 230118 | 1.0673 | 0.9028 | 21.4886 | 22.3636 | 23.6110 | 22.4945 |
| 230119 | 1.3053 | 1.0502 | 29.2509 | 30.2441 | 30.7488 | 30.0939 |
| 230120 | 1.1119 | * | 21.7894 | 24.1485 | * | 22.9553 |
| 230121 | 1.2714 | 0.9896 | 23.4394 | 24.5220 | 26.4940 | 24.8132 |
| 230124 | 1.3714 | * | 23.0508 | * | * | 23.0508 |
| 230130 | 1.7482 | 1.0442 | 26.9907 | 26.6076 | 30.1608 | 27.9567 |
| 230132 | 1.4073 | 1.0798 | 29.9106 | 30.5318 | 32.3939 | 30.9251 |
| 230133 | 1.3676 | 0.9028 | 21.2273 | 24.3175 | 23.9442 | 23.1996 |
| 230135 | 1.1854 | 1.0502 | 23.9000 | 25.8406 | 25.9583 | 25.2612 |
| 230141 | 1.6252 | 1.0798 | 30.4643 | 28.6326 | 31.6152 | 30.2243 |
| 230142 | 1.2969 | 1.0411 | 25.6044 | 26.9433 | 27.8377 | 26.8202 |
| 230143 | 1.2815 | * | 19.5387 | 21.4083 | * | 20.4663 |
| 230144 | 1.5305 | 1.0678 | * | * | * | * |
| 230145 | *** | * | 17.2181 | * | * | 17.2181 |
| 230146 | 1.3044 | 1.0502 | 24.3891 | 26.3432 | 26.8156 | 25.8932 |
| 230149 | *** | * | 21.4753 | * | * | 21.4753 |
| 230151 | 1.3166 | 1.0442 | 26.4669 | 28.2243 | 27.4546 | 27.3846 |
| 230153 | 1.0027 | * | 22.3404 | 22.8644 | * | 22.6169 |
| 230155 | *** | * | 24.0404 | * | * | 24.0404 |
| 230156 | 1.5875 | 1.0678 | 29.4855 | 31.1909 | 32.3755 | 31.0315 |
| 230165 | 1.7104 | 1.0502 | 27.3164 | 28.9636 | 29.6375 | 28.6462 |
| 230167 | 1.5804 | 1.0068 | 26.6828 | 27.4562 | 29.8071 | 27.9942 |
| 230169 | *** | * | 27.1172 | 31.8442 | * | 29.3455 |
| 230171 | *** | * | 22.0635 | * | * | 22.0635 |
| 230172 | 1.2644 | * | 24.0236 | 25.7402 | * | 24.8835 |
| 230174 | 1.3198 | 1.0280 | 26.2770 | 27.6920 | 30.0563 | 28.0305 |
| 230176 | 1.2831 | 1.0502 | 25.6777 | 27.3605 | 28.1498 | 27.3166 |
| 230180 | 1.0930 | 0.9028 | 22.5454 | 24.7358 | 26.0707 | 24.4709 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 230184 | *** | * | 21.9346 | 23.6707 | 34.6295 | 23.7225 |
| 230186 | *** | * | 27.1126 | 26.2282 | * | 26.7039 |
| 230189 | 0.9846 | * | 20.8605 | 23.0099 | * | 21.9754 |
| 230190 | 0.9642 | 1.0797 | 28.7365 | 29.9604 | 30.7876 | 29.8329 |
| 230193 | 1.2319 | 1.0108 | 24.3181 | 23.3565 | 25.1626 | 24.2817 |
| 230195 | 1.4074 | 1.0331 | 27.1266 | 28.2892 | 29.5656 | 28.3973 |
| 230197 | 1.6037 | 1.0798 | 28.3439 | 30.0367 | 32.0063 | 30.1527 |
| 230204 | 1.3250 | 1.0331 | 25.9871 | 29.1466 | 31.5615 | 28.8031 |
| 230207 | 1.3901 | 1.0442 | 22.2854 | 24.5201 | 25.4268 | 24.0878 |
| 230208 | 1.1904 | 0.9554 | 20.9420 | 21.9651 | 23.7523 | 22.2422 |
| 230212 | 1.0126 | 1.0678 | 27.3686 | 29.7980 | 31.9818 | 29.6320 |
| 230216 | 1.6525 | 1.0108 | 26.1468 | 27.5230 | 29.0147 | 27.5817 |
| 230217 | 1.3009 | 0.9896 | 26.7929 | 28.6075 | 30.1136 | 28.6200 |
| 230222 [h] | 1.3410 | 0.9439 | 24.8925 | 26.9724 | 29.9341 | 27.3147 |
| 230223 | 1.2472 | 1.0442 | 27.1503 | 29.2853 | 28.6745 | 28.3776 |
| 230227 | 1.5121 | 1.0331 | 28.1105 | 29.5798 | 30.8218 | 29.5297 |
| 230230 | 1.5085 | 1.0068 | 25.4471 | 27.9607 | 29.8763 | 27.7682 |
| 230235 | 0.9779 | * | 19.6046 | 21.8777 | * | 20.7318 |
| 230236 | 1.4588 | 1.0176 | 26.3988 | 28.4754 | 31.3111 | 28.7777 |
| 230239 | 1.2232 | 0.9028 | 21.1643 | 22.1040 | 21.0814 | 21.4560 |
| 230241 | 1.2175 | 1.0108 | 25.8671 | 27.4890 | 27.6106 | 27.0094 |
| 230244 | 1.3988 | 1.0411 | 25.3817 | 26.4326 | 29.6283 | 27.0809 |
| 230254 | 1.4532 | 1.0442 | 26.4431 | 28.1216 | 29.2653 | 27.9339 |
| 230257 | 0.9674 | 1.0331 | 25.4086 | 27.8197 | 29.6713 | 27.5204 |
| 230259 | 1.2060 | 1.0678 | 24.3067 | 26.8677 | 27.4217 | 26.2628 |
| 230264 | 2.1546 | 1.0331 | 19.9992 | 19.2398 | 22.7767 | 20.6558 |
| 230269 | 1.4416 | 1.0442 | 27.4732 | 28.8187 | 31.3226 | 29.2937 |
| 230270 | 1.3172 | 1.0502 | 26.1113 | 27.8488 | 28.5372 | 27.5190 |
| 230273 | 1.5195 | 1.0502 | 30.2209 | 29.9307 | 31.9862 | 30.7083 |
| 230275 | 0.4786 | 0.9211 | 30.2244 | 23.1095 | 23.8105 | 25.8765 |
| 230277 | 1.3881 | 1.0442 | 26.9231 | 29.1973 | 29.8372 | 28.6994 |
| 230279 | 0.5318 | 1.0602 | 23.1636 | 24.7673 | 27.2816 | 24.9348 |
| 230283 | *** | * | 24.9272 | 26.2622 | 33.5532 | 26.4492 |
| 230289 | *** | * | * | 29.7720 | * | 29.7720 |
| 230290 | *** | * | 29.4792 | * | * | 29.4792 |
| 230291 | *** | * | * | 30.9655 | * | 30.9655 |
| 230292 | *** | * | * | 31.8943 | * | 31.8943 |
| 230294 | *** | * | * | * | 31.6195 | 31.6195 |
| 230295 | *** | * | * | * | 27.1298 | 27.1298 |
| 230296 | 1.6111 | 1.0068 | * | * | * | * |
| 240001 | 1.5128 | 1.0782 | 29.9123 | 31.5753 | 33.1499 | 31.5719 |
| 240002 | 1.8217 | 1.0285 | 26.9608 | 28.9860 | 31.6000 | 29.1781 |
| 240004 | 1.5980 | 1.0782 | 27.8796 | 30.8072 | 32.7010 | 30.3974 |
| 240006 | 1.0830 | 1.1239 | 30.2330 | 30.1950 | 31.0777 | 30.5146 |
| 240007 | 0.9765 | * | 23.7588 | * | * | 23.7588 |
| 240010 | 2.0337 | 1.1239 | 30.4139 | 31.3733 | 33.4668 | 31.7518 |
| 240011 | *** | * | 22.9561 | * | * | 22.9561 |
| 240013 | 1.3281 | * | 28.7202 | 28.3860 | * | 28.5544 |
| 240014 | 1.0334 | 1.0782 | 28.3788 | 29.8623 | 29.8905 | 29.4068 |
| 240016 | 1.2566 | * | 24.9211 | 26.7814 | * | 25.9310 |
| 240017 | 1.2297 | 0.9238 | 23.3314 | 24.4417 | 24.3596 | 24.0453 |
| 240018 | 1.2775 | 1.0782 | 27.9218 | 25.6236 | 28.1432 | 27.0877 |
| 240019 | 1.0794 | 1.0285 | 27.5441 | 28.6723 | 33.7546 | 29.9360 |
| 240020 | 1.0697 | 1.0782 | 28.1568 | 31.2443 | 31.3874 | 30.2352 |
| 240021 | 0.9533 | * | 23.7096 | 27.1235 | * | 25.3021 |
| 240022 | 1.1304 | 0.9238 | 23.7368 | 25.2066 | 26.1920 | 25.0459 |
| 240025 | *** | * | 27.8656 | * | * | 27.8656 |
| 240027 | 0.9029 | * | 20.2531 | 18.2481 | * | 19.1090 |
| 240029 | 1.1322 | * | 24.3017 | 25.3568 | * | 24.8217 |
| 240030 | 1.3341 | 1.0302 | 23.3753 | 24.7154 | 26.5508 | 24.8983 |
| 240031 | 0.9625 | * | 26.7242 | 26.7778 | * | 26.7517 |
| 240036 | 1.6508 | 1.1029 | 27.0821 | 28.0812 | 32.7028 | 29.2395 |
| 240037 | 1.0388 | * | 24.3986 | * | * | 24.3986 |
| 240038 | 1.5474 | 1.0782 | 29.8465 | 31.0779 | 31.9891 | 30.9872 |
| 240040 | 1.0882 | 1.0285 | 26.3177 | 27.4895 | 27.5074 | 27.1265 |
| 240043 | 1.1386 | 0.9238 | 20.7155 | 21.8685 | 23.3489 | 22.0037 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 240044 | 1.1310 | 1.0106 | 24.3009 | 22.0973 | 25.0988 | 23.8092 |
| 240045 | 1.0872 | * | 26.1743 | * | * | 26.1743 |
| 240047 | 1.5417 | 1.0285 | 29.1211 | 28.8288 | 28.6406 | 28.8397 |
| 240050 | 1.0900 | 1.0782 | 26.6687 | 26.4854 | 27.5553 | 26.9484 |
| 240052 | 1.2454 | 0.9238 | 24.9870 | 26.4256 | 28.7206 | 26.7465 |
| 240053 | 1.4014 | 1.0782 | 28.4733 | 29.5315 | 31.4324 | 29.8572 |
| 240056 | 1.2267 | 1.0782 | 30.8619 | 31.6623 | 33.1728 | 31.9090 |
| 240057 | 1.7985 | 1.0782 | 29.4870 | 30.6258 | 30.7703 | 30.3164 |
| 240059 | 1.0824 | 1.0782 | 28.6340 | 29.7916 | 31.0910 | 29.8753 |
| 240061 | 1.7757 | 1.1239 | 30.0031 | 30.6383 | 33.1799 | 31.3241 |
| 240063 | 1.5442 | 1.0782 | 29.9603 | 32.3487 | 33.7895 | 32.0511 |
| 240064 | 1.2459 | 1.0285 | 26.6996 | 29.9662 | 34.3757 | 30.9779 |
| 240066 | 1.4576 | 1.0782 | 30.2716 | 33.4532 | 35.3441 | 33.1081 |
| 240069 | 1.1872 | 1.1239 | 27.4990 | 28.9496 | 29.3718 | 28.6450 |
| 240071 | 1.1443 | 1.1239 | 26.4780 | 28.0585 | 28.6950 | 27.7615 |
| 240075 | 1.1463 | 1.0302 | 26.6607 | 26.1956 | 27.5039 | 26.7879 |
| 240076 | 1.0741 | 1.0782 | 28.4519 | 29.8562 | 30.6936 | 29.7303 |
| 240078 | 1.6565 | 1.0782 | 30.5339 | 32.3235 | 32.5785 | 31.8123 |
| 240079 | *** | * | 20.9220 | * | * | 20.9220 |
| 240080 | 1.8378 | 1.0782 | 29.6274 | 31.6828 | 32.5725 | 31.2895 |
| 240083 | 1.2006 | * | 25.0214 | 26.6582 | 0.0000 | 25.8650 |
| 240084 | 1.1091 | 1.0285 | 24.7856 | 26.8142 | 26.5975 | 26.0675 |
| 240087 | 1.0229 | * | 24.8479 | * | * | 24.8479 |
| 240088 | 1.3165 | 1.0302 | 27.6323 | 28.0825 | 28.0603 | 27.9299 |
| 240093 | 1.3130 | 1.0782 | 23.7785 | 25.5805 | 27.2928 | 25.5180 |
| 240094 | 1.1961 | * | 27.3974 | * | * | 27.3974 |
| 240100 | 1.2939 | 0.9238 | 25.3269 | 27.6299 | 30.8391 | 27.9359 |
| 240101 | 1.1554 | 0.9238 | 26.6078 | 25.5355 | 25.6964 | 25.9039 |
| 240103 | 1.1036 | * | 22.5416 | 22.7078 | * | 22.6234 |
| 240104 | 1.1717 | 1.0782 | 30.1392 | 31.4306 | 31.6511 | 31.1560 |
| 240106 | 1.5320 | 1.0782 | 27.5171 | 29.3455 | 30.5927 | 29.2060 |
| 240107 | 0.9139 | * | 25.5199 | * | * | 25.5199 |
| 240109 | 0.9419 | * | 15.2076 | 16.5051 | * | 15.8386 |
| 240115 | 1.6305 | 1.0782 | 29.0261 | 31.3869 | 32.0107 | 30.8542 |
| 240117 | 1.1531 | 0.9238 | 22.0463 | 23.6230 | 24.5750 | 23.4565 |
| 240123 | 1.1107 | * | 20.5755 | 21.7500 | * | 21.1868 |
| 240124 | *** | * | 23.9297 | * | * | 23.9297 |
| 240127 | *** | * | 24.4824 | * | * | 24.4824 |
| 240128 | 1.0244 | 0.9238 | 21.2638 | 21.5791 | 23.3334 | 22.0573 |
| 240132 | 1.3265 | 1.0782 | 29.5310 | 31.7139 | 32.1233 | 31.1490 |
| 240133 | 1.1359 | * | 26.1836 | * | * | 26.1836 |
| 240135 | *** | * | 16.1837 | * | * | 16.1837 |
| 240137 | *** | * | 23.8666 | * | * | 23.8666 |
| 240139 | *** | * | 23.7898 | * | * | 23.7898 |
| 240141 | 1.1273 | 1.0782 | 26.7173 | 26.4016 | 31.4468 | 28.5886 |
| 240143 | 0.8825 | * | 21.1180 | 21.7416 | * | 21.4375 |
| 240152 | 0.9888 | * | 27.3445 | 29.6196 | * | 28.5127 |
| 240154 | 1.0590 | * | 23.9643 | * | * | 23.9643 |
| 240162 | 1.1482 | * | 22.3136 | 22.2721 | * | 22.2926 |
| 240166 | 1.1472 | 0.9238 | 23.4265 | 25.7509 | 27.6987 | 25.6501 |
| 240179 | *** | * | 20.8449 | * | * | 20.8449 |
| 240187 | 1.2453 | 1.0782 | 26.5129 | 27.8811 | 27.8844 | 27.4419 |
| 240196 | 0.7779 | 1.0782 | 28.9380 | 30.7719 | 31.5965 | 30.4819 |
| 240206 | 0.8207 | 1.4448 | * | * | * | * |
| 240207 | 1.1876 | 1.0782 | 29.2395 | 31.7665 | 32.5589 | 31.2507 |
| 240210 | 1.2705 | 1.0782 | 29.7227 | 32.1564 | 32.7123 | 31.5359 |
| 240211 | 0.9908 | 1.0782 | 44.4214 | 18.8503 | 22.5431 | 24.6609 |
| 240213 | 1.3702 | 1.0782 | 31.3974 | 32.7532 | 33.8680 | 32.7407 |
| 250001 | 1.8583 | 0.8214 | 21.9176 | 22.7827 | 23.5222 | 22.7777 |
| 250002 | 0.9020 | 0.8169 | 20.1310 | 23.3845 | 23.4064 | 22.1926 |
| 250004 | 1.8948 | 0.8984 | 20.6828 | 24.1065 | 24.7907 | 23.1544 |
| 250006 | 1.0666 | 0.8984 | 21.4038 | 24.0191 | 24.4282 | 23.2690 |
| 250007 | 1.2504 | 0.8748 | 23.6933 | 25.8710 | 24.8929 | 24.8386 |
| 250009 | 1.2767 | 0.8643 | 20.4329 | 22.2323 | 23.0352 | 21.9113 |
| 250010 | 1.0365 | 0.7796 | 19.4130 | 19.4403 | 21.4322 | 20.0759 |
| 250012 | 0.9304 | 0.9307 | 20.0493 | 20.2921 | 21.5539 | 20.6182 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 250015 | 1.0396 | 0.7796 | 20.6931 | 20.7555 | 22.0067 | 21.1413 |
| 250017 | 1.0373 | 0.7796 | 18.1013 | 21.3950 | 22.7661 | 20.9402 |
| 250018 | 0.8282 | 0.7796 | 17.0689 | 16.6294 | 17.1276 | 16.9471 |
| 250019 | 1.5803 | 0.8748 | 22.8358 | 23.9741 | 25.7376 | 24.1729 |
| 250020 | 0.9690 | 0.7796 | 19.3390 | 21.4019 | 22.1851 | 20.9799 |
| 250021 | *** | * | 15.1242 | 20.3559 | * | 16.1481 |
| 250023 | 0.8543 | 0.8461 | 16.1820 | 16.2418 | 18.0108 | 16.8283 |
| 250025 | 1.1121 | 0.7796 | 20.6892 | 20.5258 | 22.5621 | 21.2882 |
| 250027 | 0.9523 | 0.7796 | 17.3313 | 17.3481 | 24.4937 | 19.7107 |
| 250031 | 1.3346 | 0.8214 | 22.0850 | 21.4326 | 24.8139 | 22.6468 |
| 250034 | 1.5496 | 0.8984 | 20.6752 | 24.3189 | 26.1887 | 23.7216 |
| 250035 | 0.8573 | 0.7796 | 14.6149 | 17.2045 | 20.1622 | 17.3598 |
| 250036 | 1.0183 | 0.8144 | 17.8313 | 19.1975 | 20.3625 | 19.2231 |
| 250037 | 0.8536 | * | 17.4463 | 17.4012 | 0.0000 | 17.4232 |
| 250038 | 0.9874 | 0.8214 | 18.0209 | 18.9050 | 22.2571 | 19.6992 |
| 250039 | 0.9189 | * | 15.2939 | 17.3155 | * | 16.2540 |
| 250040 | 1.4985 | 0.8461 | 21.3451 | 23.2285 | 24.5962 | 23.0919 |
| 250042 | 1.1696 | 0.8984 | 21.4117 | 23.4135 | 25.6807 | 23.4660 |
| 250043 | 1.0236 | 0.7796 | 18.3322 | 19.8098 | 18.8979 | 19.0278 |
| 250044 | 1.0419 | 0.7876 | 21.1198 | 23.3862 | 24.0508 | 22.8288 |
| 250045 | 1.1333 | * | 25.0863 | 26.3831 | * | 25.7497 |
| 250048 | 1.6390 | 0.8214 | 21.6547 | 22.9765 | 25.2092 | 23.3037 |
| 250049 | 0.8991 | 0.7796 | 17.8154 | 17.7005 | 19.1044 | 18.3112 |
| 250050 | 1.2511 | 0.7796 | 18.3170 | 19.1467 | 20.8084 | 19.4590 |
| 250051 | 0.8656 | 0.7796 | 10.6908 | 10.6095 | 14.3741 | 11.8797 |
| 250057 | 1.1358 | 0.7796 | 19.6789 | 20.1900 | 22.7601 | 20.8814 |
| 250058 | 1.2356 | 0.7796 | 17.5160 | 18.1704 | 19.2502 | 18.3263 |
| 250059 | 0.9853 | 0.7796 | 17.7270 | 19.2977 | 23.8997 | 20.2473 |
| 250060 | 0.8394 | 0.7796 | 20.8115 | 16.8247 | 28.1431 | 21.5713 |
| 250061 | 0.8798 | 0.7796 | 15.2515 | 12.8174 | 17.8267 | 15.0890 |
| 250065 | *** | * | 16.1984 | * | * | 16.1984 |
| 250067 | 1.0684 | 0.7796 | 20.1261 | 21.6911 | 23.1193 | 21.6222 |
| 250068 | *** | * | 16.9585 | * | * | 16.9585 |
| 250069 | 1.5324 | 0.8362 | 21.6617 | 22.8162 | 22.6353 | 22.4068 |
| 250071 | *** | * | 17.7149 | * | * | 17.7149 |
| 250072 | 1.5884 | 0.8214 | 22.9316 | 24.6587 | 25.8399 | 24.5004 |
| 250077 | 0.9399 | 0.7796 | 14.2271 | 14.7632 | 18.3735 | 15.7279 |
| 250078 | 1.6751 | 0.8461 | 18.6563 | 20.9354 | 22.1243 | 20.5542 |
| 250079 | 0.8331 | 0.8214 | 27.2549 | 38.0031 | 45.5166 | 38.2904 |
| 250081 | 1.2316 | 0.8362 | 21.3830 | 24.7031 | 23.9995 | 23.2075 |
| 250082 | 1.4444 | 0.8397 | 20.5212 | 19.6966 | 23.0287 | 21.0512 |
| 250083 | *** | * | 19.9484 | * | * | 19.9484 |
| 250084 | 1.1682 | 0.7796 | 21.8001 | 18.5775 | 19.6492 | 19.8895 |
| 250085 | 0.9879 | 0.7796 | 18.7367 | 19.7007 | 22.5512 | 20.3950 |
| 250093 | 1.1718 | 0.7796 | 18.8001 | 21.3237 | 23.0984 | 21.0634 |
| 250094 | 1.5970 | 0.8461 | 22.3312 | 22.7312 | 24.1422 | 23.0663 |
| 250095 | 1.0290 | 0.7796 | 19.9553 | 21.3511 | 21.7488 | 21.0087 |
| 250096 | 1.1418 | 0.8214 | 22.7458 | 22.6298 | 24.9187 | 23.4322 |
| 250097 | 1.5660 | 0.8085 | 19.4534 | 20.1687 | 21.8139 | 20.4661 |
| 250099 | 1.2571 | 0.8214 | 19.0333 | 19.5797 | 21.1269 | 19.9051 |
| 250100 | 1.4696 | 0.8362 | 22.0328 | 24.2209 | 25.6846 | 23.9924 |
| 250101 | *** | * | 21.2234 | 19.3543 | * | 20.1785 |
| 250102 | 1.5976 | 0.8214 | 22.5518 | 24.2868 | 24.6652 | 23.8699 |
| 250104 | 1.4348 | 0.8214 | 21.4431 | 22.6591 | 23.4303 | 22.5551 |
| 250105 | 0.9403 | * | 17.9468 | 18.1196 | * | 18.0323 |
| 250107 | 0.9209 | * | 16.5369 | 17.8999 | * | 17.2381 |
| 250112 | 0.9608 | 0.7796 | 19.6172 | 21.2824 | 24.3067 | 21.8416 |
| 250117 | 1.0909 | 0.8461 | 19.9774 | 23.3673 | 22.2450 | 21.7923 |
| 250120 | 1.0778 | 0.7796 | 22.7607 | 23.4277 | 24.6370 | 23.5490 |
| 250122 | 1.0871 | 0.8129 | 23.7230 | 24.5854 | 27.2795 | 25.1719 |
| 250123 | 1.2998 | 0.8748 | 22.0486 | 24.5115 | 26.6221 | 24.4340 |
| 250124 | 0.8446 | 0.8214 | 15.4343 | 17.2181 | 20.4395 | 17.6895 |
| 250125 | 1.3083 | 0.8748 | 26.8379 | 27.7077 | 27.5158 | 27.3633 |
| 250126 | 0.9040 | 0.9307 | 20.4085 | 21.7111 | 24.4126 | 22.0667 |
| 250127 | 0.8548 | 1.4448 | * | * | * | * |
| 250128 | 0.8924 | 0.7796 | 15.9344 | 17.6269 | 17.7624 | 17.0843 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 250134 | 0.8120 | 0.8214 | 23.5608 | 25.8368 | 22.2167 | 23.8221 |
| 250136 | 1.0356 | 0.8214 | 22.5832 | 23.0637 | 22.9468 | 22.8653 |
| 250138 | 1.3041 | 0.8214 | 22.7902 | 23.8861 | 24.3018 | 23.6898 |
| 250141 | 1.5949 | 0.9307 | 24.5772 | 27.6158 | 28.5922 | 27.0618 |
| 250146 | 0.9048 | * | 17.2328 | 18.6486 | * | 17.9106 |
| 250149 | 0.8797 | 0.7796 | 15.0367 | 15.0641 | 16.8796 | 15.6660 |
| 250151 | 0.4842 | 0.7796 | 21.8697 | 17.2205 | 18.8846 | 18.4861 |
| 250152 | 0.8955 | 0.8214 | * | 25.7837 | 26.9334 | 26.3171 |
| 250153 | *** | * | * | 29.0461 | * | 29.0461 |
| 250155 | *** | * | * | * | 22.5729 | 22.5729 |
| 250156 | 1.2778 | 0.7796 | * | * | * | * |
| 250159 | 0.8769 | * | * | * | * | * |
| 260001 | 1.6632 | 0.8794 | 25.3084 | 25.9250 | 27.9230 | 26.3723 |
| 260002 | *** | * | 27.2329 | 26.4879 | * | 26.9807 |
| 260003 | *** | * | 17.6339 | * | * | 17.6339 |
| 260004 | 0.9686 | 0.8353 | 16.7742 | 16.9421 | 20.3217 | 18.0451 |
| 260005 | 1.4577 | 0.8998 | 24.6142 | 26.5773 | 27.7855 | 26.3893 |
| 260006 | 1.4619 | 0.8353 | 26.4948 | 26.7587 | 30.3440 | 28.0336 |
| 260008 | *** | * | 17.6040 | 18.9522 | * | 18.2612 |
| 260009 | 1.2219 | 0.9345 | 21.2729 | 22.1816 | 24.2360 | 22.5867 |
| 260011 | 1.4224 | 0.8620 | 21.4409 | 22.7061 | 25.6387 | 23.3003 |
| 260012 | 1.1411 | * | 19.3389 | 20.3061 | * | 19.8719 |
| 260013 | 1.0563 | * | 19.2065 | 20.5007 | * | 19.8516 |
| 260015 | 1.0220 | 0.8353 | 22.4450 | 22.5409 | 24.6139 | 23.2261 |
| 260017 | 1.3556 | 0.8889 | 21.1359 | 22.7022 | 23.5713 | 22.5230 |
| 260018 | 1.0454 | * | 14.8425 | 17.0434 | * | 15.9088 |
| 260020 | 1.7670 | 0.8998 | 25.7898 | 26.0407 | 27.4730 | 26.4741 |
| 260021 | 1.3882 | 0.8998 | 27.8332 | 27.6330 | 29.3646 | 28.2462 |
| 260022 | 1.2284 | 0.8658 | 21.7707 | 22.8085 | 23.3393 | 22.6184 |
| 260023 | 1.2981 | 0.8998 | 21.2519 | 21.2077 | 24.3192 | 22.2092 |
| 260024 | 1.1057 | 0.8353 | 17.5351 | 18.4829 | 19.4952 | 18.4886 |
| 260025 | 1.3713 | 0.8889 | 20.0901 | 22.4645 | 22.2451 | 21.6215 |
| 260027 | 1.6681 | 0.9345 | 24.7605 | 25.3348 | 26.3590 | 25.4687 |
| 260029 | 1.1193 | * | 22.2892 | * | * | 22.2892 |
| 260031 | *** | * | 24.2877 | * | * | 24.2877 |
| 260032 | 1.8568 | 0.8998 | 23.1125 | 23.9478 | 25.6763 | 24.2466 |
| 260034 | 0.9593 | 0.9345 | 23.3034 | 24.1143 | 25.0573 | 24.1894 |
| 260035 | 0.9270 | * | 16.8502 | 17.8741 | * | 17.3672 |
| 260036 | 0.9590 | * | 20.1324 | 22.1912 | * | 21.0403 |
| 260039 | 1.0479 | * | * | * | * | * |
| 260040 | 1.6395 | 0.8570 | 21.9452 | 23.3566 | 24.3938 | 23.2602 |
| 260044 | 0.9221 | * | 20.0686 | * | * | 20.0686 |
| 260047 | 1.4927 | 0.8353 | 22.6169 | 24.4185 | 25.4978 | 24.2091 |
| 260048 | 1.2143 | 0.9345 | 25.8089 | 24.3906 | 27.6117 | 25.9044 |
| 260050 | 1.2087 | 1.0045 | 20.6364 | 23.6849 | 25.0507 | 23.2406 |
| 260052 | 1.3323 | 0.8998 | 22.5809 | 24.5165 | 26.0052 | 24.3683 |
| 260053 | 1.0942 | * | 20.0051 | 21.6607 | * | 20.8214 |
| 260057 | 1.0951 | 0.9345 | 16.4875 | 19.3335 | 20.9639 | 18.8512 |
| 260059 | 1.2013 | 0.8353 | 18.6379 | 19.7243 | 22.6922 | 20.4186 |
| 260061 | 1.1161 | 0.8353 | 19.6674 | 21.5264 | 22.4766 | 21.1445 |
| 260062 | 1.2300 | 0.9345 | 26.0439 | 26.4539 | 28.1661 | 26.8989 |
| 260063 | *** | * | 22.0826 | * | * | 22.0826 |
| 260064 | 1.3163 | 0.8456 | 19.1587 | 19.0543 | 22.2395 | 20.1462 |
| 260065 | 1.7456 | 0.8570 | 23.6969 | 23.0015 | 27.1014 | 24.6097 |
| 260067 | 0.8891 | * | 16.5364 | 17.6256 | * | 17.0827 |
| 260068 | 1.7539 | 0.8456 | 23.9340 | 24.9504 | 26.0295 | 24.9978 |
| 260070 | 0.9577 | 0.8353 | 14.3881 | 18.4779 | 24.6331 | 19.7034 |
| 260073 | 0.9983 | * | 19.2744 | 21.6214 | * | 20.4508 |
| 260074 | 1.2526 | 0.8511 | 23.9301 | 24.8654 | 25.6218 | 24.8258 |
| 260077 | 1.6279 | 0.8998 | 23.5466 | 25.5782 | 26.7466 | 25.2766 |
| 260078 | 1.3422 | 0.8353 | 18.4017 | 19.0802 | 20.1983 | 19.2331 |
| 260080 | 0.9306 | 0.8353 | 11.2817 | 14.7774 | 17.9107 | 14.5610 |
| 260081 | 1.5309 | 0.8998 | 23.7447 | 26.3969 | 28.1182 | 26.0827 |
| 260085 | 1.5985 | 0.9345 | 24.6046 | 25.6302 | 26.6718 | 25.6383 |
| 260086 | 0.9009 | * | 17.1202 | 19.1702 | * | 18.1866 |
| 260091 | 1.5378 | 0.8998 | 26.1149 | 27.2407 | 28.0537 | 27.1569 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 260094 | 1.5623 | 0.8412 | 20.6805 | 23.2544 | 24.1473 | 22.7893 |
| 260095 | 1.3129 | 0.9345 | 23.8671 | 25.5668 | 24.2698 | 24.5514 |
| 260096 | 1.4639 | 0.9345 | 25.9932 | 27.5592 | 29.7312 | 27.8533 |
| 260097 | 1.1797 | 0.8778 | 21.5077 | 21.3957 | 25.0624 | 22.7477 |
| 260102 | 0.9150 | 0.9345 | 22.9283 | 24.2368 | 27.2145 | 24.8458 |
| 260103 | *** | * | 23.3175 | * | * | 23.3175 |
| 260104 | 1.4937 | 0.8998 | 24.0038 | 26.2867 | 28.6247 | 26.3990 |
| 260105 | 1.7783 | 0.8998 | 28.4652 | 28.8849 | 29.8848 | 29.0941 |
| 260107 | 1.3517 | 0.9345 | 24.2001 | 26.7782 | 25.8177 | 25.5796 |
| 260108 | 1.7976 | 0.8998 | 24.0936 | 24.9880 | 26.6374 | 25.2785 |
| 260110 | 1.6936 | 0.8889 | 22.2730 | 23.7978 | 24.7656 | 23.6548 |
| 260113 | 1.1163 | 0.8353 | 19.2467 | 20.9644 | 21.2072 | 20.4976 |
| 260115 | 1.1806 | 0.8998 | 21.7450 | 21.9859 | 23.1396 | 22.3184 |
| 260116 | 1.1089 | 0.8353 | 17.2698 | 18.5076 | 21.3503 | 19.0263 |
| 260119 | 1.3445 | 0.8353 | 22.1588 | 24.9937 | 27.9769 | 25.0558 |
| 260122 | 1.0843 | * | 17.3270 | 20.8015 | * | 19.0424 |
| 260123 | *** | * | 16.1169 | * | * | 16.1169 |
| 260127 | 0.9499 | * | 22.5328 | 21.8534 | * | 22.1664 |
| 260134 | *** | * | 18.1531 | * | * | 18.1531 |
| 260137 | 1.6709 | 0.8794 | 21.3426 | 22.7431 | 24.3273 | 22.8805 |
| 260138 | 1.9794 | 0.9345 | 27.8229 | 28.5610 | 30.4410 | 28.9706 |
| 260141 | 1.8925 | 0.8456 | 21.1511 | 22.4886 | 24.1555 | 22.5018 |
| 260142 | 1.0581 | 0.8353 | 19.6582 | 20.3993 | 21.5923 | 20.5671 |
| 260147 | 0.9181 | 0.8353 | 17.2291 | 18.5153 | 21.4235 | 19.1299 |
| 260159 | *** | * | 26.8924 | 23.7427 | 22.6277 | 24.8200 |
| 260160 | 1.0889 | 0.8353 | 19.4997 | 21.0544 | 23.8256 | 21.6967 |
| 260162 | 1.3101 | 0.8998 | 24.1246 | 25.1423 | 27.0236 | 25.4950 |
| 260163 | 1.1357 | 0.8353 | 19.2885 | 20.1949 | 21.6408 | 20.3128 |
| 260164 | 1.0991 | * | 19.5539 | 19.7068 | * | 19.6321 |
| 260166 | 1.1983 | 0.9345 | 25.5151 | 27.0237 | 29.1225 | 27.2301 |
| 260172 | *** | * | 18.1438 | * | * | 18.1438 |
| 260175 | 1.1142 | 0.9345 | 21.1257 | 22.6171 | 25.1817 | 22.9767 |
| 260176 | 1.6982 | 0.8998 | 29.2184 | 27.4244 | 29.3034 | 28.6274 |
| 260177 | 1.2278 | 0.9345 | 25.0724 | 26.1178 | 27.0185 | 26.0800 |
| 260178 | 1.8181 | 0.8456 | 21.4781 | 22.2251 | 25.4782 | 23.1585 |
| 260179 | 1.5313 | 0.8998 | 24.8541 | 26.1419 | 26.6069 | 25.8780 |
| 260180 | 1.5751 | 0.8998 | 21.9679 | 26.7461 | 28.2931 | 25.6242 |
| 260183 | 1.6131 | 0.8889 | 23.3924 | 26.0418 | 27.5577 | 25.7097 |
| 260186 | 1.6224 | 0.8456 | 23.4317 | 25.3148 | 26.9797 | 25.3056 |
| 260189 | 0.5844 | * | * | * | * | * |
| 260190 | 1.2069 | 0.9345 | 25.1653 | 26.4505 | 27.9137 | 26.5577 |
| 260191 | 1.2895 | 0.8998 | 22.4369 | 23.3856 | 24.6973 | 23.5346 |
| 260193 | 1.1911 | 0.9345 | 24.4705 | 26.2979 | 26.8921 | 25.9286 |
| 260195 | 1.2568 | 0.8353 | 20.1327 | 22.3958 | 22.6870 | 21.9121 |
| 260198 | 1.1483 | 0.8998 | 27.6116 | 27.5996 | 28.0021 | 27.7418 |
| 260200 | 1.2377 | 0.8998 | 25.1134 | 24.8624 | 28.2453 | 26.1576 |
| 260207 | 1.0760 | 0.8570 | 19.2467 | 19.7294 | 22.6109 | 20.7974 |
| 260209 | 1.1471 | 0.8613 | 21.8396 | 23.2430 | 25.0099 | 23.3517 |
| 260210 | 1.2222 | 0.8998 | * | 25.3782 | 26.8745 | 26.2229 |
| 260211 | 1.6460 | 0.9345 | * | 33.9109 | 40.9821 | 37.4479 |
| 260213 | 1.6368 | 0.9345 | * | * | * | * |
| 260214 | 1.1887 | 0.9345 | * | * | * | * |
| 270002 | 1.2525 | 0.8783 | 20.7620 | 22.7322 | 24.0534 | 22.5443 |
| 270003 | 1.2504 | 0.8747 | 24.2823 | 26.4843 | 28.8700 | 26.5679 |
| 270004 | 1.7046 | 0.8956 | 22.9081 | 23.5454 | 26.1319 | 24.2259 |
| 270011 | 0.9959 | 0.8747 | 22.0710 | 22.1394 | 22.7061 | 22.3110 |
| 270012 | 1.6149 | 0.8783 | 23.1697 | 25.2873 | 25.2914 | 24.5809 |
| 270014 | 1.9087 | 0.8783 | 25.0650 | 26.2025 | 25.8231 | 25.6996 |
| 270017 | 1.3653 | 0.8783 | 24.6186 | 27.5483 | 26.5404 | 26.2434 |
| 270021 | 1.0403 | * | 21.6758 | 21.7056 | * | 21.6913 |
| 270023 | 1.5259 | 0.8870 | 25.5525 | 26.7576 | 25.5682 | 25.9504 |
| 270032 | 1.0399 | 0.8806 | 18.2377 | 19.6212 | 20.3469 | 19.3796 |
| 270036 | 0.8297 | * | 21.8255 | 20.4242 | * | 20.9986 |
| 270049 | 1.7274 | 0.8956 | 24.6556 | 26.3996 | 27.1634 | 26.0758 |
| 270050 | 1.1052 | * | 22.4195 | * | * | 22.4195 |
| 270051 | 1.5760 | 0.8783 | 26.4457 | 26.6619 | 26.5621 | 26.5559 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 270057 | 1.2513 | 0.8806 | 22.6251 | 24.2980 | 25.5811 | 24.2093 |
| 270060 | 0.9573 | * | 16.6592 | 17.7564 | * | 17.1813 |
| 270074 | 0.9017 | 1.4448 | * | * | * | * |
| 270079 | *** | * | 21.6382 | * | * | 21.6382 |
| 270081 | 1.0059 | 0.8655 | 17.3174 | 17.4862 | 19.5612 | 18.0916 |
| 270082 | *** | * | 19.6173 | * | * | 19.6173 |
| 270084 | 1.0876 | * | 22.2340 | * | * | 22.2340 |
| 270086 | 1.1747 | 0.8747 | * | * | 21.0807 | 21.0807 |
| 270087 | 1.1684 | 0.8655 | * | * | 25.9771 | 25.9771 |
| 280003 | 1.7859 | 0.9966 | 27.2844 | 29.3921 | 30.6124 | 29.1369 |
| 280009 | 1.8212 | 0.9617 | 25.3162 | 26.7678 | 27.0705 | 26.3872 |
| 280010 | *** | * | 22.6516 | * | * | 22.6516 |
| 280013 | 1.7805 | 0.9399 | 24.5214 | 26.1908 | 27.0250 | 25.8875 |
| 280020 | 1.7123 | 0.9966 | 25.7522 | 26.5068 | 27.3284 | 26.5645 |
| 280021 | 1.1309 | * | 22.2864 | 22.0489 | * | 22.1652 |
| 280023 | 1.3740 | 0.9617 | 22.7207 | 22.3230 | 26.7980 | 23.8503 |
| 280030 | 1.8990 | 0.9399 | 32.5601 | 30.7481 | 29.5102 | 30.9584 |
| 280032 | 1.3199 | 0.9617 | 22.6510 | 23.6462 | 24.3995 | 23.5606 |
| 280040 | 1.6641 | 0.9399 | 25.2965 | 26.9827 | 28.7207 | 27.0393 |
| 280054 | 1.2025 | * | 22.4241 | 23.5665 | * | 23.0039 |
| 280057 | 0.8520 | * | 23.6793 | 20.4830 | * | 21.8581 |
| 280060 | 1.6803 | 0.9399 | 25.2288 | 26.2139 | 27.7496 | 26.4727 |
| 280061 | 1.3986 | 0.9057 | 23.9110 | 24.9482 | 26.0208 | 25.0013 |
| 280065 | 1.2177 | 0.9857 | 27.9937 | 26.0135 | 28.0581 | 27.2987 |
| 280077 | 1.3079 | 0.9399 | 24.0516 | 25.5624 | 27.0860 | 25.5666 |
| 280081 | 1.5845 | 0.9399 | 25.1973 | 26.0541 | 28.7464 | 26.6749 |
| 280105 | 1.2575 | 0.9399 | 25.0445 | 26.7555 | 27.8599 | 26.6305 |
| 280108 | 1.0655 | * | 22.5584 | 23.2502 | * | 22.8979 |
| 280111 | 1.1747 | 0.8636 | 22.1424 | 23.4770 | 24.5617 | 23.4919 |
| 280117 | 1.1280 | * | 22.0611 | 24.1521 | * | 23.1088 |
| 280119 | 0.8485 | 1.4448 | * | * | * | * |
| 280123 | 0.9112 | 0.8773 | 27.5207 | * | 15.4047 | 20.0912 |
| 280125 | 1.4870 | 0.8693 | 21.8385 | 21.7658 | 22.1345 | 21.9149 |
| 280127 | 1.8413 | 0.9966 | * | * | 29.3684 | 29.3684 |
| 280128 | 3.0362 | 0.9966 | * | * | 28.5422 | 28.5422 |
| 280129 | 1.9223 | 0.9399 | * | * | * | * |
| 280130 | 1.3543 | 0.9399 | * | * | * | * |
| 290001 | 1.8232 | 1.2126 | 27.3105 | 31.1981 | 36.3129 | 31.5115 |
| 290002 | 0.9167 | 0.9468 | 16.8433 | 18.3469 | 17.3876 | 17.5521 |
| 290003 | 1.7444 | 1.1148 | 27.1099 | 28.1625 | 30.3373 | 28.5302 |
| 290005 | 1.4784 | 1.1148 | 27.1531 | 27.6697 | 28.3366 | 27.7405 |
| 290006 | 1.2113 | 1.1713 | 26.3617 | 27.9502 | 31.7301 | 28.6339 |
| 290007 | 1.6566 | 1.1148 | 35.4193 | 37.5559 | 38.1938 | 37.0494 |
| 290008 | 1.1622 | 0.9476 | 26.4086 | 27.9714 | 27.3019 | 27.2130 |
| 290009 | 1.7571 | 1.2126 | 27.6011 | 29.8019 | 36.2724 | 31.1485 |
| 290010 | 1.0481 | * | 23.8733 | 23.9654 | * | 23.9192 |
| 290012 | 1.3195 | 1.1148 | 27.2675 | 31.0843 | 32.3966 | 30.3319 |
| 290016 | 1.2773 | * | 25.1726 | 26.1925 | * | 25.6684 |
| 290019 | 1.3844 | 1.1713 | 27.2484 | 28.6158 | 29.3650 | 28.4400 |
| 290020 [h] | 1.0385 | 1.1148 | 21.3094 | 21.6993 | 23.2102 | 21.9726 |
| 290021 | 1.7942 | 1.1148 | 28.3837 | 33.2116 | 32.7894 | 31.4357 |
| 290022 | 1.5701 | 1.1148 | 29.8144 | 29.4422 | 29.9717 | 29.7410 |
| 290027 | 0.9018 | 0.9181 | 17.8850 | 15.1448 | 23.9959 | 19.2838 |
| 290032 | 1.4106 | 1.2126 | 29.4164 | 31.7105 | 31.6711 | 30.9714 |
| 290039 | 1.5335 | 1.1148 | 29.6801 | 31.2941 | 32.1423 | 31.0892 |
| 290041 | 1.3184 | 1.1148 | 30.1346 | 33.9878 | 34.2436 | 32.9123 |
| 290042 | 0.4555 | 1.1148 | * | * | * | * |
| 290044 | *** | * | * | * | 37.1660 | 37.1660 |
| 290045 | 1.5722 | 1.1148 | 26.9319 | 30.9612 | 33.1513 | 30.7571 |
| 290046 | 1.2682 | 1.1148 | * | * | * | * |
| 290047 | 1.4112 | 1.1148 | * | * | * | * |
| 290049 | 1.3405 | 0.9929 | * | * | * | * |
| 290050 | 1.1705 | * | * | * | * | * |
| 290051 | 1.5208 | 0.9929 | * | * | * | * |
| 300001 | 1.5662 | 1.1732 | 29.4130 | 27.5032 | 29.2260 | 28.6856 |
| 300003 | 2.0626 | 1.1732 | 27.8059 | 33.3560 | 34.7900 | 32.0288 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 300005 | 1.3933 | 1.1732 | 25.1869 | 25.6699 | 27.8000 | 26.2480 |
| 300006 | 1.2040 | * | 20.6787 | 23.3200 | * | 21.9235 |
| 300007 | 1.2792 | * | 25.3125 | * | * | 25.3125 |
| 300010 | 1.1787 | * | 26.9346 | 27.5028 | * | 27.2341 |
| 300011 | 1.2704 | 1.1801 | 27.3325 | 28.4044 | 30.9403 | 28.9361 |
| 300012 | 1.3674 | 1.1801 | 28.4234 | 30.5198 | 30.4972 | 29.7599 |
| 300013 | *** | * | 23.1529 | * | * | 23.1529 |
| 300014 | 1.1975 | 1.1732 | 25.5059 | 27.5151 | 29.7667 | 27.6810 |
| 300015 | 1.0766 | * | 24.0620 | * | * | 24.0620 |
| 300016 | *** | * | 24.5498 | * | * | 24.5498 |
| 300017 | 1.2302 | 1.2093 | 28.3959 | 29.6957 | 29.9560 | 29.3554 |
| 300018 | 1.3762 | 1.1732 | 28.0308 | 29.7209 | 29.4270 | 29.1023 |
| 300019 | 1.2847 | 1.1732 | 25.3845 | 25.9656 | 27.5672 | 26.3633 |
| 300020 | 1.2043 | 1.1801 | 26.8402 | 28.6723 | 30.8491 | 28.8340 |
| 300022 | 1.0801 | * | 23.5948 | * | * | 23.5948 |
| 300023 | 1.3573 | 1.2093 | 25.4873 | 28.6309 | 31.0040 | 28.5350 |
| 300024 | 1.6816 | * | 23.9205 | * | * | 23.9205 |
| 300029 | 1.7619 | 1.2093 | 26.9484 | 29.0806 | 29.8117 | 28.6663 |
| 300034 | 2.0346 | 1.1801 | 28.5375 | 29.7484 | 30.7676 | 29.7094 |
| 310001 | 1.7477 | 1.3344 | 33.9360 | 35.3612 | 41.7460 | 37.0533 |
| 310002 | 1.8743 | 1.3124 | 35.4567 | 37.3461 | 37.9183 | 36.8843 |
| 310003 | 1.2046 | 1.3344 | 31.1040 | 32.8935 | 36.2346 | 33.4692 |
| 310005 | 1.3036 | 1.1756 | 27.5690 | 29.0084 | 32.1319 | 29.6244 |
| 310006 | 1.1971 | 1.3344 | 27.0436 | 27.4545 | 28.4771 | 27.6600 |
| 310008 | 1.3213 | 1.3344 | 29.5857 | 31.2579 | 32.6788 | 31.1973 |
| 310009 | 1.2688 | 1.3124 | 29.7760 | 32.7384 | 33.6940 | 32.0244 |
| 310010 | 1.2824 | 1.1494 | 25.3139 | 28.5852 | 33.9552 | 29.3351 |
| 310011 | 1.2494 | 1.1517 | 28.5241 | 30.8612 | 31.2907 | 30.2391 |
| 310012 | 1.6339 | 1.3344 | 33.1622 | 34.6882 | 38.3590 | 35.4778 |
| 310013 | 1.2335 | 1.3124 | 28.5016 | 30.6248 | 31.0447 | 30.0707 |
| 310014 | 1.9169 | 1.1402 | 32.7222 | 29.7204 | 30.0793 | 30.6716 |
| 310015 | 1.9641 | 1.3124 | 32.4980 | 36.4776 | 36.8818 | 35.3134 |
| 310016 | 1.3110 | 1.3344 | 28.9788 | 33.9862 | 35.6154 | 33.1426 |
| 310017 | 1.3283 | 1.3124 | 28.0930 | 30.9233 | 32.2434 | 30.4707 |
| 310018 | 1.1910 | 1.3124 | 26.9399 | 30.3381 | 30.3234 | 29.2415 |
| 310019 | 1.6317 | 1.3344 | 31.0524 | 29.6592 | 30.3518 | 30.3803 |
| 310020 | 1.5329 | 1.3344 | 29.3392 | 30.6722 | 33.5516 | 31.1594 |
| 310021 | 1.6480 | 1.2445 | 29.6308 | 31.3410 | 32.1929 | 31.0468 |
| 310022 | 1.2433 | 1.1402 | 26.1914 | 28.2024 | 30.4043 | 28.3443 |
| 310024 | 1.3624 | 1.1756 | 27.5278 | 30.9171 | 33.3415 | 30.5987 |
| 310025 | 1.3074 | 1.3344 | 27.7960 | 31.1274 | 34.3687 | 31.3448 |
| 310026 | 1.1915 | 1.3344 | 25.3970 | 27.5171 | 29.1588 | 27.4335 |
| 310027 | 1.3612 | 1.1756 | 27.0982 | 28.8314 | 29.7792 | 28.8434 |
| 310028 | 1.2632 | 1.2445 | 29.1101 | 31.3849 | 32.2977 | 30.9901 |
| 310029 | 1.9463 | 1.1402 | 29.1439 | 30.7707 | 32.9246 | 30.9560 |
| 310031 | 3.0740 | 1.1402 | 30.2345 | 33.9685 | 37.0668 | 33.7978 |
| 310032 | 1.3131 | 1.1402 | 27.8754 | 27.5232 | 30.7865 | 28.7657 |
| 310034 | 1.3380 | 1.1402 | 27.8517 | 29.9162 | 31.7012 | 29.8441 |
| 310037 | 1.3574 | 1.3344 | 32.1471 | 35.0329 | 38.5415 | 35.3284 |
| 310038 | 2.0078 | 1.3124 | 32.1977 | 33.4822 | 35.9190 | 33.9520 |
| 310039 | 1.2524 | 1.3124 | 27.1054 | 28.8292 | 31.4278 | 29.1193 |
| 310040 | 1.3596 | 1.3344 | 28.0068 | 34.1113 | 33.8535 | 31.9439 |
| 310041 | 1.2785 | 1.1402 | 29.7335 | 32.8085 | 32.8391 | 31.7776 |
| 310042 | *** | * | 29.0207 | 30.7358 | 34.4986 | 31.3194 |
| 310044 | 1.3696 | 1.1494 | 27.7752 | 31.3206 | 31.9678 | 30.3811 |
| 310045 | 1.7310 | 1.3344 | 32.6359 | 34.1060 | 36.7862 | 34.5413 |
| 310047 | 1.2972 | 1.1692 | 28.3415 | 32.7880 | 34.1520 | 31.8914 |
| 310048 | 1.3227 | 1.1756 | 28.4715 | 30.2025 | 32.9681 | 30.5981 |
| 310049 | *** | * | 32.7666 | 27.8564 | * | 30.6033 |
| 310050 | 1.2374 | 1.3124 | 27.2276 | 27.3033 | 29.1733 | 27.9356 |
| 310051 | 1.3937 | 1.2445 | 32.0113 | 33.7168 | 35.0121 | 33.5859 |
| 310052 | 1.3400 | 1.1402 | 28.1498 | 30.8036 | 32.5778 | 30.4966 |
| 310054 | 1.2992 | 1.3124 | 30.6905 | 34.1860 | 34.4431 | 33.1002 |
| 310057 | 1.3228 | 1.1402 | 26.4606 | 29.5221 | 31.1268 | 29.1387 |
| 310058 | 1.0663 | 1.3344 | 26.4816 | 28.0815 | 27.1555 | 27.2335 |
| 310060 | 1.2379 | 1.2268 | 23.2146 | 25.1575 | 27.3415 | 25.3482 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 310061 | 1.2564 | 1.1402 | 27.5400 | 28.2129 | 31.6648 | 29.0899 |
| 310063 | 1.3599 | 1.1756 | 28.3457 | 31.4884 | 31.9247 | 30.5720 |
| 310064 | 1.5579 | 1.1692 | 29.5979 | 33.4440 | 35.7607 | 32.9976 |
| 310067 | *** | * | 26.8068 | * | * | 26.8068 |
| 310069 | 1.2817 | 1.1402 | 27.9656 | 28.1681 | 31.7642 | 29.4371 |
| 310070 | 1.3947 | 1.3124 | 32.1806 | 33.2310 | 34.3225 | 33.2892 |
| 310072 | *** | * | 26.3520 | * | * | 26.3520 |
| 310073 | 1.8377 | 1.1402 | 29.6611 | 32.0329 | 32.6733 | 31.4821 |
| 310074 | 1.2559 | 1.3344 | 28.4361 | 29.4834 | 40.3494 | 32.6768 |
| 310075 | 1.3051 | 1.1402 | 26.2479 | 31.6870 | 31.5226 | 29.7730 |
| 310076 | 1.6632 | 1.3124 | 34.9428 | 36.4280 | 38.0643 | 36.4849 |
| 310077 | *** | * | 30.7465 | 32.6644 | 34.6085 | 32.6385 |
| 310078 | *** | * | 26.9589 | 29.8014 | 30.5761 | 29.1498 |
| 310081 | 1.2341 | 1.1402 | 26.4259 | 26.6136 | 30.1561 | 27.7568 |
| 310083 | 1.3011 | 1.3124 | 24.6563 | 28.2392 | 30.3580 | 27.6760 |
| 310084 | 1.2116 | 1.1402 | 29.9437 | 32.9001 | 33.5941 | 32.0363 |
| 310086 | 1.2338 | 1.1402 | 27.3601 | 29.3058 | 29.5566 | 28.7509 |
| 310088 | 1.1836 | 1.1692 | 25.5274 | 26.4966 | 29.9928 | 27.3251 |
| 310090 | 1.2726 | 1.1756 | 27.1661 | 30.8941 | 32.8191 | 30.2346 |
| 310091 | 1.1905 | 1.1402 | 27.1115 | 27.7204 | 29.3969 | 28.0754 |
| 310092 | 1.4261 | 1.1494 | 25.7071 | 29.4999 | 29.7958 | 28.3774 |
| 310093 | 1.1887 | 1.3124 | 25.8727 | 28.0401 | 29.1288 | 27.7853 |
| 310096 | 2.0324 | 1.3124 | 30.3675 | 34.4275 | 34.1524 | 33.0200 |
| 310105 | 1.2276 | 1.3344 | 30.9968 | 31.9769 | 30.1069 | 30.9957 |
| 310108 | 1.3650 | 1.3124 | 29.1548 | 30.1002 | 33.0172 | 30.7665 |
| 310110 | 1.2847 | 1.1494 | 27.8707 | 31.2164 | 33.2246 | 31.0640 |
| 310111 | 1.2017 | 1.1402 | 28.8692 | 30.7475 | 31.8393 | 30.5682 |
| 310112 | 1.2757 | 1.1402 | 28.9928 | 30.4192 | 31.2372 | 30.2639 |
| 310113 | 1.2396 | 1.1402 | 27.5203 | 29.6079 | 31.0436 | 29.4303 |
| 310115 | 1.2800 | 1.2268 | 26.2803 | 29.6020 | 29.5320 | 28.5347 |
| 310116 | 1.2292 | 1.3344 | 26.6287 | 25.6976 | 29.2748 | 27.1753 |
| 310118 | 1.3309 | 1.3344 | 28.1238 | 28.8797 | 31.1803 | 29.3790 |
| 310119 | 1.8352 | 1.3124 | 35.6786 | 37.7876 | 43.1238 | 39.0388 |
| 310120 | 1.0722 | 1.2445 | 27.2010 | 31.4110 | 29.2535 | 29.2227 |
| 310122 | 1.8283 | 1.1402 | * | * | * | * |
| 310123 | 2.4750 | 1.2107 | * | * | * | * |
| 310124 | 1.7405 | 1.1752 | * | * | * | * |
| 310125 | 2.8454 | 1.1756 | * | * | * | * |
| 320001 | 1.5514 | 0.9564 | 26.1962 | 26.9434 | 29.6182 | 27.7003 |
| 320002 | 1.4165 | 1.0808 | 28.6963 | 30.5158 | 32.0477 | 30.4670 |
| 320003 | 1.1746 | 0.9004 | 22.3911 | 28.1402 | 27.6222 | 25.8257 |
| 320004 | 1.3071 | 0.8375 | 24.0362 | 24.9481 | 24.7803 | 24.6220 |
| 320005 | 1.3399 | 0.9444 | 21.2164 | 23.8264 | 24.7543 | 23.2955 |
| 320006 | 1.3170 | 0.9808 | 22.5615 | 24.2812 | 26.9080 | 24.6222 |
| 320009 | 1.5505 | 0.9564 | 24.4237 | 22.8293 | 32.0116 | 25.7948 |
| 320011 | 1.1205 | 0.8817 | 23.1539 | 24.2279 | 25.6693 | 24.4158 |
| 320013 | 1.0989 | 0.9808 | 27.8671 | 28.9276 | 22.8283 | 26.0398 |
| 320014 | 1.1080 | 0.9124 | 26.7112 | 24.5310 | 27.2805 | 26.1224 |
| 320016 | 1.1374 | 0.8375 | 21.7001 | 23.5040 | 25.0835 | 23.4618 |
| 320017 | 1.1509 | 0.9564 | 23.6861 | 25.0286 | 31.6357 | 26.4139 |
| 320018 | 1.4287 | 0.9187 | 23.0915 | 23.2360 | 26.5109 | 24.0533 |
| 320019 | 1.6151 | 0.9564 | 31.2250 | 31.5192 | 27.8067 | 29.9839 |
| 320021 | 1.6455 | 0.9564 | 28.5620 | 27.2357 | 26.9918 | 27.4770 |
| 320022 | 1.1296 | 0.8375 | 22.1492 | 23.7160 | 23.9595 | 23.2809 |
| 320030 | 1.0508 | 0.8375 | 18.0990 | 22.1971 | 21.0378 | 20.3643 |
| 320033 | 1.1906 | 0.9808 | 24.1185 | 27.6393 | 31.7114 | 27.7016 |
| 320037 | 1.1408 | 0.9564 | 21.6080 | 23.3999 | 24.9657 | 23.3661 |
| 320038 | 1.2163 | 0.8375 | 21.2181 | 20.1533 | 21.7022 | 21.0278 |
| 320046 | 1.1630 | * | 22.9114 | 24.3534 | * | 23.6315 |
| 320057 | 0.8166 | 1.4448 | * | * | * | * |
| 320058 | 0.8100 | 1.4448 | * | * | * | * |
| 320059 | 0.8598 | 1.4448 | * | * | * | * |
| 320060 | 0.9173 | 1.4448 | * | * | * | * |
| 320061 | 0.8696 | 1.4448 | * | * | * | * |
| 320062 | 0.8792 | 1.4448 | * | * | * | * |
| 320063 | 1.2715 | 0.9714 | 24.9141 | 24.4696 | 25.0031 | 24.8079 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 320065 | 1.1465 | 0.9714 | 21.6189 | 26.6603 | 27.3163 | 25.4560 |
| 320067 | 0.8864 | 0.8375 | 20.4431 | 23.7745 | 24.9865 | 23.2172 |
| 320069 | 1.1134 | 0.8375 | 19.7296 | 20.9167 | 22.4128 | 21.0434 |
| 320070 | 0.9210 | 1.4448 | * | * | * | * |
| 320074 | 1.1367 | 0.9564 | 35.5980 | 22.2175 | 31.1332 | 29.2344 |
| 320079 | 1.0896 | 0.9564 | 23.8092 | 25.2105 | 26.1188 | 25.0788 |
| 320083 | 2.5957 | 0.9564 | * | 28.2114 | 26.6921 | 27.3103 |
| 320084 | 0.9782 | 0.8375 | * | 17.2511 | 17.5788 | 17.4297 |
| 320085 | 1.6768 | 0.9187 | * | 24.8752 | 27.9944 | 26.5515 |
| 330001 | *** | * | 31.3735 | 33.4718 | * | 32.4179 |
| 330002 | 1.4963 | 1.3344 | 29.3459 | 31.1924 | 30.9600 | 30.5168 |
| 330003 | 1.3462 | 0.8849 | 21.6506 | 22.9945 | 24.4326 | 23.0383 |
| 330004 | 1.2595 | 1.0660 | 23.9959 | 26.0445 | 28.0594 | 26.1032 |
| 330005 | 1.5832 | 0.9475 | 25.9287 | 29.0124 | 30.3200 | 28.3473 |
| 330006 | 1.2637 | 1.3344 | 29.7509 | 31.5370 | 33.6284 | 31.6658 |
| 330008 | 1.1398 | 0.9475 | 21.3269 | 21.8198 | 23.4429 | 22.1931 |
| 330009 | 1.2101 | 1.3344 | 35.8367 | 35.4986 | 36.2820 | 35.8724 |
| 330010 | *** | * | 17.9178 | 19.6920 | 20.7477 | 19.2443 |
| 330011 | 1.3051 | 0.8963 | 20.3641 | 21.8008 | 25.1308 | 22.4271 |
| 330013 | 1.9897 | 0.8849 | 23.9070 | 24.5162 | 26.4578 | 24.9891 |
| 330014 | 1.3099 | 1.3344 | 35.4053 | 38.8123 | 42.1759 | 38.7252 |
| 330016 | 0.9839 | 0.8430 | 18.9388 | 28.4392 | 22.0493 | 22.4172 |
| 330019 | 1.2924 | 1.3344 | 32.3413 | 34.8266 | 38.5368 | 35.2561 |
| 330023 | 1.5694 | 1.3124 | 29.2669 | 31.6208 | 35.9428 | 32.4742 |
| 330024 | 1.7975 | 1.3344 | 36.5648 | 37.8398 | 42.7691 | 38.9000 |
| 330025 | 1.0796 | 0.9475 | 19.7561 | 20.2775 | 21.2565 | 20.4319 |
| 330027 | 1.4412 | 1.3124 | 35.1325 | 39.0717 | 42.8001 | 38.9689 |
| 330028 | 1.4221 | 1.3344 | 33.5312 | 34.2709 | 36.6498 | 34.7582 |
| 330029 | 0.4416 | 0.9475 | 18.6623 | 19.1589 | 23.2039 | 20.0783 |
| 330030 | 1.2251 | 0.9103 | 22.4368 | 22.9937 | 24.6174 | 23.2841 |
| 330033 | 1.1415 | 0.8430 | 21.3762 | 22.5681 | 24.5510 | 22.8107 |
| 330036 | 1.1250 | 1.3344 | 27.6813 | 28.9409 | 29.1884 | 28.5828 |
| 330037 | 1.1103 | 0.9103 | 19.6385 | 20.6904 | 22.3689 | 20.9100 |
| 330041 | 1.2523 | 1.3344 | 36.2481 | 36.0286 | 37.4883 | 36.5854 |
| 330043 | 1.3817 | 1.2971 | 34.1039 | 34.7480 | 39.1643 | 36.0514 |
| 330044 | 1.2921 | 0.8430 | 23.1450 | 24.1907 | 26.5669 | 24.6635 |
| 330045 | 1.3322 | 1.2971 | 34.4956 | 36.1893 | 38.1269 | 36.3069 |
| 330046 | 1.4267 | 1.3344 | 42.0900 | 44.8494 | 50.3152 | 45.6620 |
| 330047 [h] | 1.2037 | 0.8849 | 21.1244 | 24.0678 | 24.3932 | 23.2876 |
| 330049 | 1.4486 | 1.2050 | 25.7022 | 29.2904 | 29.8350 | 28.3245 |
| 330053 | 1.0610 | 0.9103 | 19.6807 | 18.5290 | 20.6272 | 19.6035 |
| 330055 | 1.5570 | 1.3344 | 35.1393 | 38.4839 | 41.5934 | 38.4339 |
| 330056 | 1.4398 | 1.3344 | 32.9295 | 37.8444 | 36.0135 | 35.5703 |
| 330057 | 1.7009 | 0.8849 | 22.6519 | 24.4680 | 26.4989 | 24.5634 |
| 330058 | 1.3396 | 0.9103 | 19.5520 | 21.3727 | 22.2524 | 21.0787 |
| 330059 | 1.5292 | 1.3344 | 38.1019 | 39.7386 | 41.7343 | 39.8971 |
| 330061 | 1.2197 | 1.3344 | 32.7427 | 33.2848 | 36.0587 | 34.0671 |
| 330062 | 1.0437 | * | 21.4270 | 21.0464 | * | 21.2306 |
| 330064 | 1.2575 | 1.3344 | 38.5719 | 36.4276 | 38.0437 | 37.6527 |
| 330065 | 1.0550 | 0.9475 | 21.9192 | 23.9128 | 25.3043 | 23.6800 |
| 330066 | 1.3402 | 0.8849 | 23.0916 | 24.7941 | 29.1780 | 25.7537 |
| 330067 | 1.4340 | 1.3124 | 34.8416 | 26.4243 | 27.8900 | 29.2133 |
| 330072 | 1.3262 | 1.3344 | 32.7905 | 36.4336 | 37.8505 | 35.6797 |
| 330073 | 1.1309 | 0.9103 | 19.0781 | 20.1490 | 22.5592 | 20.5686 |
| 330074 | 1.2131 | 0.9103 | 20.2874 | 21.4274 | 22.6629 | 21.4464 |
| 330075 | 1.1128 | 0.9776 | 22.0240 | 22.4188 | 23.1592 | 22.5488 |
| 330078 | 1.4676 | 0.9475 | 22.7762 | 23.3981 | 25.8073 | 24.0112 |
| 330079 | 1.2405 | 0.9380 | 22.1064 | 22.5237 | 24.6054 | 23.1112 |
| 330080 | 1.1770 | 1.3344 | 36.1171 | 39.1724 | 39.1417 | 38.1641 |
| 330084 | 1.0815 | 0.8430 | 22.6365 | 21.5455 | 22.5573 | 22.2542 |
| 330085 | 1.1423 | 0.9498 | 23.2927 | 23.9568 | 25.3285 | 24.1955 |
| 330086 | 1.3574 | 1.3344 | 28.8424 | 29.1784 | 32.7675 | 30.3025 |
| 330088 | 1.0119 | 1.2971 | 31.2631 | 31.3973 | 34.0788 | 32.2485 |
| 330090 | 1.4341 | 0.8430 | 22.7721 | 23.6174 | 25.5351 | 23.9566 |
| 330091 | 1.3496 | 0.9475 | 22.5796 | 23.8063 | 25.9378 | 24.1384 |
| 330094 | 1.2589 | 0.9195 | 22.1495 | 23.0001 | 25.7116 | 23.5888 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 330095 | *** | * | 28.9914 | 31.9872 | * | 30.3053 |
| 330096 | 1.2295 | 0.8430 | 22.4895 | 22.0337 | 22.7189 | 22.4123 |
| 330097 | 1.1614 | * | 19.2233 | 20.3189 | * | 19.7495 |
| 330100 | 0.9830 | 1.3344 | 32.8406 | 34.4621 | 38.3333 | 35.3017 |
| 330101 | 1.9047 | 1.3344 | 39.2601 | 38.7503 | 40.1929 | 39.4202 |
| 330102 | 1.3901 | 0.9475 | 23.6141 | 24.8184 | 25.3879 | 24.6115 |
| 330103 | 1.0832 | 0.8430 | 18.8763 | 21.1452 | 22.8242 | 20.9079 |
| 330104 | 1.3421 | 1.3344 | 33.7556 | 32.8818 | 33.7537 | 33.4694 |
| 330106 | 1.7405 | 1.3946 | 39.8554 | 41.4561 | 43.8210 | 41.7571 |
| 330107 | 1.2808 | 1.2971 | 31.8528 | 31.3888 | 34.9047 | 32.7622 |
| 330108 | 1.1345 | 0.8430 | 21.4680 | 22.2607 | 23.2919 | 22.3180 |
| 330111 | 1.0572 | 0.9475 | 17.6185 | 20.9387 | 20.3474 | 19.5817 |
| 330115 | 1.1783 | 0.9776 | 20.5101 | 23.3043 | 25.2373 | 23.0172 |
| 330119 | 1.7608 | 1.3344 | 36.5873 | 39.1114 | 39.0528 | 38.2392 |
| 330121 | 0.9502 | * | 19.7388 | * | * | 19.7388 |
| 330122 | *** | * | 26.3849 | * | * | 26.3849 |
| 330125 | 1.7499 | 0.9103 | 24.6945 | 26.7118 | 27.2920 | 26.2802 |
| 330126 | 1.2948 | 1.2330 | 28.8299 | 31.6370 | 35.2257 | 33.1518 |
| 330127 | 1.3335 | 1.3344 | 43.7479 | 44.6103 | 45.3680 | 44.5695 |
| 330128 | 1.2929 | 1.3344 | 34.5289 | 37.7166 | 39.5197 | 37.2405 |
| 330132 | 1.0958 | 0.8430 | 16.3088 | 17.4946 | 21.0479 | 18.6411 |
| 330133 | 1.3738 | 1.3344 | 44.0704 | 36.6962 | 39.3837 | 39.8263 |
| 330135 | 1.1829 | 1.2330 | 26.9969 | 29.0837 | 27.9132 | 28.0387 |
| 330136 | 1.4890 | 0.9498 | 22.5447 | 24.2010 | 25.8531 | 24.2609 |
| 330140 | 1.7475 | 0.9776 | 23.5774 | 25.7573 | 27.6183 | 25.6362 |
| 330141 | 1.3530 | 1.2971 | 30.6616 | 34.8902 | 39.4701 | 35.1761 |
| 330144 | 1.0539 | 0.8430 | 20.1805 | 20.9935 | 22.9561 | 21.3523 |
| 330148 | 1.0086 | * | 18.5443 | * | * | 18.5443 |
| 330151 | 1.1567 | 0.8430 | 17.6782 | 19.1841 | 21.7664 | 19.4160 |
| 330152 | 1.2919 | 1.3344 | 32.0616 | 36.5136 | 37.6721 | 35.4330 |
| 330153 | 1.7084 | 0.8849 | 21.9935 | 24.5219 | 26.4386 | 24.3827 |
| 330157 | 1.3499 | 0.9498 | 23.6939 | 25.2312 | 26.5686 | 25.1886 |
| 330158 | 1.5442 | 1.3344 | 33.0067 | 32.2990 | 38.2033 | 34.5684 |
| 330159 | 1.4147 | 0.9776 | 24.1916 | 28.9094 | 28.2774 | 27.0713 |
| 330160 | 1.5935 | 1.3344 | 34.0373 | 34.1960 | 36.6208 | 34.9856 |
| 330162 | 1.3051 | 1.3344 | 31.3812 | 32.1783 | 34.9460 | 32.8100 |
| 330163 | 1.1685 | 0.9475 | 22.4644 | 24.0200 | 27.1933 | 24.6140 |
| 330164 | 1.4585 | 0.9103 | 24.4306 | 28.8481 | 27.7217 | 26.9958 |
| 330166 [h] | 1.0595 | 0.8430 | 18.8777 | 19.4360 | 20.4680 | 19.5876 |
| 330167 | 1.7569 | 1.3111 | 33.7365 | 34.4748 | 36.7653 | 35.0058 |
| 330169 | 1.4210 | 1.3344 | 38.3498 | 39.3361 | 45.3774 | 40.8481 |
| 330171 | 1.1969 | 1.3344 | 27.7810 | 30.0122 | 30.4005 | 29.3157 |
| 330175 | 1.1405 | 0.8430 | 21.1944 | 22.2067 | 23.8509 | 22.4425 |
| 330177 | 1.0032 | 0.8430 | 20.1850 | 19.6100 | 20.6338 | 20.1674 |
| 330180 | 1.2285 | 0.8849 | 21.9641 | 22.1920 | 24.3761 | 22.8406 |
| 330181 | 1.3008 | 1.3111 | 35.9334 | 38.5351 | 41.4104 | 38.6724 |
| 330182 | 2.3150 | 1.3124 | 36.3831 | 39.6038 | 40.9014 | 39.0147 |
| 330184 | 1.4414 | 1.3344 | 33.2843 | 34.4044 | 35.8102 | 34.5618 |
| 330185 | 1.2296 | 1.2971 | 31.0179 | 32.3466 | 36.3155 | 33.3774 |
| 330188 | 1.2554 | 0.9475 | 22.6803 | 23.9210 | 25.1153 | 23.9351 |
| 330189 | 1.0678 | 0.8849 | 19.2538 | 21.6229 | 22.3485 | 21.0123 |
| 330191 | 1.2884 | 0.8849 | 22.3719 | 24.0232 | 25.5656 | 24.0003 |
| 330193 | 1.2852 | 1.3344 | 36.9866 | 37.1807 | 39.9327 | 38.0621 |
| 330194 | 1.8257 | 1.3344 | 39.9177 | 43.9910 | 45.5639 | 43.2233 |
| 330195 | 1.7405 | 1.3344 | 38.6867 | 40.0206 | 39.7802 | 39.5880 |
| 330196 | 1.3702 | 1.3344 | 32.5883 | 33.2171 | 36.7178 | 34.1674 |
| 330197 | 1.0602 | 0.8430 | 22.3117 | 23.4291 | 26.8921 | 24.1957 |
| 330198 | 1.3833 | 1.3111 | 29.5359 | 30.5485 | 33.4930 | 31.2596 |
| 330199 | 1.1497 | 1.3344 | 32.7870 | 35.0059 | 38.6407 | 35.3981 |
| 330201 | 1.6340 | 1.3344 | 33.3215 | 39.3682 | 37.2064 | 36.5653 |
| 330202 | 1.2830 | 1.3344 | 34.3545 | 38.0129 | 37.4150 | 36.6508 |
| 330203 | 1.4480 | 0.9776 | 26.2459 | 26.5882 | 32.1207 | 28.2322 |
| 330204 | 1.3213 | 1.3344 | 30.3273 | 37.6849 | 39.6393 | 35.7350 |
| 330205 | 1.2893 | 1.2330 | 30.0101 | 32.1617 | 31.9510 | 31.4323 |
| 330208 | 1.1809 | 1.3344 | 28.2667 | 29.6282 | 32.1257 | 30.2183 |
| 330209 | *** | * | 28.7213 | 29.7988 | 30.2038 | 29.5753 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 330211 | 1.1197 | 0.8430 | 21.1094 | 22.9966 | 24.4470 | 22.8189 |
| 330212 | *** | * | 27.0585 | 27.2232 | * | 27.1435 |
| 330213 | 1.0833 | 0.8430 | 21.7208 | 22.5191 | 24.4049 | 22.9484 |
| 330214 | 1.9407 | 1.3344 | 33.7670 | 37.8500 | 41.8719 | 37.7532 |
| 330215 | 1.2677 | 0.8753 | 20.6343 | 22.6744 | 23.7361 | 22.3576 |
| 330218 | 1.0742 | 0.9776 | 21.4095 | 24.1106 | 26.9638 | 24.1725 |
| 330219 | 1.7200 | 0.9475 | 27.7400 | 29.3644 | 29.8889 | 28.9784 |
| 330221 | 1.3810 | 1.3344 | 34.7033 | 36.5539 | 39.2080 | 36.8501 |
| 330222 | 1.2744 | 0.8849 | 25.9825 | 23.9746 | 25.8507 | 25.2339 |
| 330223 | 1.0214 | 0.8430 | 18.4291 | 19.4229 | 23.3669 | 20.3266 |
| 330224 | 1.3170 | 1.0660 | 23.9379 | 25.7850 | 27.9231 | 25.9513 |
| 330225 | 1.1594 | 1.3111 | 28.9952 | 29.2719 | 32.3585 | 30.2732 |
| 330226 | 1.3144 | 0.9103 | 23.4783 | 21.8977 | 24.5646 | 23.3335 |
| 330229 [h] | 1.2041 | 0.8451 | 19.5670 | 20.6095 | 21.9356 | 20.7055 |
| 330230 | 1.0002 | 1.3344 | 32.1101 | 33.3175 | 37.1297 | 34.1085 |
| 330231 | 1.0219 | 1.3344 | 33.9324 | 36.9619 | 40.6697 | 37.0730 |
| 330232 | 1.1845 | 0.8849 | 21.4765 | 24.4531 | 26.3313 | 24.1028 |
| 330233 | 1.4767 | 1.3344 | 41.9968 | 45.5132 | 47.3497 | 45.0023 |
| 330234 | 2.2645 | 1.3344 | 36.8500 | 40.6314 | 48.2306 | 41.6811 |
| 330235 | 1.1728 | 0.9498 | 22.1217 | 23.3866 | 27.7031 | 24.3091 |
| 330236 | 1.5487 | 1.3344 | 32.9391 | 35.6347 | 40.2386 | 36.2954 |
| 330238 | 1.1804 | 0.9103 | 19.2407 | 20.8639 | 21.7434 | 20.6067 |
| 330239 [h] | 1.2379 | 0.8451 | 20.4936 | 21.5397 | 22.3854 | 21.4715 |
| 330240 | 1.2387 | 1.3344 | 40.7478 | 39.9450 | 43.5753 | 41.4019 |
| 330241 | 1.8671 | 0.9776 | 27.7213 | 29.0882 | 30.2304 | 29.0730 |
| 330242 | 1.3280 | 1.3344 | 32.2178 | 33.6926 | 37.4870 | 34.4195 |
| 330245 | 1.8183 | 0.8430 | 21.6857 | 22.8003 | 26.1811 | 23.5901 |
| 330246 | 1.3313 | 1.2971 | 31.6763 | 34.6329 | 37.1611 | 34.4317 |
| 330247 | 0.7996 | 1.3344 | 32.1733 | 32.2300 | 35.4980 | 33.2530 |
| 330249 | 1.2624 | 0.9776 | 21.4345 | 22.9834 | 25.3246 | 23.2900 |
| 330250 | 1.3114 | 0.9436 | 23.0641 | 25.1664 | 27.1606 | 25.1436 |
| 330259 | 1.4059 | 1.3111 | 30.0488 | 31.9152 | 35.1514 | 32.4481 |
| 330261 | 1.2989 | 1.3344 | 30.9356 | 30.7942 | 33.7834 | 31.8723 |
| 330263 | 1.0244 | 0.8430 | 20.8456 | 22.4675 | 23.8738 | 22.4259 |
| 330264 | 1.2831 | 1.2249 | 28.1501 | 30.0139 | 30.4701 | 29.5123 |
| 330265 | 1.1868 | 0.9103 | 19.9414 | 20.4635 | 21.6477 | 20.6677 |
| 330267 | 1.4004 | 1.3344 | 30.3709 | 31.5478 | 32.8540 | 31.6148 |
| 330268 | 0.9455 | 0.8430 | 18.9142 | 20.9720 | 25.3567 | 21.6448 |
| 330270 | 2.0099 | 1.3344 | 38.2605 | 42.2111 | 57.3596 | 45.4374 |
| 330273 | 1.3544 | 1.3344 | 29.5106 | 30.4720 | 37.0157 | 32.3792 |
| 330276 | 1.1345 | 0.8493 | 21.7826 | 22.2353 | 24.3300 | 22.7930 |
| 330277 | 1.1812 | 0.9407 | 25.1438 | 25.3582 | 26.4535 | 25.6841 |
| 330279 | 1.4973 | 0.9475 | 23.4816 | 25.2130 | 27.4539 | 25.4933 |
| 330285 | 2.0242 | 0.9103 | 27.1260 | 27.9018 | 30.1928 | 28.4120 |
| 330286 | 1.3546 | 1.2971 | 32.3244 | 33.3552 | 35.5895 | 33.8005 |
| 330290 | 1.7612 | 1.3344 | 36.3764 | 36.9981 | 39.4690 | 37.6044 |
| 330293 | *** | * | 19.0290 | * | * | 19.0290 |
| 330304 | 1.3151 | 1.3344 | 33.4431 | 34.5761 | 36.2845 | 34.8117 |
| 330306 | 1.4656 | 1.3344 | 30.7551 | 35.6640 | 36.3552 | 34.3235 |
| 330307 | 1.2782 | 0.9865 | 25.4128 | 27.5699 | 29.2529 | 27.4683 |
| 330314 | 1.2414 | 1.2971 | 26.0150 | 25.5597 | 26.2719 | 25.9464 |
| 330316 | 1.2613 | 1.3344 | 33.1512 | 34.8623 | 34.8567 | 34.2777 |
| 330331 | 1.2588 | 1.3111 | 34.7052 | 36.1630 | 39.8402 | 36.9991 |
| 330332 | 1.2964 | 1.3111 | 31.8389 | 33.3050 | 35.1646 | 33.5211 |
| 330333 | *** | * | 33.7637 | 26.1917 | * | 29.6102 |
| 330338 | *** | * | 27.3859 | 31.3761 | 37.7497 | 32.1641 |
| 330339 | 0.8963 | 0.8849 | 22.2812 | 22.6569 | 23.5786 | 22.8372 |
| 330340 | 1.2445 | 1.2971 | 31.4322 | 33.9358 | 37.9000 | 34.3945 |
| 330350 | 1.5009 | 1.3344 | 39.3541 | 36.6250 | 41.1339 | 39.0080 |
| 330353 | 1.1907 | 1.3344 | 38.6962 | 37.6549 | 45.9692 | 40.8376 |
| 330357 | 1.2800 | 1.3344 | 34.3965 | 35.5975 | 38.2286 | 36.0366 |
| 330372 | 1.2776 | 1.3111 | 30.1505 | 32.6721 | 36.1840 | 33.1735 |
| 330385 | 1.1492 | 1.3344 | 42.6671 | 46.3221 | 48.6175 | 45.8492 |
| 330386 | 1.2212 | 1.0660 | 25.9228 | 27.9943 | 29.9366 | 28.0125 |
| 330389 | 1.8402 | 1.3344 | 34.7552 | 34.7669 | 37.1862 | 35.5757 |
| 330390 | 1.2436 | 1.3344 | 33.2628 | 36.0573 | 36.3842 | 35.1840 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 330393 | 1.7645 | 1.2971 | 34.8213 | 34.8095 | 38.0619 | 35.9147 |
| 330394 | 1.6420 | 0.8963 | 23.3505 | 25.2229 | 27.3388 | 25.3102 |
| 330395 | 1.3933 | 1.3344 | 35.4619 | 37.3096 | 36.3921 | 36.4001 |
| 330396 | 1.3709 | 1.3344 | 32.5345 | 35.0297 | 37.4998 | 35.0131 |
| 330397 | 1.3783 | 1.3344 | 34.5110 | 38.4741 | 37.5682 | 36.7644 |
| 330399 | 1.1594 | 1.3344 | 33.6753 | 32.3688 | 34.7394 | 33.5847 |
| 330401 | 1.3727 | 1.2971 | 35.7435 | 40.6249 | 37.8559 | 38.0657 |
| 330402 | *** | * | 21.3302 | * | * | 21.3302 |
| 330403 | *** | * | * | 23.1887 | 25.5163 | 24.2907 |
| 330404 | 0.8754 | 1.3344 | * | * | * | * |
| 330405 | 0.8833 | 1.3344 | * | * | * | * |
| 330406 | 0.8810 | 0.8849 | * | * | * | * |
| 340001 | 1.5110 | 0.9413 | 23.2436 | 25.0041 | 28.3988 | 25.4880 |
| 340002 | 1.7727 | 0.9339 | 25.1099 | 27.3349 | 28.4860 | 27.0177 |
| 340003 | 1.1293 | 0.8629 | 21.5562 | 23.3066 | 24.1602 | 22.9884 |
| 340004 | 1.4134 | 0.9246 | 24.2055 | 25.4474 | 26.6404 | 25.4364 |
| 340005 | 1.0047 | * | 22.9830 | 22.3814 | * | 22.6704 |
| 340007 | *** | * | 21.1519 | * | * | 21.1519 |
| 340008 | 1.1123 | 0.9413 | 24.2089 | 26.6314 | 26.7443 | 25.8867 |
| 340010 | 1.3575 | 0.9492 | 23.1349 | 24.5666 | 27.2105 | 24.9866 |
| 340011 | 1.0730 | 0.8629 | 18.1843 | 19.9484 | 19.7442 | 19.2759 |
| 340012 | 1.3185 | 0.8629 | 22.0583 | 22.7189 | 23.2288 | 22.6739 |
| 340013 | 1.2331 | 0.9413 | 22.4787 | 23.0261 | 23.9492 | 23.1580 |
| 340014 | 1.5767 | 0.9246 | 24.4831 | 25.1872 | 27.4888 | 25.7544 |
| 340015 [h] | 1.3261 | 0.9680 | 24.3870 | 26.2276 | 28.0585 | 26.2469 |
| 340016 | 1.2863 | 0.8629 | 22.7574 | 23.0359 | 25.6454 | 23.8229 |
| 340017 | 1.3145 | 0.9264 | 22.8879 | 23.8229 | 25.7780 | 24.1806 |
| 340018 | 1.2057 | * | 20.3840 | 23.7243 | * | 21.9193 |
| 340019 | *** | * | 17.8768 | * | * | 17.8768 |
| 340020 | 1.2236 | 0.8836 | 24.1955 | 23.7995 | 26.4465 | 24.8057 |
| 340021 | 1.2829 | 0.9413 | 23.6884 | 26.0995 | 29.4865 | 26.4598 |
| 340023 | 1.3620 | 0.9264 | 23.2844 | 24.4897 | 26.4225 | 24.7518 |
| 340024 | 1.1474 | 0.8629 | 21.2671 | 22.2521 | 23.6638 | 22.4124 |
| 340025 | 1.2753 | 0.9264 | 20.9915 | 21.2276 | 23.5881 | 22.0066 |
| 340027 | 1.1478 | 0.9223 | 22.6107 | 23.6326 | 25.5973 | 24.0155 |
| 340028 | 1.5420 | 0.9453 | 24.6836 | 26.3298 | 28.0323 | 26.3670 |
| 340030 | 2.0378 | 0.9677 | 27.4664 | 29.0122 | 29.6630 | 28.7249 |
| 340032 | 1.4145 | 0.9413 | 24.8031 | 26.7475 | 26.5958 | 26.0871 |
| 340035 | 1.0841 | 0.8629 | 21.2407 | 23.5476 | 23.9669 | 22.9480 |
| 340036 | 1.3211 | 0.9722 | 22.2089 | 25.2077 | 27.2690 | 24.9888 |
| 340037 | 1.0333 | 0.8845 | 22.5089 | 21.6411 | 25.6262 | 23.3128 |
| 340038 | 1.2307 | 0.8629 | 14.0203 | 14.0713 | 22.4829 | 16.1171 |
| 340039 | 1.2930 | 0.9413 | 25.6605 | 27.1275 | 27.4457 | 26.7719 |
| 340040 | 1.9334 | 0.9329 | 24.1523 | 26.3325 | 27.6626 | 26.0809 |
| 340041 | 1.2366 | 0.8991 | 23.0497 | 23.6600 | 24.3595 | 23.7226 |
| 340042 | 1.1902 | 0.8629 | 22.1107 | 23.0236 | 25.0110 | 23.3845 |
| 340044 | 1.0101 | * | 21.7089 | * | * | 21.7089 |
| 340045 | 0.9491 | * | 14.5004 | 23.1918 | * | 18.3297 |
| 340047 | 1.8352 | 0.9246 | 25.3727 | 25.0605 | 27.4022 | 25.9687 |
| 340049 | 1.9006 | 0.9677 | 22.3082 | 30.4827 | 30.6791 | 27.8941 |
| 340050 | 1.0657 | 0.9245 | 21.4511 | 24.2533 | 26.0365 | 23.9274 |
| 340051 | 1.2164 | 0.8860 | 21.9069 | 23.4091 | 23.9612 | 23.1178 |
| 340053 | 1.5667 | 0.9413 | 26.9361 | 27.7261 | 27.8577 | 27.5165 |
| 340055 | 1.2390 | 0.8991 | 24.3728 | 24.1057 | 26.0646 | 24.8292 |
| 340060 | 1.1171 | 0.8982 | 22.4303 | 22.8657 | 22.9097 | 22.7415 |
| 340061 | 1.7793 | 0.9677 | 26.6657 | 27.5594 | 27.0089 | 27.0858 |
| 340064 | 1.0783 | 0.8629 | 22.3631 | 22.9143 | 23.4233 | 22.8967 |
| 340065 | *** | * | 20.8413 | * | * | 20.8413 |
| 340068 | 1.1865 | 0.9473 | 20.8600 | 21.8830 | 22.6814 | 21.8045 |
| 340069 | 1.8830 | 0.9775 | 27.5045 | 27.4473 | 29.3439 | 28.1186 |
| 340070 | 1.2875 | 0.9077 | 23.6045 | 24.9033 | 25.3226 | 24.6210 |
| 340071 | 1.0889 | 0.9492 | 22.1854 | 25.4537 | 26.3921 | 24.7344 |
| 340072 | 1.1717 | 0.8629 | 21.3320 | 23.1163 | 25.2493 | 23.1923 |
| 340073 | 1.4310 | 0.9726 | 29.4189 | 30.2061 | 30.9849 | 30.2298 |
| 340075 | 1.2075 | 0.8991 | 24.1297 | 26.0225 | 25.1551 | 25.0697 |
| 340084 | 1.1423 | 0.9413 | 21.3227 | 21.2580 | 21.1364 | 21.2332 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 340085 [h] | 1.2040 | 0.9359 | 23.0890 | 23.9793 | 26.5164 | 24.4669 |
| 340087 | 1.2098 | 0.8629 | 18.4202 | 22.0070 | 22.4287 | 20.8329 |
| 340088 | *** | * | 24.3299 | * | * | 24.3299 |
| 340090 | 1.3158 | 0.9722 | 21.7173 | 23.4542 | 26.4031 | 24.0204 |
| 340091 | 1.5461 | 0.9246 | 24.9411 | 25.8266 | 27.1285 | 25.9994 |
| 340096 [h] | 1.1970 | 0.9359 | 23.6345 | 25.2169 | 24.9035 | 24.5909 |
| 340097 | 1.1960 | 0.8629 | 22.5775 | 24.2127 | 26.2228 | 24.3086 |
| 340098 | 1.4746 | 0.9413 | 25.4823 | 27.3308 | 28.2493 | 27.0338 |
| 340099 | 1.2434 | 0.8629 | 20.0178 | 20.3683 | 21.8564 | 20.7359 |
| 340104 | 0.8626 | 0.8845 | 14.3252 | 15.7521 | 16.1204 | 15.4033 |
| 340106 | 1.1025 | 0.8629 | 22.6979 | 22.4894 | 26.0892 | 23.7195 |
| 340107 | 1.1902 | 0.8900 | 22.5583 | 22.9698 | 24.1762 | 23.2448 |
| 340109 | 1.2563 | 0.8774 | 22.3826 | 23.4419 | 25.4464 | 23.8115 |
| 340113 | 1.8306 | 0.9413 | 26.0776 | 28.2568 | 28.5587 | 27.6668 |
| 340114 | 1.6165 | 0.9775 | 25.4533 | 26.6813 | 28.3222 | 26.8414 |
| 340115 | 1.6125 | 0.9677 | 25.1907 | 25.0212 | 26.7592 | 25.6788 |
| 340116 | 1.7199 | 0.8991 | 26.1641 | 25.3213 | 27.5881 | 26.3694 |
| 340119 | 1.2018 | 0.9413 | 22.4821 | 24.2287 | 25.6226 | 24.1679 |
| 340120 | 1.0279 | 0.8629 | 21.8548 | 23.0916 | 25.9134 | 23.6615 |
| 340121 | 1.0711 | 0.9771 | 20.3701 | 21.7576 | 23.1343 | 21.7704 |
| 340123 | 1.2870 | 0.8982 | 23.1879 | 26.1083 | 26.0637 | 25.1328 |
| 340124 | 1.0344 | 0.9492 | 18.3866 | 20.8018 | 22.2988 | 20.3755 |
| 340126 [h] | 1.2909 | 0.9492 | 23.5405 | 25.0189 | 26.9866 | 25.2157 |
| 340127 | 1.1812 | 0.9677 | 24.6096 | 25.7831 | 26.4746 | 25.6406 |
| 340129 | 1.2778 | 0.9413 | 24.1356 | 25.4902 | 25.7976 | 25.2063 |
| 340130 | 1.3281 | 0.9413 | 23.0937 | 25.2941 | 26.1717 | 24.9701 |
| 340131 | 1.5356 | 0.9223 | 25.2989 | 27.9358 | 27.4750 | 26.9429 |
| 340132 | 1.1893 | 0.8629 | 20.4222 | 21.3521 | 23.5856 | 21.8115 |
| 340133 | 1.0427 | 0.8937 | 22.1588 | 22.5558 | 23.4678 | 22.7488 |
| 340137 | 0.9093 | 0.8991 | 29.9903 | 21.0642 | 22.1742 | 24.9952 |
| 340138 | 0.8935 | 0.9775 | 27.4767 | 21.3670 | * | 24.4228 |
| 340141 | 1.6224 | 0.9771 | 24.8132 | 27.3355 | 29.3878 | 27.2574 |
| 340142 | 1.2073 | 0.8629 | 22.1298 | 22.9907 | 26.6886 | 23.9952 |
| 340143 | 1.4998 | 0.8991 | 24.8904 | 25.3633 | 28.0082 | 26.0834 |
| 340144 | 1.2658 | 0.9413 | 25.6538 | 27.2686 | 26.1864 | 26.3644 |
| 340145 | 1.2978 | 0.9413 | 23.7028 | 23.7131 | 25.8459 | 24.4499 |
| 340146 | *** | * | 18.8354 | * | * | 18.8354 |
| 340147 | 1.3146 | 0.9492 | 23.9998 | 25.4534 | 26.9162 | 25.4873 |
| 340148 | 1.5797 | 0.9246 | 22.4205 | 23.5880 | 25.3660 | 23.7678 |
| 340151 | 1.0972 | 0.8629 | 22.2613 | 22.0052 | 22.7736 | 22.3509 |
| 340153 | 1.8456 | 0.9413 | 25.7078 | 26.4896 | 27.6509 | 26.6150 |
| 340155 | 1.4236 | 0.9677 | 28.8758 | 30.4940 | 30.3443 | 29.9331 |
| 340156 | 0.8399 | 1.4448 | * | * | * | * |
| 340158 | 1.1289 | 0.9771 | 23.4724 | 26.4849 | 27.7816 | 25.8346 |
| 340159 | 1.1328 | 0.9677 | 22.1872 | 23.2991 | 24.2588 | 23.2614 |
| 340160 | 1.2984 | 0.8629 | 19.1330 | 20.7525 | 21.7923 | 20.5885 |
| 340166 | 1.3344 | 0.9413 | 25.7398 | 26.0557 | 27.1132 | 26.3392 |
| 340168 | 0.3885 | 0.9771 | 16.8076 | 17.3249 | * | 17.0785 |
| 340171 | 1.1745 | 0.9413 | 27.2074 | 28.2734 | 27.8539 | 27.7953 |
| 340173 | 1.2711 | 0.9775 | 26.6128 | 27.5072 | 28.3502 | 27.5598 |
| 340177 | 1.1482 | 0.8629 | * | 24.7471 | 26.7155 | 25.7127 |
| 340178 | *** | * | * | 28.7219 | * | 28.7219 |
| 340179 | *** | * | * | * | 34.1895 | 34.1895 |
| 340182 | *** | * | * | * | 27.8071 | 27.8071 |
| 340183 | 1.1072 | 0.9413 | * | * | * | * |
| 350002 | 1.7643 | 0.7868 | 20.6474 | 22.0283 | 22.4308 | 21.7095 |
| 350003 | 1.2026 | 0.7868 | 25.3076 | 21.8061 | 23.9638 | 23.5735 |
| 350004 | *** | * | 27.5891 | * | * | 27.5891 |
| 350006 | 1.6026 | 0.7868 | 19.5870 | 19.4985 | 21.2726 | 20.1814 |
| 350009 | 1.1021 | 0.8367 | 20.7014 | 23.0873 | 23.8681 | 22.5713 |
| 350010 | 1.1262 | 0.7868 | 18.5682 | 19.1965 | 20.1290 | 19.3134 |
| 350011 | 1.9964 | 0.8367 | 22.3896 | 23.1947 | 23.8400 | 23.1866 |
| 350014 | 0.8987 | 0.7868 | 18.5360 | 17.7565 | 19.1685 | 18.4980 |
| 350015 | 1.6818 | 0.7868 | 18.6381 | 20.1161 | 20.9046 | 20.0046 |
| 350017 | 1.3450 | 0.7868 | 20.1943 | 21.0243 | 22.4359 | 21.1961 |
| 350019 | 1.6938 | 0.8367 | 24.2382 | 22.1960 | 23.2018 | 23.1277 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 350027 | *** | * | 14.2262 | * | * | 14.2262 |
| 350030 | 0.9922 | 0.7868 | 19.2282 | 18.9978 | 20.2722 | 19.5036 |
| 350043 | *** | * | 20.9732 | * | * | 20.9732 |
| 350061 | 1.0429 | * | 18.6546 | 22.0515 | * | 20.3874 |
| 350063 | 0.8756 | 1.4448 | * | * | * | * |
| 350064 | 0.8724 | 1.4448 | * | * | * | * |
| 350070 | 2.0102 | 0.8367 | 24.4464 | 25.2836 | 25.2365 | 25.0036 |
| 360001 | 1.4313 | 0.9522 | 23.7750 | 23.9101 | 25.8670 | 24.5011 |
| 360002 | 1.2034 | 0.8683 | 22.6923 | 24.5789 | 24.5155 | 23.9553 |
| 360003 | 1.8529 | 0.9522 | 26.3180 | 27.5029 | 28.9672 | 27.5926 |
| 360006 | 1.9782 | 1.0076 | 25.7041 | 28.1698 | 30.1363 | 27.9988 |
| 360008 | 1.2993 | 0.8683 | 23.2545 | 24.5714 | 26.2632 | 24.7224 |
| 360009 | 1.6016 | 0.8925 | 23.2659 | 23.1012 | 25.0007 | 23.8095 |
| 360010 | 1.2404 | 0.8683 | 22.0262 | 23.1178 | 23.7825 | 23.0286 |
| 360011 | 1.3120 | 0.9891 | 22.4482 | 25.5340 | 27.6036 | 25.1498 |
| 360012 | 1.3449 | 1.0076 | 25.5913 | 27.5470 | 30.1416 | 27.9504 |
| 360013 | 1.1157 | 0.8925 | 25.1588 | 26.8129 | 27.0893 | 26.3622 |
| 360014 | 1.1261 | 0.9891 | 23.8305 | 25.3861 | 27.1017 | 25.4747 |
| 360016 | 1.4681 | 0.9522 | 24.6587 | 26.1283 | 27.8031 | 26.2104 |
| 360017 | 1.7961 | 1.0076 | 25.4969 | 27.2910 | 29.8525 | 27.5687 |
| 360019 | 1.3205 | 0.9229 | 24.1105 | 25.5926 | 26.9178 | 25.5496 |
| 360020 | 1.6193 | 0.9229 | 22.3795 | 24.4343 | 23.6400 | 23.5072 |
| 360024 | *** | * | 24.0612 | 23.5793 | * | 23.9138 |
| 360025 | 1.4649 | 0.9345 | 23.6574 | 25.5633 | 27.4533 | 25.7422 |
| 360026 | 1.3013 | 0.9185 | 22.3303 | 23.5898 | 25.5379 | 23.7870 |
| 360027 | 1.6771 | 0.9229 | 24.7093 | 25.4894 | 27.4454 | 25.8825 |
| 360029 | 1.1403 | 0.9455 | 20.8778 | 22.7785 | 24.3216 | 22.6844 |
| 360031 | *** | * | 24.4324 | * | * | 24.4324 |
| 360032 [h] | 1.1673 | 0.8925 | 22.9759 | 23.2638 | 25.0034 | 23.7556 |
| 360034 | *** | * | 25.1366 | * | * | 25.1366 |
| 360035 | 1.7578 | 1.0076 | 25.6895 | 27.5220 | 30.0172 | 27.8468 |
| 360036 | 1.2041 | 0.9229 | 25.0910 | 27.6094 | 27.8343 | 26.8887 |
| 360037 | 1.4119 | 0.9396 | 25.1615 | 24.3982 | 29.0046 | 26.0800 |
| 360038 | 1.5113 | 0.9522 | 24.8294 | 22.8009 | 25.4275 | 24.3511 |
| 360039 | 1.4784 | 0.9891 | 22.5921 | 24.0218 | 23.9783 | 23.5606 |
| 360040 | 1.1446 | 0.8683 | 22.8729 | 24.0942 | 24.8570 | 23.9448 |
| 360041 | 1.4863 | 0.9396 | 23.2625 | 24.1080 | 26.1522 | 24.5632 |
| 360044 | 1.1059 | 0.8683 | 20.4724 | 21.8411 | 21.5619 | 21.2954 |
| 360046 | 1.2098 | 0.9522 | 23.8918 | 25.0775 | 25.4673 | 24.8344 |
| 360047 | 1.0101 | * | 17.1973 | 21.7248 | * | 19.5322 |
| 360048 | 1.8470 | 0.9455 | 27.2274 | 28.8107 | 29.3415 | 28.4551 |
| 360049 | *** | * | 24.2605 | 25.8367 | 26.2222 | 25.4133 |
| 360051 | 1.6989 | 0.9185 | 25.1785 | 25.7556 | 26.8501 | 25.9475 |
| 360052 | 1.6238 | 0.9185 | 23.3285 | 24.5405 | 26.2066 | 24.7059 |
| 360054 | 1.3343 | 0.8683 | 20.3176 | 23.0376 | 22.9359 | 22.1078 |
| 360055 | 1.4216 | 0.8799 | 25.1475 | 26.3112 | 27.3941 | 26.2813 |
| 360056 | 1.6228 | 0.9522 | 23.4638 | 23.1024 | 26.5318 | 24.3288 |
| 360058 | 1.0703 | 0.8683 | 22.7943 | 23.4429 | 23.8119 | 23.3587 |
| 360059 | 1.5720 | 0.9396 | 25.5222 | 25.3516 | 29.3624 | 26.7991 |
| 360062 | 1.4853 | 1.0076 | 26.8091 | 28.6518 | 31.7422 | 29.1985 |
| 360064 | 1.6118 | 0.8799 | 22.8729 | 22.2393 | 25.2336 | 23.4358 |
| 360065 | 1.2488 | 0.9229 | 24.0868 | 26.3036 | 28.0405 | 26.2187 |
| 360066 | 1.5177 | 0.8925 | 25.2316 | 27.3362 | 27.1436 | 26.5842 |
| 360068 | 1.8819 | 0.9455 | 23.7895 | 25.8414 | 26.2065 | 25.2843 |
| 360069 | 1.2022 | * | 25.7032 | 24.2444 | * | 24.9438 |
| 360070 | 1.6528 | 0.9076 | 23.1687 | 24.8863 | 27.2389 | 25.0981 |
| 360071 [h] | 1.1233 | 0.8925 | 21.6176 | 22.0786 | 23.4619 | 22.3649 |
| 360072 | 1.4669 | 1.0076 | 23.0464 | 24.4332 | 25.9589 | 24.5327 |
| 360074 | 1.2451 | 0.9455 | 23.6172 | 24.9055 | 25.8959 | 24.8062 |
| 360075 | 1.1818 | 0.9396 | 24.7610 | 26.8453 | 26.8925 | 26.2391 |
| 360076 | 1.4645 | 0.9522 | 22.5943 | 25.9369 | 28.1013 | 25.5377 |
| 360077 | 1.5046 | 0.9396 | 24.7086 | 25.6505 | 28.4449 | 26.2934 |
| 360078 | 1.3039 | 0.9229 | 24.6821 | 26.1313 | 25.7885 | 25.5366 |
| 360079 | 1.7955 | 0.9522 | 25.8762 | 26.0935 | 27.2437 | 26.4405 |
| 360080 | 1.1205 | 0.8683 | 19.5436 | 20.8309 | 21.4526 | 20.6516 |
| 360081 | 1.3216 | 0.9455 | 25.1439 | 27.5695 | 29.8366 | 27.4067 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 360082 | 1.3698 | 0.9396 | 27.4264 | 27.1197 | 29.2561 | 27.9731 |
| 360084 | 1.5741 | 0.9076 | 25.2059 | 25.8415 | 27.3917 | 26.1468 |
| 360085 | 2.1008 | 1.0076 | 27.5792 | 29.0081 | 31.5800 | 29.4097 |
| 360086 | 1.5387 | 0.9185 | 22.3005 | 22.1859 | 25.4218 | 23.3052 |
| 360087 | 1.3796 | 0.9396 | 25.9131 | 25.4040 | 29.6579 | 27.0113 |
| 360089 | 1.0925 | 0.8683 | 21.0253 | 22.7951 | 25.3465 | 23.0373 |
| 360090 | 1.5204 | 0.9455 | 24.4291 | 26.7717 | 29.0199 | 26.7037 |
| 360091 | 1.3005 | 0.9396 | 26.0541 | 27.5067 | 25.8657 | 26.4696 |
| 360092 | 1.2158 | 1.0076 | 23.5100 | 25.6618 | 25.4954 | 24.9203 |
| 360093 | 1.0395 | * | 24.1238 | * | * | 24.1238 |
| 360094 | *** | * | 27.1864 | 26.6348 | * | 26.9890 |
| 360095 | 1.3002 | 0.9455 | 24.6984 | 26.1275 | 26.4635 | 25.8077 |
| 360096 | 1.1175 | 0.8690 | 22.2333 | 24.6317 | 25.9275 | 24.2629 |
| 360098 | 1.3877 | 0.9396 | 23.6413 | 24.8447 | 25.5973 | 24.7171 |
| 360100 | 1.2102 | 0.9076 | 19.0616 | 23.0561 | 25.4523 | 22.2034 |
| 360101 | 1.3462 | 0.9396 | 27.7584 | 26.6208 | 27.6030 | 27.3232 |
| 360106 | 1.1133 | * | 21.6450 | 24.1588 | * | 22.9406 |
| 360107 | 1.0899 | 0.9455 | 24.5365 | 25.9697 | 24.6095 | 25.0331 |
| 360109 | 1.0637 | 0.8683 | 24.3236 | 25.4184 | 26.3132 | 25.3718 |
| 360112 | 1.9254 | 0.9455 | 26.7880 | 28.6784 | 30.5715 | 28.6338 |
| 360113 | 1.2674 | 0.9522 | 23.5138 | 25.6493 | 26.6556 | 25.2192 |
| 360115 | 1.2514 | 0.9396 | 24.0232 | 24.0052 | 25.9841 | 24.7261 |
| 360116 | 1.2448 | 0.9522 | 23.4049 | 18.0655 | 25.1717 | 22.2666 |
| 360118 | 1.5377 | 0.9236 | 24.2526 | 27.7289 | 27.3884 | 26.5027 |
| 360121 | 1.2561 | 1.0502 | 25.2037 | 24.5592 | 27.4442 | 25.7321 |
| 360123 | 1.4586 | 0.9396 | 24.1761 | 22.6523 | 27.1920 | 24.5927 |
| 360125 | 1.2270 | 0.8683 | 22.6871 | 22.1096 | 24.1388 | 22.9762 |
| 360128 | 0.9990 | * | 18.5954 | 21.0066 | * | 19.7451 |
| 360129 | 0.8857 | * | 19.5336 | * | * | 19.5336 |
| 360130 | 1.4118 | 0.9396 | 21.7015 | 22.9762 | 25.6570 | 23.6771 |
| 360131 | 1.2592 | 0.9076 | 23.1730 | 24.0495 | 25.3719 | 24.2272 |
| 360132 | 1.2994 | 0.9522 | 25.7991 | 25.9453 | 27.7724 | 26.5108 |
| 360133 | 1.6008 | 0.9185 | 23.9457 | 24.6208 | 29.8684 | 26.1195 |
| 360134 | 1.7560 | 0.9522 | 25.3013 | 29.2975 | 27.7339 | 27.4399 |
| 360137 | 1.6603 | 0.9396 | 25.7647 | 26.9522 | 26.1250 | 26.2803 |
| 360141 | 1.5889 | 0.8799 | 31.0127 | 27.7085 | 29.7937 | 29.5044 |
| 360142 | 1.0137 | * | 21.2084 | 22.1610 | * | 21.6897 |
| 360143 | 1.3747 | 0.9396 | 23.8938 | 24.6306 | 28.3057 | 25.6818 |
| 360144 | 1.3023 | 0.9396 | 26.7160 | 25.7079 | 28.2473 | 26.9251 |
| 360145 | 1.7496 | 0.9396 | 23.4743 | 25.8268 | 27.1908 | 25.4981 |
| 360147 | 1.3943 | 0.8683 | 22.7172 | 24.1953 | 25.5854 | 24.2037 |
| 360148 | 1.0666 | 0.8683 | 24.4873 | 26.1946 | 26.0837 | 25.6280 |
| 360150 | 1.2350 | 0.9229 | 25.8703 | 24.7667 | 25.1217 | 25.2499 |
| 360151 | 1.6376 | 0.9076 | 22.2179 | 24.8629 | 25.3780 | 24.1185 |
| 360152 | 1.5882 | 1.0076 | 24.9894 | 27.9147 | 29.9425 | 27.4346 |
| 360153 | 1.0101 | 0.8683 | 19.0844 | 19.0226 | 19.8499 | 19.3351 |
| 360154 | *** | * | 17.1274 | * | * | 17.1274 |
| 360155 | 1.4975 | 0.9396 | 23.9466 | 25.3909 | 26.9127 | 25.4352 |
| 360156 | 1.1803 | 0.8896 | 22.6709 | 24.0510 | 24.3281 | 23.6924 |
| 360159 | 1.2244 | 0.9891 | 25.7108 | 33.1613 | 29.1529 | 29.1603 |
| 360161 | 1.3494 | 0.8799 | 22.6005 | 24.3792 | 25.4433 | 24.1298 |
| 360163 | 1.8900 | 0.9522 | 25.7966 | 26.9728 | 28.9742 | 27.2351 |
| 360170 | 1.2797 | 1.0076 | 22.9359 | 24.3620 | 28.5474 | 25.5871 |
| 360172 | 1.4075 | 0.9396 | 23.4727 | 26.3501 | 27.5669 | 25.7998 |
| 360174 | 1.2887 | 0.9185 | 22.8167 | 24.9990 | 26.8586 | 24.9193 |
| 360175 | 1.2821 | 0.9891 | 24.6152 | 26.5949 | 28.1531 | 26.5193 |
| 360177 | 1.1840 | * | 23.4256 | 24.4712 | * | 23.9572 |
| 360179 | 1.5975 | 0.9522 | 25.9429 | 28.8645 | 30.0311 | 28.3424 |
| 360180 | 2.2426 | 0.9396 | 26.8720 | 26.1514 | 29.6633 | 27.5621 |
| 360185 | 1.2212 | 0.8690 | 21.8641 | 23.7173 | 25.6800 | 23.7718 |
| 360187 | 1.5971 | 0.9185 | 23.8362 | 24.8173 | 24.9353 | 24.5560 |
| 360189 | 1.1149 | 1.0076 | 24.2512 | 24.2136 | 26.3756 | 24.9449 |
| 360192 | 1.3004 | 0.9396 | 26.2976 | 26.7577 | 26.4616 | 26.5055 |
| 360194 | 1.4943 | * | 22.3297 | * | * | 22.3297 |
| 360195 | 1.1153 | 0.9396 | 25.8043 | 26.1280 | 25.0922 | 25.6560 |
| 360197 | 1.1452 | 0.9891 | 24.7539 | 27.0896 | 28.7580 | 26.9161 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 360203 | 1.1895 | 0.8683 | 21.5564 | 22.1414 | 24.4433 | 22.7702 |
| 360210 | 1.1790 | 1.0076 | 26.5665 | 27.8415 | 28.2975 | 27.5983 |
| 360211 | 1.5510 | 0.8683 | 23.0884 | 22.5449 | 25.7053 | 23.7085 |
| 360212 | 1.3353 | 0.9396 | 24.5310 | 25.2756 | 25.6080 | 25.1512 |
| 360218 | 1.1597 | 1.0076 | 24.4720 | 27.4288 | 29.8662 | 27.3259 |
| 360230 | 1.5314 | 0.9396 | 26.6444 | 27.0223 | 28.8018 | 27.5510 |
| 360234 | 1.3695 | 0.9522 | 23.3325 | 24.3625 | 25.9360 | 24.4659 |
| 360236 | 1.2018 | 0.9522 | 21.3795 | 35.8144 | 25.6728 | 25.5006 |
| 360239 | 1.3109 | 0.9185 | 24.4398 | 25.2474 | 27.2939 | 25.7721 |
| 360241 | *** | * | 24.8089 | 24.7001 | 23.0662 | 24.0127 |
| 360245 | 0.5403 | 0.9229 | 18.7966 | 19.1885 | 20.6504 | 19.5796 |
| 360247 | 0.3826 | 1.0076 | 25.1083 | 19.8892 | 19.3678 | 21.2374 |
| 360253 | 2.3749 | 0.9522 | 28.2555 | 30.4276 | 33.2371 | 30.6962 |
| 360257 | *** | * | 17.9652 | * | * | 17.9652 |
| 360258 | 1.4162 | 1.0076 | * | * | * | * |
| 360259 | 1.2033 | 0.9455 | * | 25.1338 | 25.9878 | 25.5797 |
| 360260 | *** | * | * | 27.3903 | * | 27.3903 |
| 360261 | 1.7902 | 0.8828 | * | 22.5431 | 22.3614 | 22.4466 |
| 360262 | 1.3153 | 0.9455 | * | 27.1680 | 28.6995 | 27.9424 |
| 360263 | 1.7093 | 0.8925 | * | 20.8884 | 25.1652 | 23.0327 |
| 360264 | *** | * | * | * | 36.0754 | 36.0754 |
| 360265 | *** | * | * | * | 36.6265 | 36.6265 |
| 360266 | 2.0044 | 1.0076 | * | * | * | * |
| 360268 | 2.3691 | 0.9185 | * | * | * | * |
| 360269 | 1.8584 | 0.9522 | * | * | * | * |
| 360270 | 1.0566 | 0.8803 | * | * | * | * |
| 360271 | 1.6999 | 0.9522 | * | * | * | * |
| 360272 | 1.4382 | 0.9522 | * | * | * | * |
| 370001 | 1.7856 | 0.8310 | 26.2391 | 27.7245 | 26.0194 | 26.6463 |
| 370002 | 1.1720 | 0.7847 | 19.7718 | 20.1479 | 22.0475 | 20.6857 |
| 370004 | 1.0851 | 0.8626 | 24.7694 | 25.3919 | 26.7434 | 25.6070 |
| 370006 | 1.2837 | 0.8018 | 16.9469 | 20.1063 | 22.4802 | 19.9164 |
| 370007 | 1.0590 | 0.7847 | 17.2084 | 17.6547 | 19.4036 | 18.0946 |
| 370008 | 1.4120 | 0.8807 | 22.7419 | 24.2978 | 25.3352 | 24.2070 |
| 370011 | 1.0010 | 0.8807 | 19.2266 | 19.7821 | 21.9649 | 20.2233 |
| 370013 | 1.5031 | 0.8807 | 22.6451 | 24.9295 | 26.5364 | 24.6901 |
| 370014 | 1.0122 | 0.8678 | 24.8138 | 25.3576 | 25.9393 | 25.3810 |
| 370015 | 0.9430 | 0.8310 | 21.1833 | 23.6693 | 24.7547 | 23.2012 |
| 370016 [h] | 1.5301 | 0.8807 | 24.2737 | 25.4062 | 26.7938 | 25.5406 |
| 370018 | 1.4510 | 0.8310 | 23.4286 | 23.5336 | 25.3574 | 24.1040 |
| 370019 | 1.2292 | 0.7847 | 19.6761 | 21.4474 | 22.0221 | 21.0496 |
| 370020 | 1.3377 | 0.7847 | 17.4835 | 18.5046 | 20.8723 | 18.9827 |
| 370022 | 1.2439 | 0.8485 | 18.4217 | 19.6495 | 24.6099 | 20.7872 |
| 370023 | 1.2657 | 0.7931 | 20.6002 | 21.5762 | 23.5170 | 21.9281 |
| 370025 | 1.2626 | 0.8310 | 22.0287 | 23.5659 | 23.9873 | 23.2001 |
| 370026 [h] | 1.5154 | 0.8807 | 22.5734 | 23.0848 | 25.8428 | 23.8245 |
| 370028 | 1.8260 | 0.8807 | 24.8661 | 26.6153 | 27.8621 | 26.4558 |
| 370029 | 1.0699 | 0.7847 | 22.1163 | 23.9956 | 26.8508 | 24.3082 |
| 370030 | 1.0256 | 0.7847 | 20.3315 | 23.3037 | 24.1484 | 22.6192 |
| 370032 | 1.4447 | 0.8807 | 21.6029 | 23.4843 | 24.8626 | 23.3438 |
| 370034 | 1.2229 | 0.7847 | 17.6247 | 18.2341 | 19.5099 | 18.4644 |
| 370036 | 1.0488 | 0.7847 | 16.9222 | 17.7576 | 19.2319 | 17.9906 |
| 370037 | 1.6556 | 0.8807 | 23.1256 | 23.9685 | 24.9553 | 24.0690 |
| 370039 | 1.1275 | 0.8310 | 21.0793 | 21.8220 | 23.0254 | 21.9825 |
| 370040 | 1.0001 | 0.7850 | 21.1061 | 22.4048 | 22.8356 | 22.0894 |
| 370041 | 0.8646 | 0.8310 | 22.0082 | 22.3496 | 22.6730 | 22.3396 |
| 370042 | 0.8617 | * | 15.3613 | * | * | 15.3613 |
| 370043 | *** | * | 21.5588 | * | * | 21.5588 |
| 370045 | *** | * | 14.6370 | * | * | 14.6370 |
| 370047 | 1.4124 | 0.8526 | 19.7112 | 20.4657 | 24.1991 | 21.5082 |
| 370048 | 1.1157 | 0.7847 | 17.7273 | 19.2464 | 21.4542 | 19.4534 |
| 370049 | 1.3211 | 0.8807 | 21.6878 | 23.2171 | 23.8844 | 22.9341 |
| 370051 | 1.0780 | 0.7847 | 14.6254 | 17.2618 | 19.8329 | 17.1502 |
| 370054 | 1.2316 | 0.7847 | 21.5521 | 21.5043 | 22.4652 | 21.8463 |
| 370056 | 1.8033 | 0.8485 | 21.7647 | 22.0312 | 24.3986 | 22.7612 |
| 370057 | 0.9659 | 0.8310 | 18.0426 | 19.7284 | 19.8683 | 19.2303 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 370060 | 0.9262 | 0.8310 | 23.8007 | 18.7592 | 19.9026 | 20.7237 |
| 370064 | 0.9613 | * | 14.1879 | 14.2053 | * | 14.1969 |
| 370065 | 1.0205 | 0.7968 | 20.6537 | 20.0226 | 21.2343 | 20.6475 |
| 370072 | 0.7998 | 0.7847 | 14.6387 | 9.9616 | 11.7942 | 11.6722 |
| 370076 | *** | * | 21.5461 | * | * | 21.5461 |
| 370078 | 1.5606 | 0.8310 | 23.9507 | 25.4068 | 27.8611 | 25.7573 |
| 370080 | 0.8753 | 0.7847 | 17.4857 | 18.0665 | 19.9596 | 18.3808 |
| 370083 | 0.9415 | 0.7847 | 15.3447 | 16.8836 | 19.2568 | 17.0089 |
| 370084 | 0.9732 | 0.7847 | 17.2735 | 16.6514 | 19.6229 | 17.8487 |
| 370089 | 1.1374 | 0.7847 | 19.9021 | 20.4699 | 20.6153 | 20.3285 |
| 370091 | 1.5508 | 0.8310 | 22.9893 | 23.3357 | 24.1438 | 23.4902 |
| 370093 | 1.5068 | 0.8807 | 25.7296 | 26.9774 | 26.0459 | 26.2286 |
| 370094 | 1.3799 | 0.8807 | 22.0591 | 23.1191 | 24.5555 | 23.2775 |
| 370095 | 0.9969 | * | 16.5310 | * | * | 16.5310 |
| 370097 | 1.2874 | 0.8485 | 21.7150 | 22.3267 | 26.3168 | 23.5755 |
| 370099 | 1.0484 | 0.8310 | 20.5217 | 20.5075 | 24.9971 | 21.8558 |
| 370100 | 0.9832 | 0.7847 | 14.1883 | 14.7712 | 17.9731 | 15.6922 |
| 370103 | 0.9692 | 0.8225 | 16.1408 | 17.8018 | 18.8933 | 17.7409 |
| 370105 | 1.8523 | 0.8807 | 22.1584 | 23.8978 | 26.7974 | 24.4407 |
| 370106 | 1.3427 | 0.8807 | 24.2393 | 26.5867 | 27.8979 | 26.3354 |
| 370112 | 0.9369 | 0.7850 | 15.4941 | 15.4471 | 16.0592 | 15.6799 |
| 370113 | 1.1590 | 0.8816 | 23.3011 | 25.3565 | 26.9720 | 25.1507 |
| 370114 | 1.5610 | 0.8310 | 21.0603 | 21.7880 | 23.0006 | 21.9699 |
| 370123 | *** | * | 22.8174 | 25.4733 | * | 24.1041 |
| 370125 | 0.8736 | * | 17.2013 | 17.1361 | * | 17.1678 |
| 370138 | 1.0853 | 0.7847 | 19.8308 | 18.3113 | 20.2527 | 19.4299 |
| 370139 | 0.9541 | 0.7847 | 17.8900 | 18.5225 | 19.4287 | 18.6030 |
| 370148 | 1.5521 | 0.8807 | 24.6194 | 25.2348 | 27.0905 | 25.6859 |
| 370149 [h] | 1.2217 | 0.9163 | 21.0608 | 22.3537 | 23.3493 | 22.3941 |
| 370153 | 1.0646 | 0.7847 | 18.5417 | 19.8349 | 23.2779 | 20.6226 |
| 370156 | 0.9826 | 0.7847 | 16.6572 | 19.4743 | 25.2562 | 20.2987 |
| 370158 | 1.0099 | 0.8807 | 17.3161 | 18.5578 | 20.7641 | 18.8928 |
| 370166 | 0.9239 | 0.8310 | 21.9070 | 23.1681 | 25.1107 | 23.3387 |
| 370169 | 0.9628 | 0.7847 | 15.7686 | 15.8002 | 16.8253 | 16.1118 |
| 370170 | 0.9169 | 1.4448 | * | * | * | * |
| 370171 | 0.8726 | 1.4448 | * | * | * | * |
| 370172 | 0.8913 | 1.4448 | * | * | * | * |
| 370173 | 0.8768 | 1.4448 | * | * | * | * |
| 370174 | 0.8535 | 1.4448 | * | * | * | * |
| 370176 | 1.1613 | 0.8310 | 23.0324 | 25.0509 | 24.7655 | 24.2947 |
| 370177 | 0.9558 | * | 15.6723 | 14.7193 | * | 15.1880 |
| 370178 | 0.8981 | 0.7847 | 14.9767 | 14.6070 | 16.0179 | 15.2024 |
| 370179 | 0.8657 | * | 22.8322 | 23.5794 | * | 23.1700 |
| 370180 | 1.1253 | 1.4448 | * | * | * | * |
| 370183 | 0.9418 | 0.8310 | 20.5025 | 21.8147 | 24.7103 | 22.3478 |
| 370190 | 1.3464 | 0.8310 | 24.9455 | 33.1137 | 29.1568 | 29.1592 |
| 370192 | 1.9078 | 0.8807 | 26.1338 | 31.4930 | 27.6367 | 28.3465 |
| 370196 | 0.7963 | 0.8807 | 29.4383 | 22.6824 | 22.3498 | 24.9573 |
| 370199 | 0.8458 | 0.8807 | 23.7340 | 26.0451 | 23.3988 | 24.3753 |
| 370200 | 1.1956 | 0.7847 | 18.1008 | 17.6317 | 20.5175 | 18.7812 |
| 370201 | 1.5268 | 0.8807 | 23.1240 | 23.3550 | 23.8090 | 23.4164 |
| 370202 | 1.5545 | 0.8310 | 24.4920 | 25.1181 | 26.1132 | 25.2844 |
| 370203 | 1.8944 | 0.8807 | 21.2426 | 23.5190 | 22.8869 | 22.6047 |
| 370206 | 1.6047 | 0.8807 | 27.4495 | 26.0912 | 26.0353 | 26.4254 |
| 370209 | *** | * | 32.8278 | * | * | 32.8278 |
| 370210 | 2.0667 | 0.8310 | 20.0360 | 21.2682 | 23.3786 | 21.6821 |
| 370211 | 1.0007 | 0.8807 | * | 26.5344 | 27.8737 | 27.2393 |
| 370212 | 1.5926 | 0.8807 | * | 21.0758 | 19.1720 | 20.0446 |
| 370213 | *** | * | * | 29.3777 | * | 29.3777 |
| 370214 | 1.0294 | 0.7847 | * | * | 20.6217 | 20.6217 |
| 370215 | 2.4584 | 0.8807 | * | 32.3589 | 31.5652 | 31.9072 |
| 370216 | 1.9373 | 0.8310 | * | * | 27.2428 | 27.2428 |
| 370217 | *** | * | * | * | 26.8676 | 26.8676 |
| 370218 | 2.5607 | 0.8310 | * | * | * | * |
| 370219 | 1.9048 | 0.8203 | * | * | * | * |
| 370220 | 1.8802 | 0.8807 | * | * | * | * |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 370222 | 1.5519 | 0.8807 | * | * | * | * |
| 370223 | 0.8553 | 0.8807 | * | * | * | * |
| 380001 | 1.3131 | 1.1210 | 27.8554 | 30.0103 | 29.5842 | 29.1874 |
| 380002 | 1.2508 | 1.0109 | 26.3348 | 27.1861 | 30.3385 | 27.9959 |
| 380004 | 1.7111 | 1.1210 | 28.2466 | 30.5172 | 32.6901 | 30.5227 |
| 380005 | 1.3310 | 1.0756 | 28.0682 | 30.2211 | 30.9087 | 29.8079 |
| 380006 | *** | * | 26.0475 | * | * | 26.0475 |
| 380007 | 1.9213 | 1.1210 | 31.5207 | 33.9969 | 33.9601 | 33.1659 |
| 380008 | 1.2499 | * | 25.4494 | 25.8356 | * | 25.6457 |
| 380009 | 1.9924 | 1.1210 | 30.4198 | 31.7042 | 32.4016 | 31.5282 |
| 380010 | *** | * | 27.5291 | 30.2957 | 34.4208 | 30.5511 |
| 380014 | 1.9310 | 1.1334 | 27.7255 | 29.9648 | 33.6078 | 30.4640 |
| 380017 | 1.8509 | 1.1210 | 31.7440 | 32.2447 | 34.2605 | 32.7205 |
| 380018 | 1.9440 | 1.0756 | 27.8952 | 28.0701 | 30.9923 | 29.0266 |
| 380020 | 1.3712 | 1.0966 | 25.8320 | 28.3563 | 29.6053 | 27.9511 |
| 380021 | 1.4866 | 1.1210 | 29.3001 | 29.3295 | 29.2164 | 29.2804 |
| 380022 | 1.2560 | 1.0956 | 27.8683 | 29.2642 | 30.1742 | 29.1417 |
| 380023 | 1.2145 | * | 23.7073 | 26.5439 | * | 25.1052 |
| 380025 | 1.3229 | 1.1210 | 30.2628 | 33.2105 | 35.5085 | 33.0344 |
| 380026 | 1.1249 | * | 26.5217 | * | * | 26.5217 |
| 380027 | 1.2759 | 1.0546 | 23.8758 | 25.5161 | 26.4982 | 25.3546 |
| 380029 | 1.2926 | 1.0358 | 26.2070 | 26.9966 | 28.7994 | 27.4405 |
| 380033 | 1.7307 | 1.0966 | 29.7995 | 30.8767 | 33.4828 | 31.4177 |
| 380035 | *** | * | 26.4784 | * | * | 26.4784 |
| 380037 | 1.3314 | 1.1210 | 27.1884 | 30.5818 | 32.4033 | 30.1315 |
| 380038 | 1.3183 | 1.1210 | 30.5903 | 34.2303 | 34.5971 | 33.1176 |
| 380039 | *** | * | 30.1544 | 32.3959 | 38.0988 | 33.2914 |
| 380040 | 1.2545 | 0.9979 | 28.4373 | 32.0103 | 31.2286 | 30.6913 |
| 380047 | 1.7726 | 1.0483 | 27.8385 | 29.8627 | 31.0584 | 29.6496 |
| 380050 | 1.4271 | 1.0404 | 24.2416 | 25.6190 | 27.1814 | 25.7264 |
| 380051 | 1.5524 | 1.0358 | 28.1305 | 29.7219 | 30.8891 | 29.6284 |
| 380052 | 1.2991 | 0.9979 | 22.6799 | 24.9476 | 25.6085 | 24.4057 |
| 380056 | 1.0278 | 1.0358 | 25.0068 | 25.1475 | 27.7253 | 26.1471 |
| 380060 | 1.4037 | 1.1210 | 30.2507 | 30.7041 | 32.0101 | 31.0140 |
| 380061 | 1.6423 | 1.1210 | 29.5145 | 29.8217 | 32.3699 | 30.6164 |
| 380066 | *** | * | 27.5412 | 0.0000 | 0.0000 | 27.5412 |
| 380071 | 1.3325 | 1.1210 | 29.5740 | 30.2304 | 31.7761 | 30.5464 |
| 380072 | *** | * | 22.5275 | * | * | 22.5275 |
| 380075 | 1.3158 | 1.0756 | 27.4795 | 29.0368 | 33.8962 | 30.0594 |
| 380081 | 1.1837 | 0.9979 | 21.0708 | 21.8850 | 26.8150 | 23.3016 |
| 380082 | 1.2099 | 1.1210 | 30.2721 | 32.3002 | 35.6709 | 32.8206 |
| 380089 | 1.3612 | 1.1210 | 30.8396 | 33.4214 | 34.6015 | 32.9212 |
| 380090 | 1.2590 | 1.0880 | 33.6822 | 34.4536 | 33.0990 | 33.7224 |
| 380091 | 1.3914 | 1.1210 | 35.7002 | 33.8950 | 39.9703 | 36.5066 |
| 380100 | 1.7000 | 1.1210 | * | * | * | * |
| 390001 | 1.6514 | 0.9146 | 22.4407 | 22.5309 | 23.6075 | 22.8571 |
| 390002 | 1.2598 | 0.8568 | 23.0113 | 22.4388 | 24.7867 | 23.4162 |
| 390003 [h] | 1.1444 | 0.9146 | 21.3182 | 21.6478 | 23.3672 | 22.0945 |
| 390004 | 1.6363 | 0.9373 | 23.4063 | 24.3249 | 24.4068 | 24.0843 |
| 390005 | 0.9813 | * | 19.0318 | * | * | 19.0318 |
| 390006 | 1.8675 | 0.9230 | 23.3960 | 25.1216 | 26.8581 | 25.1560 |
| 390008 [h] | 1.1478 | 0.8568 | 21.0021 | 22.2680 | 22.8041 | 22.0150 |
| 390009 | 1.7189 | 0.8832 | 24.2789 | 25.5482 | 26.7462 | 25.5422 |
| 390010 | 1.1867 | 0.8568 | 21.6273 | 23.5390 | 24.5785 | 23.2050 |
| 390011 | 1.2870 | 0.8574 | 19.8602 | 21.9279 | 21.4856 | 21.0733 |
| 390012 | 1.2963 | 1.0996 | * | 28.5076 | 30.7542 | 29.6464 |
| 390013 | 1.2228 | 0.9230 | 23.3180 | 24.0044 | 25.0037 | 24.1006 |
| 390016 [h] | 1.2680 | 0.8568 | 19.9899 | 21.9549 | 23.2095 | 21.8911 |
| 390017 | *** | * | 20.6575 | * | * | 20.6575 |
| 390019 | 1.1313 | 1.0093 | 21.5137 | 23.4636 | 24.0538 | 23.0231 |
| 390022 | *** | * | 31.0971 | 29.0710 | 30.3565 | 30.1071 |
| 390023 | 1.2139 | 1.0996 | 27.1600 | 31.7149 | 35.4452 | 31.5986 |
| 390024 | 0.9584 | 1.0996 | 37.4330 | 35.3959 | 33.5187 | 35.1382 |
| 390025 | 0.5457 | 1.0996 | 15.0282 | 17.2977 | 19.1362 | 17.1922 |
| 390026 | 1.2106 | 1.0996 | 27.0802 | 29.5157 | 31.8512 | 29.5257 |
| 390027 | 1.5980 | 1.0996 | 28.9159 | 35.8381 | 35.5692 | 33.4427 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 390028 | 1.5659 | 0.8568 | 23.6616 | 25.7246 | 27.1869 | 25.5621 |
| 390029 | *** | * | 24.4276 | * | * | 24.4276 |
| 390030 | 1.1880 | 0.9990 | 20.9859 | 22.1581 | 23.6063 | 22.2727 |
| 390031 | 1.2230 | 0.9709 | 21.2949 | 22.6828 | 26.2654 | 23.3797 |
| 390032 | 1.1791 | 0.8568 | 20.9971 | 22.7205 | 23.9466 | 22.4981 |
| 390035 | 1.2536 | 1.0996 | 24.7281 | 26.2647 | 28.4564 | 26.5553 |
| 390036 | 1.4605 | 0.8568 | 23.3858 | 24.6032 | 21.6358 | 23.1430 |
| 390037 | 1.3063 | 0.8568 | 22.9008 | 24.7820 | 25.4290 | 24.3814 |
| 390039 [h] | 1.1673 | 0.8562 | 17.8461 | 20.3787 | 22.0208 | 20.0837 |
| 390040 | *** | * | 23.1807 | * | * | 23.1807 |
| 390041 | 1.3026 | 0.8568 | 20.6789 | 21.5925 | 22.9814 | 21.7259 |
| 390042 | 1.3732 | 0.8568 | 23.9632 | 25.6328 | 28.3633 | 25.9519 |
| 390043 | 1.2085 | 0.8301 | 20.9835 | 22.2549 | 23.2378 | 22.1552 |
| 390044 | 1.6424 | 1.1402 | 24.2586 | 27.1505 | 28.7758 | 26.7755 |
| 390045 | 1.6253 | 0.9146 | 22.2582 | 23.0712 | 23.9343 | 23.1005 |
| 390046 | 1.6104 | 0.9942 | 25.0825 | 27.2630 | 29.6574 | 27.3407 |
| 390048 | 1.0981 | 0.9230 | 23.6622 | 24.9759 | 28.5342 | 25.7873 |
| 390049 | 1.6196 | 1.0093 | 25.4056 | 27.1366 | 29.6121 | 27.4651 |
| 390050 | 1.9598 | 0.8568 | 24.5424 | 26.6931 | 27.2599 | 26.2032 |
| 390052 | 1.1503 | 0.8538 | 21.6736 | 23.3474 | 24.9510 | 23.3355 |
| 390054 | 1.2008 | 0.9122 | 21.4983 | 22.8087 | 24.4435 | 22.8828 |
| 390055 | *** | * | 25.5675 | 25.6945 | * | 25.6356 |
| 390056 | 1.0694 | 0.8343 | * | 19.5537 | 23.5077 | 21.4287 |
| 390057 | 1.3094 | 1.0996 | 25.1901 | 27.9583 | 29.7982 | 27.7076 |
| 390058 | 1.3009 | 0.9373 | 25.3415 | 27.4799 | 26.9546 | 26.5454 |
| 390061 | 1.4860 | 0.9942 | 25.5012 | 28.4538 | 29.1318 | 27.7364 |
| 390062 | 1.1311 | 0.8538 | 19.0692 | 21.4052 | 21.2999 | 20.6090 |
| 390063 | 1.7734 | 0.8832 | 23.5469 | 24.7614 | 26.4998 | 24.9716 |
| 390065 | 1.3019 | 1.0877 | 23.4021 | 25.2188 | 27.6249 | 25.3944 |
| 390066 | 1.2709 | 0.9230 | 23.0891 | 24.2087 | 25.9645 | 24.4260 |
| 390067 | 1.8116 | 0.9373 | 25.4576 | 26.3287 | 29.7234 | 27.1055 |
| 390068 | 1.3221 | 0.9942 | 25.9890 | 25.8291 | 26.7358 | 26.1508 |
| 390070 | 1.4249 | 1.0996 | 26.9235 | 30.9499 | 33.3185 | 30.4414 |
| 390071 | 0.9933 | 0.8301 | 20.9443 | 21.8366 | 24.6462 | 22.3632 |
| 390072 [h] | 1.0701 | 0.9146 | 22.0155 | 24.9388 | 25.3029 | 24.0409 |
| 390073 | 1.6585 | 0.8538 | 24.8013 | 26.3698 | 25.7822 | 25.6598 |
| 390074 | 1.1084 | 0.8568 | 21.0941 | 22.8545 | 23.6500 | 22.5335 |
| 390075 | *** | * | 22.6530 | 24.6359 | * | 23.6261 |
| 390076 | 1.3800 | 1.0996 | 18.1276 | 27.9004 | 31.8500 | 25.1107 |
| 390079 | 1.8567 | 0.8626 | 21.4323 | 23.3053 | 22.5607 | 22.4073 |
| 390080 | 1.2647 | 1.0996 | 25.0921 | 27.2616 | 28.7063 | 27.0772 |
| 390081 | 1.2205 | 1.0996 | 28.7974 | 30.3840 | 31.7569 | 30.3320 |
| 390084 | 1.1731 | 0.8301 | 20.7799 | 19.8605 | 23.2040 | 21.2837 |
| 390086 | 1.7053 | 0.8301 | 20.7383 | 22.5317 | 23.5141 | 22.3011 |
| 390090 | 1.8289 | 0.8568 | 20.7474 | 25.2014 | 27.3528 | 24.5150 |
| 390091 | 1.1414 | 0.8690 | 20.8243 | 21.5586 | 21.7010 | 21.3565 |
| 390093 | 1.2228 | 0.8568 | 21.0427 | 21.4401 | 22.6082 | 21.7116 |
| 390095 | 1.1803 | 0.9146 | 21.0754 | 23.6240 | 22.6150 | 22.4065 |
| 390096 | 1.5753 | 1.1402 | 24.4145 | 27.0763 | 28.8258 | 26.8207 |
| 390097 | 1.2493 | 1.0996 | 25.3012 | 25.6660 | 26.1741 | 25.7340 |
| 390100 | 1.7303 | 0.9942 | 26.7267 | 27.7208 | 30.0132 | 28.2584 |
| 390101 | 1.2660 | 0.9594 | 20.1694 | 21.9418 | 23.1497 | 21.7910 |
| 390102 | 1.4093 | 0.8568 | 21.6629 | 24.8898 | 24.8369 | 23.9041 |
| 390103 | 0.9506 | 0.8568 | 18.6703 | 20.6775 | 20.5741 | 19.9403 |
| 390104 | 1.0772 | 0.8301 | 19.1803 | 19.6428 | 19.2326 | 19.3550 |
| 390107 | 1.3819 | 0.8568 | 23.1023 | 24.1386 | 24.1159 | 23.8095 |
| 390108 | 1.2420 | 1.0996 | 24.7486 | 27.2661 | 27.8171 | 26.6431 |
| 390109 | 1.0688 | * | 18.7558 | 19.9156 | * | 19.3329 |
| 390110 | 1.6349 | 0.8574 | 23.3355 | 23.9808 | 27.7311 | 24.9613 |
| 390111 | 2.0459 | 1.0996 | 30.6809 | 32.6510 | 34.2990 | 32.5907 |
| 390112 [h] | 1.1810 | 0.8562 | 16.6113 | 19.2126 | 20.2380 | 18.6545 |
| 390113 | 1.3154 | 0.8683 | 21.7729 | 22.2591 | 23.3686 | 22.4695 |
| 390114 | 1.3696 | 0.8568 | 22.6630 | 24.0473 | 26.9620 | 24.5683 |
| 390115 | 1.4578 | 1.0996 | 26.4751 | 27.7333 | 29.6905 | 27.9694 |
| 390116 | 1.2573 | 1.0996 | 28.5563 | 30.2722 | 32.2513 | 30.4523 |
| 390117 | 1.1753 | 0.8301 | 20.0040 | 20.3946 | 20.7821 | 20.3998 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 390118 | 1.1700 | 0.8301 | 19.3332 | 21.5001 | 20.5614 | 20.4503 |
| 390119 | 1.2881 | 0.9146 | 21.2761 | 22.2746 | 23.0928 | 22.2283 |
| 390121 | 1.7661 | 0.8538 | 22.0556 | 23.1408 | 25.4826 | 23.5154 |
| 390122 | 1.1378 | 0.8301 | 21.6981 | 22.5785 | 23.1866 | 22.4820 |
| 390123 | 1.1771 | 1.0996 | 25.2209 | 28.6269 | 32.4528 | 28.6980 |
| 390125 | 1.2603 | 0.8301 | 19.4406 | 20.9456 | 22.4033 | 20.9590 |
| 390127 | 1.2749 | 1.0996 | 28.9238 | 30.9374 | 31.9091 | 30.6692 |
| 390128 | 1.1989 | 0.8568 | 21.8837 | 23.1539 | 24.1628 | 23.0796 |
| 390130 | 1.2044 | 0.8574 | 21.0694 | 24.0685 | 23.0592 | 22.7098 |
| 390131 | 1.3499 | 0.8568 | 21.2164 | 22.6306 | 23.0577 | 22.2901 |
| 390132 | 1.4503 | 1.0996 | 26.8153 | 27.7250 | 29.6396 | 28.0803 |
| 390133 | 1.6789 | 1.0996 | 26.1458 | 28.7162 | 31.1083 | 28.7826 |
| 390135 | *** | * | * | 24.4738 | * | 24.4738 |
| 390136 | *** | * | 24.8042 | 22.1415 | 23.9813 | 23.6793 |
| 390137 | 1.4767 | 0.9146 | 21.8830 | 23.4877 | 24.2878 | 23.1901 |
| 390138 | 1.2286 | 1.0877 | 22.7210 | 24.2769 | 25.3410 | 24.1291 |
| 390139 | 1.3171 | 1.0996 | 28.2089 | 30.4246 | 34.1447 | 31.0113 |
| 390142 | 1.4273 | 1.0996 | 32.0827 | 32.5786 | 33.8224 | 32.8481 |
| 390145 | 1.4854 | 0.8568 | 22.4255 | 23.8041 | 24.6672 | 23.6300 |
| 390146 | 1.2767 | 0.8354 | 22.3260 | 25.2460 | 22.6752 | 23.4609 |
| 390147 | 1.3011 | 0.8568 | 23.6380 | 25.0971 | 26.8522 | 25.1920 |
| 390150 | 1.1527 | 0.8507 | 24.5256 | 24.1855 | 22.8228 | 23.8612 |
| 390151 | 1.3287 | 1.0848 | 25.1422 | 27.1539 | 29.9254 | 27.4676 |
| 390152 | *** | * | 11.7774 | * | * | 11.7774 |
| 390153 | 1.4257 | 1.0996 | 27.5167 | 30.0586 | 32.8234 | 30.3430 |
| 390154 | 1.2191 | 0.8301 | 20.4408 | 20.6982 | 22.8391 | 21.3189 |
| 390156 | 1.3459 | 1.0996 | 27.8096 | 31.2571 | 32.2688 | 30.3975 |
| 390157 | 1.3410 | 0.8568 | 22.0222 | 22.7493 | 21.5923 | 22.1203 |
| 390160 | 1.1880 | 0.8568 | 19.5942 | 21.4877 | 24.0208 | 21.6980 |
| 390162 | 1.4387 | 1.0293 | * | 30.0900 | 35.5057 | 32.6431 |
| 390163 | 1.2404 | 0.8568 | 19.8863 | 22.1741 | 23.2055 | 21.7093 |
| 390164 | 2.0999 | 0.8568 | 25.1277 | 26.4971 | 26.3087 | 26.0432 |
| 390166 | 1.1384 | 0.8568 | 20.9510 | 24.9810 | 20.9272 | 22.2911 |
| 390168 | 1.4551 | 0.8568 | 21.9344 | 24.5820 | 26.1365 | 24.3203 |
| 390169 | 1.4489 | 0.9146 | 24.1682 | 27.2242 | 26.5514 | 25.9577 |
| 390173 | 1.1364 | 0.8301 | 21.6562 | 22.8220 | 23.9927 | 22.8516 |
| 390174 | 1.6437 | 1.0996 | 30.3725 | 32.6265 | 34.2069 | 32.4138 |
| 390176 | 1.1086 | 0.8568 | 17.1387 | * | 23.9779 | 19.4547 |
| 390178 | 1.3298 | 0.8799 | 19.2731 | 20.7270 | 22.6006 | 20.8547 |
| 390179 | 1.4568 | 1.0996 | 24.8350 | 27.2222 | 28.0688 | 26.7379 |
| 390180 | 1.4151 | 1.0996 | 30.4264 | 32.4375 | 34.9832 | 32.6231 |
| 390181 | 1.0817 | 0.8585 | 25.7357 | 24.4573 | 25.9871 | 25.3732 |
| 390183 | 1.1021 | 0.8585 | 22.0117 | 25.6554 | 27.0122 | 24.7589 |
| 390184 | 1.1993 | 0.8568 | 21.3407 | 22.5519 | 22.7451 | 22.2297 |
| 390185 | 1.2892 | 0.9122 | 21.8871 | 23.0202 | 25.4256 | 23.4624 |
| 390189 | 1.1312 | 0.8301 | 21.2711 | 22.3722 | 22.6796 | 22.1653 |
| 390191 | 1.1254 | * | 19.2308 | 20.8761 | * | 20.0637 |
| 390192 | 1.0320 | 0.9146 | 20.0395 | 21.2620 | 20.5459 | 20.6115 |
| 390193 | *** | * | 18.5516 | 20.1024 | * | 19.3425 |
| 390194 | 1.1195 | 1.0093 | 23.1814 | 25.4235 | 27.5890 | 25.4290 |
| 390195 | 1.5919 | 1.0996 | 28.3480 | 31.0019 | 34.2980 | 31.3018 |
| 390197 | 1.3822 | 1.0093 | 24.9234 | 25.7739 | 26.8270 | 25.8406 |
| 390198 | 1.1107 | 0.8832 | 16.8529 | 18.7222 | 20.5979 | 18.6461 |
| 390199 | 1.1920 | 0.8301 | 19.9653 | 21.3157 | 22.3224 | 21.1923 |
| 390200 | *** | * | 23.1486 | 23.7471 | * | 23.4231 |
| 390201 | 1.2909 | 0.9428 | 24.8222 | 26.3658 | 27.0054 | 26.1065 |
| 390203 | 1.6690 | 1.0996 | 28.2741 | 28.9054 | 29.4930 | 28.8914 |
| 390204 | 1.2856 | 1.0996 | 25.6342 | 28.6829 | 29.5251 | 27.9888 |
| 390211 | 1.2418 | 0.8799 | 22.4472 | 23.1450 | 25.1689 | 23.5881 |
| 390215 | *** | * | 26.4180 | 28.0402 | * | 27.0961 |
| 390217 | 1.1957 | 0.8568 | 21.3281 | 24.3610 | 23.5879 | 23.0265 |
| 390219 | 1.3017 | 0.8568 | 22.8559 | 25.1705 | 25.4886 | 24.4648 |
| 390220 | 1.0826 | 1.0996 | 24.7553 | 41.6138 | 28.9127 | 30.8782 |
| 390222 | 1.2526 | 1.0996 | 27.0954 | 28.7488 | 30.9464 | 28.9631 |
| 390223 | 1.9910 | 1.0996 | 28.2538 | 27.6407 | 30.2523 | 28.7410 |
| 390224 | 0.8608 | * | 18.1226 | 18.7624 | * | 18.4428 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 390225 | 1.1870 | 0.9942 | 23.4945 | 24.9391 | 27.5803 | 25.4970 |
| 390226 | 1.7517 | 1.0996 | 27.0061 | 28.5890 | 32.6658 | 29.4354 |
| 390228 | 1.3655 | 0.8568 | 22.5999 | 23.3078 | 23.9845 | 23.3076 |
| 390231 | 1.4402 | 1.0996 | 27.0576 | 29.2653 | 30.9339 | 29.1189 |
| 390233 | 1.3482 | 0.9594 | 22.8667 | 24.8690 | 25.6904 | 24.5006 |
| 390236 | 1.1703 | 0.8301 | 21.9199 | 21.9169 | 22.1144 | 21.9838 |
| 390237 | 1.5640 | 0.9146 | 24.6316 | 26.9533 | 27.4944 | 26.2736 |
| 390238 | *** | * | 26.4748 | * | * | 26.4748 |
| 390246 | 1.1603 | 0.8301 | 23.3275 | 20.1581 | 25.1955 | 22.6982 |
| 390256 | 1.8627 | 0.9373 | 24.2331 | 26.3619 | 28.0617 | 26.2503 |
| 390258 | 1.5347 | 1.0996 | 27.2038 | 29.4626 | 30.4142 | 29.1292 |
| 390263 | 1.4490 | 1.0093 | 23.4202 | 26.0170 | 28.5864 | 26.0949 |
| 390265 | 1.4892 | 0.8568 | 21.6751 | 23.4836 | 24.0675 | 23.0752 |
| 390266 | 1.1937 | 0.8799 | 19.2836 | 20.3918 | 20.8789 | 20.1936 |
| 390267 | 1.1857 | 0.8568 | 22.5464 | 23.1051 | 24.2428 | 23.2908 |
| 390268 | 1.3592 | 0.8655 | 24.2050 | 25.0021 | 25.6643 | 24.9856 |
| 390270 | 1.4700 | 0.9122 | 24.0837 | 24.1496 | 24.9510 | 24.4216 |
| 390272 | 0.5306 | 1.0996 | * | * | * | * |
| 390278 | 0.5400 | 1.0996 | 21.6893 | 23.6843 | 26.6663 | 23.9198 |
| 390279 | 1.0937 | * | 15.3569 | 17.0012 | * | 16.1698 |
| 390285 | 1.4966 | 1.0996 | 33.5347 | 35.0427 | 36.7163 | 35.0333 |
| 390286 | 1.1656 | 1.0996 | 27.4090 | 28.1761 | 29.5281 | 28.3401 |
| 390287 | *** | * | 35.7147 | 37.6569 | 39.3176 | 37.5485 |
| 390288 | *** | * | 28.5267 | 29.7287 | 30.9701 | 29.7120 |
| 390289 | *** | * | 28.4577 | 28.8826 | 30.7583 | 29.2976 |
| 390290 | 1.9071 | 1.0996 | 36.4991 | 37.9040 | 38.3776 | 37.6001 |
| 390291 | *** | * | 21.3015 | * | * | 21.3015 |
| 390298 | *** | * | 26.8290 | * | * | 26.8290 |
| 390299 | *** | * | 31.9423 | * | * | 31.9423 |
| 390300 | *** | * | 40.4697 | * | * | 40.4697 |
| 390301 | *** | * | * | 30.9838 | * | 30.9838 |
| 390302 | 2.1291 | 1.0996 | * | * | * | * |
| 390303 | *** | * | * | * | 27.5579 | 27.5579 |
| 390304 | 1.2905 | 1.0996 | * | * | 30.4832 | 30.4832 |
| 390307 | 2.0650 | 0.8799 | * | * | * | * |
| 390308 | 2.5157 | 1.0996 | * | * | * | * |
| 390309 | 1.1852 | 1.0996 | * | * | * | * |
| 390310 | 2.5153 | 0.8301 | * | * | * | * |
| 400001 | 1.3156 | 0.4449 | 16.1114 | 13.1847 | 13.9386 | 14.2307 |
| 400002 | 1.7648 | 0.4712 | 14.8607 | 16.7583 | 15.3833 | 15.5918 |
| 400003 | 1.2738 | 0.4712 | 13.0776 | 12.8329 | 13.9258 | 13.2702 |
| 400004 | 1.2662 | 0.4449 | 10.4716 | 14.3108 | 12.0923 | 12.1360 |
| 400005 | 1.1932 | 0.4449 | 10.2878 | 10.7207 | 10.3505 | 10.4561 |
| 400006 | 1.1617 | 0.4449 | 8.9919 | 9.2265 | 8.1841 | 8.7951 |
| 400007 | 1.2123 | 0.4449 | 8.7152 | 9.2463 | 11.8203 | 9.9172 |
| 400009 | 1.0034 | 0.3235 | 9.2007 | 9.3116 | 9.3834 | 9.3007 |
| 400010 | 0.8435 | 0.3815 | 10.9354 | 10.0962 | 9.8132 | 10.2760 |
| 400011 | 1.0352 | 0.4449 | 8.5868 | 8.5534 | 9.6641 | 8.9633 |
| 400012 | 1.4597 | 0.4449 | 8.3580 | 8.3802 | 12.3362 | 9.4771 |
| 400013 | 1.2312 | 0.4449 | 9.5584 | 10.3347 | 11.1414 | 10.3875 |
| 400014 | 1.3253 | 0.3807 | 11.7023 | 12.2169 | 10.5286 | 11.4498 |
| 400015 | 1.3510 | 0.4449 | 15.6066 | 15.6349 | 13.7042 | 14.9480 |
| 400016 | 1.4376 | 0.4449 | 15.3497 | 14.7607 | 16.6472 | 15.5903 |
| 400017 | 1.1225 | 0.4449 | 10.1238 | 10.2734 | 10.3123 | 10.2262 |
| 400018 | 1.1852 | 0.4449 | 10.7948 | 11.6165 | 11.9184 | 11.4745 |
| 400019 | 1.4424 | 0.4449 | 14.9892 | 12.8029 | 12.8380 | 13.4377 |
| 400021 | 1.3202 | 0.4856 | 13.8643 | 14.1533 | 14.4549 | 14.1535 |
| 400022 | 1.3685 | 0.4712 | 16.0539 | 15.9246 | 14.9089 | 15.6001 |
| 400024 | 0.8287 | 0.3807 | 9.1316 | 12.4649 | 10.8439 | 10.5240 |
| 400026 | 1.0692 | 0.3235 | 5.2085 | 5.8200 | 9.9262 | 6.4882 |
| 400028 | 1.2281 | 0.4712 | 10.3354 | 10.9808 | 11.3260 | 10.8948 |
| 400032 | 1.1597 | 0.4449 | 10.7195 | 10.2652 | 10.3736 | 10.4542 |
| 400044 | 1.2493 | 0.4712 | 10.7890 | 13.7509 | 14.6420 | 13.1456 |
| 400048 | 1.1345 | 0.4449 | 14.0887 | 10.4266 | 9.6416 | 11.4025 |
| 400061 | 1.8670 | 0.4449 | 15.1639 | 18.9123 | 18.1303 | 17.4284 |
| 400079 | 1.1744 | 0.3815 | 9.4218 | 12.7825 | 9.5296 | 10.3914 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 400087 | 1.2348 | 0.4449 | 9.5860 | 10.6849 | 11.0377 | 10.4576 |
| 400094 | *** | * | 8.8646 | * | * | 8.8646 |
| 400098 | 1.3149 | 0.4449 | 13.7938 | 12.8230 | 13.8034 | 13.4342 |
| 400102 | 1.2826 | 0.4449 | 10.1795 | 10.2677 | 10.5879 | 10.3374 |
| 400103 | 1.6717 | 0.3807 | 12.8288 | 9.3859 | 10.6971 | 10.6527 |
| 400104 | 1.1447 | 0.4449 | 8.2758 | 9.3854 | 11.4322 | 9.7075 |
| 400105 | 1.1548 | 0.4449 | 12.7725 | 14.0219 | 15.6626 | 14.1147 |
| 400106 | 1.1419 | 0.4449 | 9.6902 | 11.4507 | 13.4097 | 11.3869 |
| 400109 | 1.3979 | 0.4449 | 14.2169 | 14.2111 | 14.4386 | 14.2895 |
| 400110 | 1.1558 | 0.3771 | 11.8458 | 12.3449 | 11.1812 | 11.8242 |
| 400111 | 1.0967 | 0.3815 | 13.4777 | 14.5029 | 14.1718 | 14.0376 |
| 400112 | 1.1496 | 0.4449 | 8.9469 | 19.3945 | 10.1512 | 11.4855 |
| 400113 | 1.2265 | 0.4712 | 10.0830 | 9.6778 | 10.5305 | 10.0882 |
| 400114 | 1.1352 | 0.4449 | 12.1920 | 11.5478 | 10.1379 | 11.2193 |
| 400115 | 1.1595 | 0.4449 | 9.1132 | 13.7392 | 12.0713 | 11.3935 |
| 400117 | 1.1110 | 0.4449 | 10.2911 | 12.7600 | 9.5929 | 10.6747 |
| 400118 | 1.2360 | 0.4449 | 11.9324 | 12.5743 | 12.8692 | 12.4731 |
| 400120 | 1.2946 | 0.4449 | 11.9714 | 12.7955 | 13.4069 | 12.7550 |
| 400121 | 1.0086 | 0.4449 | 8.6665 | 8.2197 | 9.7427 | 8.8276 |
| 400122 | 1.8996 | 0.4449 | 9.6463 | 11.2325 | 8.9478 | 10.1684 |
| 400123 | 1.2149 | 0.3807 | 11.8135 | 12.3041 | 12.8317 | 12.3187 |
| 400124 | 2.9166 | 0.4449 | 17.2258 | 16.1812 | 17.2139 | 16.8649 |
| 400125 | 1.1680 | 0.4040 | 10.7425 | 11.6386 | 11.9787 | 11.4261 |
| 400126 | 1.2523 | 0.4856 | 13.3932 | 9.8008 | 14.1062 | 11.8241 |
| 400127 | 1.6827 | 0.4449 | * | * | 17.8303 | 17.8303 |
| 400128 | 1.0320 | 0.4449 | * | * | * | * |
| 410001 | 1.2768 | 1.0744 | 27.0309 | 28.0816 | 29.0877 | 28.0608 |
| 410004 | 1.2516 | 1.0744 | 25.4578 | 27.4209 | 29.4953 | 27.4268 |
| 410005 | 1.2513 | 1.0744 | 27.1171 | 30.1606 | 28.1141 | 28.4455 |
| 410006 | 1.3385 | 1.0744 | 27.1842 | 29.4395 | 30.1855 | 28.9486 |
| 410007 | 1.6754 | 1.0744 | 30.1360 | 31.8548 | 33.2896 | 31.8343 |
| 410008 | 1.2423 | 1.0744 | 28.4245 | 29.6092 | 30.9505 | 29.6707 |
| 410009 | 1.2554 | 1.0744 | 27.7337 | 29.4094 | 31.7300 | 29.6812 |
| 410010 | 1.2020 | 1.1343 | 30.7826 | 32.8599 | 32.0704 | 31.9389 |
| 410011 | 1.3348 | 1.0744 | 28.5875 | 30.3787 | 33.8781 | 30.8807 |
| 410012 | 1.7499 | 1.1343 | 32.1679 | 32.6009 | 33.6071 | 32.8336 |
| 410013 | 1.2447 | 1.2031 | 31.7482 | 35.4624 | 35.8075 | 34.3462 |
| 420002 | 1.5062 | 0.9413 | 27.9312 | 28.2848 | 29.5592 | 28.6127 |
| 420004 | 1.9893 | 0.9197 | 26.0279 | 27.2620 | 28.1455 | 27.1749 |
| 420005 | 1.0528 | 0.8692 | 19.8167 | 23.1943 | 25.0420 | 22.6820 |
| 420006 | *** | * | 22.8920 | 24.0811 | 26.3294 | 24.4155 |
| 420007 | 1.6041 | 0.9208 | 25.0395 | 25.2650 | 26.8165 | 25.7491 |
| 420009 | 1.4052 | 0.9208 | 23.8668 | 25.5079 | 27.0147 | 25.5052 |
| 420010 | 1.1696 | 0.8703 | 21.6478 | 23.4562 | 25.1452 | 23.4816 |
| 420011 | 1.1984 | 0.9566 | 20.8895 | 21.4030 | 22.1786 | 21.5140 |
| 420014 | *** | * | 21.5658 | * | * | 21.5658 |
| 420015 | 1.3132 | 0.9566 | 24.7383 | 26.2154 | 24.1685 | 25.0330 |
| 420016 | 0.9801 | 0.8692 | 17.3837 | 17.1229 | 21.6266 | 18.6186 |
| 420018 | 1.7407 | 0.8942 | 23.6356 | 24.8024 | 25.6687 | 24.7269 |
| 420019 | 1.0784 | 0.8692 | 20.5472 | 22.5312 | 22.5489 | 21.8461 |
| 420020 | 1.2627 | 0.9197 | 24.6592 | 25.8883 | 28.4344 | 26.2922 |
| 420023 | 1.6949 | 0.9566 | 25.1035 | 26.7263 | 27.4589 | 26.4009 |
| 420026 | 1.9171 | 0.8942 | 29.2961 | 27.4814 | 27.8986 | 28.1633 |
| 420027 | 1.6168 | 0.9208 | 22.8322 | 25.1692 | 26.4473 | 24.8695 |
| 420030 | 1.2490 | 0.9197 | 24.2847 | 26.0079 | 27.8435 | 26.0585 |
| 420033 | 1.1278 | 0.9566 | 27.5740 | 31.8759 | 30.4162 | 29.9643 |
| 420036 | 1.2133 | 0.9413 | 21.9641 | 22.8294 | 23.8742 | 22.9025 |
| 420037 | 1.3020 | 0.9566 | 26.8750 | 29.4156 | 29.8321 | 28.7700 |
| 420038 | 1.2794 | 0.9566 | 22.6741 | 24.2259 | 24.6642 | 23.8487 |
| 420039 | 1.0972 | 0.9072 | 24.0637 | 25.1148 | 28.2220 | 25.7883 |
| 420043 [h] | 1.1580 | 0.9249 | 22.9764 | 23.0555 | 24.0971 | 23.4022 |
| 420048 | 1.2587 | 0.8942 | 23.1515 | 24.1923 | 25.9610 | 24.4452 |
| 420049 | 1.2661 | 0.8882 | 23.2156 | 23.9722 | 26.0953 | 24.4429 |
| 420051 | 1.5579 | 0.8703 | 23.9455 | 24.8026 | 25.9056 | 24.9288 |
| 420053 | 1.1369 | 0.8692 | 21.1177 | 22.2825 | 23.2246 | 22.2695 |
| 420054 | 1.0760 | 0.8692 | 24.0653 | 24.8931 | 25.6779 | 24.8777 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 420055 | 1.0620 | 0.8692 | 20.3599 | 21.9764 | 24.0965 | 22.1681 |
| 420056 | 1.3387 | 0.8692 | 21.1640 | 21.6963 | 27.7250 | 23.4790 |
| 420057 | 1.2652 | 0.8703 | 19.7653 | 23.4311 | 24.9313 | 22.7178 |
| 420059 | 1.0698 | * | 21.4260 | * | * | 21.4260 |
| 420061 | *** | * | 20.8684 | * | * | 20.8684 |
| 420062 | 1.0681 | 0.8801 | 25.6683 | 25.9526 | 26.7468 | 26.1567 |
| 420064 | 1.2128 | 0.8882 | 22.1290 | 23.3610 | 24.3540 | 23.2634 |
| 420065 | 1.4193 | 0.9197 | 22.8674 | 24.5715 | 25.5483 | 24.3518 |
| 420066 | 0.9880 | 0.8703 | 20.5893 | 23.9048 | 25.1062 | 23.2318 |
| 420067 | 1.3328 | 0.9023 | 24.6038 | 25.0345 | 25.8561 | 25.1967 |
| 420068 | 1.3318 | 0.9531 | 22.2638 | 23.4248 | 25.6857 | 23.7924 |
| 420069 | 1.1064 | 0.8692 | 19.6959 | 20.5546 | 22.3445 | 20.8829 |
| 420070 | 1.3110 | 0.8942 | 22.4370 | 23.4355 | 24.7899 | 23.6087 |
| 420071 | 1.3997 | 0.9208 | 23.1727 | 24.9418 | 25.2862 | 24.5087 |
| 420072 | 1.0920 | 0.8692 | 17.5899 | 18.6742 | 17.8019 | 18.0160 |
| 420073 | 1.3737 | 0.8942 | 24.0274 | 24.5813 | 25.5204 | 24.7447 |
| 420075 | 0.9056 | * | 16.4816 | * | * | 16.4816 |
| 420078 | 1.8727 | 0.9566 | 25.3032 | 28.9112 | 29.5135 | 27.8924 |
| 420079 | 1.5685 | 0.9197 | 25.2939 | 25.4935 | 27.5439 | 26.1290 |
| 420080 | 1.4597 | 0.9023 | 28.4569 | 28.4734 | 28.6060 | 28.5136 |
| 420082 | 1.5089 | 0.9640 | 26.1221 | 29.8528 | 31.2671 | 29.0597 |
| 420083 | 1.4720 | 0.9208 | 25.3043 | 27.1322 | 26.4932 | 26.3201 |
| 420085 | 1.5749 | 0.9473 | 25.3180 | 26.8692 | 27.8386 | 26.6706 |
| 420086 | 1.4151 | 0.8942 | 25.1372 | 25.8869 | 28.0485 | 26.4300 |
| 420087 | 1.7986 | 0.9197 | 23.2230 | 24.3609 | 25.4697 | 24.3550 |
| 420088 | *** | * | 23.1273 | * | * | 23.1273 |
| 420089 | 1.3287 | 0.9197 | 25.2729 | 26.0074 | 28.1855 | 26.5304 |
| 420091 | 1.3535 | 0.8703 | 23.4710 | 26.9214 | 26.0592 | 25.5303 |
| 420093 | *** | * | 25.1457 | 27.4766 | 28.0765 | 27.0073 |
| 420097 | *** | * | 24.7809 | * | * | 24.7809 |
| 420098 | 1.1551 | 0.8727 | * | * | 30.7532 | 30.7532 |
| 420100 | 1.9107 | 0.9566 | * | * | * | * |
| 420101 | 1.0414 | 0.8692 | * | * | * | * |
| 430005 | 1.3236 | 0.8503 | 19.9454 | 22.3272 | 22.4111 | 21.5283 |
| 430008 | 1.0700 | 0.9238 | 20.9442 | 23.3790 | 24.4277 | 22.8172 |
| 430011 | *** | * | 20.6597 | * | * | 20.6597 |
| 430012 | 1.2528 | 0.9238 | 22.7530 | 24.0850 | 24.0326 | 23.6212 |
| 430013 | 1.1748 | 0.9238 | 22.9675 | 25.1378 | 25.9828 | 24.6946 |
| 430014 | 1.3170 | 0.8367 | 25.5387 | 26.4964 | 26.8752 | 26.3291 |
| 430015 | 1.1754 | 0.8768 | 23.2035 | 22.7947 | 23.6296 | 23.2107 |
| 430016 | 1.6825 | 0.9351 | 26.1495 | 27.8453 | 28.9376 | 27.6202 |
| 430027 | 1.7820 | 0.9351 | 23.8477 | 26.2139 | 26.6044 | 25.6126 |
| 430029 | 0.8745 | * | 20.2708 | * | * | 20.2708 |
| 430031 | 0.9563 | * | 15.6112 | 16.0346 | * | 15.8232 |
| 430043 | *** | * | 17.2722 | * | * | 17.2722 |
| 430047 | 1.0053 | * | 21.9116 | 18.8982 | * | 20.4712 |
| 430048 | 1.3089 | 0.8768 | 21.1718 | 23.0783 | 24.1969 | 22.8738 |
| 430060 | 0.9030 | 0.8768 | 10.2704 | * | 13.2617 | 11.6125 |
| 430064 | 1.0539 | 0.8768 | 16.4314 | 17.5376 | 18.3125 | 17.4742 |
| 430077 | 1.7505 | 0.8973 | 23.4835 | 25.1763 | 25.8572 | 24.8679 |
| 430081 | 0.8518 | 1.4448 | * | * | * | * |
| 430082 | 0.7951 | 1.4448 | * | * | * | * |
| 430083 | 0.8515 | 1.4448 | * | * | * | * |
| 430084 | 0.8952 | 1.4448 | * | * | * | * |
| 430085 | 0.8309 | 1.4448 | * | * | * | * |
| 430089 | 1.6775 | 0.9062 | 21.1109 | 22.5625 | 22.3335 | 22.0620 |
| 430090 | 1.4710 | 0.9351 | 26.0851 | 25.8460 | 26.4862 | 26.1506 |
| 430091 | 2.1571 | 0.8973 | 23.8897 | 24.3021 | 25.1105 | 24.4593 |
| 430092 | 1.8668 | 0.8298 | 20.2570 | 20.9486 | 21.6478 | 20.9497 |
| 430093 | 0.8972 | 0.8708 | 23.1526 | 29.5244 | 27.5326 | 26.9376 |
| 430094 | 1.4329 | 0.9057 | 18.5429 | 18.9099 | 22.9091 | 20.0464 |
| 430095 | 2.4866 | 0.9351 | 24.7074 | 28.1749 | 31.3409 | 28.2890 |
| 430096 | 1.9427 | 0.8298 | * | 21.6998 | 21.6713 | 21.6864 |
| 440001 | 1.1182 | 0.8122 | 17.4802 | 19.3100 | 21.2398 | 19.3290 |
| 440002 | 1.7025 | 0.8984 | 23.2177 | 24.6664 | 25.7434 | 24.5745 |
| 440003 | 1.2347 | 0.9810 | 24.5168 | 25.9209 | 28.4862 | 26.3484 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 440006 | 1.4831 | 0.9810 | 26.7983 | 28.5951 | 29.7146 | 28.3985 |
| 440007 | 0.9539 | 0.8122 | 13.7042 | 25.8236 | 19.9754 | 19.0491 |
| 440008 | 1.0244 | 0.8785 | 22.1405 | 23.4301 | 23.2125 | 22.9167 |
| 440009 | 1.1812 | 0.8122 | 21.1274 | 21.5970 | 23.9279 | 22.2714 |
| 440010 | 0.9635 | 0.8122 | 16.9060 | 17.1803 | 19.3669 | 17.8458 |
| 440011 | 1.3300 | 0.8227 | 21.6861 | 22.5068 | 23.6154 | 22.6426 |
| 440012 | 1.5486 | 0.8215 | 21.4769 | 22.3029 | 24.0169 | 22.5897 |
| 440015 | 1.8437 | 0.8227 | 22.5583 | 23.7422 | 25.0430 | 23.8010 |
| 440016 | 1.0084 | 0.8122 | 20.0982 | 22.1646 | 23.0351 | 21.7738 |
| 440017 | 1.8305 | 0.8215 | 22.5313 | 22.9364 | 25.0588 | 23.5210 |
| 440018 | 1.1114 | 0.8122 | 21.7239 | 23.3444 | 23.2107 | 22.7981 |
| 440019 | 1.7691 | 0.8227 | 23.8802 | 25.2553 | 25.3592 | 24.8097 |
| 440020 | 1.0309 | 0.8756 | 23.1718 | 23.9475 | 24.0995 | 23.7425 |
| 440023 | 0.9893 | * | 17.0335 | * | * | 17.0335 |
| 440024 | 1.3272 | 0.8822 | 20.3658 | 23.2716 | 23.9745 | 22.5398 |
| 440025 | 1.1282 | 0.8629 | 19.5995 | 20.6798 | 22.5406 | 20.9785 |
| 440026 | 0.6814 | 0.9810 | 26.9149 | 26.8986 | 28.0350 | 27.2742 |
| 440029 | 1.3696 | 0.9810 | 25.8538 | 28.0779 | 30.1204 | 28.1242 |
| 440030 | 1.3390 | 0.8178 | 20.0586 | 22.1217 | 23.7670 | 22.0367 |
| 440031 | 1.1544 | 0.8122 | 18.0944 | 19.6685 | 20.8964 | 19.5830 |
| 440032 | 1.1152 | 0.8215 | 16.0734 | 18.5277 | 19.7151 | 18.1139 |
| 440033 | 1.0672 | 0.8122 | 18.7749 | 20.7917 | 21.1088 | 20.2055 |
| 440034 | 1.6079 | 0.8227 | 23.1121 | 23.5403 | 24.6994 | 23.7954 |
| 440035 | 1.3571 | 0.9550 | 22.3230 | 24.3752 | 25.9613 | 24.2266 |
| 440039 | 2.1340 | 0.9810 | 26.4647 | 28.4678 | 29.8611 | 28.3344 |
| 440040 | 0.9301 | 0.8122 | 17.7647 | 17.8510 | 20.8638 | 18.8683 |
| 440041 | 0.9591 | * | 17.4074 | 17.9409 | * | 17.6972 |
| 440046 | 1.1787 | 0.9810 | 25.5329 | 26.1341 | 27.9540 | 26.5702 |
| 440047 | 0.8930 | 0.8621 | 20.4812 | 21.4280 | 21.7892 | 21.2346 |
| 440048 | 1.8465 | 0.9307 | 24.3283 | 27.7560 | 29.4789 | 27.0939 |
| 440049 | 1.6223 | 0.9307 | 22.9755 | 25.3043 | 26.4772 | 24.9275 |
| 440050 | 1.3196 | 0.9264 | 21.8972 | 23.1362 | 24.4616 | 23.1945 |
| 440051 | 0.9892 | 0.8122 | 20.7948 | 21.9108 | 23.9253 | 22.1919 |
| 440052 | 1.0450 | 0.8122 | 20.1875 | 21.1133 | 22.8016 | 21.3951 |
| 440053 | 1.2806 | 0.9810 | 23.9083 | 25.4345 | 27.1197 | 25.5052 |
| 440054 | 1.1053 | 0.8122 | 20.5992 | 21.4400 | 23.5137 | 21.8156 |
| 440056 | 1.1433 | 0.8443 | 20.4088 | 22.1068 | 22.7820 | 21.8543 |
| 440057 | 1.0816 | 0.8122 | 14.6242 | 16.4451 | 16.6346 | 15.9385 |
| 440058 | 1.1717 | 0.8822 | 22.6014 | 22.9263 | 24.3522 | 23.2819 |
| 440059 | 1.5169 | 0.9550 | 23.9301 | 26.3551 | 28.3565 | 26.1699 |
| 440060 | 1.1078 | 0.8621 | 22.7133 | 23.3014 | 24.1024 | 23.3991 |
| 440061 | 1.0596 | 0.8122 | 21.2085 | 21.8274 | 23.9678 | 22.2261 |
| 440063 | 1.5536 | 0.8133 | 21.8578 | 22.3256 | 24.2566 | 22.8469 |
| 440064 | 1.0206 | 0.8948 | 20.9742 | 22.0955 | 23.7176 | 22.2235 |
| 440065 | 1.2218 | 0.9810 | 21.4794 | 22.3247 | 24.6169 | 22.8297 |
| 440067 | 1.1639 | 0.8227 | 22.1410 | 23.1089 | 24.4772 | 23.2691 |
| 440068 | 1.1072 | 0.8822 | 23.1705 | 24.5971 | 24.8146 | 24.1808 |
| 440070 | 0.9781 | 0.8122 | 19.0240 | 19.4372 | 20.0938 | 19.5478 |
| 440072 | 1.1499 | 0.8984 | 20.9294 | 27.1443 | 23.9563 | 23.6712 |
| 440073 | 1.4430 | 0.9550 | 22.2959 | 23.9198 | 26.3570 | 24.1796 |
| 440081 [h] | 1.1977 | 0.8227 | 19.0328 | 19.7878 | 20.7126 | 19.8806 |
| 440082 | 2.1299 | 0.9810 | 28.7828 | 27.9724 | 30.6115 | 29.1270 |
| 440083 | 0.9451 | 0.8122 | 16.0956 | 17.3329 | 25.6099 | 19.7144 |
| 440084 | 1.2004 | 0.8122 | 15.2825 | 16.3738 | 18.6043 | 16.7941 |
| 440091 | 1.6828 | 0.8948 | 26.1122 | 25.6797 | 26.5687 | 26.1284 |
| 440102 | 1.1074 | 0.8122 | 17.5140 | 17.5261 | 20.7363 | 18.5920 |
| 440104 | 1.8213 | 0.8948 | 23.3731 | 25.3739 | 26.5741 | 25.1638 |
| 440105 | 1.0015 | 0.8133 | 20.7821 | 22.3438 | 22.9372 | 22.0612 |
| 440109 | 0.9864 | 0.8122 | 18.2508 | 18.6720 | 20.8925 | 19.3202 |
| 440110 | 1.0991 | 0.8227 | 20.9039 | 21.3287 | 20.9179 | 21.0455 |
| 440111 | 1.2938 | 0.9810 | 25.8821 | 28.5705 | 29.0975 | 27.8355 |
| 440114 | 1.0137 | * | 21.4271 | 24.0147 | * | 22.7665 |
| 440115 | 0.9920 | 0.8621 | 20.0642 | 21.7830 | 23.1409 | 21.6814 |
| 440120 | 1.5625 | 0.8227 | 23.9003 | 25.5961 | 25.7161 | 25.0802 |
| 440125 | 1.6374 | 0.8227 | 21.9337 | 22.4196 | 22.8097 | 22.3930 |
| 440130 | 1.1630 | 0.8122 | 21.6480 | 23.4517 | 23.9955 | 23.0274 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 440131 | 1.1493 | 0.9307 | 22.4119 | 24.9598 | 25.6665 | 24.3775 |
| 440132 | 1.2832 | 0.8122 | 20.5716 | 21.5085 | 23.9410 | 21.9977 |
| 440133 | 1.6545 | 0.9810 | 27.5019 | 26.2422 | 29.2829 | 27.6527 |
| 440135 | 1.0508 | 0.8122 | 25.3928 | 26.6615 | 28.1925 | 26.7796 |
| 440137 | 1.0802 | 0.8122 | 18.2073 | 20.6663 | 22.2538 | 20.2816 |
| 440141 | 1.0075 | 0.8122 | 19.4528 | 21.3313 | 24.2406 | 21.9166 |
| 440143 | 0.9345 | * | 21.0374 | * | * | 21.0374 |
| 440144 | 1.2530 | 0.8122 | 22.3671 | 23.3828 | 23.9242 | 23.2347 |
| 440145 | 0.9904 | * | 20.9863 | 20.7875 | * | 20.8882 |
| 440147 | *** | * | 28.9038 | 31.4012 | 33.1755 | 31.1830 |
| 440148 | 1.1144 | 0.9550 | 23.0697 | 24.6412 | 23.9810 | 23.9010 |
| 440149 | 1.0254 | * | 19.8020 | 20.4562 | * | 20.1312 |
| 440150 | 1.3627 | 0.9810 | 25.4952 | 26.8308 | 28.1012 | 26.8048 |
| 440151 | 1.0794 | 0.9550 | 23.3037 | 23.9808 | 27.1729 | 24.8328 |
| 440152 | 1.8657 | 0.9307 | 25.9495 | 26.5513 | 27.1877 | 26.5767 |
| 440153 | 1.0516 | 0.8129 | 22.7744 | 22.2846 | 23.6472 | 22.9043 |
| 440156 | 1.5304 | 0.8948 | 25.6333 | 26.9689 | 27.7309 | 26.7797 |
| 440159 | 1.4563 | 0.9307 | 21.1073 | 22.8645 | 26.9098 | 23.7848 |
| 440161 | 1.7812 | 0.9810 | 28.6774 | 28.6971 | 28.7074 | 28.6947 |
| 440162 | *** | * | 16.5305 | 21.1418 | 27.6836 | 21.4196 |
| 440166 | *** | * | 27.1355 | 31.0779 | 35.3063 | 30.4732 |
| 440168 | 0.9700 | 0.9307 | 22.1764 | 22.8768 | 28.1215 | 24.4268 |
| 440173 | 1.6028 | 0.8227 | 20.8723 | 22.8846 | 23.1167 | 22.3223 |
| 440174 | 0.8858 | 0.8494 | 20.7960 | 22.0974 | 25.4829 | 22.7502 |
| 440175 | 1.0146 | 0.9550 | 24.0005 | 22.7299 | 24.4848 | 23.7124 |
| 440176 | 1.2214 | 0.8215 | 22.0079 | 23.6659 | 22.9631 | 22.8672 |
| 440180 | 1.2436 | 0.8227 | 21.9781 | 23.3808 | 24.9841 | 23.5303 |
| 440181 | 0.9565 | 0.8529 | 21.1406 | 22.7150 | 24.8857 | 22.9413 |
| 440182 | 0.9844 | 0.8122 | 20.2630 | 22.3612 | 24.3303 | 22.3499 |
| 440183 | 1.6171 | 0.9307 | 27.7769 | 27.1515 | 29.1982 | 28.0280 |
| 440184 | 1.0263 | 0.8133 | 20.8219 | 22.3475 | 24.5786 | 22.5358 |
| 440185 | 1.1468 | 0.8822 | 23.4172 | 23.9052 | 25.3817 | 24.3308 |
| 440186 | 1.0293 | 0.9810 | 24.6773 | 25.7445 | 27.3733 | 25.9399 |
| 440187 | 1.1054 | 0.8122 | 21.7637 | 21.3252 | 24.0723 | 22.3983 |
| 440189 | 1.3818 | 0.8796 | 24.7851 | 27.5435 | 28.2621 | 26.8849 |
| 440192 | 1.0679 | 0.9550 | 25.1119 | 25.7495 | 27.3917 | 26.1235 |
| 440193 | 1.2833 | 0.9810 | 24.3911 | 24.4299 | 24.3622 | 24.3938 |
| 440194 | 1.3288 | 0.9810 | 26.2498 | 26.6527 | 29.4706 | 27.5437 |
| 440197 | 1.3088 | 0.9810 | 26.4999 | 27.1534 | 29.4275 | 27.6503 |
| 440200 | 0.9946 | 0.9810 | 17.0633 | 17.7491 | 21.1860 | 18.6458 |
| 440203 | 0.9249 | 0.8122 | 17.7639 | 19.3864 | 23.7451 | 20.0302 |
| 440217 | 1.3288 | 0.9307 | 25.9667 | 28.5968 | 28.8641 | 27.8452 |
| 440218 | 1.7812 | 0.9810 | 26.3741 | 24.6465 | 23.7257 | 25.1548 |
| 440222 | 0.9676 | 0.9307 | 28.3879 | 29.7292 | 28.4664 | 28.8461 |
| 440225 | 0.8446 | 0.8227 | * | * | 24.8328 | 24.8328 |
| 440226 | 1.5393 | 0.8227 | * | * | 26.5831 | 26.5831 |
| 440227 | 1.2253 | 0.9810 | * | * | * | * |
| 440228 | 1.3670 | 0.9307 | * | * | * | * |
| 450002 | 1.4312 | 0.9238 | 25.4975 | 25.7171 | 28.0936 | 26.4026 |
| 450005 | 1.0923 | 0.8710 | 23.4049 | 23.5576 | 24.4933 | 23.7898 |
| 450007 | 1.3223 | 0.8945 | 19.2875 | 20.7321 | 23.0026 | 21.0152 |
| 450008 | 1.2861 | 0.8993 | 22.0934 | 22.9669 | 24.4701 | 23.1949 |
| 450010 | 1.5988 | 0.8678 | 22.4133 | 23.7529 | 25.5503 | 23.9127 |
| 450011 | 1.7137 | 0.8903 | 24.1576 | 24.8831 | 26.7418 | 25.2430 |
| 450014 | *** | * | 22.5001 | * | * | 22.5001 |
| 450015 | 1.5745 | 0.9977 | 24.0730 | 27.4012 | 29.9193 | 27.1701 |
| 450016 | *** | * | 22.1368 | * | * | 22.1368 |
| 450018 | 1.5035 | 1.0094 | 24.6443 | 26.7999 | 30.2383 | 27.1629 |
| 450020 | 0.9641 | * | 17.7148 | 18.3047 | * | 18.0203 |
| 450021 | 1.8292 | 0.9977 | 28.5578 | 29.1350 | 29.5658 | 29.0840 |
| 450023 | 1.4253 | 0.8426 | 20.9278 | 22.0558 | 25.4450 | 22.7145 |
| 450024 | 1.4782 | 0.9238 | 22.4178 | 24.4195 | 26.9113 | 24.6324 |
| 450028 | 1.5292 | 0.9731 | 25.6030 | 26.8250 | 29.1438 | 27.1585 |
| 450029 | 1.5506 | 0.8227 | 23.9709 | 23.2995 | 25.0602 | 24.1186 |
| 450031 | 1.4019 | 0.9977 | 27.0328 | 27.9626 | 29.0824 | 28.0798 |
| 450032 | 1.1912 | 0.8688 | 20.8306 | 27.0748 | 21.5084 | 22.9390 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 450033 | 1.6551 | 0.9731 | 29.0541 | 28.4781 | 29.2468 | 28.9075 |
| 450034 | 1.5734 | 0.8710 | 23.4615 | 24.1589 | 26.5313 | 24.6836 |
| 450035 | 1.5452 | 1.0094 | 25.4580 | 26.2838 | 28.0668 | 26.5526 |
| 450037 | 1.5911 | 0.8946 | 23.1176 | 24.2684 | 26.6207 | 24.7158 |
| 450039 | 1.3793 | 0.9743 | 23.3034 | 24.7347 | 26.7503 | 25.0244 |
| 450040 | 1.7758 | 0.8536 | 23.8047 | 24.9590 | 25.4734 | 24.7314 |
| 450042 | 1.7885 | 0.8748 | 22.6936 | 24.1181 | 26.6382 | 24.4853 |
| 450044 | 1.7240 | 0.9977 | 25.8403 | 29.4308 | 31.0381 | 28.8430 |
| 450046 | 1.5838 | 0.8438 | 22.0695 | 23.4907 | 24.8947 | 23.4957 |
| 450047 | 0.8358 | 0.9731 | 22.7242 | 19.8221 | 21.8824 | 21.4475 |
| 450050 | 0.9116 | * | 21.6933 | 23.3044 | * | 22.5039 |
| 450051 | 1.8787 | 0.9977 | 27.2523 | 28.0411 | 28.8829 | 28.0844 |
| 450052 | 0.9756 | 0.8225 | 19.7185 | 19.7774 | 22.6448 | 20.4956 |
| 450053 | 0.9824 | * | 19.4978 | 21.9082 | * | 20.7080 |
| 450054 | 1.7546 | 0.8993 | 25.1229 | 24.2782 | 27.5399 | 25.5899 |
| 450055 | 1.1200 | 0.8225 | 20.5235 | 22.1979 | 22.9245 | 21.9016 |
| 450056 | 1.8082 | 0.9328 | 25.6685 | 27.0530 | 28.3092 | 26.9168 |
| 450058 | 1.5729 | 0.8945 | 24.7442 | 25.9653 | 26.6926 | 25.8041 |
| 450059 | 1.3326 | 0.9328 | 26.8209 | 26.6535 | 26.8325 | 26.7674 |
| 450064 | 1.4326 | 0.9743 | 24.2920 | 23.8748 | 26.8355 | 25.0454 |
| 450068 | 2.0769 | 1.0094 | 26.2864 | 27.9633 | 29.5876 | 27.9738 |
| 450072 | 1.1739 | 1.0094 | 22.5010 | 24.0166 | 25.8618 | 24.1220 |
| 450073 | 0.9639 | 0.8380 | 20.0464 | 21.7337 | 26.9446 | 22.7977 |
| 450078 | 0.9561 | 0.8225 | 17.2196 | 15.8968 | 21.4715 | 17.9210 |
| 450079 | 1.6843 | 0.9977 | 27.0443 | 28.1096 | 30.2420 | 28.3928 |
| 450080 | 1.2684 | 0.8946 | 21.2482 | 22.9835 | 27.9191 | 23.9020 |
| 450082 | 1.0772 | 0.8225 | 20.9113 | 22.0442 | 23.9025 | 22.2879 |
| 450083 | 1.7749 | 0.8963 | 24.9182 | 25.8214 | 27.4955 | 26.1776 |
| 450085 | 1.0364 | 0.8225 | 19.4524 | 22.0840 | 24.3637 | 22.0068 |
| 450087 | 1.4431 | 0.9743 | 26.4203 | 29.1587 | 30.0095 | 28.5700 |
| 450090 | 1.2028 | 0.8225 | 17.6506 | 19.4244 | 21.3837 | 19.4999 |
| 450092 | 1.2058 | 0.8225 | 20.4921 | 23.2071 | 24.9917 | 22.9332 |
| 450094 | *** | * | 25.3618 | 25.2434 | * | 25.3030 |
| 450096 | 1.4219 | 0.8710 | 22.8722 | 24.1619 | 26.5103 | 24.4238 |
| 450097 | 1.4461 | 1.0094 | 24.9380 | 26.4965 | 29.0142 | 26.8163 |
| 450098 | 0.9575 | * | 22.9005 | 22.6626 | * | 22.7778 |
| 450099 | 1.2229 | 0.9248 | 24.0293 | 26.6796 | 31.3494 | 27.2796 |
| 450101 | 1.5790 | 0.8748 | 20.6575 | 23.6905 | 25.4409 | 23.2371 |
| 450102 | 1.8195 | 0.8963 | 23.1773 | 24.5503 | 25.6318 | 24.4875 |
| 450104 | 1.2035 | 0.8945 | 22.5165 | 23.8469 | 24.6169 | 23.7263 |
| 450107 | 1.4173 | 0.9238 | 23.8770 | 25.9326 | 27.6064 | 25.7745 |
| 450108 | 1.1857 | 0.8945 | 19.3561 | 19.4935 | 21.6557 | 20.2238 |
| 450112 | *** | * | 22.5552 | * | * | 22.5552 |
| 450113 | *** | * | * | 54.6681 | * | 54.6681 |
| 450119 | 1.2868 | 0.8794 | 24.1392 | 25.7008 | 27.8027 | 25.9080 |
| 450121 | 1.4832 | 0.9743 | 25.8826 | 25.7051 | 29.1296 | 26.9357 |
| 450123 | 1.0598 | 0.8710 | 19.5872 | 21.2154 | 24.9674 | 21.6885 |
| 450124 | 1.9029 | 0.9328 | 26.0280 | 27.4198 | 28.2571 | 27.2827 |
| 450126 | 1.3387 | 1.0094 | 27.3021 | 28.3033 | 29.3768 | 28.4351 |
| 450128 | 1.2284 | 0.8794 | 21.4190 | 23.3633 | 25.1122 | 23.2357 |
| 450130 | 1.2181 | 0.8945 | 20.2777 | 21.5226 | 24.3295 | 22.1028 |
| 450131 | *** | * | 23.2317 | 23.7098 | 25.9493 | 24.1618 |
| 450132 | 1.5376 | 1.0038 | 26.8476 | 28.6954 | 30.1620 | 28.5767 |
| 450133 | 1.6230 | 0.9538 | 25.0972 | 26.8344 | 28.4647 | 26.8906 |
| 450135 | 1.6858 | 0.9743 | 24.3858 | 26.0755 | 27.8983 | 26.2009 |
| 450137 | 1.6046 | 0.9743 | 27.0081 | 30.4254 | 31.4950 | 29.8197 |
| 450140 | *** | * | 22.4695 | * | * | 22.4695 |
| 450143 | 1.0123 | 0.9328 | 19.7487 | 21.8705 | 23.4592 | 21.7863 |
| 450144 | 1.0685 | 0.9714 | 20.9599 | 21.3289 | 26.2881 | 22.7930 |
| 450147 | 1.4336 | 0.8426 | 24.6203 | 23.9771 | 24.3562 | 24.3140 |
| 450148 | 1.1796 | 0.9743 | 23.5037 | 25.3498 | 27.0894 | 25.3577 |
| 450151 | 1.2033 | 0.8225 | 20.1356 | 22.2915 | 23.9558 | 22.2084 |
| 450152 | 1.2271 | 0.8993 | 21.6351 | 22.7463 | 23.3428 | 22.5685 |
| 450154 | 1.3655 | 0.8225 | 18.6058 | 21.2021 | 21.7237 | 20.4954 |
| 450155 | 1.0233 | 0.8225 | 17.9306 | 18.0589 | 21.7604 | 19.2283 |
| 450157 | *** | * | 17.8812 | * | * | 17.8812 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 450160 | 0.8255 | * | 21.9118 | * | * | 21.9118 |
| 450162 | 1.3040 | 0.8536 | 31.0645 | 30.9903 | 33.3285 | 31.8718 |
| 450163 | 1.0920 | 0.8359 | 20.3280 | 23.1400 | 24.1267 | 22.5244 |
| 450165 | 1.0756 | 0.8945 | 20.2414 | 24.3242 | 28.6490 | 24.3813 |
| 450176 | 1.3564 | 0.8794 | 20.9392 | 20.9297 | 23.1284 | 21.6670 |
| 450177 | 1.1948 | 0.8225 | 19.7657 | 21.3322 | 23.7624 | 21.6179 |
| 450178 | 0.9384 | 0.8225 | 20.2992 | 24.7301 | 27.8404 | 24.1301 |
| 450184 | 1.5405 | 1.0094 | 25.3935 | 26.7821 | 28.5399 | 26.9381 |
| 450185 | *** | * | 15.5838 | * | * | 15.5838 |
| 450187 | 1.1725 | 1.0094 | 24.2400 | 25.6786 | 28.3243 | 26.1312 |
| 450188 | 0.9532 | 0.8225 | 18.9586 | 20.4070 | 23.0595 | 20.8839 |
| 450191 | 1.1733 | 0.9328 | 25.9078 | 26.0298 | 26.5863 | 26.1892 |
| 450192 | 1.1679 | 0.9743 | 22.5118 | 22.5880 | 24.1186 | 23.0856 |
| 450193 | 2.0322 | 1.0094 | 29.2751 | 32.2964 | 34.4545 | 32.0837 |
| 450194 | 1.3868 | 0.9743 | 22.3348 | 24.8972 | 22.9605 | 23.3409 |
| 450196 | 1.4262 | 0.9743 | 23.6170 | 24.7557 | 24.0161 | 24.1328 |
| 450200 | 1.4655 | 0.8225 | 22.0923 | 23.5344 | 23.5012 | 23.0498 |
| 450201 | 0.9930 | 0.8225 | 20.3350 | 20.9809 | 23.2510 | 21.5242 |
| 450203 | 1.1562 | 0.9556 | 23.3953 | 24.1675 | 26.5237 | 24.7655 |
| 450209 | 1.9445 | 0.9248 | 24.4977 | 26.0958 | 27.5668 | 26.0396 |
| 450210 | 0.9821 | 0.8225 | 19.6340 | 19.9832 | 21.8722 | 20.5555 |
| 450211 | 1.3565 | 1.0094 | 20.7982 | 23.8230 | 28.4581 | 24.1927 |
| 450213 | 1.7746 | 0.8945 | 21.7930 | 23.9676 | 25.9169 | 23.9310 |
| 450214 | 1.1721 | 1.0094 | 23.9112 | 25.9598 | 27.4357 | 25.7688 |
| 450219 | 0.9924 | 0.8225 | 20.8255 | 21.7934 | 21.9206 | 21.5544 |
| 450221 | 1.1280 | 0.8225 | 20.6887 | 20.3186 | 19.3793 | 20.1275 |
| 450222 | 1.6144 | 1.0094 | 26.2975 | 27.4426 | 30.0314 | 27.9521 |
| 450224 | 1.3827 | 0.8963 | 22.2250 | 24.1956 | 26.8302 | 24.3592 |
| 450229 | 1.6260 | 0.8380 | 19.8279 | 21.4459 | 24.4450 | 21.9251 |
| 450231 | 1.6215 | 0.9248 | 23.9532 | 25.2852 | 27.1674 | 25.5166 |
| 450234 | 1.0357 | 0.8225 | 23.6695 | 18.4451 | 20.6890 | 20.7174 |
| 450235 | 1.0194 | 0.8225 | 19.1453 | 21.5138 | 23.5212 | 21.4625 |
| 450236 | 1.1076 | 0.8225 | 19.2987 | 22.0788 | 23.5426 | 21.6828 |
| 450237 | 1.6350 | 0.8945 | 25.1504 | 24.8901 | 25.7939 | 25.2876 |
| 450239 | 0.9632 | 0.8993 | 21.8595 | 21.1945 | 21.2586 | 21.4253 |
| 450241 | 1.0434 | 0.8225 | 18.1155 | 18.7957 | 20.8733 | 19.2853 |
| 450243 | 0.9856 | 0.8225 | 14.0589 | 15.4636 | 15.4511 | 14.9997 |
| 450249 | *** | * | 16.5616 | * | * | 16.5616 |
| 450253 | 0.9498 | 1.0094 | 19.6379 | 20.6124 | 24.2435 | 21.5908 |
| 450264 | *** | * | 15.4111 | * | * | 15.4111 |
| 450269 | *** | * | 14.8204 | * | * | 14.8204 |
| 450270 | 1.2007 | 0.8225 | 15.0879 | 14.4325 | 15.2191 | 14.8787 |
| 450271 | 1.1343 | 0.9556 | 19.4299 | 21.7719 | 22.7035 | 21.3960 |
| 450272 | 1.2284 | 0.9328 | 23.7933 | 25.7392 | 26.2576 | 25.2704 |
| 450276 | 0.9777 | * | 16.0264 | 16.6319 | * | 16.3591 |
| 450280 | 1.4675 | 0.9977 | 27.4523 | 28.7233 | 29.9730 | 28.7186 |
| 450283 | 1.0757 | 0.9743 | 20.0069 | 20.9680 | 22.7938 | 21.3337 |
| 450289 | 1.3830 | 1.0094 | 27.3864 | 28.5665 | 32.2645 | 29.4132 |
| 450292 | 1.2409 | 0.9977 | 23.5330 | 25.0411 | 26.3242 | 24.9781 |
| 450293 | 0.9055 | 0.8225 | 20.0898 | 21.3136 | 23.6412 | 21.7008 |
| 450296 | 1.0521 | 1.0094 | 29.2006 | 27.9690 | 30.4324 | 29.2385 |
| 450299 | 1.5716 | 0.8903 | 25.8183 | 26.4933 | 27.5797 | 26.6552 |
| 450306 | 0.9235 | 0.8380 | 14.6699 | 15.9854 | 21.4557 | 16.9573 |
| 450315 | 2.5812 | 0.9977 | 27.9780 | * | 37.1723 | 29.7429 |
| 450324 | 1.5354 | 0.9743 | 23.6362 | 24.9128 | 25.1633 | 24.6077 |
| 450330 | 1.1724 | 1.0094 | 24.4310 | 25.5820 | 26.0771 | 25.3891 |
| 450340 | 1.4214 | 0.8483 | 22.7826 | 24.0636 | 25.0344 | 23.9657 |
| 450346 | 1.4416 | 0.8710 | 21.9717 | 22.2469 | 23.6072 | 22.6462 |
| 450347 | 1.1715 | 1.0094 | 22.8133 | 27.2203 | 28.7666 | 26.1826 |
| 450348 | 1.0371 | 0.8225 | 17.0198 | 18.7675 | 21.6787 | 19.2441 |
| 450351 | 1.2922 | 0.9556 | 23.5895 | 25.6859 | 26.5388 | 25.2985 |
| 450352 | 1.1200 | 0.9977 | 23.4297 | 24.8012 | 26.2281 | 24.7897 |
| 450353 | *** | * | 20.9271 | 24.4454 | 27.0248 | 24.0073 |
| 450358 | 1.9753 | 1.0094 | 29.3408 | 30.4280 | 31.4926 | 30.5042 |
| 450362 | 1.0874 | * | 22.0223 | 25.4372 | * | 23.7705 |
| 450369 | 1.0481 | 0.8225 | 17.5360 | 18.4848 | 19.9148 | 18.7853 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 450370 | 1.2183 | 0.8483 | 22.6815 | 20.0832 | 25.5833 | 22.5952 |
| 450372 | 1.3306 | 0.9977 | 26.8019 | 28.3359 | 30.8886 | 28.6943 |
| 450373 | 0.9459 | 0.8225 | 20.5789 | 22.2213 | 24.8286 | 22.6500 |
| 450374 | 0.9179 | * | 17.4509 | 23.2285 | * | 19.8412 |
| 450378 | 1.4526 | 1.0094 | 29.5108 | 30.7684 | 30.3883 | 30.2116 |
| 450379 | 1.3601 | 0.9977 | 31.1573 | 30.6072 | 33.7521 | 31.8164 |
| 450381 | 0.8992 | * | 20.9200 | 22.0482 | * | 21.4845 |
| 450388 | 1.6174 | 0.8945 | 24.1598 | 25.8674 | 27.4328 | 25.9990 |
| 450389 | 1.2059 | 0.9743 | 22.3803 | 23.8764 | 25.6732 | 24.0879 |
| 450393 | 0.6586 | 0.9743 | 24.6872 | 18.4551 | 21.9347 | 21.6142 |
| 450395 | 0.9970 | 1.0094 | 23.9689 | 24.8656 | 27.5189 | 25.5886 |
| 450399 | 0.9358 | 0.8225 | 19.5928 | 18.2074 | 20.3529 | 19.3483 |
| 450400 | 1.2489 | 0.8748 | 22.0103 | 23.1739 | 23.6358 | 22.9567 |
| 450403 | 1.3322 | 0.9977 | 27.8138 | 29.3063 | 29.0360 | 28.7584 |
| 450411 | 0.9527 | 0.8225 | 17.6570 | 19.6086 | 20.9372 | 19.4681 |
| 450417 | 0.8853 | * | 17.8078 | 20.0350 | * | 18.9286 |
| 450418 | 1.1743 | 1.0094 | 27.0283 | 26.8434 | 28.4362 | 27.3244 |
| 450419 | 1.2347 | 0.9743 | 28.4122 | 31.0404 | 31.9966 | 30.5106 |
| 450422 | 0.8834 | 0.9977 | 29.5592 | 30.6659 | 34.4331 | 31.5685 |
| 450424 | 1.3564 | 1.0094 | 23.1253 | 28.3149 | 28.2463 | 26.7650 |
| 450431 | 1.5025 | 0.9328 | 24.7346 | 25.2477 | 26.3263 | 25.4658 |
| 450438 | 1.1608 | 1.0094 | 22.0476 | 21.9351 | 27.8659 | 23.7940 |
| 450446 | 0.6294 | 1.0094 | 14.9983 | 14.3132 | 17.0691 | 15.3804 |
| 450447 | 1.2948 | 0.9743 | 22.5602 | 23.5047 | 25.4200 | 23.8341 |
| 450451 | 1.0771 | 0.9556 | 22.3834 | 23.3042 | 24.6201 | 23.4481 |
| 450460 | 0.9450 | 0.8225 | 19.5709 | 20.5812 | 22.4228 | 20.9542 |
| 450462 | 1.6920 | 0.9977 | 25.6952 | 27.8923 | 29.6069 | 27.8036 |
| 450465 | 1.1245 | 0.8660 | 23.0130 | 22.4183 | 26.2759 | 23.9821 |
| 450469 | 1.5158 | 0.9743 | 26.6781 | 28.7890 | 26.3262 | 27.2885 |
| 450475 | 1.0420 | 0.8946 | 20.7983 | 23.5596 | 23.0942 | 22.4809 |
| 450484 | 1.3759 | 0.8946 | 23.0604 | 25.3527 | 26.7242 | 25.0709 |
| 450488 | 1.0571 | 0.8946 | 22.3949 | 23.9144 | 22.3981 | 22.9079 |
| 450489 | 1.0047 | 0.8225 | 19.6884 | 21.4771 | 23.4805 | 21.6549 |
| 450497 | 1.0321 | 0.8225 | 17.6614 | 18.8344 | 22.0918 | 19.5528 |
| 450498 | 0.8852 | 0.8225 | 16.4358 | 17.7822 | 18.6563 | 17.6295 |
| 450508 | 1.4765 | 0.8963 | 23.5066 | 23.9572 | 28.4471 | 25.3656 |
| 450514 | 1.1038 | 0.8710 | 21.4034 | 22.6552 | 26.3704 | 23.4793 |
| 450517 | 0.9001 | * | 15.2707 | * | * | 15.2707 |
| 450518 | 1.5139 | 0.8710 | 22.2587 | 24.1194 | 28.1755 | 24.8852 |
| 450523 | *** | * | 28.6387 | * | * | 28.6387 |
| 450530 | 1.2367 | 1.0094 | 26.1998 | 28.7451 | 29.1349 | 28.0793 |
| 450534 | *** | * | 20.4715 | * | * | 20.4715 |
| 450535 | *** | * | 29.4427 | * | * | 29.4427 |
| 450537 | 1.4218 | 0.9977 | 23.9256 | 27.5856 | 27.7756 | 26.4449 |
| 450539 | 1.1857 | 0.8225 | 20.0343 | 21.0442 | 23.1829 | 21.4051 |
| 450545 | *** | * | 22.8130 | * | * | 22.8130 |
| 450547 | 0.9940 | 0.9743 | 21.8106 | 21.6542 | 23.7819 | 22.5004 |
| 450558 | 1.8481 | 0.8380 | 25.0837 | 26.1551 | 26.9407 | 26.0515 |
| 450563 | 1.4234 | 0.9743 | 27.9427 | 28.7289 | 30.8332 | 29.2145 |
| 450565 | 1.3290 | 0.8711 | 22.1971 | 23.8847 | 26.7942 | 24.3396 |
| 450571 | 1.5716 | 0.8483 | 20.9651 | 22.7703 | 25.2108 | 22.9899 |
| 450573 | 1.1285 | 0.8225 | 21.6974 | 20.1479 | 22.0797 | 21.3167 |
| 450578 | 0.9182 | 0.8225 | 20.0454 | 20.2695 | 22.5167 | 20.9331 |
| 450580 | 1.0980 | 0.8225 | 20.4293 | 21.1574 | 22.3886 | 21.3398 |
| 450584 | 1.0172 | 0.8225 | 19.0373 | 21.0808 | 20.5257 | 20.2087 |
| 450586 | 0.9535 | 0.8225 | 14.6574 | 16.1003 | 18.9107 | 16.6528 |
| 450587 | 1.2076 | 0.8225 | 19.9712 | 20.4512 | 23.1202 | 21.2201 |
| 450591 | 1.1928 | 1.0094 | 22.4991 | 23.9992 | 25.7031 | 24.0891 |
| 450596 [h] | 1.2076 | 1.0364 | 24.7477 | 25.3317 | 27.4011 | 25.7968 |
| 450597 | 0.9666 | 0.8302 | 22.9337 | 23.1711 | 24.7853 | 23.6426 |
| 450604 | 1.3121 | 0.8225 | 20.5273 | 20.9514 | 24.4743 | 22.0429 |
| 450605 | 1.0371 | 0.8438 | 23.8820 | 22.2205 | 20.9276 | 22.2838 |
| 450609 | *** | * | 18.3856 | * | * | 18.3856 |
| 450610 | 1.6341 | 1.0094 | 22.5451 | 26.8710 | 27.7317 | 25.6685 |
| 450615 | 0.9996 | 0.8225 | 18.2166 | 20.3028 | 21.8442 | 20.2114 |
| 450617 | 1.5039 | 1.0094 | 25.2211 | 26.5026 | 28.0225 | 26.6300 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 450620 | 0.9632 | 0.8225 | 18.1819 | 17.7138 | 18.6183 | 18.1777 |
| 450623 | 1.1196 | * | 28.3354 | 28.3552 | * | 28.3456 |
| 450626 | 0.8879 | * | 21.4445 | 26.8375 | * | 23.9299 |
| 450630 | 1.5661 | 1.0094 | 27.8856 | 29.6796 | 29.1462 | 28.9006 |
| 450631 | *** | * | 24.5409 | * | * | 24.5409 |
| 450634 | 1.6693 | 0.9977 | 27.0412 | 28.1705 | 28.7312 | 28.0120 |
| 450638 | 1.6206 | 1.0094 | 29.5385 | 29.6184 | 30.6572 | 29.9370 |
| 450639 | 1.4496 | 0.9743 | 27.3593 | 29.2669 | 30.4019 | 29.0735 |
| 450641 | 1.0296 | 0.8225 | 17.0805 | 17.5845 | 19.4389 | 18.0347 |
| 450643 | 1.3350 | 0.8227 | 20.9674 | 21.1205 | 22.7355 | 21.6318 |
| 450644 | 1.5447 | 1.0094 | 27.2047 | 29.0186 | 29.7918 | 28.7566 |
| 450646 | 1.3773 | 0.9238 | 22.6541 | 23.8908 | 25.6313 | 24.0815 |
| 450647 | 1.8728 | 0.9977 | 28.8881 | 30.7334 | 30.6924 | 30.1156 |
| 450648 | *** | * | 18.2826 | * | * | 18.2826 |
| 450649 | *** | * | 18.1118 | * | * | 18.1118 |
| 450651 | 1.5203 | 0.9977 | 28.9829 | 32.4822 | 30.4484 | 30.6508 |
| 450653 | 1.1633 | 0.9387 | 21.8654 | 23.2603 | 25.2144 | 23.3936 |
| 450654 | 0.9369 | 0.8225 | 19.6054 | 19.9992 | 21.5002 | 20.4392 |
| 450656 | 1.4635 | 0.8963 | 22.7284 | 23.8280 | 25.5050 | 23.9802 |
| 450658 | 0.9160 | 0.8225 | 19.9597 | 20.5398 | 22.2293 | 20.9268 |
| 450659 | 1.4257 | 1.0094 | 28.8671 | 30.1727 | 31.5024 | 30.2031 |
| 450661 | 1.0901 | 1.0038 | 21.5537 | 23.2989 | 30.2610 | 25.0910 |
| 450662 | 1.5052 | 0.9731 | 24.5815 | 28.0913 | 29.0535 | 27.2554 |
| 450665 | 0.9162 | * | 17.2566 | 18.6054 | * | 17.9420 |
| 450668 | 1.5005 | 0.9238 | 26.4508 | 26.2375 | 28.8635 | 27.1889 |
| 450669 | 1.2012 | 0.9977 | 25.6411 | 27.4507 | 27.9796 | 27.0676 |
| 450670 | 1.3956 | 1.0094 | 22.0495 | 25.1575 | 25.9638 | 24.3797 |
| 450672 | 1.7624 | 0.9743 | 26.7785 | 27.6359 | 30.1191 | 28.2018 |
| 450673 | *** | * | 19.4030 | * | * | 19.4030 |
| 450674 | 0.9612 | 1.0094 | 26.8081 | 28.4416 | 28.7101 | 27.9874 |
| 450675 | 1.3931 | 0.9743 | 26.1555 | 28.7765 | 28.9005 | 28.0563 |
| 450677 | 1.3318 | 0.9743 | 24.0218 | 27.3728 | 25.9555 | 25.7657 |
| 450678 | 1.4692 | 0.9977 | 30.1134 | 30.1500 | 31.1563 | 30.4735 |
| 450683 | 1.1741 | 0.9977 | 24.0080 | 24.6609 | 27.4925 | 25.3331 |
| 450684 | 1.2331 | 1.0094 | 26.2906 | 27.6789 | 29.3025 | 27.8096 |
| 450686 | 1.6793 | 0.8536 | 21.0565 | 23.2367 | 24.2331 | 22.8653 |
| 450688 | 1.1879 | 0.9977 | 23.7796 | 27.9057 | 26.8599 | 26.1879 |
| 450690 | 1.4275 | 0.8963 | 28.7529 | 28.2531 | 26.5529 | 27.9501 |
| 450694 | 1.0615 | 1.0094 | 22.3081 | 23.5790 | 23.9961 | 23.3059 |
| 450697 | 1.4256 | 0.8945 | 21.2662 | 23.7155 | 24.8667 | 23.4252 |
| 450698 | 0.8850 | 0.8225 | 18.5436 | 18.6494 | 20.0956 | 19.1074 |
| 450700 | 0.9189 | * | 18.6373 | * | * | 18.6373 |
| 450702 | 1.5357 | 0.8946 | 24.8628 | 25.6147 | 26.8384 | 25.7796 |
| 450709 | 1.2615 | 1.0094 | 25.0932 | 25.4855 | 26.8147 | 25.8066 |
| 450711 | 1.5421 | 0.8794 | 24.8277 | 28.0104 | 26.7472 | 26.5263 |
| 450713 | 1.5592 | 0.9328 | 26.7190 | 27.2801 | 28.8285 | 27.6415 |
| 450715 | 1.2971 | 0.9977 | 16.1897 | 28.0365 | 17.3991 | 19.3270 |
| 450716 | 1.2662 | 1.0094 | 28.8043 | 30.8440 | 32.3960 | 30.7109 |
| 450718 | 1.2262 | 0.9328 | 27.6672 | 27.3408 | 27.3215 | 27.4283 |
| 450723 | 1.4837 | 0.9977 | 27.0055 | 28.0812 | 28.5103 | 27.8941 |
| 450730 | 1.1793 | 0.9977 | 30.7567 | 29.9430 | 31.3324 | 30.6860 |
| 450733 | *** | * | 25.5624 | 26.4976 | * | 26.0340 |
| 450742 | 1.2010 | 0.9977 | 26.3414 | 26.1190 | 27.2022 | 26.5824 |
| 450743 | 1.5065 | 0.9977 | 24.7397 | 27.3213 | 28.3362 | 26.8676 |
| 450746 | 0.9430 | 0.8225 | 16.9209 | 12.4748 | 20.6343 | 16.4710 |
| 450747 | 1.2741 | 0.9743 | 24.2674 | 22.2870 | 23.8314 | 23.4471 |
| 450749 | 0.9981 | 0.8225 | 18.4095 | 17.8227 | 20.0487 | 18.7388 |
| 450751 | *** | * | 22.9070 | 19.3265 | 18.7455 | 20.2713 |
| 450754 | 0.9206 | 0.8225 | 21.3043 | 20.8968 | 22.1819 | 21.4874 |
| 450755 | 0.9625 | 0.8709 | 19.5168 | 18.0092 | 19.8988 | 19.0957 |
| 450758 | 1.8686 | 0.9977 | 24.0226 | 25.6548 | 28.7342 | 26.1021 |
| 450760 | 1.0194 | 0.9238 | 25.7453 | 24.6349 | 24.7490 | 24.9819 |
| 450761 | 0.8561 | * | 16.2605 | 15.7483 | * | 16.0004 |
| 450763 | 1.0963 | * | 21.4171 | 22.4905 | * | 21.9641 |
| 450766 | 1.9781 | 0.9977 | 28.8576 | 30.0441 | 30.8004 | 29.8769 |
| 450770 | 1.1859 | 0.9328 | 20.1763 | 20.3656 | 24.1647 | 21.5849 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 450771 | 1.7685 | 0.9977 | 26.0618 | 31.3924 | 30.7105 | 29.5787 |
| 450774 | 1.7982 | 1.0094 | 24.8562 | 24.9683 | 27.2080 | 25.7464 |
| 450775 | 1.2517 | 1.0094 | 25.3924 | 24.4006 | 28.1428 | 25.9026 |
| 450779 | 1.2433 | 0.9743 | 22.5857 | 26.9908 | 29.9674 | 26.4916 |
| 450780 | 1.8456 | 0.8945 | 22.8688 | 23.9516 | 26.7612 | 24.5801 |
| 450788 | 1.5824 | 0.8438 | 24.2643 | 25.4172 | 26.2840 | 25.3430 |
| 450795 | 1.4018 | 1.0094 | 28.1448 | 23.7510 | 25.2007 | 25.3208 |
| 450796 | 1.7748 | 0.9248 | 24.7564 | 27.9734 | 36.4073 | 29.4591 |
| 450797 | *** | * | 23.8708 | 20.5379 | 24.8950 | 22.9091 |
| 450801 | 1.4926 | 0.8225 | 22.2426 | 23.0373 | 24.6328 | 23.3485 |
| 450803 | 1.1734 | 1.0094 | 26.3054 | 30.6093 | 28.9235 | 28.5424 |
| 450804 | 1.9010 | 1.0094 | 26.0003 | 26.0980 | 27.8775 | 26.6687 |
| 450808 | 1.5092 | 0.9328 | 22.8247 | 23.8067 | 21.9793 | 22.8436 |
| 450809 | 1.5785 | 0.9328 | 24.7763 | 26.3659 | 26.4223 | 25.8912 |
| 450811 | 1.7372 | 0.8794 | 23.1022 | 25.8491 | 27.2584 | 25.5012 |
| 450813 | 1.1552 | 0.8945 | 22.1326 | 25.5949 | 20.1710 | 22.5101 |
| 450820 | 1.2916 | 1.0094 | 27.9187 | 30.5288 | 31.4666 | 30.3417 |
| 450822 | 1.2821 | 0.9977 | 29.7067 | 31.1431 | 32.2968 | 31.1476 |
| 450824 | 2.5316 | 0.9328 | * | 26.7803 | 31.2375 | 29.0413 |
| 450825 | 1.4683 | 0.8794 | 18.7069 | 20.2959 | 20.6457 | 19.9274 |
| 450827 | 1.3872 | 0.8562 | 21.1788 | 20.9704 | 23.7554 | 22.0429 |
| 450828 | 1.2665 | 0.8225 | 21.4128 | 22.3667 | 24.4740 | 22.7556 |
| 450829 | *** | * | 18.2860 | 19.5014 | 20.6016 | 19.4468 |
| 450830 | 0.9544 | 0.9714 | 26.9917 | 28.1617 | 28.5901 | 27.8895 |
| 450831 | 1.5156 | 1.0094 | 20.0581 | 22.7885 | 23.3880 | 22.2887 |
| 450832 | 1.1619 | 1.0094 | 26.4725 | 26.6628 | 26.5229 | 26.5559 |
| 450833 | 1.1604 | 0.9977 | 26.1256 | 26.0044 | 27.0133 | 26.4267 |
| 450834 | 1.5313 | 0.8903 | 22.7691 | 21.2204 | 20.9607 | 21.5957 |
| 450838 | 1.1294 | 0.8225 | 15.0454 | 15.8026 | 19.5754 | 17.1128 |
| 450839 | 0.9397 | 0.8688 | 21.1905 | 22.9711 | 25.8222 | 23.2312 |
| 450840 | 1.0932 | 0.9977 | 29.5215 | 31.1914 | 30.1743 | 30.3319 |
| 450841 | 1.6065 | 0.9731 | 17.6635 | 18.9468 | 20.9410 | 19.3356 |
| 450842 | *** | * | 23.0945 | * | * | 23.0945 |
| 450844 | 1.2950 | 1.0094 | 34.4235 | 28.7296 | 30.7887 | 30.5867 |
| 450845 | 1.9042 | 0.9238 | 26.5040 | 27.7461 | 29.4933 | 28.0269 |
| 450846 | *** | * | 24.0791 | * | * | 24.0791 |
| 450847 | 1.2405 | 1.0094 | 26.8892 | 27.6854 | 28.5548 | 27.7393 |
| 450848 | 1.2394 | 1.0094 | 26.5609 | 27.8100 | 29.5355 | 27.9941 |
| 450849 | 2.1291 | * | * | * | * | * |
| 450850 | 1.2693 | 0.9538 | * | 22.1334 | 21.9266 | 22.0277 |
| 450851 | 2.5547 | 0.9977 | * | 30.1213 | 32.6950 | 31.4416 |
| 450852 | *** | * | * | 30.0191 | * | 30.0191 |
| 450853 | 1.9180 | 0.9977 | * | * | 36.1169 | 36.1169 |
| 450854 | *** | * | * | * | 27.1867 | 27.1867 |
| 450855 | 1.5421 | 0.9731 | * | * | 30.8855 | 30.8855 |
| 450856 | 1.8036 | 0.8945 | * | * | 39.0865 | 39.0865 |
| 450857 | *** | * | * | * | 30.4630 | 30.4630 |
| 450860 | 2.0576 | 1.0094 | * | * | 24.0171 | 24.0171 |
| 450861 | *** | * | * | * | 34.9289 | 34.9289 |
| 450862 | 1.2151 | 1.0094 | * | * | 31.2224 | 31.2224 |
| 450863 | *** | * | * | * | 24.8824 | 24.8824 |
| 450864 | 2.0234 | 0.8963 | * | * | 23.3765 | 23.3765 |
| 450865 | 1.1187 | 0.9328 | * | * | 29.1763 | 29.1763 |
| 450866 | *** | * | * | * | 15.2959 | 15.2959 |
| 450867 | 1.3218 | 0.9328 | * | * | 28.2290 | 28.2290 |
| 450868 | 1.8042 | 1.0038 | * | * | 27.9579 | 27.9579 |
| 450869 | 1.8958 | 0.8794 | * | * | 22.6253 | 22.6253 |
| 450870 | *** | * | * | * | 37.4366 | 37.4366 |
| 450871 | 1.8656 | 0.9328 | * | * | * | * |
| 450872 | 1.3999 | 0.9743 | * | * | * | * |
| 450874 | 1.4619 | 0.9977 | * | * | * | * |
| 450875 | 1.6696 | 0.9248 | * | * | * | * |
| 450876 | 2.2645 | 0.8536 | * | * | * | * |
| 450877 | 1.3998 | 0.9238 | * | * | * | * |
| 450878 | 2.7757 | 0.8945 | * | * | * | * |
| 450879 | 1.2273 | 0.8227 | * | * | * | * |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 450880 | 1.6125 | 0.9743 | * | * | * | * |
| 450881 | 1.1784 | 0.8438 | * | * | * | * |
| 450882 | 1.7221 | 0.8963 | * | * | * | * |
| 450883 | 1.7067 | 0.9977 | * | * | * | * |
| 450884 | 1.0397 | 0.8946 | * | * | * | * |
| 450885 | 1.4554 | 0.9977 | * | * | * | * |
| 450886 | 1.5741 | 0.9653 | * | * | * | * |
| 450887 | 1.4336 | 0.8710 | * | * | * | * |
| 450888 | 1.3529 | 0.9653 | * | * | * | * |
| 450889 | 1.0565 | 0.9977 | * | * | * | * |
| 450890 | 2.0380 | 0.9977 | * | * | * | * |
| 450891 | 1.3559 | 0.9977 | * | * | * | * |
| 450892 | 1.5030 | 0.8794 | * | * | * | * |
| 450893 | 1.4269 | 0.9977 | * | * | * | * |
| 450894 | 1.3348 | 0.9977 | * | * | * | * |
| 450895 | 1.4124 | 0.8225 | * | * | * | * |
| 460001 | 1.8784 | 0.9479 | 25.6932 | 27.0757 | 28.7150 | 27.1531 |
| 460003 | 1.5547 | 0.9476 | 24.3527 | 26.1372 | 31.4135 | 27.1945 |
| 460004 | 1.7077 | 0.9476 | 25.2191 | 26.4498 | 28.2040 | 26.6592 |
| 460005 | 1.3445 | 0.9476 | 22.6809 | 23.5633 | 25.0239 | 23.7650 |
| 460006 | 1.3742 | 0.9476 | 24.4350 | 25.4787 | 27.1392 | 25.7154 |
| 460007 | 1.3804 | 0.9452 | 24.2875 | 25.6686 | 27.1308 | 25.7556 |
| 460008 | 1.3827 | 0.9476 | 24.4453 | 26.5672 | 29.5907 | 26.7664 |
| 460009 | 1.8398 | 0.9476 | 25.0984 | 26.2833 | 27.2885 | 26.2730 |
| 460010 | 2.0531 | 0.9476 | 26.2331 | 27.4648 | 29.0063 | 27.5982 |
| 460011 | 1.2838 | 0.9479 | 22.3601 | 23.4023 | 24.4402 | 23.3523 |
| 460013 | 1.4173 | 0.9479 | 23.4765 | 25.2448 | 27.7380 | 25.4829 |
| 460014 | 1.0588 | 0.9476 | 23.9400 | 24.1412 | 28.2647 | 25.5288 |
| 460015 | 1.3697 | 0.9045 | 24.0939 | 25.6576 | 27.2506 | 25.6953 |
| 460017 | 1.3235 | 0.8644 | 21.7082 | 23.0388 | 24.3031 | 22.9540 |
| 460018 [h] | 0.9077 | 1.1538 | 18.8942 | 20.3755 | 22.0517 | 20.5447 |
| 460019 | 1.3155 | 0.8252 | 20.3625 | 19.9900 | 24.3756 | 21.5406 |
| 460020 | 1.0268 | 0.8252 | 19.4960 | 19.5669 | 18.5160 | 19.2143 |
| 460021 | 1.7229 | 1.1006 | 24.9725 | 26.3420 | 28.0291 | 26.5758 |
| 460023 | 1.2019 | 0.9479 | 25.0376 | 25.3094 | 26.9512 | 25.8154 |
| 460025 | *** | * | 18.7978 | * | * | 18.7978 |
| 460026 | 1.0007 | 0.8252 | 22.7589 | 24.1547 | 26.9295 | 24.5709 |
| 460030 | 1.2631 | 0.8252 | 22.6129 | 23.4679 | 23.5942 | 23.2270 |
| 460032 | *** | * | 22.8987 | * | * | 22.8987 |
| 460033 | 0.8964 | 0.8252 | 22.7816 | 22.0248 | 25.3423 | 23.3508 |
| 460035 | 0.9395 | 0.8252 | 16.9019 | 17.5723 | 20.6321 | 18.4448 |
| 460036 | 1.2333 | * | 25.2647 | 27.2865 | * | 26.2960 |
| 460037 | 0.9293 | * | 19.8478 | 21.1035 | * | 20.4672 |
| 460039 | 1.0857 | 0.9080 | 27.5912 | 28.5656 | 29.5649 | 28.5822 |
| 460041 | 1.3435 | 0.9476 | 24.0431 | 25.2744 | 26.4640 | 25.2569 |
| 460042 | 1.3756 | 0.9476 | 23.5819 | 22.9949 | 24.9454 | 23.8477 |
| 460043 | 1.2959 | 0.9479 | 26.6870 | 28.2089 | 28.2008 | 27.7219 |
| 460044 | 1.2992 | 0.9476 | 25.7342 | 26.6795 | 27.4928 | 26.6716 |
| 460047 | 1.6806 | 0.9476 | 25.1721 | 25.7920 | 28.2336 | 26.4124 |
| 460049 | 1.9513 | 0.9476 | 23.0683 | 24.5164 | 26.6701 | 24.8058 |
| 460051 | 1.1279 | 0.9476 | 23.4970 | 25.5881 | 27.0160 | 25.4423 |
| 460052 | 1.4693 | 0.9479 | 24.0797 | 25.3163 | 26.1629 | 25.2450 |
| 460054 | 1.7265 | 0.9045 | 23.5227 | 25.8668 | 24.9926 | 24.8098 |
| 470001 | 1.2535 | 1.1394 | 24.5499 | 27.7329 | 28.3017 | 26.8400 |
| 470003 | 1.9669 | 1.0483 | 24.6660 | 26.4919 | 28.1137 | 26.4025 |
| 470005 | 1.3514 | 0.9622 | 25.7288 | 29.8255 | 30.7872 | 28.7819 |
| 470006 | 1.1507 | * | 26.0884 | 26.9651 | * | 26.5397 |
| 470008 | 1.2850 | * | 21.8951 | * | * | 21.8951 |
| 470010 | 1.2491 | * | 22.9777 | 26.1273 | * | 24.5339 |
| 470011 | 1.1885 | 1.1003 | 25.9246 | 28.3911 | 28.1330 | 27.5017 |
| 470012 | 1.2577 | 0.9887 | 22.9159 | 24.3425 | 26.0226 | 24.4725 |
| 470018 | 1.1198 | * | 25.9300 | 28.3419 | * | 27.1737 |
| 470023 | *** | * | 26.7486 | * | * | 26.7486 |
| 470024 | 1.2037 | 0.9622 | 23.7745 | 25.2427 | 27.0394 | 25.4090 |
| 490001 | 1.0805 | 0.8351 | 21.7111 | 21.9953 | 23.2174 | 22.3295 |
| 490002 | 1.0698 | 0.8101 | 18.5220 | 19.5613 | 20.8609 | 19.6806 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 490003 | *** | * | 23.8112 | 27.3456 | * | 25.4279 |
| 490004 | 1.3010 | 0.9709 | 24.4580 | 25.4597 | 27.1676 | 25.7382 |
| 490005 | 1.6327 | 1.0877 | 27.6425 | 28.5744 | 29.8215 | 28.6809 |
| 490006 | *** | * | 16.7679 | * | * | 16.7679 |
| 490007 | 2.2160 | 0.8774 | 24.9533 | 26.2481 | 27.6572 | 26.3292 |
| 490009 | 2.0093 | 1.0039 | 27.5905 | 29.0740 | 30.4722 | 29.0283 |
| 490011 | 1.4461 | 0.8774 | 22.4410 | 24.5687 | 26.4766 | 24.5414 |
| 490012 | 1.0202 | 0.8101 | 18.3697 | 19.2275 | 21.0605 | 19.5488 |
| 490013 | 1.3321 | 0.8600 | 21.4838 | 22.4772 | 24.7521 | 22.8740 |
| 490015 | *** | * | 22.5641 | * | * | 22.5641 |
| 490017 | 1.4173 | 0.8774 | 22.9632 | 24.6845 | 25.8216 | 24.4959 |
| 490018 | 1.2739 | 0.9709 | 23.2215 | 24.5196 | 26.2510 | 24.7153 |
| 490019 [h] | 1.1709 | 1.2217 | 24.4524 | 25.9761 | 25.9885 | 25.5045 |
| 490020 | 1.2318 | 0.8997 | 23.6611 | 24.8001 | 27.3142 | 25.3008 |
| 490021 | 1.4612 | 0.8600 | 23.5930 | 24.6440 | 25.7938 | 24.7182 |
| 490022 | 1.4894 | 1.0977 | 25.0277 | 28.0749 | 32.2676 | 28.4060 |
| 490023 | 1.2393 | 1.0977 | 28.8354 | 29.7774 | 30.3416 | 29.6802 |
| 490024 | 1.7419 | 0.8651 | 21.7268 | 23.0982 | 26.1125 | 23.6415 |
| 490027 | 1.0961 | 0.8101 | 19.8345 | 18.9409 | 24.0289 | 20.8898 |
| 490031 | *** | * | 22.4300 | 22.0579 | * | 22.2427 |
| 490032 | 1.9793 | 0.8997 | 22.8942 | 25.1381 | 25.2654 | 24.4425 |
| 490033 | 1.0681 | 1.0977 | 27.6355 | 30.0909 | 31.2922 | 29.7448 |
| 490037 | 1.1864 | 0.8101 | 19.0583 | 21.3035 | 24.7711 | 21.6802 |
| 490038 | 1.2162 | 0.8123 | 19.6427 | 22.3976 | 21.8509 | 21.2809 |
| 490040 | 1.5112 | 1.0977 | 30.1820 | 32.8738 | 32.6564 | 31.9007 |
| 490041 | 1.3878 | 0.8774 | 22.2955 | 24.5738 | 26.0897 | 24.2996 |
| 490042 | 1.3009 | 0.8700 | 20.5845 | 21.8749 | 24.4650 | 22.4123 |
| 490043 | 1.1476 | 1.0977 | 28.2969 | 30.8871 | 33.7096 | 31.2339 |
| 490044 | 1.4622 | 0.8774 | 22.1324 | 20.8351 | 23.3527 | 22.0886 |
| 490045 | 1.2875 | 1.0977 | 27.2132 | 28.8279 | 32.0937 | 29.3169 |
| 490046 | 1.5651 | 0.8774 | 24.6391 | 25.6328 | 26.6517 | 25.6753 |
| 490047 | 1.0311 | * | 21.9156 | 22.5424 | * | 22.2282 |
| 490048 | 1.4205 | 0.8803 | 24.1639 | 25.0097 | 26.2828 | 25.2067 |
| 490050 | 1.4871 | 1.0977 | 29.4660 | 30.5037 | 31.3885 | 30.4585 |
| 490052 | 1.6094 | 0.8774 | 21.4035 | 22.8889 | 23.5973 | 22.6356 |
| 490053 | 1.2455 | 0.8215 | 20.9367 | 21.8432 | 23.3315 | 22.0269 |
| 490057 | 1.5985 | 0.8774 | 25.1898 | 26.1128 | 26.6898 | 26.0151 |
| 490059 | 1.5979 | 0.8997 | 26.1518 | 28.7276 | 27.3611 | 27.4497 |
| 490060 | 1.0296 | 0.8101 | 21.0828 | 22.4200 | 23.6114 | 22.3834 |
| 490063 | 1.8142 | 1.0977 | 29.4216 | 30.3632 | 31.3619 | 30.4093 |
| 490066 | 1.3522 | 0.8774 | 23.3835 | 24.7146 | 27.8250 | 25.3365 |
| 490067 | 1.1961 | 0.8997 | 21.8730 | 22.9188 | 24.9021 | 23.2051 |
| 490069 | 1.5708 | 0.8997 | 24.4542 | 26.8791 | 27.3181 | 26.2612 |
| 490071 | 1.3151 | 0.8997 | 27.0374 | 28.4381 | 29.7186 | 28.4112 |
| 490073 | 1.7227 | 1.0977 | 25.2859 | 31.7743 | 33.1829 | 29.3533 |
| 490075 | 1.4657 | 0.8499 | 22.8303 | 23.8191 | 25.2022 | 23.9494 |
| 490077 | 1.4104 | 1.0039 | 24.8309 | 26.0800 | 26.6806 | 25.8942 |
| 490079 | 1.2758 | 0.9246 | 19.8100 | 23.4728 | 25.3103 | 22.6834 |
| 490084 | 1.1810 | 0.8268 | 22.7945 | 24.5965 | 24.9007 | 24.0470 |
| 490088 | 1.0916 | 0.8600 | 21.4818 | 22.4186 | 24.1470 | 22.6675 |
| 490089 | 1.0528 | 0.8803 | 21.2123 | 22.6461 | 24.9438 | 23.0512 |
| 490090 | 1.1091 | 0.8101 | 21.3410 | 22.2907 | 25.1157 | 22.8001 |
| 490092 | 1.0717 | 0.8997 | 21.6466 | 23.8656 | 23.3439 | 22.9307 |
| 490093 | 1.4491 | 0.8774 | 23.6779 | 25.0751 | 25.6531 | 24.8859 |
| 490094 | 0.9765 | 0.8997 | 26.0755 | 26.5726 | 28.2165 | 26.9684 |
| 490097 | 1.0644 | 0.8101 | 23.5366 | 23.8005 | 26.5322 | 24.6151 |
| 490098 | 1.1693 | 0.8101 | 20.9805 | 21.7231 | 23.2782 | 21.9946 |
| 490101 | 1.3337 | 1.0977 | 30.1800 | 30.4285 | 31.2377 | 30.6298 |
| 490104 | 0.8061 | 0.8997 | 33.1215 | 17.3295 | * | 22.8307 |
| 490105 | 0.9466 | 0.8215 | 38.2813 | 24.7923 | 25.5330 | 29.8146 |
| 490106 | 0.9936 | 0.9709 | 30.1492 | 23.0199 | 23.8333 | 26.2690 |
| 490107 | 1.3491 | 1.0977 | 28.7296 | 29.7000 | 32.2672 | 30.2868 |
| 490108 | 0.9857 | 0.8600 | 27.9090 | 22.4345 | 22.9075 | 24.4340 |
| 490109 | 0.9095 | 0.8997 | 28.0548 | 21.9878 | 22.7854 | 24.2226 |
| 490110 | 1.2678 | 0.8296 | 21.3126 | 22.5974 | 24.2887 | 22.7832 |
| 490111 | 1.2760 | 0.8101 | 20.6373 | 22.0199 | 22.1476 | 21.6199 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 490112 | 1.6455 | 0.8997 | 25.8312 | 26.6453 | 27.1933 | 26.5766 |
| 490113 | 1.2545 | 1.0977 | 29.1786 | 29.5698 | 31.8177 | 30.2326 |
| 490114 | 1.0628 | 0.8101 | 20.0555 | 20.9116 | 22.5255 | 21.1612 |
| 490115 | 1.1828 | 0.8101 | 20.3615 | 21.4666 | 22.4058 | 21.4306 |
| 490116 | 1.1865 | 0.8214 | 21.3083 | 22.9017 | 24.2258 | 22.8258 |
| 490117 | 1.1443 | 0.8101 | 17.4111 | 18.0277 | 19.6398 | 18.3782 |
| 490118 | 1.6783 | 0.8997 | 26.8810 | 27.4050 | 27.6749 | 27.3595 |
| 490119 | 1.2489 | 0.8774 | 23.7813 | 25.2549 | 26.5756 | 25.2641 |
| 490120 | 1.3584 | 0.8774 | 23.1535 | 24.4434 | 25.8795 | 24.4826 |
| 490122 | 1.4682 | 1.0977 | 28.7020 | 31.0449 | 32.0743 | 30.5780 |
| 490123 | 1.0808 | 0.8101 | 22.9511 | 23.9233 | 24.3490 | 23.7387 |
| 490124 | *** | * | 29.7939 | * | * | 29.7939 |
| 490126 | 1.2229 | 0.8101 | 23.1423 | 22.2859 | 23.6690 | 23.0360 |
| 490127 | 1.1631 | 0.8101 | 19.4005 | 20.4289 | 21.3735 | 20.3701 |
| 490130 | 1.1989 | 0.8774 | 22.0769 | 22.8512 | 23.9982 | 22.9793 |
| 490133 | *** | * | * | 26.5683 | * | 26.5683 |
| 490134 | 0.8131 | 0.8101 | * | * | * | * |
| 490135 | 0.6927 | 0.8803 | * | * | * | * |
| 490136 | 1.0556 | 0.8997 | * | * | * | * |
| 500001 | 1.6103 | 1.1261 | 26.7502 | 29.3707 | 31.1605 | 29.1480 |
| 500002 | 1.4399 | 1.0206 | 25.0665 | 25.3347 | 27.6400 | 26.0178 |
| 500003 | 1.3373 | 1.1096 | 28.4174 | 29.6341 | 30.6939 | 29.6076 |
| 500005 | 1.7743 | 1.1261 | 31.4415 | 32.0972 | 33.5117 | 32.3480 |
| 500007 | 1.3756 | 1.0429 | 26.1318 | 28.0476 | 29.2868 | 27.8944 |
| 500008 | 1.9489 | 1.1261 | 31.0128 | 31.8837 | 32.6052 | 31.8529 |
| 500011 | 1.3298 | 1.1261 | 28.3391 | 30.6508 | 31.4514 | 30.1909 |
| 500012 | 1.6619 | 1.0206 | 29.2045 | 30.6856 | 30.0509 | 29.9596 |
| 500014 | 1.6385 | 1.1261 | 30.1061 | 33.7536 | 36.1380 | 33.4306 |
| 500015 | 1.4586 | 1.1261 | 30.1596 | 32.0592 | 34.5877 | 32.3400 |
| 500016 | 1.6989 | 1.1096 | 29.3634 | 31.4221 | 31.4905 | 30.7956 |
| 500019 | 1.2650 | 1.0419 | 26.9702 | 28.6669 | 30.5594 | 28.7045 |
| 500021 | 1.3479 | 1.1096 | 28.5926 | 30.1690 | 30.7927 | 29.9310 |
| 500023 | 1.2004 | * | 27.3823 | * | * | 27.3823 |
| 500024 | 1.7894 | 1.0985 | 29.3946 | 30.7917 | 32.6171 | 30.9557 |
| 500025 | 1.7847 | 1.1261 | 31.7335 | 34.7252 | 37.7952 | 34.5981 |
| 500026 | 1.4374 | 1.1261 | 31.4152 | 33.2937 | 32.8369 | 32.5338 |
| 500027 | 1.5687 | 1.1261 | 29.5939 | 34.2175 | 34.6164 | 32.8504 |
| 500030 | 1.7341 | 1.0941 | 30.5926 | 32.7446 | 32.4426 | 31.9484 |
| 500031 | 1.2729 | 1.0206 | 28.5398 | 31.2186 | 32.8833 | 30.8990 |
| 500033 | 1.3003 | 1.0206 | 26.6704 | 29.4627 | 30.6292 | 28.8941 |
| 500036 | 1.3722 | 1.0206 | 26.0223 | 27.0072 | 28.7096 | 27.2760 |
| 500037 | 1.0368 | 1.0206 | 24.6548 | 26.9969 | 28.1056 | 26.5164 |
| 500039 | 1.4745 | 1.1096 | 27.9651 | 29.8809 | 32.2245 | 30.0885 |
| 500041 | 1.3778 | 1.1210 | 26.9101 | 26.7829 | 30.3627 | 27.9557 |
| 500044 | 1.9642 | 1.0422 | 26.9323 | 30.3164 | 29.0214 | 28.7513 |
| 500049 | 1.3191 | 1.0206 | 25.6104 | 27.1819 | 27.7170 | 26.9015 |
| 500050 | 1.4346 | 1.1210 | 26.8971 | 29.9791 | 32.6751 | 29.9079 |
| 500051 | 1.7512 | 1.1261 | 29.0100 | 31.9406 | 32.5764 | 31.2591 |
| 500052 | 1.4300 | 1.1261 | * | * | * | * |
| 500053 | 1.2893 | 1.0206 | 26.8074 | 28.4130 | 28.2901 | 27.8359 |
| 500054 | 1.9834 | 1.0422 | 28.8062 | 30.8067 | 31.6595 | 30.4566 |
| 500057 | *** | * | 21.4393 | * | * | 21.4393 |
| 500058 | 1.6679 | 1.0206 | 28.4247 | 30.4699 | 30.7487 | 29.9724 |
| 500060 | 1.3068 | 1.1261 | 33.5169 | 34.1523 | 37.4868 | 35.0605 |
| 500064 | 1.7863 | 1.1261 | 31.1459 | 31.5371 | 31.6112 | 31.4455 |
| 500065 | *** | * | 26.0960 | * | * | 26.0960 |
| 500072 | 1.1979 | 1.1096 | 29.3087 | 33.4863 | 31.2000 | 31.3297 |
| 500077 | 1.4650 | 1.0422 | 27.8819 | 29.4199 | 31.6153 | 29.6791 |
| 500079 | 1.3482 | 1.1096 | 28.4934 | 29.6623 | 31.3280 | 29.8437 |
| 500084 | 1.3114 | 1.1261 | 27.6306 | 29.3484 | 30.2411 | 29.1162 |
| 500088 | 1.4115 | 1.1261 | 31.2757 | 33.4302 | 35.3770 | 33.4301 |
| 500092 | *** | * | 23.2466 | * | * | 23.2466 |
| 500104 | 1.1366 | * | 27.0034 | * | * | 27.0034 |
| 500108 | 1.6321 | 1.1096 | 28.7206 | 29.4244 | 31.8483 | 30.0472 |
| 500110 | *** | * | 25.4785 | * | * | 25.4785 |
| 500118 | 1.0823 | * | 28.1074 | * | * | 28.1074 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 500119 | 1.3526 | 1.0422 | 27.2335 | 30.9999 | 29.7028 | 29.2939 |
| 500122 | 1.2498 | * | 27.4405 | 30.1396 | * | 28.8217 |
| 500124 | 1.3861 | 1.1261 | 28.6598 | 31.5438 | 32.3505 | 30.8863 |
| 500129 | 1.5899 | 1.1096 | 30.0223 | 30.7536 | 32.1102 | 30.9921 |
| 500134 | 0.5016 | 1.1261 | 24.2990 | 26.8608 | 27.2427 | 26.3417 |
| 500139 | 1.5082 | 1.0985 | 29.2357 | 31.6591 | 33.9739 | 31.5918 |
| 500141 | 1.3165 | 1.1261 | 30.7478 | 30.5456 | 31.3308 | 30.8906 |
| 500143 | 0.4565 | 1.0985 | 20.7093 | 22.1419 | 23.6766 | 22.2139 |
| 500147 | 0.9625 | * | 16.3669 | 24.5807 | * | 16.9814 |
| 500148 | 1.1017 | 1.0206 | 18.2168 | 22.2161 | 26.4206 | 21.5539 |
| 500150 | 1.1478 | 1.1210 | * | * | * | * |
| 510001 | 1.8641 | 0.8568 | 22.9351 | 23.4477 | 25.2973 | 23.9430 |
| 510002 | 1.2054 | 0.8700 | 22.4751 | 25.9597 | 23.8921 | 24.1045 |
| 510006 | 1.3272 | 0.8568 | 22.2947 | 23.5727 | 24.9627 | 23.6153 |
| 510007 | 1.6454 | 0.8828 | 24.3499 | 25.2835 | 24.7264 | 24.7904 |
| 510008 | 1.2487 | 0.9314 | 24.5293 | 24.6959 | 26.3554 | 25.1899 |
| 510012 | 0.9629 | 0.7754 | 18.5816 | 18.2845 | 18.8983 | 18.5897 |
| 510013 | 1.1543 | 0.7754 | 19.9710 | 20.8782 | 22.7882 | 21.1791 |
| 510018 | 1.0573 | 0.8415 | 21.8475 | 20.5556 | 22.4597 | 21.6282 |
| 510022 | 1.8642 | 0.8687 | 24.1481 | 24.2125 | 26.9511 | 25.0810 |
| 510023 | 1.3116 | 0.8057 | 19.4321 | 20.4908 | 20.6435 | 20.1913 |
| 510024 | 1.7890 | 0.8568 | 23.3115 | 24.0444 | 25.5634 | 24.3035 |
| 510026 | 0.9895 | 0.7754 | 18.0855 | 16.6192 | 17.9908 | 17.5054 |
| 510028 | 0.9807 | * | 23.0518 | 21.7134 | * | 22.3847 |
| 510029 | 1.2850 | 0.8687 | 21.7527 | 22.4556 | 22.7104 | 22.3207 |
| 510030 | 1.1228 | 0.8555 | 22.3658 | 21.5583 | 24.3936 | 22.8023 |
| 510031 | 1.4625 | 0.8687 | 21.6294 | 21.7637 | 23.2624 | 22.2256 |
| 510033 | 1.5524 | 0.8114 | 21.0707 | 23.0305 | 22.6189 | 22.2363 |
| 510038 | 1.0083 | 0.7754 | 16.8744 | 17.2832 | 20.6565 | 18.2956 |
| 510039 | 1.2392 | 0.7866 | 19.1280 | 19.5468 | 19.8751 | 19.5078 |
| 510043 | *** | * | 16.0586 | * | * | 16.0586 |
| 510046 | 1.3401 | 0.8415 | 21.2792 | 21.2540 | 22.1712 | 21.5674 |
| 510047 | 1.1585 | 0.8568 | 23.2093 | 24.0954 | 27.1214 | 24.7769 |
| 510048 | 1.1357 | 0.7754 | 17.6785 | 17.5096 | 18.8576 | 18.0081 |
| 510050 | 1.5550 | 0.7866 | 20.1943 | 19.9766 | 21.0772 | 20.4106 |
| 510053 | 1.1263 | 0.7754 | 20.7538 | 20.8609 | 22.3318 | 21.3327 |
| 510055 | 1.5234 | 0.8828 | 29.3962 | 30.7868 | 28.4615 | 29.5207 |
| 510058 | 1.3563 | 0.8114 | 21.9352 | 22.6976 | 23.9015 | 22.8663 |
| 510059 | 1.2304 | 0.8687 | 18.8712 | 21.9550 | 22.1435 | 20.8651 |
| 510061 | *** | * | 15.3355 | * | * | 15.3355 |
| 510062 | 1.1481 | 0.8415 | 21.1568 | 23.3216 | 26.2296 | 23.5199 |
| 510067 | 1.1501 | 0.7754 | 22.1582 | 21.2099 | 25.0437 | 22.8794 |
| 510068 | 1.1010 | * | 20.0007 | 23.1011 | * | 21.5379 |
| 510070 | 1.2108 | 0.8415 | 21.1895 | 23.2382 | 23.5639 | 22.7348 |
| 510071 | 1.2857 | 0.8415 | 21.5439 | 23.1685 | 23.4508 | 22.7188 |
| 510072 | 1.0706 | 0.7754 | 19.7990 | 20.1997 | 20.5146 | 20.1954 |
| 510077 | 1.1017 | 0.8681 | 22.8104 | 23.6585 | 24.5010 | 23.6618 |
| 510082 | 1.0816 | 0.7754 | 16.4742 | 19.1878 | 19.9081 | 18.3959 |
| 510085 | 1.3113 | 0.8687 | 22.6563 | 23.7173 | 26.3877 | 24.3319 |
| 510086 | 1.1009 | 0.7754 | 17.8234 | 17.5933 | 19.8735 | 18.4273 |
| 510088 | *** | * | 18.3401 | * | * | 18.3401 |
| 510089 | *** | * | * | 27.7062 | * | 27.7062 |
| 510090 | 2.2335 | 0.8828 | * | * | * | * |
| 520002 | 1.3598 | 0.9947 | 23.7316 | 24.9950 | 27.7705 | 25.5429 |
| 520003 | *** | * | 21.8662 | * | * | 21.8662 |
| 520004 | 1.4627 | 0.9607 | 24.4711 | 25.4639 | 27.6530 | 25.9000 |
| 520008 | 1.5839 | 1.0324 | 27.8127 | 29.8354 | 30.7553 | 29.4984 |
| 520009 | 1.7177 | 0.9607 | 23.4265 | 26.1503 | 27.4044 | 25.6605 |
| 520010 | 1.1125 | * | 28.5569 | * | * | 28.5569 |
| 520011 | 1.3287 | 0.9607 | 23.7785 | 25.2747 | 26.6268 | 25.2916 |
| 520013 | 1.4418 | 0.9613 | 24.4766 | 26.6225 | 29.0018 | 26.7305 |
| 520014 | *** | * | 22.1064 | * | * | 22.1064 |
| 520015 | *** | * | 23.0403 | * | * | 23.0403 |
| 520017 | 1.1753 | 0.9613 | 23.4044 | 24.6676 | 28.4699 | 25.4918 |
| 520019 | 1.3092 | 0.9607 | 24.9871 | 26.7433 | 28.6971 | 26.8067 |
| 520021 | 1.3369 | 1.0651 | 25.4872 | 26.6935 | 28.4182 | 26.9688 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 520024 | 1.0406 | * | 18.5072 | * | * | 18.5072 |
| 520026 | *** | * | 26.1056 | * | * | 26.1056 |
| 520027 | 1.2650 | 1.0324 | 26.2516 | 27.6771 | 31.4284 | 28.5997 |
| 520028 | 1.2939 | 1.0621 | 25.7778 | 25.4164 | 26.7260 | 25.9761 |
| 520030 | 1.7557 | 0.9947 | 25.3807 | 27.0185 | 29.4678 | 27.3375 |
| 520032 | 1.0976 | * | 25.3059 | * | * | 25.3059 |
| 520033 | 1.2339 | 0.9607 | 23.9791 | 25.0854 | 28.0662 | 25.8012 |
| 520034 | 1.2025 | 0.9607 | 23.6563 | 23.9850 | 26.1094 | 24.6150 |
| 520035 | 1.3238 | 0.9684 | 23.2625 | 24.7767 | 27.3276 | 25.1707 |
| 520037 | 1.8307 | 0.9947 | 28.6984 | 29.7234 | 30.1799 | 29.5214 |
| 520038 | 1.2393 | 1.0324 | 24.6650 | 26.6470 | 29.3133 | 26.9164 |
| 520040 | 1.4779 | 1.0324 | 23.8501 | 27.2325 | 29.1262 | 26.6542 |
| 520041 | 1.0893 | 1.0841 | 22.8236 | 22.7596 | 23.5495 | 23.0632 |
| 520042 | 1.0028 | * | 24.0788 | * | * | 24.0788 |
| 520044 | 1.3396 | 0.9684 | 24.9387 | 26.0191 | 27.3685 | 26.1391 |
| 520045 | 1.5996 | 0.9607 | 24.5844 | 26.0030 | 27.3336 | 25.9816 |
| 520047 | *** | * | 25.5346 | * | * | 25.5346 |
| 520048 | 1.6266 | 0.9607 | 23.1653 | 25.1724 | 26.8080 | 24.9984 |
| 520049 | 2.1036 | 0.9607 | 24.1083 | 25.9256 | 26.9851 | 25.5981 |
| 520051 | 1.6796 | 1.0324 | 28.8249 | 28.4880 | 31.9949 | 29.9332 |
| 520057 | 1.2034 | 0.9725 | 23.3205 | 25.3745 | 27.7528 | 25.5398 |
| 520059 | 1.2561 | 1.0651 | 26.5596 | 28.0906 | 29.5801 | 28.0985 |
| 520060 | 1.2738 | 0.9607 | 22.0132 | 23.8817 | 24.8638 | 23.5830 |
| 520062 | 1.2670 | 1.0324 | 24.9988 | 28.2215 | 28.8510 | 27.3750 |
| 520063 | 1.1401 | 1.0324 | 25.3674 | 27.4101 | 29.0993 | 27.2991 |
| 520064 | 1.5146 | 1.0324 | 27.1120 | 28.6101 | 30.3225 | 28.6401 |
| 520066 | 1.4886 | 1.0621 | 25.8812 | 27.1657 | 29.2088 | 27.4160 |
| 520068 | 0.9089 | * | 23.4746 | 24.8184 | * | 24.1554 |
| 520070 | 1.7214 | 0.9613 | 23.9908 | 24.8935 | 27.6771 | 25.5786 |
| 520071 | 1.1960 | 1.0209 | 26.3154 | 27.6202 | 30.0263 | 27.9425 |
| 520075 | 1.4680 | 0.9607 | 26.0600 | 27.1699 | 29.2920 | 27.4700 |
| 520076 | 1.2364 | 1.0621 | 24.0879 | 26.1698 | 27.3335 | 25.8642 |
| 520078 | 1.5310 | 1.0324 | 25.7662 | 27.5989 | 29.9837 | 27.8237 |
| 520083 | 1.7200 | 1.0841 | 27.0012 | 28.8407 | 30.8826 | 28.9925 |
| 520084 | *** | * | 25.5777 | * | * | 25.5777 |
| 520087 | 1.7229 | 0.9607 | 24.5280 | 27.3374 | 28.5810 | 26.7699 |
| 520088 | 1.2892 | 1.0368 | 26.0882 | 26.9936 | 30.7450 | 28.0398 |
| 520089 | 1.5179 | 1.0841 | 26.6013 | 30.0448 | 33.8793 | 30.2306 |
| 520091 | 1.2839 | 0.9607 | 24.8269 | 24.6320 | 25.4593 | 24.9881 |
| 520092 | *** | * | 23.4043 | * | * | 23.4043 |
| 520094 | *** | * | 25.3166 | 25.7567 | * | 25.5399 |
| 520095 | 1.2343 | 1.0621 | 28.6376 | 26.7863 | 30.4216 | 28.6080 |
| 520096 | 1.3522 | 1.0209 | 22.9929 | 24.5758 | 27.8896 | 25.3901 |
| 520097 | 1.3944 | 0.9607 | 25.1135 | 26.3321 | 29.1479 | 26.8851 |
| 520098 | 1.9786 | 1.0841 | 28.0730 | 30.6150 | 32.5785 | 30.4882 |
| 520100 | 1.2755 | 0.9868 | 24.5914 | 26.2161 | 29.3243 | 26.7266 |
| 520102 | 1.1172 | 1.0209 | 25.6146 | 26.8234 | 29.1680 | 27.2579 |
| 520103 | 1.5632 | 1.0324 | 25.5361 | 27.9147 | 30.3165 | 28.0905 |
| 520107 | 1.2485 | 0.9607 | 27.7413 | 28.3431 | 28.9878 | 28.3702 |
| 520109 | 1.0573 | 0.9607 | 22.4048 | 23.3271 | 24.7228 | 23.4867 |
| 520111 | *** | * | 26.3095 | * | * | 26.3095 |
| 520112 | *** | * | 20.4034 | * | * | 20.4034 |
| 520113 | 1.2842 | 0.9607 | 26.7926 | 27.4135 | 31.4707 | 28.5985 |
| 520114 | *** | * | 22.0536 | * | * | 22.0536 |
| 520116 | 1.2796 | 1.0209 | 26.3057 | 26.9902 | 27.9688 | 27.1297 |
| 520117 | *** | * | 22.0023 | * | * | 22.0023 |
| 520123 | *** | * | 22.2430 | * | * | 22.2430 |
| 520132 | 0.9607 | 0.9684 | 21.6025 | 23.1941 | 25.0006 | 23.2907 |
| 520135 | *** | * | 18.5618 | * | * | 18.5618 |
| 520136 | 1.6673 | 1.0324 | 25.5145 | 27.7703 | 30.6522 | 27.9536 |
| 520138 | 1.8679 | 1.0324 | 26.9047 | 28.4394 | 30.8016 | 28.7391 |
| 520139 | 1.2807 | 1.0324 | 25.4424 | 26.5110 | 28.8870 | 27.0173 |
| 520140 | 1.6530 | 1.0324 | 26.1616 | 28.4433 | 31.0043 | 28.5899 |
| 520148 | 1.3198 | * | 26.2258 | * | * | 26.2258 |
| 520151 | *** | * | 22.9592 | * | * | 22.9592 |
| 520152 | 1.0804 | 0.9607 | 23.2493 | 24.9392 | 29.7308 | 26.1195 |

TABLE 2.—HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2005; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2007; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2005 (2001 WAGE DATA), 2006 (2002 WAGE DATA), AND 2007 (2003 WAGE DATA); WAGE INDEXES AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES—Continued

| Provider No. | Case-mix index [2] | FY 2007 wage index | Average hourly wage FY 2005 | Average hourly wage FY 2006 | Average hourly wage FY 2007 [1] | Average hourly wage** (3 years) |
|---|---|---|---|---|---|---|
| 520154 | *** | * | 23.7160 | * | * | 23.7160 |
| 520156 | *** | * | 24.9258 | * | * | 24.9258 |
| 520160 | 1.8219 | 0.9607 | 24.3528 | 25.7588 | 27.9548 | 26.0586 |
| 520161 | *** | * | 24.0673 | * | * | 24.0673 |
| 520170 | 1.4053 | 1.0324 | 25.6124 | 27.2221 | 30.4309 | 27.8135 |
| 520173 | 1.1245 | 1.0285 | 26.2224 | 28.0995 | 29.2429 | 27.8645 |
| 520177 | 1.6430 | 1.0324 | 28.4663 | 30.7317 | 31.4555 | 30.2920 |
| 520178 | 0.9946 | * | 23.0419 | 20.2666 | * | 21.6760 |
| 520189 | 1.1608 | 1.0651 | 26.3172 | 28.4720 | 28.0014 | 27.7043 |
| 520193 | 1.6504 | 0.9607 | * | 26.0885 | 27.8113 | 27.0087 |
| 520194 | 1.3272 | 1.0324 | * | 24.9408 | 30.1668 | 27.5109 |
| 520195 | *** | * | * | 36.6973 | 36.3116 | 36.5038 |
| 520196 | 1.6500 | 0.9613 | * | 35.1043 | 36.9266 | 35.9808 |
| 520197 | 2.6190 | 1.0324 | * | * | * | * |
| 520198 | 1.3546 | 0.9607 | * | * | * | * |
| 520199 | 2.3592 | 1.0324 | * | * | * | * |
| 520200 | 1.3175 | * | * | * | * | * |
| 530002 | 1.0817 | 0.9124 | 25.2983 | 26.8356 | 28.3063 | 26.8117 |
| 530006 | 1.1609 | 0.9124 | 22.8344 | 24.9318 | 27.2422 | 24.9156 |
| 530007 | *** | * | 19.3476 | 20.4391 | * | 19.9218 |
| 530008 | 1.1112 | 0.9145 | 23.8271 | 23.8589 | 24.0090 | 23.8983 |
| 530009 | 0.9348 | 0.9124 | 24.2426 | 26.8316 | 24.6719 | 25.2403 |
| 530010 | 1.2278 | 0.9145 | 23.9255 | 25.8482 | 25.9852 | 25.2473 |
| 530011 | 1.1081 | 0.9124 | 24.1396 | 24.8245 | 27.8772 | 25.6665 |
| 530012 | 1.6961 | 0.9145 | 24.3454 | 25.2526 | 26.9582 | 25.5096 |
| 530014 | 1.5337 | 0.9124 | 23.6907 | 24.5947 | 26.7156 | 25.0071 |
| 530015 | 1.2055 | 0.9639 | 26.3107 | 27.6876 | 29.8310 | 27.9484 |
| 530016 | *** | * | 21.6575 | * | * | 21.6575 |
| 530017 | 0.9935 | 0.9124 | 23.5415 | 25.3362 | 29.8504 | 26.3807 |
| 530023 | *** | * | 24.1493 | 21.3813 | * | 22.6795 |
| 530025 | 1.2393 | 0.9233 | 27.7988 | 28.6938 | 24.4392 | 26.8843 |
| 530031 | *** | * | 16.3472 | * | * | 16.3472 |
| 530032 | 1.0643 | 0.9124 | 22.6584 | 25.7728 | 23.9005 | 24.0558 |

[1] Based on salaries adjusted for occupational mix, according to the calculation specified in FY 2007 IPPS final rule (71 FR 48006).
[2] The transfer-adjusted case-mix index is based on the billed DRG on the FY 2005 MedPAR.
[h] These hospitals are assigned a wage index value according to the FY 2007 final rule (71 FR 48005).
* Denotes wage data not available for the provider for that year.
** Based on the sum of the salaries and hours computed for Federal FYs 2005, 2006, and 2007.
*** Denotes MedPAR data not available for the provider for FY 2005.

TABLE 3A.—FY 2007 AND 3-YEAR AVERAGE HOURLY WAGE FOR URBAN AREAS BY CBSA

[*Based on the salaries and hours computed for Federal FYs 2005, 2006, and 2007.]

| CBSA code | Urban area | FY 2007 average hourly wage | 3-year average hourly wage |
|---|---|---|---|
| 10180 | Abilene, TX | 24.7354 | 22.5497 |
| 10380 | Aguadilla-Isabela-San Sebastián, PR | 11.3127 | 11.8798 |
| 10420 | Akron, OH | 25.4747 | 24.8266 |
| 10500 | Albany, GA | 26.8537 | 26.6477 |
| 10580 | Albany-Schenectady-Troy, NY | 26.2389 | 24.4301 |
| 10740 | Albuquerque, NM | 28.3608 | 27.7551 |
| 10780 | Alexandria, LA | 23.4795 | 22.5264 |
| 10900 | Allentown-Bethlehem-Easton, PA–NJ | 29.9286 | 27.6856 |
| 11020 | Altoona, PA | 25.3167 | 24.1524 |
| 11100 | Amarillo, TX | 27.4217 | 25.7741 |
| 11180 | Ames, IA | 28.7786 | 26.8184 |
| 11260 | Anchorage, AK | 35.2999 | 33.6081 |
| 11300 | Anderson, IN | 26.1553 | 24.4794 |
| 11340 | Anderson, SC | 26.4473 | 24.8695 |
| 11460 | Ann Arbor, MI | 31.6639 | 30.4582 |
| 11500 | Anniston-Oxford, AL | 23.4777 | 21.9712 |
| 11540 | Appleton, WI | 27.7424 | 25.9029 |
| 11700 | Asheville, NC | 27.4697 | 25.9704 |

TABLE 3A.—FY 2007 AND 3-YEAR AVERAGE HOURLY WAGE FOR URBAN AREAS BY CBSA—Continued

[*Based on the salaries and hours computed for Federal FYs 2005, 2006, and 2007.]

| CBSA code | Urban area | FY 2007 average hourly wage | 3-year average hourly wage |
|---|---|---|---|
| 12020 | Athens-Clarke County, GA | 28.0394 | 27.4814 |
| 12060 | Atlanta-Sandy Springs-Marietta, GA | 29.0398 | 27.5973 |
| 12100 | Atlantic City, NJ | 34.6691 | 32.0567 |
| 12220 | Auburn-Opelika, AL | 23.9007 | 22.7914 |
| 12260 | Augusta-Richmond County, GA–SC | 28.5862 | 26.6851 |
| 12420 | Austin-Round Rock, TX | 27.6592 | 26.5039 |
| 12540 | Bakersfield, CA | 32.3762 | 29.5765 |
| 12580 | Baltimore-Towson, MD | 29.4225 | 27.7580 |
| 12620 | Bangor, ME | 28.5032 | 27.5520 |
| 12700 | Barnstable Town, MA | 37.3300 | 35.1183 |
| 12940 | Baton Rouge, LA | 23.9749 | 23.3468 |
| 12980 | Battle Creek, MI | 28.6610 | 26.6466 |
| 13020 | Bay City, MI | 27.8853 | 26.4751 |
| 13140 | Beaumont-Port Arthur, TX | 25.8266 | 24.0155 |
| 13380 | Bellingham, WA | 32.4426 | 31.9484 |
| 13460 | Bend, OR | 31.0837 | 29.7964 |
| 13644 | Bethesda-Gaithersburg-Frederick, MD | 32.1685 | 31.0437 |
| 13740 | Billings, MT | 26.5564 | 25.0079 |
| 13780 | Binghamton, NY | 26.5773 | 24.3089 |
| 13820 | Birmingham-Hoover, AL | 26.3579 | 25.2037 |
| 13900 | Bismarck, ND | 21.6654 | 20.9327 |
| 13980 | Blacksburg-Christiansburg-Radford, VA | 24.3556 | 22.6230 |
| 14020 | Bloomington, IN | 26.5655 | 24.3118 |
| 14060 | Bloomington-Normal, IL | 27.1016 | 25.5125 |
| 14260 | Boise City-Nampa, ID | 28.0081 | 26.0160 |
| 14484 | Boston-Quincy, MA | 34.8871 | 32.7850 |
| 14500 | Boulder, CO | 29.8919 | 27.9634 |
| 14540 | Bowling Green, KY | 23.9663 | 22.8146 |
| 14740 | Bremerton-Silverdale, WA | 32.2245 | 30.0885 |
| 14860 | Bridgeport-Stamford-Norwalk, CT | 37.7967 | 35.6899 |
| 15180 | Harlingen, TX | 28.8551 | 27.7588 |
| 15260 | Brunswick, GA | 31.0703 | 29.3670 |
| 15380 | Buffalo-Niagara Falls, NY | 28.0965 | 26.4178 |
| 15500 | Burlington, NC | 25.3226 | 24.6210 |
| 15540 | Burlington-South Burlington, VT | 27.9794 | 26.2852 |
| 15764 | Cambridge-Newton-Framingham, MA | 32.6270 | 31.1502 |
| 15804 | Camden, NJ | 31.1549 | 29.6108 |
| 15940 | Canton-Massillon, OH | 26.8311 | 25.1139 |
| 15980 | Cape Coral-Fort Myers, FL | 28.0527 | 26.3302 |
| 16180 | Carson City, NV | 29.3650 | 28.4400 |
| 16220 | Casper, WY | 26.9582 | 25.5096 |
| 16300 | Cedar Rapids, IA | 25.8224 | 24.7388 |
| 16580 | Champaign-Urbana, IL | 28.4141 | 26.7812 |
| 16620 | Charleston, WV | 25.7589 | 24.2660 |
| 16700 | Charleston-North Charleston, SC | 27.1568 | 25.9700 |
| 16740 | Charlotte-Gastonia-Concord, NC–SC | 27.9122 | 26.9168 |
| 16820 | Charlottesville, VA | 29.7688 | 28.4674 |
| 16860 | Chattanooga, TN–GA | 26.5327 | 25.4481 |
| 16940 | Cheyenne, WY | 26.7156 | 25.0071 |
| 16974 | Chicago-Naperville-Joliet, IL | 31.6404 | 30.1812 |
| 17020 | Chico, CA | 32.7875 | 29.9713 |
| 17140 | Cincinnati-Middletown, OH–KY–IN | 28.2340 | 26.7214 |
| 17300 | Clarksville, TN–KY | 24.9690 | 23.0942 |
| 17420 | Cleveland, TN | 24.3808 | 22.6533 |
| 17460 | Cleveland-Elyria-Mentor, OH | 27.8617 | 26.3788 |
| 17660 | Coeur d'Alene, ID | 27.3597 | 26.3413 |
| 17780 | College Station-Bryan, TX | 26.4006 | 25.2360 |
| 17820 | Colorado Springs, CO | 28.0973 | 26.7757 |
| 17860 | Columbia, MO | 25.0579 | 23.4777 |
| 17900 | Columbia, SC | 26.5160 | 25.5945 |
| 17980 | Columbus, GA–AL | 25.2948 | 24.0613 |
| 18020 | Columbus, IN | 28.0068 | 26.5764 |
| 18140 | Columbus, OH | 29.8780 | 27.7524 |
| 18580 | Corpus Christi, TX | 25.0205 | 23.9295 |
| 18700 | Corvallis, OR | 33.6078 | 30.4640 |
| 19060 | Cumberland, MD–WV | 24.1695 | 24.2795 |
| 19124 | Dallas-Plano-Irving, TX | 29.5841 | 28.2768 |
| 19140 | Dalton, GA | 26.5548 | 25.7096 |
| 19180 | Danville, IL | 28.3299 | 24.9634 |

TABLE 3A.—FY 2007 AND 3-YEAR AVERAGE HOURLY WAGE FOR URBAN AREAS BY CBSA—Continued

[*Based on the salaries and hours computed for Federal FYs 2005, 2006, and 2007.]

| CBSA code | Urban area | FY 2007 average hourly wage | 3-year average hourly wage |
|---|---|---|---|
| 19260 | Danville, VA | 25.2022 | 23.9494 |
| 19340 | Davenport-Moline-Rock Island, IA–IL | 26.2005 | 24.5540 |
| 19380 | Dayton, OH | 27.2364 | 25.7362 |
| 19460 | Decatur, AL | 23.9150 | 23.6883 |
| 19500 | Decatur, IL | 24.3550 | 22.8257 |
| 19660 | Deltona-Daytona Beach-Ormond Beach, FL | 27.2901 | 25.6532 |
| 19740 | Denver-Aurora, CO | 31.7836 | 30.1612 |
| 19780 | Des Moines-West Des Moines, IA | 27.1922 | 26.2387 |
| 19804 | Detroit-Livonia-Dearborn, MI | 30.7812 | 29.0851 |
| 20020 | Dothan, AL | 22.2783 | 21.3349 |
| 20100 | Dover, DE | 30.1094 | 27.9303 |
| 20220 | Dubuque, IA | 26.6704 | 24.9867 |
| 20260 | Duluth, MN-WI | 30.2214 | 28.6977 |
| 20500 | Durham, NC | 28.6941 | 28.1744 |
| 20740 | Eau Claire, WI | 28.5056 | 26.1726 |
| 20764 | Edison, NJ | 33.0199 | 31.3235 |
| 20940 | El Centro, CA | 26.6950 | 25.1556 |
| 21060 | Elizabethtown, KY | 25.6000 | 24.4113 |
| 21140 | Elkhart-Goshen, IN | 27.8012 | 26.4097 |
| 21300 | Elmira, NY | 24.7620 | 23.3890 |
| 21340 | El Paso, TX | 27.3947 | 25.6383 |
| 21500 | Erie, PA | 26.1902 | 24.4869 |
| 21604 | Essex County, MA | 30.8811 | 29.5200 |
| 21660 | Eugene-Springfield, OR | 32.5163 | 30.5454 |
| 21780 | Evansville, IN–KY | 26.3862 | 24.2557 |
| 21820 | Fairbanks, AK | 32.5975 | 31.2913 |
| 21940 | Fajardo, PR | 11.9787 | 11.2316 |
| 22020 | Fargo, ND–MN | 24.1964 | 23.9807 |
| 22140 | Farmington, NM | 24.7543 | 23.2955 |
| 22180 | Fayetteville, NC | 28.0323 | 26.3806 |
| 22220 | Fayetteville-Springdale-Rogers, AR–MO | 26.7687 | 24.6433 |
| 22380 | Flagstaff, AZ | 34.2142 | 32.1557 |
| 22420 | Flint, MI | 32.0203 | 30.4255 |
| 22500 | Florence, SC | 25.8070 | 24.8022 |
| 22520 | Florence-Muscle Shoals, AL | 23.3021 | 22.4484 |
| 22540 | Fond du Lac, WI | 30.7450 | 28.0398 |
| 22660 | Fort Collins-Loveland, CO | 27.3774 | 27.5172 |
| 22744 | Fort Lauderdale-Pompano Beach-Deerfield Beach, FL | 29.6372 | 28.5403 |
| 22900 | Fort Smith, AR–OK | 23.2765 | 22.7417 |
| 23020 | Fort Walton Beach-Crestview-Destin, FL | 25.4368 | 24.4697 |
| 23060 | Fort Wayne, IN | 27.5263 | 26.9363 |
| 23104 | Fort Worth-Arlington, TX | 28.3363 | 26.7137 |
| 23420 | Fresno, CA | 32.7702 | 30.1663 |
| 23460 | Gadsden, AL | 23.9000 | 22.4775 |
| 23540 | Gainesville, FL | 27.9339 | 26.4188 |
| 23580 | Gainesville, GA | 27.3618 | 25.9487 |
| 23844 | Gary, IN | 27.8634 | 26.2470 |
| 24020 | Glens Falls, NY | 25.5656 | 24.0003 |
| 24140 | Goldsboro, NC | 27.2105 | 24.9866 |
| 24220 | Grand Forks, ND–MN | 23.2018 | 23.1061 |
| 24300 | Grand Junction, CO | 28.6313 | 27.2192 |
| 24340 | Grand Rapids-Wyoming, MI | 28.3292 | 26.5178 |
| 24500 | Great Falls, MT | 25.1796 | 24.5500 |
| 24540 | Greeley, CO | 29.6191 | 27.1542 |
| 24580 | Green Bay, WI | 28.3855 | 26.7916 |
| 24660 | Greensboro-High Point, NC | 26.6351 | 25.4930 |
| 24780 | Greenville, NC | 27.6626 | 26.0809 |
| 24860 | Greenville, SC | 28.3669 | 27.1599 |
| 25020 | Guayama, PR | 09.5930 | 09.6934 |
| 25060 | Gulfport-Biloxi, MS | 25.9410 | 24.7777 |
| 25180 | Hagerstown-Martinsburg, MD–WV | 27.6180 | 26.6584 |
| 25260 | Hanford-Corcoran, CA | 31.0985 | 28.1098 |
| 25420 | Harrisburg-Carlisle, PA | 27.7934 | 26.1846 |
| 25500 | Harrisonburg, VA | 27.1676 | 25.7382 |
| 25540 | Hartford-West Hartford-East Hartford, CT | 32.5306 | 30.9139 |
| 25620 | Hattiesburg, MS | 22.5641 | 21.0861 |
| 25860 | Hickory-Lenoir-Morganton, NC | 26.6596 | 25.5863 |
| 25980 | [1] Hinesville-Fort Stewart, GA | ..... | ..... |
| 26100 | Holland-Grand Haven, MI | 27.3299 | 25.9201 |

TABLE 3A.—FY 2007 AND 3-YEAR AVERAGE HOURLY WAGE FOR URBAN AREAS BY CBSA—Continued

[*Based on the salaries and hours computed for Federal FYs 2005, 2006, and 2007.]

| CBSA code | Urban area | FY 2007 average hourly wage | 3-year average hourly wage |
|---|---|---|---|
| 26180 | Honolulu, HI | 32.3512 | 30.9292 |
| 26300 | Hot Springs, AR | 26.1802 | 25.3280 |
| 26380 | Houma-Bayou Cane-Thibodaux, A | 24.2699 | 22.1607 |
| 26420 | Houston-Sugar Land-Baytown, TX | 29.9311 | 28.1062 |
| 26580 | Huntington-Ashland, WV–KY–OH | 26.1762 | 25.9741 |
| 26620 | Huntsville, AL | 26.5886 | 25.1724 |
| 26820 | Idaho Falls, ID | 26.7936 | 25.7310 |
| 26900 | Indianapolis-Carmel, IN | 28.9678 | 27.7854 |
| 26980 | Iowa City, IA | 28.4615 | 27.0882 |
| 27060 | Ithaca, NY | 29.2529 | 27.4683 |
| 27100 | Jackson, MI | 28.8148 | 26.2508 |
| 27140 | Jackson, MS | 24.3583 | 23.1899 |
| 27180 | Jackson, TN | 26.0828 | 24.8971 |
| 27260 | Jacksonville, FL | 27.5221 | 26.2665 |
| 27340 | Jacksonville, NC | 25.0110 | 23.3845 |
| 27500 | Janesville, WI | 29.2614 | 27.1061 |
| 27620 | Jefferson City, MO | 25.5406 | 23.6903 |
| 27740 | Johnson City, TN | 23.9569 | 22.6132 |
| 27780 | Johnstown, PA | 25.3896 | 23.5735 |
| 27860 | Jonesboro, AR | 23.2669 | 22.3980 |
| 27900 | Joplin, MO | 26.0767 | 24.3379 |
| 28020 | Kalamazoo-Portage, MI | 32.0173 | 29.7247 |
| 28100 | Kankakee-Bradley, IL | 29.7142 | 29.3063 |
| 28140 | Kansas City, MO–KS | 27.7105 | 26.5218 |
| 28420 | Kennewick-Richland-Pasco, WA | 29.9252 | 29.0588 |
| 28660 | Killeen-Temple-Fort Hood, TX | 26.6669 | 24.9921 |
| 28700 | Kingsport-Bristol-Bristol, TN–VA | 24.0550 | 22.7725 |
| 28740 | Kingston, NY | 27.9971 | 25.8916 |
| 28940 | Knoxville, TN | 24.3875 | 23.5673 |
| 29020 | Kokomo, IN | 28.6352 | 26.4213 |
| 29100 | La Crosse, WI–MN | 28.2928 | 26.4773 |
| 29140 | Lafayette, IN | 26.0274 | 24.7635 |
| 29180 | Lafayette, LA | 24.8595 | 23.4330 |
| 29340 | Lake Charles, LA | 23.4919 | 22.1092 |
| 29404 | Lake County-Kenosha County, IL–WI | 31.5831 | 29.4832 |
| 29460 | Lakeland, FL | 26.8539 | 25.1966 |
| 29540 | Lancaster, PA | 29.3703 | 27.6048 |
| 29620 | Lansing-East Lansing, MI | 29.8547 | 27.5157 |
| 29700 | Laredo, TX | 24.3950 | 23.4077 |
| 29740 | Las Cruces, NM | 27.0271 | 24.5756 |
| 29820 | Las Vegas-Paradise, NV | 33.0567 | 31.6630 |
| 29940 | Lawrence, KS | 24.7096 | 23.8060 |
| 30020 | Lawton, OK | 25.1598 | 23.0756 |
| 30140 | Lebanon, PA | 25.9645 | 24.4260 |
| 30300 | Lewiston, ID–WA | 28.6158 | 26.7504 |
| 30340 | Lewiston-Auburn, ME | 27.3831 | 26.2777 |
| 30460 | Lexington-Fayette, KY | 26.5828 | 25.5280 |
| 30620 | Lima, OH | 26.3736 | 25.5860 |
| 30700 | Lincoln, NE | 29.5529 | 28.3730 |
| 30780 | Little Rock-North Little Rock, AR | 28.7760 | 25.6122 |
| 30860 | Logan, UT–ID | 26.8219 | 25.5447 |
| 30980 | Longview, TX | 26.2133 | 24.6592 |
| 31020 | Longview, WA | 30.3627 | 27.9557 |
| 31084 | Los Angeles-Long Beach-Glendale, CA | 34.6534 | 32.9160 |
| 31140 | Louisville-Jefferson County, KY–IN | 27.1468 | 25.7437 |
| 31180 | Lubbock, TX | 25.3114 | 24.3391 |
| 31340 | Lynchburg, VA | 25.5005 | 24.5752 |
| 31420 | Macon, GA | 29.0544 | 27.2917 |
| 31460 | Madera, CA | 25.2337 | 24.0664 |
| 31540 | Madison, WI | 32.1479 | 29.7320 |
| 31700 | Manchester-Nashua, NH | 30.3021 | 29.0984 |
| 31900 | Mansfield, OH | 27.3884 | 26.5027 |
| 32420 | Mayagüez, PR | 11.2889 | 11.4438 |
| 32580 | McAllen-Edinburg-Mission, TX | 26.0769 | 24.4574 |
| 32780 | Medford, OR | 31.8958 | 29.4566 |
| 32820 | Memphis, TN–MS–AR | 27.5968 | 26.0783 |
| 32900 | Merced, CA | 33.8352 | 30.8333 |
| 33124 | Miami-Miami Beach-Kendall, FL | 29.1208 | 27.5124 |
| 33140 | Michigan City-La Porte, IN | 26.7983 | 25.9329 |

TABLE 3A.—FY 2007 AND 3-YEAR AVERAGE HOURLY WAGE FOR URBAN AREAS BY CBSA—Continued

[*Based on the salaries and hours computed for Federal FYs 2005, 2006, and 2007.]

| CBSA code | Urban area | FY 2007 average hourly wage | 3-year average hourly wage |
|---|---|---|---|
| 33260 | Midland, TX | 28.2837 | 26.5950 |
| 33340 | Milwaukee-Waukesha-West Allis, WI | 30.6139 | 28.5884 |
| 33460 | Minneapolis-St. Paul-Bloomington, MN–WI | 31.9723 | 30.6935 |
| 33540 | Missoula, MT | 25.7182 | 25.7998 |
| 33660 | Mobile, AL | 23.2681 | 22.1095 |
| 33700 | Modesto, CA | 34.7979 | 33.3338 |
| 33740 | Monroe, LA | 23.9412 | 22.3954 |
| 33780 | Monroe, MI | 29.0221 | 26.8789 |
| 33860 | Montgomery, AL | 23.5234 | 23.1670 |
| 34060 | Morgantown, WV | 25.3671 | 24.0418 |
| 34100 | Morristown, TN | 23.6707 | 22.2354 |
| 34580 | Mount Vernon-Anacortes, WA | 30.3080 | 29.1509 |
| 34620 | Muncie, IN | 24.7233 | 24.0903 |
| 34740 | Muskegon-Norton Shores, MI | 29.9638 | 27.6896 |
| 34820 | Myrtle Beach-Conway-North Myrtle Beach, SC | 26.3388 | 25.0344 |
| 34900 | Napa, CA | 38.3501 | 35.6146 |
| 34940 | Naples-Marco Island, FL | 29.9690 | 28.7171 |
| 34980 | Nashville-Davidson—Murfreesboro, TN | 29.0906 | 27.7029 |
| 35004 | Nassau-Suffolk, NY | 38.4620 | 36.1106 |
| 35084 | Newark-Union, NJ–PA | 34.8610 | 32.9825 |
| 35300 | New Haven-Milford, CT | 35.7841 | 33.4729 |
| 35380 | New Orleans-Metairie-Kenner, LA | 25.6466 | 24.9412 |
| 35644 | New York-White Plains-Wayne, NY–NJ | 39.5688 | 37.2163 |
| 35660 | Niles-Benton Harbor, MI | 26.4739 | 24.9201 |
| 35980 | Norwich-New London, CT | 35.6505 | 32.7603 |
| 36084 | Oakland-Fremont-Hayward, CA | 45.7373 | 43.0139 |
| 36100 | Ocala, FL | 25.5292 | 24.9445 |
| 36140 | Ocean City, NJ | 31.2907 | 30.2391 |
| 36220 | Odessa, TX | 29.7647 | 27.8892 |
| 36260 | Ogden-Clearfield, UT | 26.8970 | 25.5070 |
| 36420 | Oklahoma City, OK | 26.1146 | 25.0678 |
| 36500 | Olympia, WA | 32.5051 | 30.7166 |
| 36540 | Omaha-Council Bluffs, NE–IA | 27.8702 | 26.7732 |
| 36740 | Orlando-Kissimmee, FL | 28.3934 | 26.8763 |
| 36780 | Oshkosh-Neenah, WI | 27.0950 | 25.5269 |
| 36980 | Owensboro, KY | 26.0440 | 24.2668 |
| 37100 | Oxnard-Thousand Oaks-Ventura, CA | 32.9949 | 31.6529 |
| 37340 | Palm Bay-Melbourne-Titusville, FL | 28.3087 | 27.1499 |
| 37460 | Panama City-Lynn Haven, FL | 24.2006 | 22.7018 |
| 37620 | Parkersburg-Marietta-Vienna, WV–OH | 24.0592 | 23.0883 |
| 37700 | Pascagoula, MS | 24.1489 | 22.7120 |
| 37860 | Pensacola-Ferry Pass-Brent, FL | 23.3305 | 22.6237 |
| 37900 | Peoria, IL | 27.0600 | 25.0857 |
| 37964 | Philadelphia, PA | 32.6068 | 30.7383 |
| 38060 | Phoenix-Mesa-Scottsdale, AZ | 30.0869 | 28.3131 |
| 38220 | Pine Bluff, AR | 25.8491 | 24.4087 |
| 38300 | Pittsburgh, PA | 25.4077 | 24.3788 |
| 38340 | Pittsfield, MA | 30.4071 | 28.8423 |
| 38540 | Pocatello, ID | 27.2195 | 26.2270 |
| 38660 | Ponce, PR | 13.9714 | 13.6681 |
| 38860 | Portland-South Portland-Biddeford, ME | 29.2449 | 28.2990 |
| 38900 | Portland-Vancouver-Beaverton, OR–WA | 33.2416 | 31.5854 |
| 38940 | Port St. Lucie-Fort Pierce, FL | 29.2554 | 28.0826 |
| 39100 | Poughkeepsie-Newburgh-Middletown, NY | 32.5172 | 31.0301 |
| 39140 | Prescott, AZ | 28.9051 | 27.6147 |
| 39300 | Providence-New Bedford-Fall River, RI–MA | 31.8595 | 30.4800 |
| 39340 | Provo-Orem, UT | 28.1069 | 26.6360 |
| 39380 | Pueblo, CO | 25.7454 | 24.3382 |
| 39460 | Punta Gorda, FL | 28.8128 | 26.5824 |
| 39540 | Racine, WI | 28.1129 | 25.7619 |
| 39580 | Raleigh-Cary, NC | 28.8272 | 27.4767 |
| 39660 | Rapid City, SD | 25.8230 | 24.8711 |
| 39740 | Reading, PA | 28.7892 | 26.7877 |
| 39820 | Redding, CA | 36.9179 | 33.9636 |
| 39900 | Reno-Sparks, NV | 35.9585 | 31.3496 |
| 40060 | Richmond, VA | 26.6797 | 25.8302 |
| 40140 | Riverside-San Bernardino-Ontario, CA | 31.7977 | 30.5874 |
| 40220 | Roanoke, VA | 26.1048 | 23.9632 |
| 40340 | Rochester, MN | 33.3258 | 31.5976 |

TABLE 3A.—FY 2007 AND 3-YEAR AVERAGE HOURLY WAGE FOR URBAN AREAS BY CBSA—Continued

[*Based on the salaries and hours computed for Federal FYs 2005, 2006, and 2007.]

| CBSA code | Urban area | FY 2007 average hourly wage | 3-year average hourly wage |
|---|---|---|---|
| 40380 | Rochester, NY | 26.9944 | 25.6945 |
| 40420 | Rockford, IL | 29.7962 | 27.7018 |
| 40484 | Rockingham County-Strafford County, NH | 30.0121 | 28.7106 |
| 40580 | Rocky Mount, NC | 26.3907 | 25.0513 |
| 40660 | Rome, GA | 28.7614 | 26.1851 |
| 40900 | Sacramento—Arden-Arcade—Roseville, CA | 38.5069 | 35.3185 |
| 40980 | Saginaw-Saginaw Township North, MI | 27.3125 | 26.3003 |
| 41060 | St. Cloud, MN | 32.7028 | 29.2101 |
| 41100 | St. George, UT | 28.0291 | 26.5758 |
| 41140 | St. Joseph, MO–KS | 30.3440 | 28.0336 |
| 41180 | St. Louis, MO–IL | 26.6812 | 25.2397 |
| 41420 | Salem, OR | 30.4906 | 29.2331 |
| 41500 | Salinas, CA | 42.1655 | 39.2218 |
| 41540 | Salisbury, MD | 26.2842 | 25.2167 |
| 41620 | Salt Lake City, UT | 28.0986 | 26.6060 |
| 41660 | San Angelo, TX | 25.1540 | 23.3032 |
| 41700 | San Antonio, TX | 26.5240 | 25.1675 |
| 41740 | San Diego-Carlsbad-San Marcos, CA | 32.9130 | 31.5806 |
| 41780 | Sandusky, OH | 27.4533 | 25.4522 |
| 41884 | San Francisco-San Mateo-Redwood City, CA | 45.7224 | 42.2326 |
| 41900 | San Germán-Cabo Rojo, PR | 14.3995 | 13.6919 |
| 41940 | San Jose-Sunnyvale-Santa Clara, CA | 45.4409 | 42.2101 |
| 41980 | San Juan-Caguas-Guaynabo, PR | 13.1933 | 12.8054 |
| 42020 | San Luis Obispo-Paso Robles, CA | 33.0896 | 31.3414 |
| 42044 | Santa Ana-Anaheim-Irvine, CA | 33.6565 | 32.2329 |
| 42060 | Santa Barbara-Santa Maria, CA | 32.1995 | 31.1050 |
| 42100 | Santa Cruz-Watsonville, CA | 44.6455 | 42.0789 |
| 42140 | Santa Fe, NM | 32.0477 | 30.4670 |
| 42220 | Santa Rosa-Petaluma, CA | 42.4689 | 38.0360 |
| 42260 | Sarasota-Bradenton-Venice, FL | 28.8918 | 27.0657 |
| 42340 | Savannah, GA | 27.1003 | 26.2037 |
| 42540 | Scranton—Wilkes-Barre, PA | 24.5216 | 23.6058 |
| 42644 | Seattle-Bellevue-Everett, WA | 33.3915 | 32.0468 |
| 42680 | Sebastian-Vero Beach, FL | 29.3162 | 26.9491 |
| 43100 | Sheboygan, WI | 27.0944 | 25.2780 |
| 43300 | Sherman-Denison, TX | 25.6518 | 25.8894 |
| 43340 | Shreveport-Bossier City, LA | 26.2370 | 24.9393 |
| 43580 | Sioux City, IA–NE–SD | 26.8716 | 25.6458 |
| 43620 | Sioux Falls, SD | 27.7271 | 26.5164 |
| 43780 | South Bend-Mishawaka, IN–MI | 29.3973 | 27.1692 |
| 43900 | Spartanburg, SC | 26.7923 | 25.8987 |
| 44060 | Spokane, WA | 30.9034 | 29.8263 |
| 44100 | Springfield, IL | 26.5425 | 24.6316 |
| 44140 | Springfield, MA | 30.1291 | 28.5979 |
| 44180 | Springfield, MO | 25.4111 | 23.7305 |
| 44220 | Springfield, OH | 25.1686 | 23.9321 |
| 44300 | State College, PA | 25.6643 | 23.7164 |
| 44700 | Stockton, CA | 34.0233 | 31.2391 |
| 44940 | Sumter, SC | 24.7899 | 23.6087 |
| 45060 | Syracuse, NY | 28.9876 | 26.9574 |
| 45104 | Tacoma, WA | 31.7596 | 30.3791 |
| 45220 | Tallahassee, FL | 26.5663 | 24.5843 |
| 45300 | Tampa-St. Petersburg-Clearwater, FL | 27.2772 | 25.7846 |
| 45460 | Terre Haute, IN | 26.1137 | 23.7180 |
| 45500 | Texarkana, TX-Texarkana, AR | 24.0237 | 23.1611 |
| 45780 | Toledo, OH | 28.0359 | 26.6301 |
| 45820 | Topeka, KS | 25.9836 | 24.8278 |
| 45940 | Trenton-Ewing, NJ | 32.3220 | 29.9814 |
| 46060 | Tucson, AZ | 27.8441 | 25.6497 |
| 46140 | Tulsa, OK | 24.6404 | 23.8913 |
| 46220 | Tuscaloosa, AL | 25.9777 | 24.0371 |
| 46340 | Tyler, TX | 26.4318 | 25.7626 |
| 46540 | Utica-Rome, NY | 25.9564 | 23.7574 |
| 46660 | Valdosta, GA | 25.1934 | 24.0205 |
| 46700 | Vallejo-Fairfield, CA | 43.8674 | 41.4044 |
| 47020 | Victoria, TX | 24.9845 | 23.3071 |
| 47220 | Vineland-Millville-Bridgeton, NJ | 30.7865 | 28.7657 |
| 47260 | Virginia Beach-Norfolk-Newport News, VA–NC | 26.0160 | 24.7890 |
| 47300 | Visalia-Porterville, CA | 29.9158 | 28.2959 |

TABLE 3A.—FY 2007 AND 3-YEAR AVERAGE HOURLY WAGE FOR URBAN AREAS BY CBSA—Continued

[*Based on the salaries and hours computed for Federal FYs 2005, 2006, and 2007.]

| CBSA code | Urban area | FY 2007 average hourly wage | 3-year average hourly wage |
|---|---|---|---|
| 47380 | Waco, TX | 25.9394 | 23.7524 |
| 47580 | Warner Robins, GA | 26.1288 | 24.3113 |
| 47644 | Warren-Troy-Farmington Hills, MI | 29.9724 | 28.0999 |
| 47894 | Washington-Arlington-Alexandria, DC–VA–MD–WV | 32.5489 | 30.7238 |
| 47940 | Waterloo-Cedar Falls, IA | 25.4836 | 24.1398 |
| 48140 | Wausau, WI | 29.4678 | 27.3375 |
| 48260 | Weirton-Steubenville, WV–OH | 23.8928 | 22.5021 |
| 48300 | Wenatchee, WA | 30.1956 | 27.5727 |
| 48424 | West Palm Beach-Boca Raton-Boynton Beach, FL | 28.2754 | 27.8801 |
| 48540 | Wheeling, WV–OH | 21.0012 | 20.2153 |
| 48620 | Wichita, KS | 26.7361 | 25.7825 |
| 48660 | Wichita Falls, TX | 25.3878 | 23.5588 |
| 48700 | Williamsport, PA | 23.9343 | 23.1797 |
| 48864 | Wilmington, DE–MD–NJ | 31.3445 | 30.0596 |
| 48900 | Wilmington, NC | 28.9725 | 26.7451 |
| 49020 | Winchester, VA–WV | 29.8215 | 28.6809 |
| 49180 | Winston-Salem, NC | 27.4181 | 25.7927 |
| 49340 | Worcester, MA | 32.0147 | 30.6187 |
| 49420 | Yakima, WA | 29.1309 | 28.2366 |
| 49500 | Yauco, PR | 11.1812 | 11.8242 |
| 49620 | York-Hanover, PA | 28.1586 | 26.1713 |
| 49660 | Youngstown-Warren-Boardman, OH–PA | 26.0913 | 24.8348 |
| 49700 | Yuba City, CA | 31.2174 | 29.7427 |
| 49740 | Yuma, AZ | 27.0111 | 25.4677 |

[1] This area has no average hourly wage because there are no short-term, acute care hospitals in the area.

TABLE 3B.—FY 2007 AND 3-YEAR* AVERAGE HOURLY WAGE FOR RURAL AREAS BY CBSA

[*Based on the sum of the salaries and hours computed for federal FYs 2005, 2006, and 2007.]

| CBSA code | Nonurban area | FY 2007 average hourly wage | 3-Year average hourly wage |
|---|---|---|---|
| 01 | Alabama | 22.7266 | 21.2362 |
| 02 | Alaska | 31.7349 | 32.0692 |
| 03 | Arizona | 26.8924 | 25.0201 |
| 04 | Arkansas | 22.1322 | 20.8590 |
| 05 | California | 33.2165 | 30.4210 |
| 06 | Colorado | 26.9566 | 25.9101 |
| 07 | Connecticut | 35.5471 | 33.2841 |
| 08 | Delaware | 29.2141 | 27.0822 |
| 10 | Florida | 25.8957 | 24.2399 |
| 11 | Georgia | 23.2040 | 21.7117 |
| 12 | Hawaii | 31.5122 | 29.7080 |
| 13 | Idaho | 23.7761 | 22.5379 |
| 14 | Illinois | 24.7833 | 23.2471 |
| 15 | Indiana | 25.3962 | 24.0538 |
| 16 | Iowa | 25.5462 | 23.7246 |
| 17 | Kansas | 23.7576 | 22.4610 |
| 18 | Kentucky | 23.1433 | 21.7879 |
| 19 | Louisiana | 22.7152 | 20.9287 |
| 20 | Maine | 24.8875 | 24.4422 |
| 21 | Maryland | 26.3358 | 25.6324 |
| 22 | Massachusetts [1] | | |
| 23 | Michigan | 26.7707 | 24.8965 |
| 24 | Minnesota | 27.2664 | 25.6919 |
| 25 | Mississippi | 23.1173 | 21.5916 |
| 26 | Missouri | 24.0814 | 22.2178 |
| 27 | Montana | 25.6649 | 24.3121 |
| 28 | Nebraska | 25.6086 | 24.5327 |
| 29 | Nevada | 27.2229 | 25.6122 |
| 30 | New Hampshire | 32.3754 | 29.3617 |
| 31 | New Jersey [1] | | |
| 32 | New Mexico | 24.8330 | 24.0136 |
| 33 | New York | 24.7417 | 23.0382 |
| 34 | North Carolina | 25.5870 | 24.0377 |
| 35 | North Dakota | 21.8478 | 20.8336 |
| 36 | Ohio | 25.7486 | 24.4334 |

TABLE 3B.—FY 2007 AND 3-YEAR* AVERAGE HOURLY WAGE FOR RURAL AREAS BY CBSA—Continued

[*Based on the sum of the salaries and hours computed for federal FYs 2005, 2006, and 2007.]

| CBSA code | Nonurban area | FY 2007 average hourly wage | 3-Year average hourly wage |
|---|---|---|---|
| 37 | Oklahoma | 23.2698 | 21.6211 |
| 38 | Oregon | 28.8316 | 27.3621 |
| 39 | Pennsylvania | 24.6146 | 23.2486 |
| 40 | Puerto Rico [1] | | |
| 41 | Rhode Island [1] | | |
| 42 | South Carolina | 25.7744 | 24.3480 |
| 43 | South Dakota | 24.6052 | 23.4919 |
| 44 | Tennessee | 23.8699 | 22.2751 |
| 45 | Texas | 24.3889 | 22.6173 |
| 46 | Utah | 24.4689 | 22.9744 |
| 47 | Vermont | 28.5315 | 26.6381 |
| 49 | Virginia | 24.0216 | 22.5475 |
| 50 | Washington | 30.2634 | 28.7978 |
| 51 | West Virginia | 22.9916 | 21.8032 |
| 52 | Wisconsin | 28.4880 | 26.5687 |
| 53 | Wyoming | 26.8294 | 25.5743 |

[1] All counties in the State or Territory are classified as urban, with the exception of Massachusetts. Massachusetts has area(s) designated as rural. However, no short-term, acute care hospitals are located in the area(s) for FY 2007.

TABLE 4A–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR URBAN AREAS BY CBSA

| CBSA code | Urban area (constituent counties) | Wage index | GAF |
|---|---|---|---|
| 10180 | Abilene, TX | 0.8380 | 0.8860 |
| | Callahan County, TX. | | |
| | Jones County, TX. | | |
| | Taylor County, TX. | | |
| 10380 | Aguadilla-Isabela-San Sebastián, PR | 0.3815 | 0.5169 |
| | Aguada Municipio, PR. | | |
| | Aguadilla Municipio, PR. | | |
| | Añasco Municipio, PR. | | |
| | Isabela Municipio, PR. | | |
| | Lares Municipio, PR. | | |
| | Moca Municipio, PR. | | |
| | Rinc≤n Municipio, PR. | | |
| | San Sebastián Municipio. | | |
| 10420 | [2] Akron, OH | 0.8683 | 0.9078 |
| | Portage County, OH. | | |
| | Summit County, OH. | | |
| 10500 | Albany, GA | 0.9056 | 0.9344 |
| | Baker County, GA. | | |
| | Dougherty County, GA. | | |
| | Lee County, GA. | | |
| | Terrell County, GA. | | |
| | Worth County, GA. | | |
| 10580 | Albany-Schenectady-Troy, NY | 0.8849 | 0.9197 |
| | Albany County, NY. | | |
| | Rensselaer County, NY. | | |
| | Saratoga County, NY. | | |
| | Schenectady County, NY. | | |
| | Schoharie County, NY. | | |
| 10740 | Albuquerque, NM | 0.9564 | 0.9699 |
| | Bernalillo County, NM. | | |
| | Sandoval County, NM. | | |
| | Torrance County, NM. | | |
| | Valencia County, NM. | | |
| 10780 | Alexandria, LA | 0.7961 | 0.8554 |
| | Grant Parish, LA. | | |
| | Rapides Parish, LA. | | |
| 10900 | Allentown-Bethlehem-Easton, PA-NJ (PA Hospitals) | 1.0093 | 1.0064 |
| | Warren County, NJ. | | |
| | Carbon County, PA. | | |
| | Lehigh County, PA. | | |
| | Northampton County, PA. | | |
| 10900 | [2] Allentown-Bethlehem-Easton, PA-NJ (NJ Hospitals) | 1.1402 | 1.0940 |
| | Warren County, NJ. | | |
| | Carbon County, PA. | | |

TABLE 4A–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR URBAN AREAS BY CBSA—Continued

| CBSA code | Urban area (constituent counties) | Wage index | GAF |
|---|---|---|---|
| | Lehigh County, PA. | | |
| | Northampton County, PA. | | |
| 11020 | Altoona, PA | 0.8538 | 0.8974 |
| | Blair County, PA. | | |
| 11100 | Amarillo, TX | 0.9248 | 0.9479 |
| | Armstrong County, TX. | | |
| | Carson County, TX. | | |
| | Potter County, TX. | | |
| | Randall County, TX. | | |
| 11180 | Ames, IA | 0.9705 | 0.9797 |
| | Story County, IA. | | |
| 11260 | [3] Anchorage, AK | 1.1904 | 1.1268 |
| | Anchorage Municipality, AK. | | |
| | Matanuska-Susitna Borough, AK. | | |
| 11300 | Anderson, IN | 0.8820 | 0.9176 |
| | Madison County, IN. | | |
| 11340 | Anderson, SC | 0.8919 | 0.9246 |
| | Anderson County, SC. | | |
| 11460 | [3] Ann Arbor, MI | 1.0678 | 1.0459 |
| | Washtenaw County, MI. | | |
| 11500 | Anniston-Oxford, AL | 0.7997 | 0.8581 |
| | Calhoun County, AL. | | |
| 11540 | [2] Appleton, WI | 0.9607 | 0.9729 |
| | Calumet County, WI. | | |
| | Outagamie County, WI. | | |
| 11700 | Asheville, NC | 0.9264 | 0.9490 |
| | Buncombe County, NC. | | |
| | Haywood County, NC. | | |
| | Henderson County, NC. | | |
| | Madison County, NC. | | |
| 12020 | Athens-Clarke County, GA | 0.9456 | 0.9624 |
| | Clarke County, GA. | | |
| | Madison County, GA. | | |
| | Oconee County, GA. | | |
| | Oglethorpe County, GA. | | |
| 12060 | [1] Atlanta-Sandy Springs-Marietta, GA | 0.9793 | 0.9858 |
| | Barrow County, GA. | | |
| | Bartow County, GA. | | |
| | Butts County, GA. | | |
| | Carroll County, GA. | | |
| | Cherokee County, GA. | | |
| | Clayton County, GA. | | |
| | Cobb County, GA. | | |
| | Coweta County, GA. | | |
| | Dawson County, GA. | | |
| | DeKalb County, GA. | | |
| | Douglas County, GA. | | |
| | Fayette County, GA. | | |
| | Forsyth County, GA. | | |
| | Fulton County, GA. | | |
| | Gwinnett County, GA. | | |
| | Haralson County, GA. | | |
| | Heard County, GA. | | |
| | Henry County, GA. | | |
| | Jasper County, GA. | | |
| | Lamar County, GA. | | |
| | Meriwether County, GA. | | |
| | Newton County, GA. | | |
| | Paulding County, GA. | | |
| | Pickens County, GA. | | |
| | Pike County, GA. | | |
| | Rockdale County, GA. | | |
| | Spalding County, GA. | | |
| | Walton County, GA. | | |
| 12100 | Atlantic City, NJ | 1.1692 | 1.1130 |
| | Atlantic County, NJ. | | |
| 12220 | Auburn-Opelika, AL | 0.8060 | 0.8627 |
| | Lee County, AL. | | |
| 12260 | Augusta-Richmond County, GA-SC | 0.9640 | 0.9752 |
| | Burke County, GA. | | |

TABLE 4A–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR URBAN AREAS BY CBSA—Continued

| CBSA code | Urban area (constituent counties) | Wage index | GAF |
|---|---|---|---|
| | Columbia County, GA. | | |
| | McDuffie County, GA. | | |
| | Richmond County, GA. | | |
| | Aiken County, SC. | | |
| | Edgefield County, SC. | | |
| 12420 | [1] Austin-Round Rock, TX | 0.9328 | 0.9535 |
| | Bastrop County, TX. | | |
| | Caldwell County, TX. | | |
| | Hays County, TX. | | |
| | Travis County, TX. | | |
| | Williamson County, TX. | | |
| 12540 | [2] Bakersfield, CA | 1.1202 | 1.0808 |
| | Kern County, CA. | | |
| 12580 | [1] Baltimore-Towson, MD | 0.9922 | 0.9947 |
| | Anne Arundel County, MD. | | |
| | Baltimore County, MD. | | |
| | Carroll County, MD. | | |
| | Harford County, MD. | | |
| | Howard County, MD. | | |
| | Queen Anne's County, MD. | | |
| | Baltimore City, MD. | | |
| 12620 | Bangor, ME | 0.9612 | 0.9733 |
| | Penobscot County, ME. | | |
| 12700 | Barnstable Town, MA | 1.2589 | 1.1708 |
| | Barnstable County, MA. | | |
| 12940 | Baton Rouge, LA | 0.8085 | 0.8645 |
| | Ascension Parish, LA. | | |
| | East Baton Rouge Parish, LA. | | |
| | East Feliciana Parish, LA. | | |
| | Iberville Parish, LA. | | |
| | Livingston Parish, LA. | | |
| | Pointe Coupee Parish, LA. | | |
| | St. Helena Parish, LA. | | |
| | West Baton Rouge Parish, LA. | | |
| | West Feliciana Parish, LA. | | |
| 12980 | Battle Creek, MI | 0.9666 | 0.9770 |
| | Calhoun County, MI. | | |
| 13020 | [3] Bay City, MI | 1.0080 | 1.0055 |
| | Bay County, MI. | | |
| 13140 | Beaumont-Port Arthur, TX | 0.8710 | 0.9098 |
| | Hardin County, TX. | | |
| | Jefferson County, TX. | | |
| | Orange County, TX. | | |
| 13380 | Bellingham, WA | 1.0941 | 1.0635 |
| | Whatcom County, WA. | | |
| 13460 | Bend, OR | 1.0483 | 1.0328 |
| | Deschutes County, OR. | | |
| 13644 | [1] Bethesda-Gaithersburg-Frederick, MD | 1.0848 | 1.0573 |
| | Frederick County, MD. | | |
| | Montgomery County, MD. | | |
| 13740 | Billings, MT | 0.8956 | 0.9273 |
| | Carbon County, MT. | | |
| | Yellowstone County, MT. | | |
| 13780 | Binghamton, NY | 0.8963 | 0.9278 |
| | Broome County, NY. | | |
| | Tioga County, NY. | | |
| 13820 | [1] Birmingham-Hoover, AL | 0.8889 | 0.9225 |
| | Bibb County, AL. | | |
| | Blount County, AL. | | |
| | Chilton County, AL. | | |
| | Jefferson County, AL. | | |
| | St. Clair County, AL. | | |
| | Shelby County, AL. | | |
| | Walker County, AL. | | |
| 13900 | [2,3] Bismarck, ND | 0.7368 | 0.8113 |
| | Burleigh County, ND. | | |
| | Morton County, ND. | | |
| 13980 | Blacksburg-Christiansburg-Radford, VA | 0.8214 | 0.8740 |
| | Giles County, VA. | | |
| | Montgomery County, VA. | | |

TABLE 4A–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR URBAN AREAS BY CBSA—Continued

| CBSA code | Urban area (constituent counties) | Wage index | GAF |
|---|---|---|---|
| | Pulaski County, VA. | | |
| | Radford City, VA. | | |
| 14020 | Bloomington, IN | 0.8959 | 0.9275 |
| | Greene County, IN. | | |
| | Monroe County, IN. | | |
| | Owen County, IN. | | |
| 14060 | Bloomington-Normal, IL | 0.9140 | 0.9403 |
| | McLean County, IL. | | |
| 14260 | Boise City-Nampa, ID | 0.9445 | 0.9617 |
| | Ada County, ID. | | |
| | Boise County, ID. | | |
| | Canyon County, ID. | | |
| | Gem County, ID. | | |
| | Owyhee County, ID. | | |
| 14484 | [1] Boston-Quincy, MA | 1.1765 | 1.1177 |
| | Norfolk County, MA. | | |
| | Plymouth County, MA. | | |
| | Suffolk County, MA. | | |
| 14500 | Boulder, CO | 1.0081 | 1.0055 |
| | Boulder County, CO. | | |
| 14540 | Bowling Green, KY | 0.8082 | 0.8643 |
| | Edmonson County, KY. | | |
| | Warren County, KY. | | |
| 14740 | Bremerton-Silverdale, WA | 1.0867 | 1.0586 |
| | Kitsap County, WA. | | |
| 14860 | Bridgeport-Stamford-Norwalk, CT | 1.2746 | 1.1808 |
| | Fairfield County, CT. | | |
| 15180 | Brownsville-Harlingen, TX | 0.9731 | 0.9815 |
| | Cameron County, TX. | | |
| 15260 | Brunswick, GA | 1.0478 | 1.0325 |
| | Brantley County, GA. | | |
| | Glynn County, GA. | | |
| | McIntosh County, GA. | | |
| 15380 | [1] Buffalo-Niagara Falls, NY | 0.9475 | 0.9637 |
| | Erie County, NY. | | |
| | Niagara County, NY. | | |
| 15500 | [2] Burlington, NC | 0.8629 | 0.9040 |
| | Alamance County, NC. | | |
| 15540 | [2] Burlington-South Burlington, VT | 0.9622 | 0.9740 |
| | Chittenden County, VT. | | |
| | Franklin County, VT. | | |
| | Grand Isle County, VT. | | |
| 15764 | [1] Cambridge-Newton-Framingham, MA | 1.1003 | 1.0676 |
| | Middlesex County, MA. | | |
| 15804 | [1,2] Camden, NJ | 1.1402 | 1.0940 |
| | Burlington County, NJ. | | |
| | Camden County, NJ. | | |
| | Gloucester County, NJ. | | |
| 15940 | Canton-Massillon, OH | 0.9048 | 0.9338 |
| | Carroll County, OH. | | |
| | Stark County, OH. | | |
| 15980 | Cape Coral-Fort Myers, FL | 0.9460 | 0.9627 |
| | Lee County, FL. | | |
| 16180 | Carson City, NV | 0.9903 | 0.9933 |
| | Carson City, NV. | | |
| 16220 | [2,3] Casper, WY | 0.9199 | 0.9444 |
| | Natrona County, WY. | | |
| 16300 | [2,3] Cedar Rapids, IA | 0.8803 | 0.9164 |
| | Benton County, IA. | | |
| | Jones County, IA. | | |
| | Linn County, IA. | | |
| 16580 | Champaign-Urbana, IL | 0.9582 | 0.9712 |
| | Champaign County, IL. | | |
| | Ford County, IL. | | |
| | Piatt County, IL. | | |
| 16620 | Charleston, WV | 0.8687 | 0.9081 |
| | Boone County, WV. | | |
| | Clay County, WV. | | |
| | Kanawha County, WV. | | |
| | Lincoln County, WV. | | |

TABLE 4A–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR URBAN AREAS BY CBSA—Continued

| CBSA code | Urban area (constituent counties) | Wage index | GAF |
|---|---|---|---|
| | Putnam County, WV. | | |
| 16700 | Charleston-North Charleston, SC | 0.9197 | 0.9443 |
| | Berkeley County, SC. | | |
| | Charleston County, SC. | | |
| | Dorchester County, SC. | | |
| 16740 | [1] Charlotte-Gastonia-Concord, NC-SC | 0.9413 | 0.9594 |
| | Anson County, NC. | | |
| | Cabarrus County, NC. | | |
| | Gaston County, NC. | | |
| | Mecklenburg County, NC. | | |
| | Union County, NC. | | |
| | York County, SC. | | |
| 16820 | Charlottesville, VA | 1.0039 | 1.0027 |
| | Albemarle County, VA. | | |
| | Fluvanna County, VA. | | |
| | Greene County, VA. | | |
| | Nelson County, VA. | | |
| | Charlottesville City, VA. | | |
| 16860 | Chattanooga, TN-GA | 0.8948 | 0.9267 |
| | Catoosa County, GA. | | |
| | Dade County, GA. | | |
| | Walker County, GA. | | |
| | Hamilton County, TN. | | |
| | Marion County, TN. | | |
| | Sequatchie County, TN. | | |
| 16940 | [2,3] Cheyenne, WY | 0.9199 | 0.9444 |
| | Laramie County, WY. | | |
| 16974 | [1] Chicago-Naperville-Joliet, IL | 1.0670 | 1.0454 |
| | Cook County, IL. | | |
| | DeKalb County, IL. | | |
| | DuPage County, IL. | | |
| | Grundy County, IL. | | |
| | Kane County, IL. | | |
| | Kendall County, IL. | | |
| | McHenry County, IL. | | |
| | Will County, IL. | | |
| 17020 | [2] Chico, CA | 1.1202 | 1.0808 |
| | Butte County, CA. | | |
| 17140 | [1] Cincinnati-Middletown, OH-KY-IN | 0.9522 | 0.9670 |
| | Dearborn County, IN. | | |
| | Franklin County, IN. | | |
| | Ohio County, IN. | | |
| | Boone County, KY. | | |
| | Bracken County, KY. | | |
| | Campbell County, KY. | | |
| | Gallatin County, KY. | | |
| | Grant County, KY. | | |
| | Kenton County, KY. | | |
| | Pendleton County, KY. | | |
| | Brown County, OH. | | |
| | Butler County, OH. | | |
| | Clermont County, OH. | | |
| | Hamilton County, OH. | | |
| | Warren County, OH. | | |
| 17300 | Clarksville, TN-KY | 0.8420 | 0.8889 |
| | Christian County, KY. | | |
| | Trigg County, KY. | | |
| | Montgomery County, TN. | | |
| | Stewart County, TN. | | |
| 17420 | Cleveland, TN | 0.8222 | 0.8745 |
| | Bradley County, TN. | | |
| | Polk County, TN. | | |
| 17460 | [1] Cleveland-Elyria-Mentor, OH | 0.9396 | 0.9582 |
| | Cuyahoga County, OH. | | |
| | Geauga County, OH. | | |
| | Lake County, OH. | | |
| | Lorain County, OH. | | |
| | Medina County, OH. | | |
| 17660 | Coeur d'Alene, ID | 0.9227 | 0.9464 |
| | Kootenai County, ID. | | |

TABLE 4A–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR URBAN AREAS BY CBSA—Continued

| CBSA code | Urban area (constituent counties) | Wage index | GAF |
|---|---|---|---|
| 17780 | College Station-Bryan, TX | 0.8903 | 0.9235 |
| | Brazos County, TX. | | |
| | Burleson County, TX. | | |
| | Robertson County, TX. | | |
| 17820 | Colorado Springs, CO | 0.9475 | 0.9637 |
| | El Paso County, CO. | | |
| | Teller County, CO. | | |
| 17860 | Columbia, MO | 0.8456 | 0.8915 |
| | Boone County, MO. | | |
| | Howard County, MO. | | |
| 17900 | Columbia, SC | 0.8942 | 0.9263 |
| | Calhoun County, SC. | | |
| | Fairfield County, SC. | | |
| | Kershaw County, SC. | | |
| | Lexington County, SC. | | |
| | Richland County, SC. | | |
| | Saluda County, SC. | | |
| 17980 | Columbus, GA-AL | 0.8530 | 0.8968 |
| | Russell County, AL. | | |
| | Chattahoochee County, GA. | | |
| | Harris County, GA. | | |
| | Marion County, GA. | | |
| | Muscogee County, GA. | | |
| 18020 | Columbus, IN | 0.9445 | 0.9617 |
| | Bartholomew County, IN. | | |
| 18140 | [1] Columbus, OH | 1.0076 | 1.0052 |
| | Delaware County, OH. | | |
| | Fairfield County, OH. | | |
| | Franklin County, OH. | | |
| | Licking County, OH. | | |
| | Madison County, OH. | | |
| | Morrow County, OH. | | |
| | Pickaway County, OH. | | |
| | Union County, OH. | | |
| 18580 | Corpus Christi, TX | 0.8438 | 0.8902 |
| | Aransas County, TX. | | |
| | Nueces County, TX. | | |
| | San Patricio County, TX. | | |
| 18700 | Corvallis, OR | 1.1334 | 1.0895 |
| | Benton County, OR. | | |
| 19060 | [2] Cumberland, MD-WV (MD Hospitals) | 0.8881 | 0.9219 |
| | Allegany County, MD. | | |
| | Mineral County, WV. | | |
| 19060 | Cumberland, MD-WV (WV Hospitals) | 0.8151 | 0.8694 |
| | Allegany County, MD. | | |
| | Mineral County, WV. | | |
| 19124 | [1] Dallas-Plano-Irving, TX | 0.9977 | 0.9984 |
| | Collin County, TX. | | |
| | Dallas County, TX. | | |
| | Delta County, TX. | | |
| | Denton County, TX. | | |
| | Ellis County, TX. | | |
| | Hunt County, TX. | | |
| | Kaufman County, TX. | | |
| | Rockwall County, TX. | | |
| 19140 | Dalton, GA | 0.8955 | 0.9272 |
| | Murray County, GA. | | |
| | Whitfield County, GA. | | |
| 19180 | Danville, IL | 0.9554 | 0.9692 |
| | Vermilion County, IL. | | |
| 19260 | Danville, VA | 0.8499 | 0.8946 |
| | Pittsylvania County, VA. | | |
| | Danville City, VA. | | |
| 19340 | Davenport-Moline-Rock Island, IA-IL | 0.8836 | 0.9187 |
| | Henry County, IL. | | |
| | Mercer County, IL. | | |
| | Rock Island County, IL. | | |
| | Scott County, IA. | | |
| 19380 | Dayton, OH | 0.9185 | 0.9434 |
| | Greene County, OH. | | |

TABLE 4A–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR URBAN AREAS BY CBSA—Continued

| CBSA code | Urban area (constituent counties) | Wage index | GAF |
|---|---|---|---|
| | Miami County, OH. | | |
| | Montgomery County, OH. | | |
| | Preble County, OH. | | |
| 19460 | Decatur, AL | 0.8065 | 0.8631 |
| | Lawrence County, AL. | | |
| | Morgan County, AL. | | |
| 19500 | [2] Decatur, IL | 0.8358 | 0.8844 |
| | Macon County, IL. | | |
| 19660 | Deltona-Daytona Beach-Ormond Beach, FL | 0.9203 | 0.9447 |
| | Volusia County, FL. | | |
| 19740 | [1] Denver-Aurora, CO | 1.0719 | 1.0487 |
| | Adams County, CO. | | |
| | Arapahoe County, CO. | | |
| | Broomfield County, CO. | | |
| | Clear Creek County, CO. | | |
| | Denver County, CO. | | |
| | Douglas County, CO. | | |
| | Elbert County, CO. | | |
| | Gilpin County, CO. | | |
| | Jefferson County, CO. | | |
| | Park County, CO. | | |
| 19780 | Des Moines-West Des Moines, IA | 0.9170 | 0.9424 |
| | Dallas County, IA. | | |
| | Guthrie County, IA. | | |
| | Madison County, IA. | | |
| | Polk County, IA. | | |
| | Warren County, IA. | | |
| 19804 | [1,3] Detroit-Livonia-Dearborn, MI | 1.0381 | 1.0259 |
| | Wayne County, MI. | | |
| 20020 | Dothan, AL | 0.7664 | 0.8334 |
| | Geneva County, AL. | | |
| | Henry County, AL. | | |
| | Houston County, AL. | | |
| 20100 | Dover, DE | 1.0154 | 1.0105 |
| | Kent County, DE. | | |
| 20220 | Dubuque, IA | 0.8994 | 0.9300 |
| | Dubuque County, IA. | | |
| 20260 | Duluth, MN-WI | 1.0285 | 1.0194 |
| | Carlton County, MN. | | |
| | St. Louis County, MN. | | |
| | Douglas County, WI. | | |
| 20500 | Durham, NC | 0.9677 | 0.9778 |
| | Chatham County, NC. | | |
| | Durham County, NC. | | |
| | Orange County, NC. | | |
| | Person County, NC. | | |
| 20740 | Eau Claire, WI | 0.9613 | 0.9733 |
| | Chippewa County, WI. | | |
| | Eau Claire County, WI. | | |
| 20764 | [1,2] Edison, NJ | 1.1402 | 1.0940 |
| | Middlesex County, NJ. | | |
| | Monmouth County, NJ. | | |
| | Ocean County, NJ. | | |
| | Somerset County, NJ. | | |
| 20940 | [2] El Centro, CA | 1.1202 | 1.0808 |
| | Imperial County, CA. | | |
| 21060 | Elizabethtown, KY | 0.8633 | 0.9042 |
| | Hardin County, KY. | | |
| | Larue County, KY. | | |
| 21140 | Elkhart-Goshen, IN | 0.9376 | 0.9568 |
| | Elkhart County, IN. | | |
| 21300 | [2] Elmira, NY | 0.8430 | 0.8896 |
| | Chemung County, NY. | | |
| 21340 | El Paso, TX | 0.9238 | 0.9472 |
| | El Paso County, TX. | | |
| 21500 | Erie, PA | 0.8832 | 0.9185 |
| | Erie County, PA. | | |
| 21604 | [2] Essex County, MA | 1.0757 | 1.0512 |
| | Essex County, MA. | | |
| 21660 | [3] Eugene-Springfield, OR | 1.0966 | 1.0652 |

TABLE 4A–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR URBAN AREAS BY CBSA—Continued

| CBSA code | Urban area (constituent counties) | Wage index | GAF |
|---|---|---|---|
| | Lane County, OR. | | |
| 21780 | Evansville, IN-KY | 0.8898 | 0.9232 |
| | Gibson County, IN. | | |
| | Posey County, IN. | | |
| | Vanderburgh County, IN. | | |
| | Warrick County, IN. | | |
| | Henderson County, KY. | | |
| | Webster County, KY. | | |
| 21820 | Fairbanks, AK | 1.0993 | 1.0670 |
| | Fairbanks North Star Borough, AK. | | |
| 21940 | Fajardo, PR | 0.4040 | 0.5376 |
| | Ceiba Municipio, PR. | | |
| | Fajardo Municipio, PR. | | |
| | Luquillo Municipio, PR. | | |
| 22020 | [3] Fargo, ND-MN (ND Hospitals) | 0.8367 | 0.8851 |
| | Clay County, MN. | | |
| | Cass County, ND. | | |
| 22020 | [2,3] Fargo, ND-MN (MN Hospitals) | 0.9195 | 0.9441 |
| | Clay County, MN. | | |
| | Cass County, ND. | | |
| 22140 | [2] Farmington, NM | 0.8375 | 0.8856 |
| | San Juan County, NM. | | |
| 22180 | Fayetteville, NC | 0.9453 | 0.9622 |
| | Cumberland County, NC. | | |
| | Hoke County, NC. | | |
| 22220 | Fayetteville-Springdale-Rogers, AR-MO | 0.9027 | 0.9323 |
| | Benton County, AR. | | |
| | Madison County, AR. | | |
| | Washington County, AR. | | |
| | McDonald County, MO. | | |
| 22380 | Flagstaff, AZ | 1.1538 | 1.1029 |
| | Coconino County, AZ. | | |
| 22420 | Flint, MI | 1.0798 | 1.0540 |
| | Genesee County, MI. | | |
| 22500 | Florence, SC | 0.8703 | 0.9093 |
| | Darlington County, SC. | | |
| | Florence County, SC. | | |
| 22520 | Florence-Muscle Shoals, AL | 0.7876 | 0.8492 |
| | Colbert County, AL. | | |
| | Lauderdale County, AL. | | |
| 22540 | Fond du Lac, WI | 1.0368 | 1.0251 |
| | Fond du Lac County, WI. | | |
| 22660 | Fort Collins-Loveland, CO | 0.9233 | 0.9468 |
| | Larimer County, CO. | | |
| 22744 | [1] Fort Lauderdale-Pompano Beach-Deerfield Beach, FL | 1.0320 | 1.0218 |
| | Broward County, FL. | | |
| 22900 | Fort Smith, AR-OK | 0.7850 | 0.8472 |
| | Crawford County, AR. | | |
| | Franklin County, AR. | | |
| | Sebastian County, AR. | | |
| | Le Flore County, OK. | | |
| | Sequoyah County, OK. | | |
| 23020 | [2] Fort Walton Beach-Crestview-Destin, FL | 0.8733 | 0.9114 |
| | Okaloosa County, FL. | | |
| 23060 | Fort Wayne, IN | 0.9283 | 0.9503 |
| | Allen County, IN. | | |
| | Wells County, IN. | | |
| | Whitley County, IN. | | |
| 23104 | [1] Fort Worth-Arlington, TX | 0.9556 | 0.9694 |
| | Johnson County, TX. | | |
| | Parker County, TX. | | |
| | Tarrant County, TX. | | |
| | Wise County, TX. | | |
| 23420 | [2] Fresno, CA | 1.1202 | 1.0808 |
| | Fresno County, CA. | | |
| 23460 | Gadsden, AL | 0.8060 | 0.8627 |
| | Etowah County, AL. | | |
| 23540 | Gainesville, FL | 0.9420 | 0.9599 |
| | Alachua County, FL. | | |
| | Gilchrist County, FL. | | |

TABLE 4A–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR URBAN AREAS BY CBSA—Continued

| CBSA code | Urban area (constituent counties) | Wage index | GAF |
|---|---|---|---|
| 23580 | Gainesville, GA<br>Hall County, GA. | 0.9227 | 0.9464 |
| 23844 | Gary, IN<br>Jasper County, IN.<br>Lake County, IN.<br>Newton County, IN.<br>Porter County, IN. | 0.9397 | 0.9583 |
| 24020 | Glens Falls, NY<br>Warren County, NY.<br>Washington County, NY. | 0.8622 | 0.9035 |
| 24140 | Goldsboro, NC<br>Wayne County, NC. | 0.9176 | 0.9428 |
| 24220 | [3] Grand Forks, ND-MN (ND Hospitals)<br>Polk County, MN.<br>Grand Forks County, ND. | 0.7824 | 0.8453 |
| 24220 | [2,3] Grand Forks, ND-MN (MN Hospitals)<br>Polk County, MN.<br>Grand Forks County, ND. | 0.9195 | 0.9441 |
| 24300 | [3] Grand Junction, CO<br>Mesa County, CO. | 0.9655 | 0.9762 |
| 24340 | Grand Rapids-Wyoming, MI<br>Barry County, MI.<br>Ionia County, MI.<br>Kent County, MI.<br>Newaygo County, MI. | 0.9554 | 0.9692 |
| 24500 | Great Falls, MT<br>Cascade County, MT. | 0.8747 | 0.9124 |
| 24540 | Greeley, CO<br>Weld County, CO. | 0.9989 | 0.9992 |
| 24580 | [2] Green Bay, WI<br>Brown County, WI.<br>Kewaunee County, WI.<br>Oconto County, WI. | 0.9607 | 0.9729 |
| 24660 | Greensboro-High Point, NC<br>Guilford County, NC.<br>Randolph County, NC.<br>Rockingham County, NC. | 0.8982 | 0.9291 |
| 24780 | Greenville, NC<br>Greene County, NC.<br>Pitt County, NC. | 0.9329 | 0.9535 |
| 24860 | Greenville, SC<br>Greenville County, SC.<br>Laurens County, SC.<br>Pickens County, SC. | 0.9566 | 0.9701 |
| 25020 | Guayama, PR<br>Arroyo Municipio, PR.<br>Guayama Municipio, PR.<br>Patillas Municipio, PR. | 0.3235 | 0.4617 |
| 25060 | Gulfport-Biloxi, MS<br>Hancock County, MS.<br>Harrison County, MS.<br>Stone County, MS. | 0.8748 | 0.9125 |
| 25180 | Hagerstown-Martinsburg, MD-WV<br>Washington County, MD.<br>Berkeley County, WV.<br>Morgan County, WV. | 0.9314 | 0.9525 |
| 25260 | [2] Hanford-Corcoran, CA<br>Kings County, CA. | 1.1202 | 1.0808 |
| 25420 | Harrisburg-Carlisle, PA<br>Cumberland County, PA.<br>Dauphin County, PA.<br>Perry County, PA. | 0.9373 | 0.9566 |
| 25500 | Harrisonburg, VA<br>Rockingham County, VA.<br>Harrisonburg City, VA. | 0.9162 | 0.9418 |
| 25540 | [1,2] Hartford-West Hartford-East Hartford, CT<br>Hartford County, CT.<br>Litchfield County, CT.<br>Middlesex County, CT.<br>Tolland County, CT. | 1.1988 | 1.1322 |

TABLE 4A–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR URBAN AREAS BY CBSA—Continued

| CBSA code | Urban area (constituent counties) | Wage index | GAF |
|---|---|---|---|
| 25620 | [2] Hattiesburg, MS | 0.7796 | 0.8432 |
| | Forrest County, MS. | | |
| | Lamar County, MS. | | |
| | Perry County, MS. | | |
| 25860 | Hickory-Lenoir-Morganton, NC | 0.8991 | 0.9298 |
| | Alexander County, NC. | | |
| | Burke County, NC. | | |
| | Caldwell County, NC. | | |
| | Catawba County, NC. | | |
| 25980 | Hinesville-Fort Stewart, GA | 0.7825 | 0.8454 |
| | Liberty County, GA. | | |
| | Long County, GA. | | |
| 26100 | Holland-Grand Haven, MI | 0.9217 | 0.9457 |
| | Ottawa County, MI. | | |
| 26180 | Honolulu, HI | 1.0911 | 1.0615 |
| | Honolulu County, HI. | | |
| 26300 | Hot Springs, AR | 0.8829 | 0.9182 |
| | Garland County, AR. | | |
| 26380 | Houma-Bayou Cane-Thibodaux, LA | 0.8185 | 0.8718 |
| | Lafourche Parish, LA. | | |
| | Terrebonne Parish, LA. | | |
| 26420 | [1] Houston-Sugar Land-Baytown, TX | 1.0094 | 1.0064 |
| | Austin County, TX. | | |
| | Brazoria County, TX. | | |
| | Chambers County, TX. | | |
| | Fort Bend County, TX. | | |
| | Galveston County, TX. | | |
| | Harris County, TX. | | |
| | Liberty County, TX. | | |
| | Montgomery County, TX. | | |
| | San Jacinto County, TX. | | |
| | Waller County, TX. | | |
| 26580 | Huntington-Ashland, WV-KY-OH | 0.8828 | 0.9182 |
| | Boyd County, KY. | | |
| | Greenup County, KY. | | |
| | Lawrence County, OH. | | |
| | Cabell County, WV. | | |
| | Wayne County, WV. | | |
| 26620 | Huntsville, AL | 0.8967 | 0.9281 |
| | Limestone County, AL. | | |
| | Madison County, AL. | | |
| 26820 | [3] Idaho Falls, ID | 0.9036 | 0.9329 |
| | Bonneville County, ID. | | |
| | Jefferson County, ID. | | |
| 26900 | [1] Indianapolis-Carmel, IN | 0.9769 | 0.9841 |
| | Boone County, IN. | | |
| | Brown County, IN. | | |
| | Hamilton County, IN. | | |
| | Hancock County, IN. | | |
| | Hendricks County, IN. | | |
| | Johnson County, IN. | | |
| | Marion County, IN. | | |
| | Morgan County, IN. | | |
| | Putnam County, IN. | | |
| | Shelby County, IN. | | |
| 26980 | Iowa City, IA | 0.9598 | 0.9723 |
| | Johnson County, IA. | | |
| | Washington County, IA. | | |
| 27060 | Ithaca, NY | 0.9865 | 0.9907 |
| | Tompkins County, NY. | | |
| 27100 | Jackson, MI | 0.9717 | 0.9805 |
| | Jackson County, MI. | | |
| 27140 | Jackson, MS | 0.8214 | 0.8740 |
| | Copiah County, MS. | | |
| | Hinds County, MS. | | |
| | Madison County, MS. | | |
| | Rankin County, MS. | | |
| | Simpson County, MS. | | |
| 27180 | Jackson, TN | 0.8796 | 0.9159 |
| | Chester County, TN. | | |

TABLE 4A–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR URBAN AREAS BY CBSA—Continued

| CBSA code | Urban area (constituent counties) | Wage index | GAF |
|---|---|---|---|
| | Madison County, TN. | | |
| 27260 | [1] Jacksonville, FL | 0.9281 | 0.9502 |
| | Baker County, FL. | | |
| | Clay County, FL. | | |
| | Duval County, FL. | | |
| | Nassau County, FL. | | |
| | St. Johns County, FL. | | |
| 27340 | [2] Jacksonville, NC | 0.8629 | 0.9040 |
| | Onslow County, NC. | | |
| 27500 | Janesville, WI | 0.9868 | 0.9909 |
| | Rock County, WI. | | |
| 27620 | Jefferson City, MO | 0.8613 | 0.9028 |
| | Callaway County, MO. | | |
| | Cole County, MO. | | |
| | Moniteau County, MO. | | |
| | Osage County, MO. | | |
| 27740 | [2] Johnson City, TN | 0.8122 | 0.8672 |
| | Carter County, TN. | | |
| | Unicoi County, TN. | | |
| | Washington County, TN. | | |
| 27780 | Johnstown, PA | 0.8562 | 0.8991 |
| | Cambria County, PA. | | |
| 27860 | Jonesboro, AR | 0.8345 | 0.8835 |
| | Craighead County, AR. | | |
| | Poinsett County, AR. | | |
| 27900 | Joplin, MO | 0.8794 | 0.9158 |
| | Jasper County, MO. | | |
| | Newton County, MO. | | |
| 28020 | Kalamazoo-Portage, MI | 1.0797 | 1.0539 |
| | Kalamazoo County, MI. | | |
| | Van Buren County, MI. | | |
| 28100 | Kankakee-Bradley, IL | 1.0021 | 1.0014 |
| | Kankakee County, IL. | | |
| 28140 | [1] Kansas City, MO-KS | 0.9345 | 0.9547 |
| | Franklin County, KS. | | |
| | Johnson County, KS. | | |
| | Leavenworth County, KS. | | |
| | Linn County, KS. | | |
| | Miami County, KS. | | |
| | Wyandotte County, KS. | | |
| | Bates County, MO. | | |
| | Caldwell County, MO. | | |
| | Cass County, MO. | | |
| | Clay County, MO. | | |
| | Clinton County, MO. | | |
| | Jackson County, MO. | | |
| | Lafayette County, MO. | | |
| | Platte County, MO. | | |
| | Ray County, MO. | | |
| 28420 | [2] Kennewick-Richland-Pasco, WA | 1.0206 | 1.0141 |
| | Benton County, WA. | | |
| | Franklin County, WA. | | |
| 28660 | Killeen-Temple-Fort Hood, TX | 0.8993 | 0.9299 |
| | Bell County, TX. | | |
| | Coryell County, TX. | | |
| | Lampasas County, TX. | | |
| 28700 | Kingsport-Bristol-Bristol, TN-VA | 0.8215 | 0.8740 |
| | Hawkins County, TN. | | |
| | Sullivan County, TN. | | |
| | Bristol City, VA. | | |
| | Scott County, VA. | | |
| | Washington County, VA. | | |
| 28740 | Kingston, NY | 0.9442 | 0.9614 |
| | Ulster County, NY. | | |
| 28940 | Knoxville, TN | 0.8227 | 0.8749 |
| | Anderson County, TN. | | |
| | Blount County, TN. | | |
| | Knox County, TN. | | |
| | Loudon County, TN. | | |
| | Union County, TN. | | |

TABLE 4A–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR URBAN AREAS BY CBSA—Continued

| CBSA code | Urban area (constituent counties) | Wage index | GAF |
|---|---|---|---|
| 29020 | Kokomo, IN | 0.9657 | 0.9764 |
| | Howard County, IN. | | |
| | Tipton County, IN. | | |
| 29100 | [2] La Crosse, WI-MN (WI Hospitals) | 0.9607 | 0.9683 |
| | Houston County, MN. | | |
| | La Crosse County, WI. | | |
| 29100 | La Crosse, WI-MN (MN Hospitals) | 0.9541 | 0.9729 |
| | Houston County, MN. | | |
| | La Crosse County, WI. | | |
| 29140 | Lafayette, IN | 0.8777 | 0.9145 |
| | Benton County, IN. | | |
| | Carroll County, IN. | | |
| | Tippecanoe County, IN. | | |
| 29180 | Lafayette, LA | 0.8408 | 0.8880 |
| | Lafayette Parish, LA. | | |
| | St. Martin Parish, LA. | | |
| 29340 | Lake Charles, LA | 0.7922 | 0.8526 |
| | Calcasieu Parish, LA. | | |
| | Cameron Parish, LA. | | |
| 29404 | Lake County-Kenosha County, IL-WI | 1.0651 | 1.0441 |
| | Lake County, IL. | | |
| | Kenosha County, WI. | | |
| 29460 | Lakeland, FL | 0.9056 | 0.9344 |
| | Polk County, FL. | | |
| 29540 | Lancaster, PA | 0.9942 | 0.9960 |
| | Lancaster County, PA. | | |
| 29620 | Lansing-East Lansing, MI | 1.0068 | 1.0047 |
| | Clinton County, MI. | | |
| | Eaton County, MI. | | |
| | Ingham County, MI. | | |
| 29700 | Laredo, TX | 0.8227 | 0.8749 |
| | Webb County, TX. | | |
| 29740 | Las Cruces, NM | 0.9124 | 0.9391 |
| | Dona Ana County, NM. | | |
| 29820 | [1] Las Vegas-Paradise, NV | 1.1148 | 1.0773 |
| | Clark County, NV. | | |
| 29940 | Lawrence, KS | 0.8333 | 0.8826 |
| | Douglas County, KS. | | |
| 30020 | Lawton, OK | 8485 | 0.8936 |
| | Comanche County, OK 0.. | | |
| 30140 | Lebanon, PA | 0.8756 | 0.9130 |
| | Lebanon County, PA. | | |
| 30300 | Lewiston, ID-WA (ID Hospitals) | 0.9650 | 0.9759 |
| | Nez Perce County, ID. | | |
| | Asotin County, WA. | | |
| 30300 | [2] Lewiston, ID-WA (WA Hospitals) | 1.0206 | 1.0141 |
| | Nez Perce County, ID. | | |
| | Asotin County, WA. | | |
| 30340 | Lewiston-Auburn, ME | 0.9235 | 0.9470 |
| | Androscoggin County, ME. | | |
| 30460 | Lexington-Fayette, KY | 0.8965 | 0.9279 |
| | Bourbon County, KY. | | |
| | Clark County, KY. | | |
| | Fayette County, KY. | | |
| | Jessamine County, KY. | | |
| | Scott County, KY. | | |
| | Woodford County, KY. | | |
| 30620 | Lima, OH | 0.8925 | 0.9251 |
| | Allen County, OH. | | |
| 30700 | Lincoln, NE | 0.9966 | 0.9977 |
| | Lancaster County, NE. | | |
| | Seward County, NE. | | |
| 30780 | Little Rock-North Little Rock, AR | 0.9704 | 0.9796 |
| | Faulkner County, AR. | | |
| | Grant County, AR. | | |
| | Lonoke County, AR. | | |
| | Perry County, AR. | | |
| | Pulaski County, AR. | | |
| | Saline County, AR. | | |
| 30860 | Logan, UT-ID | 0.9045 | 0.9336 |

TABLE 4A–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR URBAN AREAS BY CBSA—Continued

| CBSA code | Urban area (constituent counties) | Wage index | GAF |
|---|---|---|---|
| | Franklin County, ID. | | |
| | Cache County, UT. | | |
| 30980 | Longview, TX | 0.8946 | 0.9266 |
| | Gregg County, TX. | | |
| | Rusk County, TX. | | |
| | Upshur County, TX. | | |
| 31020 | Longview, WA | 1.0239 | 1.0163 |
| | Cowlitz County, WA. | | |
| 31084 | [1,3] Los Angeles-Long Beach-Glendale, CA | 1.1686 | 1.1126 |
| | Los Angeles County, CA. | | |
| 31140 | [1] Louisville-Jefferson County, KY-IN | 0.9155 | 0.9413 |
| | Clark County, IN. | | |
| | Floyd County, IN. | | |
| | Harrison County, IN. | | |
| | Washington County, IN. | | |
| | Bullitt County, KY. | | |
| | Henry County, KY. | | |
| | Jefferson County, KY. | | |
| | Meade County, KY. | | |
| | Nelson County, KY. | | |
| | Oldham County, KY. | | |
| | Shelby County, KY. | | |
| | Spencer County, KY. | | |
| | Trimble County, KY. | | |
| 31180 | Lubbock, TX | 0.8536 | 0.8973 |
| | Crosby County, TX. | | |
| | Lubbock County, TX. | | |
| 31340 | Lynchburg, VA | 0.8600 | 0.9019 |
| | Amherst County, VA. | | |
| | Appomattox County, VA. | | |
| | Bedford County, VA. | | |
| | Campbell County, VA. | | |
| | Bedford City, VA. | | |
| | Lynchburg City, VA. | | |
| 31420 | Macon, GA | 0.9798 | 0.9861 |
| | Bibb County, GA. | | |
| | Crawford County, GA. | | |
| | Jones County, GA. | | |
| | Monroe County, GA. | | |
| | Twiggs County, GA. | | |
| 31460 | [2] Madera, CA | 1.1202 | 1.0808 |
| | Madera County, CA. | | |
| 31540 | Madison, WI | 1.0841 | 1.0569 |
| | Columbia County, WI. | | |
| | Dane County, WI. | | |
| | Iowa County, WI. | | |
| 31700 | [2] Manchester-Nashua, NH | 1.1732 | 1.1156 |
| | Hillsborough County, NH. | | |
| | Merrimack County, NH. | | |
| 31900 | Mansfield, OH | 0.9236 | 0.9470 |
| | Richland County, OH. | | |
| 32420 | Mayagüez, PR | 0.3807 | 0.5162 |
| | Hormigueros Municipio, PR. | | |
| | Mayagüez Municipio, PR. | | |
| 32580 | McAllen-Edinburg-Mission, TX | 0.8794 | 0.9158 |
| | Hidalgo County, TX. | | |
| 32780 | Medford, OR | 1.0756 | 1.0512 |
| | Jackson County, OR. | | |
| 32820 | [1] Memphis, TN-MS-AR | 0.9307 | 0.9520 |
| | Crittenden County, AR. | | |
| | DeSoto County, MS. | | |
| | Marshall County, MS. | | |
| | Tate County, MS. | | |
| | Tunica County, MS. | | |
| | Fayette County, TN. | | |
| | Shelby County, TN. | | |
| | Tipton County, TN. | | |
| 32900 | Merced, CA | 1.1410 | 1.0945 |
| | Merced County, CA. | | |
| 33124 | [1] Miami-Miami Beach-Kendall, FL | 0.9821 | 0.9877 |

TABLE 4A–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR URBAN AREAS BY CBSA—Continued

| CBSA code | Urban area (constituent counties) | Wage index | GAF |
|---|---|---|---|
| | Miami-Dade County, FL. | | |
| 33140 | Michigan City-La Porte, IN | 0.9037 | 0.9330 |
| | LaPorte County, IN. | | |
| 33260 | Midland, TX | 0.9538 | 0.9681 |
| | Midland County, TX. | | |
| 33340 | [1] Milwaukee-Waukesha-West Allis, WI | 1.0324 | 1.0221 |
| | Milwaukee County, WI. | | |
| | Ozaukee County, WI. | | |
| | Washington County, WI. | | |
| | Waukesha County, WI. | | |
| 33460 | [1] Minneapolis-St. Paul-Bloomington, MN-WI | 1.0782 | 1.0529 |
| | Anoka County, MN. | | |
| | Carver County, MN. | | |
| | Chisago County, MN. | | |
| | Dakota County, MN. | | |
| | Hennepin County, MN. | | |
| | Isanti County, MN. | | |
| | Ramsey County, MN. | | |
| | Scott County, MN. | | |
| | Sherburne County, MN. | | |
| | Washington County, MN. | | |
| | Wright County, MN. | | |
| | Pierce County, WI. | | |
| | St. Croix County, WI. | | |
| 33540 | Missoula, MT | 0.8783 | 0.9150 |
| | Missoula County, MT. | | |
| 33660 | Mobile, AL | 0.7847 | 0.8470 |
| | Mobile County, AL. | | |
| 33700 | Modesto, CA | 1.1735 | 1.1158 |
| | Stanislaus County, CA. | | |
| 33740 | Monroe, LA | 0.8074 | 0.8637 |
| | Ouachita Parish, LA. | | |
| | Union Parish, LA. | | |
| 33780 | Monroe, MI | 0.9787 | 0.9854 |
| | Monroe County, MI. | | |
| 33860 | Montgomery, AL | 0.7933 | 0.8534 |
| | Autauga County, AL. | | |
| | Elmore County, AL. | | |
| | Lowndes County, AL. | | |
| | Montgomery County, AL. | | |
| 34060 | Morgantown, WV | 0.8555 | 0.8986 |
| | Monongalia County, WV. | | |
| | Preston County, WV. | | |
| 34100 | [2] Morristown, TN | 0.8122 | 0.8672 |
| | Grainger County, TN. | | |
| | Hamblen County, TN. | | |
| | Jefferson County, TN. | | |
| 34580 | Mount Vernon-Anacortes, WA | 1.0221 | 1.0151 |
| | Skagit County, WA. | | |
| 34620 | [2] Muncie, IN | 0.8564 | 0.8993 |
| | Delaware County, IN. | | |
| 34740 | [3] Muskegon-Norton Shores, MI | 1.0105 | 1.0072 |
| | Muskegon County, MI. | | |
| 34820 | Myrtle Beach-Conway-North Myrtle Beach, SC | 0.8882 | 0.9220 |
| | Horry County, SC. | | |
| 34900 | Napa, CA | 1.2933 | 1.1926 |
| | Napa County, CA. | | |
| 34940 | Naples-Marco Island, FL | 1.0107 | 1.0073 |
| | Collier County, FL. | | |
| 34980 | [1] Nashville-Davidson—Murfreesboro, TN | 0.9810 | 0.9869 |
| | Cannon County, TN. | | |
| | Cheatham County, TN. | | |
| | Davidson County, TN. | | |
| | Dickson County, TN. | | |
| | Hickman County, TN. | | |
| | Macon County, TN. | | |
| | Robertson County, TN. | | |
| | Rutherford County, TN. | | |
| | Smith County, TN. | | |
| | Sumner County, TN. | | |

TABLE 4A–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR URBAN AREAS BY CBSA—Continued

| CBSA code | Urban area (constituent counties) | Wage index | GAF |
|---|---|---|---|
| | Trousdale County, TN. | | |
| | Williamson County, TN. | | |
| | Wilson County, TN. | | |
| 35004 | [1,3] Nassau-Suffolk, NY | 1.2971 | 1.1950 |
| | Nassau County, NY. | | |
| | Suffolk County, NY. | | |
| 35084 | [1] Newark-Union, NJ-PA | 1.1756 | 1.1172 |
| | Essex County, NJ. | | |
| | Hunterdon County, NJ. | | |
| | Morris County, NJ. | | |
| | Sussex County, NJ. | | |
| | Union County, NJ. | | |
| | Pike County, PA. | | |
| 35300 | [3] New Haven-Milford, CT | 1.2068 | 1.1374 |
| | New Haven County, CT. | | |
| 35380 | [1] New Orleans-Metairie-Kenner, LA | 0.8649 | 0.9054 |
| | Jefferson Parish, LA. | | |
| | Orleans Parish, LA. | | |
| | Plaquemines Parish, LA. | | |
| | St. Bernard Parish, LA. | | |
| | St. Charles Parish, LA. | | |
| | St. John the Baptist Parish, LA. | | |
| | St. Tammany Parish, LA. | | |
| 35644 | [1,3] New York-White Plains-Wayne, NY-NJ | 1.3344 | 1.2184 |
| | Bergen County, NJ. | | |
| | Hudson County, NJ. | | |
| | Passaic County, NJ. | | |
| | Bronx County, NY. | | |
| | Kings County, NY. | | |
| | New York County, NY. | | |
| | Putnam County, NY. | | |
| | Queens County, NY. | | |
| | Richmond County, NY. | | |
| | Rockland County, NY. | | |
| | Westchester County, NY. | | |
| 35660 | [2] Niles-Benton Harbor, MI | 0.9028 | 0.9324 |
| | Berrien County, MI. | | |
| 35980 | Norwich-New London, CT | 1.2031 | 1.1350 |
| | New London County, CT. | | |
| 36084 | [1] Oakland-Fremont-Hayward, CA | 1.5617 | 1.3570 |
| | Alameda County, CA. | | |
| | Contra Costa County, CA. | | |
| 36100 | [2] Ocala, FL | 0.8733 | 0.9114 |
| | Marion County, FL. | | |
| 36140 | [2] Ocean City, NJ | 1.1402 | 1.0940 |
| | Cape May County, NJ. | | |
| 36220 | Odessa, TX | 1.0038 | 1.0026 |
| | Ector County, TX. | | |
| 36260 | Ogden-Clearfield, UT | 0.9080 | 0.9360 |
| | Davis County, UT. | | |
| | Morgan County, UT. | | |
| | Weber County, UT. | | |
| 36420 | [1] Oklahoma City, OK | 0.8807 | 0.9167 |
| | Canadian County, OK. | | |
| | Cleveland County, OK. | | |
| | Grady County, OK. | | |
| | Lincoln County, OK. | | |
| | Logan County, OK. | | |
| | McClain County, OK. | | |
| | Oklahoma County, OK. | | |
| 36500 | Olympia, WA | 1.0962 | 1.0649 |
| | Thurston County, WA. | | |
| 36540 | Omaha-Council Bluffs, NE-IA | 0.9399 | 0.9584 |
| | Harrison County, IA. | | |
| | Mills County, IA. | | |
| | Pottawattamie County, IA. | | |
| | Cass County, NE. | | |
| | Douglas County, NE. | | |
| | Sarpy County, NE. | | |
| | Saunders County, NE. | | |

TABLE 4A–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR URBAN AREAS BY CBSA—Continued

| CBSA code | Urban area (constituent counties) | Wage index | GAF |
|---|---|---|---|
| | Washington County, NE. | | |
| 36740 | [1] Orlando-Kissimmee, FL | 0.9575 | 0.9707 |
| | Lake County, FL. | | |
| | Orange County, FL. | | |
| | Osceola County, FL. | | |
| | Seminole County, FL. | | |
| 36780 | [2] Oshkosh-Neenah, WI | 0.9607 | 0.9729 |
| | Winnebago County, WI. | | |
| 36980 | Owensboro, KY | 0.8783 | 0.9150 |
| | Daviess County, KY. | | |
| | Hancock County, KY. | | |
| | McLean County, KY. | | |
| 37100 | [2] Oxnard-Thousand Oaks-Ventura, CA | 1.1202 | 1.0808 |
| | Ventura County, CA. | | |
| 37340 | Palm Bay-Melbourne-Titusville, FL | 0.9547 | 0.9688 |
| | Brevard County, FL. | | |
| 37460 | [2] Panama City-Lynn Haven, FL | 0.8733 | 0.9114 |
| | Bay County, FL. | | |
| 37620 | Parkersburg-Marietta-Vienna, WV-OH (WV Hospitals) | 0.8114 | 0.8667 |
| | Washington County, OH. | | |
| | Pleasants County, WV. | | |
| | Wirt County, WV. | | |
| | Wood County, WV. | | |
| 37620 | [2] Parkersburg-Marietta-Vienna, WV-OH (OH Hospitals) | 0.8683 | 0.9078 |
| | Washington County, OH. | | |
| | Pleasants County, WV. | | |
| | Wirt County, WV. | | |
| | Wood County, WV. | | |
| 37700 | Pascagoula, MS | 0.8144 | 0.8688 |
| | George County, MS. | | |
| | Jackson County, MS. | | |
| 37860 | [2] Pensacola-Ferry Pass-Brent, FL | 0.8733 | 0.9114 |
| | Escambia County, FL. | | |
| | Santa Rosa County, FL. | | |
| 37900 | Peoria, IL | 0.9126 | 0.9393 |
| | Marshall County, IL. | | |
| | Peoria County, IL. | | |
| | Stark County, IL. | | |
| | Tazewell County, IL. | | |
| | Woodford County, IL. | | |
| 37964 | [1] Philadelphia, PA | 1.0996 | 1.0672 |
| | Bucks County, PA. | | |
| | Chester County, PA. | | |
| | Delaware County, PA. | | |
| | Montgomery County, PA. | | |
| | Philadelphia County, PA. | | |
| 38060 | [1] Phoenix-Mesa-Scottsdale, AZ | 1.0146 | 1.0100 |
| | Maricopa County, AZ. | | |
| | Pinal County, AZ. | | |
| 38220 | Pine Bluff, AR | 0.8717 | 0.9103 |
| | Cleveland County, AR. | | |
| | Jefferson County, AR. | | |
| | Lincoln County, AR. | | |
| 38300 | [1] Pittsburgh, PA | 0.8568 | 0.8996 |
| | Allegheny County, PA. | | |
| | Armstrong County, PA. | | |
| | Beaver County, PA. | | |
| | Butler County, PA. | | |
| | Fayette County, PA. | | |
| | Washington County, PA. | | |
| | Westmoreland County, PA. | | |
| 38340 | [2] Pittsfield, MA | 1.0757 | 1.0512 |
| | Berkshire County, MA. | | |
| 38540 | Pocatello, ID | 0.9204 | 0.9448 |
| | Bannock County, ID. | | |
| | Power County, ID. | | |
| 38660 | Ponce, PR | 0.4712 | 0.5973 |
| | Juana Díaz Municipio, PR. | | |
| | Ponce Municipio, PR. | | |
| | Villalba Municipio, PR. | | |

TABLE 4A–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR URBAN AREAS BY CBSA—Continued

| CBSA code | Urban area (constituent counties) | Wage index | GAF |
|---|---|---|---|
| 38860 | Portland-South Portland-Biddeford, ME | 0.9862 | 0.9905 |
| | Cumberland County, ME. | | |
| | Sagadahoc County, ME. | | |
| | York County, ME. | | |
| 38900 | [1] Portland-Vancouver-Beaverton, OR-WA | 1.1210 | 1.0814 |
| | Clackamas County, OR. | | |
| | Columbia County, OR. | | |
| | Multnomah County, OR. | | |
| | Washington County, OR. | | |
| | Yamhill County, OR. | | |
| | Clark County, WA. | | |
| | Skamania County, WA. | | |
| 38940 | Port St. Lucie-Fort Pierce, FL | 0.9906 | 0.9936 |
| | Martin County, FL. | | |
| | St. Lucie County, FL. | | |
| 39100 | Poughkeepsie-Newburgh-Middletown, NY | 1.0966 | 1.0652 |
| | Dutchess County, NY. | | |
| | Orange County, NY. | | |
| 39140 | Prescott, AZ | 0.9748 | 0.9827 |
| | Yavapai County, AZ. | | |
| 39300 | [1,2] Providence-New Bedford-Fall River, RI-MA (RI Hospitals) | 1.0744 | 1.0504 |
| | Bristol County, MA. | | |
| | Bristol County, RI. | | |
| | Kent County, RI. | | |
| | Newport County, RI. | | |
| | Providence County, RI. | | |
| | Washington County, RI. | | |
| 39300 | [1,2] Providence-New Bedford-Fall River, RI-MA (MA Hospitals) | 1.0757 | 1.0512 |
| | Bristol County, MA. | | |
| | Bristol County, RI. | | |
| | Kent County, RI. | | |
| | Newport County, RI. | | |
| | Providence County, RI. | | |
| | Washington County, RI. | | |
| 39340 | Provo-Orem, UT | 0.9479 | 0.9640 |
| | Juab County, UT. | | |
| | Utah County, UT. | | |
| 39380 | [2] Pueblo, CO | 0.9091 | 0.9368 |
| | Pueblo County, CO. | | |
| 39460 | Punta Gorda, FL | 0.9717 | 0.9805 |
| | Charlotte County, FL. | | |
| 39540 | [2] Racine, WI | 0.9607 | 0.9729 |
| | Racine County, WI. | | |
| 39580 | Raleigh-Cary, NC | 0.9722 | 0.9809 |
| | Franklin County, NC. | | |
| | Johnston County, NC. | | |
| | Wake County, NC. | | |
| 39660 | Rapid City, SD | 0.8708 | 0.9096 |
| | Meade County, SD. | | |
| | Pennington County, SD. | | |
| 39740 | Reading, PA | 0.9709 | 0.9800 |
| | Berks County, PA. | | |
| 39820 | Redding, CA | 1.2450 | 1.1619 |
| | Shasta County, CA. | | |
| 39900 | Reno-Sparks, NV | 1.2126 | 1.1411 |
| | Storey County, NV. | | |
| | Washoe County, NV. | | |
| 40060 | [1] Richmond, VA | 0.8997 | 0.9302 |
| | Amelia County, VA. | | |
| | Caroline County, VA. | | |
| | Charles City County, VA. | | |
| | Chesterfield County, VA. | | |
| | Cumberland County, VA. | | |
| | Dinwiddie County, VA. | | |
| | Goochland County, VA. | | |
| | Hanover County, VA. | | |
| | Henrico County, VA. | | |
| | King and Queen County, VA. | | |
| | King William County, VA. | | |
| | Louisa County, VA. | | |

TABLE 4A–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR URBAN AREAS BY CBSA—Continued

| CBSA code | Urban area (constituent counties) | Wage index | GAF |
|---|---|---|---|
| | New Kent County, VA. | | |
| | Powhatan County, VA. | | |
| | Prince George County, VA. | | |
| | Sussex County, VA. | | |
| | Colonial Heights City, VA. | | |
| | Hopewell City, VA. | | |
| | Petersburg City, VA. | | |
| | Richmond City, VA. | | |
| 40140 | [1,2] Riverside-San Bernardino-Ontario, CA | 1.1202 | 1.0808 |
| | Riverside County, CA. | | |
| | San Bernardino County, CA. | | |
| 40220 | Roanoke, VA | 0.8803 | 0.9164 |
| | Botetourt County, VA. | | |
| | Craig County, VA. | | |
| | Franklin County, VA. | | |
| | Roanoke County, VA. | | |
| | Roanoke City, VA. | | |
| | Salem City, VA. | | |
| 40340 | Rochester, MN | 1.1239 | 1.0833 |
| | Dodge County, MN. | | |
| | Olmsted County, MN. | | |
| | Wabasha County, MN. | | |
| 40380 | [1] Rochester, NY | 0.9103 | 0.9377 |
| | Livingston County, NY. | | |
| | Monroe County, NY. | | |
| | Ontario County, NY. | | |
| | Orleans County, NY. | | |
| | Wayne County, NY. | | |
| 40420 | Rockford, IL | 1.0048 | 1.0033 |
| | Boone County, IL. | | |
| | Winnebago County, IL. | | |
| 40484 | [2] Rockingham County-Strafford County, NH | 1.1732 | 1.1156 |
| | Rockingham County, NH. | | |
| | Strafford County, NH. | | |
| 40580 | Rocky Mount, NC | 0.8900 | 0.9233 |
| | Edgecombe County, NC. | | |
| | Nash County, NC. | | |
| 40660 | Rome, GA | 0.9699 | 0.9793 |
| | Floyd County, GA. | | |
| 40900 | [1] Sacramento—Arden-Arcade—Roseville, CA | 1.2986 | 1.1959 |
| | El Dorado County, CA. | | |
| | Placer County, CA. | | |
| | Sacramento County, CA. | | |
| | Yolo County, CA. | | |
| 40980 | Saginaw-Saginaw Township North, MI | 0.9211 | 0.9453 |
| | Saginaw County, MI. | | |
| 41060 | St. Cloud, MN | 1.1029 | 1.0694 |
| | Benton County, MN. | | |
| | Stearns County, MN. | | |
| 41100 | St. George, UT | 0.9452 | 0.9621 |
| | Washington County, UT. | | |
| 41140 | St. Joseph, MO-KS | 1.0233 | 1.0159 |
| | Doniphan County, KS. | | |
| | Andrew County, MO. | | |
| | Buchanan County, MO. | | |
| | DeKalb County, MO. | | |
| 41180 | St. Louis, MO-IL | 0.8998 | 0.9302 |
| | Bond County, IL. | | |
| | Calhoun County, IL. | | |
| | Clinton County, IL. | | |
| | Jersey County, IL. | | |
| | Macoupin County, IL. | | |
| | Madison County, IL. | | |
| | Monroe County, IL. | | |
| | St. Clair County, IL. | | |
| | Crawford County, MO. | | |
| | Franklin County, MO. | | |
| | Jefferson County, MO. | | |
| | Lincoln County, MO. | | |
| | St. Charles County, MO. | | |

TABLE 4A–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR URBAN AREAS BY CBSA—Continued

| CBSA code | Urban area (constituent counties) | Wage index | GAF |
|---|---|---|---|
| | St. Louis County, MO. | | |
| | Warren County, MO. | | |
| | Washington County, MO. | | |
| | St. Louis City, MO. | | |
| 41420 | Salem, OR | 1.0283 | 1.0193 |
| | Marion County, OR. | | |
| | Polk County, OR. | | |
| 41500 | Salinas, CA | 1.4220 | 1.2726 |
| | Monterey County, CA. | | |
| 41540 | [2] Salisbury, MD | 0.8881 | 0.9219 |
| | Somerset County, MD. | | |
| | Wicomico County, MD. | | |
| 41620 | Salt Lake City, UT | 0.9476 | 0.9638 |
| | Salt Lake County, UT. | | |
| | Summit County, UT. | | |
| | Tooele County, UT. | | |
| 41660 | San Angelo, TX | 0.8483 | 0.8935 |
| | Irion County, TX. | | |
| | Tom Green County, TX. | | |
| 41700 | [1] San Antonio, TX | 0.8945 | 0.9265 |
| | Atascosa County, TX. | | |
| | Bandera County, TX. | | |
| | Bexar County, TX. | | |
| | Comal County, TX. | | |
| | Guadalupe County, TX. | | |
| | Kendall County, TX. | | |
| | Medina County, TX. | | |
| | Wilson County, TX. | | |
| 41740 | [1,2] San Diego-Carlsbad-San Marcos, CA | 1.1202 | 1.0808 |
| | San Diego County, CA. | | |
| 41780 | Sandusky, OH | 0.9258 | 0.9486 |
| | Erie County, OH. | | |
| 41884 | [1] San Francisco-San Mateo-Redwood City, CA | 1.5419 | 1.3452 |
| | Marin County, CA. | | |
| | San Francisco County, CA. | | |
| | San Mateo County, CA. | | |
| 41900 | San Germán-Cabo Rojo, PR | 0.4856 | 0.6098 |
| | Cabo Rojo Municipio, PR. | | |
| | Lajas Municipio, PR. | | |
| | Sabana Grande Municipio, PR. | | |
| | San Germán Municipio, PR. | | |
| 41940 | [1] San Jose-Sunnyvale-Santa Clara, CA | 1.5324 | 1.3395 |
| | San Benito County, CA. | | |
| | Santa Clara County, CA. | | |
| 41980 | [1] San Juan-Caguas-Guaynabo, PR | 0.4449 | 0.5743 |
| | Aguas Buenas Municipio, PR. | | |
| | Aibonito Municipio, PR. | | |
| | Arecibo Municipio, PR. | | |
| | Barceloneta Municipio, PR. | | |
| | Barranquitas Municipio, PR. | | |
| | Bayamón Municipio, PR. | | |
| | Caguas Municipio, PR. | | |
| | Camuy Municipio, PR. | | |
| | Canóvanas Municipio, PR. | | |
| | Carolina Municipio, PR. | | |
| | Cataño Municipio, PR. | | |
| | Cayey Municipio, PR. | | |
| | Ciales Municipio, PR. | | |
| | Cidra Municipio, PR. | | |
| | Comerío Municipio, PR. | | |
| | Corozal Municipio, PR. | | |
| | Dorado Municipio, PR. | | |
| | Florida Municipio, PR. | | |
| | Guaynabo Municipio, PR. | | |
| | Gurabo Municipio, PR. | | |
| | Hatillo Municipio, PR. | | |
| | Humacao Municipio, PR. | | |
| | Juncos Municipio, PR. | | |
| | Las Piedras Municipio, PR. | | |
| | Loíza Municipio, PR. | | |

TABLE 4A–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR URBAN AREAS BY CBSA—Continued

| CBSA code | Urban area (constituent counties) | Wage index | GAF |
|---|---|---|---|
| | Manatí Municipio, PR. | | |
| | Maunabo Municipio, PR. | | |
| | Morovis Municipio, PR. | | |
| | Naguabo Municipio, PR. | | |
| | Naranjito Municipio, PR. | | |
| | Orocovis Municipio, PR. | | |
| | Quebradillas Municipio, PR. | | |
| | Río Grande Municipio, PR. | | |
| | San Juan Municipio, PR. | | |
| | San Lorenzo Municipio, PR. | | |
| | Toa Alta Municipio, PR. | | |
| | Toa Baja Municipio, PR. | | |
| | Trujillo Alto Municipio, PR. | | |
| | Vega Alta Municipio, PR. | | |
| | Vega Baja Municipio, PR. | | |
| | Yabucoa Municipio, PR. | | |
| 42020 | [2] San Luis Obispo-Paso Robles, CA | 1.1202 | 1.0808 |
| | San Luis Obispo County, CA. | | |
| 42044 | [1] Santa Ana-Anaheim-Irvine, CA | 1.1350 | 1.0906 |
| | Orange County, CA. | | |
| 42060 | [2] Santa Barbara-Santa Maria, CA | 1.1202 | 1.0808 |
| | Santa Barbara County, CA. | | |
| 42100 | Santa Cruz-Watsonville, CA | 1.5056 | 1.3234 |
| | Santa Cruz County, CA. | | |
| 42140 | Santa Fe, NM | 1.0808 | 1.0547 |
| | Santa Fe County, NM. | | |
| 42220 | Santa Rosa-Petaluma, CA | 1.4322 | 1.2789 |
| | Sonoma County, CA. | | |
| 42260 | Sarasota-Bradenton-Venice, FL | 0.9743 | 0.9823 |
| | Manatee County, FL. | | |
| | Sarasota County, FL. | | |
| 42340 | Savannah, GA | 0.9139 | 0.9402 |
| | Bryan County, GA. | | |
| | Chatham County, GA. | | |
| | Effingham County, GA. | | |
| 42540 | [2] Scranton—Wilkes-Barre, PA | 0.8301 | 0.8803 |
| | Lackawanna County, PA. | | |
| | Luzerne County, PA. | | |
| | Wyoming County, PA. | | |
| 42644 | [1] Seattle-Bellevue-Everett, WA | 1.1261 | 1.0847 |
| | King County, WA. | | |
| | Snohomish County, WA. | | |
| 42680 | Sebastian-Vero Beach, FL | 0.9886 | 0.9922 |
| | Indian River County, FL. | | |
| 43100 | [2] Sheboygan, WI | 0.9607 | 0.9729 |
| | Sheboygan County, WI. | | |
| 43300 | Sherman-Denison, TX | 0.8651 | 0.9055 |
| | Grayson County, TX. | | |
| 43340 | Shreveport-Bossier City, LA | 0.8848 | 0.9196 |
| | Bossier Parish, LA. | | |
| | Caddo Parish, LA. | | |
| | De Soto Parish, LA. | | |
| 43580 | Sioux City, IA-NE-SD | 0.9062 | 0.9348 |
| | Woodbury County, IA. | | |
| | Dakota County, NE. | | |
| | Dixon County, NE. | | |
| | Union County, SD. | | |
| 43620 | Sioux Falls, SD | 0.9351 | 0.9551 |
| | Lincoln County, SD. | | |
| | McCook County, SD. | | |
| | Minnehaha County, SD. | | |
| | Turner County, SD. | | |
| 43780 | South Bend-Mishawaka, IN-MI | 0.9914 | 0.9941 |
| | St. Joseph County, IN. | | |
| | Cass County, MI. | | |
| 43900 | Spartanburg, SC | 0.9072 | 0.9355 |
| | Spartanburg County, SC. | | |
| 44060 | Spokane, WA | 1.0422 | 1.0287 |
| | Spokane County, WA. | | |
| 44100 | Springfield, IL | 0.8951 | 0.9269 |

TABLE 4A–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR URBAN AREAS BY CBSA—Continued

| CBSA code | Urban area (constituent counties) | Wage index | GAF |
|---|---|---|---|
| | Menard County, IL. | | |
| | Sangamon County, IL. | | |
| 44140 | [2] Springfield, MA | 1.0757 | 1.0512 |
| | Franklin County, MA. | | |
| | Hampden County, MA. | | |
| | Hampshire County, MA. | | |
| 44180 | Springfield, MO | 0.8570 | 0.8997 |
| | Christian County, MO. | | |
| | Dallas County, MO. | | |
| | Greene County, MO. | | |
| | Polk County, MO. | | |
| | Webster County, MO. | | |
| 44220 | [2] Springfield, OH | 0.8683 | 0.9078 |
| | Clark County, OH. | | |
| 44300 | State College, PA | 0.8655 | 0.9058 |
| | Centre County, PA. | | |
| 44700 | Stockton, CA | 1.1474 | 1.0987 |
| | San Joaquin County, CA. | | |
| 44940 | [2] Sumter, SC | 0.8692 | 0.9085 |
| | Sumter County, SC. | | |
| 45060 | Syracuse, NY | 0.9776 | 0.9846 |
| | Madison County, NY. | | |
| | Onondaga County, NY. | | |
| | Oswego County, NY. | | |
| 45104 | Tacoma, WA | 1.0710 | 1.0481 |
| | Pierce County, WA. | | |
| 45220 | Tallahassee, FL | 0.8959 | 0.9275 |
| | Gadsden County, FL. | | |
| | Jefferson County, FL. | | |
| | Leon County, FL. | | |
| | Wakulla County, FL. | | |
| 45300 | [1] Tampa-St. Petersburg-Clearwater, FL | 0.9265 | 0.9491 |
| | Hernando County, FL. | | |
| | Hillsborough County, FL. | | |
| | Pasco County, FL. | | |
| | Pinellas County, FL. | | |
| 45460 | Terre Haute, IN | 0.8806 | 0.9166 |
| | Clay County, IN. | | |
| | Sullivan County, IN. | | |
| | Vermillion County, IN. | | |
| | Vigo County, IN. | | |
| 45500 | [2] Texarkana, TX-Texarkana, AR (TX Hospitals) | 0.8225 | 0.8748 |
| | Miller County, AR. | | |
| | Bowie County, TX. | | |
| 45500 | Texarkana, TX-Texarkana, AR (AR Hospitals) | 0.8107 | 0.8661 |
| | Miller County, AR. | | |
| | Bowie County, TX. | | |
| 45780 | Toledo, OH | 0.9455 | 0.9623 |
| | Fulton County, OH. | | |
| | Lucas County, OH. | | |
| | Ottawa County, OH. | | |
| | Wood County, OH. | | |
| 45820 | Topeka, KS | 0.8763 | 0.9135 |
| | Jackson County, KS. | | |
| | Jefferson County, KS. | | |
| | Osage County, KS. | | |
| | Shawnee County, KS. | | |
| | Wabaunsee County, KS. | | |
| 45940 | [2] Trenton-Ewing, NJ | 1.1402 | 1.0940 |
| | Mercer County, NJ. | | |
| 46060 | Tucson, AZ | 0.9390 | 0.9578 |
| | Pima County, AZ. | | |
| 46140 | Tulsa, OK | 0.8310 | 0.8809 |
| | Creek County, OK. | | |
| | Okmulgee County, OK. | | |
| | Osage County, OK. | | |
| | Pawnee County, OK. | | |
| | Rogers County, OK. | | |
| | Tulsa County, OK. | | |
| | Wagoner County, OK. | | |

TABLE 4A–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR URBAN AREAS BY CBSA—Continued

| CBSA code | Urban area (constituent counties) | Wage index | GAF |
|---|---|---|---|
| 46220 | Tuscaloosa, AL | 0.8761 | 0.9134 |
| | Greene County, AL. | | |
| | Hale County, AL. | | |
| | Tuscaloosa County, AL. | | |
| 46340 | Tyler, TX | 0.8963 | 0.9278 |
| | Smith County, TX. | | |
| 46540 | Utica-Rome, NY | 0.8753 | 0.9128 |
| | Herkimer County, NY. | | |
| | Oneida County, NY. | | |
| 46660 | Valdosta, GA | 0.8632 | 0.9042 |
| | Brooks County, GA. | | |
| | Echols County, GA. | | |
| | Lanier County, GA. | | |
| | Lowndes County, GA. | | |
| 46700 | Vallejo-Fairfield, CA | 1.4794 | 1.3076 |
| | Solano County, CA. | | |
| 47020 | Victoria, TX | 0.8426 | 0.8893 |
| | Calhoun County, TX. | | |
| | Goliad County, TX. | | |
| | Victoria County, TX. | | |
| 47220 | [2] Vineland-Millville-Bridgeton, NJ | 1.1402 | 1.0940 |
| | Cumberland County, NJ. | | |
| 47260 | [1] Virginia Beach-Norfolk-Newport News, VA-NC | 0.8774 | 0.9143 |
| | Currituck County, NC. | | |
| | Gloucester County, VA. | | |
| | Isle of Wight County, VA. | | |
| | James City County, VA. | | |
| | Mathews County, VA. | | |
| | Surry County, VA. | | |
| | York County, VA. | | |
| | Chesapeake City, VA. | | |
| | Hampton City, VA. | | |
| | Newport News City, VA. | | |
| | Norfolk City, VA. | | |
| | Poquoson City, VA. | | |
| | Portsmouth City, VA. | | |
| | Suffolk City, VA. | | |
| | Virginia Beach City, VA. | | |
| | Williamsburg City, VA. | | |
| 47300 | [2] Visalia-Porterville, CA | 1.1202 | 1.0808 |
| | Tulare County, CA. | | |
| 47380 | Waco, TX | 0.8748 | 0.9125 |
| | McLennan County, TX. | | |
| 47580 | Warner Robins, GA | 0.8812 | 0.9170 |
| | Houston County, GA. | | |
| 47644 | [1] Warren-Troy-Farmington Hills, MI | 1.0108 | 1.0074 |
| | Lapeer County, MI. | | |
| | Livingston County, MI. | | |
| | Macomb County, MI. | | |
| | Oakland County, MI. | | |
| | St. Clair County, MI. | | |
| 47894 | [1] Washington-Arlington-Alexandria, DC-VA-MD-WV | 1.0977 | 1.0659 |
| | District of Columbia, DC. | | |
| | Calvert County, MD. | | |
| | Charles County, MD. | | |
| | Prince George's County, MD. | | |
| | Arlington County, VA. | | |
| | Clarke County, VA. | | |
| | Fairfax County, VA. | | |
| | Fauquier County, VA. | | |
| | Loudoun County, VA. | | |
| | Prince William County, VA. | | |
| | Spotsylvania County, VA. | | |
| | Stafford County, VA. | | |
| | Warren County, VA. | | |
| | Alexandria City, VA. | | |
| | Fairfax City, VA. | | |
| | Falls Church City, VA. | | |
| | Fredericksburg City, VA. | | |
| | Manassas City, VA. | | |

TABLE 4A–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR URBAN AREAS BY CBSA—Continued

| CBSA code | Urban area (constituent counties) | Wage index | GAF |
|---|---|---|---|
| | Manassas Park City, VA. | | |
| | Jefferson County, WV. | | |
| 47940 | [2,3] Waterloo-Cedar Falls, IA | 0.8803 | 0.9164 |
| | Black Hawk County, IA. | | |
| | Bremer County, IA. | | |
| | Grundy County, IA. | | |
| 48140 | Wausau, WI | 0.9947 | 0.9964 |
| | Marathon County, WI. | | |
| 48260 | Weirton-Steubenville, WV-OH (WV Hospitals) | 0.8057 | 0.8625 |
| | Jefferson County, OH. | | |
| | Brooke County, WV. | | |
| | Hancock County, WV. | | |
| 48260 | [2] Weirton-Steubenville, WV-OH (OH Hospitals) | 0.8683 | 0.9078 |
| | Jefferson County, OH. | | |
| | Brooke County, WV. | | |
| | Hancock County, WV. | | |
| 48300 | [2] Wenatchee, WA | 1.0206 | 1.0141 |
| | Chelan County, WA. | | |
| | Douglas County, WA. | | |
| 48424 | [1] West Palm Beach-Boca Raton-Boynton Beach, FL | 0.9535 | 0.9679 |
| | Palm Beach County, FL. | | |
| 48540 | [2] Wheeling, WV-OH (WV Hospitals) | 0.7754 | 0.8401 |
| | Belmont County, OH. | | |
| | Marshall County, WV. | | |
| | Ohio County, WV. | | |
| 48540 | [2] Wheeling, WV-OH (OH Hospitals) | 0.8683 | 0.9078 |
| | Belmont County, OH. | | |
| | Marshall County, WV. | | |
| | Ohio County, WV. | | |
| 48620 | Wichita, KS | 0.9016 | 0.9315 |
| | Butler County, KS. | | |
| | Harvey County, KS. | | |
| | Sedgwick County, KS. | | |
| | Sumner County, KS. | | |
| 48660 | Wichita Falls, TX | 0.8562 | 0.8991 |
| | Archer County, TX. | | |
| | Clay County, TX. | | |
| | Wichita County, TX. | | |
| 48700 | [2] Williamsport, PA | 0.8301 | 0.8803 |
| | Lycoming County, PA. | | |
| 48864 | Wilmington, DE-MD-NJ (DE, MD Hospitals) | 1.0570 | 1.0387 |
| | New Castle County, DE. | | |
| | Cecil County, MD. | | |
| | Salem County, NJ. | | |
| 48864 | [2] Wilmington, DE-MD-NJ (NJ Hospitals) | 1.1402 | 1.0940 |
| | New Castle County, DE. | | |
| | Cecil County, MD. | | |
| | Salem County, NJ. | | |
| 48900 | Wilmington, NC | 0.9771 | 0.9843 |
| | Brunswick County, NC. | | |
| | New Hanover County, NC. | | |
| | Pender County, NC. | | |
| 49020 | Winchester, VA-WV | 1.0057 | 1.0039 |
| | Frederick County, VA. | | |
| | Winchester City, VA. | | |
| | Hampshire County, WV. | | |
| 49180 | Winston-Salem, NC | 0.9246 | 0.9477 |
| | Davie County, NC. | | |
| | Forsyth County, NC. | | |
| | Stokes County, NC. | | |
| | Yadkin County, NC. | | |
| 49340 | Worcester, MA | 1.0796 | 1.0538 |
| | Worcester County, MA. | | |
| 49420 | [2] Yakima, WA | 1.0206 | 1.0141 |
| | Yakima County, WA. | | |
| 49500 | Yauco, PR | 0.3771 | 0.5128 |
| | Guánica Municipio, PR. | | |
| | Guayanilla Municipio, PR. | | |
| | Peñuelas Municipio, PR. | | |
| | Yauco Municipio, PR. | | |

TABLE 4A–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR URBAN AREAS BY CBSA—Continued

| CBSA code | Urban area (constituent counties) | Wage index | GAF |
|---|---|---|---|
| 49620 | York-Hanover, PA<br>York County, PA. | 0.9496 | 0.9652 |
| 49660 | Youngstown-Warren-Boardman, OH-PA<br>Mahoning County, OH.<br>Trumbull County, OH.<br>Mercer County, PA. | 0.8799 | 0.9161 |
| 49700 | [2] Yuba City, CA<br>Sutter County, CA.<br>Yuba County, CA. | 1.1202 | 1.0808 |
| 49740 | [2] Yuma, AZ<br>Yuma County, AZ. | 0.9269 | 0.9493 |

[1] Large urban area.
[2] Hospitals geographically located in the area are assigned the statewide rural wage index for FY 2007.
[3] For this area, the wage index and GAF on this table are only effective from October 1, 2006 through March 31, 2007. See Table 4A–2 for the values that are effective from April 1 through September 30, 2007.

TABLE 4A–2.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR CERTAIN URBAN AREAS BY CBSA FOR THE PERIOD APRIL 1 THROUGH SEPTEMBER 30, 2007 *

| CBSA code | Urban area (constituent counties) | Wage index | GAF |
|---|---|---|---|
| 11260 | Anchorage, AK | 1.1927 | 1.1283 |
| 11460 | Ann Arbor, MI | 1.0678 | 1.0459 |
| 13020 | Bay City, MI | 1.0044 | 1.0030 |
| 13900 | Bismarck, ND | 0.7368 | 0.8113 |
| 16220 | Casper, WY | 0.9091 | 0.9368 |
| 16300 | Cedar Rapids, IA | 0.8708 | 0.9096 |
| 16940 | Cheyenne, WY | 0.9048 | 0.9338 |
| 19804 | Detroit-Livonia-Dearborn, MI | 1.0381 | 1.0259 |
| 21660 | Eugene-Springfield, OR | 1.0966 | 1.0652 |
| 22020 | Fargo, ND–MN (ND Hospitals) | 0.8367 | 0.8851 |
| 22020 | Fargo, ND–MN (MN Hospitals) | 0.9280 | 0.9501 |
| 24220 | Grand Forks, ND–MN (ND Hospitals) | 0.7824 | 0.8453 |
| 24220 | Grand Forks, ND–MN (MN Hospitals) | 0.9280 | 0.9501 |
| 24300 | Grand Junction, CO | 0.9879 | 0.9917 |
| 26820 | Idaho Falls, ID | 0.9217 | 0.9457 |
| 31084 | Los Angeles-Long Beach-Santa Ana, CA | 1.1686 | 1.1126 |
| 34740 | Muskegon-Norton Shores, MI | 1.0105 | 1.0072 |
| 35004 | Nassau-Suffolk, NY | 1.2971 | 1.1950 |
| 35300 | New Haven-Milford, CT | 1.2142 | 1.1421 |
| 35644 | New York-White Plains-Wayne, NY–NJ | 1.3344 | 1.2184 |
| 47940 | Waterloo-Cedar Falls, IA | 0.8615 | 0.9029 |

* See Table 4A–1 for the wage index and GAF that are effective from October 1, 2006 through March 31, 2007. For areas that are not listed on this table, the wage index and GAF on Table 4A–1 are effective for the entire FY 2007.

TABLE 4B–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT (GAF) FOR RURAL AREAS BY CBSA—FY 2007

| CBSA code | Nonurban area | Wage index | GAF |
|---|---|---|---|
| 01 | Alabama | 0.7664 | 0.8334 |
| 02 | Alaska | 1.0702 | 1.0476 |
| 03 | Arizona | 0.9269 | 0.9493 |
| 04 | Arkansas | 0.7475 | 0.8193 |
| 05 | California | 1.1202 | 1.0808 |
| 06 | Colorado | 0.9091 | 0.9368 |
| 07 | Connecticut | 1.1988 | 1.1322 |
| 08 | Delaware | 1.0009 | 1.0006 |
| 10 | Florida | 0.8733 | 0.9114 |
| 11 | Georgia | 0.7825 | 0.8454 |
| 12 | Hawaii | 1.0627 | 1.0425 |
| 13 | Idaho | 0.8568 | 0.8996 |
| 14 | Illinois | 0.8358 | 0.8844 |
| 15 | Indiana | 0.8564 | 0.8993 |
| 16 | Iowa[2] | 0.8803 | 0.9164 |
| 17 | Kansas | 0.8018 | 0.8596 |
| 18 | Kentucky | 0.7805 | 0.8439 |

TABLE 4B–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT (GAF) FOR RURAL AREAS BY CBSA—FY 2007—Continued

| CBSA code | Nonurban area | Wage index | GAF |
|---|---|---|---|
| 19 | Louisiana | 0.7660 | 0.8331 |
| 20 | Maine | 0.8393 | 0.8869 |
| 21 | Maryland | 0.8881 | 0.9219 |
| 22 | Massachusetts[1] | 1.0757 | 1.0512 |
| 23 | Michigan | 0.9028 | 0.9324 |
| 24 | Minnesota[2] | 0.9195 | 0.9441 |
| 25 | Mississippi | 0.7796 | 0.8432 |
| 26 | Missouri | 0.8353 | 0.8841 |
| 27 | Montana | 0.8655 | 0.9058 |
| 28 | Nebraska | 0.8636 | 0.9045 |
| 29 | Nevada | 0.9181 | 0.9432 |
| 30 | New Hampshire | 1.1732 | 1.1156 |
| 31 | New Jersey[1] | 1.1402 | 1.0940 |
| 32 | New Mexico | 0.8375 | 0.8856 |
| 33 | New York | 0.8430 | 0.8896 |
| 34 | North Carolina | 0.8629 | 0.9040 |
| 35 | North Dakota | 0.7368 | 0.8113 |
| 36 | Ohio | 0.8683 | 0.9078 |
| 37 | Oklahoma | 0.7847 | 0.8470 |
| 38 | Oregon[2] | 1.0194 | 1.0132 |
| 39 | Pennsylvania | 0.8301 | 0.8803 |
| 40 | Puerto Rico[1] | ..... | ..... |
| 41 | Rhode Island[1] | 1.0744 | 1.0504 |
| 42 | South Carolina | 0.8692 | 0.9085 |
| 43 | South Dakota | 0.8298 | 0.8801 |
| 44 | Tennessee | 0.8122 | 0.8672 |
| 45 | Texas | 0.8225 | 0.8748 |
| 46 | Utah | 0.8252 | 0.8767 |
| 47 | Vermont | 0.9622 | 0.9740 |
| 49 | Virginia | 0.8101 | 0.8657 |
| 50 | Washington | 1.0206 | 1.0141 |
| 51 | West Virginia | 0.7754 | 0.8401 |
| 52 | Wisconsin | 0.9607 | 0.9729 |
| 53 | Wyoming[2] | 0.9199 | 0.9444 |

[1] All counties in the State or Territory are classified as urban, with the exception of Massachusetts. Massachusetts has area(s) designated as rural. However, no short-term, acute care hospitals are located in the area(s) for FY 2007.

Massachusetts, New Jersey, and Rhode Island rural floors are imputed as discussed in the FY 2005 IPPS final rule, (69 FR 49109).

[2] For this area, the wage index and GAF on this table are only effective from October 1, 2006 through March 31, 2007. See Table 4C–2 for the values that are effective from April 1 through September 30, 2007.

TABLE 4B–2.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR CERTAIN RURAL AREAS BY CBSA FOR THE PERIOD APRIL 1 THROUGH SEPTEMBER 30, 2007 *

| CBSA code | Nonurban area | Wage index | GAF |
|---|---|---|---|
| 16 | Iowa | 0.8615 | 0.9029 |
| 24 | Minnesota | 0.9280 | 0.9501 |
| 38 | Oregon | 0.9764 | 0.9838 |
| 53 | Wyoming | 0.9048 | 0.9338 |

* See Table 4B–1 for the wage index and GAF that are effective from October 1, 2006 through March 31, 2007. For areas that are not listed on this table, the wage index and GAF on Table 4B–1 are effective for the entire FY 2007.

TABLE 4C–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR HOSPITALS THAT ARE RECLASSIFIED BY CBSA

| CBSA code | Area | Wage index | GAF |
|---|---|---|---|
| 10180 | Abilene, TX | 0.8380 | 0.8860 |
| 10420 | Akron, OH | 0.8683 | 0.9078 |
| 10580 | Albany-Schenectady-Troy, NY | 0.8849 | 0.9197 |
| 10740 | Albuquerque, NM | 0.9444 | 0.9616 |
| 10780 | Alexandria, LA | 0.7961 | 0.8554 |
| 10900 | Allentown-Bethlehem-Easton, PA-NJ | 0.9990 | 0.9993 |
| 11020 | Altoona, PA | 0.8538 | 0.8974 |
| 11100 | Amarillo, TX | 0.9248 | 0.9479 |
| 11180 | Ames, IA | 0.9219 | 0.9458 |

TABLE 4C–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR HOSPITALS THAT ARE RECLASSIFIED BY CBSA—Continued

| CBSA code | Area | Wage index | GAF |
|---|---|---|---|
| 11460 | [1] Ann Arbor, MI | 1.0563 | 1.0382 |
| 11500 | Anniston-Oxford, AL | 0.7997 | 0.8581 |
| 11700 | Asheville, NC | 0.9264 | 0.9490 |
| 12020 | Athens-Clarke County, GA | 0.9456 | 0.9624 |
| 12060 | Atlanta-Sandy Springs-Marietta, GA | 0.9793 | 0.9858 |
| 12260 | Augusta-Richmond County, GA-SC | 0.9531 | 0.9676 |
| 12420 | Austin-Round Rock, TX | 0.9328 | 0.9535 |
| 12620 | Bangor, ME | 0.9612 | 0.9733 |
| 12700 | Barnstable Town, MA | 1.2156 | 1.1430 |
| 12940 | Baton Rouge, LA | 0.8085 | 0.8645 |
| 13020 | [1] Bay City, MI | 1.0080 | 1.0055 |
| 13644 | Bethesda-Gaithersburg-Frederick, MD | 1.0848 | 1.0573 |
| 13780 | Binghamton, NY | 0.8626 | 0.9037 |
| 13820 | Birmingham-Hoover, AL | 0.8889 | 0.9225 |
| 14260 | Boise City-Nampa, ID | 0.9313 | 0.9524 |
| 14484 | Boston-Quincy, MA | 1.1343 | 1.0901 |
| 14540 | Bowling Green, KY | 0.8082 | 0.8643 |
| 15380 | Buffalo-Niagara Falls, NY | 0.9475 | 0.9637 |
| 15540 | Burlington-South Burlington, VT | 0.9436 | 0.9610 |
| 15764 | Cambridge-Newton-Framingham, MA | 1.1003 | 1.0676 |
| 16180 | Carson City, NV | 0.9468 | 0.9633 |
| 16580 | Champaign-Urbana, IL | 0.9096 | 0.9372 |
| 16620 | Charleston, WV | 0.8415 | 0.8885 |
| 16700 | Charleston-North Charleston, SC | 0.9197 | 0.9443 |
| 16740 | Charlotte-Gastonia-Concord, NC-SC | 0.9413 | 0.9594 |
| 16820 | Charlottesville, VA | 0.9709 | 0.9800 |
| 16860 | Chattanooga, TN-GA | 0.8822 | 0.9177 |
| 16974 | Chicago-Naperville-Joliet, IL | 1.0564 | 1.0383 |
| 17140 | Cincinnati-Middletown, OH-KY-IN | 0.9522 | 0.9670 |
| 17300 | Clarksville, TN-KY | 0.8014 | 0.8593 |
| 17460 | Cleveland-Elyria-Mentor, OH | 0.9229 | 0.9465 |
| 17780 | College Station-Bryan, TX | 0.8903 | 0.9235 |
| 17860 | Columbia, MO | 0.8456 | 0.8915 |
| 17900 | Columbia, SC | 0.8942 | 0.9263 |
| 17980 | Columbus, GA-AL | 0.8371 | 0.8854 |
| 18140 | Columbus, OH | 0.9891 | 0.9925 |
| 18700 | Corvallis, OR | 1.0956 | 1.0645 |
| 19124 | Dallas-Plano-Irving, TX | 0.9743 | 0.9823 |
| 19340 | Davenport-Moline-Rock Island, IA-IL | 0.8836 | 0.9187 |
| 19380 | Dayton, OH | 0.9185 | 0.9434 |
| 19460 | Decatur, AL | 0.8065 | 0.8631 |
| 19740 | Denver-Aurora, CO | 1.0555 | 1.0377 |
| 19780 | Des Moines-West Des Moines,IA | 0.9009 | 0.9310 |
| 19804 | [1] Detroit-Livonia-Dearborn, MI | 1.0381 | 1.0259 |
| 20100 | Dover, DE | 1.0009 | 1.0006 |
| 20260 | Duluth, MN-WI | 1.0285 | 1.0194 |
| 20500 | Durham, NC | 0.9677 | 0.9778 |
| 20764 | Edison, NJ | 1.1402 | 1.0940 |
| 21060 | Elizabethtown, KY | 0.8144 | 0.8688 |
| 21500 | Erie, PA | 0.8451 | 0.8911 |
| 21660 | [1] Eugene-Springfield, OR | 1.0494 | 1.0336 |
| 21780 | Evansville, IN-KY | 0.8553 | 0.8985 |
| 22020 | [1] Fargo, ND-MN | 0.8367 | 0.8851 |
| 22180 | Fayetteville, NC | 0.9245 | 0.9477 |
| 22220 | Fayetteville-Springdale-Rogers, AR-MO | 0.8816 | 0.9173 |
| 22380 | Flagstaff, AZ | 1.1073 | 1.0723 |
| 22420 | Flint, MI | 1.0602 | 1.0408 |
| 22520 | Florence-Muscle Shoals, AL | 0.7876 | 0.8492 |
| 22660 | Fort Collins-Loveland, CO | 0.9233 | 0.9468 |
| 22744 | Fort Lauderdale-Pompano Beach-Deerfield Beach, FL | 1.0320 | 1.0218 |
| 22900 | Fort Smith, AR-OK | 0.7847 | 0.8470 |
| 23020 | Fort Walton Beach-Crestview-Destin, FL | 0.8733 | 0.9114 |
| 23060 | Fort Wayne, IN | 0.9283 | 0.9503 |
| 23104 | Fort Worth-Arlington, TX | 0.9556 | 0.9694 |
| 23540 | Gainesville, FL | 0.9420 | 0.9599 |
| 23844 | Gary, IN | 0.9397 | 0.9583 |
| 24340 | Grand Rapids-Wyoming, MI | 0.9554 | 0.9692 |
| 24500 | Great Falls, MT | 0.8747 | 0.9124 |
| 24540 | Greeley, CO | 0.9857 | 0.9902 |
| 24580 | Green Bay, WI (WI Hospitals) | 0.9607 | 0.9729 |

TABLE 4C–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR HOSPITALS THAT ARE RECLASSIFIED BY CBSA—Continued

| CBSA code | Area | Wage index | GAF |
|---|---|---|---|
| 24580 | Green Bay, WI (MI Hospitals) | 0.9573 | 0.9706 |
| 24780 | Greenville, NC | 0.9223 | 0.9461 |
| 24860 | Greenville, SC | 0.9208 | 0.9451 |
| 25060 | Gulfport-Biloxi, MS | 0.8461 | 0.8919 |
| 25420 | Harrisburg-Carlisle, PA | 0.9230 | 0.9466 |
| 25540 | Hartford-West Hartford-East Hartford, CT (CT Hospitals) | 1.1988 | 1.1322 |
| 25540 | Hartford-West Hartford-East Hartford, CT (MA Hospitals) | 1.0970 | 1.0655 |
| 25860 | Hickory-Lenoir-Morganton, NC | 0.8860 | 0.9205 |
| 26100 | Holland-Grand Haven, MI | 0.9217 | 0.9457 |
| 26180 | Honolulu, HI | 1.0911 | 1.0615 |
| 26420 | Houston-Sugar Land-Baytown, TX | 1.0094 | 1.0064 |
| 26580 | Huntington-Ashland, WV-KY-OH (WV, KY Hospitals) | 0.8681 | 0.9077 |
| 26580 | Huntington-Ashland, WV-KY-OH (OH Hospitals) | 0.8683 | 0.9078 |
| 26620 | Huntsville, AL | 0.8756 | 0.9130 |
| 26820 | [1] Idaho Falls, ID | 0.9036 | 0.9329 |
| 26900 | Indianapolis-Carmel, IN | 0.9619 | 0.9737 |
| 26980 | Iowa City, IA | 0.9454 | 0.9623 |
| 27060 | Ithaca, NY | 0.9407 | 0.9590 |
| 27140 | Jackson, MS | 0.8214 | 0.8740 |
| 27180 | Jackson, TN | 0.8643 | 0.9050 |
| 27260 | Jacksonville, FL | 0.9281 | 0.9502 |
| 27860 | Jonesboro, AR (AR Hospitals) | 0.8345 | 0.8835 |
| 27860 | Jonesboro, AR (MO Hospitals) | 0.8353 | 0.8841 |
| 27900 | Joplin, MO | 0.8626 | 0.9037 |
| 28020 | Kalamazoo-Portage, MI | 1.0797 | 1.0539 |
| 28100 | Kankakee-Bradley, IL | 1.0021 | 1.0014 |
| 28140 | Kansas City, MO-KS | 0.9345 | 0.9547 |
| 28420 | Kennewick-Richland-Pasco, WA | 1.0206 | 1.0141 |
| 28700 | Kingsport-Bristol-Bristol, TN-VA | 0.8215 | 0.8740 |
| 28740 | Kingston, NY | 0.9195 | 0.9441 |
| 28940 | Knoxville, TN | 0.8227 | 0.8749 |
| 29180 | Lafayette, LA | 0.8408 | 0.8880 |
| 29404 | Lake County-Kenosha County, IL-WI | 1.0651 | 1.0441 |
| 29460 | Lakeland, FL | 0.9056 | 0.9344 |
| 29540 | Lancaster, PA | 0.9942 | 0.9960 |
| 29620 | Lansing-East Lansing, MI | 0.9896 | 0.9929 |
| 29740 | Las Cruces, NM | 0.9124 | 0.9391 |
| 29820 | Las Vegas-Paradise, NV | 1.1006 | 1.0678 |
| 30020 | Lawton, OK | 0.8485 | 0.8936 |
| 30460 | Lexington-Fayette, KY | 0.8643 | 0.9050 |
| 30620 | Lima, OH | 0.8925 | 0.9251 |
| 30700 | Lincoln, NE | 0.9617 | 0.9736 |
| 30780 | Little Rock-North Little Rock, AR | 0.9265 | 0.9491 |
| 30980 | Longview, TX | 0.8946 | 0.9266 |
| 31084 | [1] Los Angeles-Long Beach-Santa Ana, CA | 1.1530 | 1.1024 |
| 31140 | Louisville-Jefferson County, KY-IN | 0.9155 | 0.9413 |
| 31340 | Lynchburg, VA | 0.8600 | 0.9019 |
| 31420 | Macon, GA | 0.9443 | 0.9615 |
| 31540 | Madison, WI | 1.0621 | 1.0421 |
| 31700 | Manchester-Nashua, NH | 1.1732 | 1.1156 |
| 32780 | Medford, OR | 1.0404 | 1.0275 |
| 32820 | Memphis, TN-MS-AR | 0.8984 | 0.9293 |
| 33124 | Miami-Miami Beach-Kendall, FL | 0.9821 | 0.9877 |
| 33260 | Midland, TX | 0.9387 | 0.9576 |
| 33340 | Milwaukee-Waukesha-West Allis, WI | 1.0209 | 1.0143 |
| 33460 | Minneapolis-St. Paul-Bloomington, MN-WI | 1.0782 | 1.0529 |
| 33540 | Missoula, MT | 0.8783 | 0.9150 |
| 33740 | Monroe, LA | 0.8074 | 0.8637 |
| 33860 | Montgomery, AL | 0.7933 | 0.8534 |
| 34060 | Morgantown, WV | 0.8555 | 0.8986 |
| 34980 | Nashville-Davidson—Murfreesboro, TN | 0.9550 | 0.9690 |
| 35084 | Newark-Union, NJ-PA | 1.1756 | 1.1172 |
| 35380 | New Orleans-Metairie-Kenner, LA | 0.8649 | 0.9054 |
| 35644 | [1] New York-White Plains-Wayne, NY-NJ | 1.3134 | 1.2053 |
| 35980 | Norwich-New London, CT | 1.2031 | 1.1350 |
| 36084 | Oakland-Fremont-Hayward, CA | 1.5617 | 1.3570 |
| 36140 | Ocean City, NJ | 1.0336 | 1.0229 |
| 36220 | Odessa, TX | 0.9714 | 0.9803 |
| 36260 | Ogden-Clearfield, UT | 0.9080 | 0.9360 |
| 36420 | Oklahoma City, OK | 0.8807 | 0.9167 |

TABLE 4C–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR HOSPITALS THAT ARE RECLASSIFIED BY CBSA—Continued

| CBSA code | Area | Wage index | GAF |
|---|---|---|---|
| 36540 | Omaha-Council Bluffs, NE-IA | 0.9399 | 0.9584 |
| 36740 | Orlando-Kissimmee, FL | 0.9575 | 0.9707 |
| 37860 | Pensacola-Ferry Pass-Brent, FL | 0.7871 | 0.8488 |
| 37900 | Peoria, IL | 0.8966 | 0.9280 |
| 37964 | Philadelphia, PA (PA Hospitals) | 1.0996 | 1.0672 |
| 37964 | Philadelphia, PA (NJ Hospitals) | 1.1402 | 1.0940 |
| 38220 | Pine Bluff, AR | 0.8397 | 0.8872 |
| 38300 | Pittsburgh, PA (PA, WV Hospitals) | 0.8568 | 0.8996 |
| 38300 | Pittsburgh, PA (OH Hospitals) | 0.8683 | 0.9078 |
| 38340 | Pittsfield, MA | 0.9887 | 0.9922 |
| 38540 | Pocatello, ID | 0.9204 | 0.9448 |
| 38860 | Portland-South Portland-Biddeford, ME | 0.9472 | 0.9635 |
| 38900 | Portland-Vancouver-Beaverton, OR-WA | 1.1210 | 1.0814 |
| 38940 | Port St. Lucie-Fort Pierce, FL | 0.9906 | 0.9936 |
| 39100 | Poughkeepsie-Newburgh-Middletown, NY | 1.0660 | 1.0447 |
| 39340 | Provo-Orem, UT | 0.9479 | 0.9640 |
| 39580 | Raleigh-Cary, NC | 0.9492 | 0.9649 |
| 39740 | Reading, PA | 0.9709 | 0.9800 |
| 39820 | Redding, CA | 1.2203 | 1.1461 |
| 39900 | Reno-Sparks, NV | 1.1713 | 1.1144 |
| 40060 | Richmond, VA | 0.8997 | 0.9302 |
| 40220 | Roanoke, VA | 0.8700 | 0.9090 |
| 40340 | Rochester, MN | 1.1239 | 1.0833 |
| 40380 | Rochester, NY | 0.9103 | 0.9377 |
| 40420 | Rockford, IL | 0.9828 | 0.9882 |
| 40484 | Rockingham County, NH | 1.0237 | 1.0162 |
| 40660 | Rome, GA | 0.9699 | 0.9793 |
| 40900 | Sacramento—Arden-Arcade—Roseville, CA | 1.2986 | 1.1959 |
| 40980 | Saginaw-Saginaw Township North, MI | 0.9028 | 0.9324 |
| 41060 | St. Cloud, MN | 1.0302 | 1.0206 |
| 41100 | St. George, UT | 0.9452 | 0.9621 |
| 41140 | St. Joseph, MO-KS | 1.0045 | 1.0031 |
| 41180 | St. Louis, MO-IL | 0.8889 | 0.9225 |
| 41620 | Salt Lake City, UT | 0.9476 | 0.9638 |
| 41700 | San Antonio, TX | 0.8945 | 0.9265 |
| 41884 | San Francisco-San Mateo-Redwood City, CA | 1.5260 | 1.3357 |
| 41980 | San Juan-Caguas-Guaynabo, PR | 0.4449 | 0.5743 |
| 42044 | Santa Ana-Anaheim-Irvine, CA | 1.1202 | 1.0808 |
| 42140 | Santa Fe, NM | 0.9808 | 0.9868 |
| 42220 | Santa Rosa-Petaluma, CA | 1.4116 | 1.2663 |
| 42260 | Sarasota-Bradenton-Venice, FL | 0.9743 | 0.9823 |
| 42340 | Savannah, GA | 0.9023 | 0.9320 |
| 42644 | Seattle-Bellevue-Everett, WA | 1.1096 | 1.0738 |
| 43300 | Sherman-Denison, TX | 0.8526 | 0.8965 |
| 43340 | Shreveport-Bossier City, LA | 0.8688 | 0.9082 |
| 43580 | Sioux City, IA-NE-SD | 0.8693 | 0.9085 |
| 43620 | Sioux Falls, SD | 0.9238 | 0.9472 |
| 43780 | South Bend-Mishawaka, IN-MI | 0.9721 | 0.9808 |
| 43900 | Spartanburg, SC | 0.9072 | 0.9355 |
| 44060 | Spokane, WA | 1.0244 | 1.0166 |
| 44180 | Springfield, MO | 0.8412 | 0.8883 |
| 44300 | State College, PA | 0.8301 | 0.8803 |
| 44940 | Sumter, SC | 0.8692 | 0.9085 |
| 45060 | Syracuse, NY | 0.9498 | 0.9653 |
| 45220 | Tallahassee, FL | 0.8802 | 0.9163 |
| 45300 | Tampa-St. Petersburg-Clearwater, FL | 0.9265 | 0.9491 |
| 45500 | Texarkana, TX-Texarkana, AR | 0.8107 | 0.8661 |
| 45780 | Toledo, OH | 0.9455 | 0.9623 |
| 45820 | Topeka, KS | 0.8639 | 0.9047 |
| 46140 | Tulsa, OK | 0.8310 | 0.8809 |
| 46220 | Tuscaloosa, AL | 0.8362 | 0.8847 |
| 46340 | Tyler, TX | 0.8963 | 0.9278 |
| 46660 | Valdosta, GA | 0.8632 | 0.9042 |
| 46700 | Vallejo-Fairfield, CA | 1.4095 | 1.2650 |
| 47260 | Virginia Beach-Norfolk-Newport News, VA | 0.8774 | 0.9143 |
| 47380 | Waco, TX | 0.8748 | 0.9125 |
| 47894 | Washington-Arlington-Alexandria, DC-VA-MD-WV | 1.0877 | 1.0593 |
| 48140 | Wausau, WI | 0.9947 | 0.9964 |
| 48620 | Wichita, KS | 0.8776 | 0.9145 |
| 48700 | Williamsport, PA | 0.8301 | 0.8803 |

TABLE 4C–1.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR HOSPITALS THAT ARE RECLASSIFIED BY CBSA—Continued

| CBSA code | Area | Wage index | GAF |
|---|---|---|---|
| 48864 | Wilmington, DE-MD-NJ | 1.0570 | 1.0387 |
| 48900 | Wilmington, NC | 0.9473 | 0.9636 |
| 49180 | Winston-Salem, NC | 0.9246 | 0.9477 |
| 49340 | Worcester, MA | 1.1732 | 1.1156 |
| 49660 | Youngstown-Warren-Boardman, OH-PA | 0.8690 | 0.9083 |
| 04 | Arkansas | 0.7660 | 0.8331 |
| 05 | California | 1.1202 | 1.0808 |
| 07 | Connecticut | 1.1988 | 1.1322 |
| 10 | Florida (FL Hospitals) | 0.8733 | 0.9114 |
| 10 | Florida (GA Hospitals) | 0.8489 | 0.8939 |
| 14 | Illinois (IL Hospitals) | 0.8358 | 0.8844 |
| 14 | Illinois (KY Hospitals) | 0.8248 | 0.8764 |
| 14 | Illinois (MO Hospitals) | 0.8353 | 0.8841 |
| 16 | [1] Iowa | 0.8700 | 0.9090 |
| 17 | Kansas | 0.8018 | 0.8596 |
| 23 | Michigan | 0.9028 | 0.9324 |
| 26 | Missouri | 0.8353 | 0.8841 |
| 30 | New Hampshire | 1.1394 | 1.0935 |
| 33 | New York | 0.8430 | 0.8896 |
| 34 | North Carolina | 0.8629 | 0.9040 |
| 36 | Ohio | 0.8683 | 0.9078 |
| 37 | Oklahoma | 0.7847 | 0.8470 |
| 38 | [1] Oregon | 1.0194 | 1.0132 |
| 39 | Pennsylvania | 0.8430 | 0.8896 |
| 44 | Tennessee | 0.8122 | 0.8672 |
| 45 | Texas | 0.8225 | 0.8748 |
| 47 | Vermont | 0.9380 | 0.9571 |
| 50 | Washington (WA Hospitals) | 1.0206 | 1.0141 |
| 50 | Washington (ID Hospitals) | 0.9978 | 0.9985 |
| 52 | Wisconsin | 0.9607 | 0.9729 |
| 53 | [1] Wyoming | 0.9066 | 0.9351 |

[1] For this area, the wage index and GAF on this table are only effective from October 1, 2006 through March 31, 2007. See Table 4C–2 for the values that are effective from April 1 through September 30, 2007.

TABLE 4C2.—WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR CERTAIN HOSPITALS THAT ARE RECLASSIFIED BY CBSA FOR THE PERIOD APRIL 1 TRHOUGH SEPTEMBER 30, 2007*

| CBSA code | Area | Wage index | GAF |
|---|---|---|---|
| 11260 | Anchorage, AK | 1.1927 | 1.1283 |
| 11460 | Ann Arbor, MI | 1.0440 | 1.0299 |
| 13020 | Bay City, MI | 1.0044 | 1.0030 |
| 13900 | Bismarck, ND | 0.73680 | 0.8113 |
| 19804 | Detroit-Livonia-Dearborn, MI | 1.0281 | 1.0192 |
| 21660 | Eugene-Springfield, OR | 1.0598 | 1.0406 |
| 22020 | Fargo, ND–MN | 0.8367 | 0.8851 |
| 24300 | Grand Junction, CO | 0.9879 | 0.9917 |
| 26820 | Idaho Falls, ID | 0.9217 | 0.9457 |
| 31084 | Los Angeles-Long Beach-Santa Ana, CA | 1.1520 | 1.1017 |
| 34740 | Muskegon-Norton Shores, MI | 0.9762 | 0.9836 |
| 35004 | Nassau-Suffolk, NY | 1.2730 | 1.1797 |
| 35300 | New Haven-Milford, CT | 1.2142 | 1.1421 |
| 35644 | New York-White Plains-Wayne, NY–NJ | 1.3113 | 1.2039 |
| 16 | Iowa | 0.8615 | 0.9029 |
| 24 | Minnesota | 0.9280 | 0.9501 |
| 38 | Oregon | 0.97640 | 0.9838 |
| 53 | Wyoming | 0.9048 | 0.9338 |

** See Table 4C–1 for the wage index and GAF that are effective from October 1, 2006 through March 31, 2007. For areas that are not listed on this table, the wage index and GAF on Table 4C–1 are effective for the entire FY 2007.

TABLE 4F.—PUERTO RICO WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) BY CBSA

| CBSA code | Area | Wage Index | GAF | Wage Index—reclassified rospitals | GAF—Reclassified hospitals |
|---|---|---|---|---|---|
| 10380 | Aguadilla-Isabela-San Sebastián, PR | 0.8736 | 0.9116 | | |

TABLE 4F.—PUERTO RICO WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) BY CBSA—Continued

| CBSA code | Area | Wage Index | GAF | Wage Index—reclassified rospitals | GAF—Reclassified hospitals |
|---|---|---|---|---|---|
| 21940 | Fajardo, PR | 0.9168 | 0.9422 | | |
| 25020 | Guayama, PR | 0.7326 | 0.8081; | | |
| 32420 | Mayagüez, PR | 0.8739 | 0.9118; | | |
| 38660 | Ponce, PR | 1.0781 | 1.0528 | | |
| 41900 | San Germán-Cabo Rojo, PR | 1.1052 | 1.0709 | | |
| 41980 | San Juan-Caguas-Guaynabo, PR | 1.0119 | 1.0081 | 1.0119 | 1.0081 |
| 49500 | Yauco, PR | 0.8668 | 0.9067 | | |

The following list represents all hospitals located in counties that became newly eligible in FY 2005, FY 2006 or FY 2007 to have their wage index increased by the out-migration adjustment listed in this table. This table now reflects any additional hospitals located in counties that may newly qualify for the adjustment in FY 2007 based on the 100 percent occupational mix adjusted wage index data. Hospitals cannot receive the out-migration adjustment if they are reclassified under section 1886(d)(10) of the Act, reclassified under section 508 of Pub. L. 108-173, or redesignated under section 1886(d)(8) of the Act. If a hospital has a half fiscal year reclassification, the hospital will be eligible for the out-migration adjustment for the portion of the fiscal year that it is not reclassified. Hospitals that have been reclassified under section 1886(d)(10) of the Act, reclassified under section 508 of Pub. L. 108-173, or redesignated under section 1886(d)(8) of the Act for any portion of the fiscal year are designated with an asterisk. It is important to note that the asterisked information in Table 4J may reflect withdrawal/termination decisions CMS has made on behalf of hospitals. For example, in some cases, CMS may have withdrawn or terminated a reclassification under section 1886(d)(10) of the Act in order for a hospital to receive its home wage index plus an out-migration adjustment. Hospitals have 30 days from this publication of the final occupation mix-adjusted data and other tables on the CMS Web site to reverse a decision CMS has made on its behalf and choose a wage index, adjustment, or reclassification for which they are otherwise eligible.

TABLE 4J.—OUT-MIGRATION ADJUSTMENT —FY 2007

| Provider No. | Reclassified between 10/1/06 and 3/31/07 | Reclassified between 4/1/07 and 9/30/07 | Out-migration adjustment | Qualifying county name |
|---|---|---|---|---|
| 010005 | * | * | 0.0259 | MARSHALL |
| 010008 | * | * | 0.0212 | CRENSHAW |
| 010009 | * | * | 0.0259 | MARSHALL |
| 010012 | * | * | 0.0205 | DE KALB |
| 010022 | * | * | 0.0714 | CHEROKEE |
| 010025 | * | * | 0.0235 | CHAMBERS |
| 010029 | * | * | 0.0107 | LEE |
| 010035 | * | * | 0.0375 | CULLMAN |
| 010038 | | | 0.0062 | CALHOUN |
| 010045 | * | * | 0.0160 | FAYETTE |
| 010047 | | | 0.0155 | BUTLER |
| 010052 | | | 0.0103 | TALLAPOOSA |
| 010054 | * | * | 0.0092 | MORGAN |
| 010061 | | | 0.0506 | JACKSON |
| 010065 | * | * | 0.0103 | TALLAPOOSA |
| 010078 | | | 0.0062 | CALHOUN |
| 010083 | * | * | 0.0121 | BALDWIN |
| 010085 | * | * | 0.0092 | MORGAN |
| 010100 | * | * | 0.0121 | BALDWIN |
| 010101 | * | * | 0.0310 | TALLADEGA |
| 010109 | | | 0.0451 | PICKENS |
| 010129 | | | 0.0121 | BALDWIN |
| 010143 | * | * | 0.0375 | CULLMAN |
| 010146 | | | 0.0062 | CALHOUN |
| 010150 | * | * | 0.0155 | BUTLER |
| 010158 | * | * | 0.0093 | FRANKLIN |
| 010164 | * | * | 0.0310 | TALLADEGA |
| 040014 | * | * | 0.0159 | WHITE |
| 040019 | * | * | 0.0697 | ST. FRANCIS |
| 040047 | * | * | 0.0090 | RANDOLPH |
| 040069 | * | * | 0.0140 | MISSISSIPPI |
| 040071 | * | * | 0.0026 | JEFFERSON |
| 040076 | * | * | 0.1075 | HOT SPRING |
| 040100 | * | * | 0.0159 | WHITE |
| 050008 | | | 0.0026 | SAN FRANCISCO |

TABLE 4J.—OUT-MIGRATION ADJUSTMENT —FY 2007—Continued

| Provider No. | Reclassified between 10/1/06 and 3/31/07 | Reclassified between 4/1/07 and 9/30/07 | Out-migration adjustment | Qualifying county name |
|---|---|---|---|---|
| 050009 | * | * | 0.0478 | NAPA |
| 050013 | * | * | 0.0478 | NAPA |
| 050014 | * | * | 0.0131 | AMADOR |
| 050016 | | | 0.0103 | SAN LUIS OBISPO |
| 050042 | * | * | 0.0219 | TEHAMA |
| 050046 | * | * | 0.0156 | VENTURA |
| 050047 | | | 0.0026 | SAN FRANCISCO |
| 050055 | | | 0.0026 | SAN FRANCISCO |
| 050065 | * | * | 0.0029 | ORANGE |
| 050069 | * | * | 0.0029 | ORANGE |
| 050073 | * | * | 0.0269 | SOLANO |
| 050076 | * | * | 0.0026 | SAN FRANCISCO |
| 050082 | | * | 0.0156 | VENTURA |
| 050084 | | | 0.0555 | SAN JOAQUIN |
| 050089 | * | * | 0.0152 | SAN BERNARDINO |
| 050090 | * | * | 0.0308 | SONOMA |
| 050099 | * | * | 0.0152 | SAN BERNARDINO |
| 050101 | * | * | 0.0269 | SOLANO |
| 050117 | | | 0.0463 | MERCED |
| 050118 | | | 0.0555 | SAN JOAQUIN |
| 050122 | | | 0.0555 | SAN JOAQUIN |
| 050129 | * | * | 0.0152 | SAN BERNARDINO |
| 050133 | | | 0.0170 | YUBA |
| 050136 | * | * | 0.0308 | SONOMA |
| 050140 | * | * | 0.0152 | SAN BERNARDINO |
| 050150 | * | * | 0.0316 | NEVADA |
| 050152 | | | 0.0026 | SAN FRANCISCO |
| 050159 | | * | 0.0156 | VENTURA |
| 050167 | | | 0.0555 | SAN JOAQUIN |
| 050168 | * | * | 0.0029 | ORANGE |
| 050173 | * | * | 0.0029 | ORANGE |
| 050174 | * | * | 0.0308 | SONOMA |
| 050193 | * | * | 0.0029 | ORANGE |
| 050194 | | | 0.0052 | SANTA CRUZ |
| 050224 | * | * | 0.0029 | ORANGE |
| 050226 | * | * | 0.0029 | ORANGE |
| 050228 | * | * | 0.0026 | SAN FRANCISCO |
| 050230 | * | * | 0.0029 | ORANGE |
| 050232 | | | 0.0103 | SAN LUIS OBISPO |
| 050236 | | * | 0.0156 | VENTURA |
| 050242 | | | 0.0052 | SANTA CRUZ |
| 050245 | * | * | 0.0152 | SAN BERNARDINO |
| 050272 | * | * | 0.0152 | SAN BERNARDINO |
| 050279 | * | * | 0.0152 | SAN BERNARDINO |
| 050291 | * | * | 0.0308 | SONOMA |
| 050298 | * | * | 0.0152 | SAN BERNARDINO |
| 050300 | * | * | 0.0152 | SAN BERNARDINO |
| 050313 | | | 0.0555 | SAN JOAQUIN |
| 050325 | | | 0.0176 | TUOLUMNE |
| 050327 | * | * | 0.0152 | SAN BERNARDINO |
| 050335 | | | 0.0176 | TUOLUMNE |
| 050336 | | | 0.0555 | SAN JOAQUIN |
| 050348 | * | * | 0.0029 | ORANGE |
| 050367 | * | * | 0.0269 | SOLANO |
| 050385 | * | * | 0.0308 | SONOMA |
| 050394 | | * | 0.0156 | VENTURA |
| 050407 | | | 0.0026 | SAN FRANCISCO |
| 050426 | * | * | 0.0029 | ORANGE |
| 050444 | | | 0.0463 | MERCED |
| 050454 | | | 0.0026 | SAN FRANCISCO |
| 050457 | | | 0.0026 | SAN FRANCISCO |
| 050469 | * | * | 0.0152 | SAN BERNARDINO |
| 050476 | | | 0.0257 | LAKE |
| 050494 | * | | 0.0316 | NEVADA |
| 050506 | | | 0.0103 | SAN LUIS OBISPO |
| 050517 | * | * | 0.0152 | SAN BERNARDINO |
| 050526 | * | * | 0.0029 | ORANGE |
| 050528 | * | * | 0.0463 | MERCED |
| 050535 | * | * | 0.0029 | ORANGE |

TABLE 4J.—OUT-MIGRATION ADJUSTMENT —FY 2007—Continued

| Provider No. | Reclassified between 10/1/06 and 3/31/07 | Reclassified between 4/1/07 and 9/30/07 | Out-migration adjustment | Qualifying county name |
|---|---|---|---|---|
| 050543 | * | * | 0.0029 | ORANGE |
| 050547 | * | * | 0.0308 | SONOMA |
| 050548 | * | * | 0.0029 | ORANGE |
| 050549 | * | * | 0.0156 | VENTURA |
| 050550 | * | * | 0.0029 | ORANGE |
| 050551 | * | * | 0.0029 | ORANGE |
| 050567 | * | * | 0.0029 | ORANGE |
| 050568 | | | 0.0062 | MADERA |
| 050570 | * | * | 0.0029 | ORANGE |
| 050580 | * | * | 0.0029 | ORANGE |
| 050584 | * | * | 0.0152 | SAN BERNARDINO |
| 050585 | * | * | 0.0029 | ORANGE |
| 050586 | * | * | 0.0152 | SAN BERNARDINO |
| 050589 | * | * | 0.0029 | ORANGE |
| 050592 | * | * | 0.0029 | ORANGE |
| 050594 | * | * | 0.0029 | ORANGE |
| 050603 | * | * | 0.0029 | ORANGE |
| 050609 | * | * | 0.0029 | ORANGE |
| 050616 | | * | 0.0156 | VENTURA |
| 050618 | * | * | 0.0152 | SAN BERNARDINO |
| 050633 | | | 0.0103 | SAN LUIS OBISPO |
| 050667 | * | * | 0.0478 | NAPA |
| 050668 | | | 0.0026 | SAN FRANCISCO |
| 050678 | * | * | 0.0029 | ORANGE |
| 050680 | * | * | 0.0269 | SOLANO |
| 050690 | * | * | 0.0308 | SONOMA |
| 050693 | * | * | 0.0029 | ORANGE |
| 050695 | | | 0.0555 | SAN JOAQUIN |
| 050714 | | | 0.0052 | SANTA CRUZ |
| 050720 | * | * | 0.0029 | ORANGE |
| 050728 | * | * | 0.0308 | SONOMA |
| 050744 | | | 0.0029 | ORANGE |
| 050745 | | | 0.0029 | ORANGE |
| 050746 | | | 0.0029 | ORANGE |
| 050747 | | | 0.0029 | ORANGE |
| 050749 | | * | 0.0156 | VENTURA |
| 060001 | * | * | 0.0294 | WELD |
| 060003 | * | * | 0.0203 | BOULDER |
| 060010 | | | 0.0153 | LARIMER |
| 060027 | * | * | 0.0203 | BOULDER |
| 060030 | | | 0.0153 | LARIMER |
| 060103 | * | * | 0.0203 | BOULDER |
| 060116 | | | 0.0203 | BOULDER |
| 070003 | * | * | 0.0009 | WINDHAM |
| 070006 | * | * | 0.0047 | FAIRFIELD |
| 070010 | * | * | 0.0047 | FAIRFIELD |
| 070018 | * | * | 0.0047 | FAIRFIELD |
| 070020 | | | 0.0073 | MIDDLESEX |
| 070021 | | | 0.0009 | WINDHAM |
| 070028 | * | * | 0.0047 | FAIRFIELD |
| 070033 | * | * | 0.0047 | FAIRFIELD |
| 070034 | * | * | 0.0047 | FAIRFIELD |
| 080001 | | | 0.0063 | NEW CASTLE |
| 080003 | | | 0.0063 | NEW CASTLE |
| 100014 | | | 0.0118 | VOLUSIA |
| 100017 | | | 0.0118 | VOLUSIA |
| 100045 | * | * | 0.0118 | VOLUSIA |
| 100047 | | | 0.0021 | CHARLOTTE |
| 100062 | | | 0.0060 | MARION |
| 100068 | | | 0.0118 | VOLUSIA |
| 100072 | | | 0.0118 | VOLUSIA |
| 100077 | | | 0.0021 | CHARLOTTE |
| 100102 | | | 0.0125 | COLUMBIA |
| 100118 | | | 0.0398 | FLAGLER |
| 100156 | | | 0.0125 | COLUMBIA |
| 100175 | | | 0.0231 | DE SOTO |
| 100212 | | | 0.0060 | MARION |
| 100232 | * | * | 0.0347 | PUTNAM |
| 100236 | | | 0.0021 | CHARLOTTE |

TABLE 4J.—OUT-MIGRATION ADJUSTMENT —FY 2007—Continued

| Provider No. | Reclassified between 10/1/06 and 3/31/07 | Reclassified between 4/1/07 and 9/30/07 | Out-migration adjustment | Qualifying county name |
|---|---|---|---|---|
| 100252 | * | * | 0.0233 | OKEECHOBEE |
| 100290 | | | 0.0582 | SUMTER |
| 110023 | * | * | 0.0500 | GORDON |
| 110027 | | | 0.0387 | FRANKLIN |
| 110029 | * | * | 0.0063 | HALL |
| 110041 | * | * | 0.0777 | HABERSHAM |
| 110069 | * | * | 0.0474 | HOUSTON |
| 110124 | | | 0.0428 | WAYNE |
| 110146 | | | 0.0805 | CAMDEN |
| 110150 | * | * | 0.0261 | BALDWIN |
| 110153 | * | * | 0.0474 | HOUSTON |
| 110187 | * | * | 0.1172 | LUMPKIN |
| 110189 | * | * | 0.0031 | FANNIN |
| 110190 | | | 0.0182 | MACON |
| 110205 | * | * | 0.0779 | GILMER |
| 130003 | * | * | 0.0095 | NEZ PERCE |
| 130024 | | | 0.0275 | BONNER |
| 130049 | * | * | 0.0349 | KOOTENAI |
| 130066 | | | 0.0349 | KOOTENAI |
| 140012 | * | * | 0.0220 | LEE |
| 140026 | | | 0.0346 | LA SALLE |
| 140033 | | | 0.0147 | LAKE |
| 140043 | * | * | 0.0046 | WHITESIDE |
| 140058 | * | * | 0.0081 | MORGAN |
| 140084 | | | 0.0147 | LAKE |
| 140100 | | | 0.0147 | LAKE |
| 140110 | * | * | 0.0346 | LA SALLE |
| 140130 | | | 0.0147 | LAKE |
| 140155 | * | * | 0.0027 | KANKAKEE |
| 140160 | * | * | 0.0286 | STEPHENSON |
| 140161 | * | * | 0.0138 | LIVINGSTON |
| 140186 | * | * | 0.0027 | KANKAKEE |
| 140202 | | | 0.0147 | LAKE |
| 140205 | | | 0.0163 | BOONE |
| 140234 | * | * | 0.0346 | LA SALLE |
| 140291 | * | * | 0.0147 | LAKE |
| 150006 | * | * | 0.0113 | LA PORTE |
| 150015 | * | * | 0.0113 | LA PORTE |
| 150022 | | | 0.0249 | MONTGOMERY |
| 150030 | * | * | 0.0201 | HENRY |
| 150035 | | | 0.0083 | PORTER |
| 150045 | | | 0.0416 | DE KALB |
| 150065 | * | * | 0.0139 | JACKSON |
| 150076 | * | * | 0.0189 | MARSHALL |
| 150088 | * | * | 0.0196 | MADISON |
| 150091 | | | 0.0573 | HUNTINGTON |
| 150102 | * | * | 0.0160 | STARKE |
| 150113 | * | * | 0.0196 | MADISON |
| 150122 | * | * | 0.0199 | RIPLEY |
| 150146 | * | * | 0.0319 | NOBLE |
| 160013 | | | 0.0218 | MUSCATINE |
| 160030 | | | 0.0040 | STORY |
| 160032 | | | 0.0272 | JASPER |
| 160080 | * | * | 0.0049 | CLINTON |
| 170137 | * | * | 0.0336 | DOUGLAS |
| 180012 | * | * | 0.0083 | HARDIN |
| 180066 | * | * | 0.0567 | LOGAN |
| 180127 | * | * | 0.0352 | FRANKLIN |
| 180128 | | | 0.0282 | LAWRENCE |
| 190001 | * | * | 0.0645 | WASHINGTON |
| 190003 | * | * | 0.0107 | IBERIA |
| 190015 | * | * | 0.0401 | TANGIPAHOA |
| 190017 | | | 0.0235 | ST. LANDRY |
| 190054 | | | 0.0107 | IBERIA |
| 190078 | | | 0.0235 | ST. LANDRY |
| 190088 | | | 0.0705 | WEBSTER |
| 190099 | * | * | 0.0390 | AVOYELLES |
| 190106 | * | * | 0.0238 | ALLEN |
| 190133 | | | 0.0238 | ALLEN |

TABLE 4J.—OUT-MIGRATION ADJUSTMENT —FY 2007—Continued

| Provider No. | Reclassified between 10/1/06 and 3/31/07 | Reclassified between 4/1/07 and 9/30/07 | Out-migration adjustment | Qualifying county name |
|---|---|---|---|---|
| 190144 | | | 0.0705 | WEBSTER |
| 190184 | | | 0.0161 | CALDWELL |
| 190190 | | | 0.0161 | CALDWELL |
| 190191 | * | * | 0.0235 | ST. LANDRY |
| 190246 | | | 0.0161 | CALDWELL |
| 200002 | | | 0.0129 | LINCOLN |
| 200024 | * | * | 0.0071 | ANDROSCOGGIN |
| 200032 | | | 0.0466 | OXFORD |
| 200034 | * | * | 0.0071 | ANDROSCOGGIN |
| 200050 | * | * | 0.0140 | HANCOCK |
| 210001 | | | 0.0129 | WASHINGTON |
| 210004 | | | 0.0040 | MONTGOMERY |
| 210016 | | | 0.0040 | MONTGOMERY |
| 210018 | | | 0.0040 | MONTGOMERY |
| 210022 | | | 0.0040 | MONTGOMERY |
| 210023 | | | 0.0209 | ANNE ARUNDEL |
| 210028 | | | 0.0512 | ST. MARYS |
| 210043 | | | 0.0209 | ANNE ARUNDEL |
| 210048 | | | 0.0287 | HOWARD |
| 210057 | | | 0.0040 | MONTGOMERY |
| 220001 | * | * | 0.0056 | WORCESTER |
| 220002 | * | * | 0.0249 | MIDDLESEX |
| 220010 | * | * | 0.0306 | ESSEX |
| 220011 | * | * | 0.0249 | MIDDLESEX |
| 220019 | * | * | 0.0056 | WORCESTER |
| 220025 | * | * | 0.0056 | WORCESTER |
| 220028 | * | * | 0.0056 | WORCESTER |
| 220029 | * | * | 0.0306 | ESSEX |
| 220033 | * | * | 0.0306 | ESSEX |
| 220035 | * | * | 0.0306 | ESSEX |
| 220049 | * | * | 0.0249 | MIDDLESEX |
| 220058 | * | * | 0.0056 | WORCESTER |
| 220062 | * | * | 0.0056 | WORCESTER |
| 220063 | * | * | 0.0249 | MIDDLESEX |
| 220070 | * | * | 0.0249 | MIDDLESEX |
| 220080 | * | * | 0.0306 | ESSEX |
| 220082 | * | * | 0.0249 | MIDDLESEX |
| 220084 | * | * | 0.0249 | MIDDLESEX |
| 220089 | | | 0.0249 | MIDDLESEX |
| 220090 | * | * | 0.0056 | WORCESTER |
| 220095 | * | * | 0.0056 | WORCESTER |
| 220098 | * | * | 0.0249 | MIDDLESEX |
| 220101 | * | * | 0.0249 | MIDDLESEX |
| 220105 | * | * | 0.0249 | MIDDLESEX |
| 220163 | * | * | 0.0056 | WORCESTER |
| 220171 | * | * | 0.0249 | MIDDLESEX |
| 220174 | * | * | 0.0306 | ESSEX |
| 220176 | | | 0.0056 | WORCESTER |
| 230003 | * | * | 0.0035 | OTTAWA |
| 230013 | * | * | 0.0091 | OAKLAND |
| 230015 | | | 0.0359 | ST. JOSEPH |
| 230019 | * | * | 0.0091 | OAKLAND |
| 230021 | | | 0.0136 | BERRIEN |
| 230022 | * | * | 0.0113 | BRANCH |
| 230029 | * | * | 0.0091 | OAKLAND |
| 230037 | * | * | 0.0178 | HILLSDALE |
| 230041 | | | 0.0099 | BAY |
| 230047 | * | * | 0.0082 | MACOMB |
| 230069 | * | * | 0.0487 | LIVINGSTON |
| 230071 | * | * | 0.0091 | OAKLAND |
| 230072 | * | * | 0.0035 | OTTAWA |
| 230075 | | | 0.0145 | CALHOUN |
| 230078 | * | * | 0.0136 | BERRIEN |
| 230092 | | | 0.0389 | JACKSON |
| 230093 | * | * | 0.0079 | MECOSTA |
| 230096 | * | * | 0.0359 | ST. JOSEPH |
| 230099 | * | * | 0.0339 | MONROE |
| 230106 | * | | 0.0030 | NEWAYGO |
| 230121 | * | * | 0.0691 | SHIAWASSEE |

TABLE 4J.—OUT-MIGRATION ADJUSTMENT —FY 2007—Continued

| Provider No. | Reclassified between 10/1/06 and 3/31/07 | Reclassified between 4/1/07 and 9/30/07 | Out-migration adjustment | Qualifying county name |
|---|---|---|---|---|
| 230130 | * | * | 0.0091 | OAKLAND |
| 230151 | * | * | 0.0091 | OAKLAND |
| 230174 | * | * | 0.0035 | OTTAWA |
| 230195 | * | * | 0.0082 | MACOMB |
| 230204 | * | * | 0.0082 | MACOMB |
| 230207 | * | * | 0.0091 | OAKLAND |
| 230217 | * | * | 0.0145 | CALHOUN |
| 230222 | | | 0.0228 | MIDLAND |
| 230223 | * | * | 0.0091 | OAKLAND |
| 230227 | * | * | 0.0082 | MACOMB |
| 230254 | * | * | 0.0091 | OAKLAND |
| 230257 | * | * | 0.0082 | MACOMB |
| 230264 | * | * | 0.0082 | MACOMB |
| 230269 | * | * | 0.0091 | OAKLAND |
| 230277 | * | * | 0.0091 | OAKLAND |
| 230279 | * | * | 0.0487 | LIVINGSTON |
| 240018 | * | * | 0.1196 | GOODHUE |
| 240044 | | | 0.0868 | WINONA |
| 240064 | * | * | 0.0138 | ITASCA |
| 240069 | * | * | 0.0419 | STEELE |
| 240071 | * | * | 0.0454 | RICE |
| 240187 | * | * | 0.0506 | MC LEOD |
| 240211 | * | * | 0.0705 | PINE |
| 250040 | * | * | 0.0294 | JACKSON |
| 260011 | | | 0.0007 | COLE |
| 260047 | * | * | 0.0007 | COLE |
| 260074 | | | 0.0158 | RANDOLPH |
| 260097 | | | 0.0425 | JOHNSON |
| 280077 | * | * | 0.0089 | DODGE |
| 280123 | | | 0.0137 | GAGE |
| 290019 | * | * | 0.0026 | CARSON CITY |
| 290049 | | | 0.0026 | CARSON CITY |
| 290051 | | | 0.0026 | CARSON CITY |
| 300011 | | | 0.0069 | HILLSBOROUGH |
| 300012 | | | 0.0069 | HILLSBOROUGH |
| 300017 | | | 0.0361 | ROCKINGHAM |
| 300020 | | | 0.0069 | HILLSBOROUGH |
| 300023 | | | 0.0361 | ROCKINGHAM |
| 300029 | | | 0.0361 | ROCKINGHAM |
| 300034 | | | 0.0069 | HILLSBOROUGH |
| 310002 | * | * | 0.0351 | ESSEX |
| 310009 | * | * | 0.0351 | ESSEX |
| 310010 | | | 0.0092 | MERCER |
| 310011 | | | 0.0115 | CAPE MAY |
| 310013 | * | * | 0.0351 | ESSEX |
| 310018 | * | * | 0.0351 | ESSEX |
| 310021 | * | * | 0.0092 | MERCER |
| 310038 | * | * | 0.0350 | MIDDLESEX |
| 310039 | * | * | 0.0350 | MIDDLESEX |
| 310044 | | | 0.0092 | MERCER |
| 310054 | * | * | 0.0351 | ESSEX |
| 310070 | * | * | 0.0350 | MIDDLESEX |
| 310076 | * | * | 0.0351 | ESSEX |
| 310083 | * | * | 0.0351 | ESSEX |
| 310092 | | | 0.0092 | MERCER |
| 310093 | * | * | 0.0351 | ESSEX |
| 310096 | * | * | 0.0351 | ESSEX |
| 310108 | * | * | 0.0350 | MIDDLESEX |
| 310110 | | | 0.0092 | MERCER |
| 310119 | * | * | 0.0351 | ESSEX |
| 310123 | | | 0.0351 | ESSEX |
| 310124 | | | 0.0350 | MIDDLESEX |
| 320003 | | | 0.0629 | SAN MIGUEL |
| 320011 | | | 0.0442 | RIO ARRIBA |
| 320018 | | | 0.0063 | DONA ANA |
| 320085 | | | 0.0063 | DONA ANA |
| 330004 | * | * | 0.0959 | ULSTER |
| 330008 | * | * | 0.0470 | WYOMING |
| 330027 | * | * | 0.0137 | NASSAU |

TABLE 4J.—OUT-MIGRATION ADJUSTMENT —FY 2007—Continued

| Provider No. | Reclassified between 10/1/06 and 3/31/07 | Reclassified between 4/1/07 and 9/30/07 | Out-migration adjustment | Qualifying county name |
|---|---|---|---|---|
| 330094 | * | * | 0.0778 | COLUMBIA |
| 330106 | * | * | 0.0137 | NASSAU |
| 330126 | * | | 0.0560 | ORANGE |
| 330135 | * | | 0.0560 | ORANGE |
| 330167 | | * | 0.0137 | NASSAU |
| 330181 | | * | 0.0137 | NASSAU |
| 330182 | * | * | 0.0137 | NASSAU |
| 330191 | * | * | 0.0026 | WARREN |
| 330198 | | * | 0.0137 | NASSAU |
| 330205 | * | | 0.0560 | ORANGE |
| 330224 | * | * | 0.0959 | ULSTER |
| 330225 | | * | 0.0137 | NASSAU |
| 330235 | * | * | 0.0270 | CAYUGA |
| 330259 | | * | 0.0137 | NASSAU |
| 330264 | * | | 0.0560 | ORANGE |
| 330276 | | | 0.0063 | FULTON |
| 330331 | | * | 0.0137 | NASSAU |
| 330332 | | * | 0.0137 | NASSAU |
| 330372 | | * | 0.0137 | NASSAU |
| 330386 | * | * | 0.1139 | SULLIVAN |
| 340015 | | | 0.0267 | ROWAN |
| 340020 | | | 0.0207 | LEE |
| 340021 | * | * | 0.0216 | CLEVELAND |
| 340037 | | | 0.0216 | CLEVELAND |
| 340039 | * | * | 0.0144 | IREDELL |
| 340069 | | | 0.0053 | WAKE |
| 340070 | | | 0.0448 | ALAMANCE |
| 340073 | * | | 0.0053 | WAKE |
| 340085 | | | 0.0377 | DAVIDSON |
| 340096 | | | 0.0377 | DAVIDSON |
| 340104 | | | 0.0216 | CLEVELAND |
| 340114 | | | 0.0053 | WAKE |
| 340126 | * | * | 0.0161 | WILSON |
| 340127 | * | * | 0.0961 | GRANVILLE |
| 340129 | * | * | 0.0144 | IREDELL |
| 340133 | | | 0.0308 | MARTIN |
| 340138 | | | 0.0053 | WAKE |
| 340144 | * | * | 0.0144 | IREDELL |
| 340145 | * | * | 0.0563 | LINCOLN |
| 340173 | | | 0.0053 | WAKE |
| 360013 | * | * | 0.0166 | SHELBY |
| 360025 | | | 0.0087 | ERIE |
| 360036 | * | * | 0.0263 | WAYNE |
| 360065 | * | * | 0.0141 | HURON |
| 360070 | | | 0.0028 | STARK |
| 360078 | * | * | 0.0159 | PORTAGE |
| 360084 | | | 0.0028 | STARK |
| 360086 | * | * | 0.0168 | CLARK |
| 360095 | * | * | 0.0087 | HANCOCK |
| 360100 | | | 0.0028 | STARK |
| 360107 | * | * | 0.0213 | SANDUSKY |
| 360131 | | | 0.0028 | STARK |
| 360151 | | | 0.0028 | STARK |
| 360156 | | | 0.0213 | SANDUSKY |
| 360175 | * | * | 0.0159 | CLINTON |
| 360187 | * | * | 0.0168 | CLARK |
| 360197 | * | * | 0.0092 | LOGAN |
| 360270 | | | 0.0120 | DEFIANCE |
| 370004 | * | * | 0.0193 | OTTAWA |
| 370014 | | | 0.0831 | BRYAN |
| 370015 | * | * | 0.0463 | MAYES |
| 370023 | | | 0.0084 | STEPHENS |
| 370065 | | | 0.0121 | CRAIG |
| 370113 | * | * | 0.0205 | DELAWARE |
| 370149 | | | 0.0356 | POTTAWATOMIE |
| 370219 | | | 0.0356 | POTTAWATOMIE |
| 380002 | | | 0.0130 | JOSEPHINE |
| 380022 | * | * | 0.0201 | LINN |
| 380029 | | | 0.0075 | MARION |

TABLE 4J.—OUT-MIGRATION ADJUSTMENT —FY 2007—Continued

| Provider No. | Reclassified between 10/1/06 and 3/31/07 | Reclassified between 4/1/07 and 9/30/07 | Out-migration adjustment | Qualifying county name |
|---|---|---|---|---|
| 380051 | | | 0.0075 | MARION |
| 380056 | | | 0.0075 | MARION |
| 390011 | | | 0.0012 | CAMBRIA |
| 390030 | * | * | 0.0284 | SCHUYLKILL |
| 390031 | * | * | 0.0284 | SCHUYLKILL |
| 390044 | * | * | 0.0200 | BERKS |
| 390046 | * | * | 0.0098 | YORK |
| 390056 | | | 0.0042 | HUNTINGDON |
| 390065 | * | * | 0.0501 | ADAMS |
| 390066 | * | * | 0.0259 | LEBANON |
| 390096 | * | * | 0.0200 | BERKS |
| 390101 | | | 0.0098 | YORK |
| 390110 | | | 0.0012 | CAMBRIA |
| 390130 | | | 0.0012 | CAMBRIA |
| 390138 | * | * | 0.0325 | FRANKLIN |
| 390146 | | | 0.0053 | WARREN |
| 390150 | | | 0.0206 | GREENE |
| 390151 | * | * | 0.0325 | FRANKLIN |
| 390162 | | | 0.0200 | NORTHAMPTON |
| 390181 | | | 0.0284 | SCHUYLKILL |
| 390183 | | | 0.0284 | SCHUYLKILL |
| 390201 | | | 0.1127 | MONROE |
| 390233 | | | 0.0098 | YORK |
| 420007 | * | * | 0.0001 | SPARTANBURG |
| 420009 | * | * | 0.0113 | OCONEE |
| 420020 | * | * | 0.0035 | GEORGETOWN |
| 420027 | * | * | 0.0210 | ANDERSON |
| 420030 | * | * | 0.0103 | COLLETON |
| 420039 | * | * | 0.0153 | UNION |
| 420043 | | | 0.0177 | CHEROKEE |
| 420062 | | | 0.0109 | CHESTERFIELD |
| 420068 | * | * | 0.0097 | ORANGEBURG |
| 420070 | * | * | 0.0101 | SUMTER |
| 420083 | * | * | 0.0001 | SPARTANBURG |
| 420098 | | | 0.0035 | GEORGETOWN |
| 440008 | | | 0.0663 | HENDERSON |
| 440024 | * | * | 0.0387 | BRADLEY |
| 440030 | | | 0.0056 | HAMBLEN |
| 440035 | * | * | 0.0441 | MONTGOMERY |
| 440047 | | | 0.0499 | GIBSON |
| 440056 | | | 0.0321 | JEFFERSON |
| 440060 | | | 0.0499 | GIBSON |
| 440063 | | | 0.0011 | WASHINGTON |
| 440067 | * | * | 0.0056 | HAMBLEN |
| 440073 | * | * | 0.0513 | MAURY |
| 440105 | | | 0.0011 | WASHINGTON |
| 440115 | | | 0.0499 | GIBSON |
| 440148 | * | * | 0.0568 | DE KALB |
| 440153 | | | 0.0007 | COCKE |
| 440174 | | | 0.0372 | HAYWOOD |
| 440181 | | | 0.0407 | HARDEMAN |
| 440184 | | | 0.0011 | WASHINGTON |
| 440185 | * | * | 0.0387 | BRADLEY |
| 450032 | * | * | 0.0416 | HARRISON |
| 450039 | * | * | 0.0097 | TARRANT |
| 450059 | * | * | 0.0073 | COMAL |
| 450064 | * | * | 0.0097 | TARRANT |
| 450087 | * | * | 0.0097 | TARRANT |
| 450099 | * | * | 0.0180 | GRAY |
| 450121 | * | * | 0.0097 | TARRANT |
| 450135 | * | * | 0.0097 | TARRANT |
| 450137 | * | * | 0.0097 | TARRANT |
| 450144 | * | * | 0.0573 | ANDREWS |
| 450163 | | | 0.0134 | KLEBERG |
| 450187 | * | * | 0.0264 | WASHINGTON |
| 450194 | * | * | 0.0328 | CHEROKEE |
| 450214 | * | * | 0.0368 | WHARTON |
| 450224 | * | * | 0.0411 | WOOD |
| 450324 | * | * | 0.0132 | GRAYSON |

TABLE 4J.—OUT-MIGRATION ADJUSTMENT —FY 2007—Continued

| Provider No. | Reclassified between 10/1/06 and 3/31/07 | Reclassified between 4/1/07 and 9/30/07 | Out-migration adjustment | Qualifying county name |
|---|---|---|---|---|
| 450347 | * | * | 0.0427 | WALKER |
| 450370 | | | 0.0258 | COLORADO |
| 450389 | * | * | 0.0881 | HENDERSON |
| 450393 | * | * | 0.0132 | GRAYSON |
| 450395 | * | * | 0.0484 | POLK |
| 450419 | * | * | 0.0097 | TARRANT |
| 450438 | * | * | 0.0258 | COLORADO |
| 450447 | * | * | 0.0358 | NAVARRO |
| 450451 | * | * | 0.0551 | SOMERVELL |
| 450465 | | | 0.0435 | MATAGORDA |
| 450469 | * | * | 0.0132 | GRAYSON |
| 450547 | * | * | 0.0411 | WOOD |
| 450563 | * | * | 0.0097 | TARRANT |
| 450565 | | | 0.0486 | PALO PINTO |
| 450596 | | | 0.0808 | HOOD |
| 450597 | | | 0.0077 | DE WITT |
| 450639 | * | * | 0.0097 | TARRANT |
| 450672 | * | * | 0.0097 | TARRANT |
| 450675 | * | * | 0.0097 | TARRANT |
| 450677 | * | * | 0.0097 | TARRANT |
| 450694 | * | * | 0.0368 | WHARTON |
| 450747 | * | * | 0.0195 | ANDERSON |
| 450755 | | | 0.0484 | HOCKLEY |
| 450779 | * | * | 0.0097 | TARRANT |
| 450813 | * | * | 0.0195 | ANDERSON |
| 450872 | * | * | 0.0097 | TARRANT |
| 450880 | * | * | 0.0097 | TARRANT |
| 450886 | | | 0.0097 | TARRANT |
| 450888 | | | 0.0097 | TARRANT |
| 460017 | | | 0.0392 | BOX ELDER |
| 460039 | * | * | 0.0392 | BOX ELDER |
| 490019 | | | 0.1240 | CULPEPER |
| 490038 | | | 0.0022 | SMYTH |
| 490084 | | | 0.0167 | ESSEX |
| 490105 | * | * | 0.0022 | SMYTH |
| 490110 | | | 0.0082 | MONTGOMERY |
| 500003 | * | * | 0.0208 | SKAGIT |
| 500007 | | | 0.0208 | SKAGIT |
| 500019 | | | 0.0213 | LEWIS |
| 500021 | * | * | 0.0055 | PIERCE |
| 500024 | | | 0.0023 | THURSTON |
| 500039 | * | * | 0.0174 | KITSAP |
| 500041 | * | * | 0.0118 | COWLITZ |
| 500079 | * | * | 0.0055 | PIERCE |
| 500108 | * | * | 0.0055 | PIERCE |
| 500129 | * | * | 0.0055 | PIERCE |
| 500139 | | | 0.0023 | THURSTON |
| 500143 | | | 0.0023 | THURSTON |
| 510018 | * | * | 0.0209 | JACKSON |
| 510039 | | | 0.0112 | OHIO |
| 510047 | * | * | 0.0275 | MARION |
| 510050 | | | 0.0112 | OHIO |
| 510077 | * | * | 0.0021 | MINGO |
| 520028 | * | * | 0.0157 | GREEN |
| 520035 | | | 0.0077 | SHEBOYGAN |
| 520044 | | | 0.0077 | SHEBOYGAN |
| 520057 | | | 0.0118 | SAUK |
| 520059 | * | * | 0.0200 | RACINE |
| 520071 | * | * | 0.0239 | JEFFERSON |
| 520095 | * | * | 0.0118 | SAUK |
| 520096 | * | * | 0.0200 | RACINE |
| 520102 | * | * | 0.0298 | WALWORTH |
| 520116 | * | * | 0.0239 | JEFFERSON |
| 520132 | | | 0.0077 | SHEBOYGAN |

TABLE 5.— LIST OF DIAGNOSIS-RELATED GROUPS (DRGS), RELATIVE WEIGHTING FACTORS, AND GEOMETRIC AND ARITHMETIC MEAN LENGTH OF STAY (LOS)

| DRG | FY 07 final rule post-acute care DRG | FY 07 final rule special pay DRG | MDC | TYPE | DRG title | Weights | Geometric mean LOS | Arithmetic mean LOS |
|---|---|---|---|---|---|---|---|---|
| 1 | Yes | No | 01 | SURG | Craniotomy Age >17 W CC | 3.4651 | 7.3 | 9.8 |
| 2 | Yes | No | 01 | SURG | Craniotomy Age >17 W/O CC | 1.9525 | 3.4 | 4.4 |
| 3 | No | No | 01 | SURG * | Craniotomy Age 0–17 | 2.0113 | 12.7 | 12.7 |
| 4 | No | No | 01 | SURG | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 5 | No | No | 01 | SURG | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 6 | No | No | 01 | SURG | Carpal Tunnel Release | 0.7910 | 2.1 | 3.1 |
| 7 | Yes | Yes | 01 | SURG | Periph & Cranial Nerve & Other Nerv Syst Proc W CC. | 2.6609 | 6.5 | 9.4 |
| 8 | Yes | Yes | 01 | SURG | Periph & Cranial Nerve & Other Nerv Syst Proc W/O CC. | 1.5953 | 2.0 | 2.8 |
| 9 | No | No | 01 | MED | Spinal Disorders & Injuries | 1.3647 | 4.4 | 6.2 |
| 10 | Yes | No | 01 | MED | Nervous System Neoplasms W CC | 1.2556 | 4.6 | 6.0 |
| 11 | Yes | No | 01 | MED | Nervous System Neoplasms W/O CC | 0.8592 | 2.7 | 3.6 |
| 12 | Yes | No | 01 | MED | Degenerative Nervous System Disorders | 0.9322 | 4.3 | 5.5 |
| 13 | Yes | No | 01 | MED | Multiple Sclerosis & Cerebellar Ataxia | 0.8541 | 4.0 | 4.9 |
| 14 | Yes | No | 01 | MED | Intracranial Hemorrhage or Cerebral Infarction. | 1.2118 | 4.3 | 5.5 |
| 15 | Yes | No | 01 | MED | Nonspecific CVA & Precerebral Occlusion w/o Infarct. | 0.9442 | 3.1 | 4.0 |
| 16 | Yes | No | 01 | MED | Nonspecific Cerebrovascular Disorders w CC. | 1.3579 | 5.0 | 6.5 |
| 17 | Yes | No | 01 | MED | Nonspecific Cerebrovascular Disorders w/o CC. | 0.7141 | 2.4 | 3.0 |
| 18 | Yes | No | 01 | MED | Cranial & Peripheral Nerve Disorders w CC. | 1.0038 | 4.1 | 5.2 |
| 19 | Yes | No | 01 | MED | Cranial & Peripheral Nerve Disorders w/o CC. | 0.7194 | 2.7 | 3.4 |
| 20 | No | No | 01 | MED | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 21 | No | No | 01 | MED | Viral Meningitis | 1.4130 | 4.7 | 6.2 |
| 22 | No | No | 01 | MED | Hypertensive Encephalopathy | 1.1652 | 3.9 | 5.0 |
| 23 | No | No | 01 | MED | Nontraumatic Stupor & Coma | 0.8015 | 3.0 | 3.9 |
| 24 | No | No | 01 | MED | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 25 | No | No | 01 | MED | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 26 | No | No | 01 | MED | Seizure & Headache Age 0–17 | 1.0076 | 2.7 | 3.8 |
| 27 | No | No | 01 | MED | Traumatic Stupor & Coma, Coma >1 Hr | 1.3499 | 3.1 | 4.7 |
| 28 | Yes | No | 01 | MED | Traumatic Stupor & Coma, Coma <1 Hr Age >17 w CC. | 1.3357 | 4.2 | 5.7 |
| 29 | Yes | No | 01 | MED | Traumatic Stupor & Coma, Coma <1 Hr Age >17 w/o CC. | 0.7401 | 2.6 | 3.2 |
| 30 | No | No | 01 | MED * | Traumatic Stupor & Coma, Coma <1 Hr Age 0–17. | 0.3402 | | |
| 31 | No | No | 01 | MED | Concussion Age >17 w CC | 0.9796 | 3.0 | 3.9 |
| 32 | No | No | 01 | MED | Concussion Age >17 w/o CC | 0.6408 | 1.9 | 2.3 |
| 33 | No | No | 01 | MED * | Concussion Age 0–17 | 0.2136 | | |
| 34 | Yes | No | 01 | MED | Other Disorders Of Nervous System w CC. | 1.0175 | 3.6 | 4.8 |
| 35 | Yes | No | 01 | MED | Other Disorders Of Nervous System w/o CC. | 0.6587 | 2.5 | 3.1 |
| 36 | No | No | 02 | SURG | Retinal Procedures | 0.8056 | 1.4 | 1.9 |
| 37 | No | No | 02 | SURG | Orbital Procedures | 1.2064 | 2.7 | 4.1 |
| 38 | No | No | 02 | SURG | Primary Iris Procedures | 0.6195 | 2.2 | 2.8 |
| 39 | No | No | 02 | SURG | Lens Procedures With Or Without Vitrectomy. | 0.6461 | 1.6 | 2.1 |
| 40 | No | No | 02 | SURG | Extraocular Procedures Except Orbit Age >17. | 1.0309 | 3.1 | 4.2 |
| 41 | No | No | 02 | SURG * | Extraocular Procedures Except Orbit Age 0–17. | 0.3462 | | |
| 42 | No | No | 02 | SURG | Intraocular Procedures Except Retina, Iris & Lens. | 0.7717 | 1.7 | 2.5 |
| 43 | No | No | 02 | MED | Hyphema | 0.6192 | 2.4 | 3.0 |
| 44 | No | No | 02 | MED | Acute Major Eye Infections | 0.7186 | 3.8 | 4.8 |
| 45 | No | No | 02 | MED | Neurological Eye Disorders | 0.7434 | 2.5 | 3.0 |
| 46 | No | No | 02 | MED | Other Disorders Of The Eye Age >17 w CC. | 0.7915 | 3.2 | 4.2 |
| 47 | No | No | 02 | MED | Other Disorders Of The Eye Age >17 w/o CC. | 0.5520 | 2.4 | 3.0 |
| 48 | No | No | 02 | MED * | Other Disorders Of The Eye Age 0–17 | 0.3050 | | |
| 49 | No | No | 03 | SURG | Major Head & Neck Procedures | 1.6684 | 3.2 | 4.5 |

TABLE 5.— LIST OF DIAGNOSIS-RELATED GROUPS (DRGS), RELATIVE WEIGHTING FACTORS, AND GEOMETRIC AND ARITHMETIC MEAN LENGTH OF STAY (LOS)—Continued

| DRG | FY 07 final rule post-acute care DRG | FY 07 final rule special pay DRG | MDC | TYPE | DRG title | Weights | Geometric mean LOS | Arithmetic mean LOS |
|---|---|---|---|---|---|---|---|---|
| 50 | No | No | 03 | SURG | Sialoadenectomy | 0.8800 | 1.5 | 1.9 |
| 51 | No | No | 03 | SURG | Salivary Gland Procedures Except Sialoadenectomy. | 0.8788 | 1.9 | 2.7 |
| 52 | No | No | 03 | SURG | Cleft Lip & Palate Repair | 0.6498 | 1.3 | 1.5 |
| 53 | No | No | 03 | SURG | Sinus & Mastoid Procedures Age >17 | 1.3540 | 2.5 | 4.0 |
| 54 | No | No | 03 | SURG * | Sinus & Mastoid Procedures Age 0–17 | 0.4944 | | |
| 55 | No | No | 03 | SURG | Miscellaneous Ear, Nose, Mouth & Throat Procedures. | 0.9652 | 1.9 | 2.9 |
| 56 | No | No | 03 | SURG | Rhinoplasty | 0.8936 | 1.9 | 2.7 |
| 57 | No | No | 03 | SURG | T&A Proc, Except Tonsillectomy &/Or Adenoidectomy Only, Age >17. | 0.9975 | 2.1 | 3.3 |
| 58 | No | No | 03 | SURG * | T&A Proc, Except Tonsillectomy &/Or Adenoidectomy Only, Age 0–17. | 0.2807 | | |
| 59 | No | No | 03 | SURG | Tonsillectomy &/Or Adenoidectomy Only, Age >17. | 0.6812 | 1.8 | 2.4 |
| 60 | No | No | 03 | SURG * | Tonsillectomy &/Or Adenoidectomy Only, Age 0–17. | 0.2137 | 1.5 | 1.5 |
| 61 | No | No | 03 | SURG | Myringotomy W Tube Insertion Age >17 | 1.5987 | 3.7 | 6.1 |
| 62 | No | No | 03 | SURG * | Myringotomy W Tube Insertion Age 0–17 | 0.3027 | 1.3 | 1.3 |
| 63 | No | No | 03 | SURG | Other Ear, Nose, Mouth & Throat O.R. Procedures. | 1.3959 | 3.0 | 4.5 |
| 64 | No | No | 03 | MED | Ear, Nose, Mouth & Throat Malignancy | 1.2498 | 4.2 | 6.2 |
| 65 | No | No | 03 | MED | Dysequilibrium | 0.6159 | 2.3 | 2.8 |
| 66 | No | No | 03 | MED | Epistaxis | 0.6280 | 2.4 | 3.1 |
| 67 | No | No | 03 | MED | Epiglottitis | 0.8242 | 2.8 | 3.7 |
| 68 | No | No | 03 | MED | Otitis Media & Uri Age &>17 w CC | 0.6605 | 3.2 | 3.9 |
| 69 | No | No | 03 | MED | Otitis Media & Uri Age &>17 w/o CC | 0.4910 | 2.5 | 3.0 |
| 70 | No | No | 03 | MED | Otitis Media & Uri Age 0–17 | 0.3579 | 2.1 | 2.4 |
| 71 | No | No | 03 | MED | Laryngotracheitis | 0.7758 | 3.4 | 4.4 |
| 72 | No | No | 03 | MED | Nasal Trauma & Deformity | 0.7784 | 2.6 | 3.3 |
| 73 | Yes | No | 03 | MED | Other Ear, Nose, Mouth & Throat Diagnoses Age >17. | 0.8500 | 3.3 | 4.3 |
| 74 | No | No | 03 | MED * | Other Ear, Nose, Mouth & Throat Diagnoses Age 0–17. | 0.3441 | 2.1 | 2.1 |
| 75 | Yes | No | 04 | SURG | Major Chest Procedures | 3.0350 | 7.4 | 9.7 |
| 76 | Yes | No | 04 | SURG | Other Resp System O.R. Procedures w CC. | 2.8386 | 8.2 | 10.7 |
| 77 | Yes | No | 04 | SURG | Other Resp System O.R. Procedures w/o CC. | 1.1886 | 3.3 | 4.5 |
| 78 | Yes | No | 04 | MED | Pulmonary Embolism | 1.2357 | 5.3 | 6.2 |
| 79 | Yes | No | 04 | MED | Respiratory Infections & Inflammations Age >17 w CC. | 1.6268 | 6.7 | 8.3 |
| 80 | Yes | No | 04 | MED | Respiratory Infections & Inflammations Age >17 w/o CC. | 0.8943 | 4.3 | 5.3 |
| 81 | No | No | 04 | MED * | Respiratory Infections & Inflammations Age 0–17. | 1.5579 | 6.1 | 6.1 |
| 82 | Yes | No | 04 | MED | Respiratory Neoplasms | 1.4121 | 5.1 | 6.8 |
| 83 | Yes | No | 04 | MED | Major Chest Trauma w CC | 1.0308 | 4.2 | 5.3 |
| 84 | Yes | No | 04 | MED | Major Chest Trauma w/o CCc | 0.6028 | 2.6 | 3.1 |
| 85 | Yes | No | 04 | MED | Pleural Effusion w CC | 1.2459 | 4.7 | 6.2 |
| 86 | Yes | No | 04 | MED | Pleural Effusion w/o CC | 0.7132 | 2.7 | 3.5 |
| 87 | No | No | 04 | MED | Pulmonary Edema & Respiratory Failure | 1.3838 | 4.9 | 6.4 |
| 88 | No | No | 04 | MED | Chronic Obstructive Pulmonary Disease | 0.8878 | 4.0 | 4.9 |
| 89 | Yes | No | 04 | MED | Simple Pneumonia & Pleurisy Age >17 w CC. | 1.0376 | 4.6 | 5.6 |
| 90 | Yes | No | 04 | MED | Simple Pneumonia & Pleurisy Age >17 w/o CCc. | 0.6148 | 3.2 | 3.7 |
| 91 | No | No | 04 | MED | Simple Pneumonia & Pleurisy Age 0–17 | 0.5598 | 2.5 | 3.4 |
| 92 | Yes | No | 04 | MED | Interstitial Lung Disease w CC | 1.1979 | 4.8 | 6.0 |
| 93 | Yes | No | 04 | MED | Interstitial Lung Disease w/o CC | 0.7437 | 3.0 | 3.8 |
| 94 | No | No | 04 | MED | Pneumothorax w CC | 1.1474 | 4.5 | 5.9 |
| 95 | No | No | 04 | MED | Pneumothorax w/o CC | 0.5871 | 2.7 | 3.4 |
| 96 | No | No | 04 | MED | Bronchitis & Asthma Age >17 w CC | 0.7350 | 3.5 | 4.3 |
| 97 | No | No | 04 | MED | Bronchitis & Asthma Age >17 w/o CC | 0.5429 | 2.8 | 3.4 |
| 98 | No | No | 04 | MED | Bronchitis & Asthma Age 0–17 | 0.5870 | 2.8 | 3.1 |
| 99 | No | No | 04 | MED | Respiratory Signs & Symptoms w CC | 0.7155 | 2.4 | 3.1 |
| 100 | No | No | 04 | MED | Respiratory Signs & Symptoms w/o CC | 0.5411 | 1.7 | 2.1 |

TABLE 5.— LIST OF DIAGNOSIS-RELATED GROUPS (DRGS), RELATIVE WEIGHTING FACTORS, AND GEOMETRIC AND ARITHMETIC MEAN LENGTH OF STAY (LOS)—Continued

| DRG | FY 07 final rule post-acute care DRG | FY 07 final rule special pay DRG | MDC | TYPE | DRG title | Weights | Geometric mean LOS | Arithmetic mean LOS |
|---|---|---|---|---|---|---|---|---|
| 101 | Yes | No | 04 | MED | Other Respiratory System Diagnoses w CC. | 0.8614 | 3.2 | 4.2 |
| 102 | Yes | No | 04 | MED | Other Respiratory System Diagnoses w/o CC. | 0.5622 | 2.0 | 2.5 |
| 103 | No | No | PRE | SURG | Heart Transplant Or Implant Of Heart Assist System. | 18.8653 | 22.2 | 35.4 |
| 104 | Yes | No | 05 | SURG | Cardiac Valve & Oth Major Cardiothoracic Proc w Card Cath. | 8.2903 | 12.8 | 15.1 |
| 105 | Yes | No | 05 | SURG | Cardiac Valve & Oth Major Cardiothoracic Proc w/o Card Cath. | 6.0567 | 8.4 | 10.2 |
| 106 | No | No | 05 | SURG | Coronary Bypass w Ptca | 6.7383 | 9.3 | 10.9 |
| 107 | No | No | 05 | SURG | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 108 | Yes | No | 05 | SURG | Other Cardiothoracic Procedures | 5.7544 | 8.8 | 10.9 |
| 109 | No | No | 05 | SURG | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 110 | No | No | 05 | SURG | Major Cardiovascular Procedures w CC | 3.8064 | 5.4 | 8.1 |
| 111 | No | No | 05 | SURG | Major Cardiovascular Procedures w/o CC. | 2.4879 | 2.3 | 3.1 |
| 112 | No | No | 05 | SURG | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 113 | Yes | No | 05 | SURG | Amputation For Circ System Disorders Except Upper Limb & Toe. | 3.2646 | 10.8 | 13.7 |
| 114 | Yes | No | 05 | SURG | Upper Limb & Toe Amputation For Circ System Disorders. | 1.7527 | 6.6 | 8.7 |
| 115 | No | No | 05 | SURG | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 116 | No | No | 05 | SURG | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 117 | No | No | 05 | SURG | Cardiac Pacemaker Revision Except Device Replacement. | 1.3713 | 2.6 | 4.3 |
| 118 | No | No | 05 | SURG | Cardiac Pacemaker Device Replacement | 1.6687 | 2.0 | 3.0 |
| 119 | No | No | 05 | SURG | Vein Ligation & Stripping | 1.4554 | 3.3 | 5.4 |
| 120 | Yes | No | 05 | SURG | Other Circulatory System O.R. Procedures. | 2.4173 | 6.0 | 9.2 |
| 121 | Yes | No | 05 | MED | Circulatory Disorders w AMI & Major Comp, Discharged Alive. | 1.6166 | 5.2 | 6.5 |
| 122 | No | No | 05 | MED | Circulatory Disorders w AMI w/o Major Comp, Discharged Alive. | 0.9621 | 2.7 | 3.4 |
| 123 | No | No | 05 | MED | Circulatory Disorders w AMI, Expired | 1.4902 | 2.9 | 4.7 |
| 124 | No | No | 05 | MED | Circulatory Disorders Except AMI, w Card Cath & Complex Diag. | 1.4099 | 3.3 | 4.4 |
| 125 | No | No | 05 | MED | Circulatory Disorders Except Ami, w Card Cath w/o Complex Diag. | 1.0530 | 2.1 | 2.7 |
| 126 | Yes | No | 05 | MED | Acute & Subacute Endocarditis | 2.6653 | 9.0 | 11.2 |
| 127 | Yes | No | 05 | MED | Heart Failure & Shock | 1.0490 | 4.1 | 5.2 |
| 128 | No | No | 05 | MED | Deep Vein Thrombophlebitis | 0.7499 | 4.4 | 5.2 |
| 129 | No | No | 05 | MED | Cardiac Arrest, Unexplained | 1.0118 | 1.6 | 2.5 |
| 130 | Yes | No | 05 | MED | Peripheral Vascular Disorders w CC | 0.9712 | 4.3 | 5.5 |
| 131 | Yes | No | 05 | MED | Peripheral Vascular Disorders w/o CC | 0.5755 | 3.1 | 3.7 |
| 132 | No | No | 05 | MED | Atherosclerosis w CC | 0.6318 | 2.2 | 2.8 |
| 133 | No | No | 05 | MED | Atherosclerosis w/o CC | 0.5494 | 1.8 | 2.1 |
| 134 | No | No | 05 | MED | Hypertension | 0.6189 | 2.5 | 3.1 |
| 135 | No | No | 05 | MED | Cardiac Congenital & Valvular Disorders Age >17w CC. | 0.9405 | 3.3 | 4.3 |
| 136 | No | No | 05 | MED | Cardiac Congenital & Valvular Disorders Age >17 w/o CC. | 0.6580 | 2.1 | 2.7 |
| 137 | No | No | 05 | MED * | Cardiac Congenital & Valvular Disorders Age 0–17. | 0.8393 | | |
| 138 | No | No | 05 | MED | Cardiac Arrhythmia & Conduction Disorders w CC. | 0.8365 | 3.0 | 3.9 |
| 139 | No | No | 05 | MED | Cardiac Arrhythmia & Conduction Disorders w/o CC. | 0.5297 | 2.0 | 2.4 |
| 140 | No | No | 05 | MED | Angina Pectoris | 0.5041 | 1.9 | 2.4 |
| 141 | No | No | 05 | MED | Syncope & Collapse w CC | 0.7633 | 2.7 | 3.4 |
| 142 | No | No | 05 | MED | Syncope & Collapse w/o CC | 0.6012 | 2.1 | 2.5 |
| 143 | No | No | 05 | MED | Chest Pain | 0.5637 | 1.7 | 2.1 |
| 144 | Yes | No | 05 | MED | Other Circulatory System Diagnoses w CC. | 1.3381 | 4.3 | 5.9 |
| 145 | Yes | No | 05 | MED | Other Circulatory System Diagnoses w/o CC. | 0.5834 | 2.0 | 2.6 |
| 146 | Yes | No | 06 | SURG | Rectal Resection w CC | 2.7431 | 8.4 | 9.9 |
| 147 | Yes | No | 06 | SURG | Rectal Resection w/o CC | 1.5124 | 4.9 | 5.6 |

TABLE 5.— LIST OF DIAGNOSIS-RELATED GROUPS (DRGS), RELATIVE WEIGHTING FACTORS, AND GEOMETRIC AND ARITHMETIC MEAN LENGTH OF STAY (LOS)—Continued

| DRG | FY 07 final rule post-acute care DRG | FY 07 final rule special pay DRG | MDC | TYPE | DRG title | Weights | Geometric mean LOS | Arithmetic mean LOS |
|---|---|---|---|---|---|---|---|---|
| 148 | No | No | 06 | SURG | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 149 | Yes | No | 06 | SURG | Major Small & Large Bowel Procedures w/o CC. | 1.4357 | 5.1 | 5.7 |
| 150 | Yes | No | 06 | SURG | Peritoneal Adhesiolysis w CC | 2.7871 | 8.7 | 10.8 |
| 151 | Yes | No | 06 | SURG | Peritoneal Adhesiolysis w/o CC | 1.2863 | 4.0 | 5.0 |
| 152 | No | No | 06 | SURG | Minor Small & Large Bowel Procedures w CC. | 1.8859 | 6.5 | 7.9 |
| 153 | No | No | 06 | SURG | Minor Small & Large Bowel Procedures w/o CC. | 1.0983 | 4.4 | 4.9 |
| 154 | No | No | 06 | SURG | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 155 | Yes | No | 06 | SURG | Stomach, Esophageal & Duodenal Procedures Age >17 w/o CC. | 1.2948 | 3.0 | 4.0 |
| 156 | No | No | 06 | SURG * | Stomach, Esophageal & Duodenal Procedures Age 0–17. | 0.8644 | 6.0 | 6.0 |
| 157 | Yes | No | 06 | SURG | Anal & Stomal Procedures w CC | 1.3430 | 4.1 | 5.8 |
| 158 | Yes | No | 06 | SURG | Anal & Stomal Procedures w/o CC | 0.6577 | 2.1 | 2.7 |
| 159 | No | No | 06 | SURG | Hernia Procedures Except Inguinal & Femoral Age >17 w CC. | 1.4316 | 3.7 | 5.1 |
| 160 | No | No | 06 | SURG | Hernia Procedures Except Inguinal & Femoral Age >17 w/o CC. | 0.8675 | 2.2 | 2.7 |
| 161 | No | No | 06 | SURG | Inguinal & Femoral Hernia Procedures Age >17 w CC. | 1.2403 | 3.2 | 4.5 |
| 162 | No | No | 06 | SURG | Inguinal & Femoral Hernia Procedures Age >17 w/o CCc. | 0.6916 | 1.7 | 2.1 |
| 163 | No | No | 06 | SURG * | Hernia Procedures Age 0–17 | 0.6809 | 2.1 | 2.1 |
| 164 | No | No | 06 | SURG | Appendectomy w Complicated Principal Diag w CC. | 2.1474 | 6.4 | 7.7 |
| 165 | No | No | 06 | SURG | Appendectomy w Complicated Principal Diag w/o CC. | 1.1843 | 3.4 | 4.0 |
| 166 | No | No | 06 | SURG | Appendectomy w/o Complicated Principal Diag w CC. | 1.4035 | 3.2 | 4.3 |
| 167 | No | No | 06 | SURG | Appendectomy w/o Complicated Principal Diag w/o CC. | 0.9001 | 1.8 | 2.1 |
| 168 | No | No | 03 | SURG | Mouth Procedures w CC | 1.2827 | 3.3 | 4.8 |
| 169 | No | No | 03 | SURG | Mouth Procedures w/o CC | 0.7679 | 1.8 | 2.3 |
| 170 | Yes | No | 06 | SURG | Other Digestive System O.R. Procedures w CC. | 2.9921 | 7.8 | 10.9 |
| 171 | Yes | No | 06 | SURG | Other Digestive System O.R. Procedures w/o CC. | 1.2242 | 3.1 | 4.2 |
| 172 | Yes | No | 06 | MED | Digestive Malignancy w CC | 1.4293 | 5.1 | 6.9 |
| 173 | Yes | No | 06 | MED | Digestive Malignancy w/o CC | 0.7645 | 2.7 | 3.6 |
| 174 | No | No | 06 | MED | G.I. Hemorrhage w CC | 1.0296 | 3.8 | 4.7 |
| 175 | No | No | 06 | MED | G.I. Hemorrhage w/o CC | 0.5808 | 2.4 | 2.9 |
| 176 | Yes | No | 06 | MED | Complicated Peptic Ulcer | 1.1275 | 4.0 | 5.1 |
| 177 | No | No | 06 | MED | Uncomplicated Peptic Ulcer w CC | 0.9333 | 3.6 | 4.4 |
| 178 | No | No | 06 | MED | Uncomplicated Peptic Ulcer w/o CCc | 0.6900 | 2.6 | 3.1 |
| 179 | No | No | 06 | MED | Inflammatory Bowel Disease | 1.0804 | 4.5 | 5.8 |
| 180 | Yes | No | 06 | MED | G.I. Obstruction w CC | 0.9930 | 4.1 | 5.3 |
| 181 | Yes | No | 06 | MED | G.I. Obstruction w/o CC | 0.5784 | 2.8 | 3.3 |
| 182 | No | No | 06 | MED | Esophagitis, Gastroent & Misc Digest Disorders Age >17 w CC. | 0.7853 | 3.2 | 4.1 |
| 183 | No | No | 06 | MED | Esophagitis, Gastroent & Misc Digest Disorders Age >17 w/o CC. | 0.5841 | 2.3 | 2.8 |
| 184 | No | No | 06 | MED | Esophagitis, Gastroent & Misc Digest Disorders Age 0–17. | 0.6192 | 2.5 | 3.7 |
| 185 | No | No | 03 | MED | Dental & Oral Dis Except Extractions & Restorations, Age >17. | 0.8886 | 3.3 | 4.5 |
| 186 | No | No | 03 | MED * | Dental & Oral Dis Except Extractions & Restorations, Age 0–17. | 0.3294 | 2.9 | 2.9 |
| 187 | No | No | 03 | MED | Dental Extractions & Restorations | 0.8421 | 3.1 | 4.2 |
| 188 | Yes | No | 06 | MED | Other Digestive System Diagnoses Age >17w CC. | 1.0931 | 4.0 | 5.4 |
| 189 | Yes | No | 06 | MED | Other Digestive System Diagnoses Age >17 w/o CC. | 0.5916 | 2.4 | 3.0 |
| 190 | No | No | 06 | MED | Other Digestive System Diagnoses Age 0–17. | 0.6351 | 2.3 | 3.0 |
| 191 | Yes | No | 07 | SURG | Pancreas, Liver & Shunt Procedures w CC. | 3.9384 | 8.8 | 12.5 |

TABLE 5.— LIST OF DIAGNOSIS-RELATED GROUPS (DRGS), RELATIVE WEIGHTING FACTORS, AND GEOMETRIC AND ARITHMETIC MEAN LENGTH OF STAY (LOS)—Continued

| DRG | FY 07 final rule post-acute care DRG | FY 07 final rule special pay DRG | MDC | TYPE | DRG title | Weights | Geometric mean LOS | Arithmetic mean LOS |
|---|---|---|---|---|---|---|---|---|
| 192 | Yes | No | 07 | SURG | Pancreas, Liver & Shunt Procedures w/o CC. | 1.6740 | 4.2 | 5.5 |
| 193 | No | No | 07 | SURG | Biliary Tract Proc Except Only Cholecyst w or w/o C.D.E. w CC. | 3.3831 | 10.1 | 12.6 |
| 194 | No | No | 07 | SURG | Biliary Tract Proc Except Only Cholecyst w or w/o C.D.E. w/o CC. | 1.5879 | 5.4 | 6.3 |
| 195 | No | No | 07 | SURG | Cholecystectomy w C.D.E. w CC | 3.0501 | 8.8 | 10.6 |
| 196 | No | No | 07 | SURG | Cholecystectomy w C.D.E. w/o CC | 1.5412 | 4.5 | 5.3 |
| 197 | Yes | No | 07 | SURG | Cholecystectomy Except By Laparoscope w/o C.D.E. w CC. | 2.5518 | 7.4 | 9.1 |
| 198 | Yes | No | 07 | SURG | Cholecystectomy Except By Laparoscope w/o C.D.E. w/o CC. | 1.1781 | 3.7 | 4.3 |
| 199 | No | No | 07 | SURG | Hepatobiliary Diagnostic Procedure For Malignancy. | 2.2350 | 6.4 | 9.0 |
| 200 | No | No | 07 | SURG | Hepatobiliary Diagnostic Procedure For Non-Malignancy. | 2.8402 | 6.5 | 10.4 |
| 201 | No | No | 07 | SURG | Other Hepatobiliary or Pancreas O.R. Procedures. | 3.7905 | 10.0 | 13.6 |
| 202 | No | No | 07 | MED | Cirrhosis & Alcoholic Hepatitis | 1.3396 | 4.6 | 6.2 |
| 203 | No | No | 07 | MED | Malignancy of Hepatobiliary System or Pancreas. | 1.3672 | 4.8 | 6.5 |
| 204 | No | No | 07 | MED | Disorders of Pancreas Except Malignancy. | 1.0989 | 4.1 | 5.4 |
| 205 | Yes | No | 07 | MED | Disorders of Liver Except Malig,Cirr,Alc Hepa w CC. | 1.2013 | 4.4 | 5.9 |
| 206 | Yes | No | 07 | MED | Disorders of Liver Except Malig,Cirr,Alc Hepa w/o CC. | 0.7287 | 3.0 | 3.8 |
| 207 | No | No | 07 | MED | Disorders of The Biliary Tract w CC | 1.1839 | 4.1 | 5.3 |
| 208 | No | No | 07 | MED | Disorders of The Biliary Tract w/o CC | 0.6890 | 2.4 | 3.0 |
| 209 | No | No | 08 | SURG | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 210 | Yes | Yes | 08 | SURG | Hip & Femur Procedures Except Major Joint Age >17 w CC. | 1.9022 | 5.9 | 6.7 |
| 211 | Yes | Yes | 08 | SURG | Hip & Femur Procedures Except Major Joint Age >17 w/o CC. | 1.2939 | 4.3 | 4.6 |
| 212 | No | No | 08 | SURG | Hip & Femur Procedures Except Major Joint Age 0–17. | 0.9164 | 2.2 | 2.5 |
| 213 | Yes | No | 08 | SURG | Amputation for Musculoskeletal System & Conn Tissue Disorders. | 2.1174 | 7.1 | 9.5 |
| 214 | No | No | 08 | SURG | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 215 | No | No | 08 | SURG | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 216 | Yes | No | 08 | SURG | Biopsies of Musculoskeletal System & Connective Tissue. | 1.8744 | 3.1 | 5.4 |
| 217 | Yes | No | 08 | SURG | Wnd Debrid & Skn Grft Except Hand,for Muscskelet & Conn Tiss Dis. | 3.0499 | 9.0 | 12.9 |
| 218 | Yes | No | 08 | SURG | Lower Extrem & Humer Proc Except Hip,Foot,Femur Age >17 w CC. | 1.7053 | 4.4 | 5.5 |
| 219 | Yes | No | 08 | SURG | Lower Extrem & Humer Proc Except Hip,Foot,Femur Age >17 w/o CC. | 1.1033 | 2.7 | 3.2 |
| 220 | No | No | 08 | SURG * | Lower Extrem & Humer Proc Except Hip,Foot,Femur Age 0–17. | 0.5988 | 5.3 | 5.3 |
| 221 | No | No | 08 | SURG | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 222 | No | No | 08 | SURG | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 223 | No | No | 08 | SURG | Major Shoulder/Elbow Proc, or Other Upper Extremity Proc w CC. | 1.1726 | 2.4 | 3.3 |
| 224 | No | No | 08 | SURG | Shoulder,Elbow or Forearm Proc,Exc Major Joint Proc, w/o CC. | 0.8574 | 1.6 | 1.9 |
| 225 | Yes | No | 08 | SURG | Foot Procedures | 1.2775 | 3.8 | 5.4 |
| 226 | Yes | No | 08 | SURG | Soft Tissue Procedures w CCc | 1.6340 | 4.6 | 6.5 |
| 227 | Yes | No | 08 | SURG | Soft Tissue Procedures w/o CC | 0.8618 | 2.1 | 2.6 |
| 228 | No | No | 08 | SURG | Major Thumb or Joint Proc,or Oth Hand or Wrist Proc w CC. | 1.1528 | 2.9 | 4.2 |
| 229 | No | No | 08 | SURG | Hand or Wrist Proc, Except Major Joint Proc, w/o CC. | 0.7208 | 2.0 | 2.5 |
| 230 | No | No | 08 | SURG | Local Excision & Removal of Int Fix Devices of Hip & Femur. | 1.3385 | 3.6 | 5.4 |
| 231 | No | No | 08 | SURG | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 232 | No | No | 08 | SURG | Arthroscopy | 0.9732 | 1.9 | 2.7 |

TABLE 5.— LIST OF DIAGNOSIS-RELATED GROUPS (DRGS), RELATIVE WEIGHTING FACTORS, AND GEOMETRIC AND ARITHMETIC MEAN LENGTH OF STAY (LOS)—Continued

| DRG | FY 07 final rule post-acute care DRG | FY 07 final rule special pay DRG | MDC | TYPE | DRG title | Weights | Geometric mean LOS | Arithmetic mean LOS |
|---|---|---|---|---|---|---|---|---|
| 233 | Yes | Yes | 08 | SURG | Other Musculoskelet Sys & Conn Tiss O.R. Proc w CC. | 1.9033 | 4.3 | 6.4 |
| 234 | Yes | Yes | 08 | SURG | Other Musculoskelet Sys & Conn Tiss O.R. Proc w/o CC. | 1.2565 | 1.9 | 2.7 |
| 235 | Yes | No | 08 | MED | Fractures of Femur | 0.8226 | 3.8 | 4.8 |
| 236 | Yes | No | 08 | MED | Fractures of Hip & Pelvis | 0.7688 | 3.8 | 4.5 |
| 237 | No | No | 08 | MED | Sprains, Strains, & Dislocations of Hip, Pelvis & Thigh. | 0.6573 | 3.0 | 3.8 |
| 238 | Yes | No | 08 | MED | Osteomyelitis | 1.4100 | 6.5 | 8.3 |
| 239 | Yes | No | 08 | MED | Pathological Fractures & Musculoskeletal & Conn Tiss Malignancy. | 1.1203 | 4.9 | 6.2 |
| 240 | Yes | No | 08 | MED | Connective Tissue Disorders w CC | 1.3807 | 4.9 | 6.5 |
| 241 | Yes | No | 08 | MED | Connective Tissue Disorders w/o CC | 0.6637 | 3.0 | 3.7 |
| 242 | No | No | 08 | MED | Septic Arthritis | 1.1045 | 5.1 | 6.5 |
| 243 | No | No | 08 | MED | Medical Back Problems | 0.7970 | 3.6 | 4.5 |
| 244 | Yes | No | 08 | MED | Bone Diseases & Specific Arthropathies w CC. | 0.7394 | 3.6 | 4.5 |
| 245 | Yes | No | 08 | MED | Bone Diseases & Specific Arthropathies w/o CC. | 0.4943 | 2.5 | 3.1 |
| 246 | No | No | 08 | MED | Non-Specific Arthropathies | 0.6311 | 2.8 | 3.6 |
| 247 | No | No | 08 | MED | Signs & Symptoms of Musculoskeletal System & Conn Tissue. | 0.5934 | 2.6 | 3.3 |
| 248 | No | No | 08 | MED | Tendonitis, Myositis & Bursitis | 0.8876 | 3.8 | 4.8 |
| 249 | No | No | 08 | MED | Aftercare, Musculoskeletal System & Connective Tissue. | 0.7506 | 2.8 | 4.0 |
| 250 | Yes | No | 08 | MED | Fx, Sprn, Strn & Disl of Forearm, Hand, Foot Age >17 w CC. | 0.7230 | 3.2 | 3.9 |
| 251 | Yes | No | 08 | MED | Fx, Sprn, Strn & Disl of Forearm, Hand, Foot Age >17 w/o CC. | 0.5122 | 2.3 | 2.8 |
| 252 | No | No | 08 | MED * | Fx, Sprn, Strn & Disl of Forearm, Hand, Foot Age 0–17. | 0.2600 | | |
| 253 | Yes | No | 08 | MED | Fx, Sprn, Strn & Disl of Uparm,Lowleg Ex Foot Age >17 w CC. | 0.8180 | 3.8 | 4.6 |
| 254 | Yes | No | 08 | MED | Fx, Sprn, Strn & Disl of Uparm,Lowleg Ex Foot Age >17 w/o CC. | 0.4978 | 2.6 | 3.1 |
| 255 | No | No | 08 | MED * | Fx, Sprn, Strn & Disl of Uparm,Lowleg Ex Foot Age 0–17. | 0.3028 | | |
| 256 | Yes | No | 08 | MED | Other Musculoskeletal System & Connective Tissue Diagnoses. | 0.8714 | 3.9 | 5.0 |
| 257 | No | No | 09 | SURG | Total Mastectomy For Malignancy w CC | 0.9123 | 2.0 | 2.6 |
| 258 | No | No | 09 | SURG | Total Mastectomy For Malignancy w/o CC. | 0.7130 | 1.5 | 1.7 |
| 259 | No | No | 09 | SURG | Subtotal Mastectomy For Malignancy w CC. | 1.0060 | 1.8 | 2.8 |
| 260 | No | No | 09 | SURG | Subtotal Mastectomy For Malignancy w/o CC. | 0.6819 | 1.2 | 1.4 |
| 261 | No | No | 09 | SURG | Breast Proc for Non-Malignancy Except Biopsy & Local Excision. | 0.9535 | 1.6 | 2.2 |
| 262 | No | No | 09 | SURG | Breast Biopsy & Local Excision for Non-Malignancy. | 0.9621 | 3.3 | 4.7 |
| 263 | Yes | No | 09 | SURG | Skin Graft &/or Debrid for Skn Ulcer or Cellulitis w CC. | 2.1230 | 8.3 | 11.1 |
| 264 | Yes | No | 09 | SURG | Skin Graft &/or Debrid for Skn Ulcer or Cellulitis w/o CC. | 1.0980 | 4.9 | 6.4 |
| 265 | Yes | No | 09 | SURG | Skin Graft &/or Debrid Except for Skin Ulcer or Cellulitis w CC. | 1.6951 | 4.2 | 6.7 |
| 266 | Yes | No | 09 | SURG | Skin Graft &/or Debrid Except for Skin Ulcer or Cellulitis w/o CC. | 0.9136 | 2.3 | 3.0 |
| 267 | No | No | 09 | SURG | Perianal & Pilonidal Procedures | 0.9444 | 2.9 | 4.2 |
| 268 | No | No | 09 | SURG | Skin, Subcutaneous Tissue & Breast Plastic Procedures. | 1.2219 | 2.4 | 3.6 |
| 269 | Yes | No | 09 | SURG | Other Skin, Subcut Tiss & Breast Proc w CC. | 1.7920 | 6.0 | 8.3 |
| 270 | Yes | No | 09 | SURG | Other Skin, Subcut Tiss & Breast Proc w/o CCc. | 0.8209 | 2.7 | 3.6 |
| 271 | Yes | No | 09 | MED | Skin Ulcers | 1.0763 | 5.6 | 7.1 |
| 272 | Yes | No | 09 | MED | Major Skin Disorders w CC | 1.0356 | 4.5 | 5.9 |
| 273 | Yes | No | 09 | MED | Major Skin Disorders w/o CC | 0.5853 | 2.9 | 3.7 |

TABLE 5.— LIST OF DIAGNOSIS-RELATED GROUPS (DRGS), RELATIVE WEIGHTING FACTORS, AND GEOMETRIC AND ARITHMETIC MEAN LENGTH OF STAY (LOS)—Continued

| DRG | FY 07 final rule post-acute care DRG | FY 07 final rule special pay DRG | MDC | TYPE | DRG title | Weights | Geometric mean LOS | Arithmetic mean LOS |
|---|---|---|---|---|---|---|---|---|
| 274 | No | No | 09 | MED | Malignant Breast Disorders w CC | 1.1315 | 4.5 | 6.2 |
| 275 | No | No | 09 | MED | Malignant Breast Disorders w/o CC | 0.5954 | 2.4 | 3.3 |
| 276 | No | No | 09 | MED | Non-Maligant Breast Disorders | 0.7430 | 3.6 | 4.6 |
| 277 | Yes | No | 09 | MED | Cellulitis Age >17 w CC | 0.8958 | 4.5 | 5.5 |
| 278 | Yes | No | 09 | MED | Cellulitis Age >17 w/o CC | 0.5649 | 3.4 | 4.0 |
| 279 | No | No | 09 | MED * | Cellulitis Age 0–17 | 0.7922 | 4.2 | 4.2 |
| 280 | Yes | No | 09 | MED | Trauma to the Skin, Subcut Tiss & Breast Age >17 w CC. | 0.7716 | 3.2 | 4.0 |
| 281 | Yes | No | 09 | MED | Trauma to the Skin, Subcut Tiss & Breast Age >17 w/o CC. | 0.5207 | 2.3 | 2.8 |
| 282 | No | No | 09 | MED * | Trauma to the Skin, Subcut Tiss & Breast Age 0–17. | 0.2633 | | |
| 283 | Yes | No | 09 | MED | Minor Skin Disorders w CCc | 0.7605 | 3.4 | 4.6 |
| 284 | Yes | No | 09 | MED | Minor Skin Disorders w/o CC | 0.4584 | 2.3 | 2.9 |
| 285 | Yes | No | 10 | SURG | Amputat of Lower Limb For Endocrine,Nutrit,& Metabol Disorders. | 2.1774 | 8.1 | 10.3 |
| 286 | No | No | 10 | SURG | Adrenal & Pituitary Procedures | 1.9098 | 3.8 | 5.2 |
| 287 | Yes | No | 10 | SURG | Skin Grafts & Wound Debrid for Endoc, Nutrit & Metab Disorders. | 1.9507 | 7.6 | 9.9 |
| 288 | No | No | 10 | SURG | O.R. Procedures for Obesity | 1.9130 | 2.9 | 3.7 |
| 289 | No | No | 10 | SURG | Parathyroid Procedures | 0.9245 | 1.6 | 2.4 |
| 290 | No | No | 10 | SURG | Thyroid Procedures | 0.8806 | 1.5 | 2.0 |
| 291 | No | No | 10 | SURG | Thyroglossal Procedures | 0.5849 | 1.3 | 1.5 |
| 292 | Yes | No | 10 | SURG | Other Endocrine, Nutrit & Metab O.R. Proc w CC. | 2.6985 | 7.3 | 10.2 |
| 293 | Yes | No | 10 | SURG | Other Endocrine, Nutrit & Metab O.R. Proc w/o CC. | 1.3912 | 3.5 | 4.8 |
| 294 | Yes | No | 10 | MED | Diabetes Age >35 | 0.7869 | 3.3 | 4.3 |
| 295 | No | No | 10 | MED | Diabetes Age 0–35 | 0.7655 | 2.8 | 3.7 |
| 296 | Yes | No | 10 | MED | Nutritional & Misc Metabolic Disorders Age >17 w CC. | 0.8334 | 3.6 | 4.7 |
| 297 | Yes | No | 10 | MED | Nutritional & Misc Metabolic Disorders Age >17 w/o CC. | 0.5090 | 2.5 | 3.0 |
| 298 | No | No | 10 | MED | Nutritional & Misc Metabolic Disorders Age 0–17. | 0.5753 | 2.5 | 3.5 |
| 299 | No | No | 10 | MED | Inborn Errors of Metabolism | 1.0490 | 3.7 | 5.1 |
| 300 | Yes | No | 10 | MED | Endocrine Disorders w CC | 1.1193 | 4.6 | 5.9 |
| 301 | Yes | No | 10 | MED | Endocrine Disorders w/o CC | 0.6209 | 2.7 | 3.4 |
| 302 | No | No | 11 | SURG | Kidney Transplant | 3.1152 | 6.7 | 7.9 |
| 303 | No | No | 11 | SURG | Kidney And Ureter Procedures for Neoplasm. | 1.9776 | 5.0 | 6.3 |
| 304 | Yes | No | 11 | SURG | Kidney And Ureter Procedures for Non-Neoplasm W CC. | 2.3473 | 5.8 | 8.3 |
| 305 | Yes | No | 11 | SURG | Kidney And Ureter Procedures for Non-Neoplasm W/o CC. | 1.1520 | 2.5 | 3.0 |
| 306 | No | No | 11 | SURG | Prostatectomy w CC | 1.3390 | 3.6 | 5.6 |
| 307 | No | No | 11 | SURG | Prostatectomy w/o CC | 0.6411 | 1.7 | 2.0 |
| 308 | No | No | 11 | SURG | Minor Bladder Procedures w CC | 1.4594 | 3.3 | 5.3 |
| 309 | No | No | 11 | SURG | Minor Bladder Procedures w/o CC | 0.9022 | 1.4 | 1.7 |
| 310 | No | No | 11 | SURG | Transurethral Procedures w CC | 1.2131 | 3.1 | 4.5 |
| 311 | No | No | 11 | SURG | Transurethral Procedures w/o CC | 0.6552 | 1.5 | 1.9 |
| 312 | No | No | 11 | SURG | Urethral Procedures, Age >17 w CC | 1.1767 | 3.3 | 4.9 |
| 313 | No | No | 11 | SURG | Urethral Procedures, Age >17 w/o CC | 0.7465 | 1.8 | 2.4 |
| 314 | No | No | 11 | SURG * | Urethral Procedures, Age 0–17 | 0.5076 | 2.3 | 2.3 |
| 315 | No | No | 11 | SURG | Other Kidney & Urinary Tract O.R. Procedures. | 2.1173 | 3.7 | 6.8 |
| 316 | Yes | No | 11 | MED | Renal Failure | 1.2602 | 4.8 | 6.3 |
| 317 | No | No | 11 | MED | Admit for Renal Dialysis | 0.8067 | 2.4 | 3.5 |
| 318 | No | No | 11 | MED | Kidney & Urinary Tract Neoplasms w CC | 1.2376 | 4.4 | 6.0 |
| 319 | No | No | 11 | MED | Kidney & Urinary Tract Neoplasms w/o CC. | 0.6084 | 1.9 | 2.6 |
| 320 | Yes | No | 11 | MED | Kidney & Urinary Tract Infections Age >17 w CC. | 0.8769 | 4.1 | 5.1 |
| 321 | Yes | No | 11 | MED | Kidney & Urinary Tract Infections Age >17 w/o CC. | 0.5793 | 3.0 | 3.6 |
| 322 | No | No | 11 | MED | Kidney & Urinary Tract Infections Age 0–17. | 0.6160 | 3.1 | 3.6 |

TABLE 5.— LIST OF DIAGNOSIS-RELATED GROUPS (DRGS), RELATIVE WEIGHTING FACTORS, AND GEOMETRIC AND ARITHMETIC MEAN LENGTH OF STAY (LOS)—Continued

| DRG | FY 07 final rule post-acute care DRG | FY 07 final rule special pay DRG | MDC | TYPE | DRG title | Weights | Geometric mean LOS | Arithmetic mean LOS |
|---|---|---|---|---|---|---|---|---|
| 323 | No | No | 11 | MED | Urinary Stones w CC, &/or ESW Lithotripsy. | 0.8259 | 2.3 | 3.1 |
| 324 | No | No | 11 | MED | Urinary Stones w/o CC | 0.5049 | 1.6 | 1.8 |
| 325 | No | No | 11 | MED | Kidney & Urinary Tract Signs & Symptoms Age >17 w CC. | 0.6904 | 2.9 | 3.7 |
| 326 | No | No | 11 | MED | Kidney & Urinary Tract Signs & Symptoms Age >17 w/o CCc. | 0.4544 | 2.1 | 2.6 |
| 327 | No | No | 11 | MED | Kidney & Urinary Tract Signs & Symptoms Age 0–17. | 0.2109 | 1.8 | 2.0 |
| 328 | No | No | 11 | MED | Urethral Stricture Age >17 w CC | 0.7294 | 2.6 | 3.4 |
| 329 | No | No | 11 | MED | Urethral Stricture Age >17 w/o CC | 0.5198 | 1.4 | 1.7 |
| 330 | No | No | 11 | MED * | Urethral Stricture Age 0–17 | 0.3268 | | |
| 331 | Yes | No | 11 | MED | Other Kidney & Urinary Tract Diagnoses Age >17 w CC. | 1.0960 | 4.2 | 5.5 |
| 332 | Yes | No | 11 | MED | Other Kidney & Urinary Tract Diagnoses Age >17 w/o CC. | 0.6255 | 2.4 | 3.1 |
| 333 | No | No | 11 | MED | Other Kidney & Urinary Tract Diagnoses Age 0–17. | 1.0170 | 3.7 | 5.4 |
| 334 | No | No | 12 | SURG | Major Male Pelvic Procedures w CC | 1.4202 | 3.3 | 4.0 |
| 335 | No | No | 12 | SURG | Major Male Pelvic Procedures w/o CC | 1.1174 | 2.2 | 2.5 |
| 336 | No | No | 12 | SURG | Transurethral Prostatectomy w CC | 0.8576 | 2.4 | 3.2 |
| 337 | No | No | 12 | SURG | Transurethral Prostatectomy w/o CC | 0.5877 | 1.6 | 1.8 |
| 338 | No | No | 12 | SURG | Testes Procedures, For Malignancy | 1.3797 | 3.8 | 5.8 |
| 339 | No | No | 12 | SURG | Testes Procedures, Non-Malignancy Age >17. | 1.2553 | 3.3 | 5.2 |
| 340 | No | No | 12 | SURG * | Testes Procedures, Non-Malignancy Age 0–17. | 0.2904 | | |
| 341 | No | No | 12 | SURG | Penis Procedures | 1.3419 | 1.9 | 3.2 |
| 342 | No | No | 12 | SURG | Circumcision Age >17 | 0.8103 | 2.3 | 3.0 |
| 343 | No | No | 12 | SURG * | Circumcision Age 0–17 | 0.1579 | | |
| 344 | No | No | 12 | SURG | Other Male Reproductive System O.R. Procedures for Malignancy. | 1.2124 | 1.7 | 2.7 |
| 345 | No | No | 12 | SURG | Other Male Reproductive System O.R. Proc Except for Malignancy. | 1.2987 | 3.4 | 5.4 |
| 346 | No | No | 12 | MED | Malignancy, Male Reproductive System, w CC. | 1.0716 | 4.5 | 5.9 |
| 347 | No | No | 12 | MED | Malignancy, Male Reproductive System, w/o CC. | 0.5385 | 2.0 | 2.7 |
| 348 | No | No | 12 | MED | Benign Prostatic Hypertrophy w CC | 0.7429 | 3.1 | 4.0 |
| 349 | No | No | 12 | MED | Benign Prostatic Hypertrophy w/o CC | 0.4615 | 2.1 | 2.6 |
| 350 | No | No | 12 | MED | Inflammation of the Male Reproductive System. | 0.7748 | 3.6 | 4.5 |
| 351 | No | No | 12 | MED * | Sterilization, Male | 0.2422 | | |
| 352 | No | No | 12 | MED | Other Male Reproductive System Diagnoses. | 0.7819 | 3.0 | 4.2 |
| 353 | No | No | 13 | SURG | Pelvic Evisceration, Radical Hysterectomy & Radical Vulvectomy. | 1.8192 | 4.5 | 6.0 |
| 354 | No | No | 13 | SURG | Uterine,Adnexa Proc for Non-Ovarian/Adnexal Malig w CC. | 1.4966 | 4.5 | 5.6 |
| 355 | No | No | 13 | SURG | Uterine,Adnexa Proc for Non-Ovarian/Adnexal Malig w/o CC. | 0.9074 | 2.8 | 3.0 |
| 356 | No | No | 13 | SURG | Female Reproductive System Reconstructive Procedures. | 0.7571 | 1.6 | 1.9 |
| 357 | No | No | 13 | SURG | Uterine & Adnexa Proc for Ovarian Or Adnexal Malignancy. | 2.2250 | 6.4 | 8.0 |
| 358 | No | No | 13 | SURG | Uterine & Adnexa Proc for Non-Malignancy w CC. | 1.1418 | 3.1 | 3.9 |
| 359 | No | No | 13 | SURG | Uterine & Adnexa Proc for Non-Malignancy w/o CC. | 0.8053 | 2.1 | 2.3 |
| 360 | No | No | 13 | SURG | Vagina, Cervix & Vulva Procedures | 0.8811 | 2.0 | 2.5 |
| 361 | No | No | 13 | SURG | Laparoscopy & Incisional Tubal Interruption. | 1.0626 | 2.1 | 2.9 |
| 362 | No | No | 13 | SURG * | Endoscopic Tubal Interruption | 0.3096 | 1.4 | 1.4 |
| 363 | No | No | 13 | SURG | D&C, Conization & Radio-Implant, for Malignancy. | 1.1028 | 2.9 | 4.2 |
| 364 | No | No | 13 | SURG | D&C, Conization Except for Malignancy | 0.8936 | 2.7 | 3.8 |
| 365 | No | No | 13 | SURG | Other Female Reproductive System O.R. Procedures. | 2.0508 | 5.3 | 7.9 |

TABLE 5.— LIST OF DIAGNOSIS-RELATED GROUPS (DRGS), RELATIVE WEIGHTING FACTORS, AND GEOMETRIC AND ARITHMETIC MEAN LENGTH OF STAY (LOS)—Continued

| DRG | FY 07 final rule post-acute care DRG | FY 07 final rule special pay DRG | MDC | TYPE | DRG title | Weights | Geometric mean LOS | Arithmetic mean LOS |
|---|---|---|---|---|---|---|---|---|
| 366 | No | No | 13 | MED | Malignancy, Female Reproductive System w CC. | 1.2466 | 4.6 | 6.3 |
| 367 | No | No | 13 | MED | Malignancy, Female Reproductive System w/o CC. | 0.5865 | 2.3 | 3.0 |
| 368 | No | No | 13 | MED | Infections, Female Reproductive System | 1.1697 | 5.0 | 6.4 |
| 369 | No | No | 13 | MED | Menstrual & Other Female Reproductive System Disorders. | 0.6598 | 2.5 | 3.3 |
| 370 | No | No | 14 | SURG | Cesarean Section w CC | 0.9002 | 4.1 | 5.0 |
| 371 | No | No | 14 | SURG | Cesarean Section w/o CC | 0.6565 | 3.1 | 3.4 |
| 372 | No | No | 14 | MED | Vaginal Delivery w Complicating Diagnoses. | 0.5660 | 2.6 | 3.4 |
| 373 | No | No | 14 | MED | Vaginal Delivery w/o Complicating Diagnoses. | 0.3911 | 2.1 | 2.2 |
| 374 | No | No | 14 | SURG | Vaginal Delivery w Sterilization &/or D&C | 0.6505 | 2.4 | 3.0 |
| 375 | No | No | 14 | SURG | Vaginal Delivery w O.R. Proc Except Steril &/or D&C. | 1.1252 | 4.1 | 6.5 |
| 376 | No | No | 14 | MED | Postpartum & Post Abortion Diagnoses w/o O.R. Procedure. | 0.6150 | 2.5 | 3.3 |
| 377 | No | No | 14 | SURG | Postpartum & Post Abortion Diagnoses w O.R. Procedure. | 1.2457 | 3.2 | 4.5 |
| 378 | No | No | 14 | MED | Ectopic Pregnancy | 0.7163 | 1.8 | 2.2 |
| 379 | No | No | 14 | MED | Threatened Abortion | 0.4138 | 2.2 | 3.3 |
| 380 | No | No | 14 | MED | Abortion w/o D&C | 0.4430 | 1.5 | 2.0 |
| 381 | No | No | 14 | SURG | Abortion w D&C, Aspiration Curettage or Hysterotomy. | 0.7070 | 1.7 | 2.5 |
| 382 | No | No | 14 | MED | False Labor | 0.1817 | 1.3 | 1.5 |
| 383 | No | No | 14 | MED | Other Antepartum Diagnoses w Medical Complications. | 0.5103 | 2.6 | 3.7 |
| 384 | No | No | 14 | MED | Other Antepartum Diagnoses w/o Medical Complications. | 0.3790 | 1.7 | 2.6 |
| 385 | No | No | 15 | MED * | Neonates, Died or Transferred to Another Acute Care Facility. | 1.4107 | | |
| 386 | No | No | 15 | MED * | Extreme Immaturity or Respiratory Distress Syndrome, Neonate. | 4.6519 | | |
| 387 | No | No | 15 | MED * | Prematurity w Major Problems | 3.1771 | | |
| 388 | No | No | 15 | MED * | Prematurity w/o Major Problems | 1.9170 | | |
| 389 | No | No | 15 | MED * | Full Term Neonate w Major Problems | 3.2636 | 4.7 | 4.7 |
| 390 | No | No | 15 | MED * | Neonate w Other Significant Problems | 1.1551 | | |
| 391 | No | No | 15 | MED * | Normal Newborn | 0.1564 | | |
| 392 | No | No | 16 | SURG | Splenectomy Age >17 | 3.0202 | 6.3 | 8.9 |
| 393 | No | No | 16 | SURG * | Splenectomy Age 0–17 | 1.3819 | | |
| 394 | No | No | 16 | SURG | Other O.R. Procedures of the Blood and Blood Forming Organs. | 1.9299 | 4.5 | 7.3 |
| 395 | Yes | No | 16 | MED | Red Blood Cell Disorders Age >17 | 0.7992 | 3.1 | 4.1 |
| 396 | No | No | 16 | MED | Red Blood Cell Disorders Age 0–17 | 0.6654 | 2.6 | 3.1 |
| 397 | No | No | 16 | MED | Coagulation Disorders | 1.3267 | 3.7 | 5.1 |
| 398 | Yes | No | 16 | MED | Reticuloendothelial & Immunity Disorders w CC. | 1.1269 | 4.1 | 5.5 |
| 399 | Yes | No | 16 | MED | Reticuloendothelial & Immunity Disorders w/o CC. | 0.6720 | 2.6 | 3.2 |
| 400 | No | No | 17 | SURG | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 401 | Yes | No | 17 | SURG | Lymphoma & Non-Acute Leukemia w Other O.R. Proc w CC. | 2.9652 | 8.1 | 11.3 |
| 402 | Yes | No | 17 | SURG | Lymphoma & Non-Acute Leukemia w Other O.R. Proc w/o CC. | 1.1612 | 2.8 | 3.9 |
| 403 | Yes | No | 17 | MED | Lymphoma & Non-Acute Leukemia w CC | 1.8625 | 5.7 | 8.0 |
| 404 | Yes | No | 17 | MED | Lymphoma & Non-Acute Leukemia w/o CC. | 0.9224 | 3.0 | 4.1 |
| 405 | No | No | 17 | MED * | Acute Leukemia w/o Major O.R. Procedure Age 0–17. | 1.9592 | | |
| 406 | No | No | 17 | SURG | Myeloprolif Disord or Poorly Diff Neopl w Maj O.R.Proc w CC. | 2.7201 | 6.7 | 9.4 |
| 407 | No | No | 17 | SURG | Myeloprolif Disord or Poorly Diff Neopl w Maj O.R.Proc w/o CC. | 1.1545 | 2.8 | 3.5 |
| 408 | No | No | 17 | SURG | Myeloprolif Disord or Poorly Diff Neopl w Other O.R.Proc. | 2.1651 | 5.1 | 8.2 |
| 409 | No | No | 17 | MED | Radiotherapy | 1.2948 | 4.5 | 6.0 |

TABLE 5.— LIST OF DIAGNOSIS-RELATED GROUPS (DRGS), RELATIVE WEIGHTING FACTORS, AND GEOMETRIC AND ARITHMETIC MEAN LENGTH OF STAY (LOS)—Continued

| DRG | FY 07 final rule post-acute care DRG | FY 07 final rule special pay DRG | MDC | TYPE | DRG title | Weights | Geometric mean LOS | Arithmetic mean LOS |
|---|---|---|---|---|---|---|---|---|
| 410 | No | No | 17 | MED | Chemotherapy w/o Acute Leukemia as Secondary Diagnosis. | 1.0908 | 2.9 | 3.8 |
| 411 | No | No | 17 | MED * | History of Malignancy w/o Endoscopy | 0.3681 | 4.7 | 4.7 |
| 412 | No | No | 17 | MED * | History of Malignancy w Endoscopy | 0.8559 | 2.0 | 2.0 |
| 413 | No | No | 17 | MED | Other Myeloprolif Dis or Poorly Diff Neopl Diag w CC. | 1.3347 | 5.0 | 6.7 |
| 414 | No | No | 17 | MED | Other Myeloprolif Dis or Poorly Diff Neopl Diag w/o CC. | 0.7678 | 3.0 | 4.1 |
| 415 | No | No | 18 | SURG | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 416 | No | No | 18 | MED | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 417 | No | No | 18 | MED | Septicemia Age 0–17 | 1.8841 | 5.2 | 6.5 |
| 418 | Yes | No | 18 | MED | Postoperative & Post-Traumatic Infections. | 1.0993 | 4.7 | 6.1 |
| 419 | No | No | 18 | MED | Fever of Unknown Origin Age >17 w CC | 0.8614 | 3.4 | 4.4 |
| 420 | No | No | 18 | MED | Fever of Unknown Origin Age >17 w/o CC. | 0.5957 | 2.6 | 3.2 |
| 421 | No | No | 18 | MED | Viral Illness Age >17 | 0.7747 | 3.1 | 4.0 |
| 422 | No | No | 18 | MED | Viral Illness & Fever of Unknown Origin Age 0–17. | 0.6176 | 2.6 | 3.7 |
| 423 | Yes | No | 18 | MED | Other Infectious & Parasitic Diseases Diagnoses. | 1.8379 | 6.0 | 8.2 |
| 424 | No | No | 19 | SURG | O.R. Procedure w Principal Diagnoses of Mental Illness. | 2.2487 | 7.4 | 11.5 |
| 425 | No | No | 19 | MED | Acute Adjustment Reaction & Psychosocial Dysfunction. | 0.6299 | 2.6 | 3.5 |
| 426 | No | No | 19 | MED | Depressive Neuroses | 0.5122 | 3.1 | 4.3 |
| 427 | No | No | 19 | MED | Neuroses Except Depressive | 0.5580 | 3.1 | 4.6 |
| 428 | No | No | 19 | MED | Disorders of Personality & Impulse Control. | 0.7797 | 4.5 | 7.3 |
| 429 | Yes | No | 19 | MED | Organic Disturbances & Mental Retardation. | 0.8388 | 4.3 | 5.6 |
| 430 | Yes | No | 19 | MED | Psychoses | 0.7261 | 5.8 | 7.9 |
| 431 | No | No | 19 | MED | Childhood Mental Disorders | 0.6729 | 4.2 | 6.7 |
| 432 | No | No | 19 | MED | Other Mental Disorder Diagnoses | 0.6611 | 2.7 | 4.0 |
| 433 | No | No | 20 | MED | Alcohol/Drug Abuse or Dependence, Left AMA. | 0.3284 | 2.1 | 2.8 |
| 434 | No | No | 20 | MED | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 435 | No | No | 20 | MED | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 436 | No | No | 20 | MED | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 437 | No | No | 20 | MED | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 438 | No | No | 20 | MED | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 439 | No | No | 21 | SURG | Skin Grafts For Injuries | 1.9071 | 5.4 | 8.3 |
| 440 | Yes | No | 21 | SURG | Wound Debridements For Injuries | 1.9291 | 5.6 | 8.5 |
| 441 | No | No | 21 | SURG | Hand Procedures For Injuries | 0.9920 | 2.3 | 3.4 |
| 442 | Yes | No | 21 | SURG | Other O.R. Procedures For Injuries w CC | 2.5533 | 6.0 | 8.9 |
| 443 | Yes | No | 21 | SURG | Other O.R. Procedures For Injuries w/o CC. | 1.0498 | 2.7 | 3.5 |
| 444 | Yes | No | 21 | MED | Traumatic Injury Age >17 w CC | 0.7795 | 3.2 | 4.1 |
| 445 | Yes | No | 21 | MED | Traumatic Injury Age >17 w/o CC | 0.5301 | 2.3 | 2.8 |
| 446 | No | No | 21 | MED * | Traumatic Injury Age 0–17 | 0.3037 | | |
| 447 | No | No | 21 | MED | Allergic Reactions Age >17 | 0.5738 | 1.9 | 2.6 |
| 448 | No | No | 21 | MED * | Allergic Reactions Age 0–17 | 0.1000 | | |
| 449 | No | No | 21 | MED | Poisoning & Toxic Effects of Drugs Age >17 w CC. | 0.8732 | 2.7 | 3.7 |
| 450 | No | No | 21 | MED | Poisoning & Toxic Effects of Drugs Age >17 w/o CC. | 0.4420 | 1.6 | 2.0 |
| 451 | No | No | 21 | MED * | Poisoning & Toxic Effects of Drugs Age 0–17. | 0.2697 | 2.1 | 2.1 |
| 452 | No | No | 21 | MED | Complications of Treatment w CC | 1.0686 | 3.5 | 5.0 |
| 453 | No | No | 21 | MED | Complications of Treatment w/o CC | 0.5297 | 2.2 | 2.8 |
| 454 | No | No | 21 | MED | Other Injury, Poisoning & Toxic Effect Diag w CC. | 0.8616 | 3.0 | 4.1 |
| 455 | No | No | 21 | MED | Other Injury, Poisoning & Toxic Effect Diag w/o CC. | 0.4864 | 1.8 | 2.3 |
| 456 | No | No | 22 | MED | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 457 | No | No | 22 | MED | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 458 | No | No | 22 | SURG | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 459 | No | No | 22 | SURG | No Longer Valid | 0.0000 | 0.0 | 0.0 |

TABLE 5.— LIST OF DIAGNOSIS-RELATED GROUPS (DRGS), RELATIVE WEIGHTING FACTORS, AND GEOMETRIC AND ARITHMETIC MEAN LENGTH OF STAY (LOS)—Continued

| DRG | FY 07 final rule post-acute care DRG | FY 07 final rule special pay DRG | MDC | TYPE | DRG title | Weights | Geometric mean LOS | Arithmetic mean LOS |
|---|---|---|---|---|---|---|---|---|
| 460 | No | No | 22 | MED | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 461 | No | No | 23 | SURG | O.R. Proc w Diagnoses of Other Contact w Health Services. | 1.5707 | 3.3 | 5.6 |
| 462 | Yes | No | 23 | MED | Rehabilitation | 0.9460 | 8.4 | 10.0 |
| 463 | Yes | No | 23 | MED | Signs & Symptoms w CC | 0.7158 | 3.1 | 3.9 |
| 464 | Yes | No | 23 | MED | Signs & Symptoms w/o CC | 0.5271 | 2.4 | 2.9 |
| 465 | No | No | 23 | MED | Aftercare w History Of Malignancy As Secondary Diagnosis. | 0.5954 | 2.4 | 3.5 |
| 466 | No | No | 23 | MED | Aftercare w/o History of Malignancy as Secondary Diagnosis. | 0.7634 | 2.7 | 4.9 |
| 467 | No | No | 23 | MED | Other Factors Influencing Health Status | 0.4759 | 1.9 | 2.7 |
| 468 | Yes | No | | SURG | Extensive O.R. Procedure Unrelated to Principal Diagnosis. | 3.9925 | 9.6 | 13.0 |
| 469 | No | No | | ** | Principal Diagnosis Invalid as Discharge Diagnosis. | 0.0000 | 0.0 | 0.0 |
| 470 | No | No | | ** | Ungroupable | 0.0000 | 0.0 | 0.0 |
| 471 | Yes | Yes | 08 | SURG | Bilateral or Multiple Major Joint Procs of Lower Extremity. | 3.0424 | 4.1 | 4.6 |
| 472 | No | No | 22 | SURG | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 473 | No | No | 17 | MED | Acute Leukemia w/o Major O.R. Procedure Age >17. | 3.3623 | 7.3 | 12.7 |
| 474 | No | No | 04 | SURG | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 475 | No | No | 04 | MED | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 476 | No | No | | SURG | Prostatic O.R. Procedure Unrelated to Principal Diagnosis. | 2.1654 | 6.9 | 9.9 |
| 477 | Yes | No | | SURG | Non-Extensive O.R. Procedure Unrelated to Principal Diagnosis. | 2.0910 | 5.9 | 8.7 |
| 478 | No | No | 05 | SURG | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 479 | No | No | 05 | SURG | Other Vascular Procedures w/o CC | 1.4401 | 1.9 | 2.6 |
| 480 | No | No | PRE | SURG | Liver Transplant &/or Intestinal Transplant. | 9.4096 | 14.0 | 19.1 |
| 481 | No | No | PRE | SURG | Bone Marrow Transplant | 6.3929 | 18.7 | 22.0 |
| 482 | Yes | No | PRE | SURG | Tracheostomy for Face, Mouth & Neck Diagnoses. | 3.3490 | 9.4 | 11.8 |
| 483 | No | No | PRE | SURG | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 484 | No | No | 24 | SURG | Craniotomy For Multiple Significant Trauma. | 5.0967 | 8.5 | 12.8 |
| 485 | Yes | No | 24 | SURG | Limb Reattachment, Hip And Femur Proc for Multiple Significant Trauma. | 3.5048 | 8.1 | 10.0 |
| 486 | No | No | 24 | SURG | Other O.R. Procedures for Multiple Significant Trauma. | 4.8346 | 8.5 | 12.3 |
| 487 | Yes | No | 24 | MED | Other Multiple Significant Trauma | 1.8930 | 5.2 | 7.0 |
| 488 | No | No | 25 | SURG | HIV w Extensive O.R. Procedure | 5.1298 | 12.2 | 17.7 |
| 489 | No | No | 25 | MED | HIV w Major Related Condition | 1.7921 | 5.8 | 8.2 |
| 490 | No | No | 25 | MED | HIV w or w/o Other Related Condition | 1.0408 | 3.9 | 5.3 |
| 491 | No | No | 08 | SURG | Major Joint & Limb Reattachment Procedures of Upper Extremity. | 1.7203 | 2.5 | 3.0 |
| 492 | No | No | 17 | MED | Chemotherapy w Acute Leukemia or w Use of Hi Dose Chemoagent. | 3.4892 | 8.9 | 13.8 |
| 493 | No | No | 07 | SURG | Laparoscopic Cholecystectomy w/o C.D.E. w CC. | 1.8280 | 4.6 | 6.0 |
| 494 | No | No | 07 | SURG | Laparoscopic Cholecystectomy w/o C.D.E. w/o CC. | 1.0320 | 2.1 | 2.7 |
| 495 | No | No | PRE | SURG | Lung Transplant | 8.4182 | 14.2 | 17.3 |
| 496 | No | No | 08 | SURG | Combined Anterior/Posterior Spinal Fusion. | 6.3782 | 6.4 | 8.8 |
| 497 | Yes | Yes | 08 | SURG | Spinal Fusion Except Cervical w CC | 3.8192 | 4.8 | 5.7 |
| 498 | Yes | Yes | 08 | SURG | Spinal Fusion Except Cervical w/o CC | 2.9896 | 3.3 | 3.7 |
| 499 | No | No | 08 | SURG | Back & Neck Procedures Except Spinal Fusion w CC. | 1.3887 | 3.0 | 4.2 |
| 500 | No | No | 08 | SURG | Back & Neck Procedures Except Spinal Fusion w/o CC. | 0.9223 | 1.8 | 2.2 |
| 501 | Yes | No | 08 | SURG | Knee Procedures w PDX of Infection w CC. | 2.6427 | 8.4 | 10.4 |
| 502 | Yes | No | 08 | SURG | Knee Procedures w PDX of Infection w/o CC. | 1.4274 | 4.9 | 5.8 |
| 503 | No | No | 08 | SURG | Knee Procedures w/o PDX of Infection | 1.2450 | 3.1 | 3.9 |

TABLE 5.— LIST OF DIAGNOSIS-RELATED GROUPS (DRGS), RELATIVE WEIGHTING FACTORS, AND GEOMETRIC AND ARITHMETIC MEAN LENGTH OF STAY (LOS)—Continued

| DRG | FY 07 final rule post-acute care DRG | FY 07 final rule special pay DRG | MDC | TYPE | DRG title | Weights | Geometric mean LOS | Arithmetic mean LOS |
|---|---|---|---|---|---|---|---|---|
| 504 | No | No | 22 | SURG | Exten. Burns or Full Thickness Burn w/ MV 96+Hrs w/Skin Gft. | 11.2524 | 20.7 | 28.0 |
| 505 | No | No | 22 | MED | Exten. Burns Or Full Thickness Burn w/ MV 96+Hrs w/o Skin Gft. | 2.6330 | 2.8 | 6.9 |
| 506 | No | No | 22 | SURG | Full Thickness Burn w Skin Graft or Inhal Inj w CC or Sig Trauma. | 3.7856 | 10.8 | 15.2 |
| 507 | No | No | 22 | SURG | Full Thickness Burn w Skin Grft or Inhal Inj w/o CC or Sig Trauma. | 1.9328 | 5.4 | 7.7 |
| 508 | No | No | 22 | MED | Full Thickness Burn w/o Skin Grft or Inhal Inj w CC or Sig Trauma. | 1.4157 | 5.3 | 7.4 |
| 509 | No | No | 22 | MED | Full Thickness Burn w/o Skin Grft Or Inh Inj w/o CC or Sig Trauma. | 0.8347 | 3.7 | 5.3 |
| 510 | No | No | 22 | MED | Non-Extensive Burns w CC or Significant Trauma. | 1.2477 | 4.1 | 6.1 |
| 511 | No | No | 22 | MED | Non-Extensive Burns w/o CC or Significant Trauma. | 0.6819 | 2.6 | 3.6 |
| 512 | No | No | PRE | SURG | Simultaneous Pancreas/Kidney Transplant. | 6.2588 | 11.1 | 13.6 |
| 513 | No | No | PRE | SURG | Pancreas Transplant | 3.9771 | 8.9 | 10.6 |
| 514 | No | No | 05 | SURG | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 515 | No | No | 05 | SURG | Cardiac Defibrillator Implant w/o Cardiac Cath. | 5.2293 | 2.2 | 3.8 |
| 516 | No | No | 05 | SURG | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 517 | No | No | 05 | SURG | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 518 | No | No | 05 | SURG | Perc Cardio Proc w/o Coronary Artery Stent or AMI. | 1.6388 | 1.8 | 2.5 |
| 519 | No | No | 08 | SURG | Cervical Spinal Fusion w CC | 2.5439 | 2.9 | 4.7 |
| 520 | No | No | 08 | SURG | Cervical Spinal Fusion w/o CC | 1.7569 | 1.6 | 1.9 |
| 521 | Yes | No | 20 | MED | Alcohol/Drug Abuse or Dependence w CC. | 0.7338 | 4.0 | 5.3 |
| 522 | Yes | No | 20 | MED | Alc/Drug Abuse or Depend w Rehabilitation Therapy w/o CC. | 0.5993 | 8.0 | 10.4 |
| 523 | No | No | 20 | MED | Alc/Drug Abuse or Depend w/o Rehabilitation Therapy w/o CC. | 0.4196 | 3.1 | 3.8 |
| 524 | No | No | 01 | MED | Transient Ischemia | 0.7373 | 2.6 | 3.1 |
| 525 | No | No | 05 | SURG | Other Heart Assist System Implant 1 | 2.2268 | 7.7 | 14.3 |
| 526 | No | No | 05 | SURG | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 527 | No | No | 05 | SURG | No Longer Valid | 0.0000 | 0.0 | 0.0 |
| 528 | No | No | 01 | SURG | Intracranial Vascular Proc w PDX Hemorrhage. | 7.0626 | 13.3 | 16.4 |
| 529 | Yes | No | 01 | SURG | Ventricular Shunt Procedures w CC | 2.1737 | 4.6 | 7.4 |
| 530 | Yes | No | 01 | SURG | Ventricular Shunt Procedures w/o CC | 1.2186 | 2.3 | 2.9 |
| 531 | Yes | No | 01 | SURG | Spinal Procedures w CC | 3.1169 | 6.4 | 9.3 |
| 532 | Yes | No | 01 | SURG | Spinal Procedures w/o CC | 1.4577 | 2.8 | 3.7 |
| 533 | No | No | 01 | SURG | Extracranial Procedures w CC | 1.5463 | 2.4 | 3.7 |
| 534 | No | No | 01 | SURG | Extracranial Procedures w/o CC | 0.9926 | 1.4 | 1.7 |
| 535 | No | No | 05 | SURG | Cardiac Defib Implant w Cardiac Cath w AMI/HF/Shock. | 7.3741 | 6.9 | 9.3 |
| 536 | No | No | 05 | SURG | Cardiac Defib Implant w Cardiac Cath w/o AMI/HF/Shock. | 6.6043 | 5.5 | 7.3 |
| 537 | Yes | No | 08 | SURG | Local Excis & Remov of Int Fix Dev Except Hip & Femur w CC. | 1.8360 | 4.7 | 6.6 |
| 538 | Yes | No | 08 | SURG | Local Excis & Remov of Int Fix Dev Except Hip & Femur w/o CC. | 1.0282 | 2.2 | 2.9 |
| 539 | No | No | 17 | SURG | Lymphoma & Leukemia w Major or Procedure w CC. | 3.1907 | 6.8 | 10.6 |
| 540 | No | No | 17 | SURG | Lymphoma & Leukemia w Major or Procedure w/o CC. | 1.1759 | 2.6 | 3.5 |
| 541 | Yes | No | PRE | SURG | Ecmo or Trach w MV 96+Hrs or PDX Exc Face, Mouth & Neck w Maj O.R.. | 19.2551 | 37.0 | 44.3 |
| 542 | Yes | No | PRE | SURG | Trach w MV 96+Hrs or PDX Exc Face, Mouth & Neck w/o Maj O.R.. | 11.6440 | 27.2 | 32.6 |
| 543 | Yes | No | 01 | SURG | Craniotomy w Major Device Implant or Acute Complex CNS Principal Diagnosis. | 4.3557 | 7.9 | 11.6 |
| 544 | Yes | No | 08 | SURG | Major Joint Replacement or Reattachment of Lower Extremity. | 1.9878 | 4.0 | 4.4 |
| 545 | Yes | Yes | 08 | SURG | Revision of Hip or Knee Replacement | 2.5337 | 4.4 | 5.2 |

TABLE 5.— LIST OF DIAGNOSIS-RELATED GROUPS (DRGS), RELATIVE WEIGHTING FACTORS, AND GEOMETRIC AND ARITHMETIC MEAN LENGTH OF STAY (LOS)—Continued

| DRG | FY 07 final rule post-acute care DRG | FY 07 final rule special pay DRG | MDC | TYPE | DRG title | Weights | Geometric mean LOS | Arithmetic mean LOS |
|---|---|---|---|---|---|---|---|---|
| 546 | No | No | 08 | SURG | Spinal Fusion Exc Cerv with Curvature of the Spine or Malig. | 5.3812 | 7.0 | 8.8 |
| 547 | Yes | No | 05 | SURG | Coronary Bypass w Cardiac Cath w Major CV Dx. | 6.1390 | 10.9 | 12.4 |
| 548 | Yes | No | 05 | SURG | Coronary Bypass w Cardiac Cath w/o Major CV Dx. | 4.6440 | 8.1 | 8.9 |
| 549 | Yes | Yes | 05 | SURG | Coronary Bypass w/o Cardiac Cath w Major CV Dx. | 5.0246 | 8.6 | 10.2 |
| 550 | Yes | Yes | 05 | SURG | Coronary Bypass w/o Cardiac Cath w/o Major CV Dx. | 3.5904 | 6.2 | 6.8 |
| 551 | No | No | 05 | SURG | Permanent Cardiac Pacemaker Impl w Maj CV Dx or Aicd Lead or Gnrtr. | 3.0364 | 4.2 | 6.1 |
| 552 | No | No | 05 | SURG | Other Permanent Cardiac Pacemaker Implant w/o Major CV Dx. | 2.0860 | 2.5 | 3.5 |
| 553 | Yes | No | 05 | SURG | Other Vascular Procedures w CC w Major CV Dx. | 3.0124 | 6.2 | 9.2 |
| 554 | Yes | No | 05 | SURG | Other Vascular Procedures w CC w/o Major CV Dx. | 2.0773 | 3.7 | 5.6 |
| 555 | No | No | 05 | SURG | Percutaneous Cardiovascular Proc w Major CV Dx. | 2.3066 | 3.4 | 4.8 |
| 556 | No | No | 05 | SURG | Percutaneous Cardiovasc Proc w Non-Drug-Eluting Stent w/o Maj Cv Dx. | 1.7747 | 1.6 | 2.0 |
| 557 | No | No | 05 | SURG | Percutaneous Cardiovascular Proc w Drug-Eluting Stent w Major Cv Dx. | 2.7616 | 3.0 | 4.1 |
| 558 | No | No | 05 | SURG | Percutaneous Cardiovascular Proc w Drug-Eluting Stent w/o Maj Cv Dx. | 2.0814 | 1.5 | 1.8 |
| 559 | No | No | 01 | MED | Acute Ischemic Stroke With Use of Thrombolytic Agent. | 2.2524 | 5.4 | 6.9 |
| 560 | No | No | 01 | MED | Bacterial & Tuberculous Infections of Nervous System. | 2.9066 | 8.2 | 10.6 |
| 561 | No | No | 01 | MED | Non-Bacterial Infections of Nervous System Except Viral Meningitis. | 2.2187 | 7.4 | 9.5 |
| 562 | Yes | No | 01 | MED | Seizure Age > 17 w CC | 1.0586 | 3.7 | 4.9 |
| 563 | Yes | No | 01 | MED | Seizure Age > 17 w/o CC | 0.6440 | 2.6 | 3.2 |
| 564 | No | No | 01 | MED | Headaches Age >17 | 0.6931 | 2.6 | 3.4 |
| 565 | Yes | No | 04 | MED | Respiratory System Diagnosis with Ventilator Support 96+ Hours. | 5.2430 | 13.4 | 15.8 |
| 566 | Yes | No | 04 | MED | Respiratory System Diagnosis with Ventilator Support < 96 Hours. | 2.3355 | 5.6 | 7.8 |
| 567 | Yes | No | 06 | SURG | Stomach, Esophageal & Duodenal Proc Age > 17 w CC w Major GI Dx. | 5.2210 | 12.7 | 16.0 |
| 568 | Yes | No | 06 | SURG | Stomach, Esophageal & Duodenal Procedures Proc Age > 17 w CC w/o Major GI Dx. | 3.3666 | 8.3 | 11.5 |
| 569 | Yes | No | 06 | SURG | Major Small & Large Bowel Procedures w CC w Major GI Dx. | 4.3427 | 11.9 | 14.6 |
| 570 | Yes | No | 06 | SURG | Major Small & Large Bowel Procedures w CC w/o Major GI Dx. | 2.6997 | 8.4 | 10.1 |
| 571 | No | No | 06 | MED | Major Esophageal Disorders | 1.1109 | 3.8 | 4.8 |
| 572 | Yes | No | 08 | MED | Major Gastrointestinal Disorders And Peritoneal Infections. | 1.3378 | 5.6 | 7.1 |
| 573 | Yes | No | 11 | SURG | Major Bladder Procedures | 3.3489 | 9.1 | 11.1 |
| 574 | No | No | 16 | MED | Major Hematologic/Immunologic Diag Exc Sickle Cell Crisis & Coagul. | 1.2703 | 4.3 | 5.7 |
| 575 | Yes | No | 18 | MED | Septicemia w MV96+ Hours Age >17 | 5.9714 | 13.2 | 16.0 |
| 576 | Yes | No | 18 | MED | Septicemia w/o MV96+ Hours Age >17 | 1.5996 | 5.5 | 7.3 |
| 577 | No | No | 01 | SURG | Carotid Artery Stent Procedure | 1.7859 | 1.6 | 2.3 |
| 578 | Yes | No | 18 | SURG | Infectious & Parasitic Diseases w O.R. Procedure. | 4.8650 | 12.7 | 16.6 |
| 579 | Yes | No | 18 | SURG | Postoperative O.R. Post-Traumatic Infections w O.R. Procedure. | 2.8408 | 8.4 | 11.5 |

DRGs 469 and 470 contain cases which could not be assigned to valid drgs.
**Note:** Arithmetic mean is presented for informational purposes only.
**Note:** Geometric mean is used only to determine payment for transfer cases.
**Note:** Relative weights are based on Medicare patient data and may not be appropriate for other patients.

It is important to note that in some cases this Table reflects withdrawal or termination decisions CMS has made on a hospital's behalf. For example, if CMS withdrew or terminated a hospital's reclassification(s) or redesignation on the hospital's behalf, such hospital would not be shown on this Table. Requests to reverse a decision made on behalf of a hospital by CMS and to choose another wage index, reclassification, or adjustment for which the hospital is otherwise eligible must be *received* by CMS no later than 5 p.m., e.s.t., with a copy sent to the MGCRB, by October 30, 2006 (30 days from the date that information appears on the CMS Web site at *http://www.cms.hhs.gov/AcuteInpatientPPS/WIFN/list.asp*.)

TABLE 9A.—HOSPITAL RECLASSIFICATIONS AND REDESIGNATIONS BY INDIVIDUAL HOSPITALS AND CBSA FOR FY 2007

| Provider No. | Geographic CBSA | Reclassified CBSA 10/1/2006–3/31/2007 | Reclassified CBSA 4/1/2007–9/30/2007 | LUGAR |
|---|---|---|---|---|
| 010005 | 01 | 13820 | 13820 | |
| 010008 | 01 | 33860 | 33860 | |
| 010009 | 19460 | 26620 | 26620 | |
| 010012 | 01 | 16860 | 16860 | |
| 010022 | 01 | 40660 | 40660 | LUGAR |
| 010025 | 01 | 17980 | 17980 | |
| 010029 | 12220 | 17980 | 17980 | |
| 010035 | 01 | 13820 | 13820 | |
| 010044 | 01 | 13820 | 13820 | |
| 010045 | 01 | 13820 | 13820 | |
| 010054 | 19460 | 26620 | 26620 | |
| 010059 | 19460 | 26620 | 26620 | |
| 010065 | 01 | 33860 | 33860 | |
| 010072 | 01 | 11500 | 11500 | LUGAR |
| 010083 | 01 | 37860 | 37860 | |
| 010085 | 19460 | 26620 | 26620 | |
| 010100 | 01 | 37860 | 37860 | |
| 010101 | 01 | 11500 | 11500 | LUGAR |
| 010118 | 01 | 46220 | 46220 | |
| 010126 | 01 | 33860 | 33860 | |
| 010143 | 01 | 13820 | 13820 | |
| 010150 | 01 | ..... | 33860 | |
| 010158 | 01 | 19460 | 19460 | |
| 010164 | 01 | 11500 | 11500 | LUGAR |
| 020008 | 02 | ..... | 11260 | |
| 030007 | 03 | 22380 | 22380 | |
| 030033 | 03 | 22380 | 22380 | |
| 040014 | 04 | 30780 | 30780 | |
| 040017 | 04 | 22220 | 22220 | |
| 040019 | 04 | 32820 | 32820 | |
| 040020 | 27860 | 32820 | 32820 | |
| 040027 | 04 | 44180 | 44180 | |
| 040039 | 04 | 26 | 26 | |
| 040041 | 04 | 30780 | 30780 | |
| 040047 | 04 | 26 | 26 | |
| 040069 | 04 | 32820 | 32820 | |
| 040071 | 38220 | 30780 | 30780 | |
| 040076 | 04 | 30780 | 30780 | |
| 040078 | 26300 | 30780 | 30780 | |
| 040080 | 04 | 27860 | 27860 | |
| 040088 | 04 | 43340 | 43340 | |
| 040091 | 04 | 45500 | 45500 | |
| 040100 | 04 | 30780 | 30780 | |
| 040119 | 04 | 30780 | 30780 | |
| 050006 | 05 | 39820 | 39820 | |
| 050009 | 34900 | 46700 | 46700 | |
| 050013 | 34900 | 46700 | 46700 | |
| 050014 | 05 | 40900 | 40900 | |
| 050022 | 40140 | 42044 | 42044 | |
| 050042 | 05 | 39820 | 39820 | |
| 050046 | 37100 | ..... | 31084 | |
| 050054 | 40140 | 42044 | 42044 | |
| 050065 | 42044 | 31084 | 31084 | |
| 050069 | 42044 | 31084 | 31084 | |
| 050071 | 41940 | 36084 | 36084 | |
| 050073 | 46700 | 36084 | 36084 | |
| 050076 | 41884 | 36084 | 36084 | |
| 050082 | 37100 | ..... | 31084 | |
| 050089 | 40140 | 31084 | 31084 | |
| 050090 | 42220 | 41884 | 41884 | |
| 050099 | 40140 | 31084 | 31084 | |

TABLE 9A.—HOSPITAL RECLASSIFICATIONS AND REDESIGNATIONS BY INDIVIDUAL HOSPITALS AND CBSA FOR FY 2007—Continued

| Provider No. | Geographic CBSA | Reclassified CBSA 10/1/2006–3/31/2007 | Reclassified CBSA 4/1/2007–9/30/2007 | LUGAR |
|---|---|---|---|---|
| 050101 | 46700 | 36084 | 36084 | |
| 050102 | 40140 | 42044 | 42044 | |
| 050129 | 40140 | 31084 | 31084 | |
| 050136 | 42220 | 41884 | 41884 | |
| 050140 | 40140 | 31084 | 31084 | |
| 050150 | 05 | 40900 | 40900 | |
| 050159 | 37100 | ..... | 31084 | |
| 050168 | 42044 | 31084 | 31084 | |
| 050173 | 42044 | 31084 | 31084 | |
| 050174 | 42220 | 41884 | 41884 | |
| 050193 | 42044 | 31084 | 31084 | |
| 050197 | 41884 | 36084 | 36084 | |
| 050224 | 42044 | 31084 | 31084 | |
| 050226 | 42044 | 31084 | 31084 | |
| 050228 | 41884 | 36084 | 36084 | |
| 050230 | 42044 | 31084 | 31084 | |
| 050236 | 37100 | ..... | 31084 | |
| 050243 | 40140 | 42044 | 42044 | |
| 050245 | 40140 | 31084 | 31084 | |
| 050251 | 05 | 39900 | 39900 | |
| 050272 | 40140 | 31084 | 31084 | |
| 050279 | 40140 | 31084 | 31084 | |
| 050291 | 42220 | 41884 | 41884 | |
| 050292 | 40140 | 42044 | 42044 | |
| 050298 | 40140 | 31084 | 31084 | |
| 050300 | 40140 | 31084 | 31084 | |
| 050327 | 40140 | 31084 | 31084 | |
| 050329 | 40140 | 42044 | 42044 | |
| 050348 | 42044 | 31084 | 31084 | |
| 050367 | 46700 | 36084 | 36084 | |
| 050385 | 42220 | 41884 | 41884 | |
| 050390 | 40140 | 42044 | 42044 | |
| 050394 | 37100 | ..... | 31084 | |
| 050423 | 40140 | 42044 | 42044 | |
| 050426 | 42044 | 31084 | 31084 | |
| 050430 | 05 | 39900 | 39900 | |
| 050510 | 41884 | 36084 | 36084 | |
| 050517 | 40140 | 31084 | 31084 | |
| 050526 | 42044 | 31084 | 31084 | |
| 050534 | 40140 | 42044 | 42044 | |
| 050535 | 42044 | 31084 | 31084 | |
| 050541 | 41884 | 36084 | 36084 | |
| 050543 | 42044 | 31084 | 31084 | |
| 050547 | 42220 | 41884 | 41884 | |
| 050548 | 42044 | 31084 | 31084 | |
| 050549 | 37100 | ..... | 31084 | |
| 050550 | 42044 | 31084 | 31084 | |
| 050551 | 42044 | 31084 | 31084 | |
| 050567 | 42044 | 31084 | 31084 | |
| 050569 | 05 | 42220 | 42220 | |
| 050570 | 42044 | 31084 | 31084 | |
| 050573 | 40140 | 42044 | 42044 | |
| 050580 | 42044 | 31084 | 31084 | |
| 050584 | 40140 | 31084 | 31084 | |
| 050585 | 42044 | 31084 | 31084 | |
| 050586 | 40140 | 31084 | 31084 | |
| 050589 | 42044 | 31084 | 31084 | |
| 050592 | 42044 | 31084 | 31084 | |
| 050594 | 42044 | 31084 | 31084 | |
| 050603 | 42044 | 31084 | 31084 | |
| 050609 | 42044 | 31084 | 31084 | |
| 050616 | 37100 | ..... | 31084 | |
| 050667 | 34900 | 46700 | 46700 | |
| 050678 | 42044 | 31084 | 31084 | |
| 050680 | 46700 | 36084 | 36084 | |
| 050684 | 40140 | 42044 | 42044 | |
| 050686 | 40140 | 42044 | 42044 | |
| 050690 | 42220 | 41884 | 41884 | |

TABLE 9A.—HOSPITAL RECLASSIFICATIONS AND REDESIGNATIONS BY INDIVIDUAL HOSPITALS AND CBSA FOR FY 2007—Continued

| Provider No. | Geographic CBSA | Reclassified CBSA 10/1/2006–3/31/2007 | Reclassified CBSA 4/1/2007–9/30/2007 | LUGAR |
|---|---|---|---|---|
| 050693 | 42044 | 31084 | 31084 | |
| 050694 | 40140 | 42044 | 42044 | |
| 050701 | 40140 | 42044 | 42044 | |
| 050709 | 40140 | 31084 | 31084 | |
| 050718 | 40140 | 42044 | 42044 | |
| 050720 | 42044 | 31084 | 31084 | |
| 050728 | 42220 | 41884 | 41884 | |
| 050749 | 37100 | | 31084 | |
| 060001 | 24540 | 19740 | 19740 | |
| 060003 | 14500 | 19740 | 19740 | |
| 060023 | 24300 | 19740 | 19740 | |
| 060027 | 14500 | 19740 | 19740 | |
| 060044 | 06 | 19740 | 19740 | |
| 060049 | 06 | 22660 | 22660 | |
| 060075 | 06 | | 24300 | |
| 060096 | 06 | 19740 | 19740 | |
| 060103 | 14500 | 19740 | 19740 | |
| 070001 | 35300 | | 35004 | |
| 070003 | 07 | 25540 | 25540 | LUGAR |
| 070005 | 35300 | | 35004 | |
| 070006 | 14860 | | 35644 | |
| 070010 | 14860 | | 35644 | |
| 070016 | 35300 | | 35004 | |
| 070017 | 35300 | | 35004 | |
| 070018 | 14860 | | 35644 | |
| 070019 | 35300 | | 35004 | |
| 070022 | 35300 | | 35004 | |
| 070028 | 14860 | | 35644 | |
| 070031 | 35300 | | 35004 | |
| 070033 | 14860 | 35644 | 35644 | |
| 070034 | 14860 | | 35644 | |
| 070036 | 25540 | | 35300 | |
| 070038 | 35300 | | 35004 | |
| 070039 | 35300 | | 35004 | |
| 080004 | 20100 | 48864 | 48864 | |
| 080006 | 08 | 20100 | 20100 | |
| 080007 | 08 | 36140 | 36140 | |
| 100022 | 33124 | 22744 | 22744 | |
| 100023 | 10 | 36740 | 36740 | |
| 100024 | 10 | 33124 | 33124 | |
| 100045 | 19660 | 36740 | 36740 | |
| 100049 | 10 | 29460 | 29460 | |
| 100081 | 10 | 23020 | 23020 | LUGAR |
| 100109 | 10 | 36740 | 36740 | |
| 100118 | 10 | 27260 | 27260 | |
| 100139 | 10 | 23540 | 23540 | LUGAR |
| 100150 | 10 | 33124 | 33124 | |
| 100157 | 29460 | 45300 | 45300 | |
| 100176 | 48424 | 38940 | 38940 | |
| 100217 | 42680 | 38940 | 38940 | |
| 100232 | 10 | 27260 | 27260 | |
| 100239 | 45300 | 42260 | 42260 | |
| 100249 | 10 | 45300 | 45300 | |
| 100252 | 10 | 38940 | 38940 | |
| 100258 | 48424 | 22744 | 22744 | |
| 100292 | 10 | 23020 | 23020 | LUGAR |
| 110001 | 19140 | 12060 | 12060 | |
| 110002 | 11 | 12060 | 12060 | |
| 110003 | 11 | 27260 | 27260 | |
| 110023 | 11 | 12060 | 12060 | |
| 110029 | 23580 | 12060 | 12060 | |
| 110038 | 11 | 10 | 10 | |
| 110040 | 11 | 12060 | 12060 | LUGAR |
| 110041 | 11 | 12020 | 12020 | |
| 110052 | 11 | 16860 | 16860 | LUGAR |
| 110054 | 40660 | 12060 | 12060 | |
| 110069 | 47580 | 31420 | 31420 | |
| 110075 | 11 | 42340 | 42340 | |

TABLE 9A.—HOSPITAL RECLASSIFICATIONS AND REDESIGNATIONS BY INDIVIDUAL HOSPITALS AND CBSA FOR FY 2007—Continued

| Provider No. | Geographic CBSA | Reclassified CBSA 10/1/2006–3/31/2007 | Reclassified CBSA 4/1/2007–9/30/2007 | LUGAR |
|---|---|---|---|---|
| 110088 | 11 | 12060 | 12060 | LUGAR |
| 110095 | 11 | 46660 | 46660 | |
| 110117 | 11 | 12060 | 12060 | LUGAR |
| 110122 | 46660 | 45220 | 45220 | |
| 110125 | 11 | 31420 | 31420 | |
| 110128 | 11 | 42340 | 42340 | |
| 110150 | 11 | 12060 | 12060 | |
| 110153 | 47580 | 31420 | 31420 | |
| 110168 | 40660 | 12060 | 12060 | |
| 110187 | 11 | 12060 | 12060 | LUGAR |
| 110189 | 11 | 12060 | 12060 | |
| 110205 | 11 | 12060 | 12060 | |
| 120028 | 12 | 26180 | 26180 | |
| 130002 | 13 | 14260 | 14260 | |
| 130003 | 30300 | 50 | 50 | |
| 130018 | 13 | 38540 | 38540 | |
| 130049 | 17660 | 44060 | 44060 | |
| 130067 | 13 | 26820 | 26820 | LUGAR |
| 140012 | 14 | 16974 | 16974 | |
| 140015 | 14 | 41180 | 41180 | |
| 140032 | 14 | 41180 | 41180 | |
| 140034 | 14 | 41180 | 41180 | |
| 140040 | 14 | 37900 | 37900 | |
| 140043 | 14 | 40420 | 40420 | |
| 140046 | 14 | 41180 | 41180 | |
| 140058 | 14 | 41180 | 41180 | |
| 140064 | 14 | 37900 | 37900 | |
| 140110 | 14 | 16974 | 16974 | |
| 140143 | 14 | 37900 | 37900 | |
| 140160 | 14 | 40420 | 40420 | |
| 140161 | 14 | 16974 | 16974 | |
| 140164 | 14 | 41180 | 41180 | |
| 140189 | 14 | 16580 | 16580 | |
| 140233 | 40420 | 16974 | 16974 | |
| 140234 | 14 | 37900 | 37900 | |
| 140236 | 14 | 28100 | 28100 | LUGAR |
| 140291 | 29404 | 16974 | 16974 | |
| 150002 | 23844 | 16974 | 16974 | |
| 150004 | 23844 | 16974 | 16974 | |
| 150006 | 33140 | 43780 | 43780 | |
| 150008 | 23844 | 16974 | 16974 | |
| 150011 | 15 | 26900 | 26900 | |
| 150015 | 33140 | 16974 | 16974 | |
| 150030 | 15 | 26900 | 26900 | LUGAR |
| 150034 | 23844 | 16974 | 16974 | |
| 150048 | 15 | 17140 | 17140 | |
| 150051 | 14020 | 26900 | 26900 | |
| 150065 | 15 | 26900 | 26900 | |
| 150069 | 15 | 17140 | 17140 | |
| 150076 | 15 | 43780 | 43780 | |
| 150088 | 11300 | 26900 | 26900 | |
| 150090 | 23844 | 16974 | 16974 | |
| 150102 | 15 | 23844 | 23844 | LUGAR |
| 150112 | 18020 | 26900 | 26900 | |
| 150113 | 11300 | 26900 | 26900 | |
| 150122 | 15 | 26900 | 26900 | |
| 150125 | 23844 | 16974 | 16974 | |
| 150126 | 23844 | 16974 | 16974 | |
| 150133 | 15 | 23060 | 23060 | |
| 150146 | 15 | 23060 | 23060 | |
| 150147 | 23844 | 16974 | 16974 | |
| 160001 | 16 | 11180 | 11180 | |
| 160016 | 16 | 19780 | 19780 | |
| 160057 | 16 | 26980 | 26980 | |
| 160064 | 16 | ..... | 24 | |
| 160080 | 16 | 19340 | 19340 | |
| 160089 | 16 | 19780 | 19780 | |
| 160147 | 16 | 19780 | 19780 | |

TABLE 9A.—HOSPITAL RECLASSIFICATIONS AND REDESIGNATIONS BY INDIVIDUAL HOSPITALS AND CBSA FOR FY 2007—Continued

| Provider No. | Geographic CBSA | Reclassified CBSA 10/1/2006–3/31/2007 | Reclassified CBSA 4/1/2007–9/30/2007 | LUGAR |
|---|---|---|---|---|
| 170006 | 17 | 27900 | 27900 | |
| 170010 | 17 | 46140 | 46140 | |
| 170012 | 17 | 48620 | 48620 | |
| 170013 | 17 | 48620 | 48620 | |
| 170020 | 17 | 48620 | 48620 | |
| 170023 | 17 | 48620 | 48620 | |
| 170033 | 17 | 48620 | 48620 | |
| 170058 | 17 | 28140 | 28140 | |
| 170068 | 17 | 11100 | 11100 | |
| 170120 | 17 | 27900 | 27900 | |
| 170142 | 17 | 45820 | 45820 | |
| 170175 | 17 | 48620 | 48620 | |
| 170190 | 17 | 45820 | 45820 | |
| 170193 | 17 | 48620 | 48620 | |
| 180005 | 18 | 26580 | 26580 | |
| 180011 | 18 | 30460 | 30460 | |
| 180012 | 21060 | 31140 | 31140 | |
| 180013 | 14540 | 34980 | 34980 | |
| 180017 | 18 | 21060 | 21060 | |
| 180018 | 18 | 30460 | 30460 | |
| 180019 | 18 | 17140 | 17140 | |
| 180024 | 18 | 31140 | 31140 | |
| 180027 | 18 | 17300 | 17300 | |
| 180029 | 18 | 28700 | 28700 | |
| 180044 | 18 | 26580 | 26580 | |
| 180048 | 18 | 31140 | 31140 | |
| 180066 | 18 | 34980 | 34980 | |
| 180069 | 18 | 26580 | 26580 | |
| 180075 | 18 | 14540 | 14540 | LUGAR |
| 180078 | 18 | 26580 | 26580 | |
| 180080 | 18 | 30460 | 30460 | |
| 180093 | 18 | 21780 | 21780 | |
| 180102 | 18 | 17300 | 17300 | |
| 180104 | 18 | 17300 | 17300 | |
| 180116 | 18 | 14 | 14 | |
| 180124 | 14540 | 34980 | 34980 | |
| 180127 | 18 | 31140 | 31140 | |
| 180132 | 18 | 30460 | 30460 | |
| 180139 | 18 | 30460 | 30460 | |
| 190001 | 19 | 35380 | 35380 | |
| 190003 | 19 | 29180 | 29180 | |
| 190015 | 19 | 35380 | 35380 | |
| 190086 | 19 | 33740 | 33740 | |
| 190099 | 19 | 12940 | 12940 | |
| 190106 | 19 | 10780 | 10780 | |
| 190131 | 12940 | 35380 | 35380 | |
| 190155 | 19 | 12940 | 12940 | LUGAR |
| 190164 | 19 | 10780 | 10780 | |
| 190191 | 19 | 12940 | 12940 | |
| 190208 | 19 | 4 | 4 | |
| 190218 | 19 | 43340 | 43340 | |
| 190223 | 19 | 12940 | 12940 | LUGAR |
| 200020 | 38860 | 40484 | 40484 | |
| 200024 | 30340 | 38860 | 38860 | |
| 200034 | 30340 | 38860 | 38860 | |
| 200039 | 20 | 38860 | 38860 | |
| 200050 | 20 | 12620 | 12620 | |
| 200063 | 20 | 38860 | 38860 | |
| 220001 | 49340 | 14484 | 14484 | |
| 220002 | 15764 | 14484 | 14484 | |
| 220008 | 39300 | 14484 | 14484 | |
| 220010 | 21604 | 14484 | 14484 | |
| 220011 | 15764 | 14484 | 14484 | |
| 220019 | 49340 | 14484 | 14484 | |
| 220020 | 39300 | 14484 | 14484 | |
| 220025 | 49340 | 14484 | 14484 | |
| 220028 | 49340 | 14484 | 14484 | |
| 220029 | 21604 | 14484 | 14484 | |

TABLE 9A.—HOSPITAL RECLASSIFICATIONS AND REDESIGNATIONS BY INDIVIDUAL HOSPITALS AND CBSA FOR FY 2007—Continued

| Provider No. | Geographic CBSA | Reclassified CBSA 10/1/2006–3/31/2007 | Reclassified CBSA 4/1/2007–9/30/2007 | LUGAR |
|---|---|---|---|---|
| 220033 | 21604 | 14484 | 14484 | |
| 220035 | 21604 | 14484 | 14484 | |
| 220049 | 15764 | 14484 | 14484 | |
| 220058 | 49340 | 14484 | 14484 | |
| 220060 | 14484 | 12700 | 12700 | |
| 220062 | 49340 | 14484 | 14484 | |
| 220063 | 15764 | 14484 | 14484 | |
| 220070 | 15764 | 14484 | 14484 | |
| 220073 | 39300 | 14484 | 14484 | |
| 220077 | 44140 | 25540 | 25540 | |
| 220080 | 21604 | 14484 | 14484 | |
| 220082 | 15764 | 14484 | 14484 | |
| 220084 | 15764 | 14484 | 14484 | |
| 220090 | 49340 | 14484 | 14484 | |
| 220095 | 49340 | 14484 | 14484 | |
| 220098 | 15764 | 14484 | 14484 | |
| 220101 | 15764 | 14484 | 14484 | |
| 220105 | 15764 | 14484 | 14484 | |
| 220133 | 15764 | 14484 | 14484 | |
| 220163 | 49340 | 14484 | 14484 | |
| 220171 | 15764 | 14484 | 14484 | |
| 220174 | 21604 | 14484 | 14484 | |
| 230002 | 19804 | ..... | 11460 | |
| 230003 | 26100 | ..... | 34740 | |
| 230013 | 47644 | ..... | 19804 | |
| 230019 | 47644 | ..... | 19804 | |
| 230020 | 19804 | ..... | 11460 | |
| 230022 | 23 | 29620 | 29620 | |
| 230024 | 19804 | ..... | 11460 | |
| 230029 | 47644 | ..... | 19804 | |
| 230030 | 23 | 40980 | 40980 | |
| 230035 | 23 | 24340 | 24340 | LUGAR |
| 230036 | 23 | ..... | 13020 | |
| 230037 | 23 | 11460 | 11460 | |
| 230047 | 47644 | 19804 | 19804 | |
| 230053 | 19804 | ..... | 11460 | |
| 230054 | 23 | 24580 | 24580 | |
| 230065 | 19804 | ..... | 11460 | |
| 230069 | 47644 | 22420 | 22420 | |
| 230071 | 47644 | ..... | 19804 | |
| 230072 | 26100 | ..... | 34740 | |
| 230077 | 40980 | 22420 | 22420 | |
| 230080 | 23 | 40980 | 40980 | |
| 230089 | 19804 | ..... | 11460 | |
| 230093 | 23 | 24340 | 24340 | |
| 230096 | 23 | 28020 | 28020 | |
| 230097 | 23 | ..... | 24340 | |
| 230099 | 33780 | 11460 | 11460 | |
| 230104 | 19804 | ..... | 11460 | |
| 230105 | 23 | 13020 | 13020 | |
| 230119 | 19804 | ..... | 11460 | |
| 230121 | 23 | 29620 | 29620 | LUGAR |
| 230130 | 47644 | ..... | 19804 | |
| 230134 | 23 | 26100 | 26100 | LUGAR |
| 230135 | 19804 | ..... | 11460 | |
| 230142 | 19804 | ..... | 11460 | |
| 230146 | 19804 | ..... | 11460 | |
| 230151 | 47644 | ..... | 19804 | |
| 230165 | 19804 | ..... | 11460 | |
| 230174 | 26100 | ..... | 34740 | |
| 230176 | 19804 | ..... | 11460 | |
| 230195 | 47644 | 19804 | 19804 | |
| 230204 | 47644 | 19804 | 19804 | |
| 230207 | 47644 | ..... | 19804 | |
| 230208 | 23 | 24340 | 24340 | LUGAR |
| 230217 | 12980 | 29620 | 29620 | |
| 230223 | 47644 | ..... | 19804 | |
| 230227 | 47644 | 19804 | 19804 | |

TABLE 9A.—HOSPITAL RECLASSIFICATIONS AND REDESIGNATIONS BY INDIVIDUAL HOSPITALS AND CBSA FOR FY 2007—Continued

| Provider No. | Geographic CBSA | Reclassified CBSA 10/1/2006–3/31/2007 | Reclassified CBSA 4/1/2007–9/30/2007 | LUGAR |
|---|---|---|---|---|
| 230244 | 19804 | | 11460 | |
| 230254 | 47644 | | 19804 | |
| 230257 | 47644 | 19804 | 19804 | |
| 230264 | 47644 | 19804 | 19804 | |
| 230269 | 47644 | | 19804 | |
| 230270 | 19804 | | 11460 | |
| 230273 | 19804 | | 11460 | |
| 230277 | 47644 | | 19804 | |
| 230279 | 47644 | 22420 | 22420 | |
| 230293 | 19804 | | 11460 | |
| 230295 | 23 | 26100 | 26100 | LUGAR |
| 240018 | 24 | 33460 | 33460 | |
| 240030 | 24 | 41060 | 41060 | |
| 240064 | 24 | 20260 | 20260 | |
| 240069 | 24 | 40340 | 40340 | |
| 240071 | 24 | 40340 | 40340 | |
| 240075 | 24 | 41060 | 41060 | |
| 240088 | 24 | 41060 | 41060 | |
| 240093 | 24 | 33460 | 33460 | |
| 240105 | 24 | 40340 | 40340 | LUGAR |
| 240150 | 24 | 40340 | 40340 | LUGAR |
| 240187 | 24 | 33460 | 33460 | |
| 240211 | 24 | 33460 | 33460 | |
| 250002 | 25 | | 22520 | |
| 250004 | 25 | 32820 | 32820 | |
| 250006 | 25 | 32820 | 32820 | |
| 250009 | 25 | 27180 | 27180 | |
| 250023 | 25 | 25060 | 25060 | LUGAR |
| 250031 | 25 | 27140 | 27140 | |
| 250034 | 25 | 32820 | 32820 | |
| 250040 | 37700 | 25060 | 25060 | |
| 250042 | 25 | 32820 | 32820 | |
| 250044 | 25 | 22520 | 22520 | |
| 250069 | 25 | 46220 | 46220 | |
| 250079 | 25 | 27140 | 27140 | |
| 250081 | 25 | 46220 | 46220 | |
| 250082 | 25 | 38220 | 38220 | |
| 250094 | 25620 | 25060 | 25060 | |
| 250097 | 25 | 12940 | 12940 | |
| 250099 | 25 | 27140 | 27140 | |
| 250100 | 25 | 46220 | 46220 | |
| 250104 | 25 | 27140 | 27140 | |
| 250117 | 25 | 25060 | 25060 | LUGAR |
| 260009 | 26 | 28140 | 28140 | |
| 260015 | 26 | 27860 | 27860 | |
| 260017 | 26 | 41180 | 41180 | |
| 260022 | 26 | 16 | 16 | |
| 260025 | 26 | 41180 | 41180 | |
| 260049 | 26 | 44180 | 44180 | LUGAR |
| 260050 | 26 | 41140 | 41140 | |
| 260064 | 26 | 17860 | 17860 | |
| 260094 | 26 | 44180 | 44180 | |
| 260110 | 26 | 41180 | 41180 | |
| 260113 | 26 | 14 | 14 | |
| 260116 | 26 | 14 | 14 | |
| 260119 | 26 | 27860 | 27860 | |
| 260175 | 26 | 28140 | 28140 | |
| 260183 | 26 | 41180 | 41180 | |
| 260186 | 26 | 17860 | 17860 | |
| 270003 | 27 | 24500 | 24500 | |
| 270011 | 27 | 24500 | 24500 | |
| 270017 | 27 | 33540 | 33540 | |
| 270051 | 27 | 33540 | 33540 | |
| 280009 | 28 | 30700 | 30700 | |
| 280023 | 28 | 30700 | 30700 | |
| 280032 | 28 | 30700 | 30700 | |
| 280061 | 28 | 53 | 53 | |
| 280065 | 28 | 24540 | 24540 | |

TABLE 9A.—HOSPITAL RECLASSIFICATIONS AND REDESIGNATIONS BY INDIVIDUAL HOSPITALS AND CBSA FOR FY 2007—Continued

| Provider No. | Geographic CBSA | Reclassified CBSA 10/1/2006–3/31/2007 | Reclassified CBSA 4/1/2007–9/30/2007 | LUGAR |
|---|---|---|---|---|
| 280077 | 28 | 36540 | 36540 | |
| 280125 | 28 | 43580 | 43580 | |
| 290002 | 29 | 16180 | 16180 | LUGAR |
| 290006 | 29 | 39900 | 39900 | |
| 290008 | 29 | 41620 | 41620 | |
| 290019 | 16180 | 39900 | 39900 | |
| 300005 | 30 | 31700 | 31700 | |
| 300014 | 40484 | 31700 | 31700 | |
| 300018 | 40484 | 31700 | 31700 | |
| 300019 | 30 | 49340 | 49340 | |
| 310002 | 35084 | 35644 | 35644 | |
| 310009 | 35084 | 35644 | 35644 | |
| 310013 | 35084 | 35644 | 35644 | |
| 310014 | 15804 | 37964 | 37964 | |
| 310015 | 35084 | 35644 | 35644 | |
| 310017 | 35084 | 35644 | 35644 | |
| 310018 | 35084 | 35644 | 35644 | |
| 310021 | 45940 | ..... | 35084 | |
| 310031 | 15804 | 20764 | 20764 | |
| 310038 | 20764 | 35644 | 35644 | |
| 310039 | 20764 | 35644 | 35644 | |
| 310048 | 20764 | 35084 | 35084 | |
| 310050 | 35084 | 35644 | 35644 | |
| 310054 | 35084 | 35644 | 35644 | |
| 310070 | 20764 | 35644 | 35644 | |
| 310076 | 35084 | 35644 | 35644 | |
| 310078 | 35084 | 35644 | 35644 | |
| 310081 | 15804 | 37964 | 37964 | |
| 310083 | 35084 | 35644 | 35644 | |
| 310093 | 35084 | 35644 | 35644 | |
| 310096 | 35084 | 35644 | 35644 | |
| 310108 | 20764 | 35644 | 35644 | |
| 310119 | 35084 | 35644 | 35644 | |
| 320005 | 22140 | 10740 | 10740 | |
| 320006 | 32 | 42140 | 42140 | |
| 320013 | 32 | 42140 | 42140 | |
| 320014 | 32 | 29740 | 29740 | |
| 320033 | 32 | 42140 | 42140 | LUGAR |
| 320063 | 32 | 36220 | 36220 | |
| 320065 | 32 | 36220 | 36220 | |
| 330004 | 28740 | 39100 | 39100 | |
| 330008 | 33 | 15380 | 15380 | LUGAR |
| 330027 | 35004 | 35644 | 35644 | |
| 330038 | 33 | 40380 | 40380 | LUGAR |
| 330073 | 33 | 40380 | 40380 | LUGAR |
| 330079 | 33 | 47 | 47 | |
| 330085 | 33 | 45060 | 45060 | |
| 330094 | 33 | 28740 | 28740 | |
| 330103 | 33 | 39 | 39 | |
| 330106 | 35004 | ..... | 35644 | |
| 330136 | 33 | 45060 | 45060 | |
| 330157 | 33 | 45060 | 45060 | |
| 330167 | 35004 | ..... | 35644 | |
| 330181 | 35004 | ..... | 35644 | |
| 330182 | 35004 | 35644 | 35644 | |
| 330191 | 24020 | 10580 | 10580 | |
| 330198 | 35004 | ..... | 35644 | |
| 330224 | 28740 | 39100 | 39100 | |
| 330225 | 35004 | ..... | 35644 | |
| 330229 | 27460 | 21500 | 21500 | |
| 330235 | 33 | 45060 | 45060 | LUGAR |
| 330239 | 27460 | 21500 | 21500 | |
| 330250 | 33 | 15540 | 15540 | |
| 330259 | 35004 | ..... | 35644 | |
| 330277 | 33 | 27060 | 27060 | |
| 330331 | 35004 | ..... | 35644 | |
| 330332 | 35004 | ..... | 35644 | |
| 330359 | 33 | 39100 | 39100 | LUGAR |

TABLE 9A.—HOSPITAL RECLASSIFICATIONS AND REDESIGNATIONS BY INDIVIDUAL HOSPITALS AND CBSA FOR FY 2007—Continued

| Provider No. | Geographic CBSA | Reclassified CBSA 10/1/2006–3/31/2007 | Reclassified CBSA 4/1/2007–9/30/2007 | LUGAR |
|---|---|---|---|---|
| 330372 | 35004 | | 35644 | |
| 330386 | 33 | 39100 | 39100 | |
| 340004 | 24660 | 49180 | 49180 | |
| 340008 | 34 | 16740 | 16740 | |
| 340010 | 24140 | 39580 | 39580 | |
| 340013 | 34 | 16740 | 16740 | |
| 340021 | 34 | 16740 | 16740 | |
| 340027 | 34 | 24780 | 24780 | |
| 340039 | 34 | 16740 | 16740 | |
| 340050 | 34 | 22180 | 22180 | |
| 340051 | 34 | 25860 | 25860 | |
| 340068 | 34 | 48900 | 48900 | |
| 340071 | 34 | 39580 | 39580 | LUGAR |
| 340091 | 24660 | 49180 | 49180 | |
| 340109 | 34 | 47260 | 47260 | |
| 340115 | 34 | 20500 | 20500 | |
| 340124 | 34 | 39580 | 39580 | LUGAR |
| 340126 | 34 | 39580 | 39580 | |
| 340127 | 34 | 20500 | 20500 | |
| 340129 | 34 | 16740 | 16740 | |
| 340131 | 34 | 24780 | 24780 | |
| 340136 | 34 | 20500 | 20500 | LUGAR |
| 340144 | 34 | 16740 | 16740 | |
| 340145 | 34 | 16740 | 16740 | LUGAR |
| 340147 | 40580 | 39580 | 39580 | |
| 350003 | 35 | | 13900 | |
| 350006 | 35 | | 13900 | |
| 350009 | 35 | 22020 | 22020 | |
| 360008 | 36 | 26580 | 26580 | |
| 360010 | 36 | 10420 | 10420 | |
| 360011 | 36 | 18140 | 18140 | |
| 360013 | 36 | 30620 | 30620 | |
| 360014 | 36 | 18140 | 18140 | |
| 360019 | 10420 | 17460 | 17460 | |
| 360020 | 10420 | 17460 | 17460 | |
| 360027 | 10420 | 17460 | 17460 | |
| 360036 | 36 | 17460 | 17460 | |
| 360039 | 36 | 18140 | 18140 | |
| 360054 | 36 | 26580 | 26580 | |
| 360065 | 36 | 17460 | 17460 | |
| 360078 | 10420 | 17460 | 17460 | |
| 360079 | 19380 | 17140 | 17140 | |
| 360086 | 44220 | 19380 | 19380 | |
| 360095 | 36 | 45780 | 45780 | |
| 360096 | 36 | 49660 | 49660 | LUGAR |
| 360107 | 36 | 45780 | 45780 | |
| 360121 | 36 | 11460 | 11460 | |
| 360150 | 10420 | 17460 | 17460 | |
| 360159 | 36 | 18140 | 18140 | |
| 360175 | 36 | 18140 | 18140 | |
| 360185 | 36 | 49660 | 49660 | LUGAR |
| 360187 | 44220 | 19380 | 19380 | |
| 360197 | 36 | 18140 | 18140 | |
| 360211 | 48260 | 38300 | 38300 | |
| 360238 | 36 | 49660 | 49660 | LUGAR |
| 360241 | 10420 | 17460 | 17460 | |
| 360245 | 36 | 17460 | 17460 | LUGAR |
| 360253 | 19380 | 17140 | 17140 | |
| 370004 | 37 | 27900 | 27900 | |
| 370006 | 37 | 17 | 17 | |
| 370015 | 37 | 46140 | 46140 | |
| 370016 | 37 | 36420 | 36420 | |
| 370018 | 37 | 46140 | 46140 | |
| 370022 | 37 | 30020 | 30020 | |
| 370025 | 37 | 46140 | 46140 | |
| 370026 | 37 | 36420 | 36420 | |
| 370034 | 37 | 22900 | 22900 | |
| 370047 | 37 | 43300 | 43300 | |

TABLE 9A.—HOSPITAL RECLASSIFICATIONS AND REDESIGNATIONS BY INDIVIDUAL HOSPITALS AND CBSA FOR FY 2007—Continued

| Provider No. | Geographic CBSA | Reclassified CBSA 10/1/2006–3/31/2007 | Reclassified CBSA 4/1/2007–9/30/2007 | LUGAR |
|---|---|---|---|---|
| 370049 | 37 | 36420 | 36420 | |
| 370099 | 37 | 46140 | 46140 | |
| 370103 | 37 | 45 | 45 | |
| 370113 | 37 | 22220 | 22220 | |
| 380001 | 38 | 38900 | 38900 | |
| 380022 | 38 | 18700 | 18700 | LUGAR |
| 380027 | 38 | 21660 | 21660 | |
| 380050 | 38 | 32780 | 32780 | |
| 380090 | 38 | ..... | 21660 | |
| 390006 | 39 | 25420 | 25420 | |
| 390013 | 39 | 25420 | 25420 | |
| 390030 | 39 | 10900 | 10900 | |
| 390031 | 39 | 39740 | 39740 | LUGAR |
| 390046 | 49620 | 29540 | 29540 | |
| 390048 | 39 | 25420 | 25420 | |
| 390052 | 39 | 11020 | 11020 | |
| 390065 | 39 | 47894 | 47894 | |
| 390066 | 30140 | 25420 | 25420 | |
| 390071 | 39 | 48700 | 48700 | LUGAR |
| 390079 | 39 | 13780 | 13780 | |
| 390086 | 39 | 44300 | 44300 | |
| 390091 | 39 | 49660 | 49660 | |
| 390093 | 39 | 38300 | 38300 | |
| 390113 | 39 | 36 | 36 | |
| 390133 | 10900 | 37964 | 37964 | |
| 390138 | 39 | 47894 | 47894 | |
| 390151 | 39 | 13644 | 13644 | |
| 390246 | 39 | 48700 | 48700 | |
| 400048 | 25020 | 41980 | 41980 | |
| 410010 | 39300 | 14484 | 14484 | |
| 410012 | 39300 | 14484 | 14484 | |
| 410013 | 39300 | 35980 | 35980 | |
| 420007 | 43900 | 24860 | 24860 | |
| 420009 | 42 | 24860 | 24860 | LUGAR |
| 420020 | 42 | 16700 | 16700 | |
| 420027 | 11340 | 24860 | 24860 | |
| 420028 | 42 | 44940 | 44940 | LUGAR |
| 420030 | 42 | 16700 | 16700 | |
| 420036 | 42 | 16740 | 16740 | |
| 420039 | 42 | 43900 | 43900 | LUGAR |
| 420067 | 42 | 42340 | 42340 | |
| 420068 | 42 | 12260 | 12260 | |
| 420069 | 42 | 44940 | 44940 | LUGAR |
| 420070 | 44940 | 17900 | 17900 | |
| 420071 | 42 | 24860 | 24860 | |
| 420080 | 42 | 42340 | 42340 | |
| 420083 | 43900 | 24860 | 24860 | |
| 420085 | 34820 | 48900 | 48900 | |
| 430012 | 43 | 43620 | 43620 | |
| 430014 | 43 | 22020 | 22020 | |
| 430094 | 43 | 53 | 53 | |
| 440002 | 27180 | 32820 | 32820 | |
| 440020 | 44 | 26620 | 26620 | |
| 440024 | 17420 | 16860 | 16860 | |
| 440025 | 44 | 34 | 34 | |
| 440035 | 17300 | 34980 | 34980 | |
| 440050 | 44 | 11700 | 11700 | |
| 440058 | 44 | 16860 | 16860 | |
| 440059 | 44 | 34980 | 34980 | |
| 440067 | 34100 | 28940 | 28940 | |
| 440068 | 44 | 16860 | 16860 | |
| 440072 | 44 | 32820 | 32820 | |
| 440073 | 44 | 34980 | 34980 | |
| 440148 | 44 | 34980 | 34980 | |
| 440151 | 44 | 34980 | 34980 | |
| 440175 | 44 | 34980 | 34980 | |
| 440180 | 44 | 28940 | 28940 | |
| 440185 | 17420 | 16860 | 16860 | |

TABLE 9A.—HOSPITAL RECLASSIFICATIONS AND REDESIGNATIONS BY INDIVIDUAL HOSPITALS AND CBSA FOR FY 2007—Continued

| Provider No. | Geographic CBSA | Reclassified CBSA 10/1/2006–3/31/2007 | Reclassified CBSA 4/1/2007–9/30/2007 | LUGAR |
|---|---|---|---|---|
| 440192 | 44 | 34980 | 34980 | |
| 450007 | 45 | 41700 | 41700 | |
| 450032 | 45 | 43340 | 43340 | |
| 450039 | 23104 | 19124 | 19124 | |
| 450059 | 41700 | 12420 | 12420 | |
| 450064 | 23104 | 19124 | 19124 | |
| 450073 | 45 | 10180 | 10180 | |
| 450080 | 45 | 30980 | 30980 | |
| 450087 | 23104 | 19124 | 19124 | |
| 450099 | 45 | 11100 | 11100 | |
| 450121 | 23104 | 19124 | 19124 | |
| 450135 | 23104 | 19124 | 19124 | |
| 450137 | 23104 | 19124 | 19124 | |
| 450144 | 45 | 36220 | 36220 | |
| 450148 | 23104 | 19124 | 19124 | |
| 450187 | 45 | 26420 | 26420 | |
| 450192 | 45 | 19124 | 19124 | |
| 450194 | 45 | 19124 | 19124 | |
| 450196 | 45 | 19124 | 19124 | |
| 450211 | 45 | 26420 | 26420 | |
| 450214 | 45 | 26420 | 26420 | |
| 450224 | 45 | 46340 | 46340 | |
| 450283 | 45 | 19124 | 19124 | LUGAR |
| 450286 | 45 | 17780 | 17780 | LUGAR |
| 450324 | 43300 | 19124 | 19124 | |
| 450347 | 45 | 26420 | 26420 | |
| 450351 | 45 | 23104 | 23104 | |
| 450389 | 45 | 19124 | 19124 | LUGAR |
| 450393 | 43300 | 19124 | 19124 | |
| 450395 | 45 | 26420 | 26420 | |
| 450400 | 45 | 47380 | 47380 | |
| 450419 | 23104 | 19124 | 19124 | |
| 450438 | 45 | 26420 | 26420 | |
| 450447 | 45 | 19124 | 19124 | |
| 450451 | 45 | 23104 | 23104 | |
| 450469 | 43300 | 19124 | 19124 | |
| 450484 | 45 | 30980 | 30980 | |
| 450508 | 45 | 46340 | 46340 | |
| 450547 | 45 | 19124 | 19124 | |
| 450563 | 23104 | 19124 | 19124 | |
| 450639 | 23104 | 19124 | 19124 | |
| 450653 | 45 | 33260 | 33260 | |
| 450656 | 45 | 46340 | 46340 | |
| 450672 | 23104 | 19124 | 19124 | |
| 450675 | 23104 | 19124 | 19124 | |
| 450677 | 23104 | 19124 | 19124 | |
| 450694 | 45 | 26420 | 26420 | |
| 450747 | 45 | 19124 | 19124 | |
| 450770 | 45 | 12420 | 12420 | LUGAR |
| 450779 | 23104 | 19124 | 19124 | |
| 450813 | 45 | 41700 | 41700 | |
| 450830 | 45 | 36220 | 36220 | |
| 450839 | 45 | 43340 | 43340 | |
| 450858 | 23104 | 19124 | 19124 | |
| 450872 | 23104 | 19124 | 19124 | |
| 450880 | 23104 | 19124 | 19124 | |
| 460004 | 36260 | 41620 | 41620 | |
| 460005 | 36260 | 41620 | 41620 | |
| 460007 | 46 | 41100 | 41100 | |
| 460011 | 46 | 39340 | 39340 | |
| 460021 | 41100 | 29820 | 29820 | |
| 460039 | 46 | 36260 | 36260 | |
| 460041 | 36260 | 41620 | 41620 | |
| 460042 | 36260 | 41620 | 41620 | |
| 470001 | 47 | 30 | 30 | |
| 470011 | 47 | 15764 | 15764 | |
| 470012 | 47 | 38340 | 38340 | |
| 490004 | 25500 | 16820 | 16820 | |

TABLE 9A.—HOSPITAL RECLASSIFICATIONS AND REDESIGNATIONS BY INDIVIDUAL HOSPITALS AND CBSA FOR FY 2007—Continued

| Provider No. | Geographic CBSA | Reclassified CBSA 10/1/2006–3/31/2007 | Reclassified CBSA 4/1/2007–9/30/2007 | LUGAR |
|---|---|---|---|---|
| 490005 | 49020 | 47894 | 47894 | |
| 490013 | 49 | 31340 | 31340 | |
| 490018 | 49 | 16820 | 16820 | |
| 490042 | 13980 | 40220 | 40220 | |
| 490079 | 49 | 49180 | 49180 | |
| 490092 | 49 | 40060 | 40060 | |
| 490105 | 49 | 28700 | 28700 | |
| 490106 | 49 | 16820 | 16820 | |
| 490109 | 47260 | 40060 | 40060 | |
| 500002 | 50 | 28420 | 28420 | |
| 500003 | 34580 | 42644 | 42644 | |
| 500016 | 48300 | 42644 | 42644 | |
| 500021 | 45104 | 42644 | 42644 | |
| 500039 | 14740 | 42644 | 42644 | |
| 500041 | 31020 | 38900 | 38900 | |
| 500072 | 50 | 42644 | 42644 | |
| 500079 | 45104 | 42644 | 42644 | |
| 500108 | 45104 | 42644 | 42644 | |
| 500129 | 45104 | 42644 | 42644 | |
| 510001 | 34060 | 38300 | 38300 | |
| 510002 | 51 | 40220 | 40220 | |
| 510006 | 51 | 38300 | 38300 | |
| 510018 | 51 | 16620 | 16620 | LUGAR |
| 510024 | 34060 | 38300 | 38300 | |
| 510030 | 51 | 34060 | 34060 | |
| 510046 | 51 | 16620 | 16620 | |
| 510047 | 51 | 38300 | 38300 | |
| 510062 | 51 | 16620 | 16620 | |
| 510070 | 51 | 16620 | 16620 | |
| 510071 | 51 | 16620 | 16620 | |
| 510077 | 51 | 26580 | 26580 | |
| 520002 | 52 | 48140 | 48140 | |
| 520028 | 52 | 31540 | 31540 | |
| 520037 | 52 | 48140 | 48140 | |
| 520059 | 39540 | 29404 | 29404 | |
| 520060 | 52 | 22540 | 22540 | LUGAR |
| 520066 | 27500 | 31540 | 31540 | |
| 520071 | 52 | 33340 | 33340 | LUGAR |
| 520076 | 52 | 31540 | 31540 | |
| 520094 | 39540 | 33340 | 33340 | |
| 520095 | 52 | 31540 | 31540 | |
| 520096 | 39540 | 33340 | 33340 | |
| 520102 | 52 | 33340 | 33340 | LUGAR |
| 520107 | 52 | 24580 | 24580 | |
| 520113 | 52 | 24580 | 24580 | |
| 520116 | 52 | 33340 | 33340 | LUGAR |
| 520173 | 52 | 20260 | 20260 | |
| 530015 | 53 | ..... | 26820 | |
| 530025 | 53 | 22660 | 22660 | |

It is important to note that in some cases this Table reflects termination decisions CMS has made on a hospital's behalf. For example, if CMS terminated a hospital's section 1886(d)(10) reclassification on the hospital's behalf to allow the hospital to receive a section 508 reclassification, it would be shown on this Table. Requests to reverse a decision made on behalf of a hospital by CMS and to choose another wage index, reclassification, or adjustment for which the hospital is otherwise eligible must be received by CMS no later than 5 p.m., e.s.t, with a copy sent to the MGCRB, by October 30, 2006 (30 days from the date the information appears on the CMS Web site at: *http://www.cms.hhs.gov/AcuteInpatientPPS/WIFN/list.asp.*)

TABLE 9B.—HOSPITAL RECLASSIFICATIONS AND REDESIGNATIONS BY INDIVIDUAL HOSPITAL UNDER SECTION 508 OF PUB. L. 108–173—FY 2007

| Provider No. | Note | Geographic CBSA | Wage Index CBSA—10/1/2006–3/31/2007 | Wage Index CBSA—4/1/2007–9/30/2007 * | Own Wage Index—10/1/2006–3/31/2007 |
|---|---|---|---|---|---|
| 010150 | ..... | 01 | 17980 | ..... | ..... |

TABLE 9B.—HOSPITAL RECLASSIFICATIONS AND REDESIGNATIONS BY INDIVIDUAL HOSPITAL UNDER SECTION 508 OF PUB. L. 108–173—FY 2007—Continued

| Provider No. | Note | Geographic CBSA | Wage Index CBSA—10/1/2006–3/31/2007 | Wage Index CBSA—4/1/2007–9/30/2007 * | Own Wage Index—10/1/2006–3/31/2007 |
|---|---|---|---|---|---|
| 020008 | | 02 | | | 1.2183 |
| 050494 | | 05 | 42220 | | |
| 050549 | | 37100 | 42220 | | |
| 060075 | | 06 | | | 1.0877 |
| 070001 | | 35300 | 35004 | | |
| 070005 | | 35300 | 35004 | | |
| 070006 | * | 14860 | 35644 | | |
| 070010 | | 14860 | 35644 | | |
| 070016 | | 35300 | 35004 | | |
| 070017 | | 35300 | 35004 | | |
| 070018 | * | 14860 | 35644 | | |
| 070019 | | 35300 | 35004 | | |
| 070022 | | 35300 | 35004 | | |
| 070028 | | 14860 | 35644 | | |
| 070031 | | 35300 | 35004 | | |
| 070034 | * | 14860 | 35644 | | |
| 070036 | | 25540 | | | 1.2930 |
| 070039 | | 35300 | 35004 | | |
| 140155 | * | 28100 | 16974 | 16974 | |
| 140186 | * | 28100 | 16974 | 16974 | |
| 160040 | | 47940 | 16300 | | |
| 160064 | | 16 | | | 0.9701 |
| 160067 | | 47940 | 16300 | | |
| 160110 | | 47940 | 16300 | | |
| 220046 | | 38340 | 14484 | | |
| 230003 | | 26100 | 28020 | | |
| 230004 | | 34740 | 28020 | | |
| 230013 | | 47644 | 22420 | | |
| 230019 | | 47644 | 22420 | | |
| 230020 | | 19804 | 11460 | | |
| 230024 | | 19804 | 11460 | | |
| 230029 | | 47644 | 22420 | | |
| 230036 | | 23 | 22420 | | |
| 230038 | | 24340 | 28020 | | |
| 230053 | | 19804 | 11460 | | |
| 230059 | | 24340 | 28020 | | |
| 230066 | | 34740 | 28020 | | |
| 230071 | | 47644 | 22420 | | |
| 230072 | | 26100 | 28020 | | |
| 230089 | | 19804 | 11460 | | |
| 230097 | | 23 | 28020 | | |
| 230104 | | 19804 | 11460 | | |
| 230106 | | 24340 | 28020 | | |
| 230119 | | 19804 | 11460 | | |
| 230130 | | 47644 | 22420 | | |
| 230135 | | 19804 | 11460 | | |
| 230146 | | 19804 | 11460 | | |
| 230151 | | 47644 | 22420 | | |
| 230165 | | 19804 | 11460 | | |
| 230174 | | 26100 | 28020 | | |
| 230176 | | 19804 | 11460 | | |
| 230207 | | 47644 | 22420 | | |
| 230223 | | 47644 | 22420 | | |
| 230236 | | 24340 | 28020 | | |
| 230254 | | 47644 | 22420 | | |
| 230269 | | 47644 | 22420 | | |
| 230270 | | 19804 | 11460 | | |
| 230273 | | 19804 | 11460 | | |
| 230277 | | 47644 | 22420 | | |
| 250002 | | 25 | 25060 | | |
| 250078 | * | 25620 | 25060 | 25060 | |
| 250122 | | 25 | 25060 | | |
| 270002 | * | 27 | 33540 | 33540 | |
| 270012 | * | 24500 | 33540 | 33540 | |
| 270023 | | 33540 | 13740 | | |
| 270032 | | 27 | 13740 | | |
| 270057 | | 27 | 13740 | | |
| 310021 | | 45940 | 35644 | | |

TABLE 9B.—HOSPITAL RECLASSIFICATIONS AND REDESIGNATIONS BY INDIVIDUAL HOSPITAL UNDER SECTION 508 OF PUB. L. 108–173—FY 2007—Continued

| Provider No. | Note | Geographic CBSA | Wage Index CBSA—10/1/2006–3/31/2007 | Wage Index CBSA—4/1/2007–9/30/2007 * | Own Wage Index—10/1/2006–3/31/2007 |
|---|---|---|---|---|---|
| 310028 | | 35084 | 35644 | | |
| 310051 | | 35084 | 35644 | | |
| 310060 | | 10900 | 35644 | | |
| 310115 | | 10900 | 35644 | | |
| 310120 | | 35084 | 35644 | | |
| 330023 | * | 39100 | 35644 | 35644 | |
| 330049 | | 39100 | 35644 | | |
| 330067 | * | 39100 | 35644 | 35644 | |
| 330106 | | 35004 | -- -- -- | | 1.4779 |
| 330126 | | 39100 | 35644 | | |
| 330135 | | 39100 | 35644 | | |
| 330205 | | 39100 | 35644 | | |
| 330209 | | 39100 | 35004 | | |
| 330264 | | 39100 | 35004 | | |
| 340002 | | 11700 | 16740 | | |
| 350002 | | 13900 | 22020 | | |
| 350003 | | 35 | 22020 | | |
| 350006 | | 35 | 22020 | | |
| 350010 | | 35 | 22020 | | |
| 350014 | | 35 | 22020 | | |
| 350015 | | 13900 | 22020 | | |
| 350017 | | 35 | 22020 | | |
| 350019 | * | 24220 | 22020 | 22020 | |
| 350030 | | 35 | 22020 | | |
| 380090 | | 38 | | | 1.1162 |
| 390001 | | 42540 | 10900 | | |
| 390003 | | 39 | 10900 | | |
| 390044 | *** | 39 | 37964 | 37964 | |
| 390045 | ** | 39 | 10900 | | |
| 390096 | *** | 39 | 37964 | 37964 | |
| 390054 | | 42540 | 29540 | | |
| 390072 | | 39 | 10900 | | |
| 390095 | | 42540 | 10900 | | |
| 390119 | | 42540 | 10900 | | |
| 390137 | | 42540 | 10900 | | |
| 390169 | | 42540 | 10900 | | |
| 390185 | | 42540 | 29540 | | |
| 390192 | | 42540 | 10900 | | |
| 390237 | | 42540 | 10900 | | |
| 390270 | | 42540 | 29540 | | |
| 430005 | | 43 | 39660 | | |
| 430008 | * | 43 | 43620 | 43620 | |
| 430013 | * | 43 | 43620 | 43620 | |
| 430015 | | 43 | 43620 | | |
| 430048 | | 43 | 43620 | | |
| 430060 | | 43 | 43620 | | |
| 430064 | | 43 | 43620 | | |
| 430077 | | 39660 | 43620 | | |
| 430091 | | 39660 | 43620 | | |
| 450010 | | 48660 | 32580 | | |
| 450072 | | 26420 | 26420 | | |
| 450591 | | 26420 | 26420 | | |
| 470003 | | 15540 | 14484 | | |
| 490001 | | 49 | 31340 | | |
| 490024 | | 40220 | 19260 | | |
| 530008 | * | 53 | 16220 | 16220 | |
| 530010 | * | 53 | 16220 | 16220 | |
| 530015 | | 53 | | | 1.006 |

* These hospitals are assigned a wage index value under a special exceptions policy (see the FY 2005 IPPS final rule, 69 FR 49105).
** This hospital has been assigned a wage index for the 1st half of FY 2007 under a special exceptions policy (71 FR 48070).
*** These hospitals are receiving the same wage index for FY 2007 as hospitals reclassified to the wage index CBSA under a special exceptions policy (71 FR 48072).

TABLE 9C.—HOSPITALS REDESIGNATED AS RURAL UNDER SECTION 1886(D)(8)(E) OF THE ACT—FY 2007

| Provider Number | Geographic CBSA | Redesignated Rural Area |
|---|---|---|
| 50192 | 23420 | 05 |
| 050469 | 40140 | 05 |
| 050528 | 32900 | 05 |
| 050618 | 40140 | 05 |
| 070004 | 25540 | 07 |
| 100048 | 37860 | 10 |
| 100134 | 27260 | 10 |
| 140167 | 14 | 14 |
| 170137 | 29940 | 17 |
| 230078 | 35660 | 23 |
| 250126 | 32820 | 25 |
| 260006 | 41140 | 26 |
| 260047 | 27620 | 26 |
| 260195 | 44180 | 26 |
| 330044 | 46540 | 33 |
| 330245 | 46540 | 33 |
| 330268 | 10580 | 33 |
| 360125 | 36 | 36 |
| 370054 | 36420 | 37 |
| 380040 | 13460 | 38 |
| 440135 | 34980 | 44 |
| 440144 | 44 | 44 |
| 450052 | 45 | 45 |
| 450078 | 10180 | 45 |
| 450243 | 10180 | 45 |
| 450348 | 45 | 45 |
| 500148 | 48300 | 50 |
| 520060 | 52 | 52 |

This Table represents decisions CMS has made on a hospital's behalf to withdraw a redesignation under 1886(d)(8)(B) in order for the hospital to receive an out-migration adjustment. Because such withdrawal removes the hospital's urban status, we have published this separate Table 9D. Requests to reverse a decision made on behalf of a hospital by CMS and to choose another wage index, reclassification, or adjustment for which the hospital is otherwise eligible must be *received* by CMS from the date the information appears on the CMS Web site at no later than 5 p.m., e.s.t, with a copy sent to the MGCRB, by October 30, 2006 (30 days from the date the information appears on the CMS Web site at: *http://www.cms.hhs.gov/AcuteInpatientPPS/WIFN/list.asp.)*

TABLE 9D.—HOSPITALS WHO WAIVED LUGAR STATUS TO RECEIVE OUT-MIGRATION ADJUSTMENT

| Provider No. | Lugar CBSA | Geographic CBSA |
|---|---|---|
| 070021 | 25540 | 07 |
| 390150 | 38300 | 39 |

TABLE 10.—GEOMETRIC MEAN PLUS THE LESSER OF 0.75 OF THE NATIONAL ADJUSTED OPERATING STANDARDIZED PAYMENT AMOUNT (INCREASED TO REFLECT THE DIFFERENCE BETWEEN COSTS AND CHARGES) OR 0.75 OF ONE STANDARD DEVIATION OF MEAN CHARGES BY DIAGNOSIS-RELATED GROUP (DRG)—SEPTEMBER 2006 [1]

| DRG | Number of cases | Threshold |
|---|---|---|
| 1 | 24,393 | $53,936 |
| 2 | 10,183 | $37,116 |
| 3 | 3 | $58,151 |
| 6 | 288 | $16,761 |
| 7 | 15,032 | $41,305 |
| 8 | 3,441 | $31,218 |
| 9 | 1,775 | $25,448 |
| 10 | 19,625 | $25,064 |
| 11 | 3,083 | $19,015 |
| 12 | 55,944 | $18,885 |
| 13 | 7,525 | $17,709 |
| 14 | 278,664 | $24,949 |
| 15 | 19,988 | $20,868 |
| 16 | 17,297 | $26,485 |
| 17 | 2,973 | $15,690 |
| 18 | 33,443 | $21,281 |
| 19 | 8,461 | $15,797 |
| 21 | 2,220 | $26,882 |
| 22 | 3,168 | $23,893 |
| 23 | 10,670 | $17,130 |
| 26 | 25 | $20,794 |
| 27 | 5,971 | $25,133 |
| 28 | 19,908 | $25,479 |
| 29 | 6,522 | $15,839 |
| 31 | 5,039 | $21,151 |
| 32 | 1,903 | $14,225 |
| 34 | 27,626 | $21,196 |
| 35 | 7,908 | $14,378 |
| 36 | 307 | $17,809 |
| 37 | 1,219 | $24,783 |
| 38 | 50 | $12,362 |
| 39 | 328 | $14,783 |
| 40 | 1,187 | $22,552 |
| 42 | 1,636 | $17,152 |
| 43 | 125 | $12,945 |
| 44 | 1,290 | $14,832 |
| 45 | 2,770 | $16,515 |
| 46 | 3,929 | $16,801 |
| 47 | 1,309 | $12,127 |
| 49 | 2,415 | $31,299 |
| 50 | 2,024 | $19,215 |
| 51 | 193 | $19,093 |
| 52 | 234 | $14,094 |
| 53 | 2,145 | $26,688 |
| 55 | 1,368 | $20,105 |
| 56 | 451 | $19,428 |
| 57 | 742 | $20,317 |
| 59 | 126 | $14,906 |
| 60 | 3 | $18,895 |
| 61 | 222 | $28,833 |
| 62 | 4 | $7,231 |
| 63 | 2,827 | $26,807 |
| 64 | 3,234 | $23,214 |
| 65 | 40,485 | $13,518 |
| 66 | 8,195 | $12,932 |
| 67 | 379 | $17,209 |
| 68 | 18,913 | $14,133 |
| 69 | 5,146 | $10,686 |
| 70 | 25 | $7,496 |
| 71 | 70 | $15,634 |

TABLE 10.—GEOMETRIC MEAN PLUS THE LESSER OF 0.75 OF THE NATIONAL ADJUSTED OPERATING STANDARDIZED PAYMENT AMOUNT (INCREASED TO REFLECT THE DIFFERENCE BETWEEN COSTS AND CHARGES) OR 0.75 OF ONE STANDARD DEVIATION OF MEAN CHARGES BY DIAGNOSIS-RELATED GROUP (DRG)—SEPTEMBER 2006 [1]—Continued

| DRG | Number of cases | Threshold |
|---|---|---|
| 72 | 1,326 | $16,706 |
| 73 | 9,957 | $18,059 |
| 74 | 3 | $8,077 |
| 75 | 46,852 | $48,047 |
| 76 | 48,155 | $43,568 |
| 77 | 2,111 | $25,944 |
| 78 | 49,690 | $26,250 |
| 79 | 160,357 | $29,338 |
| 80 | 7,158 | $18,890 |
| 81 | 6 | $26,040 |
| 82 | 63,188 | $26,606 |
| 83 | 7,153 | $21,619 |
| 84 | 1,403 | $12,794 |
| 85 | 22,222 | $25,173 |
| 86 | 1,717 | $15,489 |
| 87 | 96,688 | $26,941 |
| 88 | 427,043 | $19,079 |
| 89 | 553,977 | $22,015 |
| 90 | 43,487 | $13,141 |
| 91 | 53 | $11,532 |
| 92 | 16,513 | $24,871 |
| 93 | 1,440 | $16,325 |
| 94 | 13,655 | $23,739 |
| 95 | 1,577 | $12,582 |
| 96 | 59,616 | $15,886 |
| 97 | 26,688 | $11,792 |
| 98 | 13 | $12,385 |
| 99 | 21,386 | $15,725 |
| 100 | 6,410 | $12,207 |
| 101 | 23,368 | $18,532 |
| 102 | 4,930 | $12,464 |
| 103 | 886 | $234,790 |
| 104 | 20,120 | $123,941 |
| 105 | 32,626 | $93,509 |
| 106 | 3,440 | $110,979 |
| 108 | 8,757 | $89,257 |
| 110 | 57,708 | $59,154 |
| 111 | 10,783 | $45,072 |
| 113 | 34,728 | $45,319 |
| 114 | 7,959 | $30,164 |
| 117 | 5,349 | $25,616 |
| 118 | 7,619 | $33,285 |
| 119 | 963 | $25,968 |
| 120 | 33,555 | $36,452 |
| 121 | 150,046 | $29,680 |
| 122 | 54,522 | $20,942 |
| 123 | 29,563 | $25,710 |
| 124 | 120,511 | $29,663 |
| 125 | 92,405 | $23,754 |
| 126 | 5,422 | $40,934 |
| 127 | 667,286 | $21,971 |
| 128 | 4,210 | $15,620 |
| 129 | 3,521 | $21,831 |
| 130 | 87,464 | $20,073 |
| 131 | 22,952 | $12,066 |
| 132 | 101,373 | $13,642 |
| 133 | 5,853 | $12,329 |
| 134 | 39,815 | $13,569 |
| 135 | 7,164 | $19,619 |

TABLE 10.—GEOMETRIC MEAN PLUS THE LESSER OF 0.75 OF THE NATIONAL ADJUSTED OPERATING STANDARDIZED PAYMENT AMOUNT (INCREASED TO REFLECT THE DIFFERENCE BETWEEN COSTS AND CHARGES) OR 0.75 OF ONE STANDARD DEVIATION OF MEAN CHARGES BY DIAGNOSIS-RELATED GROUP (DRG)—SEPTEMBER 2006 [1]—Continued

| DRG | Number of cases | Threshold |
|---|---|---|
| 136 | 943 | $14,096 |
| 138 | 206,123 | $17,779 |
| 139 | 74,037 | $11,515 |
| 140 | 31,103 | $11,148 |
| 141 | 123,084 | $16,561 |
| 142 | 49,143 | $13,263 |
| 143 | 237,810 | $12,620 |
| 144 | 104,876 | $24,607 |
| 145 | 5,742 | $12,887 |
| 146 | 10,269 | $45,085 |
| 147 | 2,614 | $31,236 |
| 149 | 19,522 | $30,220 |
| 150 | 22,971 | $44,985 |
| 151 | 5,403 | $27,722 |
| 152 | 5,011 | $33,345 |
| 153 | 1,951 | $23,305 |
| 155 | 6,015 | $27,713 |
| 156 | 4 | $42,483 |
| 157 | 8,316 | $25,978 |
| 158 | 3,718 | $14,380 |
| 159 | 19,222 | $28,297 |
| 160 | 11,939 | $18,842 |
| 161 | 10,145 | $25,543 |
| 162 | 4,950 | $15,310 |
| 163 | 5 | $14,037 |
| 164 | 5,996 | $38,812 |
| 165 | 2,457 | $25,557 |
| 166 | 5,154 | $29,283 |
| 167 | 4,909 | $19,618 |
| 168 | 1,640 | $25,297 |
| 169 | 895 | $16,754 |
| 170 | 17,930 | $44,495 |
| 171 | 1,408 | $26,705 |
| 172 | 33,048 | $26,386 |
| 173 | 2,225 | $17,067 |
| 174 | 253,126 | $21,935 |
| 175 | 29,235 | $12,619 |
| 176 | 14,648 | $23,980 |
| 177 | 7,654 | $20,567 |
| 178 | 2,557 | $15,456 |
| 179 | 14,726 | $22,991 |
| 180 | 91,333 | $20,898 |
| 181 | 25,350 | $12,543 |
| 182 | 255,695 | $17,111 |
| 183 | 79,006 | $13,062 |
| 184 | 72 | $12,788 |
| 185 | 6,251 | $18,891 |
| 186 | 7 | $5,682 |
| 187 | 646 | $18,329 |
| 188 | 87,004 | $22,793 |
| 189 | 12,389 | $13,014 |
| 190 | 10 | $13,844 |
| 191 | 10,586 | $54,763 |
| 192 | 1,379 | $32,585 |
| 193 | 4,041 | $51,627 |
| 194 | 461 | $32,149 |
| 195 | 2,846 | $50,151 |
| 196 | 594 | $32,373 |
| 197 | 16,420 | $41,918 |
| 198 | 4,109 | $26,007 |
| 199 | 1,481 | $37,168 |
| 200 | 1,017 | $39,819 |
| 201 | 2,717 | $52,822 |
| 202 | 27,495 | $25,144 |
| 203 | 32,424 | $26,193 |
| 204 | 69,425 | $23,001 |
| 205 | 32,781 | $23,350 |
| 206 | 2,069 | $16,175 |
| 207 | 38,290 | $24,723 |
| 208 | 9,444 | $15,567 |
| 210 | 126,742 | $36,048 |
| 211 | 25,766 | $26,709 |
| 212 | 10 | $18,640 |
| 213 | 9,549 | $33,765 |
| 216 | 19,882 | $35,321 |
| 217 | 15,719 | $41,774 |
| 218 | 30,183 | $32,723 |
| 219 | 21,169 | $23,471 |
| 220 | 2 | $23,950 |
| 223 | 12,680 | $25,338 |
| 224 | 9,900 | $18,613 |
| 225 | 6,275 | $26,106 |
| 226 | 6,770 | $29,359 |
| 227 | 4,857 | $18,625 |
| 228 | 2,678 | $24,536 |
| 229 | 1,121 | $15,636 |
| 230 | 2,473 | $26,449 |
| 232 | 570 | $20,932 |
| 233 | 18,488 | $34,645 |
| 234 | 9,054 | $27,557 |
| 235 | 4,763 | $16,225 |
| 236 | 41,768 | $15,378 |
| 237 | 1,924 | $13,851 |
| 238 | 9,693 | $26,241 |
| 239 | 40,335 | $23,048 |
| 240 | 12,890 | $24,453 |
| 241 | 2,848 | $14,337 |
| 242 | 2,722 | $22,539 |
| 243 | 100,966 | $17,005 |
| 244 | 16,921 | $15,401 |
| 245 | 5,808 | $10,457 |
| 246 | 1,393 | $13,422 |
| 247 | 21,347 | $12,738 |
| 248 | 16,397 | $18,895 |
| 249 | 13,488 | $15,481 |
| 250 | 4,164 | $15,047 |
| 251 | 2,060 | $10,726 |
| 253 | 24,800 | $16,488 |
| 254 | 10,027 | $10,231 |
| 256 | 7,605 | $17,982 |
| 257 | 13,112 | $19,590 |
| 258 | 11,382 | $15,403 |
| 259 | 2,660 | $21,569 |
| 260 | 2,420 | $15,136 |
| 261 | 1,569 | $20,684 |
| 262 | 602 | $20,906 |
| 263 | 22,523 | $32,388 |
| 264 | 3,924 | $22,371 |
| 265 | 4,035 | $28,311 |
| 266 | 2,229 | $19,608 |
| 267 | 276 | $20,117 |
| 268 | 1,007 | $25,617 |
| 269 | 11,061 | $30,458 |
| 270 | 2,581 | $17,775 |
| 271 | 21,574 | $21,522 |
| 272 | 6,063 | $20,960 |
| 273 | 1,268 | $12,686 |
| 274 | 2,214 | $22,741 |
| 275 | 181 | $13,452 |
| 276 | 1,611 | $15,546 |
| 277 | 118,986 | $18,413 |
| 278 | 33,859 | $11,767 |
| 279 | 6 | $9,146 |
| 280 | 19,325 | $16,074 |
| 281 | 6,587 | $11,105 |
| 283 | 6,750 | $15,606 |
| 284 | 1,860 | $9,719 |
| 285 | 8,075 | $35,310 |
| 286 | 2,868 | $34,890 |
| 287 | 5,459 | $31,321 |
| 288 | 11,449 | $36,433 |
| 289 | 6,343 | $19,733 |
| 290 | 11,873 | $18,847 |
| 291 | 60 | $12,885 |
| 292 | 7,589 | $41,617 |
| 293 | 318 | $27,403 |
| 294 | 96,809 | $16,328 |
| 295 | 4,384 | $16,246 |
| 296 | 247,066 | $17,313 |
| 297 | 42,865 | $10,814 |
| 298 | 111 | $11,206 |
| 299 | 1,529 | $21,388 |
| 300 | 21,667 | $23,240 |
| 301 | 3,928 | $13,559 |
| 302 | 10,492 | $53,338 |
| 303 | 19,976 | $35,840 |
| 304 | 13,647 | $37,446 |
| 305 | 2,957 | $25,330 |
| 306 | 5,818 | $25,924 |
| 307 | 1,947 | $13,770 |
| 308 | 5,453 | $27,143 |
| 309 | 2,963 | $19,770 |
| 310 | 25,376 | $25,325 |
| 311 | 5,890 | $14,282 |
| 312 | 1,328 | $24,333 |
| 313 | 505 | $16,723 |
| 314 | 2 | $63,668 |
| 315 | 34,913 | $34,744 |
| 316 | 205,564 | $24,392 |
| 317 | 2,713 | $17,237 |
| 318 | 5,910 | $24,034 |
| 319 | 386 | $13,859 |
| 320 | 224,863 | $18,222 |
| 321 | 31,969 | $12,283 |
| 322 | 67 | $13,256 |
| 323 | 20,412 | $18,199 |
| 324 | 4,635 | $11,384 |

TABLE 10.—GEOMETRIC MEAN PLUS THE LESSER OF 0.75 OF THE NATIONAL ADJUSTED OPERATING STANDARDIZED PAYMENT AMOUNT (INCREASED TO REFLECT THE DIFFERENCE BETWEEN COSTS AND CHARGES) OR 0.75 OF ONE STANDARD DEVIATION OF MEAN CHARGES BY DIAGNOSIS-RELATED GROUP (DRG)—SEPTEMBER 2006 [1]—Continued

| DRG | Number of cases | Threshold |
|---|---|---|
| 325 | 9,919 | $14,511 |
| 326 | 2,592 | $9,803 |
| 327 | 11 | $4,287 |
| 328 | 574 | $15,451 |
| 329 | 54 | $11,775 |
| 331 | 56,121 | $22,455 |
| 332 | 3,962 | $13,809 |
| 333 | 244 | $18,783 |
| 334 | 9,525 | $29,895 |
| 335 | 12,194 | $24,054 |
| 336 | 28,188 | $18,058 |
| 337 | 21,485 | $12,514 |
| 338 | 674 | $26,937 |
| 339 | 1,237 | $24,400 |
| 341 | 3,131 | $26,325 |
| 342 | 457 | $16,760 |
| 344 | 2,341 | $26,264 |
| 345 | 1,390 | $24,260 |
| 346 | 3,961 | $22,442 |
| 347 | 235 | $12,271 |
| 348 | 4,262 | $15,658 |
| 349 | 554 | $10,030 |
| 350 | 7,276 | $16,403 |
| 352 | 1,177 | $16,583 |
| 353 | 3,089 | $31,220 |
| 354 | 7,566 | $29,704 |
| 355 | 4,987 | $19,286 |
| 356 | 22,032 | $16,331 |
| 357 | 5,537 | $37,764 |
| 358 | 20,928 | $24,273 |
| 359 | 28,584 | $17,298 |
| 360 | 13,855 | $18,950 |
| 361 | 287 | $23,686 |
| 362 | 2 | $6,796 |
| 363 | 2,155 | $23,016 |
| 364 | 1,799 | $19,267 |
| 365 | 1,617 | $32,699 |
| 366 | 4,645 | $23,868 |
| 367 | 446 | $12,998 |
| 368 | 4,145 | $23,496 |
| 369 | 3,723 | $14,363 |
| 370 | 2,249 | $17,564 |
| 371 | 2,705 | $12,728 |
| 372 | 1,376 | $10,829 |
| 373 | 5,273 | $7,559 |
| 374 | 153 | $13,086 |
| 375 | 12 | $22,690 |
| 376 | 476 | $12,879 |
| 377 | 109 | $24,191 |
| 378 | 201 | $16,303 |
| 379 | 499 | $8,235 |
| 380 | 111 | $9,375 |
| 381 | 169 | $15,153 |
| 382 | 48 | $3,957 |
| 383 | 2,806 | $10,566 |
| 384 | 151 | $7,395 |
| 389 | 3 | $47,550 |
| 392 | 2,139 | $45,748 |
| 394 | 2,759 | $31,095 |

TABLE 10.—GEOMETRIC MEAN PLUS THE LESSER OF 0.75 OF THE NATIONAL ADJUSTED OPERATING STANDARDIZED PAYMENT AMOUNT (INCREASED TO REFLECT THE DIFFERENCE BETWEEN COSTS AND CHARGES) OR 0.75 OF ONE STANDARD DEVIATION OF MEAN CHARGES BY DIAGNOSIS-RELATED GROUP (DRG)—SEPTEMBER 2006 [1]—Continued

| DRG | Number of cases | Threshold |
|---|---|---|
| 395 | 101,473 | $16,889 |
| 396 | 18 | $13,731 |
| 397 | 16,392 | $23,042 |
| 398 | 6,706 | $23,195 |
| 399 | 1,080 | $14,886 |
| 401 | 6,451 | $43,898 |
| 402 | 1,356 | $25,234 |
| 403 | 31,326 | $29,951 |
| 404 | 3,820 | $20,323 |
| 406 | 2,303 | $42,395 |
| 407 | 615 | $24,808 |
| 408 | 1,948 | $33,924 |
| 409 | 1,748 | $25,090 |
| 410 | 29,053 | $23,878 |
| 411 | 5 | $9,689 |
| 412 | 9 | $9,325 |
| 413 | 5,741 | $25,503 |
| 414 | 487 | $16,459 |
| 417 | 33 | $28,277 |
| 418 | 29,977 | $22,170 |
| 419 | 17,634 | $18,501 |
| 420 | 3,100 | $12,987 |
| 421 | 13,255 | $16,161 |
| 422 | 79 | $11,719 |
| 423 | 8,962 | $28,700 |
| 424 | 1,041 | $36,317 |
| 425 | 13,096 | $13,579 |
| 426 | 4,235 | $10,364 |
| 427 | 1,579 | $11,172 |
| 428 | 845 | $13,787 |
| 429 | 23,937 | $16,841 |
| 430 | 75,525 | $13,560 |
| 431 | 333 | $12,622 |
| 432 | 402 | $14,045 |
| 433 | 4,471 | $6,874 |
| 439 | 1,759 | $29,662 |
| 440 | 5,216 | $29,532 |
| 441 | 686 | $20,412 |
| 442 | 18,596 | $37,581 |
| 443 | 3,589 | $22,657 |
| 444 | 6,012 | $16,341 |
| 445 | 2,242 | $11,493 |
| 447 | 6,323 | $11,529 |
| 449 | 40,846 | $18,259 |
| 450 | 7,445 | $9,450 |
| 451 | 2 | $19,075 |
| 452 | 28,815 | $21,740 |
| 453 | 5,394 | $11,430 |
| 454 | 4,738 | $17,873 |
| 455 | 887 | $10,736 |
| 461 | 2,290 | $27,973 |
| 462 | 7,863 | $17,177 |
| 463 | 32,884 | $15,102 |
| 464 | 7,661 | $11,329 |
| 465 | 163 | $12,758 |
| 466 | 1,204 | $14,616 |
| 467 | 1,026 | $10,056 |
| 468 | 52,034 | $57,130 |
| 470 | 128 | $25,337 |

TABLE 10.—GEOMETRIC MEAN PLUS THE LESSER OF 0.75 OF THE NATIONAL ADJUSTED OPERATING STANDARDIZED PAYMENT AMOUNT (INCREASED TO REFLECT THE DIFFERENCE BETWEEN COSTS AND CHARGES) OR 0.75 OF ONE STANDARD DEVIATION OF MEAN CHARGES BY DIAGNOSIS-RELATED GROUP (DRG)—SEPTEMBER 2006 [1]—Continued

| DRG | Number of cases | Threshold |
|---|---|---|
| 471 | 15,630 | $55,525 |
| 473 | 8,578 | $38,344 |
| 476 | 2,850 | $35,320 |
| 477 | 28,197 | $34,214 |
| 479 | 27,646 | $30,661 |
| 480 | 908 | $128,375 |
| 481 | 1,198 | $89,005 |
| 482 | 5,081 | $49,252 |
| 484 | 472 | $75,143 |
| 485 | 3,713 | $51,989 |
| 486 | 2,712 | $69,289 |
| 487 | 5,016 | $32,012 |
| 488 | 828 | $63,441 |
| 489 | 13,547 | $28,616 |
| 490 | 5,252 | $21,801 |
| 491 | 22,663 | $35,766 |
| 492 | 3,924 | $44,487 |
| 493 | 61,082 | $34,534 |
| 494 | 24,547 | $22,726 |
| 495 | 342 | $121,280 |
| 496 | 3,726 | $96,585 |
| 497 | 31,201 | $62,709 |
| 498 | 21,280 | $52,054 |
| 499 | 35,237 | $28,358 |
| 500 | 46,425 | $19,847 |
| 501 | 3,200 | $42,457 |
| 502 | 764 | $29,384 |
| 503 | 5,910 | $26,642 |
| 504 | 192 | $146,686 |
| 505 | 180 | $28,342 |
| 506 | 963 | $50,252 |
| 507 | 323 | $31,921 |
| 508 | 654 | $23,708 |
| 509 | 155 | $16,122 |
| 510 | 1,782 | $21,231 |
| 511 | 627 | $13,442 |
| 512 | 550 | $90,296 |
| 513 | 226 | $67,441 |
| 515 | 58,659 | $86,726 |
| 518 | 23,762 | $34,527 |
| 519 | 12,586 | $44,237 |
| 520 | 16,525 | $35,867 |
| 521 | 29,364 | $15,479 |
| 522 | 3,423 | $12,533 |
| 523 | 14,462 | $8,530 |
| 524 | 109,013 | $16,166 |
| 525 | 205 | $156,390 |
| 528 | 1,845 | $107,946 |
| 529 | 5,026 | $36,171 |
| 530 | 3,360 | $25,619 |
| 531 | 4,993 | $45,629 |
| 532 | 2,882 | $28,150 |
| 533 | 43,711 | $29,870 |
| 534 | 40,201 | $21,434 |
| 535 | 8,826 | $119,455 |
| 536 | 8,259 | $109,010 |
| 537 | 8,983 | $32,598 |
| 538 | 5,459 | $22,345 |
| 539 | 4,973 | $44,611 |

TABLE 10.—GEOMETRIC MEAN PLUS THE LESSER OF 0.75 OF THE NATIONAL ADJUSTED OPERATING STANDARDIZED PAYMENT AMOUNT (INCREASED TO REFLECT THE DIFFERENCE BETWEEN COSTS AND CHARGES) OR 0.75 OF ONE STANDARD DEVIATION OF MEAN CHARGES BY DIAGNOSIS-RELATED GROUP (DRG)—SEPTEMBER 2006 [1]—Continued

| DRG | Number of cases | Threshold |
|---|---|---|
| 540 | 1,504 | $25,501 |
| 541 | 25,104 | $251,059 |
| 542 | 23,115 | $151,522 |
| 543 | 5,718 | $64,397 |
| 544 | 445,799 | $39,439 |
| 545 | 44,802 | $44,851 |
| 546 | 2,360 | $83,437 |
| 547 | 32,710 | $97,734 |
| 548 | 32,249 | $79,397 |
| 549 | 13,141 | $80,495 |
| 550 | 34,566 | $63,327 |
| 551 | 53,869 | $51,351 |
| 552 | 82,058 | $40,481 |
| 553 | 39,292 | $46,800 |
| 554 | 77,351 | $36,871 |
| 555 | 37,378 | $42,659 |
| 556 | 18,973 | $37,602 |
| 557 | 124,154 | $51,160 |
| 558 | 192,637 | $42,298 |
| 559 | 2,894 | $40,731 |
| 560 | 3,457 | $44,405 |
| 561 | 2,952 | $35,694 |
| 562 | 52,954 | $22,156 |
| 563 | 21,145 | $14,021 |
| 564 | 16,327 | $15,310 |
| 565 | 46,823 | $78,345 |
| 566 | 73,082 | $39,133 |
| 567 | 10,363 | $72,728 |
| 568 | 16,695 | $48,820 |
| 569 | 60,814 | $63,237 |
| 570 | 72,247 | $44,163 |
| 571 | 11,153 | $23,681 |
| 572 | 48,983 | $25,165 |
| 573 | 6,683 | $51,724 |
| 574 | 26,619 | $24,474 |
| 575 | 10,978 | $86,104 |
| 576 | 277,472 | $28,309 |
| 577 | 5,596 | $35,353 |
| 578 | 35,312 | $65,007 |
| 579 | 20,665 | $39,583 |

[1] Cases taken from the FY 2005 MedPAR file; DRGs are from GROUPER Version 24.0.

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Federal Register

Wednesday,
October 11, 2006

Part IV

# Department of Education

## Discretionary Grant Programs; Notice

## DEPARTMENT OF EDUCATION

### Discretionary Grant Programs

**AGENCY:** Department of Education.

**ACTION:** Notice of final priorities.

**SUMMARY:** The Secretary of Education establishes priorities that the Department of Education (Department) may use for any appropriate discretionary grant program in fiscal year (FY) 2007 and in FY 2008. We take this action to focus Federal financial assistance on expanding the number of programs and projects Department-wide that support activities in areas of greatest educational need. Although we expect that these priorities will have the greatest applicability to programs authorized by the Elementary and Secondary Education Act of 1965 (as amended by the No Child Left Behind Act of 2001), we are establishing the priorities on a Department-wide basis, so that Department offices can use one or more of these priorities in any discretionary grant competition, as appropriate.

**DATES:** *Effective Date:* These priorities are effective November 13, 2006.

**FOR FURTHER INFORMATION CONTACT:** Margo Anderson, U.S. Department of Education, 400 Maryland Avenue, SW., Room 4W311, Washington, DC 20202–5910. Telephone: (202) 205–3010 or via Internet at: *Margo.Anderson@ed.gov.*

If you use a telecommunications device for the deaf (TDD), you may call the Federal Relay Service (FRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

**SUPPLEMENTARY INFORMATION:**

### General

In the more than four years since the enactment of the No Child Left Behind Act of 2001 (NCLB), there have been significant changes in our educational system that provide a strong framework for reaching the goal that all students will be proficient in reading/language arts and mathematics by the year 2014. States have put in place rigorous new accountability systems and in the last school year (2005–2006) administered reading and mathematics assessments covering all students in grades 3 to 8 and at least once for students in grades 10 to 12. By school year 2007–2008, States will be assessing students in science at least once in each of three grade spans (3–5, 6–9, 10–12). A focus on professional development and teacher qualifications is helping States to ensure that increasing numbers of students are being taught by highly-qualified teachers. School districts are providing new support and assistance to schools in need of improvement, while making available public school choice and supplemental educational services options to eligible students who attend these schools.

National Assessment of Educational Progress (NAEP) results for older students provide a reminder of the need to continue to emphasize high standards and accountability for all students, especially those in the higher grades. The 2005 NAEP math results for 8th graders, for example, are both illustrative and alarming: less than one-third of 8th graders, and just 13 percent of low-income 8th graders, scored at the proficient or above level. High school test scores in mathematics have barely budged since the 1970's and less than half of high school graduates in 2005 were ready for college-level math and science coursework, according to American College Testing, Inc. (ACT).

America's rapidly changing economy requires an educational system that is producing high school graduates with the skills needed to be successful in postsecondary education and the workforce. In addition to improving the academic achievement of students in mathematics and science, we must expand the number of Americans mastering foreign languages critical to national security and to our participation in the global economy. High schools must develop a larger pool of technically adept and numerically literate Americans, a continual supply of highly trained mathematicians, scientists, and engineers, and more students with higher levels of proficiency in critical-need languages. The Department believes that high-quality professional development for secondary school teachers is a critical part of the solution, because it can help ensure that these teachers have the content knowledge and expertise required to improve student achievement.

Rigorous instruction, high standards, and accountability for results are helping to raise achievement in the early grades. Now America must complete the task. We must focus on improving the mathematics and science achievement of secondary school students, expanding foreign language learning to critical need languages, providing teachers with better training and support, helping districts improve all their schools, and ensuring that all students meet rigorous State mathematics and science academic standards and graduate from high school. Student performance is not just an education issue; it is an economic issue, a civic issue, a social issue, and a national security issue.

In addition to content-specific priorities, the Secretary is establishing a priority for collecting data to assess the effect of projects on the academic achievement of student participants relative to appropriate comparison or control groups. The Secretary believes that interventions must be designed to collect the best available data to determine the impact of the proposed intervention on student achievement and to inform future improvement efforts. Finally, to assist schools and districts in using data effectively, we are establishing a priority for projects that will help educators use information from State data systems to improve student achievement or other appropriate outcomes.

We published a notice of proposed priorities in the **Federal Register** on August 7, 2006 (71 FR 44671). The Department has made one change to priority three since publication of the notice of proposed priorities. We explain this change in the Analysis of Comments and Change elsewhere in this notice.

*Analysis of Comments and Change*

In response to our invitation in the notice of proposed priorities, seven parties submitted comments on the proposed priorities. Although we received several substantive comments, we determined that the comments did not warrant changes to the priorities. However, based on intradepartmental review of the notice of proposed priorities, we made a change to priority three. An analysis of the comments and the change to priority three follows.

Generally, we do not address technical and other minor changes—and suggested changes the law does not authorize us to make under the applicable statutory authority.

*Comment:* One commenter recommended the addition of a priority for technology.

*Discussion:* The Secretary believes that technology issues can be addressed in the context of the content priorities.

*Change:* None.

*Comment:* One commenter recommended the addition of a priority for language arts.

*Discussion:* The Secretary identified the content areas of the priorities (math, science, and critical foreign languages) based on a determination that these are the most important areas on which to

focus next in terms of the skills needed for our students to successfully compete in the global economy. The Secretary believes that language arts can be addressed through existing Department programs on reading.

*Change:* None.

*Comment:* One commenter expressed concern that there was not an emergent and beginning literacy component to the priorities and wondered if this type of activity could be supported in the critical-need languages priority.

*Discussion:* The Secretary believes that an emerging literacy component could, depending on how it is designed, be one of many appropriate activities to address the critical-need languages priority.

*Change:* None.

*Comment:* One commenter suggested that for the critical-need languages priority, the Department consider using such resources as highly educated foreign immigrants and faculty and students from area colleges and universities. The commenter also suggested using summer foreign language institutes for high school students to encourage their pursuit of foreign language studies in college.

*Discussion:* Depending on the individual program competition requirements, the Secretary believes that these activities, if properly designed, could address this priority.

*Change:* None.

*Comment:* None.

*Discussion:* Based on intradepartmental review of the notice of proposed priorities, we added to priority three language that expands the applicability of this priority to include activities to develop programs in certain critical needs languages. The proposed language of priority three limited the priority to activities to enable students to achieve proficiency or advanced proficiency in certain critical needs languages. This change is necessary to ensure that the broadest range of the Department's programs can use the priority.

*Change:* We have amended priority three by adding language that expands the applicability of this priority to include activities to develop programs in certain critical needs languages.

*Comment:* One commenter recommended adding a priority for after-school programs.

*Discussion:* The Department supports after-school programs through its existing, State-administered after-school program, 21st Century Learning Centers, which received approximately $981,000,000 in FY 2006 funding.

*Change:* None.

*Comment:* One commenter recommended that the Department provide a definition of secondary school.

*Discussion:* The term ''secondary school'' is already defined in section 9101(38) of the Elementary and Secondary Education Act, 20 U.S.C. 7801(38), and in the Department's regulations at 34 CFR 77.1.

*Change:* None.

*Comment:* One commenter asked why the first two priorities on mathematics and science proficiency, respectively, weren't more explicit about teacher recruitment.

*Discussion:* Teacher recruitment and training could be one of the many possible activities that, if properly designed, could address these two priorities. The Secretary believes that applicants should have the flexibility to use a variety of strategies to achieve the goals of proficiency or advanced proficiency in mathematics and science.

*Change:* None.

*Comment:* One commenter recommended that, for the professional development for secondary school teachers priority, consideration be given to preparing secondary school teachers to integrate advanced literacy skills and mathematics concepts and applications into their areas of specialization.

*Discussion:* Depending upon the individual program competition requirements, the Secretary believes that this activity, if properly designed, could address this priority.

*Change:* None.

*Comment:* One commenter asked what the purpose was of the priority for State data systems.

*Discussion:* The purpose of this priority is to encourage educators to use State data systems to track individual student achievement (including for students who move across schools and districts) in order to improve instruction, design and implement interventions for students at risk of failure, and hold schools and districts accountable for performance.

*Change:* None.

**Note:** This notice does not solicit applications. In any year in which we choose to use one or more of these priorities, we invite applications for new awards under the applicable program through a notice in the **Federal Register**. When inviting applications we designate each priority as absolute, competitive preference, or invitational. The effect of each type of priority follows:

*Absolute priority:* Under an absolute priority we consider only applications that meet the priority (34 CFR 75.105(c)(3)).

*Competitive preference priority:* Under a competitive preference priority we give competitive preference to an application by either (1) awarding additional points, depending on how well or the extent to which the application meets the competitive preference priority (34 CFR 75.105(c)(2)(i)); or (2) selecting an application that meets the competitive priority over an application of comparable merit that does not meet the priority (34 CFR 75.105(c)(2)(ii)).

*Invitational priority:* Under an invitational priority we are particularly interested in applications that meet the invitational priority. However, we do not give an application that meets the invitational priority a competitive or absolute preference over other applications (34 CFR 75.105(c)(1)).

*Priorities*

The Secretary establishes priorities that the Department may use for discretionary grant competitions in FY 2007 and FY 2008, as appropriate. The Secretary intends that these priorities will allow program participants and the Department to focus limited Federal resources in areas of greatest educational need. The Secretary recognizes that some of the priorities will not be appropriate for particular programs.

*Priority 1—Mathematics.* Projects that support activities to enable students to achieve proficiency or advanced proficiency in mathematics.

*Priority 2—Science.* Projects that support activities to enable students to achieve proficiency or advanced proficiency in science.

*Priority 3—Critical-Need Languages.* Projects that support activities to enable students to achieve proficiency or advanced proficiency or to develop programs in one or more of the following less commonly taught languages: Arabic, Chinese, Korean, Japanese, Russian, and languages in the Indic, Iranian, and Turkic language families.

*Priority 4—Secondary Schools.* Projects that support activities and interventions aimed at improving the academic achievement of secondary school students who are at greatest risk of not meeting challenging State academic standards and not completing high school.

*Priority 5—Professional Development for Secondary School Teachers.* Projects that support high-quality professional development for secondary school teachers to help these teachers improve student academic achievement.

*Priority 6—School Districts With Schools in Need of Improvement, Corrective Action, or Restructuring.* Projects that help school districts implement academic and structural interventions in schools that have been identified for improvement, corrective action, or restructuring under the Elementary and Secondary Education

Act of 1965, as amended by the No Child Left Behind Act of 2001.

*Priority 7—Student Achievement Data.* Projects that collect pre- and post-intervention test data to assess the effect of the projects on the academic achievement of student participants relative to appropriate comparison or control groups.

*Priority 8—State Data Systems.* Projects that help educators use information from State data systems to improve student achievement or other appropriate outcomes.

*Executive Order 12866*

This notice of final priorities has been reviewed in accordance with Executive Order 12866. Under the terms of the order, we have assessed the potential costs and benefits of this regulatory action.

The potential costs associated with the notice of final priorities are those resulting from statutory requirements and those we have determined as necessary for administering the Department's discretionary grant programs effectively and efficiently.

In assessing the potential costs and benefits—both quantitative and qualitative—of this notice of final priorities, we have determined that the benefits of the final priorities justify the costs.

We have also determined that this regulatory action does not unduly interfere with State, local, and tribal governments in the exercise of their governmental functions.

*Executive Order 12372*

Some of the programs affected by these final priorities are subject to Executive Order 12372 and the regulations in 34 CFR part 79. One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for these programs.

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(Catalog of Federal Domestic Assistance Number does not apply.)

**Program Authority:** 20 U.S.C. 1221e–3; 20 U.S.C. 6301 *et. seq.*

Dated: October 4, 2006.

**Margaret Spellings,**

*Secretary of Education.*

[FR Doc. 06–8608 Filed 10–10–06; 8:45 am]

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Federal Register

Wednesday,
October 11, 2006

## Part V

# The President

**Proclamation 8064—National School Lunch Week, 2006**

**Proclamation 8065—Columbus Day, 2006**

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# Presidential Documents

**Title 3—**

**The President**

**Proclamation 8064 of October 5, 2006**

## National School Lunch Week, 2006

**By the President of the United States of America**

**A Proclamation**

For 60 years, the National School Lunch Program has contributed to the health and well-being of America's youth. National School Lunch Week highlights the many achievements of the National School Lunch Program and the importance of helping children develop good nutrition habits.

Eating healthy foods and maintaining an active lifestyle are vital for children's health and reduce their risk of serious long-term health problems, such as obesity, asthma, and diabetes. The National School Lunch Program, part of the United States Department of Agriculture (USDA), provides more than 29 million children with healthy meals each day. The program raises awareness about the importance of good food choices and trains food service professionals to prepare nutritious breakfasts, lunches, and snacks that include foods rich in vitamins, minerals, and fiber. In addition, the USDA offers educational resources for school nutrition directors, managers, and staff based on the requirements for healthy school meals established in the Dietary Guidelines for Americans. By promoting good nutrition and exercise, schools can help children develop well-balanced diets and lead healthier lives.

During National School Lunch Week, we recognize dedicated parents, school officials, community leaders, and food service professionals for their efforts to ensure that our children are provided with nutritious meals each day.

In recognition of the contributions of the National School Lunch Program to the health, education, and well-being of America's children, the Congress, by joint resolution of October 9, 1962 (Public Law 87–780), as amended, has designated the week beginning on the second Sunday in October of each year as ''National School Lunch Week,'' and has requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, do hereby proclaim the week of October 8 through October 14, 2006, as National School Lunch Week. I call upon all Americans to join the dedicated individuals who administer the National School Lunch Program in appropriate activities that support the health and well-being of our Nation's children.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of October, in the year of our Lord two thousand six, and of the Independence of the United States of America the two hundred and thirty-first.

[FR Doc. 06–8648
Filed 10–10–06; 8:45 am]
Billing code 3195–01–P

# Presidential Documents

**Proclamation 8065 of October 5, 2006**

## Columbus Day, 2006

**By the President of the United States of America**

**A Proclamation**

More than five centuries ago, Christopher Columbus boldly set out on a long and challenging journey across the Atlantic that led the way for exploration of the Americas. On Columbus Day, we celebrate the historic voyages of the Italian explorer and honor his life, heritage, and lasting legacy.

Columbus' brave expeditions expanded the horizons of human knowledge and inspired generations of risk-takers and pioneers in America and around the world. Our Nation is built on the efforts of men and women who possess both the vision to see beyond what is and the desire to pursue what might be. Today, the same passion for discovery that drove Columbus is leading bold visionaries to explore the frontiers of space, find new energy sources, and solve our most difficult medical challenges.

Columbus Day is also an opportunity to celebrate the heritage we share with the legendary explorer, the important relationship between the United States and Italy, and the proud Italian Americans who call our Nation home. Italian Americans have strengthened our country and enriched our culture, and through service in our Armed Forces, many have defended our Nation with courage and helped lay the foundation of peace for generations to come.

In commemoration of Columbus' journey, the Congress, by joint resolution of April 30, 1934, and modified in 1968 (36 U.S.C. 107), as amended, has requested that the President proclaim the second Monday of October of each year as ''Columbus Day.''

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, do hereby proclaim October 9, 2006, as Columbus Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities. I also direct that the flag of the United States be displayed on all public buildings on the appointed day in honor of Christopher Columbus.

IN WITNESS WHEREOF, I have hereunto set my hand this fifth day of October, in the year of our Lord two thousand six, and of the Independence of the United States of America the two hundred and thirty-first.

[FR Doc. 06–8649
Filed 10–10–06; 8:45 am]
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**H.R. 1036/P.L. 109–303**

Copyright Royalty Judges Program Technical Corrections Act (Oct. 6, 2006; 120 Stat. 1478)

**H.R. 1442/P.L. 109–304**

To complete the codification of title 46, United States Code, "Shipping", as positive law. (Oct. 6, 2006; 120 Stat. 1485)

**H.R. 5074/P.L. 109–305**

Railroad Retirement Technical Improvement Act of 2006 (Oct. 6, 2006; 120 Stat. 1719)

**H.R. 5187/P.L. 109–306**

To amend the John F. Kennedy Center Act to authorize additional appropriations for the John F. Kennedy Center for the Performing Arts for fiscal year 2007. (Oct. 6, 2006; 120 Stat. 1720)

**H.R. 5574/P.L. 109–307**

Children's Hospital GME Support Reauthorization Act of 2006 (Oct. 6, 2006; 120 Stat. 1721)

**Last List October 10, 2006**

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