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WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

WHEN: Tuesday, June 8, 2010 [CANCELLED]
9 a.m.–12:30 p.m.

WHERE: Office of the Federal Register
Conference Room, Suite 700
800 North Capitol Street, NW.
Washington, DC 20002

RESERVATIONS: (202) 741–6008

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FARM CREDIT ADMINISTRATION

12 CFR Parts 611, 613, 615, 619 and 620

RIN 3052–AC43

Organization; Eligibility and Scope of Financing; Funding and Fiscal Affairs, Loan Policies and Operations, and Funding Operations; Definitions; and Disclosure to Shareholders; Director Elections; Effective Date

AGENCY: Farm Credit Administration.

ACTION: Notice of effective date.

SUMMARY: The Farm Credit Administration (FCA or Agency), through the FCA Board (Board), issued a final rule under parts 611, 613, 615, 619 and 620 on April 12, 2010 (75 FR 18726) amending FCA's regulations to clarify director election processes and update FCA regulations to incorporate interpretations made through bookletters to Farm Credit System institutions. In accordance with 12 U.S.C. 2252, the effective date of the final rule is 30 days from the date of publication in the **Federal Register** during which either or both Houses of Congress are in session. Based on the records of the sessions of Congress, the effective date of the regulations is May 24, 2010.

DATES: *Effective Date:* Under the authority of 12 U.S.C. 2252, the regulation amending 12 CFR parts 611, 613, 615, 619 and 620 published on April 12, 2010 (75 FR 18726) is effective May 24, 2010.

FOR FURTHER INFORMATION CONTACT:

Elna Luopa, Senior Corporate Analyst, Office of Regulatory Policy, Farm Credit Administration, McLean, Virginia 22102–5090, (703) 883–4498, TTY (703) 883–4434, or

Laura D. McFarland, Senior Counsel, Office of General Counsel, Farm Credit Administration, McLean, Virginia 22102–5090, (703) 883–4020, TTY (703) 883–4020.

(12 U.S.C. 2252(a)(9) and (10))

Dated: May 26, 2010.

Roland E. Smith,

Secretary, Farm Credit Administration Board.

[FR Doc. 2010–13110 Filed 6–1–10; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2007–27009; Directorate Identifier 2007–NE–02–AD; Amendment 39–16322; AD 2007–19–09R1]

RIN 2120–AA64

Airworthiness Directives; Turbomeca Arriel 2B1 Turboshaft Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: We are revising an existing airworthiness directive (AD) for the products listed above. This AD results from mandatory continuing airworthiness information (MCAI) issued by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as:

Since the issuance of AD 2007–0126 Turbomeca has released modification TU157 which consists in modifying the pressure relief valve of the HMU by introducing a damping device into the valve. Introduction of this device has demonstrated to decrease the pressure fluctuations in the system, therefore reducing significantly the risk of wear of the delta-P diaphragm fabric. This will delete the need for a periodical replacement of the delta-P diaphragm before overhaul of the HMU. The modification TU157 is therefore considered as the terminating action for this AD.

We are issuing this AD to prevent the loss of automatic control mode coupled with the deteriorated performance of the backup mode, which can lead to the inability to continue safe flight, forced autorotation landing, or an accident.

DATES: This AD becomes effective July 7, 2010.

ADDRESSES: The Docket Operations office is located at Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.

FOR FURTHER INFORMATION CONTACT:

Kevin Dickert, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: *kevin.dickert@faa.gov;* telephone (781) 238–7117; fax (781) 238–7199.

SUPPLEMENTARY INFORMATION:

Discussion

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to include an AD that would apply to the specified products. That NPRM was published in the **Federal Register** on March 22, 2010 (75 FR 13451). That NPRM proposed to correct an unsafe condition for the specified products. The MCAI states that:

Since the issuance of AD 2007–0126 Turbomeca has released modification TU157 which consists in modifying the pressure relief valve of the HMU by introducing a damping device into the valve. Introduction of this device has demonstrated to decrease the pressure fluctuations in the system, therefore reducing significantly the risk of wear of the delta-P diaphragm fabric. This will delete the need for a periodical replacement of the delta-P diaphragm before overhaul of the HMU. The modification TU157 is therefore considered as the terminating action for this AD.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM or on the determination of the cost to the public.

Mandatory Service Bulletin Reference Added

Since we issued the proposed AD, Turbomeca issued Mandatory Service Bulletin (MSB) No. 292 73 2818, Version C, dated January 29, 2009. We added that reference to paragraph (e)(2)(iii) of the AD.

Conclusion

We reviewed the available data and determined that air safety and the public interest require adopting the AD with the change described previously.

Differences Between This AD and the MCAI or Service Information

The MCAI applies to the ARRIEL 2B1 and 2B1A engines. The ARRIEL 2B1A engine is not type certificated in the United States, so this AD applies to the ARRIEL 2B1 engine model only.

Costs of Compliance

Based on the service information, we estimate that this AD will affect about 103 products of U.S. registry. We also estimate that it will take about 0.75 work-hour per product to comply with this AD. The average labor rate is $85 per work-hour. Required parts will cost about $10,550 per product. Based on these figures, we estimate the cost of the AD on U.S. operators to be $1,093,216.

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 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.

For the reasons discussed above, I certify this AD:

1. Is not a "significant regulatory action" under Executive Order 12866;

2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this AD and placed it in the AD docket.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov*; or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (phone (800) 647–5527) is provided in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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 removing amendment 39–15200 (72 FR 53112, September 18, 2007), and adding the following new AD:

2007–19–09R1 Turbomeca: Amendment 39–16322. Docket No. FAA–2007–27009; Directorate Identifier 2007–NE–02–AD.

Effective Date

(a) This airworthiness directive (AD) becomes effective July 7, 2010.

Affected ADs

(b) This AD revises AD 2007–19–09, Amendment 39–15200.

Applicability

(c) This AD applies to Turbomeca ARRIEL 2B1 turboshaft engines that don't incorporate modification TU157. These engines are installed on, but not limited to, Eurocopter AS 350 B3 and EC 130 B4 helicopters.

Reason

(d) European Aviation Safety Agency (EASA) AD No. 2009–0091, dated May 4, 2009, states:

Since the issuance of AD 2007–0126 Turbomeca has released modification TU157 which consists in modifying the pressure relief valve of the HMU by introducing a damping device into the valve. Introduction of this device has demonstrated to decrease the pressure fluctuations in the system, therefore reducing significantly the risk of wear of the delta-P diaphragm fabric. This will delete the need for a periodical replacement of the delta-P diaphragm before overhaul of the HMU. The modification TU157 is therefore considered as the terminating action for this AD.

We are issuing this AD to prevent the loss of automatic control mode coupled with the deteriorated performance of the backup mode, which can lead to the inability to continue safe flight, forced autorotation landing, or an accident.

Actions and Compliance

(e) Unless already done, do the following actions.

(1) For ARRIEL 2B1 engines that incorporate modification TU157, no further action is required.

(2) For all other ARRIEL 2B1 engines do the following:

(i) Replace the hydromechanical metering unit (HMU) with a serviceable HMU before the HMU accumulates 1,500 hours-since-new, hours-since-last-overhaul (HSO), or since incorporation of Turbomeca Service Bulletin (SB) No. 292 73 2105, whichever occurs later.

(ii) Thereafter, replace the HMU with a serviceable HMU at every 1,500 hours-since new, since last overhaul, or since incorporation of Turbomeca SB No. 292 73 2105, whichever occurs later.

(iii) For the purposes of this AD, a serviceable HMU is an HMU fitted with a new constant delta P diaphragm in accordance with Turbomeca Mandatory Service Bulletin (MSB) No. 292 73 2818, Original Issue, Dated October 18, 2006, Update No. 1, dated April 3, 2007, or Version C, dated January 29, 2009.

Optional Terminating Action

(3) Replacing the HMU with an HMU that has been modified to TU157 terminates the repetitive requirement of paragraph (e)(2)(ii) of this AD.

FAA AD Differences

(f) This AD differs from the Mandatory Continuing Airworthiness Information (MCAI) because the MCAI applies to the ARRIEL 2B1 and 2B1A engines. The ARRIEL 2B1A engine is not type certificated in the United States, so this proposed AD applies to the ARRIEL 2B1 engine model only.

Alternative Methods of Compliance (AMOCs)

(g) The Manager, Engine Certification Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19.

Related Information

(h) Contact Kevin Dickert, Aerospace Engineer, Engine Certification Office, FAA, Engine & Propeller Directorate, 12 New England Executive Park, Burlington, MA 01803; e-mail: *kevin.dickert@faa.gov;* telephone (781) 238–7117; fax (781) 238–7199, for more information about this AD.

Material Incorporated by Reference

(i) None.

Issued in Burlington, Massachusetts, on May 24, 2010.

Peter A. White,

Assistant Manager, Engine and Propeller Directorate, Aircraft Certification Service.

[FR Doc. 2010–13133 Filed 6–1–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2010–0367; Airspace Docket No. 10–AWA–2]

RIN 2120–AA66

Modification of Class C Airspace; Beale Air Force Base, CA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action modifies the legal description of the Beale Air Force Base (AFB), CA, Class C airspace area by allowing the hours of operation to be announced in advance by a Notice to Airmen (NOTAM). The effective hours of the Beale AFB Class C airspace area will be consistent with the actual hours of operation of the Beale AFB Airport Traffic Control Tower (ATCT).

DATES: Effective date 0901 UTC, June 18, 2010. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order 7400.9 and publication of conforming amendments.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace and Rules Group, Office of System Operations Airspace and AIM, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

History

The Beale AFB ATCT has reduced its hours of operation. During the times that Beale ATCT is not operational, Class C ATC Services are not available and the airspace reverts to Class E airspace. A requirement for Class C airspace is an operational ATCT. During the times that Beale ATCT is closed, Class C air traffic services are not available. Therefore, there is a need to publish the effective hours of operation for the Beale AFB Class C airspace area to coincide with those times that Class C ATC services are available. The Beale AFB Class C airspace area remains an essential safety measure in support of the ongoing airport operational requirements.

The Rule

This action amends Title 14 Code of Federal Regulations (CFR) part 71 by modifying the legal description of the Beale AFB, CA, Class C airspace area. The Beale AFB Class C airspace area is designated effective during the specific dates and times established in advance by NOTAM. The effective days and times will thereafter be continuously published in the Airport/Facility Directory, in concert with current Beale AFB ATCT operating hours. During the times that Beale ATCT is not operational, the airspace reverts to Class E airspace.

Class C Airspace areas are published in paragraph 4000 of FAA Order 7400.9T signed August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. The Class C airspace listed in this document will be published subsequently in the Order.

In consideration of the need to change the Beale AFB Class C airspace effective hours of operation to be consistent with the actual operating hours of the Beale AFB ATCT, and conform with FAA regulations for Class C airspace, the FAA finds good cause, pursuant to U.S.C. 553(d), for making this amendment effective in less than 30 days in order to promote the safe and efficient handling of air traffic in the area.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this regulation: (1) Is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. 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.

This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies Class C airspace for Beale AFB, CA.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1E, "Environmental Impacts: Policies and Procedures," paragraph 311a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D, AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order 7400.9T, Airspace Designations and Reporting Points, signed August 27, 2009, and effective September 15, 2009, is amended as follows:

Paragraph 4000 Subpart C—Class C Airspace.

* * * * *

AWP CA C Beale AFB, CA [Modified]

Beale AFB, CA

(Lat. 39°08′10″ N., long. 121°26′12″ W.)

That airspace extending upward from the surface to and including 4,100 feet MSL within a 5-mile radius of Beale AFB, and that airspace extending upward from 1,600 feet MSL to 4,100 feet MSL within a 10-mile radius of Beale AFB from the 127° bearing from the airport clockwise to the 007° bearing from the airport, and that airspace extending upward from 2,600 feet MSL to 4,100 feet MSL within a 10-mile radius of the airport

from the 007° bearing from the airport clockwise to the 127° bearing from the airport. This Class C airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Airport/Facility Directory.

Issued in Washington, DC, May 25, 2010.

Edith V. Parish,

Manager, Airspace and Rules Group.

[FR Doc. 2010–13137 Filed 6–1–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 91

[Docket No. FAA–2010–0563; Amendment No. 91–315 (Related to Docket No. FAA–18334)]

Minimum Altitudes for IFR Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Technical amendment.

SUMMARY: The FAA is correcting the introductory text in paragraph (a) of § 91.177 that was published on August 18, 1989. The phrase, "or unless otherwise authorized by the Administrator" was inadvertently removed from paragraph (a) introductory text. This action reinstates that phrase with a minor revision.

DATES: Effective June 2, 2010.

FOR FURTHER INFORMATION CONTACT: Ellen Crum, Air Traffic Systems Operations, Airspace and Rules Group, 800 Independence Ave., SW., Washington, DC 20591; telephone (202) 267–8783; e-mail *ellen.crum@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

On August 18, 1989 (54 FR 34288), the FAA published a final rule that revised 14 CFR part 91. In the final rule, the phrase in § 91.177 (a) introductory text "unless otherwise authorized by the Administrator" was inadvertently removed. The impact of this action was not apparent until the FAA recently amended the guidelines for establishing minimum vectoring altitudes. Without this phrase in the regulation, certain altitudes are unavailable to air traffic control. This action corrects this error with a minor revision. We are replacing the word "Administrator" with "FAA". The new phrase will read "unless otherwise authorized by the FAA".

Good Cause for Immediate Adoption of This Final Rule

Until recently, the FAA was unaware of the erroneous amendment to this regulation and its impact on minimum vectoring altitudes. The FAA concludes that immediate action is necessary to correct this error and therefore, finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and contrary to the public interest. Further, the FAA finds that good cause exists under 5 U.S.C. 553(d) for making this rule effective immediately upon publication.

List of Subjects in 14 CFR Part 91

Air traffic control, Aircraft, Airmen, Aviation safety, Reporting and recordkeeping requirements.

The Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends Chapter 1 of Title 14, Code of Federal Regulations, as follows:

PART 91—GENERAL OPERATING AND FLIGHT RULES

■ 1. The authority citation for part 91 continues to read as follows:

Authority: 49 U.S.C. 106(g), 1155, 40103, 40113, 40120, 44101, 44111, 44701, 44704, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46504, 46506–46507, 47122, 47508, 47528–47531, articles 12 and 29 of the Convention on International Civil Aviation (61 Stat. 1180).

■ 2. Amend § 91.177 by revising paragraph (a) introductory text to read as follows:

§ 91.177 Minimum altitudes for IFR operations.

(a) *Operation of aircraft at minimum altitudes.* Except when necessary for takeoff or landing, or unless otherwise authorized by the FAA, no person may operate an aircraft under IFR below—

* * * * *

Issued in Washington, DC on May 27, 2010.

Pamela Hamilton-Powell,

Director, Office of Rulemaking.

[FR Doc. 2010–13132 Filed 6–1–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 406

[Docket No. FAA–2009–1240; Amendment No. 406–6]

RIN 2120–AJ63

Civil Penalty Inflation Adjustment for Commercial Space Adjudications

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This final rule brings Federal Aviation Administration commercial space transportation regulations into compliance with the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996. The rule makes mandatory inflation-based adjustments to the maximum civil penalty contained in 14 CFR part 406 authorized for violations of the Commercial Space Launch Act of 1984, as codified at 49 U.S.C. subtitle IX, ch. 701, Commercial Space Launch Activities.

DATES: This amendment becomes effective July 2, 2010.

FOR FURTHER INFORMATION CONTACT: Laura Montgomery, Senior Attorney, Office of the Chief Counsel, Regulations Division, AGC–200, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3150; facsimile (202) 267–7971; e-mail *laura.montgomery@faa.gov.*

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking and Applicable Statutes

The statute under which the Secretary of Transportation regulates commercial space transportation, 49 U.S.C. Subtitle IX, sections 70101–70121 (chapter 701), provides for the Department of Transportation (DOT), and, through delegation, the Federal Aviation Administration (FAA) to impose civil penalties on persons who violate chapter 701, a regulation issued under chapter 701, or any term or condition of a license or permit issued or transferred under chapter 701. 49 U.S.C. 70105a(h)(i), 70115.

This rule implements the Federal Civil Penalties Inflation Adjustment Act of 1990 (FCPIAA), Public Law (Pub. L.) 101–410, as amended by the Debt Collection Improvement Act of 1996, Public Law 104–134, codified at 28 U.S.C. 2461 note.

The FCPIAA requires Federal agencies to adjust minimum and maximum civil penalty amounts for inflation to preserve their deterrent impact. Under these laws, each agency must make an initial inflationary adjustment for all applicable civil monetary penalties, and further adjust these penalties at least once every 4 years. The FCPIAA required the first adjustment to the maximum civil penalty found in 14 CFR part 406 to have been made in 1996.

Prior Rulemakings

This rule is the FAA's initial adjustment to the maximum civil penalty found in 14 CFR part 406 which governs commercial space transportation adjudications. The FAA has routinely adjusted for inflation civil monetary penalties for aviation contained in 14 CFR part 13. [See 61 FR 67445, Dec. 20, 1996, as amended by Amdt. 13–28, 62 FR 4134, Jan. 29, 1997; 67 FR 6366, Feb. 11, 2002; Amdt. 13–33, 71 FR 28522, May 16, 2006; 71 FR 47077, Aug. 16, 2006; 71 FR 52407, Sept. 6, 2006.]

Background

The FCPIAA determines inflationary adjustments by increasing civil penalties by a cost-of-living adjustment (COLA). The COLA for each civil penalty is the percentage by which the U.S. Department of Labor's Consumer Price Index for all-urban consumers (CPI–U) for the month of June of the calendar year preceding the adjustment exceeds the CPI–U for the month of June of the calendar year in which the amount of such civil penalty was last set or adjusted pursuant to the FCPIAA. The FCPIAA contains specific rules for rounding the inflationary increase based on the initial amount of the civil penalty being adjusted. However, the FCPIAA limits the increase to a maximum of ten percent for the first adjustment. This limitation does not apply to subsequent adjustments.

Method of Calculation

14 CFR 406.9 states that under 49 U.S.C. 70115(c)(1)(a) a maximum civil penalty of $100,000 is imposed for violations of chapter 701, a regulation proscribed under chapter 701, or any term or condition of a license or permit issued or transferred under chapter 701. However, this rulemaking is our initial adjustment and any adjustment in civil penalty is limited by statute to a maximum ten percent increase. Thus, instead of using the COLA, the penalty is increased by ten percent of $100,000, which is $10,000. Therefore, the new civil penalty becomes $110,000 ($100,000 + $10,000).

Four years from now, when the next adjustment is due, we will employ the COLA methodology. It works as follows, using the current year only as an example. Were we using the COLA method this year, we would first determine the appropriate CPI–U for June of the calendar year preceding the year of adjustment. For an adjustment in 2010, we would use the CPI–U for June of 2009, which was 215.693. We would also determine the CPI–U for June of the year the civil penalty came into force. Because the civil penalty came into force in 1984, we would use the CPI–U for June of 1984, which was 103.7.

Second, we would calculate the COLA. To do this we would subtract the CPI–U for June 1984 (103.7) from the CPI–U of June 2009 (215.693). Next, we would divide the resulting difference (111.993) by the CPI–U for June 1984 (103.7). The resulting quotient (1.07997) is then multiplied by 100 yielding a COLA of 107.997%.

Were this not our initial adjustment, we would calculate the raw inflationary increase by multiplying the maximum civil penalty ($100,000) by the COLA (107.997%). This would provide a raw inflation increase of $107,997. Next, we would round the raw inflation amounts by the statutory rounding formula found in Section 5(a) of the FCPIAA. Determination of the proper rounding formula depends on the current amount of the civil penalty at the time the calculation is made, not the size of the raw inflationary increase. The applicable rounding formula for the existing civil penalty of $100,000 would be that "[a]ny increase * * * is rounded to the nearest * * *[m]ultiple of $5,000 in the case of penalties greater than $10,000 but less than or equal to $100,000 * * *" Thus, the raw increase of $107,997 would become $105,000 after rounding. Finally, the increase of $105,000 would be added to the initial civil penalty $100,000 for an adjusted civil penalty of $205,000.

Good Cause for Immediate Effectiveness of Final Rule

Under the Administrative Procedure Act, 5 U.S.C. 553(b)(3)(B), a final rule may be issued without public notice and comment if the agency finds good cause that notice and comment are impractical, unnecessary, or contrary to public interest. Good cause exists in this rule to dispense with public notice and comment because adjustments to civil penalties for inflation are required by Congress, as set forth in Section 5 of the FCPIAA, in order to maintain the deterrent effect of civil penalties and promote compliance with the law. This rulemaking is ministerial, technical, and noncontroversial. The FCPIAA serves as a Congressional mandate and the FAA may not exercise any discretion or policy judgments. The FAA has no discretion as to the amount of the adjustment. Furthermore, it would be contrary to the public interest to delay these adjustments in order to receive public comment because the regulation concerns a civil penalty for conduct that is already illegal under existing law. Also, any delay would be unnecessary as the FAA cannot change the method of application of the mandatory inflation adjustment as defined by the FCPIAA.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995, 44 U.S.C. 3507(d), requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. The FAA has determined that there are no current or new requirements for information collection associated with this rule.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to conform to International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to these regulations.

Regulatory Evaluation, Regulatory Flexibility Determination, International Trade Impact Assessment, and Unfunded Mandates Assessment

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulations justify its costs. Second, the Regulatory Flexibility Act of 1980 (RFA), Public Law 96–354, codified at 5 U.S.C. 601–612, as amended by the Small Business Regulatory Enforcement Fairness Act of 1996, Public Law 104–121, requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act of 1999 (Trade Act), Public Law 96–39, codified at 19 U.S.C. 2501–2581, prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the U.S. In developing U.S. standards, the Trade Act requires agencies to consider

international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995, (Pub. L. 104–4), codified at 2 U.S.C. 658, 1501–03, and 1531–34, requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more, in any one year (adjusted for inflation).

DOT Order 2100.5 prescribes policies and procedures for simplification, analysis, and review of regulations. If the expected impact is so minimal that a proposed or final rule does not warrant a full evaluation, this order permits that a statement to that effect and the basis for it be included in the preamble if a full regulatory evaluation of the cost and benefits is not prepared. Such a determination has been made for this final rule. The reasoning for this determination is as follows. This rule adjusts for inflation the maximum civil penalty for violations of the Commercial Space Launch Act of 1984, to be in compliance with the Federal Civil Penalties Inflation Adjustment Act of 1990. This inflation adjustment is an economic transfer and not a social cost.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) establishes "as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration." The RFA covers a wide-range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA.

However, if an agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the factual basis for this determination, and the reasoning should be clear.

As already noted, this rule adjusts for inflation only, as required by the Federal Civil Penalties Inflation Adjustment Act of 1990. Therefore, as FAA Administrator, I certify that this rule will not have a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39) prohibits Federal agencies from establishing any standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards.

The FAA has assessed the potential effect of this final rule and determined that it would impose identical inflation adjusted civil penalties on domestic and international entities that violate 14 CFR part 406, and thus would have a neutral trade impact. Furthermore, the inflationary adjustment is a legitimate domestic objective preserving the existing deterrent impact of 49 U.S.C. subtitle IX, chapter 701. Therefore, we have determined that this rule will result in a neutral impact on international trade.

Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (adjusted annually for inflation with the base year 1995) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a "significant regulatory action." The FAA currently uses an inflation-adjusted value of $143.1 million in lieu of $100 million.

Because this final rule only increases a civil penalty by $10,000, as required by FCPIAA, it does not contain a mandate that meets this threshold amount. Therefore, the requirements of Title II of the act do not apply.

Executive Order 13132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. The FAA determined that this action would not have a substantial direct effect on the States, or the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, the FAA has determined that this final rule does not have federalism implications.

Environmental Analysis

FAA Order 1050.1E defines FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act (NEPA) in the absence of extraordinary circumstances. The FAA has determined this final rule qualifies for the categorical exclusion identified in Chapter 3, paragraph 312d, and involves no extraordinary circumstances.

Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA has analyzed this final rule under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). We have determined that it is not a "significant energy action" under the executive order because it is not a "significant regulatory action" under Executive Order 12866, and it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

Availability of Rulemaking Documents

You can get an electronic copy of rulemaking documents using the Internet by—

1. Searching the Federal eRulemaking Portal (*http://www.regulations.gov*);
2. Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies/;* or
3. Accessing the Government Printing Office's Web page at *http://www.gpoaccess.gov/fr/index.html.*

You can also get a copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the amendment number or docket number of this rulemaking.

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act

statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://DocketsInfo.dot.gov.*

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. If you are a small entity and you have a question regarding this document, you may contact your local FAA official, or the person listed under the **FOR FURTHER INFORMATION CONTACT** heading at the beginning of the preamble. You can find out more about SBREFA on the Internet at *http://www.faa.gov/regulations_policies/rulemaking/sbre_act/.*

List of Subjects in 14 CFR Part 406

Administrative procedure and review, Commercial space transportation, Enforcement, Investigations, Penalties, Rules of adjudication.

The Amendment

■ In consideration of the foregoing, the Federal Aviation Administration amends part 406 of Title 14, Code of Federal Regulations as follows:

PART 406—INVESTIGATIONS, ENFORCEMENT, AND ADMINISTRATIVE REVIEW

■ 1. The authority citation for part 406 continues to read as follows:

Authority: 49 U.S.C. 70101–70121.

■ 2. Amend § 406.9 by revising paragraph (a) to read as follows:

§ 406.9 Civil penalties.

(a) *Civil penalty liability.* Under 49 U.S.C. 70115(c), a person found by the FAA to have violated a requirement of the Act, a regulation issued under the Act, or any term or condition of a license or permit issued or transferred under the Act, is liable to the United States for a civil penalty of not more than $110,000 for each violation, as adjusted for inflation. A separate violation occurs for each day the violation continues.

* * * * *

Issued in Washington, DC, on May 25, 2010.

J. Randolph Babbitt,

Administrator.

[FR Doc. 2010–13218 Filed 6–1–10; 8:45 am]

BILLING CODE 4910–13–P

SOCIAL SECURITY ADMINISTRATION

20 CFR Part 404

[Docket No. SSA–2008–0016]

RIN 0960–AG20

Revised Medical Criteria for Evaluating Hearing Loss

AGENCY: Social Security Administration.

ACTION: Final rules.

SUMMARY: We are revising the criteria in the Listing of Impairments (the listings) that we use to evaluate claims involving hearing loss under titles II and XVI of the Social Security Act (Act). The revisions reflect our adjudicative experience, advances in medical knowledge, treatment, and methods of evaluating hearing loss, and public comments we received in response to a Notice of Proposed Rulemaking (NPRM).

DATES: These rules are effective August 2, 2010.

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SUPPLEMENTARY INFORMATION:

Electronic Version

The electronic file of this document is available on the date of publication in the **Federal Register** at *http://www.gpoaccess.gov/fr/index.html.*

Background

We are revising and making final the rules for evaluating hearing loss we proposed in an NPRM we published in the **Federal Register** on August 13, 2008 (73 FR 47103). The preamble to the NPRM discussed the changes from the current rules and our reasons for proposing those changes. To the extent that we are adopting the proposed rules as published, we are not repeating that information here. Interested readers may refer to the preamble to the NPRM, available at *http://www.regulations.gov.*

We are making a number of changes from the NPRM as a result of public comments. We explain those changes in our summary of the public comments and our responses later in this preamble.

Why are we revising the listings for hearing loss?

We are revising the listings for hearing loss to update the medical criteria, provide more information about how we evaluate hearing loss, and reflect our adjudicative experience. The listings for hearing loss are in the special senses and speech body system, which also includes listings for visual disorders, disturbances of labyrinthine-vestibular function, and loss of speech. In the NPRM, we proposed changes only to the listings for hearing loss and their accompanying introductory text. We published final rules revising the listings for visual disorders in the **Federal Register** on November 20, 2006 (71 FR 67037). We intend to separately publish proposed rules for disturbances of labyrinthine-vestibular function and loss of speech.

When will we use these final rules?

We will use these final rules beginning on their effective date. We will continue to use the current listings until the date these final rules become effective. We will apply the final rules to new applications filed on or after the effective date of the final rules and to claims that are pending on and after the effective date.[1]

How long will the rules in the special senses and speech body system be in effect?

We are extending the effective date of the special senses and speech body system in parts A and B of the listings until 5 years after the effective date of these final rules, except we intend to revise the Disturbance of labyrinthine-vestibular function and Loss of speech listings before then. The rules will remain in effect only until that date unless we extend them. We will continue to monitor the rules and may revise them before the end of the 5-year period.

Public Comments on the NPRM

In the NPRM, we provided the public with a 60-day comment period, which ended on October 14, 2008. We received 17 public comment letters. The comments came from national medical organizations, advocacy groups, a national group representing Social

[1] This means that we will use these final rules on and after their effective date in any case in which we make a determination or decision. We expect that Federal courts will review our final decisions using the rules that were in effect at the time we issued the decisions. If a court reverses the Commissioner's final decision and remands a case for further administrative proceedings after the effective date of these final rules, we will apply these final rules to the entire period at issue in the decision we make after the court's remand.

Security disability consultants, a national group representing disability examiners in the State agencies that make disability determinations for us, individual State agencies, and members of the public.

We provide below summaries of the significant comments that were relevant to this rulemaking and our responses to those comments. We tried to present the commenters' concerns and suggestions accurately and completely.

Some commenters supported the proposed changes and noted provisions with which they agreed. We appreciate those comments, but have not summarized or responded to them below because they do not require a response. Some commenters also sent us comments on subjects that were unrelated to the proposed rules; for example, several commenters suggested changes to the rules we use to evaluate claims involving vertigo and speech disorders. As we have already noted, we intend to publish a separate NPRM for disturbances of labyrinthine-vestibular function and loss of speech.[2]

Establishing the Existence and Severity of Impairments That Cause Hearing Loss

Three commenters thought that our proposed requirements to establish that a person has a medically determinable impairment that causes hearing loss were unclear. The commenters pointed out that we referred to both audiometric testing within 2 months of a complete otologic examination and "subsequent" audiometric testing. Another commenter asked whether we would use otoscopy (a description of the appearance of the external ear canals and an evaluation of the tympanic membrane) performed by an audiologist to establish a medically determinable impairment.

We agreed with the commenters that the proposed provisions could have been clearer and revised and reorganized proposed 2.00B1 and 102.00B1 in response to these comments. Proposed (now final) 2.00B1 and 102.00B1 provided information about two issues regarding evidence under these listings: How we establish a medically determinable impairment that causes hearing loss and how we establish the severity of that impairment. We generally require both a complete otologic examination and audiometric testing within 2 months of the complete otologic examination to establish a medically determinable impairment. After that, we do not require a complete otologic examination to assess the severity of the hearing loss; audiometry is sufficient. Otoscopy is part of the complete otologic examination, and we require otoscopy before audiometry to determine if there are any conditions that would prevent valid testing.

We will not substitute otoscopy performed by an audiologist for a complete otologic examination performed by a licensed physician (medical or osteopathic doctor) to establish a medically determinable impairment. We also will not use audiometric testing that was performed without otoscopy to find that a hearing impairment meets or medically equals a listing.

In revising proposed 2.00B1 and 102.00B1 in response to these comments and a comment we summarize below, we realized that our proposal to require both a complete otologic examination and audiometric testing to establish a medically determinable impairment would be unnecessary in some cases. For example, there are some impairments, such as congenital abnormalities, that are clearly observable by otologic examination. In the final rules, therefore, we provide that we "generally" require a complete otologic examination and audiometry to establish that you have a medically determinable impairment that causes your hearing loss.

Several commenters recommended that we use audiometric testing performed more than 2 months from the complete otologic examination in determining whether there is a medically determinable impairment that causes hearing loss. Some of these commenters recommended alternative periods. A commenter also asked whether a report of audiometry in a person's existing medical evidence (that is, one that we did not purchase by consultative examination (CE)) would be acceptable if there were no recent otologic examination.

We did not adopt these comments because the proposed (now final) rules already allow use of audiometric testing performed more than 2 months from the date of the otologic examination in determining whether you have a medically determinable impairment that causes hearing loss. The rules provide that the testing "should" be performed within 2 months of the complete otologic examination to allow our adjudicators to use evidence that is outside the period in appropriate cases. Such cases could include the situation mentioned by one of the commenters in which there is properly performed audiometric testing in a person's evidence that is not within 2 months of an otologic examination. We use the word "should" in these rules to indicate our preference and "must" to indicate an absolute requirement. We prefer the 2-month rule because it ensures the most accurate and reliable findings about the existence of the impairment.

In the NPRM, we invited the public to comment on a proposed change to our prior rule that provided that an otolaryngologic examination should precede audiometric testing. The proposed rules for adults and children provided that a person could have audiometric testing either before or after the complete otologic examination to establish a medically determinable impairment. Two commenters recommended that this audiometric testing always precede the complete otologic examination. They indicated that physicians generally need the results of audiometric testing to make comprehensive findings about a person's hearing loss. They believed that such a rule would be more efficient because a physician would likely order audiometric testing if he or she did not already have it.

After considering these comments, we decided to make final the proposed rule that allows audiometric testing either before or after complete otologic examination. We believe this rule will provide flexibility for our adjudicators to establish the existence of a medically determinable impairment as soon as practicable. The purpose of the rule is only to establish the presence of some medically determinable impairment that would account for the hearing loss, and as we explained in the preamble to the NPRM, there are advantages to audiometric testing before or after the otologic examination. In addition, we realized that, in some cases, we could establish the medically determinable impairment based on the otologic examination alone. As we indicated above, we made a revision in final 2.00B1 and 102.00B1 to recognize this possibility.[3]

Otologic Examinations

A commenter recommended that we specify that otolaryngologists certified by the American Board of Otolaryngology should perform otologic

[2] While we included the sections on vertigo associated with disturbances of labyrinthine-vestibular function and loss of speech in the NPRM, we indicated that we were not proposing any substantive changes. 73 FR at 47104. Although we are not responding to comments on those sections, we will consider them as we develop NPRMs for the disorders they address.

[3] The revision is also consistent with the statement we made in the NPRM that "[h]aving the otologic examination precede the audiometric testing can help identify conditions that could interfere with the audiometric testing." 73 FR 47103, 47105 (2008).

examinations. We partially adopted the comment by specifying in final 2.00B1b and 102.00B1b that a licensed physician (medical or osteopathic doctor) must perform the complete otologic examination to establish whether a person has a medically determinable impairment. For our purposes, licensed physicians have the necessary education, training, and experience to perform the otologic examination.

One commenter recommended that we remove from proposed 2.00B1b and 102.00B1b the description of the pinnae (the outer, visible parts of the ears) from the requirements for a complete otologic examination. The commenter believed that the pinnae do not contribute to hearing disability. We did not adopt the comment because abnormalities of the pinnae are associated with a number of conditions that affect hearing, and such abnormalities may be signs of a medically determinable impairment. Abnormalities of the pinnae can also influence how sound waves are directed to the middle ear.

Another commenter said that our description of an otologic examination was incomplete. The commenter said that otologists do, and should, examine the nasopharynx, nose, oral pharynx, mouth, and neck when they evaluate hearing loss. While we agree that otologists do examine these areas, we do not include them in these final rules because we are describing only findings that we need to determine whether a person has a medically determinable impairment that could cause hearing loss. A physician does not need to examine the areas suggested by the commenter to establish such an impairment.

Otoscopic Examinations

Two commenters recommended that we specify who may perform the otoscopic examination described in final 2.00B2b and 102.00B2b. We adopted the recommendation by stating in 2.00B2b and 102.00B2b that the medical professional described in final 2.00B1c and 102.00B1c must conduct the audiometric testing. In addition, in response to a comment pointing out that "otoscopic inspection" is the term usually used when audiologists conduct otoscopic examinations, we explain in final 2.00B2b and 102.00B2b that our term "otoscopic examination" includes "otoscopic inspection." This addition clarifies that audiologists and other non-physicians may do the otoscopic examination that we require before audiometric testing.

One commenter said that the requirement for an evaluation of the tympanic membrane immediately before an audiometric examination might add expense and time to a CE. The commenter was especially concerned that, when the otoscopic examination shows cerumen (earwax), we would need to ask a physician or audiologist to remove it before we could continue with the audiological testing. In particular, the commenter was concerned about cerumen that only partially obscures the view of the tympanic membrane. The commenter said that this condition does not necessarily equate to invalid audiometric testing. We agree that cerumen can, but does not always, interfere with audiometric testing, and we will rely on the person who conducts the test to decide whether to remove cerumen. We will address this issue in our internal operating instructions.

Audiometric Testing

One commenter recommended that we clarify the provision in proposed 2.00B1d and 102.00B1d (final 2.00B1c and 102.00B1c) that permitted audiometric testing by a non-audiologist "under the supervision of" an otolaryngologist. The commenter recommended that we require non-audiologists to conduct testing only under "direct" supervision, in accordance with Medicare regulations requiring the physician to be present in the office suite when the service is being performed and to assist if necessary. We adopted the recommendation. We will provide guidance to our adjudicators on how to apply the rule in our instructions and training.

Two commenters recommended that we accept the results of audiometric testing conducted independently by hearing aid specialists—also called Hearing Instrument Specialists (HIS)—in addition to the professionals described in proposed 2.00B1d and 102.00B1d. We did not adopt this comment because the educational and other qualifications required for licensure or certification as an HIS are less comprehensive than those of otolaryngologists and audiologists and can vary from place to place. Therefore, we cannot be assured that all HISs would have the expertise needed to independently perform the audiometric testing we require under these listings. If an HIS conducts the testing under the direct supervision of an otolaryngologist, the evidence would be acceptable audiometric testing both for establishing a medically determinable impairment and for assessing its severity. We may also consider an HIS' evidence when we assess severity in the same way that we consider evidence from other sources who are not acceptable medical sources as defined in §§ 404.1513(d) and 416.913(d) of our regulations and Social Security Ruling (SSR) 06–3p.[4]

Another commenter recommended that we accept the results of audiometric testing conducted solely by clinical audiologists. We did not adopt this comment because otolaryngologists have the requisite education, training, and experience to perform and supervise the audiometric testing we require.

A few commenters questioned our requirement in proposed 2.00B2a and 102.00B2f(i) for audiometric testing in a soundproof booth. Some of these commenters suggested we revise our rules to require testing in a sound-treated booth or room. We agreed with these commenters and made this change in final 2.00B2a and 102.00B2f(i).

One commenter noted that several types of sound are used for audiometric testing in a sound field. The commenter also noted that air and bone conduction testing is not sound field testing and asked us to clarify the type of sound that we require for air and bone conduction testing. The type of sound used for air and bone conduction testing is referred to as "pure tone" sound. Our rules require that air and bone conduction testing be conducted in accordance with the most recently published standards of the American National Standards Institute (ANSI). Those standards describe the type of sound that should be used. Therefore, we do not believe it is necessary to specify the type of sound used.

One commenter asked us to clarify how we would evaluate tests that report a vibrotactile (VT) response, rather than a hearing response, at 500 Hertz (Hz) during bone conduction testing, or no response at one or more frequencies during air or bone conduction testing. A VT response may occur during bone conduction testing when the person does not have an auditory response but perceives the sensation from the oscillator; we consider a VT response to be a "no response." To address this issue, we added guidance in final 2.00B2c, 102.00B2c(ii), 102.00B2d(ii), 102.00B2e(ii), and 102.00B2f(ii). In the final rule, we now clarify that when there is no response at one or more frequencies during air or bone conduction testing, we will use 5 dB

[4] SSR 06–3p: Titles II and XVI: Considering Opinions and Other Evidence from Sources Who Are Not "Acceptable Medical Sources" in Disability Claims; Considering Decisions on Disability by Other Governmental and Nongovernmental Agencies, 71 FR 45593 (2006), also available at: *http://www.socialsecurity.gov/OP_Home/rulings/di/01/SSR2006–03-di-01.html.*

over the limit of the audiometer used for the test to compute the average threshold.

One commenter indicated that our definition of speech reception threshold (SRT) in proposed 2.00B2d and 102.00B2f(iii) was not entirely correct. The commenter stated that SRT is the minimum dB level required to recognize "spondee words 50 percent of the time," not "the minimal decibel (dB) level required * * * to recognize a standard list of words." [5] The commenter also recommended that we replace the term "speech reception threshold" with "spondee threshold" to ensure standardization of testing material. We agreed with the first comment and revised the definition of SRT in final 2.00B2d and 102.00B2f(iii) accordingly. We also added a parenthetical statement in final 2.00B2a and 102.00B2f(i) explaining that SRT is also called "spondee threshold" or "ST." We did not change the term SRT because it is the more common name for this type of testing, and we believe our adjudicators are more likely to see it in the medical evidence.

One commenter recommended that we require certain specific Department of Veterans Affairs' recordings of 50-word lists, presented at 70 dB in quiet, for measuring the word recognition ability of persons with hearing loss not treated with cochlear implantation. Another commenter also recommended that, for children, the word list should be appropriately normed. We did not adopt the first recommendation because there are several appropriate tests available to measure a person's word recognition ability, and we want to provide our adjudicators with flexibility in obtaining this evidence to determine disability. We adopted the suggestion to provide that word lists for children must be appropriately normed. In the NPRM, we said that the lists must be "standardized." We intended this word to include the idea that the tests must be appropriately normed for age. However, to be clearer, we are adding the words "age-appropriate" in response to this comment.

One commenter asked us to clarify whether the word recognition testing in proposed 2.00B2e and 102.00B2f(iv) should be done using live presentation or recorded material. Another commenter suggested we require testing with recorded material, unless there is documentation indicating why live presentation was necessary. In the proposed rules, we did not specify the method of presentation because we will accept either method; however, we added text to final 2.00B2e and 102.00B2f(iv) to clarify this intent. Although word recognition testing usually uses recorded material, we do not believe that the method of presentation will affect our ability to determine whether a person has a listing-level hearing loss. Therefore, we did not adopt the second comment.

Two commenters recommended that we require word recognition testing conducted with background noise, not only in quiet (see final 2.00B2e, 2.00B3b, 102.00B2f(iv), and 102.00B3b). These commenters also recommended that the words be presented at a normal conversational level. We did not adopt the comments. We require testing under optimal circumstances (that is, in quiet and at a level of amplification that allows us to measure a person's maximum ability to discriminate words) to ensure that the impairment is of listing-level severity.

One commenter suggested that we replace the term "amplification level" in proposed 2.00B2e and 102.00B2f(iv) with "presentation level." The commenter asked whether we require that word recognition testing be done at the "phonetically balanced maximum" (PB Max), which the commenter believed is equivalent to the "most comfortable level" (MCL). Another commenter recommended that we use the term "supra-threshold" instead of specifying the level of amplification we require for word recognition testing.

We did not adopt the first suggestion because we believe that "amplification level" describes more precisely the test parameters we require for word recognition testing. With respect to the second comment, we note that PB Max and MCL are not the same. PB Max is the hearing level at which the maximum percentage of words is correctly repeated during testing with a list of phonetically balanced monosyllabic words, such as "chew" and "knees." It may not be the listener's MCL, which is the hearing level at which speech is most comfortable for the listener. As we indicate in final 2.00B2e and 102.00B2f(iv), the words must be presented at a level of amplification that will measure a person's "maximum ability" to discriminate words, usually 35 to 40 dB above the SRT. This level of amplification is often a person's PB Max; when it is not, it is still sufficient for us to determine whether there is listing-level hearing loss. However, in response to this comment, we clarified in final 2.00B2e and 102.00B2f(iii) that, if a person cannot be tested at 35 to 40 dB above his or her SRT, the person who performs the test should report the word recognition testing score at the highest comfortable level of amplification. We did not adopt the comment to refer to testing at 35 to 40 dB above the SRT as "supra-threshold" testing because we prefer to specify our criteria for word recognition testing.

We received several comments about acoustic immittance assessment (AIA), that is, a tympanogram and acoustic reflex testing. In the proposed rules, we required an AIA for children from birth to the attainment of age 5. One commenter recommended that we require an AIA for adults to rule out conductive pathology, which is amenable to treatment, and to aid in detecting situations in which a person may be feigning a serious hearing loss. Another commenter questioned our proposal to require an AIA for children because listing 102.10A uses only air conduction thresholds. A third commenter recommended that we require high-frequency tympanometry for children under age 5 months.

We did not adopt the comment to require an AIA for adults because the bone conduction criterion in final listing 2.10A ensures that there is a significant sensorineural component to the hearing loss. Sensorineural hearing loss results from permanent damage to the inner ear or to the nerve pathways from the inner ear to the brain. Persons with the degree of sensorineural hearing loss required in final listing 2.10A do not usually obtain significant improvement with hearing aids. We also believe that an AIA is unnecessary to detect deception because the professionals referenced in final 2.00B1c who may conduct audiometric testing are trained to detect whether a person is feigning hearing loss and to recognize test results that may suggest such deception. We agreed with the second commenter that we do not need an AIA to determine disability for children under age 5 and did not include it in final 102.00B2c(i), 102.00B2d(i), and 102.00B2e(i). We proposed to require an AIA for these children to identify conditions that would prevent valid audiometric testing. However, the otoscopic examination we require will detect any conditions revealed by AIA. Since we removed the requirement for an AIA for children under age 5 we are not adopting the third comment.

Two commenters recommended that we require audiologists who conduct audiometric testing for us to complete hearing checklists recommended in a 2005 National Research Council report

[5] Spondee words, such as "baseball" and "airplane," have equal stress on each syllable.

("NRC report").[6] The commenters said the checklists would ensure the quality of the data collected and provide useful information for evaluating disability at later steps in the sequential evaluation process. We considered these checklists at the time we developed the proposed rules and determined we did not need them. We believe we have adequately specified in these final rules the information we need to evaluate whether a person's hearing impairment meets or medically equals one of the hearing listings. Finally, we also specify qualifications for audiologists that will ensure the quality of the data they collect.

Issues Specific to Audiometric Testing of Children

One commenter recommended that we should strongly prefer audiometric testing by an experienced pediatric audiologist when evaluating hearing loss in children. While we generally agree with the comment, we did not make any changes in the final rules because we do not believe it is necessary to include this guidance in the regulations. We have a general preference for obtaining evidence from appropriate specialists in childhood cases, and we believe that our internal operating instructions are sufficient for this purpose.[7]

One commenter recommended that we reference the American Academy of Audiology's pediatric protocols for audiological evaluation of children. We did not adopt the comment because we believe the audiometric testing we require in these final rules is sufficient for evaluating hearing loss in children.

Two commenters wrote about our statement in proposed 102.00B2a that we would not purchase physiologic hearing tests for children and would instead consider "other evidence" when such testing was not done or when it was done, we could not obtain the results. One of these commenters requested clarification of what "other evidence" we would consider and asked whether we may purchase physiologic testing that does not require sedation. The other commenter stated that physiologic testing would be necessary for infants, some toddlers, and some children with certain developmental disorders that preclude participation in behavioral testing. This commenter also recommended that we should use all information gathered during testing to evaluate functioning if the impairment does not meet or medically equal a listing.

When we evaluated these comments, we determined that our guidance in proposed 102.00B2a was unclear and contrary to our intent because it implied that a hearing impairment could meet listing 102.10 without physiological or behavioral testing. The proposed guidance was not for determining whether hearing loss met a listing; we intended it to apply only to evaluations of medical and functional equivalence. To clarify that listing 102.10 requires physiologic testing, we removed the word "generally" from proposed 102.00B2a and removed the proposed guidance indicating that we will evaluate a person's hearing loss based on other evidence in the case record.

We also removed unnecessary and potentially confusing language in 102.00B2a. In the proposed rules, we said that we would use other evidence when physiologic testing had not been done or we could not obtain the results of testing that had been done. However, there was a third possibility: We have the results of physiologic testing, but we need new testing. Since our intent was only to say that we would not purchase physiologic testing, we simplified the rule to say just that. This rule applies regardless of whether such testing requires sedation.

We did not adopt the comment that recommended we use all information gathered during testing to evaluate functioning if the impairment does not meet or medically equal a listing. We already use all of the relevant information we gather in connection with testing when we determine whether a child's impairment(s) functionally equals the listings. We have other rules that explain how we consider medical and other evidence when we evaluate a child's functioning. *See* §§ 416.924a and 416.926a, and SSR 09–2p.[8]

One commenter recommended that we require otoacoustic emissions (OAE) testing in addition to the physiologic testing we required in proposed 102.00B2c(i) for children from birth to the attainment of age 6 months to identify children with auditory dyssynchrony or auditory neuropathy. Another commenter pointed out that, when testing indicates that an infant may have auditory neuropathy (that is, normal OAE but no response on Auditory Brainstem Response (ABR) testing), we should presume the child disabled until it is possible to perform age-appropriate behavioral testing, generally by age 6 months. We did not adopt these comments. Test results showing normal OAE, but no response on ABR testing are uncommon and nearly always involve children who have other impairments that we would find disabling under the criteria of a listing in another body system. We will evaluate the small number of children who do not have such other impairments on an individual basis. If we cannot make a fully favorable determination in those cases, we will defer them until the child is age 6 months and can participate in behavioral testing.

One commenter suggested that it would be helpful to list some of the other types of physiologic testing—such as Brainstem Auditory Evoked Response (BAER)—in addition to ABR testing. We did not adopt the recommendation. We cite only the ABR because, as the commenter noted, ABR testing is the most commonly used physiologic test and is the one that adjudicators are most likely to see.

One commenter recommended that we determine the pure tone air and bone conduction thresholds in children by testing at 3000 Hz in addition to 500, 1000, 2000, and 4000 Hz. We did not adopt the comment because, as we explained in the NPRM,[9] our adjudicative experience has shown that testing is often not done at 3000 Hz. Moreover, several commenters on the April 13, 2005, Advance Notice of Proposed Rulemaking[10] recommended that we remove the current requirement to test at 3000 Hz. We agreed with those commenters and believe the findings we require in these final rules are adequate for our purposes.

One commenter noted that we provided in proposed 102.00B2g that we can consider normal results from hearing screening tests, such as OAE, to determine that a child's hearing loss is not "severe" when these test results are consistent with the other evidence in the case record. The commenter asked whether we could use normal results from a pure tone screen by a speech-language pathologist in the same way. We can use such evidence in the same way as other screening tests. In response to this comment, we revised the guidance in final 102.00B2g to include

[6] National Research Council (NRC): Committee on Disability Determination for Individuals with Hearing Impairments. (2005). *Hearing Loss: Determining Eligibility for Social Security Benefits.* Action Recommendation 4–5. (Complete citation at 73 FR at 47110.)

[7] *See,* for example, Program Operations Manual Systems (POMS) DI 25205.015, available at: *https://secure.ssa.gov/apps10/poms.nsf/lnx/0425205015!opendocument.*

[8] SSR 09–2p: Title XVI: Determining Childhood Disability—Documenting a Child's Impairment-Related Limitations, 74 FR 7625 (2009), also available at: *http://www.socialsecurity.gov/OP_Home/rulings/ssi/02/SSR2009–02-ssi-02.html.*

[9] 73 FR 47107 (2008).

[10] 70 FR 19353 (2005).

pure tone testing as a type of screening test.

Validity of Audiometric Testing

One commenter commented on our proposed requirements for otoscopic examination together with pure tone average and SRT testing to document the validity of audiometry and suggested that we instead require only a statement of reliability, validity, or inter-test reliability. The commenter believed that such a statement would also cover issues such as patient cooperation and the attention of a child. We partially adopted the comment:

We do not consider test results in isolation. Therefore, in response to this comment and another comment we describe later, we added a sentence in final 2.00B1a and 102.00B1a stating that we will consider your test scores together with any other relevant information we have about your hearing, including information from outside of the test setting. This is our basic policy for considering any test results.

In final 2.00B2b and 102.00B2b, we provide that the person who performs the audiometry should report on any factors in addition to the factors observable on otoscopy that can affect the interpretation of the test results. As this commenter suggested, we used patient cooperation as an example in the adult rule and a child's ability to maintain attention as an example in the childhood rule. It is common practice to report such observations, so the provisions in the final rules will not be an additional burden on our CE providers. We also expect to find such observations in existing reports of audiometric testing.

We did not adopt the general statement the commenter suggested, because general statements about reliability and validity are too vague to assure us that the results of audiometric testing are reliable and valid.

One commenter asked whether adjudicators must reject the results of all audiometric testing when the person's SRT is not within 10 dB of the average pure tone air conduction thresholds at 500, 1000, and 2000 Hz. In proposed 2.00B2d and 102.00B2f(iii), we indicated only that the reason for such a discrepancy should be documented. Another commenter suggested that we highlight or strengthen the guidance in these sections. In response to these comments, we revised the guidance in final 2.00B2d and 102.00B2f(iii) to explain that, if we cannot determine a medical basis for the discrepancy we will not use the results of the testing to determine that a person's hearing loss meets the listing. We also clarified that we require an explanation of the discrepancy, by using "must" in the final rule instead of the proposed "should."

Two commenters recommended that we require a check of the cochlear implant before testing to ensure that it is turned on and functioning properly. One of these commenters also recommended that we require corroborating behavioral evidence that correlates with the Hearing in Noise Test (HINT) results to ensure the validity and reliability of the testing. In the NPRM, we said that word recognition testing "must be conducted in quiet in a sound field with your implant adjusted to your normal settings." [11] We intended this requirement to include verification that the person's cochlear implant is turned on and functioning properly. However, to be clearer, we added in final 2.00B3b and 102.003B3b a requirement that the person's implant must be functioning properly. In response to the second comment and another comment we have already described, we added sentences in final 2.00B1a and 102.00B1a providing that we consider test results together with all relevant evidence in the case record.

Issues Regarding Audiometric Testing of Persons Who Are Not Fluent in English

Several commenters responded to our request in the NPRM for suggestions about other methods we could use to evaluate the word recognition ability of persons who are not fluent in English.[12] One commenter noted that our proposed rules did not recognize recorded speech testing in foreign languages. As we have already noted in response to an earlier comment, we accept word recognition testing using recorded material, and that includes recorded material in a foreign language. While considering this comment, however, we noticed that we inadvertently omitted requirements for word recognition testing when a person is not fluent in English from the proposed rules, although we included the requirements in the preamble to the NPRM.[13] We have included the omitted text in the final rules. As in the preamble to the NPRM, the final rules explain that testing of a person who is not fluent in English should be conducted using an appropriate word list for the language in which the person is most fluent, and the person conducting the testing should be fluent in the language used for the test.

Another commenter suggested that we consider a person's contact with treating sources, other health care professionals, and other third parties, such as past employers, to see whether the person is able to communicate with them either directly or through the use of an interpreter. We did not add this guidance. In some cases, the persons referenced by the commenter are already included in the clause "other persons who speak the language in which you are the most fluent" in final 2.00B4 and 102.00B4. In other cases, we do not need to consider the person's ability to communicate with such persons when we evaluate word recognition ability under the final listings.

A third commenter approved of our guidance in proposed 2.00B4 and 102.00B4 regarding word recognition testing for a person who is not fluent in English, but thought it might be difficult to obtain the testing we need. We understand this concern and to address it include the guidance in final 2.00B4 and 102.00B4 concerning medical equivalence.

Another commenter recommended that we include physiologic testing, such as frequency-specific evoked potentials, for persons who do not speak English. We did not adopt this suggestion because this testing does not test word recognition ability.

One commenter noted that, while the HINT is available in 12 languages, our requirement that a person who performs audiometric testing "must be fluent" in the claimant's native language would create a problem for obtaining the test. As we explained above, the person administering the test "should" be fluent in the language. We do not have an absolute rule that the person who administers the test must be fluent in the language, although that is our preference. We also provide that the inability to measure a person's word recognition ability means only that his or her hearing impairment cannot meet final listing 2.11B or 102.11B. If a person with a severe impairment(s) has difficulty understanding words in the language in which he or she is most fluent and we are unable to measure his or her word recognition ability, we will consider whether the degree of difficulty (either alone or in combination with another impairment(s)) medically equals final listing 2.11B or 102.11B. If not, we consider the person's difficulty understanding words when we assess residual functional capacity for adults or functional equivalence for children.

One commenter suggested that we should acknowledge in the childhood

[11] 73 FR at 47111.

[12] 73 FR at 47106.

[13] 73 FR at 47105–06.

listings that the "speech education and articulation" of children in bilingual or multilingual environments differs from those of children in monolingual environments. The commenter believed that most speech tests conducted for children who are bilingual or multilingual would be invalid. We did not adopt this comment. We agree that children who are bilingual or multilingual do not always develop in the same way as children who are monolingual, but we do not agree that all speech testing of such children is invalid. Moreover, we do not rely on test scores alone, but consider all of the relevant evidence when we evaluate a child's functioning. *See* § 416.924a(a)(1)(ii).

Listing Criteria for Hearing Loss Not Treated With Cochlear Implantation

We received several comments about the criteria in proposed listings 2.10 and 102.10. One commenter said that we should change the criteria in listings 2.10B and 102.10B2 from a word recognition score of 40 percent or less in the better ear to a score of 70 percent or less. Another commenter noted that our proposed listings did not address the variability in word recognition scores, that is, that a score higher than 40 percent might not be statistically different from a score of 40 percent or less. Some commenters also recommended various changes to listing 102.10A. They recommended that we:

- Use the average air conduction threshold criteria in Table 7–2 of the NRC report;
- Use the speech and language criteria in Tables 7–2 and 7–3 of the NRC report;
- Change the criterion for children from birth to age 5 in proposed listing 102.10A to 25–30 dB, and use the same criterion for children ages 5–12; and
- Use an unaided air conduction threshold of 50 dB for children ages 12–18.

We did not adopt any of these suggestions because we believe they would require us to find some adults and children who do not have listing-level impairments disabled under the listings. We set the levels of hearing loss in these final rules for adults and children at levels that reflect very serious hearing loss; we use the listings only to deem persons disabled without considering any other factors that may contribute to their inability to work or to function age-appropriately in the case of children. It is important to remember, however, that we do not deny benefits to anyone solely because his or her impairment(s) does not meet a listing. We may still find that a person's impairment(s) is disabling based on medical equivalence or based on an individualized assessment when we evaluate an adult's residual functional capacity, age, education, and work experience, or functional equivalence in children.

One commenter requested that we include listing criteria for adults with precipitous hearing loss who have an impairment(s) that does not meet the pure tone criteria in listing 2.10A but who have significant limitations in the ability to discriminate words. The commenter also requested that we include criteria for children over age 5 who have an unaided hearing threshold of 50 dB in the better ear and normal speech and language development but do not have the ability to listen accurately in distant and noise-challenged situations. The commenter suggested we use the HINT or HINT–C for children to evaluate these persons.

We did not adopt these comments because we had already proposed criteria for determining when a limitation in word recognition ability is of listing-level severity in listings 2.10B and 102.10B2. The final rules, which are the same as the proposed rules, require results from a phonetically balanced monosyllabic word list for persons who do not have cochlear implants, regardless of the type or level of their hearing loss. We specify this type of test because it is the one most often used in clinical practice.

One commenter recommended that we consider first-time hearing aid users under a disability for 1 year because they may need a period of rehabilitation and training to use the aid effectively. This commenter also recommended a 1-year period of disability for persons with sudden hearing loss, rapidly deteriorating hearing, or fluctuating hearing because they may need time to adjust to the challenges of communication. We did not adopt these recommendations because some persons with the conditions described by the commenter will not have impairments that meet our definition of disability, including the 12-month duration requirement.

One commenter noted that visual reinforcement audiometry (VRA), which we indicate is the usual method of testing for children from age 6 months to the attainment of age 2, is only an estimate of the hearing threshold. The commenter recommended that we raise the average air conduction threshold in proposed listing 102.10A to ensure that children in this age range are truly disabled. While we acknowledge that VRA provides only an estimate of hearing loss, it is the most reliable method for testing children from age 6 months to the attainment of age 2, and we believe that—even as an estimate—an average air conduction threshold of 50 dB or greater in the better ear does indicate listing-level severity in these young children.

One commenter noted an inconsistency between our definition of "marked" limitation in speech in proposed 102.00B5a and our definition of the term in SSR 98–1p.[14] The commenter recommended that we use unintelligibility on the first attempt 67 percent (two-thirds) of the time as the threshold for a marked limitation instead of 60 percent. We adopted the comment by changing the rule to "at least 50 percent (half) of the time but no more than 67 percent (two-thirds) of the time." This is the same range that we use in our definitions of "marked" in SSR 98–1p and other rules, that is, one-half to two-thirds.

One commenter recommended that we consider children with "marked mental retardation" who cannot be evaluated for speech or language to be disabled when their impairment meets the hearing criterion alone. We were not certain what the commenter intended by "marked mental retardation" because the American Psychiatric Association (APA) and World Health Organization (WHO) currently use the terms "mild," "moderate," "severe," and "profound" to describe the levels of the disorder.[15] We assume that the commenter meant at least "moderate" mental retardation, which in the APA's definition is mental retardation generally with an IQ of 35–55; the WHO's is similar, with an IQ of 35–49. In either case, the mental retardation by itself meets listing 112.05C in the mental disorders listings, and depending on the facts of the case, may meet listing 112.05B. It is not necessary for a child to also have hearing loss to qualify under either of those listings.

Listing Criteria for Hearing Loss Treated With Cochlear Implantation

We received several comments about our proposal to find disability for 1 year

[14] SSR 98–1p: "Policy Interpretation Ruling: Title XVI: Determining Medical Equivalence in Childhood Disability Claims When a Child Has Marked Limitations in Cognition and Speech," 63 FR 15248 (1998), also available at: *http://www.socialsecurity.gov/OP_Home/rulings/ssi/02/SSR98-01-ssi-02.html.*

[15] American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition, Text Revision (DSM–IV–TR).* Washington, DC (2000); World Health Organization, Division of Mental Health and Substance Abuse, *ICD–10 Guide for Mental Retardation,* Geneva (1996), available at: *http://www.who.int/mental_health/media/en/69.pdf. See* also: *http://apps.who.int/classifications/apps/icd/icd10online/.*

following cochlear implantation under listing 2.11A and, for some children, listing 102.11A.[16] The commenters said that the 1-year period was arbitrary and that it may be insufficient because it does not account for variation in treatment outcomes or allow for maximal improvement. The commenters recommended that we extend the period by various amounts of time ranging from 18 months to 3 years. Another commenter suggested that we provide the option of extending the period of disability past 1 year as necessary, particularly for persons who also have vision impairments and may require a longer period of adjustment because of their multiple impairments.

We did not adopt these comments. While some persons will still have listing-level impairments 1 year after implantation, many will have improved, so we must reexamine their status to see whether they remain disabled. Our rule is not arbitrary: most therapy programs following cochlear implantation involve a period of rehabilitation and training for about 1 year.

Moreover, the 1-year rule does not mean that disability automatically ends after 1 year. Under the Act and our regulations, we generally cannot find that a person's disability has ended unless his or her impairment has medically improved and the person is no longer disabled.[17] After 1 year, we must consider whether the impairment(s) is disabling under the criteria in listing 2.11B or 102.11B, or if not, under other listings or our other disability criteria.

Two commenters sent us questions about various adjudication scenarios involving cochlear implants. With one exception, we did not add more detailed guidance to the rules to address these situations because they are uncommon and we can address them in training and other instructions. We did clarify that we count the 1-year period for which we presume disability from the date of the initial implantation procedure when a person has had more than one implant. This rule will apply regardless of whether the person had an implant in the other ear or replacement of the initial implant. See final 2.00B3a and 102.00B3a and final listings 2.11 and 102.11.

Two commenters were concerned about our requirement in proposed listings 2.11B and 102.11B that we use the HINT or HINT–C to evaluate a person's hearing loss after cochlear implantation. The commenters indicated that we would have difficulty obtaining a HINT or HINT–C because most audiologists do not have the test. One commenter was concerned that residents of rural areas might be disadvantaged because these tests are available primarily at medical centers that perform cochlear implants. The second commenter, who acknowledged that the HINT is the accepted standard for assessing hearing outcome after cochlear implantation, indicated that the original CD version of this test was noted to have limitations and has been replaced with computerized software versions (such as the HINT for Windows and the HINT®Pro) that contain improvements and enhancements. The commenter asked what version of the HINT we would accept. The commenter further noted that literature from the manufacturer of the HINT®Pro indicates that this test is normed for anyone who reads at a first grade level and for children as young as age 6. The commenter asked whether this test could also be used for children between the ages of 5 and 6 and for adults who have literacy problems. The commenter also stated that other speech-in-noise tests are used more frequently and asked whether we would use the results of those other tests.

We do not share the commenters' concerns about the availability of the HINT or HINT–C. As one of the commenters noted, the HINT is the accepted standard for assessing hearing outcome after cochlear implantation, and we believe this testing is likely to be in the evidence we obtain from a person's medical sources. If not, or if we need more recent testing, we believe that in most instances we will be able to purchase it from these sources or from audiologists who do have the HINT or HINT–C. We acknowledge there may be a few cases in which we will not be able to get testing for a resident of a rural area. In those cases, we will use other evidence to determine whether the person is disabled.

In response to the concerns raised by the second commenter, we are providing in final 2.00B3b and 102.00B3b that we will use "any version" of the HINT or, for children, any age-appropriate version of the HINT or HINT–C. We will use results only from the HINT or HINT–C to determine that an impairment meets one of the final listings. We can use results from other tests to determine whether the impairment(s) medically equals a listing or to assess residual functional capacity in adults or functional equivalence in children. With respect to the age and literacy issues, we can use versions of the HINT that have been normed for children as young as age 6 to test children between age 5 and 6 and, when appropriate, to test adults with literacy problems.

One commenter believed that we should use the same word recognition tests and test-score criteria to evaluate hearing loss in persons who have cochlear implants as we use to evaluate hearing loss in persons who have hearing aids. We did not adopt the comment because the final listings reflect the way that persons are ordinarily tested. Persons who do not have cochlear implants are ordinarily tested with phonetically balanced monosyllabic word lists. The HINT is the accepted test for assessing persons with cochlear implants. The HINT is a sentence test, and persons generally have higher word recognition scores when tested with a sentence test because sentences provide context for the words used. Therefore, we must require a higher word recognition score for cochlear implant users.

Terminology Issues

One commenter recommended that we use the term "audiometric evaluation" rather than "audiometric testing" throughout these final rules to reflect the full scope of the audiologist's identification and assessment of hearing disorders. We did not adopt the comment. While we recognize that the scope of an audiologist's practice is not limited to audiometric testing, the term "audiometric testing" describes the type of evidence we require from audiologists under these listings.

Two commenters recommended that we consistently use the abbreviation dB HL (decibel hearing level) throughout the final rules wherever we used the abbreviation dB (decibel) in the proposed rules. We did not adopt the recommendation because, in these final rules, the "dB HL" designation is relevant only to word recognition testing for persons with cochlear implants. The sound used to test persons with cochlear implants can be delivered by two methods, referred to as "HL" and "SPL" (sound pressure level). Both of these methods are expressed in dB, but a specific dB HL is not the same level of loudness as the same dB SPL. To ensure that we use a consistent standard to evaluate every person with a cochlear implant, we use the abbreviation "dB HL" only in final 2.00B3b and 102.00B3b.

[16] Like the proposed rule, final listing 102.11A provides for a finding of disability after cochlear implantation until age 5 or for 1 year after implantation "whichever is later." We will find that some children are disabled under this listing for more than 1 year.

[17] See sections 223(f) and 1614(a)(4) of the Act, and §§ 404.1594, 416.994, and 416.994a of our regulations.

Hearing Loss in Combination With Another Impairment(s)

One commenter wrote to us about persons with hearing loss together with other medical conditions, such as visual or cognitive disorders, that compromise their ability to compensate for their hearing loss. The commenter said that some of these persons have greater difficulty functioning than persons with worse hearing loss but no other impairments. The commenter believed that such persons may not be disabled under our listings, but would still have difficulty responding to the communication challenges of daily living, and that we should consider them disabled. This commenter was also concerned that some persons with hearing loss whose impairments do not meet the criteria of the final listings may have difficulty functioning and should also be considered disabled.

In these final rules, we include revisions only to our listings for hearing loss. We have other listings and other rules that we use to find many persons disabled, including persons like those described by the commenter. In addition, our regulations require us to consider the combined impact of multiple impairments throughout the disability determination process. *See* §§ 404.1523, 416.923, and 416.924. Some persons with a combination of hearing loss and other impairments will have impairments that meet or medically equal listings in other body systems. Others may be found disabled at a later step of the sequential evaluation process.

Accounting for Improvement With Hearing Aids

While most commenters agreed with our proposal to remove the requirement for testing with hearing aids, one commenter believed that we should not determine disability without accounting for any improvement in functioning that a person may derive from the use of such aids. Another commenter suggested that we include some functional criteria in the listings to account for persons who have individualized hearing aids that improve their functioning.

As we explained in the NPRM,[18] we determined that persons with the level of hearing loss specified in the listings do not usually obtain significant improvement in their ability to hear and communicate with the use of hearing aids. In other words, the severity criteria we provide in the final listings make testing with a hearing aid unnecessary. Therefore, we believe that it is appropriate to eliminate the requirement for aided testing and that it is not necessary to add functional criteria to the listings for the evaluation of persons with listing-level hearing loss who have individualized hearing aids.

Need for Listings for Hearing Loss

Citing testimony from our 2005 policy conference regarding the number of persons with deafness who work, one commenter believed that we should not presume that all persons whose hearing impairments meet the criteria in these listings are disabled. The commenter indicated that we should document that the proposed rules correctly identify persons who meet the definition of disability in the Act and our regulations. When we developed our proposed rules for evaluating claims involving hearing loss, we consulted with some of the most renowned experts in the field of hearing disorders. We also received comments from experts who supported our proposed rules. Based on this information, we believe it is appropriate to presume disability in persons whose hearing impairments meet the criteria in these final rules. In addition, the testimony from our policy conference regarding persons with deafness who work did not fully address the issue of work independence (for example, special accommodations) and other factors (such as levels of earnings); therefore, the testimony was not specifically relevant to the issue in this comment. Moreover, when persons with listing-level hearing loss work at the substantial gainful activity level, we find them not disabled at the first step of the sequential evaluation process.

Other Changes From the NPRM

We made a number of nonsubstantive, editorial corrections and changes in the final rules from the language of the NPRM, such as changing some sentences from the passive into the active voice.

What is our authority to make rules and set procedures for determining whether a person is disabled under our statutory definition?

Under the Act, we have full power and authority to make rules and regulations and to establish necessary and appropriate procedures to carry out such provisions. Sections 205(a), 702(a)(5), and 1631(d)(1).

Regulatory Procedures

Executive Order 12866

We have consulted with the Office of Management and Budget (OMB) and determined that these final rules meet the requirements for a significant regulatory action under Executive Order 12866 and were subject to OMB review.

Regulatory Flexibility Act

We certify that these final rules have no significant economic impact on a substantial number of small entities because they affect only individuals. Therefore, a regulatory flexibility analysis was not required under the Regulatory Flexibility Act, as amended.

Paperwork Reduction Act

This rule does not create any new or affect any existing collections, and therefore, does not require Office of Management and Budget approval under the Paperwork Reduction Act.

(Catalog of Federal Domestic Assistance Program Nos. 96.001, Social Security-Disability Insurance; 96.002, Social Security-Retirement Insurance; 96.004, Social Security-Survivors Insurance; and 96.006, Supplemental Security Income)

List of Subjects in 20 CFR Part 404

Administrative practice and procedure, Blind, Disability benefits, Old-Age, Survivors, and Disability Insurance, Reporting and recordkeeping requirements, Social Security.

Michael J. Astrue,

Commissioner of Social Security.

■ For the reasons set out in the preamble, we amend appendix 1 to subpart P of part 404 of chapter III of title 20 of the Code of Federal Regulations as set forth below:

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE (1950–)

■ 1. The authority citation for subpart P of part 404 continues to read as follows:

Authority: Secs. 202, 205(a), (b), and (d)–(h), 216(i), 221(a) and (i), 222(c), 223, 225, and 702(a)(5) of the Social Security Act (42 U.S.C. 402, 405(a), (b), and (d)–(h), 416(i), 421(a) and (i), 422(c), 423, 425, and 902(a)(5)); sec. 211(b), Pub. L. 104–193, 110 Stat. 2105, 2189; sec. 202, Pub. L. 108–203, 118 Stat. 509 (42 U.S.C. 902 note).

Appendix 1 to Subpart P of Part 404—[Amended]

■ 2. Amend appendix 1 to subpart P of part 404 as follows:

■ a. Revise item 3 of the introductory text before part A of appendix 1.

■ b. Revise section 2.00B of part A of appendix 1.

■ c. Redesignate section 2.00C of part A of appendix 1 as section 2.00E.

■ d. Redesignate section 2.00B2 of part A of appendix 1 as section 2.00C, revise the heading, and designate the undesignated paragraphs as sections 2.00C1, 2.00C2, and 2.00C3.

[18] 73 FR 47106 (2008).

■ e. Redesignate section 2.00B3 of part A of appendix 1 as section 2.00D.
■ f. Remove listing 2.08 of part A of appendix 1.
■ g. Add listings 2.10 and 2.11 to part A of appendix 1.
■ h. Revise section 102.00B of part B of appendix 1.
■ i. Remove listing 102.08 of part B of appendix 1.
■ j. Add listings 102.10 and 102.11 to part B of appendix 1.

The revised text is set forth as follows:

Appendix 1 to Subpart P of Part 404—Listing of Impairments

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3. Special Senses and Speech (2.00 and 102.00): August 3, 2015.

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Part A

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2.00 SPECIAL SENSES AND SPEECH

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B. How do we evaluate hearing loss?

1. What evidence do we need?

a. We need evidence showing that you have a medically determinable impairment that causes your hearing loss and audiometric measurements of the severity of your hearing loss. We generally require both a complete otologic examination and audiometric testing to establish that you have a medically determinable impairment that causes your hearing loss. You should have this audiometric testing within 2 months of the complete otologic examination. Once we have evidence that you have a medically determinable impairment, we can use the results of later audiometric testing to assess the severity of your hearing loss without another complete otologic examination. We will consider your test scores together with any other relevant information we have about your hearing, including information from outside of the test setting.

b. The complete otologic examination must be performed by a licensed physician (medical or osteopathic doctor). It must include your medical history, your description of how your hearing loss affects you, and the physician's description of the appearance of the external ears (pinnae and external ear canals), evaluation of the tympanic membranes, and assessment of any middle ear abnormalities.

c. Audiometric testing must be performed by, or under the direct supervision of, an otolaryngologist or by an audiologist qualified to perform such tests. We consider an audiologist to be qualified if he or she is currently and fully licensed or registered as a clinical audiologist by the State or U.S. territory in which he or she practices. If no licensure or registration is available, the audiologist must be currently certified by the American Board of Audiology or have a Certificate of Clinical Competence (CCC–A) from the American Speech-Language-Hearing Association (ASHA).

2. What audiometric testing do we need when you do not have a cochlear implant?

a. We generally need pure tone air conduction and bone conduction testing, speech reception threshold (SRT) testing (also referred to as "spondee threshold" or "ST" testing), and word recognition testing (also referred to as "word discrimination" or "speech discrimination" testing). This testing must be conducted in a sound-treated booth or room and must be in accordance with the most recently published standards of the American National Standards Institute (ANSI). Each ear must be tested separately.

b. You must not wear hearing aids during the testing. Additionally, a person described in 2.00B1c must perform an otoscopic examination immediately before the audiometric testing. (An *otoscopic examination* provides a description of the appearance of your external ear canals and an evaluation of the tympanic membranes. In these rules, we use the term to include otoscopic examinations performed by physicians and otoscopic inspections performed by audiologists and others.) The otoscopic examination must show that there are no conditions that would prevent valid audiometric testing, such as fluid in the ear, ear infection, or obstruction in an ear canal. The person performing the test should also report on any other factors, such as your cooperation with the test, that can affect the interpretation of the test results.

c. To determine whether your hearing loss meets the air and bone conduction criteria in 2.10A, we will average your air and bone conduction hearing thresholds at 500, 1000, and 2000 Hertz (Hz). If you do not have a response at a particular frequency, we will use a threshold of 5 decibels (dB) over the limit of the audiometer.

d. The SRT is the minimum dB level required for you to recognize 50 percent of the words on a standard list of spondee words. (Spondee words are two-syllable words that have equal stress on each syllable.) The SRT is usually within 10 dB of the average pure tone air conduction hearing thresholds at 500, 1000, and 2000 Hz. If the SRT is not within 10 dB of the average pure tone air conduction threshold, the reason for the discrepancy must be documented. If we cannot determine that there is a medical basis for the discrepancy, we will not use the results of the testing to determine whether your hearing loss meets a listing.

e. Word recognition testing determines your ability to recognize a standardized list of phonetically balanced monosyllabic words in the absence of any visual cues. This testing must be performed in quiet. The list may be recorded or presented live, but in either case the words should be presented at a level of amplification that will measure your maximum ability to discriminate words, usually 35 to 40 dB above your SRT. However, the amplification level used in the testing must be medically appropriate, and you must be able to tolerate it. If you cannot be tested at 35 to 40 dB above your SRT, the person who performs the test should report your word recognition testing score at your highest comfortable level of amplification.

3. What audiometric testing do we need when you have a cochlear implant?

a. If you have a cochlear implant, we will consider you to be disabled until 1 year after initial implantation.

b. After that period, we need word recognition testing performed with any version of the Hearing in Noise Test (HINT) to determine whether your impairment meets 2.11B. This testing must be conducted in quiet in a sound field. Your implant must be functioning properly and adjusted to your normal settings. The sentences should be presented at 60 dB HL (Hearing Level) and without any visual cues.

4. How do we evaluate your word recognition ability if you are not fluent in English?

If you are not fluent in English, you should have word recognition testing using an appropriate word list for the language in which you are most fluent. The person conducting the test should be fluent in the language used for the test. If there is no appropriate word list or no person who is fluent in the language and qualified to perform the test, it may not be possible to measure your word recognition ability. If your word recognition ability cannot be measured, your hearing loss cannot meet 2.10B or 2.11B. Instead, we will consider the facts of your case to determine whether you have difficulty understanding words in the language in which you are most fluent, and if so, whether that degree of difficulty medically equals 2.10B or 2.11B. For example, we will consider how you interact with family members, interpreters, and other persons who speak the language in which you are most fluent.

C. How do we evaluate vertigo associated with disturbances of labyrinthine-vestibular function, including Meniere's disease?

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2.01 Category of Impairments, Special Senses and Speech

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2.10 Hearing Loss Not Treated With Cochlear Implantation

A. An average air conduction hearing threshold of 90 decibels or greater in the better ear and an average bone conduction hearing threshold of 60 decibels or greater in the better ear (*see* 2.00B2c).

OR

B. A word recognition score of 40 percent or less in the better ear determined using a standardized list of phonetically balanced monosyllabic words (see 2.00B2e).

2.11 Hearing Loss Treated With Cochlear Implantation

A. Consider under a disability for 1 year after initial implantation.

OR

B. If more than 1 year after initial implantation, a word recognition score of 60 percent or less determined using the HINT (*see* 2.00B3b).

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Part B

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102.00 SPECIAL SENSES AND SPEECH

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B. How do we evaluate hearing loss?

1. What evidence do we need?

a. We need evidence showing that you have a medically determinable impairment that causes your hearing loss and audiometric measurements of the severity of your hearing loss. We generally require both a complete otologic examination and audiometric testing to establish that you have a medically determinable impairment that causes your hearing loss. You should have this audiometric testing within 2 months of the complete otologic examination. Once we have evidence that you have a medically determinable impairment, we can use the results of later audiometric testing to assess the severity of your hearing loss without another complete otologic examination. We will consider your test scores together with any other relevant information we have about your hearing, including information from outside of the test setting.

b. The complete otologic examination must be performed by a licensed physician (medical or osteopathic doctor). It must include your medical history, your description of how your hearing loss affects you, and the physician's description of the appearance of the external ears (pinnae and external ear canals), evaluation of the tympanic membranes, and assessment of any middle ear abnormalities.

c. Audiometric testing must be performed by, or under the direct supervision of, an otolaryngologist or by an audiologist qualified to perform such tests. We consider an audiologist to be qualified if he or she is currently and fully licensed or registered as a clinical audiologist by the State or U.S. territory in which he or she practices. If no licensure or registration is available, the audiologist must be currently certified by the American Board of Audiology or have a Certificate of Clinical Competence (CCC–A) from the American Speech-Language-Hearing Association (ASHA).

2. What audiometric testing do we need when you do not have a cochlear implant?

a. *General.* We need either physiologic or behavioral testing (other than screening testing, see 102.00B2g) that is appropriate for your age at the time of testing. *See* 102.00B2c–102.00B2f. We will make every reasonable effort to obtain the results of physiologic testing that has been done; however, we will not purchase such testing.

b. *Testing requirements.* The testing must be conducted in accordance with the most recently published standards of the American National Standards Institute (ANSI). You must not wear hearing aids during the testing. Additionally, a person described in 102.00B1c must perform an otoscopic examination immediately before the audiometric testing. (An *otoscopic examination* provides a description of the appearance of your external ear canals and an evaluation of the tympanic membranes. In these rules, we use the term to include otoscopic examinations performed by physicians and otoscopic inspections performed by audiologists and others.) The otoscopic examination must show that there are no conditions that would prevent valid audiometric testing, such as fluid in the ear, ear infection, or obstruction in an ear canal. The person performing the test should also report on any other factors, such as your ability to maintain attention, that can affect the interpretation of the test results.

c. Children From Birth to the Attainment of Age 6 Months

(i) We need physiologic testing, such as auditory brainstem response (ABR) testing.

(ii) To determine whether your hearing loss meets 102.10A, we will average your hearing thresholds at 500, 1000, 2000, and 4000 Hertz (Hz). If you do not have a response at a particular frequency, we will use a threshold of 5 decibels (dB) over the limit of the audiometer.

d. Children From Age 6 Months to the Attainment of Age 2

(i) We need air conduction thresholds determined by a behavioral assessment, usually visual reinforcement audiometry (VRA). We can use ABR testing if the behavioral assessment cannot be completed or if the results are inconclusive or unreliable.

(ii) To determine whether your hearing loss meets 102.10A, we will average your hearing thresholds at 500, 1000, 2000, and 4000 Hz. If you do not have a response at a particular frequency, we will use a threshold of 5 dB over the limit of the audiometer.

(iii) For this age group, behavioral assessments are often performed in a sound field, and each ear is not tested separately. If each ear is not tested separately, we will consider the test results to represent the hearing in the better ear.

e. Children From Age 2 to the Attainment of Age 5

(i) We need air conduction thresholds determined by a behavioral assessment, such as conditioned play audiometry (CPA), tangible or visually reinforced operant conditioning audiometry (TROCA, VROCA), or VRA. If you have had ABR testing, we can use the results of that testing if the behavioral assessment cannot be completed or the results are inconclusive or unreliable.

(ii) To determine whether your hearing loss meets 102.10A, we will average your hearing thresholds at 500, 1000, 2000, and 4000 Hz. If you do not have a response at a particular frequency, we will use a threshold of 5 dB over the limit of the audiometer.

(iii) For this age group, behavioral assessments are often performed in a sound field and each ear is not tested separately. If each ear is not tested separately, we will consider the test results to represent the hearing in the better ear.

f. Children From Age 5 to the Attainment of Age 18

(i) We generally need pure tone air conduction and bone conduction testing, speech reception threshold (SRT) testing (also referred to as "spondee threshold" or "ST" testing), and word recognition testing (also referred to as "word discrimination" or "speech discrimination" testing). This testing must be conducted in a sound-treated booth or room and must be in accordance with the most recently published ANSI standards. Each ear must be tested separately.

(ii) To determine whether your hearing loss meets the air and bone conduction criterion in 102.10B1 or 102.10B3, we will average your hearing thresholds at 500, 1000, 2000, and 4000 Hz. If you do not have a response at a particular frequency, we will use a threshold of 5 dB over the limit of the audiometer.

(iii) The SRT is the minimum dB level required for you to recognize 50 percent of the words on a standard list of spondee words. (Spondee words are two-syllable words that have equal stress on each syllable.) The SRT is usually within 10 dB of the average pure tone air conduction hearing thresholds at 500, 1000, and 2000 Hz. If the SRT is not within 10 dB of the average pure tone air conduction threshold, the reason for the discrepancy must be documented. If we cannot determine that there is a medical basis for the discrepancy, we will not use the results of the testing to determine whether your hearing loss meets a listing.

(iv) Word recognition testing determines your ability to recognize an age-appropriate, standardized list of phonetically balanced monosyllabic words in the absence of any visual cues. This testing must be performed in quiet. The list may be recorded or presented live, but in either case, the words should be presented at a level of amplification that will measure your maximum ability to discriminate words, usually 35 to 40 dB above your SRT. However, the amplification level used in the testing must be medically appropriate, and you must be able to tolerate it. If you cannot be tested at 35 to 40 dB above your SRT, the person who performs the test should report your word recognition testing score at your highest comfortable level of amplification.

g. *Screening testing.* Physiologic testing, such as ABR and otoacoustic emissions (OAE), and pure tone testing can be used as hearing screening tests. We will not use these tests to determine that your hearing loss meets or medically equals a listing, or to assess functional limitations due to your hearing loss, when they are used only as screening tests. We can consider normal results from hearing screening tests to determine that your hearing loss is not "severe" when these test results are consistent with the other evidence in your case record. *See* § 416.924(c).

3. What audiometric testing do we need when you have a cochlear implant?

a. If you have a cochlear implant, we will consider you to be disabled until age 5, or for 1 year after initial implantation, whichever is later.

b. After that period, we need word recognition testing performed with any age-appropriate version of the Hearing in Noise Test (HINT) or the Hearing in Noise Test for Children (HINT–C) to determine whether your impairment meets 102.11B. This testing must be conducted in quiet in a sound field. Your implant must be functioning properly and adjusted to your normal settings. The sentences should be presented at 60 dB HL (Hearing Level) and without any visual cues.

4. How do we evaluate your word recognition ability if you are not fluent in English?

If you are not fluent in English, you should have word recognition testing using an appropriate word list for the language in which you are most fluent. The person conducting the test should be fluent in the language used for the test. If there is no appropriate word list or no person who is fluent in the language and qualified to perform the test, it may not be possible to measure your word recognition ability. If your word recognition ability cannot be measured, your hearing loss cannot meet 102.10B2 or 102.11B. Instead, we will consider the facts of your case to determine whether you have difficulty understanding words in the language in which you are most fluent, and if so, whether that degree of difficulty medically equals 102.10B2 or 102.11B. For example, we will consider how you interact with family members, interpreters, and other persons who speak the language in which you are most fluent.

5. What do we mean by a marked limitation in speech or language as used in 102.10B3?

a. We will consider you to have a marked limitation in speech if:

(i) Entire phrases or sentences in your conversation are intelligible to unfamiliar listeners at least 50 percent (half) of the time but no more than 67 percent (two-thirds) of the time on your first attempt; and

(ii) Your sound production or phonological patterns (the ways in which you combine speech sounds) are atypical for your age.

b. We will consider you to have a marked limitation in language when your current and valid test score on an appropriate comprehensive, standardized test of overall language functioning is at least two standard deviations below the mean. In addition, the evidence of your daily communication functioning must be consistent with your test score. If you are not fluent in English, it may not be possible to test your language performance. If we cannot test your language performance, your hearing loss cannot meet 102.10B3. Instead, we will consider the facts of your case to determine whether your hearing loss medically equals 102.10B3.

* * * * *

102.01 Category of Impairments, Special Senses and Speech

* * * * *

102.10 Hearing Loss Not Treated With Cochlear Implantation

A. For children from birth to the attainment of age 5, an average air conduction hearing threshold of 50 decibels or greater in the better ear (see 102.00B2).

OR

B. For children from age 5 to the attainment of age 18:

1. An average air conduction hearing threshold of 70 decibels or greater in the better ear and an average bone conduction hearing threshold of 40 decibels or greater in the better ear (see 102.00B2f); or

2. A word recognition score of 40 percent or less in the better ear determined using a standardized list of phonetically balanced monosyllabic words (see 102.00B2f); or

3. An average air conduction hearing threshold of 50 decibels or greater in the better ear and a marked limitation in speech or language (see 102.00B2f and 102.00B5).

102.11 Hearing Loss Treated With Cochlear Implantation

A. Consider under a disability until the attainment of age 5 or for 1 year after initial implantation, whichever is later.

OR

B. Upon the attainment of age 5 or 1 year after initial implantation, whichever is later, a word recognition score of 60 percent or less determined using the HINT or the HINT–C (*see* 102.00B3b).

* * * * *

[FR Doc. 2010–13094 Filed 6–1–10; 8:45 am]

BILLING CODE 4191–02–P

FEDERAL MEDIATION AND CONCILIATION SERVICE

29 CFR Part 1404

RIN 3076–AA12

Arbitration Services

AGENCY: Federal Mediation and Conciliation Service.

ACTION: Final rule.

SUMMARY: This final rule amends the Federal Mediation and Conciliation Service (FMCS) rules pertaining to arbitration services. It revises rules addressing the removal of arbitrators from the FMCS roster, the process relating to complaints about arbitrators, procedures for requesting lists and panels, arbitrators' inactive status, the selection by parties and appointment of arbitrators, and arbitrators' obligation to provide FMCS with certain case information. The final rule also provides that FMCS may decline to service any request by a party for an arbitration list or panel based on the party's non-payment of arbitrator fees. In addition, the final rule raises the annual listing fee for all arbitrators on the FMCS roster. The changes will promote more efficient and effective procedures involving arbitrator retention and arbitration services. The increased annual listing fee more accurately reflects FMCS's costs of maintaining and responding to requests for arbitrators' biographical data. The final rule withdraws the proposed revisions to § 1404.9(b).

DATES: This final rule is effective July 2, 2010.

FOR FURTHER INFORMATION CONTACT: Vella M. Traynham, Director, Office of Arbitration Services, FMCS, 2100 K Street, NW., Washington, DC 20427. Telephone: (202) 606–5111.

SUPPLEMENTARY INFORMATION: Pursuant to 29 U.S.C. 171(b) and 29 CFR part 1404, FMCS maintains a roster of qualified labor arbitrators to hear disputes arising under collective bargaining agreements and provide fact finding and interest arbitration. FMCS amends its rules pertaining to such arbitration services as follows: The revised rule relating to the removal of arbitrators from the roster provides that FMCS will give written notice of removal to the affected arbitrator. The revised rule relating to complaints against arbitrators provides that complaints should be in writing and directed to the director of the office of arbitration services, and should cite specific sections of the professional code or FMCS rules allegedly violated by the arbitrator. The revised rule on arbitrators' inactive status clarifies the applicable annual listing fee and suggests that arbitrators use inactive status to assist them in certain scheduling circumstances. The revised rule on procedures for requesting panels and lists provides that FMCS may decline to service any request from a party for arbitration lists or panels based on the party's non-payment of arbitrator fees. The revised rule on the selection by parties and appointment of arbitrators provides that arbitrators must provide FMCS with certain information upon being selected by a party. The revised rules describe the methods of arbitrator selection that FMCS will accept, where the parties' collective agreement is silent on the manner of selection. These changes are intended to make FMCS's arbitration procedures more efficient and effective.

FMCS also amends Appendix to Part 1404 to increase the annual listing fee from $100 to $150 for all arbitrators on the FMCS roster. With increasing frequency, parties have been requesting that FMCS furnish arbitration panels that are individualized to the dispute at issue. This requires detailed research and review of arbitrators' biographies. The increased listing fee reflects the cost in staff time necessary to be responsive to these requests as well as the costs associated with updating arbitrator biographies.

This rule is not a significant regulatory action for the purposes of Executive Order 12866 and has not been reviewed by the Office of Management and Budget. As required by the Regulatory Flexibility Act, I certify that this rule will not have a significant impact on a substantial number of small entities. This regulation does not have any federalism or tribal implications.

Background: On August 6, 2008, FMCS published a Notice of Proposed

Rulemaking (NPRM) proposing changes to its rules relating to the removal of arbitrators from the FMCS roster, the process relating to complaints about arbitrators, procedures for requesting arbitrator lists and panels, arbitrators' inactive status, the selection by parties and appointment of arbitrators, and arbitrators' obligation to provide FMCS with certain case information. The proposed rules also addressed FMCS's response to requests for arbitration lists or panels made by one party, where the collective bargaining agreement requires that the request be jointly submitted. In addition, the proposed rules addressed FMCS's option to decline to service any request from a party, based on the party's non-payment of arbitrator fees, and raised the annual listing fee for arbitrators on the FMCS roster.

FMCS is adopting the final rule with one change from that which was proposed. The final rule withdraws the proposed revisions to § 1404.9(b), which had modified FMCS's response to requests for arbitration lists or panels made by one party, where the collective bargaining agreement requires that the request be jointly submitted.

Discussion of Comments: FMCS received comments from two sources in response to the NPRM. One commentator suggested that the proposed changes to § 1404.9(b) insert FMCS into the arena of administering and interpreting collective bargaining agreements, and do not take into account the parties' past practices. FMCS has given careful review and consideration to the comment and the language in the proposed revision to § 1404.9(b) and has determined it will withdraw the revision to § 1404.9(b).

FMCS received comments from two sources regarding the proposed changes to § 1404.9(d). One commentator opposed the revision to the extent that it could allow a single failure to pay an arbitrator's fees to disqualify a party from obtaining a panel. Another commentator objected to the revision because the proposed rule does not differentiate between a genuine fee dispute and simple nonpayment. FMCS has given careful review and consideration to the comments. FMCS has determined, however, that the proposed rule, by stating only that FMCS's office of arbitration services *may* decline to service any request from a party based on the party's non-payment of fees, will ensure that decisions whether to decline services will be considered. Accordingly, no changes are made to the final rule.

List of Subjects in 29 CFR Part 1404

Administrative practice and procedure, Labor management relations.

■ For the reasons stated in the preamble, FMCS amends 29 CFR Part 1404 as follows:

PART 1404—ARBITRATION SERVICES

■ 1. The authority citation for part 1404 continues to read as follows:

Authority: 29 U.S.C. 172 and 29 U.S.C. 173 *et seq.*

■ 2. Amend § 1404.5 by revising paragraph (d) introductory text to read as follows:

§ 1404.5 Listing on the roster; criteria for listing and retention.

* * * * *

(d) *Listing on roster, removal.* Listing on the Roster shall be by decision of the Director of FMCS based upon the recommendations of the Board or upon the Director's own initiative. The Board may recommend for removal, and the Director may remove, any person listed on the Roster for violation of this Part or of the Code of Professional Responsibility. FMCS will provide to the affected arbitrator written notice of removal from the Roster. Complaints about arbitrators should be in writing and sent to the Director of OAS. The complaint should cite the specific section of the Code or the FMCS rule the arbitrator has allegedly violated. The following criteria shall be a basis for the Board to recommend and/or the Director to initiate a member's removal from the Roster:

* * * * *

■ 3. Revise § 1404.6 to read as follows:

§ 1404.6 Inactive status.

(a) A member of the Roster who continues to meet the criteria for listing on the Roster may request that he or she be put in an inactive status on a temporary basis because of ill heath, vacation, schedule or other reasons.

(b) Arbitrators whose schedules do not permit cases to be heard within six months of assignment are encouraged to make themselves inactive temporarily until their caseload permits the earlier scheduling of cases.

(c) An arbitrator can remain on inactive status without paying any annual listing fee for a period of two (2) years. If an arbitrator is on inactive status for longer than two (2) years, the arbitrator will be removed from the Roster unless he or she pays the annual listing fee.

■ 4. Amend § 1404.9 by revising paragraph (d) to read as follows:

§ 1404.9 Procedures for requesting arbitration lists and panels.

* * * * *

(d) The OAS reserves the right to decline to submit a panel or to make an appointment of an arbitrator if the request submitted is overly burdensome or otherwise impracticable. The OAS, in such circumstances, may refer the parties to an FMCS mediator to help in the design of an alternative solution. The OAS may also decline to service any request from a party based on the party's non-payment of arbitrator fees or other behavior that constrains the spirit or operation of the arbitration process.

* * * * *

■ 5. Revise § 1404.12 to read as follows:

§ 1404.12 Selection by parties and appointment of arbitrators.

(a) After receiving a panel of names, the parties must notify the OAS of their selection of an arbitrator or of the decision not to proceed with arbitration. Upon notification of the selection of an arbitrator, the OAS will make a formal appointment of the arbitrator. The arbitrator, upon notification of appointment, shall communicate with the parties within 14 days to arrange for preliminary matters, such as the date and place of hearing. Should an arbitrator be notified directly by the parties that he or she has been selected, the arbitrator must promptly notify the OAS of the selection and of his or her willingness to serve. The arbitrator must provide the OAS with the FMCS case number and other pertinent information for the OAS to make an appointment. A pattern of failure by an arbitrator to notify FMCS of a selection in an FMCS case may result in suspension or removal from the Roster. If the parties settle a case prior to the hearing, the parties must inform the arbitrator as well as the OAS. Consistent failure to follow these procedures may lead to a denial of future OAS services.

(b) If the parties request a list of names and biographical sketches rather than a panel, the parties may choose to contact and select an arbitrator directly from that list. In this situation, neither the parties nor the arbitrator is required to furnish any additional information to FMCS and no case number will be assigned.

(c) Where the parties' collective bargaining agreement is silent on the manner of selecting arbitrators, FMCS will accept one of the following methods for selection from a panel:

(1) A selection by mutual agreement;

(2) A selection in which each party alternately strikes a name from the submitted panel until one remains;

(3) A selection in which each party advises OAS of its order of preference by numbering each name on the panel and submitting the numbered list in writing to OAS. If the parties separately notify OAS of their preferred selections, OAS, upon receiving the preferred selection of the first party, will notify the other party that it has fourteen (14) days in which to submit its selections. Where both parties respond, the name that has the lowest combined number will be appointed. If the other party fails to respond, the first party's choice will be honored.

(d) Where the parties' collective bargaining agreement permits each party to separately notify OAS of its preferred selection, OAS will proceed with the selection process as follows. When the OAS receives the preferred selection from one party, it will notify the other party that it has fourteen (14) days in which to submit its selections. If that party fails to respond within the deadline, the first party's choice will be honored unless prohibited by the collective bargaining agreement. Where both parties respond, the name that has the lowest combined number will be appointed. If, within fourteen (14) days, a second panel is requested, and is permitted by the collective bargaining agreement, the requesting party must pay a fee for the second panel.

(e) The OAS will make a direct appointment of an arbitrator only upon joint request or as provided by paragraphs (c) (3) or (d) of this section.

(f) A direct appointment in no way signifies a determination of arbitrability or a ruling that an agreement to arbitrate exists. The resolution of disputes over these issues rests solely with the parties.

■ 6. Amend the Appendix to 29 CFR Part 1404 by removing "$100" and adding "$150" in its place.

Dated: May 26, 2010.

Jeannette Walters-Marquez,

Attorney Advisor.

[FR Doc. 2010–13120 Filed 6–1–10; 8:45 am]

BILLING CODE 6732–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–0158]

RIN 1625–AA00

Safety Zone; Wilson Bay, Jacksonville, NC

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the waters of Wilson Bay at Jacksonville, North Carolina for training purposes. The safety zone is necessary to provide for the safety of the general public and exercise participants from potential hazards associated with low flying helicopters and vessels participating in this multi agency exercise.

DATES: This rule is effective from 6 a.m. until 5 p.m. on June 9, 2010.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2010–0158 and are available online by going to *http://www.regulations.gov,* inserting USCG–2010–0158 in the "Keyword" box, and then clicking "Search." This material is also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this temporary rule, call or e-mail CWO4 Stephen Lyons, Waterways Management Division Chief, Coast Guard Sector North Carolina; telephone (252) 247–4525, e-mail *Stephen.W.Lyons2@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On April 2, 2010, we published a notice of proposed rulemaking (NPRM) entitled Safety Zone: Wilson Bay, Jacksonville, NC in the **Federal Register** (75 FR 16703). We received no comments on the proposed rule. No public meeting was requested, and none was held.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Due to the need for immediate action, the restriction of vessel traffic is necessary to protect life, property and the environment; therefore, a 30-day notice is impracticable. Delaying the effective date would be contrary to the safety zone's intended objectives of protecting persons and vessels involved in the event, and enhancing public and maritime safety.

Basis and Purpose

The Onslow County North Carolina Emergency Services will be conducting a multi agency exercise to test response capabilities of water rescue services in a mass casualty scenario on the waters of Wilson Bay, Onslow County, North Carolina from 6 a.m. to 5 p.m. June 9, 2010. The exercise is designed to train and test air and surface personnel in the judgmental decisionmaking process necessary to safely and effectively respond to a mass casualty incident. The exercise will involve helicopters, vessels, safety craft, divers, and rescue swimmers. This zone is necessary to establish a temporary restricted area in Wilson Bay to ensure the safety of participants within the exercise site.

Discussion of Comments and Changes

We received no comments on the proposed rule. No public meeting was requested, and none was held. The Coast Guard is implementing the rule as proposed, without change.

Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

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

Although this regulation will restrict access to the area, the effect of this rule will not be significant because: (i) The safety zone will only be in effect from 6 a.m. to 5 p.m. on June 9, 2010, (ii) the Coast Guard will give advance notification via maritime advisories so mariners can adjust their plans accordingly, and (iii) although the safety zone will apply to a section of Wilson Bay, it will not restrict vessel traffic in the federally marked channel.

Small Entities

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

governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which may be small entities: The owners or operators of recreational and fishing vessels intending to transit the specified portion of Wilson Bay from 6 a.m. to 5 p.m. on June 9, 2010.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule will only be in effect from 6 a.m. to 5 p.m. on June 9, 2010. Although the safety zone will apply to the section of Wilson Bay, it will not restrict vessel traffic in the federally marked channel. Before the effective period, the Coast Guard will issue maritime advisories widely available to the users of the waterway.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), in the NPRM we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction. This rule establishes a temporary safety zone to protect the general public and exercise participants from potential hazards associated with low flying helicopters and vessels participating in this multi agency exercise. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6 and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1

■ 2. Add § 165.T05–0158 to read as follows:

§ 165.T05–0158 Safety Zone; Wilson Bay, Jacksonville, NC.

(a) *Definitions.* For the purposes of this section, Captain of the Port means the Commander, Sector North Carolina. *Representative* means any Coast Guard commissioned, warrant, or petty officer who has been authorized to act on the behalf of the Captain of the Port.

(b) *Location.* The following area is a safety zone: The safety zone is established for the navigable waters, from the surface to the seafloor, defined by enclosing an area south of a line drawn from New River Channel Daybeacon 61 (34°44′30″ N/077°26′20″ W) to the north tip of Ethridge Point (34°44′37″ N/077°26′06″ W) and extending ½ nautical mile south from the boundary line.

(c) *Regulations.* (1) The general regulations contained in § 165.23 of this part apply to the area described in paragraph (b) of this section.

(2) Persons or vessels requiring entry into or passage through any portion of the safety zone must first request authorization from the Captain of the Port, or a designated representative, unless the Captain of the Port previously announced via Marine Safety Radio Broadcast on VHF Marine Band Radio channel 22 (157.1 MHz) that this regulation will not be enforced in that portion of the safety zone. The Captain of the Port can be contacted at telephone number (252) 247–4570 or by radio on VHF Marine Band Radio, channels 13 and 16.

(d) *Enforcement.* The U.S. Coast Guard may be assisted in the patrol and enforcement of the zone by Federal, State, and local agencies.

(e) *Enforcement period.* This section will be enforced from 6 a.m. to 5 p.m. on June 9, 2010 unless cancelled earlier by the Captain of the Port.

Dated: May 17, 2010.

A. Popiel,

Captain, U.S. Coast Guard, Captain of the Port North Carolina.

[FR Doc. 2010–13116 Filed 6–1–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2010–0174]

RIN 1625–AA00

Safety Zone; Red Bull Air Race, Detroit River, Detroit, MI

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone on the Detroit River, Detroit, Michigan. This zone is intended to restrict vessels from portions of the Detroit River during the Red Bull Air Race. This temporary safety zone is necessary to protect spectators and vessels from the hazards associated with air races.

DATES: This rule is effective from 9 a.m. on June 3, 2010 through 6:30 p.m. on June 6, 2010.

ADDRESSES: Comments and material received from the public, as well as documents mentioned in this preamble as being available in the docket, are part of docket USCG–2010–0174 and are available online by going to *http://www.regulations.gov,* inserting USCG–2010–0174 in the "Keyword" box, and then clicking "Search." This material is also available for inspection or copying at the Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or e-mail CDR Joseph Snowden, Prevention Department, Sector Detroit, Coast Guard; telephone (313) 568–9508, e-mail *Joseph.H.Snowden@uscg.mil.* If you have questions on viewing the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On April 5, 2010, we published a notice of proposed rulemaking (NPRM) entitled Safety Zone; Red Bull Air Race, Detroit River, Detroit, MI in the **Federal Register** (75 FR 17106). We received zero comments on the proposed rule. No public meeting was requested, and none was held.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register** because delaying the effective date would be contrary to the public interest due to the need to protect the public from the dangers associated with air racing.

Basis and Purpose

This temporary safety zone is necessary to ensure the safety of vessels and the public from hazards associated with an air race. The Captain of the Port Detroit has determined air races in close proximity to watercraft and infrastructure pose a significant risk to public safety and property. The likely combination of large numbers of recreational vessels, airplanes traveling at high speeds and performing aerial acrobatics, and large numbers of spectators in close proximity on the water could easily result in serious injuries or fatalities. Establishing a safety zone around the location of the race's course will help ensure the safety of persons and property at these events and help minimize the associated risks.

Discussion of the Rule

The Coast Guard is establishing a temporary safety zone on the specified U.S. waters of the Detroit River, Detroit, MI, bound by a line extending from a point on land southwest of Joe Louis Arena at position 42°19.4′ N; 083°3.3′ W, northeast along the Detroit shoreline to a point on land at position 42°20.0′ N; 083°1.2′ W, southeast to the international border with Canada at position 42°19.8′ N 083°1.0′ W, southwest along the international border to position 42°19.2′ N; 083°3.3′ W, and northwest to the point of origin at position 42°19.4′ N; 083°3.3′ W. (DATUM: NAD 83).

This rule will be enforced for approximately six hours each day of its effective period. Additionally, prior to the event, local sailing and yacht clubs will be provided with information by Coast Guard Station Belle Isle on what to expect during the event. Station Belle Isle will do this in order to minimize interruptions in the normal business practices of local sailing and yacht clubs. In the event this temporary safety zone affects shipping, commercial vessels may request permission from the Captain of the Port (COTP) Detroit to transit through the safety zone. The Coast Guard will give notice to the public via a Broadcast Notice to Mariners that the regulation is in effect. Additionally, the COTP Detroit will suspend enforcement of the safety zone if the event for which the zone is established ends earlier than the expected time.

Discussion of Comments and Changes

We received no comments with regard to this rule and no changes have been made to this rule.

Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

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

Although this temporary rule restricts access to the safety zone, the effect of the rule will not be significant because: (i) The minimal time that vessels will be restricted from the zone; (ii) the zone is an area where the Coast Guard expects insignificant adverse impact to mariners from the zone's activation; and (iii) vessels may request permission from the COTP Detroit to transit through the safety zone. The Coast Guard will give notice to the public via a Broadcast Notice to Mariners that the regulation is in effect.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to transit or anchor in the portion of the Detroit River discussed above between 9 a.m. June 3, 2010 through 6:30 p.m. June 6, 2010.

This temporary safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This rule will be enforced for approximately six hours each day of its effective period. Additionally, small entities such as passenger vessels have been involved in the planning stages of this event and have had opportunities to make alternate arrangements with regards to mooring positions and business operations during the hours this safety zone will be in effect. Prior to the event, local sailing and yacht clubs will be provided with information by Coast Guard Station Belle Isle on what to expect during the event. Station Belle Isle will do this in order to minimize interruptions in the normal business practices of local sailing and yacht clubs. In the event that this temporary safety zone affects shipping, commercial vessels may request permission from the Captain of the Port Detroit to transit through the safety zone. The Coast Guard will give notice to the public via a Broadcast Notice to Mariners that the regulation is in effect. Additionally, the COTP will suspend enforcement of the safety zone if the event for which the zone is established ends earlier than the expected time.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), in the NPRM we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

Collection of Information

This rule calls for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). We did not receive any comments for this section.

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this rule under that Order and have determined that it does not have implications for federalism. We did not receive any comments for this section.

Unfunded Mandates Reform Act

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

Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights. We did not receive any comments for this section.

Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden. We did not receive any comments for this section.

Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children. We did not receive any comments for this section.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does 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. We did not receive any comments for this section.

Energy Effects

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

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards. We did not receive any comments for this section.

Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have concluded this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule is categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction. This rule involves the establishment of a safety zone. An environmental analysis checklist and a categorical exclusion determination are available in the docket where indicated under **ADDRESSES**.

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1(g), 6.04–1, 6.04–6, and 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T09–0174 to read as follows:

§ 165.T09–0174 Safety Zone; Red Bull Air Race, Detroit River, Detroit, MI.

(a) *Location.* The following area is a temporary safety zone: All U.S. waters of the Detroit River, Detroit, MI, bound by a line extending from a point on land southwest of Joe Louis Arena at position 42°19.4′ N; 083°3.3′ W, northeast along the Detroit shoreline to a point on land at position 42°20.0′ N; 083°1.2′ W, southeast to the international border with Canada at position 42°19.8′ N 083°1.0′ W, southwest along the international border to position 42°19.2′ N; 083°3.3′ W, and northwest to the point of origin at position 42°19.4′ N; 083°3.3′ W. (DATUM: NAD 83).

(b) *Effective Period.* This regulation is effective from 9 a.m. on June 3, 2010 through 6:30 p.m. on June 6, 2010. The safety zone will be enforced daily from 9 a.m. to 6:30 p.m. on June 3, 2010 through June 6, 2010.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23 of this part, entry into, transiting, or anchoring within this safety zone is prohibited unless authorized by the Captain of the Port Detroit, or his designated on-scene representative.

(2) This safety zone is closed to all vessel traffic, except as may be permitted by the Captain of the Port Detroit or his designated on-scene representative.

(3) The "on-scene representative" of the Captain of the Port is any Coast Guard commissioned, warrant, or petty officer who has been designated by the Captain of the Port to act on his behalf. The on-scene representative of the Captain of the Port will be aboard either a Coast Guard or Coast Guard Auxiliary vessel. The Captain of the Port or his designated on scene representative may be contacted via VHF Channel 16.

(4) Vessel operators desiring to enter or operate within the safety zone shall contact the Captain of the Port Detroit or his on-scene representative to obtain permission to do so. Vessel operators given permission to enter or operate in the safety zone must comply with all directions given to them by the Captain of the Port or his on-scene representative.

Dated: May 7, 2010.

E.J. Marohn,

Commander, U.S. Coast Guard, Acting Captain of the Port Detroit.

[FR Doc. 2010–13118 Filed 6–1–10; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[R05–OAR–2009–0731; FRL–9157–9

Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Particulate Matter Standards; Withdrawal of Direct Final Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Withdrawal of direct final rule.

SUMMARY: Due to the receipt of an adverse comment, EPA is withdrawing the April 8, 2010 (75 FR 17865), direct final rule approving Wisconsin's update to its state ambient air quality standards. The updates were made to the particulate matter standards by adding fine particulate standards and revoking the state's course particulate standards. The State of Wisconsin submitted this revision as a modification to the State Implementation Plan on September 11, 2009. In the direct final rule, EPA stated that if adverse comments were submitted by May 10, 2010, the rule would be withdrawn and not take effect. On May 7, 2010, EPA received a comment. EPA believes this comment is adverse and, therefore, EPA is withdrawing the direct final rule. EPA will address the comment in a subsequent final action based upon the proposed action also published on April 8, 2010 (75 FR 17894). EPA will not institute a second comment period on this action.

DATES: The direct final rule published at 75 FR 17865 on April 8, 2010, is withdrawn as of June 2, 2010.

FOR FURTHER INFORMATION CONTACT: Matt Rau, Environmental Engineer, Criteria Pollutant Section, Air Programs Branch (AR–18J), Environmental Protection Agency, Region 5, 77 West Jackson

Boulevard, Chicago, Illinois 60604, (312) 886–6524, *rau.matthew@epa.gov.*

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Intergovernmental relations, Particulate matter.

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

Dated: May 14, 2010.

Walter W. Kovalick,

Acting Regional Administrator, Region 5.

PART 52—[AMENDED]

■ Accordingly, the amendment to 40 CFR 52.2570 published in the **Federal Register** on April 8, 2010 (75 FR 17865) on pages 17867–17868 is withdrawn as of June 2, 2010.

[FR Doc. 2010–13175 Filed 6–1–10; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

49 CFR Parts 1002, 1011, 1152, and 1180

[STB Ex Parte No. 685]

Removal of Delegations of Authority to Secretary

AGENCY: Surface Transportation Board, DOT.

ACTION: Correcting amendments.

SUMMARY: The Surface Transportation Board (Board or STB) published final rules in this proceeding on October 15, 2009, in the **Federal Register.** The rule amended STB regulations by eliminating the Secretary of the Board and reassigning the delegations of authority from the Secretary to other Offices of the Board. As published, the final regulations contained errors where information was inadvertently added, deleted, or duplicated. This document sets forth corrections to the final regulations to eliminate confusion in interpretation of the regulations.

DATES: Effective on June 2, 2010.

FOR FURTHER INFORMATION CONTACT: Cynthia T. Brown at (202) 245–0350. [Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1–800–877–8339.]

SUPPLEMENTARY INFORMATION: The regulations at 49 CFR 1002.1, 1011.7, 1152.21, 1152.27, and 1180.4, include erroneous sections that should be replaced with the amendments set forth in this document. The Surface Transportation Board (Board or STB) published final rules in this proceeding on October 15, 2009, in the **Federal Register,** at 74 FR 52900.

List of Subjects

49 CFR Part 1002

Administrative practice and procedure, Common carriers, and Freedom of information.

49 CFR Part 1011

Administrative practice and procedure, Authority delegations (Government agencies), and Organization and functions (Government agencies).

49 CFR Part 1152

Administrative practice and procedure, Railroads, Reporting and recordkeeping requirements, and Uniform system of accounts.

49 CFR Part 1180

Administrative practice and procedure, Railroads, and Reporting and recordkeeping requirements.

Dated: May 26, 2010.

Andrea Pope-Matheson,

Clearance Clerk.

■ Accordingly, 49 CFR parts 1002, 1011, 1152, and 1180 are corrected by making the following correcting amendments:

PART 1002—FEES

■ 1. The authority citation for part 1002 continues to read as follows:

Authority: 5 U.S.C. 552(a)(4)(A) and 553; 31 U.S.C. 9701; and 49 U.S.C. 721. Section 1002.1(g)(11) also issued under 5 U.S.C. 5514 and 31 U.S.C. 3717.

■ 2. Revise § 1002.1(f)(1) to read as follows:

§ 1002.1 Fees for records search, review, copying, certification, and related services.

* * * * *

(f) The fee for search and copying services requiring computer processing are as follows:

(1) A fee of $70.00 per hour for professional staff time will be charged when it is required to fulfill a request for computer data.

* * * * *

PART 1011—BOARD ORGANIZATION; DELEGATIONS OF AUTHORITY

■ 3. The authority citation for part 1011 continues to read as follows:

Authority: 5 U.S.C. 553; 31 U.S.C. 9701; 49 U.S.C. 701, 721, 11123, 11124, 11144, 14122, and 15722.

■ 4. Revise § 1011.7 to read as follows:

§ 1011.7 Delegations of authority by the Board to specific offices of the Board.

(a) *Office of Proceedings.* (1) The Director of the Office of Proceedings is delegated the following authority:

(i) Whether (in consultation with involved Offices) to waive filing fees set forth at 49 CFR 1002.2(f).

(ii) To issue, on written request, informal opinions and interpretations (exclusive of informal opinions and interpretations on carrier tariff provisions), which are not binding on the Board. In issuing informal opinions or interpretations, the Director of the Office of Proceedings shall consult with the Directors of the appropriate Board offices. Such requests must be directed to the Director of the Office of Proceedings, Surface Transportation Board, Washington, DC 20423–0001. Authority to issue informal opinions and interpretations on carrier tariff provisions is delegated at paragraph (b)(2) of this section to the Office of Public Assistance, Governmental Affairs, and Compliance.

(2) In addition to the authority delegated at 49 CFR 1011.6(c)(3), (d), (g), and (h), the Director of the Office of Proceedings shall have authority initially to determine the following:

(i) Whether to designate abandonment proceedings for oral hearings on request.

(ii) Whether offers of financial assistance satisfy the statutory standards of 49 U.S.C. 10904(d) for purposes of negotiations or, in exemption proceedings, for purposes of partial revocation and negotiations.

(iii) Whether:

(A) To impose, modify, or remove environmental or historic preservation conditions; and

(B) In abandonment proceedings, to impose public use conditions under 49 U.S.C. 10905 and the implementing regulations at 49 CFR 1152.28.

(iv) In abandonment proceedings, when a request for interim trail use/rail banking is filed under 49 CFR 1152.29, to determine whether the National Trails System Act, 16 U.S.C. 1247(d), is applicable and, where appropriate, to issue Certificates of Interim Trail Use or Abandonment (in application proceedings) or Notices of Interim Trail Use or Abandonment (in exemption proceedings).

(v) In any abandonment proceeding where interim trail use/rail banking is an issue, to make such findings and issue decisions as may be necessary for the orderly administration of the National Trails System Act, 16 U.S.C. 1247(d).

(vi) Whether to institute requested declaratory order proceedings under 5 U.S.C. 554(e).

(vii) To issue decisions, after 60 days' notice by any person discontinuing a subsidy established under 49 U.S.C. 10904 and at the railroad's request:

(A) In application proceedings, immediately issuing decisions authorizing abandonment or discontinuance; and

(B) In exemption proceedings, immediately vacating the decision that postponed the effective date of the exemption.

(viii) In proceedings under the Feeder Railroad Development Program under 49 U.S.C. 10907 and the implementing regulations at 49 CFR part 1151:

(A) Whether to accept or reject primary applications under 49 CFR 1151.2(b); competing applications under section 1151.2(c); and incomplete applications under 49 CFR 1151.2(d).

(B) Whether to grant waivers from specific provisions of 49 CFR part 1151.

(ix) In exemption proceedings subject to environmental or historic preservation reporting requirements, to issue a decision, under 49 CFR 1105.10(g), making a finding of no significant impact where no environmental or historic preservation issues have been raised by any party or identified by the Board's Section of Environmental Analysis.

(x) Whether to issue notices of exemption under 49 U.S.C. 10502:

(A) For acquisition, lease, and operation transactions under 49 U.S.C. 10901 and 10902 and the implementing regulations at 49 CFR part 1150, subparts D and E;

(B) For connecting track constructions under 49 U.S.C. 10901 and the implementing regulations at 49 CFR 1150.36;

(C) For rail transactions under 49 U.S.C. 11323 and the implementing regulations at 49 CFR 1180.2(d); and

(D) For abandonments and discontinuances under 49 U.S.C. 10903 and the implementing regulations at 49 CFR 1152.50.

(xi) When an application or a petition for exemption for abandonment is filed, the Director will issue a notice of that filing pursuant to 49 CFR 1152.24(e)(2) and 49 CFR 1152.60, respectively.

(xii) Whether to issue a notice of exemption under 49 U.S.C. 13541 for a transaction under 49 U.S.C. 14303 within a motor passenger carrier corporate family that does not result in adverse changes in service levels, significant operational changes, or a change in the competitive balance with motor passenger carriers outside the corporate family.

(xiii) Whether to issue rail modified certificates of public convenience and necessity under 49 CFR part 1150, subpart C.

(xiv) Whether to waive the regulations at 49 CFR part 1152, subpart C, on appropriate petition.

(xv) To reject applications, petitions for exemption, and verified notices (filed in class exemption proceedings) for noncompliance with the environmental rules at 49 CFR part 1105.

(xvi) To reject applications by BNSF Railway Company to abandon rail lines in North Dakota exceeding the 350-mile cap of section 402 of Public Law 97–102, 95 Stat. 1465 (1981), as amended by The Department of Transportation and Related Agencies Appropriations Act, 1992, Public Law 102–143, section 343 (Oct. 28, 1991).

(b) *Office of Public Assistance, Governmental Affairs, and Compliance.* The Office of Public Assistance, Governmental Affairs, and Compliance is delegated the authority to:

(1) Reject tariffs and railroad transportation contract summaries filed with the Board that violate applicable statutes, rules, or regulations. Any rejection of a tariff or contract summary may be by letter signed by or for the Director, Office of Public Assistance, Governmental Affairs, and Compliance.

(2) Issue, on written request, informal opinions and interpretations on carrier tariff provisions, which are not binding on the Board.

(3) Grant or withhold special tariff authority granting relief from the provisions of 49 CFR part 1312. Any grant or withholding of such relief may be by letter signed by or for the Director, Office of Public Assistance, Governmental Affairs, and Compliance.

(4) Resolve any disputes that may arise concerning the applicability of motor common carrier rates under 49 U.S.C. 13710(a)(2).

(5) Issue orders by the Director in an emergency under 49 U.S.C. 11123 and 11124 if no Board Member is reasonably available.

PART 1152—ABANDONMENT AND DISCONTINUANCE OF RAIL LINES AND RAIL TRANSPORTATION UNDER 49 U.S.C. 10903

■ 5. The authority citation for part 1152 continues to read as follows:

Authority: 11 U.S.C. 1170; 16 U.S.C. 1247(d) and 1248; 45 U.S.C. 744; and 49 U.S.C. 701 note (1995) (section 204 of the ICC Termination Act of 1995), 721(a), 10502, 10903–10905, and 11161.

■ 6. Revise § 1152.21 to read as follows:

§ 1152.21 Form of notice.

The Notice of Intent to abandon or to discontinue service shall be in the following form:

STB No. AB _____(Sub-No. _____)

Notice of Intent To Abandon or To Discontinue Service

(Name of Applicant) gives notice that on or about (insert date application will be filed with the Board) it intends to file with the Surface Transportation Board, Washington, DC 20423, an application for permission for the abandonment of (the discontinuance of service on), a line of railroad known as _____ extending from railroad milepost near (station name) to (the end of line or rail milepost) near (station name), which traverses through United States Postal Service ZIP Codes (ZIP Codes), a distance of _____ miles, in [County(ies), State(s)]. The line includes the stations of (list all stations on the line in order of milepost number, indicating milepost location). The reason(s) for the proposed abandonment (or discontinuance) is (are) _____ (explain briefly and clearly why the proposed action is being undertaken by the applicant). Based on information in our possession, the line (does) (does not) contain federally granted rights-of-way. Any documentation in the railroad's possession will be made available promptly to those requesting it. This line of railroad has appeared on the system diagram map or included in the narrative in category 1 since (insert date).

The interest of railroad employees will be protected by (specify the appropriate conditions). The application will include the applicant's entire case for abandonment (or discontinuance) (case in chief). Any interested person, after the application is filed on (insert date), may file with the Surface Transportation Board written comments concerning the proposed abandonment (or discontinuance) or protests to it. These filings are due 45 days from the date of filing of the application. All interested persons should be aware that following any abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 U.S.C. 10905 (§ 1152.28 of the Board's rules) and any request for a trail use condition under 16 U.S.C. 1247(d) (§ 1152.29 of the Board's rules) must also be filed within 45 days from the date of filing of the application. Persons who may oppose the abandonment or discontinuance but who do not wish to participate fully in the process by appearing at any oral hearings or by submitting verified statements of witnesses, containing detailed evidence, should file comments. Persons interested only in seeking public use or trail use conditions should also file comments. Persons opposing the proposed abandonment or discontinuance that do wish to participate actively and fully in the process should file a protest. Protests must contain that party's entire case in opposition (case in chief) including the following:

(1) Protestant's name, address and business.

(2) A statement describing protestant's interest in the proceeding including:

(i) A description of protestant's use of the line;

(ii) If protestant does not use the line, information concerning the group or public interest it represents; and

(iii) If protestant's interest is limited to the retention of service over a portion of the line, a description of the portion of the line subject to protestant's interest (with milepost designations if available) and evidence showing that the applicant can operate the portion of the line profitably, including an appropriate return on its investment for those operations.

(3) Specific reasons why protestant opposes the application including information regarding protestant's reliance on the involved service [this information must be supported by affidavits of persons with personal knowledge of the fact(s)].

(4) Any rebuttal of material submitted by applicant.

In addition, a commenting party or protestant may provide a statement of position and evidence regarding:

(i) Intent to offer financial assistance pursuant to 49 U.S.C. 10904;

(ii) Environmental impact;

(iii) Impact on rural and community development;

(iv) Recommended provisions for protection of the interests of employees;

(v) Suitability of the properties for other public purposes pursuant to 49 U.S.C. 10905; and

(vi) Prospective use of the right-of-way for interim trail use and rail banking under 16 U.S.C. 1247(d) and § 1152.29.

A protest may demonstrate that: (1) the protestant filed a feeder line application under 49 U.S.C. 10907; (2) the feeder line application involves any portion of the rail line involved in the abandonment or discontinuance application; (3) the feeder line application was filed prior to the date the abandonment or discontinuance application was filed; and (4) the feeder line application is pending before the Board.

Written comments and protests will be considered by the Board in determining what disposition to make of the application. The commenting party or protestant may participate in the proceeding as its interests may appear.

If an oral hearing is desired, the requester must make a request for an oral hearing and provide reasons why an oral hearing is necessary. Oral hearing requests must be filed with the Board no later than 10 days after the application is filed.

Those parties filing protests to the proposed abandonment (or discontinuance) should be prepared to participate actively either in an oral hearing or through the submission of their entire opposition case in the form of verified statements and arguments at the time they file a protest. Parties seeking information concerning the filing of protests should refer to § 1152.25.

Written comments and protests, including all requests for public use and trail use conditions, should indicate the proceeding designation STB No. AB _____ (Sub-No. _____) and must be filed with the Chief, Section of Administration, Office of Proceedings, Surface Transportation Board, Washington, DC 20423–0001, no later than (insert the date 45 days after the date applicant intends to file its application). Interested persons may file a written comment or protest with the Board to become a party to this abandonment (or discontinuance) proceeding. A copy of each written comment or protest shall be served upon the representative of the applicant (insert name, address, and phone number). The original and 10 copies of all comments or protests shall be filed with the Board with a certificate of service. Except as otherwise set forth in part 1152, each document filed with the Board must be served on all parties to the abandonment proceeding. 49 CFR 1104.12(a).

The line sought to be abandoned (or discontinued) will be available for subsidy or sale for continued rail use, if the Board decides to permit the abandonment (or discontinuance), in accordance with applicable laws and regulations (49 U.S.C. 10904 and 49 CFR 1152.27). No subsidy arrangement approved under 49 U.S.C. 10904 shall remain in effect for more than 1 year unless otherwise mutually agreed by the parties (49 U.S.C. 10904(f)(4)(B)). Applicant will promptly provide upon request to each interested party an estimate of the subsidy and minimum purchase price required to keep the line in operation. The carrier's representative to whom inquiries may be made concerning sale or subsidy terms is (insert name and business address). Persons seeking further information concerning abandonment procedures may contact the Surface Transportation Board or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Section of Environmental Analysis.

A copy of the application will be available for public inspection on or after (insert date abandonment application is to be filed with Board) at each agency station or terminal on the line proposed to be abandoned or discontinued [if there is no agency station on the line, the application shall be deposited at any agency station through which business for the line is received or forwarded (insert name, address, location, and business hours)]. The carrier shall furnish a copy of the application to any interested person proposing to file a protest or comment, upon request.

An environmental assessment (EA) (or environmental impact statement (EIS), if necessary) prepared by the Section of Environmental Analysis will be served upon all parties of record and upon any agencies or other persons who commented during its preparation. Any other persons who would like to obtain a copy of the EA (or EIS) may contact the Section of Environmental Analysis. EAs in these abandonment proceedings normally will be made available within 33 days of the filing of the application. The deadline for submission of comments on the EA will generally be within 30 days of its service. The comments received will be addressed in the Board's decision. A supplemental EA or EIS may be issued where appropriate.

■ 7. Amend § 1152.27 by adding paragraphs (c)(2)(ii)(A), (B), (C), and (D) to read as follows:

§ 1152.27 Financial assistance procedures.

* * * * *

(c) * * *

(2) * * *

(ii) * * *

(A) An offer may be filed and served at any time after the filing of the notice of exemption. Once a notice of exemption is published in the **Federal Register,** however, the Board must be notified that an offer has previously been submitted.

(B) An offer, or notification of a previously filed offer, must be filed and served no later than 30 days after the **Federal Register** publication described in paragraph (b)(2)(ii) of this section. This filing and service is subject to the requirements of 49 CFR 1152.25(d)(1), (d)(2), and (d)(4).

(C) If, after a *bona fide* request, applicant has failed to provide a potential offeror promptly with the information required under paragraph (a) of this section and if that information is not contained in the notice of exemption, the Board will entertain petitions to toll the 30-day period for submitting offers of financial assistance under paragraph (c)(2) of this section. Petitions must be filed with the Board within 25 days after publication in the **Federal Register** (as described in paragraph (b)(2)(ii) of this section). Petitions should include copies of the prior written request for information or an accurate outline of the specific information that was orally requested. Replies to these petitions must be filed within 30 days after publication. These petitions and replies must be filed on or before their actual due date under 49 CFR 1152.25(d)(4). The Board will issue a decision on petitions to toll the offer period within 35 days after publication.

(D) Upon receipt of a formal expression of intent to file an offer under paragraph (c)(2)(i) of this section, the rail carrier applicant may advise the Board and the potential offeror that additional time is needed to develop the information required under paragraph (a) of this section. Applicant shall expressly indicate the amount of time it considers necessary (not to exceed 60 days) to develop and submit the required information to the potential offeror. For the duration of the time period so indicated by the applicant, the 30-day period for submitting offers of financial assistance under paragraph (c)(2) of this section shall be tolled without formal Board action.

* * * * *

PART 1180–RAILROAD ACQUISITION, CONTROL, MERGER, CONSOLIDATION PROJECT, TRACKAGE RIGHTS, AND LEASE PROCEDURES

■ 8. The authority citation for part 1180 continues to read as follows:

Authority: 5 U.S.C. 553 and 559; 11 U.S.C. 1172; 49 U.S.C. 721, 10502, 11323–11325.

■ 9. Revise § 1180.4(g)(2)(i) and (g)(2)(ii) to read as follows:

§ 1180.4 Procedures.

* * * * *

(g) * * *

* * * * *

(2)(i) To qualify for an exemption under § 1180.2(d)(7) (acquisition or renewal of trackage rights agreements), in addition to the notice, the railroad must file a caption summary suitable for publication in the **Federal Register.** The caption summary must be in the following form:

Surface Transportation Board

Notice of Exemption

Finance Docket No.

(1)—Trackage Rights—(2)

(2) (3) to grant (4) trackage rights to (1) between (5). The trackage rights will be effective on (6).

This notice is filed under § 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

Dated:

By the Board.

[Insert name],

Director, Office of Proceedings.

The following key identifies the information symbolized in the summary.

(1) Name of the tenant railroad.

(2) Name of the landlord railroad.

(3) If an agreement has been entered use "has agreed", but if an agreement has been reached but not entered use "will agree."

(4) Indicate whether "overhead" or "local" trackage rights are involved.

(5) Describe the trackage rights.

(6) State the date the trackage rights agreement is proposed to be consummated.

(ii) To qualify for an exemption under § 1180.2(d)(8) (acquisition of temporary trackage rights), in addition to the notice, the railroad must file a caption summary suitable for publication in the **Federal Register.** The caption summary must be in the following form:

Surface Transportation Board

Notice of Exemption

STB Finance Docket No.

(1)—Temporary Trackage Rights—(2)

(2) (3) to grant overhead temporary trackage rights to (1) between (4). The temporary trackage rights will be effective on (5). The authorization will expire on (6).

This notice is filed under § 1180.2(d)(8). Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

Dated:

By the Board.

[Insert name]

Director, Office of Proceedings.

The following key identifies the information symbolized in the summary.

(1) Name of the tenant railroad.

(2) Name of the landlord railroad.

(3) If an agreement has been entered use "has agreed," but if an agreement has been reached but not entered use "will agree."

(4) Describe the temporary trackage rights.

(5) State the date the temporary trackage rights agreement is proposed to be consummated.

(6) State the date the authorization will expire (not to exceed 1 year from the date the trackage rights will become effective).

[FR Doc. 2010–13130 Filed 6–1–10; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 223

[Docket No. 070910507–0037–02]

RIN 0648–AV94

Endangered and Threatened Wildlife and Plants: Final Rulemaking To Establish Take Prohibitions for the Threatened Southern Distinct Population Segment of North American Green Sturgeon

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule and notice of availability of a final environmental assessment.

SUMMARY: This final ESA section 4(d) rule represents the regulations that we, the National Marine Fisheries Service (NMFS), believe necessary and advisable to conserve the threatened Southern Distinct Population Segment of North American green sturgeon (*Acipenser medirostris;* hereafter Southern DPS). We apply the prohibitions listed under ESA section 9 for the Southern DPS, and we highlight specific categories of activities that are likely to result in take of Southern DPS fish. We do not find it necessary and advisable to apply the take prohibitions to certain categories of activities that contribute to conserving the Southern DPS. We also provide a variety of methods by which take of the Southern DPS may be authorized. This document also announces the availability of a final draft environmental assessment (EA) that analyzes the environmental impacts of promulgating the 4(d) regulations for the Southern DPS.

DATES: The effective date of this final rule is July 2, 2010.

ADDRESSES: Reference materials regarding this final rule can be obtained via the Internet at *http://www.swr.nmfs.noaa.gov* or by submitting a request to the Assistant Regional Administrator, Protected Resources Division, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213.

FOR FURTHER INFORMATION CONTACT: Melissa Neuman, NMFS, Southwest Region (562) 980–4115, or Lisa Manning, NMFS, Office of Protected Resources (301) 713–1401.

SUPPLEMENTARY INFORMATION:

Background

We determined that the Southern DPS is at risk of extinction in the foreseeable future throughout all or a significant portion of its range and listed the species as threatened under the ESA on April 7, 2006 (71 FR 17757). At that time we summarized the process for considering the application of ESA section 9 prohibitions to the threatened Southern DPS. In the case of threatened species, ESA section 4(d) states that the Secretary shall decide whether, and to what extent, to extend the ESA section 9(a) prohibitions, including those regarding take of the species, and authorizes us to issue regulations we consider necessary and advisable for the conservation of the species. Such regulations may include any or all of the prohibitions that automatically apply to endangered species. Those prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take the listed species. The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in any such conduct. (16 U.S.C. 1532(19)). The term "harm" is defined as any act which actually kills or injures fish or wildlife. Such an act may include significant habitat modification or degradation which actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, migrating, feeding, or sheltering. (50 CFR 222.102).

Whether take prohibitions or other protective regulations are necessary or advisable is in large part dependent on

the biological status of the species and potential impacts of various activities on the species. Green sturgeon have persisted for millions of years through cycles of naturally occurring perturbations that have likely presented short- and long-term challenges to the species' survival. We conclude that the threatened Southern DPS of North American green sturgeon is currently at risk of extinction primarily because of human-induced "takes" involving elimination of freshwater spawning habitat, degradation of freshwater and estuarine habitat quality, water diversions, fishing, and other causes. Therefore, we conclude that extending the take prohibitions to the Southern DPS is necessary and advisable.

When the final rule to list the Southern DPS was published on April 7, 2006, we solicited the public for information that would inform the ESA section 4(d) rulemaking. Specific information requested can be found in the final rule (71 FR 17757; April 7, 2006). No substantive additional comments, beyond those that had been received during prior solicitations for information, were received.

Public scoping workshops held on May 31 and June 1, 2006, helped advance our understanding of the threats that are likely to result in the take of Southern DPS fish. In cases where evidence of direct take due to a particular activity was lacking, activities that have caused take of species that use similar habitats (*i.e.,* migratory, spawning, and rearing), consume similar prey types, have similar morphologies and/or physiologies, and/or share other life history requirements (*e.g.,* white sturgeon (*Acipenser transmontanus*) and Chinook salmon (*Oncorhynchus tshawytscha*)) were identified and considered for their effects on Southern DPS fish. More detailed justification regarding the use of take information for surrogate species (*i.e.,* one that shares a similar life history or habitat requirements) to infer the take potential of an activity on the Southern DPS fish is provided in previous **Federal Register** notices (70 FR 17386, April 6, 2005; 71 FR 17757, April 7, 2006).

On May 21, 2009, we proposed protective regulations under section 4(d) of the ESA to extend the prohibitions listed under ESA sections 9(a)(1)(A) through 9(a)(1)(G) for the threatened Southern DPS, but included certain exceptions and exemptions from the take prohibitions for activities that we have determined to be adequately protective of the Southern DPS (74 FR 23822).

Summary of Comments and Information Received in Response to the Proposed Rule and Draft Environmental Assessment

The public comment period for the proposed rule and draft Environmental Assessment (EA) was open from May 21, 2009, through July 6, 2009. During the comment period, NMFS received 7 written comments on the proposed rule and draft EA from various agencies, non-governmental organizations, and individuals. A summary of the comments and NMFS' responses to those comments are presented here.

Comments and Responses

Comment 1: One commenter requested clarification in the draft EA regarding the exception for emergency fish rescue activities under Alternative B. Specifically, the commenter was unclear what 4(d) programs were referred to in the sentence stating that "[p]roject-related activities * * * would not be considered an emergency fish rescue activity and would be subject to review under ESA section 7 or 10, or under another 4(d) program."

Response: We corrected the sentence in the final EA to read "Project-related activities * * * would not be considered an emergency fish rescue activity and would be subject to review under ESA section 7 or 10." We removed the phrase "or under another 4(d) program" because the ESA 4(d) Rule does not include a 4(d) program to cover such project-related activities.

Comment 2: One commenter stated that the draft EA needs to describe the specific categories of activities to which the take prohibitions would be applied under Alternative C.

Response: The final EA was revised to clarify that under Alternative C, the take prohibitions would apply to the same specific categories of activities and in the same areas as described under Alternative A. Those categories of activities are: Commercial, recreational, and tribal fisheries; collecting or handling Southern DPS fish for any purpose; habitat-altering activities affecting passage or spawning and rearing habitat in the Central Valley, California; operation of water diversion, dredging, and power plant activities resulting in entrainment or impingement of Southern DPS fish; application or discharge of pollutants adjacent to or within waterways occupied by Southern DPS fish; and introduction or release of non-native species adjacent to or within waterways occupied by Southern DPS fish.

Comment 3: One commenter felt that the proposed rule listed dredging as a threat to only juvenile green sturgeon and wanted NMFS to acknowledge that adult Southern DPS fish have the potential to be found in dredging areas outside the Central Valley, San Francisco Bay, Suisun Bay and San Pablo Bay.

Response: The final rule was revised to acknowledge that dredging is a potential threat to adult green sturgeon. Dredging occurs in the following areas where adults also occur: The Lower Sacramento River, Sacramento-San Joaquin Delta, Elkhorn Slough, Suisun Bay, San Pablo Bay, San Francisco Bay, Noyo Harbor, and Humboldt Bay in California; Coos Bay, Yaquina Bay, Tillamook Bay, and Nehalem Bay in Oregon; the Lower Columbia River Estuary, the Lower Columbia River, Willapa Bay, Grays Harbor, and Puget Sound in Washington; and coastal U.S. marine waters (74 FR 52300, October 9, 2009). Although adults occur in areas where dredging takes place, we don't have any direct evidence of the effect that dredging has on adult green sturgeon.

Comment 4: One commenter asked why the draft EA specifically excludes the Channel Islands from the list of areas known to be occupied by Southern DPS green sturgeon, noting that this exclusion was not mentioned in the proposed critical habitat designation for the species (73 FR 52084, September 8, 2008).

Response: At this time we do not have any data showing that Southern DPS green sturgeon occur in waters around the California Channel Islands and we specifically noted this in the description of occupied areas in the draft EA. However, the protections under the ESA 4(d) rule would apply to Southern DPS green sturgeon wherever they are found. Thus, if a Southern DPS green sturgeon occurred in the waters around the Channel Islands, the take prohibitions under the ESA 4(d) rule would apply to that fish. Because of similarity of appearance, any green sturgeon occurring in the marine environment (including estuaries in Washington, Oregon, and Humboldt Bay) would be considered the listed species as they cannot be identified as belonging to a particular DPS unless genetic samples are taken and analyzed. The final EA was revised to include a statement clarifying this.

Comment 5: Two commenters felt that the five alternative approaches need to be described in greater detail and that the geographic limitations and distinctions of the proposed rule and alternatives are not clearly laid out. Further clarification was requested.

Response: The final EA was revised to more clearly describe the geographic limitations and distinctions between the various alternatives considered.

Comment 6: One commenter recommended that NMFS consult with the Pacific Fishery Management Council (PFMC) as early in the process as possible concerning the effects of the ESA 4(d) Rule on fisheries managed under the PFMC.

Response: NMFS is currently working with the PFMC regarding the potential effects of the West Coast groundfish bottom trawl fishery on the listed Southern DPS of green sturgeon and its designated critical habitat.

Comment 7: One commenter stated that the San Francisco Bay is not used as habitat for green sturgeon and that regulating take and requiring consultation on activities that are not limiting the recovery of the Southern DPS diverts staff resources from other permitting actions that would have positive effects.

Response: The best available data for the San Francisco Bay indicate that green sturgeon are present in both Central and South San Francisco Bay, albeit in low numbers compared to other parts of the San Francisco Bay/Delta Region. The survey methods and sampling gear used in studies within San Francisco Bay were not designed to target green sturgeon, and thus the data may not be truly representative of the relative levels of green sturgeon use among the bays and the Delta. For example, given that all green sturgeon must pass through Central San Francisco Bay in their migrations to and from the ocean, it is expected that larger numbers of green sturgeon are using this area at certain times of the year. In addition, the catch data do not provide information about the distribution of juvenile green sturgeon throughout the bays and the Delta. Based on the best available information, juvenile green sturgeon are believed to distribute widely throughout the bays and Delta for feeding and rearing and be present in all months of the year. Detailed fishery-dependent data for the San Francisco Bay is provided in the final critical habitat designation (74 FR 52300, October 9, 2009).

Comment 8: One commenter strongly supports the 4(d) rule and provided the information that green sturgeon are vulnerable to selenium toxicity from feeding on the overbite clam. The commenter stated that selenium toxicity can cause reproductive failure and the threat of reduced recruitment through selenium toxicity puts additional stress on the Southern DPS population.

Response: NMFS appreciates the information provided regarding green sturgeon vulnerability to selenium toxicity. Recent studies have shown that green sturgeon are more sensitive to selenium than white sturgeon and continued monitoring of selenium levels in sediments and research on the sensitivity of green sturgeon to this and other contaminants would be supported (Kaufman *et al.,* 2008).

Comment 9: One commenter felt that including marine coastal waters as green sturgeon critical habitat is unjustified as there is no reliable data on the take of the Southern DPS in coastal waters.

Response: Comments pertaining to critical habitat were addressed in the final critical habitat designation for green sturgeon (74 FR 52300, October 9, 2009). Activities that occur in coastal marine waters that may cause take of green sturgeon include bottom trawling, disposal of dredged material, hydrokinetic projects and pollution from commercial shipping.

Comment 10: One commenter stated that sand mining operations in San Francisco and Suisun Bays are highly regulated and there is very little evidence that sand mining in the San Francisco Bay-Delta Estuary negatively impacts green sturgeon or their habitat. The commenter requested that additional exceptions be included for activities such as sand mining that pose a low risk of take.

Response: In 2006, NMFS completed formal consultation with the U.S. Corps of Engineers under section 7 of the ESA for sand mining activities in the San Francisco and Suisun Bay region. The resulting biological opinion concluded that sand mining activities were not likely to jeopardize threatened green sturgeon (NMFS, 2006). An Incidental Take Statement (that remains discretionary until a 4(d) rule has been promulgated) was included with the biological opinion that provides protection to the sand miners for the entrainment of one green sturgeon per year for each of the three sand mining companies operating in the region at the time the biological opinion was written.

Comment 11: One commenter stated that we do not have data to differentiate between Northern DPS and Southern DPS green sturgeon in fisheries bycatch, but we require a Fisheries Management and Evaluation Plan (FMEP) to include measures specifically to protect Southern DPS green sturgeon.

Response: Acknowledging the fact that we cannot tell the difference between NDPS and SDPS fish due to similarity of appearance, the FMEPs must address green sturgeon and do not require that the DPS be determined.

Comment 12: One commenter stated that the green sturgeon fishery was mismanaged and that more care should have been taken to prevent the fishery from becoming overfished.

Response: NMFS acknowledges that a lack of monitoring and directed management of the green sturgeon has likely contributed to its current threatened status. However, since the listing, academic institutions, the states, NMFS and the tribes have been conducting more comprehensive studies that focus on green sturgeon in an effort to better understand its biology, status and recovery needs. It is our hope that finalizing this 4(d) rule and enforcing the take prohibitions will further the conservation of the species and aid in its recovery.

Comment 13: One commenter provided the information that there is a new surge in the green sturgeon population in Yaquina Bay, and feels that listing green sturgeon as threatened in this area is inaccurate and unfounded.

Response: NMFS appreciates the information provided regarding observations of green sturgeon in Yaquina Bay and agrees that additional studies are needed to better understand the use of coastal estuaries (including Yaquina Bay) and coastal marine waters by both DPSs of green sturgeon. Southern DPS presence in Yaquina Bay was confirmed in 2006 by the detection of one tagged Southern DPS green sturgeon (pers. comm. with Dan Erickson, ODFW, September 3, 2008). The Southern DPS was listed based on several threats, including the concentration of spawning to one river. Each Southern DPS green sturgeon carries the listing with it wherever it goes as the listing is not limited by geographic area. We acknowledge the commenter's observations suggesting that the number of green sturgeon using Yaquina Bay has increased. *While this news is promising:* (1) We recognize that green sturgeon may experience sporadic recruitment success depending on many factors that are not well understood; and (2) this uncertainty coupled with a lack of population abundance estimates and a limited understanding of population structure has led us to adopt regulations necessary and advisable for the conservation of the Southern DPS. We will conduct periodic status reviews of both DPSs and as more information becomes available we will revise our regulations if necessary.

Comment 14: One commenter felt that the requirement that research or monitoring that involves action, permitting or funding by a Federal agency must still comply with the

requirements of ESA section 7(a)(2) negates the exception from the take prohibitions for all researchers and stated that Federal employees who can fulfill all other requirements cannot use this exception. If non-Federal studies do not need to be analyzed in order to ensure that they would not jeopardize the species, then it seems counterintuitive that Federal studies with the same requirements would create jeopardy. The commenter also felt that the requirement that the activity must comply with required state reviews or permits negates the exception because as part of the application process, state permits require a copy of the authorization from NMFS when working with species listed under the ESA.

Response: Under the 4(d) Rule, we can exempt a non-Federal entity from the take prohibitions, but cannot exempt Federal agencies from the jeopardy standard under section 7 of the ESA. Compliance with section 7(a)(2) of the ESA would be required, but the consultation would be limited to an analysis of whether the activity may jeopardize the continued existence of the species or destroy or adversely modify critical habitat, and would not involve an assessment of take. Section 7 of the ESA does not apply to non-Federal entities. Although Federal employees are still subject to the section 7 jeopardy standard, under the exception they would not be required to obtain an ESA section 10(a)(1)(A) permit for their research/monitoring activities if conducted according to the exception criteria. The Federal biologists carrying out research activities would need to obtain state permits regardless of whether Federal take prohibitions are in place or not. The exception simplifies the NMFS review and approval process for research activities and relies on the state review and permits to minimize impacts related to the research activities. In the state application, applicants will need to identify that their activities meet the exception criteria and will need to indicate that they have submitted the information to NMFS or indicate that NMFS has confirmed that their activities meet the exception criteria.

Comment 15: One commenter felt that NMFS has not taken into account the extent of the existing regulatory programs and improvement to the health of the San Francisco Bay-Delta ecosystem that has taken place over the last 30 years and stated that certain activities are already regulated under other Federal, state and local programs that directly govern activities that NMFS stated could result in the take of green sturgeon. The commenter recommended that NMFS provide exceptions from the take prohibitions for navigation channel and harbor berths dredging, dredged material placement, mineral extraction and maintenance and installation of in-water and shoreline structures. The commenter also recommended that exceptions for the small business category of construction activities be considered.

Response: NMFS acknowledges that many of the activities that may cause take of green sturgeon are already regulated by existing Federal, state and local laws and regulations, and appreciates any efforts that have been made to protect and improve habitats where green sturgeon reside. However, these laws, regulations, and programs may not specifically address green sturgeon and may not be as protective of green sturgeon as the 4(d) Rule. For example, there is a 50-year dredging program in the San Francisco Bay region that currently has not implemented measures that would specifically protect green sturgeon. Construction activities conducted by small businesses may also not include measures that would be adequately protective of green sturgeon. However, any protections already afforded to green sturgeon through existing programs would be considered in NMFS' analyses under section 7 or section 10 of the ESA.

Comment 16: One commenter requested that a public hearing be held in coastal Oregon prior to publishing the final rule.

Response: A workshop to discuss the ESA 4(d) rule prohibitions and exceptions/exemptions with state fishery management agencies, NMFS, and representatives from the fishing industry was held in Newport, Oregon on March 15, 2010.

Comment 17: One commenter requested clarification on the Protection/Conservation Measures or Benefits under Table 1, as emergency rescue and habitat restoration indicates that there are no benefits provided to green sturgeon in these activities.

Response: The Note section under Table 1 was clarified to state that the "Protective/conservation measures or benefits" column refers to whether the activity, as it is currently conducted, includes protections or benefits to green sturgeon. Emergency rescue activities and habitat restoration activities that are not conducted according to the criteria under the exceptions do not provide benefits to green sturgeon and are therefore not covered under the exceptions. If these activities may cause take of green sturgeon, that take must be covered under section 7 or 10 of the ESA, or come under compliance with the exceptions criteria.

Comment 18: One commenter requested clarification in the draft EA regarding which states' recreational fishing regulations, prior to 2006, did not differentiate between white sturgeon and green sturgeon.

Response: The final EA was revised to clarify that, prior to 2006, state recreational fishing regulations in Washington, Oregon, and California did not differentiate between white sturgeon and green sturgeon.

Comment 19: One commenter suggested updating the 2005 reference for the Environmental Water Account because the program expired in 2007 and a revised program is currently in place with adjusted water amounts to augment instream flows.

Response: The final EA was updated to remove the outdated reference for the Environmental Water Account.

Spatial Context for ESA 4(d) Rule Application

As described in a **Federal Register** notice (68 FR 4433) published on January 23, 2003, we determined that based on genetic and behavioral information, North American green sturgeon is comprised of at least two DPSs that qualify as species under the ESA: (1) A northern DPS consisting of populations originating from coastal watersheds northward of and including the Eel River ("Northern DPS"); and (2) a southern DPS consisting of populations originating from coastal watersheds south of the Eel River ("Southern DPS") and the Central Valley of California. These geographic boundaries were largely defined by genetic evidence indicating that, among samples from rivers where green sturgeon are known to spawn (*i.e.*, the Rogue, Klamath, and Sacramento rivers), the Rogue and Klamath River fish were more similar to one another than to the Sacramento River fish (Israel *et al.,* 2004). Although the Southern DPS boundaries are defined by the species' genetic structure and its likely strong homing capabilities and spawning site fidelity, the spatial extent of the ESA listing and take prohibitions for the Southern DPS is not confined to areas south of the Eel River. Detailed information on occurrences of the Southern DPS green sturgeon is provided in the proposed 4(d) rule (74 FR 23822, May 21, 2009).

Sections 10(a)(1)(A) and 10(a)(1)(B) provide exceptions to the section 9 take prohibitions. NMFS can authorize research and enhancement through section 10(a)(1)(A) permits and

incidental take through section 10(a)(1)B) permits. While this rule applies the section 9 take prohibitions to any activity that takes the Southern DPS, we wanted to determine which activities would most likely impede efforts necessary to conserve and recover the Southern DPS. To do this, we considered the following questions: (1) For which activities do we have evidence of take of Southern DPS fish; (2) for those activities where evidence of Southern DPS take does not exist, is there evidence of take of surrogate species that share similar biological requirements with Southern DPS fish; (3) are protective/conservation measures underway to reduce or minimize take imposed by some activities; and (4) are there additional protective/conservation measures that, if taken, would reduce take to low enough levels such that particular activities could proceed without appreciably reducing the likelihood of survival and recovery of the Southern DPS?

Commercial and Recreational Fisheries Activities

Take of Southern DPS fish occurs during commercial and recreational fishing activities throughout the range of North American green sturgeon. However, quantifying fishery-related take reliably and assessing its effects is challenging because: (1) Northern and Southern DPS fish are morphologically indistinguishable from one another and when green sturgeon have been taken, they have rarely been identified to the DPS level; (2) until recently some fisheries did not report green sturgeon take; and (3) in cases where data on take of green sturgeon is available, methods for estimating the total annual take by a fishery are still being developed. The two DPSs co-inhabit some coastal areas and bays in Northern California, Oregon, and Washington, and the proportion of Southern DPS fish contributing to overall populations in these areas may be high (*e.g.,* 80 percent in the Columbia River; J. Israel, UC Davis, 2008, unpublished data). Thus, while we know that fisheries-related take is occurring, we are uncertain how this take is apportioned between the two DPSs, different locales, and different types of fisheries.

Green sturgeon are taken as bycatch in white sturgeon fisheries, salmon gillnet fisheries, coastal groundfish trawl fisheries, and coastal California halibut set net fisheries (Adams *et al.,* 2006; R. Rasmussen, NMFS, 2006, unpublished data; J. Ferdinand *et al.,* NMFS, 2006, unpublished data). These fisheries have taken large numbers of green sturgeon historically and have been cited as factors in the decline of the species (70 FR 17386, April 6, 2005; 71 FR 17757, April 7, 2006). For example, from 1985 to 1993, the harvest of green sturgeon in commercial fisheries in the Columbia River and in Washington ranged from 3,000 to over 7,500 fish per year. Sport fishing harvest during the same period ranged from less than 100 to over 500 fish, with the majority harvested from the Columbia River. Since 1993, commercial and sport harvest of green sturgeon has declined in the Columbia River and Washington fisheries to about 150 fish harvested in 2003 (Adams *et al.* 2006).

State recreational and commercial fishing regulations have been revised in response to evidence of recent sturgeon declines and to the listing of the Southern DPS. In California, the California Fish and Game Commission approved revised regulations, effective March 1, 2007, to prohibit retention of green sturgeon, alter the slot (size) limit (142 cm) and bag limit (one individual daily; 3 individuals annually) for white sturgeon, and require implementation of a sturgeon report card system. Recently, the California Fish and Game Commission approved revised regulations, effective March 1, 2010, that prohibit all sturgeon fishing in the upper Sacramento River where southern DPS green sturgeon spawn. The Washington Fish and Wildlife Commission adopted a permanent rule to prohibit retention of green sturgeon in recreational fisheries statewide effective May 1, 2007. In addition, the Washington Department of Fish and Wildlife and Oregon Department of Fish and Wildlife voted to prohibit the retention of green sturgeon in Columbia River recreational fisheries from Bonneville Dam to the mouth of the river, effective January 1, 2007. For commercial fisheries, the retention of green sturgeon has been prohibited in the Columbia River by emergency rule since July 2006 and statewide in Washington by permanent rule since January 26, 2007. The Oregon Fish and Wildlife Commission voted to prohibit the retention of green sturgeon in commercial nearshore fisheries, effective January 1, 2010, and is prohibiting the retention of green sturgeon in recreational fisheries statewide, effective April 1, 2010. The State of California has prohibited commercial fishing for sturgeon since 1917. While these emergency and permanent rules offer Southern DPS fish protection, it is unclear whether the state closures will remain in effect over the long-term and ultimately what overall effect the closures will have on the Southern DPS.

Commercial groundfish trawl fisheries occurring in coastal waters along the West Coast of North America take green sturgeon. Fish are primarily caught as bycatch off the coast of California. Over a 6-year period, from 2001–2007, 450 green sturgeon were reported as by-catch in trawls off the California coast. Almost all green sturgeon caught in this fishery are released alive (J. Majewski, NMFS, 2006, unpublished data), but the long-term fate of these individuals remains unknown. A program for monitoring green sturgeon take was established with the NMFS Observer Program in January 2007 to determine the amount of take, the DPS of the green sturgeon that are caught (through genetic analysis), and in the future to address the long-term fate of these individuals through tagging. Additional measures that may be implemented to protect green sturgeon and the Southern DPS include zero retention of green sturgeon in all fisheries, minimizing incidental catch, monitoring of incidental catch, increased enforcement, fisheries closures in areas important to the species, and outreach and education on proper catch and release methods and green sturgeon conservation issues.

Tribal Fisheries

Green sturgeon are taken as bycatch in tribal salmon and sturgeon fisheries conducted by the Quinault Tribe in coastal Washington waters. Tribal harvest of green sturgeon occurs in Grays Harbor and at the mouth of tributaries, primarily the Chehalis and Humptulips rivers. The number of green sturgeon taken annually from 1985 to 2003 ranged from less than 10 to almost 200 fish (Adams *et al.,* 2006). In 2006, the Quinault Tribe implemented zero retention of green sturgeon for the Grays Harbor fishery (J. Schumacker, Quinault Indian Tribe, 2006, personal communication). A large proportion of green sturgeon caught in Grays Harbor may be Southern DPS fish, based on hydroacoustic tracking information (Lindley and Moser, 2006) and a genetic study indicating that approximately 50 percent of green sturgeon sampled in Grays Harbor belong to the Southern DPS (J. Israel and B. May, UC Davis, 2006, unpublished data).

Green sturgeon are also taken, though rarely, in tribal commercial and subsistence salmon fisheries occurring in freshwater and coastal marine waters of Washington, including the Strait of Juan de Fuca, Georgia and Rosario straits, and Puget Sound (W. Beattie, NW Indian Fisheries Commission, 2008, personal communication). The Yurok

and Hoopa Tribes harvest green sturgeon in the Klamath River in California, but most of the fish are believed to be Northern DPS green sturgeon (J. Israel, UC Davis, 2006, unpublished data). Overall, the take of green sturgeon in tribal fisheries has been low compared to non-tribal fisheries. Measures that may be implemented to conserve the Southern DPS include a commitment by the Quinault Tribe, and perhaps other Tribes within the occupied range of the Southern DPS, to minimize take and monitor incidental catch of green sturgeon over the long-term.

Poaching

Poaching is a potential threat to the Southern DPS. In recent years, several arrests have been made for illegal harvest of white sturgeon for their meat and roe from the Sacramento River (CDFG, 2003 and 2006), the Sacramento-San Joaquin Delta (CDFG, 2004), and the lower Columbia River (Cohen, 1997). In the lower Columbia River, an estimated 2,000 sturgeon were killed over a 5-year period by poachers to produce caviar (Cohen, 1997). Poaching may be less significant than incidental take associated with white sturgeon sportfishing (Williamson, 2003). However, the tendency for green sturgeon to form aggregations for long periods of time may make them easy targets for poachers (Erickson *et al.,* 2002). Increased public outreach and awareness, increased enforcement, and heavier sentences and fines for poachers may help to protect green sturgeon from the threats of poaching.

Research and Monitoring Activities

Scientific research and monitoring of the Southern DPS contributes valuable information for the management, conservation, and future status reviews of the species. However, collection or handling associated with scientific research and monitoring constitutes take and may result in stress, injuries, or mortality of Southern DPS fish. In recent years, much research and monitoring effort has been placed on: (1) Tracking the movements and habitat use of Southern DPS fish by using a variety of non-lethal tagging techniques; and (2) identifying the DPS of origin using non-lethal genetic sampling techniques. These two research and monitoring activities provide information crucial to the development of an effective recovery strategy for the species. The best available information indicates that these procedures, when done according to accepted protocols, result in minimal short-term stress to the fish and do not result in lethal take. Important scientific information (*e.g.,* genetic, pathologic, taxonomic, meristic) is also gathered from already dead individuals, thereby providing valuable data without putting the species at further risk.

Emergency Rescue and Salvage Activities

Emergency fish rescue activities, including aiding sick, injured, or stranded fish, disposing of dead fish, or salvaging dead fish for use in scientific studies, are forms of take. Rescue activities would benefit the Southern DPS in the event of emergency situations that result from natural disasters, man-made habitat alterations, national defense activities, security emergencies, etc. Allowing take of the Southern DPS for emergency rescue and salvage activities is likely to enhance survival and recovery of the listed species. However, it is important that measures be taken to investigate emergency events during or after they have occurred in order to determine whether a non-ESA-compliant action(s) necessitated the rescue or salvage.

Habitat-Altering Activities

Dams and water diversion structures have caused the elimination, obstruction, or delay of passage for green sturgeon and other sturgeon species and may reduce body condition and reproductive success. For example, dams and water diversion structures have been observed to obstruct or disrupt the upstream spawning migrations of shortnose sturgeon in the lower Cape Fear River, NC (Moser and Ross, 1995). White sturgeon have also been found stranded behind the Fremont Weir in the Yolo Bypass, CA (Harrell and Sommer, 2006). Disruptions in migration may cause fish to stop their upstream migration or may delay access to spawning habitats (Moser and Ross, 1995). The inability to reach spawning habitats may cause fish to spawn in habitats of lower quality, resulting in decreased recruitment (Cooke and Leach, 2004). Several dams and water diversion structures exist along the spawning migration route of the Southern DPS and would be expected to have detrimental effects similar to those observed in surrogate species. Fish passage studies at the Red Bluff Diversion Dam (RBDD) in the Sacramento River show that the RBDD blocks the upstream migration of the Southern DPS when the gates are lowered between May 15 and September 15 (Heublein *et al.,* 2006; Brown, 2007). Mitigation measures have been implemented, including the raising of RBDD gates from September 15 to June 15 each year to allow fish passage and the protection and restoration of spawning and rearing habitat along the Sacramento River, bays, and the Sacramento-San Joaquin Delta. However, when the gates are raised, green sturgeon may become disoriented or suffer injuries due to the high velocity of water passing under the gates (M. Tucker, NMFS, 2007, personal communication). Between May 18 and June 10, 2007, carcasses of 10 adult Southern DPS fish (168–226 cm total length) were found at (n=2) or downstream (n=8) of RBDD (E. Campbell, USFWS, 2007, unpublished data). Locations of the retrieved carcasses and necropsy results suggest that the fish suffered mortality due to injuries inflicted by the gates at RBDD. Installation of adequate fish passage facilities, modification of existing passage facilities, or other provisions to specifically aid sturgeon passage at dams and diversions, and application of other mitigation measures, such as salvage operations, would contribute to the protection of the Southern DPS.

The elimination, obstruction, or delay of downstream passage is a concern for larval and juvenile stages of the Southern DPS, as are habitat-altering activities that destroy, modify, or curtail spawning or rearing habitats for egg, larval, or juvenile stages. Specific concerns include, but are not limited to: Increased sediment input or runoff into streams; filling in or isolation of stream channels, side channels, and intermittent waters; direct removal or alteration of physical structures; and obstruction of downstream migration.

Increased input or runoff of fine sediments into streams may result from a number of activities including, but not limited to, mining, logging, farming, grazing, and bridge and road construction. Increased erosion and sediment input or runoff into streams caused by land use and other human activities have been found to reduce the survival and successful development of eggs and embryos of salmon and other fish species (Scrivener and Brownlee, 1989; Owen *et al.,* 2005). The effects on green sturgeon eggs and embryos are likely to be similar. Green sturgeon eggs are large and dense and likely sink into rock crevices or attach to hard surfaces (Deng *et al.,* 2002; Kynard *et al.,* 2005). Once hatched, green sturgeon embryos remain near the bottom and use rocks as cover (Kynard *et al.,* 2005). Excess fine sediments can compromise successful development by burying already-deposited eggs, reducing interstitial dissolved oxygen available for eggs (Scrivener and Brownlee, 1989), or filling areas used by embryos for cover. Thus, Southern DPS eggs or embryos

may be taken due to habitat-altering activities that increase input of fine sediments or runoff into spawning or rearing habitat. The effect that increased input of fine sediments or runoff has at the individual, population and species levels will depend on the temporal and spatial extent of habitat change. The only way to determine this is to analyze particular activities on a case-by-case basis.

The filling in or isolation of stream channels, side channels, and intermittent waters may destroy or block access to rearing habitats, or impede or delay downstream migration by trapping larvae and juveniles that have entered these areas. Activities that fill in or isolate waters include, but are not limited to, the installation of tide gates, culverts, and debris- or sediment-trapping road crossing structures. These activities and their effects are a concern for listed salmon and steelhead and may also affect larval and juvenile Southern DPS fish. However, we currently lack the information needed to quantitatively assess these effects. Although relatively large numbers of juveniles have been collected in shallow areas of the Santa Clara shoal in the Sacramento-San Joaquin Delta (Radtke, 1966), the use of stream channels, side channels, and intermittent waters as rearing habitat by green sturgeon larvae and juveniles has not been documented. Information regarding the use of these habitats by early life stages of green sturgeon is needed.

Direct removal or alteration of physical structures essential to the integrity and function of the Southern DPS's spawning or rearing habitat, including rocks, soil, gravel, and vegetation, may adversely affect the growth and survival of larvae and juveniles. Green sturgeon likely use specific substrate types at different life stages, but observations of early life stages of green sturgeon in the field are lacking. Studies suggest that spawning most likely occurs over cobble substrates that provide crevices and cover for eggs (Kynard *et al.,* 2005; Nguyen and Crocker, 2006). However, in a laboratory study of substrate use by post-hatch larval green sturgeon, growth and survival was greatest in flat slate-rock substrates that provided cover and sufficient foraging opportunities (Nguyen and Crocker, 2006). Survival was low in cobble substrates, because larvae became trapped in crevices and died; whereas in sand substrates, the cause of lower survival and growth was attributed to the ingestion of sand particles similar in size to food particles (Nguyen and Crocker, 2006). Juveniles likely use deep pool habitats with rock structure during the winter (Kynard *et al.,* 2005). Removal or alteration of these physical structures (*i.e.* cobble for spawning and egg development; flat rock for larval rearing; deep pool habitats with rock structure for juvenile rearing) may reduce spawning or rearing success rates. Additional studies regarding the use of spawning habitats by Southern DPS early life stages and the effects of removing or altering physical components of Southern DPS spawning habitat on recruitment success are encouraged.

The construction and maintenance of dams and water diversion structures may impede or delay downstream migration and alter habitats important to larval and juvenile stages of the Southern DPS. Dams and water diversions may block downstream migration of larvae and juveniles, unless fish transport or bypass facilities exist. Passage across dams and water diversion structures may also disorient or injure larvae and juveniles and make them more vulnerable to predation, as has been observed for juvenile salmonids at RBDD (Bigelow and Johnson, 1996; Gaines and Martin, 2002). The actual construction of dams and water diversion structures may cause increased erosion and sedimentation and disrupt or alter physical structures in spawning or rearing habitats, with effects as described in the previous paragraphs.

While existing laws require mining, timber harvest, and other resource use plans to address erosion and other adverse impacts on stream habitats, these laws may not be adequate to protect the Southern DPS. Additional measures that would help reduce potential adverse impacts on Southern DPS fish are: (1) Protection of riparian habitat by limiting activities that cause erosion, sediment input or runoff into streams, or roadway and other linear development near or across streams; (2) construction of fish protection and passage facilities; and (3) limiting the temporal and/or spatial scopes of habitat alteration activities that occur in and near spawning and rearing locations.

Habitat Restoration

The primary purpose of habitat restoration is to restore natural aquatic or riparian habitat conditions or processes over the long-term. Specifically, we define habitat restoration as the process of reestablishing a self-sustaining habitat that closely resembles natural conditions in terms of structure and function for the Southern DPS. A variety of habitat-altering activities such as barrier removal or modification to restore natural water flows, river and estuarine bed restoration, natural bank protection, restoration of native vegetation, removal of non-native species, and removal of contaminated sediments has been used to reestablish natural river and estuarine functions over the long-term. Although take of green sturgeon could potentially occur during the course of completing restoration activities, we do not have evidence that these types of activities have taken the Southern DPS or a surrogate species. It is likely that these activities are important to the conservation and recovery of the Southern DPS.

Entrainment and Impingement Risks

The operation of water diversions, power generating projects, and dredging activities pose entrainment and impingement threats to all life stages of the Southern DPS. We define entrainment to mean the incidental trapping of any life stage of fish within waterways or structures that carry water being diverted for anthropogenic use. We define impingement to mean the entrapment of any life stage of fish on the outer part of any structure (*e.g.,* intake structures, screening devices) that separates water traveling a natural course of passage from water that is being diverted for anthropogenic use. Unscreened water diversions number in the hundreds to thousands in the Sacramento River and the Sacramento-San Joaquin Delta (Herren and Kawasaki, 2001). Factors that determine the entrainment risk of fish at diversions include the location and size of fish. A study of fish entrainment at an unscreened diversion in the Sacramento River documented entrainment of fish ranging in size from 9 to 59 mm fork length (FL) in July 2000 and 2001 (Nobriga *et al.,* 2004). Green sturgeon were not among the species documented in the study, but Southern DPS larvae and small juveniles within the size range of 9–59 mm FL occur in the Sacramento River at that time of year and are believed to also be at risk of entrainment at unscreened diversions. Entrainment of juvenile green sturgeon has been documented at the state and Federal fish facilities in the south Sacramento-San Joaquin Delta, where fish are salvaged before they enter the pumps (Adams *et al.,* 2006). Programs to install fish screens at water diversions are being implemented and many major diversions have already been screened. Installation of fish screens, construction of bypass and other fish protection facilities (Bigelow and Johnson, 1996; Gaines and Martin, 2002), adjustments

in the timing of operations, and continuation of fish salvage operations, where applicable, would help minimize and mitigate entrainment of Southern DPS fish at water diversions.

Evidence exists for the impingement of green sturgeon in the operation of coastal power plants using cooling water intake systems, and there is a possibility that green sturgeon are also entrained at power plants. Two juvenile green sturgeon were impinged and died on cooling water intake screens at the now retired Contra Costa Plant Units 1–5 in 1978–1979 and at the Moss Landing Power Plant in 2006 (C. Raifsnider and J. Steinbeck, Tenera Environmental, 2006, personal communication). Current conservation efforts include the installation of screens to reduce entrainment, studies of fish impingement and entrainment at power plants, and laws that require the minimization of fish impingement and entrainment. Other actions that can be taken to reduce impingement and entrainment include altering the time of day when water intake pumps are operated, altering the velocity of water intake, and the use of alternative cooling systems that do not require water intake.

Dredging operations in freshwater rivers, bays, and estuaries where Southern DPS fish occur may pose entrainment risk. Although entrainment of green sturgeon in dredging operations has not been documented, the effects could be significant. Approximately 2,000 juvenile white sturgeon were entrained during operation of a large suction dredge in the lower Columbia River (Buell, 1992). Juvenile green sturgeon would be expected to face similar entrainment risks from dredging operations because they are also bottom-oriented and occur in habitats similar to white sturgeon. Dredging may also be a potential threat to adult green sturgeon because they occur in areas where dredging operations take place. Dredging stirs up the sediments causing the release of contaminants that would have adverse impacts on growth, reproductive development, and reproductive success of green sturgeon. Long-term management strategies for San Francisco Bay dredging operations have established regional environmental work windows, or periods of time when certain fish species are not likely to be present in a location. Currently, it is believed that Southern DPS juveniles reside in San Francisco, Suisun, and San Pablo bays year-round so environmental work windows will likely not be effective in reducing the risks of dredging operations to the Southern DPS in these locations (Ganssle, 1966; Miller, 1972; CDFG, 2002; Jahn, 2006; BDAT, 2009). However, the use of specific types of dredging equipment with modified designs would reduce the entrainment risk to Southern DPS fish from dredging operations.

Pesticides and Discharge of Pollutants

The application of pesticides adjacent to or within waterways that contain any life stage of the Southern DPS may adversely affect their growth and reproductive success. Several pesticides have been detected in the Sacramento River Basin at levels that are likely to be harmful to aquatic life (Domagalski *et al.,* 2000). The accumulation of industrial chemicals and pesticides such as polychlorinated biphenyls (PCBs), dichloro-diphenyl-trichloroethanes (DDTs), and chlordanes in white sturgeon gonad, liver, and muscle tissues affects growth and reproductive development and results in lower reproductive success (Fairey *et al.,* 1997; Foster *et al.,* 2001a; Foster *et al.,* 2001b; Kruse and Scarnecchia, 2002; Feist *et al.,* 2005; Greenfield *et al.,* 2005). Green sturgeon are believed to experience similar risks from contaminants, although their exposure may be reduced because a greater proportion of their subadult and adult lives are spent in marine waters (70 FR 17386, April 6, 2005). Pesticides may also indirectly affect green sturgeon through effects on their prey species. For example, green sturgeon are believed to enter Willapa Bay to feed on burrowing ghost shrimp (*Neotrypaea californiensis*), which have declined in abundance due to the deliberate application of carbaryl (Moser and Lindley, 2006).

The discharge or dumping of toxic chemicals or other pollutants into waters and areas where Southern DPS fish occur would be expected to reduce their growth and reproductive success. Pollutants including mercury, selenium, and arsenic have been detected in white sturgeon gonad, liver, and muscle tissues and are believed to affect growth, reproductive development, and reproductive success (Fairey *et al.,* 1997; Davis *et al.,* 2002; Kruse and Scarnecchia, 2002; Greenfield *et al.,* 2005; Webb *et al.,* 2006). Again, the effects on green sturgeon are likely to be similar.

Under the Federal Clean Water Act, acceptable levels for contaminants in waterways have been established by the States and the U.S. Environmental Protection Agency (EPA). Entities must also obtain National Pollutant Discharge Elimination System (NPDES) permits to discharge contaminants. However, NPDES permits are not required for irrigated agriculture and agricultural stormwater runoff. Furthermore, the national standards for use of pesticides and toxic substances may not be conservative enough to adequately protect the Southern DPS as was found for listed salmonids in recent draft and final jeopardy biological opinions issued by NMFS to the EPA (NMFS 1998, NMFS 2000, NMFS 2008). Thus, programs to aid agricultural producers in meeting NMFS-imposed water quality standards may be required to minimize adverse impacts on the Southern DPS.

Non-Native Species Introductions

Non-native species are a continuing problem in freshwater rivers and coastal bays and estuaries and may affect the Southern DPS through trophic interactions. Introduced species, such as striped bass in the Sacramento River and the Sacramento-San Joaquin Delta, may prey on green sturgeon juveniles. Non-native species may also replace prey species of green sturgeon and result in greater bioaccumulation of contaminants. For example, *Potamocorbula amurensis,* a non-native bivalve, has become widespread in the San Francisco Bay and the Sacramento-San Joaquin Delta and has replaced other common prey items for white sturgeon. *P. amurensis* is an efficient bioaccumulator of selenium, a reproductive toxin that causes deformities in embryos and reduced hatchability of eggs, and has been linked with increased selenium levels in white sturgeon (Linville *et al.,* 2002). *P. amurensis* has also been identified in the gut contents of at least one green sturgeon (CDFG, 2002). Non-native species may also alter the Southern DPS' habitat or compete with the Southern DPS for space or food. Although existing laws prohibit the release of non-native species into the environment, accidental and intentional introduction of non-native species remains a problem. Eradication programs for non-native species, increased public education and outreach, and increased fines or penalties for the release of non-native species would help to alleviate this problem.

4(d) Protective Regulations for the Southern DPS

We apply the prohibitions listed under ESA sections 9(a)(1)(A) through 9(a)(1)(G) for the Southern DPS, including all the ESA section 9(a)(1)(B) and 9(a)(1)(C) prohibitions (the "take prohibitions") except for specific activities described below (see Exceptions, Criteria for Exceptions, and

Reporting Requirements). ESA section 9(a)(1)(A) states that it is unlawful to import or export endangered species into or from the United States; ESA section 9(a)(1)(B) states that it is illegal to take endangered species within the United States or the territorial sea of the United States; ESA section 9(a)(1)(C) states that it is illegal to take endangered species upon the high seas; ESA section 9(a)(1)(D) states that it is illegal to possess, sell, deliver, carry, transport, or ship, by any means whatsoever, endangered species taken in violation of 9(a)(1)(B) and 9(a)(1)(C); ESA section 9(a)(1)(E) states that it is illegal to deliver, receive, carry, transport, or ship in interstate or foreign commerce by any means whatsoever and in the course of a commercial activity, endangered species; ESA section 9(a)(1)(F) states that it is illegal to sell or offer for sale in interstate or foreign commerce, endangered species; and ESA section 9(a)(1)(G) states that it is illegal to violate any regulation pertaining to endangered species or to any threatened species of fish or wildlife listed pursuant to section 4 of the ESA and promulgated by the Secretary pursuant to authority provided by the ESA.

These prohibitions are necessary and advisable for the conservation of the Southern DPS because human "take" via activities including, but not limited to, detrimental habitat alteration, modification, and curtailment; fisheries catch and bycatch; application of pesticides, toxic chemicals, or other pollutants adjacent to or within waterways; entrainment or impingement of eggs or fish during water diversion operations, dredging, or power generation; unnecessary collection or handling; and introduction of non-native species that disrupt trophic pathways, has contributed to the decline of the Southern DPS and is likely to impede its conservation and recovery. Evaluation of activities that may occur throughout the area affected by the prohibitions for Southern DPS fish, eggs or larvae is shown in Table 1.

Exceptions, Criteria for Exceptions, and Reporting Requirements

We establish exceptions to the ESA section 9(a)(1)(B) and 9(a)(1)(C) prohibitions (the "take prohibitions") for specific activities. These exceptions encompass specific activities that may be excluded from the take prohibitions for the Southern DPS through the relatively informal coordination process described below. In determining that it is necessary and advisable to not impose take prohibitions on certain activities, we are mindful that new information may require a reevaluation of that conclusion at any time. For any of the exceptions to the take prohibitions described below, we would evaluate on a regular basis the effectiveness of the activities in conserving and protecting the Southern DPS. If the activities are not effective in conserving and protecting the Southern DPS, we would identify ways in which the activities need to be altered or strengthened. For habitat-related exceptions to the take prohibitions, changes may be required if the activities are not achieving desired habitat functionality or the habitat is not supporting population productivity levels needed to conserve the Southern DPS. If the agency or entity carrying out the activity does not make changes to respond adequately to the new information, we would publish notification in the **Federal Register** announcing the intention to impose take prohibitions on those activities. Such an announcement would provide for a comment period of not less than 30 days, after which we would make a final determination whether to extend the ESA section 9(a)(1)(B) and (C) take prohibitions to the activities. If the activities do not meet the exception criteria any take must be covered under an ESA section 7 incidental take statement (*i.e.* for activities with a Federal nexus) or ESA section 10(a)(1)(B) incidental take permit. The take of the Southern DPS will not be prohibited during the course of the following activities:

(1) Federal, state, or private-sponsored research or monitoring activities if they adhere to all of the following: (a) The activity must comply with required state reviews or permits; (b) the research or monitoring activity must be directed at the Southern DPS and not be incidental to research or monitoring of another species; (c) take of live mature adults in the lower Feather River from the confluence with the Sacramento River to the Oroville Dam (rkm 116), the lower Yuba River from the confluence with the Feather River to the Daguerre Dam (rkm 19), or Suisun, San Pablo, and San Francisco Bays or the Sacramento-San Joaquin Delta from the Golden Gate Bridge up into the Sacramento River to Keswick Dam (rkm 483) may only occur from July 1 through March 1 so as to substantially increase the likelihood that uninterrupted upstream spawning migrations of adults will occur; (d) take must be non-lethal; (e) take involving the removal of any life stage of the Southern DPS from the wild must not exceed 60 minutes; (f) take must not involve artificial spawning or enhancement activities; (g) a description of the study objectives and justification, a summary of the study design and methodology, estimates of the total non-lethal take of Southern DPS fish anticipated, estimates of incidental take of other ESA listed species anticipated and proof that those takes have been authorized by NMFS or the USFWS, identification of funding sources, and a point of contact must be reported to the NMFS Southwest Regional Office (see **ADDRESSES:** above) at least 60 days prior to the start of the study, or, for ongoing studies, by August 31, 2010; (h) reports that include the total number of Southern DPS and any other ESA listed species taken, information that supports that take was non-lethal, and a summary of the project results must be submitted to NMFS on a schedule to be determined by NMFS staff; (i) research or monitoring that involves action, permitting, or funding by a Federal agency must still comply with the requirements of ESA section 7(a)(2) in order to ensure that the action will not jeopardize the continued existence of the threatened Southern DPS. NMFS will respond in a letter either confirming the activities meet the exception criteria or stating that the activities do not meet the exception criteria and are subject to the take prohibitions. The letter would acknowledge receipt of the project information and provide the schedule for submission of research/progress reports and technical assistance to clarify when the ESA section 9 prohibitions apply.

(2) Emergency fish rescue and salvage activities that include aiding sick, injured, or stranded fish, disposing of dead fish, or salvaging dead fish for use in scientific studies, if they adhere to all of the following: (a) The activity must comply with required state or other Federal reviews or permits; (b) activities may only be conducted by an employee or designee of NMFS or the U.S. Fish and Wildlife Service (USFWS), any Federal land management agency, or California Department of Fish and Game (CDFG), Oregon Department of Fish and Wildlife (ODFW), Washington Department of Fish and Wildlife (WDFW), or Alaska Department of Fish and Game (ADFG); (c) the emergency rescue must benefit the Southern DPS; (d) a report must be submitted to the NMFS Southwest Regional Office (*see* **ADDRESSES:** above) that includes, at a minimum, the number and status of fish handled, the location of rescue and/or salvage operations and the potential cause(s) of the emergency situation within 10 business days after carrying out the rescue.

(3) Habitat restoration activities, including barrier removal or

modification to restore water flows, riverine or estuarine bed restoration, natural bank stabilization, restoration of native vegetation, removal of non-native species, or removal of contaminated sediments, that reestablish self-sustaining habitats for the Southern DPS, if they adhere to all of the following: (a) Compliance with required state and Federal reviews and permits; (b) a detailed description of the restoration activity sent to the NMFS Southwest Regional Office (*see* **ADDRESSES:** above) at least 60 days prior to the start of the restoration project, or, for ongoing studies, by August 31, 2010, which includes: the geographic area affected; when activities will occur; how they will be conducted; and the severity of direct, indirect, and cumulative impacts of activities on the Southern DPS; identification of funding sources; demonstration that all state and Federal regulatory requirements have been met; a description of methods used to ensure that the likelihood of survival or recovery of the listed species is not reduced; a plan for minimizing and mitigating any adverse impacts to Southern DPS spawning or rearing habitat; an estimate of the amount of incidental take of the listed species that may occur and a description of how that estimate was made; a plan for effective monitoring and adaptive management; a pledge to use best available science and technology when conducting restoration activities; and a point of contact; (c) progress reports that include the total number of Southern DPS fish taken, information regarding whether the take was lethal or non-lethal, a summary of the status of the project, and any changes in the methods being employed, must be submitted to NMFS on a schedule to be determined by NMFS staff; (d) activities that involve action, permitting, or funding by a Federal agency must still comply with the requirements of ESA section 7(a)(2) in order to ensure that the action will not jeopardize the continued existence of the threatened Southern DPS. NMFS will respond in a letter either confirming the activities meet the exception criteria and are not subject to the take prohibitions, or stating that the activities do not meet the exception criteria and are subject to the take prohibitions and any take must be covered under an ESA section 7 incidental take statement or ESA section 10 permit. The letter would also provide the schedule for submission of progress reports and would provide technical assistance to clarify when the ESA section 9 prohibitions apply.

Exemptions Provided by NMFS-approved ESA 4(d) Programs

We provide exemptions from the take prohibitions for certain activities included within a NMFS-approved 4(d) program. Activities included in a 4(d) program would be excused from the take prohibitions for the Southern DPS through a formal NMFS 4(d) program approval process described below.

4(d) Program for Commercial and Recreational Fishery Management

Take of green sturgeon in commercial and recreational fisheries activities would be allowed if fisheries activities were conducted under approved Fisheries Management and Evaluation Plans (FMEPs). We expect that, in many cases, fisheries will have acceptably small impacts on the threatened Southern DPS as long as state fishery management programs are specifically tailored to meet certain criteria. NMFS-approved FMEPs must address limiting take of green sturgeon in order to protect the listed entity, the Southern DPS. We consider this necessary because discrimination between the non-listed Northern DPS and listed Southern DPS, via gear specificity, visual indicators, spatial distribution, etc., is not currently possible. In order for NMFS to exempt commercial or recreational fishing activities from the take prohibitions, an FMEP must: (1) Prohibit retention of green sturgeon (*i.e.,* zero bag limit); (2) set maximum incidental take levels; (3) include measures to minimize incidental take of green sturgeon (*e.g.,* temporal/spatial restrictions, size, gear); (4) provide a biologically based rationale demonstrating that the incidental take management strategy will not significantly reduce the likelihood of survival or recovery of the Southern DPS; (5) include effective monitoring and evaluation plans; (6) provide for evaluating monitoring data and making revisions to the FMEP; (7) provide for effective enforcement and education; (8) provide a timeframe for FMEP implementation; and (9) report the amount of incidental take and summarize the effectiveness of the FMEP to NMFS on a biannual basis. If we find that an FMEP meets these criteria, we will issue a letter of concurrence to the entity that sets forth the terms of the FMEP's implementation and the duties of the parties pursuant to the FMEP.

Section 9(a)(1)(B) and (a)(1)(C) take prohibitions would not apply to ongoing commercial and recreational fisheries activities until September 30, 2010 if a letter of intent to develop an FMEP addressing green sturgeon has been received by the NMFS Southwest Regional Office (*see* **ADDRESSES:** above) by July 2, 2010. The exemption will be suspended if the letter of intent is rejected without further review of an FMEP. If the letter of intent is received July 2, 2010, a draft FMEP must be received by NMFS within 6 months from the date of receipt of the letter of intent. A final FMEP must be received by NMFS within 3 months from the date of receipt of NMFS' comments on the draft FMEP. Ongoing commercial and recreational fisheries activities may continue until NMFS issues a letter of concurrence (or denial) for final FMEPs.

Once a final FMEP has been submitted to NMFS for review, NMFS will: (1) Provide a public comment period (≥30 days) before approval of new or amended FMEPs; (2) provide a letter of concurrence for approved FMEPs that specifies the implementation and reporting requirements; (3) evaluate FMEPs every 5 years and identify changes that would improve their effectiveness; and (4) provide a public comment period (≥30 days) before withdrawing approval of an FMEP.

4(d) Program for Tribal Fishery Management

Fishery harvest or other activities conducted by a tribe, tribal member, tribal permittee, tribal employee, or tribal agent in Willapa Bay, WA, Grays Harbor, WA, Coos Bay, OR, Winchester Bay, OR, Humboldt Bay, CA, and any other area where tribal treaty fishing occurs are eligible to obtain take authorization via the same method outlined in the NMFS final rule for authorizing take of threatened salmon and steelhead for actions under tribal resource management plans (July 10, 2000; 65 FR 42481). This method has been modified below for the Southern DPS. We consider current tribal fishing activities to have acceptably small impacts on the threatened Southern DPS, and if the tribes, either singly or jointly, develop tribal resource management plans for the Southern DPS, or incorporate the Southern DPS into existing tribal resource management plans, that current and future tribal activities are not likely to appreciably reduce the likelihood of survival and recovery of the species.

A tribe intending to exercise a tribal right to fish or undertake other resource management actions that may impact the threatened Southern DPS could create a tribal resource management plan (Tribal Plan) that would assure that those actions would not appreciably reduce the likelihood of survival and recovery of the species. Tribal Plans

should be sent to the NMFS Southwest Regional Office (*see* **ADDRESSES**). NMFS would stand ready to the maximum extent practicable to provide technical assistance to any tribe that so requests in examining impacts on the listed Southern DPS and in the development of Tribal Plans that meet tribal management responsibilities and needs. In making a determination whether a Tribal Plan will appreciably reduce the likelihood of survival and recovery of the threatened Southern DPS, the Secretary, in consultation with the tribe, would use the best available scientific and commercial data (including careful consideration of any tribal data and analysis) to determine the Tribal Plan's impact on the biological requirements of the species. The Secretary would also assess the effect of the Tribal Plan on survival and recovery in a manner consistent with tribal rights and trust responsibilities. Before making a final determination, the Secretary would seek comment from the public on his pending determination whether implementation of a Tribal Plan will appreciably reduce the likelihood of survival and recovery of the listed Southern DPS. The Secretary would publish notification in the **Federal Register** of any determination regarding a Tribal Plan and the basis for that determination.

4(d) Program for Scientific Research and Monitoring Activities

State-coordinated research activities for scientific research or enhancement purposes that do not fall into the exception category described above (*see* Exceptions, Criteria for Exceptions, and Reporting Requirements) may receive an exemption from the take prohibitions for the Southern DPS for activities included in a state-sponsored, ESA-compliant, scientific research program between state fishery agencies (*i.e.,* CDFG, ODFW, WDFW, or ADFG) and NMFS, hereafter referred to as a state 4(d) research program. Activities conducted as part of a state 4(d) research program must meet existing state and Federal laws and regulations and would include research and monitoring projects conducted by state employees or by recipients of state fishery agency-issued permits (including Federal and non-Federal entities) that directly or incidentally take Southern DPS green sturgeon. We find that in carrying out their responsibilities to manage state fisheries, state agencies conduct or sponsor research vital for improving our understanding of the status and risks facing the Southern DPS and other listed species that occur in overlapping habitat, and provide critical information for assessing the effectiveness of current and future management practices.

State 4(d) research programs have been developed and implemented in California, Oregon, and Washington for listed West coast salmon and steelhead and are consistent with ESA requirements for research-related take of these listed species. The Southern DPS would most likely be incorporated into the existing state 4(d) research programs established for listed salmon and steelhead, making use of the system already in place. Otherwise, the state would be required to prepare a program and submit it to the NMFS Southwest Regional Office (*see* **ADDRESSES:** above) for approval. NMFS may approve the program or return the program to the state agency for revision.

In general, we conclude that as long as state biologists and cooperating agencies carefully consider the benefits and risks of activities included in a state 4(d) research program, such programs would help streamline the take authorization process for researchers, state agencies, and NMFS by allowing state fishery agencies to maintain primary responsibility for coordination and oversight of research activities. Each year, researchers would be required to submit research applications to the state fishery agency preferably through the NMFS online application Web site Authorizations and Permits for Protected Species (APPS) at *https://apps.nmfs.noaa.gov. Research applications must include, at a minimum, the following information:* (1) An estimate of the total direct or incidental take of Southern DPS fish that is anticipated; (2) a description of the study design and methodology; (3) a justification for take of Southern DPS fish and the techniques to be used; and (4) a point of contact. The state agency would have access, via NMFS, to the submitted applications, evaluate and determine which projects are eligible for inclusion under the program, and approve or deny individual project applications. Once the state agency review is complete, the state agency would be required to provide for NMFS' review and approval a list of project applications approved for possible inclusion in a 4(d) research program for the coming year. After our review of the applications and follow-ups with the researchers to address concerns if necessary, we would analyze effects of the activities on the Southern DPS. Finally, we would complete the ESA section 7 consultation and NEPA documentation and issue an approval letter to the state fishery agency confirming that the research activities covered within the 4(d) research program are exempt from the ESA take prohibitions. A section 10(a)(1)(A) research or enhancement permit is not issued. Researchers have to comply with the conditions of the 4(d) research program and must submit an annual report, preferably through the NMFS online application Web site Authorizations and Permits for Protected Species (APPS) at *https://apps.nmfs.noaa.gov.* The annual report must include, for each project: (1) a summary of the number of green sturgeon taken directly or incidentally; and (2) a summary of the results of the project, in order for NMFS to evaluate the effects of the research project on the Southern DPS. We would continue to work with the state fishery agencies to ensure authorized research involving listed Southern DPS fish is both coordinated and conducted in a manner that does not jeopardize the conservation and recovery of the Southern DPS.

Section 9(a)(1)(B) and 9(a)(1)(C) take prohibitions would not apply to ongoing state-supported scientific research and enhancement activities seeking take authorization of the Southern DPS fish through a state 4(d) program, if the above information is provided to NMFS, preferably through the NMFS online application Web site Authorizations and Permits for Protected Species (APPS) at *https://apps.nmfs.noaa.gov,* during the mid-September through mid-October 2010 application period. The take prohibitions would take effect if the state 4(d) program package is rejected as insufficient or is denied. If the state 4(d) research program package is received during the mid-September to mid-October application period, ongoing state-supported scientific research activities may continue until NMFS issues a written decision of approval or denial. If approved, the state 4(d) program authorization will cover one calendar year and state supported researchers would have to renew authorizations annually during subsequent application periods.

Take Exemptions Provided By ESA Sections 7 or 10

Federally funded, authorized, or implemented activities that may require take coverage (*see* Proposed 4(d) Protective Regulations for the Southern DPS), and are not covered under Exceptions, Criteria for Exceptions, and Reporting Requirements or Exemptions Provided by NMFS-approved 4(d) Programs above, will be examined on a case-by-case basis through interagency consultation as prescribed by ESA section 7. All other activities (*i.e.,* those

not federally funded, authorized, or implemented) that may require take coverage, and are not covered under Exceptions, Criteria for Exceptions, and Reporting Requirements or Exemptions Provided by NMFS-approved 4(d) Programs above, will be examined on a case-by-case basis as prescribed by ESA section 10.

Federal, state, and private-sponsored research activities for scientific research or enhancement purposes that are not covered under Exceptions, Criteria for Exceptions, and Reporting Requirements or Exemptions Provided by NMFS-approved 4(d) Programs above, may take Southern DPS fish pursuant to the specifications of an ESA section 10 permit. Section 9(a)(1)(B) and (a)(1)(C) take prohibitions would not apply to ongoing research activities if an application for an ESA section 10 (a)(1)(A) permit is received by NMFS, preferably through the NMFS online application Web site *https://apps.nmfs.noaa.gov,* no later than November 29, 2010. The take prohibitions would take effect if the permit application is rejected as insufficient or a permit is denied. If the permit application is received by November 29, 2010, ongoing research activities may continue without take prohibitions until NMFS issues or denies a permit.

Evaluation of activities that may occur throughout the area affected by the prohibitions for Southern DPS fish, eggs, or larvae is shown in Table 1. Evidence of take of the Southern DPS during the course of an activity is indicated; if there is no such evidence, then evidence of take of a surrogate species is indicated. Existence of protective/conservation measures to minimize take of or benefit the Southern DPS fish during the course of the activity as it is currently conducted is indicated. Based on best available information, whether an activity requires take authorization or is illegal according to other laws and therefore cannot be authorized is indicated, and whether methods for allowing take resulting from a particular activity exist through ESA sections 7 or 10 or through an ESA section 4(d) Program is specified. This is not an exhaustive list of all activities that occur throughout the area affected by the take prohibitions. Please *see 4(d) Protective Regulations for the Southern DPS* for the full range of activities for which NMFS is prohibiting take.

Table 1. This table indicates whether evidence of take of the Southern DPS or take of a surrogate species exist (yes or no; Y or N) and whether protective/conservation measures to minimize take are currently in place (Y or N). The table also indicates whether under this rule an activity requires take authorization (Y or N), or cannot be authorized (N/A), and whether methods that allow take exist through ESA sections 7 or 10 (Y or N) or through an ESA section 4(d) program (Y or N)

Activity	Take	Take of surrogate species	Protective/Conservation measures or benefits	Take authorization necessary	Methods of take authorization	
					ESA section 7 or 10	4(d) Program
Fishing						
Commercial	Y		Y	Y	Y	Y
Recreational	Y		Y	Y	Y	Y
Tribal	Y		Y	Y	Y	Y
Poaching	N	Y	N	N/A	N	N
Collection or Handling						
Research/monitoring						
Federal, State or Private-sponsored (compliant with Exceptions)	Y		Y	N		
State-sponsored (outside scope of Exceptions)	Y		Y	Y	Y	Y
Federal or Private-sponsored (outside scope of Exceptions)	Y		Y	Y	Y	N
Emergency Rescue (compliant with Exceptions)	N	Y	Y	N		
Emergency Rescue (outside scope of Exceptions)	N	Y	N	Y	Y	N
Detrimental Habitat-Altering Activities						
Activities that Eliminate, Obstruct, or Delay Passage						
Dam installation, repair, modification, operation	Y		Y	Y	Y	N
Diversion installation, repair, modification, operation	Y		Y	Y	Y	N
Activities that Destroy, Modify, or Curtail Spawning or Rearing Habitat						
Input of fine sediments/runoff	N	Y	Y	Y	Y	N
Dam installation, repair, modification, operation	Y		Y	Y	Y	N
Diversion installation, repair, modification, operation	Y		Y	Y	Y	N
Filling/isolation of channels/intermittent waters	N	N	Y	Y	Y	N
Removal/alteration of physical structure that provides spawning/rearing habitat	N	N	Y	Y	Y	N
Habitat Restoration (compliant with Exceptions)						
Barrier removal/modification to restore flows	N	N	Y	N		

Activity	Take	Take of surrogate species	Protective/ Conservation measures or benefits	Take authorization necessary	Methods of take authorization	
					ESA section 7 or 10	4(d) Program
Riverine or estuarine bed restoration	N	N	Y	N		
Natural bank protection	N	N	Y	N		
Restoration of native vegetation	N	N	Y	N		
Removal of non-native species	N	N	Y	N		
Removal of contaminated sediments	N	N	Y	N		
Habitat Restoration (outside scope of Exceptions)	N	N	N	Y	Y	N
Entrainment/Impingement						
Water diversions	Y		Y	Y	Y	N
Power generating projects	Y		Y	Y	Y	N
Dredging	N	Y	Y	Y	Y	N
Pesticide/Pollutant Discharge	N	Y	Y	Y	Y	N
Non-native Species Introductions	N	Y	Y	N/A	N	N

Under section 9(b)(1) of the ESA, people holding Southern DPS fish in captivity or in a controlled environment prior to the ESA listing are exempt from the prohibitions of section 9(a)(1)(A) and (a)(1)(G) of the ESA and would therefore also be exempt from the prohibitions of this regulation, provided that holding and any subsequent holding or use of the fish is not for commercial activity. The burden of proof that Southern DPS fish were taken prior to listing lies with the individual holding the animals. The prohibitions of this regulation would, however, apply to any progeny of Southern DPS fish taken prior to listing. Any activity involving Southern DPS fish taken pre-listing that is authorized, funded, or carried out by a Federal agency would also be subject to the consultation requirements of section 7 of the ESA.

We apply the section 9 take prohibitions to the Southern DPS, while providing exceptions for some activities (*i.e.,* some types of research/monitoring, enforcement, emergency rescue/salvage, and habitat restoration; see Exceptions, Criteria for Exceptions, and Reporting Requirements) that NMFS finds will not impede, and in most cases will promote, the conservation of the species. However, if the activity is federally funded, authorized, or implemented, it will still be subject to NMFS' review under the ESA jeopardy standard (*i.e.,* ESA section 7(a)(2)). Apart from the subset of activities defined in "Exceptions, Criteria for Exceptions, and Reporting Requirements" above, if the Southern DPS is anticipated to be taken during the course of an activity, several methods may be pursued to obtain take authorization depending on the specific circumstances of the activity. For federally funded, authorized, or implemented activities, the traditional method of seeking take coverage is through ESA section 7. For activities that are not federally funded, authorized, or implemented, take authorization may be obtained through ESA section 10, by establishing a NMFS-approved 4(d) program (*i.e.,* for commercial or recreational fishing activities or state-sponsored research outside the scope of those activities defined in Exceptions, Criteria for Exceptions, and Reporting Requirements) that adequately protects the Southern DPS, or by developing a tribal resource management plan that will not appreciably reduce the likelihood of survival and recovery of the Southern DPS (see Exemptions Provided by NMFS-approved ESA 4(d) Programs). Take of the Southern DPS due to poaching and non-native species introductions is illegal according to existing state and/or Federal laws, thus no method of take authorization is being provided for these activities.

Peer Review

In December 2004, the Office of Management and Budget (OMB) issued a Final Information Quality Bulletin for Peer Review (Peer Review Bulletin) establishing minimum peer review standards, a transparent process for public disclosure, and opportunities for public input. The Peer Review Bulletin, implemented under the Information Quality Act (Pub. L. 106 554), is intended to provide public oversight on the quality of agency information, analyses, and regulatory activities. The text of the Peer Review Bulletin was published in the **Federal Register** on January 14, 2005 (70 FR 2664). The Peer Review Bulletin requires Federal agencies to subject "influential" scientific information to peer review prior to public dissemination. Influential scientific information is defined as "information the agency reasonably can determine will have or does have a clear and substantial impact on important public policies or private sector decisions," and the Peer Review Bulletin provides agencies broad discretion in determining the appropriate process and level of peer review. The Peer Review Bulletin establishes stricter standards for the peer review of "highly influential" scientific assessments, defined as information whose "dissemination could have a potential impact of more than $500 million in any one year on either the public or private sector or that the dissemination is novel, controversial, or precedent-setting, or has significant interagency interest." We do not consider the scientific information underlying the protective regulations to constitute influential scientific information as defined in the Peer Review Bulletin. The information is not novel; similar information for listed salmonids whose range substantially overlaps with that of the Southern DPS has been used in support of protective regulations that have been in existence for a number of years. Therefore the agency expects the information to be non-controversial and have minimal impacts on important public policies or private sector decisions.

References

A complete list of the references used in this final rule is available upon request (*see* **ADDRESSES**) or via the Internet at *http://www.swr.noaa.gov.*

Classification

Regulatory Flexibility Act

This final ESA 4(d) rule has specific requirements for regulatory compliance and sets an enforceable performance standard (do not take listed fish) when conducting specific activities unless those activities are within a carefully circumscribed set of activities on which NMFS will not impose the take prohibitions. Hence, the universe of entities reasonably expected to be

directly or indirectly impacted by the prohibition is broad.

Based on the language of the 4(d) rule, as well as a review of existing section 7 consultations for the Southern DPS of green sturgeon and co-existing salmon and steelhead species, the FRFA identified the following activities that may be affected by this final rule: commercial, recreational and tribal fisheries; dams and water diversions; power production (electric services and gas distribution); crop agriculture and point source polluters (NPDES-permitted activities); habitat-altering activities; and in-water construction and dredging activities. A great deal of uncertainty exists with regard to how potentially regulated entities will attempt to avoid take of the Southern DPS. This is caused by two factors: relatively little data exist on green sturgeon abundance and behavior, and NMFS has a short history of managing the Southern DPS. In addition, the spatial distribution of the Southern DPS overlaps nearly entirely with habitat for salmon and steelhead species. Several key variables, such as whether current fish passage facilities and fish screens designed to protect salmon species will be considered adequate to provide passage for the Southern DPS over the long term, remain undetermined at this time. Thus, while baseline protections are expected to be afforded to the Southern DPS on behalf of salmon and steelhead species, the degree to which incremental measures would be required for the Southern DPS has not been determined. As such, the FRFA does not provide estimates of total costs of conservation measures likely to be undertaken for the Southern DPS. Instead, the analysis characterizes potential impacts on affected industries.

In formulating this rule, we considered five alternative approaches, described in more detail in the FRFA. These are: (1) A No Action Alternative where no ESA section 9(a)(1) prohibitions or any other protective regulations are applied to the Southern DPS; (2) a Full Action Alternative where all ESA section 9(a)(1) prohibitions are applied to the Southern DPS; (3) Alternative A where the prohibitions listed under ESA section 9(a)(1)(A) and 9(a)(1)(D) through 9(a)(1)(G) are applied to the Southern DPS and the take prohibitions (ESA section 9(a)(1)(B) and 9(a)(1)(C)) are applied to specific categories of activities that either cause take of Southern DPS fish; (4) Alternative B (Proposed Action) where ESA section 9(a)(1) prohibitions are applied to the Southern DPS as in the Full Action Alternative, but with exceptions and exemptions for activities that NMFS has determined to be adequately protective of the Southern DPS; and (5) Alternative C where the ESA section 9(a)(1) prohibitions are applied as described in Alternative A, but with exceptions from the take prohibitions (ESA section 9(a)(1)(B) and 9(a)(1)(C)) for activities that NMFS has determined to be adequately protective of the Southern DPS.

The comparative analysis of the alternatives is described in more detail in the FRFA. In summary, the Full Action Alternative and Alternative B (Proposed Action) are anticipated to affect the largest number of industries, but the impacts Alternative B will have on those industries is expected to be less severe because certain activities may be allowed to continue (*e.g.,* some habitat restoration, emergency rescue, and research/monitoring activities) under this alternative. Alternatives A and C are anticipated to affect a smaller number of industries than the Full Action Alternative and Alternative B. For reasons similar to those explained above, Alternative C is expected to have a less severe impact on the affected industries than Alternative A.—The No Action Alternative will have no effect on industries.

Executive Order (E.O.) 12866—Regulatory Planning and Review

This rule has been determined to be not significant for the purposes of E.O. 12866.

E.O. 12988—Civil Justice Reform

We have determined that this final rule does not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of E.O. 12988. We are providing protective regulations pursuant to provisions in the ESA using an existing approach that improves the clarity of the regulations and minimizes the regulatory burden of managing ESA listings while retaining the necessary and advisable protections to provide for the conservation of threatened species.

E.O. 13175—Consultation and Coordination with Indian Tribal Governments

E.O. 13175 requires that, if NMFS issues a regulation that significantly or uniquely affects the communities of Indian tribal governments and imposes substantial direct compliance costs on those communities, NMFS must consult with those governments, or the Federal Government must provide the funds necessary to pay the direct compliance costs incurred by the tribal governments. This rule may impose substantial direct compliance costs on the communities of Indian tribal governments within the range of this DPS. Accordingly, the requirements of section 5(b) and (c) of E.O. 13175 may apply to this rule. During the development of the proposed and final rules, we provided drafts of relevant sections of the 4(d) Rule to potentially affected tribes and held conference calls with potentially affected tribes to discuss the 4(d) Rule and obtain the tribes' input.

E.O. 13132—Federalism

E.O. 13132 requires agencies to take into account any federalism impacts of regulations under development. It includes specific consultation directives for situations where a regulation will preempt state law, or impose substantial direct compliance costs on state and local governments (unless required by statute). Neither of those circumstances is applicable to this rule. In fact, this notice provides mechanisms by which NMFS, in the form of 4(d) exceptions to take prohibitions, may defer to state and local governments where they provide necessary protections for the Southern DPS. Even though this rule does not have federalism implications, we requested information from appropriate State resource agencies in California, Oregon, and Washington regarding the proposed action. As subsequent issues with ESA compliance and rulemaking arise (*e.g.,* issuance of permits, critical habitat designation, recovery planning), we will continue to communicate with the States, and other affected local or regional entities, giving careful consideration to all concerns and comments received.

Paperwork Reduction Act (PRA)

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number.

This final rule contains collection-of-information requirements subject to the PRA, which have been submitted to OMB for review and approval. Public reporting burden per response for this collection of information is estimated to average: (1) 40 hours for development of a Fisheries Management and Evaluation Plan; (2) 20 hours for development of a Tribal Fishery Management Plan; (3) 40 hours for development of a State-sponsored scientific research program; (4) 5 hours to prepare reports on emergency rescue, salvage, or disposal of Southern DPS fish; (5) 40 hours to prepare reports on restoration activities;

and (6) 40 hours to prepare reports on Federal and private-sponsored research and monitoring. These estimates include the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. We invite comments regarding these burden estimates, or any other aspect of this data collection, including suggestions for reducing the burden, to NMFS (*see* **ADDRESSES**) and to OMB at the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 (Attention: NOAA Desk Officer).

National Environmental Policy Act (NEPA)

Whenever a species is listed as threatened, the ESA requires that we shall issue such regulations as we deem necessary and advisable to provide for its conservation. Accordingly, the promulgation of ESA section 4(d) protective regulations is subject to the requirements of NEPA, and we have prepared a final Environmental Assessment (EA) analyzing the 4(d) regulations and alternatives. The EA is available upon request (*see* **ADDRESSES**), via our Web site at *http://swr.nmfs.noaa.gov,* or via the Federal eRulemaking Web site at *http://www.regulations.gov.*

E.O. 13211—Energy Supply, Distribution, or Use

E.O. 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. According to E.O. 13211, "significant energy action" means any action by an agency that is expected to lead to the promulgation of a final rule or regulation that is a significant regulatory action under E.O. 12866 and is likely to have a significant adverse effect on the supply, distribution, or use of energy. NMFS has determined that this rule is not a significant energy action. First, this rule is not significant under E.O. 12866. Second, this rule would not be likely to result in significant adverse effects on the supply, distribution, or use of energy, because the spatial scope of this rule overlaps with areas where protections for ESA-listed salmonids are in effect and it is likely that the modifications required for ESA-listed salmonids are similar to those that would be required for the Southern DPS. Thus, no Statement of Energy Effects is required for this rule.

List of Subjects in 50 CFR Part 223

Endangered and threatened species, Exports, Imports, Transportation.

Dated: May 25, 2010.

Eric C. Schwaab,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

■ For the reasons set out in the preamble, 50 CFR part 223 is amended as follows:

PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

■ 1. The authority citation for part 223 continues to read as follows:

Authority: 16 U.S.C. 1531 1543; subpart B, § 223.201–202 also issued under 16 U.S.C. 1361 *et seq.;* 16 U.S.C. 5503(d) for § 223.206(d)(9).

■ 2. In subpart B of part 223, add § 223.210 to read as follows:

§ 223.210 North American green sturgeon.

(a) *Prohibitions.* The prohibitions of section 9(a)(1)(A) through 9(a)(1)(G) of the ESA (16 U.S.C. 1538) relating to endangered species apply to the threatened Southern Distinct Population Segment (DPS) of North American green sturgeon listed in § 223.102(c)(1).

(b) *Exceptions.* Exceptions to the take prohibitions described in section 9(a)(1)(B) and (C) of the ESA (16 U.S.C. 1538(a)(1)(B) and (C)) applied in paragraph (a) of this section to the threatened Southern DPS listed in section 223.102(c) are described in the following paragraphs (b)(1) through (b)(3).

(1) Scientific Research and Monitoring Exceptions. The prohibitions of paragraph (a) of this section relating to the threatened Southern DPS listed in § 223.102(c)(1) do not apply to ongoing or future Federal, state, or private-sponsored scientific research or monitoring activities if:

(i) The scientific research or monitoring activity complies with required state reviews or permits;

(ii) The research or monitoring activity is directed at the Southern DPS and is not incidental to research or monitoring of another species;

(iii) Take of live mature adults in the lower Feather River from the confluence with the Sacramento River to the Oroville Dam (rkm 116), the lower Yuba River from the confluence with the Feather River to the Daguerre Dam (rkm 19), or Suisun, San Pablo, and San Francisco Bays or the Sacramento-San Joaquin Delta from the Golden Gate Bridge up into the Sacramento River to Keswick Dam (rkm 483) occurs from July 1 through March 1 so as to substantially increase the likelihood that uninterrupted upstream spawning migrations of adults will occur;

(iv) Take is non-lethal;

(v) Take involving the removal of any life stage of the Southern DPS from the wild does not exceed 60 minutes;

(vi) Take does not involve artificial spawning or enhancement activities;

(vii) A description of the study objectives and justification, a summary of the study design and methodology, estimates of the total non-lethal take of Southern DPS fish anticipated, estimates of incidental take of other ESA listed species anticipated and proof that those takes have been authorized by NMFS or the USFWS, identification of funding sources, and a point of contact is reported to the NMFS Southwest Regional Office in Long Beach at least 60 days prior to the start of the study, or by August 31, 2010 for ongoing studies;

(viii) Reports that include the total number of Southern DPS and any other ESA listed species taken, information that supports that take was non-lethal, and a summary of the project results is submitted to the NMFS Southwest Regional Office in Long Beach on a schedule to be determined by NMFS; and

(ix) Research or monitoring that involves action, permitting, or funding by a Federal agency still complies with the requirements of ESA section 7(a)(2) in order to ensure that the action will not jeopardize the continued existence of the threatened Southern DPS.

(2) Enforcement Exception. The prohibitions of paragraph (a) of this section relating to the threatened Southern DPS listed in § 223.102(c)(1) do not apply to any employee of NMFS, when the employee, acting in the course of his or her official duties, takes the Southern DPS listed in § 223.102(c)(1) without a permit, if such action is necessary for purposes of enforcing the ESA or its implementing regulations.

(3) Emergency Fish Rescue and Salvage Exceptions. The prohibitions of paragraph (a) of this section relating to the threatened Southern DPS listed in § 223.102(c)(1) do not apply to emergency fish rescue and salvage activities that include aiding sick, injured, or stranded fish, disposing of dead fish, or salvaging dead fish for use in scientific studies, if:

(i) The activity complies with required state or other Federal reviews or permits;

(ii) The activity is conducted by an employee or designee of NMFS or the U.S. Fish and Wildlife Service (USFWS), any Federal land management agency, or California Department of Fish and Game, Oregon Department of Fish and Wildlife, Washington Department of Fish and Wildlife, or Alaska Department of Fish and Game;

(iii) The activity benefits the Southern DPS; and

(iv) Those carrying out the activity submit a report to the NMFS Southwest Regional Office in Long Beach that includes, at a minimum, the number and status of fish handled, the location of rescue and/or salvage operations, and the potential causes(s) of the emergency situation within 10 days after conducting the emergency rescue.

(4) Habitat Restoration Exceptions. The prohibitions of paragraph (a) of this section relating to the threatened Southern DPS listed in § 223.102(c)(1) do not apply to habitat restoration activities including barrier removal or modification to restore water flows, riverine or estuarine bed restoration, natural bank stabilization, restoration of native vegetation, removal of non-native species, or removal of contaminated sediments, that reestablish self-sustaining habitats for the Southern DPS, if:

(i) The activity complies with required state and Federal reviews and permits;

(ii) Those carrying out the activity submit a detailed description of the restoration activity to the NMFS Southwest Regional Office in Long Beach at least 60 days prior to the start of the restoration project, or, for ongoing studies, by August 31, 2010, which includes: the geographic area affected; when activities will occur; how they will be conducted; and the severity of direct, indirect, and cumulative impacts of activities on the Southern DPS; identification of funding sources; demonstration that all state and Federal regulatory requirements have been met; a description of methods used to ensure that the likelihood of survival or recovery of the listed species is not reduced; a plan for minimizing and mitigating any adverse impacts to Southern DPS spawning or rearing habitat; an estimate of the amount of incidental take of the listed species that may occur and a description of how that estimate was made; a plan for effective monitoring and adaptive management; a pledge to use best available science and technology when conducting restoration activities; and a point of contact;

(iii) Those carrying out the activity submit progress reports that include the total number of Southern DPS fish taken, information regarding whether the take was lethal or non-lethal, a summary of the status of the project, and any changes in the methods being used, to the NMFS Southwest Regional Office in Long Beach on a schedule to be determined by NMFS; and

(iv) An activity that involves action, permitting, or funding by a Federal agency complies with the requirements of ESA section 7(a)(2) in order to ensure that the action will not jeopardize the continued existence of the threatened Southern DPS.

(c) *Exemptions via ESA 4(d) Program Approval.* Exemptions from the take prohibitions described in section 9(a)(1)(B) and (C) of the ESA (16 U.S.C. 1538(a)(1)(B) and (C)) applied in paragraph (a) of this section to the threatened Southern DPS listed in § 223.102(c) are described in paragraphs (c)(1) through (c)(3) of this section.

(1) Scientific Research and Monitoring Exemptions. The prohibitions of paragraph (a) of this section relating to the threatened Southern DPS listed in § 223.102(c)(1) do not apply to ongoing or future state-sponsored scientific research or monitoring activities that are part of a NMFS-approved, ESA-compliant state 4(d) research program conducted by, or in coordination with, state fishery management agencies (California Department of Fish and Game, Oregon Department of Fish and Wildlife, Washington Department of Fish and Wildlife, or Alaska Department of Fish and Game), or as part of a monitoring and research program overseen by, or coordinated by, one of these agencies. State 4(d) research programs must meet the following criteria:

(i) Descriptions of the ongoing and future 4(d) research or monitoring activity, as described in paragraph (c)(1)(ii) of this section, must be received by the NMFS Southwest Regional Office in Long Beach during the mid-September through mid-October 2010 application period. This exception to the section 9 take prohibitions expires if the proposal is rejected as insufficient or is denied. If the state 4(d) research program package is received during the mid-September to mid-October application period, ongoing state-supported scientific research activities may continue until NMFS issues a written decision of approval or denial. If approved, the state 4(d) program authorization will cover one calendar year and state-supported researchers would have to renew authorizations annually during subsequent application periods.

(ii) Descriptions of ongoing and future state-supported research activities must include the following information and should be submitted to NMFS by the State: an estimate of total direct or incidental take; a description of the study design and methodology; a justification for take and the techniques employed; and a point of contact.

(iii) NMFS will provide written approval of a state 4(d) research program.

(iv) The State agency will provide an annual report to NMFS that, at a minimum, summarizes the number of Southern DPS green sturgeon taken directly or incidentally, and summarizes the results of the project.

(2) Fisheries Exemptions. The prohibitions of paragraph (a) of this section relating to the threatened Southern DPS listed in § 223.102(c)(1) do not apply to fisheries activities that are conducted in accordance with a NMFS-approved Fishery Management and Evaluation Plan (FMEP). If NMFS finds that an FMEP meets the criteria listed below, a letter of concurrence which sets forth the terms of the FMEP's implementation and the duties of the parties pursuant to the FMEP, will be issued to the applicant.

(i) An FMEP must prohibit retention of green sturgeon (*i.e.,* zero bag limit); set maximum incidental take levels, include restrictions to minimize incidental take of the green sturgeon (*e.g.,* temporal/spatial restrictions, size of fish, gear used); provide a biologically based rationale demonstrating that the incidental take management strategy will not significantly reduce the likelihood of survival or recovery of the Southern DPS; include effective monitoring and evaluation plans; provide for evaluating monitoring data and making revisions to the FMEP; provide for effective enforcement and education; provide a timeframe for FMEP implementation; and report the amount of incidental take and summarize the effectiveness of the FMEP to NMFS on a biannual basis.

(ii) The ESA section 9(a)(1)(B) and (a)(1)(C) take prohibitions will not apply to ongoing commercial and recreational fisheries activities until September 30, 2010 if a letter of intent to develop an FMEP that is protective of green sturgeon has been received by NMFS by July 2, 2010. The exemption will expire if the letter of intent is rejected without further review of a FMEP. If the letter of intent is received by August 31, 2010, a draft FMEP must be received by NMFS within 6 months from the date of receipt of the letter of intent. A final FMEP must be received by NMFS within 3 months from the date of receipt of NMFS' comments on the draft FMEP. Ongoing commercial and recreational fisheries activities may continue until NMFS issues a letter of concurrence or denial for final FMEPs.

(iii) NMFS will provide a public comment period (≥30 days) before approval of new or amended FMEPs; provide a letter of concurrence for

approved FMEPs that specifies the implementation and reporting requirements; evaluate FMEPs every 5 years and identify changes that would improve their effectiveness; and provide a public comment period (≥30 days) before withdrawing approval of an FMEP.

(3) Tribal Exemptions. The prohibitions of paragraph (a) of this section relating to the threatened Southern DPS listed in § 223.102(c)(1) do not apply to fishery harvest or other activities undertaken by a tribe, tribal member, tribal permittee, tribal employee, or tribal agent in Willapa Bay, WA, Grays Harbor, WA, Coos Bay, OR, Winchester Bay, OR, Humboldt Bay, CA, and any other area where tribal treaty fishing occurs, if those activities are compliant with a tribal resource management plan (Tribal Plan), provided that the Secretary determines that implementation of such Tribal Plan will not appreciably reduce the likelihood of survival and recovery of the Southern DPS. In making that determination the Secretary shall use the best available biological data (including any tribal data and analysis) to determine the Tribal Plan's impact on the biological requirements of the species, and will assess the effect of the Tribal Plan on survival and recovery, consistent with legally enforceable tribal rights and with the Secretary's trust responsibilities to tribes.

(i) A Tribal Plan may include, but is not limited to, plans that address fishery harvest, artificial production, research, or water or land management, and may be developed by one tribe or jointly with other tribes. The Secretary will consult on a government-to-government basis with any tribe that so requests and will provide, to the maximum extent practicable, technical assistance in examining impacts on the Southern DPS as tribes develop Tribal Plans. A Tribal Plan must specify the procedures by which the tribe will enforce its provisions.

(ii) Where there exists a Federal court proceeding with continuing jurisdiction over the subject matter of a Tribal Plan, the plan may be developed and implemented within the ongoing Federal Court proceeding. In such circumstances, compliance with the Tribal Plan's terms shall be determined within that Federal Court proceeding.

(iii) The Secretary shall seek comment from the public on the Secretary's pending determination whether implementation of a Tribal Plan will appreciably reduce the likelihood of survival and recovery of the listed Southern DPS.

(iv) The Secretary shall publish notification in the **Federal Register** of any determination regarding a Tribal Plan and the basis for that determination.

(d) The exceptions of section 10 of the ESA (16 U.S.C. 1539) and other exceptions under the ESA relating to endangered species, including regulations in part 222 of this chapter II implementing such exceptions, also apply to the threatened Southern DPS of North American green sturgeon listed in § 223.102(c)(1). Federal, state, and private-sponsored research activities for scientific research or enhancement purposes that are not covered under Scientific Research and Monitoring Exceptions as described in paragraph (b)(1) of this section or Scientific Research and Monitoring Exemptions as described in paragraph (c)(1) of this section, may take Southern DPS fish pursuant to the specifications of an ESA section 10 permit. Section 9(a)(1)(B) and (a)(1)(C) take prohibitions would not apply to ongoing research activities if an application for an ESA section 10(a)(1)(A) permit is received by NMFS, preferably through the NMFS online application Web site *https://apps.nmfs.noaa.gov,* no later than November 29, 2010. The take prohibitions would take effect if the permit application is rejected as insufficient or a permit is denied. If the permit application is received by November 29, 2010, ongoing research activities may continue without take prohibitions until NMFS issues or denies a permit.

(e) *Affirmative Defense.* In connection with any action alleging a violation of the prohibitions of paragraph (a) of this section with respect to the threatened Southern DPS of North American green sturgeon listed in § 223.102(c)(1), any person claiming that his or her take is authorized via methods listed in paragraph (b) of this section shall have a defense where the person can demonstrate that the take authorization is applicable and was in force, and that the person fully complied with the take authorization requirements at the time of the alleged violation. This defense is an affirmative defense that must be raised, pleaded, and proven by the proponent. If proven, this defense will be an absolute defense to liability under section 9(a)(1)(G) of the ESA with respect to the alleged violation.

[FR Doc. 2010–13233 Filed 6–1–10; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

RIN 0648–XW54

Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Fisheries

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; inseason General category retention limit adjustment.

SUMMARY: NMFS has determined that the Atlantic tunas General category daily Atlantic bluefin tuna (BFT) retention limit should be adjusted for the June through August 2010 time period, based on consideration of the regulatory determination criteria regarding inseason adjustments. This action applies to Atlantic tunas General category permitted vessels and Highly Migratory Species Charter/Headboat category permitted vessels (when fishing commercially for BFT).

DATES: Effective June 1, 2010, through August 31, 2010.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin or Brad McHale, 978–281–9260.

SUPPLEMENTARY INFORMATION: Regulations implemented under the authority of the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act; 16 U.S.C. 1801 *et seq.*) governing the harvest of BFT by persons and vessels subject to U.S. jurisdiction are found at 50 CFR part 635. Section 635.27 subdivides the U.S. BFT quota recommended by the International Commission for the Conservation of Atlantic Tunas (ICCAT) among the various domestic fishing categories, per the allocations established in the 2006 Consolidated Highly Migratory Species Fishery Management Plan (2006 Consolidated HMS FMP) (71 FR 58058, October 2, 2006).

The 2010 BFT fishing year, which is managed on a calendar-year basis and subject to an annual calendar year quota, began January 1, 2010. The General category season, which was open for the month of January 2010, resumes on June 1, 2010, and continues through December 31, 2010. Starting on June 1, the General category daily retention limit (§ 635.23(a)(2)), is

scheduled to revert back to the default retention limit of one large medium or giant BFT (measuring 73 inches (185 cm) CFL) or greater per vessel per day/trip. This default retention limit applies to General category permitted vessels and HMS Charter/Headboat category permitted vessels (when fishing commercially for BFT).

Each of the General category time periods (January, June-August, September, October-November, and December) is allocated a portion of the annual General category quota, thereby ensuring extended fishing opportunities in years when catch rates are high and quota is available. For the 2009 fishing year, NMFS adjusted the General category limit from the default level of one large medium or giant BFT as follows: two large medium or giant BFT for January, and three large medium or giant BFT for June through December (73 FR 76972, December 18, 2008; 74 FR 26110, June 1, 2009; and 74 FR 44296, August 28, 2009). NMFS adjusted the January 2010 limit to two large medium or giant BFT (74 FR 68709, December 29, 2009).

The 2008 ICCAT recommendation regarding Western BFT management resulted in a U.S. quota of 1,034.9 mt for 2009, and 977.4 mt for 2010. Consistent with the allocation scheme established in the Consolidated HMS FMP, the baseline General category share was 475.7 mt for 2009, and is 448.6 mt for 2010. The baseline June-August General category subquota was 237.8 mt for 2009, and is 224.3 mt for 2010.

In order to implement the ICCAT recommendation for the 2010 fishing year, NMFS has proposed quota specifications to set BFT quotas for each of the established domestic fishing categories and expects to publish the final specifications by early June 2010. The proposed June-August 2010 subquota is 269.4 mt.

Adjustment of General Category Daily Retention Limits

Under § 635.23(a)(4), NMFS may increase or decrease the daily retention limit of large medium and giant BFT over a range of zero to a maximum of three per vessel based on consideration of the criteria provided under § 635.27(a)(8), which include: the usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock; the catches of the particular category quota to date and the likelihood of closure of that segment of the fishery if no adjustment is made; the projected ability of the vessels fishing under the particular category quota to harvest the additional amount of BFT before the end of the fishing year; the estimated amounts by which quotas for other gear categories of the fishery might be exceeded; effects of the adjustment on BFT rebuilding and overfishing; effects of the adjustment on accomplishing the objectives of the fishery management plan; variations in seasonal distribution, abundance, or migration patterns of BFT; effects of catch rates in one area precluding vessels in another area from having a reasonable opportunity to harvest a portion of the category's quota; and a review of dealer reports, daily landing trends, and the availability of the BFT on the fishing grounds.

NMFS has considered the set of criteria cited above and their applicability to the General category BFT retention limit for the June-August 2010 General category fishery. Based on General category landings rates during the June through August time-period over the last several years, it is highly unlikely that the June through August subquota will be filled with the default daily retention limit of one BFT per vessel. For example, under the three-fish limit that applied in June-August 2009, June-August landings were 54 mt out of an available 311.5 mt. In addition to the adjusted June-August 2010 subquota of 269.4 mt, 25.9 mt of the adjusted January 2010 subquota was unused and automatically rolls forward to the June-August 2010 subquota, per § 635.27(a)(1)(ii), resulting in an available quota of 295.3 mt for the June-August 2010 period. Slow catch rates early in the season could result in unused quota being added to the later portion of the General category season. Increasing the daily retention limit from the default may mitigate rolling an excessive amount of unused quota from one time-period subquota to the next. Excessive rollover is undesirable because it effectively changes the time-period subquota allocation percentages established in the 2006 Consolidated HMS FMP.

Based on considerations of the available quota, fishery performance in recent years, and the availability of BFT on the fishing grounds, NMFS has determined that the General category retention limit should be adjusted to allow for retention of the anticipated 2010 General category quota, and that the same approach used for June-August 2009 is warranted. Therefore, NMFS increases the General category retention limit from the default limit of one large medium or giant BFT to three large medium or giant BFT per vessel per day/trip, effective June 1, 2010, through August 31, 2010. Regardless of the duration of a fishing trip, the daily retention limit applies upon landing. For example, whether a vessel fishing under the General category limit takes a two-day trip or makes two trips in one day, the daily limit of three fish may not be exceeded upon landing. This General category retention limit is effective in all areas, except for the Gulf of Mexico, and applies to those vessels permitted in the General category as well as to those HMS Charter/Headboat permitted vessels fishing commercially for BFT.

This adjustment is intended to provide a reasonable opportunity to harvest the U.S. quota of BFT without exceeding it, while maintaining an equitable distribution of fishing opportunities; to help achieve optimum yield in the General category BFT fishery; to collect a broad range of data for stock monitoring purposes; and to be consistent with the objectives of the Consolidated HMS FMP.

Monitoring and Reporting

NMFS selected the daily retention limit for June-August 2010 after examining an array of data as it pertains to the determination criteria. These data included, but were not limited to, current and previous catch and effort rates in the BFT fisheries, quota availability, previous public comments on inseason management measures, stock status, etc. NMFS will continue to monitor the BFT fishery closely through the mandatory dealer landing reports, which NMFS requires to be submitted within 24 hours of a dealer receiving BFT. Depending on the level of fishing effort and catch rates of BFT, NMFS may determine that additional retention limit adjustments are necessary to ensure available quota is not exceeded or to enhance scientific data collection from, and fishing opportunities in, all geographic areas.

Closures or subsequent adjustments to the daily retention limits, if any, will be published in the **Federal Register**. In addition, fishermen may call the Atlantic Tunas Information Line at (888) 872–8862 or (978) 281–9260, or access *www.hmspermits.gov*, for updates on quota monitoring and retention limit adjustments.

Classification

The Assistant Administrator for NMFS (AA) finds that it is impracticable and contrary to the public interest to provide prior notice of, and an opportunity for public comment on, this action for the following reasons:

The regulations implementing the Consolidated HMS FMP provide for inseason retention limit adjustments to respond to the unpredictable nature of BFT availability on the fishing grounds,

the migratory nature of this species, and the regional variations in the BFT fishery. Under § 635.23(a)(4), NMFS may increase or decrease the daily retention limit of large medium and giant BFT over a range of zero to a maximum of three per vessel based on consideration of the criteria provided under § 635.27(a)(8), which include: the usefulness of information obtained from catches in the particular category for biological sampling and monitoring of the status of the stock; the catches of the particular category quota to date and the likelihood of closure of that segment of the fishery if no adjustment is made; the projected ability of the vessels fishing under the particular category quota to harvest the additional amount of BFT before the end of the fishing year; the estimated amounts by which quotas for other gear categories of the fishery might be exceeded; effects of the adjustment on BFT rebuilding and overfishing; effects of the adjustment on accomplishing the objectives of the fishery management plan; variations in seasonal distribution, abundance, or migration patterns of BFT; effects of catch rates in one area precluding vessels in another area from having a reasonable opportunity to harvest a portion of the category's quota; and a review of dealer reports, daily landing trends, and the availability of the BFT on the fishing grounds.

Affording prior notice and opportunity for public comment to implement these retention limits is impracticable as it would preclude NMFS from acting promptly to allow harvest of BFT that are available on the fishing grounds. Analysis of available data shows that the General category BFT retention limits may be increased with minimal risks of exceeding the ICCAT-allocated quota.

Delays in increasing these retention limits would adversely affect those General and Charter/Headboat category vessels that would otherwise have an opportunity to harvest more than the default retention limit of one BFT per day and may exacerbate the problem of low catch rates and quota rollovers. Limited opportunities to harvest the respective quotas may have negative social and economic impacts for U.S. fishermen who depend upon catching the available quota within the time periods designated in the Consolidated HMS FMP. Adjustment of the retention limit needs to be effective June 1, 2010, to minimize any unnecessary disruption in fishing patterns and for the impacted sectors to benefit from the adjustments so as to not preclude fishing opportunities for fishermen who have access to the fishery only during this time period.

Therefore, the AA finds good cause under 5 U.S.C. 553(b)(B) to waive prior notice and the opportunity for public comment. For all of the above reasons, and because this action relieves a restriction (i.e., the default General category retention limit is one fish per vessel/trip whereas this action increases that limit and allows retention of additional fish), there is also good cause under 5 U.S.C. 553(d) to waive the 30–day delay in effectiveness.

This action is being taken under 50 CFR 635.23(a)(4) and (b)(3), and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 971 *et seq.* and 1801 *et seq.*

Dated: May 26, 2010.

Emily H. Menashes,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2010–13204 Filed 5–27–10; 4:15 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 635

[Docket No. 100317152–0176–01]

RIN 0648–AY77

Atlantic Highly Migratory Species; 2010 Atlantic Bluefin Tuna Quota Specifications

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS is establishing Atlantic bluefin tuna (BFT) quota specifications for 2010. This action is necessary to implement recommendations of the International Commission for the Conservation of Atlantic Tunas (ICCAT), as required by the Atlantic Tunas Convention Act (ATCA), and to achieve domestic management objectives under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

DATES: Effective July 2, 2010.

ADDRESSES: Supporting documents, including the Supplemental Environmental Assessment, Regulatory Impact Review, and Final Regulatory Flexibility Analysis, are available from Sarah McLaughlin, Highly Migratory Species (HMS) Management Division, Office of Sustainable Fisheries (F/SF1), NMFS, 55 Great Republic Drive, Gloucester, MA 01930. These documents are also available from the HMS Management Division website at *http://www.nmfs.noaa.gov/sfa/hms/* or at the Federal e-Rulemaking Portal: *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Sarah McLaughlin, 978–281–9260.

SUPPLEMENTARY INFORMATION: Atlantic tunas are managed under the dual authority of the Magnuson-Stevens Act and ATCA. ATCA authorizes the Secretary of Commerce (Secretary) to promulgate regulations, as may be necessary and appropriate, to implement ICCAT recommendations. The authority to issue regulations under the Magnuson-Stevens Act and ATCA has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA (AA).

Background

Background information about the need for the 2010 BFT quota specifications was provided in the preamble to the proposed rule (74 FR 63095, December 2, 2009), and is not repeated here.

Changes from the Proposed Rule

Consistent with NMFS' implementation of the 2009 BFT Quota Specifications, NMFS establishes the 2010 U.S. baseline quota at the ICCAT-recommended level and carries over the full amount of available BFT underharvest allowed by ICCAT from 2009 to 2010, and distributes that underharvest to: (1) provide the Longline category sufficient quota to operate during 2010 after the required accounting for BFT dead discards; (2) maintain up to 15 percent of the 2010 U.S. quota in Reserve for potential transfer to other ICCAT contracting parties and other domestic management objectives, if warranted; and (3) provide the non-Longline quota categories a share of the remainder of the underharvest consistent with the allocation scheme established in the 2006 Consolidated Atlantic Highly Migratory Species Fishery Management Plan (Consolidated HMS FMP).

When NMFS prepared the proposed rule, landings information was incomplete, and NMFS anticipated the full amount of 2009 underharvest allowed under the 2008 ICCAT recommendation for the western Atlantic bluefin tuna stock (ICCAT Recommendation 08–04), i.e., 50 percent of the U.S. quota, or 488.7 mt, would be available and carried forward to 2010. NMFS indicated that

adjustments to the quota specifications based on actual underharvest would be made in the final rule. Complete information on 2009 landings is now available, and it indicates a total 2009 underharvest of 388.6 mt. Thus, in this final action, NMFS carries forward 388.6 mt of 2009 underharvest to 2010, for a total adjusted 2010 BFT quota of 1,168.2 mt.

Consistent with the proposed rule, NMFS is applying 170.7 mt of the total underharvest to the pelagic longline fishery in anticipation of both landings and projected discards. This is intended to allow the fishery to operate for the entire 2010 fishing year, i.e., to avoid potential closure of the pelagic longline fishery prior to the end of the year while the fleet is conducting directed operations for swordfish and other Atlantic tunas. NMFS is placing 46.5 mt of 2009 underharvest in the Reserve and is distributing the remainder of the quota carryover (171.4 mt) to the Angling, General, Harpoon, Purse Seine, and Trap categories, consistent with the allocation percentage shares in the Consolidated HMS FMP. The amount NMFS is placing in the Reserve is 100.1 mt less than was proposed. This change allows NMFS to maintain the proposed amounts of underharvest to be allocated to the Longline fishery and to the directed fishing categories for 2010, as well as their respective adjusted quotas. Because the Reserve is not a specific fishing category, but rather serves as a pool from which NMFS may allocate quota for inseason or annual adjustments to any category quota in the BFT fishery, the smaller amount of Reserve in this final rule would have no direct impact on any particular fishing category.

As described in the Comments and Responses section below, following requests for information regarding the start date of the Harpoon category fishery, NMFS clarifies in the regulatory text of this action the dates on which the Harpoon category commences and the Purse Seine fishery closes, consistent with existing NMFS guidance and publications, including the Consolidated HMS FMP.

2010 Final Quota Specifications

In accordance with ICCAT Recommendation 08–04, the Consolidated HMS FMP percentage shares for each of the domestic categories, and regulations regarding annual adjustments at § 635.27(a)(10), NMFS establishes final 2010 quota specifications as follows (as shown in the table below): General category - 538.9 mt; Harpoon category - 44.6 mt; Purse Seine category - 212.8 mt; Angling category - 225.4 mt; Longline category - 75 mt; and Trap category - 1.1 mt. A total of 70.3 mt (46.5 mt of 2009 underharvest plus the Consolidated HMS FMP quota share of 23.8 mt) would be allocated to the Reserve category for inseason adjustments, scientific research collection, potential overharvest in any category except the Purse Seine category, and potential quota transfers.

The General category quota of 538.9 mt is subdivided as follows: 28.6 mt for the period beginning January 1, 2010, and ending January 31, 2010; 269.4 mt for the period beginning June 1, 2010, and ending August 31, 2010; 142.8 mt for the period beginning September 1, 2010, and ending September 30, 2010; 70.1 mt for the period beginning October 1, 2010, and ending November 30, 2010; and 28 mt for the period beginning December 1, 2010, and ending December 31, 2010.

The Angling category quota of 225.4 mt is subdivided as follows: School BFT - 97.7 mt, with 37.6 mt to the northern area (north of 39°18' N. latitude), 42.1 mt to the southern area (south of 39°18' N. latitude), plus 18.1 mt held in reserve; large school/small medium BFT - 122.5 mt, with 57.8 mt to the northern area and 64.7 mt to the southern area; and large medium/giant BFT - 5.2 mt, with 1.7 mt to the northern area and 3.5 mt to the southern area.

The 25–mt Northeast Distant gear restricted area (NED) set-aside quota is in addition to the overall incidental longline quota, to be subdivided in accordance with the North/South allocation percentages (i.e., no more than 60 percent to the south of 31° N. latitude). NMFS accounts for landings under the 25–mt NED allocation separately from other Longline category landings. Thus, the Longline category quota of 75 mt is subdivided as follows: 30 mt to pelagic longline vessels landing BFT north of 31° N. latitude, and 45 mt to pelagic longline vessels landing BFT south of 31° N. latitude.

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Table 1. Atlantic Bluefin Tuna Final Quota Specifications (in metric tons) for the 2010 Fishing Year (January 1-December 31, 2010)

Category (% share of baseline quota)	Baseline Allocation	Dead Discard Deduction	Adjustment to Baseline Quota[1]	Final 2010 Fishing Year Quota
Angling (19.7)	187.6 SUBQUOTAS: School 97.7 Reserve 18.1 North 37.6 South 42.1 Lg. Sch/Sm. Med 85.6 North 40.4 South 45.2 Trophy 4.3 North 1.4 South 2.9		37.8	225.4 SUBQUOTAS: School 97.7 Reserve 18.1 North 37.6 South 42.1 Lg. Sch/Sm. Med 122.5 North 57.8 South 64.7 Trophy 5.2 North 1.7 South 3.5
General (47.1)	Total: 448.6 SUBQUOTAS: Jan 23.8 Jun-Aug 224.3 Sept 118.9 Oct-Nov 58.3 Dec 23.3		90.3	538.9 SUBQUOTAS: Jan 28.6 Jun-Aug 269.4 Sept 142.8 Oct-Nov 70.1 Dec 28.0
Harpoon (3.9)	37.1		7.5	44.6
Purse Seine (18.6)	177.2		35.6	212.8
Longline (8.1)	77.1 SUBQUOTAS: North (-NED) 30.9 NED 25.0[3] South 46.2	-172.8	170.7[2]	75.0 SUBQUOTAS: North (-NED) 30.0 NED 25.0[3] South 45.0
Trap (0.1)	1.0		0.2	1.1
Reserve (2.5)	23.8		46.5[4]	70.3
Total (100)[5]	**952.4**	**-172.8**	**388.6**	**1,168.2**

(1) The distribution of 388.6 mt of underharvest (per ICCAT recommendation) to the quota categories is consistent with FMP allocations, after considerations as calculated below for the Longline category and the Reserve.
(2) Adjustment to Longline category quota is intended to provide sufficient quota for the 2010 fishing year. Longline category quota=77.1-172.8+170.7=75 mt. Dead discard deduction consistent with § 635.27(a)(10).
(3) 25 mt to account for bycatch of BFT in pelagic longline fisheries in the NED. Not included in total baseline allocation, which is allocated according to the category percentages contained in the Consolidated HMS FMP.
(4) Allocation of 46.5 mt to the Reserve for potential ICCAT transfer and other domestic management objectives.
(5) Totals are subject to rounding error.

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Comments and Responses

Below, NMFS summarizes and responds to all comments made specifically on the proposed quota specifications. In addition, NMFS received comments on issues that were not considered part of this rulemaking, as described below.

A. BFT Quotas

Comment 1: A few commenters support a total closure of the BFT fishery, or substantial cuts to the U.S. BFT quota, and stricter domestic management measures for the sustainability of the stock. One stated that the BFT stock is a natural resource belonging to all, not only those who profit from its use.

Response: These specifications are promulgated in accordance with ICCAT Recommendation 08–04, domestic legislation, such as the Magnuson-Stevens Act, ATCA, and their implementing regulations, and the Consolidated HMS FMP. In Recommendation 08–04, ICCAT adopted a western Atlantic BFT Total Allowable Catch (TAC) of 1,800 mt for the U.S. fisheries for 2010, based on scientific advice and projections that, at these harvest levels, the stock would rebuild by the end of the rebuilding period under the low recruitment scenario. NMFS is required under the Magnuson-Stevens Act to provide U.S. fishing vessels with a reasonable opportunity to harvest the ICCAT-recommended quota. Further, no regulation promulgated under ATCA may have the effect of increasing or decreasing any allocation or quota of fish to which the United States agreed pursuant to an ICCAT recommendation. NMFS allocates the U.S. quota to ensure that available fishing opportunities are distributed over as wide a range as possible with regard to time of year, geographic area, and type of participation while maintaining consistency with measures taken to rebuild the BFT fishery.

Comment 2: One commenter is concerned that the fishery for BFT measuring less than 73 inches is insufficiently regulated and monitored. The commenter suggested that NMFS enforce a hard Angling category quota, or stop the recreational BFT fishery on September 1, to prevent Angling category quota excesses.

Response: To monitor the recreational BFT fishery, NMFS depends primarily on the Large Pelagics Survey (LPS) for landings estimation, and uses information from catch card reporting in North Carolina and Maryland as well as the Automated Landings Reporting System to verify or supplement landings estimates. The LPS is specifically designed to collect information on recreational fishing directed at large pelagic species, including tunas. This specialized survey allows for higher levels of sampling of fishing trips targeting BFT and other HMS, which ultimately improves estimates of total catch and effort. NMFS considers the BFT estimates produced by the LPS, in combination with the landings reports collected via the other programs described above, to constitute the best information available with regard to recreational BFT landings.

Although NMFS also may adjust recreational effort controls inseason based on the best information available, landings data generally are not available until the end of the calendar year. Using the data sets above along with retrospective analysis, NMFS is able to estimate approximate landings following the end of the year, and make adjustments to recreational daily retention limits for the upcoming year to maintain overall landings within the ICCAT-recommended quotas.

Comment 3: A representative from a commercial handgear organization states that the General category BFT allocation scheme, which allocates 89.5 percent of the General category quota to the summer and fall fishery, which traditionally take place in New England, is inequitable and violates National Standard 4 of the Magnuson-Stevens Act (i.e., it discriminates against residents of different states). The industry group seeks reallocation generally, and requests that NMFS allocate quota from the 2010 adjusted Reserve to the January and December 2010 subquotas.

Response: The current General category quota allocation scheme was established in the 2006 Consolidated HMS FMP. During the development of the previous HMS FMP, in 1999, the emergence of a General category BFT fishery in the southern Atlantic region was extensively discussed by the HMS Advisory Panel (AP) and the public. At the time, the majority of General category fishing activity took place in the summer and fall off the New England and Mid-Atlantic coasts. However, the HMS AP did not agree on how the HMS FMP should address the scope of a southern area late season General category BFT fishery. In the early 2000s, NMFS performed a number of inseason quota transfers of BFT, consistent with the transfer criteria established in the 1999 HMS FMP, which allowed the General category BFT fishery to extend into the winter months (i.e., late November - December). In 2002, NMFS received a Petition for Rulemaking from the North Carolina Division of Marine Fisheries to formalize this winter fishery and extend fishing opportunities for the General category into January (67 FR 69502, November 18, 2002). On December 24, 2003, NMFS extended the General category end date from December 31 to January 31 (68 FR 74504) to address some of the concerns raised in the Petition, as well as to increase fishing opportunities and optimum yield for the fishery overall. In 2006, NMFS modified the General category time period subquotas to allow for a formalized winter fishery via the Consolidated HMS FMP (71 FR 58058, October 2, 2006). These subquotas remain in effect.

However, in November 2009, NMFS published a proposed rule that, if finalized, could, among other things, allow the General category season to remain open past January 31 until the entire subquota is utilized (74 FR 57128, November 4, 2009). This proposed action was initiated with the intent to more thoroughly utilize available U.S. BFT quota and, in particular, extend fishing opportunities beyond the end of January, if quota is still available. The comment period for this proposed rule was extended through March 31, 2010.

Comment 4: A representative from a commercial handgear organization objects to the allocation of underharvest carried forward from 2009 to the Longline category, and would prefer allocation of this underharvest to the directed fishing categories that use live-release methods and do not result in discards.

Response: NMFS is applying 170.7 mt of the 2009 underharvest to the Longline category quota to provide the Longline category sufficient quota to operate during the entire 2010 fishing year, after the required accounting for BFT dead discards. The regulations regarding determination criteria and annual adjustment of the BFT quota at §§ 635.27(a)(8) and 635.27(a)(10) allow NMFS to transfer quotas among categories based on several criteria (such as a review of landing trends, the projected ability of the vessels fishing under a particular category quota to harvest the additional amount of BFT before the end of the fishing year, the estimated amounts by which quotas for other categories might be exceeded, the effects of the adjustment on accomplishing the objectives of the fishery management plan, etc.). These regulations provide NMFS the flexibility to apply the underharvest to the overall quota for the following fishing year, and distribute the underharvest as needed, provided that the total of the adjusted

category quotas and the Reserve is consistent with the ICCAT recommendation.

Distribution of the available underharvest solely to the directed fishing categories potentially could result in a closure of the pelagic longline fishery prior to the end of the year, while the longline fleet is conducting directed operations for swordfish and other Atlantic tunas. NMFS acknowledges that high landings and discards are a growing issue for the pelagic longline fleet given the limited quota for incidental retention of BFT, and continues to work with stakeholders and the HMS AP to more fully understand the scope of the problem and possible solutions.

Comment 5: A BFT dealer asks if NMFS can transfer quota from the Purse Seine category, which has not made full use of its quota in recent years, to the Longline category for 2010.

Response: As described in the response to Comment 4, NMFS may conduct annual adjustments or year-end quota transfers among any of the categories based on the determination criteria listed in the BFT quota regulations.

Comment 6: A representative of the longline industry opposes the BFT longline dead discard methodology in place since the 2006 ICCAT Annual Meeting, and is concerned about the potential for BFT quota shortages in the near term, combined with potential increased longline interactions with BFT as the stock recovers.

Response: The United States applies the ICCAT Standing Committee on Research and Statistics (SCRS) approved methodology to calculate dead discards. The United States must report dead discard estimates to ICCAT annually, and account for this mortality as part of the domestic specification calculation process. Changes to the approved method would require consideration and approval by the SCRS prior to U.S. implementation. As described in the response to Comment 4, NMFS will continue to seek solutions to the issue of BFT bycatch in the pelagic longline fishery.

Comment 7: A commercial handgear fisherman requests that NMFS manage the BFT fishery based on what the science shows to be available to the U.S fishery, i.e., allow greater access to small medium BFT, because they have moved to grounds off New England.

Response: The current quota allocation scheme and minimum sizes are as established in the 2006 Consolidated HMS FMP. Increased availability of small medium BFT (measuring 59 to less than 73 inches) has presented increased fishing opportunities for recreational fishery participants at this time. However, there is little certainty that this availability will continue for the long-term. Furthermore, changes to the commercial minimum size need to be carefully considered in the context of impacts to the stock and rebuilding program, as well as the socio-economic impacts for the commercial and recreational BFT fisheries. In addition, because the United States landed its 2009 base quota, and because ICCAT Recommendation 08–04 limits the amount of quota that can be carried forward to 10 percent starting in 2011, providing additional access to small medium BFT potentially could result in U.S. overharvest and U.S. non-compliance with the ICCAT Recommendation.

B. Other Issues

1) Extension of the General and Harpoon Category Seasons

Some of the Gloucester public hearing participants sought clarification of the Harpoon category fishery start date, and some requested that NMFS allow General and Harpoon category fishing to commence May 1 rather than June 1, particularly given recent underharvests of those categories.

2) ICCAT Negotiations

A few industry representatives request that the U.S. delegation to ICCAT renegotiate the amount that western Atlantic ICCAT contracting parties may carry forward to the next year (from 10 percent to at least 25 percent), as U.S. landings are variable from year to year and may increase as a result of eastern Atlantic and Mediterranean TAC reductions and mixing.

Response to Comments on Other Issues: The suggestions listed above are beyond the scope of the rulemaking and NEPA analysis for this action. However, in the regulatory text of this action, NMFS clarifies that the Harpoon category fishery commences June 1 each year. NMFS also clarifies that the Purse Seine fishery closes on December 31 of each year. This information has been presented in numerous HMS documents, including the Consolidated HMS FMP, the annual Commercial Compliance Guides, and the annual Atlantic Tunas Regulations brochures, but addressing it in the regulatory text will provide needed clarity within the fishery that is the subject of this rule.

In considering any change to the ICCAT recommendation on allowed carryforward of underharvest, NMFS must consider carefully the potential effects on the stock rebuilding, particularly when they result in potential total catches that are greater than the scientifically recommended TAC.

Classification

NMFS publishes this final rule under the authority of the Magnuson-Stevens Act and ATCA. The Assistant Administrator for Fisheries (AA) has determined that the regulations contained in this final rule are necessary to implement the recommendations of ICCAT, and to manage the domestic Atlantic HMS fisheries, and are consistent with the Magnuson-Stevens Act and its National Standards.

This final rule been determined to be not significant for purposes of Executive Order 12866.

In compliance with Section 604 of the Regulatory Flexibility Act (RFA), a Final Regulatory Flexibility Analysis (FRFA) was prepared for this rule. The FRFA revises the Initial Regulatory Flexibility Analysis (IRFA), and analyzes the anticipated economic impacts of the preferred actions and any significant alternatives that could minimize economic impacts on small entities. Each of the statutory requirements of Section 604 of the RFA has been addressed and a summary of the FRFA is below. The full FRFA and analysis of economic and ecological impacts are available from NMFS (see ADDRESSES).

Section 604(a)(1) of the RFA requires the Agency to state the objective of and need for the rule. The objective of this rule is to establish 2010 BFT quotas. This action is needed specifically to implement the 2008 ICCAT BFT recommendation for 2010. The action is also necessary and appropriate pursuant to ATCA, and to achieve domestic management objectives under the Magnuson-Stevens Act, including rebuilding stocks and ending overfishing. Because BFT quotas and allocations are codified in the HMS regulations at § 635.27, a regulatory amendment is required to modify the baseline U.S. quota from 1,009.9 mt (recommended for 2009) to 952.4 mt (recommended for 2010), and the allocations (in mt) to the General, Angling, Harpoon, Purse Seine, Longline, Trap, and Reserve categories, per the percentage allocation shares set forth in the Consolidated HMS FMP.

Section 604(a)(2) of the RFA requires the Agency to summarize significant issues raised by public comments in response to the IRFA, a summary of the Agency's assessment of such issues, and a statement of any changes made as a result of the comments. NMFS did not

receive any comments specifically on the IRFA.

Section 604(a)(3) of the RFA requires the Agency to describe and provide an estimate of the number of small entities to which the rule will apply. The final action could directly affect the approximately 34,000 vessels that held a 2009 Atlantic HMS Charter/Headboat, Atlantic HMS Angling, or an Atlantic tunas permit and will hold one again in 2010. These permitted vessels consist of commercial, recreational, and charter vessels as well as headboats. Of these, 8,318 permit holders (the combined number of commercial category permit holders, including charter/headboat vessels) are considered small business entities according to the Small Business Administration's standard for defining a small entity.

Section 604(a)(4) of the RFA requires the Agency to describe the projected reporting, recordkeeping, and other compliance requirements of the final rule, including an estimate of the classes of small entities which would be subject to the requirements of the report or record. None of the alternatives considered for this final rule would result in additional reporting, recordkeeping, and compliance requirements.

Section 604(a)(5) of the RFA requires the Agency to describe the steps taken to minimize the significant economic impact on small entities consistent with the stated objectives of applicable statutes. Additionally, section 603(c)(1)-(4) of the RFA lists four general categories of "significant" alternatives that would assist an agency in the development of alternatives. These categories of alternatives are: (1) establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) use of performance rather than design standards; and (4) exemptions from coverage of the rule for small entities.

In order to meet the objectives of this final rule, consistent with the Magnuson-Stevens Act, NMFS cannot exempt small entities or change the reporting requirements only for small entities, because all of the affected businesses (commercial vessel permit holders) are considered small entities. Thus, there are no alternatives discussed that fall under the first and fourth categories described above. In addition, none of the alternatives considered would result in an increase or decrease of reporting requirements for small entities (category two above). NMFS does not know of any performance or design standards that would satisfy the aforementioned objectives of this rulemaking, while concurrently complying with the Magnuson-Stevens Act.

As described below, NMFS analyzed two alternatives in this final rulemaking and justified its selection of the preferred alternative to achieve the desired objective. Specifically, NMFS analyzed a no-action alternative, and a preferred alternative that would implement the 2008 ICCAT recommendation.

NMFS has estimated the average impact that the preferred alternative to establish the 2010 BFT quota for all domestic fishing categories would have on individual permit categories and the vessels within those categories. As mentioned above, the 2008 ICCAT recommendation reduces the U.S. BFT quota for 2010 to 977.4 mt. This quota allocation includes 25 mt to account for incidental catch of BFT related to directed longline fisheries in the NED. This action would distribute the adjusted (baseline) quota of 952.4 mt to the domestic fishing categories based on the allocation percentages established in the Consolidated HMS FMP.

In 2009, the annual gross revenues from the commercial BFT fishery were approximately $6.9 million. As described above, 8,318 vessels are permitted to land and sell BFT under four commercial BFT quota categories (including charter/headboat vessels). The commercial categories and their 2009 gross revenues are General ($5,040,772), Harpoon ($498,877), Purse Seine ($149,934), and Longline ($1,247,600). The FRFA assumes that each vessel within a category would have similar catch and gross revenues, to show the relative impact of the proposed action on vessels.

In its analysis of alternatives, NMFS found that implementation of the preferred alternative would be in accordance with the Consolidated HMS FMP and consistent with ATCA, under which the United States is obligated to implement ICCAT-approved quota recommendations as necessary and appropriate. The preferred alternative would implement this quota, and have slightly positive impacts for fishermen in the long-run as the stock rebuilds. The no-action alternative would keep the quota at the 2009 levels (approximately 58 mt more), and would be inconsistent with the purpose and need for this action as well as the Consolidated HMS FMP. It would retain economic impacts to the United States and to local economies at a distribution and scale similar to 2009, or recent prior years, and would provide fishermen additional fishing opportunities, subject to the availability of BFT to the fishery, in the short term. In the long term, however, as stock rebuilding is delayed, negative impacts would result.

It is difficult to estimate average potential ex-vessel revenues to commercial participants, largely because revenues depend heavily on the availability of large medium and giant BFT to the fishery. Section 4 of the Supplemental Environmental Assessment, Regulatory Impact Review, and Final Regulatory Flexibility Analysis describes potential revenue losses per commercial quota category, based on each category's proposed base quota reduction and price-per-pound information from 2009. This was found to be $454,059 for the General category, $27,888 for the Harpoon category, $46,420 for the Longline category, $0 for the Trap category, and $139,278 for the Purse Seine category. Because the directed commercial categories have underharvested their subquotas in recent years, the potential decreases in ex-vessel revenues above overestimate the probable economic impacts to those categories relative to recent conditions. Additionally, there has been substantial interannual variability in ex-vessel revenues per category in recent years due to recent changes in BFT availability and other factors. Generally, the interannual differences in ex-vessel revenues per category have been larger than the potential impacts described above.

Data on net revenues of individual fishermen are lacking, so the economic impact of the alternatives is averaged across each category. NMFS considers this a reasonable approach for BFT fisheries, in particular because available landings data (weight and ex-vessel value of the fish in price/pound) allow NMFS to calculate the gross revenue earned by a fishery participant on a successful trip. The available data do not, however, allow NMFS to calculate the effort and cost associated with each successful trip (e.g., the cost of gas, bait, ice, etc.), so net revenue for each participant cannot be calculated. As a result, NMFS analyzes the average impact of the proposed alternatives among all participants in each category.

Success rates vary widely across participants in each category (due to extent of vessel effort and availability of commercial-sized BFT to participants where they fish), but for the sake of estimating potential revenue loss per vessel, category-wide revenue losses can be divided by the number of permitted vessels in each category. Because HMS

Charter/Headboat vessels may fish commercially under the General category quota and retention limits, Charter/Headboat permitted vessels are considered along with General category vessels when estimating potential General category ex-vessel revenue changes. Potential ex-vessel revenue losses have been estimated as follows: General category (including Charter/Headboat vessels): $57; Harpoon category: $1,213; Longline category (incidental): $171; Trap category (incidental): $0; and Purse Seine category: $46,426. These values likely overestimate potential revenue losses for vessels that actively fish and are successful in landing at least one BFT.

List of Subjects in 50 CFR Part 635

Fisheries, Fishing, Fishing vessels, Foreign relations, Imports, Penalties, Reporting and recordkeeping requirements, Treaties.

Dated: May 26, 2010.

Eric C. Schwaab,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

■ For the reasons set out in the preamble, 50 CFR part 635 is amended as follows:

PART 635–ATLANTIC HIGHLY MIGRATORY SPECIES

■ 1. The authority citation for part 635 continues to read as follows:

Authority: 16 U.S.C. 971 *et seq.*; 16 U.S.C. 1801 *et seq.*

■ 2. In § 635.27, paragraphs (a) introductory text, (a)(1)(i), (a)(2), (a)(3), (a)(4)(i), (a)(5), (a)(7)(i), and (a)(7)(ii) are revised to read as follows:

§ 635.27 Quotas.

(a) *BFT*. Consistent with ICCAT recommendations, and with paragraph (a)(10)(iv) of this section, NMFS may subtract the most recent, complete, and available estimate of dead discards from the annual U.S. BFT quota, and make the remainder available to be retained, possessed, or landed by persons and vessels subject to U.S. jurisdiction. The remaining baseline annual U.S. BFT quota will be allocated among the General, Angling, Harpoon, Purse Seine, Longline, Trap, and Reserve categories. BFT may be taken by persons aboard vessels issued Atlantic Tunas permits, HMS Angling permits, or HMS Charter/Headboat permits. The baseline annual U.S. BFT quota is 952.4 mt, not including an additional annual 25 mt allocation provided in paragraph (a)(3) of this section. The baseline annual U.S. BFT quota is divided among the categories as follows: General - 47.1 percent (448.6 mt); Angling - 19.7 percent (187.6 mt), which includes the school BFT held in reserve as described under paragraph (a)(7)(ii) of this section; Harpoon - 3.9 percent (37.1 mt); Purse Seine - 18.6 percent (177.2 mt); Longline - 8.1 percent (77.1 mt), which does not include the additional annual 25 mt allocation provided in paragraph (a)(3) of this section; and Trap - 0.1 percent (1.0 mt). The remaining 2.5 percent (23.8 mt) of the baseline annual U.S. BFT quota will be held in reserve for inseason or annual adjustments based on the criteria in paragraph (a)(8) of this section. NMFS may apportion a quota allocated to any category to specified fishing periods or to geographic areas and will make annual adjustments to quotas, as specified in paragraph (a)(10) of this section. BFT quotas are specified in whole weight.

(1) * * *

(i) Catches from vessels for which General category Atlantic Tunas permits have been issued, and certain catches from vessels for which an HMS Charter/Headboat permit has been issued, are counted against the General category quota in accordance with § 635.23(c)(3). The amount of large medium and giant BFT that may be caught, retained, possessed, landed, or sold under the General category quota is 47.1 percent (448.6 mt) of the baseline annual U.S. BFT quota, and is apportioned as follows:

(A) January 1 through January 31 - 5.3 percent (23.8 mt);

(B) June 1 through August 31 - 50 percent (224.3 mt);

(C) September 1 through September 30 - 26.5 percent (118.9 mt);

(D) October 1 through November 30 - 13 percent (58.3 mt); and

(E) December 1 through December 31 - 5.2 percent (23.3 mt).

* * * * *

(2) Angling category quota. In accordance with the framework procedures of the Consolidated HMS FMP, prior to each fishing year, or as early as feasible, NMFS will establish the Angling category daily retention limits. The total amount of BFT that may be caught, retained, possessed, and landed by anglers aboard vessels for which an HMS Angling permit or an HMS Charter/Headboat permit has been issued is 19.7 percent (187.6 mt) of the baseline annual U.S. BFT quota. No more than 2.3 percent (4.3 mt) of the annual Angling category quota may be large medium or giant BFT. In addition, over each 2–consecutive-year period (starting in 2009, inclusive), no more than 10 percent of the annual U.S. BFT quota, inclusive of the allocation specified in paragraph (a)(3) of this section, may be school BFT. The Angling category quota includes the amount of school BFT held in reserve under paragraph (a)(7)(ii) of this section. The size class subquotas for BFT are further subdivided as follows:

(i) After adjustment for the school BFT quota held in reserve (under paragraph (a)(7)(ii) of this section), 52.8 percent (42.1 mt) of the school BFT Angling category quota may be caught, retained, possessed, or landed south of 39°18' N. lat. The remaining school BFT Angling category quota (37.6 mt) may be caught, retained, possessed or landed north of 39°18' N. lat.

(ii) An amount equal to 52.8 percent (45.2 mt) of the large school/small medium BFT Angling category quota may be caught, retained, possessed, or landed south of 39°18' N. lat. The remaining large school/small medium BFT Angling category quota (40.4 mt) may be caught, retained, possessed or landed north of 39°18' N. lat.

(iii) An amount equal to 66.7 percent (2.9 mt) of the large medium and giant BFT Angling category quota may be caught, retained, possessed, or landed south of 39°18' N. lat. The remaining large medium and giant BFT Angling category quota (1.4 mt) may be caught, retained, possessed or landed north of 39°18' N. lat.

(3) *Longline category quota*. The total amount of large medium and giant BFT that may be caught incidentally and retained, possessed, or landed by vessels that possess Longline category Atlantic Tunas permits is 8.1 percent (77.1 mt) of the baseline annual U.S. BFT quota. No more than 60.0 percent (46.2 mt) of the Longline category quota may be allocated for landing in the area south of 31°00' N. lat. In addition, 25 mt shall be allocated for incidental catch by pelagic longline vessels fishing in the Northeast Distant gear restricted area as specified at § 635.23(f)(3).

(4) * * *

(i) The total amount of large medium and giant BFT that may be caught, retained, possessed, or landed by vessels that possess Purse Seine category Atlantic Tunas permits is 18.6 percent (177.2 mt) of the baseline annual U.S. BFT quota. The directed purse seine fishery for BFT commences on July 15 of each year, unless NMFS takes action to delay the season start date. Based on cumulative and projected landings in other commercial fishing categories, and the potential for gear conflicts on the fishing grounds or market impacts due to oversupply, NMFS may delay the BFT purse seine season start date from July 15 to no later than August 15 by filing an adjustment

with the Office of the **Federal Register** prior to July 1. The Purse Seine category fishery closes on December 31 of each year.

* * * * *

(5) *Harpoon category quota.* The total amount of large medium and giant BFT that may be caught, retained, possessed, landed, or sold by vessels that possess Harpoon category Atlantic Tunas permits is 3.9 percent (37.1 mt) of the baseline annual U.S. BFT quota. The Harpoon category fishery commences on June 1 of each year, and closes on November 15 of each year.

* * * * *

(7) * * *

(i) The total amount of BFT that is held in reserve for inseason or annual adjustments and fishery-independent research using quotas or subquotas is 2.5 percent (23.8 mt) of the baseline annual U.S. BFT quota. Consistent with paragraph (a)(8) of this section, NMFS may allocate any portion of this reserve for inseason or annual adjustments to any category quota in the fishery.

(ii) The total amount of school BFT that is held in reserve for inseason or annual adjustments and fishery-independent research is 18.5 percent (18.1 mt) of the total school BFT Angling category quota as described under paragraph (a)(2) of this section. This amount is in addition to the amounts specified in paragraph (a)(7)(i) of this section. Consistent with paragraph (a)(8) of this section, NMFS may allocate any portion of the school BFT Angling category quota held in reserve for inseason or annual adjustments to the Angling category.

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[FR Doc. 2010–13207 Filed 5–27–10; 4:15 pm]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 0908191244–91427–02]

RIN 0648–XW47

Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Temporary rule; quota transfer.

SUMMARY: NMFS announces that the State of North Carolina is transferring a portion of its 2010 commercial summer flounder quota to the Commonwealth of Virginia. By this action, NMFS adjusts the quotas and announces the revised commercial quota for each state involved.

DATES: Effective May 27, 2010 through December 31, 2010.

FOR FURTHER INFORMATION CONTACT: Sarah Heil, Fishery Management Specialist, 978–281–9257.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are found at 50 CFR part 648. The regulations require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state are described in § 648.100.

The final rule implementing Amendment 5 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, which was published on December 17, 1993 (58 FR 65936), provided a mechanism for summer flounder quota to be transferred from one state to another. Two or more states, under mutual agreement and with the concurrence of the Administrator, Northeast Region, NMFS (Regional Administrator), can transfer or combine summer flounder commercial quota under § 648.100(d). The Regional Administrator is required to consider the criteria set forth in § 648.100(d)(3) in the evaluation of requests for quota transfers or combinations.

North Carolina has agreed to transfer 10,975 lb (4,978 kg) of its 2010 commercial quota to Virginia. This transfer was prompted by summer flounder landings of a North Carolina vessel that was granted safe harbor in Virginia due to mechanical problems on April 9, 2010. The Regional Administrator has determined that the criteria set forth in § 648.100(d)(3) have been met. The revised quotas for calendar year 2010 are: North Carolina, 3,371,527 lb (1,529,299 kg); and Virginia, 2,908,930 lb (1,319,468 kg).

Classification

This action is taken under 50 CFR part 648 and is exempt from review under Executive Order 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: May 27, 2010.

Carrie Selberg,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2010–13205 Filed 5–27–10; 4:15 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 75, No. 105
Wednesday, June 2, 2010

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 TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2010–0439; Directorate Identifier 2010–NM–029–AD]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc. Model CL–600–2B16 (CL–604 Variants (Including CL–605 Marketing Variant)) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for the products listed above. This proposed AD results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as: Following five reported cases of balance washer screw failure on similar ADGs [air-driven generators]/ram air turbines installed on other aircraft types, investigation by Hamilton Sundstrand determined that a specific batch of the screws had a metallographic non-conformity that increased their susceptibility to brittle fracture. Failure of a balance washer screw can result in loss of the related balance washer, with consequent turbine imbalance. Such imbalance could potentially result in ADG structural failure (including blade failure), loss of ADG electrical power and structural damage to the aircraft and, if deployment was activated by a dual engine shutdown, could also result in loss of hydraulic power for the flight controls [and consequent reduced ability of the flightcrew to maintain the safe flight and landing of the airplane]. The proposed AD would require actions that are intended to address the unsafe condition described in the MCAI.

DATES: We must receive comments on this proposed AD by July 19, 2010.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–40, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Bombardier, Inc., 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–5000; fax 514–855–7401; e-mail *thd.crj@aero.bombardier.com;* Internet *http://www.bombardier.com.* You may review copies of the referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, Washington. For information on the availability of this material at the FAA, call 425–227–1221.

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov;* or in person at the Docket Operations office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

FOR FURTHER INFORMATION CONTACT: Christopher Alfano, Aerospace Engineer, Airframe and Mechanical Systems Branch, ANE–171, FAA, New York Aircraft Certification Office, 1600 Stewart Avenue, Suite 410, Westbury, New York 11590; telephone (516) 228–7340; fax (516) 794–5531.

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include "Docket No. FAA–2010–0439; Directorate Identifier 2010–NM–029–AD" at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We have lengthened the 30-day comment period for proposed ADs that address MCAI originated by aviation authorities of other countries to provide adequate time for interested parties to submit comments. The comment period for these proposed ADs is now typically 45 days, which is consistent with the comment period for domestic transport ADs.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

Transport Canada Civil Aviation (TCCA), which is the aviation authority for Canada, has issued Canadian Airworthiness Directive CF–2009–50, dated December 17, 2009 (referred to after this as "the MCAI"), to correct an unsafe condition for the specified products. The MCAI states:

> Following five reported cases of * * * balance washer screw failure on similar ADGs [air-driven generators]/ram air turbines installed on other aircraft types, investigation by Hamilton Sundstrand determined that a specific batch of the screws had a metallographic non-conformity that increased their susceptibility to brittle fracture. Subsequently, it was established that 152 "dry" ADGs [Hamilton Sundstrand Part Numbers (P/Ns) in the 761339 series and 1711405; *see* Note] either had non-conforming screws installed during production or possibly during maintenance or repair at Hamilton Sundstrand repair stations.
>
> Failure of a balance washer screw can result in loss of the related balance washer, with consequent turbine imbalance. Such imbalance could potentially result in ADG structural failure (including blade failure), loss of ADG electrical power and structural

damage to the aircraft and, if deployment was activated by a dual engine shutdown, could also result in loss of hydraulic power for the flight controls [and consequent reduced ability of the flightcrew to maintain the safe flight and landing of the airplane].

This [Canadian] directive mandates checking of the ADG and replacing the balance washer screws, if required. It also prohibits future installation of unmodified ADGs.

Note: ADGs with Hamilton Sundstrand P/Ns in the 761339 series and 1711405 are installed on the aircraft model listed in the Applicability section above in addition to Bombardier Inc. Models CL–600–2B19, CL–600–2C10 and CL–600–2D24. The latter three models are covered in a separate directive.

You may obtain further information by examining the MCAI in the AD docket.

Relevant Service Information

Bombardier has issued Service Bulletins 604–24–021 and 605–24–001, both dated July 13, 2009. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Differences Between This AD and the MCAI or Service Information

We have reviewed the MCAI and related service information and, in general, agree with their substance. But we might have found it necessary to use different words from those in the MCAI to ensure the AD is clear for U.S. operators and is enforceable. In making these changes, we do not intend to differ substantively from the information provided in the MCAI and related service information.

We might also have proposed different actions in this AD from those in the MCAI in order to follow FAA policies. Any such differences are highlighted in a NOTE within the proposed AD.

Costs of Compliance

Based on the service information, we estimate that this proposed AD would affect about 155 products of U.S. registry. We also estimate that it would take about 10 work-hours per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour. Required parts would cost about $0 per product. Where the service information lists required parts costs that are covered under warranty, we have assumed that there will be no charge for these costs. As we do not control warranty coverage for affected parties, some parties may incur costs higher than estimated here. Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $131,750, or $850 per product.

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 determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

1. Is not a "significant regulatory action" under Executive Order 12866;

2. Is not a "significant rule" under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and

3. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

We prepared a regulatory evaluation of the estimated costs to comply with this proposed AD and placed it in the AD docket.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 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 AD:

Bombardier, Inc.: Docket No. FAA–2010–0439; Directorate Identifier 2010–NM–029–AD.

Comments Due Date

(a) We must receive comments by July 19, 2010.

Affected ADs

(b) None.

Applicability

(c) This AD applies to Bombardier, Inc. Model CL–600–2B16 (CL–604 Variant) airplanes; certificated in any category; serial numbers (S/N) 5408 and subsequent.

Note 1: Some Model CL–600–2B16 (CL–604 Variant) airplanes might be referred to by a marketing designation of CL–605.

Subject

(d) Air Transport Association (ATA) of America Code 24: Electrical power.

Reason

(e) The mandatory continuing airworthiness information (MCAI) states:

Following five reported cases of * * * balance washer screw failure on similar ADGs [air-driven generators]/ram air turbines installed on other aircraft types, investigation by Hamilton Sundstrand determined that a specific batch of the screws had a metallographic non-conformity that increased their susceptibility to brittle fracture. Subsequently, it was established that 152 "dry" ADGs [Hamilton Sundstrand Part Numbers (P/Ns) in the 761339 series and 1711405; see Note] either had non-conforming screws installed during production or possibly during maintenance or repair at Hamilton Sundstrand repair stations.

Failure of a balance washer screw can result in loss of the related balance washer, with consequent turbine imbalance. Such imbalance could potentially result in ADG structural failure (including blade failure), loss of ADG electrical power and structural damage to the aircraft and, if deployment was

activated by a dual engine shutdown, could also result in loss of hydraulic power for the flight controls [and consequent reduced ability of the flightcrew to maintain the safe flight and landing of the airplane].

This [Canadian] directive mandates checking of the ADG and replacing the balance washer screws, if required. It also prohibits future installation of unmodified ADGs.

Note: ADGs with Hamilton Sundstrand P/Ns in the 761339 series and 1711405 are installed on the aircraft model listed in the Applicability section above in addition to Bombardier Inc. Models CL–600–2B19, CL–600–2C10 and CL–600–2D24. The latter three models are covered in a separate directive.

Compliance

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

Actions

(g) At the earliest of the times identified in paragraphs (g)(1), (g)(2), (g)(3), and (g)(4) of this AD, do an inspection to determine the serial number of the installed ADG. A review of airplane maintenance records is acceptable in lieu of this inspection if the serial number of the ADG can be conclusively determined from that review.

(1) Within 400 flight hours or 12 months after the effective date of this AD, whichever occurs first, or

(2) Prior to the next in-flight or on-ground functional test of the ADG, whichever occurs first after the effective date of this AD, or

(3) Prior to the next in-flight or on-ground operational test of the ADG, whichever occurs first after the effective date of this AD, or

(4) Prior to the next scheduled ADG in-flight deployment.

(h) If the ADG serial number, as determined in paragraph (g) of this AD, is not listed in paragraph 1.A of the applicable Bombardier Service Bulletin listed in Table 1 of this AD, no further action is required by this AD, except for paragraph (j) of this AD.

TABLE 1—SERVICE BULLETINS

Model—	Bombardier service bulletin—	Dated—
CL–600–2B16 (CL–604) airplanes	604–24–021	July 13, 2009.
CL–600–2B16 (CL–605) airplanes	605–24–001	July 13, 2009.

(i) If the ADG serial number determined in paragraph (g) of this AD is identified in paragraph 1.A. of the applicable service bulletin listed in Table 1 of this AD, before further flight, do an inspection to determine if the symbol "24–5" is marked on the ADG identification plate. A review of airplane maintenance records is acceptable in lieu of this inspection if the symbol "24–5" can be conclusively determined from that review.

(1) If the symbol "24–5" is marked on the ADG identification plate, and the balance washer screws have already been replaced, no further action is required by this AD, except for paragraph (j) of this AD.

(2) If the symbol "24–5" is not marked on the ADG identification plate, before further flight, replace all balance washer screws with new screws having part number MS24667–14 and mark the ADG identification plate with symbol "24–5," in accordance with the Accomplishment Instructions of the applicable service bulletin listed in Table 1 of this AD.

(j) As of the effective date of this AD, no person may install on any airplane a replacement or spare ADG, Hamilton Sundstrand part number in the 761339 or 1711405 series, having one of the serial numbers identified in paragraph 1.A. of the applicable service bulletin listed in Table 1 of this AD, unless the ADG is identified with the symbol "24–5" on the identification plate.

FAA AD Differences

Note 2: This AD differs from the MCAI and/or service information as follows: The MCAI specifies to inspect only airplanes having certain serial numbers that are part of the MCAI applicability. Because the affected part could be rotated onto any of the airplanes listed in the applicability, this AD requires the inspection be done on all airplanes. We have coordinated this difference with TCCA.

Other FAA AD Provisions

(k) The following provisions also apply to this AD:

(1) Alternative Methods of Compliance (AMOCs): The Manager, New York Aircraft Certification Office (ACO), ANE–170, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Program Manager, Continuing Operational Safety, FAA, New York ACO, 1600 Stewart Avenue, Suite 410, Westbury, New York, 11590; telephone 516–228–7300; fax 516–794–5531.Before using any approved AMOC on any airplane to which the AMOC applies, notify your principal maintenance inspector (PMI) or principal avionics inspector (PAI), as appropriate, or lacking a principal inspector, your local Flight Standards District Office. The AMOC approval letter must specifically reference this AD.

(2) Airworthy Product: For any requirement in this AD to obtain corrective actions from a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) Reporting Requirements: For any reporting requirement in this AD, under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), the Office of Management and Budget (OMB) has approved the information collection requirements and has assigned OMB Control Number 2120–0056.

Related Information

(l) Refer to MCAI Canadian Airworthiness Directive CF–2009–50, dated December 17, 2009; and Bombardier Service Bulletins 604–24–021, dated July 13, 2009, and 605–24–001, dated July 13, 2009; for related information.

Issued in Renton, Washington, on April 30, 2010.

Ali Bahrami,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2010–13230 Filed 6–1–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 65

[Docket No. FAA–2010–0567; Notice No. 10–09]

RIN 2120–AJ66

Modification of the Process for Requesting a Waiver of the Mandatory Separation Age of 56 for Air Traffic Control Specialists

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The Federal Aviation Administration (FAA) proposes to amend its regulations concerning the process for requesting a waiver of the mandatory separation age for Air Traffic Control Specialists in flight service stations, enroute or terminal facilities, and the David J. Hurley Air Traffic Control System Command Center. Under the proposal, Air Traffic Control Specialists would no longer be required to certify they have not been involved in an operational error (OE), operational deviation (OD), or runway incursion in the past 5 years. The proposed change

reflects FAA Order JO 7210.56C, Change 2, effective July 20, 2009, which removed any references to employee identification, training record entries, performance management, and return-to-duty actions that have been historically tied to reported events. The proposal would streamline the waiver process and bring it into conformance with current FAA OE and OD reporting policy.

DATES: Send your comments on or before July 2, 2010.

ADDRESSES: You may send comments identified by Docket Number FAA–2010–0567 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

For more information on the rulemaking process, *see* the **SUPPLEMENTARY INFORMATION** section of this document.

Privacy: We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. Using the search function of our docket Web site, anyone can find and read the electronic form of all comments received into any of our dockets, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78) or you may visit *http://DocketsInfo.dot.gov.*

Docket: To read background documents or comments received, go to *http://www.regulations.gov* at any time and follow the online instructions for accessing the docket, or, the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue, SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: For technical questions concerning this proposed rule contact Kelly J. Neubecker, Airspace and Rules Group, Office of System Operations Airspace and AIM, AJR–33, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–9235; facsimile (202) 267–9328, e-mail *Kelly.Neubecker@faa.gov.* For legal questions concerning this proposed rule contact Anne Moore, Office of Chief Counsel, AGC–240, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–3123; facsimile (202) 267–7971.

SUPPLEMENTARY INFORMATION: Later in this preamble under the Additional Information section, we discuss how you can comment on this proposal and how we will handle your comments. Included in this discussion is related information about the docket, privacy, and the handling of proprietary or confidential business information. We also discuss how you can get a copy of related rulemaking documents.

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, section 106, describes the authority of the FAA Administrator to issue, rescind, and revise regulations. Under this authority, we are proposing to amend Special Federal Aviation Regulation No. 103 in 14 CFR part 65 (SFAR 103) by removing paragraph 5.b.vii. The proposed change is within the scope of our authority and is a reasonable and necessary exercise of our statutory obligations.

Background

On January 23, 2004, H.R. 2673, Consolidated Appropriations 2004, became Public Law 108–199. Within the appropriations bill, there was a mandate that "not later than March 1, 2004, the Secretary of Transportation, in consultation with the Administrator of the Federal Aviation Administration, shall issue final regulations, pursuant to 5 U.S.C. 8335, establishing an exemption process allowing individual Air Traffic Controllers to delay mandatory retirement until the employee reaches no later than 61 years of age." On January 7, 2005, the Department of Transportation, Federal Aviation Administration, published the final rule in the **Federal Register**, 14 CFR part 65 (Docket No. FAA–2004–17334; SFAR No. 103, 70 FR 1634).

The process for an Air Traffic Control Specialist (ATCS) to request a waiver from the mandatory separation age of 56 is currently contained in SFAR 103 and reflected in the Human Resources Policy Bulletin #35, Waiver Process to Mandatory Separation at Age 56. This policy applies to all ATCSs and their first-level supervisors in flight service, enroute and terminal facilities, and at the David J. Hurley Air Traffic Control System Command Center covered under the mandatory separation provisions of 5 U.S.C. 8335(a) and 8425(a).

The regulation, as written, contains information contrary to air traffic policy under amended FAA Order JO 7210.56C, Change 2, effective July 20, 2009. Specifically, paragraph 5.b.vii. of SFAR 103 requires a controller to provide a statement that they have not been involved in an operational error (OE), operational deviation (OD), or runway incursion in the last 5 years while in a control position. This requirement is inconsistent with current air traffic orders developed specifically to foster a safety culture that encourages full and open reporting of safety information and focuses on determining why events occur, rather than placing blame. In support of this safety culture, FAA Order JO 7210.56C, Change 2 removed all references to employee identification, training record entries, performance management, and return-to-duty actions that were historically tied to reported OE or OD events. Due to this change in policy, the reporting requirements of SFAR 103 5.b.vii. are now unverifiable. Continuing to require the statement in the waiver process serves no useful purpose. Therefore, the FAA is proposing to remove this reporting requirement.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. We have determined that there is no new information collection requirement associated with this proposed rule.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has determined that there are no ICAO Standards and Recommended Practices that correspond to these proposed regulations.

Regulatory Evaluation, Regulatory Flexibility Determination, International Trade Impact Assessment, and Unfunded Mandates Assessment

Changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 (Pub. L. 96–354) requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (Pub. L. 96–39) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing U.S. standards, this Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. Fourth, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more annually (adjusted for inflation with base year of 1995). This portion of the preamble summarizes the FAA's analysis of the economic impacts of this proposed rule.

Department of Transportation Order DOT 2100.5 prescribes policies and procedures for simplification, analysis, and review of regulations. If the expected cost impact is so minimal that a proposed or final rule does not warrant a full evaluation, this order permits that a statement to that effect and the basis for it be included in the preamble if a full regulatory evaluation of the cost and benefits is not prepared. Such a determination has been made for this proposed rule.

This proposed rule would moderately streamline the process for ATCs who are requesting a waiver of mandatory separation at age 56 by eliminating a paperwork obstacle. Currently, ATCSs need to provide a statement to certify that they have not been involved with an operational error (OE), operational deviation (OD), or runway incursion within the previous 5 years when submitting a request for a waiver of the mandatory separation at age 56. This proposed rule would eliminate this certification requirement by reducing the written information ATCSs must provide, resulting in a cost saving.

We estimate ATCSs submit an average of 54 statements per year. ATCSs need approximately 5 minutes to prepare each statement, whereas air traffic managers need approximately 15 minutes to review them. The ATCS's salary including benefits expressed as an hourly wage rate is assumed to be $125 per hour; [1] and an air traffic manager's hourly rate with benefits is assumed to be $155 per hour.

Using the preceding information, the FAA estimates that the total cost savings of this proposed rule would be about $26,000 or $18,000 present value, as shown in table 1.

Table 1. Cost Savings for Controllers by Eliminating the Certification Requirements

Year	Cost Savings for controllers to prepare statements	Cost Savings for AT managers to review statements	Total	Discounted Total
1	$560	$2,018	$2,578	$2,409
2	$560	$2,018	$2,578	$2,252
3	$560	$2,018	$2,578	$2,104
4	$560	$2,018	$2,578	$1,967
5	$560	$2,018	$2,578	$1,838
6	$560	$2,018	$2,578	$1,718
7	$560	$2,018	$2,578	$1,605
8	$560	$2,018	$2,578	$1,500
9	$560	$2,018	$2,578	$1,402
10	$560	$2,018	$2,578	$1,311
Total	$5,600	$20,180	$25,780	$18,107

FAA has, therefore, determined that this proposed rule is not a "significant regulatory action" as defined in section 3(f) of Executive Order 12866, and is not "significant" as defined in DOT's Regulatory Policies and Procedures.

Regulatory Flexibility Determination

The Regulatory Flexibility Act of 1980 (Pub. L. 96–354) (RFA) establishes "as a principle of regulatory issuance that agencies shall endeavor, consistent with the objectives of the rule and of applicable statutes, to fit regulatory and informational requirements to the scale of the businesses, organizations, and governmental jurisdictions subject to regulation. To achieve this principle, agencies are required to solicit and consider flexible regulatory proposals and to explain the rationale for their actions to assure that such proposals are given serious consideration." The RFA covers a wide range of small entities, including small businesses, not-for-profit organizations, and small governmental jurisdictions.

Agencies must perform a review to determine whether a rule will have a significant economic impact on a substantial number of small entities. If the agency determines that it will, the agency must prepare a regulatory flexibility analysis as described in the RFA.

However, if an agency determines that a rule is not expected to have a significant economic impact on a substantial number of small entities, section 605(b) of the RFA provides that the head of the agency may so certify and a regulatory flexibility analysis is not required. The certification must include a statement providing the

[1] This wage rate is based on 1657.7 hours. 2,080 hours (52 weeks times 40 hours per week) minus 422.3 hours (the number of hours a typical controller is not available to work) equals 1,657.7.

factual basis for this determination, and the reasoning should be clear.

This proposed rule would help extend the careers of experienced air traffic controllers and thus have no impact on private sector entities. Consequently, the FAA certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities.

International Trade Impact Assessment

The Trade Agreements Act of 1979 (Pub. L. 96–39), as amended by the Uruguay Round Agreements Act (Pub. L. 103–465), prohibits Federal agencies from establishing standards or engaging in related activities that create unnecessary obstacles to the foreign commerce of the United States. Pursuant to these Acts, the establishment of standards is not considered an unnecessary obstacle to the foreign commerce of the United States, so long as the standard has a legitimate domestic objective, such the protection of safety, and does not operate in a manner that excludes imports that meet this objective. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. The FAA has assessed the potential effect of this proposed rule and determined that it would have only a domestic impact and therefore no effect on international trade.

Unfunded Mandates Assessment

Title II of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in an expenditure of $100 million or more (in 1995 dollars) in any one year by State, local, and tribal governments, in the aggregate, or by the private sector; such a mandate is deemed to be a "significant regulatory action." The FAA currently uses an inflation-adjusted value of $143.1 million in lieu of $100 million. This proposed rule does not contain such a mandate; therefore, the requirements of Title II of the Act do not apply.

Executive Order 13132, Federalism

The FAA has analyzed this proposed rule under the principles and criteria of Executive Order 13132, Federalism. We determined that this action would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government, and, therefore, would not have federalism implications.

Environmental Analysis

FAA Order 1050.1E identifies FAA actions that are categorically excluded from preparation of an environmental assessment or environmental impact statement under the National Environmental Policy Act in the absence of extraordinary circumstances. The FAA has determined this proposed rulemaking action qualifies for the categorical exclusion identified in paragraph 312(d) and involves no extraordinary circumstances.

Regulations That Significantly Affect Energy Supply, Distribution, or Use

The FAA has analyzed this NPRM under Executive Order 13211, Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use (May 18, 2001). We have determined that it is not a "significant regulatory action" under the executive order because while it is not a "significant regulatory action" under Executive Order 12866, and DOT's Regulatory Policies and Procedures, it is not likely to have a significant adverse effect on the supply, distribution, or use of energy.

Additional Information

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. We also invite comments relating to the economic, environmental, energy, or federalism impacts that might result from adopting the proposals in this document. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, please send only one copy of written comments, or if you are filing comments electronically, please submit your comments only one time.

We will file in the docket all comments we receive, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, we will consider all comments we receive on or before the closing date for comments. We will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. We may change this proposal in light of the comments we receive.

Availability of Rulemaking Documents

You can get an electronic copy of rulemaking documents using the Internet by—

1. Searching the Federal eRulemaking Portal (*http://www.regulations.gov*);

2. Visiting the FAA's Regulations and Policies Web page at *http://www.faa.gov/regulations_policies* or

3. Accessing the Government Printing Office's Web page at *http://www.gpoaccess.gov/fr/index.html*.

You can also get a copy by sending a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the docket number, notice number, or amendment number of this rulemaking.

You may access all documents the FAA considered in developing this proposed rule, including economic analyses and technical reports, from the internet through the Federal eRulemaking Portal referenced in paragraph (1).

List of Subjects in 14 CFR Part 65

Air Traffic Controllers, Aircraft, Aviation safety.

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend Chapter I of Title 14, Code of Federal Regulations, as follows:

PART 65—CERTIFICATION: AIRMEN OTHER THAN FLIGHT CREWMEMBERS

1. The authority citation for part 65 continues to read as follows:

Authority: 49 U.S.C. 106(g). 40113, 44701–44703, 44707, 44709–44711, 45102–45103, 45301–45302.

SFAR 103 [Amended]

2. Amend SFAR 103 by removing and reserving paragraph 5.b.vii.

Issued in Washington, DC, on May 27, 2010.

Edie Parish,

Acting Director, System Operations Airspace & Aeronautical Information Management.

[FR Doc. 2010–13221 Filed 6–1–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2010–0445 Airspace Docket No. 10–AAL–13]

Proposed Revocation and Establishment of Class E Airspace; Northeast, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to revoke and establish Class E airspace in Northeast Alaska. The recent removal of a Colored Federal Airway near Kaktovik, AK, duplication of controlled airspace near Mentasta Lake, AK, and the establishment of one Special Area Navigation Standard Instrument Approach Procedure (SIAP) at Eagle Airport, AK, have made these actions necessary to enhance safety and management of Instrument Flight Rules (IFR) operations.

DATES: Comments must be received on or before July 19, 2010.

ADDRESSES: Send comments on the proposal to the Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001. You must identify the docket number FAA–2010–0445/ Airspace Docket No. 10–AAL–13 at the beginning of your comments. You may also submit comments on the Internet at *http://www.regulations.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

An informal docket may also be examined during normal business hours at the office of the Manager, Safety, Alaska Flight Service Operations, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587.

FOR FURTHER INFORMATION CONTACT: Gary Rolf, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5898; fax: (907) 271–2850; e-mail: *gary.ctr.rolf@faa.gov.* Internet address: *http://www.faa.gov/about/office_org/headquarters_offices/ato/service_units/systemops/fs/alaskan/rulemaking/.*

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. FAA–2010–0445/Airspace Docket No. 10–AAL–13." The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition, in person in the Federal Docket Management System Office *(see* **ADDRESSES** section for address and phone number) between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the office of the Alaska Flight Services Information Area Group. Persons interested in being placed on a mailing list for future NPRM's should contact the FAA's Office of Rulemaking, (202) 267–9677, to request a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

This action proposes to amend Title 14 Code of Federal Regulations (14 CFR) part 71 by revoking and establishing Class E airspace in Northeast Alaska, to accommodate a removed Colored Federal Airway (G16), duplication of controlled airspace near Mentasta Lake, AK, and the establishment of a new Special SIAP at Eagle Airport, AK. The new Class E airspace would provide adequate controlled airspace upward from 1,200 feet above the surface, to allow commercial air operations through what is now uncontrolled airspace above 1,200 feet. Air carriers providing service to Eagle, AK, must currently operate under Visual Flight Rules (VFR). With the establishment of an instrument approach at Eagle Airport, the uncontrolled airspace primarily extending to the west from the Eagle Airport, must be converted into controlled airspace. In the case of Eagle's instrument approach, the necessary controlled airspace will not extend far enough westward to connect with controlled airspace to the west. The required airspace designation is classified as E6 Enroute Domestic Airspace and is provided for the safety and management of IFR operations access at Eagle Airport. Additionally, with the evolution and expansion of controlled airspace serving the airports of Tok Junction, Northway and Gulkana AK, the Mentasta Lake/Mountains Area Class E6 Enroute Airspace is no longer necessary.

The Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6006 in FAA Order 7400.9T, *Airspace Designations and Reporting Points,* signed August 27, 2009, and effective September 15, 2009, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document would be subsequently published in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies

and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Because this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle 1, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority.

This rulemaking is promulgated under the authority described in subtitle VII, part A, subpart 1, section 40103, Sovereignty and use of airspace. Under that section, the FAA is charged with prescribing regulations to ensure the safe and efficient use of the navigable airspace. This regulation is within the scope of that authority because it proposes to revoke Class E airspace in Northeast Alaska, and establish Class E airspace to allow access at Eagle Airport, Eagle, AK, and represents the FAA's continuing effort to safely and efficiently use the navigable airspace.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9T, *Airspace Designations and Reporting Points,* signed August 27, 2009, and effective September 15, 2009, is to be amended as follows:

* * * * *

Paragraph 6006 En Route Domestic Airspace Areas.

* * * * *

AAL AK E6 Northeast, AK [New]

That airspace extending upward from 1,200 feet above the surface within an area beginning at lat. 63°55′00″ N. long. 141°00′00″ W., then westward along a line of latitude to 63°55′00″ N. long 144°00′00″ W., to 65°30′00″ N. long 144°00′00″ W., then eastward along a line of latitude to 65°30′00″ N. 144°00′00″ W., to the point of beginning.

* * * * *

AAL AK E6 Barter Island, AK [Removed]

* * * * *

AAL AK E6 Mentasta Lake/Mountains Area, AK [Removed]

Issued in Anchorage, AK, on May 7, 2010.

Anthony M. Wylie,

Manager, Alaska Flight Services Information Area Group.

[FR Doc. 2010–13138 Filed 6–1–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2010–0265]

RIN 1625–AA09

Drawbridge Operation Regulation; Curtis Creek, Baltimore, MD

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to change the regulations that govern the operation of the Pennington Avenue Bridge across Curtis Creek, at mile 0.9, in Baltimore, MD. The proposed rule would eliminate the need for a bridge tender by allowing the bridge to be operated from a remote location at the City of Baltimore Transportation Management Center. This proposed change would maintain the bridge's current level of operational capabilities and continue providing for the reasonable needs of vehicular transportation and vessel navigation. This proposed rule will also correct the statute mile marker of the I695 Bridge which is also across Curtis Creek in Baltimore, MD.

DATES: Comments and related material must reach the Coast Guard on or before August 2, 2010.

ADDRESSES: You may submit comments identified by docket number USCG–2010–0265 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or e-mail Coast Guard; telephone 757–398–6629, e-mail *Lindsey.R.Middleton@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted, without change to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2010–0265), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (*http://www.regulations.gov*), or by fax, mail or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a phone number in the body

of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* click on the "submit a comment" box, which will then become highlighted in blue. In the "Document Type" drop down menu select "Proposed Rules" and insert "USCG–2010–0265" in the "Keyword" box. Click "Search" then click on the balloon shape in the "Actions" column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG–2010–0265" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one using one of the four methods specified under **ADDRESSES**. Please explain why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register.**

Background and Purpose

The City of Baltimore has requested a change to the operating procedures for the Pennington Avenue Bridge across Curtis Creek, mile 0.9 in Baltimore, MD. The change in the operating procedure would allow the bridge to be operated from a remote location at the City of Baltimore Transportation Management Center. This proposed rule follows the general regulations set out at 33 CFR 117.5 that states: Drawbridges shall open promptly and fully for the passage of vessels when a request to open is given.

The Pennington Avenue Bridge, a lift-type drawbridge, has a vertical clearance in the closed position to vessels of 38 feet, above mean high water.

The City of Baltimore is installing six video cameras on the bridge to enhance the remote operator's ability to monitor and control the equipment. The remote office and the bridge site will be equipped with audio devices to enable the remote operator to hear boat horns that may signal for an opening as well as two-way communication. There will be posted signs placed on both sides of the navigational channel providing a phone number for vessels to call to request an opening. Warning lights will be installed on the bridge to signal when the bridge is in operation. All aspects of the current drawbridge operating regulations will remain the same.

The City of Baltimore has requested this change to utilize new technology to maintain the bridge's current level of operating capabilities and continue providing for the reasonable needs of vehicular transportation and vessel navigation.

Discussion of Proposed Rule

The Coast Guard proposes to revise 33 CFR 117.557. The current paragraph would be divided into paragraphs (a) and (b).

Paragraph (a) would contain the proposed rule for the Pennington Avenue Bridge at mile 0.9 in Baltimore, MD. The rule would allow the draw of the bridge to be operated by the controller at the Transportation Management Center.

In the event of failure or obstruction of the video cameras, audio system, or phone communications, the Pennington Avenue Bridge would not be operated from the remote office. In these situations, a bridge tender must be called and be on-site within 30 minutes to operate the bridge.

When vehicular and pedestrian traffic has cleared, a horn will sound one prolonged blast followed by one short blast to warn of bridge movement. The channel traffic lights will flash red continually to indicate that the bridge is moving to the full open position for vessels. Once the bridge is in the fully open position, the bridge channel traffic lights will turn and remain green. The draw of the bridge must begin opening within 5 minutes of vehicular and pedestrian traffic clearing the bridge except as provided in 33 CFR 117.31(b).

Before the span begins to close, the horn will sound five short blasts and an audio voice-warning device will announce bridge movement. The channel traffic lights will then continually flash red until the bridge is seated and locked down to vessels.

Paragraph (b) would contain the existing regulations for the I695 Bridge; however, the statute mile marker of 0.9 is incorrect and will be changed to mile 1.0 which is the accurate mile mark.

Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation under the regulatory policies and procedures of DHS is unnecessary. We reached this conclusion based on the fact that the proposed changes have only a minimal impact on maritime traffic transiting the bridge. Although the Pennington Avenue Bridge will be operated from a remote office, mariners can continue their transits because all aspects of the current operating regulations remain essentially the same.

Small Entities

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

governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities.

The proposed rule would not have a significant economic impact on a substantial number of small entities for the following reasons. The rule allows the Pennington Avenue Bridge to operate remotely and mariners will continue to plan their transits in accordance with the existing bridge operating regulations.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Lindsey Middleton, Bridge Specialist, Fifth Coast Guard District, at (757) 368–6629 or e-mail at *Lindsey.R.Middleton@uscg.mil.* The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01, and Commandant Instruction M16475.lD which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment because it simply promulgates the operating regulations or procedures for drawbridges. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

2. Revise § 117.557 to read as follows:

§ 117.557 Curtis Creek.

(a) The Pennington Avenue Bridge, mile 0.9 at Baltimore.

(1) The draw of the bridge to be operated by the controller at the City of

Baltimore Transportation Management Center shall open on signal for the passage of vessels when a request to open is given.

(2) The draw of the bridge shall not be operated by the controller at the Transportation Management Center office in the event of failure or obstruction of the video cameras, audio system, or phone lines. In these situations, a bridge tender must be called and be on-site within 30 minutes to operate the bridge on-site.

(3) The draw of the bridge must begin opening within 5 minutes of the vehicular and pedestrian traffic clearing the bridge, except as provided in 33 CFR 117.31(b).

(4) When vehicular and pedestrian traffic has cleared, a horn will sound one prolonged blast followed by one short blast to warn of bridge movement. The channel traffic lights will flash red continually to indicate that the Bridge is moving to the full open position for vessels. Once the bridge is in the fully open position, the bridge channel traffic lights will turn and remain green.

(5) Before the span begins to close, the horn will sound five short blasts and an audio voice-warning device will announce bridge movement. The channel traffic lights will then continually flash red until the bridge is seated and locked down to vessels.

(6) The owners of the bridge shall provide and keep in good legible condition two board gauges painted white with black figures not less than six inches high to indicate the vertical clearance under the closed draw at all stages of the tide. The gauges shall be placed on the bridge so that they are plainly visible to the operator of any vessel approaching the bridge from either upstream or downstream.

(b) The draw of the I695 Bridge, mile 1.0 at Baltimore, shall open on signal if at least a one-hour notice is given to the Maryland Transportation Authority in Baltimore.

Dated: May 14, 2010.

Wayne E. Justice,

Rear Admiral, United States Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 2010–13119 Filed 6–1–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2010–0228]

RIN 1625–AA09

Drawbridge Operation Regulation; Arkansas Waterway, Little Rock, AR

AGENCY: Coast Guard, DHS.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to revise the operating procedures on the Baring Cross Railroad Drawbridge across the Arkansas Waterway at mile 119.6 at Little Rock, AR, so that vessel operators will contact the remote drawbridge operator via microphone keying four times within five seconds on VHF–FM Channel 13 when requesting a draw opening. This keying will activate an indicator on the remote drawbridge operator's console and send an acknowledgement tone back to the vessel. The remote drawbridge operator would then establish normal verbal radio communications. The intent is to isolate and differentiate the vessel operator radio communications from the railroad communications that the remote drawbridge operator receives, thus ensuring that vessel calls receive immediate attention.

DATES: Comments and related material must reach the Coast Guard on or before August 2, 2010.

ADDRESSES: You may submit comments identified by docket number USCG–2010–0228 using any one of the following four methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

(4) *Hand Delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. *See* the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call or e-mail Mr. Eric Washburn, Bridge Management Specialist, Eighth Coast Guard District, Bridge Branch; telephone 314–269–2378, e-mail *Eric.Washburn@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted, without change to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2010–0228), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (*http://www.regulations.gov*), or by fax, mail or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a phone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* click on the "submit a comment" box, which will then become highlighted in blue. In the "Document Type" drop down menu select "Proposed Rules" and insert "USCG–2010–0228" in the "Keyword" box. Click "Search" then click on the balloon shape in the "Actions" column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during

the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG–2010–0228" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one using one of the four methods specified under **ADDRESSES**. Please explain why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register.**

Background and Purpose

The Arkansas Waterway is part of the McClellan-Kerr Arkansas River Navigation System. This system rises in the vicinity of Catoosa, OK and embraces improved natural waterways and a canal to empty into the Lower Mississippi River in southeast Arkansas. The Arkansas Waterway drawbridge operation regulations contained in 33 CFR 117.123(b) state that the draw of the Baring Cross Railroad Drawbridge, mile 119.6, at Little Rock, AR is maintained in the closed position and is remotely operated. Vessels requesting an opening shall establish contact by radiotelephone with the remote drawbridge operator on VHF–FM Channel 13 in Omaha, NE. In order to better differentiate between vessel and land traffic for the remote drawbridge operator, Union Pacific has requested that this drawbridge be operated similarly to how another Union Pacific-owned drawbridge is operated, the Rob Roy Drawbridge, mile 67.4 on the Arkansas Waterway near Pine Bluff, AR where vessels key their microphone four times in five seconds in order to initiate contact with the remote drawbridge operator. The same method would be enacted at the Baring Cross Railroad Drawbridge. Vessel operators would key their microphones four times in five seconds and would receive an acknowledgement tone from the remote drawbridge operator stationed at the Union Pacific Harriman Center in Omaha, NE. The keying-in initiates an indicator on the remote drawbridge operator's console and the remote drawbridge operator will then establish normal verbal radio communications on VHF–FM Channel 13. The Coast Guard met with Union Pacific personnel at the Harriman Center to discuss the proposed changes. In addition, the Coast Guard did a test at the Harriman Center to witness how communications would work and how the console is monitored. The Coast Guard has determined that this regulatory change would improve communications between the remote drawbridge operator and vessel operators and reduce delays due to missed calls by isolating vessel operator contacts from railroad contacts at the Harriman Center.

Discussion of Proposed Rule

The proposed changes to 33 CFR 117.123(b)(1) and (2) should enhance communications while reducing the number of missed calls and draw opening delays at the Baring Cross Railroad Drawbridge.

Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

This proposed rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order.

We expect the economic impact of this proposed rule on commercial traffic operating on the Arkansas Waterway to be so minimal that a full Regulatory Evaluation is unnecessary. The operating procedures are already in place at a different bridge on the same waterway and vessel operators are accustomed to the procedures.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This proposed rule is neutral to all business entities since it only alters the initial contact between vessels and the drawbridge operator and the Baring Cross Railroad Drawbridge is still required to open on demand for vessels.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (*see* **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact Mr. Eric Washburn, Bridge Management Specialist, Eighth Coast Guard District, Bridge Branch, at 314–269–2378. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and

would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,00 (adjusted for inflation) or more in any one year. Though this proposed rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01, and Commandant Instruction M16475.lD which guides the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA)(42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment because it simply promulgates the operating regulations or procedures for drawbridges. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; Department of Homeland Security Delegation No. 0170.1.

2. In § 117.123, revise paragraphs(b)(1) and (b)(2) to read as follows:

§ 117.123 Arkansas Waterway.

* * * * *

(b) * * *

(1) *Normal Flow Procedures.* Any vessel which requires an opening of the draw of this bridge shall establish contact by radiotelephone with the remote drawbridge operator on VHF–FM Channel 13 in Omaha, NE. To establish contact, the vessel shall key the radio microphone four times in five seconds and listen for an acknowledgement tone. The remote drawbridge operator will then establish normal verbal radio communications on VHF–FM Channel 13 and advise the vessel whether the requested span can be immediately opened and will maintain constant contact with the vessel until the requested span has opened and the vessel passage has been completed. The bridge is equipped with a Photoelectric Boat Detection System to prevent the span from lowering if there is an obstruction under the span. If the drawbridge cannot be opened immediately, the remote drawbridge operator will notify the calling vessel and provide an estimated time for a drawbridge opening.

(2) *High Velocity Flow Procedures.* The area from mile 118.2 to mile 125.4 is a regulated navigation area as described in § 165.817. During periods of high velocity flow, which is defined as a flow rate of 70,000 cubic feet per second or greater at the Murray Lock and Dam, mile 125.4, downbound vessels which require that the draw of this bridge be opened for unimpeded passage shall contact the remote drawbridge operator as described above in § 117.123(b)(1) either before departing Murray Lock and Dam or before departing the mooring cells at mile 121.5 to ensure that the Baring Cross Railroad Drawbridge is opened. The remote drawbridge operator shall immediately respond to the vessel's contact, ensure that the drawbridge is open for passage, and ensure that it remains in the open position until the downbound vessel has passed through. If it cannot be opened immediately for unimpeded passage in accordance with § 165.817, the remote drawbridge operator will immediately notify the downbound vessel and provide an estimated time for a drawbridge opening. Upbound vessels shall request openings in accordance with the normal flow procedures as set forth above in

§ 117.123(b)(1). The remote drawbridge operator shall keep all approaching vessels informed of the position of the drawbridge span.

* * * * *

Dated: May 10, 2010.

James E. Tunstall,

Captain, U.S. Coast Guard, Commander, 8th Coast Guard Dist. Acting.

[FR Doc. 2010–13121 Filed 6–1–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2008–0747]

RIN 1625–AA11

Regulated Navigation Area; Thea Foss and Wheeler-Osgood Waterways EPA Superfund Cleanup Site, Commencement Bay, Tacoma, WA

AGENCY: Coast Guard, DHS.

ACTION: Supplemental notice of proposed rulemaking; request for comments.

SUMMARY: The Coast Guard is revising its proposed rule that would establish a permanent regulated navigation area (RNA) on portions of the Thea Foss and Wheeler-Osgood Waterways in Commencement Bay, Tacoma, Washington. The RNA would protect the seabed in portions of those waterways that are subject to the U.S. Environmental Protection Agency's (EPA's) Commencement Bay Nearshore/Tideflats superfund cleanup remediation efforts. To more effectively protect those efforts, the Coast Guard is revising the proposed rule by slightly expanding the boundaries of the proposed RNA.

DATES: Comments and related material must be received by the Coast Guard on or before August 2, 2010. Requests for public meetings must be received by the Coast Guard on or before July 2, 2010.

ADDRESSES: You may submit comments identified by docket number USCG–2008–0747 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

(4) *Hand Delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the "Public Participation and Request for Comments" portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this proposed rule, call ENS Ashley Wanzer, Waterways Management, Sector Seattle, Coast Guard; telephone 206–217–6175, e-mail *SectorSeattleWWM@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related materials. All comments received will be posted without change to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting Comments

If you submit a comment, please include the docket number for this rulemaking (USCG–2008–0747), indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation. You may submit your comments and material online (via *http://www.regulations.gov*) or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online via *http://www.regulations.gov,* it will be considered received by the Coast Guard when you successfully transmit the comment. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. We recommend that you include your name and a mailing address, an e-mail address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* click on the "submit a comment" box, which will then become highlighted in blue. In the "Document Type" drop down menu select "Proposed Rule" and insert "USCG–2008–0747" in the "Keyword" box. Click "Search" then click on the balloon shape in the "Actions" column. If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit comments by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period and may change the rule based on your comments.

Viewing Comments and Documents

To view comments, as well as documents mentioned in this preamble as being available in the docket, go to*http://www.regulations.gov,* click on the "read comments" box, which will then become highlighted in blue. In the "Keyword" box insert "USCG–2008–0747" and click "Search." Click the "Open Docket Folder" in the "Actions" column. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act

Anyone can search the electronic form of comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review a Privacy Act notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one on or before July 2, 2010 using one of the four methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Regulatory Information

The Coast Guard published a notice of proposed rulemaking (NPRM) entitled "Regulated Navigation Area; Thea Foss and Wheeler-Osgood Waterways EPA

Superfund Cleanup Site, Commencement Bay, Tacoma, WA" in the **Federal Register** (73 FR 162, Aug. 20, 2008), docket number USCG–2008–0747. We received one comment on the NPRM.

Background and Purpose

The purpose of the proposed RNA is to preserve the integrity of the clean sediment caps placed over certain areas of the Thea Foss and Wheeler-Osgood Waterways as part of the EPA's Commencement Bay Nearshore/Tideflats superfund cleanup remediation process in those waters. These caps consist of approximately three feet of sand and gravel, designed to withstand activities common to a working waterfront, covering approximately 30 acres of sediment in the waterway.

Discussion of Comments and Change

During the comment period for the NPRM, the Coast Guard received one comment from the City of Tacoma, which requested to be included in any consultation over the grant of a waiver under the proposed RNA. We have revised the proposed waiver provisions in this supplemental NPRM (SNPRM) to eliminate details of the waiver decision process that are inappropriate for regulatory text and subject to intergovernmental or other agreements. At the same time, we restate our commitment to avoid granting any waiver that could unduly jeopardize the superfund site remediation efforts that underlie the whole concept of the proposed RNA, and we would consult with the City of Tacoma and stakeholders as needed and appropriate to safeguard those efforts.

Discussion of Proposed Rule

The proposed RNA would prohibit activities that could disturb the seabed or the sediment caps, such as anchoring, dragging, trawling, or spudding. It would not affect transit or navigation of the area. In this SNPRM, we have slightly expanded the boundaries initially proposed for the RNA, to include buffer zones around EPA's sediment caps. We have also simplified the proposed waiver provisions, while restating our intention that any waivers be consistent with the EPA's remediation efforts in the area.

Regulatory Analyses

We developed this proposed rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on 13 of these statutes or executive orders.

Regulatory Planning and Review

This proposed rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. This expectation is based on the fact that the RNA established by the rule would encompass a small area that should not impact commercial or recreational traffic, and prohibited activities are not routine for the designated areas.

Small Entities

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

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. This rule would affect the following entities, some of which may be small entities: The owners or operators of vessels intending to anchor, dredge, spud, lay cable or disturb the seabed in any fashion when this rule is in effect. The RNA would not have a significant economic impact on small entities due to its minimal restrictive area and ample opportunities for avoiding this region.

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the (**FOR FURTHER INFORMATION CONTACT**) section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

Collection of Information

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

Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on State or local governments and would either preempt State law or impose a substantial direct cost of compliance on them. We have analyzed this proposed rule under that Order and have determined that it does not have implications for federalism.

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

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

Energy Effects

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

Technical Standards

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through the Office of Management and Budget, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (*e.g.,* specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) that are developed or adopted by voluntary consensus standards bodies.

This proposed rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

Environment

We have analyzed this proposed rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions which do not individually or cumulatively have a significant effect on the human environment. A preliminary environmental analysis checklist supporting this determination is available in the docket where indicated under **ADDRESSES**.

This proposed rule involves no factors in this case that would limit the use of a categorical exclusion under section 2.B.2 of the Instruction. Therefore, we believe that this rule should be categorically excluded, under figure 2–1, paragraph (34)(g), of the Instruction, from further environmental documentation. As a proposal to establish a regulated navigation area, this rule meets the criteria outlined in paragraph (34)(g).

Comments on this section will be considered before we make the final decision on whether this rule should be categorically excluded from further environmental review.

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

Authority: 33 U.S.C. 1226, 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

2. Add § 165.1329 to read as follows:

§ 165.1329 Regulated Navigation Area; Thea Foss and Wheeler-Osgood Waterways EPA Superfund Cleanup Site, Commencement Bay, Tacoma, WA.

(a) *Regulated Areas.* The following areas are regulated navigation areas:

(1) All waters of the Thea Foss Waterway bounded by a line connecting the following points:

Point 1: 47°15′43.49″ N, 122°26′23.29″ W;

Point 2: 47°15′44.59″ N, 122°26′19.89″ W;

Point 3: 47°15′39.01″ N, 122°26′15.99″ W;

Point 4: 47°15′37.91″ N, 122°26′19.39″ W;

[Datum: NAD 1983].

(2) All waters of the Thea Foss Waterway bounded by a line connecting the following points:

Point 1: 47°15′22.74″ N, 122°25′57.15″ W;

Point 2: 47°15′22.52″ N, 122°26′0.18″ W;

Point 3: 47°15′18.05″ N, 122°25′59.48″ W;

Point 4: 47°15′18.26″ N, 122°25′56.45″ W;

[Datum: NAD 1983].

(3) All waters of the Thea Foss and Wheeler-Osgood Waterways south of a line bounded by connecting the following points:

Point 1: 47°15′13.94″ N, 122°26′05.56″ W;

Point 2: 47°15′15.01″ N, 122°25′55.14″ W.

[Datum: NAD 1983].

(b) *Regulations.*

(1) All vessels and persons are prohibited from activities that would disturb the seabed, such as anchoring, dragging, trawling, spudding, or other activities that involve disrupting the integrity of the sediment caps installed in the designated regulated navigation area, pursuant to the remediation efforts of the U.S. Environmental Protection Agency (EPA) and others in the Thea Foss and Wheeler-Osgood Waterways EPA superfund cleanup site. Vessels may otherwise transit or navigate within this area without reservation.

(2) The prohibition described in paragraph (b)(1) of this section does not apply to vessels or persons engaged in activities associated with remediation efforts in the Thea Foss or Wheeler-Osgood Waterways superfund sites, provided that the Captain of the Port, Puget Sound (COTP), is given advance notice of those activities by the EPA.

(c) *Waiver.* Upon written request stating the need and proposed conditions of the waiver, and any proposed precautionary measures, the COTP may authorize a waiver from this section if the COTP determines that the activity for which the waiver is sought can take place without undue risk to the remediation efforts described in paragraph (b)(1) of this section. The COTP will consult with EPA in making this determination when necessary and practicable.

Dated: April 30, 2010.

G.T. Blore,

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

[FR Doc. 2010–12978 Filed 6–1–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 412 and 413

[CMS–1498–CN]

RIN 0938–AP80

Medicare Program; Supplemental Proposed Changes to the Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Supplemental Proposed Fiscal Year 2011 Rates; Correction

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

ACTION: Correction of proposed rule.

SUMMARY: This document corrects technical errors that appeared in the supplementary proposed rule entitled "Medicare Program; Supplemental Proposed Changes to the Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Supplemental Proposed Fiscal Year 2011 Rates" which was filed for public inspection on May 21, 2010.

DATES: The comment period for the proposed rule FR Doc. No. 2010–12567, published elsewhere in this issue, is corrected to close June 18, 2010.

FOR FURTHER INFORMATION CONTACT: Tzvi Hefter, (410) 786–4487.

SUPPLEMENTARY INFORMATION:

I. Background

In FR Doc. 2010–12567 filed May 21, 2010, there are technical and typographical errors that are identified and corrected in the Correction of Errors section below.

II. Summary of Errors

In the **DATES** section, we inadvertently requested that the Office of the Federal Register base the comment period closing date on the date of publication of the proposed rule. In the waiver section of the proposed rule, we indicated that "we are waiving the 60-day comment period for good cause and allowing a comment period that coincides with the comment period provided for on the FY 2011 IPPS/LTCH PPS proposed rule (75 FR 23852)." Therefore, in section III. of this correction notice, we correct this error by inserting the date that the comment period closes to coincide with the date that the comment period closes for the FY 2011 IPPS/LTCH PPS proposed rule, which is June 18, 2010.

III. Correction of Errors

In FR Doc. 2010–12567 filed May 21, 2010, make the following correction:

1. In the **DATES** section, the date "July 2, 2010" is corrected to read "June 18, 2010."

IV. Waiver of 60-Day Comment Period

We ordinarily permit a 60-day comment period on notices of proposed rulemaking in the **Federal Register**, as provided in section 1871(b)(1) of the Act. However, this period may be shortened, as provided under section 1871(b)(2)(C) of the Act, when the Secretary finds good cause that a 60-day comment period would be impracticable, unnecessary, or contrary to the public interest and incorporates a statement of the finding and its reasons in the rule issued.

The changes made by this correction notice do not constitute agency rulemaking, and therefore the 60-day comment period does not apply. This correction notice merely corrects typographical and technical errors in FY 2011 IPPS/LTCH PPS supplemental proposed rule and does not make substantive changes to either that proposed rule or the first FY 2011 IPPS/LTCH PPS proposed rule appearing in the May 4, 2010 **Federal Register** that would require additional time on which to comment. Instead, this correction notice is intended to ensure the accuracy of the FY 2011 IPPS/LTCH PPS supplemental proposed rule.

We further note that this document makes corrections to a supplemental proposed rule for which the Secretary has found good cause to shorten the required 60-day comment period; we refer readers to section III.B. of the FY 2011 IPPS/LTCH PPS supplemental proposed rule for additional discussion on that point. Therefore, to the extent that the 60-day comment period does apply, we find that good cause to shorten that period for the reasons set forth above, as well as for the reasons articulated in section III.B. of the FY 2011 IPPS/LTCH PPS supplemental proposed rule.

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: May 28, 2010.

Ashley Files Flory,

Deputy Executive Secretary to the Department.

[FR Doc. 2010–13405 Filed 5–28–10; 4:15 pm]

BILLING CODE 4120–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 10–852; MB Docket No. 10–108]

FM Table of Allotments, Pacific Junction, Iowa

AGENCY: Federal Communications Commission

ACTION: Proposed rule.

SUMMARY: The Audio Division seeks comments on the proposed deletion of Channel 299C2 at Pacific Junction, Iowa. The reference coordinates for Channel 299C2 at Pacific Junction are 18–20–36 NL and 64–55–48 WL. Interested parties must file comments expressing an interest for Channel 299C2 at Pacific Junction to prevent its deletion. Any party filing a comment expressing an interest in retaining service in Pacific Junction will be required to provide evidence, demonstrating that a properly spaced site is technically feasible and meets FAA criteria. Additionally, any expressions of interest specifying sites conforming with the minimum distance separation requirements of Section 73.207(b) in response to this Notice will be required to submit specific showings demonstrating the ability to provide a 3.16 mV/m contour over the entire principal community of Pacific Junction, as required by Section 73.315 of the Commission's Rules. Although site certification is generally not required in the context of a rulemaking proceeding, we believe the facts in this case warrant a departure from that policy. Any interested party will be required to provide information demonstrating that it has reasonable assurance of transmitter site availability.

DATES: Comments must be filed by July 6, 2010 and Reply Comment must be filled by July 21, 2010

ADDRESSES: Federal Communications Commission, 445 12th Street, SW, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MB Docket No. 10–108, adopted May 12, 2010, and released May 14, 2010. The full text of this Commission document is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC.

The Pacific Junction allotment was added to the FM Table of Allotment in 2000. See 65 FR 41377, published July 5, 2000. However, the allotment was later removed as a result of MB Docket 05–210. See 71 FR 76208, published December 20, 2006. In this regard, Channel 299A was included in Auction 37 and acquired by Connoisseur Media, LLC as the winning bidder.

The complete text of this decision may also be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street, SW, Room CY–B402, Washington, DC 20554, 800–378–3160 or via the company's website, http://www.bcpiweb.com.

This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden "for small business concerns with fewer than 25 employees," pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4).

Provisions of the Regulatory Flexibility Act of 1980 does not apply to this proceeding.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comment may be filed using: (1) the Commission's Electronic Comment Filing System (ECFS), (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies. See Electronic Filing of Documents in Rulemaking Proceedings, 63 FR 24121 (1988).

Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: http://www.fcc.gov/cgb/ecfs/ or the Federal eRulemaking Portal: http://www.regulations.gov. For submitting comments, filers should follow the instructions provided on the website.

For ECFS filer, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filer must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e–mail. To get filing instructions, filers should send an e–mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

For Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rule making number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first–class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

• The Commission's contractor will receive hand–delivered or messenger–delivered paper filings for the Commission's Secretary at 236 Massachusetts Avenue, NE, Suite 110, Washington, DC 20002. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelope must be disposed of before entering the building.

• Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.

• U.S. Postal Service first–class, Express, and Priority mail must be addressed to 445 12th Street, SW, Washington, DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e–mail to fcc504@fcc.gov or call the Consumer & Government Affairs Bureau at 202–418–0530 (voice) , 202–418–0432 (tty).

Federal Communications Commission.

John A. Karousos,

Assistant Chief, Audio Division, Media Bureau.

[FR Doc. 2010–13135 Filed 6–1–10; 8:45 am]

BILLING CODE 6712–01–S

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS-R2-ES-2008-0114] [92220-1113-0000; ABC Code: C5]

Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition to Delist *Cirsium vinaceum* (Sacramento Mountains thistle)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 12–month petition finding.

SUMMARY: We, the U.S. Fish and Wildlife Service, announce a 12–month finding on a petition to remove *Cirsium vinaceum* (Sacramento Mountains thistle) from the Federal List of Threatened and Endangered Plants under the Endangered Species Act. After reviewing the best scientific and commercial information available, we find that delisting *C. vinaceum* is not warranted. However, we ask the public to submit to us any new information that becomes available concerning the status of, or threats to, the species or its habitats at any time. This information will help us monitor and encourage the conservation of this species.

DATES: The finding announced in this document was made on June 2, 2010.

ADDRESSES: This finding is available on the Internet at *http://www.regulations.gov* at Docket # FWS-R2-ES-2008-0114 and *http://www.fws.gov/New Mexico*. Supporting documentation we used to prepare this finding is available for public inspection, by appointment, during normal business hours at the U.S. Fish and Wildlife Service, New Mexico Ecological Services Office, 2105 Osuna NE, Albuquerque, NM 87113; telephone (505) 346-2525; facsimile (505) 346-2542. Please submit any new information, materials, comments, or questions concerning this finding to the above address.

FOR FURTHER INFORMATION CONTACT: Wally "J" Murphy, Field Supervisor, New Mexico Ecological Services Field Office (see **ADDRESSES**). If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (Act; 16 U.S.C. 1531 *et seq.*) requires that we make a finding on whether a petition to

list, delist, or reclassify a species presents substantial information to indicate the petitioned action may be warranted. Section 4(b)(3)(B) of the Act requires that within 12 months after receiving a petition to revise the Lists of Threatened and Endangered Wildlife and Plants (Lists) that contains substantial information indicating that the petitioned action may be warranted, the Secretary shall make one of the following findings: (a) The petitioned action is not warranted; (b) the petitioned action is warranted; or (c) the petitioned action is warranted but precluded by pending proposals to determine whether any species is an endangered or threatened species as long as expeditious progress is being made to add qualified species to, and remove species from, the Lists. Such 12–month findings are to be published promptly in the **Federal Register**.

Previous Federal Actions

The U.S. Fish and Wildlife Service (Service) proposed to list *Cirsium vinaceum* as a threatened species with critical habitat under the Act on May 16, 1984 (49 FR 20735), and listed the species on June 16, 1987 (52 FR 22933). A recovery plan for *C. vinaceum* was signed on September 27, 1993. The proposed critical habitat rule was not adopted in the final determination to list *C. vinaceum* as a threatened species. The proposed critical habitat rule was withdrawn, because the initial area proposed was considered too large to be essential for *C. vinaceum's* conservation; the secondary option of designating small, separated parcels around each population was deemed not prudent because of the potential for vandalism and the absence of net benefit to the species (52 FR 22935).

On April 30, 2004, we received a petition from Mr. Doug Moore, County Commissioner of Otero County, New Mexico, to delist *Cirsium vinaceum*. In response to the petitioner's request to delist *C. vinaceum*, we sent a letter to the petitioner dated August 31, 2005, explaining that the Service would review the petition and information in our files and determine whether or not the petition presents substantial information indicating that delisting *C. vinaceum* may be warranted. We concluded in our 90–day finding that the information presented in the petition and information in our files was not substantial to indicate that delisting the species may be warranted; however, the Service initiated a 5–year status review of the species (71 FR 70479; December 5, 2006).

On August 13, 2007, we received a petition from the Board of County Commissioners of Otero County, New Mexico, to delist *Cirsium vinaceum*. On August 31, 2007, the Service acknowledged receipt of Otero County's complete petition. On November 6, 2008, we published a 90–day finding with the conclusion that the petition and information in our files presented substantial information indicating that delisting *C. vinaceum* may be warranted (73 FR 66003). That document also initiated a review of the species' status within its range.

Species and Habitat Information

E.O. Wooton and P.C. Standley first described *Cirsium vinaceum* in 1913, and originally named it *Carduus vinaceus,* in accordance with generic concepts at that time. In 1915, Wooten and Standley combined the thistle with *Cirsium*, a common genus in the New Mexico flora.

Cirsium vinaceum is a stout plant, 3.3 to 5.9 feet (ft) (1 to 1.8 meters (m)) tall when mature. *Cirsium vinaceum* stems are brown-purple and highly branched. The basal leaves are green, 12 to 20 inches (in) (30 to 50 centimeters (cm)) long, and up to 8 in (20 cm) wide, with ragged edges. *Cirsium vinaceum* is a short-lived perennial. It lives as a rosette (a circular arrangement of leaves close to the ground) for one or more years, and eventually a stem bolts upward producing flower and seed. Flowering, the vehicle for reproduction, occurs only once, from late June through August, when pink-purple flower heads form at the tips of stems.

Seeds are usually produced through cross-pollination, a form of sexual reproduction requiring genes from 2 or more separate *Cirsium vinaceum* individuals; however, this species is capable of reproducing asexually, using genetic material from a single individual to produce a clone. Pollen is carried by a variety of animal vectors, including several species of native bees, flies, butterflies, and hummingbirds (Tepedino 2002, pp. III.5-7). Burks (1994, pp. 72-78) studied pollen movement between *C. vinaceum* flowers and found that native bees were less active as pollinators in small sites (fewer than 100 flowering individuals) than in large sites (greater than 1,000 flowering individuals), although she concluded that this disparity did not limit the overall reproductive success of smaller sites. Burks did find, however, that the reproductive success of smaller sites may be limited by the relative abundance of heterospecific versus conspecific pollen on stigmas. Heterospecific pollen is pollen from other species and does not lead to successful fertilization, whereas conspecific pollen is pollen from other individuals of the same species, and when deposited on the stigma structures of flowers, can successfully fertilize that flower. Burks found that there was more conspecific pollen on the stigmas of flowers in larger sites than in smaller sites simply as a function of there being more *C. vinaceum* individuals in the area. This suggests that larger sites have a better chance of receiving enough of the appropriate type of pollen to ensure successful fertilization and persistence of that site.

Cirsium vinaceum is an obligate wetland species that requires saturated soils with surface or subsurface water flow. *Cirsium vinaceum* habitats occur in mixed conifer forests and open valleys. Waters at these sites are rich in calcium carbonate, from limestone sources, that often precipitates out to create large areas of travertine (calcium carbonate) deposits, which occasionally become large bluffs or hills. Travertine deposits are the most common habitat of the species.

Distribution and Range

Cirsium vinaceum occurs in Otero County, New Mexico, mostly on the eastern slope of the Sacramento Mountains, with a few sites on the western slope. The range extends from about 6 miles (mi) (10 kilometers (km)) northeast to about 17 mi (27 km) south of Cloudcroft in an area of about 150 square mi (390 square km) (Service 1993, p. 3). Plants occur in meadows and partly shaded forested areas in the mixed conifer zone at 7,500–9,200 ft (2,300–2.743 m) (USFS 2003, p. 42).

More than 95 percent of the known *Cirsium vinaceum* sites occur on the Lincoln National Forest. There are two additional *C. vinaceum* sites near the southern boundary of the Mescalero Apache Reservation, and one known site on a private property seep in Fresnal Canyon that is visible from State Highway 82 (Sivinski 2006, pp. 8-9). The extent of *C. vinaceum* habitat on private property inholdings (privately owned land within the boundaries of a protected area that is federally or publicly owned) within the Lincoln National Forest is unknown.

Craddock and Huenneke (1997, p. 218) studied water dispersal of seed and determined that resultant *Cirsium vinaceum* establishment in streamside habitats was sufficient to genetically link some discrete patches of plants. They also found *C. vinaceum* seed on the surface of snow and hypothesized that snowpack may provide large areas of smooth, unobstructed surface for wind transport of seed to adjacent *C. vinaceum* patches. Burks (1994, pp. 75-

77) states that discrete patches of *C. vinaceum* sites, interconnected by pollen and seed dispersal, could collectively be identified as a metapopulation. A metapopulation is defined as group of populations separated geographically, but interconnected through patterns of exchange of genes (Pulliam and Dunning 1994, pp. 189-190). *Cirsium vinaceum* habitats occur in relatively close proximity and may be sufficiently connected genetically to form one or more metapopulations.

The U.S. Forest Service (USFS) catalogs *Cirsium vinaceum* occurrences as habitat locations or sites. New occupied sites have been documented on the Lincoln National Forest since *C. vinaceum* was listed as a threatened species in 1987. By 1993, a total of 62 sites was identified, of which 58 were on USFS land (Service 1993, p. 2). In 1995, there were 77 sites known to occur on the Lincoln National Forest (Service 2005, p. 697). In 2005 and 2007, the USFS cataloged 104 extant, historic, or potential *C. vinaceum* sites included in a monitoring program (Barlow-Irick 2007, p. 1); however, most of these sites are subdivisions of the original 20 populations described at listing. Some sites are sporadically occupied by a few plants during wet years, and unoccupied or dormant during droughts (Sivinski 2006, p. 8). We conclude, therefore, that the 104 *C. vinaceum* sites currently identified by the USFS cannot be meaningfully compared numerically to the original 20 populations identified in the listing rule; most of the newly indentified sites do not represent true populations, but subdivisions of the original 20 populations which were identified through the increased survey effort.

The known geographic range of *Cirsium vinaceum* has not significantly expanded since 1987. All but one of the newly documented sites occur within the 155-square-mi (401.45-square-km) critical habitat area identified in the 1984 listing proposal (49 FR 20739; May 16, 1984). The newly occupied site in Fresnal Canyon extends the range by less than 1 mi (1.6 km) (Sivinski 2009a, p. 1). It was believed to be extirpated when this species was listed, and is thought to be the type locality (representative location where the first specimen was found) for the species (Sivinski 2009a, p. 1). This site has recently been reoccupied due to a USFS road management action that increased water supply to the site (USFS 2004, p. 626). *Cirsium vinaceum* plants occur in small, dense groupings covering less than 100 acres (ac) (40 hectares (ha)) (Service 2005, p. 695). Within the range of the species, sites vary in size from 5 square m (54 square ft) to several thousand square meters.

Population Abundance

At the time of listing as a threatened species in 1987, surveys of USFS land estimated *Cirsium vinaceum* to be a species with 10,000 to 15,000 sexually reproducing individuals (June 16, 1987; 52 FR 22933). Most of these individuals occur in sites on USFS lands; however, several are on private lands and the Mescalero Indian Reservation (June 16, 1987; 52 FR 22933). Both the Service and the USFS noted at the time that accurate counts of the plant had not been made, and that the actual number of plants was likely much larger than the best available data indicated. A 1990 inventory of Lincoln National Forest habitats located 196,000 total plants, including mature and juvenile rosettes (Service 1993, p. 2). This inventory was conducted primarily within the original 20 populations described at the time of listing. The survey method used reflected all age classes of plants in their habitats, rather than methods used in subsequent inventories in which only flowering stems were counted. The 1990 inventory also determined that *C. vinaceum* is capable of sporadic root sprouting to produce multiple rosettes, or clones, per individual.

Six additional inventories of *Cirsium vinaceum* on the Lincoln National Forest have been conducted, beginning in 1995, by Dr. Laura Huenneke, and in subsequent years by Dr. Patricia Barlow-Irick. These inventories consistently followed the survey protocol of counting only flowering plants, rather than all plants of various age classes, at most of the Lincoln National Forest locations known at the time. Surveyed sites consisted of historically occupied, currently occupied, and potentially suitable sites within the known range of *C. vinaceum*. Total numbers of flowering individuals were 34,228 in 1995; 39,849 in 1998; 34,710 in 2000; 30,460 in 2003; 28,063 in 2005; and 24,124 in 2007 (Barlow-Irick 2008, p. 1). Total numbers of habitat sites assessed were: 76 sites in 1995, 81 sites in 1998, 82 sites in 2000, 85 sites in 2003, 85 sites in 2005, and 81 sites in 2007 (Barlow-Irick 2007, p. 1; Sivinski 2006, p. 6).

Many of the occupied *Cirsium vinaceum* sites included in these surveys are only 330 ft (100 m) apart and are as small as 54 square ft (5 square m). Therefore, we do not consider all of these sites to be "populations" in a reproductive or genetic sense of the term, because many are in close proximity to one another (Service 1993, p. 4). The 1987 description of *C. vinaceum* as occurring in 20 populations of discrete patches of plants, or clusters of proximate occupied habitats that experience limited exchange of genes between plants in each of the patches because of geographic distance, has been revised using more complete survey information. Subsequent discoveries of several additional patches of *C. vinaceum* between these "populations" and observations of seed dispersal in streams have significantly reduced the number of *C. vinaceum* patches that could conform to the traditional biological definition of a population (Craddock and Huenneke 1997, p. 218); however, a revised number of populations of *C. vinaceum* has not been determined.

The Service and USFS estimates of total population size of *Cirsium vinaceum* are based on the 1995 monitoring protocol of multiplying the number of flowering individuals by 10 to account for the numerous juvenile rosettes (USFS 2003, pp. 44-45). The multiplier of 10 is based on a 1989 count of all rosettes in four *C. vinaceum* sites, which found that flowering individuals ranged from 10 percent to 13 percent of the rosettes in the four sites (Sivinski 2006, p. 6). Therefore, this protocol relies on a very limited sample in a single year, which may or may not be accurate for an entire population estimate in any given year (Sivinski 2006, p. 6). We currently do not have information available to determine whether 1989 was a representative year, and how other years compare to 1989 in terms of total numbers of rosettes at a variety of *C. vinaceum* sites. For these reasons, we are using actual flowering stem counts in this finding, and not estimates of total population size, as determined by the 1995 monitoring protocol.

In 1998, the survey protocol was changed from estimating population size to actually counting every flowering stem. Additional sites were found in this year, leading to a population size that would translate to nearly 400,000 individuals using the old protocol of multiplying the number of flowering individuals by 10. Barlow-Irick, the contractor who completed the inventories of *Cirsium vinaceum* from 1998 to 2007, states that the reported increase in numbers is not the result of the species being more abundant within populations, but rather is strictly a function of finding more sites as well as the change in protocol from estimating population size to actually counting every flowering stem (Barlow-Irick 2008, p. 1).

The intensive field monitoring described above conducted by Huenneke and Barlow-Irick shows a downward trend in the number of occupied sites, overall population numbers, and number of flowering stalks from 1998 to 2007. The rate of decline in total flowering *C. vinaceum* numbers was 12.9 percent between 1998 and 2000, 12.2 percent between 2000 and 2003, 7.9 percent between 2003 and 2005, and 14 percent between 2005 and 2007. This decline coincides with a severe long-term period of drought with higher than average winter temperatures across most of New Mexico beginning in 1999 (Sivinski 2006, pp. 6-7). Five *C. vinaceum* sites were extirpated between 1995 and 2007. In 2007, another 18 sites contained less than 25 percent of the average number of plants documented in the previous five surveys, and 11 other sites had between 25 and 50 percent of their average stem count (Barlow-Irick 2008, p. 2). However, a declining trend is not completely consistent among *C. vinaceum* sites. While most *C. vinaceum* sites have experienced decreasing numbers of flowering stems during the monitoring period, a few sites have increased in stem numbers, likely as a result of exclusion of livestock (USFS 2004, p. 629).

Sacramento Mountains Thistle (*Cirsium vinaceum*) Recovery Plan

The main objective of the Sacramento Mountains Thistle *Cirsium vinaceum* Recovery Plan (1993) is to protect and manage the habitats necessary to sustain viable populations of the species. It recommends the following three criteria to meet the plan's goal to delist *C. vinaceum*:

(1) Acquire water rights specifically for the maintenance of travertine spring habitats at a minimum of 30 percent of the occupied spring localities, including at least 1 occupied spring locality in each of the 20 known canyons of occurrence;

(2) Develop habitat management plans to alleviate threats to the species and ensure permanent protection of at least 75 percent of the known occupied habitats, according to steps outlined in the plans. Sites should include both core populations at springs, as well as other occupied riparian habitats. Unoccupied stream habitat downstream of occupied springs should be protected for future colonization by *Cirsium vinaceum;* and

(3) Establish a 10–year monitoring and research program to demonstrate the effectiveness of management implemented under the plans.

No portion of criterion (1) has been met. The State of New Mexico owns the State's water, as determined by the *United States* v. *New Mexico* case of 1978 (438 U.S. 696, 98 S. Ct. 3012). Federal land managers in New Mexico do not own the water located on Federal lands, and therefore cannot deny a claim of a legitimate beneficial use of a water right. However, a land manager can designate the point of diversion according to a claim of the water right. In July 2007, the State of New Mexico adopted legislation establishing a strategic water reserve to manage water for interstate stream augmentation to benefit threatened or endangered aquatic or obligate riparian species (NM ST § 72-14-3.3, 2007). This law may be applicable to protect *Cirsium vinaceum* habitats. Federal agencies are eligible to acquire such State-based water rights to benefit threatened or endangered aquatic or obligate riparian species; however, to date, no action agency has acquired or attempted to acquire water rights to benefit *C. vinaceum*. Where *C. vinaceum* is not exclusively associated with riparian habitats and is not located within river reaches that involve stream augmentation or interstate stream compacts, this recent law may not apply. This would eliminate most occupied *C. vinaceum* sites, particularly at its upland spring and travertine shelf habitats. Also, the New Mexico State Engineer has the ability to protect a water resource to further a "State Conservation Goal," but this has not been applied to protect any *C. vinaceum* sites.

The development of management plans to alleviate threats and ensure permanent protection of at least 75 percent of known occupied *Cirsium vinaceum* habitats pursuant to criterion (2) has not been achieved. Although management plans have been developed by the Lincoln National Forest to address threats to *C. vinaceum* from forestry practices, livestock grazing, and trampling by recreationists, the plans have not resulted in permanently protecting 75 percent of the species' occupied habitats. As described in the "**Summary of Information Pertaining to the Five Factors**" below, exclosures designed to protect some habitats occupied by *C. vinaceum* from trampling and predation have not been consistently maintained and have not been used correctly, and livestock grazing utilization standards and rotation dates have not been consistently enforced. As a result, even in areas where protection has been planned and attempted, *C. vinaceum* has been impacted. In addition, *C. vinaceum* continues to be impacted by highway maintenance activities, drought, and an emerging threat of insect predation. These additional threats have not been addressed by management plans, and permanent protection of at least 75 percent of the known occupied habitats has not been ensured.

While criterion (3) has not been explicitly met, it has been addressed in concept by continuing studies of *Cirsium vinaceum* population dynamics, ecology, and response to the mitigation of some threats, such as livestock grazing and trampling. For example, monitoring has shown that properly maintained and used exclosures increase the numbers of *C. vinaceum*, allowing recovery at sites. The recovery plan also recommends developing new information for biological factor and threat analysis. Of relevance here is the need for research on measures to control insect predation on *C. vinaceum*.

Summary of Information Pertaining to the Five Factors

Section 4 of the Act (16 U.S.C. 1533) and implementing regulations (50 CFR part 424) set forth procedures for adding species to, removing species from, or reclassifying species on the Federal Lists of Endangered and Threatened Wildlife and Plants. Under section 4(a)(1) of the Act, a species may be determined to be endangered or threatened based on any of the following five factors:

(A) The present or threatened destruction, modification, or curtailment of its 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.

We must consider these same five factors in delisting a species. We may delist a species according to 50 CFR 424.11(d) if the best available scientific and commercial data indicate that the species is neither endangered nor threatened for the following reasons:

(1) The species is extinct;

(2) The species has recovered and is no longer endangered or threatened; or

(3) The original scientific data used at the time the species was classified were in error.

A species is "endangered" for purposes of the Act if it is in danger of extinction throughout all or a "significant portion of its range," and is "threatened" if it is likely to become

endangered within the foreseeable future throughout all or a "significant portion of its range." For the purposes of this analysis, we will evaluate whether the currently listed species, *Cirsium vinaceum,* should be considered threatened or endangered. Then we will consider whether there are any portions of the range of *C. vinaceum* in which the status of the species differs from that determined for the species rangewide.

The Act does not define the term "foreseeable future." However, in a January 16, 2009, memorandum addressed to the Acting Director of the Service, the Office of the Solicitor, Department of the Interior, concluded, "* * * as used in the [Act], Congress intended the term 'foreseeable future' to describe the extent to which the Secretary can reasonably rely on predictions about the future in making determinations about the future conservation status of the species." In a footnote, the memorandum states, "In this memorandum, references to 'reliable predictions' are not meant to refer to reliability in a statistical sense. Rather, I use the words 'rely' and 'reliable' according to their common, non-technical meanings in ordinary usage. Thus, for the purposes of this memorandum, a prediction is reliable if it is reasonable to depend upon it in making decisions" (M–37021, January 16, 2009). The majority of *Cirsium vinaceum* habitat is on land within the Lincoln National Forest. This land is publicly owned and managed by the USFS. The USFS manages the land for multiple uses, including livestock grazing and recreation. Consderable data are available on the impacts such activities have had on *C. vinaceum,* and reliable predictions can be made concerning future impacts to the species under USFS management.

In making this finding, we evaluated the best scientific and commercial information available to determine whether delisting *Cirsium vinaceum* is warranted. This information includes the updated petition and associated documents, data from the 1990 through 2007 surveys (Barlow-Irick 2005, 2007, 2008), recent reports by Sivinski (2007, 2008) and the USFS (2008), as well as other information available to us, to determine whether delisting *C. vinaceum* is warranted. The following analysis examines the five factors described in section 4(a)(1) of the Act and those activities and conditions currently affecting *C. vinaceum,* or likely to affect the species within the foreseeable future.

Factor A. The Present or Threatened Destruction, Modification, or Curtailment of the Species' Habitat or Range

Availability of Water

Cirsium vinaceum is an obligate wetland species that requires surface or immediately subsurface water flows. It occurs only on water-saturated substrates of springs and seeps on hillsides and valley bottoms. Loss of available water at *C. vinaceum* sites has been observed to lead to retractions of occurrence boundaries, a reduction in the numbers of individuals, and, in some cases, a loss of all plants at sites (USFS 2003, pp. 42–43; Barlow-Irick 2007, pp. 1–2). Study results indicate that declining and extirpated *C. vinaceum* sites are more frequently found in drier conditions than are sites with stable or increasing populations (Barlow-Irick 2007, pp. 1-2). Loss of water from *C.vinaceum* habitat occurs both naturally and as a result of human impacts that cause water diversion directly and indirectly. Examples of naturally occurring water loss include changes in precipitation patterns and watershed condition, as well as shifts in travertine deposits and slopes (USFS 2003, pp. 42-43). Water diversion by roads, trails, and spring development are examples of loss of water flow to occupied sites due to human activity (USFS 2003. pp. 42-43).

Natural water loss. In the current decade, *Cirsium vinaceum* has experienced some drought conditions. Water flow at a number of springs occupied by *C. vinaceum* has declined substantially. Monsoonal summer precipitation can be very patchy, with some areas receiving considerably less rainfall than others. While precipitation data compiled by the Western Regional Climate Center for Cloudcroft indicate that there was a shortfall of over 20 percent in mean rainfall in only 1 of the last 15 years (1999) (USFS 2003, pp. 53—54), the seasonal distribution of yearly precipitation is significant and can result in temporary drought conditions for *C. vinaceum.*

Monitoring of *Cirsium vinaceum* has shown a simple and direct relationship between water availability in suitable habitat and numbers and extent of plants in occurrences (Huenneke, 1996, pp. 149—150). As water flow has been observed to decline at springs, decreases in plant numbers and the size of occurrences have occurred. The situation has been observed to reverse when increased water is available (USFS 2003, pp. 55-56). Dry periods can also increase the effects of livestock trampling and herbivory on *C. vinaceum* when other water and forage plants are not available. Springs and creeks provide a majority of the watering sites for both livestock and wildlife species, especially elk. These wet sites are subject to trampling and hoof damage, and receive especially heavy use during drought periods, when neither water nor green forage are readily available elsewhere. At the end of the summer grazing season in October, livestock water can again be in short supply, and impacts to *C. vinaceum* may increase as a result (USFS 2003, p. 56).

Water diversion due to current activities. Appropriation of water rights from springs for a use recognized by the State of New Mexico as beneficial, such as for livestock, farming, domestic, or recreational facilities, typically uses points of diversion that curtail natural surface flows, and thus may negatively impact *Cirsium vinaceum.* Additionally, the original *C. vinaceum* listing rule described an unauthorized 1,900 ft (579 m) long pipeline and cement spring box constructed at a *C. vinaceum* site, which negatively impacted nearby plants by impeding water flow (52 FR 22933; June 16, 1987). This unauthorized development of a spring near Bluff Springs resulted in an 84-percent loss of *C. vinaceum* at one site, from 300 plants in 1984 to 47 plants in 1991 (Service 1993, p. 29).

Drainage under roads was improved in Water Canyon and the Rio Peñasco in a 2001-2002 riparian improvement project. Sites that were formerly occupied by *Cirsium vinaceum* were returned to conditions suitable for reoccupation by the species with the increased water availability afforded by this alteration, resulting in the rehabitation of these areas by the species (USFS 2004, p. 626).

Increased water diversion due to future population growth. The human population in Otero County, New Mexico, increased by 20 percent from 1990 to 2000, and is expected to increase another 17.3 percent between the years 2000 and 2030 (University of New Mexico 2004, pp. 1-3). An increasing human population and its associated agricultural and economic activities will require additional water from this relatively dry region. For example, between 2010 and 2040, the City of Alamogordo estimates its water demand will increase from 7,609 acre feet per year to 10,375 acre feet per year (Office of the State Engineer 2003, pp. 3-4). Aquifers in the Sacramento Mountains are susceptible to impacts from existing water rights. Development of additional water rights could potentially dewater *Cirsium vinaceum* water sources, and this constitutes a

threat to the species in the foreseeable future. As discussed above, the State of New Mexico adopted legislation establishing a strategic water reserve to manage water for interstate stream augmentation to benefit threatened or endangered aquatic or obligate riparian species (NM ST § 72-14-3.3, 2007). Federal agencies are eligible to acquire such State-based water rights to benefit threatened or endangered aquatic or obligate riparian species, which may help to mitigate impacts of increased water diversion in the future. However, to date, no action agency has acquired or attempted to acquire water rights to benefit *C. vinaceum*.

In summary, while water diversion due to current activities does not appear to be a widespread threat at the current time, localized impacts have been observed and increased use of water constitutes a threat in the foreseeable future. Natural loss of water is currently a threat to *Cirsium vinaceum*. We will continue to monitor water availability for *C. vinaceum.*

Trampling by Livestock

Improper livestock grazing, as it relates to trampling of habitat, was recognized as a threat to *Cirsium vinaceum* in the 1987 listing rule (52 FR 22933; June 16, 1987). In that notice, the authors report that many sites previously occupied by *C. vinaceum* appear to be suitable for habitation by the species; however, the populations that formerly occurred there had been reduced or eliminated by livestock impacts (52 FR 22933; June 16, 1987). Livestock have the potential for large impacts to the species, both by trampling, discussed below, and by predation through grazing, discussed under Factor C.

Ninety-five percent of *Cirsium vinaceum* localities occur on USFS lands within grazing allotments accessed by livestock. *Cirsium vinaceum* habitats on travertine springs and in the valley bottoms provide the majority of watering locations for livestock and elk, subjecting this fragile habitat to frequent trampling. One site at Silver Springs on the James Allotment has been closed to livestock since 1995. The *C. vinaceum* population in this allotment has grown in response to being rested from livestock, and recent information indicates that this single allotment contained 36 percent of all flowering stems for the species (USFS 2003, p. 44).

Trampling of *Cirsium vinceum* and its habitat by livestock and humans has caused damage to travertine formations and outflow creek beds, resulting in altered water flow to *C. vinaceum* habitat (USFS 2003, pp. 42-44). Damage to travertine crusts can adversely affect surfaces critical to the successful germination and reproduction of *C. vinaceum* and inhibit *C. vinaceum* seed movement and dispersal by flowing water (USFS 2003, pp. 43-44). During drought, the effects of compaction and trampling in drying travertine *C. vinaceum* sites may be even more severe. This damage causes a loss of normal soil structure and permeability that may inhibit processes necessary for the development and establishment of new plants when water flows return to these sites. Trampling of *C. vinaceum* can reduce tissue needed for metabolism, and damage seedlings, rosettes, and flowering stalks (USFS 2003, pp. 43-44). Broken flowering stalks render affected *C. vinaceum* incapable of reproduction (USFS 2007, pp. 20-21).

Prior to listing, instances were observed in which trampling from livestock grazing had severely impacted *Cirsium vinaceum* (USFS 2003, p. 46). Todsen (1976, p. 1) reported that the *C. vinaceum* population in Silver Springs Canyon had only a few intermittent plants on the side of a fence where livestock were permitted to graze. In 1978, the USFS reported that *C. vinaceum* in a wet meadow above Bluff Springs occurred only within a small fenced-in area that excluded livestock and not in the adjacent grazed habitat. The USFS later reported in 1984 that recent livestock exclusions from some habitats at Silver Springs, Bluff Springs, and Rio Peñasco had "led to a remarkable increase in numbers of *Cirsium vinaceum,*" while the population in Lucas Canyon was "considerably smaller" because of livestock (USFS 2003, p. 44). In a Lucas Canyon study, *C. vinaceum* rosettes were markedly smaller at a site grazed by livestock (mean rosette diameter approximately 4.85 to 8.87 in (12.3 to 22.5 cm)) adjacent to an excluded population subject only to grazing by elk (mean rosette diameter approximately 20.27 to 29.17 in (51.5 to 74.1 cm)). Furthermore, this discrepancy was observed for 24 months after grazing pressure had been alleviated (Thomson and Huenneke 1990, pp. 9-10).

The effects of trampling have resulted in declines or disappearance of *Cirsium vinaceum* at sites (Fletcher 1979, p. 3; 52 FR 22933; June 16, 1987). The USFS has minimized some of the trampling impacts of concentrated use by livestock and elk by enclosing *C. vinaceum* habitats with fences; however, no new fences or protected areas have been created since 1999. Exclosures currently cover approximately 290 ac (120 ha) on USFS lands. These exclosures protect about one-half of the habitat occupied by *C. vinaceum* from negative impacts associated with livestock use and have resulted in increased numbers of *C. vinaceum* within many fenced sites (Service 2005, p. 698). Fences that are part of livestock exclosures are occasionally knocked down or left open, resulting in trampling of *C. vinaceum* (USFS 2007, p. 4). Additionally, several exclosures were never finished after their construction was initiated, and others have not been maintained, allowing livestock access to *C. vinaceum* habitats (Barlow-Irick 2008, p. 1).

The USFS has excluded livestock from many *Cirsium vinaceum* habitats with fencing, often aiding in the recovery of those populations. For example, a site in Hubbell Canyon that contained no known *C. vinaceum* in 1984 was able to support approximately 500 plants shortly after an exclosure was constructed in 1991 (USFS 2003, p. 62). A grazing exclosure was built around a site in Lucas Canyon that contained 350 plants in 1984, but expanded to 3,414 *C. vinaceum* by 1991. A wet meadow above Bluff Springs that contained only one *C. vinaceum* plant in 1976 has supported hundreds of *C. vinaceum* since 1984, when a livestock exclosure was built (USFS 2003, p. 62). At present, 40 of 86 sites located within the Lincoln National Forest have been fenced to exclude livestock or are considered to be inaccessible to livestock due to steep slopes or cliffs (Todsen 1976, p. 1; Service 2005, p. 698).

As previously discussed, exclosures protect *Cirsium vinaceum* from several grazing impacts, including trampling of plants and habitat, and herbivory of rosettes, flowering stalks, and seedlings. They have allowed *C. vinaceum* populations to recover inside and even expand beyond fenced areas in a few cases (Service 2005, p. 698). However, livestock exclosures around *C. vinaceum* habitats have not been consistently maintained. Due to unmaintained fences, some exclosures are available for the gathering or relocation of cattle (USFS 2003, p. 53; 2007, p. 20; Barlow-Irick 2008, p. 1). Two of the larger fenced areas containing *C. vinaceum* habitats have been and continue to be used as grazing exclosures during the grazing season, and then used to gather cattle at season's end (USFS 2003, p. 53; Service 2010, p. 1). Such practices have had adverse impacts on *C. vinaceum* plants and sites by way of increased grazing and presence of livestock which destroy

seedlings, fragile travertine habitat, and the flowering stalks of plants, thereby preventing reproduction by affected plants (Service 2010).

In summary, although many sites have been protected, up to 50 percent of sites are still subject to grazing pressures, and those that are fenced may be impacted into the future as fences fall into disrepair or are vandalized (Service 2010, p. 1). Furthermore, if *Cirsium vinaceum* were to be delisted, there is little likelihood that maintenance and construction of exclosures would continue in the future. Therefore, livestock trampling is a significant, ongoing threat to *C. vinaceum* that is expected to continue in the foreseeable future.

Recreation

Cirsium vinaceum at Bluff Springs are impacted by trampling due to human recreation. The Land and Resource Management Plan for the Lincoln National Forest (2004, p. 628) prescribes managing Bluff Springs for dispersed recreation, while providing for *C. vinaceum* management. *Cirsium vinaceum* stands in this area have been fenced and foot trails rerouted since 1983 to protect this population (USFS 2003, p. 46). Soon after construction of the fence, *C. vinaceum* increased at this location, but since 1995, the number of individuals has fluctuated, with an overall downward trend. In 2005, the number of flowering stems was 486, less than one-third of the 1,600 plant total in 1995. Recreational users at Bluff Springs continue to impact *C. vinaceum* annually as users trespass into the fenced area and vandalize plants and trample habitat (Barlow-Irick 2008, p. 1). Impacts from recreational users continue to be a threat to *C. vinaceum* at Bluff Springs, but are not known to be impacting other populations. Thus, recreation is not considered a threat to the species rangewide now or in the foreseeable future.

Logging

Cirsium vinaceum sites have been subjected to direct and indirect impacts from land uses that damage travertine substrates and their hydrological characteristics. Some of the roads and trails that support regional access for timber harvest and management, ranching operations, recreation, and residential developments occur in, or adjacent to, *C. vinaceum* habitats. Prior to, and at the time of listing, there was concern that ground disturbance from road construction and logging could potentially impact *C. vinaceum* habitats if project planning for logging operations did not consider avoiding or reducing impacts to the species (Fletcher 1979, p. 3; 52 FR 22933; June 16, 1987). Indirect effects from logging, such as road construction, siltation, alteration of hydrologic flows, increased surface water runoff, decreased infiltration, and higher sediment loads in streams, are additional potential impacts to *C. vinaceum* habitat that can result from forestry activities (Service 1993, p. 28). At present, our information indicates that the USFS applies a minimum 200 ft (61-m) protective buffer around *C. vinaceum* occurrences during forest management activities and excludes all equipment from wetland areas with *C. vinaceum* habitat (Service 2002, p. 3; Service 2004, pp. 4–13). These buffers are in accordance with the guidelines of the Lincoln National Forest's Interim Management Plan (USFS 1989, p. 4). This active management by the USFS has mitigated effects of ground disturbance on USFS lands, where 95 percent of the species is located. We do not consider ground disturbance from logging or its associated direct and indirect effects to be a current threat to *C. vinaceum.*

Climate Change

The Intergovernmental Panel on Climate Change (IPCC) states that warming of the climate system is unequivocal based on observations of increases in global average air and ocean temperatures, widespread melting of snow and ice, and rising global average sea level (2007a, p. 5). For the next two decades, a warming of about 0.4 degrees Fahrenheit (°F) (0.2 degrees Celsius (°C)) per decade is projected (IPCC 2007a, p. 12). Temperature projections for the following years increasingly depend on specific emission scenarios (IPCC 2007a, p. 13). Various emissions scenarios suggest that average global temperatures are expected to increase by between 1.1°F and 7.2°F (0.6°C and 4.0°C) by the end of the 21st century, with the greatest warming expected over land (IPCC 2007a, p. 13). Warming in western mountains is projected to cause decreased snowpack, more winter flooding, and reduced summer flows, exacerbating competition for over-allocated water resources (IPCC 2007b, p. 14). The IPCC reports that it is very likely that hot extremes, heat waves, and heavy precipitation and flooding will increase in frequency (IPCC 2007b, p. 18). Because *Cirsium vinaceum* occupies a relatively small area of specialized habitat, it may be vulnerable to climatic changes that could decrease suitable habitat.

We find that there are limitations in currently available data and climate models. The information available on climate change indicates that New Mexico will be impacted by the effects of climate change (Agency Technical Work Group 2005, p. 1). However, reliable predictive models have not yet been developed for use at the local scale in New Mexico's Sacramento Mountains, and there is little certainty regarding the timing and magnitude of the resulting impacts. There is currently no information specific to the effects of climate change on *Cirsium vinaceum* or its habitat; however, based on projections made by the IPCC, we consider climate change to be a potential exacerbating factor, worsening the impacts of other known threats. These threats include habitat degradation from water loss resulting from prolonged periods of drought and increased temperature, and the allocation of water for use by the human population and livestock in the area, as well as any number of unforeseen compounding effects. In summary, we do not currently consider climate change itself to be a factor affecting *C. vinaceum's* persistence, because the information available on the subject is insufficiently specific to the species. However, we consider climate change to be a potential exacerbating factor and will continue to evaluate new information on the subject as it becomes available.

In summary for Factor A, we continue to consider water availability and trampling caused by livestock to be threats to *Cirsium vinaceum* and its habitat currently and in the foreseeable future. We find the information available on climate change to be insufficiently specific to *C. vinaceum* to indicate with certainty that it is affecting the species and its habitat at this time; however, we will continue to evaluate the most up-to-date information on the subject as it becomes available.

Factor B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

We do not have any data suggesting that *Cirsium vinaceum* is, or may be, overutilized for commercial, recreational, scientific, or educational purposes. *Cirsium vinaceum* seeds and seed heads have been collected for research projects intended to understand and improve the status of the species. The species' current level of State and Federal protection requires permits from the Service, USFS, and the State of New Mexico for such research. At current levels of collection, we do not consider overutilization for commercial, recreational, scientific, or educational purposes to be a threat

currently or in the foreseeable future. If the species were delisted, permits for collection would continue to be required by the USFS and the State of New Mexico.

Factor C. Disease or Predation

Insect Predation

Native insect population fluctuations and invasions of nonnative insects may impact the condition, reproduction, and distribution of *Cirsium vinaceum*. *Cirsium vinaceum* is host to an undetermined number of native and nonnative insect species that prey upon the plant and its flower heads. Native insect seed predators can consume from 17 to 98 percent of *C. vinaceum*'s seed production within a population. Observed seed predators include *Paracantha gentilis,* a native specialist Tephritid gall fly; *Platyptilia carduidactyla,* the native Pterophorid artichoke plume moth; *Euphoria inda,* a native generalist Scarabaeid bumble flower beetle; and *Rhinocyllus conicus,* an introduced Curculionid seed-head weevil (Sivinski 2007, pp. 2-14; Sivinski 2008, pp. 1-11). A fifth insect predator, *Lixus pervestitus*, the native Curculionid stem borer weevil, was first detected during field surveys in 2006 and 2007 (Sivinski 2007, pp. 8-13; Sivinski 2008, pp. 7-11). Thus far, *L. pervestitus* has not been found on *C. vinaceum* outside of the Silver Springs population, and little is known about this insect species in New Mexico (Sivinski 2008, pp. 10-11). Sivinski studied insect seed predation and herbivory of *C. vinaceum* in September of 2006, 2007, and 2008 in four populations: Silver Springs, Bluff Springs, Upper Rio Peñasco, and Scott Able Canyon. These insect species damaged flower heads or caused premature stem death in all years of the study. By September 2007, these insects had collectively damaged flowering stalks in significant proportions—up to 98 percent within the Silver Springs site, 80 percent of the Bluff Springs site, up to 66 percent in the Upper Rio Peñasco site, and 90 percent of the Scott Able Canyon site (Sivinski 2007, p. 12). After predation by these insects, seed production was significantly reduced in 2007, particularly as a result of *L. pervestitus* in the Silver Springs population.

Lixus pervestitus is likely a recent immigrant to the Sacramento Mountains and represents a significant new threat to the long-term persistence of the species (Sivinski 2007, p. 13). *Lixus pervestitus* was responsible for killing thousands of *Cirsium vinaceum* at Silver Springs in September of 2006, 2007, 2008, and 2009, before most of the flowers had set seed, resulting in nearly complete die-off of flowering stems each of these years (Sivinski 2008, p. 9; 2009b, p. 1). Insect damage to the Silver Springs population was two-fold; *Rhinocyllus conicus* and *Paracantha gentilis* reduced seed production earlier in the flowering season, then *L. pervestitus* damaged flowering stems into early fall (Sivinski 2007, p. 13). The population totaled 8,727 stems in the summer of 2007, and by the end of September of the same year, 98 percent of these stems were prematurely dead or dying. The timing of *L. pervestitus*' attack left seed maturity and production to only the earliest blooming flower heads, greatly reducing this population's reproductive output for the season. Immature *C. vinaceum* rosettes were not significantly affected by any native or nonnative insects during the study (Sivinski 2007, p. 14). However, this recent addition of this invasive seed predator, *L. pervestitus,* will likely further decrease seed production and increase the threat to the persistence of some *C. vinaceum* populations. Small *C. vinaceum* sites may be more likely to be extirpated because of seed limitations, and some sites could remain unoccupied if adjacent sites of *C. vinaceum* are producing and dispersing fewer seeds.

The recovery plan for *C. vinaceum* identified *Rhinocyllus conicus* as a potential threat to the species (Service 1993, p. 6). *Rhinocyllus conicus*, indigenous to Eurasia, was intentionally introduced to North America in 1969 as a biological control agent for the noxious weed *Carduus nutans* (musk thistle). It subsequently spread to at least 26 States on both *C. nutans* and native thistle species, and is also frequently distributed by deliberate introduction on both private and public lands (Dodge 2005, p. 6). The ability of *R. conicus* to attack native thistle species and decrease their seed production has been documented (Dodge 2005, pp. 15-38). A preliminary field study of the presence and damage of *R. conicus* in the Silver Springs area found the weevil using 63.8 percent of *C. vinaceum* flower heads in mid-July 2007 (Sivinski 2008, p. 9).

The reduction of seed production due to seed predators could have long-term effects on the viability of populations. Although *Cirsium vinaceum* can reproduce asexually, that is, without the genetic contribution of another *C. vinaceum* individual, it is not known how long a site can persist with little or no seed production (Sivinski 2009a, p. 1). Asexual reproduction can be advantageous in a stable environment because it requires less energy; however, with this form of reproduction, genetic material from only one plant is required, so clones are produced. Populations that are reduced to recruitment via only asexual reproduction could suffer from loss of genetic variation. The resulting clones may not be able to adapt to even moderate changes to their environment, including the arrival of new insect predators or diseases. Many *C. vinaceum* sites are small or occur on marginal habitats where they can disappear during extreme conditions. If insect predation eliminates seed production in larger populations, such as Silver Springs, the smaller patches that temporarily disappear may not be re-established. In addition, genetic exchange through sexual reproduction between sites would discontinue and further reduce genetic variability of the species.

In summary, insect seed predation and herbivory of *Cirsium vinaceum* eliminated seed production in the majority of plants at all of the study sites in all 3 years of the study. This condition is either very likely to spread to other *C. vinaceum* sites, or is already occurring at other sites. For these reasons, we find that insect predation, even within sites containing large numbers of *C. vinaceum,* represents a significant new category of threat currently and in the foreseeable future.

Livestock Grazing

Grazing of *Cirsium vinaceum* by livestock and elk was described as minimal in the 1987 listing determination (52 FR 22933). Subsequent monitoring of herbivore impacts at several *C. vinaceum* sites has determined that this species is a forage plant for livestock and, although not preferred, appears to be part of the cattle diet throughout its range (USFS 2003, p. 49). *C. vinaceum* rosettes that have been grazed by livestock early in the growing season have the ability to make compensatory growth if grazing ceases; however, flower stems that are destroyed or severely damaged by grazing later in the season do not recover, and the plant dies without producing seeds (USFS 2003, p. 49). Grazing can adversely impact growth, vigor, seedling establishment, and reproductive output, and small *C. vinaceum* sites may be more vulnerable and at a higher risk of extirpation than larger sites (USFS 2003, p. 55).

Although *Cirsium vinaceum* populations have been documented to recover within a few weeks from light grazing on fewer than 10 percent of plants, grazing of the plants' flowering stalk and leaves of rosettes can cause

total loss of reproduction and can lead to the loss of the affected population (USFS 2003, p. 55). *Cirsium vinaceum*'s low tolerance for freezing and drought may compound the effects of livestock grazing. Herbivory of seedlings, particularly in spring, may reduce the density of plants and leave seedlings more exposed to low temperatures. Livestock grazing during periods of long-term drought may also affect *C. vinaceum*'s ability to recover reproductive capability. Barlow-Irick (2005, p. 1) surveyed 85 *C. vinaceum* monitoring sites in the late summer of 2005, after the first wet season following several years of drought. The overall number of flowering *C. vinaceum* was still decreasing, but five sites exhibited increased numbers of flowering individuals. These five sites were excluded from livestock. Furthermore, long-term monitoring trends show correlations between *C. vinaceum*, herbivores, and water availability. *Cirsium vinaceum* populations with above-average numbers of reproductive individuals are associated with sites that exhibit consistently greater levels of water flow and lower levels of livestock grazing, compared to sites with lower average water flows and increased levels of grazing (Barlow-Irick 2007, p. 1).

Livestock grazing in USFS allotments containing *Cirsium vinaceum* habitats is permitted from May to October, and herbivory on *C. vinaceum* occurs in all of these months (USFS 2007, p. 20). During a 1992 study of livestock grazing on *C. vinaceum*, use peaked in June, with 76 percent of accessible rosettes grazed, and again in September and October, with over 90 percent of accessible rosettes grazed (USFS 2003, p. 48). Although *C. vinaceum* may be able to persist under this grazing regime, there are recognized adverse effects to the species (USFS 2003, pp. 54—57). Adverse effects include significant differences between rosette size and leaf length between grazed and ungrazed occurrences, with the smaller measurements for both found in occurrences grazed by livestock. A reduction of plant tissue and size can adversely impact growth, vigor, reproductive potential, and the ability of the plants to compete with invasive weeds. *C. vinaceum* has also been observed to only make one attempt per rosette at producing a flowering stalk. If that stalk is lost to herbivory, reproductive potential for that plant is lost (USFS 2003, pp. 54—57).

Grazing practices in the Sacramento Allotment are sufficiently significant to influence the general status of *Cirsium vinaceum* because this allotment contains the majority of *C. vinaceum* sites and individuals. In 2001, the Sacramento Grazing Allotment contained 74 of 86 occupied *C. vinaceum* sites found on the Lincoln National Forest. This represented a total of 96 percent of all *C. vinaceum* in 2001 (USFS 2003a, p. 53). Thirty-eight of these 74 sites are either fenced to exclude livestock or are considered to be inaccessible to livestock (USFS 2003, p. 53). As of 2007, 68 of the 75 occupied sites were within the Sacramento Grazing Allotment, with approximately 62 percent of the total number of *C. vinaceum* stems for the species (Barlow-Irick 2007, p. 1). In March 2007, the USFS proposed to extend the grazing rotation to allow cattle to be present throughout the entire summer growing season (May to October) on portions of the allotment containing *C. vinaceum*. The previous arrangement placed livestock in one pasture from May to August, and then deferred the same livestock to another pasture from August to October, thus reducing *C. vinaceum*'s exposure to livestock approximately one-half of the time. Season-long presence of livestock within both pastures would increase livestock impacts to *C. vinaceum* during times when the species could benefit from grazing deferral. The extended presence of livestock may adversely affect seedlings and their rate of successful establishment and recruitment into the population (USFS 2007, p. 20). Moreover, broken or consumed flowering stems render affected *C. vinaceum* incapable of reproduction (USFS 2003, p. 55). As described under Factor A, longer exposure to livestock also increases the chances of damage to travertine substrates, water flow channels, and wetlands upon which *C. vinaceum* depends (USFS 2007, p. 20). As of publication date, this proposal is under consultation with the Service.

Established thresholds for forage of *Cirsium vinaceum* have been exceeded on USFS lands many times, especially during drought years when livestock congregate in wetland *C. vinaceum* habitats or where forage production is greater than in dry uplands (USFS 2003, pp. 59-67). Very dry conditions early in the summer of 1996 led to an emergency consultation with the Service that resulted in use of temporary electric fencing to minimize impacts to *C. vinaceum* (USFS 2003, p. 63). At other times, the USFS has allowed grazing permittees 30 days or more to remove their livestock after use thresholds had been reached or exceeded (USFS 2003, pp. 59-60). Exceeding threshold levels can have adverse effects to *C. vinaceum* plants and sites, as increased grazing pressure further destroys the flowering stalks of plants and thereby prevents successful reproduction by affected plants.

In summary, although many *Cirsium vinaceum* sites have been protected, up to 50 percent of sites are still subject to livestock herbivory, and those that are fenced may be impacted into the future as fences fall into disrepair or are vandalized (Service 2010, p. 1). Furthermore, if *C. vinaceum* were to be delisted, past history indicates there is little reason to expect that adequate maintenance and construction of exclosures would continue in the future. Therefore, livestock herbivory is a significant, ongoing threat to *C. vinaceum* that will continue in the foreseeable future.

Disease

Barlow-Irick (2007, p. 1; 2008, p. 1) recently reported that the large population of *Cirsium vinaceum* in Firman Canyon and isolated individuals in other populations appeared to have unspecified symptoms of disease during 2007. This potential disease was not identified, nor had any positively identified disease been reported in any *C. vinaceum* population. No specific assessment of potential disease threats has been conducted. We do not currently consider disease to be a threat to *C. vinaceum;* however, we intend to continue monitoring populations for impact due to this factor.

In summary for Factor C, we consider predation by insects and livestock to be threats to *Cirsium vinaceum* currently and in the foreseeable future. We do not currently consider disease to be a threat to the species; however, we need to continue monitoring for impacts due to this factor.

Factor D. The Inadequacy of Existing Regulatory Mechanisms

Cirsium vinaceum is currently listed as threatened under the Act. The Act and its implementing regulations at 50 CFR 17.71 and 17.72 establish a series of general prohibitions and exceptions that apply to all threatened plants. All trade prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.71, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, to transport in interstate or foreign commerce in the course of a commercial activity, or to sell or offer for sale this species in interstate or foreign commerce, or to remove and reduce to possession the species from areas under Federal jurisdiction. In addition, for plants

listed as endangered, the Act prohibits malicious damage or destruction on areas under Federal jurisdiction and further prohibits the removal, cutting, digging up, or damaging or destroying of such plants in knowing violation of any State law or regulation, including State criminal trespass laws. Section 4(d) allows for the provision of such protection to threatened species through regulation. This protection does not currently apply to *C. vinaceum*.

As with all federally listed plants, Federal land management actions and other project proposals that use Federal funding or require a Federal permit that may affect *C. vinaceum* must be evaluated by the Federal action agency in consultation with the Service under section 7(a)(2) of the Act. Through consultation, the Federal action agency ensures that an action will not likely jeopardize *C. vinaceum* or destroy or adversely modify critical its designated critical habitat. If the proposed project is likely to jeopardize the species, the Service will provide the Federal action agency reasonable and prudent alternatives for implementing the action. Regardless of the outcome of this determination, the Service will also provide discretionary conservation recommendations that would eliminate the impacts to *C. vinaceum or* its habitat. Adoption of these measures may also contribute to a Federal action agency's requirements under section 7(a)(1) of the Act to utilize their authorites to carry out programs for the conservation of listed species. These procedures would not be required if *C. vinaceum* were delisted, and significant reductions in recovery effort and protection would likely result. As a delisted species, *C. vinaceum* would continue to be protected by the Lacey Act (83 Stat. 279–281, 18 U.S.C. 42–44 *et seq*; as amended), which prohibits trade in wildlife and plants that have been illegally taken, possessed, transported, or sold. However, the Lacey Act does not afford protection of habitat, and were it delisted, *C. vinaceum* would lose its current level of habitat protection.

The State of New Mexico lists *Cirsium vinaceum* as endangered under the New Mexico Endangered Plant Species Act, 9-10-10 New Mexico Statutes Annotated (NMSA). This law prohibits the taking, possession, transportation, exportation, selling, or offering for sale any listed plant species. Under this act, listed species can only be collected under permit from the State of New Mexico for scientific studies and impact mitigation; however, this law does not provide protection for *C. vinaceum* habitat.

If *Cirsium vinaceum* were delisted, it would continue to be designated a USFS sensitive species, as described in USFS Manual 2670 (USFS 2008). The USFS Manual 2672.1 provides the following direction for the management of sensitive species: "Sensitive species of native plant and animal species must receive special management emphasis to ensure their viability and to preclude trends toward endangerment that would result in the need for Federal listing." USFS biologists review all USFS planned, funded, executed, or permitted programs and activities for possible effects on endangered, threatened, proposed, or sensitive species.

It is prohibited to remove from USFS lands any plant that is classified as a threatened, endangered, sensitive, rare, or unique species (36 CFR Part 261.9(d)). Therefore, *Cirsium vinaceum* is protected from "taking" in the National Forest by these Federal regulations (Service 1987, p. 22935). Exceptions to these prohibitions are available through permits (36 CFR Part 261.1a). If *C. vinaceum* were delisted, permits for its collection for scientific or conservation purposes on USFS lands would continue to be required. These permits provide additional oversight and limit impacts from potential over-collection.

If delisted, *Cirsium vinaceum* would be monitored for at least 5 years to ensure that the species would not be at risk of extinction during that time. A post-delisting monitoring plan would likely include thresholds indicating when a status review would be warranted. If delisted, *C. vinaceum* could also benefit from regulatory protection as a USFS sensitive species, but there would likely be less impetus to implement and maintain protective measures for a sensitive species than for a Federally listed species. Under its current status, the species is impacted by livestock trampling and herbivory, and impacts resulting from noncompliance on USFS lands. These activities have affected the species' reproductive success and overall viability. Therefore, we conclude that regulatory mechanisms are not adequate to support removing the protections of the Act.

Factor E. Other Natural or Manmade Factors Affecting the Species' Continued Existence

Hybridization

The range of another native thistle species, *Cirsium parryi* (Parry's thistle), overlaps with that of *Cirsium vinaceum,* and it is capable of crossbreeding with *C. vinaceum* to produce hybrid offspring (Sivinski 2006, p. 7). *Cirsium parryi* is relatively common through much of the Sacramento Mountains and has been found to occasionally hybridize with *C. vinaceum* at a few locations (Barlow-Irick 2007, p. 1). *Cirsium wrightii* (Wright's marsh thistle) is another wetland thistle that overlaps with *C. vinaceum* at Silver Springs; hybrid offspring are uncommon (Sivinski 2006, p. 7). Huenneke (1996, pp. 148-149) hypothesized that hybridization between *C. vinaceum* and *C. parryi* was a potential threat to *C. vinaceum*. It has been hypothesized that *Cirsium* species of remarkably different morphologies are able to hybridize, but only the presence of a complex collection of hybrids, produced when there is a breakdown of isolating barriers between two species with overlapping distributions, would indicate hybridization had reached the level of a threat (Kiel 2006, p. 1). During the 2007 surveys, hybrids between *C. vinaceum* and *C. parryi* were found at many sites (Barlow-Irick 2007, p. 1). Above-average precipitation in 2007 may have favored the germination and survival of these hybrids. It is unknown if the hybrid plants are viable and if incorporation of genes through repeated crossing from *C. parryi* into the *C. vinaceum* population is possible (Barlow-Irick 2007, p. 1). Neither the viability of these hybrid offspring, nor their ability to hybridize with the parent species, has been studied. Therefore, it is not known at this time whether hybridization with other *Cirsium* species could become a threat in the foreseeable future; however, it does not appear to be a threat at present. The potential for hybridization to become a threat to *C. vinaceum* in the future needs to continue to be monitored and evaluated.

Herbicide Use

In 2000, a biological assessment for noxious weed management prepared by the USFS proposed to use only selective spot application of herbicides, hand-pulling, or use of various hand tools to experimentally treat noxious weeds within some selected *Cirsium vinaceum* sites (Sivinski 2006, p. 21). Herbicides are not considered a threat to *C. vinaceum* sites on USFS lands; however, if herbicides are applied to *C. vinaceum* on private land, the site could be impacted. For example, in June 2007, on Federal Highway 82 in Otero County, many *C. vinaceum* rosettes on private land were injured or killed by misapplication of herbicide during a road maintenance project conducted by the State of New Mexico Department of Transportation (Tonne 2007, p. 1). Similarly, maintenance of the Federal

Highway 82 right-of-way by a State highway crew also reportedly impacted *C. vinaceum* plants and habitat on non-USFS lands between Cloudcroft and High Rolls prior to 2007 (USFS 2003, p. 22). Potential solutions for such accidental misapplication of herbicide to *C. vinaceum* plants are under development among staff of the New Mexico Department of Transportation and Department of Forestry, New Mexico Natural Heritage Program, USFS, and the Service (Tonne 2007, p. 1). Effects from herbicide use continue to impact *C. vinaceum* along highways and on non-Federal land, but are not known to be impacting most sites. Thus, herbicides are not considered a threat to the species now or in the foreseeable future.

Exotic Weeds

Exotic plant species associated with *Cirsium vinaceum* habitats include *Dipsacus fullonum* (teasel), *Carduus nutans* (musk thistle), *Conium maculatum* (poison hemlock), *Cirsium arvense* (Canada thistle), *Cirsium vulgare* (bull thistle), *Daucus carota* (Queen Anne's lace), *Taraxicum officinale* (dandelion), *Nasturtium officinale* (watercress), *Tragopogon pratensis* (salsify), and *Verbascum thapsus* (mullein) (Huenneke 1996, pp. 146-147; Sivinski 2006, pp. 9-10). Of these, the exotic species that may have the capacity to compete with the *C. vinaceum* for light and possibly for water under drier conditions include *D. fullonum, C. nutans*, *C. vulgare*, and *C. maculatum* (Huenneke and Thomson 1995, p. 423; Huenneke 1996, pp. 146-147). The presence of these four invasive plant species in and near *C. vinaceum* habitat has been observed and monitored for many years. Of these, only *C. maculatum* is an obligate wetland species; however, it does not appear to compete well with *C. vinaceum* (Barlow-Irick 2005, p. 1). The three other weed species require some soil moisture, but cannot tolerate the continuously saturated substrates that are typical in *C. vinaceum* patches on spring habitats. These weeds can grow side by side with *C. vinaceum* in drier habitat margins and in sediment deposited by flowing water, where *C. vinaceum* is subirrigated (irrigated from beneath the ground surface) and the root systems of these weeds occupy the drier surface soils near the surface (Sivinski 2006, p. 15). As of September 2007, *C. nutans* was infesting much of the Lincoln National Forest and continued to mix with *C. vinaceum* without directly impacting the survival of *C. vinaceum* through competition (Gardner and Thompson 2007, p. 8).

The Sacramento Mountains presently lack large, aggressive, exotic wetland weeds, such as *Lythrum salicaria* (purple loosestrife), which could dominate *Cirsium vinaceum* habitat. *Lythrum salicaria* is a Eurasian species that has been modifying wetlands and outcompeting native species in North America for many decades (Natural Resources Conservation Service 2006, p. 2). *Lythrum salicaria* appeared in New Mexico in the 1990s and is extant in the Mimbres Mountains of Grant County and Sandia Mountains of Bernalillo County. The Sandia Mountains occurrence of this invasive weed covers an alkaline spring seep similar to *C. vinaceum* habitats in the Sacramento Mountains (Sivinski 2006, p. 15). If it also spreads to the Sacramento Mountains, this aggressive wetland weed could impact *C. vinaceum* habitat.

At the time of listing, it was thought that competition with exotics *Dipsacus fullonum* and *Carduus nutans* had reduced or eliminated populations of *Cirsium vinaceum* at sites where it had formerly grown (52 FR 22933; June 16, 1987). These two weed species have invaded some *C. vinaceum* sites, but they occupy slightly drier habitat (USFS 2004, p. 625). *Dipsacus fullonum and C. nutans* occurrences are being monitored on USFS lands. At this time, we have no information suggesting that competition among *C. vinaceum* and these exotic plants is a significant threat. Similarly, we have no information establishing *Conium maculatum, Cirsium arvense*, or *Cirsium vulgare* as immediate threats to *C. vinaceum*. However, *C. nutans* may be serving as a vector for *Rhinocyllus conicus*, the exotic seed head weevil, discussed under Factor C (Sivinski 2006a, pp. 6, 13; Gardner and Thompson 2008, p. 1). Future interactions among *C. nutans, R. conicus*, and *C. vinaceum* are unclear at this time. Based on possible interactions with water availability, climate change, and preference for similar growth conditions, these exotic weeds could potentially threaten *C. vinaceum* in the future; however, we do not believe they pose a threat at present.

In summary for Factor E, we do not currently consider hybridization or herbicide use as threats to the species; however, these may become threats in the future. Similarly, we do not consider exotic weeds as a threat to the species now; however, they could potentially threaten *Cirsium vinaceum* in the foreseeable future.

Finding

As required by the Act, we considered the five factors in assessing whether *Cirsium vinaceum* is threatened or endangered throughout all or a significant portion of its range. We have carefully examined the best scientific and commercial information available regarding the past, present, and future threats faced by *C. vinaceum*. We reviewed the petition, information available in our files, and other available published and unpublished information, and we consulted with recognized *C. vinaceum* experts and other Federal, State, and tribal agencies.

In our review of the status of *Cirsium vinaceum*, we identified a number of potential threats to this species, including water diversion, trampling by livestock and recreationists, predation by livestock and insects, disease; inadequacy of regulatory mechanisms, hybridization; herbicide use, and exotic weeds. To determine whether these factors individually or collectively put the species in danger of extinction throughout its range, or are likely to do so in the foreseeable future, we first considered whether the risk factors significantly affected *C. vinaceum*, or were likely to do so in the future.

We found natural loss of water, trampling by livestock, predation by livestock and insects, and the inadequacy of existing regulatory mechanisms to be significant threats to *C. vinaceum*. We found lack of ensured water availability, increased water diversion, and the spread of insect predators by exotic weeds may threaten *C. vinaceum* in the foreseeable future. We also considered the ways in which the effects of climate change are likely to exacerbate the impacts caused by the above factors in the foreseeable future.

As a wetland obligate species, *Cirsium vinaceum* occurs exclusively at springs, seeps, and drainage areas that are often widely dispersed and collectively comprise the significant portions of *C. vinaceum*'s range. Recent declines in reproducing *C. vinaceum* numbers and population sites, combined with the lack of ensured water availability, harmful levels of herbivory and trampling from noncompliant grazing practices, predation by insects, and the inadequacy of existing regulatory mechanisms, lead us to conclude that *C. vinaceum* should retain its current listing status as a threatened species. We have determined that *Cirsium vinaceum* is not now in danger of extinction, but is likely to become endangered in the foreseeable future based on the expected persistence of these threats, including increased water diversion and increased insect predation in the foreseeable future.

Our evaluation of the five factors does not support the assertion that threats have been removed or that their

imminence, intensity, or magnitude has been reduced sufficiently to prevent substantial losses of population distribution or viability of *Cirsium vinaceum.* We find that *C. vinaceum* is likely to become an endangered species within the foreseeable future throughout all of its range and should remain classified as a threatened species. Therefore, delisting the species as threatened under the Act is not warranted at this time.

Significant Portion of the Range

Having determined that *Cirsium vinaceum* is likely to become endangered within the foreseeable future throughout all or a significant portion of its range, we must next consider whether there are any significant portions of its range that are currently in danger of extinction. The Act defines an endangered species as one "in danger of extinction throughout all or a significant portion of its range," and a threatened species as one "likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." The term "significant portion of its range" is not defined by the statute. For the purposes of this finding, a significant portion of a species' range is an area that is important to the conservation of the species because it contributes meaningfully to the representation, resiliency, or redundancy of the species. The contribution must be at a level such that its loss would result in a decrease in the ability to conserve the species.

On March 16, 2007, a formal opinion was issued by the Solicitor of the Department of the Interior, "The Meaning of 'In Danger of Extinction Throughout All or a Significant Portion of Its Range," (USDI 2007c). We have summarized our interpretation of that opinion and the underlying statutory language below. A portion of a species' range is significant if it is part of the current range of the species and it contributes substantially to the representation, resiliency, or redundancy of the species. The contribution must be at a level such that its loss would result in a decrease in the ability to conserve the species.

In determining whether a species is threatened or endangered in a significant portion of its range, we first identify any portions of the range of the species that warrant further consideration. The range of a species can theoretically be divided into portions in an infinite number of ways. However, there is no purpose to analyzing portions of the range that are not reasonably likely to be significant and threatened or endangered. To identify only those portions that warrant further consideration, we determine whether there is substantial information indicating that: (1) The portions may be significant, and (2) the species may be in danger of extinction there or likely to become so within the foreseeable future. In practice, a key part of this analysis is whether the threats are geographically concentrated in some way. If the threats to the species are essentially uniform throughout its range, no portion is likely to warrant further consideration. Moreover, if any concentration of threats applies only to portions of the species' range that are not significant, such portions will not warrant further consideration.

If we identify portions that warrant further consideration, we then determine whether the species is threatened or endangered in these portions of its range. Depending on the biology of the species, its range, and the threats it faces, the Service may address either the significance question or the status question first. Thus, if the Service considers significance first and determines that a portion of the range is not significant, the Service need not determine whether the species is threatened or endangered there. Likewise, if the Service considers status first and determines that the species is not threatened or endangered in a portion of its range, the Service need not determine if that portion is significant. However, if the Service determines that both a portion of the range of a species is significant and the species is threatened or endangered there, the Service will specify that portion of the range as threatened or endangered under section 4(c)(1) of the Act.

The terms "resiliency," "redundancy," and "representation" are intended to be indicators of the conservation value of portions of the range. Resiliency of a species allows the species to recover from periodic disturbance. A species will likely be more resilient if large populations exist in high-quality habitat that is distributed throughout the range of the species in such a way as to capture the environmental variability found within the range of the species. A portion of the range of a species may make a meaningful contribution to the resiliency of the species if the area is relatively large and contains particularly high-quality habitat, or if its location or characteristics make it less susceptible to certain threats than other portions of the range. When evaluating whether or how a portion of the range contributes to resiliency of the species, we evaluate the historical value of the portion and how frequently the portion is used by the species, if possible. In addition, the portion may contribute to resiliency for other reasons—for instance, it may contain an important concentration of certain types of habitat that are necessary for the species to carry out its life-history functions, such as breeding, feeding, migration, dispersal, or wintering.

Redundancy of populations may be needed to provide a margin of safety for the species to withstand catastrophic events. This does not mean that any portion that provides redundancy is necessarily a significant portion of the range of a species. The idea is to conserve enough areas of the range such that random perturbations in the system act on only a few populations. Therefore, each area must be examined based on whether that area provides an increment of redundancy that is important to the conservation of the species.

Adequate representation ensures that the species' adaptive capabilities are conserved. Specifically, the portion should be evaluated to see how it contributes to the genetic diversity of the species. The loss of genetically based diversity may substantially reduce the ability of the species to respond and adapt to future environmental changes. A peripheral population may contribute meaningfully to representation if there is evidence that it provides genetic diversity due to its location on the margin of the species' habitat requirements.

Based upon factors that contribute to our analysis of whether a species or subspecies is in danger of extinction throughout all or a significant portion of its range, and in consideration of the status of, and threats to, *C. vinaceum* discussed previously, we find that the primary threats to the continued existence of *C. vinaceum* occur throughout all of its range. We do not have any data suggesting that the identified threats to the species are concentrated in any portion of the range such that *C. vinaceum* may be in danger of extinction in that portion. Therefore, it is not necessary to conduct further analysis with respect to the significance of any portion of its range.

Conclusion

On the basis of the best scientific and commercial information available, we find that the magnitude and imminence of threats indicate that *Cirsium vinaceum* is likely to become an endangered species within the foreseeable future throughout all of its range and should remain classified as a threatened species. Therefore, we find that delisting *C. vinaceum* is not

warranted throughout all or a significant portion of its range at this time.

We request that you submit any new information concerning the status of, or threats to, *Cirsium vinaceum* to our New Mexico Ecological Services Field Office (see **ADDRESSES** section) whenever it becomes available. New information will help us monitor *C. vinaceum* and encourage its conservation. If an emergency situation develops for *C. vinaceum* or any other species, we will act to provide immediate protection.

References Cited

A complete list of all references cited in this finding is available upon request from the New Mexico Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Author

The primary authors of this rule are the New Mexico Ecological Services Field Office staff members (see **FOR FURTHER INFORMATION CONTACT**).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: May 17, 2010

Gregory E. Siekaniec,

Acting Director, Fish and Wildlife Service.

[FR Doc. 2010–12909 Filed 6–1–10; 8:45 am]

Billing Code 4310–55–S

DEPARTMENT OF INTERIOR

Fish and Wildlife Service

50 CFR Part 17

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 223 and 224

RIN 0648–AY49

Endangered and Threatened Species; Proposed Listing of Nine Distinct Population Segments of Loggerhead Sea Turtles as Endangered or Threatened; Extension of Comment Period

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce; United States Fish and Wildlife Service (USFWS), Interior.

ACTION: Extension of public comment period; Notice of public hearing.

SUMMARY: NMFS and USFWS hereby extend the comment period on the proposed listing of nine distinct population segments of loggerhead sea turtles as endangered or threatened, which was published on March 16, 2010, until September 13, 2010. In addition, NMFS and USFWS will hold a public hearing in Berlin, MD, on June 16, 2010 to answer questions and receive public comments.

DATES: Comments and information regarding this proposed rule must be received by September 13, 2010. See **SUPPLEMENTARY INFORMATION** for the specific date, time and location of the public hearing.

ADDRESSES: You may submit comments, identified by RIN 0648–AY49, by any of the following methods:

- Electronic Submissions: Submit all electronic public comments via the Federal eRulemaking Portal: *http://www.regulations.gov*.
- Mail: NMFS National Sea Turtle Coordinator, Attn: Loggerhead Proposed Listing Rule, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Room 13657, Silver Spring, MD 20910 or USFWS National Sea Turtle Coordinator, U.S. Fish and Wildlife Service, 7915 Baymeadows Way, Suite 200, Jacksonville, FL 32256.
- Fax: To the attention of NMFS National Sea Turtle Coordinator at 301–713–0376 or USFWS National Sea Turtle Coordinator at 904–731–3045.

Instructions: All comments received are a part of the public record and will generally be posted to *http://www.regulations.gov* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

NMFS and USFWS will accept anonymous comments (enter N/A in the required fields, if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word, Excel, WordPerfect, or Adobe PDF file formats only. The proposed rule is available electronically at *http://www.nmfs.noaa.gov/pr*.

FOR FURTHER INFORMATION CONTACT: Barbara Schroeder, NMFS (ph. 301–713–1401, fax 301–713–0376, e-mail *barbara.schroeder@noaa.gov*), Sandy MacPherson, USFWS (ph. 904–731–3336, e-mail *sandy_macpherson@fws.gov*), Marta Nammack, NMFS (ph. 301–713–1401, fax 301–713–0376, e-mail *marta_nammack@noaa.gov*), or Emily Bizwell, USFWS (ph. 404–679–7149, fax 404–679–7081, e-mail *emily_bizwell@fws.gov*). Persons who use a Telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, 24 hours a day, 7 days a week.

SUPPLEMENTARY INFORMATION: On March 16, 2010, NMFS and USFWS issued a proposed rule to list nine distinct population segments (DPSs) for the loggerhead sea turtle (*Caretta caretta*) that qualify as "species" for listing as endangered or threatened under the Endangered Species Act (ESA), and the Services proposed to list two as threatened and seven as endangered.

NMFS and USFWS subsequently received several requests to extend the public comment period for an additional 60–120 days. NMFS and USFWS have determined that an extension of 90 days, until September 13, 2010, making the full comment period 180 days, will allow adequate time for the public to thoroughly review and thoughtfully comment on the proposed rule.

NMFS and USFWS received a request for a public hearing to be held in Maryland. In response to that request, the date, time and location of the public hearing is as follows:

Wednesday, June 16, 2010, 6 p.m. to 9 p.m., Berlin, MD: Worcester County Library Ocean Pines Branch, 11107 Cathell Road, Berlin, MD 21811; Meeting Room.

This hearing will be physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Sara McNulty, NMFS, Office of Protected Resources, 301–713–2322, at least five business days prior to the hearing date.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: May 27, 2010.

James H. Lecky,

Director, Office of Protected Resources, National Marine Fisheries Service.

Gary Frazer,

Assistant Director for Endangered Species, U.S. Fish and Wildlife Service.

[FR Doc. 2010–13190 Filed 5–27–10; 4:15 pm]

BILLING CODE 3510–22–S

Notices

Federal Register

Vol. 75, No. 105

Wednesday, June 2, 2010

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

Risk Management Agency

Notice for Extension and Revision of a Currently Approved Information Collection

AGENCY: Risk Management Agency, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Risk Management Agency (RMA) to request an extension and revision to a currently approved information collection.

DATES: Written comments on this notice will be accepted until close of business August 2, 2010.

ADDRESSES: Interested persons are invited to submit comments by any of the following methods:

- *By Mail to:* Sundii Johnson Phillips, Risk Management Education Division, USDA/RMA, 1400 Independence Avenue, SW., Stop 0808, Room 5720, Washington, DC 20250–0808.
- *E-Mail: RMA.Risk-Ed@rma.usda.gov.*

All comments will be available for public inspection during regular business hours at the same address. All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

FOR FURTHER INFORMATION CONTACT: To request additional information on the proposed collection of information contact: Sundii Johnson Phillips, Risk Management Education Division USDA/RMA, Stop 0808, 1400 Independence Ave., SW., Washington, DC 20250–0808, or call (202) 720–5265.

SUPPLEMENTARY INFORMATION:

Title: Risk Management and Crop Insurance Education Activity Log.

OMB Number: 0563–0070.

Expiration Date of Approval: November 30, 2010.

Type of Request: Extension and revision of a currently approved information collection.

Abstract: The Federal Crop Insurance Act directs the Federal Crop Insurance Corporation, operating through RMA, to (a) establish crop insurance education and information programs in States that have been historically underserved by the Federal crop insurance program [7 U.S.C. 1524(a)(2)]; and (b) provide agricultural producers with training opportunities in risk management, with a priority given to producers of specialty crops and underserved commodities [7 U.S.C. 1522(d)(3)(F)]. With this submission, RMA seeks to obtain approval for Risk Management and Crop Insurance Education Activity Log—Form RME–300, in order to collect information and monitor certain educational activities. Agreement holders are required to record specific information about each educational activity conducted under the agreement in an activity log and submit the form to RMA as part of the required quarterly progress report. In addition, RMA will use the information provided by agreement holders to ensure that funded educational projects are progressing.

We are asking the Office of Management and Budget (OMB) to approve this information collection activity for 3 years.

The purpose of this notice is to solicit comments from the public concerning this information collection activity. These comments will help us:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has 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, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average: 30 minutes per response for agreement holders for a total of 360 hours.

Respondents/Affected Entities: Not-for-profit institutions; Business or other for-profit; State, local, or tribal government.

Estimated annual number of respondents: 180 respondents.

Estimated annual number of responses: 720 responses or 4 per respondent.

Estimated total annual burden on respondents: 360 hours.

Signed in Washington, DC, on May 27, 2010.

William J. Murphy,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 2010–13254 Filed 6–1–10; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

Notice of Request for Extension of a Currently Approved Information Collection

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) this notice announces the Risk Management Agency's intention to request an extension to a currently approved information collection for the submission of policies, provisions of policies and rates of premium under section 508(h) of the Federal Crop Insurance Act.

This notice announces a public comment period on the information collection requests (ICRs) associated with **DATES**: Written comments on this notice will be accepted until close of business August 2, 2010.

ADDRESSES: Interested persons are invited to submit comments, titled "Information Collection OMB 0563–0064", by any of the following methods:

- *By Mail to:* Director, Product Administration and Standards Division, Risk Management Agency, United States Department of Agriculture, Beacon Facility—Mail Stop 0812, Room 421, PO

Box 419205, Kansas City, MO 64141–6205.

• *E–Mail: DirectorPDD@rma.usda.gov.*

• *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.

A copy of each response will be available for public inspection and copying from 7 a.m. to 4:30 p.m., Central Time, Monday through Friday, except holidays, at the above address.

FOR FURTHER INFORMATION CONTACT: Erin Albright, Risk Management Specialist, Product Management, Product Administration and Standards Division, Risk Management Agency, United States Department of Agriculture, Beacon Facility, Stop 0812, Room 421, PO Box 419205, Kansas City, MO 64141–6205, telephone (816) 926–7730.

SUPPLEMENTARY INFORMATION:

Title: General Administrative Regulations; Subpart V—Submission of Policies, Provisions of Policies, and Rates of Premium.

OMB Number: 0563–0064.

Expiration Date of Approval: November 30, 2010.

Type of Request: Extension of a currently approved information collection.

Abstract: FCIC is proposing to renew the currently approved information collection, OMB Number 0563–0064. It is currently up for renewal and extension for three years. Subpart V establishes guidelines for the submission of policies or other materials to the Federal Crop Insurance Board of Directors (Board) and identifies the required contents of a submission: The timing, review, and confidentiality requirements; reimbursement of research and development costs, maintenance costs, and use fees; and guidelines for nonreinsured supplemental policies. This data is used to administer the Federal crop insurance program in accordance with the Federal Crop Insurance Act, as amended.

FCIC is requesting the Office of Management and Budget (OMB) to extend the approval of this information collection for an additional 3 years.

The purpose of this notice is to solicit comments from the public concerning this information collection. These comments will help us:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has 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, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, *e.g.,* permitting electronic submission of responses.

Estimate of burden: The public reporting burden for this collection of information is estimated to average 472 hours per response.

Respondents/Affected Entities: Parties affected by the information collection requirements included in this Notice is a person (including an approved insurance provider, a college or university, a cooperative or trade association, or any other person) who prepares a submission, or proposes to the Board other crop insurance policies, provisions of policies, or rates of premium.

Estimated annual number of respondents: 556.

Estimated annual number of responses per respondent: 47.

Estimated annual number of responses: 260.

Estimated total annual burden hours on respondents: 122,836.

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

Signed in Washington, DC on May 27, 2010.

William J. Murphy,

Manager, Federal Crop Insurance Corporation.

[FR Doc. 2010–13252 Filed 6–1–10; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF AGRICULTURE

Forest Service

Shasta County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Shasta County Resource Advisory Committee (RAC) will meet at the USDA Service Center in Redding, California, on June 17, 2010, from 8:30 a.m. to 12 noon. The purpose of this meeting is to discuss project proposals and vote on recommended projects.

DATES: Thursday, June 17 at 8:30 a.m.

ADDRESSES: The meeting will be held at the USDA Service Center, 3644 Avtech Parkway, Redding, California 96002.

FOR FURTHER INFORMATION CONTACT: Resource Advisory Committee Coordinator Rita Vollmer at (530) 226–2595 or *rvollmer@fs.fed.us.*

SUPPLEMENTARY INFORMATION: The meeting is open to the public. Public input sessions will be provided and individuals will have the opportunity to address the Shasta County Resource Advisory Committee.

Dated: May 27, 2010.

Brenda Tracy,

Acting Forest Supervisor, Shasta-Trinity National Forest.

[FR Doc. 2010–13291 Filed 6–1–10; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Tuolumne-Mariposa Counties Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Tuolumne-Mariposa Counties Resource Advisory Committee will meet on June 14, 2010, at the City of Sonora Fire Department, in Sonora, California. The purpose of the meeting is to hear presentations made by project proponents requesting RAC funding.

DATES: The meeting will be held June 14, 2010, from 12 p.m. to 3 p.m.

ADDRESSES: The meeting will be held at the City of Sonora Fire Department located at 201 South Shepherd Street, in Sonora, California (CA 95370).

FOR FURTHER INFORMATION CONTACT: Beth Martinez, Committee Coordinator, USDA, Stanislaus National Forest, 19777 Greenley Road, Sonora, CA 95370 (209) 532–3671, extension 320; e-mail *bethmartinez@fs.fed.us.*

SUPPLEMENTARY INFORMATION: Agenda items to be covered include: (1) Presentation of primarily Forest Service project submittals by project proponents; (2) Public comment on meeting proceedings. This meeting is open to the public.

Dated: May 1, 2010.

Susan Skalski,

Forest Supervisor.

[FR Doc. 2010–12926 Filed 6–1–10; 8:45 am]

BILLING CODE 3410–ED–M

DEPARTMENT OF AGRICULTURE

Forest Service

Kisatchie National Forest Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Kisatchie National Forest Resource Advisory Committee will meet in Natchitoches, Louisiana. The committee is meeting as authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L 110–343) and in compliance with the Federal Advisory Committee Act. The purpose is to hold the first meeting of the newly formed committee.

DATES: The meeting will be held on June 29, 2010, and will begin at 7 p.m.

ADDRESSES: The meeting will be held at the Natchitoches Events Center, Meeting Room #3, 750 2nd Street, Natchitoches, LA. Written comments should be sent to Holly Morgan, Kisatchie National Forest, 2500 Shreveport Highway, Pineville, LA 71360. Comments may also be sent via e-mail to *hmorgan@fsfed.us*, or via facsimile to 318–473–7117.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at Kisatchie National Forest, 2500 Shreveport Highway, Pineville, LA 71360. Visitors are encouraged to call ahead to 318–473–7160 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Holly Morgan, RAC coordinator, USDA, Kisatchie National Forest, 2500 Shreveport Highway, Pineville, LA 71360; (318) 473–7194; E-mail *hmorgan@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m and 8 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. The following business will be conducted: (1) Introductions of all committee members, replacement members and Forest Service personnel. (2) Selection of a chairperson by the committee members. (3) Receive materials explaining the process for considering and recommending Title II projects; and (4) Public Comment. Persons who wish to bring related matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting.

Dated: May 12, 2010.

Michael L. Balboni,

Designated Federal Officer.

[FR Doc. 2010–13099 Filed 6–1–10; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Southern New Mexico Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Southern New Mexico Resource Advisory Committee will meet in Socorro, New Mexico. The committee is meeting as authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) and in compliance with the Federal Advisory Committee Act. The purpose of the meeting is to develop operating protocols.

DATES: The meeting will be held June 22, 2010, 10 a.m.

ADDRESSES: The meeting will be held at 901 Highway 85, Socorro Bureau of Land Management field office. Written comments should be sent to Mr. Al Koss, HC 68, Box 50, Mimbres, NM 88049–9301. Comments may also be sent via e-mail to *alkoss@fs.fed.us,* or via facsimile to 575–520–2551.

All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Wilderness Ranger District, HC 68, Box 50, Mimbres, NM 88049–9301. Visitors are encouraged to call ahead to 575–536–2250 to facilitate entry into the building.

FOR FURTHER INFORMATION CONTACT: Mr. Al Koss, Designated Federal Official, 575–536–2250 or *alkoss@fs.fed.us.*

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION: The meeting is open to the public. The following business will be conducted: (1) Introductions of all committee members, replacement members, and Forest Service personnel; (2) selection of a chairperson by the committee members; (3) receive materials explaining the process for considering and recommending Title II projects; and (4) public Comment. Persons who wish to bring related matters to the attention of the Committee may file written statements with the Committee staff before or after the meeting. Public input sessions will be provided and individuals who made written requests by June 15 will have the opportunity to address the Committee at those sessions.

Dated: May 26, 2010.

Alan E. Koss,

Designated Federal Official.

[FR Doc. 2010–13105 Filed 6–1–10; 8:45 am]

BILLING CODE 3410–11–M

AGENCY FOR INTERNATIONAL DEVELOPMENT

Notice of Public Information Collections Being Reviewed by the U.S. Agency for International Development; Comments Requested

SUMMARY: U.S. Agency for International Development (USAID) is making efforts to reduce the paperwork burden. USAID invites the general public and other Federal agencies to take this opportunity to comment on the following proposed and/or continuing information collections, as required by the Paperwork Reduction Act for 1995. Comments are requested concerning: (a) Whether the proposed or continuing collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the burden estimates; (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: Submit comments on or before August 2, 2010.

ADDRESSES: Send comments via e-mail at *ssegal@usaid.goggl@usaid.gov* or mail comments to: Sabrina Segal, Office of the General Counsel (A/GC) United States Agency for International Development, Ronald Reagan Building, 1300 Pennsylvania Avenue, NW., Washington, DC 20523 (202) 712–5409.

FOR FURTHER INFORMATION CONTACT: Beverly Johnson, Bureau for Management, Office of Administrative Services, Information and Records Division, U.S. Agency for International Development, Room 2.07–106, RRB, Washington, DC 20523. (202) 712–1365 or via e-mail *bjohnson@usaid.gov.*

SUPPLEMENTARY INFORMATION:

OMB No.: OMB 0412–New.

Form No.: N/A.

Title: USAID's Implementation and Procurement Reform Survey.

Type of Review: New information collection.

Purpose: The U.S. Agency for International Development (USAID) is requesting authorization to conduct an electronic survey as one of the steps in

USAID's Implementation and Procurement Reform Working Group process. We would like to ask some of our implementing partners from the non-profit and contracting community to indicate their level of interaction and reactions to the financial data currently available on USAID's Web site. This will be the first step towards concrete improvements to the accessibility, availability, and ease of use of information.

Annual Reporting Burden:
Respondents: 100.
Total annual responses: 100.
Total annual hours requested: 25 hours.

Dated: May 20, 2010.

Robert Miranda,

Director, Office of Administrative Services, Bureau for Management.

[FR Doc. 2010–12865 Filed 6–1–10; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF COMMERCE

Patent and Trademark Office

United States Patent Applicant Survey

ACTION: Proposed collection; comment request.

SUMMARY: The United States Patent and Trademark Office (USPTO), 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 the extension of a currently approved collection, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before August 2, 2010.

ADDRESSES: You may submit comments by any of the following methods:

- *E-mail: InformationCollection@uspto.gov.* Include "0651–0052 comment" in the subject line of the message.
- *Fax:* 571–273–0112, marked to the attention of Susan K. Fawcett.
- *Mail:* Susan K. Fawcett, Records Officer, Office of the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.
- *Federal e-Rulemaking Portal: http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to the attention of Gerard Torres, Economist, Office of Corporate Planning, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450; by telephone at 571–272–4951; or by e-mail at *gerard.torres@uspto.gov* with "Paperwork" in the subject line.

SUPPLEMENTARY INFORMATION:

I. Abstract

For several years the USPTO has supported an ongoing forecasting program for patent application filings that includes the use of quantitative and qualitative methodologies. Given the importance of accurate application filing forecasts, the USPTO considers more than one type of methodology. As part of this strategy, information from a survey of the inventor community is included when formulating application filing forecasts. In addition to using the survey as part of a comprehensive approach to forecasting, the USPTO is also using this tool in response to Senate Appropriations Report 106–404 (September 8, 2000). This report directed the USPTO to "develop a workload forecast with advice from a representative sample of industry and the inventor community." A patent application filing survey assists the USPTO in better understanding key factors driving future application filings, such as newly emerging technologies.

The USPTO developed the United States Patent Applicant Survey as part of the continuing effort to better predict the future growth of patent application filings by understanding applicant intentions. The main purpose of this survey is to determine the number of application filings that the USPTO can expect to receive over the next three years from patent-generating entities, ranging from large domestic corporations to independent inventors.

In recent decades, the rate of patent application filings to the USPTO steadily increased with expanding technological innovations. However, newly emerging technologies, evolving business patenting strategies, patent valuations and costs, and intellectual property legislative changes, among other factors, may significantly impact patent applicants' decisions to file applications at the USPTO. These factors cannot easily be accounted for in other methodologies or sufficient information is not available from databases or other sources. Therefore, it is necessary for the USPTO to conduct the Patent Applicant Survey to obtain information directly from applicants. The information will allow the agency to anticipate demand and estimate future revenue flow more reliably; to identify input and output triggers and allocate resources to meet and understand customer needs; and to reassess output and capacity goals and re-align organization quality control measures with applicant demand by division.

The Patent Applicant Survey is a mail survey, although respondents have the option to complete the survey electronically. They may also provide their responses verbally over the telephone. A survey packet, containing the survey, a cover letter explaining the purpose of and outlining instructions for completing the survey, and a postage-paid, pre-addressed return envelope will be mailed to all survey groups. The USPTO plans to survey four groups of respondents: Large domestic corporations (including those with 500+ employees), small and medium-size businesses, universities and non-profit research organizations, and independent inventors. The USPTO does not plan to survey foreign entities and will rely on the European Patent Office (EPO) and the Japan Patent Office (JPO) to provide forecasts of application filings by foreign entities. Due to variances in filing and the varying needs of the different patent applicant populations, the USPTO has developed two versions of the survey: One for the large domestic corporations and small and medium-size businesses and one for universities, non-profit research organizations, and independent inventors.

The surveys do not have USPTO form numbers associated with them and once they are approved, they will carry the OMB Control Number and the expiration date of the information collection.

II. Method of Collection

By mail or electronically over the Internet when respondents elect the online option to complete the survey.

III. Data

OMB Number: 0651–0052.
Form Number(s): None.
Type of Review: Extension of a currently approved collection.
Affected Public: Business or other for profit; not-for-profit institutions.
Estimated Number of Respondents: 400 responses per year. Of this total, the USPTO expects that 267 surveys will be completed using the online option.
Estimated Time Per Response: The USPTO estimates that it will take approximately 30 minutes (0.50 hours) for all of the patent applicant populations to provide their responses, with the exception of the independent inventors. The USPTO estimates that it will take independent inventors approximately 15 minutes (0.25 hours) to provide their responses. These estimates include the time to gather the necessary information, complete the

survey, and submit it to the USPTO. The USPTO believes that it will take the same amount of time to complete the surveys whether they are completed on paper and mailed to the USPTO or completed and submitted electronically.

Estimated Total Annual Respondent Burden Hours: 140 hours per year.

Estimated Total Annual Respondent Cost Burden: $17,080 per year. The USPTO estimates that 31% of the respondents completing these surveys will be lawyers, about 9% will be legal assistants, and 60% will have diverse occupations. Using the professional hourly rate of $325 for intellectual property lawyers, a legal assistant specializing in intellectual property rate of $100, and a rate of $20 for the majority of the respondents, the USPTO believes that the average hourly rate for completing these surveys will be approximately $122 ($101 + $9 + $12). The professional rate used for the intellectual property lawyers is based on the median rate for attorneys in private firms as published in the 2009 report of the Committee on Economics of Legal Practice of the American Intellectual Property Law Association. This report summarized the results of a survey with data on hourly billing rates. The estimated hourly rate used for the legal assistants specializing in intellectual property is based on the rates for the 2008 National Utilization and Compensation Survey, published in March 2008 by the National Association of Legal Assistants (NALA). Due to the many different occupations that can possibly be held by the majority of respondents, the USPTO is estimating $20 per hour as the hourly rate for those respondents. Therefore, the USPTO estimates that the salary costs for the respondents completing these surveys will be $17,080.

Item	Estimated time for response (minutes)	Estimated annual responses	Estimated annual burden hours
Large Domestic Corporations	30	27	14
Large Domestic Corporations (electronic surveys)	30	53	27
Small and Medium-Size Businesses	30	18	9
Small and Medium-Size Businesses (electronic surveys)	30	37	19
Universities and Non-Profit Research Organizations	30	5	3
Universities and Non-Profit Research Organizations (electronic surveys)	30	10	5
Independent Inventors	15	83	21
Independent Inventors (electronic surveys)	15	167	42
Total		400	140

Estimated Total Annual Non-Hour Respondent Cost Burden: $0 per year. There are no capital start-up, maintenance, or recordkeeping costs associated with this collection. Respondents do not submit filing or other fees with the surveys. The USPTO provides postage-paid, pre-addressed return envelopes for the completed mail surveys so there are no postage costs associated with this information collection.

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, *e.g.,* the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized or included in the request for OMB approval of this information collection; they will also become a matter of public record.

Susan K. Fawcett,

Records Officer, USPTO, Office of the Chief Information Officer.

[FR Doc. 2010–13163 Filed 6–1–10; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Docket 41–2010]

Foreign-Trade Zone 46–Cincinnati, Ohio; Application for Reorganization/Expansion Under Alternative Site Framework

An application has been submitted to the Foreign-Trade Zones (FTZ) Board (the Board) by the Greater Cincinnati Foreign-Trade Zone, Inc., grantee of FTZ 46, requesting authority to reorganize and expand the zone under the alternative site framework (ASF) adopted by the Board (74 FR 1170, 1/12/09; correction 74 FR 3987, 1/22/09). The ASF is an option for grantees for the establishment or reorganization of general-purpose zones and can permit significantly greater flexibility in the designation of new "usage-driven" FTZ sites for operators/users located within a grantee's "service area" in the context of the Board's standard 2,000-acre activation limit for a general-purpose zone project. The application was submitted pursuant to the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on May 21, 2010.

FTZ 46 was approved by the Board on January 12, 1979 (Board Order 141, 44 F.R. 4003, January 19, 1979). On December 19, 1994 the zone was relocated and expanded (Board Order 720, 59 F.R. 66891, December 28, 1994). The zone was further expanded on December 15, 1997 (Board Order 943, 62 FR 67044, December 23, 1997), December 15, 1999 (Board Order 1070, 64 F.R. 72643, December 28, 1999) and December 29, 2000 (Board Order 1135, 66 F.R. 3985, January 17, 2001).

The general-purpose zone includes the following sites: *Site 1* (35 acres)—Avon Products, Inc., 175 Progress Place, Springdale (Hamilton County); *Site 2* (122 acres)—Cincinnati Machine, 4701 Marburg Avenue, Cincinnati (Hamilton County); *Site 3* (833 acres)—Clermont County Industrial Park, 4165 Half Acre Road, Batavia (Clermont County); *Site 4* (490 acres)—Brown County Industrial Park, 418 W. Main Street, Mt. Orab (Brown County); and, *Site 5* (160 acres)—Harrison Commerce Park, Southwest Parkway, Harrison (Hamilton County).

The grantee's proposed service area under the ASF would be Hamilton, Butler, Warren, Brown and Clermont Counties, as described in the application. If approved, the grantee would be able to serve sites throughout the service area based on companies' needs for FTZ designation. The proposed service area is within and adjacent to the Cincinnati Customs and Border Protection port of entry.

The applicant is requesting authority to reorganize its existing zone project as follows: remove Sites 1 and 2 due to changed circumstances and designate Sites 3, 4 and 5 as "magnet" sites. The ASF allows for the possible exemption of one magnet site from the "sunset" time limits that generally apply to sites under the ASF, and the applicant proposes that Site 4 be so exempted. The applicant is also requesting approval of a "usage-driven" site in Butler County: Proposed Site 6 (41 acres)—Liz Claiborne, Inc., 8471 Jaquemin Drive, West Chester. Since the ASF only pertains to establishing or reorganizing a general-purpose zone, the application would have no impact on FTZ 46's authorized subzones.

In accordance with the Board's regulations, Claudia Hausler of the FTZ Staff is designated examiner to evaluate and analyze the facts and information presented in the application and case record and to report findings and recommendations to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is August 2, 2010. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to August 16, 2010.

A copy of the application will be available for public inspection at the Office of the Executive Secretary, Foreign-Trade Zones Board, Room 2111, U.S. Department of Commerce, 1401 Constitution Avenue NW., Washington, DC 20230–0002, and in the "Reading Room" section of the Board's Web site, which is accessible via *http://www.trade.gov/ftz.* For further information, contact Claudia Hausler at *Claudia.Hausler@trade.gov* or (202) 482–1379.

Dated: May 21, 2010.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2010–13203 Filed 6–1–10; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Availability of Seats for the Monitor National Marine Sanctuary Advisory Council

AGENCY: Office of National Marine Sanctuaries, National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce (DOC).

ACTION: Notice and request for applications.

SUMMARY: The ONMS is seeking applicants for the following new seats on the Monitor National Marine Sanctuary advisory council (council): Recreational/Commercial Fishing seat, Recreational Dive seat, and an Economic Development seat.

Applicants are also being sought to fill existing seats for the following vacant seats: Heritage Tourism seat, Citizen-at-Large seat, Recreational Diving seat, Education seat, Archaeological Research seat, Maritime Museum seat, Youth seat, and Conservation seat.

Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the protection and management of marine resources; and possibly the length of residence in the area affected by the sanctuary. Applicants who are chosen as members should expect to serve 2-year terms, pursuant to the council's Charter.

DATES: Applications are due by July 15, 2010.

ADDRESSES: Application kits may be obtained from Shannon Rides, 100 Museum Drive, Newport News, VA 23606. Completed applications should be sent to the same address.

FOR FURTHER INFORMATION CONTACT: Shannon Ricles, 100 Museum Drive, Newport News, VA 23606, 757–591–7328, *Shannon.ricles@noaa.gov.*

SUPPLEMENTARY INFORMATION: Established in 1975 as the Nation's first marine sanctuary, the Monitor National Marine Sanctuary is managed by NOAA's Office of National Marine Sanctuaries. It is one of 13 sanctuaries and protects the wreck of the famed Civil War ironclad, USS Monitor, best known for its battle with the Confederate ironclad, CSS Virginia in Hampton Roads, Va., on March 9, 1862.

The advisory council consists of 18 members and five alternates: 12 non-governmental voting members, one non-governmental non-voting youth member, and five governmental voting members. The council seats represent a variety of regional interests and stakeholders, including: Citizen-at-Large, Conservation, Economic Development, Education, Heritage Tourism, Maritime Archaeological Research, Maritime Museums, The Mariners' Museum, Recreational/Commercial Fishing, Recreational Diving, the US Navy, Virginia and North Carolina Department of Historic Resources, the National Park Service, the US Coast Guard, and Youth. It is the combined expertise and experience of these individuals that creates an advisory council that is a valuable and effective resource for the sanctuary manager.

The council's objectives are to provide the sanctuary manager with advice on: (1) Protecting natural and cultural resources, and identifying and evaluating emergent or critical issues involving sanctuary use or resources; (2) identifying and realizing the sanctuary's research objectives; (3) identifying and realizing educational opportunities to increase public knowledge and stewardship of the sanctuary environment; and 4) developing an informed constituency to increase awareness and understanding of the purpose and value of the sanctuary and the National Marine Sanctuary System.

The council may serve as a forum for consultation and deliberation among its members and as a source of advice to the sanctuary manager regarding the management of the Monitor National Marine Sanctuary. The sanctuary advisory council holds open meetings to ensure continued public input on management issues and to increase public awareness and knowledge of the sanctuary environment. Public participation at these meetings is welcomed and encouraged.

Authority: 16 U.S.C. 1431, *et seq.*

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: April 23, 2010.

Daniel J. Basta,

Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2010–13019 Filed 6–1–10; 8:45 am]

BILLING CODE 3510–NK–M

DEPARTMENT OF COMMERCE

International Trade Administration

Exemption of Foreign Air Carriers From Excise Taxes; Review of Finding of Reciprocity (Ecuador), 26 U.S.C. 4221

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Solicitation of public comments concerning a review of the existing exemption for aircraft registered in Ecuador from certain internal revenue taxes on the purchase of supplies in the United States for such aircraft in connection with their international commercial operations.

SUMMARY: Notice is hereby given that the Department of Commerce is conducting a review to determine, pursuant to Section 4221 of the Internal Revenue Code, as amended (26 U.S.C. 4221), whether the Government of Ecuador has discontinued allowing substantially reciprocal tax exemptions to aircraft of U.S. registry in connection with international commercial operations similar to those exemptions currently granted to aircraft of Ecuadorian registry by the United States under the aforementioned statute.

The above-cited statute provides exemptions for aircraft of foreign registry from payment of certain internal revenue taxes on the purchase of supplies in the United States for such aircraft in connection with their international commercial operations. These exemptions apply upon a finding by the Secretary of Commerce, or his designee, and communicated to the Department of the Treasury, that such country allows, or will allow, "substantially reciprocal privileges" to aircraft of U.S. registry with respect to purchases of such supplies in that country. If a foreign country discontinues the allowance of such substantially reciprocal exemption, the exemption allowed by the United States will not apply after the Secretary of the Treasury is notified by the Secretary of Commerce, or his designee, of the discontinuance.

Interested parties are invited to submit their views, comments and supporting documentation in writing concerning this matter to Mr. Joel Secundy, Deputy Assistant Secretary for Services, U.S. Department of Commerce, Washington, DC 20230. Submissions should be sent electronically to *Airservices@ita.doc.gov.* All submissions should be received no later than thirty days from the date of this notice.

Comments received, with the exception of information marked "business confidential," will be available for public inspection upon request. Information marked "business confidential" shall be protected from disclosure to the full extent permitted by law.

It is suggested that those desiring additional information contact Mr. Eugene Alford, Office of Service Industries, U.S. Department of Commerce, Washington, DC 20230, or telephone 202–482–5071.

Dated: May 25, 2010.

Joel D. Secundy,

Deputy Assistant Secretary for Services, Manufacturing and Services, International Trade Administration.

[FR Doc. 2010–13223 Filed 6–1–10; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Extension of Application Period for Seats for the Channel Islands National Marine Sanctuary Advisory Council

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of extension for application period and request for applications.

SUMMARY: The ONMS is extending the deadline and seeking applications for the following vacant seats on the Channel Islands National Marine Sanctuary Advisory Council: Commercial Fishing Alternate, Education Alternate, Chumash Community Member and Alternate. Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the protection and management of marine resources; and possibly the length of residence in the area affected by the sanctuary. Applicants who are chosen as members should expect to serve two-year terms, pursuant to the council's Charter.

DATES: Applications are due by June 30, 2010.

ADDRESSES: Application kits may be obtained at *http://www.channelislands.noaa.gov/sac/news.html.* Completed applications should be sent to *Danielle.lipski@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Michael Murray, Channel Islands National Marine Sanctuary, 113 Harbor Way Suite 150 Santa Barbara, CA 93109–2315, 805–966–7107 extension 464, *michael.murray@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Council was originally established in December 1998 and has a broad representation consisting of 21 members, including ten government agency representatives and eleven members from the general public. The Council functions in an advisory capacity to the Sanctuary Superintendent. The Council works in concert with the Sanctuary Superintendent by keeping him or her informed about issues of concern throughout the Sanctuary, offering recommendations on specific issues, and aiding the Superintendent in achieving the goals of the National Marine Sanctuary Program. Specifically, the Council's objectives are to provide advice on: (1) Protecting natural and cultural resources and identifying and evaluating emergent or critical issues involving Sanctuary use or resources; (2) identifying and realizing the Sanctuary's research objectives; (3) identifying and realizing educational opportunities to increase the public knowledge and stewardship of the Sanctuary environment; and (4) assisting to develop an informed constituency to increase awareness and understanding of the purpose and value of the Sanctuary and the National Marine Sanctuary Program.

Authority: 16 U.S.C. 1431, *et seq.*

(Federal Domestic Assistance catalog Number 11.429 Marine sanctuary Program)

Dated: May 21, 2010.

Daniel J. Basta,

Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2010–13100 Filed 6–1–10; 8:45 am]

BILLING CODE 3510–NK–M

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1682]

Grant of Authority For Subzone Status; Deere & Company (Agricultural Equipment and Component Parts); Waterloo, IA

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for " * * * the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

Whereas, the Cedar Rapids Airport Commission, grantee of FTZ 175, has made application to the Board for authority to establish special-purpose subzone status with manufacturing authority at the Deere & Company facilities, located in Waterloo, Iowa (FTZ Docket 50–2009, filed 11/12/2009);

Whereas, notice inviting public comment has been given in the **Federal Register** (74 FR 59524, 11/18/2009) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby grants authority for subzone status for activity related to the manufacturing and distribution of agricultural equipment at the facilities of Deere & Company, located in Waterloo, Iowa (Subzone 175A), as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 21st day of May, 2010.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2010–13214 Filed 6–1–10; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1681]

Grant of Authority for Subzone Status; South Florida Materials Corporation (Distribution of Petroleum Products); Port Everglades, FL

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for "* * * the establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes," and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

Whereas, Broward County, Florida, grantee of Foreign-Trade Zone 25, has made application to the Board for authority to establish a special-purpose subzone at the petroleum product storage and distribution facility of South Florida Materials Corporation (d/b/a Vencenergy), located in Port Everglades, Florida, (FTZ Docket 44–2009, filed 10/22/2009);

Whereas, notice inviting public comment has been given in the **Federal Register** (74 FR 55812–55813, 10/29/2009) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, therefore, the Board hereby grants authority for subzone status for activity related to petroleum product storage and distribution at the facility of South Florida Materials Corporation (d/b/a Vencenergy), located in Port Everglades (Subzone 25F), as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board's regulations, including Section 400.28.

Signed at Washington, DC, this 21st day of May 2010.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2010–13210 Filed 6–1–10; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Initiation of Five-Year ("Sunset") Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: In accordance with section 751(c) of the Tariff Act of 1930, as amended ("the Act"), the Department of Commerce ("the Department") is automatically initiating a five-year review ("Sunset Review") of the antidumping and countervailing duty orders listed below. The International Trade Commission ("the Commission") is publishing concurrently with this notice its notice of *Institution of Five-Year Review* which covers the same orders.

DATES: *Effective Date:* June 1, 2010.

FOR FURTHER INFORMATION CONTACT: The Department official identified in the *Initiation of Review* section below at AD/CVD Operations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Ave., NW., Washington, DC 20230. For information from the Commission contact Mary Messer, Office of Investigations, U.S. International Trade Commission at (202) 205–3193.

SUPPLEMENTARY INFORMATION:

Background

The Department's procedures for the conduct of Sunset Reviews are set forth in its *Procedures for Conducting Five-Year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders,* 63 FR 13516 (March 20, 1998) and 70 FR 62061 (October 28, 2005). Guidance on methodological or analytical issues relevant to the Department's conduct of Sunset Reviews is set forth in the Department's Policy Bulletin 98.3—*Policies Regarding the Conduct of Five-Year ("Sunset") Reviews of Antidumping and Countervailing Duty Orders: Policy Bulletin,* 63 FR 18871 (April 16, 1998).

Initiation of Review

In accordance with 19 CFR 351.218(c), we are initiating the Sunset Review of the following antidumping and countervailing duty orders:

DOC Case No.	ITC Case No.	Country	Product	Department contact
A–405–803	731–TA–1084	Finland	Carboxymethyl-cellulose	Dana Mermelstein (202) 482–1391.
A–201–834	731–TA–1085	Mexico	Carboxymethyl-cellulose	Dana Mermelstein (202) 482–1391.
A–421–811	731–TA–1086	Netherlands	Carboxymethyl-cellulose	Dana Mermelstein (202) 482–1391.
A–405–803	731–TA–1087	Sweden	Carboxymethyl-cellulose	Dana Mermelstein (202) 482–1391.
A–423–808	731–TA–788	Belgium	Stainless Steel Plate in Coils (2nd Review).	Brandon Farlander (202) 482–0182.
A–475–822	731–TA–790	Italy	Stainless Steel Plate in Coils (2nd Review).	Brandon Farlander (202) 482–0182.
A–580–831	731–TA–791	Korea	Stainless Steel Plate in Coils (2nd Review).	Brandon Farlander (202) 482–0182.
A–791–805	731–TA–792	South Africa	Stainless Steel Plate in Coils (2nd Review).	Brandon Farlander (202) 482–0182.
A–583–830	731–TA–783	Taiwan	Stainless Steel Plate in Coils (2nd Review).	Brandon Farlander (202) 482–1391.
A–428–825	731–TA–798	Germany	Stainless Steel Sheet and Strip in Coils (2nd Review).	Dana Mermelstein (202) 482–1391.
A–475–824	731–TA–799	Italy	Stainless Steel Sheet and Strip in Coils (2nd Review).	Dana Mermelstein (202) 482–1391.
A–588–845	731–TA–800	Japan	Stainless Steel Sheet and Strip in Coils (2nd Review).	Dana Mermelstein (202) 482–1391.
A–580–834	731–TA–801	Korea	Stainless Steel Sheet and Strip in Coils (2nd Review).	Dana Mermelstein (202) 482–1391.
A–201–822	731–TA–802	Mexico	Stainless Steel Sheet and Strip in Coils (2nd Review).	Dana Mermelstein (202) 482–1391.
A–583–831	731–TA–803	Taiwan	Stainless Steel Sheet and Strip in Coils (2nd Review).	Dana Mermelstein (202) 482–1391.
C–423–809	701–TA–376	Belgium	Stainless Steel Plate in Coils (2nd Review).	Brandon Farlander (202) 482–0182.
C–791–806	701–TA–379	South Africa	Stainless Steel Plate in Coils (2nd Review).	Brandon Farlander (202) 482–0182.
C–580–835	701–TA–382	Korea	Stainless Steel Sheet and Strip in Coils (2nd Review).	Brandon Farlander (202) 482–0182.

Filing Information

As a courtesy, we are making information related to Sunset proceedings, including copies of the pertinent statute and Department's regulations, the Department schedule for Sunset Reviews, a listing of past revocations and continuations, and current service lists, available to the public on the Department's Internet Web site at the following address: *http://ia.ita.doc.gov/sunset/*. All submissions in these Sunset Reviews must be filed in accordance with the Department's regulations regarding format, translation, service, and certification of documents. These rules can be found at 19 CFR 351.303.

Pursuant to 19 CFR 351.103(d), the Department will maintain and make available a service list for these proceedings. To facilitate the timely preparation of the service list(s), it is requested that those seeking recognition as interested parties to a proceeding contact the Department in writing within 10 days of the publication of the Notice of Initiation.

Because deadlines in Sunset Reviews can be very short, we urge interested parties to apply for access to proprietary information under administrative protective order ("APO") immediately following publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. The Department's regulations on submission of proprietary information and eligibility to receive access to business proprietary information under APO can be found at 19 CFR 351.304–306.

Information Required From Interested Parties

Domestic interested parties defined in section 771(9)(C), (D), (E), (F), and (G) of the Act and 19 CFR 351.102(b) wishing to participate in a Sunset Review must respond not later than 15 days after the date of publication in the **Federal Register** of this notice of initiation by filing a notice of intent to participate. *See* 19 CFR 351.218(d)(1)(i). The required contents of the notice of intent to participate are set forth at 19 CFR 351.218(d)(1)(ii). In accordance with the Department's regulations, if we do not receive a notice of intent to participate from at least one domestic interested party by the 15-day deadline, the Department will automatically revoke the order without further review. *See* 19 CFR 351.218(d)(1)(iii).

If we receive an order-specific notice of intent to participate from a domestic interested party, the Department's regulations provide that *all parties* wishing to participate in the Sunset Review must file complete substantive responses not later than 30 days after the date of publication in the **Federal Register** of this notice of initiation. The required contents of a substantive response, on an order-specific basis, are set forth at 19 CFR 351.218(d)(3). Note that certain information requirements differ for respondent and domestic parties. Also, note that the Department's information requirements are distinct from the Commission's information requirements. Please consult the Department's regulations for information regarding the Department's conduct of Sunset Reviews.[1] Please

[1] In comments made on the interim final sunset regulations, a number of parties stated that the proposed five-day period for rebuttals to substantive responses to a notice of initiation was insufficient. This requirement was retained in the

consult the Department's regulations at 19 CFR part 351 for definitions of terms and for other general information concerning antidumping and countervailing duty proceedings at the Department.

This notice of initiation is being published in accordance with section 751(c) of the Act and 19 CFR 351.218 (c).

John M. Andersen,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2010–13058 Filed 6–1–10; 8:45 am]

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final sunset regulations at 19 CFR 351.218(d)(4). As provided in 19 CFR 351.302(b), however, the Department will consider individual requests to extend that five-day deadline based upon a showing of good cause.

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

Notice of Jointly Owned Invention Available for Licensing

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of jointly owned invention available for licensing.

SUMMARY: The invention listed below is jointly owned by the U.S. Government, as represented by the Department of Commerce, and by Applied Research Associates, Inc. The Department of Commerce's interest in the invention is available for licensing in accordance with 35 U.S.C. 207 and 37 CFR part 404 to achieve expeditious commercialization of results of federally funded research and development.

FOR FURTHER INFORMATION CONTACT: Technical and licensing information on this invention may be obtained by writing to: National Institute of Standards and Technology, Office of Technology Partnerships, Building 222, Room A242, Gaithersburg, MD 20899. Information is also available via telephone: 301–975–2649, fax 301–975–3482, or e-mail: *nathalie.rioux@nist.gov.* Any request for information should include the NIST Docket number or Patent number and title for the invention as indicated below.

The invention available for licensing is:

[NIST DOCKET NUMBER: 10–004]

Title: Gradient Elution Moving Boundary Electrophoresis for the Analysis of Complex Samples and Detection of Toxins.

Abstract: Methods of detecting the presence of toxins in a sample using electrophoretic separations and of performing electrophoretic separation of complex samples are provided. The method of detecting the presence of toxins includes reacting a sample and a substrate with a signaling enzyme which converts the substrate to the product in a reaction medium, introducing a run buffer into a separation channel having an inlet end, selectively introducing at least one of the substrate and the product of the reaction medium into the inlet end of the separation channel, electrophoretically separating the substrate and the product, and determining the rate of conversion of the substrate to the product, wherein a change in the rate of conversion is indicative of the presence of toxins. The method of performing electrophoretic separations of complex samples having charged particulates and oppositely charged analytes comprises introducing a run buffer into a separation channel having an inlet end, selectively introducing the oppositely charged analytes in the complex sample into the separation channel, and electrophoretically separating the charged particulates and the oppositely charged analytes. Additionally, a device for varying with respect to time the bulk flow of a fluid in a separation channel of an electrophoretic device having a buffer reservoir in fluid contact with the separation channel is provided. The device includes a pressure sensor in fluid contact with a buffer reservoir, a high pressure reservoir in selective fluidic communication with the buffer reservoir, a low pressure reservoir in selective fluidic communication with the buffer reservoir and in fluidic communication with the high pressure reservoir, and a pumping device for pumping a gas from the low pressure reservoir to the high pressure reservoir.

Dated: May 25, 2010.

Katharine B. Gebbie,

Director, Physics Laboratory.

[FR Doc. 2010–13200 Filed 6–1–10; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XW62

Fisheries of the Exclusive Economic Zone off Alaska; Stock Assessment of Eastern Bering Sea Pollock; Peer Review Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of a public meeting.

SUMMARY: NMFS has requested the Center for Independent Experts (CIE) to conduct a peer review of the agency's stock assessment of Eastern Bering Sea walleye pollock (*Theragra chalcogramma*). The CIE, operated by Northern Taiga Ventures, Inc., provides independent peer reviews of NMFS's fisheries stock assessments. The Eastern Bering Sea pollock stock assessment is reviewed annually by the Alaska Fisheries Science Center, the North Pacific Fishery Management Council (NPFMC) Plan Team, and the NPFMC Scientific and Statistical Committee. The CIE review will examine whether the assessment incorporates the best available scientific information and provides a reasonable approach to understanding the population dynamics and stock status of Eastern Bering Sea pollock. The public is invited to attend and observe the presentations and discussions between the CIE panel and the NMFS scientists who collected and processed the data, and designed the underlying model.

DATES: The public meeting will be held from June 28 through July 2, 2010, 9 a.m. to 5 p.m. Pacific Standard Time.

ADDRESSES: The review will be held at the NMFS Alaska Fisheries Science Center, 7600 Sand Point Way N.E., Building 4, Seattle, WA 98115. Photo identification is required to enter this facility.

FOR FURTHER INFORMATION CONTACT: James Ianelli, 206–526–6510.

SUPPLEMENTARY INFORMATION: The CIE panel will consist of three peer reviewers who will assess materials related to the topic, participate in a review workshop with the NMFS scientists who developed the model and the analytical approach, and produce a report. This review will be highly technical in nature and will cover mathematical details of the analytical approach. More information about the CIE is available on its website at *www.ciereviews.org.*

Members of the public are invited to observe, and will be provided opportunities to contribute on June 28 and July 2, 2010. The final report will be available prior to the September NPFMC Plan Team meetings and will consist of individual reports from each panelist and a summary report. The results of the review will be presented during the September 2010 NPFMC Plan Team meeting, which will be announced at a later time in the **Federal Register**.

Special Accommodations

These workshops will be physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Pat Livingston, 206–526–4172, at least 10 working days prior to the meeting date.

Dated: May 26, 2010.

Carrie Selberg,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2010–13222 Filed 6–1–10; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

National Conference on Weights and Measures 95th Annual Meeting

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice.

SUMMARY: The Annual Meetings of the 95th National Conference on Weights and Measures (NCWM) will be held July 11 to 15, 2010. Publication of this notice on the NCWM's behalf is undertaken as a public service; NIST does not endorse, approve, or recommend any of the proposals contained in this notice or in the publications of the NCWM mentioned below. The meetings of the NCWM are open to the public but registration is required.

DATES: The meeting will be held on July 11–15, 2010.

ADDRESSES: The meeting will be held at the Crowne Plaza St. Paul-Riverfront Hotel, 11 East Kellogg Boulevard, St. Paul, Minnesota 55101.

FOR FURTHER INFORMATION CONTACT: Carol Hockert, Chief, NIST, Weights and Measures Division, 100 Bureau Drive, Stop 2600, Gaithersburg, MD 20899–2600 or by telephone (301) 975–5507 or at *Carol.Hockert@nist.gov* by e-mail. Registration is required to attend this meeting. Please see NCWM Pub 16 "Committee Reports for the 95th National Conference on Weights and Measures" at *http://www.ncwm.net* or *http://www.nist.gov/owm* to review the full meeting agenda, registrations forms, and hotel reservation information.

SUPPLEMENTARY INFORMATION: The NCWM is a voluntary organization of weights and measures officials of the states, counties, and cities of the United States, Federal agencies, and private sector representatives. These meetings bring together government officials and representatives of business, industry, trade associations, and consumer organizations on subjects related to the field of weights and measures technology, administration, and enforcement. NIST participates in the NCWM to promote uniformity among the states in laws, regulations, methods, and testing equipment that comprise the regulatory control of commercial weighing and measuring devices and other practices used in trade and commerce.

The following are brief descriptions of some of the significant agenda items that will be considered along with other issues at the NCWM Annual Meeting. Comments will be taken on these and other issues during several public comment sessions. At this stage, the items are proposals. This meeting also includes work sessions in which the Committees may also accept oral and written comments where they will finalize recommendations for NCWM consideration and possible adoption at its voting sessions which are tentatively scheduled for July 14 and 15, 2010. The Committees may withdraw or carry over items that need additional development.

The Specifications and Tolerances Committee (S&T Committee) will consider proposed amendments to NIST Handbook 44, "Specifications, Tolerances, and other Technical Requirements for Weighing and Measuring Devices (NIST Handbook 44)." Those items address weighing and measuring devices used in commercial applications, that is, devices that are normally used to buy from or sell to the public or used for determining the quantity of product sold among businesses.

Issues on the agenda of the NCWM Laws and Regulations Committee (L&R Committee) relate to proposals to amend NIST Handbook 130, "Uniform Laws and Regulations in the area of legal metrology and engine fuel quality" and NIST Handbook 133 "Checking the Net Contents of Packaged Goods." These documents are available on the Internet at *http://www.nist.gov/owm.*

This notice contains information about significant items on the NCWM Committee agendas, but does not include all agenda items. As a result, the following items are not consecutively numbered.

NCWM Specifications and Tolerances Committee

The following items are proposals to amend NIST Handbook 44:

General Code

Item 310–4. G–A.6. Nonretroactive Requirements (Remanufactured Equipment)—The NCWM will consider adoption of a revision to a current requirement to clarify the intent of the 2001 decision regarding the application of a variety of nonretroactive requirements to devices that have been classified to have been "remanufactured" (*i.e.,* a device that is disassembled, checked for wear, parts replaced or fixed, reassembled and made to operate like a new device of the same type) as compared with a "manufactured device" which is a commercial weighing or measuring device shipped as new from the original equipment manufacturer.

Scales Code

Item 320–2. S.1.7. Automatic Zero-Setting Mechanism (AZSM)—The NCWM will consider adoption of a proposal to define the acceptable operating parameters of the zero-setting functions used on some electronic weighing devices. These functions automatically maintain a scale's indications at zero when no load is on the device. Existing NIST Handbook 44 requirements prohibit some of the zero-setting functions found on weighing devices designed and sold for use in other countries when those devices are used in commercial applications in the U.S. marketplace. The intent of the proposal is to retroactively prohibit the use of this feature on scales used in commercial transactions.

Vehicle Tank Meter Code

Item 331–1. T.2.1. Automatic Temperature-Compensating Systems (ATC) on Vehicle Tank Meters (These systems may be used on existing vehicle mounted meters that are typically used to deliver home heating fuel and other products to residential and business consumers.)—The NCWM will consider adoption of the proposal to revise the existing tolerances applicable to comparisons of test results between compensated and non-compensated test runs on vehicle tank meters equipped with ATC systems to better reflect the actual performance capability of these systems.

Commercial Hydrogen Gas Measuring Devices

Item 360–1. Tentative Code for Hydrogen Gas-Measuring Devices—The NCWM will consider adoption of a set of specifications, tolerances, and other technical requirements as a "tentative" code for inclusion in NIST Handbook 44 that can be applied on a trial basis to commercial measuring equipment used to deliver hydrogen fuel to highway vehicles, which are currently operating in 24 states. The code was developed by the U.S. National Working Group (USNWG) for the Development of Commercial Hydrogen Measurement Standards that included key stakeholders and experts in commercial hydrogen measurement, such as manufacturers and users of commercial hydrogen measuring equipment, fuel suppliers, regulatory officials, and other interested parties. Adoption and use of the code on a trial basis is expected to provide feedback to the USNWG on how well the draft meets the needs of the measurement community in a broad range of applications. The proposed tolerances are based on an assessment of the range of accuracy levels reported thus far, but require additional evaluation. The appropriateness of the tolerance values will be determined in conjunction with the evaluation of the other requirements contained in this tentative code. Based on the feedback received from its use as a tentative code, if needed additional changes, will be included in the code prior to it being recommended for adoption as a "permanent" (or fully enforceable) code in NIST Handbook 44.

NCWM Laws and Regulations Committee

The following items are proposals to amend NIST Handbook 130:

Method of Sale of Commodities Regulation

Item 232–2. Method of Sale and Engine Fuel Quality Requirements for Hydrogen—The NCWM will consider adoption of a proposal to establish a uniform method of sale for hydrogen offered for retail sale as a vehicle fuel.

Item 232–5. Uniform Regulation for Method of Sale of Commodities—Packaged Printer Ink and Toner Cartridges—This is an informational item and it will not be voted on at the 2010 Annual Meeting. The L&R Committee will accept comments on this item and then consider recommending adoption of a method of sale to clarify the net quantity of contents and other labeling requirements for these products. The Committee requests that manufacturers and sellers of these products, consumers, and weights and measures officials provide comments on the draft regulation which is presented in Publication 16.

Item 232–6. Method of Sale, Section 2.23. Animal Bedding—The NCWM will consider adoption of a proposal to amend the current method of sale (*i.e.,* a regulation that specifies whether a product may be sold by weight, measure, count, or a combination of the three methods to facilitate value comparisons by consumers) to accommodate the special needs and provisions of granular, pelleted, and other non-compressible dry laboratory animal bedding materials sold to commercial end-users in the specialized lab animal research industry on a weight or per pound basis.

The following items are proposals to amend NIST Handbook 133 "Checking the Net Contents of Packaged Goods":

Item 260–1. Guidance on Allowing for Moisture Loss and Other Revisions—The NCWM will consider adoption of proposed revisions to the procedures that handbook users may use to provide for moisture loss in packaged goods. Other proposals to amend the handbook include revisions of current language, including additional instructions in some test procedures, to increase clarity and uniformity. Further discussion of the draft revision of the handbook is presented in Publication 16.

Item 260–2. Seed Count for Agricultural Seeds—The NCWM will consider adoption of test procedures for determining actual seed count in packages, which may be labeled to contain up to 80,000 seeds, and limits on unreasonable quantity variations for addition to the handbook. These proposals were developed by seed regulatory officials in collaboration with industry for use in verifying the net quantity of contents of packages of agricultural seed (specifically corn seed, soybean seed, field bean seed, and wheat seed) labeled by "count."

Item 260–6. Moisture Allowance for Pasta Products—The NCWM will consider adoption of a proposal for a three percent limit on moisture loss for macaroni, noodle, and like products (pasta products). If this proposal is adopted, the specified value would be used by weights and measures officials to enforce laws related to the accuracy of net quantity of contents declaration on packaged goods and to define reasonable variations caused by the loss or gain of moisture.

Dated: May 26, 2010.

Katharine B. Gebbie,

Director, Physics Laboratory.

[FR Doc. 2010–13198 Filed 6–1–10; 8:45 am]

BILLING CODE 3510–13–P

DEPARTMENT OF COMMERCE

International Trade Administration

Manufacturing Council

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of Reopening of the Application Period for Membership on the Manufacturing Council.

SUMMARY: On March 16, 2010, the Department of Commerce's International Trade Administration published a notice in the **Federal Register** (75 FR 12507) soliciting applications for membership on the Manufacturing Council (Council). The March 16, 2010 notice provided that all applications must be received by the Office of Advisory Committees of the Department of Commerce by close of business on April 15, 2010. This notice reopens the application period in order to provide the public with an additional opportunity to submit applications. The eligibility and evaluation criteria for selecting members contained in the March 16, 2010 notice shall continue to apply. The purpose of the Council is to advise the Secretary of Commerce on matters relating to the competitiveness of the U.S. manufacturing sector and to provide a forum for regular communication between Government and the manufacturing sector.

ADDRESSES: Please submit application information to J. Marc Chittum, Office of Advisory Committees, Manufacturing Council Executive Secretariat, U.S. Department of Commerce, Room 4043, 1401 Constitution Avenue, NW., Washington, DC 20230.

DATES: All applications must be received by the Office of Advisory Committees by close of business on June 18, 2010.

FOR FURTHER INFORMATION CONTACT: J. Marc Chittum, Manufacturing Council Executive Secretariat, Room 4043, 1401 Constitution Avenue, NW., Washington, DC 20230, telephone: 202–482–4501, e-mail: *marc.chittum@trade.gov*.

Please visit the Manufacturing Council Web site at: *http://www.manufacturing.gov/council/index.asp?dName=council*.

SUPPLEMENTARY INFORMATION: The Office of Advisory Committees is reopening

the application period for the Council's current two year charter term to expire April 10, 2012. Although the Department of Commerce has received many applications and is still considering all applications received to date (including any applications received after the prior deadline but before issuance of this notice), the Department is seeking a broader applicant pool more representative of the U.S. manufacturing industry as a whole. By reopening and extending the application period, the Department also hopes to have a broader applicant pool to reflect the full diversity of the U.S. manufacturing industry in terms of industry sectors, geographic locations, demographics, and company size. The criteria and procedures for selecting members contained in the March 16, 2010 notice continue to apply and are republished herein for convenience. Pending applicants remain under consideration and do not need to resubmit their applications. Members are appointed for a two-year term to serve until the Council's charter expires on April 10, 2012. Members will be selected in accordance with applicable Department of Commerce guidelines based on their ability to advise the Secretary of Commerce on matters relating to the U.S. manufacturing sector, to act as a liaison among the stakeholders represented by the membership and to provide a forum for those stakeholders on current and emerging issues in the manufacturing sector. The Council's membership shall reflect the diversity of American manufacturing by representing a balanced cross-section of the U.S. manufacturing industry in terms of industry sectors, geographic locations, demographics, and company size, particularly seeking the representation of small- and medium-sized enterprises. Additional factors which may be considered in the selection of Council members include candidates' proven experience in developing and marketing programs in support of manufacturing industries, job creation in the manufacturing sector, or the candidates' proven abilities to manage manufacturing organizations. Given the duties and objectives of the Council, the Department particularly seeks applicants who are active manufacturing executives (Chief Executive Officer, President, and a comparable level of responsibility) that are leaders within their local manufacturing communities and industries.

Each Council member shall serve as the representative of a U.S. entity in the manufacturing sector. For the purposes of eligibility, a U.S. entity shall be defined as a firm incorporated in the United States (or an unincorporated firm with its principal place of business in the United States) that is controlled by U.S. citizens or by another U.S. entity. An entity is not a U.S. entity if 50 percent plus one share of its stock (if a corporation, or a similar ownership interest of an unincorporated entity) is controlled, directly or indirectly, by non-U.S. citizens or non-U.S. entities.

Appointments to the Council will be made by the Secretary of Commerce. Council members will serve at the discretion of the Secretary of Commerce. Council members shall serve in a representative capacity, representing the views and interests of their particular industry sector. Council members are not special government employees.

Council members will receive no compensation for their participation in Council activities. Members participating in Council meetings and events will be responsible for their travel, living and other personal expenses.

Meetings will be held regularly and not less than annually, usually in Washington, DC. Members are required to attend a majority of the Council meetings. The first Council meeting for the new charter term has not yet been set.

To be considered for membership, please provide the following:

1. Name and title of the individual requesting consideration.
2. A sponsor letter from the applicant on organization letterhead or, if the applicant is to represent an entity other than his or her employer, a letter from the entity to be represented, containing a brief statement of why the applicant should be considered for membership on the Council. This sponsor letter should also address the applicant's manufacturing-related experience, including any manufacturing trade policy experience.
3. The applicant's personal résumé.
4. An affirmative statement that the applicant is not required to register as a foreign agent under the Foreign Agents Registration Act of 1938, as amended.
5. An affirmative statement that the applicant is not a federally registered lobbyist, and that the applicant understands that if appointed, the applicant will not be allowed to continue to serve as a Council member if the applicant becomes a federally registered lobbyist.
6. Information regarding the control of the entity to be represented, including the governing structure and stock holdings as appropriate signifying compliance with the criteria set forth above.
7. The entity's size and ownership, product or service line and major markets in which the entity operates.
8. Please include all relevant contact information such as mailing address, fax, e-mail, fixed and mobile phone numbers and support staff information where relevant.

Appointments of members to the Council will be made by the Secretary of Commerce.

Dated: May 27, 2010.

J. Marc Chittum,

Executive Secretary, Manufacturing Council.

[FR Doc. 2010–13255 Filed 6–1–10; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1683]

Reorganization/Expansion of Foreign-Trade Zone 20; Hampton Roads, VA, Area

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a-81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Virginia Port Authority, grantee of Foreign-Trade Zone 20, submitted an application to the Board for authority to reorganize and expand its zone to modify and expand Site 3, to remove acreage from Site 8, to modify Site 9, and to add six new sites (proposed Sites 19–24) in the Hampton Roads, Virginia, area within the Norfolk Customs and Border Protection port of entry (FTZ Docket 19–2009, filed 4/28/09);

Whereas, notice inviting public comment was given in the **Federal Register** (74 FR 20927, 5/6/09) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal, with respect to Sites 3, 8 and 9 and Sites 19, 21, 22, 23 and 24, is in the public interest;

Now, therefore, the Board hereby orders:

The application to reorganize and expand FTZ 20 is approved in part (with respect to Sites 3, 8 and 9 and Sites 19, 21, 22, 23 and 24), subject to the FTZ Act and the Board's regulations, including Section 400.28, to the Board's

standard 2,000-acre activation limit for the overall general-purpose zone project, and to sunset provisions that would terminate authority on May 31, 2013, for existing Sites 1–18 and 25 (including the additions to Sites 3 and 9) and on May 31, 2015, for Sites 19, 21, 22, 23 and 24 where no activity has occurred under FTZ procedures before those dates.

Signed at Washington, DC, this 21st day of May, 2010.

Ronald K. Lorentzen,

Deputy Assistant Secretary for Import Administration, Alternate Chairman, Foreign-Trade Zones Board.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2010–13206 Filed 6–1–10; 8:45 am]

BILLING CODE 3510–DS–P

COMMODITY FUTURES TRADING COMMISSION

Reestablishment of the Technology Advisory Committee

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of Federal Advisory Committee Reestablishment.

SUMMARY: The Commodity Futures Trading Commission has determined to reestablish the charter of its Technology Advisory Committee.

FOR FURTHER INFORMATION CONTACT: Martin B. White, Committee Management Officer, at 202–418–5129. Written comments should be submitted to David A. Stawick, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW., Washington, DC 20581. Electronic comments may be submitted to *shumenik@cftc.gov.*

SUPPLEMENTARY INFORMATION: The Commodity Futures Trading Commission ("Commission") has determined to reestablish its Technology Advisory Committee. The Commission has determined that the reestablishment of the advisory committee is in the public interest in connection with the duties imposed on the Commission by the Commodity Exchange Act, 7 U.S.C. 1–25, as amended. The Technology Advisory Committee will operate for two years from the date it is reestablished unless, before the expiration of that time period, its charter is renewed in accordance with section 14(a)(2) of the Federal Advisory Committee Act, or the Chairman of the Commission, with the concurrence of the other Commissioners, shall direct that the advisory committee terminate on an earlier date.

The purpose of the Technology Advisory Committee is to conduct public meetings, to submit reports and recommendations to the Commission, and to otherwise assist the Commission in identifying and understanding how new developments in technology are being applied and utilized in the industry, and their impact on the operation of the markets. The committee will allow the Commission to be an active participant in market innovation, explore the appropriate investment in technology, and advise the Commission on the need for strategies to implement rules and regulations to support the Commission's mission of ensuring the integrity of the markets. Meetings of the Technology Advisory Committee are public.

The Technology Advisory Committee may be reestablished 15 days after publication of this notice by filing a reestablishment charter with the Commission; the Senate Committee on Agriculture, Nutrition and Forestry; the House Committee on Agriculture; the Library of Congress; and the General Services Administration's Committee Management Secretariat. A copy of the reestablishment charter also will be posted on the Commission's Web site at *http://www.cftc.gov.*

Issued in Washington, DC, on May 19, 2010, by the Commission.

David A. Stawick,

Secretary of the Commission.

[FR Doc. 2010–13184 Filed 6–1–10; 8:45 am]

BILLING CODE P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2009–0064]

Agency Information Collection Activities; Proposed Collection; Comment Request; Safety Standard for Infant Bath Seats

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: The Consumer Product Safety Commission (CPSC) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the burden estimates for the marking and instructional literature requirements in the Safety Standard for Infant Bath Seats.

DATES: Submit written or electronic comments on the collection of information by August 2, 2010.

ADDRESSES: You may submit comments, identified by Docket No. CPSC–2009–0064, by any of the following methods:

Electronic Submissions

Submit electronic comments in the following way:

Federal eRulemaking Portal: http://www.regulations.gov. Follow the instructions for submitting comments.

To ensure timely processing of comments, the Commission is no longer accepting comments submitted by electronic mail (e-mail) except through *http://www.regulations.gov.*

Written Submissions

Submit written submissions in the following way:

Mail/Hand delivery/Courier (for paper, disk, or CD–ROM submissions), preferably in five copies, to: Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7923.

Instructions: All submissions received must include the agency name and docket number for this notice. All comments received may be posted without change, including any personal identifiers, contact information, or other personal information provided, to *http://www.regulations.gov.* Do not submit confidential business information, trade secret information, or other sensitive or protected information electronically. Such information should be submitted in writing.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Patricia Edwards, Project Manager, Directorate for Engineering Sciences, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7577; *pedwards@cpsc.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide

information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, the CPSC is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, the CPSC invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of CPSC's functions, including whether the information will have practical utility; (2) the accuracy of CPSC's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Title: Safety Standard for Infant Bath Seats—16 CFR 1215

Description: The rule would require each infant bath seat to comply with ASTM F 1967–08a, Standard Consumer Safety Specification for Infant Bath Seats." Sections 8 and 9 of ASTM F 1967–08a contain requirements for marking and instructional literature.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN

16 CFR section	Number of respondents	Frequency of responses	Total annual responses	Hours per response	Total burden hours
1215.2(a)	2	1	2	0.5	1

There are no capital costs or operating and maintenance costs associated with this collection of information.

Our estimates are based on the following:

Proposed 16 CFR 1215.2(a) would require each infant bath seat to comply with ASTM F 1967–08a. Sections 8 and 9 of ASTM F 1967–08a contain requirements for marking and instructional literature that are disclosure requirements, thus falling within the definition of "collections of information" at 5 CFR 1320.3(c).

Section 8.6.1 of ASTM F 1967–08a requires that the name and "either the place of business (city, State, and mailing address, including zip code) or telephone number, or both" of the manufacturer, distributor, or seller be clearly and legibly marked on "each product and its retail package." Section 8.6.2 of ASTM F 1967–08a requires that "a code mark or other means that identifies the date (month and year as a minimum) of manufacture" be clearly and legibly marked on "each product and its retail package." In both cases, the information must be placed on both the product and the retail package.

There are three known firms supplying bath seats to the United States market. One of the three firms is known to already produce labels that comply with sections 8.6.1 and 8.6.2 of the standard, so there would be no additional burden on this firm. The remaining two firms are assumed to already use labels on both their products and their packaging, but might need to make some modifications to their existing labels. The estimated time required to make these modifications is about 30 minutes per model. Each of these firms supplies an average of one model of infant bath seat, therefore, the estimated burden hours associated with labels is 30 minutes × 2 firms × 1 model per firm = 60 minutes or 1 annual hour.

The Commission estimates that hourly compensation for the time required to create and update labels is $27.78 (Bureau of Labor Statistics, September 2009, all workers, goods-producing industries, Sales and office, Table 9). Therefore, the estimated annual cost associated with the Commission-recommended labeling requirements is approximately $27.78.

Section 9.1 of ASTM F 1967–08a requires instructions to be supplied with the product. Infant bath seats are products that generally require some installation and maintenance, and products sold without such information would not be able to successfully compete with products supplying this information. Under OMB's regulations (5 CFR 1320.3(b)(2)), the time, effort, and financial resources necessary to comply with a collection of information that would be incurred by persons in the "normal course of their activities" are excluded from a burden estimate where an agency demonstrates that the disclosure activities needed to comply are "usual and customary." Therefore, because the CPSC is unaware of infant bath seats that: (a) Generally require some installation, but (b) lack any instructions to the user about such installation, we tentatively estimate that there are no burden hours associated with the instruction requirement in section 9.1 of ASTM F 1967–08a because any burden associated with supplying instructions with an infant bath seat would be "usual and customary" and not within the definition of "burden" under OMB's regulations.

Based on this analysis, the requirements of the bath seat rule would impose a burden to industry of 1 hour at a cost of $27.78.

Dated: May 25, 2010.

Todd Stevenson,

Secretary, U.S. Consumer Product Safety Commission.

[FR Doc. 2010–13087 Filed 6–1–10; 8:45 am]

BILLING CODE 6355–01–P

CONSUMER PRODUCT SAFETY COMMISSION

[CPSC Docket No. 10–C0004]

Schylling Associates, Inc., Provisional Acceptance of a Settlement Agreement and Order

AGENCY: Consumer Product Safety Commission.

ACTION: Notice.

SUMMARY: It is the policy of the Commission to publish settlements which it provisionally accepts under the Consumer Product Safety Act in the **Federal Register** in accordance with the terms of 16 CFR 1118.20(e). Published below is a provisionally-accepted Settlement Agreement with Schylling Associates, Inc., containing a civil penalty of $400,000.00.

DATES: Any interested person may ask the Commission not to accept this agreement or otherwise comment on its contents by filing a written request with the Office of the Secretary by June 17, 2010.

ADDRESSES: Persons wishing to comment on this Settlement Agreement should send written comments to the Comment 10–C0004, Office of the Secretary, Consumer Product Safety

Commission, 4330 East West Highway, Room 820, Bethesda, Maryland 20814–4408.

FOR FURTHER INFORMATION CONTACT: Alex Dennis, Attorney, Division of Enforcement and Information, Office of the General Counsel, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, Maryland 20814–4408; telephone (301) 504–7817.

SUPPLEMENTARY INFORMATION: The text of the Agreement and Order appears below.

Dated: May 26, 2010.

Todd A. Stevenson,

Secretary.

United States of America

Consumer Product Safety Commission

CPSC Docket No. 10–C0004

In the Matter of Schylling Associates, Inc.; Settlement Agreement

1. In accordance with 16 CFR 1118.20, Schylling Associates, Inc. ("Schylling") and the staff ("Staff") of the United States Consumer Product Safety Commission ("CPSC" or the "Commission") enter into this Settlement Agreement ("Agreement"). The Agreement and the incorporated attached Order ("Order") settle the Staff's allegations set forth below.

Parties

2. The Commission is an independent Federal regulatory agency established pursuant to, and responsible for the enforcement of, the Consumer Product Safety Act, 15 U.S.C. 2051–2089 ("CPSA").

3. Schylling is a corporation organized and existing under the laws of the Commonwealth of Massachusetts, with principal offices located in Rowley, Massachusetts. At all times relevant hereto, Schylling designed, imported and sold toys and children's products.

Staff Allegations

A. Introduction/Distribution in Commerce of Banned Toys

4. From January 24, 2002 through March 2002, Schylling imported approximately 10,200 units of certain tin pail toys ("Pails"), consisting of *Thomas and Friends, Curious George,* and *Primary Colors* (red/yellow) styles, which had been produced in China by one of its Hong Kong manufacturers, Eway Enterprises, Ltd. ("Eway"). Schylling distributed approximately 4,700 units of the Pails to its customers in February and March 2002. The Pails were sold or offered for sale to consumers at toy stores and gift shops nationwide in February and March 2002, for about $6 per unit.

5. Between June 2001 and June 2002, Schylling imported approximately 66,000 units of certain spinning top toys ("Tops"), consisting of *Thomas and Friends, Curious George,* and *Circus* styles, which had been produced in China by another of its Hong Kong manufacturers, Sanda Kan Industrial, Ltd. ("Sanda Kan"). Schylling distributed these Tops to its U.S. customers from July 2001 until at least September 2002. The Tops were sold or offered for sale to consumers at toy stores and gift shops nationwide from July 2001 until at least September 2002, for about $13 per unit.

6. Between April 2003 and May 2003, Schylling imported approximately 3,600 units of certain *Winnie-the-Pooh* style spinning top toys, which also had been produced in China by Sanda Kan. Schylling distributed these *Winnie-the-Pooh* tops to its U.S. customers from April until November 2003. The *Winnie-the-Pooh* tops were sold or offered for sale to consumers at toy stores and gift shops nationwide from April until November 2003, for about $12 per unit.

7. The Pails, Tops and *Winnie-the-Pooh* tops described in paragraphs 4 through 6 above (collectively, the "Subject Products") are "consumer product(s)," and, at all times relevant hereto, Schylling was a "manufacturer" of those consumer products, which were "distributed in commerce," as those terms are defined in CPSA sections 3(a)(3), (5), (8), and (11), 15 U.S.C. 2052(a)(3), (5), (8), and (11).

8. The Subject Products are articles intended to be entrusted to or for use by children, and, therefore, are subject to the requirements of the Commission's Ban of Lead-Containing Paint and Certain Consumer Products Bearing Lead-Containing Paint, 16 CFR Part 1303 (the "Lead-Paint Ban"). Under the Lead-Paint Ban, toys and other children's articles must not bear "lead-containing paint," defined as paint or other surface coating materials whose lead content is more than 0.06 percent of the weight of the total nonvolatile content of the paint or the weight of the dried paint film. 16 CFR 1303.2(b)(1) [1]

9. On March 7, 2002, as a result of testing conducted in Hong Kong at its behest, Schylling obtained a test report from an independent laboratory demonstrating that the wooden handles of as many as 12 production samples of the *Primary Colors* (red/yellow) style tin pail toys bore paint or other surface coating materials whose lead content exceeded the permissible limit of 0.06 percent set forth in the Lead-Paint Ban. In late March 2002, without furnishing any copy of the associated test report, Eway informed Schylling that the supplier of the yellow and red paints used on the Pails had conducted re-testing and confirmed that the paints failed to comply with the Lead-Paint Ban.

10. Shortly after March 2002, following a brief evaluation of possibly purchasing additional pails from Eway having a clear (lacquer) finish instead of paint, Schylling reportedly severed its business relationship with Eway due to the referenced lead paint test failures. Beginning March 26, 2002, Schylling, without informing CPSC, initiated a unilateral recall of the Pails from its customers, as further discussed in paragraphs 19 and 20 below.

11. On June 30 and July 1, 2002, as a result of testing conducted in Hong Kong at its behest, Schylling obtained three test reports from an independent laboratory demonstrating that the wooden handles of production samples from each of the *Thomas and Friends, Curious George,* and *Circus* style spinning top toys respectively, representing altogether as many as 9 samples, bore paint or other surface coating materials whose lead content exceeded the permissible limit of 0.06 percent set forth in the Lead-Paint Ban. On July 15, 2002, as a result of re-testing conducted in Hong Kong at its behest, Schylling obtained an additional three failing test reports from an independent laboratory that confirmed the June 30th and July 1st results with respect to another set of production samples from each of these three styles of spinning top toys. For the reasons further discussed in paragraphs 21 and 22 below, however, Schylling reportedly concluded at the time that it had resolved the lead-containing paint problem before any non-compliant Tops were imported into the United States. In order to avoid any lead-in-paint problems in the future, Schylling then instructed its manufacturer, Sanda Kan, that henceforth all spinning top toys had to be made with unpainted plastic rather than wooden handles, and had to pass applicable testing for the presence of lead.

12. Some five years later, in early August 2007, a Chicago Tribune news reporter contacted Schylling and informed it that a sample of the *Thomas and Friends* style Top, purchased from a U.S. consumer via a Web site, had been tested by an independent laboratory for the presence of lead-containing paint and yielded failing results. Upon learning this information, Schylling submitted reports to CPSC under Section 15(b) with respect to the subject Tops and Pails, as further discussed in paragraph 24 below. On August 22, 2007, the Commission and Schylling announced a recall of about 66,000 Tops and about 4,700 Pails because "Surface paints on the wooden handles of the tops and pails contain excessive levels of lead, which violates the federal lead paint standard. Lead is toxic if ingested by young children and can cause adverse health effects."

13. On September 28, 2007, a representative of one of Schylling's licensors, the Walt Disney Company, informed Schylling that at Disney's behest a sample of the *Winnie-the-Pooh* style spinning top toys had been tested by an independent laboratory, which determined that the top's wooden handle bore red paint whose lead content exceeded the permissible limit of 0.06 percent set forth in the Lead-Paint Ban. Until that time Schylling reportedly was unaware that it had sold any *Winnie-the-Pooh* tops with wooden handles, as it supposedly had ordered the *Winnie-the-Pooh* tops from Sanda Kan with unpainted plastic rather than wooden handles, and the non-compliant tops reportedly had not been detected during Schylling's normal quality control review of incoming shipments. Even though it had sold this toy only in 2003, Schylling was able to locate in storage a pair of the *Winnie-the-Pooh* tops that it believed to be from the same shipment as the sample tested by Disney, and the items were sent to an independent laboratory for confirmatory testing.

[1] At the time of the alleged violations stated in this Settlement Agreement, the permissible limit of 0.06 percent was in effect for the Lead-Paint Ban. As of August 14, 2009, the limit was amended to 0.009 percent pursuant to 15 U.S.C. 1278a(f)(1).

14. On October 22, 2007, as a result of testing conducted in Hong Kong at its behest, Schylling obtained a test report from an independent laboratory demonstrating that the wooden handles of both samples of the *Winnie-the-Pooh* tops bore red paint whose lead content exceeded the permissible limit of 0.06 percent set forth in the Lead-Paint Ban. Schylling promptly submitted a report to CPSC under Section 15(b) with respect to the *Winnie-the-Pooh* tops, and on November 7, 2007, the Commission and Schylling announced an expansion of the original recall of Tops and Pails to include about 3,600 of these tops because "Surface paint on the wooden handle of the top contains excessive levels of lead, violating the federal lead paint standard."

15. Although Schylling reported no incidents or injuries associated with the presence of excessive lead in the paint or other surface coatings of the Subject Products, it failed to take adequate action to ensure that none would bear or contain lead-containing paint. That created a risk of lead poisoning and adverse health effects to children.

16. The Subject Products constitute "banned hazardous products" under CPSA section 8 and the Lead-Paint Ban, 15 U.S.C. 2057 and 16 CFR 1303.1(a)(1), 1303.4(b), in that they bear or contain paint or other surface coating materials whose lead content exceeds the permissible limit of 0.06 percent of the weight of the total nonvolatile content of the paint or the weight of the dried paint film.

17. Between June 2001 and November 2003, Schylling sold, manufactured for sale, offered for sale, distributed in commerce, or imported into the United States, or caused one or more of such acts, with respect to the Subject Products, in violation of section 19(a)(1) of the CPSA, 15 U.S.C. 2068(a)(1). Schylling committed these prohibited acts "knowingly," as that term is defined in section 20(d) of the CPSA, 15 U.S.C. 2069(d).

18. Pursuant to section 20 of the CPSA, 15 U.S.C. 2069, Schylling is subject to civil penalties for the violations described in paragraph 17.

B. Failure To Report

19. Upon receiving the March 7, 2002 failing test results on certain samples of the tin pail toys, Schylling reportedly halted shipments immediately and locked-down its relevant inventory to prevent any further shipments of all three styles of the Pails, and contacted Eway to investigate the matter. Although it reportedly never obtained any failing lead test reports for them, Schylling included the *Thomas and Friends* and *Curious George* styles of Pails because it had reason to suspect they were also non-compliant as they had come from the same manufacturer, been part of the same shipments, and had similar red and yellow painted wooden handles. Schylling and Eway determined the scope of product units affected by this non-compliance issue encompassed shipments from Hong Kong to the United States initiated on January 24, 2002 and February 28, 2002, relating to a single Schylling purchase order from early December 2001. Schylling further determined that out of the nearly 10,200 imported Pails affected by this issue, only about 4,700 units had been shipped to its U.S. customers, the shipments occurred in February and March 2002, and that hundreds of its customers had received some quantity of these units.

20. At the conclusion of its investigation of this matter, beginning on March 26, 2002, Schylling reportedly notified every customer, by telephone and mail, that they should return the Pails in their possession. However, Schylling did not inform the Commission of the non-compliance or other related information that could have allowed the CPSC staff to assess the attendant risks and any need for corrective action. While this unilateral recall of the Pails reportedly succeeded in recovering approximately 84% (or 3,948) of the shipped units, the rest of the Pails were not recovered by Schylling at the time and for at least 5 years thereafter.

21. Upon receiving the June 30 and July 1, 2002 failing test results on certain samples of the spinning top toys, Schylling reportedly contacted Sanda Kan immediately to inform the factory that it was rejecting these tops because they could not be sold in the United States, and to investigate the matter. In response to Schylling's inquiries about the status of its then-existing inventory of Tops and these failing test results, Sanda Kan reportedly explained that it had recently changed paint suppliers and suspected that the new supplier had been the source of the lead-containing paint. Sanda Kan assured Schylling that these failed samples were from a new production run involving this new supplier, indicating that the scope of spinning top toys affected by this non-compliance issue included the most recent Schylling purchase order, which had not yet been imported into the United States. Schylling also had in its possession at the time two earlier passing test results that it believed to be pertinent: A November 1997 test report showed that various paint colors from several *Thomas and Friends* style top samples complied with the Lead-Paint Ban's regulatory limit for total lead content; and a January 2000 test report showed that various paints used on the same style tops likewise complied.

22. Even though it had recently encountered a similar non-compliance issue involving the Pails and Eway, Schylling reportedly concluded that it had resolved the lead-containing paint problem regarding the Tops before any non-compliant units of these toys were imported into the United States. This conclusion was reportedly based on Sanda Kan's assurances, Schylling's long-standing business relationship with and perception of that supplier as a reliable source in the industry, the passing test results from 1997 and 2000, and its instructions to Sanda Kan to switch to plastic handles. Schylling did not conduct testing for the presence of lead on any Tops (with wooden handles) in its warehouse at the time, and continued to ship them to its U.S. customers for several more months until at least September 2002.

23. As previously described in paragraph 12, Schylling was contacted on August 7, 2007, by a Chicago Tribune news reporter who informed the company that a sample of the *Thomas and Friends* style Top had been purchased from a U.S. consumer via an Internet auction Web site in relation to an upcoming news story, and had subsequently failed independent lab testing for the presence of lead-containing paint. Specifically, Schylling learned that the University of Iowa Hygienic Laboratory had tested the sample twice, and results demonstrated that the Top's wooden handle bore red paint with a lead content of 2.4 percent. Schylling reportedly was surprised to learn this information, and upon further investigation received from Sanda Kan a passing test result obtained in 2001 that showed six bottles of wet paint, intended for use on the spinning top toys, had passed testing for compliance with the European Standard on Safety of Toys (EN71) limits for soluble lead (albeit not total lead) content. After reviewing the situation, Schylling determined that the *Thomas and Friends* style Top in question had been purchased from Sanda Kan prior to July 2002, when Schylling instructed that the handles be changed to plastic.

24. On August 9, 2007, Schylling filed a Section 15(b) report with the CPSC concerning the subject Tops. The next day, on August 10, 2007, reportedly "out of an abundance of caution," Schylling filed a Section 15(b) report with the CPSC concerning the subject Pails.

25. By dates well before August 2007, Schylling knew or should have known that at least a proportion of the subject Tops and Pails distributed in commerce did not comply with the Lead-Paint Ban, in that they bear or contain paint or other surface coating materials whose lead content exceeds the permissible limit of 0.06 percent of the weight of the total nonvolatile content of the paint or the weight of the dried paint film. Accordingly, Schylling had obtained information that reasonably supported the conclusion that the subject Tops and Pails failed to comply with an applicable consumer product safety rule. CPSA section 15(b)(1), 15 U.S.C. 2064(b)(1), required Schylling to immediately inform the Commission of each of these failures to comply.

26. Schylling's failure to furnish information to CPSC as required by CPSA section 15(b)(1), 15 U.S.C. 2064(b)(1), violated section 19(a)(4) of the CPSA, 15 U.S.C. 2068(a)(4), with respect to these toys. Schylling committed these prohibited acts "knowingly," as that term is defined in section 20(d) of the CPSA, 15 U.S.C. 2069(d).

27. Pursuant to section 20 of the CPSA, 15 U.S.C. § 2069, Schylling is subject to civil penalties for the violations described in paragraph 26.

Responsive Allegations of Schylling

28. Schylling denies that it violated Sections 15(b)(1), 19(a)(1) or 19(a)(4) of the CPSA, 15 U.S.C. 2064(b)(1), 2068(a)(1), or 2068(a)(4), and further denies that it did so "knowingly" (as defined in section 20(d) of the CPSA, 15 U.S.C. 2069(d)). Schylling further denies the factual or legal conclusions or characterizations in the Staff Allegations, in paragraphs 4–27, including that Schylling had any knowledge prior to August 2007 that

it had imported or sold any spinning tops that did not comply with the lead paint standard.

29. Schylling never intentionally or knowingly imported, sold or offered for sale any products that did not comply with the lead paint standard or other legal requirement. At all times relevant to this matter, Schylling's actions were reasonable, were based on its good faith understanding of the operative facts and fully satisfied any and all standards of care.

30. Schylling has entered into the Agreement for settlement purposes only, to avoid incurring additional expenses and the distraction of litigation. Accordingly, the Agreement and Order do not constitute, and are not evidence of, any fault or wrongdoing on the part of Schylling.

Agreement of the Parties

31. Under the CPSA, the Commission has jurisdiction over this matter and over Schylling.

32. The parties enter into the Agreement for settlement purposes only. The Agreement does not constitute an admission by Schylling, or a determination by the Commission, that Schylling knowingly violated the CPSA.

33. In settlement of the Staff's allegations, Schylling shall pay a civil penalty in the total amount of Four Hundred Thousand ($400,000.00) dollars. The civil penalty shall be paid in four (4) installments as follows: $75,000.00 shall be paid within twenty (20) calendar days of service of the Commission's final Order accepting the Agreement; $75,000.00 shall be paid on or before the one-year anniversary of the Commission's final Order accepting the Agreement; $125,000.00 shall be paid on or before the two-year anniversary of service of the Commission's final Order accepting the Agreement; and $125,000.00 shall be paid on or before the three-year anniversary of service of the Commission's final Order accepting the Agreement. Each payment shall be made by check payable to the order of the United States Treasury.

34. Upon the Commission's provisional acceptance of the Agreement, the Agreement shall be placed on the public record and published in the **Federal Register** in accordance with the procedures set forth in 16 CFR 1118.20(e). In accordance with 16 CFR 1118.20(f), if the Commission does not receive any written request not to accept the Agreement within fifteen (15) days, the Agreement shall be deemed finally accepted on the sixteenth (16th) day after the date it is published in the **Federal Register**.

35. Upon the Commission's final acceptance of the Agreement and issuance of the final Order, Schylling knowingly, voluntarily, and completely waives any rights it may have in this matter to the following: (1) An administrative or judicial hearing; (2) judicial review or other challenge or contest of the validity of the Commission's Order or actions; (3) a determination by the Commission of whether Schylling failed to comply with the CPSA and its underlying regulations; (4) a statement of findings of fact and conclusions of law; and (5) any claims under the Equal Access to Justice Act.

36. The Commission may publish the terms of the Agreement and Order.

37. The Agreement and Order shall apply to, and be binding upon, Schylling and each of its successors and assigns.

38. The Commission issues the Order under the provisions of the CPSA, and violation of the Order may subject those referenced in paragraph 37 to appropriate legal action.

39. The Agreement may be used in interpreting the Order. Understandings, agreements, representations, or interpretations apart from those contained in the Agreement and Order may not be used to vary or contradict its terms. The Agreement shall not be waived, amended, modified, or otherwise altered, except in a writing that is executed by the party against whom such waiver, amendment, modification, or alteration is sought to be enforced.

40. If any provision of the Agreement and Order is held to be illegal, invalid, or unenforceable under present or future laws effective during the terms of the Agreement and Order, such provision shall be fully severable. The balance of the Agreement and Order shall remain in full force and effect, unless the Commission and Schylling agree that severing the provision materially affects the purpose of the Agreement and Order.

Schylling Associates, Inc.

Dated: May 17, 2010.

Jack Schylling,
President, Schylling Associates, Inc.

Dated: May 18, 2010.

Victor E. Schwartz,
Cary Silverman,
Shook, Hardy & Bacon, LLP, 1155 F Street, NW., Suite 200, Washington, DC 20004–1305. Counsel for Schylling Associates, Inc.

U.S. Consumer Product Safety Commission Staff.

Cheryl A. Falvey,
General Counsel, Office of the General Counsel.

Dated: May 18, 2010.

Melissa V. Hampshire,
Assistant General Counsel,

Alex Dennis,
Attorney, Division of Enforcement and Information, Office of the General Counsel.

United States of America

Consumer Product Safety Commission

CPSC Docket No. 10–C0004

In the Matter of Schylling Associates, Inc.; Order

Upon consideration of the Settlement Agreement entered into between Schylling Associates, Inc. ("Schylling"), and the U.S. Consumer Product Safety Commission ("Commission") staff, and the Commission having jurisdiction over the subject matter and over Schylling, and it appearing that the Settlement Agreement and Order are in the public interest, it is *ordered,* that the Settlement Agreement be, and hereby is, accepted; and it is *further ordered,* that Schylling shall pay a civil penalty in the total amount of Four Hundred Thousand ($400,000.00) dollars. The civil penalty shall be paid in four (4) installments as follows: $75,000.00 shall be paid within twenty (20) calendar days of service of the Commission's final Order accepting the Agreement; $75,000.00 shall be paid on or before the one-year anniversary of service of the Commission's final Order accepting the Agreement; $125,000.00 shall be paid on or before the two-year anniversary of service of the Commission's final Order accepting the Agreement; and $125,000.00 shall be paid on or before the three-year anniversary of service of the Commission's final Order accepting the Agreement. Each payment shall be made by check payable to the order of the United States Treasury. Upon the failure of Schylling to make any of the foregoing payments when due, (i) the entire amount of the civil penalty shall become due and payable, and (ii) interest on the outstanding balance shall accrue and be paid by Schylling at the Federal legal rate of interest set forth at 28 U.S.C. 1961(a) and (b).

Provisionally accepted and provisional Order issued on the 26th day of May, 2010.

By Order of the Commission.

Todd A. Stevenson,
Secretary, U.S. Consumer Product Safety Commission.

[FR Doc. 2010–13088 Filed 6–1–10; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 10–06]

36(b)(1) Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, DoD.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. B. English, DSCA/DBO/CFM, (703) 601–3740.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 10–06 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: May 26, 2010.

Mitchell S. Bryman,
Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001-06-P

DEFENSE SECURITY COOPERATION AGENCY
201 12TH STREET SOUTH, STE 203
ARLINGTON, VA 22202-5408

MAY 26 2010

The Honorable Nancy Pelosi
Speaker
U.S. House of Representatives
Washington, DC 20515

Dear Madam Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 10-06, concerning the Department of the Air Force's proposed Letter(s) of Offer and Acceptance to the United Arab Emirates for defense articles and services estimated to cost $250 million. After this letter is delivered to your office, we plan to issue a press statement to notify the public of this proposed sale.

Sincerely,

Jeffrey A. Wieringa
Vice Admiral, USN
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified Document Provided Under Separate Cover)

Transmittal No. 10-06

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act, as amended

(i) Prospective Purchaser: United Arab Emirates

(ii) Total Estimated Value:

Major Defense Equipment*	$ 2 million
Other	$248 million
TOTAL	$250 million

(iii) Description and Quantity or Quantities of Articles or Services under Consideration for Purchase: logistics support and training for two (2) additional C-17 Globemaster III aircraft being procured through a Direct Commercial Sale, 2 AN/AAR-47 Missile Warning Systems, 4 AN/ARC-210 (RT-1794C) HAVE QUICK II Single Channel Ground and Airborne Radio Systems, 2 AN/ALE-47 Countermeasure Dispensing Sets, aircraft ferry and fuel support, communication and navigation equipment, spare and repair parts, support and test equipment, publications and technical documentation, maintenance, personnel training and training equipment, U.S. Government and contractor engineering and logistics support services, preparation of aircraft for shipment, and other related elements of logistics support.

(iv) Military Department: Air Force (QAC, Amd #1)

(v) Prior Related Cases, if any: AE-D-QAC-$501M-Pending

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None

(vii) Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold: See Annex Attached

(viii) Date Report Delivered to Congress: 26 May 2010

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

United Arab Emirates – Logistics Support for C-17 Globemaster Aircraft

The Government of the United Arab Emirates (UAE) has requested a possible sale of logistics support and training for two (2) additional C-17 Globemaster III aircraft being procured through a Direct Commercial Sale, 2 AN/AAR-47 Missile Warning Systems, 4 AN/ARC-210 (RT-1794C) HAVE QUICK II Single Channel Ground and Airborne Radio Systems, 2 AN/ALE-47 Countermeasure Dispensing Sets, ferry support, communication and navigation equipment, spare and repair parts, support and test equipment, publications and technical documentation, maintenance, personnel training and training equipment, U.S. Government and contractor engineering and logistics support services, preparation of aircraft for shipment, and other related elements of logistics support. The estimated cost is $250 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a critical and key partner/ally which has been, and continues to be, an important force for political stability and economic progress in the Middle East.

The proposed sale will provide the UAE the capability to transport equipment and troops in the region, as well as to support U.S. and NATO airlift requirements in Afghanistan.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractor will be the Boeing Company of Chicago, Illinois. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of additional U.S. Government and contractor representatives to the UAE. The number required will be determined in joint negotiations as the program proceeds through the development, production, and equipment installation phases.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 10-06

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Annex
Item No. vii

(vii) Sensitivity of Technology:

1. The AN/ALE-47 Countermeasures Dispensing System (CMDS) is an integrated, threat-adaptive, software-programmable dispensing system capable of dispensing chaff, flares, and active radio frequency expendables. The threats countered by the CMDS include radar-directed anti-aircraft artillery, radar command-guided missiles, radar homing guided missiles, and infrared guided missiles. The system is internally mounted and may be operated as a stand-alone system or may be integrated with other on-board electronic warfare and avionics systems. CMDS uses threat data received over the aircraft interfaces to assess the threat situation and to determine a response. Expendable routines tailored to the immediate aircraft and threat environment may be dispensed using one of four operational modes. The hardware is Unclassified. The software is classified Secret. Technical data and documentation to be provided are Unclassified.

2. The AN/AAR-47 missile warning system is a small, lightweight, passive, electro-optic, threat warning device used to detect surface-to-air missiles fired at helicopters and low-flying fixed-wing aircraft and automatically provide countermeasures, as well as audio and visual-sector warning messages to the aircrew. The basic system consists of multiple Optical Sensor Converter (OSC) units, a Computer Processor (CP) and a Control Indicator (CI). The set of OSC units, which normally consist of four, is mounted on the aircraft exterior to provide omni-directional protection. The OSC detects the rocket plumes of missiles and sends appropriate signals to the CP for processing. The CP analyzes the data from each OSC and automatically deploys the appropriate countermeasures. The CP also contains comprehensive BIT circuitry. The CI displays the incoming direction of the threat, so that the pilot can take appropriate action. The hardware is Unclassified. The software is classified Secret. Technical data and documentation to be provided are Unclassified.

3. The AN/ARC-210 (RT-1794C) HAVE QUICK I/II Single Channel Ground and Airborne Radio Systems (SINCGARS) offers a two-way secure, jam-resistant, voice and data communications via line-of-sight or satellite communications links in the very high frequency (VHF) and ultra high frequency (UHF) spectrum. The system provides frequency hopping and 8.33kHz capabilities and contains embedded communication security products.

4. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures, which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

[FR Doc. 2010–13096 Filed 6–1–10; 8:45 am]
BILLING CODE 5001–06–C

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2010–OS–0073]

Privacy Act of 1974; System of Records

AGENCY: Defense Intelligence Agency, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: The Defense Intelligence Agency is proposing to alter a system of records in its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on July 2, 2010, unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, Washington, DC 20301–1160.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://www.regulations.gov* as they are received without change, including any

personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: Ms. Theresa Lowery at (202) 231–1193.

SUPPLEMENTARY INFORMATION: The Defense Intelligence Agency system of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the Defense Intelligence Agency, DAN 1–C, 200 MacDill Blvd., Washington, DC 20340–0001.

The proposed system report, as required by 5 U.S.C. 552a of the Privacy Act of 1974, as amended, was submitted on May 21, 2010, to the House Committee on Oversight and Government Reform, the Senate Committee on Homeland Security and Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, "Federal Agency Responsibilities for Maintaining Records About Individuals," dated February 8, 1996 (February 20, 1996; 61 FR 6427).

Dated: May 28, 2010.

Mitchell S. Bryman,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

LDIA 0271

SYSTEM NAME:

Investigations and Complaints (April 10, 2008; 73 FR 19477).

CHANGES:

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with "Current and former civilian, military, or contract personnel who file a complaint or were the subject of an investigation conducted by the agency."

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with "Name, Social Security Number (SSN), date of birth, telephone number and address; documents relating to the organization, planning and execution of audits, inspections, or investigations."

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with "Public Law 95–452, The Inspector General Act of 1978, as amended; DoD Instruction 5106.3, Inspector General of the Department of Defense; DIA Directive 5100.200, Office of the Inspector General Policies and Procedures; and E.O. 9397 (SSN), as amended."

PURPOSE(S):

Delete entry and replace with "Information is collected to determine the facts and circumstances surrounding a compliant filed with the Office of the Inspector General and to allow for the documentation of records relating to the organization, planning, and execution of audits, inspections and investigations and for use as a sound basis for action."

* * * * *

RETRIEVABILITY:

Delete entry and replace with "By name and/or case number."

* * * * *

NOTIFICATION PROCEDURE:

Delete entry and replace with "Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Freedom of Information Act Office (DAN–1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd, Washington, DC 20340–5100.

Individual should provide their full name, current address, and telephone number."

RECORD ACCESS PROCEDURES:

Delete entry and replace with "Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Act Office (DAN–1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd, Washington, DC 20340–5100.

Individual should provide their full name, current address, and telephone number."

* * * * *

RECORD SOURCE CATEGORIES:

Delete entry and replace with "From individuals of an investigation or complaint, records also derived from personnel, medical and/or security records as well as agency officials."

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Delete entry and replace with "Parts of this system may be exempt under 5 U.S.C. 552a(k)(2), (k)(5), or (k)(7), as applicable.

Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C. 552a(j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source. **Note:** When claimed, this exemption allows limited protection of investigative reports maintained in a system of records used in personnel or administrative actions.

Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

Evaluation material used to determine potential for promotion in the Military Services may be exempt pursuant to 5 U.S.C. 552a(k)(7), but only to the extent that the disclosure of such material would reveal the identity of a confidential source.

An exemption rule for this exemption has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager."

LDIA 0271

SYSTEM NAME:

Investigations and Complaints.

SYSTEM LOCATION:

Defense Intelligence Agency, Washington, DC 20340–5100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current and former civilian, military, or contract personnel who file a complaint or were the subject of an investigation conducted by the agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number (SSN), date of birth, telephone number and address; documents relating to the organization, planning and execution of audits, inspections, or investigations.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 95–452, The Inspector General Act of 1978, as amended; DoD Instruction 5106.3, Inspector General of the Department of Defense; DIA Directive 5100.200, Office of the Inspector General Policies and Procedures; and E.O. 9397 (SSN), as amended.

PURPOSE(S):

Information is collected to determine the facts and circumstances surrounding a compliant filed with the Office of the Inspector General and to allow for the

documentation of records relating to the organization, planning, and execution of audits, inspections and investigations and for use as a sound basis for action.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, these records contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of the DIA's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and electronic storage media.

RETRIEVABILITY:

By name and/or case number.

SAFEGUARDS:

Records are stored in office buildings protected by guards, controlled screenings, use of visitor registers, electronic access, and/or locks. Access to records is limited to individuals who are properly screened and cleared on a need-to-know basis in the performance of their duties. Passwords and User IDs are used to control access to the system data, and procedures are in place to deter and detect browsing and unauthorized access. Physical and electronic access is limited to persons responsible for servicing and authorized to use the system.

RETENTION AND DISPOSAL:

Permanent—Maintain audits and inspections on site for 3 years, then transfer to the Washington National Records Center (WNRC), then retire to the National Archives Records Administration when 20 years old.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Inspector General's Office, Defense Intelligence Agency, Washington, DC 20340–5100.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the Freedom of Information Act Office (DAN–1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd, Washington DC 20340–5100.

Individual should provide their full name, current address, and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Act Office (DAN–1A/FOIA), Defense Intelligence Agency, 200 MacDill Blvd, Washington, DC 20340–5100.

Individual should provide their full name, current address, and telephone number.

CONTESTING RECORD PROCEDURES:

DIA's rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Instruction 5400.001 "Defense Intelligence Agency Privacy Act Program;" 32 CFR part 319—Defense Intelligence Agency Privacy Program; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From individuals of an investigation or complaint, records also derived from personnel, medical and/or security records as well as agency officials.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Parts of this system may be exempt under 5 U.S.C. 552a(k)(2), (k)(5), or (k)(7), as applicable.

Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C. 552a(j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or for which he would otherwise be eligible, as a result of the maintenance of such information, the individual will be provided access to such information except to the extent that disclosure would reveal the identity of a confidential source. NOTE: When claimed, this exemption allows limited protection of investigative reports maintained in a system of records used in personnel or administrative actions.

Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

Evaluation material used to determine potential for promotion in the Military Services may be exempt pursuant to 5 U.S.C. 552a(k)(7), but only to the extent that the disclosure of such material would reveal the identity of a confidential source.

An exemption rule for this exemption has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 505. For additional information contact the system manager.

[FR Doc. 2010–13299 Filed 6–1–10; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2010–OS–0070]

U.S. Court of Appeals for the Armed Forces Proposed Change to Electronic Filing Guidelines

AGENCY: Department of Defense (DoD).

ACTION: Notice of proposed change to the Electronic Filing Guidelines of the United States Court of Appeals for the Armed Forces.

SUMMARY: This notice announces the following proposed change by Court Order to the Electronic Filing Guidelines of the United States Court of Appeals for the Armed Forces.

DATES: Comments on the proposed change must be received within 30 days of the date of this notice.

ADDRESSES: You may submit comments, identified by docket number and title by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 1160 Defense Pentagon, OSD Mailroom 3C843, Washington, DC 20301–1160.

Instructions: All submissions received must include the agency name and docket number for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the Internet at *http://regulations.gov* as they are received without change, including personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: William A. DeCicco, Clerk of the Court, telephone (202) 761–1448.

Dated: May 26, 2010.

Mitchell S. Bryman,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Proposed New Order for Electronic Filing of Pleadings

Effective (date), all pleadings, except as noted below, may be filed on paper or electronically in accordance with the guidelines attached to this Order. Joint Appendices to Briefs, filed under Rule 24(f), Rules of Practice and Procedure, shall be filed in paper form only. Administrative matters, such as bar admission applications and attorney disciplinary proceedings, may not be filed electronically. Attorneys appearing before the Court are reminded that personal data identifiers must be redacted from documents filed electronically. *See* Guideline paragraph 3h.

This Order supersedes the Order of the Court of July 15, 2009, concerning electronic filing of petition documents, and that Order is hereby rescinded effective (date).

Guidelines for Electronic Filing of Pleadings

1. *Scope.*

The United States Court of Appeals for the Armed Forces adopts the following provisions to govern the electronic filing of pleadings:

a. This Order applies to all pleadings filed electronically on or after (date). Alternatively, pleadings may be filed in a paper format; however, the same pleading may not be filed both electronically and on paper.

b. Administrative matters, such as bar admission applications and attorney disciplinary proceedings, may not be filed electronically.

c. If the supplement to the petition for grant of review is filed electronically, an appendix to the supplement (containing the decision of the Court of Criminal Appeals, matters submitted pursuant to *United States* v. *Grostefon,* 12 M.J. 431 (C.M.A. 1982), and other required matter) shall also be filed electronically unless it consists of more than 50 pages. In such a case, the appendix may be submitted on paper and the supplement submitted electronically. In lieu of submitting an appendix in excess of 50 pages on paper, counsel may submit it in a CD or DVD format and note in the supplement that it is being filed in that format under separate cover. Record matters in the form of video media on CD–ROM or DVD may be submitted in a separate volume of the appendix that is filed in accordance with Rule 21(b).

d. A petition for grant of review filed personally by an appellant shall be filed on paper, as provided under Rule 20(a). All subsequent documents related to the petition for grant of review filed by counsel in such a case may be filed on paper or electronically.

e. The Joint Appendix to the brief will be filed in paper form only with the required number of paper copies rather than electronically. If the appellant or petitioner files the brief electronically, the Joint Appendix will be filed on the same day the brief is filed electronically.

2. *Electronic Filing Address.*

Counsel shall electronically file pleadings using an electronic mail message at the following e-mail address: *efiling@armfor.uscourts.gov.* For questions or help concerning the electronic filing of pleadings, counsel should contact the Clerk's Office at (202) 761–1448.

3. *Procedure.*

a. The electronic filing of a pleading in compliance with these Guidelines shall constitute filing under the Rules of Practice and Procedure. The pleading will be deemed filed as of the date and time of the transmission of the electronic mail message.

b. The electronic mail message shall contain the following in the subject block: (1) The name of the case; (2) the docket number if a docket number has been assigned; and (3) the words "electronic filing." A description of the nature of the pleading will be included in the body of the electronic mail message.

c. The pleading shall be attached to the electronic mail message in Portable Document Format (PDF), and, when printed, shall be in compliance with the Rules of Practice and Procedure of the Court.

d. Counsel shall send an electronic copy of the message and all attachments to opposing counsel to accomplish service of the pleading under Rule 39. This may be accomplished by listing opposing counsel as a "cc" recipient of the electronic message.

e. The brief attached to an electronic filing shall contain the conformed signature ("/s/") or digital signature of the attorney of record. This will comply with the requirements of Rule 38.

f. If a pleading is filed electronically in accordance with this Order, the party filing the pleading is not required to prepare and file printed copies of that pleading under Rules 37(a) and 37(b)(2). The Court will send a reply electronic message to the sender indicating receipt of the electronic filing. Electronic filers are advised that if they do not receive a reply electronic message by the following business day, they should immediately contact the Clerk's Office.

g. Classified material and material under seal will not be filed electronically. If such matters need to be filed, they will be submitted to the Court on paper as a supplemental filing to the document in which they would otherwise appear. In such cases, counsel will include in the text of the electronic mail message a notation that classified or sealed material is being separately submitted. The classified or sealed material will be appropriately packaged, marked and delivered, and will include a notation that it accompanies an electronic filing in the case. All classified material will be handled in accordance with Rule 12.

h. Counsel will refrain from including and shall redact the following personal data identifiers from documents filed with the Court:

- Social security numbers
- Names of minors
- Dates of birth
- Financial account numbers
- Home addresses.

Comment: The proposed change will authorize all pleadings, except as noted in the Order, to be filed in an electronic format. Previously, only petition stage documents could be filed electronically. If a pleading is filed electronically, paper copies will not be filed. As an alternative, filing on paper will still be permitted in lieu of electronic filing.

[FR Doc. 2010–13095 Filed 6–1–10; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Exclusive Patent License; AmberWave Systems Corporation

AGENCY: Department of the Navy, DoD.

ACTION: Notice; revision.

SUMMARY: The Department of the Navy published a document in the **Federal Register** on August 6, 2009, announcing the intent to grant to AmberWave Systems Corporation, a revocable, nonassignable, exclusive license. The scope of the intent to license has been revised.

FOR FURTHER INFORMATION CONTACT: Rita Manak, Head, Technology Transfer Office, NRL Code 1004, 4555 Overlook Avenue, SW., Washington, DC 20375–5320, telephone 202–767–3083. Due to U.S. Postal delays, please fax 202–404–7920, e-mail: *rita.manak@nrl.navy.mil* or use courier delivery to expedite response.

Need for Revision

In the **Federal Register** of August 6, 2009, in DOCID: fr06au09–45, make the following revision:

1. In the first column, on page 39308, revise the **SUMMARY** caption to read as follows:

"**SUMMARY:** The Department of the Navy hereby gives notice of its intent to grant to AmberWave Systems Corporation, a revocable, nonassignable, exclusive license to practice in the field of use of substrates for laser diodes, light emitting diodes, radio frequency power amplifiers, radio frequency power transistor devices, and power devices and their use for the fabrication of laser diodes, light emitting laser diodes, light emitting diodes, radio frequency power amplifiers, power transistor devices, and power devices in the United States, the Government-owned inventions described in U.S. Patent No. 6,323,108: Fabrication of Ultra-Thin Bonded Semiconductor Layers, Navy Case No. 78,980.//U.S. Patent No. 6,328,796: Single Crystal Material on Non-Single Crystalline Substrate, Navy Case No. 78,978.//U.S. Patent No. 6,497,763: Electronic Device with Composite

Substrate, Navy Case No. 82,672.//U.S. Patent No. 6,593,212: Method for Making Electro-Optical Devices Using a Hydrogen Ion Splitting Technique, Navy Case No. 79,639.//U.S. Patent No. 7,358,152: Wafer Bonding of Thinned Electronic Materials and Circuits to High Performance Substrate, Navy Case No. 84,023.//U.S. Patent No. 7,535,100: Wafer Bonding of Thinned Electronic Materials and Circuits to High Performance Substrates, Navy Case No. 84,023 and any continuations, divisionals or re-issues thereof."

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than June 17, 2010.

Dated: May 27, 2010.

L.R. Almand,

Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2010–13283 Filed 6–1–10; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Office of Special Education and Rehabilitative Services; Overview Information; Technology and Media Services for Individuals With Disabilities—Television Access; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2010

Catalog of Federal Domestic Assistance (CFDA) Number: 84.327C.

Dates:

Applications Available: June 2, 2010.

Deadline for Transmittal of Applications: July 19, 2010.

Deadline for Intergovernmental Review: September 15, 2010.

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purposes of the Technology and Media Services for Individuals with Disabilities program are to: (1) Improve results for children with disabilities by promoting the development, demonstration, and use of technology; (2) support educational media services activities designed to be of educational value in the classroom setting to children with disabilities; and (3) provide support for captioning and video description that are appropriate for use in the classroom setting.

Priority: In accordance with 34 CFR 75.105(b)(2)(v), this priority is from allowable activities specified in the statute, or otherwise authorized in the statute (see sections 674(c) and 681(d) of the Individuals with Disabilities Education Act (IDEA)).

Absolute Priority: For FY 2010 and any subsequent year in which we make awards from the list of unfunded applicants from this competition, this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet this priority.

This priority is:

Technology and Media Services for Individuals with Disabilities—Television Access

Background

The Federal Communications Commission (FCC) is responsible for implementing and monitoring compliance with the captioning requirements of the Telecommunications Act of 1996 (Act). Consistent with the Act, the FCC requires most television programs to be captioned, but provides for certain exemptions to this requirement. The FCC does not have similar requirements or exemptions in place for video description, which provides access to television programs for individuals with blindness or low vision. Therefore, only a limited number of television programs include video description. The following Web sites provide more information on captioning and video description: *http://www.fcc.gov/cgb/consumerfacts/closedcaption.html* and *http://www.fcc.gov/cgb/dro/video-description.html.*

The Department has made awards for television access since 1995 in order to provide video description and captioning under the Technology and Media Services for Individuals with Disabilities program. The following Web site contains abstracts of previously funded projects: *http://publicddb.tadnet.org/.* (Use the keyword search function with the term "video description.") Despite these efforts, not all television programs that are appropriate for use in the classroom setting for children with disabilities are being video described or captioned.

Priority: The purpose of this absolute priority for Television Access is to fund cooperative agreements that will improve the learning opportunities for children with disabilities by providing access to television programming through video description and captioning. This project will support access—through video description and captioning—to widely available television programs that are appropriate for use in the classroom setting and are not otherwise required to be captioned by the FCC.

To be considered for funding under this absolute priority, applicants must meet the application requirements contained in the priority. All projects funded under the absolute priority also must meet the programmatic and administrative requirements specified in the priority.

Application Requirements. To meet the requirements of this priority, the applicant, at a minimum, must—

(a) Include in the application, the criteria the applicant will use to select television programs of high educational value that are widely available and are appropriate for use in the classroom setting for children with disabilities at the preschool, elementary, or secondary level. The application must also discuss how, in selecting the programming to be video described, or video described and captioned, the applicant will take into account the preferences of educators, students with disabilities, and the parents of these students;

(b) Identify, in the application, the extent to which the programming selected for video description or video description and captioning is widely available;

(c) Identify, in the application, the total number of program hours proposed to be made accessible through video description, or video description and captioning under the project.

(d) Specify, in the application, the cost per hour for video description and, if the applicant is proposing both video description and captioning, the cost per hour for video description and for captioning;

(e) For each program to be video described or video described and captioned, identify, in the application, the source of any private or other public support, and the projected dollar amount of that support, if any;

(f) Provide evidence, in the application, of the willingness of potential program providers or program owners, as appropriate, to permit and facilitate the video description or the video description and captioning of their programs;

(g) Provide, in the application, assurances from potential program providers or program owners, as appropriate, stating that, after their programming is video described or video described and captioned, the program providers or program owners, as appropriate, will require that the programming made accessible under this project will continue to contain those video descriptions or video descriptions and captions;

(h) Identify, in the application, the anticipated shelf-life and range of distribution of the programming that it proposes to video describe or video describe and caption under this project, without further costs to the project;

(i) If the applicant is proposing both video description and captioning, provide, in the application, assurances from potential program providers or program owners, as appropriate, stating that programming captioned under this project would not otherwise be captioned to meet the FCC's captioning requirements, or are specifically exempt from the FCC's captioning requirements; and

(j) Budget for the project director to attend an annual three-day Project Directors' meeting in Washington, DC, and another annual two-day trip to Washington, DC to collaborate with the Federal project officer and the other projects funded under this priority to share information, and to discuss findings and methods of dissemination.

Programmatic and Administrative Requirements. In addition, projects must—

(a) Establish a diverse consumer advisory group that includes individuals with vision or hearing loss, parents of children with disabilities, educators, and individuals from under-represented groups. This group must convene at least annually for the purpose of certifying that each program to be video described or video described and captioned with project funds is of high educational value and is appropriate for use in a preschool, elementary, or secondary level classroom for children with disabilities, taking into account the educational needs, including the intellectual, cognitive, social and emotional needs, of children;

(b) Implement procedures for monitoring the extent to which the quality of the captions and video descriptions developed under this project increase the availability and usefulness of the television program for children with disabilities, and use this information to make refinements in project operations; and

(c) If the project maintains a Web site, include relevant information and documents in a format that meets a government or industry-recognized standard for accessibility.

Waiver of Proposed Rulemaking: Under the Administrative Procedure Act (APA) (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed priorities and requirements. Section 681(d) of IDEA, however, makes the public comment requirements of the APA inapplicable to the priority in this notice.

Program Authority: 20 U.S.C. 1474 and 1481(d).

Applicable Regulations: 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.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education (IHEs) only.

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: $2,500,000.

Estimated Range of Awards: $400,000–$500,000.

Estimated Average Size of Awards: $450,000.

Maximum Award: We will reject any application that proposes a budget exceeding $500,000 for a single budget period of 12 months. The Assistant Secretary for Special Education and Rehabilitative Services may change the maximum amount through a notice published in the **Federal Register.**

Estimated Number of Awards: 5.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

III. Eligibility Information

1. *Eligible Applicants:* State educational agencies (SEAs); local educational agencies (LEAs); public charter schools that are LEAs under State law; IHEs; other public agencies; private nonprofit organizations; outlying areas; freely associated States; Indian tribes or tribal organizations; and for-profit organizations.

2. *Cost Sharing or Matching:* This competition does not require cost sharing or matching.

3. *Other: General Requirements*—(a) The projects funded under this competition must make positive efforts to employ and advance in employment qualified individuals with disabilities (see section 606 of IDEA).

(b) Applicants and grant recipients funded under this competition must involve individuals with disabilities or parents of individuals with disabilities ages birth through 26 in planning, implementing, and evaluating the projects (see section 682(a)(1)(A) of IDEA).

IV. Application and Submission Information

1. *Address to Request Application Package:* Education Publications Center (ED Pubs), U.S. Department of Education, P.O. Box 22207, Alexandria, VA 22304. Telephone, toll free: 1–877–433–7827. FAX: (703) 605–6794. If you use a telecommunications device for the deaf (TDD), call, toll free: 1–877–576–7734.

You can contact ED Pubs at its Web site, also: *http://www.EDPubs.gov* or at its e-mail address: *edpubs@inet.ed.gov.*

If you request an application package from ED Pubs, be sure to identify this competition as follows: CFDA number 84.327C.

Individuals with disabilities can obtain a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or computer diskette) by contacting the person or team listed under *Accessible Format* in section VIII of this notice.

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 competition.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. You must limit Part III to the equivalent of no more than 50 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, as well as 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).
- Use one of the following fonts: Times New Roman, Courier, Courier New, or Arial. An application submitted in any other font (including Times Roman or Arial Narrow) will not be accepted.] [Please include the bracketed language or similar language only if it is accurate.]

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including the narrative budget justification; Part IV, the assurances and certifications; or the one-page abstract, the résumés, the bibliography, the references, or the letters of support. However, the page limit does apply to all of the application narrative section (Part III).

We will reject your application if you exceed the page limit; or if you apply other standards and exceed the equivalent of the page limit.

3. *Submission Dates and Times:*

Applications Available: June 2, 2010.

Deadline for Transmittal of Applications: July 19, 2010.

Applications for grants under this competition may be submitted electronically using the Electronic Grant Application System (e-Application) accessible through the Department's e-Grants site, or in paper format by mail or hand delivery. For information (including dates and times) about how to submit your application electronically, or in paper format by mail or hand delivery, please refer to section IV. 7. *Other Submission Requirements* of this notice.

We do not consider an application that does not comply with the deadline requirements.

Individuals with disabilities who need an accommodation or auxiliary aid in connection with the application process should contact the person listed under **FOR FURTHER INFORMATION CONTACT** in section VII of this notice. If the Department provides an accommodation or auxiliary aid to an individual with a disability in connection with the application process, the individual's application remains subject to all other requirements and limitations in this notice.

Deadline for Intergovernmental Review: September 15, 2010.

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 competition.

5. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

6. *Data Universal Numbering System Number, Taxpayer Identification Number, and Central Contractor Registry:* To do business with the Department of Education (1) you must have a Data Universal Numbering System (DUNS) number and a Taxpayer Identification Number (TIN); (2) you must register both of those numbers with the Central Contractor Registry (CCR), the Government's primary registrant database; and (3) you must provide those same numbers on your application.

You can obtain a DUNS number from Dun and Bradstreet. A DUNS number can be created within one business day.

If you are a corporate entity, agency, institution, or organization, you can obtain a TIN from the Internal Revenue Service. If you are an individual, you can obtain a TIN from the Internal Revenue Service or the Social Security Administration. If you need a new TIN, please allow 2–5 weeks for your TIN to become active.

The CCR registration process may take five or more business days to complete. If you are currently registered with the CCR, you may not need to make any changes. However, please make certain that the TIN associated with your DUNS number is correct. Also note that you will need to update your CCR registration on an annual basis. This may take three or more business days to complete.

7. *Other Submission Requirements:* Applications for grants under this competition may be submitted electronically or in paper format by mail or hand delivery.

a. *Electronic Submission of Applications.*

If you choose to submit your application to us electronically, you must use e-Application, accessible through the Department's e-Grants Web site at: *http://e-grants.ed.gov.*

While completing your electronic application, you will be entering data online that will be saved into a database. You may not e-mail an electronic copy of a grant application to us.

Please note the following:

- Your participation in e-Application is voluntary.
- You must complete the electronic submission of your grant application by 4:30 p.m., Washington, DC time, on the application deadline date. E-Application will not accept an application for this competition after 4:30 p.m., Washington, DC time, on the application deadline date. Therefore, we strongly recommend that you do not wait until the application deadline date to begin the application process.
- The hours of operation of the e-Grants Web site are 6:00 a.m. Monday until 7:00 p.m. Wednesday; and 6:00 a.m. Thursday until 8:00 p.m. Sunday, Washington, DC time. Please note that, because of maintenance, the system is unavailable between 8:00 p.m. on Sundays and 6:00 a.m. on Mondays, and between 7:00 p.m. on Wednesdays and 6:00 a.m. on Thursdays, Washington, DC time. Any modifications to these hours are posted on the e-Grants Web site.
- You will not receive additional point value because you submit your application in electronic format, nor will we penalize you if you submit your application in paper format.
- You must submit all documents electronically, including all information you typically provide on the following forms: The Application for Federal Assistance (SF 424), the Department of Education Supplemental Information for 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 in this paragraph 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.
- Prior to submitting your electronic application, you may wish to print a copy of it for your records.
- After you electronically submit your application, you will receive an automatic acknowledgment that will include a PR/Award number (an identifying number unique to your application).
- Within three working days after submitting your electronic application, fax a signed copy of the SF 424 to the Application Control Center after following these steps:

(1) Print SF 424 from e-Application.

(2) The applicant's Authorizing Representative must sign this form.

(3) Place the PR/Award number in the upper right hand corner of the hard-copy signature page of the SF 424.

(4) Fax the signed SF 424 to the Application Control Center at (202) 245–6272.

- We may request that you provide us original signatures on other forms at a later date.

Application Deadline Date Extension in Case of System Unavailability: If you are prevented from electronically submitting your application on the application deadline date because e-Application is unavailable, we will grant you an extension of one business day to enable you to transmit your application electronically, by mail, or by hand delivery. We will grant this extension if—

(1) You are a registered user of e-Application and you have initiated an electronic application for this competition; and

(2) (a) E-Application is unavailable for 60 minutes or more between the hours of 8:30 a.m. and 3:30 p.m., Washington, DC time, on the application deadline date; or

(b) E-Application is unavailable for any period of time between 3:30 p.m. and 4:30 p.m., Washington, DC time, on the application deadline date.

We must acknowledge and confirm these periods of unavailability before granting you an extension. To request this extension or to confirm our acknowledgment of any system

unavailability, you may contact either (1) the person listed elsewhere in this notice under **FOR FURTHER INFORMATION CONTACT** (see VII. Agency Contact) or (2) the e-Grants help desk at 1–888–336–8930. If e-Application is unavailable due to technical problems with the system and, therefore, the application deadline is extended, an e-mail will be sent to all registered users who have initiated an e-Application.

Extensions referred to in this section apply only to the unavailability of e-Application. If e-Application is available, and, for any reason, you are unable to submit your application electronically or you do not receive an automatic acknowledgment of your submission, you may submit your application in paper format by mail or hand delivery in accordance with the instructions in this notice.

b. *Submission of Paper Applications by Mail.*

If you submit your application in paper format by mail (through the U.S. Postal Service or a commercial carrier), you must mail the original and two copies of your application, on or before the application deadline date, to the Department at the following address: U.S. Department of Education, Application Control Center, Attention: (CFDA Number 84.327C) LBJ Basement Level 1, 400 Maryland Avenue, SW., Washington, DC 20202–4260.

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.

(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.

(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 submit your application in paper format by hand delivery, you (or a courier service) 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: (CFDA Number 84.327C) 550 12th Street, SW., Room 7041, Potomac Center Plaza, Washington, DC 20202–4260.

The Application Control Center accepts hand deliveries daily between 8:00 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 SF 424 the CFDA number, including suffix letter, if any, of the competition under which you are submitting your application; and

(2) The Application Control Center will mail to you a notification of receipt of your grant application. If you do not receive this grant notification 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

1. *Selection Criteria:* The selection criteria for this program are from 34 CFR 75.210 and are listed in the application package.

2. *Review and Selection Process:* In the past, the Department has had difficulty finding peer reviewers for certain competitions, because so many individuals who are eligible to serve as peer reviewers have conflicts of interest. The Standing Panel requirements under IDEA also have placed additional constraints on the availability of reviewers. Therefore, the Department has determined that, for some discretionary grant competitions, applications may be separated into two or more groups and ranked and selected for funding within specific groups. This procedure will make it easier for the Department to find peer reviewers, by ensuring that greater numbers of individuals who are eligible to serve as reviewers for any particular group of applicants will not have conflicts of interest. It also will increase the quality, independence, and fairness of the review process, while permitting panel members to review applications under discretionary grant competitions for which they also have submitted applications. However, if the Department decides to select an equal number of applications in each group for funding, this may result in different cut-off points for fundable applications in each group.

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 notify you informally, also.

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 directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *http://www.ed.gov/fund/grant/apply/appforms/appforms.html.*

4. *Performance Measures:* Under the Government Performance and Results Act of 1993 (GPRA), the Department has established a set of performance measures, including long-term measures, that are designed to yield information on various aspects of the effectiveness and quality of the Technology and Media Services for Individuals with Disabilities program. These measures focus on the extent to which projects are of high quality, are relevant to improving outcomes of children with disabilities, and contribute to improving outcomes for children with disabilities. We will collect data on these measures from the projects funded under this competition.

Grantees will be required to report information on their projects' performance in their annual performance reports to the Department (34 CFR 75.590).

VII. Agency Contact

FOR FURTHER INFORMATION CONTACT: Jo Ann McCann, U.S. Department of Education, 400 Maryland Avenue, SW.,

room 4076, Potomac Center Plaza (PCP), Washington, DC 20202–2550. Telephone: (202) 245–7434.

If you use a TDD, call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

VIII. Other Information

Accessible Format: Individuals with disabilities can obtain this document and a copy of the application package in an accessible format (*e.g.,* braille, large print, audiotape, or computer diskette) by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., room 5075, PCP, Washington, DC 20202–2550. Telephone: (202) 245–7363. If you use a TDD, call the FRS, toll free, at 1–800–877–8339.

Electronic Access to This Document: You can 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.

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: May 26, 2010.

Alexa Posny,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2010–13143 Filed 6–1–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of a Waiver of Section 1605 of the American Recovery and Reinvestment Act of 2009 (ARRA) for Poplar School District, Poplar, MT

ACTION: Notice of a Waiver of Section 1605 of the American Recovery and Reinvestment Act of 2009 (ARRA) for Poplar School District, Poplar, Montana.

SUMMARY: In this notice, the Department of Education (the Department) announces its waiver of the Buy American requirements in section 1605(a) of the ARRA (Buy American Requirements) for the Poplar School District in Poplar, Montana (Poplar District) and the justification for this waiver. This waiver permits use of imported T8 4-foot electronic ballasts in the Poplar District's lighting project, which is supported with Impact Aid funds appropriated under the ARRA.

SUPPLEMENTARY INFORMATION: The Department provided Poplar District with an Impact Aid ARRA formula grant for school construction activities authorized under section 8007(a) of the Elementary and Secondary Education Act of 1965, as amended. The Poplar District proposes to use these funds for a lighting project, but reports that the particular lights needed (T8 4-foot electronic ballasts) for this construction project are not produced in the United States.

In accordance with section 1605(c) of the ARRA, the Department hereby provides notice that it is granting a waiver of the Buy American Requirements for the Poplar District's lighting project. This notice constitutes the detailed written justification that the Department is required to publish in instances when it grants such a waiver pursuant to section 1605(b) of the ARRA.

Section 1605(a) of the ARRA requires that none of the appropriated funds be used for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States. The ARRA further provides that this requirement does not apply, and that a waiver may be granted, when the head of the Federal department or agency involved finds that: (1) Applying these requirements would be inconsistent with the public interest; (2) iron, steel, and relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) inclusion of iron, steel, and relevant manufactured goods produced in the United States will increase the overall cost of the project by more than 25 percent.

The Secretary has determined that a section 1605(b) waiver of the Buy American Requirements is appropriate for the Poplar District's lighting project because, based on the Department's research, the particular lights needed for this project are not manufactured in the United States. The Department bases this determination on information provided by the Poplar District as well as the Department's own research. The Poplar District has provided information to the Department documenting that there are no T8 4-foot electronic ballast manufacturers in the United States. In addition, based on the Department's own research (Internet product literature searches) and to the best of the Department's knowledge at the time of its review of the Poplar District's waiver request, there do not appear to be U.S.-manufactured T8 4-foot electronic ballasts available to the Poplar District for the ARRA-funded lighting project.

Furthermore, the purpose of the ARRA is to stimulate economic recovery, in part, by funding current infrastructure construction, and not to delay projects that are "shovel ready" by requiring the revision of standards and specifications or a new bidding process. The imposition of the Buy American Requirements on such otherwise eligible projects would result in unreasonable delay, and to further delay construction would be in direct conflict with a fundamental economic purpose of the ARRA, which is to create or retain jobs.

The Department has reviewed the Poplar District's waiver request and has determined that the supporting documentation is sufficient to demonstrate that a waiver is justified under section 1605(b)(2) of the ARRA. Having established both a proper basis to specify the particular good required for this project, and that this manufactured good is not available from a producer in the United States, the Poplar District is hereby granted a waiver from the Buy American Requirements reflected in section 1605(a) of the ARRA for the purchase of T8 4-foot electronic ballasts using ARRA funds as specified in the Poplar District's request.

FOR FURTHER INFORMATION CONTACT: Kristen Walls-Rivas, Impact Aid Program, U.S. Department of Education, 400 Maryland Avenue, SW., Washington, DC 20202. Telephone: (202) 260–1357 or via Internet: *Kristen.Walls-Rivas@ed.gov.*

If you use a telecommunications device for the deaf (TDD), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339. Individuals with disabilities can obtain this document in an accessible format (*e.g.,* braille, large print, audiotape, or computer diskette) on request to the program contact person listed in this section.

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.

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Access at: *http://www.gpoaccess.gov/nara/index.html.*

Authority: Section 1605 of the American Recovery and Reinvestment Act, Public Law 111–5.

Dated: May 28, 2010.

Arne Duncan,

Secretary of Education.

[FR Doc. 2010–13308 Filed 6–1–10; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Notice of Intent To Prepare an Environmental Impact Statement for Texas Clean Energy Project, Ector County, TX

AGENCY: Department of Energy.

ACTION: Notice of Intent To Prepare An Environmental Impact Statement.

SUMMARY: The U.S. Department of Energy (DOE or Department) announces its intent to prepare an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA), the Council on Environmental Quality (CEQ) NEPA regulations (40 CFR parts 1500–1508), and DOE NEPA implementing procedures (10 CFR part 1021), to assess the potential environmental impacts for the proposed action of providing Federal funding for the proposed Texas Clean Energy Project (TCEP) near Odessa, Texas. The project would comprise planning, design, construction and operation by Summit Texas Clean Energy, LLC (Summit) of a coal-fueled electric power and chemicals production plant integrated with carbon dioxide (CO_2) capture and geologic sequestration. DOE selected this project for an award of financial assistance through a competitive process under the Clean Coal Power Initiative (CCPI) program (Round 3).

The EIS (DOE/EIS–0444) will inform DOE's decision on whether to provide financial assistance under its CCPI program. DOE proposes to provide Summit with approximately $350 million in funding for this project, which would demonstrate the full integration of CO_2 capture and sequestration with a commercial, integrated gasification combined-cycle (IGCC) poly-generation (electricity and chemicals) plant. DOE's contribution of $350 million would constitute about 20 percent of the estimated total development and capital cost of the project, which is estimated to be $1.73 billion (2009 dollars). TCEP would employ advanced clean coal technologies to reduce the levels of CO_2 emissions below that of conventional technologies used to generate electricity from fossil fuels, including natural gas.

Summit proposes to build its IGCC plant adjacent to an oil field in Ector County, Texas. The plant would use coal as its feedstock. It would capture, in the form of CO_2, about 90% of the carbon in the portion of its coal fuel supply used for power production. The plant would employ two gasifiers, feeding a single, combined-cycle power island to generate about 400 MW (gross) of electricity, with the co-production of sulfuric acid and urea (for fertilizer) or other chemicals. About 275 MW of electricity would be put onto the power grid, with the remaining power used for commercial loads on the project site, such as urea production and CO_2 compression. During DOE demonstration phase of the project, it would permanently sequester CO_2 at a maximum rate of about 3 million tons per year by piping it to Permian Basin oil fields, where it would be used by field operators for enhanced oil recovery (EOR). Summit is owned jointly by the Summit Power Group, Inc. and CW NextGen, Inc. (CWNI), a Clayton Williams company. The project team includes Summit Power Group, Inc.; Blue Source, LLC; Siemens, AG; and CWNI; among others.

DOE issues this Notice of Intent (NOI) to inform interested parties of the pending EIS and to invite public comments on the proposed action, including: (1) The proposed plans for implementing the project, (2) the range of environmental issues and alternatives to be analyzed, and (3) the analysis methods to be used or considered during preparation of the EIS.

DATES: DOE invites comments on the proposed scope and content of the EIS from all interested parties. Comments must be received by July 2, 2010, to ensure consideration. Late comments will be considered to the extent practicable. In addition to accepting comments in writing (formal letters, faxes and e-mails) and by telephone (*See* **ADDRESSES** below), DOE will conduct a public scoping meeting in which government agencies, private-sector organizations, and the general public are invited to present oral comments or suggestions with regard to the alternatives and issues to be considered in the EIS. The scoping meeting will be held beginning at 7 p.m. on Thursday, June 17, 2010, in the Saulsbury Meeting Room of the Electronics Technology Building at Odessa College, 201 West University Blvd, Odessa, Texas 79764. The public is also invited to learn more about the proposed project at an informal session at this location beginning at 4 p.m. Displays and other information about DOE's proposed action and Summit's project will be available, and representatives from DOE and Summit will be present at the informal session to discuss the proposed project, DOE's CCPI program, and the EIS process.

ADDRESSES: Written comments on the scope of the EIS and requests to participate in the public scoping meeting should be addressed to: Mr. Mark L. McKoy, U.S. Department of Energy, National Energy Technology Laboratory, 3610 Collins Ferry Road, P.O. Box 880, Morgantown, WV 26507–0880. Individuals and organizations who would like to provide oral or electronic comments, or request copies of the Draft EIS, should contact Mr. McKoy by telephone (304–285–4426), toll-free telephone (1–800–432–8330 (ext. 4426), fax (304–285–4403), e-mail (*Summit.EIS@netl.doe.gov*), or formal mail submitted to the address given above.

FOR FURTHER INFORMATION CONTACT: For further information about this project, contact Mr. Mark L. McKoy, as described above. For general information on the DOE NEPA process, please contact Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (GC–54), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585–0103; telephone: 202–586–4600; fax: 202–586–7031; or leave a toll-free message at 1–800–472–2756.

SUPPLEMENTARY INFORMATION:

Background

Since the early 1970s, DOE and its predecessor agencies have pursued research and development programs that include large, technically complex projects in pursuit of innovation in a wide variety of coal technologies through the proof-of-concept stage. However, helping a technology reach the proof-of-concept stage does not ensure its continued development or commercialization. Before a technology can be considered seriously for commercialization, it must be demonstrated at a sufficient scale to prove its reliability and economically competitive performance. The financial risk associated with such large-scale demonstration projects is often too high for the private sector to assume in the absence of strong incentives.

The CCPI program was established in 2002 as a government and private sector partnership to implement the recommendation in President Bush's National Energy Policy to increase investment in clean coal technology.

Through cooperative agreements with its private sector partners, the program advances clean coal technologies to commercialization; these technologies often involve combustion improvements, control system advances, gasifier designs, pollution reductions (including greenhouse gas reduction), efficiency increases, fuel processing techniques and other improvements.

Congress established criteria for projects receiving financial assistance under this program in Title IV of the Energy Policy Act of 2005 (Pub. L. 109–58) (EPACT 2005). Under this statute, CCPI projects must "advance efficiency, environmental performance and cost competitiveness well beyond the level of technologies that are in commercial service" (Pub. L. 109–58, Sec. 402(a)). In February 2009, the American Recovery and Reinvestment Act of 2009 (Pub. L. 111–5, 123 Stat. 115 (Feb. 17, 2009)) (ARRA) appropriated $3.4 billion to DOE for "Fossil Energy Research and Development;" the Department intends to use a significant portion of these funds to provide financial assistance to CCPI projects.

Purpose and Need for Agency Action

The purpose and need for the DOE action are to advance the CCPI program by funding projects that have the best chance of achieving the program's objectives as established by Congress: the commercialization of clean coal technologies that advance efficiency, environmental performance, and cost competitiveness well beyond the level of technologies that are currently in commercial service.

Summit's Proposed Project

Site of Proposed Project: Penwell, Texas

The proposed site is located on 600 acres, approximately 15 miles southwest of the city of Odessa in Ector County, Texas. The site is on flat land north of the town of Penwell and Interstate Highway I–20. The proposed power plant property is arid, non-arable brush (mesquite-lotebush-juniper) and range land. Surrounding areas are or were used primarily for ranching to the north and east and oil production to the west and south, with some scattered industrial facilities (quarry, cement plant, *etc.*) within sight to the east and south. There is an extensive junk yard of abandoned oil and gas equipment along the site's southern border, on the other side of a railroad. The site has access to coal delivery via rail along the southern border of the property, and it connects to I–20 via Farm-to-Market Road 1601. There are numerous oil fields within reach of existing CO_2 pipelines (with the construction of short new connector pipelines) where the CO_2 could be used in EOR operations. Most likely, CO_2 would be transported in an existing regional CO_2 pipeline network. A short, approximately two-mile, new CO_2 pipeline could connect the power plant site to the nearest existing trunk pipeline.

Proposed Plant

Summit would construct an IGCC poly-generation plant that is designed to capture approximately 90 percent of its CO_2, and sequester it through use in EOR operations. Summit, or another entity, would operate the plant to demonstrate the commercial feasibility of a fully integrated, coal-fueled 400 MW-equivalent generating unit that would produce 275 MW of electricity for the power grid (with additional amounts for on-site commercial loads and plant use) plus sulfuric acid, urea and perhaps other chemicals such as ammonia, methanol or substitute natural gas. Following the demonstration phase, the project would continue long-term commercial operations with continuing sales of power, urea, captured CO_2 and other chemical products.

The new plant would consist of two gasifiers, a gas processing and cleanup system, a syngas-fueled combustion turbine, a heat-recovery steam generator, a steam turbine, a sulfur recovery plant, a chemicals production plant, and associated facilities. The system is designed with duplicate, over-sized gasifiers to ensure full-time availability of syngas production, with sufficient supply for both the production of electricity (more than 75 percent) and chemicals (less than 25 percent).

The plant proposed by Summit would gasify coal to produce "synthesis gas" (or "syngas"—mostly carbon monoxide (CO), hydrogen gas (H_2), CO_2 and steam), which would be processed to increase the H_2 content (by converting CO and H_2O into H_2 plus CO_2) and cleaned of particulates and acid gases to produce a H_2-rich, carbon-lean fuel. The H_2-rich fuel would power the gas combustion turbine, and CO_2 emissions would be minimal (only a fraction of those of a natural gas power plant) as a result of the hydrogen-rich, carbon-lean fuel. Hot exhaust gas from the gas combustion turbine would generate steam from water in the heat recovery steam generator to drive the steam turbine. Using a heat recovery steam generator and a steam turbine to capture energy from the exhaust gases of the combustion turbine is the essence of the combined-cycle approach and increases both efficiency and the total amount of electricity that can be generated from a quantity of coal. Both turbines would generate electricity for sale, with a part of the electricity diverted to service other parts of the poly-generation plant and on-site commercial loads. At full capacity, the plant would be expected to use about 5,800 tons of low-sulfur coal per day (about 1.9 to 2.0 million tons per year). Coal would be delivered by railroad trains from the Powder River Basin and would be bought through contracts on the open market.

The plant would minimize emissions of sulfur oxides, nitrogen oxides, mercury, and particulates as compared to conventional coal-fueled power plants. In compliance with Texas House Bill 469, the project would be required to meet stringent emissions limits: 0.034 pounds of NO_X per million BTUs, 0.04 pounds of SO_X per million BTUs, 95 percent reduction in mercury emissions, and 0.015 pounds of particulates per million BTUs. The project's air permit application with the Texas Commission on Environmental Quality (TCEQ) includes even lower emissions limits than those required by HB 469. Emissions of carbon monoxide and volatile organic compounds would be controlled.

Steam from the gasification and syngas processing could be condensed, treated, and recycled into the gasifier or added to the plant's cooling water circuit. Slag from the gasifiers would be sold for beneficial uses. Other solid materials generated by the various plant processes would be accumulated on site and made available for beneficial use, recycling or, if these options are not available, disposed of in accordance with applicable laws.

The chemical plant would use the Haber process to convert syngas into ammonia and the Bosch-Meiser process to convert ammonia into urea for fertilizer. With equipment additions or changes, other chemicals could be produced.

Other notable equipment would include coal storage facilities, a coal preparation plant and coal feed system, air separators, stacks, mechanical draft cooling tower (dry cooling is planned for the power generation facilities and wet cooling for other portions of the plant), a unit for converting captured sulfur dioxide into sulfuric acid for sale on the market, and a particulate filtration system. The height of the tallest proposed stack would be approximately 140 feet above ground level. Additionally, the plant would require the construction of a railroad loop, coal unloading facilities, ash/slag handling facilities, access roads, administration buildings, water and

waste water treatment facilities, and a waste water disposal well. An underpass may be constructed beneath the adjoining railroad.

Proposed Linear Facilities

Linear facilities are the power transmission lines and pipelines that convey electricity and materials to and from the plant. Electricity could be conveyed to regional 345 kV transmission lines via an approved ERCOT (Electric Reliability Council of Texas) grid extension but could also be transmitted via local interconnects with either of two 138 kV transmission lines, one located approximately 0.7 miles to the north and the other located 1.8 miles to the south. Rights-of-ways (ROWs) would be approximately 200 ft wide. An electrical substation would be constructed to facilitate the connection to the grid.

Process water would be obtained from local wastewater treatment facilities (using effluent from the Gulf Coast Authority, the City of Odessa, and/or the City of Midland) or from a re-charging aquifer in the region. Other water supply options may be considered during the project planning. The water would be conveyed by one or more new pipelines constructed on a combination of existing and new ROWs over distances ranging between about 10 miles and 54 miles.

Wastewater would be processed in a new on-site wastewater treatment plant. The plant would be designed for zero liquid discharge.

Natural gas, which would be used to start the plant, would be obtained from an existing pipeline that traverses the proposed project site or from a gas line located either to the north or to the south of the site. Natural gas also may be used to fuel the power island initially, while the remainder of the plant is under construction.

The plant may deliver its CO_2 to the existing Central Basin CO_2 pipeline, which is less than two miles to the east of the proposed plant site. In this option, a short new pipeline would be constructed eastwards along new ROW. Alternatively, new pipelines could be constructed to either existing oil fields or to other existing pipelines. New ROWs would require widths of 100 ft for construction and approximately 50 ft for pipeline operations. Sales and conveyance options for CO_2 are currently under consideration and negotiation.

Proposed Use of CO_2 for Enhanced Oil Recovery and Sequestration

During DOE's demonstration phase of plant operations, the project would sequester about 3 million tons of CO_2 per year by transporting it in pipelines to oil fields in the Permian Basin of west Texas for use in EOR operations. These fields are well characterized, and some already make extensive use of CO_2 for EOR. As a consequence of EOR operations, most of the captured CO_2 (more than 99 percent) would be sequestered in deep underground geologic formations that would be monitored to verify the quantity and permanence of CO_2 storage. The use of CO_2 in this manner would continue the existing uses of the subject fields, namely enhanced oil production using CO_2.

The EOR process involves the repeated injection of CO_2 to reduce the oil's viscosity and to move it through the reservoir. During EOR operations, pore space left by the extracted oil is occupied by the injected CO_2, sequestering it in the geologic formation. Reservoirs are not over-pressurized from CO_2 for EOR operations, because fluid volumes are removed from the reservoirs in amounts corresponding to those injected in the reservoirs.

Summit's Technology Alternatives

Summit has proposed to use Siemens SFG–500 gasifiers and a Siemens F-class combined-cycle power island. As plans progress, Summit will make a final selection of air separation technology, water/gas shift reactor technology, acid gas removal system technology (for capturing both CO_2 and acid gases, such as H_2S), sulfur recovery technology (*e.g.,* Claus process), and urea production technology (*e.g.,* combination of the Haber ammonia production process and Bosch-Meiser urea production process). Summit has proposed to use only commercially proven, fully warranted equipment to reduce risks and costs. The technological advancement is in the integration of all these components. A competitive process would be used to select vendors and manufacturers (other than for the Siemens-supplied equipment). A wide variety of chemicals could be produced, depending on chemical processing equipment installed. Current plans indicate market viability for the production and sale of urea (for fertilizer), ammonia, methanol and substitute natural gas (SNG).

Proposed Project Schedule

The project proposed by Summit includes the planning, design, construction, initial start-up, and early operation of the plant and associated facilities for a period of three years under the DOE demonstration phase. Thereafter the plant and associated facilities, including the capture and sale of CO_2, would be expected to continue for 30 to 50 years. Summit plans to start construction during 2011 and commercial operations (demonstration phase) by late 2014. The schedule is contingent upon Summit receiving the necessary permits (which would be preceded by hearings, public comment opportunities and other events mandated by applicable regulations and agency procedures) and financial closing on all the necessary funding sources, including DOE's financial assistance. DOE's decision to provide financial assistance for detailed design, procurement of expensive equipment, construction, and operations will be informed by the NEPA process.

Connected and Cumulative Actions

Under the cooperative agreement between DOE and Summit, DOE would share in the cost of the power and chemical plant, supporting facilities and site infrastructure (including that required for sequestration monitoring, verification and accounting (MVA), and the costs associated with implementing and documenting the results of the demonstration test plan during the demonstration phase). Under this agreement, DOE would not share in the costs of normal plant operations during the demonstration phase. For activities that would not occur if not for this project, DOE will consider these as connected actions and will evaluate them in the EIS.

DOE will consider the cumulative impacts of both the cost-shared activities and other activities, along with any other connected actions, including those of third parties. Cumulative impacts analysis will include the analysis of pollutant emissions (including greenhouse gas emissions) and other incremental impacts that, when added to past, present and reasonably foreseeable future impacts, may have significant effects on the human environment. DOE will not consider impacts associated with the purchase of commodities (such as coal) on the open market, coal mining, or the transportation of coal as a general industrial activity (as distinguished from the delivery of coal to the project site, specifically), given these impacts are generally well known and would occur regardless of DOE's decision regarding financial assistance for this project. No coal for this project would come from "mountaintop removal" forms of mining, which are not practiced in the Powder River Basin.

Alternatives, Including the Proposed Action

NEPA requires that agencies evaluate the reasonable alternatives to their proposed action. The purpose and need for agency action determines the range of reasonable alternatives. In this case, the purpose and need for DOE's proposed action—providing cost-shared funding for Summit's project—is to advance the CCPI program by funding projects that have the best chance of achieving the program's objectives as established by Congress: The commercialization of clean coal technologies that advance efficiency, environmental performance, and cost competitiveness well beyond the level of technologies that are currently in service.

DOE's NEPA regulations include a process for identifying and analyzing reasonable alternatives in the context of providing financial assistance through a competitive selection of projects proposed by entities outside the federal government. The range of reasonable alternatives in competitions for grants, loans, loan guarantees, and other financial support is defined initially by the range of responsive proposals received by DOE. Unlike projects undertaken by DOE itself, the Department cannot mandate what outside entities propose, where they propose their project, or how they propose to do it, beyond expressing basic requirements in the funding opportunity announcement; and these express requirements must be limited to those that further the program's objectives. DOE's decision is then limited to selecting among the applications that meet the program's goals.

Recognizing that the range of reasonable alternatives in the context of financial assistance and contracting is determined by the number and nature of the proposals received, section 216 of DOE's NEPA regulations requires the Department to prepare an "environmental critique" that assesses the environmental impacts and issues relating to each of the proposals that the DOE selecting official considers for an award. See 10 CFR 1021.216. This official considers these impacts and issues, along with other aspects of the proposals (such as technical merit and financial ability) and the program's objectives, in making awards. DOE prepared a critique of the proposals that were deemed suitable for selection in this round of awards for the CCPI program. DOE will prepare an "environmental synopsis," based on the critique, to document consideration given to environmental factors. DOE will make the synopsis available to the public by posting it on NETL's Web site.

After DOE selects a project for an award, the range of reasonable alternatives becomes the project as proposed by the applicant, any alternatives still under consideration by the applicant or that are reasonable within the confines of the project as proposed (*e.g.,* the particular location of the plant on the parcel of land proposed for the project) and a "no action" alternative. Regarding a no action alternative, DOE assumes for purposes of the EIS that, if it decides to withhold financial assistance, the project would not proceed.

DOE currently plans to evaluate the project as proposed by Summit (with and without any mitigating conditions that DOE may identify as reasonable and appropriate); alternatives to Summit's proposal that it is still considering (*e.g.,* water sources, sales options for CO_2, and the ROWs for linear facilities); and the no action alternative. DOE and Summit will consider other reasonable alternatives suggested during the scoping period.

Under the no action alternative, DOE would not provide funding to Summit. In the absence of financial assistance from DOE, Summit could reasonably pursue two options. It could build the project without DOE funding; the impacts of this option would be essentially the same as those of DOE's proposed action, except any DOE-required mitigations would not be imposed. Or, Summit could choose not to pursue its project, and there would be no impacts from the project. This latter option would not contribute to the goal of the CCPI program, which is to accelerate commercial deployment of advanced coal technologies that provide the United States with clean, reliable, and affordable energy. However, as required by NEPA, DOE analyzes this option as the no action alternative for the purpose of making a meaningful comparison between the impacts of DOE providing financial assistance and withholding that assistance.

Alternatives considered by Summit in developing its proposed project will be discussed in the EIS. Summit considered a number of sites (six in Texas alone) and determined that the only reasonable site for continued consideration is the one at Penwell. Summit's consideration included market opportunities and conditions, local infrastructure, physical suitability of the sites, and environmental concerns. Two of the sites had already been environmentally reviewed and cleared for a very similar project, FutureGen (reference: DOE/EIS–0394). In particular, Summit sought a site where CO_2 sales options were readily available and the market was strong and dependable so that there would be no reliance on pending legislation for CO_2 capture and sequestration and no need for a long CO_2 pipeline that might not be built. The EIS will briefly describe Summit's site selection process. However, DOE does not plan to analyze in detail any alternative sites considered and dismissed by Summit because Summit is no longer considering these other alternatives and because they were not part of the proposal that Summit offered and DOE accepted.

Floodplains and Wetlands

The footprint of the proposed plant would not affect any wetlands or floodplains. Wetland and floodplain impacts, if any, from construction of pipelines and transmission lines would be identified during the preparation of the EIS and described in the EIS. In the event that the EIS identifies wetlands and floodplains that would be affected by the proposed project, including its linear facilities and connected actions, DOE will prepare a floodplain and wetland assessment in accordance with its regulations at 10 CFR part 1022 and include the assessment in the EIS.

Preliminary Identification of Environmental Issues

DOE intends to address the issues listed below when considering the potential impacts resulting from the construction and operation of Summit's proposed project and any connected actions. This list is neither intended to be inclusive nor a predetermined set of potential impacts. DOE invites comments on whether this is the correct list of important issues that should be considered in the EIS. The environmental issues include:

- Air quality impacts: Potential for air emissions during construction and operation of the power plant and appurtenant facilities to impact local sensitive receptors, local environmental conditions, and special-use areas, including contributions to smog and haze, impacts from dust and any significant vapor plumes, and consequences of greenhouse gas emissions;
- Water resource impacts: Potential impacts from water utilization and evaporation;
- Infrastructure and land use impacts: Potential environmental and socioeconomic impacts associated with the project, including delivery of feed materials and distribution of products

(*e.g.,* power transmission lines, pipelines);

• Visual impacts associated with facility structures: View shed impacts, impacts to scenic views (*e.g.,* impacts caused by the plant structures, water vapor plumes, flares, power transmission lines, pipelines), internal and external perception of the community or locality;

• Solid waste impacts: Pollution prevention and waste management issues (generation, treatment, transport, storage, disposal or use), including the handling of slag, water treatment sludge, sulfur by-products, and hazardous materials;

• Ecological impacts: Potential on-site and off-site impacts to vegetation, terrestrial wildlife, aquatic wildlife, threatened or endangered species, and ecologically sensitive habitats;

• Traffic issues: Potential impacts from the construction and operation of the facilities, including changes in local traffic patterns, deterioration of roads, traffic hazards, and traffic controls;

• Historic and cultural resource issues: Potential impacts, primarily related to linear facilities and connected actions;

• Fate and stability of sequestered CO_2 (and other captured gases) during and after EOR usage;

• Health and safety issues associated with CO_2 capture, transport, and usage in EOR;

• Marketability of products (including by-products) and market access to feedstocks;

• Socio-economic impacts, including the creation of jobs and the impacts of State and local tax incentives;

• Disproportionate impacts on minority and low-income populations;

• Noise and light impacts: Potential impacts from construction, transportation of materials, and facility operations;

• Connected actions: Potential development of support facilities or supporting infrastructure;

• Cumulative effects that result from the incremental impacts of the proposed project when added to other past, present, and reasonably foreseeable future projects;

• Compliance with regulatory requirements and environmental permitting;

• Environmental monitoring plans associated with the power plant and with the CO_2 sequestration sites.

Public Scoping Process

To ensure identification of all issues related to DOE's proposed action and Summit's proposed project, DOE seeks public input to define the scope of the EIS. The public scoping period will end on July 2, 2010. Interested government agencies, private-sector organizations and individuals are encouraged to submit comments or suggestions concerning the content of the EIS, issues and impacts that should be addressed, and alternatives that should be considered. Scoping comments should clearly describe specific issues or topics that the EIS should address. Written, e-mailed, faxed, or telephoned comments should be received by July 2, 2010 (*see* **ADDRESSES**).

DOE will conduct a public scoping meeting beginning at 7 p.m. on Thursday, June 17, 2010 in the Saulsbury Meeting Room of the Electronics Technology Building at Odessa College, 201 West University Blvd., Odessa, Texas 79764. The public is also invited to learn more about the proposed project at an informal session at this location beginning at 4 p.m. Anyone who wishes to speak at this public scoping meeting should contact Mr. Mark L. McKoy, either by phone, fax, e-mail, or letter (*see* **ADDRESSES**).

Those who do not arrange in advance to speak may register at the meeting (preferably at the beginning of the meeting) and may speak after previously scheduled speakers. Speakers will be given approximately five minutes to present their comments. Those speakers who want more than five minutes should indicate the length of time desired in their request. Depending on the number of speakers, DOE may need to limit all speakers to five minutes initially and provide second opportunities as time permits. Speakers may also provide written materials to supplement their presentations. Oral and written comments will be given equal consideration. Federal, State and local elected officials and tribal leaders may be given priority in the order of those making oral comments.

DOE will begin the formal meeting with an overview of Summit's proposed Texas Clean Energy Project. The meeting will not be conducted as an evidentiary hearing, and speakers will not be cross-examined. However, speakers may be asked questions to help ensure that DOE fully understands the comments or suggestions. A presiding officer will establish the order of speakers and provide any additional procedures necessary to conduct the meeting.

Issued in Washington, DC, this 27th day of May, 2010.

James J. Markowsky,

Assistant Secretary, Office of Fossil Energy.

[FR Doc. 2010–13215 Filed 6–1–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Biomass Research and Development Technical Advisory Committee

AGENCY: Department of Energy, Office of Energy Efficiency and Renewable Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open meeting of the Biomass Research and Development Technical Advisory Committee under Section 9008(d) of the Food, Conservation, and Energy Act of 2008. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that agencies publish these notices in the **Federal Register** to allow for public participation. This notice announces the meeting of the Biomass Research and Development Technical Advisory Committee.

DATES:

June 23, 2010; 10:30 a.m. to 3:15 p.m.
June 24, 2010; 10:30 a.m. to 3 p.m.

ADDRESSES: Hyatt Arlington, 1325 Wilson Boulevard, Arlington, Virginia 22209, (703) 525–1234.

FOR FURTHER INFORMATION CONTACT: Laura McCann, Designated Federal Officer for the Committee, Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585; (202) 586–7766; e-mail: *laura.mccann@ee.doe.gov* or T.J. Heibel at (410) 997–7778 ext. 223; e-mail: *theibel@bcs-hq.com.*

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: To provide advice and guidance that promotes research and development leading to the production of biobased fuels and biobased products.

Tentative Agenda: Agenda will include the following:

• Update on USDA Biomass R&D Activities.

• Update on DOE Biomass R&D Activities.

• Presentation on DOE/USDA Joint Solicitation Process.

• Presentation on DOE and USDA loan guarantee programs.

• Presentation on SC/NIFA joint solicitation (genetics).

• Update on Biomass R&D Board Activities.

Public Participation: In keeping with procedures, members of the public are welcome to observe the business of the Biomass Research and Development Technical Advisory Committee. To attend the meeting and/or to make oral statements regarding any of the items on the agenda, you should contact Laura McCann at 202–586–7766; E-mail:

laura.mccann@ee.doe.gov or T.J. Heibel at (410) 997–7778 ext. 223; e-mail: *theibel@bcs-hq.com.* You must make your request for an oral statement at least 5 business days before the meeting. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chair of the Committee will make every effort to hear the views of all interested parties. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. The Chair will conduct the meeting to facilitate the orderly conduct of business.

Minutes: The minutes of the meeting will be available for public review and copying at *http://www.brdisolutions.com/publications/default.aspx#meetings.*

Issued at Washington, DC, on May 26, 2010.

Rachel Samuel,

Deputy Committee Management Officer.

[FR Doc. 2010–13153 Filed 6–1–10; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12478–003]

Gibson Dam Hydroelectric Company, LLC; Notice Soliciting Comments, and Final Terms and Conditions, Recommendations, and Prescriptions

May 26, 2010.

Take notice that the following hydroelectric application and applicant-prepared environmental assessment (EA) has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Major Project—Existing Dam.

b. *Project No.:* P–12478–003.

c. *Date filed:* August 28, 2009.

d. *Applicant:* Gibson Dam Hydroelectric Company, LLC.

e. *Name of Project:* Gibson Dam Hydroelectric Project.

f. *Location:* On the Sun River, near the towns of Augusta and Fairfield, Lewis and Clark and Teton Counties, Montana. The project would occupy 44.0 acres of Federal land administered by the U. S. Forest Service and 24.5 acres of Federal land administered by the U.S. Bureau of Land Management for a total of 68.5 acres of Federal land.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Steve C. Marmon, Thom A. Fischer, Whitewater Engineering Corporation, 3633 Alderwood Ave., Bellingham, WA 98225, (360) 738–9999.

i. *FERC Contact:* Matt Cutlip, phone: (503) 552–2762, e-mail: *matt.cutlip@ferc.gov.*

j. *Deadline for filing comments, recommendations, terms and conditions, and fishway prescriptions:* 60 days from the issuance date of this notice. All reply comments must be filed with the Commission within 105 days from the date of this notice.

All documents may be filed electronically via the Internet. *See* 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site (*http://www.ferc.gov/docs-filing/ferconline.asp*) under the "eFiling" link. For a simpler method of submitting text only comments, click on "Quick Comment." For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov;* call toll-free at (866) 208–3676; or, for TTY, contact (202) 502–8659. Although the Commission strongly encourages electronic filing, documents may also be paper-filed. To paper-file, mail an original and eight copies to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

The Commission's Rules of Practice and Procedures require all intervenors filing documents with the Commission to serve a copy of that document on each person on 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. *Project Description:* The proposed project would utilize the existing facilities of the U.S. Bureau of Reclamation's (Reclamation's) Gibson dam including the reservoir, existing valve house, and two existing dam outlet pipes; and would consist of the following new facilities: (1) Two new 72-inch-diameter penstocks extending 40 feet from the existing outlet pipes to the powerhouse; (2) a new powerhouse located near the toe of the dam with four turbine/generating units with total installed capacity of 15 megawatts; (3) a new 26.2-mile, 34.5/69-kV overhead and underground transmission line from the powerhouse to an interconnection point with Sun River Electric Cooperative, Inc.'s existing 69-kV transmission line at Jackson's Corner; (4) a new 34.5/69 kV step-up substation; (5) a new maintenance building located approximately 1,400 feet downstream of the powerhouse adjacent to existing Gibson dam operations facilities; and (6) appurtenant facilities. The average annual generation is estimated to be 40 gigawatt-hours.

l. A copy of the application 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 docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

Register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

All filings must: (1) Bear in all capital letters the title "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions, or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

m. *EA Preparation Schedule:* The draft and final EA will be prepared according to the following schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Filing of Motions to Intervene and Protests	June 21, 2010.

Milestone	Target date
Filing of Comments, Final Recommendations, Final Terms and Conditions, and Fishway Prescriptions	July 26, 2010.
Reply Comments due	September 9, 2010.
Issue Draft EA	December 8, 2010.
Comments on Draft EA due	January 7, 2011.
Issue Final EA	May 17, 2011.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–13276 Filed 6–1–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP10–434–000]

Colorado Interstate Gas Company; Notice of Application

May 26, 2010.

Take notice that on May 17, 2010, Colorado Interstate Gas Company (CIG), P.O. Box 1087, Colorado Springs, Colorado 80944, filed with the Federal Energy Regulatory Commission an application under section 7(c) of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the reclassification of certain gas storage assets at its Latigo Storage Field in Arapahoe County, Colorado, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

Any questions regarding this application should be directed to Susan C. Stires, Director, Regulatory Affairs, Colorado Interstate Gas Company, P.O. Box 1087, Colorado Springs, Colorado 80944 at 719–667–7514 or David R. Cain, Senior Counsel, Colorado Interstate Gas Company, P.O. Box 1087, Colorado Springs, Colorado 80944 at 719–520–4898.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all Federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

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 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 Date: June 16, 2010.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–13273 Filed 6–1–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 516–465]

South Carolina Electric & Gas Company; Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

May 26, 2010.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Non-project use of project lands and waters.

b. *Project No:* 516–465.

c. *Date Filed:* May 4, 2010.

d. *Applicant:* South Carolina Electric & Gas Company.

e. *Name of Project:* Saluda Hydroelectric Project.

f. *Location:* The project is located on the Saluda and Congaree Rivers in Lexington, Newberry, Richland, and Saluda Counties, South Carolina. The proposed action would occur in Newberry County, South Carolina.

g. *Pursuant to:* Federal Power Act, 16 U.S.C. 791a—825r.

h. *Applicant Contact:* Mr. Tommy Boozer, Manager, Lake Management Programs, SCE&G, 6248 Bush River Road, Columbia, SC 29212, telephone (803) 217–9007.

i. *FERC Contact:* Any questions on this notice should be addressed to Mr. Christopher Yeakel at (202) 502–8132, or e-mail address: *christopher.yeakel@ferc.gov.*

j. *Deadline for filing comments and/or motions:* June 28, 2010.

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 (*http://www.ferc.gov*) under the "e-filing" link. The Commission strongly encourages electronic filings.

All documents (original and eight copies) filed by paper should be sent to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P–516–465) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervener 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. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

k. *Description of Application:* The licensee proposes to permit the relocation of an existing two-slip dock, which would be attached to the existing fuel dock, and the installation of two new floating boat docks, each with a capacity of 10 watercraft. This would provide additional moorage for patrons of Riverwinds Landing and would allow more than one boat at a time to access the fuel dock. The new docks would be attached to the shoreline with a ramp secured to the ground.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's 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 (P–516) in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call 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. *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.

o. 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.

p. *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.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–13274 Filed 6–1–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2114–208]

Public Utility District No. 2 of Grant County, WA; Notice of Application for Amendment of License and Soliciting Comments, Motions To Intervene, and Protests

May 26, 2010.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Shoreline Management Plan.

b. *Project No:* 2114–208.

c. *Date Filed:* March 2, 2010, supplemented April 20, 2010.

d. *Applicant:* Public Utility District No. 2 of Grant County, Washington.

e. *Name of Project:* Priest Rapids Hydroelectric Project.

f. *Location:* The project is located on the mid-Columbia River, in portions of Grant, Yakima, Kittitas, Douglas, Benton, and Chelan Counties Washington, and occupies approximately 3,052 acres of Federal lands managed by the U.S. Bureau of Land Management, U.S. Department of the Army, U.S. Fish and Wildlife Service, and U.S. Department of Energy.

g. *Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Kelly Larimer, Lands and Recreation Resources Manager, Public Utility District No. 2 of Grant County, P.O. Box 878, Ephrata, WA 98823. Tel: (509) 754–0500 ext. 3196 or e-mail address: *klarime@gcpud.org.*

i. *FERC Contact:* Any questions on this notice should be addressed to Mr. Christopher Yeakel at (202) 502–8132, or e-mail address: *christopher.yeakel@ferc.gov.*

j. *Deadline for filing comments and or motions:* June 28, 2010.

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 (*http://www.ferc.gov*) under the "e-filing" link. The Commission strongly encourages electronic filings.

All documents (original and eight copies) filed by paper should be sent to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Please include the project number (P–2114–208) on any comments or motions filed.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervener 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. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

k. *Description of Application:* The licensee has filed an SMP for the Priest Rapids Hydroelectric Project. The SMP is a comprehensive plan to manage the multiple resources and uses of the project's shoreline in a manner that is consistent with license requirements and project purposes, protection of environmental resources, and to address the needs and interests of stakeholders.

l. *Locations of the Application:* A of the application is available for inspection and reproduction at the Commission's 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 (P–2114) in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, call 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. *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.

o. 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.

p. *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.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–13275 Filed 6–1–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 12628–002–IA]

The City of Nashua, Iowa; Notice of Availability of Environmental Assessment

May 26, 2010.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's regulations, 18 CFR part 380 (Order No. 486, 52 FR 47897), the Office of Energy Projects has reviewed the application for an original license for the Cedar Lake Dam Hydroelectric Project, to be located on the Cedar River, within the City of Nashua, Chickasaw County, Iowa, and has prepared an Environmental Assessment (EA). In the EA, Commission staff analyze the potential environmental effects of licensing the project and conclude that issuing a license for the project, with appropriate environmental measures, would not constitute a major Federal action significantly affecting the quality of the human environment.

A copy of the EA is on file with the Commission and is available for public inspection. The EA 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 documents. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via e-mail of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 30 days from the issuance date of this notice, and should be addressed to the Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Room 1–A, Washington, DC 20426. Please affix "Cedar Lake Dam Hydroelectric Project No. 12628–002" to all comments. Comments may be filed electronically via 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 under the "eFiling" link. For further information, contact Michael Watts at (202) 502–6123.

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–13277 Filed 6–1–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

May 25, 2010.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC10–73–000.

Applicants: KGEN Sandersville LLC.

Description: Application for Authorization for Disposition of Jurisdictional Facilities and Request for Expedited Action of KGen Sandersville LLC.

Filed Date: 05/24/2010.

Accession Number: 20100524–5078.

Comment Date: 5 p.m. Eastern Time on Monday, June 14, 2010.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–794–002.
Applicants: Entergy Services, Inc.
Description: Entergy Services, Inc submits clean copy of the sub, Entergy open access transmission tariff sheets.
Filed Date: 05/24/2010.
Accession Number: 20100525–0203.
Comment Date: 5 p.m. Eastern Time on Monday, June 14, 2010.

Docket Numbers: ER10–892–000; ER10–892–001.
Applicants: Southern Turner Cimarron I, LLC.
Description: Amendment to Application of Southern Turner Cimarron LLC.
Filed Date: 05/20/2010.
Accession Number: 20100520–5128.
Comment Date: 5 p.m. Eastern Time on Thursday, June 3, 2010.

Docket Numbers: ER10–1297–000.
Applicants: Tampa Electric Company.
Description: Filing by Tampa Electric Company of Service Agreement under cost-based power sales tariff re Tampa Electric Company.
Filed Date: 05/21/2010.
Accession Number: 20100524–0209.
Comment Date: 5 p.m. Eastern Time on Friday, June 11, 2010.

Docket Numbers: ER10–1298–000.
Applicants: Southwestern Electric Power Company.
Description: Southwestern Electric Power Company submits Commission review actuarial reports with respect to actual post-employment benefits etc.
Filed Date: 05/24/2010.
Accession Number: 20100524–0215.
Comment Date: 5 p.m. Eastern Time on Monday, June 14, 2010.

Docket Numbers: ER10–1299–000.
Applicants: Westar Energy, Inc.
Description: Westar Energy, Inc submits the Interconnection and Balancing Area Services Agreement with Midwest Energy, Inc to be effective 6/1/10.
Filed Date: 05/24/2010.
Accession Number: 20100524–0214.
Comment Date: 5 p.m. Eastern Time on Monday, June 14, 2010.

Docket Numbers: ER10–1300–000.
Applicants: Southwest Power Pool Inc.
Description: Southwest Power Pool, Inc submits Third Revised Sheet 186 *et al.* to FERC Electric Tariff, Fifth Revised Volume 1 to be effective 6/23/10.
Filed Date: 05/24/2010.
Accession Number: 20100524–0213.
Comment Date: 5 p.m. Eastern Time on Monday, June 14, 2010.

Docket Numbers: ER10–1301–000.
Applicants: Midwest Independent Transmission System Operator, Inc.
Description: Midwest Independent Transmission System Operator, Inc submits Notice of Cancellation of the Adjacent Balancing Authority Coordination Agreement.
Filed Date: 05/24/2010.
Accession Number: 20100525–0202.
Comment Date: 5 p.m. Eastern Time on Monday, June 14, 2010.

Docket Numbers: ER10–1302–000.
Applicants: Central Hudson Gas & Electric Corporation.
Description: Central Hudson Gas & Electric Corporation submits filing to cancel its Open Access Transmission Tariff, FERC Electric Tariff, Original Volume 2.
Filed Date: 05/24/2010.
Accession Number: 20100525–0204.
Comment Date: 5 p.m. Eastern Time on Monday, June 14, 2010.

Docket Numbers: ER10–1303–000.
Applicants: Genesee Power Station Limited Partnership.
Description: Genesee Power Station Limited Partnership submits tariff filing per 35.12: Genesee Power Station LP FERC Schedule No 1 Electric Tariff to be effective 5/26/2010.
Filed Date: 05/25/2010.
Accession Number: 20100525–5018
Comment Date: 5 p.m. Eastern Time on Tuesday, June 15, 2010.

Docket Numbers: ER10–1304–000.
Applicants: DownEast Power Company, LLC.
Description: DownEast Power Company, LLC submits tariff filing per 35.12: Baseline eTariff Filing Pursuant to Order No. 714 to be effective 6/1/2009.
Filed Date: 05/25/2010.
Accession Number: 20100525–5033.
Comment Date: 5 p.m. Eastern Time on Tuesday, June 15, 2010.

Take notice that the Commission received the following electric securities filings:

Docket Numbers: ES10–45–000.
Applicants: MDU Resources Group, Inc.
Description: Application of MDU Resources Group, Inc. for authority to Issue.
Filed Date: 05/24/2010.
Accession Number: 20100524–5141.
Comment Date: 5 p.m. Eastern Time on Monday, June 14, 2010.

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.

As it relates to any qualifying facility filings, the notices of self-certification [or self-recertification] listed above, do not institute a proceeding regarding qualifying facility status. A notice of self-certification [or self-recertification] simply provides notification that the entity making the filing has determined the facility named in the notice meets the applicable criteria to be a qualifying facility. Intervention and/or protest do not lie in dockets that are qualifying facility self-certifications or self-recertifications. Any person seeking to challenge such qualifying facility status may do so by filing a motion pursuant to 18 CFR 292.207(d)(iii). Intervention and protests may be filed in response to notices of qualifying facility dockets other than self-certifications and self-recertifications.

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.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also 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.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–13171 Filed 6–1–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

May 24, 2010.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER09–934–004; ER09–936–001.

Applicants: Bangor Hydro Electric Company.

Description: Offer of Settlement of Bangor Hydro Electric Company.

Filed Date: 05/24/2010.

Accession Number: 20100524–5035.

Comment Date: 5 p.m. Eastern Time on Monday, June 14, 2010.

Docket Numbers: ER09–1589–003.

Applicants: FirstEnergy Service Company.

Description: Request for Waiver for Demand Response Participating in FRR Integration Auctions of FirstEnergy Service Company.

Filed Date: 05/20/2010.

Accession Number: 20100520–5129.

Comment Date: 5 p.m. Eastern Time on Thursday, June 10, 2010.

Docket Numbers: ER10–550–002.

Applicants: Southwest Power Pool Inc.

Description: Southwest Power Pool, Inc submits Seventh Revised Sheet 14 *et al.* to FERC Electric Tariff, Fifth Revised Volume 1.

Filed Date: 05/21/2010.

Accession Number: 20100524–0201.

Comment Date: 5 p.m. Eastern Time on Friday, June 11, 2010.

Docket Numbers: ER10–792–002.

Applicants: TC Energy Trading, LLC.

Description: TC Energy Trading, LLC submits errata to revise the title of the issuer of the tariff sheets.

Filed Date: 05/21/2010.

Accession Number: 20100521–0209.

Comment Date: 5 p.m. Eastern Time on Friday, June 11, 2010.

Docket Numbers: ER09–877–001.

Applicants: Entergy Arkansas, Inc.

Description: Compliance Refund Report of Entergy Services, Inc.

Filed Date: 05/21/2010.

Accession Number: 20100521–5103.

Comment Date: 5 p.m. Eastern Time on Friday, June 11, 2010.

Docket Numbers: ER10–1289–000.

Applicants: California Independent System Operator Corporation.

Description: The California Independent System Operator Corporation submits Commission filing and acceptance of amendment to Service Agreement 798 and Termination of Service Agreement 584.

Filed Date: 05/21/2010.

Accession Number: 20100521–0206.

Comment Date: 5 p.m. Eastern Time on Friday, June 11, 2010.

Docket Numbers: ER10–1290–000.

Applicants: San Diego Gas & Electric Company.

Description: San Diego Gas & Electric Company submits tariff filing per 35: San Diego Gas & Electric Company Market Based Rates Tariff to be effective 5/21/2010.

Filed Date: 05/21/2010.

Accession Number: 20100521–5070.

Comment Date: 5 p.m. Eastern Time on Friday, June 11, 2010.

Docket Numbers: ER10–1291–000.

Applicants: GenConn Energy LLC.

Description: GenConn Energy LLC submits tariff filing per 35.12: Initial Filing of Market-Based Rate Tariff to be effective 5/21/2010.

Filed Date: 05/21/2010.

Accession Number: 20100521–5113.

Comment Date: 5 p.m. Eastern Time on Friday, June 11, 2010.

Docket Numbers: ER10–1292–000.

Applicants: CMS Energy Resource Management Company.

Description: CMS Energy Resource Management Company submits tariff filing under Schedule No. 1 Electric Tariff, to be effective 5/25/2010.

Filed Date: 05/24/2010.

Accession Number: 20100524–5013.

Comment Date: 5 p.m. Eastern Time on Monday, June 14, 2010.

Docket Numbers: ER10–1293–000.

Applicants: American Electric Power Service Corporation.

Description: AEP Texas Central Company submits Service Agreement 531 *et al.* to FERC Electric Tariff, Third Revised Volume 6.

Filed Date: 05/21/2010.

Accession Number: 20100524–0203.

Comment Date: 5 p.m. Eastern Time on Friday, June 11, 2010.

Docket Numbers: ER10–1294–000.

Applicants: Southern California Edison Company.

Description: Southern California Edison Company submits letter agreement with Solar Millennium, LLC.

Filed Date: 05/21/2010.

Accession Number: 20100524–0204.

Comment Date: 5 p.m. Eastern Time on Friday, June 11, 2010.

Docket Numbers: ER10–1295–000.

Applicants: PJM Interconnection L.L.C.

Description: PJM Interconnection, LLC submits an executed Interconnection Construction Service Agreement with Synergics Wind Energy, LLC *et al.*

Filed Date: 05/21/2010.

Accession Number: 20100524–0205.

Comment Date: 5 p.m. Eastern Time on Friday, June 11, 2010.

Docket Numbers: ER10–1296–000.

Applicants: Wisconsin Electric Power Company.

Description: Wisconsin Electric Power Company submits Original Sheet 2 *et al.* to FERC Electric Tariff, Original Volume 10 to be effective 7/21/10.

Filed Date: 05/21/2010.

Accession Number: 20100524–0200.

Comment Date: 5 p.m. Eastern Time on Friday, June 11, 2010.

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.

As it relates to any qualifying facility filings, the notices of self-certification [or self-recertification] listed above do not institute a proceeding regarding qualifying facility status. A notice of self-certification [or self-recertification] simply provides notification that the entity making the filing has determined the facility named in the notice meets the applicable criteria to be a qualifying facility. Intervention and/or protests do not lie in dockets that are qualifying facility self-certifications or self-recertifications. Any person seeking to challenge such qualifying facility status may do so by filing a motion pursuant to 18 CFR 292.207(d)(iii). Intervention and protests may be filed in response to notices of qualifying facility dockets other than self-certifications and self-recertifications.

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.

The filings in the above proceedings are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also 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.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2010–13172 Filed 6–1–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of FERC Attendance at the Entergy Regional State Committee Meeting

May 26, 2010.

The Federal Energy Regulatory Commission hereby gives notice that Commissioners and members of its staff may attend the meeting noted below. Their attendance is part of the Commission's ongoing outreach efforts.

Entergy Regional State Committee Meeting

June 15, 2010 (1 p.m.–5 p.m.)

June 16, 2010 (1 p.m.–5 p.m.) Grand Hotel Marriott Resort, One Grand Blvd., Point Clear, AL 36564, 251–928–9201.

The discussions may address matters at issue in the following proceedings:

Docket No. OA07–32	Entergy Services, Inc.
Docket No. OA08–59	Entergy Services, Inc.
Docket No. EL00–66	*Louisiana Public Service Commission* v. *Entergy Services, Inc.*
Docket No. EL01–88	*Louisiana Public Service Commission* v. *Entergy Services, Inc.*
Docket No. EL05–15	*Arkansas Electric Cooperative Corp.* v. *Entergy Arkansas, Inc.*
Docket No. EL07–52	*Louisiana Public Service Commission* v. *Entergy Services, Inc.*
Docket No. EL08–51	*Louisiana Public Service Commission* v. *Entergy Services, Inc.*
Docket No. EL08–60	*Ameren Services Co.* v. Entergy Services, Inc.
Docket No. EL09–43	*Arkansas Public Service Commission* v. *Entergy Services, Inc.*
Docket No. EL09–61	*Louisiana Public Service Commission* v. *Entergy Services, Inc.*
Docket No. EL09–78	*South Mississippi Electric Power Association* v. *Entergy Services, Inc.*
Docket No. EL10–55	*Louisiana Public Service Commission* v. *Entergy Services, Inc.*
Docket No. EL10–65	*Louisiana Public Service Commission* v. *Entergy Services, Inc.*
Docket No. ER05–1065	Entergy Services, Inc.
Docket No. ER07–682	Entergy Services, Inc.
Docket No. ER07–956	Entergy Services, Inc.
Docket No. ER08–767	Entergy Services, Inc.
Docket No. ER08–1056	Entergy Services, Inc.
Docket No. ER08–1057	Entergy Services, Inc.
Docket No. ER09–636	Entergy Services, Inc.
Docket No. ER09–833	Entergy Services, Inc.
Docket No. ER09–877	Entergy Services, Inc.
Docket No. ER09–882	Entergy Services, Inc.
Docket No. ER09–1214	Entergy Services, Inc.
Docket No. ER09–1224	Entergy Services, Inc.
Docket No. ER10–794	Entergy Services, Inc.
Docket No. ER10–879	Entergy Services, Inc.
Docket No. ER10–984	Entergy Services, Inc.

These meetings are open to the public.

For more information, contact Patrick Clarey, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (317) 249–5937 or *patrick.clarey@ferc.gov.*

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–13272 Filed 6–1–10; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. AD10–11–000]

Frequency Regulation Compensation in the Organized Wholesale Power Markets; Further Notice Concerning Technical Conference

May 25, 2010.

Take notice that on May 26, 2010, the Federal Energy Regulatory Commission staff will convene a technical conference related to the Commission's Notice of Proposed Rulemaking on Frequency Regulation Compensation in the Organized Wholesale Power Markets, as previously announced.[1]

The discussions at the conference, which is open to the public, may address matters at issue in the following Commission proceedings:

Docket No. ER09–1049–000, Midwest Independent Transmission System Operator, Inc.

Docket No. ER09–1126–000, Midwest Independent Transmission System Operator, Inc.

Docket No. ER07–1372–000, Midwest Independent Transmission System Operator, Inc.

For more information, please contact Tatyana Kramskaya, 202–502–6262, *tatyana.kramskaya@ferc.gov;* or Eric Winterbauer, 202–502–8329, *eric.winterbauer@ferc.gov.*

Kimberly D. Bose,

Secretary.

[FR Doc. 2010–13271 Filed 6–1–10; 8:45 am]

BILLING CODE 6717–01–P

[1] *Notice of Technical Conference re Frequency Compensation in the Organized Wholesale Power Markets,* 75 FR 23,759, as supplemented by *Supplemental Notice of Technical Conference re Frequency Compensation in the Organized Wholesale Power Markets,* issued April 27, 2010.

ENVIRONMENTAL PROTECTION AGENCY

[Docket ID Numbers EPA–HQ–OECA–2010–0340, 0341, 0347, 0350—0377; FRL–9157–7]

Agency Information Collection Activities: Request for Comments on Thirty-One Proposed Information Collection Requests (ICRs)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that EPA is planning to submit the following thirty-one existing, approved, continuing Information Collection Requests (ICRs) to the Office of Management and Budget (OMB) for the purpose of renewing the ICRs. Before submitting the ICRs to OMB for review and approval, EPA is soliciting comments on specific aspects of the information collections as described under **SUPPLEMENTARY INFORMATION.**

DATES: Comments must be submitted on or before August 2, 2010.

ADDRESSES: Comments may be submitted electronically, by mail, or through hand delivery/courier service. Follow the detailed instructions as provided under **SUPPLEMENTARY INFORMATION**, section A.

FOR FURTHER INFORMATION CONTACT: The contact individuals for each ICR are listed under **SUPPLEMENTARY INFORMATION**, section II. C.

SUPPLEMENTARY INFORMATION:

A. How can I access the docket and/or submit comments?

(1) Docket Access Instructions

EPA has established a public docket for the ICRs listed in the **SUPPLEMENTARY INFORMATION**, section II. B. The docket is available for online viewing at *http://www.regulations.gov,* or in person viewing at the Enforcement and Compliance Docket and Information Center (ECDIC), in the EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. The EPA/DC Public Reading Room is open from 8 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Reading Room is (202) 566–1744, and the telephone number for the Enforcement and Compliance Docket and Information Center (ECDIC) docket is (202) 566–1752.

Use *http://www.regulations.gov* to obtain a copy of the draft collection of information, submit or view public comments, access the index listing of the contents of the docket, and to access those documents in the public docket that are available electronically. When in the system, select "search," then key in the docket ID number identified in this document.

(2) Instructions for Submitting Comments

Submit your comments by one of the following methods:

(a) *Electronic Submission:* Access *http://www.regulations.gov* and follow the on-line instructions for submitting comments.

(b) *E-mail: docket.oeca@epa.gov.*

(c) *Fax:* (202) 566–1511.

(d) *Mail:* Enforcement and Compliance Docket and Information Center (ECDIC), Environmental Protection Agency, EPA Docket Center (EPA/DC), Mailcode: 2201T, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

(e) *Hand Delivery:* Enforcement and Compliance Docket and Information Center (ECDIC), Environmental Protection Agency, EPA Docket Center (EPA/DC), EPA West, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. Deliveries are accepted only during the Docket Center's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Direct your comments to the specific docket listed in **SUPPLEMENTARY INFORMATION**, section II. B, and reference the OMB Control Number for the ICR. It is the EPA policy that all comments received will be included in the public docket without change and may be made available online 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 *http://www.regulations.gov* or e-mail. The *http://www.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 *http://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.*

B. What information is EPA particularly interested in?

Pursuant to section 3506(c)(2)(A) of the Paperwork Reduction Act (PRA), EPA is soliciting comments and information to enable it to:

(1) Evaluate whether the proposed collections of information are 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 estimates of the burdens of the proposed collections of information.

(3) Enhance the quality, utility, and clarity of the information to be collected.

(4) Minimize the burden of the collections of information on those who are to respond, including through the use of appropriate automated or electronic collection technologies or other forms of information technology, e.g., permitting electronic submission of responses.

C. What should I consider when I prepare my comments for EPA?

You may find the following suggestions helpful for preparing comments:

(1) Explain your views as clearly as possible and provide specific examples.

(2) Describe any assumptions that you used.

(3) Provide copies of any technical information and/or data you used that support your views.

(4) If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.

(5) Offer alternative ways to improve the collection activity.

(6) Make sure to submit your comments by the deadline identified under **DATES**.

(7) To ensure proper receipt by EPA, be sure to identify the docket ID number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. ICRs To Be Renewed

A. For All ICRs

The Agency computed the burden for each of the recordkeeping and reporting requirements applicable to the industry for the currently approved ICRs listed in this notice. Where applicable, the Agency identified specific tasks and made assumptions, while being consistent with the concept of the PRA.

Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions to: develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements which have subsequently changed; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

The listed ICRs address Clean Air Act information collection requirements in standards (*i.e.,* regulations) which have mandatory recordkeeping and reporting requirements. Records collected under the New Source Performance Standards (NSPS) must be retained by the owner or operator for at least two years and the records collected under the National Emission Standards for Hazardous Air Pollutants (NESHAP) must be retained by the owner or operator for at least five years. In general, the required collections consist of emissions data and other information deemed not to be private.

In the absence of such information collection requirements, enforcement personnel would be unable to determine whether the standards are being met on a continuous basis as required by the Clean Air Act.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless the Agency displays a currently valid OMB control number. The OMB control numbers for EPA's regulations under *Title* 40 of the Code of Federal Regulations are published in the **Federal Register,** or on the related collection instrument or form. The display of OMB control numbers for certain EPA regulations is consolidated at 40 CFR part 9.

B. What information collection activity or ICR does this apply to?

In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit thirty-one proposed continuing Information Collection Requests (ICR) to the Office of Management and Budget (OMB):

(1) *Docket ID Number:* EPA–HQ–OECA–2010–0341.

Title: NESHAP for Automobile and Light-duty Truck Surface Coating (40 CFR Part 63, Subpart IIII).

ICR Numbers: EPA ICR Number 2045.04, OMB Control Number 2060–0550.

ICR Status: This ICR is scheduled to expire on October 31, 2010.

(2) *Docket ID Number:* EPA–HQ–OECA–2010–0340.

Title: NESHAP for Plywood and Composite Products (40 CFR Part 63, Subpart DDDD).

ICR Numbers: EPA ICR Number 1984.04, OMB Control Number 2060–0552.

ICR Status: This ICR is scheduled to expire on October 31, 2010.

(3) *Docket ID Number:* EPA–HQ–OECA–2010–0360.

Title: NSPS for Stationary Gas Turbines (40 CFR Part 60, Subpart GG).

ICR Numbers: EPA ICR Number 1071.10, OMB Control Number 2060–0028.

ICR Status: This ICR is scheduled to expire on October 31, 2010.

(4) *Docket ID Number:* EPA–HQ–OECA–2010–0375.

Title: NESHAP for Petroleum Refineries (40 CFR Part 63, Subpart UUU).

ICR Numbers: EPA ICR Number 1844.04, OMB Control Number 2060–0554.

ICR Status: This ICR is scheduled to expire on October 31, 2010.

(5) *Docket ID Number: EPA–HQ–OECA–2010–0370.*

Title: Air Emission Standards for Tanks, Surface Impoundments and Containers (40 CFR Part 264, Subpart CC and 40 CFR Part 265).

ICR Numbers: EPA ICR Number 1593.08, OMB Control Number 2060–0318.

ICR Status: This ICR is scheduled to expire on October 31, 2010.

(6) *Docket ID Number:* EPA–HQ–OECA–2010–0350.

Title: NESHAP for Area Sources: Acrylic and Modacrylic Fibers Production, Carbon Black Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Production and Fabrication, Lead Acid Battery Manufacturing, and Wood Preserving.

ICR Numbers: EPA ICR Number 2256.03, OMB Control Number 2060–0598.

ICR Status: This ICR is scheduled to expire on October 31, 2010.

(7) *Docket ID Number:* EPA–HQ–OECA–2010–0373.

Title: NESHAP for Aerospace Manufacturing and Rework Facilities (40 CFR Part 63, Subpart GG).

ICR Numbers: EPA ICR Number 1687.08, OMB Control Number 2060–0314.

ICR Status: This ICR is scheduled to expire on November 30, 2010.

(8) *Docket ID Number:* EPA–HQ–OECA–2010–0367.

Title: NSPS for New Residential Wood Heaters (40 CFR Part 60, Subpart AAA).

ICR Numbers: EPA ICR Number 1176.09, OMB Control Number 2060–0161.

ICR Status: This ICR is scheduled to expire on December 31, 2010.

(9) *Docket ID Number:* EPA–HQ–OECA–2010–0359.

Title: NSPS for Electric Utility Steam Generating Units (40 CFR Part 60, Subpart Da).

ICR Numbers: EPA ICR Number 1053.10, OMB Control Number 2060–0023.

ICR Status: This ICR is scheduled to expire on January 31, 2011.

(10) *Docket ID Number:* EPA–HQ–OECA–2010–0362.

Title: NSPS for Phosphate Rock Plants (40 CFR Part 60, Subpart NN).

ICR Numbers: EPA ICR Number 1078.09, OMB Control Number 2060–0111.

ICR Status: This ICR is scheduled to expire on January 31, 2011.

(11) *Docket ID Number:* EPA–HQ–OECA–2010–0369.

Title: NSPS for Small Industrial-Commercial-Institutional Steam Generating Units (40 CFR Part 60, Subpart Dc).

ICR Numbers: EPA ICR Number 1564.08, OMB Control Number 2060–0202.

ICR Status: This ICR is scheduled to expire on January 31, 2011.

(12) *Docket ID Number:* EPA–HQ–OECA–2010–0366.

Title: NSPS for Rubber Tire Manufacturing (40 CFR Part 60, Subpart BBB).

ICR Numbers: EPA ICR Number 1158.10, OMB Control Number 2060–0156.

ICR Status: This ICR is scheduled to expire on January 31, 2011.

(13) *Docket ID Number:* EPA–HQ–OECA–2010–0376.

Title: Recordkeeping and Reporting Requirements of the Consolidated Federal Air Rule for the SOCMI.

ICR Numbers: EPA ICR Number 1854.07, OMB Control Number 2060–0443.

ICR Status: This ICR is scheduled to expire on January 31, 2011.

(14) *Docket ID Number:* EPA–HQ–OECA–2010–0355.

Title: NESHAP for Beryllium (40 CFR Part 61, Subpart C).

ICR Numbers: EPA ICR Number 0193.10, OMB Control Number 2060–0092.

ICR Status: This ICR is scheduled to expire on January 31, 2011.

(15) *Docket ID Number:* EPA–HQ–OECA–2010–0365.

Title: NSPS for VOC Emissions From Petroleum Refinery Wastewater Systems (40 CFR Part 60, Subpart QQQ).

ICR Numbers: EPA ICR Number 1136.10, OMB Control Number 2060–0172.

ICR Status: This ICR is scheduled to expire on February 28, 2011.

(16) *Docket ID Number:* EPA–HQ–OECA–2010–0363.

Title: NSPS for Onshore Natural Gas Processing Plants (40 CFR Part 60, Subparts KKK & LLL).

ICR Numbers: EPA ICR Number 1086.09, OMB Control Number 2060–0120.

ICR Status: This ICR is scheduled to expire on February 28, 2011.

(17) *Docket ID Number:* EPA–HQ–OECA–2010–0361.

Title: NESHAP for Benzene Emissions From Benzene Storage Vessels & Coke By Product Recovery Plants (40 CFR Part 61, Subparts L & Y).

ICR Numbers: EPA ICR Number 1080.13, OMB Control Number 2060–0185.

ICR Status: This ICR is scheduled to expire on February 28, 2011.

(18) *Docket ID Number:* EPA–HQ–OECA–2010–0357.

Title: NSPS for Equipment Leaks of VOC in Petroleum Refineries (40 CFR Part 60, Subpart GGG and GGGa).

ICR Numbers: EPA ICR Number 0983.12, OMB Control Number 2060–0067.

ICR Status: This ICR is scheduled to expire on February 28, 2011.

(19) *Docket ID Number:* EPA–HQ–OECA–2010–0352.

Title: NESHAP for Clay Ceramics Manufacturing, Glass Manufacturing, and Secondary Nonferrous Metals Processing Area Sources (40 CFR Part 63, Subpart RRRRRR, SSSSSS and TTTTTT).

ICR Numbers: EPA ICR Number 2274.03, OMB Control Number 2060–0606.

ICR Status: This ICR is scheduled to expire on March 31, 2011.

(20) *Docket ID Number:* EPA–HQ–OECA–2010–0347.

Title: NSPS for Stationary Spark Ignition Internal Combustion Engines (40 CFR Part 60, Subpart JJJJ).

ICR Numbers: EPA ICR Number 2227.03, OMB Control Number 2060–0610.

ICR Status: This ICR is scheduled to expire on March 31, 2011.

(21) *Docket ID Number:* EPA–HQ–OECA–2010–0356.

Title: NSPS for Asphalt Processing and Roofing Manufacture, (40 CFR Part 60, Subpart UU).

ICR Numbers: EPA ICR Number 0661.10, OMB Control Number 2060–0002.

ICR Status: This ICR is scheduled to expire on April 30, 2011.

(22) *Docket ID Number:* EPA–HQ–OECA–2010–0374.

Title: NESHAP for Primary Aluminum Reduction Plants (40 CFR Part 63, Subpart LL).

ICR Numbers: EPA ICR Number 1767.06, OMB Control Number 2060–0360.

ICR Status: This ICR is scheduled to expire on April 30, 2011.

(23) *Docket ID Number:* EPA–HQ–OECA–2010–0351.

Title: NESHAP for Paint Stripping and Miscellaneous Surface Coating Operations Area Sources (40 CFR Part 63, Subpart HHHHHH).

ICR Numbers: EPA ICR Number 2268.03, OMB Control Number 2060–0607

ICR Status: This ICR is scheduled to expire on April 30, 2011.

(24) *Docket ID Number:* EPA–HQ–OECA–2010–0372.

Title: NESHAP for Epoxy Resin and Non-Nylon Polyamide Production (40 CFR Part 63, Subpart W).

ICR Numbers: EPA ICR Number 1681.07, OMB Control Number 2060–0290.

ICR Status: This ICR is scheduled to expire on May 31, 2011.

(25) *Docket ID Number:* EPA–HQ–OECA–2010–0364.

Title: NESHAP for Beryllium Rocket Motor Fuel Firing (40 CFR Part 61, Subpart D).

ICR Numbers: EPA ICR Number 1125.06, OMB Control Number 2060–0394.

ICR Status: This ICR is scheduled to expire on May 31, 2011.

(26) *Docket ID Number:* EPA–HQ–OECA–2010–0354.

Title: NESHAP for Vinyl Chloride (40 CFR Part 61, Subpart F).

ICR Numbers: EPA ICR Number 0186.12, OMB Control Number 2060–0071.

ICR Status: This ICR is scheduled to expire on May 31, 2011.

(27) *Docket ID Number:* EPA–HQ–OECA–2010–0358.

Title: NSPS for Portland Cement Plants (40 CFR Part 60, Subpart F).

ICR Numbers: EPA ICR Number 1051.11, OMB Control Number 2060–0025.

ICR Status: This ICR is scheduled to expire on July 31, 2011.

(28) *Docket ID Number:* EPA–HQ–OECA–2010–0368.

Title: NSPS for Polymeric Coating of Supporting Substrates Facilities (40 CFR Part 60, Subpart VVV).

ICR Numbers: EPA ICR Number 1284.09, OMB Control Number 2060–0181.

ICR Status: This ICR is scheduled to expire on July 31, 2011.

(29) *Docket ID Number:* EPA–HQ–OECA–2010–0371.

Title: NESHAP for Marine Tank Vessel Loading Operations (40 CFR Part 63, Subpart Y).

ICR Numbers: EPA ICR Number 1679.07, OMB Control Number 2060–0289.

ICR Status: This ICR is scheduled to expire on July 31, 2011.

(30) *Docket ID Number:* EPA–HQ–OECA–2010–0377.

Title: NESHAP for Solvent Extraction for Vegetable Oil Production (40 CFR Part 63, Subpart GGGG).

ICR Numbers: EPA ICR Number 1947.05, OMB Control Number 2060–0471.

ICR Status: This ICR is scheduled to expire on July 31, 2011.

(31) *Docket ID Number:* EPA–HQ–OECA–2010–0353.

Title: NESHAP for Electric Arc Furnace Steelmaking Facilities Area Sources (40 CFR Part 63, Subpart YYYYYY).

ICR Numbers: EPA ICR Number 2277.03, OMB Control Number 2060–0608.

ICR Status: This ICR is scheduled to expire on July 31, 2011.

C. Contact Individuals for ICRs

(1) NESHAP for Automobile and Light-duty Truck Surface Coating (40 CFR part 63, subpart IIII); Learia Williams of the Office of Compliance (202) 564–4113 or via e-mail to *williams.learia@epa.gov;* EPA ICR Number 2045.04, OMB Control Number 2060–0550; expiration date October 31, 2010.

(2) NESHAP for Plywood and Composite Products (40 CFR part 63, subpart DDDD); Learia Williams of the Office of Compliance (202) 564–4113 or via e-mail to *williams.learia@epa.gov;* EPA ICR Number 1984.04, OMB Control Number 2060–0552; expiration October 31, 2010.

(3) NSPS for Stationary Gas Turbines (40 CFR part 60, subpart GG); Learia Williams of the Office of Compliance (202) 564–4113 or via e-mail to *williams.learia@epa.gov;* EPA ICR Number 1071.10, OMB Control Number 2060–0028; expiration October 31, 2010.

(4) NESHAP for Petroleum Refineries (40 CFR part 63, subpart UUU); Robert Marshall, Jr. of the Office of Compliance (202) 564–7021 or via e-mail to *marshall.robert@epa.gov;* EPA ICR Number 1844.04, OMB Control Number 2060–0554; expiration date October 31, 2010.

(5) Air Emission Standards for Tanks, Surface Impoundments and Containers (40 CFR part 264, subpart CC and 40 CFR part 265); Learia Williams of the Office of Compliance (202) 564–4113 or via e-mail to *williams.learia@epa.gov;* EPA ICR Number 1593.08, OMB Control Number 2060–0318; expiration date October 31, 2010.

(6) NESHAP for Area Sources: Acrylic and Modacrylic Fibers Production, Carbon Black Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Production and Fabrication, Lead Acid Battery Manufacturing, and Wood Preserving; Learia Williams of the Office of Compliance (202) 564–4113 or via e-mail to *williams.learia@epa.gov;* EPA ICR Number 2256.03, OMB Control Number 2060–0598; expiration October 31, 2010.

(7) NESHAP for Aerospace Manufacturing and Rework Facilities (40 CFR part 63, subpart GG); Learia Williams of the Office of Compliance (202) 564–4113 or via e-mail to *williams.learia@epa.gov;* EPA ICR Number 1687.08, OMB Control Number 2060–0314; expiration date November 30, 2010.

(8) NSPS for New Residential Wood Heaters (40 CFR Part 60, Subpart AAA); Learia Williams of the Office of Compliance (202) 564–4113 or via e-mail to *williams.learia@epa.gov;* EPA ICR Number 1176.09, OMB Control Number 2060–0161; expiration December 31, 2010.

(9) NSPS for Electric Utility Steam Generating Units (40 CFR part 60, subpart Da); Robert Marshall, Jr. of the Office of Compliance (202) 564–7021 or via e-mail to *marshall.robert@epa.gov;* EPA ICR Number 1053.10, OMB Control Number 2060–0023; expiration January 31, 2011.

(10) NSPS for Phosphate Rock Plants (40 CFR Part 60, Subpart NN); Robert Marshall, Jr. of the Office of Compliance (202) 564–7021 or via e-mail to *marshall.robert@epa.gov;* EPA ICR Number 1078.09, OMB Control Number 2060–0111; expiration date January 31, 2011.

(11) NSPS for Small Industrial-Commercial-Institutional Steam Generating Units (40 CFR part 60, subpart Dc); Learia Williams of the Office of Compliance (202) 564–4113 or via e-mail to *williams.learia@epa.gov;* EPA ICR Number 1564.08, OMB Control Number 2060–0202; expiration January 31, 2011.

(12) NSPS for Rubber Tire Manufacturing (40 CFR part 60, Subpart BBB); Learia Williams of the Office of Compliance (202) 564–4113 or via e-mail to *williams.learia@epa.gov;* EPA ICR Number 1158.10, OMB Control Number 2060–0156; expiration date January 31, 2011.

(13) Recordkeeping and Reporting Requirements of the Consolidated Federal Air Rule for the SOCMI; Robert Marshall, Jr. of the Office of Compliance (202) 564–7021 or via e-mail to *marshall.robert@epa.gov;* EPA ICR Number 1854.07, OMB Control Number 2060–0443; expiration January 31, 2011.

(14) NESHAP for Beryllium (40 CFR part 61, subpart C); Learia Williams of the Office of Compliance (202) 564–4113 or via e-mail to *williams.learia@epa.gov;* EPA ICR Number 0193.10, OMB Control Number 2060–0092; expiration January 31, 2011.

(15) NSPS for VOC Emissions from Petroleum Refinery Wastewater Systems (40 CFR part 60, subpart QQQ); Robert Marshall, Jr. of the Office of Compliance (202) 564–7021 or via e-mail to *marshall.robert@epa.gov;* EPA ICR Number 1136.10, OMB Control Number 2060–0172; expiration February 28, 2011.

(16) NSPS for Onshore Natural Gas Processing Plants (40 CFR part 60, subparts KKK & LLL); Robert Marshall, Jr. of the Office of Compliance (202) 564–7021 or via e-mail to *marshall.robert@epa.gov;* EPA ICR Number 1086.09, OMB Control Number 2060–0120; expiration February 28, 2011.

(17) NESHAP for Benzene Emissions From Benzene Storage Vessels & Coke By Product Recovery Plants (40 CFR part 61, subparts L & Y); Learia Williams of the Office of Compliance (202) 564–4113 or via e-mail to *williams.learia@epa.gov;* EPA ICR Number 1080.13, OMB Control Number 2060–0185; expiration February 28, 2011.

(18) NSPS for Equipment Leaks of VOC in Petroleum Refineries (40 CFR part 60, subpart GGG and GGGa); Robert Marshall, Jr. of the Office of Compliance (202) 564–7021 or via e-mail to *marshall.robert@epa.gov;* EPA ICR Number 0983.12, OMB Control Number 2060–0067; expiration February 28, 2011.

(19) NESHAP for Clay Ceramics Manufacturing, Glass Manufacturing, and Secondary Nonferrous Metals Processing Area Sources (40 CFR part 63, subpart RRRRRR, SSSSSS and TTTTTT); Learia Williams of the Office of Compliance (202) 564–4113 or via e-mail to *williams.learia@epa.gov;* EPA ICR Number 2274.03, OMB Control Number 2060–0606; expiration March 31, 2011.

(20) NSPS for Stationary Spark Ignition Internal Combustion Engines (40 CFR part 60, subpart JJJJ); Learia Williams of the Office of Compliance (202) 564–4113 or via e-mail to *williams.learia@epa.gov;* EPA ICR Number 2227.03, OMB Control Number 2060–0610; expiration March 31, 2011.

(21) NSPS for Asphalt Processing and Roofing Manufacture, (40 CFR part 60, subpart UU); Robert Marshall, Jr. of the Office of Compliance (202) 564–7021 or via e-mail to *marshall.robert@epa.gov;* EPA ICR Number 0661.10, OMB Control Number 2060–0002; expiration April 30, 2011.

(22) NESHAP for Primary Aluminum Reduction Plants (40 CFR part 63, subpart LL); Robert Marshall, Jr. of the Office of Compliance (202) 564–7021 or via e-mail to *marshall.robert@epa.gov;* EPA ICR Number 1767.06, OMB Control Number 2060–0360; expiration April 30, 2011.

(23) NESHAP for Paint Stripping and Miscellaneous Surface Coating Operations Area Sources (40 CFR part 63, subpart HHHHHH); Robert Marshall, Jr. of the Office of Compliance (202) 564–7021 or via e-mail to *marshall.robert@epa.gov;* EPA ICR Number 2268.03, OMB Control Number 2060–0607; expiration April 30, 2011.

(24) NESHAP for Epoxy Resin and Non-Nylon Polyamide Production (40 CFR part 63, subpart W); Learia Williams of the Office of Compliance (202) 564–4113 or via e-mail to *williams.learia@epa.gov;* EPA ICR Number 1681.07, OMB Control Number 2060–0290; expiration May 31, 2011.

(25) NESHAP for Beryllium Rocket Motor Fuel Firing (40 CFR part 61, subpart D); Robert Marshall, Jr. of the Office of Compliance (202) 564–7021 or via e-mail to *marshall.robert@epa.gov;* EPA ICR Number 1125.06, OMB Control Number 2060–0394; expiration May 31, 2011.

(26) NESHAP for Vinyl Chloride (40 CFR part 61, subpart F); Learia Williams of the Office of Compliance (202) 564–4113 or via e-mail to *williams.learia@epa.gov;* EPA ICR Number 0186.12, OMB Control Number 2060–0071; expiration May 31, 2011.

(27) NSPS for Portland Cement Plants (40 CFR part 60, subpart F); Robert Marshall, Jr. of the Office of Compliance (202) 564–7021 or via e-mail to *marshall.robert@epa.gov;* EPA ICR Number 1051.11, OMB Control Number 2060–0025; expiration July 31, 2011.

(28) NSPS for Polymeric Coating of Supporting Substrates Facilities (40 CFR part 60, subpart VVV); Learia Williams of the Office of Compliance (202) 564–4113 or via e-mail to *williams.learia@epa.gov;* EPA ICR Number 1284.09, OMB Control Number 2060–0181; expiration July 31, 2011.

(29) NESHAP for Marine Tank Vessel Loading Operations (40 CFR part 63, subpart Y); Robert Marshall, Jr. of the Office of Compliance (202) 564–7021 or via e-mail to *marshall.robert@epa.gov;* EPA ICR Number 1679.07, OMB Control Number 2060–0289; expiration July 31, 2011.

(30) NESHAP for Solvent Extraction for Vegetable Oil Production (40 CFR part 63, subpart GGGG); Learia Williams of the Office of Compliance (202) 564–4113 or via e-mail to *williams.learia@epa.gov;* EPA ICR Number 1947.05, OMB Control Number 2060–0471; expiration July 31, 2011.

(31) NESHAP for Electric Arc Furnace Steelmaking Facilities Area Sources (40 CFR part 63, subpart YYYYYY); Learia Williams of the Office of Compliance (202) 564–4113 or via e-mail to *williams.learia@epa.gov;* EPA ICR Number 2277.03, OMB Control Number 2060–0608; expiration July 31, 2011.

D. Information for Individual ICRs

(1) NESHAP for Automobile and Light-duty Truck Surface Coating (40 CFR part 63, subpart IIII), *Docket ID Number:* EPA–HQ–OECA–2010–0341, EPA ICR Number 2045.04, OMB Control Number 2060–0550, expiration October 31, 2010.

Affected Entities: Entities potentially affected by this action are the owners or operators of automobile and light-duty truck surface coating facilities.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 63, subpart IIII.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 91 hours per response.

Respondents/Affected Entities: Owners or operators of automobile and light-duty truck surface coating facilities.

Estimated Number of Respondents: 65.

Frequency of Response: Initially, semiannually and on-occasion.

Estimated Total Annual Hour Burden: 25,190.

Estimated Total Annual Cost: $2,321,787, which includes $2,243,787 in labor costs, no capital/startup costs and $78,000 in operating and maintenance costs.

(2) NESHAP for Plywood and Composite Products (40 CFR Part 63, Subpart DDDD), *Docket ID Number:* EPA–HQ–OECA–2010–0340, EPA ICR Number 1984.04, OMB Control Number 2060–0552, expiration October 31, 2010.

Affected Entities: Entities potentially affected by this action are the owners or operators of plywood and composite products facilities.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 63, subpart DDDD.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 22 hours per response.

Respondents/Affected Entities: Owners or operators of plywood and composite products facilities.

Estimated Number of Respondents: 228.

Frequency of Response: Initially and semiannually.

Estimated Total Annual Hour Burden: 12,732.

Estimated Total Annual Cost: $1,651,907, which includes $1,207,585 in labor costs, $428,640 in capital/startup costs and $15,682 in operating and maintenance costs.

(3) NSPS for Stationary Gas Turbines (40 CFR part 60, subpart GG), *Docket ID*

Number: EPA–HQ–OECA–2010–0360, EPA ICR Number 1071.10, OMB Control Number 2060–0028, expiration October 31, 2010.

Affected Entities: Entities potentially affected by this action are the owners or operators of stationary gas turbines.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 60, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 60, subpart GG.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 56 hours per response.

Respondents/Affected Entities: Owners or operators of stationary gas turbines.

Estimated Number of Respondents: 535.

Frequency of Response: Initially, semiannually and on-occasion.

Estimated Total Annual Hour Burden: 59,519.

Estimated Total Annual Cost: $3,837,190, which includes $3,837,190 in labor costs, no capital/startup costs and no operating and maintenance costs.

(4) NESHAP for Petroleum Refineries (40 CFR part 63, subpart UUU), *Docket ID Number:* EPA–HQ–OECA–2010–0375, EPA ICR Number 1844.04, OMB Control Number 2060–0554, expiration October 31, 2010.

Affected Entities: Entities potentially affected by this action are the owners or operators of catalytic cracking, reforming or sulfur units at petroleum refineries.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 63, subpart UUU.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 42 hours per response.

Respondents/Affected Entities: Owners or operators of catalytic cracking, reforming or sulfur units at petroleum refineries.

Estimated Number of Respondents: 132.

Frequency of Response: Initially and semiannually.

Estimated Total Annual Hour Burden: 11,040.

Estimated Total Annual Cost: $7,833,941, which includes $983,339 in labor costs, no capital/startup costs and $6,850,602 in operating and maintenance costs.

(5) Air Emission Standards for Tanks, Surface Impoundments and Containers (40 CFR part 264, subpart CC and 40 CFR part 265), *Docket ID Number:* EPA–HQ–OECA–2010–0370, EPA ICR Number 1593.08, OMB Control Number 2060–0318, expiration October 31, 2010.

Affected Entities: Entities potentially affected by this action are the owners or operators of tanks, surface impoundments and containers.

Abstract: The affected entities are subject to provisions specified at 40 CFR parts 264 and 265.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 114 hours per response.

Respondents/Affected Entities: Owners or operators of tanks, surface impoundments and containers.

Estimated Number of Respondents: 6,209.

Frequency of Response: Initially and semiannually.

Estimated Total Annual Hour Burden: 711,409.

Estimated Total Annual Cost: $57,632,335, which includes $45,214,335 in labor costs, no capital/startup costs and $12,418,000 in operating and maintenance costs.

(6) NESHAP for Area Sources: Acrylic and Modacrylic Fibers Production, Carbon Black Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Production and Fabrication, Lead Acid Battery Manufacturing, and Wood Preserving, Docket ID Number: EPA–HQ–OECA–2010–0350, EPA ICR Number 2256.03, OMB Control Number 2060–0598, expiration October 31, 2010.

Affected Entities: Entities potentially affected by this action are the owners or operators of facilities involved with acrylic and modacrylic fibers production, carbon black production, chemical manufacturing: chromium compounds, flexible polyurethane foam production and fabrication, lead acid battery manufacturing, and wood preserving.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 63, subparts LLLLLL, MMMMMM, NNNNNN, OOOOOO, PPPPPP and QQQQQQ.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 12 hours per response.

Respondents/Affected Entities: Owners or operators of facilities involved with acrylic and modacrylic fibers production, carbon black production, chemical manufacturing: chromium compounds, flexible polyurethane foam production and fabrication, lead acid battery manufacturing, and wood preserving.

Estimated Number of Respondents: 957.

Frequency of Response: Initially, semiannually and on-occasion.

Estimated Total Annual Hour Burden: 4,215.

Estimated Total Annual Cost: $358,127, which includes $357,327 in labor costs, no capital/startup costs and

$800 in operating and maintenance costs.

(7) NESHAP for Aerospace Manufacturing and Rework Facilities (40 CFR part 63, subpart GG), Docket ID Number: EPA–HQ–OECA–2010–0373, EPA ICR Number 1687.08, OMB Control Number 2060–0314, expiration November 30, 2010.

Affected Entities: Entities potentially affected by this action are the owners or operators of aerospace manufacturing and rework facilities.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 63, subpart GG.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 259 hours per response.

Respondents/Affected Entities: Owners or operators of aerospace manufacturing and rework facilities sulfur units at petroleum refineries.

Estimated Number of Respondents: 136.

Frequency of Response: Initially, semiannually and on-occasion.

Estimated Total Annual Hour Burden: 141,018.

Estimated Total Annual Cost: $12,611,605, which includes $12,575,605 in labor costs, no capital/startup costs and $136,000 in operating and maintenance costs.

(8) NSPS for New Residential Wood Heaters (40 CFR part 60, subpart AAA), Docket ID Number: EPA–HQ–OECA–2010–0367, EPA ICR Number 1176.09, OMB Control Number 2060–0161, expiration December 31, 2010.

Affected Entities: Entities potentially affected by this action are the manufacturers, testing laboratories, and retailers of new residential wood heaters.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 60, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 60, subpart AAA.

Affected entities must, among other requirements, submit initial performance tests reports, obtain certifications, perform quality assurance activities, and record sales data.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 51 hours per response.

Respondents/Affected Entities: Manufacturers, testing laboratories, and retailers of new residential wood heaters.

Estimated Number of Respondents: 934.

Frequency of Response: Initially and on-occasion.

Estimated Total Annual Hour Burden: 141,018.

Estimated Total Annual Cost: $1,963,367, which includes $615,367 in labor costs, $1,345,500 in capital/startup costs and $2,500 in operating and maintenance costs.

(9) NSPS for Electric Utility Steam Generating Units (40 CFR part 60, subpart Da), Docket ID Number: EPA–HQ–OECA–2010–0359, EPA ICR Number 1053.10, OMB Control Number 2060–0023, expiration January 31, 2011.

Affected Entities: Entities potentially affected by this action are the owners or operators of electric utility steam generating units.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 60, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 60, subpart Da.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 96 hours per response.

Respondents/Affected Entities: Owners or operators of electric utility steam generating units.

Estimated Number of Respondents: 677.

Frequency of Response: Initially, quarterly and semiannually.

Estimated Total Annual Hour Burden: 160,839.

Estimated Total Annual Cost: $26,675,248, which includes $14,320,248 in labor costs, $2,200,000 in capital/startup costs and $10,155,000 in operating and maintenance costs.

(10) NSPS for Phosphate Rock Plants (40 CFR part 60, subpart NN), Docket ID Number: EPA–HQ–OECA–2010–0362, EPA ICR Number 1078.09, OMB Control Number 2060–0111, expiration January 31, 2011.

Affected Entities: Entities potentially affected by this action are the owners or operators of phosphate rock plants.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 60, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 60, subpart NN.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 55 hours per response.

Respondents/Affected Entities: Owners or operators of phosphate rock plants.

Estimated Number of Respondents: 13.

Frequency of Response: Initially and semiannually.

Estimated Total Annual Hour Burden: 1,602.

Estimated Total Annual Cost: $226,427, which includes $102,245 in labor costs, $12,210 in capital/startup costs and $111,972 in operating and maintenance costs.

(11) NSPS for Small Industrial-Commercial-Institutional Steam Generating Units (40 CFR part 60, subpart Dc), *Docket ID Number:* EPA–HQ–OECA–2010–0369, EPA ICR Number 1564.08, OMB Control Number 2060–0202, expiration January 31, 2011.

Affected Entities: Entities potentially affected by this action are the owners or operators of small industrial-commercial-institutional steam generating units.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 60, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 60, subpart Dc.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 293 hours per response.

Respondents/Affected Entities: Owners or operators of small industrial-commercial-institutional steam generating units.

Estimated Number of Respondents: 235.

Frequency of Response: Initially, semiannually and on-occasion.

Estimated Total Annual Hour Burden: 159,972.

Estimated Total Annual Cost: $19,653,054, which includes $10,206,909 in labor costs, $1,491,005 in capital/startup costs and $7,955,160 in operating and maintenance costs.

(12) NSPS for Rubber Tire Manufacturing (40 CFR part 60, subpart BBB), *Docket ID Number:* EPA–HQ–OECA–2010–0366, EPA ICR Number 1158.10, OMB Control Number 2060–0156, expiration January 31, 2011.

Affected Entities: Entities potentially affected by this action are the owners or operators of rubber tire manufacturing plants.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 60, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 60, subpart BBB.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 167 hours per response.

Respondents/Affected Entities: Owners or operators of rubber tire manufacturing plants.

Estimated Number of Respondents: 41.

Frequency of Response: Initially, semiannually and annually.

Estimated Total Annual Hour Burden: 13,323.

Estimated Total Annual Cost: $866,493, which includes $850,093 in labor costs, no capital/startup costs and $16,400 in operating and maintenance costs.

(13) Recordkeeping and Reporting Requirements of the Consolidated Federal Air Rule for the SOCMI, *Docket ID Number:* EPA–HQ–OECA–2010–0376, EPA ICR Number 1854.07, OMB Control Number 2060–0443, expiration January 31, 2011.

Affected Entities: Entities potentially affected by this action are the owners or operators of synthetic organic chemical manufacturing facilities.

Abstract: The synthetic organic chemical manufacturing industry (SOCMI) is regulated by the New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) standards. The affected entities are subject to the General Provisions of the NSPS at 40 CFR part 60, subpart A, and any changes or additions to the General Provisions specified at 40 CFR part 60, subparts Ka, Kb, VV, DDD, III, NNN and RRR. The affected entities are also subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 63, subparts BB, Y, V, F, G, H and I. As an alternative, SOCMI sources may choose to comply with the above standards under the consolidated air rule (CAR) at 40 CFR Part 65 as promulgated December 14, 2000.

Synthetic organic chemical manufacturing facilities subject to NSPS requirements must notify EPA of construction, modification, startups, shutdowns, date and results of initial performance test and excess emissions. Semiannual reports are also required.

Synthetic organic chemical manufacturing facilities subject to NESHAP requirements must submit one-time-only reports of any physical or operational changes and the results of initial performance tests. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Periodic reports are also required, at a minimum, semiannually.

Under the CAR requirements periodic, but less burdensome reporting is required.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 602 hours per response.

Respondents/Affected Entities: Owners or operators of synthetic organic chemical manufacturing facilities.

Estimated Number of Respondents: 3,305.

Frequency of Response: Initially, on-occasion, semiannually and annually.

Estimated Total Annual Hour Burden: 1,988,903.

Estimated Total Annual Cost: $241,054,751, which includes $145,725,751 in labor costs, $3,373,000 capital/startup costs and $91,956,000 in operating and maintenance costs.

(14) NESHAP for Beryllium (40 CFR part 61, subpart C), *Docket ID Number:* EPA–HQ–OECA–2010–0355, EPA ICR Number 0193.10, OMB Control Number 2060–0092, expiration January 31, 2011.

Affected Entities: Entities potentially affected by this action are the owners or operators of beryllium producing facilities.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 61, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 61, subpart C.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 16 hours per response.

Respondents/Affected Entities: Owners or operators of beryllium producing facilities.

Estimated Number of Respondents: 33.

Frequency of Response: Monthly and on-occasion.

Estimated Total Annual Hour Burden: 2,627.

Estimated Total Annual Cost: $201,160, which includes $166,160 in labor costs, no capital/startup costs and $35,000 in operating and maintenance costs.

(15) NSPS for VOC Emissions from Petroleum Refinery Wastewater Systems

(40 CFR part 60, subpart QQQ), *Docket ID Number:* EPA–HQ–OECA–2010–0365, EPA ICR Number 1136.10, OMB Control Number 2060–0172, expiration February 28, 2011.

Affected Entities: Entities potentially affected by this action are the owners or operators of petroleum refinery wastewater systems.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 60, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 60, subpart QQQ.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 34 hours per response.

Respondents/Affected Entities: Owners or operators of petroleum refinery wastewater systems.

Estimated Number of Respondents: 135.

Frequency of Response: Initially, on-occasion, quarterly and semiannually.

Estimated Total Annual Hour Burden: 9,237.

Estimated Total Annual Cost: $840,360, which includes $822,810 in labor costs, no capital/startup costs and $17,550 in operating and maintenance costs.

(16) NSPS for Onshore Natural Gas Processing Plants (40 CFR part 60, subparts KKK & LLL), *Docket ID Number:* EPA–HQ–OECA–2010–0363, EPA ICR Number 1086.09, OMB Control Number 2060–0120, expiration February 28, 2011.

Affected Entities: Entities potentially affected by this action are the owners or operators of onshore natural gas processing plants.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 60, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 60, subparts KKK & LLL.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 91 hours per response.

Respondents/Affected Entities: Owners or operators of onshore natural gas processing plants.

Estimated Number of Respondents: 563.

Frequency of Response: Initially, semiannually and on-occasion.

Estimated Total Annual Hour Burden: 149,180.

Estimated Total Annual Cost: $9,857,058, which includes $9,518,358 in labor costs, $219,000 in capital/startup costs and $119,700 in operating and maintenance costs.

(17) NESHAP for Benzene Emissions From Benzene Storage Vessels & Coke By Product Recovery Plants (40 CFR part 61, subparts L & Y), *Docket ID Number:* EPA–HQ–OECA–2010–0361, EPA ICR Number 1080.13, OMB Control Number 2060–0185, expiration February 28, 2011.

Affected Entities: Entities potentially affected by this action are the owners or operators of benzene storage vessels and coke by product recovery plants.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 61, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 61, subparts L and Y.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 92 hours per response.

Respondents/Affected Entities: Owners or operators of benzene storage vessels and coke by product recovery plants.

Estimated Number of Respondents: 17.

Frequency of Response: Semiannually and on-occasion.

Estimated Total Annual Hour Burden: 3,137.

Estimated Total Annual Cost: $199,375, which includes $199,375 in labor costs, no capital/startup costs and no operating and maintenance costs.

(18) NSPS for Equipment Leaks of VOC in Petroleum Refineries (40 CFR Part 60, Subpart GGG and GGGa), *Docket ID Number:* EPA–HQ–OECA–2010–0357, EPA ICR Number 0983.12, OMB Control Number 2060–0067, expiration February 28, 2011.

Affected Entities: Entities potentially affected by this action are the owners or operators of petroleum refineries.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 60, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 60, subparts GGG and GGGa.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 195 hours per response.

Respondents/Affected Entities: Owners or operators of petroleum refineries.

Estimated Number of Respondents: 55.

Frequency of Response: Initially, semiannually and on-occasion.

Estimated Total Annual Hour Burden: 10,771.

Estimated Total Annual Cost: $839,323, which includes $839,323 in labor costs, no capital/startup costs and no operating and maintenance costs.

(19) NESHAP for Clay Ceramics Manufacturing, Glass Manufacturing, and Secondary Nonferrous Metals Processing Area Sources (40 CFR part 63, subpart RRRRRR, SSSSSS and TTTTTT), *Docket ID Number:* EPA–HQ–OECA–2010–0352, EPA ICR Number 2274.03, OMB Control Number 2060–0606, expiration March 31, 2011.

Affected Entities: Entities potentially affected by this action are the owners or operators of clay ceramics manufacturing, glass manufacturing,

and secondary nonferrous metals processing area sources.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 63, subparts RRRRRR, SSSSSS and TTTTTT.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 7 hours per response.

Respondents/Affected Entities: Owners or operators of owners or operators of clay ceramics manufacturing, glass manufacturing, and secondary nonferrous metals processing area sources.

Estimated Number of Respondents: 54.

Frequency of Response: Initially, semiannually and on-occasion.

Estimated Total Annual Hour Burden: 395.

Estimated Total Annual Cost: $46,949, which includes $33,985 in labor costs, $3,110 capital/startup costs and $9,854 in operating and maintenance costs.

(20) NSPS for Stationary Spark Ignition Internal Combustion Engines (40 CFR part 60, subpart JJJJ), *Docket ID Number:* EPA–HQ–OECA–2010–0347, EPA ICR Number 2227.03, OMB Control Number 2060–0610, expiration March 31, 2011.

Affected Entities: Entities potentially affected by this action are the owners or operators of stationary spark ignition internal combustion engines.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 60, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 60, subpart JJJ.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average one hour per response.

Respondents/Affected Entities: Owners or operators of stationary spark ignition internal combustion engines.

Estimated Number of Respondents: 16,546.

Frequency of Response: Initially, semiannually and on-occasion.

Estimated Total Annual Hour Burden: 31,693.

Estimated Total Annual Cost: $17,730,929, which includes $9,905,877 in labor costs, no capital/startup costs and $7,825,052 in operating and maintenance costs.

(21) NSPS for Asphalt Processing and Roofing Manufacture, (40 CFR part 60, subpart UU), *Docket ID Number:* EPA–HQ–OECA–2010–0356, EPA ICR Number 0661.10, OMB Control Number 2060–0002, expiration April 30, 2011.

Affected Entities: Entities potentially affected by this action are the owners or operators of asphalt processing and roofing manufacture facilities.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 60, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 60, subpart UU.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 113 hours per response.

Respondents/Affected Entities: Owners or operators of asphalt processing and roofing manufacture facilities.

Estimated Number of Respondents: 144.

Frequency of Response: Initially and semiannually.

Estimated Total Annual Hour Burden: 33,912.

Estimated Total Annual Cost: $8,714,925, which includes $3,474,925 in labor costs, $200,000 in capital/startup costs and $5,040,000 in operating and maintenance costs.

(22) NESHAP for Primary Aluminum Reduction Plants (40 CFR Part 63, Subpart LL), *Docket ID Number:* EPA–HQ–OECA–2010–0374, EPA ICR Number 1767.06, OMB Control Number 2060–0360, expiration April 30, 2011.

Affected Entities: Entities potentially affected by this action are the owners or operators of primary aluminum reduction plants.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 63, subpart LL.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 2,001 hours per response.

Respondents/Affected Entities: Owners or operators of primary aluminum reduction plants.

Estimated Number of Respondents: 16.

Frequency of Response: Initially, semiannually and annually.

Estimated Total Annual Hour Burden: 80,046.

Estimated Total Annual Cost: $7,221,357, which includes $7,130,009 in labor costs, no capital/startup costs and $91,348 in operating and maintenance costs.

(23) NESHAP for Paint Stripping and Miscellaneous Surface Coating Operations Area Sources (40 CFR part 63, subpart HHHHHH), *Docket ID Number:* EPA–HQ–OECA–2010–0351, EPA ICR Number 2268.03, OMB Control Number 2060–0607, expiration April 30, 2011.

Affected Entities: Entities potentially affected by this action are the owners or operators of paint stripping and miscellaneous surface coating operations area sources.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the

General Provisions specified at 40 CFR part 63, subpart HHHHHH.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 6 hours per response.

Respondents/Affected Entities: Owners or operators of paint stripping and miscellaneous surface coating operations area sources.

Estimated Number of Respondents: 39,812.

Frequency of Response: Initially, semiannually and on-occasion.

Estimated Total Annual Hour Burden: 41,298.

Estimated Total Annual Cost: $10,179,392, which includes $10,154,723 in labor costs, no capital/startup costs and $24,669 in operating and maintenance costs.

(24) NESHAP for Epoxy Resin and Non-Nylon Polyamide Production (40 CFR part 63, subpart W), *Docket ID Number:* EPA–HQ–OECA–2010–0372, EPA ICR Number 1681.07, OMB Control Number 2060–0290, expiration May 31, 2011.

Affected Entities: Entities potentially affected by this action are the owners or operators of epoxy resin and non-nylon polyamide production facilities.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 63, subpart W.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 214 hours per response.

Respondents/Affected Entities: Owners or operators of epoxy resin and non-nylon polyamide production facilities.

Estimated Number of Respondents: 7.

Frequency of Response: Initially, quarterly and semiannually.

Estimated Total Annual Hour Burden: 3,853.

Estimated Total Annual Cost: $252,711, which includes $243,711 in labor costs, no capital/startup costs and $9,000 in operating and maintenance costs.

(25) NESHAP for Beryllium Rocket Motor Fuel Firing (40 CFR part 61, subpart D), *Docket ID Number:* EPA–HQ–OECA–2010–0364, EPA ICR Number 1125.06, OMB Control Number 2060–0394, expiration May 31, 2011.

Affected Entities: Entities potentially affected by this action are the owners or operators of beryllium rocket motor fuel firing facilities.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 61, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 61, subpart D.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 8 hours per response.

Respondents/Affected Entities: Owners or operators of beryllium rocket motor fuel firing facilities.

Estimated Number of Respondents: 1.

Frequency of Response: Initially and annually.

Estimated Total Annual Hour Burden: 8.

Estimated Total Annual Cost: $538, which includes $538 in labor costs, no capital/startup costs and no operating and maintenance costs.

(26) NESHAP for Vinyl Chloride (40 CFR part 61, subpart F), *Docket ID Number:* EPA–HQ–OECA–2010–0354, EPA ICR Number 0186.12, OMB Control Number 2060–0071, expiration May 31, 2011.

Affected Entities: Entities potentially affected by this action are the owners or operators of vinyl chloride production facilities.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 61, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 61, subpart F.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required quarterly.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 60 hours per response.

Respondents/Affected Entities: Owners or operators of vinyl chloride production facilities.

Estimated Number of Respondents: 28.

Frequency of Response: Initially, quarterly and on-occasion.

Estimated Total Annual Hour Burden: 11,825.

Estimated Total Annual Cost: $2,014,515, which includes $754,515 in labor costs, no capital/startup costs and $1,260,000 in operating and maintenance costs.

(27) NSPS for Portland Cement Plants (40 CFR part 60, subpart F), *Docket ID Number:* EPA–HQ–OECA–2010–0358, EPA ICR Number 1051.11, OMB Control Number 2060–0025, expiration July 31, 2011.

Affected Entities: Entities potentially affected by this action are the owners or operators of portland cement plants.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 60, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 60, subpart F.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 56 hours per response.

Respondents/Affected Entities: Owners or operators of rubber tire manufacturing plants.

Estimated Number of Respondents: 118.

Frequency of Response: Initially and semiannually.

Estimated Total Annual Hour Burden: 13,806.

Estimated Total Annual Cost: $1,413,511, which includes $880,151 in labor costs, $37,000 in capital/startup costs and $495,000 in operating and maintenance costs.

(28) NSPS for Polymeric Coating of Supporting Substrates Facilities (40 CFR part 60, subpart VVV), *Docket ID Number:* EPA–HQ–OECA–2010–0368, EPA ICR Number 1284.09, OMB Control Number 2060–0181, expiration July 31, 2011.

Affected Entities: Entities potentially affected by this action are the owners or operators of polymeric coating of supporting substrates facilities.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 60, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 60, subpart VVV.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 83 hours per response.

Respondents/Affected Entities: Owners or operators of polymeric coating of supporting substrates facilities.

Estimated Number of Respondents: 53.

Frequency of Response: Initially, quarterly and semiannually.

Estimated Total Annual Hour Burden: 12,623.

Estimated Total Annual Cost: $1,410,367, which includes $805,367 in labor costs, $48,500 capital/startup costs and $556,500 in operating and maintenance costs.

(29) NESHAP for Marine Tank Vessel Loading Operations (40 CFR part 63, subpart Y), *Docket ID Number:* EPA–HQ–OECA–2010–0371, EPA ICR Number 1679.07, OMB Control Number 2060–0289, expiration July 31, 2011.

Affected Entities: Entities potentially affected by this action are the owners or operators of marine tank vessel loading operations.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 63, subpart Y.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 12 hours per response.

Respondents/Affected Entities: Owners or operators of marine tank vessel loading operations.

Estimated Number of Respondents: 804.

Frequency of Response: Initially, semiannually and annually.

Estimated Total Annual Hour Burden: 9,872.

Estimated Total Annual Cost: $629,850, which includes $629,850 in labor costs, no capital/startup costs and no operating and maintenance costs.

(30) NESHAP for Solvent Extraction for Vegetable Oil Production (40 CFR part 63, subpart GGGG), *Docket ID Number:* EPA–HQ–OECA–2010–0377, EPA ICR Number 1947.05, OMB Control Number 2060–0471, expiration July 31, 2011.

Affected Entities: Entities potentially affected by this action are the owners or operators of vegetable oil production facilities.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 63, subpart GGGG.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 185 hours per response.

Respondents/Affected Entities: Owners or operators of rubber tire manufacturing plants.

Estimated Number of Respondents: 101.

Frequency of Response: Initially, on-occasion and annually.

Estimated Total Annual Hour Burden: 39,385.

Estimated Total Annual Cost: $2,512,947, which includes $2,512,947 in labor costs, no capital/startup costs and no operating and maintenance costs.

(31) NESHAP for Electric Arc Furnace Steelmaking Facilities Area Sources (40 CFR part 63, subpart YYYYYY), *Docket ID Number:* EPA–HQ–OECA–2010–0353, EPA ICR Number 2277.03, OMB Control Number 2060–0608, expiration July 31, 2011.

Affected Entities: Entities potentially affected by this action are the owners or operators of electric arc furnace steelmaking facilities.

Abstract: The affected entities are subject to the General Provisions of the NESHAP at 40 CFR part 63, subpart A, and any changes, or additions to the General Provisions specified at 40 CFR part 63, subpart YYYYYY.

Owners or operators of the affected facilities must submit a one-time-only report of any physical or operational changes, initial performance tests, and periodic reports and results. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Reports, at a minimum, are required semiannually.

Burden Statement: The annual public reporting and recordkeeping burden for this collection of information is estimated to average 10 hours per response.

Respondents/Affected Entities: Owners or operators of electric arc furnace steelmaking facilities.

Estimated Number of Respondents: 91.

Frequency of Response: Initially, semiannually and on-occasion.

Estimated Total Annual Hour Burden: 2,293.

Estimated Total Annual Cost: $121,573, which includes $121,573 in labor costs, no capital/startup costs and no operating and maintenance costs.

EPA will consider any comments received and may amend any of the above ICRs, as appropriate. Then the final ICR packages will be submitted to OMB for review and approval pursuant to 5 CFR 1320.12. At that time, EPA will issue one or more **Federal Register** notices pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR(s) to OMB and the opportunity to submit additional comments to OMB. If you have any questions about any of the above ICRs or the approval process, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Dated: May 20, 2010.

Lisa C. Lund,

Director, Office of Compliance.

[FR Doc. 2010–13173 Filed 6–1–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2008–0723; FRL–8828–4]

Methidathion; Cancellation Order for Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's order for the cancellations, voluntarily requested by the registrants and accepted by the Agency, of products containing methidathion, pursuant to section 6(f)(1) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. This cancellation order follows a April 7, 2010, **Federal Register** notice of receipt of requests from the registrants listed in Unit II., Table 2, of this notice, to voluntarily cancel these product registrations. These are the last products containing this pesticide registered for use in the United States. In the April 7, 2010 notice, EPA indicated that it would issue an order implementing the cancellations, unless the Agency received substantive comments within the 30 day comment period that would merit its further review of these requests, or unless the registrants withdrew their requests. The Agency did not receive any comments on the notice. Further, the registrants did not withdraw their requests. Accordingly, EPA hereby issues in this notice, a cancellation order granting the requested cancellations. Any distribution, sale, or use of the products subject to this cancellation order is permitted only in accordance with the terms of this order, including any existing stock provisions.

DATES: The cancellations are effective December 30, 2012.

FOR FURTHER INFORMATION CONTACT: Jose Gayoso, Pesticide Re-evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 347–8652; fax number: (703) 308–8005; e-mail address: *gayoso.jose@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, agricultural advocates, the chemical industry, pesticide users, and members of the public interested in the sale, distribution, or use of pesticides. Since others may also 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. How Can I Get Copies of this Document and Other Related Information?

EPA has established a docket for this action under docket identification (ID) number EPA–HQ–OPP–2008–0723. 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 Bldg.), 2777 S. Crystal Dr., Arlington, VA. The hours of operation for this Docket Facility are from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The Docket Facility telephone number is (703) 305–5805.

II. What Action is the Agency Taking?

This notice announces the cancellations, as requested by registrants, of products registered under section 3 of FIFRA. These registrations are listed in sequence by registration number in Table 1 of this unit.

TABLE 1.—METHIDATHION PRODUCT CANCELLATIONS

Registration Number	Product Name	Chemical Name
100-530	Methidathion Technical	Methidathion
10163-236	Supracide 2E Insecticide	Methidathion
10163-244	Supracide 25-W	Methidathion
10163-245	Methidathion Technical	Methidathion
10163-AZ-00-0005	Supracide 2E Insecticide	Methidathion
10163-CA-01-0002	Supracide 2E Insecticide	Methidathion
10163-CA-01-0009	Supracide 25-W	Methidathion
10163-CA-01-0011	Supracide 25-W	Methidathion
10163-CA-02-0002	Supracide 2E Insecticide	Methidathion
10163-CA-04-0023	Supracide 2E Insecticide	Methidathion
10163-CO-01-0003	Supracide 2E Insecticide	Methidathion
10163-FL-99-0013	Supracide 25-W	Methidathion
10163-ID-00-0005	Supracide 2E Insecticide	Methidathion
10163-ID-04-0007	Supracide 2E Insecticide	Methidathion
10163-KS-05-0006	Supracide 2E Insecticide	Methidathion
10163-MT-00-0008	Supracide 2E Insecticide	Methidathion
10163-NV-00-0001	Supracide 2E Insecticide	Methidathion
10163-NV-01-0001	Supracide 2E Insecticide	Methidathion
10163-OK-05-0003	Supracide 2E Insecticide	Methidathion

TABLE 1.—METHIDATHION PRODUCT CANCELLATIONS—Continued

Registration Number	Product Name	Chemical Name
10163-OR-00-0010	Supracide 2E Insecticide	Methidathion
10163-OR-02-0018	Supracide 2E Insecticide	Methidathion
10163-TX-05-0003	Supracide 2E Insecticide	Methidathion
10163-UT-00-0006	Supracide 2E Insecticide	Methidathion
10163-WA-00-0006	Supracide 2E Insecticide	Methidathion
10163-WY-05-0001	Supracide 2E Insecticide	Methidathion

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of this unit in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in Table 1 of this unit.

TABLE 2.—REGISTRANTS OF CANCELLED PRODUCTS

EPA Company Number	Company Name and Address
000100	Syngenta Crop Protection, Inc., P. O. Box 18300, Greensboro, NC 27419–8300
010163	Gowan Company, P. O. Box 5569, Yuma, AZ 85366–5569

III. Summary of Public Comments Received and Agency Response to Comments

During the public comment period provided, EPA received no comments in response to the April 7, 2010 **Federal Register** notice (75 FR 17735; FRL–8819–1) announcing the Agency's receipt of the requests for voluntary cancellations of products listed in Unit II., Table 1.

IV. Cancellation Order

Pursuant to FIFRA section 6(f), EPA hereby approves the requested cancellations of methidathion registrations identified in Unit II., Table 1. Accordingly, the Agency hereby orders that the product registrations identified in Unit II., Table 1 are canceled. The effective date of the cancellations that are the subject of this notice is December 30, 2012. Any distribution, sale, or use of existing stocks of the products identified in Unit II., Table 1, in a manner inconsistent with any of the provisions for disposition of existing stocks set forth in Unit VI. of this notice will be a violation of FIFRA.

V. What is the Agency's Authority for Taking this Action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may, at any time, request that any of its pesticide registrations be canceled or amended to terminate one or more uses. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of the request in the **Federal Register**. Thereafter, following the public comment period, the EPA Administrator may approve such a request. The notice of receipt for this action was published for comment on April 7, 2010. The comment period closed on May 7, 2010.

VI. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products which are currently in the United States and were packaged, labeled, and released for shipment prior to the effective date of the action. The existing stock provisions for the products subject to this order are as follows:

After December 31, 2012, registrants are prohibited from selling or distributing existing stocks of products containing methidathion labeled for all uses.

After December 31, 2014, persons other than registrants are prohibited from selling or distributing existing stocks of products containing methidathion labeled for all uses.

After December 31, 2014, existing stocks of products containing methidathion labeled for all uses, already in the hands of users can be used legally until they are exhausted, provided that the use complies with the EPA approved label and labeling of the affected product.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: May 21, 2010.

Richard P. Keigwin, Jr.,

Director, Pesticide Re-evaluation Division, Office of Pesticide Programs.

[FR Doc. 2010–12925 Filed 6–1–10; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9157–3; Docket ID No. EPA–HQ–ORD–2010–0396]

Draft Toxicological Review of Formaldehyde in Support of Summary Information on the Integrated Risk Information System (IRIS)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public comment period and listening session.

SUMMARY: EPA is announcing a 90-day public comment period and a public listening session for the external review draft human health assessment titled, "Toxicological Review of Formaldehyde Inhalation Assessment: In Support of Summary Information on the Integrated Risk Information System (IRIS)" (EPA/635/R–10/002C). The draft assessment was prepared by the National Center for Environmental Assessment (NCEA) within the EPA Office of Research and Development (ORD). EPA is releasing this draft assessment solely for the purpose of pre-dissemination peer review under applicable information quality guidelines. This draft assessment has not been formally disseminated by EPA. It does not represent and should not be construed to represent any Agency policy or determination. A committee of the National Research Council, acting under the auspices of National Academy of Sciences (NAS), will conduct an independent scientific peer review of the EPA draft human health assessment of formaldehyde. The peer review committee will hold meetings, some of which may involve public sessions. Public sessions will be announced before each meeting on the National Academies Web site (*http://www8.nationalacademies.org/cp/projectview.aspx?key=49207*). The public comment period and NAS scientific peer review are separate processes that provide opportunities for all interested parties to comment on the assessment. Due to the timing of the NAS peer review meetings, one or more NAS meetings may take place before the close of EPA's public comment period (*see* **DATES** below). For NAS meetings that occur during the public comment period, EPA will provide all public

comments to the NAS at least 5 working days before the meeting date announced on the National Academies website. All comments provided to the EPA during the public comment period will inform the Agency's revision of the draft assessment.

An EPA listening session will be held on July 27, during the public comment period for this draft assessment. The purpose of the listening session is to allow all interested parties to present scientific and technical comments on draft IRIS health assessments to EPA and other interested parties attending the listening session. EPA welcomes the comments that will be provided to the Agency by the listening session participants. The comments will be considered by the Agency as it revises the draft assessment after the NAS external peer review. If listening session participants wish EPA to share their comments with the peer review committee before their meeting, they should also submit written comments at least 5 working days before the meeting date announced on the National Academies website, using the detailed and established procedures described in the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES: The public comment period begins June 2, 2010, and ends August 31, 2010. Comments should be in writing and must be received by EPA by August 31, 2010.

The listening session on the draft assessment for formaldehyde will be held on July 27, beginning at 9 a.m. and ending at 4 p.m., Eastern Daylight Time. Interested parties who wish to attend the listening session should register no later than July 20. If you wish to present at the listening session, indicate in your registration that you would like to present oral comments and provide the length of your presentation. To register send an e-mail to *IRISListeningSession@epa.gov* (subject line: Formaldehyde Listening Session); call Christine Ross at 703–347–8592; or fax a registration request to 703–347–8689. Please reference the "Formaldehyde Listening Session" and include your name, title, affiliation, full address and contact information. Indicate if you will need audio-visual equipment (*e.g.,* laptop computer and slide projector). In general, each presentation should be no more than 30 minutes. If, however, there are more requests for presentations than the allotted time allows, then the time limit for each presentation will be adjusted. A copy of the agenda for the listening session will be available at the meeting. If no speakers have registered by July 20, the listening session will be cancelled, and EPA will notify those registered of the cancellation.

ADDRESSES: The draft "Toxicological Review of Formaldehyde Inhalation Assessment: In Support of Summary Information on the Integrated Risk Information System (IRIS)" is available primarily via the Internet on the NCEA home page under the Recent Additions and Publications menus at *http://www.epa.gov/ncea.* A limited number of paper copies are available from the Information Management Team (Address: Information Management Team, National Center for Environmental Assessment (Mail Code: 8601P), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone: 703–347–8561; facsimile: 703–347–8691). If you request a paper copy, please provide your name, mailing address, and the draft assessment title.

Comments may be submitted electronically via *http://www.regulations.gov,* by e-mail, by mail, by facsimile, or by hand delivery/courier. Please follow the detailed instructions provided in the **SUPPLEMENTARY INFORMATION** section of this notice.

The listening session on the draft assessment for formaldehyde will be held at the EPA offices at Potomac Yard North Building, N–4830, 2733 South Crystal Drive, Arlington, Virginia 22202. Please note that to gain entrance to this EPA building to attend the Formaldehyde Listening Session, you must have photo identification and must register at the guard's desk in the lobby. The guard will retain your photo identification and will provide you with a visitor's badge. At the guard's desk, you should provide the name Christine Ross and the telephone number 703–347–8592 to the guard on duty. The guard will contact Ms. Ross who will meet you in the reception area to escort you to the meeting room. When you leave the building, please return your visitor's badge to the guard and you will receive your photo identification.

A teleconference line will also be available for registered attendees/speakers. The teleconference number is 866–299–3188, and the access code is 926–378–7897, followed by the pound sign (#). The teleconference line will be activated at 8:45 a.m., and you will be asked to identify yourself and your affiliation at the beginning of the call.

Information on Services for Individuals with Disabilities: EPA welcomes public attendance at the Formaldehyde Listening Session and will make every effort to accommodate persons with disabilities. For information on access or services for individuals with disabilities, please contact Christine Ross by phone at 703–347–8592 or by e-mail at IRISListeningSession@epa.gov. To request accommodation for a disability, please contact Ms. Ross, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Additional Information: For information on the docket, www.regulations.gov, or the public comment period, please contact the Office of Environmental Information (OEI) Docket (Mail Code: 2822T), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone: 202–566–1752; facsimile: 202–566–1753; or e-mail: *ORD.Docket@epa.gov.*

For information on the Formaldehyde Listening Session, please contact Christine Ross, IRIS Staff, National Center for Environmental Assessment (Mail Code: 8601P), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone: 703–347–8592; facsimile: 703–347–8689; or e-mail: *IRISListeningSession@epa.gov.*

For information on the draft assessment, please contact John Whalan, National Center for Environmental Assessment (Mail Code: 8601P), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; telephone: 703-347–8639; facsimile: 703–347–8689; or e-mail: *FRN_Questions@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Information About IRIS

EPA's IRIS is a human health assessment program that evaluates quantitative and qualitative risk information on effects that may result from exposure to chemical substances found in the environment. Through the IRIS Program, EPA provides the highest quality science-based human health assessments to support the Agency's regulatory activities. The IRIS database contains information for more than 540 chemical substances that can be used to support the first two steps (hazard identification and dose-response evaluation) of the risk assessment process. When supported by available data, IRIS provides oral reference doses (RfDs) and inhalation reference concentrations (RfCs) for chronic noncancer health effects and cancer assessments. Combined with specific exposure information, government and private entities use IRIS to help characterize public health risks of chemical substances in a site-specific

situation and thereby support risk management decisions designed to protect public health.

II. How to Submit Comments to the Docket at http://www.regulations.gov

Submit your comments, identified by Docket ID No. EPA–HQ–ORD–2010–0396, by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *E-mail: ORD.Docket@epa.gov.*
- *Facsimile:* 202–566–1753.
- *Mail:* Office of Environmental Information (OEI) Docket (Mail Code: 2822T), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. The telephone number is 202–566–1752. If you provide comments by mail, please submit one unbound original with pages numbered consecutively, and three copies of the comments. For attachments, provide an index, number pages consecutively with the comments, and submit an unbound original and three copies.
- *Hand Delivery:* The OEI Docket is located in the EPA Headquarters Docket Center, EPA West Building, Room 3334, 1301 Constitution Ave., NW., Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is 202–566–1744. Deliveries are only accepted during the Public Reading Room's normal hours of operation, and special arrangements should be made for deliveries of boxed information. If you provide comments by hand delivery, please submit one unbound original with pages numbered consecutively, and three copies of the comments. For attachments, provide an index, number pages consecutively with the comments, and submit an unbound original and three copies.

Instructions: Direct your comments to Docket ID No. EPA–HQ–ORD–2010–0396. Please ensure that your comments are submitted within the specified comment period. Comments received after the closing date will be marked "late," and may only be considered if time permits. It is EPA's policy to include all comments it receives in the public docket without change and to make the comments available online at *http://www.regulations.gov,* including any personal information provided, unless comments include 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 *http://www.regulations.gov* or e-mail. The *http://www.regulations.gov* website is an "anonymous access" system, which means that EPA will not know your identity or contact information unless you provide it in the body of your comments. If you send e-mail comments directly to EPA without going through *http://www.regulations.gov,* your e-mail address will be automatically captured and included as part of the comments that are placed in the public docket and made available on the Internet. If you submit electronic comments, EPA recommends that you include your name and other contact information in the body of your comments and with any disk or CD–ROM you submit. If EPA cannot read your comments due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comments. Electronic files should avoid the use of special characters and 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 docket are listed in the *http://www.regulations.gov* 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, will be publicly available only in hard copy. Publicly available docket materials are available either electronically at *http://www.regulations.gov* or in hard copy at the OEI Docket in the EPA Headquarters Docket Center.

Dated: May 25, 2010.

Rebecca Clark,

Acting Director, National Center for Environmental Assessment.

[FR Doc. 2010–13097 Filed 6–1–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9157–8]

Science Advisory Board Staff Office; Notification of Two Public Teleconferences of the SAB Trichloroethylene (TCE) Review Panel

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The EPA Science Advisory Board (SAB) Staff Office announces two public teleconferences of the SAB Trichloroethylene (TCE) Review Panel to conduct a follow-up discussion of its review of EPA's *Toxicological Review of Trichloroethylene in Support of Summary Information on the Integrated Risk Information System (IRIS),* External Review Draft.

DATES: There will be a public teleconference on June 24, 2010 from 12:30 to 4:30 p.m. (Eastern Daylight Time) and another public teleconference on August 5, 2010 from 9 to 11:30 a.m. (Eastern Daylight Time).

ADDRESSES: The teleconferences will be conducted by phone only.

FOR FURTHER INFORMATION CONTACT: Any member of the public wishing to obtain information concerning the public teleconferences may contact Dr. Holly Stallworth, Designated Federal Officer (DFO), EPA Science Advisory Board Staff Office (1400F), U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue, NW., Washington, DC 20460; by telephone/voice mail at (202) 343–9867 or via e-mail at *stallworth.holly@epa.gov.* General information about the SAB, as well as any updates concerning the meeting announced in this notice, may be found on the SAB Web site at *http://www.epa.gov/sab.*

SUPPLEMENTARY INFORMATION: Pursuant to the Federal Advisory Committee Act (FACA), 5 U.S.C., App. 2, notice is hereby given that the SAB Trichloroethylene (TCE) Review Panel will hold two public teleconferences to discuss its peer review report to EPA. The SAB was established pursuant to 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 FACA. The SAB will comply with the provisions of FACA and all appropriate SAB Staff Office procedural policies.

The TCE Review Panel met on May 10–12, 2010, to review EPA's *Toxicological Review of Trichloroethylene in Support of Summary Information on the Integrated Risk Information System (IRIS),* External Review Draft [**Federal Register Notice** dated March 31, 2010 (75 FR 16108–16109)]. Materials from the May meeting are posted on the SAB Web site at *http://yosemite.epa.gov/sab/sabproduct.nsf/MeetingCalBOARD/BEEA3E70E29DE3A8852576E3006B8F54?OpenDocument.* The purpose of the June 24, 2010 teleconference is to further discuss the Panel's review of EPA's draft document. The purpose of the August 5, 2010

teleconference is to discuss the Panel's draft report.

Availability of Meeting Materials: Agendas and materials in support of these meetings will be placed on the SAB Web site at *http://www.epa.gov/sab* in advance of each meeting. For technical questions and information concerning EPA's draft document, please contact Dr. Weihsueh Chiu at (703) 347–8607, or *chiu.weihsueh@epa.gov.*

Procedures for Providing Public Input: Public comment for consideration by EPA's Federal advisory committees and panels has a different purpose from public comment provided to EPA program offices. Therefore, the process for submitting comments to a Federal advisory committee is different from the process used to submit comments to an EPA program office. Federal advisory committees and panels, including scientific advisory committees, provide independent advice to EPA. Members of the public can submit comments for a Federal advisory committee to consider as it develops advice for EPA. They should send their comments directly to the Designated Federal Officer for the relevant advisory committee. *Oral Statements:* In general, individuals or groups requesting an oral presentation at a public teleconference will be limited to three minutes per speaker, with no more than a total of 30 minutes for all speakers. Each person making an oral statement should consider providing written comments as well as their oral statement so that the points presented orally can be expanded upon in writing. Interested parties should contact Dr. Holly Stallworth, DFO, in writing (preferably via e-mail) at the contact information noted above, by June 21, 2010 for the June 24, 2010 teleconference and by August 2, 2010 for the August 5, 2010 teleconference, to be placed on the list of public speakers. *Written Statements:* Written statements should be supplied to the DFO via e-mail at the contact information noted above. Materials received fewer than two days before each teleconference may not be delivered to panel members in time for them to consider the materials during the teleconference. Written statements should be supplied in one of the following electronic formats: Adobe Acrobat PDF, MS Word, MS PowerPoint, or Rich Text files in IBM–PC/Windows 98/2000/XP format. Submitters are requested to provide versions of signed documents, submitted with and without signatures, because the SAB Staff Office does not publish documents with signatures on its Web sites.

Accessibility: For information on access or services for individuals with disabilities, please contact Dr. Holly Stallworth at (202) 343–9867 or *stallworth.holly@epa.gov.* To request accommodation of a disability, please contact Dr. Stallworth preferably at least ten days prior to each teleconference to give EPA as much time as possible to process your request.

Dated: May 25, 2010.

Anthony F. Maciorowski,

Deputy Director, EPA Science Advisory Board Staff Office.

[FR Doc. 2010–13202 Filed 6–1–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9157–6]

Notice of a Project Waiver of Section 1605 (Buy American Requirement) of the American Recovery and Reinvestment Act of 2009 (ARRA) to the Canaan Valley Public Service District, West Virginia

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Regional Administrator of EPA Region 3 is hereby granting a project waiver of the Buy American requirements of ARRA Section 1605 under the authority of Section 1605(b)(2) [manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality] to the Canaan Valley Public Service District (CVPSD) for the purchase of a membrane bioreactor system (MBR), supplied by Enviroquip Inc., that contains a primary component not manufactured in America, at two of its Wastewater Treatment Plants (WWTPs). CVPSD indicates that the MBR treatment process is necessary to achieve the wastewater treatment levels required by the National Pollutant Discharge Elimination System (NPDES) permits issued for these WWTPs. The membrane filtration equipment under consideration is manufactured by a company located in Japan and no United States manufacturer produces an alternative that meets the CVPSD's technical specifications. This is a project specific waiver and only applies to the use of the specified product for the ARRA funded project being proposed. Any other ARRA project that may wish to use the same product must apply for a separate waiver based on the specific project circumstances. The Regional Administrator is making this determination based on the review and recommendations of the EPA Region III, Water Protection Division, Office of Infrastructure and Assistance. The CVPSD has provided sufficient documentation to support its request. The Assistant Administrator of the EPA's Office of Administration and Resources Management has concurred on this decision to make an exception to Section 1605 of ARRA. This action permits the purchase of membrane filtration cassettes for the proposed project being implemented by the CVPSD.

DATES: *Effective Date:* May 17, 2010.

FOR FURTHER INFORMATION CONTACT: Robert Chominski, Deputy Associate Director, (215) 814–2162, or David McAdams, Environmental Engineer, (215) 814–5764, Office of Infrastructure & Assistance (OIA), Water Protection Division, U.S. EPA Region III, 1650 Arch Street, Philadelphia, PA 19103–2029.

SUPPLEMENTARY INFORMATION: In accordance with ARRA Sections 1605(c) and 1605(b)(2), EPA hereby provides notice that it is granting a project waiver of the requirements of Section 1605(a) of Public Law 111–5, Buy American requirements to the Canaan Valley Public Service District (CVPSD) for the acquisition of an "Enviroquip MBR system." CVPSD has been unable to find an MBR system that contains American-made MBR cassettes to meet its specific wastewater requirements.

Section 1605 of the ARRA requires that none of the appropriated funds may be used for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel, and manufactured goods used in the project are produced in the United States unless a waiver is provided to the recipient by EPA. A waiver may be provided if EPA determines that (1) applying these requirements would be inconsistent with public interest; (2) iron, steel, and the relevant manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality; or (3) inclusion of iron, steel, and the relevant manufactured goods produced in the United States will increase the cost of the overall project by more than 25 percent.

CVPSD's waiver request is to allow the purchase of the Enviroquip MBR system with four membrane filtration cassettes, manufactured by Kubota Inc. of Japan, for use in improvements to two existing WWTPs in West Virginia. This project will upgrade two of its existing

WWTPs by adding a new MBR treatment process. The membrane filtration cassette is an integral component of the MBR treatment process because it separates the treated wastewater from the mixed liquor which comes from the biological reactors, before the treated wastewater is disinfected and discharged. After an engineering analysis of alternate treatment processes, the CVPSD determined MBR to be the most environmentally sound and cost effective solution. The MBR is an advanced waste water treatment process which is designed to meet the high quality effluent requirements of the waste load allocation under the NPDES permit. In addition, in anticipation of procuring the MBR system, the CVPSD has already incorporated specific technical design requirements for installation of membrane filter cassettes with the MBR treatment process at their WWTPs, including specific tankage footprint, geometry and configuration. To require CVPSD to redesign its project would cause an unacceptable delay to the initiation of construction.

The CVPSD has provided information to the EPA demonstrating that there are no membrane filtration cassettes manufactured in the United States in sufficient and reasonable quantity and of a satisfactory quality to meet the required technical specification. Four companies were considered for the membrane filtration cassettes, none based in the United States. The CVPSD has performed market research but was unsuccessful in its effort to locate any domestic manufacturers of membrane filtration cassettes for WWTPs.

The April 28, 2009 EPA HQ Memorandum, Implementation of Buy American provisions of Public Law 111–5, the "American Recovery and Reinvestment Act of 2009", defines reasonably available quantity as "the quantity of iron, steel, or relevant manufactured good is available or will be available at the time needed and place needed, and in the proper form or specification as specified in the project plans and design." The CVPSD has incorporated specific technical design requirements for installation of membrane filtration cassettes at its WWTPs.

The purpose of the ARRA is to stimulate economic recovery in part by funding current infrastructure construction, not to delay projects that are "shovel ready" by requiring utilities, such as the CVPSD, to revise their standards and specifications, institute a new bidding process, and potentially choose a more costly, less efficient project. The imposition of ARRA Buy American requirements on such projects otherwise eligible for State Revolving Fund assistance would result in unreasonable delay and thus displace the "shovel ready" status for this project. To further delay construction is in direct conflict with a fundamental economic purpose of the ARRA, which is to create or retain jobs.

Based on additional research conducted by EPA's Office of Infrastructure and Assistance (OIA) in Region 3, and to the best of the Region's knowledge at the time of review, there do not appear to be other membrane filtration cassettes manufactured domestically that would meet the CVPSD's technical specification. EPA's national contractor prepared a technical assessment report dated January 9, 2010 based on the waiver request submitted. This report included a detailed review intended to enable EPA to determine if any company could be considered to substantially transform these cassettes in the United States. However, sufficient information was not available or made available to establish either performance characteristics for any potential alternative product, or the substantial transformation of any such product in the United States. Accordingly, the report determined that the waiver request submittal was complete, that adequate technical information was provided, and that there were no significant weaknesses in the justification provided. The report confirmed the waiver applicant's claim that there are no American-made membrane filtration cassettes for use in MBRs in WWTPs.

The OIA has reviewed this waiver request and to the best of our knowledge at the time of review has determined that the supporting documentation provided by the CVPSD is sufficient to meet the criteria listed under Section 1605(b) and in the April 28, 2009, "Implementation of Buy American provisions of Public Law 111–5, the 'American Recovery and Reinvestment Act of 2009' Memorandum:" Iron, steel, and the manufactured goods are not produced in the United States in sufficient and reasonably available quantities and of a satisfactory quality. The basis for this project waiver is the authorization provided in Section 1605(b)(2). Due to the lack of production of this product in the United States in sufficient and reasonably available quantities and of a satisfactory quality in order to meet the CVPSD's technical specifications, a waiver from the Buy American requirement is justified.

The March 31, 2009 Delegation of Authority Memorandum provided Regional Administrators with the authority to issue exceptions to Section 1605 of ARRA within the geographic boundaries of their respective regions and with respect to requests by individual grant recipients. Having established both a proper basis to specify the particular good required for this project, and that this manufactured good was not available from a producer in the United States, the Canaan Valley Public Service District is hereby granted a waiver from the Buy American requirements of Section 1605(a) of Public Law 111–5 for the purchase of four membrane filtration cassettes using ARRA funds as specified in the CVPSD's request of December 16, 2009. This supplementary information constitutes the detailed written justification required by Section 1605(c) for waivers "based on a finding under subsection (b)."

Authority: Public Law 111–5, section 1605.

Dated: May 17, 2010.

W. C. Early,

Acting Regional Administrator, Region III.

[FR Doc. 2010–13225 Filed 6–1–10; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2010–0325; FRL–8824–2]

Antimicrobial Pesticide Products; Registration Applications

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of an application to register new antimicrobial pesticide products containing new active ingredients, pursuant to the provisions of section 3(c) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended. EPA is publishing this Notice of such applications, pursuant to section 3(c)(4) of FIFRA.

DATES: Comments must be received on or before July 2, 2010.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ– OPP–2010–0325, 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 Facility'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 Facility telephone number is (703) 305–5805.

Instructions: Direct your comments to docket ID number EPA–HQ–OPP–2010–0325. 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 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 available at *http://www.regulations.gov*. 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 Facility telephone number is (703) 305–5805.

FOR FURTHER INFORMATION CONTACT: Demson Fuller, Antimicrobials Division (7510P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460–0001; telephone number: (703) 308–8062; e-mail address: *fuller.demson@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:

• 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. Registration Applications

EPA has received an application to register a pesticide product containing active ingredients not included in any previously registered pesticide products. Pursuant to the provisions of section 3(c)(4) of FIFRA, EPA is hereby providing notice of receipt and opportunity to comment on this application. Notice of receipt of this application does not imply a decision by the Agency on this application.

Registration Number/File Symbol: 85249–R. *Docket Number*: EPA–HQ–OPP–2010–0325. *Company name and address*: NanoSilva, LLC, 2811 NE 14th Street, Ocala, FL 34470. *Active ingredient*: Nanosilver. *Proposed Use(s)*: Antimicrobial and preservative additive used to treat fibers, plastics, polymers, latex products and ceramics. *Contact*: Demson Fuller, (703) 308–8062; *fuller.demson@epa.gov.*

List of Subjects

Environmental protection, Antimicrobial pesticides and pest.

Dated: May 21, 2010.

Joan Harrigan-Farrelly,

Director, Antimicrobials Division, Office of Pesticide Programs.

[FR Doc. 2010–13183 Filed 6–1–10; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[Docket# EPA–RO4–SFUND–2010–0447, FRL–9157–5]

Cooksey Brothers Landfill Fire Superfund Site; Ashland, Boyd County, KY; Notice of Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of settlement.

SUMMARY: Under Section 122(h)(1) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the United States Environmental Protection Agency has entered into a settlement for reimbursement of past response costs concerning the Cooksey Brothers Landfill Fire Superfund Site located in Ashland, Boyd County, Kentucky for publication.

DATES: The Agency will consider public comments on the settlement until July 2, 2010. The Agency will consider all comments received and may modify or withdraw its consent to the settlement if comments received disclose facts or considerations which indicate that the settlement is inappropriate, improper, or inadequate.

ADDRESSES: Copies of the settlement are available from Ms. Paula V. Painter. Submit your comments, identified by Docket ID No. EPA–RO4–SFUND–2010–0447 or Site name Cooksey Brothers Landfill Superfund Site by one of the following methods:

- *http://www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *http://www.epa.gov/region4/waste/sf/enforce.htm.*
- E-mail. *Painter.Paula@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Paula V. Painter at 404/562–8887.

Dated: May 14, 2010.

Anita L. Davis,

Chief, Superfund Enforcement & Information Management Branch, Superfund Division.

[FR Doc. 2010–13224 Filed 6–1–10; 8:45 am]

BILLING CODE 6560–50–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 June 16, 2010.

A. Federal Reserve Bank of San Francisco (Kenneth Binning, Vice President, Applications and Enforcement) 101 Market Street, San Francisco, California 94105–1579:

1. Warburg Pincus Private Equity X, L.P.; Warburg Pincus X Partners, L.P.; Warburg Pincus X, L.P.; Warburg Pincus X, LLC; Warburg Pincus Partners, LLC; and Warburg Pincus & Co., all of New York, New York; to acquire voting shares of Sterling Financial Corporation, and thereby indirectly acquire voting shares of Sterling Savings Bank, both of Spokane, Washington, and Golf Savings Bank, Mountlake Terrace, Washington.

Board of Governors of the Federal Reserve System, May 27, 2010.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2010–13134 Filed 6–1–10; 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 applications 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 June 25, 2010.

A. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. Steele Holdings, Inc., Tyler, Texas, to become a bank holding company by acquiring 100 percent of the voting shares of American State Bank, Arp, Texas.

Board of Governors of the Federal Reserve System, May 28, 2010.

Robert deV. Frierson,

Deputy Secretary of the Board.

[FR Doc. 2010–13284 Filed 6–1–10; 8:45 am]

BILLING CODE 6210–01–S

OFFICE OF GOVERNMENT ETHICS

Agency Information Collection Activities; Submission for OMB Review; Proposed Collection; Comment Request for an Unmodified SF 278 Executive Branch Personnel Public Financial Disclosure Report

AGENCY: Office of Government Ethics (OGE).

ACTION: Notice of request for agency and public comments.

SUMMARY: After publication of this second round notice, OGE intends to submit an unmodified Standard Form 278 Executive Branch Personnel Public Financial Disclosure Report to the Office of Management and Budget (OMB) for review and approval of a three-year extension under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

DATES: Written comments by the public and the agencies on this proposed extension are invited and must be received by July 2, 2010.

ADDRESSES: Comments may be submitted, identified by the title of the information collection activity, to the Office of Information and Regulatory Affairs, Attn: Ms. Sharon Mar, OMB Desk Officer for the Office of Government Ethics, by either of the following methods within 30 days from

the date of publication in this **Federal Register:**

FAX: 202–395–6974, Attn: Ms. Sharon Mar, OMB Desk Officer for the Office of Government Ethics;

E-mail: smar@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Ledvina at the Office of Government Ethics; telephone: 202–482–9247; TTY: 800–877–8339; FAX: 202–482–9237; E-mail: *paul.ledvina@oge.gov.* An electronic copy of the SF 278 is available in the Forms Library section of OGE's Web site at *http://www.usoge.gov.* A paper copy may also be obtained, without charge, by contacting Mr. Ledvina.

SUPPLEMENTARY INFORMATION:

Title: Executive Branch Personnel Public Financial Disclosure Report.

Form Number: SF 278.

OMB Control Number: 3209–0001.

Type of Information Collection: Extension without change of a currently approved collection.

Type of Review Request: Regular.

Respondents: Private citizen Presidential nominees to executive branch positions subject to Senate confirmation; other private citizens who are potential (incoming) Federal employees whose positions are designated for public financial disclosure filing; those who file termination financial disclosure reports for such positions after their Government service ends; and Presidential and Vice-Presidential candidates.

Estimated Annual Number of Respondents: 1,300.

Estimated Time per Response: 3 hours.

Estimated Total Annual Burden: 3,900 hours.

Abstract: The SF 278 collects information from certain officers and high-level employees in the executive branch for conflicts of interest review and public disclosure. The form is also completed by individuals who are nominated by the President for high-level executive branch positions requiring Senate confirmation and new entrants to other public reporting positions in the executive branch. The financial information collected relates to: assets and income; transactions; gifts, reimbursements and travel expenses; liabilities; agreements or arrangements; outside positions; and compensation over $5,000 paid by a source—all subject to various reporting thresholds and exclusions. The information is collected in accordance with section 102 of the Ethics Act, 5 U.S.C. app. section 102, and OGE's implementing financial disclosure regulations at 5 CFR part 2634.

Request for Comments: OGE published a first round notice of its intent to request paperwork clearance for the proposed unmodified SF 278 Executive Branch Personnel Public Financial Disclosure Report on March 19, 2010 (see 75 FR 13287). OGE received no responses to that notice. Agency and public comment is again invited specifically on the need for and practical utility of this information collection, the accuracy of OGE's burden estimate, the enhancement of quality, utility and clarity of the information collected, and the minimization of burden (including the use of information technology). Comments received in response to this notice will be summarized for, and may be included with, the OGE request for extension of OMB paperwork approval. The comments will also become a matter of public record.

Approved: May 26, 2010.

Robert I. Cusick,

Director, Office of Government Ethics.

[FR Doc. 2010–13187 Filed 6–1–10; 8:45 am]

BILLING CODE 6345–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Biodefense Science Board; Call for Nominees

AGENCY: Department of Health and Human Services, Office of the Secretary.

ACTION: Notice.

SUMMARY: The Office of the Secretary is accepting resumes or curricula vitae from qualified individuals who wish to be considered for membership on the National Biodefense Science Board. Six members have membership expiration dates of December 31, 2010. Nominees are being accepted in the following categories: industry; academia, health care consumers, and from State and local governments and public health agencies, emergency responders and organizations representing other appropriate stakeholders. Submit a resume or curriculum vitae to *nbsb@hhs.gov* by June 30, 2010.

FOR FURTHER INFORMATION, CONTACT: CAPT Leigh A. Sawyer, D.V.M., M.P.H., Executive Director, National Biodefense Science Board, Office of the Assistant Secretary for Preparedness and Response, U.S. Department of Health and Human Services, 330 C Street, SW., Switzer Building Room 5127, Washington, DC 20447; 202–205–3815; fax: 202–205–8508; e-mail address: *leigh.sawyer@hhs.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to section 319M of the Public Health Service Act (42 U.S.C. 247d-7f) and section 222 of the Public Health Service Act (42 U.S.C. 217a), the Department of Health and Human Services established the National Biodefense Science Board. The Board shall provide expert advice and guidance to the Secretary on scientific, technical, and other matters of special interest to the Department of Health and Human Services regarding current and future chemical, biological, nuclear, and radiological agents, whether naturally occurring, accidental, or deliberate. The Board may also provide advice and guidance to the Secretary on other matters related to public health emergency preparedness and response.

Discription of Duties: The Board shall advise the Secretary on current and future trends, challenges, and opportunities presented by advances in biological and life sciences, biotechnology, and genetic engineering with respect to threats posed by naturally occurring infectious diseases and chemical, biological, radiological, and nuclear agents. At the request of the Secretary, the Board shall review and consider any information and findings received from the working groups established under 42 U.S.C. 247d–7f(b). At the request of the Secretary, the Board shall provide recommendations and findings for expanded, intensified, and coordinated biodefense research and development activities. Additional advisory duties concerning public health emergency preparedness and response may be assigned at the discretion of the Secretary.

Structure: The Board shall consist of 13 voting members, including the Chairperson; additionally, there may be non-voting ex officio members. Members and the Chairperson shall be appointed by the Secretary from among the Nation's preeminent scientific, public health and medical experts, as follows: (a) Such Federal officials as the Secretary determines are necessary to support the functions of the Board, (b) four individuals from the pharmaceutical, biotechnology and device industries, (c) four academicians, and (d) five other members as determined appropriate by the Secretary, one of whom must be a practicing health care professional and one of whom must be from an organization representing health care consumers. Additional members for category (d), above, will be selected from among State and local governments and public health agencies, emergency medical responders and organizations representing other

appropriate stakeholders. A member of the Board described in (b), (c), and (d) in the above paragraph shall serve for a term of 3 years, except that the Secretary may adjust the terms of the initial Board appointees in order to provide for a staggered term of appointment of all members. Members who are not fulltime or permanent part-time Federal employees shall be appointed by the Secretary as Special Government Employees.

Dated: May 21, 2010.

Nicole Lurie,

Assistant Secretary for Preparedness and Response, U.S. Department of Health and Human Services.

[FR Doc. 2010–13177 Filed 6–1–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a summary of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. Chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Project: Cross-Site Evaluation of the Garrett Lee Smith Memorial Suicide Prevention and Early Intervention Programs (OMB No. 0930–0286)—Revision

The Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Mental Health Services (CMHS) will continue to conduct the cross-site evaluation of the Garrett Lee Smith Memorial Youth Suicide Prevention and Early Intervention State/Tribal Programs and the Garrett Lee Smith Memorial Youth Suicide Prevention Campus Programs. The data collected through the cross-site evaluation addresses four stages of program activity: (1) The context stage includes a review of program plans, such as grantee's target population, target region, service delivery mechanisms, service delivery setting, types of program activities to be funded and evaluation activities; (2) the product stage describes the prevention strategies that are developed and utilized by grantees; (3) the process stage assesses progress on key activities and milestones related to implementation of program plans; and (4) the impact stage assesses the impact of the program on early identification, referral for services and service follow up of youth at risk.

Additionally, to obtain a comprehensive understanding of the integration of community-based behavioral health services with services provided by college or university campuses, SAMHSA will conduct case studies of four exemplary Campus suicide prevention programs. Currently, case studies of two campus grantees are underway. The goal of the Campus Case Studies is to understand how a public health approach is successfully applied as a model for campus suicide prevention efforts, and will explore, in a systematic manner: The suicide prevention related infrastructures and supports (*e.g.,* clinical and non-clinical) that exist on selected GLS-funded campuses; the various student-level factors that are related to suicide prevention efforts (*e.g.,* protective factors, coping strategies, social norms, and facilitators and barriers to student access and receipt of behavioral healthcare); campus interdepartmental collaboration and the relationship between various efforts to promote student mental health and wellness; and the extent to which the campus infrastructures and supports promote and address these factors.

To date, 86 State/Tribal grants and 93 Campus grants have participated in the cross-site evaluation, since FY2007. Currently, 48 State/Tribal grants and 38 Campus grants are participating in the cross-site evaluation. Data will continue to be collected from suicide prevention program staff (*e.g.*, project directors, evaluators), key program stakeholders (*e.g.*, state/local officials, child-serving agency directors, gatekeepers, mental health providers, and campus administrators), training participants, college students, and campus faculty/staff through FY2012.

Since the State/Tribal grantees differ from the campus grantees in programmatic approaches, specific data collection activities also vary by type of program. The following describes the specific data collection activities and data collection instruments to be used across State/Tribal and Campus grantees for the cross-site evaluation and the specific data collection instruments to be used by selected Campus grantees for the Campus Case Studies. While most of the data collection instruments described below are revised versions of instruments that have previously received OMB approval (OMB No. 0930–0286 with Expiration Date: May 2010) and are currently in use, the Training Utilization and Preservation—Survey (TUP–S) for State/Tribal grantees and the Training Exit Survey for Campus grantees (TES–C) are proposed as new instruments. The addition of these two new data collection activities, the inclusion of the Campus Case studies, and an overall growth in number of grants for both the State/Tribal and Campus programs has increased the burden associated with the cross-site evaluation. A summary table of number of respondents and respondent burden has also been included.

Data Collection Activities for State/Tribal Grantees

For State/Tribal grantees, the Prevention Strategies Inventory State/Tribal (PSI ST), Training Exit Survey State/Tribal (TES ST), Referral Network Survey (RNS) and Training Utilization and Preservation—Interview (TUP–I) described below are revised versions of instruments that previously received OMB approval (OMB No. 0930–0286 with Expiration Date: May 2010) and are currently in use. The Training Utilization and Preservation—Survey (TUP–S) is proposed as a new data collection instrument.

• *Prevention Strategies Inventory-State/Tribal (PSI ST)—Revised.* The Prevention Strategies Inventory will collect information on the suicide prevention strategies that grantees have developed and utilized. Prevention strategies include outreach and awareness, gatekeeper training, assessment and referral training for mental health professionals and hotline staff, lifeskills development programs, screening programs, hotlines and helplines, means restriction, policies and protocols for intervention and postvention, coalitions and partnerships, and direct services and traditional healing practices. Baseline data will be collected from the State/Tribal grantees at the beginning of their grant cycle. Thereafter, they will complete the PSI ST on a quarterly basis over the duration of their grant period. Baseline data will be collected on information on the types of prevention strategies grantees have developed and utilized, and the follow-up data collection asks the grantees to update the information they have provided on a quarterly basis over the period of the grant. On average, 48 State/Tribal grantees will fill out the PSI ST per year. One respondent from each site will be responsible for completing the survey. The survey will take approximately 45 minutes; however, the number of products, services and activities implemented under each strategy will

determine the number of items each respondent will complete. The PSI ST primarily has multiple-choice questions with several open-ended questions.

• *Training Exit Survey State-Tribal Version (TES ST)—Revised.* The TES ST will be administered to all participants in suicide prevention training activities immediately following their training experience in order to assess the content of the training, the participants' intended use of the skills and knowledge learned and satisfaction with the training experience. The survey will also contain modules with questions tailored to specific types of training. It is estimated that approximately 94,848 trainees per year will respond to the TES ST. The questions on the TES ST are multiple-choice, Likert-scale, and open-ended. The survey includes about 33 items and will take approximately 10 minutes to complete.

• *Training Exit Survey Cover Page State/Tribal Version (TES CP)—Revision.* State and Tribal grantees are required to report aggregate training participant information for all training conducted as part of their suicide prevention programs. These data are aggregated from existing data sources, some of which are attendance sheets, management information systems, etc. Grantees are responsible for aggregating these data and submitting to the cross-site evaluation team using the TES CP.

• *Training Utilization and Preservation Survey (TUP–S)—New.* The Training Utilization and Preservation Survey (TUP–S) is a quantitative, computer-assisted telephone interview that will be administered to a random sample of trainees two months following the training. The TUP–S will assess trainee knowledge retention and gatekeeper behavior, particularly behavior related to identifying youth at risk. The TUP–S will ask trainees to provide demographic information about individuals they have identified at risk, information about the subsequent referrals or supports provided by the trainee, and any available information about services accessed by the at-risk individual. An average of 2,000 participants per year will be sampled. The TUP–S includes 26 items and will take approximately 10 minutes to complete.

• *Training Utilization and Preservation Key Informant Interview (TUP–1)—Revision.* The TUP–I is a qualitative follow-up interview that is targeted towards locally developed and understudied standardized training curricula as well as towards particular understudied gatekeeper trainee populations. The TUP–I will be administered to respondents two months following the training experience to assess whether the suicide prevention knowledge, skills or techniques learned through training were utilized and had an impact on youth. On average, the TUP–I will be administered to 100 respondents per year. The interviews are semistructured and open-ended. The TUP includes 22 items and will take approximately 40 minutes to complete.

• *Referral Network Survey (RNS)—Revision.* The Referral Network Survey (RNS) will be administered to representatives of youth-serving organizations or agencies that form referral networks supporting youth identified at risk. The RNS examines how collaboration and integration are used for sharing and transferring knowledge, resources, and technology among State/Tribal Program agencies and organizational stakeholders, how these networks influence referral mechanisms and service availability, policies and protocols regarding follow-up for youths who have attempted suicide and who are at risk for suicide, and access to electronic databases. Most State/Tribal grantees will select a single referral network for this survey, the average size of the network is 11 agencies/organizations and there will be 2 respondents per agency. The RNS will be administered to referral networks on an annual basis over the period of the grant. On average, 1,056 respondents per year will complete the RNS. Questions on the RNS are multiple-choice, Likert-scale, and open-ended. The RNS includes 28 items and will take approximately 30 minutes to complete.

• *Early Identification, Referral and Follow up Aggregate Screening Form*—State/Tribal grantees are also required to report aggregate screening information for all youth screened as part of their suicide prevention programs. These data are aggregated from existing data sources. Grantees are responsible for aggregating these data and submitting to the cross-site evaluation team using the Early Identification, Referral and Follow up Aggregate Screening Form.

• *Early Identification, Referral and Follow Up Analyses*—State/Tribal grantees are required to share existing data with the cross-site evaluation team on the number of youth identified at risk as a result of early identification activities, referred for services, and who present for services.

Data Collection Activities for Campuses

For Campus grantees, the Prevention Strategies Inventory-Campus Baseline and Follow Up (PSI C), Suicide Prevention Exposure, Awareness and Knowledge Survey—Student Version (SPEAKS–S), Suicide Prevention Exposure, Awareness and Knowledge Survey—Faculty/StaffVersion (SPEAKS–FS) and Campus Infrastructure Interviews (CIFI) are revised versions of instruments that previously received OMB approval (OMB No. 0930–0286 with Expiration Date: May 2010) and are currently in use, and the Training Exit Survey—Campus (TES C) is proposed as a new data collection instrument.

• *Prevention Strategies Inventory-Campus (PSI C)—Revision.* The Prevention Strategies Inventory will collect information on the suicide prevention strategies that grantees have developed and utilized. Prevention strategies include outreach and awareness, gatekeeper training, assessment and referral training for mental health professionals and hotline staff, lifeskills development activities, screening programs, hotlines and helplines, means restriction, policies and protocols for intervention and postvention, and coalitions and partnerships. The Campus grantees will first complete collecting baseline data. Thereafter, they will collect follow-up data on a quarterly basis over the duration of their grant period. Baseline data will be collected on information on the types of prevention strategies grantees have developed and utilized, and the follow-up data collection asks the grantees to update the information they have provided on a quarterly basis over the period of the grant. On average, 38 Campus grantees will fill out the PSI C per year. One respondent from each site will be responsible for completing the survey. The survey will take approximately 45 minutes. However, the number of products, services and activities implemented under each strategy will determine the number of items to complete. The survey primarily has multiple choice questions with several open-ended questions.

• *Training Exit Survey Campus Version (TES C)—New.* The TES C will be administered to all participants in suicide prevention training activities immediately following their training experience in order to assess the content of the training, the participants' intended use of the skills and knowledge learned, and satisfaction with the training experience. The survey will also contain modules with questions tailored to specific types of training. It is estimated that approximately 23,712 trainees per year will respond to the Training Exit Survey. The questions on the TES C are multiple-choice, Likert-scale, and open-ended. The survey includes about 33

items and will take approximately 10 minutes to complete.

• *Training Exit Survey Cover Page Campus Version (TES CP)—Revision.* State and Tribal grantees are required to report aggregate training participant information for all training conducted as part of their suicide prevention programs. These data are aggregated from existing data sources, some of which are attendance sheets, management information systems, etc. Grantees are responsible for aggregating these data and submitting to the cross-site evaluation team using the TES CP.

• *Suicide Prevention Exposure, Awareness and Knowledge Survey—Student Version (SPEAKS–S)—Revision.* This survey will examine: The exposure of campus populations to suicide prevention initiatives; awareness of appropriate crisis interventions, supports, services, and resources for mental health seeking; knowledge of myths and facts related to suicide and suicide prevention; perceived and personal stigma related to depression and mental health seeking; and behaviors related to seeking help and referring for mental health services. This survey will be administered annually over the grant period. It is estimated that 7,600 students per year will respond to the SPEAKS S. The SPEAKS–S is Web-based and includes multiple-choice, Likert-scale and true/false questions. The SPEAKS–Student Version includes 85 items and will take approximately 25 minutes to complete.

• *Suicide Prevention Exposure, Awareness and Knowledge Survey—(SPEAKS FS)—Revision.* The SPEAKS–FS assesses the exposure, awareness and knowledge of suicide prevention activities among faculty/staff on campus as result of the suicide prevention program. Questions include whether faculty/staff have been exposed to suicide prevention materials, their agreement with myths and facts about suicide, and the availability of resources to provide assistance to those at risk for suicide. This survey will be administered annually over the grant period. It is estimated that 1,900 faculty/staff per year will respond to the SPEAKS FS. The SPEAKS–FS is Web-based and includes multiple-choice, Likert-scale and true/false questions. The survey includes 54 items and will take approximately 15 minutes to complete.

• *Campus Infrastructure Interviews (CIFI)—Revision.* CIFI is designed to gather information around campus infrastructure, program, policy, and planning related to suicide prevention; it involves key informant interviews conducted by the cross-site evaluation team via teleconference for each campus twice during the life of the grant. These semistructured interviews are conducted with up to five site representatives to gather information from multiple and varied perspectives on campus-based infrastructure development around suicide prevention activities. These representatives include; (1) Administrator, (2) Student Leader, (3) Counseling Center Staff, (4) Faculty/Staff-human services department, and (5) Faculty/Staff-non-human service department. Questions on the Campus Infrastructure Interview include whether respondents are aware of suicide prevention activities, what the campus culture is related to suicide prevention, and what specific efforts are in place to prevent suicide among the campus population. Questions will include close-ended background questions, with the remaining questions being open-ended and semi-structured. It is estimated that on average 64 respondents per year will respond to CIFI. The Campus Infrastructure Interviews include 29 items and will take approximately 60 minutes to complete.

Data Collection Activities for Campus Case Studies

For Campus Case Studies, the instruments described below are currently used by 2 Campus grantees. These instruments are proposed for 4 additional Campus grantees. The Campus Case Studies will take place over the period of the grant.

• *Student Focus Group Moderator's Guide.* This component will assess student risk and protective factors related to mental health, help-seeking behaviors, and knowledge of prevention activities on campus and their perceived effectiveness. This will help researchers more fully understand student-level factors in relation to population-level factors addressed by the SPEAKS–S. Questions address stressors that different groups of students face while in college, barriers to seeking help, attitudes and stigma related to seeking help, and the accessibility of the campus counseling center. Six focus groups will be conducted on each campus twice over the data collection period. The following groups of students will potentially be represented in the focus groups, as decided by the campus: (1) First-year students, (2) athletes, (3) international students, (4) Lesbian, Gay, Bisexual, and Transgender (LGBT) students, (5) Greek life students, (6) graduate students, and (7) residential advisors/peer educators. Recruitment will be conducted by campus project staff. Focus groups will include a maximum of 9 students. It is estimated that on average 432 students will participate in focus groups. Groups will last approximately 90 minutes.

• *Faculty/Staff Focus Group Moderator's Guide.* The faculty and staff focus groups will assess the campus' approach to prevention, attitudes and stigma around student mental health and wellness on campus, campus infrastructure supports for students who need mental health help, and the general campus climate around mental health and wellness. Faculty and staff will also describe their knowledge of prevention activities on campus and their perceived effectiveness of these efforts. Local campus staff will recruit appropriate respondents for the faculty and staff focus groups to include a maximum of 9 respondents per group. Two faculty focus groups and one staff focus group will be conducted on each campus twice over the period of data collection. It is estimated that 216 faculty/staff will participate in focus groups. The groups will last approximately 90 minutes.

• *Case Study Key Informant Interviews (7 versions).* The Case Study Key Informant Interviews (CSIs) include 7 qualitative interview versions: (1) Administrator, (2) Counseling Staff, (3) Coalition Member—Faculty, (4) Prevention Staff, (5) Case Finder, (6) Campus Police, and (7) Student Leader. Local project staff will be responsible for identifying appropriate respondents for each CSI version and scheduling the interview to occur during site visits by the case study team. Fourteen individuals from each of the campus sites will be selected as key informants to participate in the CSIs in each of the two stages of the GLS Campus Case Studies. Questions on the CSIs include whether respondents are aware of suicide prevention activities, what the campus culture is related to suicide prevention, and what specific efforts are in place to prevent suicide among the campus population. Items are formatted as open-ended and semi-structured questions. The CSIs include 16 to 21 items and will take approximately 60 minutes to complete. On the second site visit, the case study team will incorporate preliminary findings from the case studies in the interviews, which may be modified to some extent to collect more comprehensive information and gather feedback from local key informants surrounding the context of the preliminary findings. It is estimated that the CSI will be administered to 112 respondents. The CSIs for the second site visit will last 60 minutes.

In addition to the above described data collection activities, data from existing sources (*i.e.,* management information systems (MIS), administrative records, case files, *etc.*) will continue to be analyzed across grantee sites to support the impact stage of the cross-site evaluation. For the cross-site evaluation of the Campus programs, existing program data related to the number of students who are at risk for suicide, the number who seek services, and the type of services received are analyzed to determine the impact of Campus program activities on the student and campus populations. Because this information is obtained through existing sources, data collection instruments were not developed as part of the cross-site evaluation and no identifiable respondents exist; therefore no respondent burden has been estimated.

Internet-based technology will continue to be used for collecting data via Web-based surveys, and for data entry and management. The average annual respondent burden is estimated below. The estimate reflects the average annual number of respondents, the average annual number of responses, the time it will take for each response, and the average annual burden. While the different cohorts of grantees finish their grants at different times, we have assumed that new cohorts will replace previous cohorts. Therefore, the number of grantees in each year is assumed to be constant.

TABLE—ESTIMATES OF ANNUALIZED HOUR BURDEN

Measure name	Number of respondents	Number of responses/ respondent	Hours/ response	Response burden (in hours)
Prevention Strategies Inventory—State Tribal (PSI–ST)	48	4	0.75	144
Training Exit Survey State/Tribal (TES–ST)	94,848	1	0.17	16,125
Training Utilization and Penetration Survey (TUP–S)	2,000	1	0.25	500
Training Utilization and Penetration Interview (TUP–I)	100	1	0.67	67
Referral Network Survey (RNS)	1,024	1	0.67	687
Early Identification, Referral and Follow Up Analysis (EIRF)	48	4	1	192
Early Identification, Referral and Follow Up Aggregate Screening Form (EIRF–S)	48	4	0.33	64
Training Exit Survey Cover Page State/Tribal (TES–CP–ST)	48	4	0.33	64
Prevention Strategies Inventory—Campus (PSI–C)	38	4	0.75	114
Training Exit Survey Campus (TES–C)	23,712	1	0.17	4,032
Suicide Prevention Exposure, Awareness and Knowledge Survey—Student Version (SPEAKS–S)	7,600	1	0.42	3,192
Suicide Prevention Exposure, Awareness and Knowledge Survey—Faculty/ Staff (SPEAKS–FS)	1,900	1	0.25	475
Campus Infrastructure Interview (CIFI) for Student	38	1	0.75	29
Campus Infrastructure Interview (CIFI) for Faculty	76	1	0.75	57
Campus Infrastructure Interview (CIFI) for Administrator	38	1	0.75	29
Campus Infrastructure Interview (CIFI) for Counselor	38	1	0.75	29
Training Exit Survey Cover Page Campus (TES–CP–C)	38	4	0.33	51
MIS Data Abstraction	38	4	0.33	51
Focus Group—Student Version	216	1	1.5	324
Focus Group—Faculty Version	72	1	1.5	108
Focus Group—Staff Version	36	1	1.5	54
Interview—Student Leader Version	8	1	1	8
Interview—Case Finder Version	4	1	1	4
Interview—Faculty Version	8	1	1	8
Interview—Campus Police Version	8	1	1	8
Interview—Counseling Staff Version	8	1	1	8
Interview—Prevention Staff Version	12	1	1	12
Interview—Administrator Version	8	1	1	8
Total	132,060			26,444

ANNUALIZED SUMMARY TABLE

Respondents	Number of respondents	Responses/ respondent	Total responses	Total annualized hour burden
STATE/TRIBAL CROSS–SITE EVALUATION INSTRUMENTS				
Project Evaluators	192	16	768	464
Providers	97,972	4	97,972	17,379
CAMPUS CROSS-SITE EVALUATION INSTRUMENTS				
Project Evaluators	114	12	1,368	216
Students	7,638	2	7,638	3,221
Campus Staff	2,052	4	2,052	590
Providers	23,712	1	23,712	4,032
CAMPUS CASE STUDY INSTRUMENTS				
Students	228	3	228	336

ANNUALIZED SUMMARY TABLE—Continued

Respondents	Number of respondents	Responses/ respondent	Total responses	Total annualized hour burden
Campus Staff	152	7	152	206
Total	132,060	49	133,890	26,444

Written comments and recommendations concerning the proposed information collection should be sent by July 2, 2010 to: SAMHSA Desk Officer, Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, Washington, DC 20503; due to potential delays in OMB's receipt and processing of mail sent through the U.S. Postal Service, respondents are encouraged to submit comments by fax to: 202–395–6974.

Dated: May 25, 2010.

Elaine Parry,

Director, Office of Program Services.

[FR Doc. 2010–13146 Filed 6–1–10; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (240) 276–1243.

Comments are invited on: (a) Whether the proposed collections of information are 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.

Proposed Project: Screening, Brief Intervention, Brief Treatment and Referral to Treatment (SBIRT) Cross-Site Evaluation—New

SAMHSA is conducting a cross-site external evaluation of the impact of programs of screening, brief intervention (BI), brief treatment (BT) and referral to treatment on patients presenting at various health care delivery units with a continuum of severity of substance use. SAMHSA's SBIRT program is a cooperative agreement grant program designed to help States and Tribal Councils expand the continuum of care available for substance misuse and use disorders. The program includes screening, brief intervention, brief treatment and referrals to treatment for persons at risk for dependence on alcohol or drugs. The cross-site evaluation will provide a comprehensive assessment of the effects of SBIRT on patient outcomes, performance site practices, and treatment systems. This information will allow SAMHSA to determine the extent to which SBIRT has met its objectives of implementing a comprehensive system of identification and care to meet the needs of individuals at all points along the substance use continuum.

A paper and pencil survey will be administered to practitioners in sites where SBIRT services are being delivered. The practitioner survey is designed to evaluate the implementation of proposed SBIRT models by measuring their penetration and practitioners' willingness to adopt. Furthermore, the survey will document moderating factors related to practitioner and health care delivery unit characteristics.

The 93 question practitioner survey includes collection of demographic information as well as questions that attempt to assess barriers to implementation encountered by the practitioners and to gauge the effectiveness of the training they received. These measures were developed and used by Babor *et al.* (2005) in their comparable study comparing different implementation strategies for primary care screening and brief intervention programs for hazardous and harmful drinkers. The practitioner survey also includes an instrument developed by Panzano and Roth (2006) to measures an organization's willingness to adopt new innovative practices.

TOTAL BURDEN HOURS FOR THE CROSS-SITE PATIENT SURVEY

Instrument/Activity	Number of respondents	Responses per respondent	Hours per response	Total burden hours	Hourly wage	Total respondent cost [a]
Practitioner Survey	1,075	1	.30	322.5	$32	$10,320

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 7–1044, One Choke Cherry Road, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: May 25, 2010.

Elaine Parry,

Director, Office of Program Services.

[FR Doc. 2010–13145 Filed 6–1–10; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2003–N–0196] (formerly Docket No. 2003N–0233)

Drometrizole Trisiloxane Eligibility for Potential Inclusion in Sunscreen Monograph; Over-the-Counter Sunscreen Drug Products for Human Use; Request for Safety, Effectiveness, and Environmental Data

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of eligibility; request for data and information.

SUMMARY: As part of our ongoing review of over-the-counter (OTC) drug products, we (Food and Drug Administration, FDA) are announcing a call-for-data for safety, effectiveness, and environmental information for drometrizole trisiloxane, in concentrations up to 15 percent, as a sunscreen single active ingredient and in combination with generally recognized as safe and effective (GRASE) sunscreen active ingredients found in the sunscreen monograph. We reviewed a time and extent application (TEA) for drometrizole trisiloxane and determined that it is eligible to be considered for inclusion in our OTC drug monograph system. We will evaluate the submitted safety and effectiveness data and information to determine whether drometrizole trisiloxane can be GRASE for its proposed OTC use. We also request data and information to assess the projected environmental effects of a potential GRASE determination in order to assist us in complying with the requirements of the National Environmental Policy Act of 1969 (NEPA).

DATES: Submit data, information, and general comments by August 31, 2010.

ADDRESSES: You may submit comments, identified by Docket No. FDA–2003–N–0196, by any of the following methods:

Electronic Submissions

Submit electronic comments in the following way:

- Federal eRulemaking Portal: *http://www.regulations.gov*. Follow the instructions for submitting comments.

Written Submissions

Submit written submissions in the following ways:

- FAX: 301–827–6870.
- Mail/Hand delivery/Courier (for paper, disk, or CD–ROM submissions): Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

Instructions: All submissions received must include the agency name and docket number. All comments received may be posted without change to *http://www.regulations.gov*, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Division of Dockets Management, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Anita Kumar, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 22, rm. 5445, Silver Spring, MD 20993, 301–796–2090.

SUPPLEMENTARY INFORMATION:

I. Eligibility of Drometrizole Trisiloxane

In January 2009, we received a TEA (Ref. 1) requesting that drometrizole trisiloxane be found eligible for review and potential inclusion in our OTC sunscreen drug monograph (part 352 (21 CFR part 352)). After reviewing the TEA, we believe that it includes adequate data demonstrating that drometrizole trisiloxane has been marketed for the prevention of sunburn for a material time and to a material extent as required by § 330.14 (21 CFR 330.14) (Ref. 2). Drometrizole trisiloxane-containing sunscreen products indicated for the prevention of sunburn have been marketed directly to consumers for over 5 continuous years in 40 countries, with over 177 million dosage units marketed in 54 countries. Therefore, we conclude that drometrizole trisiloxane, in concentrations up to 15 percent, is eligible to be considered for potential inclusion in the OTC sunscreen drug monograph as a single active ingredient and in combination with GRASE sunscreen active ingredients found in § 352.10.

II. Request for Data and Information

We invite all interested persons to submit data and information, as described in § 330.14(f), on the safety and effectiveness of drometrizole trisiloxane for use as an active ingredient in OTC sunscreen products. The data should be sufficient so that we can determine whether the ingredient can be GRASE and not misbranded under recommended conditions of OTC use. Interested parties may refer to 21 CFR 330.10(a)(4) regarding the evidence necessary for establishing general recognition of safety and effectiveness.

Because the TEA that we reviewed did not include an official or proposed United States Pharmacopeia-National Formulary (USP–NF) drug monograph for drometrizole trisiloxane, we are asking interested parties to provide such a monograph to us. An active ingredient must be recognized in an official USP–NF drug monograph that sets forth its standards of identity, strength, quality, and purity in order to be included in a final OTC monograph (§ 330.14(i)).

In addition, as stated in 21 CFR 25.1, FDA regulations must comply with NEPA. To comply with NEPA, an environmental assessment (EA) of agency actions is required unless we determine that a categorical exclusion is warranted. Therefore, we also invite all interested persons to either submit data and information that would support a determination that the potential inclusion of drometrizole trisiloxane in the OTC monograph for sunscreen meets the requirements for any categorical exclusion found in 21 CFR 25.31, or to prepare an EA, if necessary. For additional information on the types of information that would support our environmental assessment, please refer to section IV (pages 9 through 27) of the Center for Drug Evaluation and Research Guidance on Environmental Assessment of Human Drug and Biologic Applications. The guidance document can be viewed at *http://www.fda.gov/downloads/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/ucm070561.pdf*.

For all data and information submitted, we request that a submitter segregate any data or information that the submitter believes is protected from disclosure by 5 U.S.C. 552(b), 18 U.S.C. 1905, or 21 U.S.C. 331(j) or 360j(c). If such data or information is included in the submission, we request that the submitter summarize the confidential information, to the extent possible, so that the summary can be publicly disclosed (see 21 CFR 25.50 and 25.51(a); § 330.14(f)).

III. Marketing Policy

Under § 330.14(h), any sunscreen product containing drometrizole trisiloxane may not be marketed as an OTC drug in the United States at this time unless it is the subject of an approved new drug application or abbreviated new drug application.

IV. References

The following references are on display in the Division of Dockets Management (see **ADDRESSES**) under Docket No. FDA–2003–N–0196 and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday.

1. Redacted TEA for drometrizole trisiloxane submitted by L'Oreal USA Products, Inc., dated January 21, 2009.

2. FDA's evaluation of the TEA for drometrizole trisiloxane.

Dated: May 25, 2010.

Leslie Kux,

Acting Assistant Commissioner for Policy.

[FR Doc. 2010–13001 Filed 6–1–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2010–N–0001]

Cardiovascular and Renal Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Cardiovascular and Renal Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on July 28, 2010, from 8 a.m. to 5 p.m.

Location: The Marriott Inn and Conference Center, University of Maryland University College, 3501 University Blvd. East, Adelphi, MD. The conference center telephone number is 301–985–7300.

Contact Person: Elaine Ferguson, c/o Christine Shipe, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, rm. 2419, Silver Spring, MD 20993–0002, 301–796–9001, FAX: 301–847–8532, e-mail: *elaine.ferguson@fda.hhs.gov*, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 3014512533. Please call the Information Line for up-to-date information on this meeting. A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the agency's Web site and call the appropriate advisory committee hot line/phone line to learn about possible modifications before coming to the meeting.

Agenda: On July 28, 2010, the committee will discuss new drug application (NDA) 22–433, ticagrelor tablets, 90 milligrams, manufactured by AstraZeneca LP, for the proposed indication for use in acute coronary syndrome (including heart attacks and any of a group of signs and symptoms, such as chest pain or shortness of breath, that are consistent with blockages in the blood vessels that supply the heart).

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm*. Scroll down to the appropriate advisory committee link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before July 14, 2010. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Those desiring to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before July 6, 2010. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by July 7, 2010.

Persons attending FDA's advisory committee meetings are advised that the agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Elaine Ferguson at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: May 27, 2010.

Jill Hartzler Warner,

Acting Associate Commissioner for Special Medical Programs.

[FR Doc. 2010–13141 Filed 6–1–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Privacy Act of 1974; CMS Computer Match No. 2010–03, HHS Computer Match No. 1003, SSA Computer Match No. 1048, IRS Project No. 241

AGENCY: Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS).

ACTION: Notice of renewal of an existing computer matching program (CMP) that has an expiration date of June 30, 2010.

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, as amended, this notice announces the renewal of an existing CMP between CMS, the Internal Revenue Service (IRS), and the Social Security Administration (SSA). We have provided information about the matching program in the **SUPPLEMENTARY INFORMATION** section below. The Privacy Act provides an opportunity for interested persons to comment on the matching program. We may defer implementation of this matching program if we receive comments that persuade us to defer

implementation. See "Effective Dates" section below for comment period.

DATES: *Effective Dates:* CMS filed a report of the Computer Matching Program (CMP) with the Chair of the House Committee on Oversight and Government Reform, the Chair of the Senate Committee on Homeland Security and Governmental Affairs, and the Acting Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on *May 19, 2010.* We will not disclose any information under a matching agreement until 40 days after filing a report to OMB and Congress or 30 days after publication in the **Federal Register** whichever is later.

ADDRESSES: The public should address comments to: Walter Stone, CMS Privacy Officer, Division of Information Security & Privacy Management, Enterprise Architecture and Strategy Group, Office of Information Services (OIS), CMS, Mail stop N1–24–08, 7500 Security Boulevard, Baltimore, Maryland 21244–1850. Comments received will be available for review at this location, by appointment, during regular business hours, Monday through Friday from 9 a.m. to 3 p.m., eastern daylight time.

FOR FURTHER INFORMATION CONTACT: John Albert, Technical Advisor, Division of Medicare Benefits Coordination, Financial Services Group, Office of Financial Management, CMS, Mail stop C3–14–16, 7500 Security Boulevard, Baltimore, Maryland 21244–1850. The telephone number is (410) 786–7457, or e-mail at *John.Albert@cms.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Description of the Matching Program

A. General

The Computer Matching and Privacy Protection Act of 1988 (Pub. L. 100–503) amended the Privacy Act (5 U.S.C. 552a) by describing the manner in which computer matching involving Federal agencies could be performed and adding certain protections for individuals applying for and receiving Federal benefits. Section 7201 of the Omnibus Budget Reconciliation Act of 1990 (Pub. L. 101–508) further amended the Privacy Act regarding protections for such individuals. The Privacy Act, as amended, regulates the use of computer matching by Federal agencies when records in a system of records are matched with other Federal, State, or local government records. It requires Federal agencies involved in computer matching programs to:

Negotiate written agreements with the other agencies participating in the matching programs;

Obtain the Data Integrity Board approval of the match agreements;

Furnish detailed reports about matching programs to Congress and OMB;

Notify applicants and beneficiaries that the records are subject to matching; and

Verify match findings before reducing, suspending, terminating, or denying an individual's benefits or payments.

B. CMS Computer Matches Subject to the Privacy Act

CMS has taken action to ensure that all CMPs that this Agency participates in comply with the requirements of the Privacy Act of 1974, as amended.

Dated: May 21, 2010.

Michelle Snyder,

Deputy Chief Operating Officer, Centers for Medicare & Medicaid Services.

CMS Computer Match No. 2010–03
HHS Computer Match No. 1003
SSA Computer Match No. 1048
IRS Project No. 241

NAME:

"Medicare Secondary Payer (MSP) Program".

SECURITY CLASSIFICATION:

Level Three Privacy Act Sensitive.

PARTICIPATING AGENCIES:

Internal Revenue Service (IRS), Social Security Administration (SSA), and the Centers for Medicare & Medicaid Services (CMS).

AUTHORITY FOR CONDUCTING MATCHING PROGRAM:

This Matching Agreement between IRS, SSA and CMS is executed pursuant to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, (as amended by Pub. L. 100–503, the Computer Matching and Privacy Protection Act (CMPPA) of 1988), the Office of Management and Budget (OMB) Circular A–130, titled "Management of Federal Information Resources" at 61 FR 6428–6435 (February 20, 1996), and OMB guidelines pertaining to computer matching at 54 FR 25818 (June 19, 1989).

This agreement implements the information matching provisions of § 6103(l)(12) of the Internal Revenue Code (IRC) (26 U.S.C 6103(1)(12)), and 1862(b)(5) of the Social Security Act (42 U.S.C. 1395y(b)(5)).

PURPOSE(S) OF THE MATCHING PROGRAM:

The purpose of this agreement is to establish the conditions under which: (1) IRS agrees to disclose return information relating to taxpayer identity to SSA, and (2) SSA agrees to disclose return information relating to beneficiary and employer identity, commingled with information disclosed by the IRS, to CMS. These disclosures will provide CMS with information to determine the extent to which any Medicare beneficiary is covered under any Group Health Plan (GHP).

CATEGORIES OF RECORDS AND INDIVIDUALS COVERED BY THE MATCH:

IRS will disclose taxpayer identity information from the CADE (Customer Account Data Engine) Individual Master File (IMF), Treasury/IRS 24.030, published at 73 FR 13304 (March 12, 2008), and maintained at the Martinsburg Computing Center in Martinsburg, West Virginia. This file includes millions of records of taxpayers who have filed Federal Individual Income Tax Returns. IRS established Project 241, IMF/Medicare Beneficiary Match to facilitate this matching program.

SSA will extract identifying information of Medicare beneficiaries from the Master Beneficiary Record (MBR), SSA/OSR 60–0090, published at 71 FR. 1826 (January 11, 2006) and maintained at the National Computer Center (NCC) in Baltimore, MD. This file includes records of individuals who have received and are receiving benefits under the Social Security Act. SSA will extract employer identity information from the Earnings Recording and Self-employment Income System, SSA/0SR 60–0059, referred to as the Master Earnings File (MEF) published at 71 FR. 1819 (January 11, 2006) and maintained at the NCC. This file contains earnings records of individuals including identifying information of their employees. SSA will also extract employer name and address from the Employer Identification File (EIF).

CMS will utilize a database, Medicare Advantage Prescription Drug System (MARx) CMS System No. 09–70–4001, published at 70 FR 60530 (October 18, 2005), maintained at the CMS Data Center, located in Baltimore, Maryland, of the GHP information received from employers containing verified instances of employment and GHP coverage for Medicare beneficiaries and Medicare-eligible spouses identified from the IMF, EIF, and MEF extracts.

CMS will match GHP information against the Medicare Multi Carrier Claims System (MCS) (formerly known as Carrier Medicare Claims Records), CMS System No. 09–70–0501, published at 71 FR. 64968 (November 6, 2006), maintained at the CMS Data Center, located in Baltimore, Maryland.

These files contain information received from employers containing verified instances of employment and GHP coverage for Medicare beneficiaries and Medicare-eligible spouses identified from the IMF, EIF, and MEF extracts.

CMS will match GHP information against the Fiscal Intermediary Shared System (FISS) (formerly known as Intermediary Medicare Claims Records), CMS System No. 09–70–0503, published at 71 FR 64961 (November 6, 2006), maintained at the CMS Data Center, located in Baltimore, Maryland. This file contains information or records needed to properly process and pay Medicare benefits to, or on behalf of, eligible individuals. CMS accesses this file upon receiving a claim for payment.

CMS will match GHP information against the Common Working File (CWF), CMS System No. 09–70–0526, published at 71 FR 64955 (November 6, 2006), which is the repository data base for all current hospital and medical coverage MSP information, maintained at the CMS Data Center, located in Baltimore, Maryland. These files contain information or records needed to properly process and pay medical insurance benefits to, or on behalf of, entitled beneficiaries who have submitted claims for Supplementary Medical Insurance Benefits (Medicare Part B). CMS accesses this file upon receiving a claim for payment.

CMS will match GHP information against the National Claims History (NCH), which is contained in the National Claims History File, CMS System No. 09–70–0558, published at 71 FR 67137 (November 20, 2006), maintained at the CMS Data Center, located in Baltimore, Maryland. NCH contains records needed to facilitate obtaining Medicare utilization review data that will be useful for studies of the operation and effectiveness of the Medicare program.

INCLUSIVE DATES OF THE MATCH:

The Matching Program shall become effective 40 days after the report of the Matching Program is sent to OMB and Congress, or 30 days after publication in the **Federal Register**, which ever is later. The matching program will continue for 18 months from the effective date and may be extended for an additional 12 months thereafter, if certain conditions are met.

[FR Doc. 2010–13000 Filed 6–1–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Commission on Childhood Vaccines; Request for Nominations for Voting Members

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: The Health Resources and Services Administration (HRSA) is requesting nominations to fill three vacancies on the Advisory Commission on Childhood Vaccines (ACCV). The ACCV was established by Title XXI of the Public Health Service Act (the Act), as enacted by Public Law (Pub. L.) 99–660 and as subsequently amended, advises the Secretary of Health and Human Services (the Secretary) on issues related to implementation of the National Vaccine Injury Compensation Program (VICP).

DATES: The agency must receive nominations on or before July 2, 2010.

ADDRESSES: All nominations are to be submitted to the Director, Division of Vaccine Injury Compensation, Healthcare Systems Bureau (HSB), HRSA, Parklawn Building, Room 11C–26, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: Ms. Andrea Herzog, Principal Staff Liaison, Policy Analysis Branch, Division of Vaccine Injury Compensation, HSB, HRSA at (301) 443–6634 or e-mail: *aherzog@hrsa.gov.*

SUPPLEMENTARY INFORMATION: Under the authorities that established the ACCV, the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463) and section 2119 of the Act, 42 U.S.C. 300aa–19, as added by Pub. L. 99–660 and amended, HRSA is requesting nominations for three voting members of the ACCV.

The ACCV advises the Secretary on the implementation of the VICP. The activities of the ACCV include: Recommending changes in the Vaccine Injury Table at its own initiative or as the result of the filing of a petition; advising the Secretary in implementing section 2127 regarding the need for childhood vaccination products that result in fewer or no significant adverse reactions; surveying Federal, State, and local programs and activities related to gathering information on injuries associated with the administration of childhood vaccines, including the adverse reaction reporting requirements of section 2125(b); advising the Secretary on the methods of obtaining, compiling, publishing, and using credible data related to the frequency and severity of adverse reactions associated with childhood vaccines; consulting on the development or revision of the Vaccine Information Statements and recommending to the Director of the National Vaccine Program that vaccine safety research be conducted on various vaccine injuries.

The ACCV consists of nine voting members appointed by the Secretary as follows: (1) Three health professionals, who are not employees of the United States Government and have expertise in the health care of children, and the epidemiology, etiology, and prevention of childhood diseases, and the adverse reactions associated with vaccines, at least two shall be pediatricians; (2) three members from the general public, at least two shall be legal representatives (parents or guardians) of children who have suffered a vaccine-related injury or death; and (3) three attorneys, at least one shall be an attorney whose specialty includes representation of persons who have suffered a vaccine-related injury or death, and one shall be an attorney whose specialty includes representation of vaccine manufacturers. In addition, the Director of the National Institutes of Health, the Assistant Secretary for Health, the Director of the Centers for Disease Control and Prevention, and the Commissioner of the Food and Drug Administration (or the designees of such officials) serve as nonvoting ex officio members.

Specifically, HRSA is requesting nominations for three voting members of the ACCV representing: (1) A health professional, who has expertise in the health care of children; and the epidemiology, etiology, and prevention of childhood diseases; (2) an attorney whose specialty includes representation of persons who have suffered a vaccine-related injury or death; and (3) a member of the general public who is the legal representative (parents or guardians) of a child who has suffered a vaccine related injury or death. Nominees will be invited to serve a 3-year term beginning January 1, 2011, and ending December 31, 2014.

Interested persons may nominate one or more qualified persons for membership on the ACCV. Nominations shall state that the nominee is willing to serve as a member of the ACCV and appears to have no conflict of interest that would preclude ACCV membership. Potential candidates will be asked to provide detailed information concerning consultancies, research grants, or contracts to permit evaluation

of possible sources of conflicts of interest. A curriculum vitae or resume should be submitted with the nomination.

The Department of Health and Human Services has special interest in assuring that women, minority groups, and the physically disabled are adequately represented on advisory committees; and therefore, extends particular encouragement to nominations for appropriately qualified female, minority, or disabled candidates.

Dated: May 25, 2010.

Sahira Rafiullah,

Director, Division of Policy and Information Coordination.

[FR Doc. 2010–13150 Filed 6–1–10; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Statutorily Mandated Single Source Award Program Name: National Indian Health Board

AGENCY: Indian Health Service, HHS.

ACTION: Notice of Intent to provide supplemental funding to the existing cooperative agreement with the National Indian Health Board (NIHB), Inc.

Project Period: Dates: June 15–December 31, 2010.

Amount of Award: Funding amounts for each project, per Agency are delineated below. All project funding is subject to available funds; hence all supplemental projects outlined in this notice may not be awarded if the Agency does not identify funding for each activity.

Indian Health Service (IHS) Funding

(1) Budget Formulation not to exceed $65,000.

(2) Methamphetamine Abuse and Suicide Prevention Initiative (MSPI) not to exceed $50,000.

(3) IHS Medicaid, Medicare Policy Committee (MMPC) not to exceed $100,000.

Centers for Medicare and Medicaid Services (CMS) Funding

(1) Study and improve the administration and effectiveness of the Medicare, Medicaid and Children's Health Insurance Program (CHIP) in Indian County not to exceed $450,000.

(2) Data Analysis, Consultation and Training not to exceed $250,000.

(3) American Recovery and Reinvestment Act (ARRA) Health Information Technology (HIT) not to exceed $100,000.

Authority: This program is authorized under Public Health Service Act, Section 301(a). This program is described in the Catalog of Federal Domestic Assistance 93.933.

Application Deadline: June 4, 2010.

Anticipated Award Date: June 15, 2010.

Summary: The IHS announces the award of supplemental projects under the existing single source cooperative agreement award to the NIHB, Inc. The Office of Direct Service and Contracting Tribes (ODSCT) has designated supplemental funds for the single source award to the NIHB to further health program objectives in the American Indian/Alaska Natives (AI/AN) community with outreach and education efforts in the interest of improving Indian health care. The NIHB is the only national Indian organization with expertise on the variety of issues related to the provision of health care to the Indian population.

Single Source Justification: The NIHB is governed by twelve elected Tribal Government Officials who represent each of the twelve IHS Areas and the HHS regions where federally recognized Tribes exist. The NIHB represents all 564 federally recognized Tribes: including Tribal Governments operating their own health care delivery systems through self-determination agreements with the IHS and Tribes that continue to receive health care directly from the IHS. The NIHB is the only national Indian organization with an expertise in health policy and health programs, and the only national organization with the designated authority to represent all AI/AN Tribes and villages. The NIHB has a national constituency and clearly supports critical services and activities within the IHS mission of quality health care for AI/AN people. The NIHB can provide advice, consultation and health care advocacy to IHS and HHS based on Tribal input through a broad based consumer network.

The NIHB offers a national network of professional services to provide policy analysis and development, program assessment and development and regional and national meeting coordination. NIHB also provides planning and technical assistance to Tribes, Area Health Boards, other Tribal organizations, the IHS and HHS, other agencies within the Federal Government, private grant-making foundations, and other organizations.

Past performance of NIHB under a cooperative agreement has been exceptional. The NIHB has consistently provided education and outreach to Tribal leadership regarding the potential impact of Health Care Reform legislation. Educational materials were developed for dissemination to the White House, HHS, Tribal Governments and other organizations regarding the priorities and concerns of Tribes as related to health care/insurance reform efforts, IHCIA passage and other health delivery priorities. Their Web site has become a primary source of information to Tribal leaders on healthcare policy issues and is often quoted by national healthcare policy experts. Their outreach and education efforts focused to assist with increased enrollment of AI/AN beneficiaries in Medicaid and Medicare programs and their annual Consumer Conference is a showplace for innovative Tribal practices in healthcare administration. Their ability to bring together Tribes and Federal agencies in an effort to explore new avenues of cooperation and problem solving is an invaluable resource to everyone involved. They were instrumental in supporting program initiatives associated with diabetes, suicide prevention, children's health insurance and H1N1 prevention activities and will remain a solid supporter of improved healthcare in Indian Country. Hence, this all demonstrates the capability and substantiates the need for a non-competitive single source award to be approved and continuity sustained. Supplemental funds have been added to the cooperative agreement and are non-recurring for purposes that are related to the goals of the NIHB and support the scope of work of the cooperative agreement. The nature of the program and this agreement should allow other HHS operating divisions to supplement the NIHB agreement when those funds support the original intent of the original agreement.

This non-competitive single source cooperative agreement will assist the agency in furthering our health program objectives in the AI/AN community; failure to approve the agreement will: Impede consultation with AI/AN Tribal Governments; impede further education of health policy and legislation; would substantially increase the cost of securing these services should the IHS be required to secure these services through a multitude of Area and regional Health Boards; and impede targeting of future resources to AI/AN communities by IHS and HHS.

Use of Cooperative Agreement: A cooperative agreement has been awarded because of anticipated substantial programmatic involvement by IHS staff in the project. Substantial programmatic involvement is as follows:

The NIHB is responsible for the following:

1. To provide technical advice in the area of health care policy analysis and program development on which IHS needs to take action;

2. To provide consultation that is representative of all Tribal Governments in the area of health care policy analysis and program development;

3. To assure that health care advocacy is based on Tribal input through a broad-based consumer network involving the Area Indian Health Boards or Health Board Representatives from each of the twelve IHS areas;

4. To provide an opportunity for Tribal Government officials to share their concerns, challenges, and recommendations for improving health care delivery through the IHS in forums designed to provide training, technical assistance, and appropriate policy discussions;

5. To provide periodic dissemination of health care information, including publication of a newsletter; and

6. To comply with any required reporting requirements that are applicable to American Recovery and Reinvestment Act funding, if awarded.

Programmatic involvement of the IHS staff:

1. IHS staff will review articles concerning the Agency for accuracy and may, as requested by the NIHB, provide relevant articles.

2. IHS staff will have input over the hiring of key personnel as defined by regulation or provision in the cooperative agreement.

3. IHS will provide technical assistance to the NIHB as requested and attend and participate in all the NIHB meetings.

4. IHS staff may, at the request of the NIHB, participate on study groups and may recommend topics for analysis and discussion.

Description of the Project:

(1) IHS Budget Formulation—The NIHB will assist Tribal leaders and Area Indian Health Boards in convening work groups for the purpose of consolidating all twelve regional budget recommendations and health priorities. NIHB will provide assistance during the National Tribal Budget work session; will provide packaging and distribution of National Tribal budget priorities to all Tribes; and will provide support for the evaluation of the 2012 budget process and planning for the 2013 budget process.

(2) IHS MSPI—The NIHB will provide technical assistance around methamphetamine and suicide prevention issues in AI/AN communities. Specifically, NIHB will use funds to: (a) Serve as technical experts in national AI/AN methamphetamine and suicide prevention issues; (b) assess and report on the status of methamphetamine and suicide prevention activities in Tribal communities; and (c) create and/or provide outreach, communication and educational materials and/or activities on this topic.

(3) IHS MMPC—The NIHB will provide logistical and administrative support to the IHS MMPC. This includes convening the Committee for conference calls and meetings; generating reports from such activities, and disseminating information to Tribes and Tribal organizations.

(4) CMS—Study and improve the administration and effectiveness of the Medicare, Medicaid and CHIP in Indian County. The NIHB will conduct analyses, research and studies to address the potential and actual impact of CMS programs on AI/AN beneficiaries and the health care system serving these beneficiaries.

(5) CMS—Data analysis, consultation and dissemination of information to Tribes and Tribal organizations. The NIHB will complete further analysis of State consultation practices focusing on ARRA Section 5006 implementation practices; conduct additional State level trainings with State and Tribal staff on consultation practices employing coordination through local Health Boards; and conduct focused data analyses on topics including across State border access issues and enrollment changes associated with Children's Health Insurance Program Reauthorization Act (CHIPRA) and ARRA legislation.

(6) CMS—American Recovery and Reinvestment Act (ARRA) Health Information Technology (HIT). The NIHB will investigate what data management systems Tribes and Tribal organizations (T/TOs) use for their HIT services and identify which T/TOs are not using the IHS Resource and Patient Management System (RPMS). The NIHB will provide information and training on "meaningful use" of electronic health records and a report to CMS projecting "meaningful use" of electronic health records among T/TOs not on the IHS RPMS system.

Continuation awards are subject to the availability of funds and satisfactory performance.

To obtain application instructions please click on the following link and go to the funding opportunities *http://www.ihs.gov/NonMedicalPrograms/gogp/index.cfm?module=gogp_funding.*

Once you enter the Funding Opportunity section of the Grants Policy Website, click on the NIHB–2010–Supplemental Awards to access the instructions. Hard copy applications will be accepted from the applicant. Grants.gov submissions are not required under this notification.

Review Criteria:

A. Project Objective(s), Work Plan and Consultants (40 Points)

(1) Identify the proposed project objective(s) addressing the following: Measurable and (if applicable) quantifiable, results oriented, time-limited.

(2) Address how the proposed project will result in change or improvement in program operations or processes for each proposed project objective. Also address what tangible products, if any, are expected from the project, (*i.e.* legislative analysis, policy analysis, Annual Conference, Summits, *etc.*)

(3) Submit a work plan in the appendix which includes the following information:

- Provide the action steps on a timeline for accomplishing the proposed project objective(s).
- Identify who will perform the action steps.
- Identify who will supervise the action steps taken.
- Identify what tangible products will be produced during and the end of the proposed project objective(s).
- Identify who will accept and/or approve work products during the duration of the proposed project and at the end of the proposed project.
- Include any training that will take place during the proposed project and who will be attending the training.
- Include evaluation activities planned.

(4) If consultants or contractors will be used during the proposed project, please include the following information in their scope of work (or note if consultants/contractors will not be used):

- Educational requirements.
- Desired qualifications and work experience.
- Expected work products to be delivered on a timeline.
- If a potential consultant/contractor has already been identified, please include a resume in the Appendix.

(5) Describe what updates will be required for the continued success of the proposed project. Include when these updates are anticipated and where funds will come from to conduct the update and/or maintenance.

B. Organizational Capabilities and Qualifications (30 Points)

(1) Describe the organizational structure of the organization beyond health care activities, if applicable.

(2) Describe the ability of the organization to manage the proposed project. Include information regarding similarly sized projects in scope and financial assistance as well as other cooperative agreement/grants and projects successfully completed.

(3) Describe what equipment (*i.e.,* fax machine, phone, computer, *etc.*) and facility space (*i.e.,* office space) will be available for use during the proposed project. Include information about any equipment not currently available that will be purchased through the cooperative agreement/grant.

(4) List key personnel who will work on the project. Include title used in the work-plan. In the appendix, include position descriptions and resumes for all key personnel. Position descriptions should clearly describe each position and duties, indicating desired qualifications and experience requirements related to the proposed project. Resumes must indicate that the proposed staff member is qualified to carry out the proposed project activities. If a position is to be filled, indicate that information on the proposed position description.

(5) Address the extent to which the proposed project will build the organization's capacity to provide, improve, or expand services that address the need(s) of the target population.

C. Categorical Budget and Budget Justification (15 Points)

(1) Provide a categorical budget for each supplement based on the project period identified.

(2) If indirect costs are claimed, indicate and apply the current negotiated rate to the budget. Include a copy of the rate agreement in the appendix.

(3) Provide a narrative justification explaining why each line item is necessary/relevant to the proposed project. Include sufficient cost and other details to facilitate the determination of cost allowability (*i.e.,* equipment specifications, *etc.*).

D. Project Evaluation (15 Points)

Each proposed objective requires an evaluation component to assess its progression and ensure its completion. Also, include the evaluation activities in the work-plan. Describe the proposed plan to evaluate both outcomes and process. Outcome evaluation relates to the results identified in the objectives, and process evaluation relates to the work-plan and activities of the project.

(1) For outcome evaluation, describe:

- What the criteria will be for determining success of each objective.
- What data will be collected to determine whether the objective was met.
- At what intervals will data be collected.
- Who will collect the data and their qualifications.
- How the data will be analyzed.
- How the results will be used.

(2) For process evaluation, describe:

- How the project will be monitored and assessed for potential problems and needed quality improvements.
- Who will be responsible for monitoring and managing project improvements based on results of ongoing process improvements and their qualifications.
- How ongoing monitoring will be used to improve the project.
- Any products, such as manuals or policies, that might be developed and how they might lend themselves to replication by others.
- How the project will document what is learned throughout the project period.

(3) Describe any evaluation efforts that are planned to occur after the grant period ends.

(4) Describe the ultimate benefit for the AI/AN that will be derived from this project.

Agency Contact(s):

For program-related information, contact Ronald Demaray, Acting Director, IHS Office of Direct Service and Contracting Tribes, phone number 301–443–1104 or by e-mail at *ronald.demaray@ihs.gov.*

For grants-related information, contact Kimberly M. Pendleton, Grants Management Officer, Division of Grants Operations, 301–443–5204 or by e-mail at *kimberly.pendleton@ihs.gov.*

Dated: May 26, 2010.

Randy Grinnell,

Deputy Director, Indian Health Service.

[FR Doc. 2010–13148 Filed 6–1–10; 8:45 am]

BILLING CODE 4165–16–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Conducting Public Health Research in Kenya (Panel B), Funding Opportunity Announcement (FOA) GH10–003, Initial Review

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) announces the aforementioned meeting:

Time and Date: 12 p.m.–3 p.m., June 24, 2010 (Closed).

Place: Teleconference.

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters to be Discussed: The meeting will include the initial review, discussion, and evaluation of applications received in response to "Conducting Public Health Research in Kenya (Panel B)," FOA GH10–003.

Contact Person for More Information: Sheree Marshall Williams, PhD, Scientific Review Administrator, CDC, 1600 Clifton Road, NE., Mailstop D73, Atlanta, GA 30333, Telephone: (404) 639–7742.

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: May 25, 2010.

Elaine L. Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2010–13169 Filed 6–1–10; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2007–F–0330] (formerly Docket No. 2007F–0454)

General Mills, Inc.; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the withdrawal, without prejudice to a future filing, of a food additive petition (FAP 7M4770) proposing that the food additive regulations be amended to provide for the safe use of ultraviolet radiation for the reduction of pathogens and other microorganisms in aqueous sugar solutions and potable water intended for use in food production.

FOR FURTHER INFORMATION CONTACT: Laura A. Dye, Center for Food Safety and Applied Nutrition (HFS–265), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740–3835, 301–436–1275.

SUPPLEMENTARY INFORMATION: In a notice published in the **Federal Register** of

December 3, 2007 (72 FR 67943), FDA announced that a food additive petition (FAP 7M4770) had been filed by General Mills, Inc., One General Mills Blvd., Minneapolis, MN 55426. The petition proposed to amend the food additive regulations in § 179.39 *Ultraviolet radiation for the processing and treatment of food* (21 CFR 170.39) to provide for the safe use of ultraviolet radiation for the reduction of pathogens and other microorganisms in aqueous sugar solutions and potable water intended for use in food production. General Mills, Inc., has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: May 26, 2010.

Mitchell A. Cheeseman,

Acting Director, Office of Food Additive Safety, Center for Food Safety and Applied Nutrition.

[FR Doc. 2010–13131 Filed 6–1–10; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[USCG–2010–0453]

National Offshore Safety Advisory Committee

AGENCY: Coast Guard, DHS.

ACTION: Notice of open teleconference meeting.

SUMMARY: This notice announces a teleconference meeting of the National Offshore Safety Advisory Committee (NOSAC) to discuss items listed in the agenda as well as other items that NOSAC may consider. This meeting will be open to the public.

DATES: The teleconference meeting will take place on Thursday, July 1, 2010, from 11 a.m. to 1:30 p.m. EST. This meeting may close early if all business is finished. Written material and requests to make oral presentations should reach the Coast Guard on or before June 17, 2010. Requests to have a copy of your material distributed to each member of the committee should reach the Coast Guard on or before June 17, 2010.

ADDRESSES: The Committee will meet, via telephone conference, on July 1, 2010. Public participation is welcome and members of the public wishing to participate may contact Commander P.W. Clark at 202–372–1410 for call-in information, or they may participate in person by coming to Room 5–1224, U.S. Coast Guard Headquarters Building, 2100 Second Street, SW., Washington, DC 20593. As there are a limited number of teleconference lines, public participation will be on a first come basis. Written comments should be sent to Commander P.W. Clark, Designated Federal Officer of NOSAC, Commandant (CG–5222), 2100 Second Street, SW., Stop 7126, Washington, DC 20593–0001; or by fax to 202–372 1926, at least 10 days prior to the meeting. This notice is available in our online docket, USCG–2010–0453, at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Commander P.W. Clark, Designated Federal Officer of NOSAC, or Mr. Kevin Pekarek, Assistant Designated Federal Officer, telephone 202–372–1386, fax 202–372–1926.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agenda of Meeting

The agenda for the July 1, 2010 Committee meeting is as follows:

(1) Roll call of Committee members and the public participating in the teleconference.

(2) Approval of minutes from the April 8, 2010, meeting.

(3) Consideration and possible action on a subcommittee's Final Report containing recommendations concerning Dynamic Positioning (DP) Systems.

(4) Consideration and possible action on a proposed Task Statement and formation of a subcommittee to study the matter of Electrical Hazards in Explosive Atmospheres.

(5) An update on safe lifting initiatives.

(6) Period for Public Comment.

(7) Confirmation of the date/time for the next NOSAC Meeting (Tuesday, November 9, 2010 in Houston, TX).

Procedural

This meeting is open to the public. Please note that the meeting may close early if all business is finished. At the Chair's discretion, members of the public may make oral presentations during the meeting. If you would like to make an oral presentation during the teleconference, please notify the DFO no later than June 17, 2010. Written material for distribution to Committee members should reach the Coast Guard no later than June 17, 2010.

Minutes

Minutes from the meeting will be available for the public review and copying 30 days following the teleconference meeting.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, contact Mr. Kevin Pekarek at 202–372–1386 as soon as possible.

Dated: May 25, 2010.

F.J. Sturm,

Acting Director of Commercial Regulations and Standards.

[FR Doc. 2010–13117 Filed 6–1–10; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5376–N–46]

Request Voucher for Grant Payment and Line of Credit Control System (LOCCS) Voice Response System Access Authorization

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.

Payment request vouchers for distribution of grant funds using the automated Voice Response System (VRS). An authorization form is submitted to establish access to the voice activated payment system.

DATES: *Comments Due Date:* July 2, 2010.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2535–0102) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806.

FOR FURTHER INFORMATION CONTACT: Leroy McKinney, Jr., Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Leroy McKinney, Jr., at *Leroy.McKinneyJr@hud.gov* or telephone (202) 402–5564. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Mr. McKinney.

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: Request Voucher for Grant Payment and Line of Credit Control System (LOCCS) Voice Response System Access Authorization.

OMB Approval Number: 2535–0102

Form Numbers: HUD–27053, HUD–27054

Description of the Need for the Information and Its Proposed Use: Payment request vouchers for distribution of grant funds using the automated Voice Response System (VRS). An authorization form is submitted to establish access to the voice activated payment system.

Frequency of Submission: On occasion.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting burden	2,420	116		0.170		47,722

Total Estimated Burden Hours: 47,722.

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: May 25, 2010,

Leroy McKinney, Jr.,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2010–13112 Filed 6–1–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5380–N–24]

Notice of Proposed Information Collection: Comment Request; Multifamily Project Monthly Accounting Reports

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be 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.

DATES: *Comments Due Date:* August 2, 2010.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Leroy McKinney, Jr., Departmental Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410; e-mail *Leroy.McKinneyJr@HUD.gov* or telephone (202) 402–8048 or the number for the Federal Information Relay Service (1–800–877–8339).

FOR FURTHER INFORMATION CONTACT: Harry Messner, Office of Asset Management, Policy and Participation Standards Division, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410; telephone (202) 402–2626 (this is not a toll free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection 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 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: Multifamily Project Monthly Accounting Reports.

OMB Control Number, if applicable: 2502–0108.

Description of the need for the information and proposed use: This information is necessary for HUD to monitor compliance with contractual agreements and to analyze cash flow trends as well as occupancy and rent collection levels.

Agency form numbers, if applicable: Forms HUD–93479; HUD–93480; HUD–93481.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The number of burden hours is 143,766. The number of respondents is 10,269, the number of responses is 123,228, the frequency of response is monthly, and the burden hour per response is 3.5 hours.

Status of the proposed information collection: This is an extension of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: May 27, 2010.

Ronald Y. Spraker,

Associate General Deputy Assistant Secretary for Housing.

[FR Doc. 2010–13256 Filed 6–1–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5376–N–45]

Monthly Report of Excess Income and Annual Report of Uses of Excess Income (Correction)

AGENCY: Office of the Chief Information Officer, HUD.

ACTION: Correction.

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.

Project owners are permitted to retain Excess Income for projects under terms and conditions established by HUD. Owners must request to retain some or all of their Excess Income. The request must be submitted at least 90 days before the beginning of each fiscal year, or 90 days before any other time during a fiscal year that the owner plans to begin retaining excess income for that fiscal year. HUD uses the information to ensure that required excess rents are remitted to the Department and/or retained by the owner. This collection was corrected to reflect the submission process.

DATES: *Comments Due Date: July 2, 2010.*

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB approval Number (2502–0086) and should be sent to: HUD Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; fax: 202–395–5806.

FOR FURTHER INFORMATION CONTACT: Leroy McKinney, Jr., Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; e-mail Leroy McKinney, Jr., at *Leroy.McKinneyJr@hud.gov* or telephone (202) 402–5564. This is not a toll-free number. Copies of available documents submitted to OMB may be obtained from Mr. McKinney.

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: Monthly Report of Excess Income and Annual Report of Uses of Excess Income.

OMB Approval Number: 2502–0086.

Form Numbers: None—form HUD–93104 has been retired.

Description of the Need for the Information and its Proposed Use: Project owners are permitted to retain Excess Income for projects under terms and conditions established by HUD. Owners must submit a written request to retain some or all of their Excess Income. The request must be submitted at least 90 days before the beginning of each fiscal year, or 90 days before any other time during a fiscal year that the owner plans to begin retaining excess income for that fiscal year. HUD uses the information to ensure that required excess rents are remitted to the Department and/or retained by the owner.

Frequency of Submission: Monthly, Annually.

	Number of respondents	Annual responses	×	Hours per response	=	Burden hours
Reporting burden	2,506	8.049		0.272		5,493

Total Estimated Burden Hours: 5,493.

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: May 25, 2010.

Leroy McKinney, Jr.,

Departmental Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2010–13113 Filed 6–1–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5375–N–21]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Kathy Ezzell, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 7266, Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for

homeless use for a period of 60 days from the date of this Notice. Where property is described as for "off-site use only" recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Rita, Division of Property Management, Program Support Center, HHS, room 5B–17, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Mark Johnston at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.,* acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *Agriculture:* Ms. Brenda Carignan, Department of Agriculture, Reporters Building, 300 7th Street, SW., Rm. 337, Washington, DC 20024; (202) 401–0787; *Air Force:* Mr. Robert Moore, Air Force Real Property Agency, 143 Billy Mitchell Blvd., Ste. 1, San Antonio, TX 78226; (210) 395–9512; *COE:* Mr. Scott Whiteford, Army Corps of Engineers, Real Estate, CEMP–CR, 441 G Street, NW., Washington, DC 20314; (202) 761–5542; *Energy:* Mr. Mark Price, Department of Energy, Office of Engineering & Construction Management, MA–50, 1000 Independence Ave., SW., Washington, DC 20585: (202) 586–5422; *GSA:* Mr. Gordon Creed, General Services Administration, Office of Property Disposal, 18th and F St., NW., Washington, DC 20405; (202) 501–0084; *Navy:* Mr. Albert Johnson, Department of the Navy, Asset Management Division, Naval Facilities Engineering Command, Washington Navy Yard, 1330 Patterson Ave., SW., Suite 1000, Washington, DC 20374; (202) 685–9305; (These are not toll-free numbers).

Dated: May 27, 2010.

Mark R. Johnston,

Deputy Assistant Secretary for Special Needs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 06/04/2010

Suitable/Available Properties

Building

Colorado

7 Bldgs.
U.S. Air Force Academy
El Paso CO 80840
Landholding Agency: Air Force
Property Number: 18201020002
Status: Unutilized
Directions: 6501, 6502, 6503, 6504, 6505, 6507, and 6508
Comments: 2222 sq. ft. each

Iowa

Former SSA Bldg.
3012 Division Street
Burlington IA 52601
Landholding Agency: GSA
Property Number: 54201020005
Status: Excess
GSA Number: 7–G–IA–0508
Comments: 5060 sq. ft., most recent use—office

Ohio

Bldg. MURDOT–23142
5153 State Rd
Dover OH 44622
Landholding Agency: COE
Property Number: 31201020001
Status: Unutilized
Comments: 664 sq. ft. office bldg., presence of asbestos/lead paint, off-site use only

Belmont Cty Memorial USAR Ctr
5305 Guernsey St.
Bellaire OH 43906
Landholding Agency: GSA
Property Number: 54201020008
Status: Excess
GSA Number: 1–D–OH–837
Comments: 11,734 sq. ft.—office/drill hall; 2,519 sq. ft.—maint. shop

South Dakota

Camp Crook Bldg. No. 2002
Camp Crook Co: Harding SD 57724
Landholding Agency: GSA
Property Number: 54201020007
Status: Surplus
GSA Number: 7–A–SD–0535–1
Comments: Off-site removal only, 2395 sq. ft., needs repair, and presence of asbestos

Land

Missouri

Annex No. 3
Whiteman AFB
Knob Noster MO 65336
Landholding Agency: Air Force
Property Number: 18201020001
Status: Underutilized
Comments: 9 acres

Unsuitable Properties

Building

Alaska

Bldg. 100 and 101
Long Range Radar Site
Point Barrow AK
Landholding Agency: Air Force
Property Number: 18201020003
Status: Unutilized
Reasons: Within 2000 ft. of flammable or explosive material Within airport runway clear zone

7 Bldgs.
Eareckson Air Station
Eareckson AK 99546
Landholding Agency: Air Force
Property Number: 18201020004
Status: Unutilized
Directions: 132, 152, 153, 750, 3013, 3016, and 4012
Reasons: Within airport runway clear zone, Secured Area, and Extensive deterioration

California

Bldgs. 591, 970, 1565
Vandenberg AFB
Vandenberg CA 93437
Landholding Agency: Air Force
Property Number: 18201020005
Status: Unutilized
Reasons: Extensive deterioration
Secured Area

11 Bldgs.
Lawrence Berkeley Nat'l Lab
Berkeley Co: Alameda CA 94720
Landholding Agency: Energy
Property Number: 41201020008
Status: Excess
Directions: Bldg. Nos. 25, 25A, 25B, 44, 44A, 44B, 46C, 46D, 52,52A, and 75A
Reasons: Secured Area

Bldgs. 3550, 3551
Naval Base
San Diego CA
Landholding Agency: Navy
Property Number: 77201020015
Status: Unutilized
Reasons: Secured Area

Colorado

Bldg. 1413
Buckley AFB
Aurora CO

Landholding Agency: Air Force
Property Number: 18201020006
Status: Unutilized
Reasons: Extensive deterioration
Secured Area

Florida

Bldgs. 1622, 60408, and 60537
Cape Canaveral AFS
Brevard FL 32925
Landholding Agency: Air Force
Property Number: 18201020007
Status: Unutilized
Reasons: Secured Area

13 Bldgs.
Tyndall AFB
Bay FL 32403
Landholding Agency: Air Force
Property Number: 18201020008
Status: Excess
Directions: B111, B113, B115, B205, B206, B501, B810, B812, B824, B842, B1027, B1257, and B8402
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

Georgia

Bldgs. 665 and 1219
Moody AFB
Moody AFB GA 31699
Landholding Agency: Air Force
Property Number: 18201020009
Status: Underutilized
Reasons: Secured Area

12 Bldgs.
West Point Lake
West Point GA 31833
Landholding Agency: COE
Property Number: 31201020002
Status: Unutilized
Directions: WLC06, LC05, LC06, LC07, RP07, WEC04, WEC05, WYJ03, WH17, WR01, WGB04, and RP09
Reasons: Extensive deterioration

Hawaii

Bldgs. 39 and 14111
Kaena Point Satellite Tracking Station
Honolulu HI 96792
Landholding Agency: Air Force
Property Number: 18201020010
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material Secured Area

Illinois

Bldgs. 004R43, 003R60
Carlyle Lake
Clinton IL 62231
Landholding Agency: COE
Property Number: 31201020003
Status: Excess
Reasons: Extensive deterioration

Bldg. 621
FERMILAB
Batavia IL
Landholding Agency: Energy
Property Number: 41201020007
Status: Excess
Reasons: Extensive deterioration
Secured Area

Indiana

Bldg. 18
Grissom AFB
Peru IN 46970
Landholding Agency: Air Force
Property Number: 18201020012
Status: Excess
Reasons: Within 2000 ft. of flammable or explosive material

Kansas

27 Bldgs.
McConnell AFB
Sedgwick KS 67210
Landholding Agency: Air Force
Property Number: 18201020013
Status: Excess
Directions: 2052, 2347, 2054, 2056, 2044, 2047, 2049, 2071, 2068, 2065, 2063, 2060, 2237, 2235, 2232, 2230, 2352, 2349, 2345, 2326, 2328, 2330, 2339, 2324, 2342, 2354, and 2333
Reasons: Secured Area

Louisiana

TARS Sites 1–6
Morgan City LA 70538
Landholding Agency: Air Force
Property Number: 18201020014
Status: Unutilized
Reasons: Secured Area

Maine

Bldgs. B496 and 497
Bangor Internatl Airport
Bangor ME 04401
Landholding Agency: Air Force
Property Number: 18201020015
Status: Unutilized
Reasons: Secured Area

New Jersey

5 Bldgs.
Joint Base McGuire-Dix-Lakehurst
Trenton NJ 08641
Landholding Agency: Air Force
Property Number: 18201020016
Status: Unutilized
Directions: 1827, 1925, 3424, 3446, and 3449
Reasons: Extensive deterioration
Secured Area

North Dakota

Bldg. ASH 10367
Baldhill Dam
Barnes ND
Landholding Agency: COE
Property Number: 31201020004
Status: Unutilized
Reasons: Extensive deterioration

Oklahoma

Compound
Canton Lake
Canton OK
Landholding Agency: COE
Property Number: 31201020005
Status: Unutilized
Reasons: Extensive deterioration

South Carolina

7 Bldgs.
Shaw AFB
Sumter SC 29152
Landholding Agency: Air Force
Property Number: 18201020017
Status: Unutilized
Directions: B1026, B400, B401, B1402, B1701, B1711, and B1720
Reasons: Secured Area

Bldgs. B40006 and B40009
Shaw AFB
Wedgefield SC 29168
Landholding Agency: Air Force
Property Number: 18201020018
Status: Unutilized
Reasons: Secured Area

Texas

Wallisville Road Property
Houston TX 77029
Landholding Agency: GSA
Property Number: 54201020006
Status: Surplus
GSA Number: 7–G–TX–1107
Reasons: Within 2000 ft. of flammable or explosive material

Virginia

Bldg. TR–CO1
Tailrace Park
Mecklenberg VA 23917
Landholding Agency: COE
Property Number: 31201020006
Status: Unutilized
Reasons: Extensive deterioration

West Virginia

InKeep House
Smokehole Canyon
Grant WV 26855
Landholding Agency: Agriculture
Property Number: 15201020001
Status: Unutilized
Reasons: Extensive deterioration

Bldg. BLN–01–A–01
Bluestone Lake
Hinton WV 25951
Landholding Agency: COE
Property Number: 31201020007
Status: Unutilized
Reasons: Extensive deterioration

Land

Illinois

Annex
Scolt Radio Relay
Belleville IL 62221
Landholding Agency: Air Force
Property Number: 18201020011
Status: Unutilized
Reasons: Secured Area

[FR Doc. 2010–13257 Filed 6–1–10; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Availability of Draft General Management Plan/Environmental Impact Statement for Lincoln Home National Historic Site, Il

SUMMARY: Pursuant to Section 102(2)(C) of the National Environmental Policy Act of 1969, 42 U.S.C. 4332(2)(c), the National Park Service (NPS) announces the availability of a draft General Management Plan/Environmental Impact Statement (GMP/EIS) for Lincoln Home National Historic Site, Illinois.

DATES: The draft GMP/EIS will remain available for public review for 60 days following the publishing of the notice of availability in the **Federal Register** by

the U.S. Environmental Protection Agency. Public meetings will be held during the 60-day review period on the GMP/EIS in Springfield, Illinois, in summer 2010.

You may submit your comments by any one of several methods. You may comment via the Internet through the national planning site at *http://www.parkplanning.nps.gov/liho.* You may mail comments to Superintendent, Lincoln Home National Historic Site, 413 South Eighth Street, Springfield, Illinois 62701–1905. You may contact the Superintendent by facsimile at 217–492–4673. Finally, you may hand-deliver comments to the Lincoln Home National Historic Site headquarters at the address above.

ADDRESSES: Copies of the draft GMP/EIS are available from the Superintendent, 413 South Eighth Street, Springfield, Illinois 62701–1905.

SUPPLEMENTARY INFORMATION: This GMP/EIS will guide the management of the Lincoln Home National Historic Site for the next 20 years. The draft GMP/EIS considers four draft conceptual alternatives—a no-action and three action alternatives, including the NPS preferred alternative. The draft GMP/EIS assesses impacts to cultural resources, visitor opportunities and use, socioeconomics, and NPS operations.

The NPS preferred alternative focuses on rehabilitating the historic landscape to offer visitors a strong sense of the neighborhood as Lincoln knew it. This goal would be accomplished by extensive rehabilitation at the core of the site, but less extensive away from the core. The Lincoln lot would be restored if there is sufficient documentation.

FOR FURTHER INFORMATION CONTACT: Contact Superintendent, Lincoln Home National Historic Site, at the address or telephone number above.

Before including your address, telephone number, electronic mail address, or other personal identifying information in your comments, you should be aware that your entire comment (including your personal identifying information) may be made publicly available at any time. While you can ask us in your comments to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so. We will make all submissions from organizations or businesses, from individuals identifying themselves as representatives or officials, of organizations or businesses, available for public inspection in their entirety.

Dated: April 30, 2010.

Ernest Quintana,

Regional Director, Midwest Region.

[FR Doc. 2010–13232 Filed 6–1–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLMT924000 L12200000.PM0000]

Final Supplementary Rules for Camping on Undeveloped Public Lands in Montana, North Dakota, and South Dakota

AGENCY: Bureau of Land Management, Interior.

ACTION: Final supplementary rules.

SUMMARY: The Bureau of Land Management (BLM) is issuing final supplementary rules regarding time limits for camping and the storage of personal property on undeveloped public lands managed by the BLM in Montana, North Dakota, and South Dakota. These final supplementary rules consolidate existing rules for camping on undeveloped BLM-administered public lands throughout Montana, North Dakota, and South Dakota. These final supplementary rules will supersede prior published rules.

DATES: The rules are effective July 2, 2010.

ADDRESSES: You may submit suggestions or inquiries to Christina Miller, Outdoor Recreation Planner, BLM Montana State Office, 5001 Southgate Drive, Billings, MT 59101–4669.

FOR FURTHER INFORMATION CONTACT: Christina Miller, Outdoor Recreation Planner, BLM Montana State Office, 5001 Southgate Drive, Billings, Montana 59101–4669, (406) 896–5038.

SUPPLEMENTARY INFORMATION:

I. *Background*
II. *Discussion of Comments*

I. Background

The BLM proposed these final supplementary rules in order to promote consistency between the BLM-managed public lands in Montana, North Dakota, and South Dakota on issues of camping, occupancy, and the storage of property on undeveloped public lands. These rules are necessary to protect the area's natural resources, to provide for the public's health and safety, and provide needed guidance in the areas of camping, occupancy, and storage of personal property. These final supplementary rules would not apply to locations that contain structures or capital improvements (such as boat launch sites, picnic areas, and interpretive centers) and that are used primarily by the public for recreational purposes. Examples of such locations include developed campgrounds, designated recreation areas, and special recreation management areas. The BLM regulates the use and occupancy at such developed locations in accordance with 43 CFR 8365.2–3. In addition, site-specific rules for these locations remain in effect and are posted at each site.

These final supplementary rules supersede rules previously published at 72 FR 19958 (April 20, 2007). The rules in the Notice of Camping Limits on Public Lands in Montana, South Dakota and North Dakota required camps to be moved a minimum of 5 miles every 14 days. These final supplementary rules allow camping at a particular location for 16 days, either cumulatively or consecutively, during any 30-day interval. The placing or leaving of unattended motor vehicles, trailers, or other personal property for the purpose of reserving a camping site is considered camping for the purpose of these final supplementary rules. These changes will allow the public to remain in the general area in which they wish to recreate while still achieving the BLM's goal of protecting public lands and natural resources by prohibiting long-term camps in a single location.

II. Discussion of Comments

These rules were published as proposed final supplementary rules on August 13, 2009 in the **Federal Register** (74 FR 40839–40841). Comments were solicited in that publication and could be submitted by mail, electronic means, or by telephone.

No comments were received. Therefore, we are publishing the final supplementary rules as proposed, with the exception of editorial changes made for purposes of clarity.

III. Procedural Matters

Executive Order 12866, Regulatory Planning and Review

These final supplementary rules are not a significant regulatory action and are not subject to review by the Office of Management and Budget under Executive Order (E.O.) 12866. These final supplementary rules will not have an effect of $100 million or more on the economy. These final supplementary rules 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 final

supplementary rules will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. These final 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 these final supplementary rules raise novel legal or policy issues. They establish limits for public recreational use of undeveloped public lands in Montana, North Dakota, and South Dakota to protect public lands and natural resources.

National Environmental Policy Act

The BLM prepared an environmental impact statement (EIS) as part of the development of the resource management plan (RMP) for each district office. During that National Environmental Policy Act (NEPA) process, the proposed decisions were fully analyzed, including the substance of these final supplementary rules. The pertinent analysis can be found in Chapter 4, Environmental Consequences, of the RMP for each district office. These final supplementary rules provide for enforcement of plan decisions.

Regulatory Flexibility Act

Congress enacted the Regulatory Flexibility Act (RFA) of 1980, as amended, 5 U.S.C. 601–612, 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. These final supplementary rules do not pertain specifically to commercial or governmental entities of any size, but to public recreational use of specific public lands. Therefore, the BLM has determined under the RFA that these final supplementary rules would not have a significant economic impact on a substantial number of small entities.

Small Business Regulatory Enforcement Fairness Act

These final supplementary rules do not constitute a "major rule" as defined at 5 U.S.C. 804(2). Again, these final supplementary rules merely establish limits for recreational use of certain public lands. These final supplementary rules have no effect on business—commercial or industrial—use of the public lands.

Unfunded Mandates Reform Act

These final 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 final supplementary rules have a significant or unique effect on state, local, or tribal governments, or the private sector. These final supplementary rules do not require anything of state, local, or tribal governments. Therefore, the 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)

These final supplementary rules do not represent a government action capable of interfering with constitutionally protected property rights. These final supplementary rules do not address property rights in any form and do not cause the impairment of anybody's property rights. Therefore, the Department of the Interior has determined that these final 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

These final supplementary rules do 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. These final supplementary rules will have little or no effect on state or local government. Therefore, in accordance with E.O. 13132, the BLM has determined that these final supplementary rules do not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

Executive Order 12988, Civil Justice Reform

Under E.O. 12988, the BLM has determined that these final 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 Executive Order.

Paperwork Reduction Act

These final supplementary rules do not directly provide for any information collection that the Office of Management and Budget must approve under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*). Any information collection that may result from Federal criminal investigations or prosecutions conducted in enforcing these final supplementary rules is exempt from the provisions of the Paperwork Reduction Act of 1995, 44 U.S.C. 3518(c)(1).

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

In accordance with E.O. 13175, the BLM has found that these final supplementary rules do not include policies that have tribal implications. These final supplementary rules provide for enforcement of decisions adopted in the record of decision and thoroughly analyzed in the EIS prepared for the RMP of each district office. During preparation of the EIS, government-to-government consultation was conducted with the tribal governments with interests in the affected area. None of these tribal governments expressed concerns regarding the decisions these final supplementary rules are designed to enforce. Therefore, in accordance with E.O. 13175, the BLM has found that these final supplementary rules do not include polices that have tribal implications.

Author

The principal author of these final supplementary rules is Christina Miller, Outdoor Recreation Planner, BLM, Montana State Office. For the reasons stated in the Preamble, and under the authority for supplementary rules found in 43 U.S.C. 1740, 16 U.S.C. 670h(c)(5), 43 U.S.C. 315a, and 43 CFR 8365.1–6, the Montana/Dakotas State Director, BLM, proposes the following final supplementary rules for camping on public lands within the States of Montana, North Dakota, and South Dakota:

Final Supplementary Rules for Undeveloped BLM-Administered Lands in the States of Montana, North Dakota, and South Dakota

Definitions

Camping: The erecting of a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, parking of a motor vehicle, motor home, or trailer, or mooring of a vessel for the apparent purpose of overnight occupancy. The placing or leaving of unattended motor vehicles, trailers, or other personal property for the purpose of reserving a camping site is considered camping for the purpose of these final supplementary rules.

Personal Property: Ownership of any tangible article. Examples of personal property include vehicles, furniture, boats, collectibles, etc.

Refuse: Items or material discarded or rejected as useless or worthless, trash or rubbish.

You must follow these rules:

These final supplementary rules apply, except as specifically exempted, to all camping on undeveloped public lands managed by the Montana State Office of the BLM within the states of Montana, North Dakota, and South Dakota. These final supplementary rules are in effect on a year-round basis and will remain in effect until modified by the BLM.

1. You must not camp longer than 16 consecutive days at any one location;

2. No person or group may camp within a single location on public lands more than 16 days within any period of 30 consecutive days. The 16-day limit may be reached either by compiling individual visits during a 30-day interval or by occupying a location continuously for 16 days during a 30-day interval. A 16-day interval begins when a person initially camps or leaves vehicles or property at a site on public lands;

3. After 16 days of camping in a single location, you must not camp at that location until at least 30 days have passed, and any camp relocation within that 30-day period shall not be within a one-half mile radius from the original site. Under special circumstances and upon request, the BLM may issue a written permit for extension of the 16-day limit;

4. You must not leave any personal property or refuse after vacating the campsite. This includes any property left for the purposes of use by another camper or occupant;

5. The time such property is left unattended at a site will be counted toward the 16-day camping limit. (Unattended property is still subject to the time limits found in 43 CFR 8365.1–2(b)); and

6. The following persons are exempt from these final supplementary rules: any Federal, state, or local officer or employee in the scope of their duties; members of any organized rescue or firefighting force in performance of an official duty; and any person whose activities are authorized in writing by the BLM.

Penalties

Penalties under these rules may depend on the location where a violation occurs. The primary statutory authority for proposing these final supplementary rules is the Federal Land Policy and Management Act (FLPMA). Section 310 of FLPMA (43 U.S.C. 1740) authorizes the BLM to issue rules and regulations to carry out the purposes of FLPMA and other laws applicable to the public lands. Under Section 303(a) of FLPMA, 43 U.S.C. 1733(a) and 43 CFR 8360.0–7, any person who violates any of these final supplementary rules on any 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. Also, such violations may be subject to the enhanced fines provided for by 18 U.S.C. 3571. Under the Taylor Grazing Act, any person who violates any of these final supplementary rules on public lands within grazing districts (see 43 U.S.C. 315a), or on public lands subject to a grazing lease (see 43 U.S.C. 315m), may be tried before a United States Magistrate and fined no more than $500. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

Any person who violates any of these final supplementary rules on public lands managed in accordance with the Sikes Act may be tried before a United States Magistrate and fined no more than $500 or imprisoned for no more than six months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

In accordance with 43 CFR 8365.1–7, state or local officials may also impose penalties for violations of Montana, North Dakota, or South Dakota law.

Gene R. Terland,

State Director, Montana State Office.

[FR Doc. 2010–13227 Filed 6–1–10; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Hydroelectric Power Development at Ridgway Dam, Dallas Creek Project, Colorado

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of intent to accept proposals, select lessee, and contract for hydroelectric power development at Ridgway Dam.

SUMMARY: Current Federal policy encourages non-Federal development of environmentally sustainable hydropower potential on Federal water resource projects. The Bureau of Reclamation (Reclamation), in consultation with the Department of Energy, Western Area Power Administration (Western), will consider proposals for non-Federal development of hydroelectric power at Ridgway Dam, a feature of the Dallas Creek Project. Reclamation is considering such hydroelectric power development under a lease of power privilege. No Federal funds will be available for such hydroelectric power development. Western would have the first opportunity to purchase and/or market the power that would be generated by such development under a lease of power privilege. The Dallas Creek Project is a Federal Reclamation project. This notice presents background information, proposal content guidelines, and information concerning selection of a non-Federal entity to develop hydroelectric power at Ridgway Dam, and power purchasing and/or marketing considerations.

DATES: A written proposal and seven copies must be submitted on or before 5 p.m. (MST), on Friday, December 3, 2010. A proposal will be considered timely only if it is received in the office of the Area Manager by or before 5 p.m. on the designated date. Interested entities are cautioned that delayed delivery to this office due to failures or misunderstandings of the entity and/or of mail, overnight, or courier services will not excuse lateness and, accordingly, are advised to provide sufficient time for delivery. Late proposals will not be considered.

ADDRESSES: Send written proposals to Ms. Carol DeAngelis, Area Manager, Western Colorado Area Office, Bureau of Reclamation, 2764 Compass Drive, Suite 106, Grand Junction, Colorado 81506, telephone (970) 248–0600.

A copy of the proposal should also be sent at or about the time it is due at Reclamation to: CRSP Manager, Western Area Power Administration, 150 Social Hall Avenue, Suite 300, Salt Lake City, Utah 84111–1534. Western is also available to meet with Reclamation and interested entities to discuss Western's potential marketing of hydropower.

FOR FURTHER INFORMATION CONTACT: Technical data, including past water release patterns, may be obtained by contacting Mr. Dan Crabtree, Water Management Group Chief, Western Colorado Area Office, Bureau of Reclamation 2764 Compass Drive, Suite 106, Grand Junction, Colorado 81506, telephone (970) 248–0652.

Reclamation will be available to meet with interested entities only upon written request to the Water Management Group Chief at the above cited address. Reclamation will provide an opportunity for a site visit. In addition, Reclamation reserves the right

to schedule a single meeting and/or visit to address the questions of all entities that have submitted questions or requested site visits. Information related to Western's purchasing and/or marketing of the power may be obtained by contacting Ms. LaVerne Kyriss, CRSP Manager, Western Area Power Administration, 150 Social Hall Avenue, Suite 300, Salt Lake City, Utah 84111–1534, telephone (801) 524–6372. Information related to the operation and maintenance of Ridgway Dam may be obtained by contacting Mr. Mike Berry, Tri-County Water Conservancy District, P.O. Box 347, Montrose, Colorado 81402, telephone (970) 249–3369.

SUPPLEMENTARY INFORMATION: The Dallas Creek Project, located near the town of Ridgway in west-central Colorado on the Uncompahgre River in the Colorado River Basin, was authorized for construction (including hydropower) by the Colorado River Basin Project Act of September 30, 1968 (Pub. L. 90–537), as a participating project under the Colorado River Storage Project Act of April 11, 1956 (Pub. L. 84–485). The Tri-County Water Conservancy District (District), under its contracts with the United States, has certain operation, maintenance, replacement, and repayment responsibilities and obligations concerning Ridgway Dam.

Reclamation, in consultation with Western, is considering hydroelectric power development at Ridgway Dam under a lease of power privilege. A lease of power privilege is an alternative to Federal hydroelectric power development. A lease of power privilege is a contractual right given to a non-Federal entity to use a Reclamation facility for electric power generation consistent with Reclamation project purposes. Leases of power privilege have terms not to exceed 40 years. The general authority for lease of power privilege under Reclamation law includes, among others, the Town Sites and Power Development Act of 1906 (43 U.S.C. 522), and the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)) (1939 Act). Reclamation will be the lead Federal agency for ensuring compliance with the National Environmental Policy Act (NEPA) of any lease of power privilege considered in response to this notice. Leases of power privilege may be issued only when Reclamation, upon completion of the NEPA process, determines that the proposed hydropower development is environmentally acceptable. Any lease of power privilege at Ridgway Dam must accommodate existing contractual and environmental commitments related to operation and maintenance of such existing facilities. The lessee (*i.e.,* successful proposing entity) would be required to enter into a contract with the District to coordinate operation and maintenance of any proposed hydropower development with existing Federal features.

Western would have the first opportunity to purchase and/or market the power that would be generated under any lease of power privilege. Western would have 60 days from the date of notification of selection of a lessee in which to decide whether to purchase and/or market the power.

All costs incurred by the United States related to development and operation and maintenance under a lease of power privilege, including NEPA compliance, engineering reviews, and development of the lease of power privilege, would be the expense of the lessee. In addition, the lessee would be required to make annual payments to the United States for the use of a Government facility. Depending on the economic capability of the proposed hydropower development, this amount will be not less than 3 mills per kilowatt-hour of generation. If conditions provide opportunity for substantial benefits to accrue to the lessee, then the United States will benefit proportionally. Also, under the lease of power privilege, provisions will be included for inflation of the annual payment with time. Such annual payments to the United States would be deposited as a credit to the Upper Colorado River Basin Fund.

Proposal Content Guidelines

Interested parties should submit proposals explaining in as precise detail as is practicable how the hydropower potential would be developed. Factors which a proposal should consider and address include, but are not limited to, the following:

(a) Provide all information relevant to the qualifications of the proposing entity to plan and implement such a project, including, but not limited to, information about preference status, type of organization, length of time in business, experience in funding, design and construction of similar projects, industry rating(s) that indicate financial soundness and/or technical and managerial capability, experience of key management personnel, history of any reorganizations or mergers with other companies, and any other information that demonstrates the interested entity's organizational, technical, and financial ability to perform all aspects of the work. Include a discussion of past experience in operating and maintaining similar facilities and provide references as appropriate. The term "preference entity," as applied to a lease of power privilege, means an entity qualifying for preference under Section 9c of the 1939 Act as a municipality, public corporation or agency, or cooperative or other nonprofit organization financed in whole or in part by loans made pursuant to the Rural Electrification Act of 1936, as amended.

(b) Provide geographical locations and describe principal structures and other important features of the proposed development including roads and transmission lines. **Note:** Due to possible forthcoming modifications at Ridgway Dam, the available sites for a powerhouse are presently limited. It is therefore imperative that any potential lessee consult with Reclamation to obtain current information regarding acceptable potential powerhouse locations. Estimate and describe installed capacity and the capacity of the power facilities under dry, average, and wet hydrological conditions. Also describe seasonal or annual generation patterns. Include estimates of the amount of electrical energy that would be produced from the facility for each month of average, dry, and wet water years. If capacity and energy can be delivered to another location, either by the proposing entity or by potential wheeling agents, specify where capacity and energy can be delivered. Include concepts for power sales and contractual arrangements, involved parties, and the proposed approach to wheeling if required. To determine the marketability of the generated hydropower, Western requires the following information: Cost of delivered generation in $/megawatt-hour, including any variations in cost (on-peak, off-peak, seasonal), including escalation factors and any other charges; delivery point and voltage of generation plus any arrangements the lessee has to wheel power to an alternate location(s); the daily, weekly, monthly, and annual pattern of expected generation under average, wet, and dry hydrological conditions; ability of generation to provide ancillary services such as regulation, spinning reserves, and volt-ampere reactive support; and information on the reliability of the generation, potential maintenance outage schedule, and duration.

(c) Indicate title arrangements and the ability for acquiring title to or the right to occupy and use lands necessary for the proposed development(s), including such additional lands as may be required during construction.

(d) Identify water rights applicable to the operation of the proposed development(s), the holder of such

rights, and how these rights would be acquired or perfected.

(e) Discuss any studies necessary to adequately define impacts on the Dallas Creek Project and the environment of the development. Describe any significant environmental issues associated with the development and the proposing entity's approach for gathering relevant data and resolving such issues to protect and enhance the quality of the environment. Explain any proposed use of the hydropower development for conservation and utilization of the available water resources in the public interest.

(f) Describe anticipated contractual arrangements with the entity or entities having operation and maintenance responsibility for the Dallas Creek Project feature(s) that are proposed for utilization in the hydropower development under consideration. Define how the hydropower development would operate in harmony with the multiple purposes of the Dallas Creek Project and existing applicable contracts related to operation and maintenance of Dallas Creek Project feature(s) being considered for modification.

(g) Describe plans for assuming liability for damage to the operational and structural integrity of the Dallas Creek Project caused by construction, operation, and/or maintenance of the hydropower development.

(h) Identify the organizational structure planned for the long-term operation and maintenance of any proposed hydropower development.

(i) Provide a management plan to accomplish such activities as planning, NEPA compliance, lease of power privilege development, design, construction, facility testing, and start of hydropower production. Prepare schedules of these activities as is applicable. Describe what studies are necessary to accomplish the hydroelectric power development and how the studies would be implemented.

(j) Estimate development cost. This cost should include all investment costs such as the cost of studies to determine feasibility, NEPA compliance, design, construction, and financing as well as the amortized annual cost of the investment; also, the annual operation, maintenance, and replacement expense for the hydropower development; annual payments to the United States; expenses that may be associated with the Dallas Creek Project; and the anticipated return on investment. If there are additional transmission or wheeling expenses associated with the development of the hydropower development, these should be included. Identify proposed methods of financing the hydropower development. An economic analysis should be presented that compares the present worth of all benefits and costs of the hydropower development.

Selection of Lessee

Reclamation, in consultation with Western, will evaluate proposals received in response to this published notice. Reclamation may request additional information from individual proposing entities and/or all proposing entities after proposals are submitted, but prior to making a selection of a lessee.

Reclamation will give more favorable consideration to proposals that (1) emphasize sustainable, low impact, or small hydropower development that avoids, reduces, or minimizes environmental impacts; (2) improve ecosystem function; (3) utilize water and natural resources in an environmentally and economically sound manner; (4) clearly demonstrate that the offeror is qualified to develop the hydropower facility and provide for long-term operation and maintenance; and (5) best share the economic benefits of the hydropower development among parties (including the United States) to the lease of power privilege. A proposal will be deemed unacceptable if it is inconsistent with Dallas Creek Project purposes, as determined by Reclamation. Reclamation will give preference to those entities that qualify as preference entities, as defined under Proposal Content Guidelines, item (a), provided that their proposal is at least as well-adapted to developing, conserving, and utilizing the water and natural resources as other submitted proposals and that the preference entity is well qualified. Through written notice, all preference entities submitting proposals would be allowed 90 days to improve their proposals, if necessary, to be made at least equal to a proposal(s) that may have been submitted by a non-preference entity.

Power Purchasing and/or Marketing Considerations

Western would have the first opportunity to purchase and/or market the power that would be generated by the project under a lease of power privilege. Western will consult with Reclamation on such power purchasing and/or marketing considerations.

Western may market the power available from the project as part of its Salt Lake City Area Integrated Projects (SLCA/IP) or on a stand-alone basis, first to preference entities qualified under criteria established by Western and second to non-preference entities, by developing an individual marketing plan for this power. This marketing plan would be developed through a separate subsequent public process beginning with a notice in the **Federal Register** of Western's intent to market the power. The marketing plan would include all aspects of marketing the power, including assignment of power to qualified preference and/or non-preference entities, pricing, transmission, and delivery of power. Western would recover the costs it would incur in purchasing and/or marketing the power through the rates charged for the power. Firm power rates would be established through a public process, initiated by a notice in the **Federal Register**, separate from the marketing plan.

In the event Western elects to not purchase and/or market the power generated by the hydropower development or such a decision cannot be made within 60 days of notification of selection of a lessee, the lessee would be responsible for marketing the power generated by the project with priority given to preference entities as heretofore defined in Proposal Content Guidelines, item (a).

Notice and Time Period To Enter Into Lease of Power Privilege

Reclamation will notify, in writing, all entities submitting proposals of Reclamation's decision regarding selection of the potential lessee. The selected potential lessee will have two years from the date of such notification to enter into a lease of power privilege for the proposed development of hydropower at Ridgway Dam. Any excessive delay resulting from compliance with the provisions of Federal environmental laws or administrative review by a Federal agency, pertaining to the project, may extend the two-year time period for a period equal to that of the delay. In the event of litigation related to the proposed project, the two-year time period will be extended for a period equal to that of the delay, provided such litigation was initiated by parties other than the selected potential lessee or its employees, officers, agents, assigns, shareholders, customers, or persons or groups served by or in privity with the potential lessee.

Dated: May 13, 2010.

Anamarie Gold,

Assistant Regional Director, Upper Colorado Region.

[FR Doc. 2010–13149 Filed 6–1–10; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF THE INTERIOR

Geological Survey

Announcement of National Geospatial Advisory Committee Meeting

AGENCY: U.S. Geological Survey, Interior.

ACTION: Notice of meeting.

SUMMARY: The National Geospatial Advisory Committee (NGAC) will meet on June 22–23, 2010 at the National Conservation Training Center, 698 Conservation Way, Shepherdstown, WV 25443. The meeting will be held in Room #201 Instructional East.

The NGAC, which is composed of representatives from governmental, private sector, non-profit, and academic organizations, has been established to advise the Chair of the Federal Geographic Data Committee on management of Federal geospatial programs, the development of the National Spatial Data Infrastructure, and the implementation of Office of Management and Budget (OMB) Circular A–16. Topics to be addressed at the meeting include:

—Recent FGDC Activities.
—Overview of Geospatial Platform Initiative.
—NGAC Feedback on Geospatial Platform.
—NGAC Subcommittee Work Plans.
—NGAC Action Plan.

The meeting will include an opportunity for public comment during the morning of June 23. Comments may also be submitted to the NGAC in writing.

Members of the public who wish to attend the meeting must register in advance for clearance into the meeting site. Please register by contacting Arista Maher at the Federal Geographic Data Committee (703–648–6283, *amaher@fgdc.gov*). Registrations are due by June 14. While the meeting will be open to the public, seating may be limited due to room capacity. Members of the public who cannot attend in person may listen to the meeting via conference call. Please register in advance for the conference call by contacting Arista Maher at the Federal Geographic Data Committee (703–648–6283, *amaher@fgdc.gov*). Conference call registrations are due by June 14. Instructions will be provided. The number of participants may be limited by conference line capacity.

DATES: The meeting will be held on June 22 from 8:30 a.m. to 5 p.m. and on June 23 from 8:30 a.m. to 4 p.m.

FOR FURTHER INFORMATION CONTACT: John Mahoney, U.S. Geological Survey (206–220–4621).

SUPPLEMENTARY INFORMATION: Meetings of the National Geospatial Advisory Committee are open to the public. Additional information about the NGAC and the meeting are available at *http://www.fgdc.gov/ngac.*

Dated: May 27, 2010.

Ken Shaffer,

Deputy Executive Director, Federal Geographic Data Committee.

[FR Doc. 2010–13289 Filed 6–1–10; 8:45 am]

BILLING CODE 4311–AM–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCAD01000 L12200000.AL 0000]

Meeting of the California Desert District Advisory Council

SUMMARY: Notice is hereby given, in accordance with Public Laws 92–463 and 94–579, that the California Desert District Advisory Council to the Bureau of Land Management, U.S. Department of the Interior, will participate in a field tour of BLM-administered public lands on Friday, June 18, 2010, from 8 a.m. to 4:30 p.m. and will meet in formal session on Saturday, June 19, 2010, from 8 a.m. to 4:30 p.m. at the Heritage Inn and Suites, 1050 N. Norma St., Ridgecrest, California.

Agenda topics will include updates by Council members and reports from the BLM District Manager and five field office managers. Final agenda items, including details of the field tour, will be posted on the BLM California state Web site at *http://www.blm.gov/ca/st/en/info/rac/dac.html.*

SUPPLEMENTARY INFORMATION: All Desert District Advisory Council meetings are open to the public. Public comment for items not on the agenda will be scheduled at the beginning of the meeting Saturday morning. Time for public comment may be made available by the Council Chairman during the presentation of various agenda items, and is scheduled at the end of the meeting for topics not on the agenda.

While the Saturday meeting is tentatively scheduled from 8 a.m. to 4:30 p.m., the meeting could conclude prior to 4:30 p.m. should the Council conclude its presentations and discussions. Therefore, members of the public interested in a particular agenda item or discussion should schedule their arrival accordingly. Written comments may be filed in advance of the meeting for the California Desert District Advisory Council, c/o Bureau of Land Management, External Affairs, 22835 Calle San Juan de Los Lagos, Moreno Valley, California 92553. Written comments also are accepted at the time of the meeting and, if copies are provided to the recorder, will be incorporated into the minutes.

FOR FURTHER INFORMATION CONTACT: David Briery, BLM California Desert District External Affairs, (951) 697–5220.

Dated: May 26, 2010.

Teresa A. Raml,

District Manager.

[FR Doc. 2010–13229 Filed 6–1–10; 8:45 am]

BILLING CODE 4310–40–P

INTERNATIONAL TRADE COMMISSION

[Inv. No. 337–TA–719]

In the Matter of: Certain Lighting Products; Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on May 3, 2010, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Blumberg Industries, Inc. d/b/a Fine Art Lamps of Miami Lakes, Florida. A letter supplementing the complaint was filed on May 24, 2010. The complaint alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain lighting products by reason of infringement of U.S. Patent No. D570,038; U.S. Copyright Registration Nos. VA 1–399–618 and VA 1–415–353; and U.S. Trademark Registration Nos. 3,703,710; 3,703,711; 3,700,479, and 3,700,480. The complaint further alleges that an industry in the United States exists as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue an exclusion order and a cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, is 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., Room

112, Washington, DC 20436, telephone 202–205–2000. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server at *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.*

FOR FURTHER INFORMATION CONTACT: Anne Goalwin, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone (202) 205–2574.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2010).

Scope of Investigation: Having considered the complaint, the U.S. International Trade Commission, on May 25, 2010, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine:

(a) Whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain lighting products that infringe U.S. Patent No. D570,038, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(b) whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain lighting products by reason of infringement of U.S. Copyright Registration No. VA 1–399–618 or U.S. Copyright Registration No. VA 1–415–353, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(c) whether there is a violation of subsection (a)(1)(C) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain lighting products by reason of infringement of U.S. Trademark Registration Nos. 3,703,710; 3,703,711; 3,700,479; or 3,700,480, and whether an industry in the United States exists as required by subsection (a)(2) of section 337; and

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is: Blumberg Industries, Inc. d/b/a Fine Art Lamps, 5770 Miami Lakes Drive East, Miami Lakes, Florida 33014.

(b) The respondent is the following entity alleged to be in violation of section 337, and is the party upon which the complaint is to be served: Lights & More, Inc., 170 F.D. Roosevelt Avenue, San Juan, Puerto Rico 00918.

(c) The Commission investigative attorney, party to this investigation, is Anne Goalwin, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, 500 E Street, SW., Suite 401, Washington, DC 20436; and

(3) For the investigation so instituted, the Honorable Paul J. Luckern, Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

Responses to the complaint and the notice of investigation must be submitted by the named respondent in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(d)-(e) and 210.13(a), such responses will be considered by the Commission if received not later than 20 days after the date of service by the Commission of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of the respondent to file a timely response to each allegation in the complaint and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: May 26, 2010.

William R. Bishop,

Acting Secretary to the Commission.

[FR Doc. 2010–13212 Filed 6–1–10; 8:45 am]

BILLING CODE P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–394–A & 399–A (Second Review) (Third Remand)]

Ball Bearings From Japan and the United Kingdom

AGENCY: United States International Trade Commission.

ACTION: Notice of remand proceedings.

SUMMARY: The U.S. International Trade Commission ("Commission") hereby gives notice of its third remand proceedings with respect to its affirmative determinations in the five-year reviews of the antidumping orders on ball bearings from Japan and the United Kingdom. For further information concerning the conduct of this proceeding and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subpart A (19 CFR part 207).

DATES: *Effective Date:* March 27, 2010.

FOR FURTHER INFORMATION CONTACT: James McClure, Office of Investigations, telephone 202–205–3191, or David Goldfine, Office of General Counsel, telephone 202–708–5452, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov).*

SUPPLEMENTARY INFORMATION:

Background.—On April 12, 2010, the Court of International Trade (per Judge Barzilay) issued an opinion in *NSK Corp. et al.* v. *United States,* Slip Op. 10–38 ("*NSK IV*"), affirming-in-part and remanding-in-part the Commission's affirmative determination in *Certain Bearings and Parts Thereof From Japan and the United Kingdom,* Inv. Nos. 731–TA–394–A & 399–A (Second Review) (Second Remand), USITC Pub. 4131 (Jan. 2010).

In *NSK IV,* the Court affirmed the Commission's vulnerability analysis, concluding that "the Commission has provided the rational connection missing from its previous determinations, and [therefore] the court sustains the agency's vulnerability finding." Slip Op. at 10–11. However, the Court remanded the issue of U.K. cumulation, concluding that the Commission had failed to "demonstrate that some incentive likely would draw a discernible amount of the subject United Kingdom goods specifically to the United States in the absence of the order." *Id.* at 18. The Court further explained that it "does not believe that the existing record, taken as a whole, can support an affirmative discernible adverse impact finding," and stated that the "Commission may reopen the record and obtain additional data on this issue in the next remand proceeding, if it so chooses." *Id.* at 16. Finally, on the issues of likely impact and causation, the Court stated that the Commission's analysis of the two remaining issues "nearly resembles the kind of substantial evidence needed for the court to sustain an agency determination." Slip Op. at 18. Nevertheless, the Court directed the Commission on remand to address the issue of whether "non-subject imports may prevent the subject imports from achieving the requisite level of causation and, therefore, serve as an impenetrable barrier that precludes the agency from affirmatively finding injury in this sunset review." *Id.* at 17.

Under the remand schedule ordered by the court, the Commission was required to file by May 12, 2010, a status report advising the Court as to whether it will reopen the record on the U.K. cumulation issue. The Court also directed the parties to file a joint scheduling order by May 12, 2010.

On May 12, 2010, the Commission filed the requested status report with the Court, advising the Court that it will not be reopening the record on the issue of the discernible adverse impact of the subject imports from the United Kingdom. On May 12, 2010, the parties also submitted a proposed joint scheduling order. Under the remand schedule ordered by the court, the Commission must file its third remand determination by August 25, 2010. The Court has directed the Plaintiffs, Plaintiff-Intervenors, and Defendant-Intervenors to file their comments on the remand by September 29, 2010.

Participation in the proceeding.—Only those persons who were interested parties to the reviews (*i.e.,* persons listed on the Commission Secretary's service list) and parties to the appeal may participate in the remand proceeding. Such persons need not make any additional filings with the Commission to participate in the remand proceeding, unless they are adding new individuals to the list of persons entitled to receive business proprietary information under administrative protective order. Business proprietary information ("BPI") referred to during the remand proceeding will be governed, as appropriate, by the administrative protective order issued in the reviews.

Written submissions.—The Commission is not re-opening the record in this remand proceeding. The Commission will permit the parties to file comments pertaining to the specific issues that are the subject of the Court's remand instructions. Comments should be limited to no more than fifteen (15) double-spaced and single-sided pages of textual material. No appendices or other attachments are allowed. The parties may not themselves submit any new factual information in their comments and may not address any issue other than those that are the subject of the Court's remand instructions. Any such comments must be filed with the Commission no later than June 15, 2010.

All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's rules do not authorize filing of submissions with the Secretary by facsimile or electronic means, except to the extent permitted by section 201.8 of the Commission's rules, as amended, 67 FR 68036 (Nov. 8, 2002).

In accordance with sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Parties are also advised to consult with the Commission's Rules of Practice and Procedure, part 201, subparts A through E (19 CFR part 201), and part 207, subpart A (19 CFR part 207) for provisions of general applicability concerning written submissions to the Commission.

By order of the Commission.

Issued: May 27, 2010.

William R. Bishop,

Acting Secretary to the Commission.

[FR Doc. 2010–13217 Filed 6–1–10; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

[OMB Number 1105–0086]

Justice Management Division; Office of Attorney Recruitment and Management; Agency Information Collection Activities: Proposed Collection; Comments Requested

ACTION: 60–Day Notice of Information Collection Under Review: Applications for the Attorney Student Loan Repayment Program.

The Department of Justice (DOJ), Justice Management Division, Office of Attorney Recruitment and Management (OARM), will be submitting 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 proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for 60 days until August 2, 2010. 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 Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC, 20530. Additionally, comments may be submitted to OMB via facsimile to 202–395–7285. Comments may also be submitted to the Department Clearance Officer, United States Department of Justice, Suite 1600, 601 D Street, 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:

(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 agencies 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:* Proposed New Collection.

(2) *The title of the collection:* Applications for the Attorney Student Loan Repayment Program.

(3) *The agency form number, if any, and the applicable component of the department sponsoring the collection:* Form Number: none. Office of Attorney Recruitment and Management, Justice Management Division, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. Other: None. The Department of Justice Attorney Student Loan Repayment Program (ASLRP) is an agency recruitment and retention incentive program based on 5 U.S.C. 5379, as amended, and 5 CFR part 537. The Department selects participants during an annual open season each spring. Any one currently employed as an attorney or hired to serve in an attorney position within the Department may request consideration for the ASLRP. The Department selects new attorneys each year for participation on a competitive basis and renews current beneficiaries who remain qualified for these benefits, subject to availability of funds. There are two types of application forms—one is for new requests, and the other for renewal requests. In addition, there is a three-year service agreement form, and a one-year service extension form.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* The Department anticipates that on a yearly basis, about 175 respondents will complete the application for a new request. In addition, each year the Department expects to receive approximately 300 applications from attorneys and law clerks requesting renewal of the benefits they received in previous years. It is estimated that each new application will take one (1) hour to complete, and each renewal application approximately 15 minutes to complete.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total estimated annual public burden associated with this collection is 250 hours.

If additional information is required, contact Ms. Lynn Bryant, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Suite 1600, 601 D Street, NW., Washington, DC 20530.

Dated: May 26, 2010.

Lynn Bryant,

Department Clearance Officer, PRA,

U.S. Department of Justice.

[FR Doc. 2010–13124 Filed 6–1–10; 8:45 am]

BILLING CODE 4410–PB–P

DEPARTMENT OF JUSTICE

[OMB Number 1103–0018]

Justice Management Division; Agency Information Collection Activities: Proposed Collection: Common Request

ACTION: 60–Day Notice of Information Collection Under Review: Extension of Previously Approved Collection; Department of Justice Procurement Blanket Clearance.

The Department of Justice (DOJ), Justice Management Division, will be submitting 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 proposed information collection is published to obtain comments from the pubic and affected agencies. Comments are encouraged and will be accepted for "sixty days" until August 2, 2010. 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 Dana Munson, (202) 616–3759, Management and Planning Staff, Room 1400, National Place Building, 1331 Pennsylvania 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 agencies 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:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Department of Justice Procurement Blanket Clearance.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Procurement Solicitation Documents, Justice Management Division, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief Abstract.* Primary: Commercial organizations and individuals who voluntarily submit offers and bids to compete for contract awards to provide supplies and services required by the Government. All work statements and pricing data are required to evaluate the contractors bid or proposal.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 5,996 respondents will complete each form, with a total of 20 hours average response time.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 119,920 total annual burden hours associated with this collection.

If additional information is required contact: Ms. Lynn Bryant, Department 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: May 26, 2010.

Lynn Bryant,

Department Clearance Officer, PRA, U.S. Department of Justice.

[FR Doc. 2010–13125 Filed 6–1–10; 8:45 am]

BILLING CODE 4410–FB–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Clean Air Act

Notice is hereby given that on May 24, 2010, a proposed Consent Decree in *United States, and South Coast Air Quality Management District* v. *Lifoam Industries, LLC,* Civil Action No. 10–CV–03825–AHM–FFM was lodged with the United States District Court for the Central District of California.

The United States, on behalf of the Environmental Protection Agency ("EPA"), and the South Coast Air Quality Management District ("SCAQMD") brought an action against Lifoam Industries, LLC, ("Lifoam"), alleging violations of the Clean Air act ("ACT"), 42 U.S.C. 7401 *et seq.* at Lifoam's expanded polystyrene foam ("EPS") manufacturing facility located in Vernon, California. The Complaint seeks civil penalties for violations of SCAQMD Rule 1175, which has been approved into the federally enforceable California State Implementation Plan ("SIP"), as well as for violations of a permit issued by SCAQMD to Defendant. The Complaint also seeks injunctive relief requiring that Lifoam comply with Rule 1175 and the conditions of its permit. Under the terms of the Consent Decree, Lifoam will pay a civil penalty of $450,000 to be divided between the United States and SCAQMD and will perform injunctive relief to ensure that emissions from its facility comply with the ACT and Lifoam's permit issued under the ACT. The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to this Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and either E-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611 and should refer to *United States et al.* v. *Lifoam Industries, LLC,* D.J. Ref. #90–5–2–1–08675.

The Consent Decree may be examined at U.S. EPA Region IX, Office of Regional Counsel, 75 Hawthorne Street, San Francisco, CA 94105. 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 via U.S. mail by sending a request to 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 of the Decree from the Consent Decree Library, please enclose a check in the amount of $7.75 (25 cents per page reproduction cost) payable to the U.S. Treasury or, if by E-mail or fax, please forward a check in that amount to the Consent Decree Library at the stated address.

Maureen Katz,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2010–13127 Filed 6–1–10; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that on May 25,2010, a proposed Consent Decree ("Decree") in *United States* v. *Sensient Colors Inc.,* Civil Action No.07cv1275, was lodged with the United States District Court for the District of New Jersey.

The Decree resolves claims of the United States against Sensient Colors Inc. ("Sensient") under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. 9601–9675, for recovery of costs incurred by the United States Environmental Protection Agency ("EPA") in connection with Sensient's ownership and operation of a pigment and dye manufacturing facility known as the General Color Site ("Site"), located in Camden, New Jersey. The Decree requires Sensient to pay $7,100,000 to the United States in reimbursement of costs incurred by EPA at the Site.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Decree. Comments should be addressed to the Assistant Attorney General, Environmental and Natural Resources Division, and either e-mailed to *pubcomment-ees.enrd@usdoj.gov* or mailed to P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044–7611, and should refer to *United States* v. *Sensient Colors Inc.,* Civil Action No. 07cv1275 D.N.J.), D.J. Ref. 90–11–3–08690.

The Decree may be examined at the Office of the United States Attorney, District of New Jersey, Camden Office, 401 Market Street, 4th Floor, Camden, New Jersey 08101, and at U.S. EPA Region II, U.S. Environmental Protection Agency, 290 Broadway, New York, New York 10007. During the public comment period, the 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 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 $23.25 (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 stated address.

Maureen Katz,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2010–13128 Filed 6–1–10; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (BJA) Docket No. 1522]

Meeting of the Public Safety Officer Medal of Valor Review Board

AGENCY: Office of Justice Programs (OJP), Justice.

ACTION: Notice of meeting.

SUMMARY: This is an announcement of a meeting via conference call of the Public Safety Officer Medal of Valor Review Board to vote on the position of Board Chairperson, review issues relevant to the nomination review process, discuss pending ceremonies and upcoming activities and other relevant Board issues related thereto. The meeting/conference call date and time is listed below.

DATES: June 30, 2010, 2 p.m. to 3 p.m. EDT.

ADDRESSES: This meeting will take place in the form of a conference call.

FOR FURTHER INFORMATION CONTACT: Gregory Joy, Policy Advisor, Bureau of Justice Assistance, Office of Justice Programs, 810 7th Street, NW., Washington, DC 20531, by telephone at (202) 514–1369, toll free (866) 859–2687, or by e-mail at *gregory.joy@usdoj.gov.*

SUPPLEMENTARY INFORMATION: The Public Safety Officer Medal of Valor Review Board carries out those advisory functions specified in 42 U.S.C. 15202. Pursuant to 42 U.S.C. 15201, the President of the United States is authorized to award the Public Safety Officer Medal of Valor, the highest national award for valor by a public safety officer.

The purpose of this meeting/conference call is vote on the position of Board Chairperson, review issues relevant to the nomination review process, pending ceremonies and upcoming activities and other relevant Board issues related thereto.

This meeting/conference call is open to the public at the offices of the Bureau of Justice Assistance. For security purposes, members of the public who wish to participate must register at least seven (7) days in advance of the meeting/conference call by contacting Mr. Joy. All interested participants will be required to meet at the Bureau of Justice Assistance, Office of Justice Programs; 810 7th Street, NW., Washington, DC and will be required to sign in at the front desk. **Note:** Photo identification will be required for admission. Additional identification documents may be required.

Access to the meeting/conference call will not be allowed without prior registration. Anyone requiring special accommodations should contact Mr. Joy at least seven (7) days in advance of the meeting. Please submit any comments or written statements for consideration by the Review Board in writing at least seven (7) days in advance of the meeting date.

James H. Burch, II,

Acting Director, Bureau of Justice Assistance.

[FR Doc. 2010–13162 Filed 6–1–10; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 10–14]

Shepard Ginandes, M.D.; Revocation of Registration

On September 28, 2009, I, the Deputy Administrator of the Drug Enforcement Administration, issued an Order to Show Cause and Immediate Suspension of Registration to Shepard Ginandes, M.D. (Respondent), of Honolulu, Hawaii. The Show Cause Order proposed the revocation of Respondent's DEA Certificate of Registration, BG0241024, and the denial of any pending applications to renew or modify his registration, on the ground that his "continued registrations is inconsistent with the public interest." Show Cause Order at 1 (citing 21 U.S.C. 824(a)(4) & 823(f)).

The Show Cause Order specifically alleged that on twenty-four different occasions between March 2007 and January 2009, Respondent had given prescriptions to law enforcement personnel for schedule II controlled substances including methadone, morphine, oxycodone, and hydromorphone, the schedule III controlled substance hydrocodone, and the schedule IV controlled substances alprazolam and diazepam. *Id.* at 1–2. The Order further alleged that Respondent's office did not have any exam rooms and medical equipment; that he did not take a medical history or require the officers to fill out any paperwork; did not conduct a physical examination; and that the officers would simply write their name, address and the drug they were seeking on a piece of paper which Respondent would take and then use to prepare a prescription. *Id.* at 2. The Order thus alleged that these prescriptions lacked a legitimate medical purpose and were issued in violation of 21 CFR 1306.04. *Id.* The Order further alleged that Respondent was continuing to prescribe controlled substances without a legitimate medical purpose. *Id.*

Based on the above, I further found that there was a substantial likelihood that Respondent "will continue to write controlled substance prescriptions for other than a legitimate medical purpose." *Id.* I therefore concluded that Respondent's continued registration during the pendency of the proceeding "would constitute an imminent danger to the public health and safety" and ordered that his registration be immediately suspended. *Id.*[1]

On September 30, 2009, the Order was served on Respondent. On November 3, 2009, Respondent, through his counsel, filed a letter requesting a hearing. ALJ Dec. at 2. Therein, Respondent also sought "a reversal of the proposed suspension." *Id.* The matter was then placed on the docket of the Agency's Administrative Law Judges.

The next day, the Government moved for summary disposition on the ground that on September 30, 2009, the State of Hawaii had "suspended/revoked" Respondent's state controlled substances registration and that "Respondent is no longer authorized to administer, prescribe, dispense or possess controlled substances." Gov. Mot. for Summ. Disp. at 1. Based on long-standing precedent which holds that "possessing authority under state law to handle controlled substance is an essential condition for holding a DEA registration," the Government requested that the ALJ grant its motion, cancel the pending proceeding and forward the matter to me with the recommendation that I revoke Respondent's registration and deny any pending applications. *Id.* at 2–3. Noting that Respondent's hearing request was not received until November 3, 2009, and was therefore untimely, the Government also argued that Respondent had waived his right to a hearing. *Id.* n.1.

Thereafter, the ALJ ordered that Respondent file a Response to the Government's Motion no later than November 12, 2009. ALJ Dec. at 3. The ALJ also stayed the proceeding. *Id.*

Respondent did not, however, file a Response. *Id.* Thereafter, the ALJ found that "Respondent's lacks authority to handle controlled substance in the State of Hawaii," the State in which he is licensed to practice medicine. *Id.* Because holding authority under state law to handle controlled substances is an essential condition for holding a DEA registration, the ALJ granted the Government's Motion for Summary Disposition and recommended that his registration be revoked and his pending application be denied. *Id.* at 4–6.

The ALJ then forwarded the matter to me for final agency action. Having considered the record as a whole, I find that under the Agency's regulation, Respondent's request for a hearing was untimely and that he has not offered good cause for his failure to file a timely request. 21 CFR 1301.43(d). I therefore find that Respondent waived his right to contest the proceeding. *Id.* (1301.43(e)).

I further find that on September 4, 2009, Respondent applied to renew his registration, which was to expire on September 30, 2009. I therefore find that Respondent's registration has remained in effect, albeit in suspended status, pending the issuance of this Decision and Final Order. *See* 5 U.S.C. 557(c).

I further find that on September 30, 2009, the Administrator of the Narcotics Enforcement Division, Department of Public Safety, State of Hawaii, "suspended/revoked" Respondent's State of Hawaii Controlled Substance

[1] The Order also informed Respondent of his right to request a hearing on the allegations and the procedure for doing so, including that he must file a written request for a hearing "[w]ithin 30 days after the date of receipt of" the Order, Show Cause Order at 2, that "[m]atters are deemed filed upon receipt by the Hearing Clerk," *id.* at 3 (citing 21 CFR 1316.45), and that should he "decline to file a request for a hearing" he "shall be deemed to have waived the right to a hearing." *Id.* (citing 21 CFR 1301.43(d) & (e)).

Registration. Gov. Mot. for Summ. Disp., Ex. A (letter from Keith Kamita, Administrator, Narcotics Enforcement Division, Hawaii Dept. of Public Safety to Shepard Ginandes, M.D.) Based on Administrator Kamita's letter, I further find that Respondent is "no longer authorized to administer, prescribe, dispense or posses any controlled substance" in Hawaii. *Id.*

Under the Controlled Substances Act (CSA), a practitioner must be currently authorized to handle controlled substances in "the jurisdiction in which he practices" in order to maintain a DEA registration. *See* 21 U.S.C. 802(21) ("[t]he term 'practitioner' means a physician * * * licensed, registered, or otherwise permitted, by * * * the jurisdiction in which he practices * * * to distribute, dispense, [or] administer * * * a controlled substance in the course of professional practice"). *See also id.* § 823(f) ("The Attorney General shall register practitioners * * * if the applicant is authorized to dispense * * * controlled substances under the laws of the State in which he practices."). As these provisions make plain, possessing authority under state law to handle controlled substances is an essential condition for holding a DEA registration.

Accordingly, DEA has held repeatedly that the CSA requires the revocation of a registration issued to a practitioner whose state license has been suspended or revoked. *David Wang,* 72 FR 54297, 54298 (2007); *Sheran Arden Yeates,* 71 FR 39130, 39131 (2006); Dominick A. Ricci, 58 FR 51104, 51105 (1993); *Bobby Watts,* 53 FR 11919, 11920 (1988). *See also* 21 U.S.C. 824(a)(3)(authorizing the revocation of a registration "upon a finding that the registrant * * * has had his State license or registration suspended [or] revoked * * * and is no longer authorized by State law to engage in the * * * distribution [or] dispensing of controlled substances").

The record here establishes that the Respondent's State of Hawaii Controlled Substances Registration has been suspended/revoked by the Administrator of the Narcotics Enforcement Division, Department of Public Safety, State of Hawaii. As the Administrator's letter makes clear, Respondent is "no longer authorized to administer, prescribe, dispense or posses any controlled substance" under Hawaii law and thus, he no longer meets the requirement for obtaining and maintaining a registration under Federal law. Because Respondent is not entitled to maintain his DEA registration, his registration will be revoked and his pending application to renew his registration will be denied.

Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f) & 824(a), as well as 28 CFR 0.100(b) & 0.104, I hereby order that DEA Certificate of Registration, BG0241024, issued to Shepard Ginandes, M.D., be, and it hereby is, revoked. I further order that the pending application to renew this registration be, and it hereby is, denied. This order is effective immediately.

Dated: February 25, 2010.

Michele M. Leonhart,

Deputy Administrator.

[FR Doc. 2010–13144 Filed 6–1–10; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF LABOR

Wage and Hour Division

Proposed Extension of the Approval of Information Collection Requirements

AGENCY: Wage and Hour Division, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95). 44 U.S.C. 3506(c)(2)(A). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Wage and Hour Division is soliciting comments concerning its proposal to extend Office of Management and Budget (OMB) approval of the Information Collection: Special Employment Under the Fair Labor Standards Act (Forms WH–2, WH–46, WH–75, WH–200, WH–201, WH–202, WH–205, and WH–209). A copy of the proposed information collection request can be obtained by contacting the office listed below in the **FOR FURTHER INFORMATION CONTACT** section of this Notice.

DATES: Written comments must be submitted to the office listed in the **ADDRESSES** section below on or before August 2, 2010.

ADDRESSES: You may submit comments identified by Control Number 1235–0001, by either one of the following methods:

E-mail: WHDPRAComments@dol.gov;

Mail, Hand Delivery, Courier: Regulatory Analysis Branch, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue, NW., Washington, DC 20210.

Instructions: Please submit one copy of your comments by only one method. All submissions received must include the agency name and Control Number identified above for this information collection. Because we continue to experience delays in receiving mail in the Washington, DC area, commenters are strongly encouraged to transmit their comments electronically via e-mail or to submit them by mail early. Comments, including any personal information provided, become a matter of public record. They will also be summarized and/or included in the request for OMB approval of the information collection request.

FOR FURTHER INFORMATION CONTACT: Michel Smyth, Acting Director, Division of Interpretations and Regulatory Analysis, Wage and Hour Division, U.S. Department of Labor, Room S–3502, 200 Constitution Avenue, NW., Washington, DC 20210; telephone: (202) 693–0406 (this is not a toll-free number). Copies of this notice must be obtained in alternative formats (Large Print, Braille, Audio Tape or Disc), upon request, by calling (202) 693–0023 (not a toll-free number). TTY/TDD callers may dial toll-free (877) 889–5627 to obtain information or request materials in alternative formats.

SUPPLEMENTARY INFORMATION:

I. *Background:* Fair Labor Standards Act (FLSA) section 11(d) authorizes the Secretary of Labor to regulate, restrict, or prohibit industrial homework as necessary to prevent circumvention or evasion of the minimum wage requirements of the Act. 29 U.S.C. 211(d). The Department of Labor (DOL) restricts homework in seven industries (*i.e.,* knitted outerwear, women's apparel, jewelry manufacturing, gloves and mittens, button and buckle manufacturing, handkerchief manufacturing, and embroideries) to those employers who obtain certificates. *See* 29 CFR 530.1–.2. The DOL may also issue individual certificates in any industry for an individual homeworker who is unable to leave home because of a disability or must remain at home to care for an invalid. *See* 29 CFR 530.3–.4. The DOL allows employers to obtain general (employer) certificates to employ homeworkers in all restricted industries, except women's apparel and hazardous jewelry manufacturing

operations. *See* 29 CFR 530.101. Consistent with FLSA sections 11(d) and 14(c), the Wage and Hour Division (WHD) of DOL regulates the employment of industrial homeworkers and workers with disabilities covered by special certificates and governs the application and approval process for obtaining the certificates.

The FLSA also requires that the Secretary of Labor, to the extent necessary to prevent curtailment of employment opportunities, provide certificates authorizing the employment of full-time students at not less than 85 percent of the applicable minimum wage or less than $1.60, whichever is higher, in (1) retail or service establishments and agriculture (29 U.S.C. 214(b)(1); 29 CFR 519.1(a)); and (2) institutions of higher education (29 U.S.C. 214(b)(3); 29 CFR 519.11(a)). The FLSA and the regulations set forth the application requirements as well as the terms and conditions for the employment of full-time students at subminimum wages under certificates and temporary authorization to employ such students at subminimum wages. The subminimum wage programs are designed to increase employment opportunities for full-time students. Regulations issued by the U.S. Department of Labor (DOL), Bureau of Apprenticeship and Training (BAT) no longer permit the payment of subminimum wages to apprentices in an approved program. 29 CFR 29.5(b)(5). The DOL, thus, has issued no apprentice certificates since 1987; however, the WHD must maintain the information collection in order for the agency to fulfill its statutory obligation under FLSA to maintain this program. In order to improve the management of its information collections, the DOL is proposing to consolidate the information collections related to special employment under the FLSA into a single OMB control number, 1235–0001. A list of the current control numbers appears near the end of this Notice.

II. *Review Focus:* The DOL is particularly interested in comments which:

- 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 submissions of responses.

III. *Current Actions:* The DOL seeks approval for the extension of this information collection in order to ensure effective administration of various special employment programs.

Type of Review: Extension.

Agency: Wage and Hour Division.

Title: Special Employment Under the Fair Labor Standards Act.

OMB Numbers: 1235–0001, 1235–0019, 1235–0020, 1235–0022.

Agency Numbers: Forms WH–2, WH–46, WH–75, WH–200, WH–201, WH–202, WH–205, WH–209, WH–226, WH–226a.

Affected Public: Businesses or other for-profits and non-profits.

Respondents: 308,055.

Total Annual Responses: 308,055.

Estimated Total Burden Hours: 614,688.

Estimated Time per Response: 30 to 60 minutes.

Frequency: On occasion.

Total Burden Costs (capital/startup): $0.

Total Burden Costs (operation/maintenance): $1,957.08.

Dated: May 27, 2010.

Michel Smyth,

Acting Director, Division of Interpretations and Regulatory Analysis.

[FR Doc. 2010–13282 Filed 6–1–10; 8:45 am]

BILLING CODE 4510–27–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (10–062)]

Notice of Intent To Grant Partially Exclusive License

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of intent to grant partially exclusive license.

SUMMARY: This notice is issued in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i). NASA hereby gives notice of its intent to grant a partially exclusive license in the United States to practice the inventions described and claimed in U.S. Patent No. 6,918,970 "High Strength Aluminum Alloy for High Temperature Applications" and Foreign Patent Application Serial No. PCT/US/03/10372 "High Strength Aluminum Alloy for High Temperature Applications" to Twin City Fan Companies Ltd, having its principal place of business in Minneapolis, MN. The patent rights in this invention have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. NASA has not yet made a determination to grant the requested license and may deny the requested license even if no objections are submitted within the comment period.

DATES: The prospective exclusive license may be granted unless, within fifteen (15) days from the date of this published notice, NASA receives written objections including evidence and argument that establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. Competing applications completed and received by NASA within fifteen (15) days of the date of this published notice will also be treated as objections to the grant of the contemplated exclusive license.

Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

ADDRESSES: Objections relating to the prospective license may be submitted to Mr. James J. McGroary, Chief Patent Counsel/LS01, Marshall Space Flight Center, Huntsville, AL 35812, (256) 544–0013.

FOR FURTHER INFORMATION CONTACT: Sammy A. Nabors, Technology Transfer Program Office/ED10, Marshall Space Flight Center, Huntsville, AL 35812, (256) 544–5226. Information about other NASA inventions available for licensing can be found online at *http://technology.nasa.gov.*

Dated: May 26, 2010.

Richard W. Sherman,

Deputy General Counsel.

[FR Doc. 2010–13242 Filed 6–1–10; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: National Archives and Records Administration (NARA).

ACTION: Notice.

SUMMARY: NARA is giving public notice that the agency proposes to request an extension of an approved information collection used by participants in training courses and workshops that NARA conducts. NARA needs the information to assess customer satisfaction with course content and delivery and to ensure that the training meets the customer's needs. The public is invited to comment on the proposed information collection pursuant to the Paperwork Reduction Act of 1995.

DATES: Written comments must be received on or before August 2, 2010 to be assured of consideration.

ADDRESSES: Comments should be sent to: Paperwork Reduction Act Comments (NHP), Room 4400, National Archives and Records Administration, 8601 Adelphi Rd, College Park, MD 20740–6001; or faxed to 301–713–7409; or electronically mailed to *tamee.fechhelm@nara.gov.*

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the proposed information collection and supporting statement should be directed to Tamee Fechhelm at telephone number 301–837–1694, or fax number 301–713–7409.

SUPPLEMENTARY INFORMATION: Pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13), NARA invites the general public and other Federal agencies to comment on proposed information collections. The comments and suggestions should address one or more of the following points:
(a) Whether the proposed information collection is necessary for the proper performance of the functions of NARA; (b) the accuracy of NARA's estimate of the burden of the proposed information collection; (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 the use of information technology; and (e) whether small businesses are affected by this collection. The comments that are submitted will be summarized and included in the NARA request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this notice, NARA is soliciting comments concerning the following information collection:

Title: National Archives and Records Administration Class Evaluation Forms.

OMB number: 3095–0023.

Agency form number: NA Form 2019.

Type of review: Regular.

Affected public: Individuals or households, Business or other for-profit, Nonprofit organizations and institutions, Federal, State, local, or tribal government agencies.

Estimated number of respondents: 7,000.

Estimated time per response: 5 minutes.

Frequency of response: On occasion (when respondent takes NARA sponsored training classes).

Estimated total annual burden hours: 583 hours.

Abstract: The information collection allows uniform measurement of customer satisfaction with NARA training courses and workshops. NARA distributes the approved form to the course coordinators on the intranet for customization of selected elements, shown as shaded areas on the form submitted for clearance.

Dated: May 25, 2010.

Martha Morphy,

Assistant Archivist for Information Services.

[FR Doc. 2010–13245 Filed 6–1–10; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

Nixon Presidential Historical Materials: Opening of Materials

AGENCY: National Archives and Records Administration.

ACTION: Notice of opening of additional materials.

SUMMARY: This notice announces the opening of additional Nixon Presidential Historical Materials by the Richard Nixon Presidential Library and Museum, a division of the National Archives and Records Administration. Notice is hereby given that, in accordance with section 104 of Title I of the Presidential Recordings and Materials Preservation Act (PRMPA, 44 U.S.C. 2111 note) and 1275.42(b) of the PRMPA Regulations implementing the Act (36 CFR part 1275), the Agency has identified, inventoried, and prepared for public access additional textual materials and sound recordings from among the Nixon Presidential Historical Materials.

DATES: The Richard Nixon Presidential Library and Museum intends to make the materials described in this notice available to the public on Thursday, July 1, 2010 at the Richard Nixon Presidential Library and Museum in Yorba Linda, CA, beginning at 9 a.m. (PDT). In accordance with 36 CFR 1275.44, any person who believes it necessary to file a claim of legal right or privilege concerning access to these materials must notify the Archivist of the United States in writing of the claimed right, privilege, or defense by July 2, 2010.

ADDRESSES: The Richard Nixon Presidential Library and Museum, a division of the National Archives, is located at 18001 Yorba Linda Blvd., Yorba Linda, CA. Researchers must have a NARA researcher card, which they may obtain when they arrive at the facility. Petitions asserting a legal or constitutional right or privilege that would prevent or limit public access to the materials must be sent to the Archivist of the United States, National Archives at College Park, 8601 Adelphi Rd., College Park, Maryland 20740–6001.

FOR FURTHER INFORMATION CONTACT: Timothy Naftali, Director, Richard Nixon Presidential Library and Museum, 714–983–9120.

SUPPLEMENTARY INFORMATION: The following materials will be made available in accordance with this notice:

1. Previously restricted textual materials. Volume: 3 cubic feet. A number of textual materials previously withheld from public access have been reviewed for release and/or declassified under the systematic declassification review provisions and under the mandatory review provisions of Executive Order 12958, as amended; Executive Order 13526; or in accordance with 36 CFR 1275.56 (Public Access regulations). The materials are from integral file segments for the White House Special Files, Staff Member and Office Files; National Security Council (NSC Files); the Henry A. Kissinger (HAK) Office Files; and the Henry Kissinger Telephone Conversation Transcripts.

2. White House Central Files, Staff Member and Office Files. Volume: 37.5 cubic feet. The White House Central Files Unit was a permanent organization within the White House complex that maintained a central filing and retrieval system for the records of the President and his staff. The Staff Member and Office Files consist of materials that were transferred to the Central Files but were not incorporated into the Subject Files. The following file group will be

made available: Daniel Patrick Moynihan.

3. White House Central Files, Name Files: Volume: 1 cubic foot. The Name Files were used for routine materials filed alphabetically by the name of the correspondent; copies of documents in the Name Files were usually filed by subject in the Subject Files. The following Name Files folders will be made available: Block, H; Chaplin, A–C; Conrad, P; Copl; Dad; Heller, J.; Kese; Lennon, F–K; Mazo, Earl; Ono; Rockwell, L–P; Simpson, J.; Simpson, JE; Simpson, Jan; Stau; Thompson, Howard; Trud; Wyeth.

4. White House Communications Agency Sound Recordings. Volume: 5.25 hours. The White House Communications Agency (WHCA) was a permanent organization within the White House Military Office responsible for preparing audio, motion picture, film, and photographic records of White House events. The WHCA Sound Recordings record the public utterances of President Nixon as well as selected speeches and remarks by other members of the Nixon Administration. A number of WHCA Sound Recordings from the Summer Intern Briefings from (Nixon) White House Staff series have been reviewed for release in accordance with 36 CFR 1275.56 (Public Access regulations):

Rita Hauser/Pat Hitt/Sallyanne Payton (July 31, 1972)
Earl Mazo (August 6, 1972)
Donald Rumsfeld (August 3, 1971)
Herbert Stein (August 4, 1972)

Dated: May 26, 2010.

David Ferriero,

Archivist of the United States.

[FR Doc. 2010–13246 Filed 6–1–10; 8:45 am]

BILLING CODE 7515–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2009–0339]

NUREG–1520, "Standard Review Plan for the Review of a License Application for a Fuel Cycle Facility"; Notice of Availability

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of availability.

SUMMARY: NRC is announcing the completion and availability of NUREG–1520, Revision 1, "Standard Review Plan for the Review of a License Application for a Fuel Cycle Facility," dated May 2010.

ADDRESSES: *NRC's Public Document Room (PDR):* The public may examine and have copied, for a fee, publicly available documents at the NRC's PDR, Room O1 F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852.

NRC's Agencywide Documents Access and Management System (ADAMS): Publicly available documents created or received at the NRC are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this page, the public can gain entry into ADAMS, which provides text and image files of NRC's public documents. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC's PDR reference staff at (1–800) 397–4209, (301) 415–4737, or via e-mail to *pdr.resource@nrc.gov.* The Standard Review Plan (SRP) (NUREG–1520) is available electronically under ADAMS Accession Number ML1013901100.

FOR FURTHER INFORMATION CONTACT: Cinthya Román Cuevas, Chemical Engineer, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, or by telephone at (301) 492–3224 or e-mail at *cinthya.roman@nrc.gov.*

SUPPLEMENTARY INFORMATION: The SRP for the review of a license application for a fuel cycle facility (NUREG–1520), Revision 1, provides NRC staff guidance for reviewing and evaluating the safety, health, and environmental protection aspects of applications for licenses to possess and use of Special Nuclear Materials to produce nuclear reactor fuel. The licensing guidance revision is also intended to provide information needed to better risk-inform the preoperational readiness reviews. Specifically, items, features, or aspects of the design identified during the licensing review as important, will be highlighted to verify compliance with specific commitments during the preoperational readiness reviews.

The SRP has been updated to improve and enhance the guidance by providing increased clarity and definition in specific areas of the licensing program and adding additional guidance in areas where information was lacking or not suitably addressed. This effort was focused on improving both the clarity, and also consistency, of the SRP, with the Agency positions that support compliance with current regulations. The changes do not involve any new staff positions rather existing guidance has been consolidated to ensure the quality and uniformity of staff safety reviews. In addition, this revision has been reformatted and reorganized to improve the consistency within the document.

On August 5, 2009 (74 FR 39117), NRC announced the availability of draft NUREG–1520, Revision 01 and requested comments on it. The comment period originally closed on September 21, 2009. In a second notice, dated August 19, 2009 (74 FR 41946), NRC extended the comment period to October 24, 2009. The NRC staff considered all of the comments, including constructive suggestions to improve the document, in the preparation of the final NUREG report. A matrix listing all the comments with staff responses on NUREG–1520 was made publicly available in ADAMS (ML092880360). The SRP was also transmitted to the Office of the General Counsel (OGC) to ensure that the updated SRP sections are consistent with current rules and authoritative statements of agency policy. No legal objection was identified by OGC.

The final version of NUREG–1520, Revision 1, is now available for use by applicants, licensees, NRC license reviewers, and other NRC staff. It supersedes the last official revision published on March 2002.

Dated at Rockville, Maryland this 24th day of May, 2010.

For the Nuclear Regulatory Commission.

Michael Tschiltz,

Deputy Director, Fuel Facility Licensing Directorate, Division of Fuel Cycle Safety and Safeguards, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2010–13151 Filed 6–1–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards (ACRS); Meeting of the ACRS Subcommittee on AP1000

The ACRS Subcommittee on AP1000 will hold a meeting on June 24–25, 2010, Room T–2B1, 11545 Rockville Pike, Rockville, MD.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows:

Thursday, June 24, 2010—8:30 a.m. until 5 p.m. and Friday, June 25, 2010, 8:30 a.m.–2:30 p.m.

The Subcommittee will review Chapters 4, 10, 11, 12, 14, and 22 of the AP1000 Design Control Document (DCD); Chapters 4, 10, 11, and 12 of the Vogtle Units 3 and 4 Combined License Application (COLA); and the associated staff's final safety evaluation reports. The Subcommittee will hear

presentations by and hold discussions with representatives of the NRC staff, Westinghouse, Southern Nuclear Operating Company, and other interested persons regarding this matter. The Subcommittee will gather information, analyze relevant issues and facts, and formulate proposed positions and actions, as appropriate, for deliberation by the Full Committee.

Members of the public desiring to provide oral statements and/or written comments should notify the Designated Federal Official (DFO), Weidong Wang (Telephone 301–415–6279 or e-mail *Weidong.Wang@nrc.gov*) five days prior to the meeting, if possible, so that appropriate arrangements can be made. Thirty-five hard copies of each presentation or handout should be provided to the DFO thirty minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the DFO one day before the meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the DFO with a CD containing each presentation at least thirty minutes before the meeting. Electronic recordings will be permitted only during those portions of the meeting that are open to the public. Detailed procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on October 14, 2009, (74 FR 58268–58269).

Detailed meeting agendas and meeting transcripts are available on the NRC Web site at *http://www.nrc.gov/reading-rm/doc-collections/acrs.* Information regarding topics to be discussed, changes to the agenda, whether the meeting has been canceled or rescheduled, and the time allotted to present oral statements can be obtained from the Web site cited above or by contacting the identified DFO. Moreover, in view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with these references if such rescheduling would result in a major inconvenience.

Dated: May 25, 2010.

Cayetano Santos,

Chief, Reactor Safety Branch B, Advisory Committee on Reactor Safeguards.

[FR Doc. 2010–13152 Filed 6–1–10; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2010–0002]

Sunshine Federal Register Notice

AGENCY HOLDING THE MEETINGS: Nuclear Regulatory Commission.

DATES: Weeks of May 31, June, 7, 14, 21, 28, July 5, 2010.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and closed.

Week of May 31, 2010

There are no meetings scheduled for the week of May 31, 2010.

Week of June 7, 2010—Tentative

Wednesday, June 9, 2010

1:30 p.m. Meeting with the Advisory Committee on Reactor Safeguards (Public Meeting). (Contact: Cayetano Santos, 301–415–7270).

This meeting will be Webcast live at the Web address—*http://www.nrc.gov.*

Week of June 14, 2010—Tentative

Thursday, June 17, 2010

9 a.m. Briefing on Blending (Public Meeting). (Contact: George Deegan, 301–415–7834).

This meeting will be Webcast live at the Web address—*http://www.nrc.gov.*

Week of June 21, 2010—Tentative

Friday, June 25, 2010

9 a.m. Briefing on Office of Nuclear Material Safety and Safeguards (NMSS)—Programs, Performance and Future Plans and Integrated Strategy on Spent Fuel Management (Public Meeting). (Contact: Hipolito Gonzalez, 301–492–3141).

This meeting will be Webcast live at the Web address—*http://www.nrc.gov.*

Week of June 28, 2010—Tentative

There are no meetings scheduled for the week of June 28, 2010.

Week of July 5, 2010

There are no meetings scheduled for the week of July 5, 2010.

*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: Rochelle Bavol, (301) 415–1651.

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/about-nrc/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 Angela Bolduc, Chief, Employee/Labor Relations and Work Life Branch, at 301–492–2230, TDD: 301–415–2100, or by e-mail at *angela.bolduc@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

This notice is distributed electronically to 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), or send an e-mail to *darlene.wright@nrc.gov.*

Dated: May 27, 2010.

Rochelle C. Bavol,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2010–13317 Filed 5–27–10; 4:15 pm]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Proposed Submission of Information Collection for OMB Review; Comment Request; Locating and Paying Participants

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of Intent to request OMB approval of modifications to information collection.

SUMMARY: The Pension Benefit Guaranty Corporation ("PBGC") intends to request that the Office of Management and Budget ("OMB") approve modifications to a collection of information under the Paperwork Reduction Act. The purpose of the information collection is to enable the PBGC to pay benefits to participants and beneficiaries. PBGC intends to add three new forms to the information collection and to modify an approved form.

DATES: Comments should be submitted by August 2, 2010.

ADDRESSES: Comments may be submitted by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the Web site instructions for submitting comments.
- *E-mail: paperwork.comments@pbgc.gov.*
- *Fax:* 202–326–4224.

• *Mail or Hand Delivery:* Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026.

PBGC will make all comments available on its Web site at *http://www.pbgc.gov.*

Copies of the collection of information may be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC at the above address or by visiting that office or calling 202–326–4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040.) The regulations relating to this collection of information are available on PBGC's Web site at *http://www.pbgc.gov.*

FOR FURTHER INFORMATION CONTACT: Jo Amato Burns, Attorney, or Catherine B. Klion, Manager, Regulatory and Policy Division, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation, 1200 K Street, NW., Washington, DC 20005–4026, 202–326–4024. (For TTY and TDD, call 800–877–8339 and ask to be connected to 202–326–4024.)

SUPPLEMENTARY INFORMATION: PBGC intends to request that OMB approve modifications to a collection of information needed to pay participants and beneficiaries who may be entitled to pension benefits under a defined benefit plan that has terminated. The collection consists of information participants and beneficiaries are asked to provide in connection with an application for benefits. In addition, in some instances, as part of a search for participants and beneficiaries who may be entitled to benefits, PBGC requests individuals to provide identifying information that the individual would provide as part of an initial contact with PBGC. All requested information is needed to enable PBGC to determine benefit entitlements and to make appropriate payments. The information collection includes My Pension Benefit Account (My PBA), an application on PBGC's Web site, *http://www.pbgc.gov*, through which plan participants and beneficiaries may conduct electronic transactions with PBGC, including applying for pension benefits, designating a beneficiary, granting a power of attorney, electing monthly payments, electing to withhold income tax from periodic payments, changing contact information, and applying for electronic direct deposit.

PBGC intends to add three new forms to the information collection. Two of the new forms will be used to ascertain the continuing eligibility of participants who are receiving benefits based on disability. The other new form will be used to determine whether participants are eligible for additional pension service credit under the Uniformed Services Employment and Reemployment Rights Act, which establishes specific rights for reemployed service members in their employee pension benefit plans. (See PBGC's final regulation on USERRA Benefits under Title IV of ERISA, 74 FR 59093 (Nov. 17, 2009).)

PBGC also intends to modify PBGC Form 704 (Request for Earnings Information) to eliminate the need for respondents to provide copies of IRS Form W–2 (Wage and Tax Statement) to confirm their earnings. PBGC expects that the number of respondents that will use the new or modified forms, and the burden associated with those forms, will be very small. Accordingly, PBGC is not changing its burden estimates for this information collection as a result of the modifications.

The existing collection of information under the regulation was approved under OMB control number 1212–0055 (expires August 31, 2011). PBGC intends to request that OMB approve the modifications through the current expiration date. 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.

PBGC estimates the total annual burden associated with this collection of information is 73,300 hours and $3,100. The burden estimate includes 67,050 hours for participants in plans covered by the PBGC insurance program. The remaining hourly burden is attributable to participants that will be covered by the expanded Missing Participants program under Pension Protection Act of 2006 amendments to ERISA, once final regulations are issued to implement the program. The cost burden for both groups of participants is estimated to be $3,100.

PBGC is soliciting public comments to—

• 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;

• 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;

• 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 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.

Issued in Washington, DC, this 27th day of May, 2010.

John H. Hanley,

Director, Legislative and Regulatory Department, Pension Benefit Guaranty Corporation.

[FR Doc. 2010–13201 Filed 6–1–10; 8:45 am]

BILLING CODE 7708–01–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Review of a Revised Information Collection: (OMB Control No. 3206–0216; Form RI 98–7)

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget (OMB) a request for review of a revised information collection. This information collection, "We Need Important Information About Your Eligibility for Social Security Disability Benefits" (OMB Control No. 3206–0216; Form RI 98–7), is used by OPM to verify receipt of Social Security Administration (SSA) disability benefits, to lessen or avoid overpayment to Federal Employees Retirement System (FERS) disability retirees. It notifies the annuitant of the responsibility to notify OPM if SSA benefits begin and the overpayment that will occur with the receipt of both benefits.

Comments are particularly invited on: whether this collection of information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection or other forms of information technology.

Approximately 4,300 RI 98–7 forms will be completed annually. The form takes approximately 5 minutes to

complete. The estimated annual burden is 358 hours.

For copies of this proposal, contact Cyrus S. Benson on (202) 606–4808, FAX (202) 606–0910 or via e-mail to *Cyrus.Benson@opm.gov.* Please include a mailing address with your request.

DATES: Comments on this proposal should be received within 60 calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to—

James K. Freiert (Acting), Deputy Associate Director, Retirement Operations, Retirement and Benefits, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3305, Washington, DC 20415–3500.

For information regarding administrativecoordination contact:

Cyrus S. Benson, Team Leader, Publications Team, RB/RM/ Administrative Services, U.S. Office of Personnel Management, 1900 E Street, NW., Room 4H28, Washington, DC 20415, (202) 606–4808.

U.S. Office of Personnel Management.

John Berry,

Director.

[FR Doc. 2010–13164 Filed 6–1–10; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

[OMB Control No. 3206–0142; Standard Form 2808]

Proposed Collection; Comment Request for Review of a Revised Information Collection

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget (OMB) a request for review of a revised information collection. This information collection, "Designation of Beneficiary: Civil Service Retirement System (CSRS)" (OMB Control No. 3206–0142; Standard Form 2808), is used by persons covered by CSRS to designate a beneficiary to receive the lump sum payment due from the Civil Service Retirement and Disability Fund in the event of their death.

Comments are particularly invited on: Whether this information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Approximately 2,000 forms will be completed annually. The form takes approximately 15 minutes to complete. The annual burden is estimated at 500 hours.

For copies of this proposal, contact Cyrus S. Benson on (202) 606–4808, FAX (202) 606–0910 or via e-mail to *Cyrus.Benson@opm.gov.* Please include a mailing address with your request.

DATES: Comments on this proposal should be received within 60 calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to James K. Freiert (Acting), Deputy Associate Director, Retirement Operations, Retirement and Benefits, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3305, Washington, DC 20415–3500.

For information regarding administrative coordination contact:

Cyrus S. Benson, Team Leader, Publications Team, RB/RM/ Administrative Services, U.S. Office of Personnel Management, 1900 E Street, NW., Room 4H28, Washington, DC 20415, (202) 606–4808.

U.S. Office of Personnel Management.

John Berry,

Director.

[FR Doc. 2010–13166 Filed 6–1–10; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

[OMB Control No. 3206–0XXX; Form RI 20–123]

Proposed Information Collection; Request for Comment on a New Information Collection

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 10413, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget (OMB) a request for review of a new information collection. "Request for Case Review for Enhanced Disability Annuity Benefit" (OMB Control No. 3206–0XXX). Due to recent court orders, the Office of Personnel Management (OPM) must compute, or recomputed as applicable, the disability annuities for individuals who performed service as law enforcement officers, firefighters, nuclear materials carriers, Customs and Border Patrol officers, members of the Capitol and the Supreme Court police, Congressional employees, members of Congress, and air traffic controllers. Because these court orders were handed down long after some of the affected individuals retired and/or died and they are not identified in the OPM computer systems, it is necessary for these individuals to self-identify. Form RI 20–123 is needed on the OPM website so these individuals and their survivors can make the request.

Comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility; whether our estimate of the public burden of this collection is accurate, and based on valid assumptions and methodology; and ways in which we can minimize the burden of the collection of information on those who are to respond, through use of the appropriate technological collection techniques or other forms of information technology.

We estimate that we will receive 720 responses a year and the time it takes to respond is estimated to be 5 minutes. The annual burden is estimated to be 60 hours.

For copies of this proposal, contact Cyrus S. Benson on (202) 606–4808, FAX (202) 606–0910 or via E-mail to *Cyrus.Benson@opm.gov.* Please include a mailing address with your request.

DATES: Comments on this proposal should be received within 60 calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to James K. Freiert (Acting), Deputy Associate Director, Retirement Operations, Retirement & Benefits, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3305, Washington, DC 20415–3500.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION CONTACT: Cyrus S. Benson, Team Leader, Publications Team, Retirement & Benefits/Resource Management, Office of Personnel Management, 1900 E Street, NW., Room 4H28, Washington, DC 20415, (202) 606–4808.

U.S. Office of Personnel Management.

John Berry,

Director.

[FR Doc. 2010–13167 Filed 6–1–10; 8:45 am]

BILLING CODE 6325–38–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Review of a Revised Information Collection: (OMB Control No. 3206–0162; OPM Form 1530)

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget (OMB) a request for comments of a revised information collection. This information collection, "Report of Medical Examination of Person Electing Survivor Benefits Under the Civil Service Retirement System" (OMB Control No. 3206–0162; OPM Form 1530), is used to collect information regarding an annuitant's health so that OPM can determine whether the insurable interest survivor benefit election can be allowed.

Comments are particularly invited on: Whether this information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Approximately 500 OPM Form 1530 will be completed annually. We estimate it takes approximately 90 minutes to complete the form. The annual estimated burden is 750 hours.

For copies of this proposal, contact Cyrus S. Benson on (202) 606–4808, FAX (202) 606–0910 or via e-mail to *Cyrus.Benson@opm.gov.* Please include a mailing address with your request.

DATES: Comments on this proposal should be received within 60 calendar days from the date of this publication.

ADDRESSES: Send or deliver comments to—

James K. Freiert (Acting), Deputy Associate Director, Retirement Operations, Retirement and Benefits, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3305, Washington, DC 20415–3500.

For information regarding administrative coordination contact: Cyrus S. Benson, Team Leader, Publications Team, RB/RM/Administrative Services, U.S. Office of Personnel Management, 1900 E Street, NW., Room 4H28, Washington, DC 20415, (202) 606–4808.

U.S. Office of Personnel Management.

John Berry,

Director.

[FR Doc. 2010–13168 Filed 6–1–10; 8:45 am]

BILLING CODE 6325–38–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2010-59; Order No. 467]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently–filed Postal Service Request to add a Global Expedited Package Services Contracts 2 Negotiated Service Agreement to the Competitive Product List. The notice addresses procedural steps.

DATES: Comments are due: June 7, 2010.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Commenters who cannot file electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Brian Corcoran, Acting General Counsel, at 202-789-6894 or *brian.corcoran@prc.gov.*

SUPPLEMENTARY INFORMATION:

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I. Introduction
II. Notice of Filing
III. Ordering Paragraphs

I. Introduction

On May 27, 2010, the Postal Service filed a notice announcing that it has entered into an additional Global Expedited Package Services 2 (GEPS 2) contract.[1] The Postal Service believes the instant contract is functionally equivalent to previously submitted GEPS 2 contracts, and is supported by Governors' Decision No. 08-7, attached to the Notice and originally filed in Docket No. CP2008-4. *Id.* at 1, Attachment 3. The Notice also explains that Order No. 86, which established GEPS 1 as a product, also authorized functionally equivalent agreements to be included within the product, provided that they meet the requirements of 39 U.S.C. 3633. *Id.* at 1. In Order No. 290, the Commission approved the GEPS 2 product.[2]

The instant contract. The Postal Service filed the instant contract pursuant to 39 CFR 3015.5. In addition, the Postal Service contends that the contract is in accordance with Order No. 86. The term of the contract is one year from the date the Postal Service notifies the customer that all necessary regulatory approvals have been received.

In support of its Notice, the Postal Service filed four attachments as follows:

- Attachment 1—a redacted copy of the contract;
- Attachment 2—a certified statement required by 39 CFR 3015.5(c)(2);
- Attachment 3—a redacted copy of Governors' Decision No. 08-7 which establishes prices and classifications for GEPS contracts, a description of applicable GEPS contracts, formulas for prices, an analysis and certification of the formulas and certification of the Governors' vote; and
- Atachment 4—an application for non-public treatment of materials to maintain redacted portions of the contract and supporting documents under seal.

The Notice advances reasons why the instant GEPS 2 contract fits within the Mail Classification Schedule language for GEPS 2. The Postal Service identifies customer-specific information, general contract terms, and other differences that distinguish the instant contract from the baseline GEPS 2 agreement, all of which are highlighted in the Notice. *Id.* at 3-6.

The Postal Service contends that the instant contract is functionally equivalent to previously filed GEPS contracts and is substantially similar to that in Docket No. CP2009-50 in terms of the product being offered, the market in which it is offered, and its cost characteristics. *Id.* at 2-3. *See also id.* at 6 ("[T]he relevant cost and market characteristics are similar, if not the same for these five contracts and the baseline GEPS 2 contract").

The Postal Service also contends that its filings demonstrate that the new GEPS 2 contract complies with the requirements of 39 U.S.C. 3633. It requests that the contract be included within the GEPS 2 product. *Id.* at 7.

[1] Notice of United States Postal Service Filing of Functionally Equivalent Global Expedited Package Services 2 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal, May 27, 2010 (Notice).

[2] Docket No. CP2009-50, Order Granting Clarification and Adding Global Expedited Package Services 2 to the Competitive Product List, August 28, 2009 (Order No. 290).

II. Notice of Filing

The Commission establishes Docket Nos. CP2010-59 for consideration of matters related to the contracts identified in the Postal Service's Notice.

Interested persons may submit comments on whether the Postal Service's contract is consistent with the policies of 39 U.S.C. 3632, 3633 or 3642. Comments are due no later than June 7, 2010. The public portions of these filings can be accessed via the Commission's Web site *(http://www.prc.gov).*

The Commission appoints Paul L. Harrington to serve as Public Representative in the captioned proceedings.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2010–59 for consideration of matters raised by the Postal Service's Notice.
2. Comments by interested persons in these proceedings are due no later than June 7, 2010.
3. Pursuant to 39 U.S.C. 505, Paul L. Harrington is appointed to serve as the officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.
4. The Secretary shall arrange for publication of this order in the **Federal Register.**

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2010–13298 Filed 6–1–10; 8:45 am]

BILLING CODE: 7710–FW–S

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2010-54, CP2010-55, CP2010-56, CP2010-57 and CP2010-58; Order No. 466]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently–filed Postal Service Request to add five additional Global Expedited Package Services Contracts 2 Negotiated Service Agreements to the Competitive Product List. The notice addresses procedural steps.

DATES: Comments are due: June 4, 2010.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov*. Commenters who cannot file electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for advice on alternatives to electronic filing.

FOR FURTHER INFORMATION CONTACT: Brian Corcoran, Acting General Counsel, at 202-789-6894 or *brian.corcoran@prc.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. Notice of Filing
III. Ordering Paragraphs

I. Introduction

On May 26, 2010, the Postal Service filed a notice announcing that it has entered into five additional Global Expedited Package Services 2 (GEPS 2) contracts.[1] The Postal Service believes the instant contracts are functionally equivalent to previously submitted GEPS 2 contracts, and are supported by Governors' Decision No. 08-7, attached to the Notice and originally filed in Docket No. CP2008-4. *Id.* at 1, Attachment 3. The Notice also explains that Order No. 86, which established GEPS 1 as a product, also authorized functionally equivalent agreements to be included within the product, provided that they meet the requirements of 39 U.S.C. 3633. *Id.* at 1. In Order No. 290, the Commission approved the GEPS 2 product.[2]

The instant contracts. The Postal Service filed the instant contracts pursuant to 39 CFR 3015.5. In addition, the Postal Service contends that each contract is in accordance with Order No. 86. The term of each contract is one year from the date the Postal Service notifies the customer that all necessary regulatory approvals have been received. Notice at 2-3.

In support of its Notice, the Postal Service filed four attachments as follows:

- Attachments 1A, 1B, 1C, 1D and 1E—redacted copies of five contracts and applicable annexes;
- Attachments 2A, 2B, 2C, 2D and 2E—a certified statement required by 39 CFR 3015.5(c)(2) for each of the five contracts;
- Attachment 3—a redacted copy of Governors' Decision No. 08-7 which establishes prices and classifications for GEPS contracts, a description of applicable GEPS contracts, formulas for prices, an analysis and certification of the formulas and certification of the Governors' vote; and
- Atachment 4—an application for non-public treatment of materials to maintain redacted portions of the contracts and supporting documents under seal.

The Notice advances reasons why the instant GEPS 2 contracts fit within the Mail Classification Schedule language for GEPS 2. The Postal Service identifies customer-specific information, general contract terms, and other differences that distinguish the instant contracts from the baseline GEPS 2 agreement, all of which are highlighted in the Notice. *Id.* at 3-6.

The Postal Service contends that the instant contracts are functionally equivalent to previously filed GEPS contracts and are substantially similar to that in Docket No. CP2009-50 in terms of the product being offered, the market in which it is offered, and its cost characteristics. *Id.* at 2-3. *See also id.* at 6 ("[T]he relevant cost and market characteristics are similar, if not the same for these five contracts and the baseline GEPS 2 contract").

The Postal Service also contends that its filings demonstrate that each of the new GEPS 2 contracts complies with the requirements of 39 U.S.C. 3633. It requests that the contracts be included within the GEPS 2 product. *Id.* at 7.

II. Notice of Filing

The Commission establishes Docket Nos. CP2010-54, CP2010-55, DP2010-56, CP2010-57 and CP2010-58 for consideration of matters related to the contracts identified in the Postal Service's Notice.

These dockets are addressed on a consolidated basis for purposes of this order. Filings with respect to a particular contract should be filed in that docket.

Interested persons may submit comments on whether the Postal Service's contracts are consistent with the policies of 39 U.S.C. 3632, 3633 or 3642. Comments are due no later than June 4, 2010. The public portions of these filings can be accessed via the Commission's Web site *(http://www.prc.gov).*

The Commission appoints Paul L. Harrington to serve as Public Representative in the captioned proceedings.

III. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket Nos. CP2010–54, CP2010–55, CP2010–56, CP2010–57 and CP2010–58 for consideration of matters raised by the Postal Service's Notice.

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[1] Notice of United States Postal Service Filing of Five Functionally Equivalent Global Expedited Package Services 2 Negotiated Service Agreements and Application for Non-Public Treatment of Materials Filed Under Seal, May 26, 2010 (Notice).

[2] Docket No. CP2009-50, Order Granting Clarification and Adding Global Expedited Package Services 2 to the Competitive Product List, August 28, 2009 (Order No. 290).

2. Comments by interested persons in these proceedings are due no later than June 4, 2010.

3. Pursuant to 39 U.S.C. 505, Paul L. Harrington is appointed to serve as the officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

4. The Secretary shall arrange for publication of this order in the **Federal Register.**

By the Commission.

Shoshana M. Grove,

Secretary.

[FR Doc. 2010–13286 Filed 6–1–10; 8:45 am]

BILLING CODE: 7710–FW–S

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12192 and #12193]

Florida Disaster #FL–00053

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Florida dated 05/25/2010.

Incident: Freezing Temperatures and Sinkholes.

Incident Period: 01/02/2010 through 02/01/2010.

Effective Date: 05/25/2010.

Physical Loan Application Deadline Date: 07/26/2010.

Economic Injury (EIDL) Loan Application Deadline Date: 02/25/2011.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Hillsborough.

Contiguous Counties:

Florida: Hardee, Manatee, Pasco, Pinellas, Polk.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	5.125
Homeowners Without Credit Available Elsewhere	2.562
Businesses With Credit Available Elsewhere	6.000
Businesses Without Credit Available Elsewhere	4.000
Non-Profit Organizations With Credit Available Elsewhere	3.625
Non-Profit Organizations Without Credit Available Elsewhere	3.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	3.000

The number assigned to this disaster for physical damage is 12192 7 and for economic injury is 12193 0.

The State which received an EIDL Declaration # is Florida.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: May 25, 2010.

Karen G. Mills,

Administrator.

[FR Doc. 2010–13192 Filed 6–1–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12168 and #12169]

Kentucky Disaster Number KY–00032

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the Commonwealth of Kentucky (FEMA–1912–DR), dated 05/11/2010.

Incident: Severe Storms, Flooding, Mudslides, and Tornadoes.

Incident Period: 05/01/2010 and continuing.

Effective Date: 05/24/2010.

Physical Loan Application Deadline Date: 07/12/2010.

EIDL Loan Application Deadline Date: 02/11/2011.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the Presidential disaster declaration for the Commonwealth of Kentucky, dated 05/11/2010 is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties: (Physical Damage and Economic Injury Loans): Anderson, Allen, Barren, Boyle, Elliott, Fleming, Garrard, Green, Hart, Henry, Jackson, Jessamine, Leslie, Magoffin, Menifee, Monroe, Montgomery, Nelson, Nicholas, Owen, Powell, Pulaski, Simpson, Warren, Washington.

Contiguous Counties: (Economic Injury Loans Only):

Kentucky: Bell, Breathitt, Bullitt, Carroll, Clay, Edmonson, Floyd, Gallatin, Grant, Grayson, Hardin, Harlan, Harrison, Johnson, Knott, Lee, Mccreary, Oldham, Owsley, Perry, Robertson, Spencer, Trimble, Wayne, Wolfe.

Tennessee: Clay, Macon, Sumner.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2010–13186 Filed 6–1–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12159 and #12160]

Tennessee Disaster Number TN–00039

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 6.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Tennessee (FEMA–1909–DR), dated 05/04/2010 .

Incident: Severe Storms, Flooding, Straight-line Winds, and Tornadoes

Incident Period: 04/30/2010 and continuing through 05/18/2010.

DATES: *Effective Date:* 05/18/2010.

Physical Loan Application Deadline Date: 07/06/2010.

EIDL Loan Application Deadline Date: 02/04/2011.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A Escobar, Office of Disaster Assistance,

U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Tennessee, dated 05/04/2010 is hereby amended to establish the incident period for this disaster as beginning 04/30/2010 and continuing through 05/18/2010.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2010–13179 Filed 6–1–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12188 and #12189]

Mississippi Disaster Number MS–00039

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Mississippi (FEMA–1916–DR), dated 05/14/2010.

Incident: Severe Storms, Tornadoes, and Flooding.

Incident Period: 05/01/2010 through 05/02/2010.

Effective Date: 05/24/2010.

Physical Loan Application Deadline Date: 07/13/2010.

Economic Injury (EIDL) Loan Application Deadline Date: 02/14/2011.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Mississippi, dated 05/14/2010, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Marshall, Union.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2010–13185 Filed 6–1–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12151 and #12152]

North Dakota Disaster Number ND–00022

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of North Dakota (FEMA–1907–DR), dated 04/30/2010.

Incident: Flooding.

Incident Period: 02/26/2010 and continuing.

Effective Date: 05/22/2010.

Physical Loan Application Deadline Date: 06/29/2010.

Economic Injury (EIDL) Loan Application Deadline Date: 01/31/2011.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of North Dakota, dated 04/30/2010, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Eddy, Mcintosh.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2010–13188 Filed 6–1–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12194 and #12195]

Oklahoma Disaster #OK–00038

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the State of Oklahoma (FEMA–1917–DR), dated 05/24/2010.

Incident: Severe storms, tornadoes, and straight-line winds.

Incident Period: 05/10/2010 through 05/13/2010.

Effective Date: 05/24/2010.

Physical Loan Application Deadline Date: 07/23/2010.

Economic Injury (EIDL) Loan Application Deadline Date: 02/24/2011.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 05/24/2010, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans):

Carter, Cleveland, McIntosh, Okfuskee, Oklahoma, Pottawatomie, Seminole.

Contiguous Counties (Economic Injury Loans Only):

Oklahoma: Canadian, Creek, Garvin, Haskell, Hughes, Jefferson, Johnston, Kingfisher, Lincoln, Logan, Love, Marshall, McClain, Murray, Muskogee, Okmulgee, Pittsburg, Pontotoc, Stephens.

The Interest Rates are:

For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.500
Homeowners without Credit Available Elsewhere	2.750
Businesses with Credit Available Elsewhere	6.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere	3.625
Non-Profit Organizations without Credit Available Elsewhere	3.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	4.000

Non-Profit Organizations without Credit Available Elsewhere	3.000

The number assigned to this disaster for physical damage is 12194C and for economic injury is 121950.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2010–13199 Filed 6–1–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12196 and #12197]

Arkansas Disaster # AR–00043

AGENCY: U.S. Small Business Administration.

ACTION: Notice

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of Arkansas dated 05/26/2010.

Incident: Severe storms, tornadoes and flooding.

Incident Period: 04/30/2010 through 05/06/2010.

Effective Date: 05/26/2010.

Physical Loan Application Deadline Date: 07/26/2010.

Economic Injury (EIDL) Loan Application Deadline Date: 02/28/2011.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Lonoke, Saline.

Contiguous Counties:

Arkansas: Arkansas, Faulkner, Garland, Grant, Hot Spring, Jefferson, Perry, Prairie, Pulaski, White.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.500
Homeowners without Credit Available Elsewhere	2.750
Businesses with Credit Available Elsewhere	6.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations With Credit Available Elsewhere	3.625
Non-Profit Organizations Without Credit Available Elsewhere	3.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.000

The number assigned to this disaster for physical damage is 12196 C and for economic injury is 12197 0.

The State which received an EIDL Declaration # is Arkansas.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: May 26, 2010.

Karen G. Mills,

Administrator.

[FR Doc. 2010–13197 Filed 6–1–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12177 and #12178]

New Hampshire Disaster Number NH–00017

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of New Hampshire (FEMA–1913–DR), dated 05/12/2010.

Incident: Severe Storms and Flooding.

Incident Period: 03/14/2010 through 03/31/2010.

DATES: *Effective Date:* 05/24/2010.

Physical Loan Application Deadline Date: 07/12/2010.

Economic Injury (EIDL) Loan Application Deadline Date: 02/14/2011.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of New Hampshire, dated 05/12/2010, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Hillsborough.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2010–13196 Filed 6–1–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12100 and #12101]

Massachusetts Disaster Number MA–00025

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Massachusetts (FEMA–1895–DR), dated 03/29/2010.

Incident: Severe Storms and Flooding.

Incident Period: 03/12/2010 through 04/26/2010.

Effective Date: 05/24/2010.

Physical Loan Application Deadline Date: 06/28/2010.

EIDL Loan Application Deadline Date: 12/29/2010.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the State of Massachusetts, dated 03/29/2010 is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to 06/28/2010.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2010–13194 Filed 6–1–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 12190 and # 12191]

North Carolina Disaster # NC–00027

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative declaration of a disaster for the State of NORTH CAROLINA dated 05/25/2010.

Incident: Severe Storms.

Incident Period: 05/16/2010.

DATES: *Effective Date:* 05/25/2010.

Physical Loan Application Deadline Date: 07/26/2010.

Economic Injury (EIDL) Loan Application Deadline Date: 02/25/2011.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Hoke.

Contiguous Counties: North Carolina: Cumberland, Moore, Richmond, Robeson, Scotland.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners With Credit Available Elsewhere	5.500
Homeowners Without Credit Available Elsewhere	2.750
Businesses With Credit Available Elsewhere	6.000
Businesses Without Credit Available Elsewhere	4.000
Non-Profit Organizations With Credit Available Elsewhere	3.625
Non-Profit Organizations Without Credit Available Elsewhere	3.000
For Economic Injury:	
Businesses & Small Agricultural Cooperatives Without Credit Available Elsewhere	4.000
Non-Profit Organizations Without Credit Available Elsewhere	3.000

The number assigned to this disaster for physical damage is 12190 B and for economic injury is 12191 0.

The State which received an EIDL Declaration # is North Carolina

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

Dated: May 25, 2010.

Karen G. Mills,

Administrator.

[FR Doc. 2010–13193 Filed 6–1–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12181 and #12182]

South Dakota Disaster Number SD–00031

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of South Dakota (FEMA–1915–DR), dated 05/13/2010.

Incident: Flooding.

Incident Period: 03/10/2010 and continuing.

Effective Date: 05/24/2010.

Physical Loan Application Deadline Date: 07/12/2010.

Economic Injury (EIDL) Loan Application Deadline Date: 02/14/2011.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of South Dakota, dated 05/13/2010, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Moody.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2010–13191 Filed 6–1–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12170 and #12171]

Kentucky Disaster Number KY–00033

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the Commonwealth of Kentucky (FEMA–1912–DR), dated 05/11/2010.

Incident: Severe Storms, Flooding, Mudslides, and Tornadoes.

Incident Period: 05/01/2010 and continuing.

Effective Date: 05/24/2010.

Physical Loan Application Deadline Date: 07/12/2010.

Economic Injury (EIDL) Loan Application Deadline Date: 02/11/2011.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the Commonwealth of Kentucky, dated 05/11/2010, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Anderson, Boyd, Breckinridge, Butler, Clay, Clinton, Elliott, Estill, Fleming, Green, Greenup, Jackson, Hancock, Henderson, Hopkins, Knott, Larue, Leslie, Magoffin, Mason, Ohio, Owen, Powell, Pulaski, Russell, Taylor, Wayne.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2010–13189 Filed 6–1–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12161 and #12162]

Tennessee Disaster Number TN–00038

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 7.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Tennessee (FEMA–1909–DR), dated 05/04/2010 .

Incident: Severe Storms, Flooding, Straight-Line Winds and Tornadoes.

Incident Period: 04/30/2010 through 05/18/2010.

Effective Date: 05/24/2010.

Physical Loan Application Deadline Date: 07/06/2010.

Economic Injury (EIDL) Loan Application Deadline Date: 02/04/2011.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Tennessee, dated 05/04/2010, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Campbell, Henry.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2010–13181 Filed 6–1–10; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #12161 and #12162]

Tennessee Disaster Number TN–00038

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 6.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Tennessee (FEMA–1909–DR), dated 05/04/2010.

Incident: Severe Storms, Flooding, Straight-Line Winds and Tornadoes.

Incident Period: 04/30/2010 through 05/18/2010.

Effective Date: 05/18/2010.

Physical Loan Application Deadline Date: 07/06/2010.

Economic Injury (EIDL) Loan Application Deadline Date: 02/04/2011.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing And Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street, SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Tennessee, dated 05/04/2010, is hereby amended to establish the incident period for this disaster as beginning 04/30/2010 and continuing through 05/18/2010.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2010–13180 Filed 6–1–10; 8:45 am]

BILLING CODE 8025–01–P

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

National Nanotechnology Coordination Office, Nanoscale Science, Engineering and Technology Subcommittee, National Science and Technology Council, Committee on Technology; The National Nanotechnology Initiative (NNI) Strategic Planning Stakeholder Workshop: Public Meeting

ACTION: Notice of public meeting.

SUMMARY: The National Nanotechnology Coordination Office (NNCO), on behalf of the Nanoscale Science, Engineering, and Technology (NSET) Subcommittee of the Committee on Technology, National Science and Technology Council (NSTC), will hold a workshop on July 13–14, 2010, to provide an open forum to obtain input from stakeholders regarding the goals and objectives of an updated U.S. National Nanotechnology Initiative (NNI) Strategic Plan that is currently under development and scheduled for completion by December 2010. Representatives of the U.S. research community, industry, non-governmental organizations, and interested members of the general public are invited to offer suggestions to the U.S. Government interagency task force that is drafting the new plan, which is an update of the December 2007 NNI Strategic Plan (*see http://www.nano.gov/NNI_Strategic_Plan_2007.pdf*). In particular, the agencies participating in the NNI are seeking input on the specific objectives that should be included in the updated plan under each of the overarching NNI goals, and on the most likely approaches for achieving those objectives.

DATES: The public meeting will be held on Tuesday, July 13, 2010 from 8 a.m. until 5 p.m. and on Wednesday, July 14, 2010 from 8 a.m. until 4 p.m.

ADDRESSES: The public meeting will be held at the Hotel Palomar Arlington, 1121 North 19th Street, Arlington, VA 22209 (Metro stop: Rosslyn on the Orange and Blue lines). For directions, please see *http://www.HotelPalomar-Arlington.com*.

Registration: Due to space limitations, pre-registration for the workshop is required. People interested in attending the workshop should register online at *http://www.nano.gov/html/meetings/strategicplan/register.html*. You may also register by e-mail at *strategy@nnco.nano.gov,* or by U.S. mail. Written registrations should be mailed to the Strategic Planning Workshop, c/o NNCO, 4201 Wilson Blvd., Stafford II, Suite 405, Arlington, VA 22230. Please provide your full name, title, affiliation and e-mail or mailing address when registering. Please indicate in your registration whether you are interested in presenting 3–5 minutes of public comment during the meeting. Registration is on a first-come, first-served basis until the location space limits are reached. Otherwise registration must be received by July 7, 2010 at 4 p.m. EDT.

Comments may be submitted by e-mail to *strategy@nnco.nano.gov* or via U.S. mail at the above address until July 30, 2010. Information about the meeting, including the agenda, is posted at *http://www.nano.gov.*

The main sessions will be webcast. Please see *http://www.nano.gov* for more information.

Meeting Accommodations: Individuals requiring special accommodation to access this public meeting should contact Halyna Paikoushn (443–695–6943) at least ten business days prior to the meeting so that appropriate arrangements can be made.

FOR FURTHER INFORMATION CONTACT: For information regarding this Notice, please contact Diana Petreski, telephone (703) 292–8626 or Halyna Paikoush, telephone (443) 695–6943, National

Nanotechnology Coordination Office. E-mail: *strategy@nnco.nano.gov*.

Rachael L. Leonard,

General Counsel, OSTP.

[FR Doc. 2010–13157 Filed 6–1–10; 8:45 am]

BILLING CODE P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 29287; File No. 812–13716]

Hercules Technology Growth Capital, Inc.; Notice of Application

May 26, 2010.

AGENCY: Securities and Exchange Commission ("Commission").

ACTION: Notice of an application for an order under section 23(c)(3) of the Investment Company Act of 1940 (the "Act") for an exemption from section 23(c) of the Act.

SUMMARY: *Summary of the Application:* Hercules Technology Growth Capital, Inc. ("Company" or "Applicant") requests an order to amend prior orders that permit the Company to issue restricted shares of its common stock ("Restricted Stock") and to issue stock options to the Company's executive officers, employee directors, and other key employees (together, "Employees") and non-employee directors ("Non-employee Directors") under the terms of its employee and director compensation plans, the Amended and Restated 2004 Equity Incentive Plan and the Amended and Restated 2006 Non-employee Director Plan (each as amended and restated on June 21, 2007, a "Plan," and together, the "Plans").[1] Applicant seeks to amend the Prior Orders to permit the Company to engage in certain transactions in connection with the Plans that may constitute purchases by the Company of its own securities within the meaning of section 23(c) of the Act. Such transactions are provided for in the 2009 Amendment and Restatement to each Plan (each, an "Amended Plan," and together, the "Amended Plans").

DATES: *Filing Dates:* The application was filed on November 9, 2009, and amended on March 22, 2010, and May 25, 2010.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on June 21, 2010, and should be accompanied by proof of service on applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, U.S. Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090. Applicant, c/o Mr. Manuel A. Henriquez, Chief Executive Officer, Hercules Technology Growth Capital, Inc., 400 Hamilton Avenue, Suite 310, Palo Alto, CA 94301.

FOR FURTHER INFORMATION CONTACT: Jean E. Minarick, Senior Counsel, at (202) 551–6811, or Julia Kim Gilmer, Branch Chief, at (202) 551–6821 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or the applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicant's Representations

1. The Company is an internally managed, non-diversified, closed-end investment company that has elected to be regulated as a business development company ("BDC") under the Act. The Company is currently permitted to (i) issue shares of Restricted Stock to certain of its Employees and Non-employee Directors, and (ii) issue options to purchase shares of the Company's common stock to certain of its Employees and Non-employee Directors, under the terms of the Plans in reliance on the Prior Orders. Applicant seeks to amend the Prior Orders in order to permit the Company, pursuant to the Amended Plans, to withhold shares of the Company's common stock or purchase shares of the Company's common stock from its Employees and Non-employee Directors to satisfy tax withholding obligations related to the vesting of Restricted Stock that were or will be granted pursuant to the Plans or the Amended Plans.[2] In addition, the Company seeks to amend the Prior Orders to permit Participants to pay the exercise price of options to purchase shares of the Company's common stock that were or will be granted to them pursuant to the Plans or the Amended Plans with shares of the Company's common stock already held by them or pursuant to a net share settlement feature.[3] The Company will continue to comply with all of the terms and conditions of the Prior Orders.

2. The Plans and the Amended Plans authorize the issuance to Participants of shares of Restricted Stock, subject to certain forfeiture restrictions, and options that may be subject to forfeiture conditions to purchase shares of the Company's common stock. On the date that any Restricted Stock vests, such vested shares of the Restricted Stock are released to the Participant and are available for sale or transfer.[4] For Participants who are Employees, the value of the vested shares is deemed to be wage compensation for the Employee. As discussed more fully in the application, upon the exercise of certain options the amount by which the current market value of the shares of the Company's common stock, determined as of the date of exercise, exceeds the exercise price will be treated as ordinary income to the recipient of the option in the year of exercise. Applicant states that any compensation income recognized by an employee generally is subject to Federal withholding for income and employment tax purposes. The Amended Plans provide that each grant or exercise of an Award is subject to the Participant making arrangements to satisfy all applicable Federal, State, and local or other income and employment tax withholding obligations.

3. The Amended Plans will be subject to approval by the Company's board of directors ("Board") as well as the required majority of the Company's directors with the meaning of section 57(o) of the Act. The Amended Plans explicitly permit the Company to

[1] Hercules Technology Growth Capital, Inc., Investment Company Act Release Nos. 27815 (May 2, 2007) (notice) and 27838 (May 23, 2007) (order) and Hercules Technology Growth Capital, Inc., Investment Company Act Release Nos. 27968 (Sept. 12, 2007) (notice) and 28011 (Oct. 10, 2007) (order) (collectively, the "Prior Orders").

[2] All Employees and Non-Employee Directors who participate in the Plans or the Amended Plans are referred to as "Participants."

[3] Net share settlement allows the Company to deliver only gain shares (*i.e.,* shares of its common stock with a current market value, as the term is defined in the Amended Plans, equal to the option spread upon exercise) directly to the optionee without the need for the optionee to sell shares of the Company's common stock on the open market or borrow cash from third parties in order to exercise his or her options.

[4] During the restriction period (*i.e.,* prior to the lapse of the forfeiture restrictions), the Restricted Stock may not be sold, transferred, pledged, hypothecated, margined, or otherwise encumbered by a Participant.

withhold shares of the Company's common stock or purchase shares of the Company's common stock from the Participants to satisfy tax withholding obligations related to the vesting of Restricted Stock and the exercise of options to purchase shares of the Company's common stock granted pursuant to the Plans or the Amended Plans. The Amended Plans further provide the Company's Board with discretion to permit the Participants to pay the exercise price of options to purchase shares of the Company's stock with shares of the Company's stock already held by such Participants or pursuant to net share settlement.

Applicant's Legal Analysis

1. Section 23(c) of the Act, which is made applicable to BDCs by section 63 of the Act, generally prohibits a BDC from purchasing any securities of which it is the issuer except in the open market, pursuant to tender offers or under other circumstances as the Commission may permit to ensure that the purchase is made on a basis that does not unfairly discriminate against any holders of the class or classes of securities to be purchased. Applicant states that the withholding or purchase of shares of Restricted Stock and common stock in payment of applicable withholding tax obligations or of common stock in payment for the exercise price of a stock option might be deemed to be purchases by the Company of its own securities within the meaning of section 23(c) and therefore prohibited by the Act.

2. Section 23(c)(3) provides that the Commission may issue an order that would permit a BDC to repurchase its shares in circumstances in which the repurchase is made in a manner or on a basis that does not unfairly discriminate against any holders of the class or classes of securities to be purchased. Applicant states that it believes that the requested relief meets the standards of section 23(c)(3).

3. Applicant states that these purchases will be made on a basis which does not unfairly discriminate against the stockholders of the Company because all purchases of the Company's stock will be at the closing price of the common stock on the NASDAQ Global Select Market (or any other such exchange on which the shares may be traded in the future) on the date of the transaction. Applicant further states that no transactions will be conducted pursuant to the requested order on days where there are no reported market transactions involving the Company's shares. Applicant submits that because all transactions would take place at the public market price for the Company's common stock, the transactions would not be significantly different than could be achieved by any stockholder selling in a market transaction.

4. Applicants submit that the proposed purchases do not raise concerns about preferential treatment of the Company's insiders because the Amended Plans are bona fide compensation plans of the type that is common among corporations generally. Further, the vesting schedule is determined at the time of the initial grant of the Restricted Stock and the option exercise price is determined at the time of the initial grant of the options. Applicant represents that all purchases may be made only as permitted by the Amended Plans. Applicant argues that granting the requested relief would be consistent with policies underlying the provisions of the Act permitting the use of equity compensation as well as prior exemptive relief granted by the Commission for relief under section 23(c) of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–13154 Filed 6–1–10; 8:45 am]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, June 3, 2010 at 2 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), (8), 9(ii) and (10), permit consideration of the scheduled matters at the Closed Meeting.

Commissioner Paredes, as duty officer, voted to consider the items listed for the Closed Meeting in a closed session.

The subject matter of the Closed Meeting scheduled for Thursday, June 3, 2010 will be:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

A regulatory matter regarding a financial institution; and

Other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact:

The Office of the Secretary at (202) 551–5400.

Dated: May 27, 2010.

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–13329 Filed 5–28–10; 4:15 pm]

BILLING CODE 8010–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62183, File No. SR–MSRB–2009–10]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Filing of Amendment No. 2 and Order Granting Accelerated Approval of Proposed Rule Change, as Modified by Amendment Nos. 1 and 2 Thereto, Relating to Additional Voluntary Submissions by Issuers to the MSRB's Electronic Municipal Market Access System (EMMA®)

May 26, 2010.

I. Introduction

On July 14, 2009, the Municipal Securities Rulemaking Board ("MSRB"), filed with the Securities and Exchange Commission ("Commission" or "SEC"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Exchange Act"),[1] and Rule 19b–4 thereunder,[2] a proposed rule change relating to additional voluntary submissions by issuers to the MSRB's Electronic Municipal Market Access System ("EMMA"). The proposed rule change was published for comment in the **Federal Register** on July 22, 2009.[3] The Commission received 27 comment

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 60315 (July 15, 2009), 74 FR 36294 ("Original Notice") (the "original proposed rule change").

letters about the proposed rule change.[4] On December 18, 2009, the MSRB filed with the Commission, pursuant to Section 19(b)(1) of the Exchange Act [5] and Rule 19b-4 thereunder,[6] Amendment No. 1 to the proposed rule change. Amendment No. 1 to the proposed rule change was published for comment in the **Federal Register** on January 5, 2010.[7] The Commission received three comment letters concerning Amendment No. 1.[8] On May 21, 2010, the MSRB filed with the Commission, pursuant to Section 19(b)(1) of the Exchange Act [9] and Rule 19b-4 thereunder,[10] Amendment No. 2 to the proposed rule change, which clarified an aspect of the proposed rule change relating to an issuer's undertaking and requested an additional three months to develop, test, and implement the proposal. The text of Amendment No. 2 is available on the MSRB's Web site (*http://www.msrb.org*), at the MSRB's principal office, and for Web site viewing and printing in the Commission's Public Reference Room. This order provides notice of Amendment No. 2 and approves the proposed rule change as modified by Amendment Nos. 1 and 2 on an accelerated basis.

II. Description of the Proposed Rule Change, as Modified by Amendment Nos. 1 and 2 to the Proposed Rule Change

Preliminary Official Statements and Other Primary Market Documents

The proposed rule change would amend the EMMA primary market disclosure service to permit issuers and their designated agents to make voluntary submissions to the primary market disclosure service of official statements, preliminary official statements and related pre-sale documents, and advance refunding documents (collectively, "primary market documents").[11] Pre-sale documents other than a preliminary official statement (including but not limited to notices of sale or supplemental disclosures) would be accepted only if accompanied or preceded by the preliminary official statement.[12] An issuer seeking to make submissions of primary market documents to the EMMA primary market disclosure service would use the same accounts established with respect to submissions of continuing disclosure documents to the EMMA continuing disclosure service, subject to additional verification procedures to affirmatively establish the account holder's authority to act on behalf of the issuer in connection with such primary market disclosure submissions.

Submissions of primary market documents by issuers and their designated agents would be accepted on a voluntary basis if, at the time of submission, they are accompanied by information necessary to accurately identify: (i) The category of document being submitted; (ii) the issues or specific securities to which such document is related; and (iii) in the case of an advance refunding document, the specific securities being refunded pursuant thereto. The primary market documents and related indexing information would be displayed on the EMMA Web portal and also would be included in EMMA's primary market disclosure subscription service.

Additional Continuing Disclosure Submissions and Undertakings

The proposed rule change also would amend the EMMA continuing disclosure service to permit issuers, obligated persons and their agents to make voluntary submissions to the continuing disclosure service of additional categories of disclosures, as well as information about their continuing disclosure undertakings. Such additional continuing disclosures and related indexing information would be displayed on the EMMA Web portal and also would be included in EMMA's continuing disclosure subscription service. Such additional items [13] are:

- An issuer's or obligated person's undertaking to prepare audited financial statements pursuant to generally accepted accounting principles ("GAAP") as established by the Governmental Accounting Standards Board ("GASB"), or pursuant to GAAP as established by the Financial Accounting Standards Board ("FASB"), as applicable to such issuer or obligated person and as further described below (the "voluntary GAAP undertaking"); [14]
- An issuer's or obligated persons' undertaking to submit annual financial information to EMMA within 120 calendar days after the end of the fiscal year or, as a transitional alternative that may be elected through December 31, 2013, within 150 calendar days after the end of the applicable fiscal year, as further described below (the "voluntary annual filing undertaking"); [15] and
- Uniform resource locator (URL) of the issuer's or obligated person's Internet-based investor relations or other repository of financial/operating information.

Voluntary GAAP Undertaking. The voluntary GAAP undertaking would consist of a voluntary undertaking by an issuer or obligated person, either at the time of a primary offering or at any time thereafter, that the issuer or obligated person will prepare its audited financial statements in accordance with GAAP. The MSRB contemplates that State or local governments or any other entities to which GASB standards are applicable would apply GAAP as established by GASB and that any other entities to which FASB standards are applicable would apply GAAP as established by FASB.

The voluntary GAAP undertaking would assist investors and other market participants in understanding how audited financial statements were prepared. The fact that an issuer or obligated person has entered into a voluntary GAAP undertaking, and the

[4] Copies of the comment letters received by the Commission are available on the Commission's Internet Web site, located at *http://www.sec.gov/comments/sr-msrb-2009–10/msrb200910.shtml* and for Web site viewing and printing in the Commission's Public Reference Room at its Washington, DC headquarters.

[5] 15 U.S.C. 78s(b)(1).

[6] 17 CFR 240.19b–4.

[7] *See* Securities Exchange Act Release No. 61237 (December 23, 2009), 75 FR 485 (January 5, 2010) ("Amendment No. 1 Notice").

[8] Exhibit A contains the citation key for all comment letters received on the proposed rule change and on Amendment No. 1.

[9] 15 U.S.C. 78s(b)(1).

[10] 17 CFR 240.19b–4.

[11] Obligated persons would be permitted to submit primary market documents through the EMMA primary market disclosure service only if designated as an agent by the issuer.

[12] The MSRB believes that posting of such pre-sale documents without the related disclosure information provided in a preliminary official statement would be inconsistent with the core disclosure purposes of EMMA.

[13] In Amendment No. 1, the MSRB proposes to modify the original proposed rule change by eliminating one item of additional voluntary submissions relating to the award of the Certificate of Achievement for Excellence in Financial Reporting awarded by the Government Finance Officers Association ("GFOA") in connection with the preparation of a Comprehensive Annual Financial Report ("CAFR") of an issuer. The MSRB notes that CAFRs are already frequently submitted to EMMA by issuers, and in most cases the issuers include the GFOA certificate in the submitted CAFR. According to the MSRB, EMMA already effectively serves as a venue through which CAFRs and GFOA certificates are made available to investors.

[14] In response to the comments received on the original proposed rule change, the MSRB in Amendment No. 1 proposes to modify the original proposed rule change by permitting issuers and obligated persons to elect either the GASB standard or the FASB standard for GAAP, as appropriate. The original proposed rule change contemplated the use of the GASB standard only.

[15] In response to the comments received on the original proposed rule change, the MSRB in Amendment No. 1 proposes to modify the original proposed rule change by permitting issuers and obligated persons to elect to undertake to submit annual financial information either within 120 days or 150 days after the end of the fiscal year. The original proposed rule change contemplated a 120-day timeframe only.

standard under which audited financial statements are to be prepared, would be prominently disclosed on the EMMA Web portal as a distinctive characteristic of the securities to which such undertaking applies.

In Amendment No. 2, the MSRB proposes to clarify that the EMMA indicator with regard to the voluntary GAAP undertaking would be indicative of an issuer's or obligated person's voluntary undertaking, entered into as a contractual obligation, for the benefit of bondholders, under a continuing disclosure agreement or another contract, that it will prepare its audited financial statements in accordance with GAAP, either based on GASB or FASB standards as appropriate. If the issuer or obligated person later rescinds such undertaking through an amendment to its continuing disclosure agreement or other contractual arrangement, the issuer or obligated person would be expected to remove the indicator of its voluntary GAAP undertaking on EMMA. Amendment No. 2 clarifies that the voluntary EMMA GAAP indicator solely could be used in situations where the issuer has entered into an undertaking via a contractual obligation. While this is consistent with a number of statements in Amendment No. 1, there was a statement by the MSRB in Amendment No. 1 to the effect that the making of a voluntary GAAP undertaking through EMMA by an issuer or obligated person would reflect the *bona fide* intent of the issuer or obligated person to perform as undertaken but would not, by itself, necessarily create a contractual obligation of such issuer or obligated person. This statement may have caused some confusion with regard to the issuer's need to undertake, in a continuing disclosure agreement or separate contract, that it will prepare its audited financial statements in accordance with GAAP, either based on GASB or FASB standards as appropriate in order to use the voluntary EMMA GAAP indicator.

The MSRB would not review whether an entity has selected the appropriate accounting standard, would not review or confirm the conformity of submitted audited financial statements to GAAP, and would not review whether the information submitted by such entity to the EMMA continuing disclosure service regarding the voluntary GAAP undertaking accurately reflects the provisions of, or is included within, the continuing disclosure agreement or other contractual arrangement of such entity.

Voluntary Annual Filing Undertaking. The voluntary annual filing undertaking would consist of a voluntary undertaking by an issuer or obligated person, either at the time of a primary offering or at any time thereafter, that the issuer or obligated person, as appropriate, would submit to EMMA its annual financial information as contemplated by Rule 15c2–12 under the Act by no later than 120 calendar days after the end of such issuer's or obligated person's fiscal year (the "120-day undertaking").[16] Alternatively, to and including December 31, 2013, the EMMA continuing disclosure service would provide the option for an issuer or obligated person to indicate its undertaking to submit to EMMA its annual financial information by no later than 150 calendar days after the end of such issuer's or obligated person's fiscal year (the "transitional 150-day undertaking").[17] An issuer or obligated person that has made a transitional 150-day undertaking could convert such election to a 120-day undertaking at any time. On and after January 1, 2014, the transitional 150-day undertaking option would no longer be available for selection.

The voluntary annual filing undertaking would assist investors and other market participants in understanding when the annual financial information is expected to be available in the future. The fact that an issuer or obligated person has entered into a voluntary annual filing undertaking would be prominently disclosed on the EMMA Web portal as a distinctive characteristic of the securities to which such undertaking applies. A transitional 150-day undertaking would continue to be displayed on the EMMA Web portal through June 30, 2014, and would automatically cease to be displayed on the EMMA Web portal after such date, unless the issuer or obligated person has previously changed or rescinded such undertaking.

Amendment No. 2 clarifies that the EMMA indicator with regard to the voluntary annual filing undertaking would be indicative of an issuer's or obligated person's voluntary undertaking, entered into as a contractual obligation, for the benefit of bondholders, under a continuing disclosure agreement or another contract, that it will submit to EMMA its annual financial information as contemplated under Rule 15c2–12 by no later than 120 calendar days (or 150 calendar days, in the case of the transitional 150-day undertaking option) after the end of such issuer's or obligated person's fiscal year. If the issuer or obligated person later modifies the timeframe for submitting the annual financial information in its continuing disclosure agreement or other contractual arrangement to a period longer than contemplated by the voluntary annual filing undertaking, the issuer or obligated person would be expected to remove the indicator of its voluntary annual filing undertaking on EMMA. While Amendment No. 1 in several places clearly stated the MSRB's view that such an undertaking would be contained in a continuing disclosure agreement or a separate contract,[18] one statement in Amendment No. 1 may have caused some confusion.[19] Amendment No. 2 thus clarifies that the voluntary EMMA indicator could be used solely in situations where an issuer had made such an undertaking as a contractual obligation (whether in a continuing disclosure agreement or in a separate contract).

The MSRB would not review or confirm the compliance of an issuer or obligated person with its voluntary annual filing undertaking and would not review whether the information submitted by such entity to the EMMA continuing disclosure service regarding the voluntary annual filing undertaking accurately reflects the provisions of, or is included within, the continuing disclosure agreement or other contractual arrangement of such entity.

Investor Relation URL Posting. The proposed rule change would permit issuers or obligated persons to post the URLs for their Internet-based investor relations or other repository of

[16] According to the MSRB, under the Exchange Act, smaller public reporting companies, as non-accelerated filers, generally are required to file their annual reports on Form 10–K with the Commission within 90 days after the end of their fiscal year. The MSRB States that the longer 120-day period included in the voluntary annual filing undertaking of the proposed rule change is designed to accommodate additional steps that State and local governments often must take—under state law, pursuant to their own requirements, or otherwise—in completing the work necessary to prepare their annual financial information as contemplated under Exchange Act Rule 15c2–12.

[17] The MSRB states that the option to elect, through December 31, 2013, a transitional 150-day undertaking acknowledges that the 120-day undertaking may not be immediately achievable by most issuers and obligated persons, and is designed to provide a means by which to recognize issuers and obligated persons that are taking steps toward ultimately making their annual financial information available within 120 days of fiscal year end in the future.

[18] *See, e.g.,* Amendment No. 1 Notice at 486.

[19] "The MSRB contemplates that the making of a voluntary GAAP undertaking through EMMA by an issuer or obligated person would reflect the *bona fide* intent of the issuer or obligated person to perform as undertaken but would not, by itself, necessarily create a contractual obligation of such issuer or obligated person." *See* Amendment No. 1 Notice at 486.

financial/operating information, which would provide investors with an additional avenue for obtaining further financial, operating or other investment-related information about such issuer or obligated person.

Manner of Submission. Issuers and obligated persons would indicate the existence of a voluntary GAAP undertaking or voluntary annual filing undertaking through a data input election on EMMA. Changes to or rescissions of such voluntary contractual undertakings could also be indicated through the same EMMA interface process.[20]

Effective Date of Proposed Rule Change

The MSRB originally requested an effective date for the proposed rule change of a date to be announced by the MSRB in a notice published on the MSRB Web site, which date shall be no later than nine months after Commission approval of the proposed rule change and shall be announced no later than sixty (60) days prior to the effective date.[21] In Amendment No. 2, the MSRB requested that the Commission approve a revised effective date for the proposed rule change of a date to be announced by the MSRB in a notice published on the MSRB Web site, which date shall be no later than one year after Commission approval of the proposed rule change and shall be announced no later than sixty (60) days prior to the effective date.

III. Discussion and Commission Findings

The Commission has carefully considered the proposed rule change, the comment letters received, and the MSRB's responses to the comment letters and finds that the proposed rule change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to the MSRB[22] and, in particular, the requirements of Section 15B(b)(2)(C) of the Exchange Act[23] and the rules and regulations thereunder. Section 15B(b)(2)(C) of the Exchange Act requires, among other things, that the MSRB's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest.[24] In particular, the Commission finds that the proposed rule change is consistent with the Exchange Act in that it serves to remove impediments to and help perfect the mechanisms of a free and open market in municipal securities and would serve to promote the statutory mandate of the MSRB to protect investors and the public interest. Voluntary dissemination of preliminary official statements through EMMA, particularly if made available prior to the sale of a primary offering to the underwriters, would provide timely access by investors and other market participants to key information useful in making an investment decision in a manner that is consistent with the Exchange Act. The voluntary GAAP undertaking would assist investors' understanding of how such information was prepared and may provide them with the knowledge that the financial statements were prepared according to generally accepted accounting principles. The voluntary annual filing undertaking would assist investors' understanding regarding when such information is expected to be available in the future and may encourage greater timeliness in the preparation and dissemination of municipal financial information. A URL provided by an issuer or obligated person would provide investors with an additional avenue for obtaining further financial, operating or other investment-related information about the issuer or obligated person.

General Summary of Comment Letters

The Commission received 27 comment letters responding to the Original Notice and three comment letters responding to the Amendment No. 1 Notice. Two comment letters concerned procedural issues with the filing.[25] Most of the remaining 25 comment letters responding to the Original Notice generally supported the proposed rule change, except that most commenters believed that the 120-day voluntary annual filing undertaking would be too burdensome or not feasible.[26] Several commenters, including a commenter representative of buyers of municipal securities, strongly supported the voluntary annual filing undertaking.[27] Most commenters supported the proposals to submit voluntary information to EMMA, the voluntary GAAP undertaking and the issuer's ability to post links to other sources of disclosure information,[28] although some commenters raised concerns about various aspects of the proposals, suggested alternatives, or requested clarifications.[29] As noted above, Amendment No. 1 proposed to add a transitional alternative of a 150-day voluntary filing deadline through December 31, 2013, to provide a means by which to recognize issuers and obligated persons for taking steps toward voluntarily making their annual financial information available within 120 days of their fiscal year end. The three commenters who responded to the Amendment No. 1 Notice believed that the voluntary 150-day transitional alternative also was too burdensome and not achievable.[30] On May 21, 2010, the MSRB submitted Amendment No. 2 to the proposed rule change. The comment letters received regarding the Original Notice and the Amendment No. 1 Notice, as set forth in Amendment Nos. 1 and 2, as well as the MSRB's response to the comment letters, as set forth in Amendment Nos. 1 and 2, are more fully discussed below.

Preliminary Official Statements and Other Primary Market Documents

The proposal would amend the EMMA primary market disclosure service to permit issuers and their designated agents to make voluntary submissions to the primary market disclosure service of official statements, preliminary official statements and related pre-sale documents, and advance refunding documents. Pre-sale documents other than a preliminary

[20] The Commission notes that continuing disclosure undertakings pursuant to Rule 15c2–12 under the Exchange Act cannot be unilaterally rescinded or amended by either the issuer, an obligated person, or by any other party. *See* Securities Exchange Act Release No. 34961 (November 10, 1994), 59 FR 59560 (November 17, 1994); Letter from Robert L.D. Colby, Deputy Director, Division of Trading and Markets, Commission, to Securities Law and Disclosure Committee, National Association of Bond Lawyers, dated June 23, 1995 (Question 2).

[21] *See* Original Notice.

[22] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[23] 15 U.S.C. 78o–4(b)(2)(C).

[24] *Id.*

[25] The MSRB Letter indicated that it was filing an extension of time for the Commission to act. One commenter requested an extension of the comment period (Virginia GFOA Letter I).

[26] *See* Michigan Letter, NAHEFFA Letter, Tennessee Letter, GFOA Letter I, Virginia GFOA Letter II, GFOA Letter II, Inland Letter, Rutherford Letter, Greendale Letter, Utah GFOA Letter, Brookfield Letter, Portland Letter, OMFOA Letter, Consortium Letter, Lower Merion Letter, Rock Hill Letter, NAST Letter, Rio Rancho Letter.

[27] *See* ICI Letter, SIFMA Letter, Hinsdale Letter.

[28] *See, e.g.* VGFOA Letter II, Inland Letter, Brookfield Letter, OMFOA Letter, Rock Hill Letter.

[29] *See, e.g.* SIFMA Letter, NABL Letter, GFOA Letter II, Consortium Letter, NAST Letter.

[30] *See* GFOA Letter III, Connecticut Letter II, NAIPFA Letter.

official statement (including but not limited to notices of sale or supplemental disclosures) would be accepted only if accompanied or preceded by the preliminary official statement.

Most commenters who addressed the matter specifically supported the amendment of the EMMA primary market disclosure service to allow voluntary submissions.[31] One commenter welcomed the expansion of the EMMA system to allow the voluntary submission of primary market documents because the expansion would allow issuers that offer their bonds through a competitive bidding process to be able to utilize the same distribution channels as issuers with offerings made on a negotiated basis.[32] This commenter also suggested that the usefulness of the EMMA system would be enhanced by the ability to make and retrieve submissions identified in a manner other than by CUSIP numbers, such as by issuer.[33]

Only one commenter raised concerns about this aspect of the proposal.[34] This commenter recommended that the submitters of primary disclosure documents continue to be restricted to underwriters and their agents except for submission of pre-sale documents prepared in connection with competitively sold municipal securities, in order to avoid the submission of duplicate or contradictory filings by underwriters and issuers or obligated persons.[35]

The MSRB addressed these comments in Amendment No. 1. The MSRB stated that it believes that there is considerable value in providing a means for centralized access to preliminary official statements at or prior to the time of the trade and in sufficient time for an investor to make use of the information in coming to an investment decision.[36] The MSRB indicated that it expects to provide search capabilities tailored to the types of indexing information that would be available for preliminary official statements, including issuer name, issue description, State, and appropriate date ranges, among other things.[37] Submissions made by issuers would be noted as such on the EMMA Web portal.[38] The MSRB believed that postings of preliminary official statements by issuers should be available for any new issue, not just those sold on a competitive basis, and the EMMA primary market submission process would be designed to discourage duplicative submissions by issuers and underwriters.[39] The Commission agrees that it is appropriate that postings of preliminary official statements by issuers be available for offerings sold on a negotiated as well as competitive basis, and believes that the MSRB has adequately addressed the commenters' concerns and suggestions about duplicative filings and indexing.

Additional Continuing Disclosure Submissions and Undertakings

One commenter believed that all four of the proposed additional categories to the EMMA continuing disclosure service (the GASB–GAAP undertaking, the annual filing undertaking, the originally proposed GFOA–CAFR Certificate undertaking and the URL of the issuer's or obligated person's Internet-based investor relations or other repository of financial/operating information) were unnecessary because this feature of EMMA already contains a catch-all category that is broad enough to include any of the proposed categories.[40] Several commenters expressed concern that the undertakings created by the proposal could lead to mistaken impressions by investors regarding the soundness or quality of the disclosures that either are or are not highlighted by these categories[41] and one commenter expressed concern that by prominently highlighting certain voluntary undertakings, the MSRB could be construed to have recommended the creditworthiness of the municipal securities.[42] The MSRB indicated in Amendment No. 1 and in Amendment No. 2 that it will include explanations of the nature of both the voluntary annual filing undertaking and the voluntary GAAP undertaking on the EMMA Web portal. The Commission believes that users of the EMMA system will benefit from the additional disclosures provided by these undertakings and that concerns that the additional disclosures provided on EMMA could lead to erroneous impressions can be monitored by the Commission through its oversight of the MSRB.

Voluntary Annual Filing Undertaking

The original proposed rule change would amend the EMMA continuing disclosure service to permit issuers and obligated persons to undertake, on a voluntary basis, to submit annual financial information to EMMA within 120 calendar days after the end of the fiscal year. This provision would consist of a voluntary undertaking by an issuer or obligated person, either at the time of a primary offering or at any time thereafter, that the issuer or obligated person, as appropriate, would submit to EMMA its annual financial information as contemplated under Rule 15c2–12 (including audited financials, when and if available) by no later than 120 calendar days after the end of such issuer's or obligated person's fiscal year.

Most commenters, the majority of whom were representative of issuers or obligated persons, believed that the 120-day deadline for voluntary annual financial filings was too burdensome, arbitrary, unnecessary, harmful or not feasible,[43] and many believed a majority of issuers could not meet this deadline.[44] One commenter stated that often governments now struggle to meet the 180-day filing deadline to meet the requirements of the GFOA's Certificate of Achievement Program, which promotes the preparation of comprehensive annual financial reports (CAFRs) that go beyond the requirements of GAAP.[45] This commenter believed that promoting a 120-day deadline might reasonably be expected to persuade any number of issuers to abandon a CAFR altogether in favor of a plain set of basic financial statements, which, in its view, would likely be harmful to the quality of financial reporting.[46]

Many commenters noted that external factors can inhibit the ability of issuers to complete annual financial reporting within 120 days, such as the need to obtain financial data from multiple component units, the need for outside governmental or governing body reviews of financial statements, required investment valuations by third parties, receipts and adjusting entries occurring after the close of the fiscal year, conflicts with State law and a limited

[31] *See* Virginia GFOA Letter II, Connecticut Letter I, ICI Letter, Brookfield Letter, OMFOA Letter, Rock Hill Letter, NAST Letter, NAIPFA Letter.

[32] *See* Connecticut Letter I.

[33] *Id.*

[34] *See* NABL Letter.

[35] *Id.*

[36] *See* Amendment No. 1.

[37] *Id.*

[38] *Id.*

[39] *Id.*

[40] *See* NABL Letter.

[41] *See* NABL Letter, NAHEFFA Letter, Connecticut Letter I.

[42] *See* NABL Letter.

[43] *See* Michigan Letter, NAHEFFA Letter, Tennessee Letter, GFOA Letter I, Virginia GFOA Letter II, GFOA Letter II, Inland Letter, Rutherford Letter, Greendale Letter, Utah GFOA Letter, Brookfield Letter, Portland Letter, OMFOA Letter, Consortium Letter, Lower Merion Letter, Rock Hill Letter, NAST Letter, Rio Rancho Letter.

[44] *See* Tennessee Letter, GFOA Letter I, GFOA Letter II, Inland Letter, Rutherford Letter, Portland Letter, OMFOA Letter, Consortium Letter.

[45] *See* GFOA Letter II.

[46] *Id.*

number of auditing firms well qualified to complete governmental audits.[47]

Commenters also noted that many issuers have limited resources to prepare financial statements.[48] Many commenters believed that the voluntary timeframe would increase costs and impose significant financial and personnel burdens while providing questionable benefits.[49] Several commenters observed that small issuers may not be able to meet this timeframe and that small issuers often are given low priority by their auditors as compared to larger clients.[50] Other commenters also noted the variances among issuers,[51] including one commenter who stated that there could be unintended adverse consequences with respect to a "one-size-fits-all" 120-day deadline.[52]

Several commenters expressed concern that pressure to meet the voluntary deadline could cause professional staff and their auditors to produce less accurate information that would reduce the quality of financial reporting and auditing standards[53] and would lead to greater reliance on estimated financial data.[54] Other commenters expressed concern that the 120-day deadline would encourage governments to engage the services of auditing firms that are not well qualified in governmental accounting and auditing standards.[55]

Several commenters distinguished the municipal market from the corporate market; indicated that State and local governments surpass their private sector counterparts in financial reporting transparency; or stated that financial reporting goals applicable to the corporate market should not apply to the municipal market.[56] One commenter stated that governments should not be under the same pressure to provide instantaneous and quarterly financial information because governments do not exist to make profits.[57] This commenter also believed that there is no demand for quicker completion of governmental audits in the marketplace.[58]

A number of commenters addressed whether 120 days would be an appropriate number of days for the voluntary timeframe.[59] Some commenters suggested that the 120-day timeframe be deleted altogether.[60] Others noted that the 120-day standard would conflict with the 180-day standard used by GFOA in connection with its CAFR program,[61] and some commenters stated that the 180-day standard is a more appropriate timeframe.[62] Others suggested that additional studies be performed before a timeframe is selected.[63] One commenter cited difficulties in simultaneously meeting GFOA's CAFR timeframe and State law requirements.[64] Two commenters recommended that issuers certify that they are making filings in compliance with their continuing disclosure agreements, without a specific deadline.[65]

Another commenter was concerned that issuers might engage in deceptive practices by highlighting an undertaking, but then failing to comply with it.[66] This commenter noted that there appears to be nothing to preclude the issuer from effectively advertising the undertaking on EMMA irrespective of actual compliance.[67] Others were concerned that a decision not to make an undertaking would create prejudicial and unjustified marketplace distinctions or "a figurative black eye in the mind of investors."[68]

A number of commenters expressed concern that the voluntary annual filing undertaking likely would become a *de facto* standard that issuers would feel compelled to meet, or that the voluntary standard would set the stage for mandating over time the proposed 120-day schedule.[69]

A few commenters supported the 120-day deadline or enhanced disclosure about the timeliness of issuer financial reporting.[70] One commenter, the only commenter primarily representative of buyers of municipal securities, was particularly supportive of the proposed disclosure regarding an issuer's decision to undertake submitting annual financial information to EMMA within 120 calendar days after the end of the fiscal year, and also recommended the establishment of a meaningful, mandatory timeframe for filing financial reports.[71] This commenter noted that disclosure of annual financial information currently can take anywhere from three months to twelve months, or even longer, and that the financial status of an issuer can change materially during the course of a year—a fact that it observed has been highlighted by the recent credit crisis.[72] This commenter recognized that establishing a specific timeframe for filing financial reports after the end of the fiscal year would necessitate a significant shift in current practices employed by municipal issuers, but believed that such a change is not only warranted but also long overdue.

Another commenter stated that "the proposed 120 day period for submitting annual financial information is a good start toward meeting the objective of making financial statements of governments timely and useful in the public securities market."[73] A third commenter that supported this part of the proposal remarked that municipal securities issuers should have the same mandatory reporting requirement for timely financials as public corporations.[74]

In light of the commenters' widespread concerns regarding the attainability of the 120-day timeframe, the MSRB in Amendment No. 1 provided a transitional option for issuers and obligated persons to elect a 150-day undertaking as an alternative to the 120-day undertaking. This alternative election is intended to provide issuers and obligated persons seeking to make the voluntary annual filing undertaking, but that are not currently able to meet a 120-day timeframe, with a reasonable opportunity to overcome existing

[47] *See* NAHEFFA Letter, Virginia GFOA Letter II, GFOA Letter II, Inland Letter, Utah GFOA Letter, Portland Letter, OMFOA Letter, Consortium Letter, Rock Hill Letter, NAST Letter, Rio Rancho Letter, GFOA Letter III, Connecticut Letter II.

[48] *See* Inland Letter, Greendale Letter, Utah GFOA Letter.

[49] *See* Virginia GFOA Letter II, GFOA Letter II, Portland Letter, OMFOA Letter.

[50] *See* Brookfield Letter, Greendale Letter, Inland Letter, OMFOA Letter, Portland Letter, Rock Hill Letter, and Consortium Letter.

[51] *See* GFOA Letter II, NAHEFFA Letter.

[52] *See* GFOA Letter II.

[53] *See* Inland Letter, Lower Merion Letter, Consortium Letter.

[54] *See* GFOA Letter II, OMFOA Letter, Consortium Letter.

[55] *See* GFOA Letter I, Consortium Letter.

[56] *See* Rock Hill Letter, Consortium Letter, Inland Letter, GFOA Letter II.

[57] *See* Rock Hill Letter.

[58] *Id.*

[59] *See* Utah GFOA Letter, Portland Letter, OMFOA Letter, Tennessee Letter, Virginia GFOA Letter II, Inland Letter, OMFOA Letter, Consortium Letter, NAST Letter, Michigan Letter, Inland Letter, Rutherford Letter.

[60] *See* Utah GFOA Letter, Portland Letter, OMFOA Letter.

[61] *See* Tennessee Letter, Virginia GFOA Letter II, Inland Letter, OMFOA Letter, Consortium Letter, NAST Letter.

[62] *See* Michigan Letter, Inland Letter, Rutherford Letter, Utah GFOA Letter, Portland Letter.

[63] *See* Tennessee Letter, Virginia GFOA Letter II.

[64] *See* Virginia GFOA Letter II.

[65] *See* GFOA Letter II, NAHEFFA Letter.

[66] *See* NAHEFFA Letter.

[67] *Id.*

[68] *See* NAHEFFA Letter, Inland Letter.

[69] *See* Brookfield Letter, Connecticut Letter I, Inland Letter, Consortium Letter, NAHEFFA Letter, NAST Letter, Connecticut Letter II, NAIPFA Letter.

[70] *See* ICI Letter, SIFMA Letter, Hinsdale Letter.

[71] *See* ICI Letter.

[72] *Id.*

[73] *See* Hinsdale Letter.

[74] *See* E-Certus Letter.

barriers to more rapid dissemination of financial information in an orderly and cost-effective manner.

The MSRB accordingly modified the original proposed rule change to allow the election, through December 31, 2013, of a transitional 150-day alternative, which election would be displayed on the EMMA Web portal through June 30, 2014, unless the issuer or obligated person changed or rescinded such undertaking. On and after January 1, 2014, the transitional 150-day undertaking option no longer would be available. An issuer or obligated person that made a transitional 150-day undertaking could convert such election to a 120-day undertaking at any time. An issuer or obligated person that believed that it is able to meet the 120-day timeframe could make the 120-day undertaking immediately upon the effectiveness of the proposed rule change. The fact that an issuer or obligated person entered into such an undertaking, including the timeframe elected, would be prominently disclosed on the EMMA Web portal as a distinctive characteristic of the securities to which such undertaking applies. The EMMA Web portal would not include information regarding the availability or existence of the voluntary annual filing undertaking in those cases where an issuer or obligated person did not make a voluntary annual filing undertaking.

The MSRB reiterated in Amendment No. 1 that the voluntary annual filing undertaking would in fact be voluntary. The MSRB would include an explanation of the nature of the voluntary annual filing undertaking on the EMMA Web portal. In particular, the MSRB would disclose that the voluntary annual filing undertaking is voluntary; is solely indicative of the timing by which the annual financial information is intended to be made available; and is not indicative of the accuracy or completeness of the annual financial information or of the financial health of the issuer or obligated person. Further, the MSRB would disclose that a decision by an issuer or obligated person not to make such an undertaking would not raise a negative inference with regard to the accuracy or completeness of the issuer's or obligated person's annual financial information or of the financial health of the issuer or obligated person.

As previously noted, the Commission received three comment letters in response to the Amendment No. 1 Notice.[75] The three commenters responding to the Amendment No. 1 Notice believed that the voluntary 150-day transitional alternative also was too burdensome and not achievable.[76] Two of the commenters reiterated and expanded upon comments they had made previously with respect to the original proposed rule change.[77] The third commenter stated that the established GASB and FASB requirements for preparing the audited statements are a significant impediment to developing statements in less than 180 days.[78]

The MSRB addressed the issues raised by the comment letters on the original proposed rule change in Amendment No. 1, and addressed the comments on the original proposed rule change as well as the comments on the Amendment No. 1 Notice in Amendment No. 2.

In Amendment No. 2, the MSRB stated that the determination to establish 120 days as the timeframe in the original proposed rule change was not arbitrary.[79] The MSRB indicated that, under the Federal securities laws, smaller public reporting companies, as non-accelerated filers, generally are required to file their annual reports on Form 10–K with the Commission within 90 days after the end of their fiscal year.[80]

The MSRB stated that, after consulting with Commission staff, it believed that providing issuers and obligated persons with 120 days to voluntarily submit annual financial information for purposes of the undertaking would provide an ample timeframe to accommodate the additional steps that State and local governments often must take—under State law, pursuant to their own requirements, or otherwise—in completing the work necessary to prepare their annual financial information as contemplated under Rule 15c2–12.[81] The MSRB noted that the alternative 150-day timeframe was added in Amendment No. 1 to provide additional time for undertaking such steps during a transitional period in response to concerns that, as State and local governments currently prepare their financial information, the additional 30 days beyond the Form 10–K timeframe for non-accelerated filers would not be sufficient for many municipal issuers.[82] The MSRB stated that the timeframe provided for under the proposed rule change, as amended, is appropriate and was arrived at on a rational basis.[83]

According to the MSRB, issuers that seek to make their financial information available under the voluntary annual filing undertaking also would be bringing the timing of their disclosures into closer conformity with the timeframes that investors in the registered securities market have come to rely upon.[84] The MSRB noted that recent experiences of issuers who have begun to issue Build America Bonds that are marketed at least in part to investors who typically did not purchase municipal securities suggest that important benefits both to investors and issuers may be realized from moving toward a more universal disclosure timeframe.[85]

The MSRB in Amendment No. 2 also recognized the voluntary nature of the annual filing undertaking in responding to concerns that the undertaking would be impracticable or impossible and does not take into account variances in the size and complexities of issuers. The MSRB stated that it is aware that the nature of municipal issuers varies widely and that these significant differences may in fact make it more difficult for some types of issuers, or issuers in certain States, or issuers facing certain sets of facts and circumstances, to make and comply with the voluntary undertaking. In this regard, the MSRB noted that some issuers may be separate and distinct units in governmental structures that require information from third parties to complete their audited financial statements, and such third parties may operate under timeframes that differ from the issuers' own fiscal year cycles, thereby creating additional barriers to meeting the timeframe of the voluntary undertaking.

Given this complex variety of issuer types, the MSRB believed that a single consistent voluntary submission timeframe available to all issuers provides an appropriately uniform initial target under the voluntary annual filing undertaking. The MSRB did not attempt to parse the essential structure of the marketplace to develop numerous separate timeframes based on very limited information. After a period of experience with the uniform timeframe of the undertaking, the MSRB advised that it could revisit the question of whether multiple timeframes for different types of issuers would be appropriate.

[75] *See* Exhibit A.

[76] *See* GFOA Letter III, Connecticut Letter II, NAIPFA Letter.

[77] *See* GFOA Letter III, Connecticut Letter II.

[78] *See* NAIPFA Letter.

[79] *See* Amendment No. 2.

[80] *Id.*

[81] *Id.*

[82] *Id.*

[83] *Id.*

[84] *Id.*

[85] *Id.*

In Amendment No. 2, the MSRB also addressed concerns of some commenters that the existence of the annual filing undertaking could create negative perceptions of issuers that do not make the voluntary undertaking and thereby create a two-tiered market.[86] The MSRB stated that, in its view, the decision by an issuer not to submit annual financial information under the voluntary annual filing undertaking would not, by itself, cause an inappropriate negative perception of such issuer.[87] According to the MSRB, the EMMA portal would provide clear disclosure of the purpose of the voluntary undertaking and that the undertaking should not be viewed as indicative of the accuracy or completeness of financial information or of the financial health of the issuer.[88] Thus, the MSRB noted, the voluntary undertaking as disclosed on the EMMA portal would be an accurate representation of an issuer's affirmative undertaking as to the timing of its disclosure, and nothing more.[89] The MSRB stated that no indicator would be provided for issuers that choose not to make the voluntary undertaking.[90]

The MSRB did not believe that there is any significant risk of a tiered market perception developing in the near future based solely on the voluntary undertaking.[91] The MSRB indicated that it would make the appropriate EMMA portal disclosures regarding the limited nature of the undertaking to help minimize the possibility that market participants would place undue emphasis on a single factor when making an investment decision.[92] The MSRB opined that the marketplace would correctly view the voluntary undertaking as an initial step in a process toward more rapid dissemination of disclosure information to the public.[93]

The MSRB did not believe that the voluntary annual filing undertaking would create an excessive burden on issuers or that issuers would reduce the quality of disclosures in order to meet the timeframe.[94] The MSRB remarked that the existence of this optional undertaking is not intended to create an inference that issuers should sacrifice the quality of the information provided in their annual filings in order to meet a specific timeframe, and it did not believe that the undertaking would have such a negative effect.[95]

In discussing financial disclosure standards for municipal securities, the MSRB noted that in the past, any *de facto* standards have been the result of slow evolution in the market through natural economic forces or the result of collaboration among the various interested parties, such as with the evolving *de facto* standard for quarterly information provided by many hospital borrowers arising from the collaborative work of issuers, obligated persons and investors in recent years.[96] The MSRB believed that the single consistent voluntary submission timeframe under the voluntary annual filing undertaking, available to all issuers with the full knowledge that only some issuers would be able to make the voluntary undertaking at the current time, would serve to provide an appropriately uniform initial target for those market participants seeking to work toward more timely availability of financial information in the marketplace.[97]

In response to some commenters' recommendation that EMMA should allow issuers to specify a specific date by which annual financial information is expected to be submitted and should indicate whether the issuer was in compliance with such deadline, the MSRB noted that it has filed a separate proposed rule change with the Commission that addresses these concerns.[98] The MSRB remarked that that filing would require underwriters, in connection with new issues that they underwrite, to provide to EMMA information regarding the deadline for submitting annual financial information by issuers to EMMA pursuant to their continuing disclosure agreements.[99] The MSRB noted that this deadline would be displayed on the EMMA portal in close proximity to information showing the timing of actual submissions made by issuers of their annual financial information, thus achieving the objectives set out by the commenters.[100] According to the MSRB, information regarding the voluntary undertaking also would be displayed in close proximity to information showing the timing of actual submissions made by issuers, thus providing a method for investors to check on the issuer's performance in connection with the undertaking.[101] The Commission notes that it has approved the MSRB's filing to allow these displays on EMMA at the same time it is approving the instant proposed rule change, and believes that the enhancements to EMMA relating to underwriters' requirements will address the commenters' recommendations concerning issuers' compliance with existing undertakings regarding submission of financial information.[102]

In response to some commenters' suggestion that the timeframe be 180 days, the MSRB noted that the timeframe set forth in the voluntary undertaking should be shorter than other timeframes currently in use, such as the GFOA CAFR certificate program's 180-day timeframe, and that the transitional 150-day timeframe included in Amendment No. 1 would provide a mid-point between the original 120-day timeframe of the voluntary undertaking and the GFOA's 180-day timeframe.[103]

The Commission believes that the MSRB has adequately addressed the concerns of commenters with respect to the voluntary annual filing undertaking. Importantly, the Commission notes that this undertaking is voluntary and will provide investors, as well as broker-dealers, analysts and other market professionals, with financial information about municipal securities within a timeframe voluntarily agreed to by the issuer. The Commission is sensitive to the great variety of municipal issuers and obligated persons and the many fiscal and other pressures that they face, but is also sensitive to the concerns of investors and other participants in our capital markets, who need timely information to make informed decisions. The Commission believes that investors, broker-dealers, analysts and other users of the EMMA system will greatly benefit from the ability to easily identify those issuers and obligated persons that have committed to providing financial information by a specific deadline. The 120- and 150-day timeframes are voluntary and will assist investors in making investment decisions and in monitoring their securities portfolios; will reward those issuers and obligated persons that are able to achieve greater timeliness in financial reporting; and may encourage greater timeliness by other issuers and obligated persons over time as they work to surmount the obstacles that currently prevent them from preparing and disseminating financial information within the

[86] *See* Amendment No. 2.

[87] *Id.*

[88] *Id.*

[89] *Id.*

[90] *Id.*

[91] *Id.*

[92] *Id.*

[93] *Id.*

[94] *Id.*

[95] *Id.*

[96] *Id.*

[97] *Id.*

[98] *Id. See* Securities Exchange Act Release Nos. 60314 (July 15, 2009), 74 FR 36300 (July 22, 2009) and 61238 (December 23, 2009), 75 FR 492 (January 5, 2010) (File No. SR–MSRB–2009–09).

[99] *See* Amendment No. 2.

[100] *Id.*

[101] *Id.*

[102] *See* Securities Exchange Act Release No. 62182 (May 26, 2010) (SR–MSRB–2009–09).

[103] *See* Amendment No. 2.

proposed timeframes and without sacrificing the quality of their reporting.

Voluntary GAAP Undertaking

The original proposed rule change would amend the EMMA continuing disclosure service to permit issuers and obligated persons to undertake, on a voluntary basis, to prepare audited financial statements pursuant to GAAP as established by GASB. This would consist of a voluntary undertaking by an issuer or obligated person (in the case of an obligated person that is a State or local governmental entity), either at the time of a primary offering or at any time thereafter, that the issuer or obligated person would prepare its audited financial statements in accordance with GAAP as established by GASB.

Commenters generally supported the voluntary "GAAP as established by GASB" undertaking, although several commenters noted that certain issuers do not use GASB accounting standards and suggested alternative recommendations.[104] Two commenters recommended that the proposal not include the accounting standard setting body (indicating only compliance with GAAP),[105] and one commenter recommended the inclusion of the accounting standard setting body, GASB or any other standard setting body, in order for the reader of the financial statements to distinguish which standards are being followed.[106] Another commenter expressed concern that an issuer that does not elect a voluntary GAAP undertaking would be stigmatized as less creditworthy even where it follows other standards, including statutory standards, and noted that financial statements are accompanied by a statement of the accounting principles applied.[107] In Amendment No. 1, the MSRB agreed with commenters that many obligated persons may be subject to FASB standards rather than GASB standards.[108] The MSRB therefore modified the voluntary GAAP undertaking to permit the submitter to select either the GASB or FASB standards for GAAP.

As noted above, the Commission received three comment letters in response to the Amendment No. 1 Notice. One of these commenters suggested the allowance of modified GAAP.[109] This commenter questioned the usefulness of the GASB GAAP undertaking and stated that use of GASB GAAP may not always be clear; because it prepares its information on a modified GAAP basis, it would probably not be able to make this undertaking.[110] The second commenter did not support the amended proposal to have a field that references "a particular standard-setting body" and noted that "it is redundant for the MSRB to also include the body in which GAAP standards are established."[111] The third commenter agreed with the provision to have issuers and obligated persons designate whether their audited financials are prepared pursuant to GAAP but not the use of GASB standards because some issuers may be required to use other GAAP standards.[112]

The MSRB stated that permitting investors to understand the standards applied to the preparation of an issuer's or obligated person's financial statements would be valuable.[113] The MSRB indicated that the fact that an issuer or obligated person has entered into a voluntary GAAP undertaking, including whether the financial statements are to be prepared pursuant to GASB or FASB standards, would be prominently disclosed on the EMMA Web portal as a distinctive characteristic of the securities to which such undertaking applies.[114] The MSRB noted that it would include an explanation of the nature of the voluntary GAAP undertaking on the EMMA Web portal.[115] In particular, the MSRB would disclose that the voluntary GAAP undertaking is voluntary; is solely indicative of the accounting standards that the issuer or obligated person intends to use in preparing its financial statements; and is not indicative of the accuracy or completeness of the financial statements or of the financial health of the issuer or obligated person.[116] Further, the MSRB advised that it would disclose that a decision by an issuer or obligated person not to make such an undertaking does not raise a negative inference in regard to the accuracy or completeness of its financial statements or of the financial health of the issuer or obligated person.[117] According to the MSRB, each of the undertakings pursuant to the proposal, including the voluntary GAAP undertaking, would permit a free text input field permitting issuers and obligated persons to include additional information relating to each such item that they may deem appropriate with respect thereto for public dissemination.[118] The MSRB believed that this feature should provide such issuers and obligated persons with adequate opportunity to disclose appropriate information to investors.[119]

The Commission believes that the proposed voluntary GAAP undertaking will assist investors and other users of the EMMA system in determining how financial statements are prepared. The uniformity provided by audited financial statements that are prepared by issuers and obligated persons pursuant to GAAP in accordance with GASB or FASB standards will reduce the need by investors to reconcile the use of disparate accounting principles. The features of the EMMA continuing disclosure service permitting issuers and obligated persons to include additional information should address commenters' concerns about special situations that require clarification.

Investor Relation URL Posting

The proposal would amend the EMMA continuing disclosure service to permit issuers and obligated persons to post the URLs for their Internet-based investor relations or other repository of financial/operating information. The URL of an issuer's or obligated person's investor relations or other repository of financial/operating information would be entered through a text/data input field on EMMA and no document would be required to be submitted to EMMA.

Commenters generally supported the proposal to permit issuers and obligated persons to provide a hyperlink to their investor relations or similar Web page.[120] One commenter thought that this field would provide investors with valuable information and would likely be the most useful voluntary field proposed by the MSRB.[121] Another commenter noted that this hyperlink may be more useful to the general public than CUSIP-based EMMA filings for general financial information that is not issue-specific.[122]

One commenter requested that issuers be given an ability to correct or withdraw URLs to ensure that links are accurate, recommended the allowance of multiple links, and requested guidance on the responsibilities of issuers with regard to the posting of

[104] *See* NAHEFFA Letter, GFOA Letter II, Connecticut Letter I.

[105] *See* GFOA Letter II, Consortium Letter.

[106] *See* NAST Letter.

[107] *See* NABL Letter.

[108] *See* Amendment No. 1.

[109] *See* Connecticut Letter II.

[110] *See* Connecticut Letter I, Connecticut Letter II.

[111] *See* GFOA Letter III.

[112] *See* NAIPFA Letter.

[113] *See* Amendment No. 2.

[114] *Id.*

[115] *See* Amendment No. 1.

[116] *Id.*

[117] *Id.*

[118] *See* Amendment No. 2.

[119] *Id.*

[120] *See, e.g.,* Connecticut Letter I, GFOA Letter III.

[121] *See* GFOA Letter III.

[122] *See* Connecticut Letter I.

hyperlinks on EMMA.[123] Another commenter asked about the role and obligations of dealers if the proposal is adopted; expressed liability concerns regarding the use of a URL in municipal securities offering documents and EMMA submissions during the underwriting period of a primary offering; and suggested a limit on the use of the URL during the underwriting period of a primary offering.[124]

The MSRB noted that issuers and obligated persons would be able to make appropriate changes to the URLs posted through EMMA.[125] The hyperlinks would be posted in a manner designed to segregate access to the URL from postings of official statements for new issues.[126] The MSRB intends to provide flexibility to issuers and obligated persons regarding the posting of appropriate links, including multiple links, and would provide the ability to correct or withdraw URLs to ensure that links are accurate.[127]

The Commission believes that a URL provided by an issuer or obligated person would provide investors, broker-dealers, analysts and others with an important additional means to obtain further financial operating or other investment-related information about such issuer or obligated person.

Elimination of Proposed GFOA–CAFR Certificate

The original proposed rule change would have amended the EMMA continuing disclosure service to permit issuers to submit the Certificate of Achievement for Excellence in Financial Reporting awarded by GFOA in connection with the preparation of its CAFR.

In Amendment No. 1, the MSRB stated that it determined not to proceed with this element of the proposal. The MSRB noted that CAFRs already are frequently submitted to EMMA by issuers as the audited financial statements element of their annual financial information filings, and in most cases the issuers include the GFOA certificate in the submitted CAFR.[128] The MSRB stated that as part of its routine EMMA update and maintenance process, it expected to modify the input process for all continuing disclosure submissions to permit issuers and obligated persons to input specific document titles and/or subcategories, which would permit submitters of CAFRs to indicate that their submitted audited financial statements are CAFRs.[129] According to the MSRB, this document title/subcategory would be displayed on the EMMA Web portal.[130]

GFOA, in commenting on the Amendment No. 1 Notice, recommended that this voluntary field be included within EMMA, noting that such a field is useful to investors as it tells them which governments have exceptional reporting standards.[131] In Amendment No. 2, the MSRB stated that the current channels for disseminating CAFRs and the related GFOA certificate are adequate but that it may consider further action in this area in the future.[132] The Commission believes that the MSRB's decision to eliminate the GFOA certificate field is reasonable given that GFOA certificates are typically submitted to EMMA with CAFRs.

Other General Comments

One commenter recommended that the Commission defer action on the MSRB's proposal to add additional voluntary submissions by issuers until after the proposed Rule 15c2–12 amendments are considered and adopted in order to accommodate an orderly integration of revised Rule 15c2–12 submissions and EMMA voluntary submissions.[133] The Commission notes that the amendments to Rule 15c2–12 are being adopted at the same time that it approves the instant proposed rule change.[134]

One commenter on the Amendment No. 1 Notice provided a series of comments and suggestions relating to various elements of the proposal.[135] These included a suggested edit in the facility language for the EMMA primary market disclosure service regarding issuers being able to designate an agent for purposes of making primary market submissions; support for voluntary submission of information on swaps, swaptions and variable rate debt; and encouragement for the MSRB to pursue submission of ratings from rating agencies. In Amendment No. 2, the MSRB indicated that, with regard to the suggestion regarding facility language, the proposed EMMA revisions contained in Amendment No. 1 appropriately ensure that an issuer can designate an agent and remarked that the filing indicates that the term "designating underwriter" has been changed to "designating party" specifically to permit an issuer to make such designation.[136] In addition, in Amendment No. 2 the MSRB noted that it currently is in the early stages of developing a process to receive electronic feeds of municipal securities credit rating information from Nationally Recognized Statistical Rating Organizations for purposes of displaying on the EMMA portal.[137]

Another commenter recommended that the Commission maintain close oversight of EMMA and revisit this matter in two to three years to determine whether the MSRB system is meeting expectations and whether the needs of all market participants are being addressed.[138] The Commission notes that, because the MSRB is a self-regulatory organization ("SRO"), the Commission has, and exercises, oversight authority over the MSRB. The MSRB must file proposed rule changes with the Commission under Section 19(b) of the Exchange Act, including any changes to the EMMA system and any fees relating to the EMMA system. In addition, the MSRB is subject to the recordkeeping requirements of 17(a) of the Exchange Act[139] and is subject to the Commission's examination authority under Section 17(b) of the Exchange Act.[140] Through the Commission's recordkeeping requirements and examination and rule filing processes, the Commission oversees the MSRB and will be able to ascertain whether the MSRB is implementing EMMA appropriately and meeting EMMA's stated objectives, as well as whether it is complying with its legal obligations under the Exchange Act.

With regard to all other issues raised by the commenters, the Commission believes that the MSRB has adequately addressed the commenters' concerns.

IV. Order Granting Accelerated Approval of Proposed Rule Change

Pursuant to Section 19(b)(2) of the Act,[141] the Commission may not approve any proposed rule change, or amendment thereto, prior to the 30th day after the date of publication of notice of the filing thereof, unless the Commission finds good cause for so doing and publishes its reasons for so

[123] *See* GFOA Letter II, GFOA Letter III.

[124] *See* SIFMA Letter.

[125] *See* Amendment No. 1.

[126] *Id.*

[127] *See* Amendment No. 2.

[128] *See* Amendment No. 1.

[129] *Id.*

[130] *Id.*

[131] *See* GFOA Letter III.

[132] *See* Amendment No. 2.

[133] *See* NABL Letter.

[134] *See* Press Release 2010–85 (May 26, 2010).

[135] *See* NAIPFA Letter.

[136] *See* Amendment No. 2.

[137] *Id.* The Commission notes that, on May 20, 2010, the MSRB filed a proposed rule change relating to the posting of credit rating information on its EMMA system.

[138] *See* Connecticut Letter I.

[139] 15 U.S.C. 78q(a).

[140] 15 U.S.C. 78q(b).

[141] 15 U.S.C. 78s(b)(2).

finding. The Commission hereby finds good cause for approving the proposed rule change, as modified by Amendment Nos. 1 and 2, before the 30th day after the date of publication of notice of filing thereof in the **Federal Register**. The Commission notes that the original proposed rule change and Amendment No. 1 were published in the **Federal Register** on July 15, 2009 [142] and January 5, 2010,[143] respectively. The Commission does not believe that Amendment No. 2 significantly alters the proposal. In Amendment No. 2, the MSRB requested an additional three months to develop, test, and implement the proposal and clarified that, consistent with statements in Amendment No. 1, the voluntary undertakings to be submitted to the MSRB's EMMA continuing disclosure service must be entered into as contractual undertakings for the benefit of bondholders. The Commission believes that these revisions are consistent with the proposal's purpose and raise no new significant issues. Accordingly, pursuant to Section 19(b)(2) of the Act,[144] the Commission finds good cause to approve the proposed rule change, as amended, on an accelerated basis.

V. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Exchange 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–MSRB–2009–10 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–MSRB–2009–10. 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 Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the MSRB. 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–MSRB–2009–10 and should be submitted on or before June 23, 2010.

VII. Conclusion

For the foregoing reasons, the Commission finds that the proposed rule change, as amended, is consistent with the Exchange Act and the rules and regulations thereunder applicable to the MSRB [145] and, in particular, the requirements of Section 15B(b)(2)(C) of the Exchange Act [146] and the rules and regulations thereunder. The proposal will become effective on a date to be announced by the MSRB in a notice published on the MSRB Web site, which date shall be no later than one year after Commission approval of the proposed rule change and shall be announced no later than sixty (60) days prior to the effective date.

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,[147] that the proposed rule change (SR–MSRB–2009–10), as amended, be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[148]

Florence E. Harmon,

Deputy Secretary.

Exhibit A

Key to Comment Letters Cited in Approval Order Relating to Additional Voluntary Submissions by Issuers to the MSRB's Electronic Municipal Market Access System (EMMA®)

File No. SR–MSRB–2009–10

Comments Relating to Original Proposed Rule Change

1. Ernesto A. Lanza, General Counsel, MSRB, dated August 6, 2009 ("MSRB Letter").
2. Robert J. Kleine, Michigan State Treasurer, dated August 10, 2009 ("Michigan Letter").
3. Memorandum from the Office of the Chairman regarding a meeting with representatives of Division of Investment Management, Division of Trading and Markets, and the Government Finance Officers Association, dated August 11, 2009 ("August 11th Memorandum").
4. Robert Donovan, Executive Director, Rhode Island Health and Educational Building Corporation, Chair, National Association of Health and Educational Facilities Finance Authorities ("NAHEFFA") Advocacy Committee, dated August 12, 2009 ("NAHEFFA Letter").
5. Jan I. Sylvis, Chief of Accounts, State of Tennessee, dated August 12, 2009 ("Tennessee Letter").
6. Leon J. Bijou, Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association ("SIFMA"), dated August 12, 2009 ("SIFMA Letter").
7. Susan Gaffney, Director, Federal Liaison Center, Government Finance Officers Association ("GFOA"), dated August 12, 2009 ("GFOA Letter I").
8. John Wallingford, Executive Board Member, Virginia Government Finance Officers Association ("Virginia GFOA"), dated August 12, 2009 ("Virginia GFOA Letter I").
9. William A. Holby, President, The National Association of Bond Lawyers ("NABL"), dated August 13, 2009 ("NABL Letter").
10. Marycarol C. White, CPA, CPFO, President, Virginia Government Finance Officers' Association ("Virginia GFOA"), dated August 14, 2009 ("Virginia GFOA Letter II").
11. Jeffrey L. Esser, Executive Director and CEO, The Government Finance Officers Association ("GFOA"), dated August 17, 2009 ("GFOA Letter II").
12. Dean Martin, Chief Financial Officer, Inland Empire Utilities Agency, dated August 18, 2009 ("Inland Letter").
13. Lisa Nolen, CPA, CGFM, Rutherford County Finance Director, Murfreesboro, Tennessee, dated August 19, 2009 ("Rutherford Letter").

[142] *See* Release No. 34–60315, *supra* note 3.

[143] *See* Release No. 34–61237, *supra* note 7.

[144] 15 U.S.C. 78s(b)(2).

[145] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[146] 15 U.S.C. 78o–4(b)(2)(C).

[147] 15 U.S.C. 78s(b)(2).

[148] 17 CFR 200.30–3(a)(12).

14. Kathryn Kasza, CMTW, Clerk-Treasurer, Village of Greendale, Greendale, Wisconsin, dated August 19, 2009 ("Greendale Letter").

15. Denise L. Nappier, Connecticut State Treasurer, dated August 20, 2009 ("Connecticut Letter I").

16. Heather Traeger, Associate Counsel, Investment Company Institute ("ICI"), dated August 21, 2009 ("ICI Letter").

17. David Muir, President, Utah Government Finance Officers Association ("Utah GFOA"), Finance Director, Cottonwood Heights City, dated August 25, 2009 ("Utah GFOA Letter").

18. Robert Scott, CPA, CPFO, Director of Finance, City of Brookfield, Wisconsin, dated August 30, 2009 ("Brookfield Letter").

19. Kenneth L. Rust, Chief Administrative Officer, and Eric H. Johansen, Debt Manager, City of Portland, Oregon, dated September 1, 2009 ("Portland Letter").

20. Bernice Bagnall, President, Oregon Municipal Finance Officers Association ("OMFOA"), Tualatin Valley Water District, dated September 2, 2009 ("OMFOA Letter").

21. Gerry Fink, Village of Hinsdale, Illinois, dated September 3, 2009 ("Hinsdale Letter").

22. Beth Kellar, International City/County Management Association; Steve Traylor, National Association of Counties; Cornelia Chebinou, National Association of State Auditors, Comptrollers and Treasurers; Lars Etzkorn, National League of Cities; Larry Jones, U.S. Conference of Mayors; Amy Hille, American Public Power Association; and Rick Farrell, Council on Infrastructure Financing Authorities; dated September 3, 2009 ("Consortium Letter").

23. Richard C. Kristof, Director of Financial Services, City of Rio Rancho, Rio Rancho, New Mexico, dated September 3, 2009 ("Rio Rancho Letter").

24. Eileen Bradley, Assistant Director of Finance, Township of Lower Merion, dated September 4, 2009 ("Lower Merion Letter").

25. R.T. McNamar, President, E-Certus, Inc., dated September 8, 2009 ("E-Certus Letter").

26. David B. Vehaun, Assistant City Manager, City of Rock Hill, South Carolina, dated September 23, 2009 ("Rock Hill Letter").

27. Jeb Spaulding, President, National Association of State Treasurers ("NAST"), Treasurer, State of Vermont, dated September 25, 2009 ("NAST Letter").

Comments Relating to Amendment No. 1

1. Jeffrey L. Esser, Executive Director and CEO, Government Finance Officers Association, dated January 25, 2010 ("GFOA Letter III").

2. Denise L. Nappier, Connecticut State Treasurer, dated January 27, 2010 ("Connecticut Letter II").

3. Steven Apfelbacher, President, National Association of Independent Public Finance Advisors ("NAIPFA"), dated February 5, 2010 ("NAIPFA Letter").

[FR Doc. 2010–13155 Filed 6–1–10; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62176; File No. SR–NASDAQ–2010–063]

Self-Regulatory Organizations; The NASDAQ Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Routing Fees

May 26, 2010.

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 May 26, 2010, The NASDAQ Stock Market LLC ("NASDAQ" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to modify Rule 7050 governing pricing for NASDAQ members using the NASDAQ Options Market ("NOM"), NASDAQ's facility for executing and routing standardized equity and index options. Specifically, NOM proposes to expand the list of options that will be assessed routing fees of $0.30 per contract for customer orders and $0.55 per contract for Firm and Market Maker orders that are routed from NOM to NASDAQ OMX PHLX, Inc. ("Phlx").

While changes to the Fee Schedule pursuant to this proposal are effective upon filing, the Exchange has designated these changes to be operative for transactions on June 1, 2010.

The text of the proposed rule change is set forth below. Proposed new text is in italics and deleted text is in brackets.

* * * * *

7050. NASDAQ Options Market

The following charges shall apply to the use of the order execution and routing services of the NASDAQ Options Market by members for all securities.

(1)–(3) No Change.

(4) Fees for routing contracts to markets other than the NASDAQ Options Market shall be assessed as provided below. The current fees and a historical record of applicable fees related to orders routed to other exchanges shall be posted on the NasdaqTrader.com Web site.

Exchange	Customer	Firm	MM
BATS	0.36	0.55	0.55
BOX	0.06	0.55	0.55
CBOE	0.06	0.55	0.55
ISE	0.06	0.55	0.55
NYSE Arca Penny Pilot	0.50	0.55	0.55
NYSE Arca Non Penny Pilot	0.06	0.55	0.55
NYSE AMEX	0.06	0.55	0.55
PHLX (for all options other than the below listed options)	0.06	0.55	0.55
PHLX (for the following options only): AA, AAPL, *ABK, ABX,* AIG, ALL, AMD, AMR, AMZN, *ARIA, AXP,* BAC, BRCD, C, CAT, *CIEN, CIGX,* CSCO, DELL, DIA, *DNDN,* DRYS, *EBAY,* EK, F, FAS, FAZ, GDX, GE, GLD, *GLW,* GS, *HAL,* IBM, INTC, IWM, *IYR,* JPM, LVS, MGM, *MOT,* MSFT, MU, NEM, NOK, *NVDA, ONNN, ORCL,* PALM, PFE, POT, QCOM, *QID,* QQQQ, *RIG,* RIMM, *RMBS,* SBUX, *SDS,* SIRI, SKF, SLV, SMH, SNDK, SPY, T, *TBT,* TZA, UAUA, UNG, USO, UYG, *V, VALE,* VZ, WYNN, X, *XHB,* XLF, *XRX and YHOO*	0.30	0.55	0.55

* * * * *

The text of the proposed rule change is available on the Exchange's Web site at *http://www.nasdaqomx.cchwallstreet.com,* at

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NASDAQ is proposing to modify Rule 7050 governing the fees assessed for options orders entered into NOM but routed to and executed on Phlx. Specifically, NASDAQ is proposing to expand the number of options to which certain routing fees apply to reflect the expansion of Phlx's Fee Schedule for rebates for adding and fees for removing liquidity.[3]

NASDAQ currently assesses a $0.30 per contract routing fee for customer orders, and a $0.55 per contract routing fee for Firm and Market Maker orders routed from NOM to Phlx for options that are subject to rebates for adding and fees for removing liquidity as described in the Phlx Fee Schedule. To reflect the additions Phlx is making to its Fee Schedule, NASDAQ proposes to add the following twenty-five options to the table set forth in Rule 7050(4): Ambac Financial Group, Inc. ("ABK"), Barrick Gold Corporation ("ABX"), Ariad Pharmaceuticals, Inc. ("ARIA"), American Express Company ("AXP"), Ciena Corp. ("CIEN"), Star Scientific, Inc. ("CIGX"), Dendreon Corp. ("DNDN"), eBay Inc. ("EBAY"), Corning Inc. ("GLW"), Halliburton Company ("HAL"), iShares Dow Jones US Real Estate ("IYR"), Motorola, Inc., ("MOT"), NVIDIA Corporation ("NVDA"), ON Semiconductor Corp. ("ONNN"), Oracle Corp. ("ORCL"), ProShares UltraShort, QQQ ("QID"), Transocean Ltd. ("RIG"), Rambus, Inc. ("RMBS"), ProShares UltraShort S&P500 ("SDS"), ProShares UltraShort 20+ Year Treasury ("TBT"), Visa, Inc. ("V"), Vale S.A. ("VALE"), SPDR S&P Homebuilders ("XHB"), Xerox Corp. ("XRX") and Yahoo! Inc. ("YHOO").

The Exchange is proposing these fees to recoup the majority of transaction and clearing costs associated with routing orders to Phlx. As with all fees, the Exchange may adjust these routing fees by filing a new proposed rule change.

While changes to the Fee Schedule pursuant to this proposal are effective upon filing, the Exchange has designated these changes to be operative for transactions on June 1, 2010.

2. Statutory Basis

NASDAQ believes that the proposed rule changes are consistent with the provisions of Section 6 of the Act,[4] in general, and with Section 6(b)(4) of the Act,[5] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which NASDAQ operates or controls. The Exchange believes the proposed fee changes are equitable in that they apply uniformly to all similarly situated participants on NOM. The Exchange also believes that the proposed fee changes are reasonable because the Exchange is seeking to recoup the costs incurred for options orders entered into NOM but routed to and executed on Phlx.

NASDAQ is one of eight options market in the national market system for standardized options. Joining NASDAQ and electing to trade options is entirely voluntary. Under these circumstances, NASDAQ's fees must be competitive and low in order for NASDAQ to attract order flow, execute orders, and grow as a market. NASDAQ thus believes that its fees are fair and reasonable and consistent with the Exchange Act.

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 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

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act[6] and paragraph (f)(2) of Rule 19b–4[7] thereunder. 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:

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–NASDAQ–2010–063 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NASDAQ–2010–063. 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

[3] *See* SR–Phlx–2010–73 (May 20, 2010). For a description of the rebates for adding and fees for removing liquidity on Phlx's Fee Schedule, *See* Securities Exchange Act Release Nos. 61684 (March 10, 2010), 75 FR 13189 (March 18, 2010) (SR–Phlx–2010–33); 61961 (April 22, 2010), 75 FR 22881 (April 30, 2010) (SR–Phlx–2010–61).

[4] 15 U.S.C. 78f.

[5] 15 U.S.C. 78f(b)(4).

[6] 15 U.S.C. 78s(b)(3)(A)(ii).

[7] 17 CFR 240.19b–4(f)(2).

those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. 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 publicly available. All submissions should refer to File Number SR–NASDAQ–2010–063 and should be submitted on or before June 23, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–13158 Filed 6–1–10; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62170; File No. SR–CBOE–2010–048]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Permit CBOE To Open Short Term Option Series on Thursdays

May 25, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Act"),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 19, 2010, the Chicago Board Options Exchange, Incorporated ("Exchange" or "CBOE") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a "non-controversial" proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

CBOE proposes to modify its rules to permit the Exchange, on any Thursday or Friday, to open Short Term Option Series that expire on the Friday of the following business week. The Exchange is not proposing any rule text changes. The rule proposal is available on the Exchange's Web site (*http://www.cboe.org/legal*), at the Exchange's Office of the Secretary and at the Commission.

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 self-regulatory organization 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 those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Securities and Exchange Commission previously approved CBOE's proposed rule change to permanently establish the Short Term Option Series Pilot Program ("Program").[5] The Program allows CBOE to list and trade equity and index option series that expire one week after being opened for trading. Specifically, Rules 5.5(d) and 24.9 provide that, after an option class has been approved for listing and trading on the Exchange, the Exchange may open for trading on any Friday that is a business day series of options on that class that expire on the next Friday that is a business day.[6] Under the Program, CBOE may select up to five approved option classes on which Short Term Options Series may be opened. The Exchange has selected the following four option classes to participate in the Program: S&P 500 Index options (SPX), S&P 100 Index American-style options (OEX), Mini-S&P 500 Index options (XSP), and S&P 100 Index European-style options (XEO).

The purpose of this filing is to permit the Exchange to open Short Term Option Series on any Thursday (or Friday) that expire on the Friday of the following business week. In support of this modification, the Exchange states that it has received requests to begin certain Short Term Options on Thursday so that market participants may have an opportunity to "roll" expiring positions; that is, trade out of an expiring Short Term Option Series and re-establish a new position in Short Term Option Series expiring one week later. Since the last trading day for A.M.-settled Short Term Options on indexes is generally a Thursday, and new A.M.-settled Short Term Option Series on indexes are generally listed on Friday, new and expiring A.M.-settled Short Term Option Series on indexes are never available concurrently.

As a result, it is impossible to implement a position roll in A.M.-settled Short Term Options on indexes. The Exchange has been advised that opening A.M.-settled Short Term Options on indexes just one day earlier, and providing an opportunity to roll, would enhance the value A.M.-settled Short Term Options on indexes as a risk management tool.

In order to avoid investor confusion, the Exchange is proposing to permit the listing of all Short Term Option series (equity and index) on any Thursday or Friday. As proposed, the rule changes give the Exchange the flexibility to list Short Term Option series on any Thursday or Friday, and do not restrict listing to a particular day.

2. Statutory Basis

The Exchange believes this rule proposal is consistent with the Act and the rules and regulations under the Act applicable to a national securities exchange and, in particular, the requirements of Section 6(b) of the Act.[7] Specifically, the Exchange believes that the proposed rule change is consistent with the Section 6(b)(5) Act[8] requirements that the rules of an exchange be designed to promote just and equitable principles of trade, to prevent fraudulent and manipulative acts and, in general, to protect investors and the public interest. In particular, the

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[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 59824 (April 27, 2009), 74 FR 20518 (May 4, 2009) (SR–CBOE–2009–018).

[6] If the Exchange is not open for business on a Friday, the Short Term Opening Date will be the first business day immediately prior to that Friday. Similarly if the Exchange is not open for business on a Friday, the Short Term Option Expiration Date will be the first business day immediately prior to that Friday.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

proposed rule change will benefit market participants by allowing them to more closely manage their risk exposures and carry out their investment objectives.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition 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

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule 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, provided that the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change or such shorter time as designated by the Commission, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [9] and Rule 19b–4(f)(6) thereunder.[10] 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–CBOE–2010–048 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2010–048. 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 Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. 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–CBOE–2010–048 and should be submitted on or before June 23, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–13160 Filed 6–1–10; 8:45 am]

BILLING CODE 8010–01–P

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6). Rule 19b–4(f)(6)(iii) requires the self-regulatory organization to submit to the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62159; File No. SR–NYSE–2010–36]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange Price List

May 24, 2010.

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 May 7, 2010, New York Stock Exchange LLC ("NYSE" 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 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 Exchange proposes to amend its 2010 Price List to delete references to two fees that are no longer applicable. The text of the proposed rule change is available on the Exchange's Web site at *http://www.nyse.com,* on the Commission's Web site at *http://* www.sec.gov, 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 self-regulatory organization 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 NYSE has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange's 2010 Price List includes (i) a fee of $5,000 payable in connection with a new application for NYSE membership by a limited liability

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

company ("LLC") and (ii) an application fee of $1,000 payable in connection with the movement of existing members to non-public organizations. The Exchange proposes to delete these fees from the 2010 Price List as they are no longer applicable. These fees related only to circumstances that arose when NYSE membership was required to be held by individuals, as opposed to the current structure which is based on member organizations. The Exchange ceased to be a member-owned organization in 2006 at the time of its merger with Archipelago Holdings, Inc. In connection with the merger, NYSE members received shares in the new publicly-traded parent company (NYSE Group, Inc., the predecessor to the NYSE's current publicly-traded parent company, NYSE Euronext). Since this demutualization, member organizations obtain the right to have their employees on the NYSE trading floor by purchasing trading licenses.

As a consequence of the demutualization, the categories of membership contemplated by the above-described fees no longer exist. The LLC category of membership was created in 2005 to enable an individual member who was retiring to retain an ownership interest in the Exchange for estate planning purposes.[3] The $5,000 application fee was instituted because the Exchange believed that there were additional costs to the Exchange in connection with memberships held by LLCs rather than individuals, so the Exchange believed that it was appropriate to charge a higher application fee than the $2,500 fee that would have otherwise applied.[4] The existing members to non-public organizations fee of $1,000 was adopted in 1990 and was applied to an individual member who was associated with a member organization and who left that member organization to become an independent floor broker without a public business or to become associated with a new member organization without a public business that was comprised of existing members.[5] It also applied to an application for membership by any new floor brokerage entity without a public business that consisted of existing individual members. All NYSE members are now corporations or other legal entities and are subject to the applicable application fees for the various categories of new members: $20,000 for carrying firms, $7,500 for introducing firms, and $2,500 for non-public organizations (*i.e.,* floor broker member organizations that do not have a public business). Consequently, it is the admission of a corporate entity as a member organization which gives rise to a registration fee under current NYSE rules and the movement of floor personnel from one member organization to another is not subject to registration fees, as those individuals are not members in their own right. The reference to individuals in the line of the 2010 Price List with respect to non-public organizations will be deleted, as it is also inapplicable under the current NYSE membership structure.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the objectives of Section 6[6] of the Act in general and furthers the objectives of Section 6(b)(4)[7] in particular, in that it is designed provide for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities. The Exchange believes that the proposal does not constitute an inequitable allocation of dues, fees and other charges, as the fees being eliminated related to categories of NYSE members that no longer exist under the current membership structure.

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 purpose of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change is effective upon filing pursuant to Section 19(b)(3)(A)[8] of the Act and Rule 19b–4(f)(2)[9] thereunder.

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:

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–NYSE–2010–36 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSE–2010–36. 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 Web site viewing and printing in the Commission's Public Reference Room, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. 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 No. SR–NYSE–2010–36 and should be submitted on or before June 23, 2010.

[3] *See* Securities Exchange Act Release No. 52891 (December 5, 2005), 70 FR 73503 (December 12, 2005) (SR–NYSE–2005–83).

[4] *See* note 1 [sic] *supra.*

[5] *See* Securities Exchange Act Release No. 28129 (June 19, 1990) (SR–NYSE–90–27).

[6] 15 U.S.C. 78f.

[7] 15 U.S.C. 78f(b)(4).

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(2).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–13161 Filed 6–1–10; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62175; File No. SR–MSRB–2010–03]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Filing of Proposed Rule Change Relating to Amendments to the Continuing Disclosure Service of the MSRB's Electronic Municipal Market Access System (EMMA®)

May 26, 2010.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the "Exchange Act") [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 20, 2010, the Municipal Securities Rulemaking Board (the "MSRB") filed with the Securities and Exchange Commission (the "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the MSRB. 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 MSRB has filed with the Commission a proposed rule change to amend the continuing disclosure service of the MSRB's Electronic Municipal Market Access system ("EMMA") to provide for the posting of credit rating information on the EMMA public Web site. The MSRB has requested an effective date for the proposed rule change of a date to be announced by the MSRB in a notice published on the MSRB Web site, which date shall be no later than nine months after Commission approval of the proposed rule change and shall be announced no later than five (5) business days prior to the effective date.

The text of the proposed rule change is available on the MSRB's Web site at *http://www.msrb.org/msrb1/sec.asp,* at the MSRB's principal office, and at the Commission's Public Reference Room.

[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

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 MSRB included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The MSRB 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 proposed rule change would amend the EMMA continuing disclosure service to provide for the posting of credit rating information on the EMMA public Web site. If and to the extent that one or more Nationally Recognized Statistical Rating Organization ("NRSRO") has agreed to provide credit rating and related information regarding municipal securities to the MSRB, at no charge, through an automated data feed for dissemination on the EMMA Web site, the EMMA Web site would display such credit rating and related information along with any documents and identifying information relating to the applicable municipal security otherwise displayed on the EMMA Web site. Currently, such other documents or information may include official statements, advance refunding documents, continuing disclosure documents, transaction price data, interest rate reset information, and identifying information relating to a specific municipal security.

Credit rating and related information normally will be posted within 15 minutes of successful transmission to the MSRB during the hours of 8:30 a.m. to 6 p.m. Eastern time on an MSRB business day, and any such information successfully transmitted outside of the MSRB's normal business hours will be posted as soon as practicable. The MSRB shall have no obligation to supplement, modify or confirm credit rating and related information received by it through an NRSRO's automated data feed based on information available from any other source, including but not limited to any such information made publicly available by an NRSRO by any means other than its automated data feed.

The MSRB requests an effective date for the proposed rule change of a date to be announced by the MSRB in a notice published on the MSRB Web site, which date shall be no later than nine months after Commission approval of the proposed rule change and shall be announced no later than five (5) business days prior to the effective date.

2. Statutory Basis

The MSRB has adopted the proposed rule change pursuant to Section 15B(b)(2)(C) of the Exchange Act, which provides that MSRB's rules shall:

> be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest.

The inclusion of credit rating and related information provided by NRSROs agreeing to provide such information for display on the EMMA Web site would serve to promote the statutory mandate of the MSRB to protect investors and the public interest. Although credit rating information is just one of many factors to consider in making an investment decision and in evaluating the credit worthiness and value of existing municipal securities holdings, the proposed rule change would make such information more easily accessible on an equal basis to all participants in the municipal securities market, including in particular retail investors in municipal securities who do not normally have access to information services customarily used by professional market participants.

B. Self-Regulatory Organization's Statement on Burden on Competition

The MSRB does not believe the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Exchange Act. Credit ratings and related information provided on the EMMA Web page would be available to all persons simultaneously. Any credit rating and related information of an NRSRO would be displayed on the EMMA Web site only with the agreement of such NRSRO to such use of its information. The MSRB believes that the benefits realized by the investing public from the broader and easier availability of credit rating and related information provided by NRSROs, including in particular retail investors in municipal securities who do not normally have access to information services customarily used

by professional market participants, would justify any potentially negative impact on such existing information services from the display of credit rating and related information on the EMMA Web site.

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 on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

The MSRB has requested an effective date for the proposed rule change of a date to be announced by the MSRB in a notice published on the MSRB Web site, which date shall be no later than nine months after Commission approval of the proposed rule change and shall be announced no later than five (5) business days prior to the effective date.

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–MSRB–2010–03 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street, NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–MSRB–2010–03. 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, 100 F Street, NE., Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the MSRB. 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–MSRB–2010–03 and should be submitted on or before June 23, 2010.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[3]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–13159 Filed 6–1–10; 8:45 am]

BILLING CODE 8010–01–P

[3] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–62182, File No. SR–MSRB–2009–09]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Order Granting Approval of Proposed Rule Change, as Modified by Amendment Nos. 1 and 2 Thereto, Relating to Rule G–32, on Disclosures in Connection with Primary Offerings, Form G–32, and the Primary Market Disclosure and Primary Market Subscription Services of the MSRB's Electronic Municipal Market Access System (EMMA®)

May 26, 2010.

I. Introduction

On July 14, 2009, the Municipal Securities Rulemaking Board ("MSRB"), filed with the Securities and Exchange Commission ("Commission" or "SEC"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Exchange Act"),[1] and Rule 19b-4 thereunder,[2] a proposed rule change relating to Rule G–32, relating to disclosures in connection with primary offerings, Form G–32, and the primary market disclosure and primary market subscription services of the MSRB's Electronic Municipal Market Access System ("EMMA"). The proposed rule change was published for comment in the **Federal Register** on July 22, 2009.[3] The Commission received eight comment letters about the proposed rule change.[4] On December 18, 2009, the MSRB filed with the Commission, pursuant to Section 19(b)(1) of the Exchange Act[5] and Rule 19b–4 thereunder,[6] Amendment No. 1 to the proposed rule change. Amendment No. 1 to the proposed rule change was published for comment in the **Federal Register** on January 5, 2010.[7] The Commission received no comment letters concerning Amendment No. 1. On May 21, 2010, the MSRB filed with the Commission, pursuant to Section 19(b)(1) of the Exchange Act[8] and Rule 19b-4 thereunder,[9] Amendment No. 2 to the proposed rule change requesting an additional three months to implement the proposal.[10] This order approves the proposed rule change, as modified by Amendment Nos. 1 and 2.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 60314 (July 15, 2009), 74 FR 36300 (July 22, 2009) (the "original proposed rule change").

[4] *See* letters from: Ernesto A. Lanza, General Counsel, MSRB, dated August 6, 2009; Michael Decker, Co-CEO and Mike Nicholas, Co-Chief Executive Officer, Regional Bond Dealers Association ("RBDA"), dated August 12, 2009 ("RBDA Letter"); Leon J. Bijou, Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association ("SIFMA"), dated August 12, 2009 ("SIFMA Letter"); John Wallingford, Executive Board Member, Virginia Government Finance Officers' Association ("Virginia GFOA"), dated August 12, 2009; William A. Holby, President, The National Association of Bond Lawyers ("NABL"), dated August 13, 2009 ("NABL Letter"); Marycarol C. White, CPA, CPFO, President, Virginia Government Finance Officers' Association, dated August 14, 2009 ("Virginia GFOA Letter"); Denise L. Nappier, Connecticut State Treasurer, dated August 20, 2009 ("Connecticut Treasurer Letter"); and Heather Traeger, Associate Counsel, Investment Company Institute ("ICI"), dated August 21, 2009 ("ICI Letter").

[5] 15 U.S.C. 78s(b)(1).

[6] 17 CFR 240.19b–4.

[7] *See* Securities Exchange Act Release No. 61238 (December 23, 2009), 75 FR 492 (January 5, 2010).

[8] 15 U.S.C. 78s(b)(1).

[9] 17 CFR 240.19b–4.

[10] This is a technical amendment and is not subject to notice and comment.

II. Description of the Proposed Rule Change, as Modified by Amendment Nos. 1 and 2 to the Proposed Rule Change

The proposed rule change consists of amendments to Rule G–32 and Form G–32 to require underwriters of primary offerings of municipal securities to submit to the MSRB's EMMA system, as part of their primary offering submission obligation under Rule G–32(b), certain key items of information relating to continuing disclosure undertakings made by issuers and other obligated persons in connection with such primary offerings. These items of information would be made available to the public through the EMMA Web portal and are intended to inform investors in advance whether continuing disclosures will be made available with respect to a particular municipal security, from and about whom such continuing disclosures are expected to be made, and the timing by which such disclosures should be made available.

The items of information regarding continuing disclosure undertakings to be provided by underwriters through Form G–32 would include:

- Whether the issuer or other obligated persons have agreed to undertake to provide continuing disclosure information as contemplated by Securities Exchange Act Rule 15c2–12;
- The name of any obligated person, other than the issuer of the municipal securities, that has or will undertake, or is otherwise expected to provide, continuing disclosure as identified in the continuing disclosure undertaking;[11]
- The timing set forth in the continuing disclosure undertaking, pursuant to Rule 15c2–12(b)(5)(ii)(C) or otherwise, for the submission of annual financial information each year by the issuer and/or any obligated persons to the EMMA system, either as a specific date or as the number of days or months after a specified end date of the issuer's or obligated person's fiscal year.[12]

Amendment No. 1 proposes to make certain modifications to the original proposed rule change based on comments received on the original proposed rule change. Amendment No. 1 would modify the original proposed rule change by eliminating the proposed requirement to submit contact information for a representative of the issuer and/or any obligated persons for purposes of establishing continuing disclosure submission accounts for such issuer and/or obligated persons in connection with their submissions to the EMMA system. Underwriters currently are able to provide contact information for issuer or obligated person representatives with respect to current and past primary offerings through EMMA on a voluntary basis and the MSRB believes that this process has been effective.

The name or names of obligated persons to be provided would be of the entity acting as an obligated person identified in the continuing disclosure undertaking, not an individual at such entity, unless the obligated person is in fact an individual. The timing for submission of annual financial information could be provided either as a specific date each year (*i.e.,* month and day, such as June 30) or the number of days or months after the end of the fiscal year (*i.e.,* 120 days after the end of the fiscal year). The underwriter could use the day/month count alternative only if the underwriter also submits the day on which the issuer's or obligated person's fiscal year ends (*i.e.,* month and day, such as June 30). If annual financial information is expected to be submitted by more than one entity and such information is expected to be submitted by different deadlines, each such deadline would be provided matched to the appropriate issuer and/or obligated person.

The underwriter would be required to provide information regarding whether the issuer or other obligated persons have agreed to undertake to provide continuing disclosure information as contemplated by Rule 15c2–12 by no later than the date of first execution of transactions in municipal securities sold in the primary offering. The remaining items of information would be required to be provided by the closing date of the primary offering. Until closing, the underwriter would be required to update promptly any information it has previously provided on Form G–32 which may have changed or to correct promptly any inaccuracies in such information, and would be responsible for ensuring that such information provided by it is accurate as of the closing date. So long as the underwriter has provided such information accurately as of the closing date, it would not be obligated to update the information provided if there are any subsequent changes to such information, such as additions, deletions or modifications to the identities of obligated persons or changes in the timing for providing annual financial information. Issuers and obligated persons will be able to make changes to such information through their submission accounts established in connection with EMMA's continuing disclosure service.

Information regarding whether an offering is subject to a continuing disclosure undertaking, the names of obligated persons and the deadlines for providing annual financial information would be displayed on the EMMA Web portal and also would be included in EMMA's primary market disclosure subscription service. These items are intended to provide investors and others with information on the expected availability of disclosures following the initial issuance of the securities. In particular, users of the EMMA Web portal would be able to determine which obligated persons are expected to submit annual financial information, audited financial statements and material event notices on an on-going basis, as well as the date each year by which they should expect to have access to the annual financial information.

In Amendment No. 2, the MSRB requested an effective date for the proposed rule change of a date to be announced by the MSRB in a notice published on the MSRB Web site, which date shall be no later than one year after Commission approval of the proposed rule change and shall be announced no later than sixty (60) days prior to the effective date.

III. Summary of Comments Received and the MSRB's Response

General Comments

As previously noted, the Commission received eight comment letters on the original proposed rule change[13] and no comments on Amendment No. 1. Most of the commenters expressed support for the proposal's general goal of increasing transparency and disclosure in the market for municipal securities.[14] However, some commenters objected to specific new requirements that the

[11] Amendment No. 1 proposes to modify the original proposed rule change by conforming the definition of obligated person more closely with the definition used in Rule 15c2–12 and by making clear that the obligated persons to be identified are those that are specifically identified in the continuing disclosure undertaking.

[12] Amendment No. 1 proposes to modify the original proposed rule change by permitting this information to be provided as the number of days or months after the end of the fiscal year, if the fiscal year end date is also submitted, as an alternative to submission of the specific deadline date as provided in the original proposed rule change.

[13] *See supra* note 4.

[14] *See, e.g.,* RBDA Letter, SIFMA Letter, Virginia GFOA Letter, Connecticut Treasurer Letter, ICI Letter. The MSRB filed a comment letter noting that it was extending the time period for Commission action on the proposed rule change. The first letter from the Virginia GFOA requested an extension of time to submit a comment letter.

proposal would place on underwriters,[15] requested clarification of certain aspects of the proposal,[16] suggested alternative approaches,[17] or expressed concern with the timing of the proposal.[18]

The Connecticut Treasurer, ICI and Virginia GFOA were generally supportive. The Connecticut Treasurer stated that the original proposed rule change would make municipal disclosure more transparent, efficient, consistent, comparable and accessible to investors, particularly individual investors. ICI stated that the original proposed rule change would ensure the accessibility and improve the utility of continuing disclosure information for investors and would further enhance transparency in the municipal securities market.

RBDA supported the goal of the original proposed rule change but suggested that underwriters be required to submit continuing disclosure agreements rather than the information specified in the proposal. SIFMA opposed the original proposed rule change. Both RBDA and SIFMA expressed concern that requiring underwriters to extract information from documents could result in submission of erroneous information to EMMA and would create an undue burden and compliance risk for underwriters. ICI stated, however, that it believes that the benefits to investors stemming from the original proposed rule change would outweigh the perceived costs and risks, and that integrating and packaging the proposed information would greatly assist investors and potential investors in monitoring their investments by easily identifying for them whether and when they should expect to have access to key continuing disclosure information.

RBDA distinguished the type of information currently required to be reported on Form G–32, characterized as data necessary to create the database record of the issue on the EMMA system, from the type of information proposed to be collected in the proposed rule change, which RBDA characterized as unnecessary for creating the record in EMMA. SIFMA stated that the continuing disclosure undertaking is already required to be summarized in the official statement available through EMMA and that extracting information from the official statement would effectively discourage investors from having to read the official statement itself. SIFMA further stated that, if the MSRB wants to highlight issuers' continuing disclosure obligations, this can be done by creating a best practices standard. Finally, SIFMA urged the MSRB to commit to making EMMA compatible with information underwriters are providing to the Depository Trust and Clearing Corporation's New Issue Information Dissemination System ("NIIDS").

NABL did not state a position regarding the original proposed rule change but recommended clarifications and modifications. NABL recommended that the Commission clarify, consistent with Rule 15c2–12, that the proposed amendment to Rule G–32 does not alter the "reasonable determination" standard of Rule 15c2–12(b)(5)(i) or require underwriters to provide information about obligated persons that could be viewed as additional certification beyond the obligations prescribed by Rule 15c2–12(b)(5)(i). NABL also suggested that a more complete analysis of the MSRB's statutory authority for adopting the original proposed rule change be provided.

The MSRB noted that collecting and displaying on the EMMA Web portal the existence of a continuing disclosure obligation, the names of any obligated persons other than the issuer, and the deadline for submission of annual financial and operating data, all as fielded information rather than merely as information provided within documents, would provide significant benefits to investors and other market participants.[19] According to the MSRB, the close proximity of this information to the links to posted continuing disclosure documents on the EMMA Web portal would assist investors with understanding whether and when they should expect to have access to key continuing disclosure information in the future and about whom such information is expected to be provided.[20] The MSRB stated that investors and other market participants would be able to include an assessment of ongoing access to information along with other factors upon which they may evaluate their investment decisions.[21] The MSRB remarked that it firmly believes that the proposed rule change is within its statutory authority and noted that an MSRB rule change or system requirement would not have the effect of altering any obligations or standards under Rule 15c2–12 or any other Commission rule.[22]

Identification of Obligated Persons

The original proposed rule change would require the underwriter to provide, on amended Form G–32, the name of any obligated person, other than the issuer of the municipal securities, that has or will undertake, or is otherwise expected to provide, continuing disclosure pursuant to the continuing disclosure undertaking.

NABL suggested that underwriters only be required "to identify those persons expressly specified in the continuing disclosure undertaking who will be required to make continuing disclosure filings or to state that such persons will be determined by the functional descriptions contained in the continuing disclosure undertaking." NABL recommended that the Commission make clear in any approval order that Rule G–32 is intended to be a mechanical reporting requirement by which the underwriter is required to report which persons are identified in the applicable continuing disclosure agreement as being responsible for continuing disclosure, and is not intended to impose on the underwriter any new requirement to determine who are the various obligated persons with respect to a particular offering. NABL also recommended that the definition of obligated person more closely mirror the definition thereof in Rule 15c2–12. The Connecticut Treasurer noted that, for some issues, obligated persons can change over time and believed that it was unclear whether the original proposed rule change accommodated this possibility.

In Amendment No. 1, the MSRB noted its view that collecting the identity of obligated persons in a fielded manner that permits automated indexing and search functions is an important feature that would make the EMMA Web portal considerably more useful for users.[23] The MSRB stated that such indexed information would assist EMMA Web users in finding some or all of the offerings for a particular obligated person, thereby allowing the user to review the continuing disclosure undertakings that more fully spell out how the continuing disclosure obligations will be fulfilled.[24]

In Amendment No. 1, the MSRB proposes to modify the definition of obligated person in proposed Rule G–32(d)(xiii) to more closely conform to the definition thereof in Rule 15c2–

[15] *See, e.g.,* RBDA Letter, SIFMA Letter, NABL Letter, Connecticut Treasurer Letter.

[16] *See, e.g.,* NABL Letter, Connecticut Treasurer Letter.

[17] *See, e.g.,* RBDA Letter, SIFMA Letter.

[18] *See, e.g.,* SIFMA Letter.

[19] *See* Amendment No. 1, *supra* note 7.

[20] *Id.*

[21] *Id.*

[22] *Id.*

[23] *Id.*

[24] *Id.*

12(f)(10) to avoid any definitional ambiguity. Furthermore, Amendment No. 1 would modify Form G–32 to explicitly provide that the obligated persons to be identified are those that are specifically identified in the continuing disclosure undertaking. The MSRB emphasized that the underwriter's obligation is solely to provide the identities of those obligated persons who have a specific commitment under the continuing disclosure agreement to provide continuing disclosures. The MSRB stated that underwriters would not be required to undertake any independent analysis of what other persons might be covered, to submit descriptions of bases for determining future obligated persons, or to maintain the currency of the list of obligated persons beyond the closing date.[25]

Deadline for Annual Filing and End of Fiscal Year

The original proposed rule change would require the underwriter to provide, on amended Form G–32, the date or dates identified in the continuing disclosure undertaking, pursuant to Rule 15c2–12(b)(5)(ii)(C) or otherwise, by which annual financial information is expected to be submitted each year by the issuer and/or any obligated persons to the EMMA system. NABL recommended that the proposed Form G–32 be revised to list those dates by which the issuer or those expressly identified obligated persons who have agreed to provide continuing disclosure pursuant to the continuing disclosure undertaking have agreed to provide such information, as opposed to dates by which the data is expected to be submitted.

In Amendment No. 1, the MSRB stated that there is considerable value in providing the deadline for submission of annual financial information in a manner that is extracted from the official statement.[26] This would permit investors and the general public to readily identify when such disclosures should become available from each issuer or obligated person expected to provide the annual filings.[27] The MSRB further noted that issuers and obligated persons would be able to update the timing requirement, as well as the identity of any obligated persons, through EMMA as appropriate.[28]

In Amendment No. 1, the MSRB proposed a new alternative method for reporting the deadline for submissions of annual financial and operating data based on the disclosed end of fiscal year, so that underwriters could disclose as the submission deadline either a specific date each year (*i.e.,* month and day, such as June 30) or the number of days or months after the end of the fiscal year (*i.e.,* 120 days after the end of the fiscal year). The underwriter could use the day/month count alternative only if the underwriter also submits the day on which the issuer's or obligated person's fiscal year ends (*i.e.,* month and day, such as June 30). Form G–32 would be modified to allow for submission of this new data element.

Issuer/Obligated Person Contact Information

The original proposed rule change would require the underwriter to provide, on amended Form G–32, contact information for a representative of the issuer and/or any obligated persons for purposes of establishing continuing disclosure submission accounts for such issuer and/or obligated persons in connection with their submissions to the EMMA system. The Connecticut Treasurer requested that the current voluntary process for providing contact information for representatives of the issuer or obligated person for purposes of establishing EMMA submission accounts not be made mandatory.

The MSRB noted that its current voluntary process has been effective; therefore Amendment No. 1 would eliminate from Form G–32 the requirement that underwriters provide the contact information for a representative of the issuer and/or any obligated person.[29]

IV. Discussion and Commission Findings

The Commission has carefully considered the proposed rule change, the comment letters received, and the MSRB's responses to the comment letters and finds that the proposed rule change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to the MSRB[30] and, in particular, the requirements of Section 15B(b)(2)(C) of the Exchange Act[31] and the rules and regulations thereunder. Section 15B(b)(2)(C) of the Exchange Act requires, among other things, that the MSRB's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in municipal securities, to remove impediments to and perfect the mechanism of a free and open market in municipal securities, and, in general, to protect investors and the public interest.[32] In particular, the Commission finds that the proposed rule change is consistent with the Exchange Act because it serves to remove impediments to and helps perfect the mechanisms of a free and open market in municipal securities and would serve to promote the statutory mandate of the MSRB to protect investors and the public interest. The information that underwriters would provide and that would be made available to the public with regard to the continuing disclosure undertakings of issuers and obligated persons would assist investors in understanding whether and when they should expect to have access to key continuing disclosure information in the future. Investors and other market participants would be able to include such assessment of on-going access to information in the mix of factors upon which they may evaluate their investment decisions.

The Commission believes that the MSRB has adequately responded to the concerns expressed in the comment letters. The Commission agrees with the MSRB that any additional burdens on underwriters are outweighed by the benefits of providing information to investors and other users in a user friendly manner. Investors, potential investors and other users of the EMMA system would not have to search through official statements to locate continuing disclosure information. The type of information to be reported by underwriters pursuant to the proposal is not substantially different from other information underwriters already submit to EMMA.

Amendment No. 1 should adequately address commenters' concerns about the definition and identification of obligated parties and the expected date of filing of annual financial information. The additional disclosure and transparency made possible by this proposal will serve to promote the statutory mandate of the MSRB to protect investors and the public interest.

[25] *Id.* The MSRB indicated that issuers and obligated persons would be able to make changes to such information through their submission accounts established in connection with EMMA's continuing disclosure service.

[26] *See* Amendment No. 1, *supra* note 7.

[27] *Id.*

[28] *Id.*

[29] *Id.*

[30] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[31] 15 U.S.C. 78o–4(b)(2)(C).

[32] *Id.*

The proposed rule change, as amended, will become effective on a date to be announced by the MSRB in a notice published on the MSRB Web site, which date shall be no later than one year after Commission approval of the proposed rule change and shall be announced no later than sixty (60) days prior to the effective date, as requested by the MSRB in Amendment No. 2.

V. Conclusion

For the foregoing reasons, the Commission finds that the proposed rule change, as amended, is consistent with the Exchange Act and the rules and regulations thereunder applicable to the MSRB[33] and, in particular, the requirements of Section 15B(b)(2)(C) of the Exchange Act[34] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,[35] that the proposed rule change (SR–MSRB–2009–09), as amended, be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[36]

Florence E. Harmon,

Deputy Secretary.

[FR Doc. 2010–13156 Filed 6–1–10; 8:45 am]

BILLING CODE 8010–01–P

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law (Pub. L.) 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions and extensions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, e-mail, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Director to the following addresses or fax numbers.

(OMB) Office of Management and Budget, Attn: Desk Officer for SSA, Fax: 202–395–6974, E-mail address: *OIRA_Submission@omb.eop.gov*

(SSA) Social Security Administration, DCBFM, Attn: Director, Center for Reports Clearance, 1333 Annex Building, 6401 Security Blvd., Baltimore, MD 21235, Fax: 410–965–0454, E-mail address: *OPLM.RCO@ssa.gov.*

I. The information collection below is pending at SSA. SSA will submit it to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than August 2, 2010. Individuals can obtain copies of the collection instruments by calling the SSA Director for Reports Clearance at 410–965–0454 or by writing to the above e-mail address.

1. Request for Accommodation in Communication Method—0960–0777. In *American Council of the Blind, et al.* v. *Michael Astrue and Social Security Administration,* class plaintiffs representing Social Security applicants, beneficiaries, recipients, and representative payees who are blind or visually impaired challenged the adequacy of the communication methods SSA uses in its notices and other communications. Prior to the court's order of October 20, 2009 in *American Council of the Blind,* SSA offered three modes of communications for blind and visually impaired Social Security recipients: (1) A standard print notice by first-class mail; (2) a standard print notice by first-class mail with a follow-up telephone call; and (3) certified mail. In *American Council of the Blind,* the court required SSA to offer two additional modes of communication to blind or visually impaired applicants, beneficiaries, recipients, and representative payees: (4) Braille, and (5) Microsoft Word files (on data compact discs).

In *American Council of the Blind,* the court further ordered SSA to implement Section 504 through 45 CFR 85.51 of the Code of Federal Regulations (CFR) meaning SSA must "take appropriate steps to ensure effective communication with applicants, participants, personnel of other Federal entities, and members of the public." To meet the court's mandates, SSA uses Form SSA–9000, Request for Accommodation in Communication Method, to gather information from blind or visually impaired individuals about why their particular accommodation (other than the five accommodations already offered by the agency) will allow SSA to communicate effectively with them. This form asks respondents to describe the type of accommodation they want, to disclose the condition they have that necessitates the need for a different type of accommodation, and to explain why none of the five methods described above are sufficient for their needs. The respondents are Social Security applicants, beneficiaries, recipients, and representative payees who are blind or visually impaired and are asking SSA to send them notices and other communications in an alternative method besides the five modalities we describe in this notice.

Type of Request: Revision of an OMB-approved information collection.

Method of information collection	Number of respondents	Frequency of response	Response time (min.)	Burden (hours)
Personal Interview (over the phone or in-person)	2,250	1	10	375
Form (taken or mailed from field office)	250	1	15	63
Total	2,500			438

II. SSA has submitted the information collections listed below to OMB for clearance. Your comments on the information collections would be most useful if OMB and SSA receive them within 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than July 2, 2010. You can obtain a copy of the OMB clearance packages by calling the SSA Director for

[33] In approving this proposed rule change, the Commission notes that it has considered the proposed rule's impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[34] 15 U.S.C. 78o–4(b)(2)(C).

[35] 15 U.S.C. 78s(b)(2).

[36] 17 CFR 200.30–3(a)(12).

Reports Clearance at 410–965–0454 or by writing to the above e-mail address.

1. Report to United States Social Security Administration by Person Receiving Benefits for a Child or for an Adult Unable to Handle Funds/Report to the United States Social Security Administration—0960–0049. SSA uses the information it collects on Forms SSA–7161–OCR–SM and SSA–7162–OCR–SM to: (1) Determine continuing entitlement to Social Security benefits; (2) correct benefit amounts for beneficiaries outside the United States; and (3) monitor the performance of representative payees outside the United States. The respondents are individuals living outside the United States who are receiving benefits on their own (or for someone else) under Title II of the Social Security Act.

Type of Request: Revision of an OMB-approved information collection.

Form No.	Number of respondents	Frequency of response	Average burden per response (min.)	Estimated annual burden
SSA–7161–OCR–SM	30,560	1	15	7,640
SSA–7162–OCR–SM	271,142	1	5	22,595
Total	301,702			30,235

2. Real Property Current Market Value Estimate—0960–0471. SSA considers a person's resources when evaluating eligibility for Supplemental Security Income (SSI) payments. The value of an individual's resources, including non-home real property, is one of the eligibility requirements for SSI payments. SSA obtains current market value estimates of the claimant's real property through Form SSA–L2794. The respondents are small business operators in real estate, state and local employees, and other individuals knowledgeable about local real estate values.

Type of Request: Revision of an OMB-approved information collection.

Type of respondents	Number of respondents	Frequency of response	Average burden of response (min.)	Estimated annual burden (hours)
Small Business Operators in Real Estate	4,894	1	20	1,631
State and local government	490	1	20	163
Individuals	54	1	20	18
Total	5,438			1,812

3. Employer Verification of Earnings After Death—20 CFR 404.821 and 404.822—0960–0472. When SSA records show a wage earner is deceased and an employer reported wages for the wage earner for a year subsequent to death, SSA must contact the employer and verify the reported wage and employee information. SSA uses Form SSA–L4112 to verify that the wage information the employer previously submitted is correct for the employee and the year in question. The respondents are employers who report wages for employees who have died.

Type of Request: Revision of an OMB-approved information collection.

Number of Respondents: 50,000.

Frequency of Response: 1.

Average Burden per Response: 10 minutes.

Estimated Annual Burden: 8,333 hours.

Date: May 26, 2010.

John Biles,

Director, Office of Document Management, Social Security Administration.

[FR Doc. 2010–13092 Filed 6–1–10; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2010–0057]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), Department of Transportation.

ACTION: Notice and request for comments.

SUMMARY: The U.S. Department of Transportation FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection: SAFETEA–LU Section 6009 Phase 2 Implementation Study Survey. The information to be collected for this study will be used to satisfy a Congressional mandate in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) to study and submit a Report to Congress on the implementation of SAFETEA–LU Section 6009 and its amendments. The survey results will allow U.S. DOT to fulfill the implementation study requirement. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by August 2, 2010.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 0057 by any of the following methods:

Web Site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Carol Braegelmann, FHWA Office of Project Development and Environmental

Review, (202) 366–1701. Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590. Office hours are from 8:30 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: SAFETEA–LU Section 6009 Phase 2 Implementation Study Survey.

Background: Section 6009 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU) amended existing Section 4(f) legislation to simplify the process and approval of projects that have only *de minimis* impacts on lands protected by Section 4(f). SAFETEA–LU also required the U.S. Department of Transportation (U.S. DOT) to promulgate regulations to clarify the factors to be considered and the standards to be applied in determining the prudence and feasibility of alternatives that avoid uses of Section 4(f) properties. As mandated in the legislation, U.S. DOT conducted a study on the implementation of new Section 4(f) provisions and its amendments (herein referred to as Phase I). During development of the Phase I study, U.S. DOT determined that sufficient information would not be available during Phase I to adequately evaluate the new prudent and feasible standards. Based on this fact, along with recommendations provided by the Transportation Research Board (TRB) on strengthening the Phase I findings, U.S. DOT is requesting approval to sponsor a one-time survey on implementation of Section 6009 and its amendments. The U.S. DOT and John A. Volpe National Transportation Systems Center (Volpe Center) have designed the survey and will submit the survey plan and its associated information collection burden to OMB for approval.

The information collection supports the U.S. DOT's Environmental Stewardship Strategic Goal. U.S. DOT will be better able to evaluate how SAFETEA–LU Section 6009 may improve environmental decision-making and expedite environmental reviews of transportation infrastructure projects. The survey will solicit information on: (1) The post-construction effectiveness of impact mitigation and avoidance commitments adopted as part of projects where a Section 4(f) *de minimis* impact finding or Section 4(f) finding under the revised Section 4(f) regulations was made; and, (2) the processes developed to address the Section 4(f) *de minimis* impacts and revise the feasible and prudent standards and the efficiencies that may result. U.S. DOT will use the results to evaluate the effectiveness and any resulting efficiencies of SAFETEA–LU Section 6009 and its amendments.

Respondents: The proposed survey will be a web-based survey located on the Survey Monkey Web site (*http://www.surveymonkey.com*). Staff members at state and local transportation agencies and transportation authorities, State Historic Preservation Offices (SHPO), Federal, State and local agencies with jurisdiction over park, recreation areas, or wildlife and waterfowl refuges, and citizen/advocacy groups will be asked to complete the survey. U.S. DOT estimates that approximately 120 participants (30 state DOTs, 15 transit and other transportation agencies, 25 SHPOs, 25 park and recreation officials, and 25 citizen groups) will complete the survey.

Frequency: This is a one-time collection.

Estimated Average Burden per Response: Approximately 20 minutes per participant for the one-time survey.

Estimated Total Annual Burden Hours: Approximately 40 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection of information is necessary for the U.S. DOT's performance, including whether the information will have practical utility; (2) the accuracy of the U.S. DOT's estimate of the burden of the proposed information collection; (3) ways 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. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: May 27, 2010.

Juli Huynh,

Chief, Management Programs and Analysis Division.

[FR Doc. 2010–13226 Filed 6–1–10; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of a Finding of No Significant Impact (FONSI) and Record of Decision (ROD) on a Final Environmental Assessment (FEA) for the Proposed Federal Action at the Macon County Airport, Franklin, NC

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice.

SUMMARY: The FAA is issuing this notice to advise the public of the approval of a FONSI/ROD on an FEA for a proposed Federal action at the Macon County Airport, Franklin, NC. The FONSI/ROD states that the proposed projects are consistent with the National Environmental Policy Act of 1969 and will not significantly affect the quality of the environment.

The FEA evaluated Macon County Airport's proposal to extend Runway 7/25 600 feet to a total length of 5,000 feet, extend the existing parallel taxiway, and construct a 300-foot runway safety area.

After reviewing the FEA, the FAA has determined that project would not significantly affect the quality of the human environment. Therefore, the preparation of an Environmental Impact Statement (EIS) is not required.

The FEA and the FONSI/ROD are available for review at:

FAA Southern Region, Atlanta Airports District Office, 1701 Columbia Avenue, Suite 2–260, College Park, GA 30337.

Macon County Courthouse, Tax Collector's Office, 5 West Main Street, Annex Bldg., Franklin, NC 28734–3005.

FOR FURTHER INFORMATION CONTACT: Parks Preston, Federal Aviation Administration, Atlanta Airports District Office, 1701 Columbia Ave., Campus Bldg., Suite 2–260, College Park, GA 30337. 404–305–7149.

Issued in College Park, Georgia on May 19, 2010.

Scott L. Seritt,

Manager, Atlanta Airports District Office.

[FR Doc. 2010–13260 Filed 6–1–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Fourth Meeting: RTCA Special Committee 223: Airport Surface Wireless Communications

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 223: Airport Surface Wireless Communications meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 223: Airport Surface Wireless Communications.

DATES: The meeting will be held June 15–16, 2010 from 9 a.m.–5 p.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1828 L Street, NW., Suite 805, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC, 20036; telephone (202) 833–9339; fax (202) 833–9434; Web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a RTCA Special Committee 223: Airport Surface Wireless Communications meeting. The agenda will include:

Tuesday, June 15, 2010

Tuesday Morning—Plenary

- Opening Session (Welcome, Introductions, Administrative Remarks, Approve/Review Meeting #3 Summary, RTCA Paper No. 084–10/SC223–007)
  - Special Committee Leadership
  - Designated Federal Official (DFO): Mr. Brent Phillips
  - Co-Chair: Mr. Aloke Roy, Honeywell International
  - Co-Chair: Mr. Ward Hall, ITT Corporation
- Agenda Overview
- AeroMACS Profile Working Group Status
- AeroMACS User Services & Applications Ad-Hoc Working Group Status
- 3rd Plenary action item status
- Assignment of MOPS working group leader
- AeroMACS test and evaluation interim results

Tuesday Afternoon—Profiles WG Breakout Session

- Document Structure
- Technical work on AeroMACS Profile

Wednesday, June 16, 2010

Wednesday Morning—User Services & Applications (USAS) Breakout Session

- User services and applications definition

Wednesday Afternoon—Reconvene Plenary

- Profiles WG Status Report and Plenary Guidance
- USAS WG Status Report and Plenary Guidance
- Establish Agenda, Date and Place for the next plenary meeting
- Review of Meeting summary report
- Adjourn—Expected by 3 p.m. on June 16th

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on May 25, 2010.

Francisco Estrada C.,

RTCA Advisory Committee.

[FR Doc. 2010–13142 Filed 6–1–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

Sunshine Act Meetings; Unified Carrier Registration Plan Board of Directors

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

Time and Date: June 9, 2010, 8 a.m. until 12 Noon, Mountain Daylight Time.

Place: This meeting will take place telephonically. Any interested person may call Place: This meeting will take place at the Hotel Park City, 2001 Park Avenue, Park City, UT 84060. Any interested person may call Mr. Avelino Gutierrez at (505) 827–4565 to receive the toll free number and pass code needed to participate in this meeting by telephone.

Status: Open to the public.

MATTERS TO BE CONSIDERED: The Unified Carrier Registration Plan Board of Directors (the Board) will continue its work in developing and implementing the Unified Carrier Registration Plan and Agreement and to that end, may consider matters properly before the Board.

FOR FURTHER INFORMATION CONTACT: Mr. Avelino Gutierrez, Chair, Unified Carrier Registration Board of Directors at (505) 827–4565.

Issued on: May 28, 2010.

Larry W. Minor,

Associate Administrator for Policy and Program Development.

[FR Doc. 2010–13396 Filed 5–28–10; 4:15 pm]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2010–0069]

Fisker Automotive; Receipt of Application for Temporary Exemption From Advanced Air Bag Requirements of FMVSS No. 208

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice of receipt of petition for temporary exemption from certain provisions of Federal Motor Vehicle Safety Standard (FMVSS) No. 208, *Occupant Crash Protection.*

SUMMARY: In accordance with the procedures in 49 CFR part 555, Fisker Automotive Corporation has petitioned the agency for a temporary exemption from certain advanced air bag requirements of FMVSS No. 208. The basis for the application is that compliance would cause substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard.[1]

This notice of receipt of an application for temporary exemption is published in accordance with statutory provisions. NHTSA has not made any judgment on the merits of the application.

DATES: You should submit your comments not later than July 2, 2010.

FOR FURTHER INFORMATION CONTACT: Edward Glancy, Office of the Chief Counsel, NCC–112, National Highway Traffic Safety Administration, 1200 New Jersey Avenue, SE., West Building 4th Floor, Room W41–326, Washington, DC 20590. Telephone: (202) 366–2992; Fax: (202) 366–3820.

Comments: We invite you to submit comments on the application described above. You may submit comments identified by docket number at the heading of this notice by any of the following methods:

- *Web Site: http://www.regulations.gov.* Follow the instructions for submitting comments on the electronic docket site by clicking on "Help and Information" or "Help/Info."
- *Fax:* 1–202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, Room W12–140, 1200 New Jersey Avenue, SE., Washington, DC 20590.

[1] To view the application, go to *http://www.regulations.gov* and enter the docket number set forth in the heading of this document.

• *Hand Delivery:* 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC, between 9 am and 5 pm, 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. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act discussion below. We will consider all comments received before the close of business on the comment closing date indicated above. To the extent possible, we will also consider comments filed after the closing date.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* at any time or to 1200 New Jersey Avenue, SE., West Building Ground Floor, Room W12–140, Washington, DC 20590, between 9 am and 5 pm, Monday through Friday, except Federal Holidays. Telephone: (202) 366–9826.

Privacy Act: Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, *etc.*). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78) or you may visit *http://www.dot.gov/privacy.html.*

Confidential Business Information: If you wish to submit any information under a claim of confidentiality, you should submit three copies of your complete submission, including the information you claim to be confidential business information, to the Chief Counsel, NHTSA, at the address given under **FOR FURTHER INFORMATION CONTACT**. In addition, you should submit two copies, from which you have deleted the claimed confidential business information, to Docket Management at the address given above. When you send a comment containing information claimed to be confidential business information, you should include a cover letter setting forth the information specified in our confidential business information regulation (49 CFR part 512).

SUPPLEMENTARY INFORMATION:

Fisker Automotive (Fisker) has submitted a petition for exemption from certain requirements of FMVSS No. 208, *Occupant Crash Protection,* pursuant to 49 CFR Part 555, *Temporary Exemption from Motor Vehicle Safety and Bumper Standards.* Specifically, the petition requests an exemption from paragraphs S15, S17, S19, S21, S23, and S25 of FMVSS No. 208, which relate to the advanced air bag requirements. Fisker has requested an exemption for the Karma model, and that the exemption period run from the date of the grant until May 24, 2011.

In recent years, NHTSA has addressed a number of petitions for exemption from the advanced air bag requirements of FMVSS No. 208. The majority of these requests have come from small manufacturers which have petitioned on the basis of substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard. NHTSA has granted a number of these petitions, usually in situations where the manufacturer is supplying standard air bags in lieu of advanced air bags.[2] In addressing these petitions, NHTSA has recognized that small manufacturers may face particular difficulties in acquiring or developing advanced air bag systems.

The basis for Fisker's application is substantial economic hardship to a manufacturer that has tried in good faith to comply with the standard. According to the petition, Fisker is a privately held company incorporated in the State of Delaware, with headquarters in California. Its total motor vehicle production during the 12 months preceding the filing of the petition was 0 vehicles.

The petitioner stated that the Fisker Karma is a completely new passenger car model. Design and development of the Karma began in late 2007. The Karma is being designed and developed to meet all applicable FMVSS and EEC regulations, including the installation of eight air bags on the coupe version and six air bags on the convertible version. Fisker stated the air bag system is being developed through cooperation with Takata, Tass, and Bosch, which have been granted contracts to complete the development of the air bag systems. The petitioner stated that these companies were retained in 2008/2009 and are continuing the efforts to develop an air bag system that is fully compliant with the requirements of FMVSS No. 208.

Fisker stated that it subcontracted the advanced air bag system development to experienced outside companies, and that the air bag development costs represent a very significant expenditure to the company. It cited a $7,714,857 cost figure, and provided information about what that figure includes. Fisker stated that without a temporary exemption, which would enable the company to generate funds through the sale of vehicles, it may not be able to sustain the air bag and vehicle development programs, causing substantial financial economic hardship to the company. Fisker stated that it estimates that full compliance with FMVSS No. 208 will be achieved before May 24, 2011.

The petitioner stated that if the exemption petition is approved, the Karma models sold under the exemption will be compliant with all FMVSS regulations with the exception of certain sections of FMVSS No. 208. Fisker stated that the coupe version will be equipped with eight functional air bags (front, side, knee and curtain air bags), and the convertible version will be equipped with six functional air bags (front, side and knee air bags). Both versions will include seat belts with pretensioners and load limiters. Also, according to the petitioner, both models will be compliant with the 50th percentile unbelted test requirements contained in section 13 of the standard.

Fisker argued that sales of the Karma are in the public interest. It stated that the Karma "is leading the way towards the introduction of advanced low-emission vehicle technologies to the US and world markets." Fisker stated that the Karma will be the first plug-in hybrid passenger car available for purchase by the general public. It also cited benefits of employment opportunities.

Upon receiving a petition, NHTSA conducts an initial review of the petition with respect to whether the petition is complete and whether the petitioner appears to be eligible to apply for the requested petition. The agency has tentatively concluded that the petition is complete and the petitioner eligible to apply for the requested petition. The agency has not made any judgment on the merits of the application, and is placing a non-confidential copy of the petition in the docket.

We are providing a 30-day comment period. After considering public comments and other available information, we will publish a notice of final action on the application in the **Federal Register**.

[2] *See, e.g.,* grant of petition to Panoz, 72 FR 28759 (May 22, 2007), or grant of petition to Koenigsegg, 72 FR 17608 (April 9, 2007).

Issued on: May 26, 2010.

Stephen R. Kratzke,

Associate Administrator for Rulemaking.

[FR Doc. 2010–13122 Filed 6–1–10; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Supplemental Draft Environmental Impact Statement; U.S. 231 Dubois County, IN

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The Federal Highway Administration (FHWA), in cooperation with the Indiana Department (INDOT), is issuing this notice to advise the public that FHWA will prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the U.S. 231 Jasper Huntingburg project in Dubois County, Indiana.

Since publication of the 2004 U.S. 231 Draft EIS in March 2004, FHWA and INDOT has continued to evaluate the project and has developed additional alternatives for consideration. The SDEIS will re-evaluate the Preferred Alternative identified in the 2004 U.S. 231 DEIS and compare those impacts to the additional build alternatives. The SDEIS will focus on the project modifications, the existing environment and impacts, and any new information that has developed since the 2004 DEIS as required by 23 CFR 771.130.

DATES: Comments on the scope of the SDEIS for the proposed project should be forwarded no later than July 2, 2010.

ADDRESSES: Address all comments concerning this notice to Tim Miller, Environmental Manager, HNTB Indiana, Inc., 111 Monument Circle, Suite 1200, Indianapolis, IN 46204, Telephone: (317) 636–4682, E-mail: *tnmiller@hntb.com.*

FOR FURTHER INFORMATION CONTACT: Janice Osadczuk, Planning/Environmental Specialist, Federal Highway Administration, Indiana Division, 575 North Pennsylvania Street, Room 254, Indianapolis, Indiana, Telephone: (317) 226–7486.

SUPPLEMENTARY BACKGROUND INFORMATION: U.S. 231 extends approximately 304 mi from U.S. 60 in Owensboro, Kentucky, north through Indiana to U.S. 41 near the Illinois border. Due to the importance of the route, U.S. 231 is included in the National Highway System (NHS). The NHS includes all Interstate routes, a large percentage of roads classified as principal arterial highways and roads important for national defense. The NHS includes 5 percent of the national roadway network but serves approximately 40 percent of the nation's highway travel. U.S. 231 is also a part of the National Truck Network, a national network of highways that allows the passage of trucks of specified minimum dimensions and weight.

Designated as a Regional Mobility Corridor and Commerce Corridor, U.S. 231 serves as a connection to smaller cities and regions, feeds traffic to the major mobility corridors and provides for regional accessibility. As a Commerce Corridor, U.S. 231 directly facilitates intrastate, interstate or international commerce or travel. Approximately 12 mi of existing U.S. 231 through Dubois County is rural 2-lane roadway. The roadway becomes 3- or 4-lane through Huntingburg and Jasper and is a north-south arterial that divides both communities. Traffic flow in Huntingburg is affected by delays at an at-grade railroad crossing. In Jasper, U.S. 231 makes two right-angle turns, both of which have substandard corner radii and are difficult for larger vehicles to negotiate.

In March 2004, FHWA released the U.S. 231 Draft EIS. FHWA and INDOT have continued to evaluate the project and have developed additional alternatives for consideration and a Final EIS has not been released within three years of the publication of the Draft EIS. The SDEIS will re-evaluate the Preferred Alternative identified in the 2004 U.S. 231 DEIS and compare those impacts to the additional build alternatives. The SDEIS will focus on the project modifications, the existing environment and impacts, and any new information that has developed since the 2004 DEIS as required by 23 CFR 771.130.

Environmental Issues: Possible environmental impacts include viewshed impacts, impacts to water resources, wetlands, farmed wetlands, prime farmland, sensitive biological species and habitat, land use compatibility impacts, impacts to agricultural lands, displacement of commercial and residential properties, and potential effects to historical properties or archaeological sites.

Alternatives: The SDEIS will consider alternatives that include: (1) Taking no action; (2) re-evaluation of the Preferred Alternative identified in the 2004 DEIS; and (3) additional build alternatives not previously identified in the 2004 DEIS.

Public and Agency Scoping and Comment: FHWA encourages continued broad participation in the SDEIS process and review of the resulting environmental documents. A resource/regulatory agency meeting is scheduled for May 17, 2010 to re-initiate agency participation again as FHWA continues with the development of the SDEIS, Final EIS, and Record of Decision. This agency meeting will be held to solicit input from the resource and regulatory agencies on the nature and extent of issues, concerns and potential impacts to be addressed in the SDEIS, including methods by which they will be evaluated and discuss any changes since the release of the 2004 DEIS. A public information meeting will be conducted in the City of Huntingburg in the summer of 2010, re-initiating the public scoping process on the SDEIS, which will be widely publicized well in advance of the meeting. Comments, questions, and suggestions related to the project and potential environmental concerns are invited from all interested agencies and the public at large to ensure that the full range of issues related to the proposed action and all reasonable alternatives are considered and all significant issues are identified. These comments, questions, and suggestions should be forwarded to the address listed above. Notices of availability for the Supplemental Draft EIS, Final EIS, and Record of Decision will be provided through direct mail, the **Federal Register** and other media. Notification also will be sent to Federal, State, local agencies, persons, and organizations that submit comments or questions. Precise schedules and locations for public meetings will be announced in the local news media. Interested individuals and organizations may request to be included on the mailing list for the distribution of meeting announcements and associated information.

(Catalog of Federal Domestic Assistance Program No. 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to the program.)

Authority: 23 U.S.C. 31.5; 23 CFR 771.123; 49 CFR 1.48.

Robert F. Tally,

Division Administrator, Indianapolis, Indiana.

[FR Doc. 2010–13103 Filed 6–1–10; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Tenth Meeting: RTCA Special Committee 209: In Joint Session With EUROCAE WG 49: ATCRBS/Mode S Transponder MOPS Maintenance

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 209: In Joint Session with EUROCAE WG–49 ATCRBS/Mode S Transponder MOPS Maintenance.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 209: In Joint Session with EUROCAE WG–49 ATCRBS/Mode S Transponder MOPS Maintenance.

DATES: The meeting will be held June 28–30, 2010 from 9 a.m.–5 p.m. CET.

ADDRESSES: The meeting will be held at the EUROCAE Headquarters, Malakoff, France near Paris Host Contact: Roland Mallwitz, +33–01–40927930, *roland.mallwitz@eurocae.net* Secretary Contact: Gary Furr 1–609–485–4254, *gary.ctr.furr@faa.gov.*

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036–5133; telephone (202) 833–9339; fax (202) 833–9434; Web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a RTCA Special Committee 209: In Joint Session with EUROCAE WG–49 ATCRBS/Mode S Transponder MOPS Maintenance meeting. The agenda will include:

- Opening Session (Host and Co-Chairs Welcome, Introductions and Remarks).
- Review and Approval of the Agenda (SC209–WP10–01).
- Discussion of Issues Related to Proposed Changes to DO–181D/ED–73C.
- WP10–02—Comments Related to Proposed Changes to DO–181D.
- WP10–03—Low Power Transponder and Glider Surveillance Avionics.
- WP10–04—Issues Related to the Timeouts of Registers 08_{16} and 20_{16}.
- Development of the Actual Change Documents for DO–181D and ED–73C.
- Date, Place and Time of any Future Meetings.
- Other Business.
- Adjournment.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC on May 25, 2010.

Francisco Estrada C.,

RTCA Advisory Committee.

[FR Doc. 2010–13140 Filed 6–1–10; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8913

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 8913, Credit for Federal Telephone Excise Tax Paid.

DATES: Written comments should be received on or before August 2, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald Shields, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form should be directed to Elaine Christophe, (202) 622–3179, or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at *Elaine.H.Christophe@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Credit for Federal Telephone Excise Tax Paid.

OMB Number: 1545–2051.

Form Number: 8913.

Abstract: The information on Form 8913 will allow filers of the form to correctly compute their federal telephone excise tax refund and the interest due on the refund.

Current Actions: Notice 2007–11 is replacing Notice 2006–50.

Type of Review: Revision of a currently approved collection.

Affected Public: Business or other for-profit, individuals or households, not-for-profit institutions and farms.

Estimated Number of Respondents: 100.

Estimated Time per Respondent: 14 hours, 50 minutes.

Estimated Total Annual Burden Hours: 1,484.

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: May 25, 2010.

Gerald Shields,

IRS Reports Clearance Officer.

[FR Doc. 2010–13234 Filed 6–1–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[CO–11–91] (TD 8597); [CO–24–95] (TD8660)

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 existing final regulations, CO–11–91 (TD 8597), Consolidated Groups and Controlled Groups-Intercompany Transactions and Related Rules (§ 1.1502–13), and CO–24–95 (TD 8660), Consolidated Groups-Intercompany Transactions and Related Rules.

DATES: Written comments should be received on or before August 2, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald Shields, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Elaine Christophe, (202) 622–3179, or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at *Elaine.H.Christophe@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: CO–11–91, Consolidated Groups and Controlled Groups-Intercompany Transactions and Related Rules, and CO–24–95, Consolidated Groups-Intercompany Transactions and Related Rules.

OMB Number: 1545–1433.

Regulation Project Number: CO–11–91 (TD 8597). CO–24–95 (TD 8660).

Abstract: The regulations require common parents that make elections under regulation section 1.1502–13 to provide certain information. The information will be used to identify and assure that the amount, location, timing and attributes of intercompany transactions and corresponding items are properly maintained.

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: 2,200.

Estimated Time per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 1,050.

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: May 25, 2010.

Gerald Shields,

IRS Reports Clearance Officer.

[FR Doc. 2010–13236 Filed 6–1–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[INTL–870–89]

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 notice of proposed rulemaking, INTL–870–89, Earnings Stripping (Section 163(j)).

DATES: Written comments should be received on or before August 2, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald Shields, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Elaine Christophe, (202) 622–3179, or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet, at *Elaine.H.Christophe@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Earnings Stripping (Section 163(j)).

OMB Number: 1545–1255.

Regulation Project Number: INTL–870–89.

Abstract: Internal Revenue Code section 163(j) concerns the limitation on the deduction for certain interest paid by a corporation to a related person. This provision generally does not apply to an interest expense arising in a taxable year in which the payer corporation's debt-equity ratio is 1.5 to 1 or less. Regulation section § 1.163(j)–5(d) provides a special rule for adjusting the basis of assets acquired in a qualified stock purchase. This rule allows the taxpayer, in computing its debt-equity ratio, to elect to write off the basis of the stock of the acquired corporation over a fixed stock write-off period, instead of using the adjusted basis of the assets of the acquired corporation.

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: 2,300.

Estimated Time per Respondent: 31 minutes.

Estimated Total Annual Burden Hours: 1,196.

The following paragraph applies to all 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: May 25, 2010.

Gerald Shields,

IRS Reports Clearance Officer.

[FR Doc. 2010–13238 Filed 6–1–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[LR–77–86]

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 temporary regulation, LR–77–86 (T.D. 8124), Certain Elections Under the Tax Reform Act of 1986 (§ 5h.5).

DATES: Written comments should be received on or before August 2, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald Shields, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Elaine Christophe, (202) 622–3179, or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at *Elaine.H.Christophe@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Certain Elections Under the Tax Reform Act of 1986.

OMB Number: 1545–0982.

Regulation Project Numbers: LR–77–86 (T.D. 8124).

Abstract: Section 5h.5(a) of this regulation sets forth general rules for the time and manner of making various elections under the Tax Reform Act of 1986. The regulation enables taxpayers to take advantage of various benefits provided by the Internal Revenue Code.

Current Actions: There are no changes to this existing regulation.

Type of review: Extension of OMB approval.

Affected Public: Individuals or households, business or other for-profit organizations, not-for-profit institutions, Farms, and State, Local, or Tribal Governments.

Estimated Number of Respondents: 114,710.

Estimated Time per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 28,678.

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: May 25, 2010.

Gerald Shields,

IRS Reports Clearance Officer.

[FR Doc. 2010–13240 Filed 6–1–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[LR–209–76]

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, LR–209–76 (TD 7941), Special Lien for Estate Taxes Deferred Under Section 6166 or 6166A (Section 301.6324A–1). Notice 2007–90 provides additional guidance.

DATES: Written comments should be received on or before August 2, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald Shields, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Elaine Christophe, (202) 622–3179, or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at *Elaine.H.Christophe@irs.gov*.

SUPPLEMENTARY INFORMATION:

Title: Special Lien for Estate Taxes Deferred Under Section 6166 or 6166A.

OMB Number: 1545–0757.

Regulation Project Number: LR–209–76 (T.D. 7941).

Abstract: Internal Revenue Code section 6324A permits the executor of a decedent's estate to elect a lien on section 6166 property in favor of the United States in lieu of a bond or personal liability if an election under section 6166 was made and the executor files an agreement under section 6324A(c). This regulation clarifies the procedures for complying with the statutory requirements. Notice 2007–90 provides additional guidance.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, and Business or other for-profit organizations.

Estimated Number of Respondents: 34,600.

Estimated Time per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 8,650.

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: May 25, 2010.

Gerald Shields,

IRS Reports Clearance Officer.

[FR Doc. 2010–13241 Filed 6–1–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS–74–89]

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, PS–74–89 (TD 8282), Election of Reduced Research Credit (§ 1.280C–4).

DATES: Written comments should be received on or before August 2, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald Shields, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Elaine Christophe, (202) 622–3179, or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at *Elaine.H.Christophe@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Election of Reduced Research Credit.

OMB Number: 1545–1155.

Regulation Project Number: PS–74–89 (T.D. 8282).

Abstract: This regulation relates to the manner of making an election under section 280C(3) of the Internal Revenue Code. This election enables a taxpayer to claim a reduced income tax credit for increasing research activities and thereby avoid a reduction of the section 174 deduction for research and experimental expenditures.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals and business or other for-profit organizations.

Estimated Number of Respondents: 200.

Estimated Time per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 50.

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: May 25, 2010.

Gerald Shields,

IRS Reports Clearance Officer.

[FR Doc. 2010–13239 Filed 6–1–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 2004–19

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 Revenue Procedure 2004–19, Probable or Prospective Reserves Safe Harbor.

DATES: Written comments should be received on or before August 2, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald Shields, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the revenue procedure should be directed to Elaine Christophe, (202) 622–3179, or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at *Elaine.H.Christophe@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Probable or Prospective Reserves Safe Harbor.

OMB Number: 1545–1861.

Revenue Procedure Number: Revenue Procedure 2004–19.

Abstract: Revenue Procedure 2004–19 requires a taxpayer to file an election statement with the Service if the taxpayer wants to use the safe harbor to estimate the taxpayers' oil and gas properties' probable or prospective reserves for purposes of computing cost depletion under § 611 of the Internal Revenue Code.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 100.

Estimated Annual Average Time per Respondent: 30 minutes.

Estimated Total Annual Hours: 50.

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: May 25, 2010.

Gerald Shields,

IRS Reports Clearance Officer.

[FR Doc. 2010–13237 Filed 6–1–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 990–N

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 990–N, Electronic Notice (e-Postcard) for Tax-Exempt Organizations not Required To file Form 990 or 990–EZ.

DATES: Written comments should be received on or before August 2, 2010 to be assured of consideration.

ADDRESSES: Direct all written comments to Gerald Shields, Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Elaine Christophe, (202) 622–3179, or at Internal Revenue Service, Room 6129, 1111 Constitution Avenue, NW., Washington, DC 20224, or through the Internet, at *Elaine.H.Christophe@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Electronic Notice (e-Postcard) for Tax-Exempt Organizations not Required To file Form 990 or 990–EZ.

OMB Number: 1545–2085.

Form Number: 990–N.

Abstract: Section 1223 of the Pension Protection Act of 2006 (PPA '06), enacted on August 17, 2006, amended Internal Revenue Code (Code) section 6033 by adding Code section 6033(i), which requires certain tax-exempt organizations to file an annual electronic notice (Form 990–N) for tax years beginning after December 31, 2006. These organizations are not required to file Form 990 (or Form 990–EZ) because their gross receipts are normally $25,000 or less.

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: Not-for-profit institutions.

Estimated Number of Respondents: 520,000.

Estimated Time per Respondent: 15 min.

Estimated Total Annual Burden Hours: 130,000.

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: May 25, 2010.

Gerald Shields,

IRS Reports Clearance Officer.

[FR Doc. 2010–13235 Filed 6–1–10; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Notice of Funds Availability for FY 2010

Funding Opportunity Title: Notice of Funds Availability (NOFA) inviting applications for the FY 2010 funding round of the Financial Education and Counseling (FEC) Pilot Program.

Announcement Type: Announcement of funding opportunity.

Catalog of Federal Domestic Assistance (CFDA) Number: 21.010.

DATES: Applications for financial assistance through the FY 2010 funding round of FEC Pilot Program must be received by 11:59 p.m. Eastern Time (ET), July 8, 2010. Applications received after the applicable deadline will be rejected.

Executive Summary: This NOFA is issued in connection with the FY 2010 funding round of the FEC Pilot Program. Through the FEC Pilot Program, the Community Development Financial Institutions (CDFI) Fund awards grants to Eligible Organizations to provide a range of Financial Education and Counseling Services to Prospective Homebuyers. The goals of grants that are awarded through the FEC Pilot Program are to identify successful methods of Financial Education and Counseling Services that result in Positive Behavioral Change for financial empowerment, and to establish program models for organizations to implement measurably effective Financial Education and Counseling Services to Prospective Homebuyers.

I. Funding Opportunity Description

A. Through the FEC Pilot Program, authorized pursuant to section 1132 of the Housing and Economic Recovery Act of 2008 (Pub. L. 110–289), the CDFI Fund provides financial assistance awards to Eligible Organizations to provide a range of Financial Education and Counseling Services to Prospective Homebuyers.

B. *Definitions:* For the purposes of this NOFA, the following terms shall have the following definitions:

1. *Act* means section 1132(c) of the Housing and Economic Recovery Act of 2008 (Pub. L. 110–289).

2. *Affiliate* means any company or entity that Controls, is Controlled by, or is under common Control with another company.

3. *Applicant* means any Eligible Organization.

4. *Application* means the CDFI Fund's funding application form, including any written or verbal information in connection therewith and any attachments, appendices and/or written or verbal supplements thereto, submitted by the Awardee to the CDFI Fund in response to this NOFA.

5. *Assistance Agreement* means the formal agreement between the CDFI Fund and an Awardee that includes the terms and conditions of the FEC Pilot Program award.

6. *Awardee* means an Applicant selected by the CDFI Fund to receive an FEC Pilot Program grant.

7. *Collaborative Effort* means a joint effort by two or more Eligible Organizations to carry out Financial Education and Counseling Services to Prospective Homebuyers, as described in the Application and as evidenced by a written agreement among the entities for the Performance Period. The Collaborative Effort must designate the entity that will serve as the primary FEC Pilot Program point of contact for the CDFI Fund, and that will serve as signatory to the Assistance Agreement, receive and allocate award disbursements, and report on behalf of the collaborative.

8. *Community Development Financial Institution* (or CDFI) means an entity certified as a CDFI by the CDFI Fund pursuant to the CDFI Program regulations set forth at 12 CFR 1805.201.

9. *Control* means: (i) Ownership, control, or power to vote 25 percent or more of the outstanding shares of any class of voting securities of any company, directly or indirectly or acting through one or more other persons; (ii) control in any manner over the election of a majority of the directors, trustees, or general partners (or individuals exercising similar functions) of any company; or (iii) the power to exercise, directly or indirectly, a controlling influence over the management, credit or investment decisions, or policies of any company.

10. *Credit Union* means any credit union that is: (i) Regulated by, and/or the member accounts of which are insured by, a State agency or instrumentality; or (ii) a cooperative association organized in accordance with provisions of the Federal Credit Union Act, chapter 14 of title 12 of the United States Code (12 U.S.C. 1751).

11. *Eligible Organization* means an entity that: (i) Is certified by the Department of Housing and Urban Development (HUD) as Housing Counseling Agencies, in accordance with section 106(e)(1) of the Housing and Urban Development Act of 1968, (12 U.S.C. 1701x(e)), or is certified by the Office of Financial Education (OFE) of the Department of the Treasury, in accordance with section 1132(c)(2) of the Act; (ii) meets the criteria in Section III.A.1–2 of this NOFA; and (iii) meets the minimum threshold requirements, as specified in Section III.A.4. of this NOFA, necessary to demonstrate that it has the experience and ability to provide Financial Education and Counseling Services to Prospective Homebuyers that result in documented Positive Behavioral Changes.

12. *Financial Education and Counseling Pilot Program* (or FEC Pilot Program) means the program created pursuant to the Act, as implemented through this NOFA.

13. *Financial Education and Counseling Services* means activities that increase the financial knowledge and decision-making capabilities of Prospective Homebuyers. Such education and counseling services shall prepare or assist Prospective Homebuyers to develop monthly budgets, build personal savings, finance or plan for major purchases, reduce personal debt, improve financial stability, and set and reach financial

goals. Such services may include: Helping Prospective Homebuyers to improve their credit scores by understanding the relationship between credit histories and credit scores; and educating Prospective Homebuyers about the options available to build savings for short- and long-term goals.

14. *HUD Housing Counseling Agency* means an entity that is currently certified and maintains its certified status in accordance with section 106(e)(1) of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x(e)) through the Performance Period.

15. *Intermediary Organization* means an Eligible Organization whose strategy for delivering Financial Education and Counseling services to Prospective Homebuyers is to provide support, through financial or technical assistance, to other organizations that will, in turn, provide Financial Education and Counseling services directly to Prospective Homebuyers.

16. *Local government* means a city, town, township, county, parish, village, or other general purpose political subdivision of a State or Federal Territory, or a general purpose political subdivision thereof that is established pursuant to legislation and designated by the chief executive to act on behalf of the jurisdiction.

17. *Low-income* means a family or individual income that does not exceed 50 percent of the median income of the area in which they reside, as determined by the Secretary of Housing and Urban Development, with adjustments for smaller and larger families pursuant to section 102(a)(20) of the Housing and Community Development Act, the pertinent provisions of which are codified at 42 U.S.C. 5302(a)(20).

18. *Low-wealth* means a Net Worth below the national median as defined by the Federal Reserve Board's most recently published Survey of Consumer Finances. For more information concerning the Survey of Consumer Finances, please refer to *http://www.federalreserve.gov/pubs/oss/oss2/scfindex.html.*

19. *Moderate-income* means a family or individual income that exceeds 50 percent, but does not exceed 80 percent, of the median income of the area in which they reside, as determined by the Secretary of Housing and Urban Development, with adjustments for smaller and larger families pursuant to section 102(a)(20) of the Housing and Community Development Act, the pertinent provisions of which are codified at 42 U.S.C. 5302(a)(20).

20. *Net Worth* means assets less liabilities.

21. *Performance Period* means the period beginning with the effective date of the Assistance Agreement and includes an Awardee's three full consecutive fiscal years after such effective date, during which the Awardee must meet performance goals set forth in the Assistance Agreement, or such other period as may be established by the CDFI Fund.

22. *Positive Behavioral Changes* means changes in activities, especially measurable changes, reflecting increased financial knowledge (what consumers know) and management skills (what consumers do). Such changes include, but are not limited to, increasing savings, engaging in short- or long-term financial planning, tracking expenses and income, and better managing credit.

23. *Prospective Homebuyer* means an individual of at least 18 years of age who, at the time of initial receipt of Financial Education and Counseling Services funded in whole or in part through an award under the FEC Pilot Program: (i) Is Low-Income, Moderate-Income, and/or Low-Wealth; and (ii) does not currently own, hold title to, or pay a mortgage on a residence.

24. *State government* means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico or any Federal territory, or any agency or instrumentality thereof that is established pursuant to legislation and designated by the chief executive officer to act on behalf of the jurisdiction.

25. *Subsidiary* means any company which is owned or Controlled directly or indirectly by another company.

26. *Tribal government* means a unit of local government that is established to act on behalf of Native American, Alaskan Native, and Native Hawaiian people, or is a political subdivision that is designated by the chief executive of the jurisdiction to act on behalf of the rights associated with residents of a federally recognized Indian Reservation or of Hawaiian Home Lands as defined by the Hawaiian Homes Commission Act (42 Stat. 108) or members of corporations designated under the Alaska Native Claims Settlement Act (43 U.S.C. 1601).

II. Award Information

A. *Funding Availability:* Through this NOFA, the CDFI Fund expects that it will award: (i) One grant in the aggregate amount of $3.15 million in FY 2010 appropriated funds to an Eligible Organization whose headquarters is located in the State of Hawaii (Hawaii Applicants) and (ii) not more than five grants in the aggregate amount of $1 million in FY 2010 appropriated funds to Eligible Organizations headquartered outside the State of Hawaii. The CDFI Fund expects that each FY 2010 FEC Pilot Program grant made to an Eligible Organization that is headquartered outside the State of Hawaii will be made in the approximate amount of $200,000 to $400,000; however, the CDFI Fund reserves the right to provide a grant to an Eligible Organization that is headquartered outside of the State of Hawaii in an amount other than specified above or in an amount other than that which the Applicant requests. The FY 2010 FEC Pilot Program grant made to a Hawaii Applicant will be made in the approximate amount of $3.15 million. The CDFI Fund reserves the right to fund, in whole or in part, any, all, or none of the Applications submitted in response to this NOFA.

B. *Detailed Application content requirements are found in the FEC Pilot Program Application and related guidance materials:*

C. *The primary purposes of the FEC Pilot Program are:* (i) To identify successful methods of Financial Education and Counseling Services that result in Positive Behavioral Changes for financial empowerment of Prospective Homebuyers; and (ii) to establish program models for organizations to implement measurably effective Financial Education and Counseling Services to Prospective Homebuyers.

D. *To achieve such purposes, the CDFI Fund will award FEC Pilot Program grants to Eligible Organizations that provide Financial Education and Counseling Services to Prospective Homebuyers with the goals of:* (i) Increasing the financial knowledge and decision-making capabilities of Prospective Homebuyers; (ii) assisting Prospective Homebuyers to develop monthly budgets, build personal savings, finance or plan for major purchases, reduce personal debt, improve financial stability, and set and reach financial goals; (iii) helping Prospective Homebuyers to improve their credit scores by understanding the relationship between credit histories and credit scores; and (iv) educating Prospective Homebuyers about the options available to build savings for short- and long-term goals. For Hawaii Applicants, the Prospective Homebuyers must reside in the State of Hawaii.

E. *Awardees will be selected based upon factors which include, but are not limited to, their experience and ability to provide Financial Education and Counseling Services to Prospective Homebuyers which result in documented Positive Behavioral Changes (see Section V. B.–C., below, for*

Criteria and Review and Selection Process).

F. *Uses of Funds:* In general, eligible uses of FEC Pilot Program awards include all allowable expenses as defined by Office of Management and Budget (OMB) Circular A–122, "Cost Principles For Non-Profit Organizations," and OMB Circular A–87, "Cost Principles for State, Local, and Indian Tribal Governments," related to the administration, operation, and implementation of a Financial Education and Counseling Services program. For example, eligible uses may include, but are not limited to, the following:

1. *Personnel (Salary*): An Awardee may use FEC Pilot Program grant funds to cover the salary paid currently or accrued for services rendered by permanent or temporary staff in carrying out a distinct project or for a set period during the Performance Period. The CDFI Fund will only cover salary for duties that are related to the purpose of the award. Compensation paid for employees engaged in activities funded with a FEC Pilot Program grant must be consistent with that paid for similar work for other Awardee employees.

2. *Personnel (Fringe Benefits):* An Awardee may use FEC Pilot Program grant funds to cover the fringe benefits paid currently or accrued for services rendered by permanent or temporary staff in carrying out a distinct project or for a set period during the Performance Period. Fringe benefits are for personnel listed in Personnel (Salary) and only for the percentage of time devoted to the FEC Pilot Program-related activities during the Performance Period. Fringe benefits on overtime hours are limited to FICA, Workers' Compensation, and Unemployment Compensation. Fringe benefits provided to employees engaged in activities funded with a FEC Pilot Program grant must be consistent with that paid for similar work for other Awardee employees.

3. *Professional Service Costs (Consulting and Contracts):* An Awardee may use FEC Pilot Program grant funds to acquire external expertise that will directly further the purposes and activities of its Financial Education and Counseling Services.

4. *Materials and Supplies:* An Awardee may use FEC Pilot Program grant funds to purchase supplies and/or to produce materials that will directly further the purposes and activities of its Financial Education and Counseling Services. Generally, supplies include any materials that are expended or consumed over time.

5. *Equipment and Other Capital Expenditures:* An Awardee may use FEC Pilot Program grant funds to acquire new equipment or to enhance existing equipment that will directly further the purposes and activities of its Financial Education and Counseling Services.

6. *Other Program Expenses:* An Awardee may use FEC Pilot Program grant funds to cover other direct expenses allowable under OMB Circular A–122 and OMB Circular A–87, including direct payments made to the recipients of the Awardee's Financial Education and Counseling Services (*e.g.,* contributions to a matched savings account; compensation for participating in follow-on surveys; reimbursement for expenses associated with attending training sessions; etc.). For all other costs outlined in OMB Circular A–122 and OMB Circular A–87, the Awardee must demonstrate to the satisfaction of the CDFI Fund that the activity will be directly linked to its Financial Education and Counseling Services. Awardees are expected to use a portion of FEC Pilot Program grant funds to finance costs related to evaluating the impact of the Financial Education and Counseling Services on the financial knowledge, and change of skills and behavior, of Prospective Homebuyers. Such uses may include development and implementation of assessment tools, including both short-term and longitudinal assessments, and other research on effectiveness of particular program activities.

7. *Indirect Costs:* An Awardee may use no more than fifteen percent (15%) of FEC Pilot Program grant funds to cover indirect expenses allowable under OMB Circular A–122 and OMB Circular A–87.

G. FEC Pilot Program grant funds must be used to support the Awardee's activities: Grant funds cannot be used to support the activities of, or otherwise be "passed through" to third-party entities, including Affiliates or Subsidiaries, without the prior written permission of the CDFI Fund. Notwithstanding this general prohibition against passing through funds to other entities, Intermediary Organizations shall be permitted to apply for FEC Pilot Program grant funds in furtherance of their strategy to support other providers of Financial Education and Counseling Services to Prospective Homebuyers, provided that such funds are not used to provide financial or technical assistance to any other organization (or its Affiliates) that receives a FEC Pilot Program grant through the FY 2009 funding round.

H. *Assistance Agreement:* Each Awardee under this NOFA must sign an Assistance Agreement in order to receive a disbursement of award proceeds from the CDFI Fund. The Assistance Agreement contains the terms and conditions of the award. For further information, see Section VI.A. of this NOFA.

III. Eligibility Information

A. *Eligible Applicants:* An Applicant must be an Eligible Organization in order to be eligible to receive an FEC Pilot Program award. The following sets forth additional detail and dates that relate to the submission of applications under this NOFA:

1. *Eligibility of Hawaii Applicants:* Any Eligible Organization headquartered in the State of Hawaii is eligible to apply for an award of $3.15 million in the FY 2010 Funding Round. Any such organization that applied for an award in the FY 2009 Funding Round must submit a new Application under this NOFA in order to be considered for the $3.15 million award available in the FY 2010 Funding Round. For purposes of this NOFA, a Hawaii Applicant must demonstrate that its headquarters is located in the State of Hawaii.

2. *Eligibility of Applicants Located outside of the State of Hawaii:* With respect to the $1 million in funding that is available to non-Hawaii Applicants in the FY 2010 Funding Round, only Applicants headquartered outside the State of Hawaii that applied for funding in the FY 2009 Funding Round will be considered for these awards. The CDFI Fund is not soliciting, nor will it review, any new applications from Applicants located outside the state of Hawaii. Rather, the CDFI Fund anticipates making between three to five awards, in amounts ranging from $200,000 to $400,000, to Eligible Organizations that submitted applications under the FY 2009 Funding Round and were ranked and reviewed by the selection committee, but were not selected to receive awards under the FY 2009 Funding Round.

In addition, as described further below, in order to be deemed eligible for an FEC Pilot Program award, an Eligible Organization must demonstrate that it meets certain minimum threshold requirements with respect to its experience and ability to provide Financial Education and Counseling Services to Prospective Homebuyers that result in documented Positive Behavioral Changes.

3. *Eligibility Specifications:*

(a) *HUD Housing Counseling Agencies:* To be eligible for an award through this NOFA, a HUD Housing Counseling Agency must be certified as such in accordance with section 106(e)(1) of the Housing and Urban

Development Act of 1968 (912 U.S.C. 1701x(e)), as of the Application deadline under this NOFA and must maintain its status as a HUD Housing Counseling Agency through the Performance Period.

(b) *State, Local, and Tribal governments:* To be eligible for an award through this NOFA, State, Local, and Tribal governments must provide applicable documentation in the form specified in the Application.

(c) *CDFIs:* To be eligible for an award through this NOFA, a CDFI must be certified as a CDFI by the CDFI Fund as of the Application deadline under this NOFA and must maintain its CDFI certification throughout the Performance Period.

(d) *Credit Unions:* To be eligible for an award through this NOFA, a Credit Union must have received its Credit Union charter by or before the Application deadline under this NOFA and must maintain its status as a Credit Union throughout the Performance Period.

(e) *Hawaii Applicants:* Approximately $3.15 million in appropriated funds under this NOFA are available for an award to an Eligible Organization whose headquarters is located in the State of Hawaii. For purposes of this NOFA, a Hawaii Applicant must demonstrate that its headquarters is located in the State of Hawaii.

4. *Experience and Ability:* In order to be deemed an Eligible Organization by the Office of Financial Education (OFE), an organization must demonstrate that, at the time of Application submission, it has the requisite experience and ability to provide Financial Education and Counseling Services to Prospective Homebuyers that result in documented Positive Behavioral Changes. As specified further in the Application, an entity must demonstrate that: (i) It has been providing Financial Education and Counseling Services for a period of at least three years immediately prior to the Application deadline; (ii) it has at least two full-time equivalent positions dedicated to the development and/or delivery of Financial Education and Counseling Services (this may include the time of more than two staff persons, board members, or outside contractors totaling 75.0 hours or more per week); (iii) it has provided Financial Education and Counseling Services (either directly or, in the case of an Intermediary Organization, indirectly) to at least 100 Potential Homebuyers in calendar year 2009 or to an average of at least 150 Potential Homebuyers per year over the three calendar years prior to the Application deadline, and tracked Positive Behavioral Change outcomes with respect to such services; and (iv) at the time of Application, it has budget resources of at least $50,000 dedicated to the provision of Financial Education and Counseling Services. Entities that cannot satisfy each of these four requirements do not meet the minimum requisite experience and ability to administer an FEC Pilot Program award, and will not be eligible for FEC Pilot Program awards.

5. *Intermediary Organizations:* An Intermediary Organization must be one of the following: (a) A HUD Housing Counseling Agency; (b) a State, Local or Tribal government; (c) a CDFI; or (d) a Credit Union. Additionally, an Intermediary Organization must certify that it meets the minimum threshold criteria described above in Section III.A.4. An Intermediary Organization may satisfy the requirements of Section III.A.4. based on the Intermediary Organization's direct activities or the activities of Financial Education and Counseling Services providers supported by the Intermediary Organization.

6. *Eligibility Reviews:* Eligibility reviews will be completed at the time of Application submission, based on the Application.

7. *Applications Submitted as Part of a Collaborative Effort:* In such circumstances, the Collaborative Effort must identify in the Application the lead organization that will serve as the primary administrator of the FEC Pilot Program award. This entity is hereinafter deemed the "Lead Applicant" for purposes of the Application. The Lead Applicant must be able to assert that it (individually and separately from the combined accomplishments of the Collaborative Effort members) can satisfy each of the four threshold criteria identified in Section III.A.4., above. Other members of the Collaborative Effort are not required to meet the minimum threshold criteria.

8. *Entities that Submit Applications Together with Affiliates or Subsidiaries; Applications from Common Enterprises:* If an Applicant and its Affiliates or Subsidiaries wish to submit Applications, they must do so collectively, in one Application; an Applicant and its Affiliates or Subsidiaries may not submit separate Applications. If Affiliated or Subsidiary entities submit multiple Applications, the CDFI Fund reserves the right either to reject all such Applications received or to select a single Application as the only Application considered for a grant.

For purposes of this NOFA, in addition to assessing whether Applicants are Affiliates or Subsidiaries, the CDFI Fund will consider whether Applicants constitute a common enterprise. For the purposes of this NOFA, a common enterprise may exist: (i) Where the activities described in Applications submitted by separate entities are, or will be, operated and/or managed such that, in fact or effect, they may be viewed as a single entity; (ii) where the Applications submitted by separate entities contain significant narrative, textual or other similarities; or (iii) where the strategies and/or activities described in Applications submitted by separate entities are so closely related, in fact or effect, they may be viewed as substantially identical Applications. In such cases, the CDFI Fund reserves the right: To reject all Applications received from all such entities; to select a single Application as the only one that will be considered for an award; and/or, in the event that an Application is selected to receive an award, to deem certain activities ineligible.

B. *Limitations on Awards:* Awardees are required to account for the use of all FEC Pilot Program award dollars. FEC Pilot Program award funds cannot be used to cover expenses of any same activities for which the Awardee has received, or will receive, awards from other sources of federal financial assistance; notwithstanding this limitation, FEC Pilot Program award funds can be used to increase the population served by the Awardee, and/or to increase the scope of the Awardee's Financial Education and Counseling Services. Intermediary Organizations that receive FEC Pilot Program awards may not use those dollars to provide assistance to other FEC Pilot Program awardees (or their Affiliates) that receive awards through either the FY 2009 or FY 2010 Funding Rounds.

C. *Matching Funds:* There are no matching fund requirements for the FEC Pilot Program.

IV. Application and Submission Information

A. *Applications Submitted via Grants.gov:* Hawaii Applicants must submit Applications under this NOFA electronically, through via Grants.gov. In order to submit an application via Grants.gov, Applicants must complete a multi-step registration process. Applicants are encouraged to allow at least two to three weeks to complete the registration process. No paper submittals or attachments will be accepted. Applications sent by mail, facsimile or other form will generally not be accepted, except in circumstances approved in advance by

the CDFI Fund, in its sole discretion. The CDFI Fund will post to its Web site at *http://www.cdfifund.gov* instructions for accessing and submitting Applications as soon as they become available. Applicants may use the following link for information on getting started on Grants.gov: *http://grants.gov/assets/GrantsgovCoBrandBrochure 8X11.pdf.*

B. *MyCDFIFund Accounts:* All Hawaii Applicants must register User and Organization accounts in myCDFIFund, the CDFI Fund's Internet-based interface. A Hawaii Applicant must be registered as both a User and an Organization in myCDFIFund as of the Application deadline in order to be considered to have submitted a complete Application. As myCDFIFund is the CDFI Fund's primary means of communication with Applicants and Awardees, organizations must make sure that they update the contact information in their myCDFIFund accounts before the Application deadline. For more information on myCDFIFund, please see the "Frequently Asked Questions" link posted at *https://www.cdfifund.gov/myCDFI/Help/Help.asp.*

C. *Application Content Requirements:* Detailed Application content requirements, including instructions relating to the submission of the application via Grants.gov, are found in the Application materials. Please note that, each Applicant must provide, as part of its Application, a Dun and Bradstreet Data Universal Numbering System (DUNS) number pursuant to OMB guidance (68 FR 38402). In addition, each Application must include a valid and current Employer Identification Number (EIN) with a letter or other documentation from the Internal Revenue Service (IRS) confirming the EIN. Hawaii Applicants should allow sufficient time for the IRS and/or Dun and Bradstreet to respond to inquiries and/or requests for identification numbers. An Application that does not include an EIN is incomplete and cannot be transmitted to the CDFI Fund. The preceding sentences do not limit the CDFI Fund's ability to contact any Applicant for the purpose of obtaining clarifying or confirming application information such as a DUNS number or EIN information. Once an Application is submitted, the Applicant will not be allowed to change any element of the Application.

D. *Application Deadlines:* The FEC Pilot Program Application must be submitted to Grants.gov in accordance with the instructions provided in the Application guidance materials, by no later than 11:59 p.m. ET on July 8, 2010. In addition, Applicants must separately submit, via their myCDFIFund account, the application signature page, signed by the Applicant's Authorized Representative by no later than 11:59 p.m. ET on July 8, 2010.

Authorized Representative, and all other Hawaii Applicants and potential Hawaii Applicants with technical or programmatic questions must contact the CDFI Fund by 5 p.m. ET on July 6, 2010 in order to receive a response to their inquiries. The CDFI Fund will not respond to Hawaii Applicants and potential Hawaii Applicants that submit questions after this date until after the Application deadline.

E. *Paperwork Reduction Act:* Under the Paperwork Reduction Act (44 U.S.C. chapter 35), an agency may not conduct or sponsor a collection of information, and an individual is not required to respond to a collection of information, unless it displays a valid OMB control number. Pursuant to the Paperwork Reduction Act, the Application has been assigned the following control number: 1559–0034.

F. *Late Delivery:* The CDFI Fund will neither accept a late Application nor any portion of an Application that is late; an Application that is late, or for which any portion is late, will be rejected. An application submitted via Grants.gov and all required submissions via Applicant's myCDFIFund account must be received by the applicable time and date set forth above. The CDFI Fund will not grant exceptions or waivers for late delivery of documents including, but not limited to, late delivery that is caused by third parties. Any Application that is deemed ineligible will not be returned to the Applicant.

G. *Intergovernmental Review:* Not applicable.

H. *Funding Restrictions:* For allowable uses of FEC Pilot Program award proceeds, please see Section II.F., above.

V. Application Review Information

A. *Format:* Applications must be single-spaced and use a 12-point font with 1-inch margins. Each section in the Application that is reviewed has recommended page limitations. Hawaii Applicants are encouraged to read each section carefully and to remain within the page limitations for each section. There is also an absolute page limitation of 25 pages for the entire Application. The CDFI Fund will not consider responses beyond the 25 page limitation. Also, the CDFI Fund will read only information requested in the Application and will not read attachments that have not been specifically requested in this NOFA or the Application.

B. *Criteria:* Applicants will be evaluated across several key areas:

1. *Implementation Plan:* The Applicant must provide a detailed, successful strategy for developing and delivering innovative Financial Education and Counseling Services to Prospective Homebuyers. The Applicant is required to identify and describe, among other things: (i) Its particular target market; (ii) the types of Financial Education and Counseling Services that the Applicant will provide to its target market, including any proposed innovations that will enhance the likelihood of success within the Performance Period; (iii) the need and demand for such services among the target market; and (iv) the delivery strategy for providing such services to the target market, including how it collaborates with other entities, and any proposed innovations that will enhance the likelihood of success within the Performance Period. Hawaii Applicants will be scored more favorably to the extent that they identify a plan to serve the entire State of Hawaii, including rural communities and populations that may be harder to serve due to geographic isolation, language and cultural barriers, or other reasons.

2. *Proposed Impacts:* The Applicant must be able to demonstrate that the effective delivery of its proposed Financial and Education Counseling Services will result in documented Positive Behavioral Changes among Prospective Homebuyers. To this end, the Applicant must identify and describe, among other things: (i) Its benchmarks for measuring Positive Behavioral Changes; (ii) its strategy for tracking and documenting Positive Behavioral Changes over time; and (iii) the extent to which it believes its model, if successful, can be readily replicated by other providers of Financial Education and Counseling Services.

3. *Organizational Capacity:* The Applicant must demonstrate the ability and capacity to undertake its proposed delivery of the Financial Education and Counseling Services to Prospective Homebuyers, to measure and report on outcomes, and to manage its FEC Pilot Program award dollars. To this end, the Applicant will be required to identify and describe, among other things: (i) Its key personnel and staffing resources (current and proposed); (ii) its track record of providing Financial Education and Counseling Services and tracking program outcomes; (iii) its current financial condition, including results of recent audits; and (iv) its experience administering other federal government

grant awards, if applicable. Hawaii Applicants will be asked specifically to identify and describe their track record of providing Financial Education and Counseling Services and tracking program outcomes in Hawaii, including their track record of serving various parts of the State of Hawaii, including rural and urban areas, and populations that may be harder to serve due to geographic isolation, language and cultural barriers, or other reasons.

4. *Budget/Sources and Use of Funds:* The Applicant must demonstrate that it has a strategy to effectively and efficiently make use of the FEC Pilot Program award dollars. To this end, the Applicant will be required to complete a table outlining its proposed sources and uses of funds, and to provide a narrative explanation of how its award dollars will be used to: (i) Further the development and delivery of its Financial Education and Counseling Services; (ii) track customer performance; (iii) evaluate program effectiveness; and/or (iv) facilitate program replication.

C. *Review and Selection Process:*

1. *Eligibility and Completeness Review:* The CDFI Fund will review each Application for completeness. The OFE will review each Application to determine whether the Applicant meets the eligibility requirements set forth in this NOFA. An incomplete Application does not meet eligibility requirements and will be rejected. Any Application that does not meet eligibility requirements will not be returned to the Applicant.

2. *Substantive Review:* If an Application is determined to be complete and the Applicant is determined to be an Eligible Organization, the CDFI Fund will conduct the substantive review of the Application in accordance with the criteria and procedures described in this NOFA, the Application, and any Application guidance. As part of the review process, the CDFI Fund may contact the Applicant by telephone, e-mail, mail, or through an on-site visit for the sole purpose of obtaining clarifying or confirming Application information. The CDFI Fund reserves the right to collect such additional information from Applicants as it deems appropriate including, but not limited to, copies of financial education curricula, organizational information, and audited financial statements. After submitting its Application, the Applicant will not be permitted to revise or modify its Application in any way. If contacted for clarifying or confirming information, the Applicant must respond within the time parameters set by the CDFI Fund.

3. *Application Review; Selection:* Awards will be made based on Applicants' experience and ability to provide Financial Education and Counseling Services to Prospective Homebuyers that result in documented Positive Behavioral Changes, in accordance with the criteria set forth above in Section V.B. Awards pursuant to the $1 million in funding available for non-Hawaii Applicants will be made to Applicants that submitted applications under the FY 2009 Funding Round and were ranked and reviewed by the selection committee. Awards pursuant to the $3.15 million in funding available to Hawaii Applicants will be made as set forth in Section V.C.3(a)–(c) below.

(a) *Application Review:*

To the extent possible, based primarily on the number of Applications received, Applications submitted by Hawaii Applicants will be reviewed in the manner specified below. Applications will be sorted into peer groupings based on factors such as the delivery strategy used to provide Financial Education and Counseling Services and the target market (geographic or otherwise) that is identified. To the extent possible, based primarily on the number of Applications received, Applications will be reviewed by multiple reviewers. Reviewers will be assigned a set number of Applications within each peer grouping. With respect to each Application reviewed, the reviewer will give equal weight to all elements of the Application proposal (*i.e.,* each plan will be reviewed holistically—no one element will be scored higher or lower than any other element). Once the reviewer has completed all of his/her review assignments, he/she will provide a ranking of each Application relative to the other Applications that were reviewed.

(b) *Application Selection:* Once all Applications have been reviewed, those Applications that were ranked the highest by the reviewers will be reviewed by a selection committee. Each member of the selection committee will review and rate each of these Applications, and based upon their ratings, will select a single organization to receive an award of up to $3.15 million.

(c) *Evaluating Prior Award Performance:* In the case of an Applicant that has received awards from any Federal programs, the CDFI Fund reserves the right to contact officials from the appropriate federal agency or agencies to determine whether the Awardee is in compliance with current or prior award agreements, and to take such information into consideration before making an award under the FEC Pilot Program.

4. *Award Notification:* Each Applicant will be informed of the CDFI Fund's award decision either through a notification from the CDFI Fund if selected for an award or written declination if not selected for an award. The CDFI Fund will notify Awardees by e-mail using the addresses maintained in the Awardee's myCDFIFund account.

5. *Information and Updates:* The CDFI Fund reserves the right to reject an Application if information (including administrative errors) comes to the attention of the CDFI Fund that either adversely affects an Applicant's eligibility for an award, or adversely affects the CDFI Fund's evaluation or scoring of an Application, or indicates fraud or mismanagement on the part of an Applicant. If the CDFI Fund determines that any portion of the Application is incorrect in any material respect, the CDFI Fund reserves the right, in its sole discretion, to reject the Application. The CDFI Fund reserves the right to change its eligibility and evaluation criteria and procedures, if the CDFI Fund deems it appropriate; if said changes materially affect the CDFI Fund's award decisions, the CDFI Fund will provide information regarding the changes through the CDFI Fund's Web site. There is no right to appeal the CDFI Fund's award decisions. The CDFI Fund's award decisions are final.

VI. Award Administration Information

A. *Assistance Agreement:* Each Applicant that is selected to receive an award under this NOFA must enter into an Assistance Agreement with the CDFI Fund in order to receive disbursement of award proceeds. The Assistance Agreement will set forth certain required terms and conditions of the award, which will include but not be limited to: (i) The amount of the award; (ii) the type of award; (iii) the approved uses of the award; (iv) the approved target market to which the funded activity must be directed; (v) performance goals and measures; and (vi) reporting requirements for all Awardees. Assistance Agreements under this NOFA generally will have three-year performance periods.

B. The CDFI Fund reserves the right, in its sole discretion, to terminate the Assistance Agreement and rescind an award if the Awardee fails to return the Assistance Agreement, signed by the authorized representative of the Awardee, and/or provide the CDFI Fund with any other requested documentation, within the deadlines set by the CDFI Fund. Each Awardee must

provide the CDFI Fund with a certificate of good standing (or equivalent documentation) from its State (or jurisdiction) of incorporation.

C. *Reporting:*

1. *Reporting requirements:* The CDFI Fund will collect information, on at least an annual basis, from each Awardee which may include, but shall not be limited to: (i) Use of FEC Pilot Program award dollars; (ii) aggregated characteristics of individuals that received Financial Education and Counseling Services funded by FEC Pilot Program award dollars; and (iii) the extent to which the Awardee satisfied its performance goals and measures, to include measures of the effectiveness of the Awardee's strategy and ability to create Positive Behavioral Change among Prospective Homebuyers. Each Awardee is responsible for the timely and complete submission of such reports, even if all or a portion of the documents actually is completed by another entity or signatory to the Assistance Agreement. If such other entities or signatories are required to provide reports or other documentation that the CDFI Fund may require, the Awardee is responsible for ensuring that the information is submitted timely and complete. The CDFI Fund reserves the right to contact such additional entities or signatories to the Assistance Agreement and require that additional information and documentation be provided. The CDFI Fund will use such information to monitor each Awardee's compliance with the requirements set forth in the Assistance Agreement and to assess the impact of the FEC Pilot Program. The CDFI Fund reserves the right, in its sole discretion, to modify these reporting requirements if it determines it to be appropriate and necessary; however, such reporting requirements will be modified only after notice to Awardees.

2. *Accounting:* The CDFI Fund will require each Awardee that receives an award through this NOFA to account for and track the use of the grant award. This means that for every dollar of an award received from the CDFI Fund, the Awardee will be required to inform the CDFI Fund of its uses. This will require Awardees to separately account for the proceeds and use of the award, subject to the applicable OMB Circulars. The CDFI Fund will provide guidance to Awardees outlining the format and content of the information to be provided on an annual basis, outlining and describing how the funds were used. Each Awardee that receives an award must provide the CDFI Fund with the required complete and accurate Automated Clearinghouse (ACH) form for its bank account prior to award closing and disbursement.

VII. Agency Contacts

A. The CDFI Fund will respond to questions and provide support concerning this NOFA and the Application between the hours of 9 a.m. and 5 p.m. ET, starting the date of the publication of this NOFA through two days prior to the Application deadline. The CDFI Fund will not respond to questions or provide support concerning the Applications that are received after 5 p.m. ET on said dates, until after the Application deadline. Applications and other information regarding the CDFI Fund and its programs may be obtained from the CDFI Fund's Web site at *http://www.cdfifund.gov.* The CDFI Fund will post responses on its Web site to questions of general applicability regarding the FEC Pilot Program.

B. The CDFI Fund's contact information is as follows:

TABLE 4—CONTACT INFORMATION

[Fax number for all offices: 202–622–7754]

Type of question	Telephone number (not toll free)	E-mail addresses
FEC Pilot Program	202–622–6355	*cdfihelp@cdfi.treas.gov.*
Certification, Compliance, Monitoring and Evaluation	202–622–6330	*cme@cdfi.treas.gov.*
Information Technology Support	202–622–2455	*IThelp@cdfi.treas.gov.*

C. *Communication with the CDFI Fund:* The CDFI Fund will use the myCDFIFund Internet interface to communicate with Applicants and Awardees, using the contact information maintained in their respective myCDFIFund accounts. Therefore, the Applicant and any Subsidiaries, signatories, and Affiliates must maintain accurate contact information (including contact person and authorized representative, e-mail addresses, fax numbers, phone numbers, and office addresses) in its myCDFIFund account(s). For more information about myCDFIFund (which includes information about the CDFI Fund's Community Investment Impact System), please see the Help documents posted at *http://www.cdfifund.gov/ciis/accessingciis.pdf.*

VIII. Information Sessions and Outreach

The CDFI Fund may conduct Webinars or host information sessions for organizations interested in applying to, or learning about, the CDFI Fund's programs. For further information, please visit the CDFI Fund's Web site at *http://www.cdfifund.gov.*

Authority: Pub. L. 110–289, Pub. L. 111–8.

Dated: May 26, 2010.

Scott Berman,

Acting Chief Operating Officer, Community Development Financial Institutions Fund.

[FR Doc. 2010–13182 Filed 6–1–10; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–New (VA Form 10–0487)]

Proposed Information Collection (Six-Month Post-Exit Focus Interview of Former VHA Employees) Activity: Comment Request

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Health Administration (VHA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each new

collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on data needed to improve workforce recruitment and retention.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 2, 2010.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *http://www.Regulations.gov;* or to Mary Stout, Veterans Health Administration (193E1), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail: *mary.stout@va.gov.* Please refer to "OMB Control No. 2900–New (VA Form 10–0487)" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Mary Stout (202) 461–5867 or FAX (202) 273–9381.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from OMB for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Six-Month Post-Exit Focus Interview of Former VHA Employees, VA Form 10–0487.

OMB Control Number: 2900–New (VA Form 10–0487).

Type of Review: New collection.

Abstract: VHA will conduct a post-exit interview with former employees who separated from the Agency. The data collected will be used to develop talent management strategies to enhance workforce recruitment and retention.

Affected Public: Individuals or Households.

Estimated Annual Burden: 375.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 1,500.

Dated: May 27, 2010.

By direction of the Secretary:

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2010–13259 Filed 6–1–10; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0144]

Proposed Information Collection (HUD/VA Addendum to Uniform Residential Loan Application) Activity: Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on information needed to apply for a home loan guaranty.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before August 2, 2010.

ADDRESSES: Submit written comments on the collection of information through the Federal Docket Management System (FDMS) at *http://www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail *nancy.kessinger@va.gov.* Please refer to "OMB Control No. 2900–0144" in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 461–9769 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA. With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: HUD/VA Addendum to Uniform Residential Loan Application, VA Form 26–1802a.

OMB Control Number: 2900–0144.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 26–1802a serves as a joint loan application for both VA and the Department of Housing and Urban Development (HUD). Lenders and veterans complete the form to apply for home loans.

Affected Public: Individuals or Households.

Estimated Annual Burden: 20,000 hours.

Estimated Average Burden per Respondent: 6 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 200,000.

Dated: May 27, 2010.

By direction of the Secretary.

Denise McLamb,

Program Analyst, Enterprise Records Service.

[FR Doc. 2010–13258 Filed 6–1–10; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Computer Matching Program Between the Department of Veterans Affairs (VA) and the Department of Defense (DoD)

AGENCY: Department of Veterans Affairs.

ACTION: Notice of new computer matching program.

SUMMARY: Notice is hereby given that the Department of Veterans Affairs (VA) intends to conduct a new recurring computer matching program. This will match personnel records of the Department of Defense with VA records

of benefit recipients under the Post-9/11 GI Bill.

The goal of these matches is to identify the eligibility status of Veterans, Servicemembers, and reservists, and eligible dependents who have applied for or who are receiving education benefit payments under the Post-9/11 GI Bill. The purpose of the match is to enable VA to verify that individuals meet the conditions of military service and eligibility criteria for payment of benefits determined by VA under the Post-9/11 GI Bill.

DATES: This match will commence on or about July 2, 2010. At the expiration of 18 months after the commencing date the Departments may renew the agreement for another 12 months.

FOR FURTHER INFORMATION CONTACT: Eric Patterson (225B), Strategy and Legislative Development Team Leader, Education Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–9830.

SUPPLEMENTARY INFORMATION: Further information regarding the matching program is provided below. This information is required by paragraph 6c of the "Guidelines on the Conduct of Matching Programs" issued by the Office of Management and Budget (OMB) (54 FR 25818), as amended by OMB Circular A–130, 65 FR 77677 (2000). A copy of the notice has been provided to both Houses of Congress and OMB. The matching program is subject to their review.

a. *Names of participating agencies:* Department of Defense and Department of Veterans Affairs.

b. *Purpose of the match:* The purpose of the match is to enable VA to determine whether an applicant is eligible for payment of benefits under the Post-9/11 GI Bill and to verify continued compliance with the requirements of the program.

c. *Authority:* The authority to conduct this match is found in 38 U.S.C. 3684A(a)(1).

d. *Categories of records and individuals covered:* The records covered include eligibility records extracted from DOD personnel files and benefit records that VA establishes for all individuals who have applied for and/or are receiving, or have received education benefit payments under the Post-9/11 GI Bill. These benefit records are contained in a VA system of records identified as 58VA21/22/28 entitled: Compensation, Pension, Education and Vocational Rehabilitation and Employment Records—VA, published in the **Federal Register** at 74 FR 29275 (June 19, 2009), and last amended at 75 FR (April 27, 2010).

e. *Inclusive dates of the matching program:* The match will begin on July 2, 2010 or 40 days after the OMB review period, whichever is later, and continue in effect for 18 months.

f. *Address for receipt of public inquiries or comments:* Interested individuals may submit written comments to the Director, Regulations Management (02REG), Department of Veterans Affairs, 810 Vermont Avenue, NW., Room 1068, Washington, DC 20420; fax to (202) 273–9026; or through *http://www.Regulations.gov.* All comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment.

Approved: May 20, 2010.

John R. Gingrich,

Chief of Staff, Department of Veterans Affairs.

[FR Doc. 2010–13147 Filed 6–1–10; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Wednesday,
June 2, 2010

Part II

Department of Health and Human Services

Centers for Medicare & Medicaid Services

42 CFR Parts 412 and 413

Medicare Program; Prospective Payment Systems; 2010 and 2011 Rates; Wage Indices; Proposed Rule and Notice

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

42 CFR Parts 412 and 413

[CMS–1498–P2]

RIN 0938–AP80

Medicare Program; Supplemental Proposed Changes to the Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and the Long-Term Care Hospital Prospective Payment System and Supplemental Proposed Fiscal Year 2011 Rates

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

ACTION: Proposed rule.

SUMMARY: This proposed rule is a supplement to the fiscal year (FY) 2011 hospital inpatient prospective payment systems (IPPS) and long-term care prospective payment system (LTCH PPS) proposed rule published in the May 4, 2010 **Federal Register**. This supplemental proposed rule would implement certain statutory provisions relating to Medicare payments to hospitals for inpatient services that are contained in the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 (collectively known as the Affordable Care Act). It would also specify statutorily required changes to the amounts and factors used to determine the rates for Medicare acute care hospital inpatient services for operating costs and capital-related costs, and for long-term care hospital costs.

DATES: To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on July 2, 2010.

ADDRESSES: In commenting, please refer to file code CMS–1498–P2. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

You may submit comments in one of four ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to *http://www.regulations.gov.* Follow the instructions for submitting a comment.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–1498–P2, P.O. Box 8011, Baltimore, MD 21244–1850.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–1498–P2, Mail Stop C4–26–05, 7500 Security Boulevard, Baltimore, MD 21244–1850.

4. *By hand or courier.* If you prefer, you may deliver (by hand or courier) your written comments before the close of the comment period to either of the following addresses:

a. For delivery in Washington, DC—Centers for Medicare & Medicaid Services, Department of Health and Human Services, Room 445–G, Hubert H. Humphrey Building, 200 Independence Avenue, SW., Washington, DC 20201.

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

b. For delivery in Baltimore, MD—Centers for Medicare & Medicaid Services, Department of Health and Human Services, 7500 Security Boulevard, Baltimore, MD 21244–1850.

If you intend to deliver your comments to the Baltimore address, please call telephone number (410) 786–7195 in advance to schedule your arrival with one of our staff members.

Comments mailed to the addresses indicated as appropriate for hand or courier delivery may be delayed and received after the comment period.

Submission of comments on paperwork requirements. You may submit comments on this document's paperwork requirements by following the instructions at the end of the "Collection of Information Requirements" section in this document.

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

FOR FURTHER INFORMATION CONTACT: Tzvi Hefter, (410) 786–4487, and Ing-Jye Cheng, (410) 786–4548, Operating Prospective Payment, Wage Index, Hospital Geographic Reclassifications, Capital Prospective Payment, Critical Access Hospital (CAH).

Michele Hudson, (410) 786–4487, and Judith Richter, (410) 786–2590, Long-Term Care Hospital Prospective Payment.

Siddhartha Mazumdar, (410) 786–6673, Rural Community Hospital Demonstration Program Issues.

SUPPLEMENTARY INFORMATION:

Inspection of Public Comments: All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following Web site as soon as possible after they have been received: *http://www.regulations.gov.* Follow the search instructions on that Web site to view public comments.

Comments received timely will also be available for public inspection as they are received, generally beginning approximately 3 weeks after publication of a document, at the headquarters of the Centers for Medicare & Medicaid Services, 7500 Security Boulevard, Baltimore, Maryland 21244, Monday through Friday of each week from 8:30 a.m. to 4 p.m. To schedule an appointment to view public comments, phone 1–800–743–3951.

Electronic Access

This **Federal Register** document is also available from the **Federal Register** online database through GPO Access, a service of the U.S. Government Printing Office. Free public access is available on a Wide Area Information Server (WAIS) through the Internet and via asynchronous dial-in. Internet users can access the database by using the World Wide Web, (the Superintendent of Documents' home Web page address is *http://www.gpoaccess.gov/*), by using local WAIS client software, or by telnet to *swais.access.gpo.gov,* then login as guest (no password required). Dial-in users should use communications software and modem to call (202) 512–1661; type swais, then login as guest (no password required).

I. Background

On March 23, 2010, the Patient Protection and Affordable Care Act (Pub. L. 111–148) was enacted. Following the enactment of Public Law 111–148, the Health Care and Education Reconciliation Act of 2010 Public Law 111–152 (enacted on March 30, 2010), amended certain provisions of Public Law 111–148. These public laws are collectively known as the Affordable Care Act. A number of the provisions of Public Law 111–148, affect the IPPS and the LTCH PPS and the providers and suppliers addressed in this proposed

rule. However, due to the timing of the passage of the legislation, were unable to address those provisions in the FY 2011 IPPS and LTCH PPS proposed rule that appeared in the May 4, 2010 **Federal Register** (75 FR 23852). Therefore, the proposed policies and payment rates in that proposed rule did not reflect the new legislation. We noted in that proposed rule that we would issue separate **Federal Register** documents addressing the provisions of Public Law 111–148 that affect our proposed policies and payment rates for FY 2010 and FY 2011 under the IPPS and the LTCH PPS. This supplementary proposed rule addresses the following provisions of the new legislation that affect the following FY 2011 proposed policies:

- Hospital wage index improvement related to geographic reclassification criteria for FY 2011 (section 3137 of Pub. L. 111–148).
- National budget neutrality in the calculation of the rural floor for hospital wage index (section 3141 of Pub. L. 111–148).
- Protections for frontier States (section 10324 of Pub. L. 111–148).
- Revisions of certain market basket updates (sections 3401 and 10319 of Pub. L. 111–148 and section 1105 of Pub. L. 111–152).
- Temporary improvements to the low-volume hospital adjustment (sections 3125 and 10314 of Pub. L. 111–148).
- Extension of Medicare-dependent hospitals (MDHs) (section 3124 of Pub. L. 111–148).
- Additional payments in FYs 2011 and 2012 for qualifying hospitals in the lowest quartile of per capital Medicare spending (section 1109 of Pub. L. 111–152).
- Extension of the rural community hospital demonstration (section 3123 of Pub. L. 111–148).
- Technical correction related to critical access hospital (CAH) services (section 3128 of Pub. L. 111–148).
- Extension of certain payment rules for long-term care hospital services and of moratorium on the establishment of certain hospitals and facilities (sections 3106 and 10312 of Pub. L. 111–148).

We also noted that we plan to issue further instructions implementing the provisions of Public Law 111–148 that affect the policies and payment rates for FY 2010 under the IPPS and for RY 2010 under the LTCH PPS in a separate document published elsewhere in this **Federal Register**.

II. Provisions of the Proposed Regulations

In this section of this supplementary proposed rule, we address the provisions of Public Law 111–148, that affect our proposed policies and payment rates for FY 2011 under the IPPS and the LTCH PPS.

A. Changes to the Acute Care Hospital Wage Index

1. Plan for Reforming the Wage Index

Section 3137(b) of Public Law 111–148 requires the Secretary of Health and Human Services to submit to Congress, not later than December 31, 2011, a report that includes a plan to reform the Medicare wage index applied under the Medicare IPPS. In developing the plan, the Secretary of Health and Human Services must take into consideration the goals for reforming the wage index that were set forth by the MedPAC in its June 2007 report entitled, "Report to Congress: Promoting Greater Efficiency in Medicare", including establishing a new system that —

- Uses Bureau of Labor of Statistics (BLS) data, or other data or methodologies, to calculate relative wages for each geographic area;
- Minimizes wage index adjustments between and within MSAs and statewide rural areas;
- Includes methods to minimize the volatility of wage index adjustments while maintaining budget neutrality in applying such adjustments;
- Takes into account the effect that implementation of the system would have on health care providers and on each region of the country;
- Addresses issues related to occupational mix, such as staffing practices and ratios, and any evidence on the effect on quality of care or patient safety as a result of the implementation of the system; and
- Provides for a transition.

In addition, section 3137(b)(3) of Public Law 111–148 requires the Secretary of Health and Human Services to consult with relevant affected parties in developing the plan. Although the provisions of section 3137(b) of Public Law 111–148 will not have an actual impact on the FY 2011 wage, we are notifying the public of the provisions so that they may provide comments and suggestions on how they may participate in developing the plan.

2. Provisions on Wage Comparability and Rural/Imputed Floor Budget Neutrality

Sections 3137(c) and 3141 of Public Law 111–148 affect reclassification average hourly wage comparison criteria and rural and imputed floor budget neutrality provisions for FY 2011.

a. Reclassification Average Hourly Wage Comparison Criteria

In the FY 2009 IPPS final rule, we adopted the policy to adjust the reclassification average hourly wage standard, comparing a reclassifying hospital's (or county hospital group's) average hourly wage relative to the average hourly wage of the area to which it seeks reclassification. (We refer readers to the FY 2009 IPPS final rule for a full discussion of the basis for the proposals the public comments received and the FY 2009 final policies.) We provided for a phase-in of the adjustment over 2 years. For applications for reclassification for the first transitional year, FY 2010, the average hourly wage standards were set at 86 percent for urban hospitals and group reclassifications, and 84 percent for rural hospitals. For applications for reclassification for FY 2011 (for which the application deadline was September 1, 2009) and for subsequent fiscal years, the average hourly wage standards were 88 percent for urban and group reclassifications and 86 percent for rural hospitals. Sections 412.230, 412.232, and 412.234 of the regulations were revised accordingly. These policies were adopted in the FY 2009 IPPS final rule and were reflected in the wage index in the Addendum to the FY 2011 IPPS proposed rule, which appeared in the **Federal Register** on May 4, 2010.

However, provisions of section 3137(c) of Public Law 111–148 recently revised the average hourly wage standards. Specifically, section 3137(c) restores the average hourly wage standards that were in place for FY 2008 (that is, 84 percent for urban hospitals, 85 percent for group reclassifications, and 82 percent for rural hospitals) for applications for reclassification for FY 2011 and for each subsequent fiscal year until the first fiscal year beginning on or after the date that is one year after the Secretary of Health and Human Services submits a report to Congress on a plan for reforming the wage index under 3137(b) of Public Law 111–148. Section 3137(c) of Public Law 111–148 also requires the revised average hourly wage standards to be applied in a budget neutral manner. We note that section 3137(c) of Public Law 111–148 does not provide for the revised average hourly wage standards to be applied retroactively, nor does it change the statutory deadline for applications for reclassification for FY 2011. Under section 1886(d)(10) of the Act, the Medicare Geographic Classification Review Board (MGCRB) considers

applications by hospitals for geographic reclassification for purposes of payment under the IPPS. Hospitals must apply to the MGCRB to reclassify 13 months prior to the start of the fiscal year for which reclassification is sought (generally by September 1). For reclassifications for the FY 2011 wage index, the deadline for applications was September 1, 2009 (74 FR 43838).

In implementing section 3137(c) of Public Law 111–148, we requested the assistance of the MGCRB in determining, for applications received by September 1, 2009, whether additional hospitals would qualify for reclassification for FY 2011 based on the revised average hourly wage standards of 84 percent for urban hospitals, 85 percent for group reclassifications, and 82 percent for rural hospitals. We determined that 18 additional hospitals would qualify for reclassification for FY 2011. Also, 5 hospitals, for which the MGCRB granted reclassifications to their secondary requested areas for FY 2011, would qualify for reclassifications instead to their primary requested areas because they now meet the average hourly wage criteria to reclassify to those areas. Therefore, in accordance with § 412.278 of the regulations, in which paragraph (c) provides the Administrator discretionary authority to review any final decision of the MGCRB, we submitted a letter to the Administrator requesting that she review and amend the MGCRB's decision and grant the 23 hospitals their requested reclassifications (or primary reclassifications) for FY 2011.

The wage index in the Addendum to this supplemental FY 2011 IPPS proposed rule reflects these changes in hospital reclassifications, although the Administrator had not issued all of her decisions by the date of this proposed rule. In calculating the wage index in this proposed rule, we made assumptions that the Administrator would grant the 23 hospitals their requested reclassifications (or primary reclassifications) and that the hospitals would not request the Administrator to amend her decisions. Generally, these reclassifications would result in the highest possible wage index for the hospitals. Any changes to the wage index, as a result of the Administrator's actual decision issued under § 412.278(c), or an amendment of the Administrator's decision issued under paragraph (g), will be reflected in the FY 2011 IPPS final rule.

In accordance with the requirements in section 3137(c) of Affordable Care Act, we are modifying § 412.230, § 412.232, and § 412.234 of the regulations to codify the revised average hourly wage standards.

b. Budget Neutrality Adjustment for the Rural and Imputed Floors

In the FY 2009 IPPS final rule (73 FR 48574 through 48575), we adopted State level budget neutrality (rather than the national budget neutrality adjustment) for the rural and imputed floors, effective beginning with the FY 2009 wage index and incorporated this policy in our regulation at § 412.64(e)(4). Specifically, the regulations specified that CMS makes an adjustment to the wage index to ensure that aggregate payments after implementation of the rural floor under section 4410 of the Balanced Budget Act of 1997 (Pub. L. 105–33) and the imputed floor under § 412.64(h)(4) are made in a manner that ensures that aggregate payments to hospitals are not affected and that, beginning October 1, 2008, we would transition from a nationwide adjustment to a statewide adjustment, with a statewide adjustment fully in place by October 1, 2010.

These policies for the rural and imputed floors were adopted in the FY 2009 IPPS final rule and were reflected in the wage index in the Addendum to the FY 2011 IPPS/LTCH PPS proposed rule, published in the **Federal Register** on May 4, 2010. However, these policies were recently changed by the provisions of section 3141 of Public Law 111–148. Specifically, section 3141 of Affordable Care Act rescinds our policy establishing a statewide budget neutrality adjustment for the rural and imputed floors and, instead, restores it to a uniform, national adjustment, beginning with the FY 2011 wage index. Additionally, the imputed floor, is set to expire on September 30, 2011. We do not read section 3141 of Public Law 111–148 as altering this expiration date. Section 3141 of Public Law 111–148 requires that we "administer subsection (b) of such section 4410 and paragraph (e) of * * * section 412.64 in the same manner as the Secretary administered such subsection (b) and paragraph (e) for discharges occurring during fiscal year 2008 (through a uniform, national adjustment to the area wage index)." Thus, section 3141 of Public Law 111–148 is governing how we apply budget neutrality, under the authorities of § 412.64(e) and section 4410(b) of the Balanced Budget Act, but it does not alter § 412.64(h) of our regulations (which includes the imputed floor and its expiration date). To the extent there is an imputed floor, section 3141 of Public Law 111–148 governs budget neutrality for that floor, but it does not continue the imputed floor beyond the expiration date already included in our regulations.

Therefore, the wage index in the Addendum to this supplemental FY 2011 IPPS proposed rule reflects a uniform, national budget neutrality adjustment for the rural and imputed floors, which is a factor of 0.995425.

3. Frontier States Floor (§ 412.64)

In accordance with section 10324(a) of Affordable Care Act, beginning in FY 2011, the statute provides for establishing an adjustment to create a wage index floor of 1.00 for all hospitals located in States determined to be Frontier States. The statute defines any State as a Frontier State if at least 50 percent of the State's counties are determined to be Frontier Counties. The statute defines as counties that have a population density less than 6 persons per square mile. The law requires that this provision shall not apply to hospitals in Alaska or Hawaii receiving a non-labor related share adjustment under section 1886(d)(5)(H) of the Act.

To implement this provision, we propose to identify Frontier Counties by analyzing population data and county definitions based upon the most recent annual Population Estimates published by the U.S. Census Bureau. We will divide each county's population total by each county's reported land area (according to the decennial census) in square miles to establish population density. We also propose to update this analysis from time to time, such as upon publication of a subsequent decennial census, and if necessary, add or remove qualifying States from the list of Frontier States based on the updated analysis.

For a State that qualifies as a Frontier State, in accordance with section 10324(a) of Public Law 111–148, all PPS hospitals located within that State will receive either the higher of its post-reclassification wage index rate, or a minimum value of 1.00. We propose that, for a hospital that is geographically located in a Frontier State and is reclassified under section 1886(d)(10) of the Act to a CBSA in a non-Frontier State, the hospital will receive a wage index that is the higher of the reclassified area wage index or the minimum wage index of 1.00. In accordance with section 10324(a) of Public Law 111–148, the Frontier State adjustment will not be subject to budget neutrality under section 1886(d)(3)(E) of the Act, and will only be extended to hospitals geographically located within a Frontier State. We propose to calculate and apply the Frontier State floor adjustments after rural and imputed floor budget neutrality adjustments are

calculated for all labor market areas, so as to ensure that no hospital in a Frontier State will receive a wage index lesser than 1.00 due to the rural and imputed floor adjustment. We invite public comment on these proposals regarding our methods for determining Frontier States, and for calculation and application of the adjustment.

For the proposed FY 2011 IPPS wage index, the Frontier States are the following: Reflected in the following table:

TABLE 1—FRONTIER STATES UNDER SECTION 10324(a)

State	Total counties	Frontier counties	Percent frontier counties
Montana	56	45	80
Wyoming	23	17	74
North Dakota	53	36	68
Nevada	17	11	65
South Dakota	66	34	52

Frontier States are identified by a footnote in Table 4D–2 of the Addendum to this supplemental proposed rule. Population Data set: *http://www.census.gov/popest/estimates.html* (2009 County Total Population Estimates).

Land Area Dataset http://factfinder.census.gov/ (Decennial: Census Geographic Comparison *Tables:* "United States—County by State and for Puerto Rico").

4. Revised FY 2011 IPPS Proposed Rule Wage Index Tables

The revised IPPS proposed wage index values for FY 2011, reflecting the provisions of sections 3137(c), 3141, and 10324 of Public Law 111–148, are included in Tables 2, 4A, 4B, 4C, and 4D–2 of the Addendum to this supplemental FY 2011 IPPS/LTCH PPS proposed rule.

Table 4D–1, which listed the statewide rural and imputed floor budget neutrality factors, is eliminated from the Addendum to this supplemental FY 2011 IPPS/LTCH PPS proposed rule and is no longer applicable for the wage index because section 3141 of Public Law 111–148 instead requires the application of a national adjustment.

Table 4J, which lists the out-migration adjustment for a qualifying county, is revised due to the above provisions of Affordable Care Act. Additionally, Table 9A, the list of hospitals that are reclassified or redesignated for FY 2011, is revised according to section 3137(c) of Public Law 111–148. Both revised tables are included in the Addendum to this supplemental FY 2011 IPPS/LTCH PPS proposed rule.

Tables 3A and 3B, which list the 3-year average hourly wage for each labor market area before the redesignation or reclassification of hospitals, Table 4E, the list of urban CBSAs and constituent counties, Table 4F, the Puerto Rico wage index, and Table 9C, the list of hospitals redesignated under section 1886(d)(8)(E) of the Act, are unaffected by the above provisions of Affordable Care Act. Therefore, these tables are unchanged from the initial FY 2011 IPPS/LTCH PPS proposed rule and are not included in the Addendum to this supplemental FY 2011 IPPS/LTCH PPS proposed rule.

5. Procedures for Withdrawing Reclassifications in FY 2011

Section 1886(d)(10)(D)(v) of the Act states that the Secretary should establish procedures under which a subsection (d) hospital may elect to terminate a reclassification before the end of a 3-year period, but does not contain any other specifics regarding how such termination should occur. Our rules at 42 CFR 412.273 state that hospitals that have been reclassified by the MGCRB are permitted to withdraw their applications within 45 days of the publication of CMS's annual notice of proposed rulemaking. For purposes of this supplementary proposed rule, we interpret our regulation as referring to the initial FY 2011 IPPS/LTCH PPS proposed rule (which appeared in the May 4, 2010 **Federal Register**), and our procedure for this supplementary proposed rule is to start the time period for requesting a withdrawal or termination from publication of that initial proposed rule. Were we not to use such a time period, requests for termination and withdrawal would be received too late to include in our final rule. Thus, all requests for withdrawal of an application for reclassification or termination of an existing 3-year reclassification that would be effective in FY 2011 must be received by the MGCRB by June 18, 2010.

We note that wage index values in the tables in the Addendum to this supplemental FY 2011 IPPS/LTCH PPS proposed rule may have changed somewhat from the initial, more comprehensive FY 2011 IPPS/LTCH PPS proposed rule (which appeared in the May 4, 2010 **Federal Register**) due to the application of sections 3137(c), 3141, and 10324 of Affordable Care Act. In addition, as a result of section 3137(c) of Affordable Care Act, there may be additional hospitals listed as reclassified in Table 9A in the Addendum to this supplemental proposed rule. Hospitals have sufficient time between the display or publication date of this supplemental FY 2011 IPPS/LTCH PPS proposed rule in the **Federal Register** and the June 18, 2010 deadline for withdrawals and terminations to evaluate and make determinations regarding their reclassification for the FY 2011 wage index. As noted in the initial FY 2011 IPPS proposed rule, the mailing address of the MGCRB is: 2520 Lord Baltimore Drive, Suite L, Baltimore, MD 21244–2670.

B. Inpatient Hospital Market Basket Update

Below we discuss the adjustments to the FY 2010 and FY 2011 market basket as required by the Affordable Care Act. In this supplemental proposed rule we are not proposing to address the provisions of section 3401 of Public Law 111–148 providing for a productivity adjustment for FY 2012 and subsequent fiscal years; rather, this change will be addressed in future rulemaking.

1. FY 2010 Inpatient Hospital Update

In accordance with section 1886(b)(3)(B)(i) of the Act, each year we update the national standardized amount for inpatient operating costs by a factor called the "applicable percentage increase." Prior to enactment of Public Law 111–148 and Public Law 111–152, section 1886(b)(3)(B)(i)(XX) of the Act set the applicable percentage increase equal to the rate-of-increase in the hospital market basket for IPPS hospitals in all areas, subject to the hospital submitting quality information under rules established by the Secretary in accordance with section 1886(b)(3)(B)(viii) of the Act. For

hospitals that do not provide these data, the update is equal to the market basket percentage increase less an additional 2.0 percentage points. In accordance with these statutory provisions, in the FY 2010 IPPS/LTCH PPS final rule (74 FR 43850), we finalized an applicable percentage increase equal to the full market basket update of 2.1 percent based on IHS Global Insight, Inc.'s second quarter 2009 forecast of the FY 2010 market basket increase, provided the hospital submits quality data in accordance with our rules. For hospitals that do not submit quality data, in the FY 2010 IPPS/LTCH PPS final rule we finalized an applicable percentage increase equal to 0.1 percent (that is, the FY 2010 estimate of the market basket rate-of-increase minus 2.0 percentage points).

Sections 3401(a) and 10319 of Public Law 111–148 amend section 1886(b)(3)(B)(i) of the Act. Specifically, sections 3401(a) and 10319(a) of Public Law 111–148 amend section 1886(b)(3)(B)(i) of the Act to set the FY 2010 applicable percentage increase for IPPS hospitals equal to the rate-of-increase in the hospital market basket for IPPS hospitals in all areas minus a 0.25 percentage point, subject to the hospital submitting quality information under rules established by the Secretary in accordance with section 1886(b)(3)(B)(viii) of the Act. For hospitals that do not provide these data, the update is equal to the market basket percentage increase minus 0.25 percentage point less an additional 2.0 percentage points. Section 3401(a)(4) of Public Law 111–148 further states that these amendments may result in the applicable percentage increase being less than zero. Although these amendments modify the applicable percentage increase applicable to the FY 2010 rates under the IPPS, section 3401(p) of Public Law 111–148 states that the amendments do not apply to discharges occurring prior to April 1, 2010. In other words, for discharges occurring on or after October 1, 2009 and prior to April 1, 2010, the rate for a hospital's inpatient operating costs under the IPPS will be based on the applicable percentage increase set forth in the FY 2010 IPPS/LTCH PPS final rule.

We are proposing to revise 42 CFR 412.64(d) to reflect current law. Specifically, in accordance with section 1886(b)(3)(B)(i) of the Act as amended by sections 3401(a) and 10319(a) of Public Law 111–148, we are proposing to revise § 412.64(d) to state that for the first half of FY 2010 (that is, discharges on or after October 1, 2009 through March 30, 2010), the applicable percentage change equals the market basket index for IPPS hospitals (which is defined under § 413.40(a)) in all areas for hospitals that submit quality data in accordance with our rules, and the market basket index for IPPS hospitals in all areas less 2.0 percentage for hospitals that fail to submit quality data in accordance with our rules. As noted above, in the FY 2010 IPPS/LTCH PPS final rule, we calculated that the full market basket update equals 2.1 percent based on IHS Global Insight, Inc.'s second quarter 2009 forecast of the FY 2010 market basket increase. In addition, we are proposing to revise § 412.64(d) to state that for the second half of FY 2010 (discharges on or after April 1, 2010 through September 30, 2010), in accordance with section 3401(a), we are proposing to set the applicable percentage change equal to the market basket index for IPPS hospitals in all areas reduced by 0.25 percentage points for hospitals that submit quality data in accordance with our rules. For those hospitals that fail to submit quality data, in accordance with our rules, we are proposing to reduce the market basket index for IPPS hospitals by an additional 2.0 percentage points (which is in addition to the 0.25 percentage point reduction required by section 1886(b)(3)(B)(i) of the Act as amended by section 3401(a) of Public Law 111–148 as amended by section 10319(a) of Public Law 111–148. Based on IHS Global Insight, Inc.'s second quarter 2009 forecast of the FY 2010 market basket increase, the FY 2010 applicable percentage change that applies to rates for inpatient hospital operating costs under the IPPS for discharges occurring in the second half of FY 2010 is 1.85 percent (that is, the FY 2010 estimate of the market basket rate-of-increase of 2.1 percent minus 0.25 percentage points) for hospitals in all areas, provided the hospital submits quality data in accordance with our rules. For hospitals that do not submit quality data, the payment update to the operating standardized amount is −0.15 percent (that is, the adjusted FY 2010 estimate of the market basket rate-of-increase of 1.85 percent minus 2.0 percentage points).

Section 1886(b)(3)(B)(iv) of the Act provides that the applicable percentage increase applicable to the hospital-specific rates for SCHs and MDHs equals the applicable percentage increase set forth in section 1886(b)(3)(B)(i) of the Act (that is, the same update factor as for all other hospitals subject to the IPPS). Because the Act sets the update factor for SCHs and MDHs equal to the update factor for all other IPPS hospitals, the update to the hospital specific rates for SCHs and MDHs is also subject to the amendments to section 1886(b)(3)(B)(i) made by section 3401(a) of Public Law 111–148. Accordingly, for hospitals paid for their inpatient operating costs on the basis of a hospital-specific rate, the rates paid to such hospitals for discharges occurring during the first half of FY 2010 will be based on an annual update estimated to be 2.1 percent for hospitals submitting quality data or 0.1 percent for hospitals that fail to submit quality data; and the rates paid to such hospitals for the second half of FY 2010 will be based on an update that is estimated to be 1.85 percent for hospitals submitting quality data or −0.15 percent for hospitals that fail to submit quality data. Similar to that stated above, we are proposing to update §§ 412.73(c)(15), 412.75(d), 412.77(e), 412.78(e), 412.79(d) to reflect current law.

2. FY 2011 Inpatient Hospital Update

As with the FY 2010 applicable percentage increase, section 3401(a) of Public Law 111–148 as amended by section 10319(a) of Public Law 111–148, amends section 1886(b)(3)(B)(i) of the Act to provide that the FY 2011 applicable percentage increase for IPPS hospitals equals the rate-of-increase in the hospital market basket for IPPS hospitals in all areas reduced by 0.25 percentage point, subject to the hospital submitting quality information under rules established by the Secretary in accordance with section 1886(b)(3)(B)(viii) of the Act. For hospitals that do not provide these data, the update is equal to the market basket percentage increase minus a 0.25 percentage point less an additional 2.0 percentage points. Section 3401(a)(4) of Public Law 111–148 further states that this amendment may result in the applicable percentage increase being less than zero.

In Appendix B of the FY 2011 IPPS/LTCH PPS proposed rule, we announced that due to the timing of the passage of Public Law 111–148, we were unable to address those provisions in the proposed rule. In that proposed rule, consistent with current law, based on IHS Global Insight, Inc.'s first quarter 2010 forecast, with historical data through the 2009 fourth quarter, of the FY 2011 IPPS market basket increase, we estimated that the FY 2011 update to the operating standardized amount would be 2.4 percent (that is, the current estimate of the market basket rate-of-increase) for hospitals in all areas, provided the hospital submits quality data in accordance with our rules. For hospitals that do not submit

quality data, we estimated that the update to the operating standardized amount would be 0.4 percent (that is, the current estimate of the market basket rate-of-increase minus 2.0 percentage points). Since publication of the FY 2011 IPPS/LTCH PPS proposed rule our estimate of the market basket for FY 2011 has not changed. However, consistent with the amendments to section 1886(b)(3)(B)(i) of the Act made by section 3401 of Public Law 111–148, for FY 2011 we are required to reduce the hospital market basket update by 0.25 percentage points. Therefore, based on IHS Global Insight, Inc.'s first quarter 2010 forecast of the FY 2011 market basket increase, the estimated update to the FY 2011 operating standardized amount is 2.15 percent (that is, the FY 2011 estimate of the market basket rate-of-increase of 2.4 percent minus 0.25 percentage points) for hospitals in all areas, provided the hospital submits quality data in accordance with our rules. For hospitals that do not submit quality data, the estimated update to the operating standardized amount is 0.15 percent (that is, the adjusted FY 2011 estimate of the market basket rate-of-increase of 2.15 percent minus 2.0 percentage points). We are proposing to revise § 412.64(d) to reflect the provisions of section 3401(a) of Public Law 111–148.

Section 1886(b)(3)(B)(iv) of the Act provides that the FY 2011 applicable percentage increase in the hospital-specific rates for SCHs and MDHs equals the applicable percentage increase set forth in section 1886(b)(3)(B)(i) of the Act (that is, the same update factor as for all other hospitals subject to the IPPS). Similar to the FY 2010 applicable percentage increase in the hospital-specific rates, because the Act requires us to apply to the hospital-specific rates the update factor for all other IPPS hospitals, the update to the hospital specific rates for SCHs and MDHs is also subject to section 1886(b)(3)(B)(i) as amended by the Affordable Care Act. Accordingly, the update to the hospital-specific rates applicable to SCHs and MDHs is estimated to be 2.15 for hospitals that submit quality data or 0.15 percent for hospitals that fail to submit quality data. Similar to above, we are proposing to update §§ 412.73(c)(15), 412.75(d), 412.77(e), 412.78(e), 412.79(d) to implement this provision.

3. FY 2010 and FY 2011 Puerto Rico Hospital Update

Puerto Rico hospitals are paid a blended rate for their inpatient operating costs based on 75 percent of the national standardized amount and 25 percent of the Puerto Rico-specific standardized amount. Section 1886(d)(9)(C)(i) of the Act is the basis for determining the applicable percentage increase applied to the Puerto Rico-specific standardized amount. Section 1886(d)(9)(C)(i) of the Act provides that the Puerto Rico standardized amount shall be adjusted in accordance with the final determination of the Secretary under section 1886(d)(4) of the Act. Section 1886(e)(4)(1) of the Act in turn directs the Secretary to recommend an appropriate change factor for Puerto Rico hospitals taking into account amounts necessary for the efficient and effective delivery of medically appropriate and necessary care of high quality, as well as the recommendations of MedPAC. In order to maintain consistency between the portion of the rates paid to Puerto Rico hospitals under the IPPS based on the national standardized amount and the portion based on the Puerto Rico-specific standardized rate, beginning in FY 2004 we have set the update to the Puerto Rico-specific operating standardized amount equal to the update to the national operating standardized amount for all IPPS hospitals. This policy is reflected in our regulations at 42 CFR 412.211.

The amendments to section 1886(b)(3)(B)(i) of the Act by sections 3401(a) and section 10319(a) of Public Law 111–148, affect only the update factor applicable to the national standardized rate for IPPS hospitals and the hospital-specific rates; they do not mandate any revisions to the update factor applicable to the Puerto Rico-specific standardized amount. Rather, as noted above, sections 1886(d)(9)(C)(i) and (e)(4) of the Act direct us to adopt an appropriate change factor for the FY 2010 Puerto Rico-specific standardized amount, which we did in the FY 2010 IPPS/LTCH PPS final rule after notice and consideration of public comments. Therefore, we do not believe we have the authority to now propose setting the FY 2010 update factor for the Puerto Rico-specific operating standardized amount for the second half of FY 2010 equal to the update factor applicable to the national standardized amount or the hospital-specific rates (that is the market basket minus 0.25 percentage points). Accordingly, the FY 2010 update to the Puerto Rico-specific operating standardized amount is 2.1 percent (that is, the FY 2010 estimate of the market basket rate-of-increase) for the entire FY 2010.

For FY 2011, consistent with our past practice of applying the same update factor to the Puerto Rico-specific standardized amount as applied to the national standardized amount, we are proposing to revise § 412.211(c) to set the update factor for the Puerto Rico-specific operating standardized amount equal to the update factor applied to the national standardized amount for all IPPS hospitals. Therefore, we are proposing an update factor for the Puerto Rico-specific standardized amount equal to the FY 2011 estimate of the IPPS operating market basket rate-of-increase of 2.4 percent minus 0.25 percentage points, or 2.15 percent, for FY 2011.

C. Payment Adjustment for Low-Volume Hospitals (§ 412.101)

Section 1886(d)(12) of the Act, as added by section 406 of Public Law 108–173, provides for a payment adjustment to account for the higher costs per discharge for low-volume hospitals under the IPPS, effective beginning FY 2005. Sections 3215 and 10314 of Public Law 111–148 amend the definition of a low-volume hospital under section 1886(d)(12)(C) of the Act. It also revises the methodology for calculating the payment adjustment for low-volume hospitals.

1. Background

Prior to being amended by the Affordable Care Act, section 1886(d)(12)(C)(i) of the Act defined a low-volume hospital as "a subsection (d) hospital (as defined in paragraph (1)(B)) that the Secretary determines is located more than 25 road miles from another subsection (d) hospital and that has less than 800 discharges during the fiscal year." Section 1886(d)(12)(C)(ii) of the Act further stipulates that "the term "discharge" means an inpatient acute care discharge of an individual regardless of whether the individual is entitled to benefits under Part A." Therefore, the term refers to total discharges, not merely Medicare discharges. Finally, under section 406, the provision requires the Secretary to determine an applicable percentage increase for these low-volume hospitals based on the "empirical relationship" between "the standardized cost-per-case for such hospitals and the total number of discharges of such hospitals and the amount of the additional incremental costs (if any) that are associated with such number of discharges." The statute thus mandates that the Secretary develop an empirically justifiable adjustment based on the relationship between costs and discharges for these low-volume hospitals. The statute also limits the adjustment to no more than 25 percent.

Based on an analysis we conducted for the FY 2005 IPPS final rule (69 FR 49099 through 49102), a 25 percent low-volume adjustment to all qualifying hospitals with less than 200 discharges was found to be most consistent with the statutory requirement to provide relief to low-volume hospitals where there is empirical evidence that higher incremental costs are associated with low numbers of total discharges.

In the FY 2006 IPPS final rule (70 FR 47432 through 47434), we stated that a multivariate analyses supported the existing low-volume adjustment implemented in FY 2005. Therefore, the low-volume adjustment of an additional 25 percent would continue to be provided for qualifying hospitals with less than 200 discharges.

2. Temporary Changes for FYs 2011 and 2012

Section 1886(d)(12) of the Act was amended by sections 3125 and 10314 of Public Law 111–148. These changes are effective only for FYs 2011 and 2012. Beginning with FY 2013, the pre-existing low-volume hospital payment adjustment and qualifying criteria, as implemented in FY 2005, will resume.

Section 3125(3) and 10314(1) of Public Law 111–148 amend the qualifying criteria for low-volume hospitals under section 1886(d)(12)(C) of the Act to make it easier for hospitals to qualify for the low-volume adjustment. Specifically, the revised provision specifies that for FYs 2011 and 2012, a hospital qualifies as a low-volume hospital if it is "more than 15 road miles from another subsection (d) hospital and has less than 1,600 discharges of individuals entitled to, or enrolled for, benefits under Part A during the fiscal year." In addition, section 1886(d)(12)(C) of the Act, as amended, provides that the payment adjustment (the applicable percentage increase) is to be determined "using a continuous linear sliding scale ranging from 25 percent for low-volume hospitals with 200 or fewer discharges of individuals entitled to, or enrolled for, benefits under Part A in the fiscal year to 0 percent for low-volume hospitals with greater than 1,600 discharges of such individuals in the fiscal year."

Section 3125(3)(A) of Public Law 111–148 revises the distance requirement for FYs 2011 and 2012 from "25 road miles" to "15 road miles" such that a low volume hospital is required to be only more than 15 road miles, rather than more than 25 road miles, from another subsection (d) hospital for purposes of qualifying for the low-volume payment adjustment in FYs 2011 and 2012. We therefore are proposing to revise our regulations at 42 CFR 412.101(a)(2) to provide that to qualify for the low volume adjustment in FYs 2011 and 2012, a hospital must be more than 15 road miles from the nearest subsection (d) hospital. The statute specifies the 15 mile distance in "road miles". The current regulations at 42 CFR 412.101 also specify the current 25 mile distance requirement in "road miles," but do not provide a definition of the term "road miles." We are proposing to define the term "road miles" consistent with the term "miles" as defined at § 412.92 for purposes of determining whether a hospital qualifies as a sole community hospital. Specifically, the regulations at 42 CFR 412.92(c)(i) define "miles" as "the shortest distance in miles measured over improved roads. An improved road for this purpose is any road that is maintained by a local, State, or Federal government entity and is available for use by the general public. An improved road includes the paved surface up to the front entrance of the hospital." We note that while the proposed change in the qualifying criteria from 25 to 15 road miles is applicable only for FYs 2011 and 2012, the proposed definition of "road miles" would continue to apply even after the distance requirement reverts to 25 road miles beginning in FY 2013.

Sections 3125(3)(B) and (4)(D) and 10314(1) and (2) of Public Law 111–148, revise the discharge requirement for FYs 2011 and 2012 to less than 1,600 discharges of individuals entitled to, or enrolled for, benefits under Part A. Based on section 406 of Public Law 108–173, the discharge requirement to qualify as a low-volume hospital prior to FY 2011 and subsequent to FY 2012 is less than 800 discharges annually. For these fiscal years, the number of discharges is determined based on total discharges, which includes discharges of both Medicare and non-Medicare patients. However, under sections 3125 and 10314 of Public Law 111–148, for FYs 2011 and 2012, the discharge requirement has been increased to less than 1,600 discharges of individuals "entitled to, or enrolled for, benefits under Part A during the fiscal year."

Section 226(a) of the Act (42 U.S.C. 426(a)) provides that an individual is automatically "entitled" to Medicare Part A when the person reaches age 65 or becomes disabled, provided that the individual is entitled to Social Security benefits under section 202 of the Act (42 U.S.C. 402). Once a person becomes entitled to Medicare Part A, the individual does not lose such entitlement simply because there is no Part A coverage of a specific inpatient stay. For example, a patient does not lose entitlement to Medicare Part A simply because the individual's Part A hospital benefits have been exhausted; other items and services (for example, skilled nursing services) still might be covered under Part A, and the patient would qualify for an additional 90 days of Part A hospital benefits if at least 60 days elapsed between the individual's first and second hospital stay. (*See* § 409.60(a) and (b)(1) and § 409.61(a)(1) and (c).)

In addition, beneficiaries who are enrolled in Medicare Advantage (MA) plans provided under Medicare Part C continue to meet all of the statutory criteria for entitlement to Part A benefits under section 226. First, in order to enroll in Medicare Part C, a beneficiary must be "entitled to benefits under Part A and enrolled under Part B," *see* section 1852(a)(1)(B)(i) of the Act. There is nothing in the Act that suggests beneficiaries who enroll in Part C plan forfeit their entitlement to Part A benefits. Second, once a beneficiary enrolls in Part C, the MA plan must provide the beneficiary with the benefits to which the enrollee is entitled under Medicare Part A, even though it may also provide for additional supplemental benefits. *See* section 1852(a)(1)(A) of the Act. Third, under certain circumstances, Medicare Part A pays for care furnished to patients enrolled in Part C plans. For example, if, during the course of the year, the scope of benefits provided under Medicare Part A expands beyond a certain cost threshold due to Congressional action or a national coverage determination, Medicare Part A will pay the provider for the cost of the services directly. (*See* section 1852(a)(5) of the Act.) Similarly, Medicare Part A also pays for Federally qualified health center services and hospice care furnished to MA patients. *See* 42 U.S.C. section 1853(a)(4), (h)(2) of the Act. Thus, a patient enrolled in a Part C plan remains entitled to benefits under Medicare Part A.

Accordingly, for purposes of determining the number of discharges for "individuals entitled to, or enrolled for, benefits under Part A," we propose to include all discharges associated with individuals entitled to Part A, including discharges associated with individuals whose inpatient benefits are exhausted or whose stay was not covered by Medicare and discharges of individuals enrolled in an MA plan under Medicare Part C. Since a hospital may only qualify for this adjustment if the hospital has fewer than 1,600 discharges for patients entitled to Part A, the

hospital must submit a claim to Medicare on behalf of all Part A entitled individuals, including a no-pay claim for patients who are enrolled in Part C, in order for Medicare to assure that these discharges are included in the determination of whether the hospital has fewer than 1,600 discharges for patients entitled to Part A.

Currently, a prior cost reporting period is used to determine if the hospital meets the discharge criteria to receive the low-volume payment adjustment in the current year.

Finally, sections 3125(4) of Public Law 111–148 and 10314(2), add a new section 1886(d)(12)(D) of the Act that modifies the methodology for calculation of the payment adjustment under section 1886(d)(12)(A) of the Act for low-volume hospitals for discharges occurring in FYs 2011 and 2012. Currently, sections 1886(d)(12)(A) and (B) of the Act require the Secretary to determine an applicable percentage increase for low-volume hospitals based on the "empirical relationship" between "the standardized cost-per-case for such hospitals and the total number of discharges of such hospitals and the amount of the additional incremental costs (if any) that are associated with such number of discharges." The statute thus mandates the Secretary to develop an empirically justifiable adjustment based on the relationship between costs and discharges for these low-volume hospitals. The statute also limits the adjustment to no more than 25 percent. Based on analyses, we conducted for the FY 2005 IPPS final rule (69 FR 49099 through 49102) and the FY 2006 IPPS final rule (70 FR 47432 through 47434), a 25 percent low-volume adjustment to all qualifying hospitals with less than 200 discharges was found to be most consistent with the statutory requirement to provide relief to low-volume hospitals where there is empirical evidence that higher incremental costs are associated with low numbers of total discharges. However, section 1886(d)(12)(D) of the Act, provides that for discharges occurring in FYs 2011 and 2012, the Secretary shall determine the applicable percentage increase using a continuous, linear sliding scale ranging from an additional 25 percent payment adjustment for hospitals with 200 or fewer Medicare discharges to 0 percent additional payment for hospitals with more than 1,600 Medicare discharges. We propose to apply this payment adjustment based on increments of 100 discharges (beginning with 200 or fewer discharges), with the applicable percentage increase decreasing linearly in equal amounts by 1.6667 percent for every additional 100 Medicare discharges, with no payment adjustment for hospitals with more than 1,599 Medicare discharges. We have not proposed an adjustment for a hospital with exactly 1,600 discharges since, as specified in statute at section 1886(d)(12)(C)(i) of the Act, as amended, a hospital must have "less" than 1,600 discharges in order to qualify as a low volume hospital. The proposed payment adjustment would be as determined below:

Medicare discharge range	Payment adjustment (percent add-on)
1–200	25.0000
201–300	23.3333
301–400	21.6667
401–500	20.0000
501–600	18.3333
601–700	16.6667
701–800	15.0000
801–900	13.3333
901–1000	11.6667
1001–1100	10.0000
1101–1200	8.3333
1201–1300	6.6667
1301–1400	5.0000
1401–1500	3.3333
1501–1599	1.6667
1600 or more	0.0000

While we are proposing to revise the qualifying criteria and the payment adjustment for low-volume hospitals for FYs 2011 and 2012, consistent with the amendments made by the Affordable Care Act, we note that we are not proposing to modify the process for requesting and obtaining the low-volume hospital payment adjustment. In order to qualify, a hospital must provide to its FI or MAC sufficient evidence to document that it meets the number of Medicare discharges and distance requirements. The FI or MAC will determine, based on the most recent data available, if the hospital qualifies as a low-volume hospital, so that the hospital will know in advance whether or not it will receive a payment adjustment and, if so, the add-on percentage. The FI or MAC and CMS may review available data, in addition to the data the hospital submits with its request for low-volume status, in order to determine whether or not the hospital meets the qualifying criteria.

We also note that as compared to the existing methodology for determining the payment adjustment for low-volume hospitals, no hospital would receive a lower payment adjustment under our proposed methodology for FYs 2011 and 2012. Although the statute specifies that, for years other than FYs 2011 and 2012, a hospital is a low-volume hospital if it has less than 800 discharges, currently only hospitals with fewer than 200 discharges receive a payment adjustment, an additional 25 percent, because the statute requires that the adjustment be empirically based to provide relief to low-volume hospitals where there is empirical evidence that higher incremental costs are associated with low numbers of total discharges. Consistent with section 1886(d)(12)(D) of the Act, for FYs 2011 and 2012, we will continue to pay hospitals with fewer than 200 discharges a payment adjustment amount equal to an additional 25 percent.

We are proposing to revise our regulations at 42 CFR 412.101 to reflect our proposal outlined above.

Currently, 42 CFR 412.101(a)(3) states that "The fiscal intermediary makes the determination of the discharge count for purposes of determining a hospital's qualification for the adjustment based on the hospital's most recent submitted cost report." This may mistakenly be interpreted to mean that once a hospital qualifies as a low-volume hospital, no further qualification is needed. We, therefore, are proposing to clarify that a hospital must continue to qualify as a low-volume hospital in order to receive the payment adjustment in that year; that is, it is not based on a one-time qualification.

D. Medicare-Dependent, Small Rural Hospitals (MDHs) (§ 412.108)

1. Background

Medicare-dependent, small rural hospitals (MDHs) are eligible for the higher of the Federal rate for their inpatient hospital services or a blended rate based in part on the Federal rate and in part on the MDH's hospital-specific rate. Section 1886(d)(5)(G)(iv) of the Act defines an MDH as a hospital that is located in a rural area, has not more than 100 beds, is not an SCH, and has a high percentage of Medicare discharges (that is, not less than 60 percent of its inpatient days or discharges either in its 1987 cost reporting year or in two of its most recent three settled Medicare cost reporting years). The regulations that set forth the criteria that a hospital must meet to be classified as an MDH are at 42 CFR 412.108.

Although MDHs are paid under an adjusted payment methodology, they are still IPPS hospitals paid under section 1886(d) of the Act. Like all IPPS hospitals paid under section 1886(d) of the Act, MDHs are paid for their discharges based on the DRG weights

calculated under section 1886(d)(4) of the Act.

Through and including FY 2006, under section 1886(d)(5)(G) of the Act, MDHs are paid based on the Federal rate or, if higher, the Federal rate plus 50 percent of the amount by which the Federal rate is exceeded by the updated hospital-specific rate based on the hospital's FY 1982 or FY 1987 costs per discharge, whichever of these hospital-specific rates is higher. Section 5003(b) of Public Law 109–171 (DRA 2005) amended section 1886(d)(5)(G) of the Act to provide that, for discharges occurring on or after October 1, 2006, MDHs are paid based on the Federal rate or, if higher, the Federal rate plus 75 percent of the amount by which the Federal rate is exceeded by the updated hospital-specific rate based on the hospital's FY 1982, FY 1987, or FY 2002 costs per discharge, whichever of these hospital-specific rates is highest.

For each cost reporting period, the fiscal intermediary or MAC determines which of the payment options will yield the highest aggregate payment. Interim payments are automatically made at the highest rate using the best data available at the time the fiscal intermediary or MAC makes the determination. However, it may not be possible for the fiscal intermediary or MAC to determine in advance precisely which of the rates will yield the highest aggregate payment by year's end. In many instances, it is not possible to forecast the outlier payments, the amount of the DSH adjustment or the IME adjustment, all of which are applicable only to payments based on the Federal rate and not to payments based on the hospital-specific rate. The fiscal intermediary or MAC makes a final adjustment at the settlement of the cost report after it determines precisely which of the payment rates would yield the highest aggregate payment to the hospital.

If a hospital disagrees with the fiscal intermediary's or the MAC's determination regarding the final amount of program payment to which it is entitled, it has the right to appeal the determination in accordance with the procedures set forth in 42 CFR Part 405, Subpart R, which govern provider payment determinations and appeals.

2. Extension of the MDH Program

Section 3124 of Public Law 111–148 extends the MDH program, from the end of FY 2011 (that is, for discharges before October 1, 2011) to the end of FY 2012 (that is, for discharges before October 1, 2012). Under prior law, as specified in section 5003(a) of Public Law 109–171 (DRA of 2005), the MDH program was to be in effect through the end of FY 2011 only. Section 3124 (a) of Public Law 111–148 amends sections 1886(d)(5)(G)(i) and (ii)(II) of the Act to extend the MDH program and payment methodology from the end of FY 2011 to the end of FY 2012, by "striking "October 1, 2011" and inserting "October 1, 2012"." Section 3125(b) of Public Law 111–148 also makes conforming amendments to sections 1886(b)(3)(D)(i) and (iv) of the Act. Section 3124(b)(2) of Public Law 111–148 also amends section 13501(e)(2) of OBRA 1993 (42 U.S.C. 1395ww note) to extend the provision permitting hospitals to decline reclassification as an MDH through FY 2012.

E. Additional Payments for Qualifying Hospitals With Lowest Per Capita Medicare Spending

1. Background

Section 1109 of Public Law 111–152, provides for additional payments for FY 2011 and 2012 for "qualifying hospitals." Section 1109(d) defines a "qualifying hospital" as a "subsection (d) hospital * * * that is located in a county that ranks, based upon its ranking in age, sex and race adjusted spending for benefits under parts A and B * * * per enrollee within the lowest quartile of such counties in the United States." Therefore, a "qualifying hospital" is one that meets the following conditions: (1) A "subsection (d) hospital" as defined in section 1886(d)(1)(B) of the Act; and (2) located in a county that ranks within the lowest quartile of counties based upon its spending for benefits under Medicare Part A and Part B per enrollee adjusted for age, sex, and race. Section 1109(b) of Public Law 111–152 makes available $400 million to qualifying hospitals for FY 2011 and FY 2012. Section 1109(c) of Public Law 111–152 requires the $400 million to be divided among each qualifying hospital in proportion to the ratio of the individual qualifying hospital's FY 2009 IPPS operating hospital payments to the sum of total FY 2009 IPPS operating hospital payments made to all qualifying hospitals.

2. Eligible Counties

Section 1109 of Public Law 111–152 provides $400 million for FYs 2011 and 2012 for supplemental payments to qualifying hospitals located in counties that rank within the lowest quartile of counties in the United States for spending for benefits under Medicare Part A and Part B. The provision requires that the Medicare Part A and Part B county-level spending per enrollee to be adjusted by age, sex and race. We are proposing our methodology for determining the bottom quartile of counties with the lowest Medicare Part A and Part B spending adjusted by age, sex, and race and invite public comment on the methodology we propose to use to adjust for age, sex, and race described below. We further propose that we will determine this bottom quartile of counties one time in the FY 2011 IPPS/RY 2011 LTCH PPS final rule for the purpose of disbursing the $400 million as required by section 1109 of Public Law 111–152.

We developed an adjustment model by age, sex, and race, as required under the provision. We then applied this adjustment to the county Medicare Part A and Part B spending data to account for the demographics of the Medicare beneficiaries in those counties. After those adjustments are applied, we determined the Medicare Part A and Part B spending by county per enrollee. Our proposed methodology to determine the Medicare Part A and Part B spending per enrollee by county adjusted for age, sex, and race is similar to how we calculate risk adjustment models for Medicare Advantage (MA) ratesetting. Risk adjustment for MA ratesetting is discussed in the annual announcement of calendar year MA capitation rates and MA and Part D payment policies. For more information on the methodology for risk adjustment used for MA ratesetting, we refer readers to the CMS Web site where we announce MA rates through our 45-day notice (*http://www.cms.gov/MedicareAdvtgSpecRateStats/Downloads/Announcement2010.pdf*).

a. Development of Risk Adjustment Model

As required by section 1109(d) of Public Law 111–152, we are proposing a risk adjustment model that accounts for differentials in Medicare spending by age, sex, and race. Consistent with how we develop our risk adjustment models for MA ratesetting as described above, we developed a prospective risk adjustment model using 2006 data for beneficiary characteristics and 2007 data for Part A and Part B spending. However, unlike the risk adjustment mode used for MA which includes diseases and demographic factors, the only independent variables or prospective factors in the model for payments under section 1109 of Public Law 111–152 are age, sex and race, as required by the provision. The dependent variable was annualized Medicare Part A and B spending at the beneficiary level for 2007 as it is the most recent and complete data available. The categorization of age, sex, and race variables are described below.

The age, sex, race (ASR) model(s) was estimated using the Five Percent Standard Analytic Denominator file, a standard 5-percent sample from the 2007 Denominator file which is also used to estimate CMS risk adjustment models for payment to MA organizations. We chose to use Five Percent Standard Analytic Denominator file from 2007 in order to optimize the amount of time after the timely claim submission deadlines and the latest available data; in other words because it is most complete data currently available. This file has the demographic and enrollment characteristics of all Medicare beneficiaries. The Denominator File is an abbreviated file of the Enrollment Data Base (EDB). The Denominator File contains data on all Medicare beneficiaries enrolled and/or entitled to be enrolled in Medicare in a given year while the EDB is the source of enrollment and entitlement information for all people who are or were ever entitled to Medicare. The model was estimated using all beneficiaries residing in the community and long-term institutions. The sample had 1,603,998 beneficiaries.

The Denominator File contains a sex variable where the beneficiaries can identify themselves as male or female. The file also contains an age variable which is defined as the beneficiary's age at the end of the prior year. Beneficiaries with an age greater than 98 are coded as age 98. The race demographic variable in the Denominator File is populated by data from the Social Security Administration (SSA). The SSA's data for this race demographic variable are collected on form SS–5. Prior to 1980, the SS–5 form included 3 categories for race: White, Black or Other. Since that time, Form SS–5 instructed a beneficiary to voluntarily select one of the following 5 categories: (1) Asian, Asian-American or Pacific Islander; (2) Hispanic; (3) Black (Not Hispanic); (4) North American Indian or Alaskan Native; and (5) White (Not Hispanic). Form SS–5 is completed when an individual does the following: (1) Applies for a social security number; (2) requests a replacement of the social security card; or (3) requests changes to personal information on their record such as a name change. (Social Security Administration Web site instructions *http://ssa.gov/online/ss-5.pdf).* Each January, CMS obtains data from SSA to update the EDB for beneficiaries who were added during the previous calendar year as well as all living beneficiaries whose race is identified as "Other" or "Unknown."

Discussed in the context of the ESRD payment system in the ESRD proposed rule on September 29, 2009 (74 FR 49962), we noted concerns with using the EDB as a data source due to missing data, and that racial and ethnic categories are not well defined. However, we believe that the current EDB, particularly with respect to the more recent and ongoing updates we perform, remains a useful source of race and ethnicity data on 46 million Medicare beneficiaries. Additionally, because this is our only currently available data source on the racial and ethnic demographics of Medicare beneficiaries, we propose to use the EDB as our data source for beneficiary race so that we can fulfill the requirements of section 1109(d) of Public Law 111–152 to adjust county Medicare Part A and Part B spending by race.

We used the MedPAR claims file as the source to determine Medicare inpatient spending. We used the National Claims History File to determine spending on DMEPOS and supplies. The other spending under Medicare Part A and Part B was determined using the Standard Analytic File. The Standard Analytic File and MedPAR claims file are subsets of the National Claims History File. These data files are also used in the MA ratesetting process and are our data source for Medicare spending stored at the beneficiary level.

In order to determine annual spending (the dependent variable in the risk adjustment model), we annualized the Medicare Part A and Part B spending for beneficiaries with less than a full year of eligibility, and these amounts were weighted in the analysis by the fraction of the year they were in the data.

We used a linear regression model to determine the demographic adjustments. This is consistent with how we model our risk adjustment for the MA rates. The linear regression used 24 age-sex regression categories, 12 age categories each for males and females. The age categories are as follows; 0–34, 35–44, 45–49, 50–54, 55–59, 60–64, 65–69, 70–74, 75–79, 80–84, 85–89, and 90+. The age-sex coefficients displayed in the table below reflect the difference in Medicare Part A and Part B spending per enrollee in those age-sex categories relative to national average Part A and Part B spending based on our linear regression model.

In addition, we used the same linear regression model to determine how to adjust Medicare Part A and Part B spending for race. In addition to the age-sex regression categories described above, we included variables to adjust for race. We considered two methods to adjust for race in county spending because of the way that the SS–5 form collects race information, which is then reported in the same format in the EDB. As discussed earlier, the EDB currently categorizes race by the following five categories, as reported by the Medicare beneficiary: (1) Asian, Asian-American or Pacific Islander; (2) Hispanic; (3) Black (Not Hispanic); (4) North American Indian or Alaskan Native; and (5) White (Not Hispanic). One method categorized race by White, Black, Hispanic, and Other (WBHO). The "Other" category includes Asian/Pacific Islander, American Indian/Alaska Native, and all others. The second method categorized race by White, Black, and Other (WBO), where beneficiaries who identified themselves as Hispanic were categorized as Other. The race/ethnicity categories are mutually exclusive; if a beneficiary identified themselves as Hispanic he or she was not further classified as another category, such as White or Black. In our regression modeling we used the largest group, White, as the reference group; the coefficients on the difference in spending by race, displayed in the table below, are additive to the reference group. In other words, the coefficients for each race category represent the difference in predicted Medicare Part A and Part B spending relative to our reference group. Where the coefficients are positive, this implies that the predicted spending for that category is higher than that of the reference group. Conversely, where the coefficients are negative, this implies that the predicted spending for that category is lower than that of the reference group.

Below are two tables representing the coefficients used to adjust Medicare Part A and Part B spending by county. The first table shows the coefficients for each age and sex category. The second table shows the coefficients for race. These national coefficients are applied to each counties' relative demographic for age, sex and race, so that each county has a risk score by age, sex and race.

Sex	Age categories (in years)											
	0–34	35–44	45–54	55–59	60–64	65–69	70–74	75–79	80–84	85–89	90–94	Greater than 95
Female	0.67896	0.80089	0.96917	1.09810	1.18855	0.67358	0.83818	1.01599	1.189727	1.364575	1.475495	1.366515
Male	0.52664	0.70067	0.82262	0.93750	1.03792	0.71932	0.90896	1.11809	1.32812	1.50008	1.68184	1.77046

Race	Coefficient
White	Baseline.
Black	0.17667.
Hispanic	0.229.
Other	−0.110.

We are proposing to adjust for race using the WBHO method where we separately account for cost differences associated with Hispanic beneficiaries. The Office of Management and Budget (OMB) has promulgated standards for the classification of Federal data on race and ethnicity. Under OMB's classification standards, the category of Hispanic is treated as an ethnic category as opposed to a race category. The current OMB Standards of 1997 require collection of specific demographic data using a total of five race categories, plus other (62 FR 58782 through 58790). The five race categories are—(1) American Indian or Alaska Native; (2) Asian; (3) Black or African American; (4) Native Hawaiian or Other Pacific Islander; and (5) White. In addition, OMB specified two separate ethnic categories—Hispanic or Latino, and not Hispanic or Latino. However, as explained above, Hispanic or Latino ethnicity is treated as a race category by EDB, and beneficiaries can self-identify as Hispanic among mutually exclusive racial categories. Despite the inconsistency in reporting by the OMB and the EDB, we propose to treat the category of Hispanic as a separate category for purposes of the race adjustment required by section 1109 of Public Law 111–152. We found that the coefficient for the Hispanic category is statistically significant, suggesting that Medicare Part A and Part B spending associated with this category of beneficiaries is different from the spending for our reference group and that it should be a separate coefficient to adjust county spending. In addition, the EDB treats Hispanic as a separate racial classification, consistent with our WBHO method, therefore; we believe that our proposal appropriately interprets the required race adjustment. Therefore, we propose to adjust for race using the WBHO method.

For purposes of this supplemental proposed rule, we also adjusted county spending using the WBO methodology to compare the two approaches. We found minimal difference in the county rankings under the two methodologies. We found that some counties would qualify as an eligible county only under the WBO methodology, and others would no longer qualify as an eligible county using this alternative. The decision to use the WBHO methodology affects whether 9 subsection (d) hospitals, located in 5 counties, would be eligible to receive a payment under section 1109. In Table 3, we publish the differences in counties, eligible hospitals, and payments by State under the two methodologies. This is the first time we have developed an adjustment for Medicare spending based on race, and we welcome public comment on our proposal to use the WBHO methodology to adjust for race as required by section 1109 of Public Law 111–152. We also welcome public comment on the WBO methodology to adjust for race though we note that we are not proposing this methodology at this time.

b. Calculation of County Level Part A and Part B Spending

In order to rank counties by Medicare Part A and B spending, we first calculated Medicare Part A and Part B county level spending for each county in the 50 States and the District of Columbia using a similar methodology used to establish county level FFS rates for MA payments. Using a 5 year average of each county's actual spending (from 2002 to 2006), CMS's Office of the Actuary calculated an average geographic adjuster (AGA), which reflects the county's expenditure relative to the national expenditure. We believe a 5-year average is appropriate, as it accounts for fluctuations in year-to-year expenditures, which could distort the counties' historic level of spending and is consistent with how MA rates are calculated. The AGA was then applied to the 2009 United States Per Capita Cost estimate (USPCC), which is the national average cost per Medicare beneficiary, to determine 2009 Medicare Part A and Part B spending for each county. We welcome public comment on this methodology to calculate county-level Part A and Part B spending.

3. Application of the Age/Sex/Race Adjustment to Part A and Part B County Spending

To estimate the county level risk scores for 2009, beneficiary enrollment information was first extracted from the EDB. We chose to calculate Medicare Part A and Part B county spending for 2009 to be consistent with how we are required to determine qualifying hospitals' payment amounts, under section 1109(c) of Public Law 111–152. That is, section 1109(c) of Public Law 111–152 requires that qualifying hospitals located in the bottom quartile of counties with the lowest Medicare Part and Part B spending per enrollee will receive a portion of the allotted $400 million based on their FY 2009 operating payments. Therefore, we propose to calculate Medicare Part A and Part B County spending for 2009 as well. We only include beneficiaries enrolled in Medicare Part A and/or Part B, consistent with the language of section 1109(d) of Public Law 111–152, which refers to spending under Part A and B. Based on these criteria, there were 30,666,295 beneficiaries included in the adjustment process. To determine the age, sex and race make-up of the Part A and/or Part B beneficiaries for each county, we used the EDB to identify date of birth, sex, race, and State/county of residence to create a person level file with the data needed to run the ASR model.

A county level average risk score was developed for each county in the United States by applying the ASR model to each individual in the county enrolled in Medicare Part A and/or Part B, summing the resulting risk scores and dividing by the number of beneficiaries by county enrolled in Medicare Part A and/or Part B. The county level Medicare Part A and or Part B spending was adjusted by dividing the county level Medicare Part A and/or Part B spending by the county level average risk score. The resulting spending distribution was then sorted lowest to highest dollars the 786 counties in the lowest quartile of spending (that is, lowest adjusted spending per enrollee) were determined to be eligible counties under section 1109 of Public Law 111–152.

We invite comment on our methodology for determining the age, sex, race adjustments for determining adjusted Medicare Part A and B spending by county for the purpose of determining eligible counties under section 1109 of Public Law 111–152.

3. Qualifying Hospitals and Annual Payment Amounts

We have developed a methodology to identify the qualifying hospitals located in our list of eligible counties. Consistent with section 1109(d) of Public Law 111–152, a qualifying hospital is a "subsection (d) hospital" (as defined for purposes of section 1886(d) of the Act) that is "located in" an eligible county (as identified using the methodology proposed in section B). A subsection (d) hospital is defined in section 1886(d)(1)(B) of the Act in part as a "hospital located in one of the fifty States or the District of Columbia". The term "subsection (d) hospital" does not include hospitals located in the territories or hospitals located in Puerto Rico. Section 1886(d)(9)(A) of the Act separately defines a "subsection (d) Puerto Rico hospital" as a hospital that is located in Puerto Rico and that "would be a subsection (d) hospital * * * if it were located in one of the 50 States." Therefore, Puerto Rico hospitals are not eligible for these additional payments. Indian Health Services hospitals enrolled as a Medicare provider meet the definition of a subsection(d) hospital and can qualify to receive this payment if they are located in an eligible county. In addition, hospitals that are MDHs and sole community hospitals (SCHs), though they can be paid under a hospital-specific rate instead of under the Federal standardized amount under the IPPS, are "subsection (d)" hospitals. The statutory definition of a "subsection (d)" hospital in section 1886(d)(1)(B) of the Act specifically excludes hospitals and hospital units excluded from the IPPS, such as psychiatric, rehabilitation, long term care, children's, and cancer hospitals. In addition, critical access hospitals (CAHs) are not considered qualifying hospitals because they do not meet the definition of a "subsection (d) hospital" as they are paid under section 1814(l) of the Act. CAHs are not paid under the IPPS; rather they are paid under a reasonable cost methodology, so they do not meet the definition of "qualifying hospital" under section 1109(d) of Public Law 111–152.

For the purposes of section 1109 of Public Law 111–152, we are proposing to identify "qualifying hospitals" based on their Medicare Provider number or Centers for Medicare and Medicaid Services Certification Number (CCN), because this is also how hospitals identify themselves when they file their Medicare cost reports. We also propose that in order to meet the definition of a "qualifying hospital", the facility, as identified by the Medicare Provider Number or CCN, must: (1) Have existed as a subsection (d) hospital as of April 1, 2010; (2) be geographically located in an eligible county; and (3) have received IPPS operating payments (in accordance with section 1886(d)) of the Act under their Medicare provider number in FY 2009. We used the Online Survey, Certification and Reporting (OSCAR) database to determine a hospital's county location associated with that CCN provider number. County data in OSCAR is supplied by the U.S Postal Service and is cross walked to the address reported by the provider. Under this proposal, the address listed for a hospital's Medicare provider number must be currently located in a qualifying county in order for a hospital to meet the definition of "qualifying hospital."

We have published a list of the qualifying IPPS hospitals that we have identified based on the factors described above in Table 3. We invite comment on our methodology for identifying qualifying hospitals. We also invite comment on whether our list is accurate and whether any providers are missing from this list using the methodology described above.

4. Payment Determination and Distribution

As mentioned above, under section 1109(b), the total pool of payments available to qualifying hospitals for FY 2011 and FY 2012 is $400 million. The statute is not specific as to the timing of these payments. Since Congress has allocated a set amount—$400 million—for hospitals for FYs 2011 and 2012 under this provision, we believe it is consistent with the statute to spread these payments over the 2-year period. We are proposing to distribute $150 million for FY 2011 and $250 million for FY 2012. Because this is a new policy, we are proposing to distribute a smaller amount of money for the first year ($150 million for FY 2011 and $250 million for FY 2012) so that the public will have an opportunity to review our proposal and finalized policy in the FY 2011 IPPS/LTCH PPS final rule, and notify us of any possible revisions to the list of qualifying hospitals, so that we can adjust payments for FY 2012. This will ensure that we correctly identify qualifying hospitals and their proper payment amounts without exceeding the program's funding. We invite public comment to give hospitals the opportunity to request that we make changes to the qualifying hospital list in order to ensure the accuracy of the qualifying hospital list based on the methodology set forth in the final rule. However, we are proposing to identify eligible counties, qualifying hospitals and their payment amounts under section 1109 of Public Law 111–152 only once. Because Congress has allocated a specific amount of money, we are proposing to identify eligible counties, qualifying hospitals and their payment amounts once in order to ensure we do not exceed the fixed amount of money and to ensure predictability of payments.

We propose to distribute payments through the individual hospital's Medicare contractor through an annual one-time payment during each of FY 2011 and FY 2012. We believe that annual payments made by the FI or A/B MACs would be an expeditious way to give the qualifying hospitals the money allotted under section 1109 of Public Law 111–152. Alternatively, these payments could be distributed to qualifying hospitals at the time of cost report settlement for the qualifying providers' fiscal year end FY 2011 and FY 2012 cost reports. However, cost report settlement typically takes several years beyond a hospital's fiscal year end. If we distributed these additional payments at the time of cost report settlement, it may take several years until hospitals receive these additional payments. Therefore, we believe our proposal to give hospitals their section 1109 payments as annual payments during FY 2011 and FY 2012 presents the most expedient method to distribute these payments to hospitals, and is in the spirit of the intent of Congress. We welcome public comment on our proposal to distribute $150 million in FY 2011 and $250 million in FY 2012 through an annual payment in each of those years made to the qualifying providers through their FI or A/B MAC.

We propose that qualifying hospitals report these additional payments on their Medicare hospital cost report corresponding to the appropriate cost reporting period that the hospitals have received the payments. On the Medicare Hospital Cost report, Form 2552 has an "other adjustment" line on Worksheet E, Part A that can used by hospitals to report the payments received under section 1109 of Public Law 111–152. We plan to issue additional cost reporting instructions for qualifying hospitals to report these additional payments on a subscripted line of the "other adjustment" line to identify this payment. We note that we are requiring these payments be reported on the cost report for tracking purposes only; these additional payments will not be adjusted or settled by the FI or A/B MAC on the cost report.

5. Hospital Weighting Factors

Section 1109(c) of Public Law 111–152 requires that the payment amount for a qualifying hospital shall be determined "in proportion to the portion of the amount of the aggregate payments under section 1886(d) of the Social Security Act to the hospital for fiscal year 2009 bears to the sum of all such payments to all qualifying hospitals for such fiscal year." We are proposing that the portion of a hospital's payment under section 1109 is based on the proportion of their IPPS operating payments made in FY 2009 relative to the total IPPS operating payments made to all qualifying hospitals in FY 2009. These FY 2009 IPPS operating payments made under section 1886(d) include DRG and wage adjusted payments made under the IPPS standardized amount with add-on payments for operating DSH, operating IME, operating outliers and new technology (collectively referred to in this proposed rule as the IPPS operating payment amount). We are proposing to include IME MA payments made to IPPS hospitals because these payments are made under section 1886(d) of the Act. Under 42 CFR 412.105(g) of the regulations and as implemented in Transmittal A–98–21 (Change Request 332), hospitals that are paid under the IPPS and train residents in approved GME programs may submit claims associated with MA enrollees to the FI/MAC for the purpose of receiving an IME payment. No IPPS operating payment or other add-on payment is made for these MA enrollees. This is consistent with how the IPPS includes these IME MA payments when adjusting for budget neutrality of the IPPS standardized amounts.

In addition, we are including in the FY 2009 IPPS operating payment amount beneficiary liabilities (coinsurance, copayments, and deductibles) because the payments made under section 1886(d) of the Act "are subject to the provisions of section 1813." That is, the payment received by the hospital includes the amount paid by Medicare, as well as the amount for which the beneficiary is responsible, as set forth in section 1813 of the Act. We propose to exclude IPPS capital payments because they are payments made under section 1886(g) of the Act. We also propose to exclude payments for organ acquisition costs because it is a payment made under section 1881(d) of the Act and we propose to exclude payments for blood clotting factor because they are payments made under section 1886(a)(4) of the Act.

Consistent with our IPPS ratesetting process, we are proposing to use the FY 2009 MedPAR inpatient claims data to determine the FY 2009 IPPS operating payments amount made to qualifying hospitals in order to set the ratio for determining a qualifying hospital's share of the $400 million payment under section 1109 of Public Law 111–152. Though these claim payments may be later changed and adjusted at cost report settlement, this settlement generally occurs after FY 2011 and FY 2012. Furthermore, we believe that use of the FY 2009 MedPAR inpatient claims data is consistent with our proposal to make the payments under section 1109 of Public Law 111–152 in two annual payments in FY 2011 and 2012 instead of waiting for cost report settlement. Furthermore, we use MedPAR data in other areas of the IPPS, including calculating IPPS relative weights, budget neutrality factors, outlier thresholds and the standardized amount. The FY 2009 MedPAR data can be ordered to allow the public to verify qualifying hospitals' FY 2009 IPPS operating payments. Interested individuals may order these files through the Web site at: *http://www.cms.hhs.gov/LimitedDataSets/* by clicking on MedPAR Limited Data Set (LDS)-Hospital (National). This Web page describes the file and provides directions and further detailed instructions for how to order.

Persons placing an order must send the following: a Letter of Request, the LDS Data Use Agreement and Research Protocol (refer to the Web site for further instructions), the LDS Form, and a check for $3,655 to:

Mailing address if using the U.S. Postal Service: Centers for Medicare & Medicaid Services, RDDC Account, Accounting Division, P.O. Box 7520, Baltimore, MD 21207–0520.

Mailing address if using express mail: Centers for Medicare & Medicaid Services, OFM/Division of Accounting—RDDC, Mailstop C3–07–11, 7500 Security Boulevard, Baltimore, MD 21244–1850.

For this proposed rule, we used the December 2009 update to the FY 2009 MedPAR data (which is the latest available update to the file) to determine the proposed qualifying hospitals' IPPS operating payment amounts. For the FY 2011 IPPS/LTCH PPS final rule, we plan on using the March 2010 update to the FY 2009 MedPAR data to determine qualifying hospitals' IPPS operating payment amounts which will then be used to set the hospital weighting factors for FYs 2011 and 2012

As discussed earlier in section II.E.3. of the preamble to this supplemental proposed rule, qualifying hospitals can include SCHs and MDHs as they meet the definition of subsection (d) hospitals. SCHs are paid in the interim (prior to cost report settlement) on a claim by claim basis at the amount that is the higher of the payment based on the hospital-specific rate or the IPPS Federal rate based on the standardized amount. At cost report settlement, the FI or A/B MAC determines if the hospital would receive higher IPPS payments in the aggregate using the hospitals specific rate (on all claims) or the Federal rate (on all claims). The FI or A/B MAC then assigns the hospital the higher payment amount (either the hospital specific rate for all claims or the Federal rate amount for all claims) for the cost reporting period. To determine the FY 2009 operating payment amount for SCHs that meet the definition of a qualifying hospital, we propose to use the IPPS operating payment made on the Medicare IPPS claim in the FY 2009 MedPAR rather than the SCH's final payment rate that is determined at cost report settlement. We believe this approach is consistent with the treatment of other qualifying hospitals under our proposal, and again allows for the timely distribution of funds in two annual payments, as discussed above. MDHs are paid the sum of the Federal payment amount plus 75 percent of the amount by which the hospital specific rate exceeds the Federal payment amount. This amount is considered their IPPS operating payment reported on their Medicare IPPS claim.

In order to calculate payment amounts consistent with section 1109(c) of Public Law 111–152, we propose to use a weighting factor for each qualifying hospital that is equal to the qualifying hospital's FY 2009 IPPS operating payment amount (as described above) divided by the sum of FY 2009 IPPS operating payment amounts for all qualifying hospitals. We believe this methodology is consistent with the requirement of section 1109(c) of Public Law 111–152, because qualifying hospitals with a larger proportion of operating payments would have a proportionately higher weighting factor and would receive the proportionately larger share of the $400 million, while hospitals with a smaller proportion of operating payments would have proportionately smaller weighting factor and would receive proportionately smaller shares of the $400 million. We welcome public comment on our methodology to determine the amount of money distributed to qualifying hospitals consistent with the language

in section 1109(c) of Public Law 111–152.

6. Results

In calculating county-level Medicare Part A and B spending, we have found that there are 3,144 counties in the United States. Therefore, there are 786 counties that rank in the lowest quartile of counties with regards to adjusted Medicare Part A and Part B spending per beneficiary. We have listed the 786 eligible counties in Table 2. Of those 786 eligible counties, there are only 276 counties in which qualifying hospitals are located, using the methodology we proposed in section II.E.3. of the preamble to this supplemental proposed rule. Using Medicare provider numbers, as proposed above in section II.E.3. of the preamble to this supplemental proposed rule, we have identified 415 IPPS hospitals that are currently located in those eligible counties and received IPPS operating payments in FY 2009. We have listed the qualifying IPPS provider numbers, their counties and their weighting factors in Table 2. We invite public comment on our proposed methodology for adjusting spending for age, sex, and race as well as the alternative methodology discussed in section II.E.2.a. of the preamble to this supplemental proposed rule. For these two methodologies (WBHO and WBO), we list the number of eligible counties, the number of eligible counties in which a qualifying hospital is located, the payment amount, and the percentage of the total payment under section 1109 of Public Law 111–152 by State in Table 3.

We invite public comment on the accuracy of the lists of eligible counties, qualifying hospitals and qualifying hospitals' payment weighting factors (based on the proposed methodologies described above).

7. Finalization of Eligible Counties, Qualifying Hospitals and Qualifying Hospitals' Weighting Factors

Based on public comments, it is possible that we will finalize a methodology to determine the list of eligible counties and hospitals that differs from our current proposal. A change in our methodology could, in turn, result in changes to the list of eligible counties or qualifying hospitals. We note again that we are proposing to identify eligible counties, qualifying providers and their payments under section 1109 of Public Law 111–152 only once in the FY 2011 IPPS/LTCH PPS final rule. Based on this proposal, the methodology for determining a final list of eligible counties would produce the actual list of eligible counties that would be finalized in the FY 2011 IPPS final rule and would not be updated in a future fiscal year based on updated data.

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Table 2: List of Eligible Counties
(Note: This list is based on the proposed WBHO risk adjustment method.)

County Code	County Name	State
01050	BULLOCK	ALABAMA
01400	LEE	ALABAMA
01430	MACON	ALABAMA
01590	SUMTER	ALABAMA
01650	WILCOX	ALABAMA
03010	COCHISE	ARIZONA
03040	GRAHAM	ARIZONA
03050	GREENLEE	ARIZONA
03110	SANTA CRUZ	ARIZONA
03120	YAVAPAI	ARIZONA
04030	BENTON	ARKANSAS
04070	CARROLL	ARKANSAS
04230	FRANKLIN	ARKANSAS
04240	FULTON	ARKANSAS
04340	JEFFERSON	ARKANSAS
04380	LEE	ARKANSAS
04410	LOGAN	ARKANSAS
04430	MADISON	ARKANSAS
04440	MARION	ARKANSAS
04480	MONTGOMERY	ARKANSAS
04500	NEWTON	ARKANSAS
04630	SCOTT	ARKANSAS
04640	SEARCY	ARKANSAS
04710	WASHINGTON	ARKANSAS
05110	HUMBOLDT	CALIFORNIA
05350	MODOC	CALIFORNIA
05410	PLACER	CALIFORNIA
05670	YOLO	CALIFORNIA
06010	ALAMOSA	COLORADO
06030	ARCHULETA	COLORADO
06064	BOULDER	COLORADO
06070	CHAFFEE	COLORADO
06110	COSTILLA	COLORADO
06120	CROWLEY	COLORADO
06130	CUSTER	COLORADO
06160	DOLORES	COLORADO
06210	FREMONT	COLORADO
06250	GUNNISON	COLORADO
06260	HINSDALE	COLORADO
06280	JACKSON	COLORADO
06350	LAS ANIMAS	COLORADO
06410	MONTEZUMA	COLORADO
06530	ROUTT	COLORADO
06550	SAN JUAN	COLORADO

County Code	County Name	State
06590	TELLER	COLORADO
11230	CHATTAHOOCHEE	GEORGIA
11260	CLARKE	GEORGIA
11270	CLAY	GEORGIA
11360	DECATUR	GEORGIA
11430	ELBERT	GEORGIA
11510	GRADY	GEORGIA
11580	HARRIS	GEORGIA
11730	MARION	GEORGIA
11835	RANDOLPH	GEORGIA
11840	RICHMOND	GEORGIA
11881	TALIAFERRO	GEORGIA
11890	THOMAS	GEORGIA
11902	TOWNS	GEORGIA
11950	WASHINGTON	GEORGIA
12010	HAWAII	HAWAII
12020	HONOLULU	HAWAII
12040	KAUAI	HAWAII
12050	MAUI	HAWAII
13000	ADA	IDAHO
13020	BANNOCK	IDAHO
13050	BINGHAM	IDAHO
13060	BLAINE	IDAHO
13070	BOISE	IDAHO
13080	BONNER	IDAHO
13090	BONNEVILLE	IDAHO
13100	BOUNDARY	IDAHO
13130	CANYON	IDAHO
13150	CASSIA	IDAHO
13160	CLARK	IDAHO
13180	CUSTER	IDAHO
13200	FRANKLIN	IDAHO
13210	FREMONT	IDAHO
13220	GEM	IDAHO
13250	JEFFERSON	IDAHO
13260	JEROME	IDAHO
13280	LATAH	IDAHO
13310	LINCOLN	IDAHO
13320	MADISON	IDAHO
13330	MINIDOKA	IDAHO
13360	OWYHEE	IDAHO
13370	PAYETTE	IDAHO
13380	POWER	IDAHO
13410	TWIN FALLS	IDAHO
13430	WASHINGTON	IDAHO
14080	CASS	ILLINOIS
14150	CRAWFORD	ILLINOIS

County Code	County Name	State
14190	DOUGLAS	ILLINOIS
14320	EDWARDS	ILLINOIS
14600	LEE	ILLINOIS
14630	MC DONOUGH	ILLINOIS
14650	MC LEAN	ILLINOIS
14730	MENARD	ILLINOIS
14770	MORGAN	ILLINOIS
14830	PIKE	ILLINOIS
14921	SCHUYLER	ILLINOIS
14940	SCOTT	ILLINOIS
14960	STARK	ILLINOIS
14970	STEPHENSON	ILLINOIS
14981	UNION	ILLINOIS
14992	WOODFORD	ILLINOIS
15000	ADAMS	INDIANA
15060	BROWN	INDIANA
15160	DE KALB	INDIANA
15190	ELKHART	INDIANA
15230	FRANKLIN	INDIANA
15340	HUNTINGTON	INDIANA
15350	JACKSON	INDIANA
15420	KOSCIUSKO	INDIANA
15430	LAGRANGE	INDIANA
15490	MARSHALL	INDIANA
15520	MONROE	INDIANA
15560	NOBLE	INDIANA
15580	ORANGE	INDIANA
15840	WABASH	INDIANA
15890	WELLS	INDIANA
15910	WHITLEY	INDIANA
16000	ADAIR	IOWA
16020	ALLAMAKEE	IOWA
16030	APPANOOSE	IOWA
16050	BENTON	IOWA
16070	BOONE	IOWA
16100	BUENA VISTA	IOWA
16130	CARROLL	IOWA
16140	CASS	IOWA
16150	CEDAR	IOWA
16160	CERRO GORDO	IOWA
16170	CHEROKEE	IOWA
16190	CLARKE	IOWA
16200	CLAY	IOWA
16210	CLAYTON	IOWA
16230	CRAWFORD	IOWA
16240	DALLAS	IOWA
16250	DAVIS	IOWA

County Code	County Name	State
16260	DECATUR	IOWA
16270	DELAWARE	IOWA
16290	DICKINSON	IOWA
16310	EMMET	IOWA
16320	FAYETTE	IOWA
16330	FLOYD	IOWA
16340	FRANKLIN	IOWA
16360	GREENE	IOWA
16370	GRUNDY	IOWA
16380	GUTHRIE	IOWA
16400	HANCOCK	IOWA
16410	HARDIN	IOWA
16430	HENRY	IOWA
16440	HOWARD	IOWA
16450	HUMBOLDT	IOWA
16460	IDA	IOWA
16470	IOWA	IOWA
16480	JACKSON	IOWA
16490	JASPER	IOWA
16500	JEFFERSON	IOWA
16510	JOHNSON	IOWA
16520	JONES	IOWA
16530	KEOKUK	IOWA
16540	KOSSUTH	IOWA
16560	LINN	IOWA
16570	LOUISA	IOWA
16580	LUCAS	IOWA
16590	LYON	IOWA
16600	MADISON	IOWA
16610	MAHASKA	IOWA
16620	MARION	IOWA
16630	MARSHALL	IOWA
16650	MITCHELL	IOWA
16690	MUSCATINE	IOWA
16700	OBRIEN	IOWA
16710	OSCEOLA	IOWA
16730	PALO ALTO	IOWA
16740	PLYMOUTH	IOWA
16760	POLK	IOWA
16780	POWESHIEK	IOWA
16790	RINGGOLD	IOWA
16830	SIOUX	IOWA
16840	STORY	IOWA
16850	TAMA	IOWA
16860	TAYLOR	IOWA
16870	UNION	IOWA
16880	VAN BUREN	IOWA

County Code	County Name	State
16900	WARREN	IOWA
16910	WASHINGTON	IOWA
16920	WAYNE	IOWA
16930	WEBSTER	IOWA
16940	WINNEBAGO	IOWA
16950	WINNESHIEK	IOWA
16960	WOODBURY	IOWA
16970	WORTH	IOWA
17130	CLAY	KANSAS
17140	CLOUD	KANSAS
17170	COWLEY	KANSAS
17200	DICKINSON	KANSAS
17300	GEARY	KANSAS
17630	MORRIS	KANSAS
17650	NEMAHA	KANSAS
17680	NORTON	KANSAS
17710	OTTAWA	KANSAS
17780	REPUBLIC	KANSAS
17840	SALINE	KANSAS
17910	SMITH	KANSAS
17980	WABAUNSEE	KANSAS
17982	WASHINGTON	KANSAS
18050	BATH	KENTUCKY
18770	MARION	KENTUCKY
18802	MENIFEE	KENTUCKY
18860	MONTGOMERY	KENTUCKY
18971	POWELL	KENTUCKY
18987	WASHINGTON	KENTUCKY
20050	KENNEBEC	MAINE
20060	KNOX	MAINE
20070	LINCOLN	MAINE
20080	OXFORD	MAINE
20100	PISCATAQUIS	MAINE
20110	SAGADAHOC	MAINE
20130	WALDO	MAINE
23090	BENZIE	MICHIGAN
23200	DELTA	MICHIGAN
23210	DICKINSON	MICHIGAN
23260	GOGEBIC	MICHIGAN
23350	IRON	MICHIGAN
23440	LEELANAU	MICHIGAN
23510	MARQUETTE	MICHIGAN
23530	MECOSTA	MICHIGAN
23540	MENOMINEE	MICHIGAN
23560	MISSAUKEE	MICHIGAN
23610	NEWAYGO	MICHIGAN
23630	OCEANA	MICHIGAN

County Code	County Name	State
23690	OTTAWA	MICHIGAN
24020	BECKER	MINNESOTA
24050	BIG STONE	MINNESOTA
24060	BLUE EARTH	MINNESOTA
24070	BROWN	MINNESOTA
24080	CARLTON	MINNESOTA
24100	CASS	MINNESOTA
24110	CHIPPEWA	MINNESOTA
24130	CLAY	MINNESOTA
24140	CLEARWATER	MINNESOTA
24160	COTTONWOOD	MINNESOTA
24170	CROW WING	MINNESOTA
24200	DOUGLAS	MINNESOTA
24210	FARIBAULT	MINNESOTA
24220	FILLMORE	MINNESOTA
24230	FREEBORN	MINNESOTA
24250	GRANT	MINNESOTA
24270	HOUSTON	MINNESOTA
24280	HUBBARD	MINNESOTA
24310	JACKSON	MINNESOTA
24330	KANDIYOHI	MINNESOTA
24340	KITTSON	MINNESOTA
24380	LAKE OF WOODS	MINNESOTA
24390	LE SUEUR	MINNESOTA
24410	LYON	MINNESOTA
24450	MARTIN	MINNESOTA
24460	MEEKER	MINNESOTA
24480	MORRISON	MINNESOTA
24510	NICOLLET	MINNESOTA
24520	NOBLES	MINNESOTA
24550	OTTER TAIL	MINNESOTA
24560	PENNINGTON	MINNESOTA
24580	PIPESTONE	MINNESOTA
24590	POLK	MINNESOTA
24600	POPE	MINNESOTA
24620	RED LAKE	MINNESOTA
24630	REDWOOD	MINNESOTA
24640	RENVILLE	MINNESOTA
24650	RICE	MINNESOTA
24660	ROCK	MINNESOTA
24670	ROSEAU	MINNESOTA
24720	STEARNS	MINNESOTA
24730	STEELE	MINNESOTA
24750	SWIFT	MINNESOTA
24770	TRAVERSE	MINNESOTA
24780	WABASHA	MINNESOTA
24790	WADENA	MINNESOTA

County Code	County Name	State
24800	WASECA	MINNESOTA
24820	WATONWAN	MINNESOTA
24830	WILKIN	MINNESOTA
24840	WINONA	MINNESOTA
25060	CALHOUN	MISSISSIPPI
25350	LAFAYETTE	MISSISSIPPI
25430	LOWNDES	MISSISSIPPI
25510	NOXUBEE	MISSISSIPPI
25520	OKTIBBEHA	MISSISSIPPI
25790	WINSTON	MISSISSIPPI
26040	BARRY	MISSOURI
26090	BOONE	MISSOURI
26190	CEDAR	MISSOURI
26210	CHRISTIAN	MISSOURI
26260	COOPER	MISSOURI
26280	DADE	MISSOURI
26330	DOUGLAS	MISSOURI
26380	GREENE	MISSOURI
26450	HOWELL	MISSOURI
26520	LACLEDE	MISSOURI
26740	OREGON	MISSOURI
26751	OZARK	MISSOURI
26790	PETTIS	MISSOURI
26821	POLK	MISSOURI
26990	VERNON	MISSOURI
26994	WEBSTER	MISSOURI
26996	WRIGHT	MISSOURI
27030	BROADWATER	MONTANA
27040	CARBON	MONTANA
27050	CARTER	MONTANA
27080	CUSTER	MONTANA
27090	DANIELS	MONTANA
27100	DAWSON	MONTANA
27120	FALLON	MONTANA
27130	FERGUS	MONTANA
27140	FLATHEAD	MONTANA
27150	GALLATIN	MONTANA
27160	GARFIELD	MONTANA
27180	GOLDEN VALLEY	MONTANA
27190	GRANITE	MONTANA
27210	JEFFERSON	MONTANA
27220	JUDITH BASIN	MONTANA
27240	LEWIS AND CLARK	MONTANA
27260	LINCOLN	MONTANA
27270	MCCONE	MONTANA
27280	MADISON	MONTANA
27310	MISSOULA	MONTANA

County Code	County Name	State
27340	PETROLEUM	MONTANA
27350	PHILLIPS	MONTANA
27370	POWDER RIVER	MONTANA
27380	POWELL	MONTANA
27390	PRAIRIE	MONTANA
27400	RAVALLI	MONTANA
27410	RICHLAND	MONTANA
27430	ROSEBUD	MONTANA
27440	SANDERS	MONTANA
27450	SHERIDAN	MONTANA
27460	SILVER BOW	MONTANA
27470	STILLWATER	MONTANA
27480	SWEET GRASS	MONTANA
27490	TETON	MONTANA
27510	TREASURE	MONTANA
27520	VALLEY	MONTANA
27530	WHEATLAND	MONTANA
27540	WIBAUX	MONTANA
27550	YELLOWSTONE	MONTANA
28030	BANNER	NEBRASKA
28050	BOONE	NEBRASKA
28060	BOX BUTTE	NEBRASKA
28090	BUFFALO	NEBRASKA
28110	BUTLER	NEBRASKA
28130	CEDAR	NEBRASKA
28160	CHEYENNE	NEBRASKA
28190	CUMING	NEBRASKA
28210	DAKOTA	NEBRASKA
28220	DAWES	NEBRASKA
28240	DEUEL	NEBRASKA
28250	DIXON	NEBRASKA
28320	FURNAS	NEBRASKA
28330	GAGE	NEBRASKA
28350	GARFIELD	NEBRASKA
28360	GOSPER	NEBRASKA
28370	GRANT	NEBRASKA
28400	HAMILTON	NEBRASKA
28420	HAYES	NEBRASKA
28430	HITCHCOCK	NEBRASKA
28450	HOOKER	NEBRASKA
28470	JEFFERSON	NEBRASKA
28480	JOHNSON	NEBRASKA
28490	KEARNEY	NEBRASKA
28510	KEYA PAHA	NEBRASKA
28530	KNOX	NEBRASKA
28560	LOGAN	NEBRASKA
28570	LOUP	NEBRASKA

County Code	County Name	State
28580	MC PHERSON	NEBRASKA
28590	MADISON	NEBRASKA
28600	MERRICK	NEBRASKA
28610	MORRILL	NEBRASKA
28670	PERKINS	NEBRASKA
28700	PLATTE	NEBRASKA
28720	RED WILLOW	NEBRASKA
28780	SCOTT BLUFF	NEBRASKA
28800	SHERIDAN	NEBRASKA
28820	SIOUX	NEBRASKA
28830	STANTON	NEBRASKA
28850	THOMAS	NEBRASKA
28890	WAYNE	NEBRASKA
29050	EUREKA	NEVADA
30010	CARROLL	NEW HAMPSHI
30090	SULLIVAN	NEW HAMPSHI
32000	BERNALILLO	NEW MEXICO
32010	CATRON	NEW MEXICO
32025	CIBOLA	NEW MEXICO
32030	COLFAX	NEW MEXICO
32050	DE BACA	NEW MEXICO
32060	DONA ANA	NEW MEXICO
32080	GRANT	NEW MEXICO
32090	GUADALUPE	NEW MEXICO
32100	HARDING	NEW MEXICO
32110	HIDALGO	NEW MEXICO
32130	LINCOLN	NEW MEXICO
32131	LOS ALAMOS	NEW MEXICO
32140	LUNA	NEW MEXICO
32160	MORA	NEW MEXICO
32170	OTERO	NEW MEXICO
32180	QUAY	NEW MEXICO
32190	RIO ARRIBA	NEW MEXICO
32210	SANDOVAL	NEW MEXICO
32230	SAN MIGUEL	NEW MEXICO
32240	SANTA FE	NEW MEXICO
32250	SIERRA	NEW MEXICO
32260	SOCORRO	NEW MEXICO
32270	TAOS	NEW MEXICO
32280	TORRANCE	NEW MEXICO
32300	VALENCIA	NEW MEXICO
33010	ALLEGANY	NEW YORK
33030	BROOME	NEW YORK
33040	CATTARAUGUS	NEW YORK
33050	CAYUGA	NEW YORK
33060	CHAUTAUQUA	NEW YORK
33070	CHEMUNG	NEW YORK

County Code	County Name	State
33080	CHENANGO	NEW YORK
33210	CORTLAND	NEW YORK
33260	ESSEX	NEW YORK
33270	FRANKLIN	NEW YORK
33280	FULTON	NEW YORK
33310	HAMILTON	NEW YORK
33330	JEFFERSON	NEW YORK
33340	LEWIS	NEW YORK
33360	MADISON	NEW YORK
33380	MONTGOMERY	NEW YORK
33510	ONEIDA	NEW YORK
33520	ONONDAGA	NEW YORK
33530	ONTARIO	NEW YORK
33550	ORLEANS	NEW YORK
33570	OTSEGO	NEW YORK
33630	ST. LAWRENCE	NEW YORK
33640	SARATOGA	NEW YORK
33650	SCHENECTADY	NEW YORK
33660	SCHOHARIE	NEW YORK
33670	SCHUYLER	NEW YORK
33680	SENECA	NEW YORK
33690	STEUBEN	NEW YORK
33720	TIOGA	NEW YORK
33730	TOMPKINS	NEW YORK
33750	WARREN	NEW YORK
33760	WASHINGTON	NEW YORK
33770	WAYNE	NEW YORK
33900	WYOMING	NEW YORK
33910	YATES	NEW YORK
34040	ASHE	NORTH CAROLINA
34160	CASWELL	NORTH CAROLINA
34190	CHEROKEE	NORTH CAROLINA
34200	CHOWAN	NORTH CAROLINA
34210	CLAY	NORTH CAROLINA
34370	GRAHAM	NORTH CAROLINA
34380	GRANVILLE	NORTH CAROLINA
34490	JACKSON	NORTH CAROLINA
34550	MC DOWELL	NORTH CAROLINA
34560	MACON	NORTH CAROLINA
34600	MITCHELL	NORTH CAROLINA
34710	PERQUIMANS	NORTH CAROLINA
34720	PERSON	NORTH CAROLINA
34740	POLK	NORTH CAROLINA
34870	TRANSYLVANIA	NORTH CAROLINA
34880	TYRRELL	NORTH CAROLINA
34900	VANCE	NORTH CAROLINA
34920	WARREN	NORTH CAROLINA

County Code	County Name	State
34981	YANCEY	NORTH CAROLINA
35010	BARNES	NORTH DAKOTA
35030	BILLINGS	NORTH DAKOTA
35060	BURKE	NORTH DAKOTA
35070	BURLEIGH	NORTH DAKOTA
35080	CASS	NORTH DAKOTA
35090	CAVALIER	NORTH DAKOTA
35100	DICKEY	NORTH DAKOTA
35110	DIVIDE	NORTH DAKOTA
35120	DUNN	NORTH DAKOTA
35130	EDDY	NORTH DAKOTA
35140	EMMONS	NORTH DAKOTA
35150	FOSTER	NORTH DAKOTA
35160	GOLDEN VALLEY	NORTH DAKOTA
35180	GRANT	NORTH DAKOTA
35190	GRIGGS	NORTH DAKOTA
35200	HETTINGER	NORTH DAKOTA
35210	KIDDER	NORTH DAKOTA
35220	LA MOURE	NORTH DAKOTA
35230	LOGAN	NORTH DAKOTA
35240	MCHENRY	NORTH DAKOTA
35250	MCINTOSH	NORTH DAKOTA
35270	MCLEAN	NORTH DAKOTA
35280	MERCER	NORTH DAKOTA
35290	MORTON	NORTH DAKOTA
35300	MOUNTRAIL	NORTH DAKOTA
35320	OLIVER	NORTH DAKOTA
35330	PEMBINA	NORTH DAKOTA
35350	RAMSEY	NORTH DAKOTA
35370	RENVILLE	NORTH DAKOTA
35380	RICHLAND	NORTH DAKOTA
35410	SHERIDAN	NORTH DAKOTA
35440	STARK	NORTH DAKOTA
35450	STEELE	NORTH DAKOTA
35460	STUTSMAN	NORTH DAKOTA
35470	TOWNER	NORTH DAKOTA
35480	TRAILL	NORTH DAKOTA
35490	WALSH	NORTH DAKOTA
35500	WARD	NORTH DAKOTA
35510	WELLS	NORTH DAKOTA
35520	WILLIAMS	NORTH DAKOTA
36020	ASHLAND	OHIO
36390	HOLMES	OHIO
37520	NOWATA	OKLAHOMA
37730	WASHINGTON	OKLAHOMA
38000	BAKER	OREGON
38010	BENTON	OREGON

County Code	County Name	State
38020	CLACKAMAS	OREGON
38080	DESCHUTES	OREGON
38100	GILLIAM	OREGON
38130	HOOD RIVER	OREGON
38150	JEFFERSON	OREGON
38170	KLAMATH	OREGON
38180	LAKE	OREGON
38200	LINCOLN	OREGON
38220	MALHEUR	OREGON
38230	MARION	OREGON
38250	MULTNOMAH	OREGON
38260	POLK	OREGON
38270	SHERMAN	OREGON
38290	UMATILLA	OREGON
38300	UNION	OREGON
38320	WASCO	OREGON
38330	WASHINGTON	OREGON
38340	WHEELER	OREGON
39000	ADAMS	PENNSYLVANIA
39130	BRADFORD	PENNSYLVANIA
39200	CENTRE	PENNSYLVANIA
39240	CLINTON	PENNSYLVANIA
39440	LANCASTER	PENNSYLVANIA
39460	LEBANON	PENNSYLVANIA
39510	LYCOMING	PENNSYLVANIA
39640	POTTER	PENNSYLVANIA
39690	SULLIVAN	PENNSYLVANIA
39710	TIOGA	PENNSYLVANIA
39720	UNION	PENNSYLVANIA
42000	ABBEVILLE	SOUTH CAROLINA
42230	GREENWOOD	SOUTH CAROLINA
42320	MCCORMICK	SOUTH CAROLINA
42400	SALUDA	SOUTH CAROLINA
43010	AURORA	SOUTH DAKOTA
43020	BEADLE	SOUTH DAKOTA
43030	BENNETT	SOUTH DAKOTA
43040	BON HOMME	SOUTH DAKOTA
43050	BROOKINGS	SOUTH DAKOTA
43060	BROWN	SOUTH DAKOTA
43070	BRULE	SOUTH DAKOTA
43090	BUTTE	SOUTH DAKOTA
43100	CAMPBELL	SOUTH DAKOTA
43110	CHARLES MIX	SOUTH DAKOTA
43120	CLARK	SOUTH DAKOTA
43130	CLAY	SOUTH DAKOTA
43140	CODINGTON	SOUTH DAKOTA
43150	CORSON	SOUTH DAKOTA

County Code	County Name	State
43160	CUSTER	SOUTH DAKOTA
43170	DAVISON	SOUTH DAKOTA
43220	EDMUNDS	SOUTH DAKOTA
43230	FALL RIVER	SOUTH DAKOTA
43250	GRANT	SOUTH DAKOTA
43270	HAAKON	SOUTH DAKOTA
43280	HAMLIN	SOUTH DAKOTA
43290	HAND	SOUTH DAKOTA
43300	HANSON	SOUTH DAKOTA
43320	HUGHES	SOUTH DAKOTA
43330	HUTCHINSON	SOUTH DAKOTA
43340	HYDE	SOUTH DAKOTA
43350	JACKSON	SOUTH DAKOTA
43360	JERAULD	SOUTH DAKOTA
43370	JONES	SOUTH DAKOTA
43380	KINGSBURY	SOUTH DAKOTA
43390	LAKE	SOUTH DAKOTA
43400	LAWRENCE	SOUTH DAKOTA
43410	LINCOLN	SOUTH DAKOTA
43420	LYMAN	SOUTH DAKOTA
43430	MC COOK	SOUTH DAKOTA
43440	MC PHERSON	SOUTH DAKOTA
43450	MARSHALL	SOUTH DAKOTA
43460	MEADE	SOUTH DAKOTA
43470	MELLETTE	SOUTH DAKOTA
43490	MINNEHAHA	SOUTH DAKOTA
43500	MOODY	SOUTH DAKOTA
43510	PENNINGTON	SOUTH DAKOTA
43520	PERKINS	SOUTH DAKOTA
43540	ROBERTS	SOUTH DAKOTA
43550	SANBORN	SOUTH DAKOTA
43580	STANLEY	SOUTH DAKOTA
43590	SULLY	SOUTH DAKOTA
43610	TRIPP	SOUTH DAKOTA
43620	TURNER	SOUTH DAKOTA
43630	UNION	SOUTH DAKOTA
43640	WALWORTH	SOUTH DAKOTA
43650	WASHABAUGH	SOUTH DAKOTA
43670	YANKTON	SOUTH DAKOTA
45200	BREWSTER	TEXAS
45361	CROCKETT	TEXAS
45552	GILLESPIE	TEXAS
45662	HUDSPETH	TEXAS
45762	LOVING	TEXAS
45793	MENARD	TEXAS
45831	OCHILTREE	TEXAS
45861	PRESIDIO	TEXAS

County Code	County Name	State
45912	TERRELL	TEXAS
45946	VAL VERDE	TEXAS
45952	WASHINGTON	TEXAS
46010	BOX ELDER	UTAH
46020	CACHE	UTAH
46040	DAGGETT	UTAH
46050	DAVIS	UTAH
46060	DUCHESNE	UTAH
46080	GARFIELD	UTAH
46090	GRAND	UTAH
46100	IRON	UTAH
46120	KANE	UTAH
46130	MILLARD	UTAH
46140	MORGAN	UTAH
46150	PIUTE	UTAH
46160	RICH	UTAH
46200	SEVIER	UTAH
46210	SUMMIT	UTAH
46230	UINTAH	UTAH
46250	WASATCH	UTAH
46270	WAYNE	UTAH
47000	ADDISON	VERMONT
47020	CALEDONIA	VERMONT
47040	ESSEX	VERMONT
47070	LAMOILLE	VERMONT
47090	ORLEANS	VERMONT
47110	WASHINGTON	VERMONT
47120	WINDHAM	VERMONT
49030	AMELIA	VIRGINIA
49050	APPOMATTOX	VIRGINIA
49070	AUGUSTA	VIRGINIA
49088	BEDFORD CITY	VIRGINIA
49090	BEDFORD	VIRGINIA
49110	BOTETOURT	VIRGINIA
49120	BRUNSWICK	VIRGINIA
49141	BUENA VISTA CITY	VIRGINIA
49150	CAMPBELL	VIRGINIA
49170	CARROLL	VIRGINIA
49180	CHARLES CITY	VIRGINIA
49190	CHARLOTTE	VIRGINIA
49200	CHESTERFIELD	VIRGINIA
49220	CRAIG	VIRGINIA
49240	CUMBERLAND	VIRGINIA
49241	DANVILLE CITY	VIRGINIA
49260	DINWIDDIE	VIRGINIA
49310	FLOYD	VIRGINIA
49320	FLUVANNA	VIRGINIA

County Code	County Name	State
49328	FRANKLIN CITY	VIRGINIA
49330	FRANKLIN	VIRGINIA
49343	GALAX CITY	VIRGINIA
49360	GLOUCESTER	VIRGINIA
49370	GOOCHLAND	VIRGINIA
49380	GRAYSON	VIRGINIA
49400	GREENSVILLE	VIRGINIA
49410	HALIFAX	VIRGINIA
49411	HAMPTON CITY	VIRGINIA
49421	HARRISONBURG CITY	VIRGINIA
49440	HENRY	VIRGINIA
49460	ISLE OF WIGHT	VIRGINIA
49470	JAMES CITY	VIRGINIA
49510	LANCASTER	VIRGINIA
49522	LEXINGTON CITY	VIRGINIA
49550	LUNENBURG	VIRGINIA
49551	LYNCHBURG CITY	VIRGINIA
49560	MADISON	VIRGINIA
49561	MARTINSVILLE CITY	VIRGINIA
49570	MATHEWS	VIRGINIA
49580	MECKLENBURG	VIRGINIA
49590	MIDDLESEX	VIRGINIA
49600	MONTGOMERY	VIRGINIA
49622	NEWPORT NEWS CITY	VIRGINIA
49660	NORTHUMBERLND	VIRGINIA
49670	NOTTOWAY	VIRGINIA
49710	PITTSYLVANIA	VIRGINIA
49712	POQUOSON	VIRGINIA
49720	POWHATAN	VIRGINIA
49730	PRINCE EDWARD	VIRGINIA
49780	RAPPAHANNOCK	VIRGINIA
49800	ROANOKE	VIRGINIA
49801	ROANOKE CITY	VIRGINIA
49810	ROCKBRIDGE	VIRGINIA
49820	ROCKINGHAM	VIRGINIA
49838	SALEM CITY	VIRGINIA
49850	SHENANDOAH	VIRGINIA
49860	SMYTH	VIRGINIA
49867	SOUTH BOSTON CITY	VIRGINIA
49870	SOUTHAMPTON	VIRGINIA
49891	STAUNTON CITY	VIRGINIA
49900	SURRY	VIRGINIA
49910	SUSSEX	VIRGINIA
49950	WASHINGTON	VIRGINIA
49961	WILLIAMSBURG CITY	VIRGINIA
49962	WINCHESTER CITY	VIRGINIA
49980	WYTHE	VIRGINIA

County Code	County Name	State
49981	YORK	VIRGINIA
50030	CHELAN	WASHINGTON
50040	CLALLAM	WASHINGTON
50050	CLARK	WASHINGTON
50100	FRANKLIN	WASHINGTON
50140	ISLAND	WASHINGTON
50180	KITTITAS	WASHINGTON
50190	KLICKITAT	WASHINGTON
50230	OKANOGAN	WASHINGTON
50270	SAN JUAN	WASHINGTON
50330	THURSTON	WASHINGTON
50340	WAHKIAKUM	WASHINGTON
50350	WALLA WALLA	WASHINGTON
50380	YAKIMA	WASHINGTON
51030	BRAXTON	WEST VIRGINIA
51110	GRANT	WEST VIRGINIA
51150	HARDY	WEST VIRGINIA
51350	PENDLETON	WEST VIRGINIA
51430	ROANE	WEST VIRGINIA
51480	UPSHUR	WEST VIRGINIA
51510	WETZEL	WEST VIRGINIA
52020	BARRON	WISCONSIN
52030	BAYFIELD	WISCONSIN
52040	BROWN	WISCONSIN
52050	BUFFALO	WISCONSIN
52060	BURNETT	WISCONSIN
52070	CALUMET	WISCONSIN
52080	CHIPPEWA	WISCONSIN
52100	COLUMBIA	WISCONSIN
52110	CRAWFORD	WISCONSIN
52130	DODGE	WISCONSIN
52140	DOOR	WISCONSIN
52160	DUNN	WISCONSIN
52170	EAU CLAIRE	WISCONSIN
52180	FLORENCE	WISCONSIN
52190	FOND DU LAC	WISCONSIN
52200	FOREST	WISCONSIN
52220	GREEN	WISCONSIN
52230	GREEN LAKE	WISCONSIN
52240	IOWA	WISCONSIN
52250	IRON	WISCONSIN
52260	JACKSON	WISCONSIN
52270	JEFFERSON	WISCONSIN
52280	JUNEAU	WISCONSIN
52300	KEWAUNEE	WISCONSIN
52310	LA CROSSE	WISCONSIN
52330	LANGLADE	WISCONSIN

County Code	County Name	State
52340	LINCOLN	WISCONSIN
52350	MANITOWOC	WISCONSIN
52360	MARATHON	WISCONSIN
52370	MARINETTE	WISCONSIN
52380	MARQUETTE	WISCONSIN
52400	MONROE	WISCONSIN
52410	OCONTO	WISCONSIN
52420	ONEIDA	WISCONSIN
52430	OUTAGAMIE	WISCONSIN
52440	OZAUKEE	WISCONSIN
52460	PIERCE	WISCONSIN
52470	POLK	WISCONSIN
52480	PORTAGE	WISCONSIN
52510	RICHLAND	WISCONSIN
52520	ROCK	WISCONSIN
52530	RUSK	WISCONSIN
52550	SAUK	WISCONSIN
52560	SAWYER	WISCONSIN
52570	SHAWANO	WISCONSIN
52580	SHEBOYGAN	WISCONSIN
52590	TAYLOR	WISCONSIN
52600	TREMPEALEAU	WISCONSIN
52610	VERNON	WISCONSIN
52620	VILAS	WISCONSIN
52640	WASHBURN	WISCONSIN
52670	WAUPACA	WISCONSIN
52680	WAUSHARA	WISCONSIN
52690	WINNEBAGO	WISCONSIN
52700	WOOD	WISCONSIN
53010	BIG HORN	WYOMING
53050	CROOK	WYOMING
53070	GOSHEN	WYOMING
53090	JOHNSON	WYOMING
53120	NATRONA	WYOMING
53140	PARK	WYOMING
53160	SHERIDAN	WYOMING
53220	WESTON	WYOMING

Table 3: List of Qualifying Hospitals, Location, and Payment Weighting Factor (Note: This list is based on the proposed WBHO risk adjustment method.)

Provider Number	SSACD	County Name	State	Payment Weight Factor
010029	01400	LEE	ALABAMA	0.0062
010102	01650	WILCOX	ALABAMA	0.0001
010110	01050	BULLOCK	ALABAMA	0.0003
010138	01590	SUMTER	ALABAMA	0.0001
030007	03120	YAVAPAI	ARIZONA	0.0028
030012	03120	YAVAPAI	ARIZONA	0.0048
030043	03010	COCHISE	ARIZONA	0.0018
030068	03040	GRAHAM	ARIZONA	0.0007
030118	03120	YAVAPAI	ARIZONA	0.0010
040001	04030	BENTON	ARKANSAS	0.0007
040004	04710	WASHINGTON	ARKANSAS	0.0061
040010	04030	BENTON	ARKANSAS	0.0030
040022	04710	WASHINGTON	ARKANSAS	0.0055
040071	04340	JEFFERSON	ARKANSAS	0.0049
040152	04710	WASHINGTON	ARKANSAS	0.0000
050006	05110	HUMBOLDT	CALIFORNIA	0.0044
050028	05110	HUMBOLDT	CALIFORNIA	0.0007
050127	05670	YOLO	CALIFORNIA	0.0011
050309	05410	PLACER	CALIFORNIA	0.0056
050498	05410	PLACER	CALIFORNIA	0.0018
050537	05670	YOLO	CALIFORNIA	0.0008
060008	06010	ALAMOSA	COLORADO	0.0008
060016	06210	FREMONT	COLORADO	0.0007
060049	06530	ROUTT	COLORADO	0.0004
110006	11260	CLARKE	GEORGIA	0.0030
110026	11430	ELBERT	GEORGIA	0.0004
110028	11840	RICHMOND	GEORGIA	0.0110
110034	11840	RICHMOND	GEORGIA	0.0096
110038	11890	THOMAS	GEORGIA	0.0044
110039	11840	RICHMOND	GEORGIA	0.0013
110074	11260	CLARKE	GEORGIA	0.0081
110086	11950	WASHINGTON	GEORGIA	0.0006
110121	11510	GRADY	GEORGIA	0.0003
110132	11360	DECATUR	GEORGIA	0.0006
110177	11840	RICHMOND	GEORGIA	0.0053
110231	11260	CLARKE	GEORGIA	0.0000
120001	12020	HONOLULU	HAWAII	0.0111
120002	12050	MAUI	HAWAII	0.0036
120004	12020	HONOLULU	HAWAII	0.0009
120005	12010	HAWAII	HAWAII	0.0024
120006	12020	HONOLULU	HAWAII	0.0025
120007	12020	HONOLULU	HAWAII	0.0037
120010	12020	HONOLULU	HAWAII	0.0023

Provider Number	SSACD	County Name	State	Payment Weight Factor
120011	12020	HONOLULU	HAWAII	0.0005
120014	12040	KAUAI	HAWAII	0.0011
120019	12010	HAWAII	HAWAII	0.0006
120022	12020	HONOLULU	HAWAII	0.0039
120026	12020	HONOLULU	HAWAII	0.0029
120027	12020	HONOLULU	HAWAII	0.0019
120028	12040	KAUAI	HAWAII	0.0004
130002	13410	TWIN FALLS	IDAHO	0.0029
130006	13000	ADA	IDAHO	0.0070
130007	13000	ADA	IDAHO	0.0060
130013	13130	CANYON	IDAHO	0.0012
130014	13130	CANYON	IDAHO	0.0010
130018	13090	BONNEVILLE	IDAHO	0.0039
130024	13080	BONNER	IDAHO	0.0006
130025	13320	MADISON	IDAHO	0.0006
130028	13020	BANNOCK	IDAHO	0.0031
130063	13000	ADA	IDAHO	0.0001
130065	13090	BONNEVILLE	IDAHO	0.0003
130067	13050	BINGHAM	IDAHO	0.0000
130069	13000	ADA	IDAHO	0.0000
130070	13000	ADA	IDAHO	0.0001
140012	14600	LEE	ILLINOIS	0.0013
140058	14770	MORGAN	ILLINOIS	0.0015
140089	14630	MC DONOUGH	ILLINOIS	0.0009
140127	14650	MC LEAN	ILLINOIS	0.0035
140160	14970	STEPHENSON	ILLINOIS	0.0020
140162	14650	MC LEAN	ILLINOIS	0.0024
150018	15190	ELKHART	INDIANA	0.0058
150026	15190	ELKHART	INDIANA	0.0022
150045	15160	DE KALB	INDIANA	0.0004
150051	15520	MONROE	INDIANA	0.0056
150065	15350	JACKSON	INDIANA	0.0012
150075	15890	WELLS	INDIANA	0.0008
150076	15490	MARSHALL	INDIANA	0.0008
150091	15340	HUNTINGTON	INDIANA	0.0004
150101	15910	WHITLEY	INDIANA	0.0003
150133	15420	KOSCIUSKO	INDIANA	0.0011
150146	15560	NOBLE	INDIANA	0.0005
150164	15520	MONROE	INDIANA	0.0009
160001	16630	MARSHALL	IOWA	0.0011
160005	16130	CARROLL	IOWA	0.0007
160013	16690	MUSCATINE	IOWA	0.0005
160016	16930	WEBSTER	IOWA	0.0029
160024	16760	POLK	IOWA	0.0032
160029	16510	JOHNSON	IOWA	0.0034
160030	16840	STORY	IOWA	0.0032

Provider Number	SSACD	County Name	State	Payment Weight Factor
160032	16490	JASPER	IOWA	0.0007
160045	16560	LINN	IOWA	0.0053
160058	16510	JOHNSON	IOWA	0.0160
160064	16160	CERRO GORDO	IOWA	0.0067
160079	16560	LINN	IOWA	0.0039
160082	16760	POLK	IOWA	0.0114
160083	16760	POLK	IOWA	0.0142
160101	16760	POLK	IOWA	0.0003
160112	16200	CLAY	IOWA	0.0011
160124	16290	DICKINSON	IOWA	0.0005
160146	16960	WOODBURY	IOWA	0.0025
160147	16780	POWESHIEK	IOWA	0.0006
160153	16960	WOODBURY	IOWA	0.0052
160156	16560	LINN	IOWA	0.0000
170012	17840	SALINE	KANSAS	0.0034
170074	17300	GEARY	KANSAS	0.0005
170150	17170	COWLEY	KANSAS	0.0003
170187	17840	SALINE	KANSAS	0.0003
180024	18770	MARION	KENTUCKY	0.0006
180064	18860	MONTGOMERY	KENTUCKY	0.0006
200002	20070	LINCOLN	MAINE	0.0008
200032	20080	OXFORD	MAINE	0.0008
200039	20050	KENNEBEC	MAINE	0.0048
200041	20050	KENNEBEC	MAINE	0.0008
200063	20060	KNOX	MAINE	0.0020
230003	23690	OTTAWA	MICHIGAN	0.0005
230054	23510	MARQUETTE	MICHIGAN	0.0052
230055	23210	DICKINSON	MICHIGAN	0.0012
230072	23690	OTTAWA	MICHIGAN	0.0020
230093	23530	MECOSTA	MICHIGAN	0.0005
230101	23200	DELTA	MICHIGAN	0.0008
230106	23610	NEWAYGO	MICHIGAN	0.0007
230174	23690	OTTAWA	MICHIGAN	0.0004
240022	24520	NOBLES	MINNESOTA	0.0004
240030	24200	DOUGLAS	MINNESOTA	0.0018
240036	24720	STEARNS	MINNESOTA	0.0118
240043	24230	FREEBORN	MINNESOTA	0.0009
240044	24840	WINONA	MINNESOTA	0.0007
240052	24550	OTTER TAIL	MINNESOTA	0.0010
240069	24730	STEELE	MINNESOTA	0.0006
240071	24650	RICE	MINNESOTA	0.0006
240075	24170	CROW WING	MINNESOTA	0.0024
240088	24330	KANDIYOHI	MINNESOTA	0.0013
240093	24060	BLUE EARTH	MINNESOTA	0.0038
240101	24020	BECKER	MINNESOTA	0.0007
240166	24450	MARTIN	MINNESOTA	0.0008

Provider Number	SSACD	County Name	State	Payment Weight Factor
250027	25790	WINSTON	MISSISSIPPI	0.0002
250034	25350	LAFAYETTE	MISSISSIPPI	0.0046
250050	25520	OKTIBBEHA	MISSISSIPPI	0.0008
250100	25430	LOWNDES	MISSISSIPPI	0.0030
250112	25060	CALHOUN	MISSISSIPPI	0.0001
260004	26260	COOPER	MISSOURI	0.0001
260009	26790	PETTIS	MISSOURI	0.0023
260040	26380	GREENE	MISSOURI	0.0111
260059	26520	LACLEDE	MISSOURI	0.0009
260061	26990	VERNON	MISSOURI	0.0004
260065	26380	GREENE	MISSOURI	0.0128
260068	26090	BOONE	MISSOURI	0.0086
260078	26450	HOWELL	MISSOURI	0.0016
260141	26090	BOONE	MISSOURI	0.0093
260178	26090	BOONE	MISSOURI	0.0016
260195	26821	POLK	MISSOURI	0.0011
260207	26380	GREENE	MISSOURI	0.0004
260221	26380	GREENE	MISSOURI	0.0000
270002	27080	CUSTER	MONTANA	0.0006
270003	27240	LEWIS AND CLARK	MONTANA	0.0014
270004	27550	YELLOWSTONE	MONTANA	0.0058
270014	27310	MISSOULA	MONTANA	0.0042
270017	27460	SILVER BOW	MONTANA	0.0019
270023	27310	MISSOULA	MONTANA	0.0018
270049	27550	YELLOWSTONE	MONTANA	0.0057
270051	27140	FLATHEAD	MONTANA	0.0027
270057	27150	GALLATIN	MONTANA	0.0014
270087	27140	FLATHEAD	MONTANA	0.0002
280009	28090	BUFFALO	NEBRASKA	0.0042
280061	28780	SCOTT BLUFF	NEBRASKA	0.0025
280111	28700	PLATTE	NEBRASKA	0.0008
280125	28590	MADISON	NEBRASKA	0.0026
320001	32000	BERNALILLO	NEW MEXICO	0.0073
320002	32240	SANTA FE	NEW MEXICO	0.0039
320003	32230	SAN MIGUEL	NEW MEXICO	0.0007
320004	32170	OTERO	NEW MEXICO	0.0017
320009	32000	BERNALILLO	NEW MEXICO	0.0027
320011	32190	RIO ARRIBA	NEW MEXICO	0.0006
320013	32270	TAOS	NEW MEXICO	0.0009
320014	32140	LUNA	NEW MEXICO	0.0006
320016	32080	GRANT	NEW MEXICO	0.0009
320017	32000	BERNALILLO	NEW MEXICO	0.0006
320018	32060	DONA ANA	NEW MEXICO	0.0040
320021	32000	BERNALILLO	NEW MEXICO	0.0097
320033	32131	LOS ALAMOS	NEW MEXICO	0.0006
320037	32300	VALENCIA	NEW MEXICO	0.0002

Provider Number	SSACD	County Name	State	Payment Weight Factor
320057	32240	SANTA FE	NEW MEXICO	0.0001
320058	32170	OTERO	NEW MEXICO	0.0000
320067	32090	GUADALUPE	NEW MEXICO	0.0001
320069	32030	COLFAX	NEW MEXICO	0.0005
320070	32300	VALENCIA	NEW MEXICO	0.0001
320074	32000	BERNALILLO	NEW MEXICO	0.0005
320083	32000	BERNALILLO	NEW MEXICO	0.0025
320085	32060	DONA ANA	NEW MEXICO	0.0035
320087	32240	SANTA FE	NEW MEXICO	0.0001
320088	32060	DONA ANA	NEW MEXICO	0.0002
330008	33900	WYOMING	NEW YORK	0.0005
330010	33380	MONTGOMERY	NEW YORK	0.0000
330011	33030	BROOME	NEW YORK	0.0033
330030	33770	WAYNE	NEW YORK	0.0009
330033	33080	CHENANGO	NEW YORK	0.0007
330044	33510	ONEIDA	NEW YORK	0.0056
330047	33380	MONTGOMERY	NEW YORK	0.0021
330053	33550	ORLEANS	NEW YORK	0.0004
330058	33530	ONTARIO	NEW YORK	0.0013
330074	33530	ONTARIO	NEW YORK	0.0010
330079	33270	FRANKLIN	NEW YORK	0.0011
330084	33270	FRANKLIN	NEW YORK	0.0009
330085	33570	OTSEGO	NEW YORK	0.0014
330090	33070	CHEMUNG	NEW YORK	0.0043
330096	33010	ALLEGANY	NEW YORK	0.0007
330103	33040	CATTARAUGUS	NEW YORK	0.0020
330108	33070	CHEMUNG	NEW YORK	0.0014
330115	33360	MADISON	NEW YORK	0.0008
330132	33040	CATTARAUGUS	NEW YORK	0.0006
330136	33570	OTSEGO	NEW YORK	0.0062
330140	33520	ONONDAGA	NEW YORK	0.0120
330144	33690	STEUBEN	NEW YORK	0.0003
330151	33690	STEUBEN	NEW YORK	0.0008
330153	33650	SCHENECTADY	NEW YORK	0.0061
330157	33330	JEFFERSON	NEW YORK	0.0026
330159	33520	ONONDAGA	NEW YORK	0.0029
330166	33060	CHAUTAUQUA	NEW YORK	0.0000
330175	33210	CORTLAND	NEW YORK	0.0015
330177	33630	ST. LAWRENCE	NEW YORK	0.0003
330191	33750	WARREN	NEW YORK	0.0049
330197	33630	ST. LAWRENCE	NEW YORK	0.0012
330203	33520	ONONDAGA	NEW YORK	0.0075
330211	33630	ST. LAWRENCE	NEW YORK	0.0012
330213	33340	LEWIS	NEW YORK	0.0005
330215	33510	ONEIDA	NEW YORK	0.0015
330222	33640	SARATOGA	NEW YORK	0.0028

Provider Number	SSACD	County Name	State	Payment Weight Factor
330223	33630	ST. LAWRENCE	NEW YORK	0.0009
330229	33060	CHAUTAUQUA	NEW YORK	0.0005
330235	33050	CAYUGA	NEW YORK	0.0021
330239	33060	CHAUTAUQUA	NEW YORK	0.0020
330241	33520	ONONDAGA	NEW YORK	0.0091
330245	33510	ONEIDA	NEW YORK	0.0056
330249	33360	MADISON	NEW YORK	0.0009
330263	33330	JEFFERSON	NEW YORK	0.0004
330265	33530	ONTARIO	NEW YORK	0.0007
330268	33660	SCHOHARIE	NEW YORK	0.0003
330276	33280	FULTON	NEW YORK	0.0011
330277	33690	STEUBEN	NEW YORK	0.0015
330307	33730	TOMPKINS	NEW YORK	0.0019
330394	33030	BROOME	NEW YORK	0.0072
330406	33650	SCHENECTADY	NEW YORK	0.0002
340011	34600	MITCHELL	NORTH CAROLINA	0.0009
340016	34490	JACKSON	NORTH CAROLINA	0.0015
340087	34550	MC DOWELL	NORTH CAROLINA	0.0007
340127	34380	GRANVILLE	NORTH CAROLINA	0.0008
340132	34900	VANCE	NORTH CAROLINA	0.0014
340159	34720	PERSON	NORTH CAROLINA	0.0007
340160	34190	CHEROKEE	NORTH CAROLINA	0.0012
350002	35070	BURLEIGH	NORTH DAKOTA	0.0044
350006	35500	WARD	NORTH DAKOTA	0.0038
350011	35080	CASS	NORTH DAKOTA	0.0088
350015	35070	BURLEIGH	NORTH DAKOTA	0.0037
350070	35080	CASS	NORTH DAKOTA	0.0030
360002	36020	ASHLAND	OHIO	0.0010
360148	36390	HOLMES	OHIO	0.0004
370018	37730	WASHINGTON	OKLAHOMA	0.0027
380001	38320	WASCO	OREGON	0.0008
380004	38330	WASHINGTON	OREGON	0.0067
380007	38250	MULTNOMAH	OREGON	0.0034
380009	38250	MULTNOMAH	OREGON	0.0121
380014	38010	BENTON	OREGON	0.0030
380017	38250	MULTNOMAH	OREGON	0.0045
380021	38330	WASHINGTON	OREGON	0.0013
380025	38250	MULTNOMAH	OREGON	0.0011
380029	38230	MARION	OREGON	0.0004
380038	38020	CLACKAMAS	OREGON	0.0006
380040	38080	DESCHUTES	OREGON	0.0010
380047	38080	DESCHUTES	OREGON	0.0055
380050	38170	KLAMATH	OREGON	0.0023
380051	38230	MARION	OREGON	0.0056
380052	38220	MALHEUR	OREGON	0.0010
380056	38230	MARION	OREGON	0.0002

Provider Number	SSACD	County Name	State	Payment Weight Factor
380060	38250	MULTNOMAH	OREGON	0.0021
380061	38250	MULTNOMAH	OREGON	0.0055
380082	38020	CLACKAMAS	OREGON	0.0006
380089	38020	CLACKAMAS	OREGON	0.0021
380091	38020	CLACKAMAS	OREGON	0.0001
390013	39720	UNION	PENNSYLVANIA	0.0019
390043	39710	TIOGA	PENNSYLVANIA	0.0008
390045	39510	LYCOMING	PENNSYLVANIA	0.0048
390061	39440	LANCASTER	PENNSYLVANIA	0.0014
390065	39000	ADAMS	PENNSYLVANIA	0.0016
390066	39460	LEBANON	PENNSYLVANIA	0.0035
390068	39440	LANCASTER	PENNSYLVANIA	0.0006
390071	39240	CLINTON	PENNSYLVANIA	0.0004
390079	39130	BRADFORD	PENNSYLVANIA	0.0067
390100	39440	LANCASTER	PENNSYLVANIA	0.0138
390225	39440	LANCASTER	PENNSYLVANIA	0.0023
390236	39130	BRADFORD	PENNSYLVANIA	0.0004
390268	39200	CENTRE	PENNSYLVANIA	0.0032
420071	42230	GREENWOOD	SOUTH CAROLINA	0.0061
430005	43140	CODINGTON	SOUTH DAKOTA	0.0014
430008	43050	BROOKINGS	SOUTH DAKOTA	0.0004
430012	43670	YANKTON	SOUTH DAKOTA	0.0017
430013	43170	DAVISON	SOUTH DAKOTA	0.0011
430014	43060	BROWN	SOUTH DAKOTA	0.0025
430015	43320	HUGHES	SOUTH DAKOTA	0.0007
430016	43490	MINNEHAHA	SOUTH DAKOTA	0.0073
430027	43490	MINNEHAHA	SOUTH DAKOTA	0.0097
430048	43400	LAWRENCE	SOUTH DAKOTA	0.0005
430077	43510	PENNINGTON	SOUTH DAKOTA	0.0075
430082	43510	PENNINGTON	SOUTH DAKOTA	0.0000
430089	43630	UNION	SOUTH DAKOTA	0.0005
430090	43490	MINNEHAHA	SOUTH DAKOTA	0.0004
430091	43510	PENNINGTON	SOUTH DAKOTA	0.0007
430092	43060	BROWN	SOUTH DAKOTA	0.0002
430093	43510	PENNINGTON	SOUTH DAKOTA	0.0001
430094	43400	LAWRENCE	SOUTH DAKOTA	0.0000
430095	43410	LINCOLN	SOUTH DAKOTA	0.0029
430096	43670	YANKTON	SOUTH DAKOTA	0.0003
450154	45946	VAL VERDE	TEXAS	0.0009
450187	45952	WASHINGTON	TEXAS	0.0006
450604	45552	GILLESPIE	TEXAS	0.0017
460007	46100	IRON	UTAH	0.0006
460015	46020	CACHE	UTAH	0.0010
460017	46010	BOX ELDER	UTAH	0.0002
460019	46060	DUCHESNE	UTAH	0.0002
460026	46200	SEVIER	UTAH	0.0002

Provider Number	SSACD	County Name	State	Payment Weight Factor
460030	46230	UINTAH	UTAH	0.0003
460033	46080	GARFIELD	UTAH	0.0001
460039	46010	BOX ELDER	UTAH	0.0001
460041	46050	DAVIS	UTAH	0.0010
460042	46050	DAVIS	UTAH	0.0011
460054	46020	CACHE	UTAH	0.0003
470001	47110	WASHINGTON	VERMONT	0.0015
470011	47120	WINDHAM	VERMONT	0.0009
490004	49421	HARRISONBURG CITY	VIRGINIA	0.0056
490005	49962	WINCHESTER CITY	VIRGINIA	0.0115
490013	49867	SOUTH BOSTON CITY	VIRGINIA	0.0023
490021	49551	LYNCHBURG CITY	VIRGINIA	0.0119
490024	49801	ROANOKE CITY	VIRGINIA	0.0167
490038	49860	SMYTH	VIRGINIA	0.0008
490041	49622	NEWPORT NEWS CITY	VIRGINIA	0.0030
490048	49838	SALEM CITY	VIRGINIA	0.0061
490052	49622	NEWPORT NEWS CITY	VIRGINIA	0.0072
490053	49950	WASHINGTON	VIRGINIA	0.0022
490066	49961	WILLIAMSBURG CITY	VIRGINIA	0.0029
490075	49241	DANVILLE CITY	VIRGINIA	0.0037
490079	49561	MARTINSVILLE CITY	VIRGINIA	0.0026
490088	49088	BEDFORD CITY	VIRGINIA	0.0005
490089	49330	FRANKLIN	VIRGINIA	0.0007
490090	49730	PRINCE EDWARD	VIRGINIA	0.0013
490092	49328	FRANKLIN CITY	VIRGINIA	0.0009
490093	49411	HAMPTON CITY	VIRGINIA	0.0052
490098	49580	MECKLENBURG	VIRGINIA	0.0019
490105	49860	SMYTH	VIRGINIA	0.0000
490106	49891	STAUNTON CITY	VIRGINIA	0.0000
490109	49961	WILLIAMSBURG CITY	VIRGINIA	0.0000
490110	49600	MONTGOMERY	VIRGINIA	0.0022
490111	49980	WYTHE	VIRGINIA	0.0010
490115	49343	GALAX CITY	VIRGINIA	0.0013
490123	49510	LANCASTER	VIRGINIA	0.0008
490130	49360	GLOUCESTER	VIRGINIA	0.0013
490134	49670	NOTTOWAY	VIRGINIA	0.0000
490135	49800	ROANOKE	VIRGINIA	0.0001
490136	49200	CHESTERFIELD	VIRGINIA	0.0031
500002	50350	WALLA WALLA	WASHINGTON	0.0016
500012	50380	YAKIMA	WASHINGTON	0.0034
500016	50030	CHELAN	WASHINGTON	0.0049
500024	50330	THURSTON	WASHINGTON	0.0082
500036	50380	YAKIMA	WASHINGTON	0.0048
500037	50380	YAKIMA	WASHINGTON	0.0003
500049	50350	WALLA WALLA	WASHINGTON	0.0006
500050	50050	CLARK	WASHINGTON	0.0071

Provider Number	SSACD	County Name	State	Payment Weight Factor
500072	50040	CLALLAM	WASHINGTON	0.0021
500139	50330	THURSTON	WASHINGTON	0.0017
500143	50330	THURSTON	WASHINGTON	0.0001
500148	50030	CHELAN	WASHINGTON	0.0002
500150	50050	CLARK	WASHINGTON	0.0027
510053	51480	UPSHUR	WEST VIRGINIA	0.0002
510072	51510	WETZEL	WEST VIRGINIA	0.0003
520002	52480	PORTAGE	WISCONSIN	0.0013
520004	52310	LA CROSSE	WISCONSIN	0.0027
520009	52430	OUTAGAMIE	WISCONSIN	0.0018
520011	52020	BARRON	WISCONSIN	0.0009
520013	52170	EAU CLAIRE	WISCONSIN	0.0040
520017	52080	CHIPPEWA	WISCONSIN	0.0006
520019	52420	ONEIDA	WISCONSIN	0.0012
520027	52440	OZAUKEE	WISCONSIN	0.0032
520028	52220	GREEN	WISCONSIN	0.0012
520030	52360	MARATHON	WISCONSIN	0.0053
520033	52700	WOOD	WISCONSIN	0.0008
520034	52350	MANITOWOC	WISCONSIN	0.0011
520035	52580	SHEBOYGAN	WISCONSIN	0.0017
520037	52700	WOOD	WISCONSIN	0.0076
520041	52100	COLUMBIA	WISCONSIN	0.0006
520044	52580	SHEBOYGAN	WISCONSIN	0.0011
520045	52690	WINNEBAGO	WISCONSIN	0.0021
520048	52690	WINNEBAGO	WISCONSIN	0.0017
520049	52040	BROWN	WISCONSIN	0.0030
520057	52550	SAUK	WISCONSIN	0.0006
520066	52520	ROCK	WISCONSIN	0.0037
520070	52170	EAU CLAIRE	WISCONSIN	0.0041
520071	52270	JEFFERSON	WISCONSIN	0.0011
520075	52040	BROWN	WISCONSIN	0.0047
520076	52130	DODGE	WISCONSIN	0.0009
520087	52310	LA CROSSE	WISCONSIN	0.0047
520088	52190	FOND DU LAC	WISCONSIN	0.0019
520091	52420	ONEIDA	WISCONSIN	0.0011
520095	52550	SAUK	WISCONSIN	0.0007
520097	52040	BROWN	WISCONSIN	0.0018
520100	52520	ROCK	WISCONSIN	0.0020
520107	52350	MANITOWOC	WISCONSIN	0.0013
520109	52280	JUNEAU	WISCONSIN	0.0006
520113	52370	MARINETTE	WISCONSIN	0.0017
520116	52270	JEFFERSON	WISCONSIN	0.0012
520160	52430	OUTAGAMIE	WISCONSIN	0.0034
520193	52040	BROWN	WISCONSIN	0.0028
520196	52170	EAU CLAIRE	WISCONSIN	0.0002
520198	52690	WINNEBAGO	WISCONSIN	0.0013

Provider Number	SSACD	County Name	State	Payment Weight Factor
520202	52360	MARATHON	WISCONSIN	0.0020
530006	53160	SHERIDAN	WYOMING	0.0010
530012	53120	NATRONA	WYOMING	0.0052
530033	53120	NATRONA	WYOMING	0.0004

Table 4: Comparison of the Proposed FY 2011 Section 1109 Payments by State Using the WBHO and WBO Methodologies

NAME	Number of Counties with Eligible Hospitals under WBHO	Number of Eligible Hospitals under WBHO	Payments under WBHO (in millions)	Percentage of payment	Number of Counties with Eligible Hospitals under WBO	Number of Eligible Hospitals under WBO	Payments under WBO (in millions)	Percentage of payment
ALABAMA	4	4	$0.99	0.7%	4	4	$0.98	0.7%
ARIZONA	3	5	$1.65	1.1%	3	5	$1.65	1.1%
ARKANSAS	3	6	$3.03	2.0%	3	6	$3.04	2.0%
CALIFORNIA	3	6	$2.18	1.5%	3	6	$2.18	1.5%
COLORADO	3	3	$0.29	0.2%	3	3	$0.29	0.2%
GEORGIA	7	12	$6.69	4.5%	7	12	$6.67	4.4%
HAWAII	4	14	$5.67	3.8%	4	14	$5.70	3.8%
IDAHO	8	14	$4.02	2.7%	8	14	$4.07	2.7%
ILLINOIS	5	6	$1.74	1.2%	5	6	$1.73	1.2%
INDIANA	10	12	$3.00	2.0%	10	12	$2.99	2.0%
IOWA	14	21	$12.52	8.3%	14	21	$12.50	8.3%
KANSAS	3	4	$0.68	0.5%	3	4	$0.68	0.5%
KENTUCKY	2	2	$0.18	0.1%	2	2	$0.18	0.1%
MAINE	4	5	$1.37	0.9%	4	5	$1.36	0.9%
MICHIGAN	6	8	$1.70	1.1%	6	8	$1.68	1.1%
MINNESOTA	13	13	$4.00	2.7%	14	14	$4.12	2.7%
MISSISSIPPI	5	5	$1.29	0.9%	5	5	$1.28	0.9%
MISSOURI	8	13	$7.52	5.0%	8	13	$7.50	5.0%
MONTANA	7	10	$3.87	2.6%	7	10	$3.85	2.6%
NEBRASKA	4	4	$1.53	1.0%	4	4	$1.52	1.0%
NEW HAMPSHIRE	Not on this list				1	1	$0.31	0.2%
NEW MEXICO	13	24	$6.31	4.2%	13	25	$5.48	3.7%

NAME	Number of Counties with Eligible Hospitals under WBHO	Number of Eligible Hospitals under WBHO	Payments under WBHO (in millions)	Percentage of payment	Number of Counties with Eligible Hospitals under WBO	Number of Eligible Hospitals under WBO	Payments under WBO (in millions)	Percentage of payment
NEW YORK	28	51	$17.36	11.6%	28	51	$17.38	11.6%
NORTH CAROLINA	7	7	$1.08	0.7%	7	7	$1.07	0.7%
NORTH DAKOTA	3	5	$3.53	2.4%	3	5	$3.52	2.3%
OHIO	2	2	$0.21	0.1%	2	2	$0.20	0.1%
OKLAHOMA	1	1	$0.40	0.3%	1	1	$0.40	0.3%
OREGON	9	21	$8.96	6.0%	9	21	$9.31	6.2%
PENNSYLVANIA	9	13	$6.24	4.2%	9	13	$6.28	4.2%
SOUTH CAROLINA	1	1	$0.91	0.6%	1	1	$0.91	0.6%
SOUTH DAKOTA	11	19	$5.70	3.8%	11	19	$5.67	3.8%
TEXAS	3	3	$0.48	0.3%	3	3	$0.47	0.3%
UTAH	8	11	$0.74	*0.5%*	9	12	$0.73	0.5%
VERMONT	2	2	$0.36	0.2%	2	2	$0.36	0.2%
VIRGINIA	27	30	$14.54	9.7%	27	30	$14.50	9.7%
WASHINGTON	6	13	$5.67	3.8%	6	13	$5.73	3.8%
WEST VIRGINIA	2	2	$0.08	0.1%	2	2	$0.08	0.1%
WISCONSIN	23	40	$12.52	8.3%	23	40	$12.64	8.4%
WYOMING	2	3	$0.99	0.7%	2	3	$0.98	0.7%
Total	273	415	$150,000,000	100%	276	419	$150,000,000	100%

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F. Rural Community Hospital Demonstration Program

1. Background

Section 410A(a) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA), Public Law 108–173, required the Secretary to establish a demonstration program to test the feasibility and advisability of establishing "rural community hospitals" to furnish covered inpatient hospital services to Medicare beneficiaries. The demonstration pays rural community hospitals for such services under cost based methodology for Medicare payment purposes for covered inpatient hospital services furnished to Medicare beneficiaries. A rural community hospital, as defined in section 410A(f)(1) of MMA, is a hospital that—

- Is located in a rural area (as defined in section 1886(d)(2)(D) of the Act) or is treated as being located in a rural area under section 1886(d)(8)(E) of the Act;
- Has fewer than 51 beds (excluding beds in a distinct part psychiatric or rehabilitation unit) as reported in its most recent cost report;
- Provides 24-hour emergency care services; and
- Is not designated or eligible for designation as a CAH under section 1820 of the Act.

Subsection 410A(a)(4) of the MMA, in conjunction with paragraphs (2) and (3) of subsection 410A(a), provided that the Secretary was to select for participation no more than 15 rural community hospitals in rural areas of States that the Secretary identified as having low population densities. Using 2002 data from the U.S Census Bureau, we identified the 10 States with the lowest population density in which rural community hospitals were to be located in order to participate in the demonstration: Alaska, Idaho, Montana, Nebraska, Nevada, New Mexico, North Dakota, South Dakota, Utah, and Wyoming. (*Source:* U.S. Census Bureau, Statistical Abstract of the United States: 2003).

We originally solicited applicants for the demonstration in May 2004; 13 hospitals began participation with cost report years beginning on or after October 1, 2004. (Four of these 13 hospitals withdrew from the program and became CAHs). In a notice published in the **Federal Register** on February 6, 2008 (73 FR 6971), we announced a solicitation for up to 6 additional hospitals to participate in the demonstration program. Four additional hospitals were selected to participate under this solicitation. These four additional hospitals began under the demonstration payment methodology with the hospital's first cost reporting period starting on or after July 1, 2008. Three hospitals (two of the hospitals were among the thirteen hospitals that were original participants in the demonstration and one of the hospitals was among the four hospitals that began the demonstration in 2008) withdrew from the demonstration during CY 2009. (Two of these hospitals indicated that they will be paid more for Medicare inpatient services under the rebasing allowed under the SCH methodology allowed by the Medicare Improvement for Patients and Providers Act of 2008 (Pub. L. 110–275). The other hospital restructured to become a CAH.) For purposes of the analyses that follow in section II.F.3 of the preamble, we make the assumption that there are 10 currently participating hospitals (8 hospitals that are actively participating since the initial demonstration period had not yet concluded for them at the time of the passage of Public Law 111–148 and 2 hospitals that concluded the demonstration in December 2009 upon the conclusion of their initial demonstration period). For the 2 hospitals that concluded the demonstration in December 2009, we assume that they will continue the demonstration under the 5-year extension provided by Affordable Care Act since they participated in their entire initial 5-year demonstration period, which we believe indicates that those hospitals favored the payment rate provided in the demonstration and will continue to avail themselves of such reimbursement.

Section 410A(a)(5) of Public Law 108–173 required a 5-year demonstration period of participation. Prior to the enactment of Public Law 111–148, for the seven currently participating hospitals that began the demonstration during FY 2005 ("originally participating hospitals"), the demonstration was scheduled to end for each of these hospitals on the last day of its cost reporting period that ends in FY 2010. The end of the participation for the three participating hospitals that began the demonstration in CY 2008 was scheduled to be September 30, 2010.

In addition, section 410A(c)(2) of Public Law 108–173 requires that, "[i]n conducting the demonstration program under this section, the Secretary shall ensure that the aggregate payments made by the Secretary do not exceed the amount which the Secretary would have paid if the demonstration program under this section was not implemented." This requirement is commonly referred to as "budget neutrality".

Generally, when we implement a demonstration program on a budget neutral basis, the demonstration program is budget neutral in its own terms; in other words, the aggregate payments to the participating hospitals do not exceed the amount that would be paid to those same hospitals in the absence of the demonstration program. Typically, this form of budget neutrality is viable when, by changing payments or aligning incentives to improve overall efficiency, or both, a demonstration program may reduce the use of some services or eliminate the need for others, resulting in reduced expenditures for the demonstration program's participants. These reduced expenditures offset increased payments elsewhere under the demonstration program, thus ensuring that the demonstration program as a whole is budget neutral or yields savings. However, the small scale of this demonstration program, in conjunction with the payment methodology, makes it extremely unlikely that this demonstration program could be viable under the usual form of budget neutrality. Specifically, cost-based payments to participating small rural hospitals are likely to increase Medicare outlays without producing any offsetting reduction in Medicare expenditures elsewhere. Therefore, a rural community hospital's participation in this demonstration program is unlikely to yield benefits to the participant if budget neutrality were to be implemented by reducing other payments for these same hospitals.

In the past six IPPS final regulations, spanning the period for which the demonstration has been implemented, we have adjusted the national inpatient PPS rates by an amount sufficient to account for the added costs of this demonstration program, thus applying budget neutrality across the payment system as a whole rather than merely across the participants in this demonstration program. As we discussed in the FY 2005, FY 2006, FY 2007, FY 2008, FY 2009, and FY 2010 IPPS final rules (69 FR 49183; (70 FR 47462); (71 FR 48100); (72 FR 47392); (73 FR 48670); and (74 FR 43922)), we believe that the language of the statutory budget neutrality requirements permits the agency to implement the budget neutrality provision in this manner.

In light of the statute's budget neutrality requirement, we proposed in the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule (75 FR 24012) a methodology to calculate a budget neutrality adjustment factor to the FY

2011 national IPPS rates. In the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule, the only amount that was identified to be offset for the FY 2011 IPPS/LTCH final rule was that by which the costs of the demonstration program, as indicated by settled cost reports beginning in FY 2007 for hospitals participating in the demonstration during FY 2007, exceeded the amount that was identified in the FY IPPS 2007 final rule as the budget neutrality offset for FY 2007. No dollar amount was specified for purpose of this offset, because of a delay in the settlement process of FY 2007 cost reports. Due to the timing of the proposed rule in relation to the passage of Public Law 111–148, we were unable to include in the proposed budget neutrality adjustment factor to the FY 2011 national IPPS rates an offset that would accont for the estimated financial impact that the demonstration would have for certain time frames under the extension required by such Act.

In this supplemental proposed rule, we propose that such an adjustment would incorporate the following 4 components: (1) The estimated costs that would be incurred in FY 2011 for the 10 currently participating hospitals as a result of the demonstration's continuation in FY 2011; (2) the estimated cost incurred in FY 2010 for the 7 "originally participating hospitals" that were not accounted for in the FY 2010 IPPS final rule but that now must be accounted for as a result of the demonstration being continued by the Affordable Care Act's 5-year extension for such hospitals; (3) the estimated FY 2011 demonstration costs associated with the participation of up to 20 new hospitals; and (4) a factor by which the cost of the demonstration program in 2007, as indicated by settled cost reports beginning in FY 2007, exceeded the amount that was identified in the FY IPPS 2007 final rule as the budget neutrality offset for FY 2007.

2. Section 410A of the MMA as Amended by Section 3123 of the Public Law 111–148 and as Further Amended by Section 10313 of Public Law 111–148.

Section 410Aof the MMA as amended by section 3123 of Public Law 111–148, and as further amended by section 10313 of Public Law 111–148, affects this demonstration in several ways. First, the Secretary is required to conduct the demonstration for an additional 5-year period that begins on the date immediately following the last day of the initial 5-year period under section 410A(a)(5) of the MMA as amended. (Section 410A(g)(1) of the MMA as added by section 3123(a) of Public Law 111–148 and as further amended by section 10313 of Public Law 111–148). Further, the Affordable Care Act requires that in the case of a rural community hospital that is participating in the demonstration program as of the last day of the initial 5-year period, the Secretary shall provide for the continued participation of such rural hospital in the demonstration program during the 5-year extension unless the hospital makes an election, in such form and manner as the Secretary may specify, to discontinue such participation. (Section 410A(g)(4)(A) of MMA as added by section 3123(a) of Public Law 111–148 and as amended by section 10313 of Public Law 111–148). In addition, it provides that during the 5-year extension period, the Secretary shall expand the number of States with low population densities determined by the Secretary to 20. (Section 410A(g)(2) of MMA as added by section 3123(a) of Public Law 111–148 and as amended by section 10313 of Public Law 111–148.) Further, the Secretary is required to use the same criteria and data that the Secretary used to determine the States under section 410A(a)(2) of MMA for purposes of the initial 5-year period. It also allows not more than 30 rural community hospitals in such States to participate in the demonstration during the 5-year extension period. (Section 410A(g)(3) of MMA as added by section 3123(a) of Public Law 111–148 and as amended by section 10313 of Public Law 111–148.) Additionally, it provides that the amount of payment under the demonstration program for covered inpatient hospital services furnished in a rural community hospital, other than services furnished in a psychiatric or rehabilitation unit of the hospital which is a distinct part, is the reasonable costs of providing such services for discharges occurring in the first cost reporting period beginning on or after the first day of the 5-year extension period. (Section 410A(g)(4)(b) of MMA as added by section 3123(a) of Public Law 111–148 and as amended by section 10313 of Public Law 111–148.) For discharges occurring in a subsequent cost reporting period paid under the demonstration, the formula in section 410A(b)(1)(B) of MMA as amended would apply. In addition, various other technical and conforming changes were made to section 410A of MMA, as amended by section 3123(a) of Public Law 111–148 and as amended by section 10313 of Public Law 111–148.

3. Proposed FY 2011 Budget Neutrality Adjustment

In order to ensure that the demonstration is budget neutral as is required by the statute, we are proposing to adjust the national IPPS rates in the FY 2011 IPPS final rule to account for any added costs attributable to the demonstration. Specifically, the proposed budget neutrality adjustment would account for: (1) The estimated costs of the demonstration in FY 2011 for the 10 currently participating hospitals; (2) the estimated FY 2010 costs of the demonstration that were not accounted for in the FY 2010 IPPS/RY 2010 LTCH PPS final rule for the seven "originally participating hospitals" because we estimated those hospitals' FY 2010 costs under the assumption that the demonstration would be concluding before the end of FY 2010 for those hospitals; (3) the estimated FY 2011 costs for up to 20 new hospitals selected to participate in the demonstration; and (4) the amount by which the costs of the demonstration program, as indicated by settled cost reports beginning in FY 2007 for hospitals participating in the demonstration during FY 2007, exceeded the amount that was identified in the FY 2007 IPPS final rule as the budget neutrality offset for FY 2007.

a. Component of the Proposed FY 2011 Budget Neutrality Adjustment That Accounts for Estimated FY 2011 Costs of the Demonstration of the Ten Currently Participating Hospitals

The component of the proposed FY 2011 budget neutrality adjustment to the national IPPS rates that accounts for the estimated cost of the demonstration in FY 2011 for the ten currently participating hospitals would be calculated by utilizing separate methodologies for the 7 hospitals that have participated in the demonstration since its inception and that, as explained previously, we consider to be continuing to participate in the demonstration ("originally participating hospitals"), and the 3 hospitals that are currently participating in the demonstration that were among the 4 hospitals that joined the demonstration in 2008. Different methods are used because fiscal intermediaries' most recent final settlements of cost reports are for periods beginning in FY 2006 for the "originally participating hospitals," whereas we are relying on available submitted documentation for the hospitals that began participation in the demonstration in 2008. Because the hospitals that began the demonstration in 2008 have no settled cost reports for

the demonstration, we are using as submitted cost documents. The budget neutrality analysis is based on the assumption that all 10 of these hospitals will continue the demonstration under the 5-year extension period provided by the Affordable Care Act. We believe that this assumption is warranted since they have participated in the initial 5 year demonstration period so far, which we believe indicates that they will choose to continue to avail themselves of the levels of reimbursement under the demonstration.

The estimate of the portion of the proposed budget neutrality adjustment that accounts for the estimated costs of the demonstration in FY 2011 for the 7 "originally participating hospitals" is based on data from their second year cost reports—that is, cost reporting periods beginning in FY 2006. We propose to use these cost reports because they are the most recent complete cost reports and thus we believe they enable us to estimate FY 2011 costs as accurately as possible. In addition, we estimate the cost of the demonstration in FY 2011 for 2 of the 4 hospitals that joined the demonstration in 2008 based on data from each of their cost reporting periods beginning January 1, 2008. Similarly, we propose to use these cost reports because they are the most recent cost reports and thus we believe they enable us to estimate FY 2011 costs for these 2 hospitals as accurately as possible. Since one of the 4 hospitals that began in 2008 has withdrawn, there is one hospital remaining among those that began in that year. The remaining hospital of the 4 that began in 2008 is an Indian Health Service provider. Historically, the hospital has not filed standard Medicare cost reports. In order to estimate its costs, we are proposing to use an analysis of Medicare inpatient costs and payments submitted by the hospital for the cost reporting period October 1, 2005 through September 30, 2006. We are proposing to use this data because it represents a detailed analysis of the hospital's cost-payment profile, and we expect that such an account will not change appreciably from year to year because it is a relatively small provider serving a limited population. When we add together the estimated costs of the demonstration in FY 2011 for the 7 "originally participating hospitals" that have participated in the demonstration since its inception and the 3 hospitals selected in 2008 that are still participating, the total estimated cost is $20,930,484. This estimated amount reflects the difference between these 10 participating hospitals' estimated costs in FY 2011 under the methodology set forth in Public Law 108–173 as amended by Public Law 111–148 and the estimated amount the hospitals would have been paid under the IPPS in FY 2011. With the exception of the Indian Health Service provider, the estimated costs under the demonstration are derived from data on the hospitals' cost reports. The cost reports state the dollar amount attributable to Medicare inpatient costs for the cost report year. They also state the dollar amount that would be paid if the inpatient prospective payment system were in effect. For each hospital, the difference between these two amounts is updated according to the market basket update factors for inpatient hospital costs reported by the CMS Office of the Actuary for the years between the cost report year and FY 2011. In accordance with guidance from the Office of the Actuary, we also assume a 2 percent annual volume increase. In the FY 2011 final rule, we may revise this estimate if updated cost report data becomes available.

b. Portion of the Proposed FY 2011 Budget Neutrality Adjustment That Accounts for Estimated FY 2010 Costs of the Demonstration That Were Not Accounted for in the FY 2010 IPPS Final Rule for the Seven "Originally Participating Hospitals"

As explained above, subsection (g)(4)(A) of 410A of the MMA as added by section 3123(a) of Public Law 111–148 as amended by section 10313 of Public Law 111–148, provided for the continued participation of rural community hospitals that were participating in the demonstration as of the last day of the initial 5-year [demonstration] period. One of the effects of this extension is that the seven "originally participating hospitals" (those hospitals that have participated in the demonstration since its inception and that continue to participate in the demonstration or were participating in the demonstration as of the last day of its initial 5-year demonstration period (that, is the 2 rural community hospitals that concluded their period of performance in December 2009)) which were scheduled to end their participation in the demonstration before the conclusion of FY 2010 would continue to participate for the remainder of FY 2010 and beyond as applicable. Section II.F.3. of the preamble, we are assuming for purposes of our budget neutrality analysis in section II. F.3.a. of the preamble that the seven "originally participating hospitals" are also currently participating hospitals. *See* for our explanation). However, we note that the portion of the FY 2010 budget neutrality adjustment to the national IPPS rates that was included in the FY 2010 IPPS final rule that accounted for the estimated costs of the demonstration in FY 2010 did not take into account costs of the demonstration for those hospitals beyond the anticipated end date of their initial demonstration period. (For example, for a hospital whose cost report ended in June 30, 2010, we counted only nine months for the budget neutrality adjustment for the FY 2010 IPPS/LTCH PPS final rule. Under this proposal, we would also adjust the national IPPS rates to account for the estimated costs for this hospital for the remaining three months of FY 2010.) We are proposing to include a component in the FY 2011 budget neutrality adjustment to account for the estimated costs of the demonstration in FY 2010 that were not accounted for in the FY 2010 IPPS/RY 2010 LTCH PPS final rule for the seven "originally participating hospitals" because we calculated the FY 2010 cost estimate for that year's final rule assuming that the demonstration would end before the end of that fiscal year for those hospitals. We are proposing the following methodology to account for such estimated costs: Step one, for each of the seven "originally participating hospitals," we divide the number of months that were not included in the estimate of the FY 2010 demonstration costs included in the final IPPS FY 2010 rule by 12. This step is necessary to determine for each of the seven "originally participating hospitals" the fraction of FY 2010 for which the estimate of the FY 2010 demonstration was not included. Step two, for each of the seven "originally participating hospitals," the percentage that results in step one is multiplied by the estimate of the cost attributable to the demonstration in FY 2010 for the hospital. The estimate for the fraction of the hospital's cost for fiscal year 2010 not included in the estimate in the FY 2010 IPPS rule is arrived at by multiplying this fraction by the estimate of costs for the entire year. The estimate of the costs of the demonstration for FY 2010 for the seven "originally participating" hospitals is derived from data found in their cost reports for cost report years beginning in FY 2006. These cost reports show dollar amounts for costs for Medicare inpatient services (that is, the Medicare payment amount in that cost report year for Medicare inpatient services) and the dollar amount that would have been paid under the IPPS. Since these cost report years all ended during FY 2007, this

difference, respective to each of the seven "originally participating hospitals", is updated according to the market basket updates for inpatient hospital costs reported by the CMS Office of the Actuary for the years from FY 2008 through FY 2011. In accordance with guidance from the Office of the Actuary, we also assume an annual two percent volume increase. (This calculation is not necessary for the hospitals that began participating in the demonstration in 2008 because the portion of the FY 2010 budget neutrality adjustment that accounts for estimated FY 2010 demonstration costs in the FY 2010 IPPS/RY 2010 LTCH PPS final rule incorporates a cost estimate for each of these hospitals based on the entirety of the Federal fiscal year.) The estimate of additional costs attributable to the demonstration in FY 2010 for the 7 "originally participating hospitals" that were not accounted for in the FY 2010 final rule is $6,488,221. Similar to above, this estimate is based on the assumption that the seven "originally participating hospitals" will choose to continue participating in the demonstration past the end of their original 5-year demonstration periods. We believe that this assumption is valid, because they are participating in the demonstration to this date, or, for the case of the two hospitals that ended active participation in the demonstration program in December 2009, they were participating as of the last day of their initial 5-year period.

c. Portion of the Proposed FY 2011 Budget Neutrality Adjustment That Accounts for Estimated FY 2011 Costs for Hospitals Newly Selected To Participate in the Demonstration

Section 410A(g)(3) of MMA, as added by section 3123 of Public Law 111–148, and as amended by section 10313 of Public Law 111–148, provides that "[n]otwithstanding subsection (a)(4), during the 5-year extension period, not more than 30 rural community hospitals may participate in the demonstration program under this section." Consequently, up to 20 additional hospitals may be added to the demonstration (30 hospitals minus the 10 currently participating hospitals). In order to ensure budget neutrality for 20 new participating hospitals, we are proposing to include a component in the budget neutrality adjustment factor to the FY 2011 national IPPS rates to account for the estimated FY 2011 costs of those new hospitals. For purposes of estimating the FY 2011 costs of the demonstration for 20 new hospitals, we are proposing to estimate such costs from the average annual cost per hospital derived from the estimate of the 10 currently participating hospitals' costs attributable to the demonstration for FY 2011. Because the statute allows the potential for 20 additional hospitals for the demonstration, we are basing this estimate on the assumption that 20 hospitals will join. Our experience analyzing the cost reports so far for demonstration hospitals shows a wide variation in costs among the hospitals. Given the wide variation in cost profiles that might occur for additional hospitals, we believe that estimating the total demonstration cost for FY 2011 for 20 additional hospitals from the average annual cost of the currently existing hospitals yields the most accurate prediction because it is reflective of the historical trend of participant behavior under the demonstration and should give an accurate as possible prediction of future participant behavior. We believe that, although there is variation in costs, formulating an estimate from the average costs of as many as 10 hospitals gives as good as possible a prediction of what the demonstration costs for each of 20 additional hospitals. We are estimating the average cost for each of the 20 additional hospitals not on a range of costs, but on an estimate of this average cost per hospital, obtained by dividing $20,930,484, the estimated cost amount for FY 2011 identified for the 10 participating hospitals in subsection (a), by 10. The estimate for costs attributable to the demonstration for 20 additional hospitals in FY 2011 is $41,860,968.

d. Portion of the Proposed FY 2011 Budget Neutrality Adjustment That Offsets the Amount by Which the Costs of the Demonstration in FY 2007 Exceeded the Amount That Was Identified in the Final FY 2007 IPPS Final Rule as the Budget Neutrality Offset for FY 2007

In addition, in order to ensure that the demonstration in FY 2007 was budget neutral, we are proposing to incorporate a component into the budget neutrality adjustment factor to the FY 2011 national IPPS rates, which would offset the amount by which the costs of the demonstration program as indicated by settled cost reports beginning in FY 2007 for hospitals participating in the demonstration during FY 2007 exceeded the amount that was identified in the FY 2007 IPPS final rule as the budget neutrality offset for FY 2007. Specifically, we are proposing the following methodology:

- *Step One:* Calculate the FY 2007 costs of the demonstration program according to the settled cost reports that began in FY 2007 for the then participating hospitals (which represent the third year of the demonstration for each of the then participating hospitals). (We propose to use these settled cost reports, which represent the third year of the demonstration for each of the then participating hospitals because they correspond most precisely to FY 2007 and we therefore believe correctly represent FY 2007 inpatient costs for the demonstration during that period).
- *Step Two:* Subtract the amount that was offset by the budget neutrality adjustment for FY 2007 ($9,197,870) from the costs of the demonstration in FY 2007 as calculated in step one; and
- *Step Three:* The result of step two is a dollar amount, for which we would calculate a factor that would offset such amounts and would be incorporated into the proposed overall budget neutrality adjustment to national IPPS rates for FY 2011. This specific component to the overall budget neutrality adjustment for FY 2011 would account for the difference between the costs of the demonstration in FY 2007 and the amount of the budget neutrality adjustment published in the FY 2007 IPPS final rule and therefore ensures that the demonstration is budget neutral for FY 2007.

Because the settlement process for the demonstration hospitals' third year cost reports, that is, cost reporting periods starting in FY 2007, has experienced a delay, for this FY 2011 IPPS proposed rule, we are unable to state the costs of the demonstration corresponding to FY 2007 and as a result are unable to propose the specific numeric adjustment representing this offsetting process that would be applied to the national IPPS rates. However, we expect the cost reports beginning in FY 2007 for hospitals that participated during FY 2007 to be settled before the FY 2011 IPPS/LTCH final rule is published. Therefore, for the FY 2011 IPPS/LTCH PPS final rule, we expect to be able to calculate the amount by which the costs corresponding to FY 2007 exceeded the amount offset by the budget neutrality adjustment for FY 2007. Consequently, by adding this proposed amount to the above proposed amounts estimated in subsections (a) through (c) of section II.F.3.a. of the preamble, we arrive at a proposed amount, from which we would be able to calculate the proposed budget neutrality factor which we would use to adjust the FY 2011 national IPPS rates in the FY 2011 IPPS/LTCH PPS final rule.

For this supplemental proposed FY 2011/LTCH PPS rule, the estimated amount for the adjustment to the national IPPS rates is the sum of the amounts specified in subsections (a)

through (c) above or $69,279,673 and the amount resulting from the proposed method in subsection (d) that we expect to be calculated in the FY 2011 IPPS/LTCHPPS final rule. Subsections (a) through (c) state dollar amounts, which represent estimated costs attributable to the demonstration for the respective component of the overall estimated calculation of the budget neutrality factor for FY 2011. This estimated amount is based on the specific assumptions identified, as well as from data sources that are used because they represent either the most recently finalized or, if as submitted, the most recent available cost reports. The overall budget neutrality change in the final FY 2011 IPPS/LTCH PPS rule, if any of these factors were to change.

G. Proposed Changes to Payment Rates for IPPS for Capital-Related Costs for FY 2011

Although the provisions of Public Law 111–148, do not directly affect the payment rates and policies for the IPPS for capital-related costs, in section II. of the Addendum of this supplemental proposed rule we are proposing the capital IPPS standard Federal rates for FY 2011. This is necessary because the wage index changes required by the provisions of Public Law 111–148 (discussed above in section II.A. of this preamble) affect the proposed budget neutrality adjustment factor for changes in DRG classifications and weights and the geographic adjustment factor (GAF) since the GAF values are derived from the wage index values (*see* § 412.316(a)). In addition, the provisions of Public Law 111–148, (discussed above in this preamble) also necessitate a revision to the proposed outlier payment adjustment factor since a single set of thresholds is used to identify outlier cases for both inpatient operating and inpatient capital-related payments (*see* § 412.312(c)). The outlier thresholds are set so that operating outlier payments are projected to be 5.1 percent of total operating IPPS DRG payments. Section 412.308(c)(2) provides that the standard Federal rate for inpatient capital-related costs be reduced by an adjustment factor equal to the estimated proportion of capital-related outlier payments to total inpatient capital-related PPS payments. The proposed capital IPPS standard Federal rates for FY 2011 are discussed in section II. of the Addendum of this supplemental proposed rule.

H. Payment for Critical Access Hospital Outpatient Services and Ambulance Services

Section 1834(g) of the Act establishes the payment rules for outpatient services furnished by a critical access hospital (CAH). Section 403(d) of Public Law 106–113 (BBRA) amended section 1834(g) of the Act to provide for two methods of payment for outpatient services furnished by a CAH. Specifically, section 1834(g)(1) of the Act, as amended by Public Law 106–113, provided that the amount of payment for outpatient services furnished by a CAH is equal to the reasonable costs of the CAH in providing such services (the physician or other practitioner providing the professional service receives payment under the Medicare Physician Fee Schedule). In the alternative, the CAH may make an election, under section 1834(g)(2) of the Act, to receive amounts that are equal to "the reasonable costs" of the CAH for facility services plus, with respect to the professional services, the amount otherwise paid for professional services under Medicare, less the applicable Medicare deductible and coinsurance amount. The election made under section 1834(g)(2) of the Act is sometimes referred to as "method II" or "the optional method." Throughout this section of this preamble, we refer to this election as "the optional method." Section 202 of Public Law 106–554 (BIPA) amended section 1834(g)(2)(B) of the Act to increase the payment for professional services under the optional method to 115 percent of the amount otherwise paid for professional services under Medicare. In addition, section 405(a)(1) of Public Law 108–173 (MMA) amended section 1834(g)(l) of the Act by inserting the phrase "equal to 101 percent of" before the phrase "the reasonable costs." However, the MMA did not make a corresponding change to section 1834(g)(2)(A) of the Act regarding the amount of payment for facility services under the optional method.

Section 1834(l)(8), as added by section 205 of Public Law 106–554, establishes the payment methodology for ambulance services furnished by a CAH or by an entity that is owned and operated by a CAH. This provision states that payment is made at "the reasonable costs incurred in furnishing ambulance services if such services are furnished by a critical access hospital (as defined in section 1861(mm)(1) of the Act), or by an entity that is owned and operated by a critical access hospital, but only if the critical access hospital or entity is the only provider or supplier of ambulance services that is located within a 35-mile drive of such critical access hospital."

Section 3128(a) of Public Law 111–148 amended sections 1834(g)(2)(A) and 1834(l)(8) of the Act by inserting "101 percent of" before "the reasonable costs." As such, section 3128(a) increases payment for outpatient facility services under the optional method and payment for ambulance services furnished by a CAH or an entity owned and operated by a CAH, to 101 percent of reasonable costs. Section 3128(b) states that the amendments made under section 3128(a) shall take effect as if they were included in the enactment of section 405(a) of Public Law 108–173. Section 405(a) of Public Law 108–173, which provided that, in general, inpatient, outpatient, and covered SNF services provided by a CAH would be reimbursed at 101 percent of reasonable cost, was applicable to payments for services furnished during cost reporting periods beginning on or after January 1, 2004.

In order to implement section 3128 of Public Law 111–148, we are proposing to amend the regulations at § 413.70(b)(3)(ii)(A) to state that, effective for cost reporting periods beginning on or after January 1, 2004, under the optional method, payment for facility services will be made at 101 percent of reasonable cost. Accordingly, regardless of whether a physician/practitioner has reassigned his/her billing rights to the CAH, payment for CAH facility services will be made at 101 percent of reasonable costs. In addition, we are proposing to implement the change in payment for ambulance services provided by section 3128 of Public Law 111–148 by amending the regulations at § 413.70(b)(5)(i) to state that effective for cost reporting periods beginning on or after January 1, 2004, payment for ambulance services furnished by a CAH or an entity that is owned and operated by a CAH is 101 percent of the reasonable costs of the CAH or the entity in furnishing those services, but only if the CAH or the entity is the only provider or supplier of ambulance services located within a 35-mile drive of the CAH or the entity. We note that we do not believe these proposals will result in additional payments to CAHs for prior periods because we believe in fact that CMS has paid CAHs for these services at 101 percent of reasonable costs during these prior periods.

I. Extension of Certain Payment Rules for Long-Term Care Hospital Services and Moratorium on the Establishment of Certain Hospitals and Facilities

1. Background

On December 29, 2007 the Medicare, Medicaid, and SCHIP Extension Act of 2007 (MMSEA) (Pub. L. 110–173) was enacted. Section 114 of MMSEA,

entitled "Long-term care hospitals," made a number of changes affecting payments to LTCHs for inpatient services. In May 6, 2008 and May 22, 2008 **Federal Register** (73 FR 24871 and 73 FR 29699, respectively), we issued two interim final rules (IFCs), implementing provisions of section 114 of the MMSEA. The May 6, 2008 IFC implemented section 114(c)(3) of the MMSEA which required a 3-year delay in the application of certain provisions of the payment adjustment for short-stay outliers (SSOs), and section 114(e)(4)(1) and (2) which specified revisions to the RY 2008 standard Federal rate for LTCHs. The May 22, 2008 IFC implemented section 114(c)(1) and (c)(2), providing for a 3-year delay in the application of the 25 percent threshold payment adjustment for discharges from LTCHs and LTCH satellite facilities that were admitted from certain referring hospitals in excess of various percentage thresholds. The May 22, 2008 IFC also implemented section 114(d) of the MMSEA relating to the 3-year moratorium on the establishment of new LTCHs and LTCH satellite facilities and on increases in beds in existing LTCHs and LTCH satellite facilities.

In addition, we revised regulations at § 412.523(d)(3) implementing section 114(c)(4) of MMSEA. Our regulations provided that for a 3-year period beginning on December 29, 2007, the Secretary shall not make the one-time prospective adjustment to the LTCH PPS payment rates earlier than December 29, 2010 and later than December 29, 2012 (73 FR 26804). Section 4302 of the American Recovery and Reinvestment Act of 2009 (ARRA) (Pub. L. 111–5) enacted on February 17, 2009, included several amendments to section 114(c) and (d) of the MMSEA. The provisions of section 4302 of the ARRA were implemented in an IFC which was published with the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 43990 through 43994). In that same final rule, we responded to comments and finalized the MMSEA provisions in the May 6, 2008 and the May 22, 2008 IFCs that had not otherwise modified by the ARRA. We intend to finalize the ARRA provisions and respond to comments on the ARRA IFC, in the FY 2011 IPPS/LTCH PPS final rule.

The discussion in section XX pertain to the specific changes to the LTCH PPS policies that are mandated by amendments to section 114(c) and (d) of the MMSEA, as amended by section 4302 of the ARRA and further amended by section 3106 of Public Law 111–148 as amended by section 10312 of Public Law 111–148.

Section 114(c) and (d) of the MMSEA as amended by section 4302 of ARRA as amended by section 3106 of the Public Law 111–148 and as further amended by section 10312 of Public Law 111–148 provides for a 2-year extension to payment policies relating to long-term care hospitals (LTCHs) and LTCH satellite facilities. Specifically, these provisions affect payment adjustments for short stay outliers (SSOs), the one-time prospective adjustment to the standard Federal rate, the 25 percent payment threshold policy, and the moratorium on the establishment of new LTCHs and LTCH satellite facilities. In this supplementary proposed rule for the LTCH PPS, we are implementing the policies mandated by the amendments to section 114(c) and (d) of the MMSEA as amended by section 4302 of the ARRA and as further amended by section 3106 of Public Law 111–148, and section 10312 of Public Law 111–148, and are proposing to revise the regulations accordingly to incorporate those changes. In the sections below, we will briefly describe each of these policies and propose to incorporate into the regulations their 2-year extension.

2. Short-Stay Outlier Policy

In the FY 2003 LTCH PPS final rule (67 FR 55995), we established a special payment policy for SSO cases at § 412.529. SSO cases are cases with a covered LOS that is less than or equal to five-sixths of the geometric average LOS for each LTC–DRG. When we established the SSO policy, we explained that "[a] short stay outlier case may occur when a beneficiary receives less than the full course of treatment at the LTCH before being discharged" (67 FR 55995).

We later refined the SSO policy in the RY 2008 LTCH PPS final rule. Specifically, the RY 2008 LTCH PPS final rule added an additional payment methodology at § 412.529(c)(3)(i) for a SSO case with a covered length of stay (LOS) that is less than or equal to one standard deviation from the geometric ALOS of the same DRG under the IPPS as the LTC–DRG to which the case had been assigned (referred to as the "IPPS comparable threshold"). The Medicare payment for that SSO case where the covered LOS is *less than or equal to* the "IPPS comparable threshold" would be based on the least of the following:

- 100 percent of the estimated cost of the case.
- 120 percent of the LTC–DRG specific per diem amount multiplied by the covered LOS of the particular case.
- The full LTC–DRG.

++ An amount comparable to the hospital IPPS per diem amount determined under § 412.529(d)(4). Under that SSO payment formula, cases where the covered LOS is *greater* than the "IPPS comparable threshold," the fourth payment option would be replaced with the blend of the 120 percent of the LTC–DRG specific per diem amount and an amount comparable to the IPPS per diem amount determined under § 412.529(d)(4). (*See* (72 FR 26905 through 26918).)

Section 114(c)(3) of MMSEA established a 3-year delay of the application of the methodology at § 412.529(c)(3)(i) that was added in the RY 2008 LTCH PPS final rule. It specified that the Secretary shall not apply the amendments finalized on May 11, 2007 (72 FR 26992) made to the short-stay outlier payment provision for long-term care hospitals contained in § 412.529(c)(3)(i) or any similar provisions for the 3-year period beginning on the date of enactment of this Act [December 29, 2007]. Section 114(c)((3) of the MMSEA as amended by section 3106(a) of the Public Law 111–148, and as amended by section 10312(a) of Public Law 111–148, adds an additional 2 years to the 3-year delay of the application of § 412.529(c)(3)(i). Specifically, these provisions together result in the phrase "3-year period" being replaced with the phrase "5-year period" each place it appears in 114(c) of MMSEA as amended by the ARRA. Thus, the reference to the 3-year period in delay of application of § 412.529(c)(3)(i) is changed to be 5-year period of delay. Consequently, the Secretary will not apply for the 5-year period beginning on the date of enactment of MMSEA (December 29, 2007) the policy at § 412.529(c)(3)(i). We note that this provision of the law is self-implementing and in this supplementary proposed rule, we are proposing to incorporate existing law regarding the additional 2 year delay into the regulations at § 412.529(c)(3)(i) to reflect this policy change.

3. The One-time Adjustment of the Standard Federal Rate

In the August 30, 2002 LTCH PPS final rule (67 FR 56027), we provided in § 412.523(d)(3) of the regulations, for the possibility of making a one-time prospective adjustment to the LTCH PPS rates by July 1, 2008, so that the effect of any significant difference between actual payments and estimated payments for the first year of the LTCH PPS would not be perpetuated in the LTCH PPS rates for future years.

Later, section 114(c)(4) of MMSEA was enacted which provided a 3-year delay in the application of

§ 412.523(d)(3). Specifically, section 114(c)(4) of MMSEA provides that the "Secretary shall not, for the 3-year period beginning on the date of the enactment of this Act, make the one time prospective adjustment to long-term care hospital prospective payment rates provided for in section 412.523(d)(3) of title 42, Code of Federal Regulations, or any similar provision." The effect of this provision was that no one-time budget neutrality adjustment could be made earlier than December 29, 2010. (Following the enactment of MMSEA, we modified the regulations at § 412.523(d)(3) to capture the 3-year delay required by section 114(c)(4)MMSEA and our proposal to conform our regulation to more accurately reflect the purpose of providing for a possible one-time budget neutrality adjustment.) (*See* 73 FR 26800 through 26805). Now, section 3106(a) of Public Law 111–148, together with section 10312 of Public Law 111–148 results in, an additional 2 years being added to the existing 3-year delay of § 412.523(d)(3). Specifically, these amendments together result in the phrase "3-year period" being replaced with the phrase "5-year period" each place it appears in 114(c) of MMSEA as amended by the ARRA. Thus, the reference to the 3-year period in delay of application § 412.523(d)(3) is changed to be a 5-year period of delay. Consequently, the Secretary shall not apply for the 5-year period beginning on the date of the enactment of MMSEA (December 29, 2007) the one-time prospective adjustment provided for in § 412.523(d)(3). We note that this provision of the law is self-implementing and we are proposing to incorporate existing law regarding this additional 2-year delay of the one-time budget neutrality adjustment into the regulations at § 412.523(d)(3) to reflect this policy. Thus, we are proposing to revise § 412.523(d)(3) to specify that the Secretary is precluded from making the one-time adjustment until December 29, 2012.

4. Modification of Certain Payment Adjustments to Certain LTCHs and LTCH Satellite Discharges

The timeframes outlined in section 114(c)(1) and (2) of MMSEA are amended by ARRA and section 3106(a) of Public Law 111–148, and as further amended by section 10312(a) of Public Law 111–148 are increased from 3 years to 5 years, thereby extending for an additional 2 years the delay in application of the 25 percent patient threshold amount under § 412.534 and § 412.536 for certain LTCHS and LTCH satellite facilities and the increases in the patient thresholds outlined in section 114(c)(2) of MMSEA as they apply to an "applicable" long-term care hospital or satellite facility as set forth in section 114(c)(2)(A) and (B) of MMSEA as amended. Specifically, § 3106(a) of Public Law 111–148 together with section 10312 of Public Law 111–148, results in the substituting of the phrase "5-year period" for the phrase "3-year period" each time it appears in section 114(c) of MMSEA as amended by ARRA. This provision of the law is self-implementing.

With respect to section 114(c)(1) of MMSEA as amended by ARRA (Delay in Application of [the] 25 Percent Patient Threshold Payment Adjustment), section 3106(a) of the Public Law 111–148 and as further amended by section 10312(a) of Public Law 111–148 results in an additional 2-year delay being added to the existing 3-year delay in application of the 25 percent threshold amount under § 412.534 and § 412.536. Specifically, under § 114(c)(1)(A) and (B) of MMSEA as amended by the ARRA and the Affordable Care Act, the Secretary shall not apply, for cost reporting periods beginning on or after July 1, 2007 for a 5-year period—(A) § 412.536 of title 42, Code of Federal Regulations, or any similar provision, to free standing long-term care hospitals or to a long-term care hospital, or satellite facility, that as of December 29, 2007, was co-located with an entity that is a provider-based, off-campus location of a subsection (d) hospital which did not provide services payable under section 1886(d) of the Act at the off-campus location; and (B) such section or § 412.534 of title 42, Code of Federal Regulations, or any similar provisions, to a long-term care hospital identified by the amendment made by section 4417(a) of the BBA. In order to incorporate existing law requiring that application of the above provisions will not be applied prior to cost reporting periods beginning on July 1, 2012, we are proposing to modify our regulations at § 412.534(h)(4) and § 412.536(a)(1).

With respect to section 114(c)(2) of MMSEA as amended by ARRA and section 3106(a) of Public Law 111–148 and as amended by section 10312 of Public Law 111–148 the effective date provided in section 114(c)(2)(C) of MMSEA is amended such that the provision specifies that subparagraphs A and B [of section 114(c)(2)] shall apply to cost reporting periods beginning on or after October 1, 2007 (or July 1, 2007, in the case of a satellite facility described in § 412.22(h)(3)(i) of title 42, Code of Federal Regulations) for a 5-year period.) The effect of this self-implementing effective date change is that under section 114(c)(2)(A) of MMSEA the time period during which the increased percentage thresholds apply to an "applicable long-term care hospital or satellite facility" which is located in a rural area or which is co-located with an urban single or MSA-dominant hospital, under 42 CFR 412.534(d) and (e) is increased from a 3-year period to a 5-year period. Thus, for the 5-year period beginning on or after October 1, 2007, payment to an "applicable LTCH hospital or LTCH satellite that is located in a rural area or is co-located with a MSA-dominant hospital or urban single hospital under paragraphs (d) and (e), of 42 CFR 412.534, shall not be subject to any payment adjustment under such section if no more than 75 percent of the hospital's Medicare discharges (other than discharges described in paragraph (d)(2) or (e)(3) of such section are admitted from a co-located hospital. We are proposing to incorporate into our regulations at 412.534(d)(1) through (d)(3) and (e)(1) through (e)(3); the above-described self-implementing the Affordable Care Act changes by extending the sunsetting of the threshold percentage increase an additional 2 years, to cost reporting periods beginning on or after October 1, 2012, as applicable, July 1, 2007 for a satellite facility described in 42 CFR 412.22(h)(3)(i).)

In addition, the change in the effective date change required in section 114(c)(2)(C) of MMSEA, as amended by ARRA and the Affordable Care Act, is that the time period during which the increased percentage threshold applicable to an "applicable" LTCH or satellite, as defined in section 114(c)(2)(ii) of the MMSEA as amended by section 4302(a)(2)(A) of the ARRA, which is co-located with another hospital is increased from a 3-year period to a 5-year period. Thus, for the 5-year period beginning on or after October 1, 2007, payment to an "applicable" LTCH or LTCH satellite facility that is co-located with another hospital shall not be subject to any payment adjustment under § 412.534 if no more than 50 percent of the hospital's Medicare discharges (other than discharges described in paragraph (c)(3) of such section) are admitted from a co-located hospital. We are proposing to incorporate this self-implementing Affordable Care Act change into our regulations at § 412.534(c)(1), (2) and (3) by extending the sunsetting of the threshold percentage increase an additional 2 years, to cost reporting periods beginning on or after October 1, 2012 or July 1, 2012, as applicable.

5. Moratorium on the Increase in Number of Beds in Existing Long-Term Care Hospitals or Long-Term Care Hospital Satellite Facilities

Section 114(d) of MMSEA provides for a 3-year moratorium with two distinct aspects, one for the establishment and classification of a LTCH or a LTCH satellite facility, other than an existing LTCH or facility, and the other for the increase of hospital beds in existing LTCHs and LTCH satellite facilities. Specifically, section 114(d)(1)(A) of MMSEA provides that, during the 3-year period beginning on the date of enactment of this Act on December 29, 2007, the Secretary shall impose a moratorium "subject to paragraph (2), on the establishment and classification of a long-term care hospital or satellite facility, other than an existing long-term care hospital or facility." Section 114(d)(1)(B) of MMSEA unamended, provides that, during the 3-year period beginning of the date of enactment of this Act, the Secretary shall impose a moratorium "subject to paragraph (3), on an increase of long-term care hospital beds in existing long-term care hospitals or satellite facilities."

Sections 114(d)(2) of MMSEA unamended provides for exceptions to the moratorium on the development of a LTCH or LTCH satellite facility, other than an existing LTCH or LTCH satellite facility, imposed by section 114(d)(1)(A) of MMSEA. (The definition of an existing LTCH and satellite facility for purposes of this policy is codified at § 412.23(e)(7)(i).) Specifically, under this MMSEA provision, the moratorium, is effective from December 29, 2007 through December 28, 2010 unless one of the following three exceptions has been met:

- The LTCH began "its qualifying period for payment as a long-term care hospital under section 412.23(e) of title 42, Code of Federal Regulations, on or before the date of enactment of this Act." (*See* section 114(d)(2)(A) of MMSEA).
- The LTCH has a binding written agreement with an outside, unrelated party for the actual construction, renovation, lease, or demolition for a LTCH and has expended before December 29, 2007 at least 10 percent of the estimated cost of the project or, if less, $2,500,000. (*See* section 114(d)(2)(B) of MMSEA).
- The LTCH has obtained an approved certificate of need in a State where one is required on or before December 29, 2007 (*see* section 114(d)(2)(C) of MMSEA). (*See* 73 FR 29705 through 29707 and 74 FR 43985).

The moratorium on an increase of beds is subject to the exception at section 114(d)(3) of MMSEA. Specifically, section 114(d)(3) of the MMSEA unamended stated that the moratorium on an increase in beds shall not apply if an existing LTCH or LTCH satellite facility is "located in a State where there is only one other long-term care hospital; and requests an increase in beds following the closure or the decrease in the number of beds of another long-term care hospital in the State." We implemented section 114(d) in the May 22, 2008 IFC (73 FR 29704 through 29707); the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 43985 through 43990) and § 412.23(e)(5) through (e)(7).

Section 4302 of the ARRA added another exception to the moratorium on increases in the number of beds at existing LTCHs and LTCH satellite facilities. Specifically, section 4302(b) of the ARRA, added an additional exception to the bed-increase moratorium in an existing hospital or satellite facility "* * * if the hospital or facility obtained a certificate of need for an increase in beds that is in a State for which such certificate of need is required and that was issued on or after April 1, 2005, and before December 29, 2007, * * *." Accordingly, we revised our regulations at § 412.23(e)(7)(B) to include this new exception to the moratorium on an increase in the number of beds in existence in an existing LTCH or LTCH satellite facility beyond those in existence on December 29, 2007. (*See* 74 FR 43991 and 43992)

Section 114(d) of MMSEA as amended by section 4302(b) of ARRA and section 3106(b) of Public Law 111–148 and section 10312(b) of Public Law 111–148 adds an additional 2 years to the 3-year moratorium on the development of new LTCHs and LTCH satellite facilities and on the increase in the number of beds in existing LTCHs and LTCH satellites promulgated by MMSEA. Specifically, it raises the length of the moratorium specified in section 114(d) of MMSEA as amended by ARRA from a 3-year period to a 5-year period. Therefore, the moratorium will be in effect until December 28, 2012. In this supplementary proposed rule, we are proposing to revise § 412.23(e)(6)(i) and (e)(7)(ii) by changing the ending date of the moratorium provisions from December 28, 2010 to December 28, 2012 to reflect these self-implementing Affordable Care Act changes.

J. Long-Term Care Hospital Proposed Market Basket Update and Other Proposed Changes

1. Background

In section VII. of the preamble of the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule, we discuss our proposed changes to the payment rates, factors, and specific policies under the LTCH PPS for FY 2011. Although a number of the provisions of Public Law 111–148 and Public Law 111–152 affect the LTCH PPS, due to the timing of the passage of the legislation, we were unable to address those provisions in the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule. Therefore, the proposed policies and payment rates in that proposed rule do not reflect the new legislation.

Below we address the provisions of Public Law 111–148 and Public Law 111–152 that affect our proposed policies and payment rates for FY 2011 under the LTCH PPS. In addition, we have issued further instructions implementing the provisions of Public Law 111–148, as amended, that affect the policies and payment rates for RY 2010 under the LTCH PPS. Specifically, we have established revised RY 2010 rates and factors elsewhere is this **Federal Register** consistent with the provisions of sections 3401(c) and (p) and 10319(b) of Pub L. 111–148 and section 1105(b) of Public Law 111–152, as amended.

2. Revision of Certain Market Basket Updates as Required by Public Law 111–148 and Public Law 111–152

Section 1886(m)(3)(A)(ii) of the Act, as added by section 3401(c) of Public Law 111–148, specifies that for each of rate years 2010 through 2019, any annual update to the standard Federal rate shall be reduced by the other adjustment specified in new section 1886(m)(4) of the Act. Furthermore, section 1886(m)(3)(A)(i) of the Act specifies that for rate year 2012 and subsequent rate years, any annual update to the standard Federal rate shall be reduced by the productivity adjustment described in section 1886(b)(3)(B)(xi)(II) of the Act. Section 1886(m)(3)(A)(ii) and sections 1886(m)(4)(A) and (B) of the Act, require a 0.25 percentage point reduction for rate year 2010 and a 0.50 percentage point reduction for rate year 2011. Section 1886(m)(3)(B) of the Act provides that the application of paragraph 3 of 1886(m) of the Act may result in the annual update being less than zero for a rate year, and may result in payment rates for a rate year being less than such payment rates for the

preceding rate year. Furthermore, section 3401(p) of Public Law 111–148 specifies that the amendments made by section 3401(c) of Public Law 111–148 shall not apply to discharges occurring before April 1, 2010.

We note that in the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule, since the annual update to the LTCH PPS policies, rates and factors now occurs on October 1st, we proposed to adopt the term "fiscal year" (FY) rather than "rate year" (RY) under the LTCH PPS beginning October 1, 2010 to conform with the standard definition of the Federal fiscal year (October 1 through September 30) used by other PPSs, such as the IPPS (*see* 75 FR 24046 through 24027). Consequently, in that proposed rule and in this supplemental proposed rule, for purposes of clarity, when discussing the annual update for the LTCH PPS, we employed "FY" rather than "RY" because it is our intent that the phrase "FY" be used prospectively in all circumstances dealing with the LTCH PPS. Similarly, although the language of section 3401(c) of Public Law 111–148 and section 10319 of Public Law 111–148, and section 1105(b) of Public Law 111–152 refer to years 2010 and thereafter under the LTCH PPS as "rate year," consistent with our proposal to change the terminology used under the LTCH PPS from "rate year" to "fiscal year," for purposes of clarity, in this supplemental proposed rule, when discussing the annual update for the LTCH PPS, including the provisions of the Affordable Care Act, we will continue to employ "FY" rather than "RY" for 2011 and subsequent years because it is our intent that "FY" be used prospectively in all circumstances dealing with the LTCH PPS.

3. Proposed Change to Reflect the Market Basket Update for LTCHs for RY 2010 (§ 412.523(c)(vi))

In the FY 2010 IPPS/RY 2010 LTCH PPS final rule appearing in the **Federal Register** on August 27, 2009 (74 FR 43754), we established policies, payment rates and factors for determining payments under the LTCH PPS for RY 2010 (October 1, 2009 through September 30, 2010). The provisions of the Affordable Care Act affect some of the policies, payment rates and factors for determining payments under the LTCH PPS for RY 2010 (some of which are discussed elsewhere in this supplemental proposed rule). In a separate notice published elsewhere in this **Federal Register**, we establish revised RY 2010 LTCH PPS rates and factors consistent with the provisions of section 1886(m)(3) of the Act as added by section 3401(c) of Public Law 111–148, and section 1886(m)(4) of the Act as added by section 3401(c) of Public Law 111–148 and amended by section 10319(b) of Public Law 111–148, as further amended by section 1105(b) of Public Law 111–152, as well as section 3401(p) of the Public Law 111–148. Section 1886(m)(3)(A)(ii) of the Act provides for each of RYs 2010 through 2019, the annual update to the standard Federal rate is reduced by the "other adjustment" described in section 1886(m)(4) of the Act. Specifically, sections 1886(m)(3)(A)(ii) and (4)(A) of the Act require a 0.25 percentage point reduction to the annual update to the standard Federal rate for RY 2010. Section 1886(m)(3)(A) of the Act on its face explicitly provides for a revised annual update to the standard Federal rate beginning RY 2010, thus resulting in a single revised RY 2010 standard Federal rate. Section 3401(p) of the Public Law 111–148 provides that, notwithstanding the previous provisions of this section, the amendments made by subsections (a), (c) and (d) shall not apply to discharges occurring before April 1, 2010. When read in conjunction we believe section 1886(m)(3)(A) of the Act and section 3401(p) of Public Law 111–148 provide for a single revised RY 2010 standard Federal rate; however, for payment purposes, discharges occurring on or after October 1, 2009 and before April 1, 2010, simply will not be based on the revised RY 2010 standard Federal rate.

As discussed in a separate notice published elsewhere in this **Federal Register**, consistent with our historical practice and the methodology used in the FY 2010 IPPS/RY 2010 final rule, we establish an update to the LTCH PPS standard Federal rate for RY 2010 of 1.74 percent. This annual update for RY 2010 is based on the full forecasted estimated increase in the LTCH PPS market basket for RY 2010 of 2.5 percent, adjusted by the 0.25 percentage point reduction required by sections 1886(m)(3)(A)(ii) and (4)(A) of the Act, and an adjustment to account for the increase in case-mix in a prior period (FY 2007) resulting from changes in documentation and coding practices of −0.5 percent. Therefore, in this supplemental proposed rule, under the authority of sections 1886(m)(3)(A)(ii) and (4)(A) of the Act, we are proposing to amend § 412.523(c)(3)(vi) to specify that the standard Federal rate for the LTCH PPS rate year beginning October 1, 2009 and ending September 30, 2010, is the standard Federal rate for the previous rate year updated by 1.74 percent. Furthermore, consistent with section 3401(p) of Public Law 111–148, we are also proposing to revise § 412.523(c)(3)(vi) to specify that with respect to discharges occurring on or after October 1, 2009 and before April 1, 2010, payments are based on the standard Federal rate in § 412.523(c)(v) updated by 2.0 percent (that is, a standard Federal rate of $39,896.65 (*see* 74 FR 44022)). We note that the provisions of the law that add sections 1886(m)(3) and (4) of the Act are self-implementing and in this supplemental proposed rule, we are proposing to incorporate existing law regarding the 0.25 percentage point reduction to the annual update to the standard Federal rate for RY 2010 (including the application of the revised standard Federal rate that reflects that 0.25 percentage point reduction in making payments for discharges on or after April 1, 2010) into the regulations at § 412.529(c)(3)(vi) to reflect this required policy change.

4. Proposed Market Basket Update for LTCHs for FY 2011

As discussed in section VII.C.2. of the preamble of the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule, we are proposing to continue to use the FY 2002-based rehabilitation, psychiatric, long-term care (RPL) hospital market basket under the LTCH PPS for FY 2011. Also, in that proposed rule, we stated that at this time, the most recent estimate of the increase in the proposed LTCH PPS market basket (that is, the FY 2002-based RPL market basket) for FY 2011 is 2.4 percent. This increase is based on IHS Global Insight, Inc.'s first quarter 2010 forecast, with historical data through the 2009 fourth quarter, of the FY 2002-based RPL market basket increase. Since publication of the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule our estimate of the FY 2002-based RPL market basket for FY 2011 has not changed. Furthermore, as also stated in the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule, consistent with our historical practice of using market basket estimates based on the most recent available data, we propose that if more recent data are available when we develop the final rule, we would use such data, if appropriate.

Section 1886(m)(3)(A)(ii) of the Act as added by section 3401(c) of Public Law 111–148 specifies that for each of RYs 2010 through 2019, any annual update to the standard Federal rate shall be reduced by the other adjustment specified in new section 1886(m)(4) of the Act. Furthermore, section 1886(m)(3)(A)(i) of the Act specifies that

for rate year 2012 and each subsequent rate year, any annual update to the standard Federal rate shall be reduced by the productivity adjustment described in section 1866(b)(3)(B)(xi)(II) of the Act.

For FY 2011, section 1886(m)(4)(B) of the Act as added by section 3401(c) of Public Law 111–148, as amended by section 10319 of Public Law 111–148 and as further amended by section 1105(b) of Public Law 111–152, requires a 0.50 percentage point reduction to the annual update to the standard Federal rate for rate year 2011. Consequently, the proposed market basket update under the LTCH PPS for FY 2011 is 1.9 percent (that is, the most recent estimate of the LTCH PPS market basket of 2.4 percent minus the 0.50 percentage points required in section 1886(m)(4)(B) of the Act. Again, we note that consistent with our historical practice of using market basket estimates based on the most recent available data, we propose that if more recent data are available when we develop the final rule, we would use such data, if appropriate, in determining the final market basket update under the LTCH PPS for FY 2011. (We note that in section III.A. of the Addendum to this supplemental proposed rule, for FY 2011, we are proposing to update the LTCH PPS standard Federal rate by −0.59 percent. This proposed update reflects proposed market basket update under the LTCH PPS for FY 2011 (of 1.9 percent as discussed above) and a proposed adjustment to account for the increase in case-mix in the prior periods that resulted from changes in documentation and coding practices rather than increases in patients' severity of illness (discussed in section VII.C.3. of the preamble of the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule).)

5. Proposed Medicare Severity Long-Term Care Diagnosis-Related Group (MS–LTC–DRG) Relative Weights

As discussed above, the proposed LTCH PPS policies and payment rates in the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule do not reflect the provisions of the Affordable Care Act. The revised proposed standard Federal rate for FY 2011 that incorporates the "other adjustment" required in section 1886(m)(3)(A)(ii) as amended and described in section 1886(m)(4) as amended is discussed in section III.A. of the Addendum of this supplemental proposed rule. This revision to the proposed standard Federal rate for FY 2011 requires us to revise the proposed relative weights for the MS–LTC–DRGs for FY 2011. This is the case since our established methodology for updating the annual update to the MS–LTC–DRG classifications and relative weights in a budget neutral manner requires that estimated aggregate LTCH PPS payments would be unaffected. That is, under the budget neutrality requirement estimated aggregate LTCH PPS payments would be neither greater than nor less than the estimated aggregate LTCH PPS payments that would have been made without the MS–LTC–DRG classification and relative weight changes.

As discussed in section VII.B.3.g. (step 7) of the preamble of the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule (75 FR 24042 through 24043), we proposed to use our established two-step budget neutrality methodology. In the first step of our MS–LTC–DRG budget neutrality methodology, we calculate and apply a normalization factor to the proposed recalibrated relative weights to ensure that estimated payments are not influenced by changes in the composition of case types or the changes to the classification system. That is, the normalization adjustment is intended to ensure that the recalibration of the proposed MS–LTC–DRG relative weights (that is, the process itself) neither increases nor decreases the average case-mix index (CMI). The normalization factor is calculated using the ratio average CMIs (that is, the average MS–LTC–DRG relative weight) and is independent of the standard Federal rate. (We refer readers to the FY 2011 IPPS/LTCH PPS proposed rule for additional details on the proposed calculation of the normalization factor applied used in determining the proposed FY 2011 MS–LTC–DRG relative weights (75 FR 24042 through 24043).) Therefore, this step was not revised for this supplemental proposed rule. However, in the second step of our established two-step budget neutrality methodology (described in section VII.B.3.g. (step 7) of the preamble of the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule), for FY 2011 we proposed to determine a budget neutrality adjustment factor based on simulating estimated total LTCH PPS payments. Consequently, revising the standard Federal rate to reflect the provisions of newly added sections 1886(m)(3)(A)(ii) and (4) of the Act would impact the estimated aggregated LTCH PPS payments upon which we determine the proposed budget neutrality factor applied in determining the proposed FY 2011 MS–LTC–DRG relative weights.

For this supplemental proposed rule, consistent with the proposed methodology described in the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule (75 FR 24042 through 24043), we are proposing to apply a budget neutrality adjustment factor of 0.987632 in determining the proposed FY 2011 MS–LTC–DRG relative weights, which was determined based on payments simulations after using the proposed FY 2011 standard Federal rate that reflects the reductions required by sections 1886(m)(3)(A)(ii) and (4)(A) and (B) of the Act (discussed above) and LTCH claims from the December 2009 update of the FY 2009 MedPAR files (that is the same data used in the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule). Specifically, we determined the proposed FY 2011 budget neutrality adjustment factor using the following three steps: (2.a.) we simulate estimated total LTCH PPS payments using the normalized proposed relative weights for FY 2011 and GROUPER Version 28.0 (as described above); (2.b.) we simulate estimated total LTCH PPS payments using the FY 2010 GROUPER (Version 27.0) and the FY 2010 MS–LTC–DRG relative weights shown in Table 11 of the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44183 through 44192); and (2.c.) we calculate the ratio of these estimated total LTCH PPS payments by dividing the estimated total LTCH PPS payments using the FY 2010 GROUPER (Version 27.0) and the FY 2010 MS–LTC–DRG relative weights (determined in step 2.b.) by the estimated total LTCH PPS payments using the proposed FY 2011 GROUPER (Version 28.0) and the normalized proposed MS–LTC–DRG relative weights for FY 2011 (determined in Step 2.a.).

Therefore, under our established two-step budget neutrality methodology, in determining the proposed FY 2011 MS–LTC–DRG relative weights, each normalized proposed relative weight (determined as described in section VII.C.3.g.(step 7) of the preamble of the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule) is multiplied by a budget neutrality factor of 0.987632 in the second step of the budget neutrality methodology to determine the proposed budget neutral FY 2011. (We note that in determining the proposed FY 2011 budget neutral MS–LTC–DRG relative weights for this supplemental proposed rule, with the exception of the proposed budget neutrality adjustment factor of 0.987632 discussed above, we used the proposed methodology as presented in the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule (75 FR 24042 through 24043).) Consistent with our historical policy of using the best available data, we are proposing to use the most recent available data for

determining the budget neutrality adjustment factor in the final rule.

Accordingly, in determining the proposed FY 2011 MS–LTC–DRG relative weights in Table 11 in the Addendum to this supplemental proposed rule, consistent with our existing methodology, we are proposing to apply a normalization factor of 1.10362 (computed as described in section VII.C.3.g. (step 7) of the preamble to the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule) and a budget neutrality factor of 0.987632 (computed as described above). Table 11 in the Addendum to this supplemental proposed rule lists the proposed MS–LTC–DRGs and their respective proposed relative weights, geometric mean length of stay, and five-sixths of the geometric mean length of stay (used in determining SSO payments under § 412.529) for FY 2011. (We note that there are no changes to the geometric mean length of stay and five-sixths of the geometric mean length of stay that were published in Table 11 of the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule as the calculation of these statistics is independent of the standard Federal rate.)

III. Other Required Information

A. 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 (44 U.S.C. Chapter 35).

B. Waiver of 60-Day Comment Period

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** and permit a 60-day comment period, as provided in section 1871(b)(1) of the Act. This period, however, may be shortened, as provided under section 1871(b)(2)(C) of the Act, when the Secretary finds good cause that a 60-day comment period would be impracticable, unnecessary, or contrary to the public interest and incorporates a statement of the finding and its reasons in the rule issued. For this supplemental proposed rule, we are waiving the 60-day comment period for good cause and allowing a comment period that coincides with the comment period provided for on the FY 2011 IPPS/LTCH PPS proposed rule (75 FR 23852).

As we explained in the FY 2011 IPPS/LTCH PPS proposed rule (75 FR 23859), due to the timing of the enactment of Public Law 111–148 and Public Law 111–152, the policies and payment rates outlined in the proposed rule did not reflect the changes made by either law to the IPPS and LTCH PPS. This supplemental proposed rule addresses the changes that affect our proposed policies and payment rates for FY 2011 under the IPPS and the LTCH PPS.

A 60-day comment period on this supplemental proposed rule would be both impracticable and contrary to the public interest because it would not allow for coordinated consideration of the comments on this supplemental proposed rule with those on the FY 2011 IPPS/LTCH PPS proposed rule. Because the issues raised in this supplemental proposed rule are integral to our consideration of comments on certain proposals in the FY 2011 IPPS/LTCH PPS proposed rule, we do not believe it would be appropriate to review comments on the issues raised in this supplemental proposed rule in isolation from the comments received on the FY 2011 IPPS/LTCH PPS proposed rule. We further note that a full 60-day comment period would end on a date that would not allow the agency sufficient time to process the comments and respond to them in a meaningful manner by the August 1, 2010 date for issuing the final rule. If we allowed for a full 60-day comment period, timely filed comments would receive a shorter period of time for consideration by the agency, and the agency would be left with insufficient time to properly respond to comments and appropriately resolve whether any of the proposed policies should be modified in light of comments received. For all of these reasons, we find good cause to waive the 60-day comment period for this rule of proposed rulemaking, and we are instead providing for a comment period that coincides with the comment period provided for the FY 2011 IPPS/LTCH PPS proposed rule that appeared in the May 4, 2010 **Federal Register**.

IV. Response to Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

List of Subjects

42 CFR Part 412

Administrative practice and procedure, Health facilities, Medicare, Puerto Rico, Reporting and recordkeeping requirements.

42 CFR Part 413

Health facilities, Kidney diseases, Medicare, Puerto Rico, Reporting and recordkeeping requirements.

For the reasons stated in the preamble of this proposed rule, the Centers for Medicare & Medicaid Services is proposing to amend 42 CFR chapter IV as follows:

PART 412—PROSPECTIVE PAYMENT SYSTEMS FOR INPATIENT HOSPITAL SERVICES

1. The authority citation for part 412 continues to read as follows:

Authority: Secs. 1102 and 1871 of the Social Security Act (42 U.S.C. 1302 and 1395hh), and sec. 124 of Public Law 106–113 (113 Stat. 1501A–332).

§ 412.23 [Amended]

2. In § 412.23, paragraphs (e)(6)(i) and (e)(7)(ii) are amended by removing the date "December 28, 2010" and adding the date "December 28, 2012" in its place.

3. Section 412.64 is amended by—

A. Revising paragraphs (d)(1) and (e)(4).

B. Adding a new paragraph (m).

§ 412.64 Federal rates for inpatient operating costs for Federal fiscal year 2005 and subsequent fiscal years.

* * * * *

(d) *Applicable percentage change for fiscal year 2005 and for subsequent fiscal years.*

(1) Subject to the provisions of paragraph (d)(2) of this section, the applicable percentage change for updating the standardized amount is—

(i) For fiscal year 2005 through fiscal year 2009, the percentage increase in the market basket index for prospective payment hospitals (as defined in § 413.40(a) of this subchapter) for hospitals in all areas.

(ii) For fiscal year 2010, for discharges—

(A) On or after October 1, 2009 and before April 1, 2010, the percentage increase in the market basket index for prospective payment hospitals (as defined in § 413.40(a) of this subchapter) for hospitals in all areas; and

(B) On or after April 1, 2010 and before October 1, 2010, the percentage increase in the market basket index minus 0.25 percentage points for

prospective payment hospitals (as defined in § 413.40(a) of this subchapter) for hospitals in all areas.

(iii) For fiscal year 2011, the percentage increase in the market basket index minus 0.25 percentage points for prospective payment hospitals (as defined in § 413.40(a) of this subchapter) for hospitals in all areas.

* * * * *

(e) * * *

(4) CMS makes an adjustment to the wage index to ensure that aggregate payments after implementation of the rural floor under section 4410 of the Balanced Budget Act of 1997 (Pub. L. 105–33) and the imputed floor under paragraph (h)(4) of this section are equal to the aggregate prospective payments that would have been made in the absence of such provisions as follows:

(i) Beginning October 1, 2008, such adjustment is transitioned from a nationwide to a statewide adjustment as follows:

(A) From October 1, 2008 through September 30, 2009, the wage index is a blend of 20 percent of a wage index with a statewide adjustment and 80 percent of a wage index with a nationwide adjustment.

(B) From October 1, 2009 through September 30, 2010, the wage index is a blend of 50 percent of a wage index with a statewide adjustment and 50 percent of a wage index with a nationwide adjustment.

(ii) Beginning October 1, 2010, such adjustment is a full nationwide adjustment.

* * * * *

(m) *Adjusting the wage index to account for the Frontier State floor.*

(1) *General criteria.* For discharges occurring on or after October 1, 2010, CMS adjusts the hospital wage index for hospitals located in qualifying States to recognize the wage index floor established for frontier States. A qualifying frontier State meets both of the following criteria:

(i) At least 50 percent of counties located within the State have a reported population density less than 6 persons per square mile.

(ii) The State does not receive a non-labor related share adjustment determined by the Secretary to take into account the unique circumstances of hospitals located in Alaska and Hawaii.

(2) *Amount of wage index adjustment.* A hospital located in a qualifying State will receive a wage index value not less than 1.00.

(3) *Process for determining and posting wage index adjustments.* (i) CMS uses the most recent Population Estimate data published by the U.S. Census Bureau to determine county definitions and population density. This analysis will be periodically revised, such as for updates to the decennial census data.

(ii) CMS will include a listing of qualifying Frontier States and denote the hospitals receiving a wage index increase attributable to this provision in its annual updates to the hospital inpatient prospective payment system published in the **Federal Register**.

4. Section 412.73 is amended by—

A. Revising paragraph (c)(15).

B. Adding a new paragraph (c)(16).

The revision and addition read as follows:

§ 412.73 Determination of the hospital specific rate based on a Federal fiscal year 1982 base period.

* * * * *

(c) * * *

(15) *For Federal fiscal year 2003 through Federal fiscal year 2009.* For Federal fiscal year 2003 through Federal fiscal year 2009, the update factor is the percentage increase in the market basket index for prospective payment hospitals (as defined in § 413.40(a) of this chapter).

(16) *For Federal fiscal year 2010 and subsequent years.* For Federal fiscal year 2010 and subsequent years, the update factor is the percentage increase specified in § 412.64(d).

* * * * *

§ 412.75 [Amended]

5. In § 412.75, paragraph (d) is amended by removing the citation "§ 412.73(c)(15)" and adding the citation "§ 412.73(c)(15) and § 412.73(c)(16)" in its place.

§ 412.77 [Amended]

6. In § 412.77, paragraph (e) is amended by removing the reference "(c)(15)" and adding the reference "(c)(16)" in its place.

§ 412.78 [Amended]

7. In § 412.78, paragraph (e) is amended by removing the citation "§ 412.73(c)(15)" and adding the citation "§ 412.73(c)(15) and § 412.73(c)(16)" in its place.

§ 412.79 [Amended]

8. In § 412.79, paragraph (d) is amended by removing the phrase "and (c)(15)" and adding the phrase "through (c)(16)" in its place.

9. Section 412.101 is revised to read as follows:

§ 412.101 Special treatment: Inpatient hospital payment adjustment for low-volume hospitals.

(a) *Definitions.* Beginning in FY 2011, the terms used in this section are defined as follows:

Medicare discharges means discharge of inpatients entitled to Medicare Part A, including discharges associated with individuals whose inpatient benefits are exhausted or whose stay was not covered by Medicare and also discharges of individuals enrolled in a MA organization under Medicare Part C.

Road miles means "miles" as defined in § 412.92(c)(1).

(b) *General considerations.* (1) CMS provides an additional payment to a qualifying hospital for the higher incremental costs associated with a low volume of discharges. The amount of any additional payment for a qualifying hospital is calculated in accordance with paragraph (c) of this section.

(2) In order to qualify for this adjustment a hospital must meet the following criteria:

(i) For FY 2005 through FY 2010, a hospital must have less than 200 total discharges, which includes Medicare and non-Medicare discharges, during the fiscal year, as reflected in its cost report specified in paragraph (b)(3) of this section, and be located more than 25 road miles (as defined in paragraph (a) of this section from the nearest "subsection (d)" (section 1886(d) of the Act) hospital.

(ii) For FY 2011 and FY 2012, a hospital must have less than 1,600 Medicare discharges, as defined in paragraph (a) of this section, during the fiscal year, as reflected in its cost report specified in paragraph (b)(3) of this section, and be located more than 15 road miles, as defined in paragraph (a) of this section, from the nearest "subsection (d)" (section 1886(d) of the Act) hospital.

(iii) For FY 2013 and subsequent fiscal years, a hospital must have less than 200 total discharges, which includes Medicare and non-Medicare, during the fiscal year, as reflected in its cost report specified in paragraph (b)(3) of this section, and be located more than 25 road miles as defined in paragraph (a) of this section from the nearest "subsection (d)" (section 1886(d) of the Act) hospital.

(3) The fiscal intermediary or Medicare administrative contractor makes the determination of the discharge count for purposes of determining a hospital's qualification for the adjustment based on the hospital's most recently submitted cost report and for qualification for FYs 2011 and 2012 other documentation of

Medicare discharges (as defined in paragraph (a) of this section).

(4) In order to qualify for the adjustment, a hospital must provide its fiscal intermediary or Medicare administrative contractor with sufficient evidence that it meets the distance requirement specified under paragraph (b)(2) of this section. The fiscal intermediary or Medicare administrative contractor will base its determination of whether the distance requirement is satisfied upon the evidence presented by the hospital and other relevant evidence, such as maps, mapping software, and inquiries to State and local police, transportation officials, or other government officials.

(c) *Determination of the adjustment amount.* The low-volume adjustment for hospitals that qualify under paragraph (b) of this section are as follows for the applicable fiscal year:

(1) For FY 2005 through FY 2010, the adjustment is 25 percent for each Medicare discharge.

(2) For FY 2011 and FY 2012, the adjustment is as follows:

Medicare discharge range	Payment adjustment (percent add-on)
1–200	25.0000
201–301	23.3333
301–400	21.6667
401–500	20.0000
501–600	18.3333
601–700	16.6667
701–800	15.0000
801–900	13.3333
901–1,000	11.6667
1,001–1,100	10.0000
1,101–1,200	8.3333
1,201–1,300	6.6667
1,301–1,400	5.0000
1,401–1,500	3.3333
1,501–1,599	1.6667
1,600 or more	0.0000

(3) For FY 2013 and subsequent years, the adjustment is 25 percent for each Medicare discharge.

(d) *Eligibility of new hospitals for the adjustment.* A new hospital will be eligible for a low-volume adjustment under this section once it has submitted a cost report for a cost reporting period that indicates that it meets discharge requirements during the applicable fiscal year and has provided its fiscal intermediary or Medicare administrative contractor with sufficient evidence that it meets the distance requirement, as specified under paragraph (b)(2) of this section.

§ 412.108 [Amended]

10. Section 412.108 is amended as follows:

A. In paragraph (a)(1) introductory text the phrase "before October 1, 2011" is removed and the phrase "before October 1, 2012" is added in its place.

B. In paragraph (c)(2)(iii) introductory text the phrase "before October 1, 2010" is removed and the phrase "before October 1, 2012" is added in its place.

11. Section 412.211 is amended by revising paragraph (c) to read as follows:

§ 412.211 Puerto Rico rates for Federal fiscal year 2004 and subsequent fiscal years.

* * * * *

(c) *Computing the standardized amount.* CMS computes a Puerto Rico standardized amount that is applicable to all hospitals located in all areas. The applicable percentage change for updating the Puerto Rico specific standardized amount is as follows:

(1) For fiscal year 2004 through fiscal year 2009, increased by the applicable percentage change specified in § 412.64(d)(1)(ii)(A).

(2) For fiscal year 2010, increased by the market basket index for prospective payment hospitals (as defined in § 413.40(a) of this subchapter) for hospitals in all areas.

(3) For fiscal year 2011, increased by the applicable percentage change specified in § 412.64(d)(1)(iii).

* * * * *

§ 412.230 [Amended]

12. In § 412.230 paragraph (d)(1)(iv)(E) is amended by removing the figures "86" and "88" adding the figures "82" and "84" in their place, respectively.

§ 412.232 [Amended]

13. In § 412.232, paragraph (c)(3) is amended by removing the figure "88" and adding the figure "85" in its place.

§ 412.234 [Amended]

14. In § 412.234, paragraph (b)(3) is amended by removing the figure "88" and adding the figure "85" in its place.

§ 412.523 [Amended]

15. Section 412.523 is amended as follows:

A. Revise paragraph (c)(3)(vi).

B. Add paragraph (c)(3)(vii).

C. Paragraph (d)(3) is amended by removing the phrase "December 29, 2010, and by no later than October 1, 2012" and adding the phrase "December 29, 2012," in its place.

The revision and addition read as follows:

§ 412.523 Methodology for calculating the Federal prospective payment rates.

* * * * *

(c) * * *

(3) * * *

(vi) *For long-term care hospital prospective payment system rate year beginning October 1, 2009 and ending September 30, 2010.* (A) The standard Federal rate for long-term care hospital prospective payment system rate year beginning October 1, 2009 and ending September 30, 2010 is the standard Federal rate for the previous long-term care hospital prospective payment system rate year updated by 1.74 percent. The standard Federal rate is adjusted, as appropriate, as described in paragraph (d) of this section.

(B) With respect to discharges occurring on or after October 1, 2009 and before April 1, 2010, payments are based on the standard Federal rate in paragraph (c)(3)(v) of this section updated by 2.0 percent.

(vii) *For long-term care hospital prospective payment system fiscal year beginning October 1, 2010, and ending September 30, 2011.* The standard Federal rate for the long-term care hospital prospective payment system fiscal year beginning October 1, 2010, and ending September 30, 2011, is the standard Federal rate for the previous long-term care hospital prospective payment system rate year updated by −0.59 percent. The standard Federal rate is adjusted, as appropriate, as described in paragraph (d) of this section.

* * * * *

§ 412.529 [Amended]

16. In § 412.529, paragraphs (c)(2) introductory text and (c)(3) introductory text are amended by removing the date "December 29, 2010" and adding in its place the date "December 29, 2012" each time it appears.

§ 412.534 [Amended]

17. Section 412.534 is amended as follows:

A. Paragraphs (c)(1), (c)(2), (d)(1), (d)(2), (e)(1), (e)(2) are amended by removing the date "October 1, 2010" and adding in its place the date "October 1, 2012" each time it appears.

B. Paragraphs (c)(3), (d)(3), (e)(3), (h)(4), and (h)(5) are amended by removing the date "July 1, 2010" and adding in its place the date "July 1, 2012" each time it appears.

§ 412.536 [Amended]

18. In § 412.536, paragraph (a)(2) introductory text is amended by removing the date "July 1, 2010" and adding the date "July 1, 2012" in its place.

PART 413—PRINCIPLES OF REASONABLE COST REIMBURSEMENT; PAYMENT FOR END-STAGE RENAL DISEASE SERVICES; OPTIONAL PROSPECTIVELY DETERMINED PAYMENT RATES FOR SKILLED NURSING FACILITIES

19. The authority citation for part 413 continues to read as follows:

Authority: Secs. 1102, 1812(d), 1814(b), 1815, 1833(a), (i), and (n), 1861(v), 1871, 1881, 1883, and 1886 of the Social Security Act (42 U.S.C. 1302, 1395d(d), 1395f(b), 1395g, 1395l(a), (i), and (n), 1395x(v), 1395hh, 1395rr, 1395tt, and 1395ww); and sec. 124 of Public Law 106–133 (113 Stat. 1501A–332).

20. Section 413.70 is amended as follows:

A. Revise paragraph (b)(3)(ii)(A).

B. Redesignate paragraph (b)(5)(i) as (b)(5)(i)(A).

C. In newly redesignated paragraph (b)(5)(i)(A), the phrase "on or after December 21, 2000," is removed and the phrase "on or after December 21, 2000 and on or before December 31, 2003," is added in its place.

D. Add a new paragraph (b)(5)(i)(B).

The revision and addition read as follows:

§ 413.70 Payment for services of a CAH.

* * * * *

(b) * * *

(3) * * *

(ii) * * *

(A) Effective for cost reporting periods beginning on or after January 1, 2004, for facility services not including any services for which payment may be made under paragraph (b)(3)(ii)(B) of this section, 101 percent of the reasonable costs of the services as determined under paragraph (b)(2)(i) of this section; and

* * * * *

(5) * * *

(i) * * *

(B) Effective for cost reporting periods beginning on or after January 1, 2004, payment for ambulance services furnished by a CAH or an entity that is owned and operated by a CAH is 101 percent of the reasonable costs of the CAH or the entity in furnishing those services, but only if the CAH or the entity is the only provider or supplier of ambulance services located within a 35-mile drive of the CAH or the entity.

* * * * *

Authority:

(Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: May 13, 2010.

Marilyn Tavenner,

Acting Administrator, Centers for Medicare & Medicaid Services.

Approved: May 18, 2010.

Kathleen Sebelius,

Secretary.

Note: The following Addendum and Appendix will not appear in the Code of Federal Regulations.

Addendum: FY 2011 Supplemental Proposed Payment Rates

I. Supplemental Proposed FY 2011 Prospective Payment Systems Payment Rates for Hospital Inpatient Operating and Capital Related Costs

As discussed in section II.B. of the preamble to this supplemental proposed rule, changes to the applicable percentage increase, wage index, and rural community hospital demonstration mandated by the Affordable Care Act necessitate the recalculation of the FY 2011 proposed budget neutrality factors, outlier threshold and standardized amounts. In the FY 2011 IPPS/LTCH PPS proposed rule we explained our methodology for calculating the FY 2011 proposed budget neutrality factors (75 FR 24062 through 24073). Except as explained below, we apply this same methodology in recalculating these budget neutrality adjustments to reflect the changes to the standardized amount required by the Affordable Care Act. A complete discussion of our computation of the FY 2011 proposed budget neutrality factors, outlier threshold and standardized amounts is found below.

A. Updating the Average Standardized Amounts

As discussed section II.B. of the preamble to this supplemental proposed rule, sections 3401(a) and section 10319(a) of Public Law 111–148, amends section 1886(b)(3)(B)(i) of the Act to provide that the FY 2011 applicable percentage increase for IPPS hospitals equals the rate-of-increase in the hospital market basket for IPPS hospitals in all areas minus a 0.25 percentage point, subject to the hospital submitting quality information under rules established by the Secretary in accordance with section 1886(b)(3)(B)(viii) of the Act. For hospitals that fail to submit quality data consistent with section 1886(b)(3)(B)(viii) of the Act, the update is equal to the market basket percentage increase minus a 0.25 percentage point less an additional 2.0 percentage points. Therefore, for this supplemental proposed rule, based on IHS Global Insight, Inc.'s first quarter 2010 forecast of the FY 2011 market basket increase, the estimated update to the FY 2011 operating standardized amount is 2.15 percent (that is, the FY 2011 estimate of the market basket rate-of-increase of 2.4 percent minus 0.25 percentage points) for hospitals in all areas, provided the hospital submits quality data in accordance with our rules. For hospitals that do not submit quality data, the estimated update to the operating standardized amount is 0.15 percent (that is, the adjusted FY 2011 estimate of the market basket rate-of-increase of 2.15 percent minus 2.0 percentage points).

B. Proposed Budget Neutrality Adjustments Factors for Recalibration of DRG Weights and Updated Wage Index

In the FY 2011 IPPS/LTCH PPS proposed rule we explained our methodology for calculating the FY 2011 proposed DRG reclassification and recalibration and updated wage index budget neutrality factor (75 FR 24064). Except as explained below, we apply this same methodology in recalculating this budget neutrality adjustment to reflect the changes to the standardized amount required by the Affordable Care Act.

As discussed above, sections 3401(a) and section 10319(a) of Public Law 111–148 amends section 1886(b)(3)(B)(i) of the Act, which defines the applicable percentage increase. Although these amendments modify the applicable percentage increase applicable to the FY 2010 rates under the IPPS, section 3401(p) of Public Law 111–148 states that the amendments do not apply to discharges occurring prior to April 1, 2010. Accordingly, for purposes of determining payment amounts for discharges occurring on or after April 1, 2010, in order to comply with the statute in section 3401(p) of Public Law 111–148, we applied the revised FY 2010 rates effective with discharges on or after April 1, 2010 until the end of FY 2010. However, for purposes of determining the budget neutrality adjustments for FY 2011, the statute requires us to simulate the FY 2010 hospital as if hospitals were paid for all of FY 2010 based on the FY 2010 rates that are effective for payments for discharges occurring on or after April 1, 2010.

For FY 2011 we are proposing a proposed DRG reclassification and recalibration factor of 0.996867 and a proposed budget neutrality factor of 1.000070 for changes to the wage index. We multiplied the proposed DRG reclassification and recalibration budget neutrality factor of 0.996867 by the proposed budget neutrality factor of 1.000070 for changes to the wage index to determine the proposed DRG reclassification and recalibration and updated wage index budget neutrality factor of 0.996937 (as required by sections 1886(d)(4)(C)(iii) and 1886(d)(3)(E)(i) of the Act).

C. Reclassified Hospitals—Budget Neutrality Adjustment

Due to the Affordable Care Act, it is also necessary to revise the reclassification budget neutrality factor. As discussed in section II.A. of the preamble to this supplemental proposed rule, section 3137(c) of Public Law 111–148 revised the average hourly wage standards resulting in our estimate that 23 additional hospitals will be reclassified (or receive their primary reclassifications. Using the methodology proposed in the FY 2011 IPPS proposed rule, and incorporating the provision above, we computed a factor of 0.991476 for reclassification budget neutrality, as required by section 1886(d)(8)(D) of the Act.

D. Rural and Imputed Floor Budget Neutrality

We make an adjustment to the wage index to ensure that aggregate payments after implementation of the rural floor under section 4410 of the BBA (Pub. L. 105–33) and the imputed floor under § 412.64(h)(4) of the regulations are made in a manner that ensures that aggregate payments to hospitals are not affected. As discussed in section III.B. of the preamble of the FY 2009 IPPS final rule (73 FR 48570 through 48574), we adopted as final State level budget neutrality for the rural and imputed floors, effective beginning with the FY 2009 wage index. In response to the public's concerns and taking into account the potentially significant payment cuts that could occur to hospitals in some States if we implemented this change with no transition, we decided to phase in, over a 3-year period, the transition from the national rural floor budget neutrality adjustment on the wage index to the State level rural floor budget neutrality adjustment on the wage index. In FY 2011 IPPS/LTCH PPS proposed rule, in the absence of provisions of Public Law 111–148, the proposed adjustment would have been completely transitioned to the State level methodology, such that the wage index that was proposed in the FY 2011 IPPS/LTCH PPS proposed rule was determined by applying 100 percent of the State level budget neutrality adjustment. However, section 3141 of Public Law 111–148 restores the budget neutrality adjustment for the rural and imputed floors to a uniform, national adjustment, beginning with the FY 2011 wage index.

Using the same methodology in prior final rules to calculate the national rural and imputed floor budget neutrality adjustment factor (which was part of the methodology to calculate the blended rural and imputed floor budget neutrality adjustment factors), to determine the proposed wage index adjusted by the national rural and imputed floor budget neutrality adjustment, we used FY 2009 discharge data and proposed FY 2011 wage indices to simulate IPPS payments. First, we compared the national simulated payments without the rural and imputed floors applied to national simulated payments with the rural and imputed floors applied to determine the national rural and imputed floor budget neutrality adjustment factor of 0.995425. This national adjustment was then applied to the wage indices to produce a national rural and imputed floor budget neutral wage index.

E. Proposed Rural Community Hospital Demonstration Program Adjustment

As discussed in section II.F. of the preamble to this supplemental proposed rule, section 410A of Public Law 108–173 requires the Secretary to establish a demonstration that will modify reimbursement for inpatient services for up to 15 small rural hospitals. Section 410A(c)(2) of Public Law 108–173 requires that "in conducting the demonstration program under this section, the Secretary shall ensure that the aggregate payments made by the Secretary do not exceed the amount which the Secretary would have paid if the demonstration program under this section was not implemented." In the proposed rule we did not apply an adjustment to the standardized amount to ensure the effects of the rural community hospital demonstration are budget neutral. However, section 450(a) of the MMA as amended by sections 3123 and 10313 of Public Law 111–148 extends the demonstration for an additional 5 years, and allows not more than 30 hospitals to participate in the 20 least densely populated States.

In order to achieve budget neutrality, we are proposing to adjust the national IPPS rates by an amount sufficient to account for the added costs of this demonstration. In other words, we are proposing to apply budget neutrality across the payment system as a whole rather than merely across the participants of this demonstration, consistent with past practice. We believe that the language of the statutory budget neutrality requirement permits the agency to implement the budget neutrality provision in this manner. The statutory language requires that "aggregate payments made by the Secretary do not exceed the amount which the Secretary would have paid if the demonstration * * * was not implemented," but does not identify the range across which aggregate payments must be held equal. As mentioned section II.F. of the preamble to this supplemental proposed rule, the proposed estimated amount for the adjustment to the national IPPS rates for FY 2011 is $69,279,673. Accordingly to account for the changes in the Affordable Care Act, we computed a proposed factor of 0.999313 for the rural community hospital demonstration program adjustment. We note that because the settlement process for the demonstration hospitals' third year cost reports, that is, cost reporting periods starting in FY 2007, has experienced a delay, for this FY 2011 IPPS proposed rule, we are unable to state the costs of the demonstration corresponding to FY 2007 and as a result are unable to propose the specific numeric adjustment representing this offsetting process that would be applied to the national IPPS rates (as discussed above). However, we expect the cost reports beginning in FY 2007 for hospitals that participated during FY 2007 to be settled before the FY 2011 IPPS/LTCH final rule is published. Therefore, for the FY 2011 IPPS/LTCH PPS final rule, we expect to be able to calculate the amount by which the costs corresponding to FY 2007 exceeded the amount offset by the budget neutrality adjustment for FY 2007.

F. Proposed FY 2011 Outlier Fixed-Loss Cost Threshold

In order to compute the FY 2011 proposed outlier threshold, we used the same methodology in this supplemental proposed rule that we used in the FY 2011 IPPS/LTCH PPS proposed rule (75 FR 24068 through 24069; and incorporated the provisions of Pub. L. 111–148 and Pub. L. 111–152 as discussed above). However, as discussed in section II.A. of the preamble to this supplemental proposed rule, in accordance with section 10324(a) of Public Law 111–148, beginning in FY 2011, we are proposing to create a wage index floor of 1.00 for all hospitals located in States determined to be Frontier States. We noted that the Frontier State floor adjustments will be calculated and applied after rural and imputed floor budget neutrality adjustments are calculated for all labor market areas, so as to ensure that no hospital in a Frontier State will receive a wage index lesser than 1.00 due to the rural and imputed floor adjustment. In accordance with section 10324(a) of Public Law 111–148, the Frontier State adjustment will not be subject to budget neutrality, and will only be extended to hospitals geographically located within a Frontier State. However, for purposes of estimating the proposed outlier threshold for FY 2011, it is necessary to apply this provision by adjusting the wage index of those eligible hospitals in a Frontier State when calculating the outlier threshold that results in outlier payments being 5.1 percent of total payments for FY 2011. If we did not take into account this provision, our estimate of total FY 2011 payments would be too low, and as a result, our proposed outlier threshold would be too high, such that estimated outlier payments would be less than our projected 5.1 percent of total payments.

We are proposing an outlier fixed-loss cost threshold for FY 2011 equal to the prospective payment rate for the DRG, plus any IME and DSH payments, and any add-on payments for new technology, plus $24,165.

G. FY 2011 Proposed Outlier Adjustment Factors

Using the same methodology in this supplemental proposed rule that we used in the FY 2011 IPPS/LTCH PPS proposed rule (75 FR 24069; and incorporating the provisions of the Affordable Care Act as discussed above), we computed the following proposed FY 2011 outlier adjustment factors that are applied to the proposed FY 2011 standardized amount for the proposed FY 2011 outlier threshold:

	Operating standardized amounts	Capital federal rate
National	0.948995	0.943217
Puerto Rico	0.951459	0.925238

H. Proposed FY 2011 Standardized Amount

We calculated the proposed FY 2011 standardized amounts using the methodology proposed in the FY 2011 IPPS proposed rule taking into account the changes required by the provisions of Public Law 111–148. Tables 1A and 1B in this supplemental proposed rule contain the proposed national standardized amount that we are applying to all hospitals, except hospitals in Puerto Rico. The proposed Puerto Rico-specific amounts are shown in Table 1C. The proposed amounts shown in Tables 1A and 1B differ only in that the labor-related share applied to the proposed standardized amounts in Table 1A is 68.8 percent, and the labor-related share applied to the proposed standardized amounts in Table 1B is 62 percent.

In addition, Tables 1A and 1B include the proposed standardized amounts reflecting the adjusted marker basket update of 2.15 percent update for FY 2011, and proposed standardized amounts reflecting the 2.0 percentage point reduction to the update (a 0.15 percent update) applicable for hospitals that fail to submit quality data consistent with section 1886(b)(3)(B)(viii) of the Act. Below is a revised table reflecting the changes required by the provisions of the Affordable Care Act that details the calculation of the proposed FY 2011 standardized amounts. We note that our proposed adjustment for documentation and coding discussed at (75 FR 24065 through 24067) has not changed since publication of the FY 2011 IPPS/LTCH proposed rule. Similar to the FY 2011 IPPS/LTCH PPS proposed rule, the adjustment of 0.957 is reflected within the table below.

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Comparison of FY 2010 Standardized Amounts to the Proposed FY 2011 Standardized Amount with Full and Reduced Update

	Full Adjusted Update (2.15 percent); Wage index is greater than 1.0000	Full Adjusted Update (2.15 percent); Wage index is less than or equal to 1.0000	Reduced Update (0.15 percent); Wage index is greater than 1.0000	Reduced Update (0.15 percent); Wage index is less than or equal to 1.0000
FY 2010 Base Rate, after removing geographic reclassification budget neutrality, demonstration budget neutrality, cumulative FY 2008 and FY 2009 documentation and coding adjustment and outlier offset (based on the labor-related share percentage for FY 2010)	Labor: $3,869.61 Nonlabor: $1,754.83	Labor: $3,487.15 Nonlabor: $2,137.29	Labor: $3,869.61 Nonlabor: $1,754.83	Labor: $3,487.15 Nonlabor: $2,137.29
Proposed FY 2011 Update Factor	1.0215	1.0215	1.0015	1.0015
Proposed FY 2011 DRG Recalibration and Wage Index Budget Neutrality Factor	0.996937	0.996937	0.996937	0.996937
Proposed FY 2011 Reclassification Budget Neutrality Factor	0.991476	0.991476	0.991476	0.991476
Proposed FY 2011 Outlier Factor	0.948995	0.948995	0.948995	0.948995
Proposed FY 2011 Rural Demonstration Budget Neutrality Factor	0.999313	0.999313	0.999313	0.999313
Proposed Cumulative Documentation and Coding Adjustment	0.957	0.957	0.957	0.957
Proposed Rate for FY 2011	Labor: $3,545.96 Nonlabor: $1,608.05	Labor: $3,195.49 Nonlabor:$1,958.52	Labor: $3,476.53 Nonlabor: $1,576.57	Labor: $3,132.92 Nonlabor: $1,920.18

The proposed labor-related and nonlabor-related portions of the national average standardized amounts for Puerto Rico hospitals for FY 2011 are set forth in Table 1C in this supplemental proposed rule. (The labor-related share applied to the Puerto Rico-specific standardized amount is either 62.1 percent or 62 percent, depending on which is more advantageous to the hospital.)

I. Proposed Adjustments for Area Wage Levels

The following wage index tables were revised in this supplemental proposed rule as a result of the provisions of Public Law 111–148: Tables 2, 4A, 4B, 4C, 4D–2, 4J, and 9A. (These tables are also available on the CMS Web site.)

II. Supplemental Proposed FY 2011 Prospective Payment Systems Payment Rates for Capital Related Costs

Although the provisions of Public Law 111–148, do not directly affect the payment rates and policies for the IPPS for capital-related costs, as discussed in section II.G. of the preamble of this supplemental proposed rule, we are proposing the capital IPPS standard Federal rates for FY 2011. This is necessary because the wage index changes required by the provisions of Public Law 111–148 (discussed above in section II.A. of preamble to this supplemental proposed rule) affect the proposed budget neutrality adjustment factor for changes in DRG classifications and weights and the geographic adjustment factor (GAF) since the GAF values are derived from the wage index values (*see* § 412.316(a)). In addition, the provisions of Public Law 111–148, also necessitate a revision to the proposed outlier payment adjustment factor since a single set of thresholds is used to identify outlier cases for both inpatient operating and inpatient capital-related payments (*see* § 412.312(c)).

In this supplemental proposed rule, we have calculated the proposed FY 2011 capital Federal rates, offsets, and budget neutrality factors using the same methodology we proposed in the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule (CMS–1498–P) that was used to calculate the proposed rates included in that rule which did not reflect the provision of Public Law 111–148. For a complete description of this methodology, please *see* the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule (75 FR 24073 through 24082).

A. Proposed Capital Standard Federal Rate Update for FY 2011

The proposed factors used in the update framework are not affected by the provisions of the Affordable Care Act. Therefore, the proposed update factor for FY 2011 is not being revised from the proposed capital IPPS standard Federal rate update factor discussed in section III.A.1. of the Addendum to the May 4, 2010 FY 2011 IPPS proposed rule and remains at 1.5 percent for FY 2011.

A full discussion of the proposed update framework is provided in that proposed rule (75 FR 24074 through 24076).

B. Proposed Outlier Payment Adjustment Factor

Based on the thresholds as set forth in section III.A.6. of this Addendum, we estimate that outlier payments for capital-related costs would equal 5.68 percent for inpatient capital-related payments based on the proposed capital Federal rate in FY 2011. Therefore, we are proposing to apply an outlier adjustment factor of 0.9432 in determining the capital Federal rate. For FY 2010, after taking into account the provisions of the Affordable Care Act, we estimated that outlier payments for capital would equal 5.22 percent of inpatient capital-related payments (which required an outlier adjustment factor of 0.9478) based on the capital Federal rate in FY 2010 (as discussed elsewhere in this **Federal Register**). Thus, we estimate that the percentage of capital outlier payments to total capital standard payments for FY 2011 would be higher than the percentage for FY 2010. This increase in capital outlier payments is primarily due to the estimated decrease in capital IPPS payments per discharge. That is, because capital payments per discharge are projected to be slightly lower in FY 2011 compared to FY 2010, as shown in Table III. in section VIII. of the Appendix to this supplemental proposed rule, more cases would qualify for outlier payments.

The outlier reduction factors are not built permanently into the capital rates; that is, they are not applied cumulatively in determining the capital Federal rate. The proposed FY 2011 outlier adjustment of 0.9432 is a -0.49 percent change from the FY 2010 outlier adjustment of 0.9478. Therefore, the net change in the outlier adjustment to the proposed capital Federal rate for FY 2011 is 0.9951 (0.9432/0.9478). Thus, the proposed outlier adjustment decreases the proposed FY 2011 capital Federal rate by 0.49 percent compared with the FY 2010 outlier adjustment.

A single set of thresholds is used to identify outlier cases for both inpatient operating and inpatient capital-related payments (*see* § 412.312(c)). The outlier thresholds are set so that operating outlier payments are projected to be 5.1 percent of total operating IPPS DRG payments. The proposed outlier thresholds for FY 2011 are in section III.A.6. of this Addendum. For FY 2011, a case would qualify as a cost outlier if the cost for the case plus the IME and DSH payments is greater than the prospective payment rate for the MS–DRG plus the fixed-loss amount of $24,165.

C. Proposed Budget Neutrality Adjustment Factor for Changes in DRG Classifications and Weights and the GAF

Using the methodology discussed in section III.A.3. of the Addendum to the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule (75 FR 24077 through 24079), for FY 2011, we are proposing a GAF/DRG budget neutrality factor of 1.0015, which is the product of the proposed incremental GAF budget neutrality factor of 1.0023 and the proposed DRG budget neutrality factor of 0.9992 (the proposed DRG budget neutrality factor remains unchanged from the May 4, 2010 FY 2011 IPPS proposed rule). 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 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 GAFs. The incremental change in the proposed adjustment from FY 2010 to FY 2011 is 1.0015. The cumulative change in the proposed capital Federal rate due to this adjustment is 0.9926 (the product of the incremental factors for FYs 1995 though 2010 and the proposed incremental factor of 1.0015 for FY 2011). (We note that averages of the incremental factors that were in effect during FYs 2005 and 2006, respectively, and the revised FY 2010 factor of 0.9994 that reflect the effect of the provisions of the Affordable Care Act (as discussed elsewhere in this **Federal Register**) were used in the calculation of the cumulative adjustment of 0.9926 for FY 2011.) The proposed cumulative adjustments for MS–DRG classifications and proposed changes in relative weights and for proposed changes in the national GAFs through FY 2011 is 0.9926. The following table summarizes the adjustment factors for each fiscal year:

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Budget Neutrality Adjustment for DRG Reclassifications and Recalibration and the Geographic Adjustment Factors

Fiscal Year	National				Puerto Rico			
	Incremental Adjustment			Cumulative	Incremental Adjustment			Cumulative
	Geographic Adjustment Factor	DRG Reclassifications and Recalibration	Combined		Geographic Adjustment Factor	DRG Reclassifications and Recalibration	Combined	
1992	—	—	—	1.00000	—	—	—	—
1993	—	—	0.99800	0.99800	—	—	—	—
1994	—	—	1.00531	1.00330	—	—	—	—
1995	—	—	0.99980	1.00310	—	—	—	—
1996	—	—	0.99940	1.00250	—	—	—	—
1997	—	—	0.99873	1.00123	—	—	—	—
1998	—	—	0.99892	1.00015	—	—	—	1.00000
1999	0.99944	1.00335	1.00279	1.00294	0.99898	1.00335	1.00233	1.00233
2000	0.99857	0.99991	0.99848	1.00142	0.99910	0.99991	0.99901	1.00134
2001[1]	0.99782	1.00009	0.99791	0.99933	1.00365	1.00009	1.00374	1.00508
2001[2]	0.99771[3]	1.00009[3]	0.99780[3]	0.99922	1.00365[3]	1.00009[3]	1.00374[3]	1.00508
2002	0.99666[4]	0.99668[4]	0.99335[4]	0.99268	0.98991[4]	0.99668[4]	0.99662[4]	0.99164
2003[5]	0.99915	0.99662	0.99577	0.98848	1.00809	0.99662	1.00468	0.99628
2003[6]	0.99896[7]	0.99662[7]	0.99558[7]	0.98830	1.00809	0.99662	1.00468	0.99628
2004[8]	1.00175[9]	1.00081[9]	1.00256[9]	0.99083	1.00028	1.00081	1.00109	0.99736
2004[10]	1.00164[9]	1.00081[9]	1.00245[9]	0.99072	1.00028	1.00081	1.00109	0.99736
2005[11]	0.99967[12]	1.00094	1.00061[12]	0.99137	0.99115	1.00094	0.99208	0.98946
2005[13]	0.99946[12]	1.00094	1.00040[12]	0.99117	0.99115	1.00094	0.99208	0.98946
2006	1.00185[14]	0.99892	1.00076[14]	0.99198	1.00762	0.99892	1.00653	0.99592
2007	1.00000	0.99858	0.99858	0.99057	1.00234	0.99858	1.00092	0.99683
2008	1.00172	0.99792	0.99963	0.99021	1.00079	0.99792	0.99870	0.99554
2009[15]	1.00206	0.99945	1.00150	0.99170	1.00097	0.99945	1.00041	0.99595
2010[16]	0.99989	0.99953	0.99941	0.99112	1.00141	0.99953	1.00094	0.99688
2011[17]	1.00230	0.99922	1.00152	0.99263	1.00036	0.99922	0.99958	0.99646

[1]Factors effective for the first half of FY 2001 (October 2000 through March 2001).
[2] Factors effective for the second half of FY 2001 (April 2001 through September 2001).
[3]Incremental factors are applied to FY 2000 cumulative factors.
[4]Incremental factors are applied to the cumulative factors for the first half of FY 2001.
[5]Factors effective for the first half of FY 2003 (October 2002 through March 2003).
[6]Factors effective for the second half of FY 2003 (April 2003 through September 2003).
[7]Incremental factors are applied to FY 2002 cumulative factors.
[8]Factors effective for the first half of FY 2004 (October 2003 through March 2004).
[9]Incremental factors are applied to the cumulative factors for the second half of FY 2003.
[10]Factors effective for the second half of FY 2004 (April 2004 through September 2004).
[11]Factors effective for the first quarter of FY 2005 (September 2004 through December 2004).
[12]Incremental factors are applied to average of the cumulative factors for the first half (October 1, 2003 through March 31, 2004) and second half (April 1, 2004 through September 30, 2004) of FY 2004.
[13]Factors effective for the last three quarters of FY 2005 (January 2005 through September 2005).
[14]Incremental factors are applied to average of the cumulative factors for 2005.
[15]Final factors for FY 2009, including the implementation of section 124 of Public Law 110-275, which affects wage indices and GAFs for FY 2009,
[16] Final revised factors for FY 2010, which reflect the effect of the provisions of the Affordable Care Act (as discussed elsewhere in this **Federal Register**).
[17] Proposed factors for FY 2011.

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The proposed factor accounts for the proposed MS–DRG reclassifications and recalibration and for proposed changes in the GAFs, which include the changes to the wage

index as required by the provisions of Public Law 111–148, as amended (as discussed in section II.A. of the preamble of this supplemental proposed rule). It also incorporates the effects on the proposed GAFs of FY 2011 geographic reclassification decisions made by the MGCRB compared to FY 2010 decisions. However, it does not account for changes in payments due to changes in the DSH and IME adjustment factors.

D. Exceptions Payment Adjustment Factor

The provisions of Public Law 111–148, as amended, have no effect on capital exceptions payments. Therefore, the special exceptions adjustment factor remains at 0.9997 as discussed in section III.A.4. of the May 4, 2010 FY 2011 IPPS proposed rule (75 FR 24079).

E. Prospective MS–DRG Documentation and Coding Adjustment to the Capital Federal Rates for FY 2011 and Subsequent Years

The provisions of Public Law 111–148, as amended, have no effect on the proposed prospective documentation and coding adjustment to the capital Federal rates. Therefore, as discussed in greater detail in section V.E. of the preamble of the May 4, 2010 FY 2011 IPPS proposed rule (75 FR 24013 through 24015), proposed an additional 2.9 percent reduction to the national capital Federal payment rate in FY 2011, resulting in a cumulative documentation and coding adjustment factor of 0.957 for the proposed FY 2011 national capital Federal rate percent (that is, the existing −0.6 percent adjustment in FY 2008 plus the −0.9 percent adjustment in FY 2009 plus the proposed additional −2.9 percent adjustment, computed as 1 divided by (1.006 × 1.009 × 1.029).

F. Proposed Capital Standard Federal Rate for FY 2011

As a result of the proposed 1.5 percent update and other proposed budget neutrality factors discussed above, we are proposing to establish a national capital Federal rate of $422.18 for FY 2011. We are providing the following chart that shows how each of the proposed factors and adjustments for FY 2011 affects the computation of the proposed FY 2011 national capital Federal rate in comparison to the FY 2010 national capital Federal rate (revised to reflect the effect of the provisions of the Affordable Care Act (as discussed elsewhere in this **Federal Register**). The proposed FY 2011 update factor has the effect of increasing the proposed capital Federal rate by 1.5 percent compared to the FY 2010 capital Federal rate. The proposed GAF/DRG budget neutrality factor of 1.0015 has the effect of increasing the proposed capital Federal rate by 0.15 percent compared to the FY 2010 capital Federal rate. The proposed FY 2011 outlier adjustment factor has the effect of decreasing the proposed capital Federal rate by 0.49 percent compared to the FY 2010 capital Federal rate. The proposed FY 2011 exceptions payment adjustment factor has the effect of decreasing the proposed capital Federal rate by 0.01 percent compared to the FY 2010 capital Federal rate. Furthermore, as shown in the chart below, the resulting cumulative adjustment for changes in documentation and coding that do not reflect real changes in patients' severity of illness (that is, the proposed cumulative adjustment factor of 0.957 has the net effect of decreasing the proposed FY 2011 national capital Federal rate by 2.8 percent as compared to the FY 2010 national capital Federal rate. The combined effect of all the proposed changes would decrease the proposed national capital Federal rate by approximately 1.72 percent compared to the FY 2010 national capital Federal rate.

COMPARISON OF FACTORS AND ADJUSTMENTS: FY 2010 CAPITAL FEDERAL RATE AND PROPOSED FY 2011 CAPITAL FEDERAL RATE

	FY 2010*	Proposed FY 2011	Change	Percent change
Update Factor[1]	1.0120	1.0150	1.0150	1.50
GAF/DRG Adjustment Factor[1]	0.9994	1.0015	1.0015	0.15
Outlier Adjustment Factor[2]	0.9478	0.9432	0.9951	−0.49
Exceptions Adjustment Factor[2]	0.9998	0.9997	0.9999	−0.01
MS–DRG Documentation and Coding Adjustment Factor	[3]0.9850	[4]0.9570	[5]0.9716	−2.84
Capital Federal Rate	$429.56	$422.18	0.9828	−1.72

[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 2010 to FY 2011 resulting from the application of the proposed 1.0015 GAF/DRG budget neutrality factor for FY 2011 is a net change of 1.0015.

[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 proposed net change resulting from the application of the proposed FY 2011 outlier adjustment factor is 0.9432/0.9478, or 0.9951.

[3] The documentation and coding adjustment factor includes the −0.6 percent in FY 2008, −0.9 percent in FY 2009, and no additional reduction in FY 2010.

[4] The documentation and coding adjustment factor includes the −0.6 percent in FY 2008, −0.9 percent in FY 2009, no additional reduction in FY 2010 and the proposed −2.9 percent reduction in FY 2011.

[5] The change is measured from the FY 2009 cumulative factor of 0.9850.

* The revised FY 2010 capital Federal rate, which reflects the effect of the provisions of the Affordable Care Act (as discussed elsewhere in this **Federal Register**).

G. Proposed Special Capital Rate for Puerto Rico Hospitals

Using the methodology discussed in the May 4, 2010 FY 2011 IPPS proposed rule (75 FR 24081), with the changes we are proposing to make to the factors used to determine the capital rate, the proposed FY 2011 special capital rate for hospitals in Puerto Rico is $199.49. (*See* the May 4, 2010 FY 2011 IPPS proposed rule (75 FR 24015 through 24016 and 24081) for additional information on the calculation of the proposed FY 2011 capital Puerto Rico specific rate.)

III. Supplemental Proposed Changes to the Payment Rates for the LTCH PPS for FY 2011

A. Proposed LTCH PPS Standard Federal Rate for FY 2011

1. Background

In section VII. of the preamble of the May 4, 2011 FY 2011 proposed rule, we discuss our proposed changes to the payment rates, factors, and specific policies under the LTCH PPS for FY 2011. As noted previously, on March 23, 2010, the Patient Protection and Affordable Care Act, Public Law 111–148, was enacted, and the Health Care and Education Reconciliation Act of 2010, Public Law 111–152, which amended certain provisions of Public Law 111–148, was enacted on March 30, 2010. Although a number of the provisions of Public Law 111–148 and Public Law 111–152 affect the LTCH PPS, due to the timing of the passage of the legislation, we were unable to address those provisions in the May 4, 2011 FY 2011 IPPS/LTCH PPS proposed rule. Therefore, the proposed policies and payment rates in that proposed rule do not reflect the new legislation. Below we address the provisions of the Affordable Care Act that affect our proposed policies and payment rates for FY 2011 under the LTCH PPS. In addition, we have issued further instructions implementing the provisions of the Affordable Care Act, that affect the policies and payment rates for RY 2010 under the LTCH PPS. Specifically, we have established

revised RY 2010 rates and factors in a separate notice elsewhere is this **Federal Register** consistent with the provisions of sections 1886(m)(3) and (4) of the Act and section 3401(p) of Public Law 111–148.

2. Revision of Certain Market Basket Updates Incorporating the Provisions of the Affordable Care Act

New section 1886(m)(3)(A)(ii) of the Act by specifies that for each of the rate years 2010 through 2019, any annual update to the standard Federal rate, for discharges for the hospital for the rate year, shall be reduced by the other adjustment specified in new section 1886(m)(4) of the Act. Additionally, new 1886(m)(3)(A)(i) of the Act provides that any annual update to the standard Federal rate, for discharges occurring during the rate year, shall be reduced for rate year 2012 and each subsequent rate year by the productivity adjustment described in section 1866(b)(3)(B)(xi)(II) of the Act. Sections 1886(m)(3)(A)(ii) and (4)(A)–(B) require a 0.25 percentage point reduction for rate year 2010 and a 0.50 percentage point reduction for rate year 2011. In addition, section 1886(m)(3)(B) of the Act provides that the application of section 1886(m)(3) may result in the annual update being less than zero for a rate year, and may result in payment rates for a rate year being less than such payment rates for the preceding rate year. Furthermore, section 3401(p) of Public Law 111–148 specifies that the amendments made by section 3401(c) of Public Law 111–148 shall not apply to discharges occurring before April 1, 2010.

We note that in the May 4, 2010 FY 2011 proposed rule, since the annual update to the LTCH PPS policies, rates and factors now occurs on October 1st, we proposed to adopt the term "fiscal year" (FY) rather than "rate year" (RY) under the LTCH PPS beginning October 1, 2010 to conform with the standard definition of the Federal fiscal year (October 1 through September 30) used by other PPSs, such as the IPPS (*see* 75 FR 24146 through 24147). Consequently, in that proposed rule and this supplemental proposed rule, for purposes of clarity, when discussing the annual update for the LTCH PPS, we employed "FY" rather than "RY" because it is our intent that the phrase "FY" be used prospectively in all circumstances dealing with the LTCH PPS. Similarly, although the language of sections 3401(c) and 10319 of Public Law 111–148, and section 1105(b) of Public Law 111–152 refers to years 2010 and thereafter under the LTCH PPS as "rate year," consistent with our proposal to change the terminology used under the LTCH PPS from "rate year" to "fiscal year," for purposes of clarity, in this supplemental proposed rule, when discussing the annual update for the LTCH PPS, including the provisions of the Affordable Care Act, we will continue to employed "FY" rather than "RY" for 2011 and subsequent years because it is our intent that "FY" be used prospectively in all circumstances dealing with the LTCH PPS.

The proposed FY 2011 LTCH PPS standard Federal rate, discussed below in section III.A.3. of this supplemental proposed rule, would be calculated by applying the required 0.50 percentage point reduction to the proposed FY 2011 market basket update consistent with sections 1886(m)(3)(A)(ii) and (4)(B) of the Act (that is, 1.9 percent) in addition to the proposed adjustment to account for any changes in documentation and coding practices that do not reflect increased patient severity of illness discussed in section VII.C.3. of the preamble of the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule (that is, 2.5 percent).

3. Development of the Proposed FY 2011 LTCH PPS Standard Federal Rate

As discussed in the May 4, 2010 FY 2011 proposed rule, while we continue to believe that an update to the LTCH PPS standard Federal rate should be based on the most recent estimate of the increase in the LTCH PPS market basket, we also believe it is appropriate that the standard Federal rate be offset by an adjustment to account for any changes in documentation and coding practices that do not reflect increased patient severity of illness. Such an adjustment protects the integrity of the Medicare Trust Funds by ensuring that the LTCH PPS payment rates better reflect the true costs of treating LTCH patients.

For FY 2011, as discussed in section II.J.4. of the preamble of this proposed rule, the proposed market basket update under the LTCH PPS for FY 2011 is 1.9 percent (that is, the most recent estimate of the LTCH PPS market basket of 2.4 percent minus the 0.50 percentage points required by sections 1886(m)(3)(A)(ii) and (4)(B) of the Act. Furthermore, as discussed in greater detail in section VII.C.3. of the preamble of the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule, we performed a CMI analysis using the most recent available LTCH claims data (FY 2009) under both the current MS–LTC–DRG and the former CMS LTC–DRG patient classification systems. Based on this evaluation, we determined that there was a cumulative increase in LTCH CMI of 2.5 percent due to changes in documentation and coding that did not reflect real changes in patient severity of illness for LTCH discharges occurring in FY 2008 and FY 2009.

In this supplemental proposed rule, consistent with our historical practice, we are proposing to update the LTCH PPS standard Federal rate for FY 2011 based on the full proposed LTCH PPS market basket increase estimate of 2.4 percent, adjusted by the 0.50 percentage point reduction required by sections 1886(m)(3)(A)(ii) and (4)(B) of the Act, and an adjustment to account for the increase in case-mix in a prior periods (FYs 2008 and 2009) that resulted from changes in documentation and coding practices of -2.5 percent. Consequently, the proposed update factor to the standard Federal rate for FY 2011 is -0.59 percent (that is, we are proposing to apply a factor of 0.9941 in determining the LTCH PPS standard Federal rate for FY 2011, calculated as 1.019×1 divided by 1.025 = 0.9941 or -0.59 percent (0.9941 minus 1 equals 0.59 percent)). Furthermore, consistent with our historical practice of updating the standard Federal rate for the previous rate year, in determining the proposed standard Federal rate for FY 2011 in this supplemental proposed rule, we are applying the proposed update factor of 0.9941 to the revised RY 2010 standard Federal rate that is being established in accordance with the provisions of sections 1886(m)(3)(A)(ii) and (4)(A) of the Act, as implemented in a separate notice published elsewhere in this **Federal Register**.

Therefore, in this supplemental proposed rule, under the authority of sections 1886(m)(3)(A)(ii) and (4)(B) of the Act, we are proposing to amend § 412.523 to add a new paragraph (c)(3)(vii) to specify that the standard Federal rate for discharges occurring on or after October 1, 2010, through September 30, 2011, is the standard Federal rate for the previous rate year updated by -0.59 percent. In determining the proposed standard Federal rate for FY 2011, we are applying the proposed 0.9941 update factor to the RY 2010 Federal rate of $39,794.95 (as established elsewhere in this **Federal Register**). Consequently, the proposed standard Federal rate for FY 2011 is $39,560.16. We also are proposing that if more recent data become available, we would use those data, if appropriate, to determine the update to the standard Federal rate for FY 2011 in the final rule, and, thus, the standard Federal rate update specified in the proposed regulation text at § 412.523(c)(3)(vii) could change accordingly.

B. Proposed Adjustment for LTCH PPS High-Cost Outlier (HCO) Cases

1. Background

When we implemented the LTCH PPS in the FY 2003 LTCH PPS final rule, in the regulations at § 412.525(a), we established an adjustment for additional payments for outlier cases that have extraordinarily high costs relative to the costs of most discharges (*see* (67 FR 56022 through 56027)). We refer to these cases as high cost outliers (HCOs). Providing additional payments for outliers strongly improves the accuracy of the LTCH PPS in determining resource costs at the patient and hospital level. These additional payments reduce the financial losses that would otherwise be incurred when treating patients who require more costly care and, therefore, reduce the incentives to underserve these patients. We set the outlier threshold before the beginning of the applicable rate year so that total estimated outlier payments are projected to equal 8 percent of total estimated payments under the LTCH PPS.

Under § 412.525(a) in the regulations (in conjunction with § 412.503), we make outlier payments for any discharges if the estimated cost of a case exceeds the adjusted LTCH PPS payment for the MS–LTC–DRG plus a fixed-loss amount. Specifically, in accordance with § 412.525(a)(3) (in conjunction with § 412.503), we pay outlier cases 80 percent of the difference between the estimated cost of the patient case and the outlier threshold, which is the sum of the adjusted Federal prospective payment for the MS–LTC–DRG and the fixed-loss amount. The fixed-loss amount is the amount used to limit the loss that a hospital will incur under the outlier policy for a case with unusually high costs. This results in Medicare and the LTCH sharing financial risk in the treatment of extraordinarily costly cases. Under the LTCH PPS HCO policy, the LTCH's loss is limited to the fixed-loss amount and a fixed

percentage of costs above the outlier threshold (MS–LTC–DRG payment plus the fixed-loss amount). The fixed percentage of costs is called the marginal cost factor. We calculate the estimated cost of a case by multiplying the Medicare allowable covered charge by the hospital's overall hospital cost-to-charge ratio (CCR).

Under the LTCH PPS, we determine a fixed-loss amount, that is, the maximum loss that a LTCH can incur under the LTCH PPS for a case with unusually high costs before the LTCH will receive any additional payments. We calculate the fixed-loss amount by estimating aggregate payments with and without an outlier policy. The fixed-loss amount results in estimated total outlier payments being projected to be equal to 8 percent of projected total LTCH PPS payments. Currently, MedPAR claims data and CCRs based on data from the most recent provider specific file (PSF) (or from the applicable statewide average CCR if a LTCH's CCR data are faulty or unavailable) are used to establish a fixed-loss threshold amount under the LTCH PPS.

As discussed previously in this section, the proposed policies and payment rates in the May 4, 2011 FY 2011 proposed rule do not reflect the provisions of the Affordable Care Act that affect LTCH PPS payments. The revised proposed standard Federal rate for FY 2011 that was developed consistent with the provisions of sections 1886(m)(3)(A)(ii) and (4)(B) of the Act is discussed above in section III.A.3. of the Addendum of this supplemental proposed rule. This revision to the proposed standard Federal rate for FY 2011 requires us to revise the proposed high cost outlier fixed-loss amount for FY 2011. This is necessary in order to maintain the requirement that the fixed-loss amount results in estimated total outlier payments being projected to be equal to 8 percent of projected total LTCH PPS payments.

2. The Proposed LTCH PPS Fixed-Loss Amount for FY 2011

When we implemented the LTCH PPS, as discussed in the August 30, 2002 LTCH PPS final rule (67 FR 56022 through 56026), we established a fixed-loss amount so that total estimated outlier payments are projected to equal 8 percent of total estimated payments under the LTCH PPS. To determine the fixed-loss amount, we estimate outlier payments and total LTCH PPS payments for each case using claims data from the MedPAR files. Specifically, to determine the outlier payment for each case, we estimate the cost of the case by multiplying the Medicare covered charges from the claim by the applicable CCR. Under § 412.525(a)(3) (in conjunction with § 412.503), if the estimated cost of the case exceeds the outlier threshold (the sum of the adjusted Federal prospective payment for the MS–LTC–DRG and the fixed-loss amount), we pay an outlier payment equal to 80 percent of the difference between the estimated cost of the case and the outlier threshold (the sum of the adjusted Federal prospective payment for the MS–LTC–DRG and the fixed-loss amount).

As discussed in the May 4, 2010 FY 2011 proposed rule, we are proposing to continue to use our existing methodology to calculate the proposed fixed-loss amount for FY 2011 in order to maintain estimated HCO payments at the projected 8 percent of total estimated LTCH PPS payments. (For an explanation of our rationale for establishing an HCO payment "target" of 8 percent of total estimated LTCH payments, we refer readers to the August 30, 2002 LTCH PPS final rule (67 FR 56022 through 56024).) Consistent with our historical practice of using the best data available, in determining the proposed fixed-loss amount for FY 2011, we use the most recent available LTCH claims data and CCR data. Specifically, for this proposed rule, we used LTCH claims data from the December 2009 update of the FY 2009 MedPAR files and CCRs from the December 2009 update of the PSF to determine a fixed-loss amount that would result in estimated outlier payments projected to be equal to 8 percent of total estimated payments in FY 2011 because these data are the most recent complete LTCH data currently available. (We note that these are the same data used to determine the proposed FY 2011 fixed-loss amount in the May 4, 2010 FY 2011 proposed rule.) Consistent with the historical practice of using the best available data, we are proposing that if more recent LTCH claims data become available, we will use them for determining the fixed-loss amount for FY 2011 in the final rule. Furthermore, we are proposing to determine the proposed FY 2011 fixed-loss amount based on the MS–LTC–DRG classifications and relative weights from the version of the GROUPER that will be in effect as of the beginning of FY 2011, that is, proposed Version 28.0 of the GROUPER (discussed in section VII.D. of the preamble of this supplemental proposed rule).

In this proposed rule, we are proposing to establish a fixed-loss amount of $19,254 for FY 2011. Thus, we would pay an outlier case 80 percent of the difference between the estimated cost of the case and the outlier threshold (the sum of the adjusted Federal LTCH payment for the MS–LTC–DRG and the fixed-loss amount of $19,254).

The proposed fixed-loss amount for FY 2011 of $19,254 is slightly higher than the revised RY 2010 fixed-loss amount of $18,615 (established elsewhere in this **Federal Register**). Based on our payment simulations using the most recent available data and the proposed 0.59 percent reduction to the standard Federal rate for FY 2011, the proposed increase in the fixed-loss amount for FY 2011 would be necessary to maintain the existing requirement that estimated outlier payments would equal 8 percent of estimated total LTCH PPS payments. (For further information on and our rationale for the existing 8 percent HCO "target" requirement, we refer readers to the August 30, 2002 LTCH PPS final rule (67 FR 56022 through 56024.) Maintaining the fixed-loss amount at the current level would result in HCO payments that are greater than the current 8 percent regulatory requirement because a higher fixed-loss amount would result in fewer cases qualifying as outlier cases as well as decreases the amount of the additional payment for a HCO case because the maximum loss that a LTCH must incur before receiving an HCO payment (that is, the fixed-loss amount) would be larger. For these reasons, we believe that proposing to raise the fixed-loss amount is appropriate and necessary to maintain that estimated outlier payments would equal 8 percent of estimated total LTCH PPS payments as required under § 412.525(a).

As we noted in the May 4, 2010 FY 2011 proposed rule (75 FR 24089), under some rare circumstances, a LTCH discharge could qualify as a SSO case (as defined in the regulations at § 412.529 in conjunction with § 412.503) and also as a HCO case. In this scenario, a patient could be hospitalized for less than five-sixths of the geometric average length of stay for the specific MS–LTC–DRG, and yet incur extraordinarily high treatment costs. If the costs exceeded the HCO threshold (that is, the SSO payment plus the fixed-loss amount), the discharge is eligible for payment as a HCO. Thus, for a SSO case in FY 2011, the HCO payment would be 80 percent of the difference between the estimated cost of the case and the outlier threshold (the sum of the proposed fixed-loss amount of $19,254 and the amount paid under the SSO policy as specified in § 412.529).

C. Computing the Proposed Adjusted LTCH PPS Federal Prospective Payments for FY 2011

In accordance with § 412.525, the proposed standard Federal rate is adjusted to account for differences in area wages by multiplying the proposed labor-related share of the proposed standard Federal rate by the appropriate proposed LTCH PPS wage index (as shown in Tables 12A and 12B of the Addendum of this proposed rule). The proposed standard Federal rate is also adjusted to account for the higher costs of hospitals in Alaska and Hawaii by multiplying the proposed nonlabor-related share of the proposed standard Federal rate by the appropriate cost-of-living factor (shown in the chart in section V.C.5. of the Addendum of the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule). In this proposed rule, we are proposing to establish a standard Federal rate for FY 2011 of $39,560.16, as discussed in section V.A.3. of the Addendum of this supplemental proposed rule. We illustrate the methodology to adjust the proposed LTCH PPS Federal rate for FY 2011 in the following example:

Example: During FY 2011, a Medicare patient is in a LTCH located in Chicago, Illinois (CBSA 16974). The proposed FY 2011 LTCH PPS wage index value for CBSA 16974 is 1.0573 (Table 12A of the Addendum of this proposed rule). The Medicare patient is classified into MS–LTC–DRG 28 (Spinal Procedures with MCC), which has a proposed relative weight for FY 2011 of 1.0834 (Table 11 of the Addendum of this supplemental proposed rule).

To calculate the LTCH's total adjusted Federal prospective payment for this Medicare patient, we compute the wage-adjusted proposed Federal prospective payment amount by multiplying the unadjusted proposed standard Federal rate ($39,560.16) by the proposed labor-related share (75.407 percent) and the proposed wage index value (1.0573). This wage-adjusted amount is then added to the

proposed nonlabor-related portion of the unadjusted proposed standard Federal rate (24.593 percent; adjusted for cost of living, if applicable) to determine the adjusted proposed Federal rate, which is then multiplied by the proposed MS–LTC–DRG relative weight (1.0834) to calculate the total adjusted proposed Federal LTCH PPS prospective payment for FY 2011 ($45,046.57). The table below illustrates the components of the calculations in this example.

Unadjusted Proposed Standard Federal Prospective Payment Rate	$39,560.16
Proposed Labor-Related Share	× 0.75407
Labor-Related Portion of the Proposed Federal Rate	= $29,831.13
Proposed Wage Index (CBSA 16974)	× 1.0573
Proposed Wage-Adjusted Labor Share of Federal Rate	= $31,540.45
Proposed Nonlabor-Related Portion of the Federal Rate ($39,560.16 × 0.24593)	+ $9,729.03
Adjusted Proposed Federal Rate Amount	= $41,269.48
Proposed MS–LTC–DRG 28 Relative Weight	× 1.0834
Total Adjusted Federal Prospective Payment	= $44,711.36

IV. Tables

This section contains the tables referred to throughout the preamble to this proposed rule and in this Addendum. Tables 1A, 1B, 1C, 1D, 1E, 2, 4A, 4B, 4C, 4D–2, 4J, 9A, 10, and 11 are presented below. The tables presented below are as follows:

Table 1A.—Supplemental Proposed National Adjusted Operating Standardized Amounts, Labor/Nonlabor (68.8 Percent Labor Share/31.2 Percent Nonlabor Share If Wage Index Is Greater Than 1).

Table 1B.—Supplemental Proposed 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.—Supplemental Proposed Adjusted Operating Standardized Amounts for Puerto Rico, Labor/Nonlabor.

Table 1D.—Supplemental Proposed Capital Standard Federal Payment Rate.

Table 1E.—Supplemental Proposed LTCH Standard Federal Prospective Payment Rate.

Table 2.—Acute Care Hospitals Case-Mix Indexes for Discharges Occurring in Federal Fiscal Year 2009; Proposed Hospital Wage Indexes for Federal Fiscal Year 2011; Hospital Average Hourly Wages for Federal Fiscal Years 2009 (2005 Wage Data), 2010 (2006 Wage Data), and 2011 (2007 Wage Data); and 3-Year Average of Hospital Average Hourly Wages.

Table 4A.—Proposed Wage Index and Capital Geographic Adjustment Factor (GAF) for Acute Care Hospitals in Urban Areas by CBSA and by State—FY 2011.

Table 4B.—Proposed Wage Index and Capital Geographic Adjustment Factor (GAF) for Acute Care Hospitals in Rural Areas by CBSA and by State—FY 2011.

Table 4C.—Proposed Wage Index and Capital Geographic Adjustment Factor (GAF) for Acute Care Hospitals That Are Reclassified by CBSA and by State—FY 2011.

Table 4D–2.—Urban Areas with Acute Care Hospitals Receiving the Statewide Rural Floor or Imputed Floor Wage Index—FY 2011.

Table 4J.—Proposed Out-Migration Adjustment for Acute Care Hospitals—FY 2011.

Table 9A.—Hospital Reclassifications and Redesignations—FY 2011.

Table 10.—Geometric Mean Plus the Lesser of .75 of the National Adjusted Operating Standardized Payment Amount (Increased to Reflect the Difference Between Costs and Charges) or .75 of One Standard Deviation of Mean Charges by Medicare Severity Diagnosis-Related Group (MS–DRG)—April 2010.

Table 11.—Supplemental Proposed MS–LTC–DRGs, Relative Weights, Geometric Average Length of Stay, and Short-Stay Outlier (SSO) Threshold for Discharges Occurring from October 1, 2010 through September 30, 2011 under the LTCH PPS.

BILLING CODE 4120–01–P

TABLE 1A.—SUPPLEMENTAL PROPOSED NATIONAL ADJUSTED OPERATING STANDARDIZED AMOUNTS, LABOR/NONLABOR (68.8 PERCENT LABOR SHARE/31.2 PERCENT NONLABOR SHARE IF WAGE INDEX IS GREATER THAN 1)

Full Update (2.15 Percent)		Reduced Update (0.15 Percent)	
Labor-related	Nonlabor-related	Labor-related	Nonlabor-related
$3,545.96	$1,608.05	$3,476.53	$1,576.57

TABLE 1B.—SUPPLEMENTAL PROPOSED 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)

Full Update (2.15 Percent)		Reduced Update (0.15 Percent)	
Labor-related	Nonlabor-related	Labor-related	Nonlabor-related
$3,195.49	$1,958.52	$3,132.92	$1,920.18

TABLE 1C.--SUPPLEMENTAL PROPOSED ADJUSTED OPERATING STANDARDIZED AMOUNTS FOR PUERTO RICO, LABOR/NONLABOR

	Rates if Wage Index is Greater Than 1		Rates if Wage Index is Less Than or Equal to 1	
	Labor	Nonlabor	Labor	Nonlabor
National	$3,545.96	$1,608.05	$3,195.49	1,958.52
Puerto Rico	$1,524.71	$930.54	$1,522.25	$933.00

TABLE 1D.--SUPPLEMENTAL PROPOSED CAPITAL STANDARD FEDERAL PAYMENT RATE

	Rate
National	$422.18
Puerto Rico	$199.49

TABLE 1E.—SUPPLEMENTAL PROPOSED LTCH STANDARD FEDERAL PROSPECTIVE PAYMENT RATE

	Rate
Standard Federal Rate	$39,560.16

TABLE 2.--HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2009; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2011; HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2009 (2005 WAGE DATA), 2010 (2006 WAGE DATA), AND 2011 (2007 WAGE DATA); AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
010001	1.6908	0.8508	25.0592	24.8712	27.6011	25.8542
010005	1.2841	0.8396	25.7771	24.9052	26.7660	25.7876
010006	1.4782	0.7998	25.1401	26.7013	27.1899	26.3024
010007	1.0377	0.7421	22.0185	20.0565	21.0524	21.0330
010008	1.1123	0.7757	23.2572	22.8443	24.6733	23.5882
010009	0.9990	0.8614	25.8420	26.1396	27.7497	26.5428
010010	1.2246	0.7736	24.8390	26.2416	27.1969	26.0938
010011	1.5830	0.8583	27.1997	28.6140	33.0361	29.6023
010012	1.1634	0.7589	26.4989	24.8944	25.4141	25.5688
010015	0.9011	0.7476	23.6821	22.9857	22.2077	22.9349
010016	1.5802	0.8583	28.9724	28.7392	30.3170	29.3596
010018	1.1555	0.8583	26.9514	26.7633	28.8087	27.5186
010019	1.3603	0.7998	25.0170	26.0567	29.0622	26.7038
010021	1.3329	0.7473	21.7601	24.3385	25.0343	23.6912
010022	0.9217	0.9528	28.7529	26.5348	30.6579	28.6538
010023	1.7864	0.8475	28.2135	30.0684	31.4256	29.9233
010024	1.6738	0.8475	26.6636	28.1766	29.2979	28.1013
010025	1.4344	0.8582	23.8617	20.1873	29.5803	23.9653
010027	0.7496	0.7447	18.2508	19.7740	22.3038	20.2061
010029	1.6510	0.8582	24.3622	28.3184	26.2864	26.2272
010032	0.8693	0.7736	20.8458	24.7706	22.5607	22.8612
010033	2.2117	0.8583	29.2036	29.3762	30.8243	29.8385
010034	1.1730	0.8475	21.3728	21.0565	23.7513	22.0213
010035	1.3475	0.8396	26.5299	28.0534	28.4993	27.6832
010036	1.1875	0.7421	23.3876	25.0011	25.7199	24.7026
010038	1.3776	0.7869	28.9646	29.7948	32.5231	30.4750
010039	1.8330	0.8961	29.8034	30.6619	31.7063	30.7533
010040	1.6522	0.7482	25.9856	25.2840	27.2842	26.1688
010043	1.2776	0.8583	25.3633	27.3636	26.3517	26.3192
010044	1.0295	0.7421	23.4020	27.3403	28.2131	26.2653
010045	1.0535	0.7599	24.2450	25.1108	27.0851	25.4649
010046	1.5582	0.8396	25.4465	33.3112	21.9429	26.0994
010047	0.8765	0.7666	21.7349	17.0984	24.5251	21.0332
010049	1.0744	0.7447	23.1194	25.4446	27.0625	25.1500
010050	1.0266	0.8583	25.3678	27.0365	29.5491	27.2877
010051	0.8615	0.8194	20.0765	21.4140	20.9159	20.8071
010052	0.9419	0.8475	22.7571	22.1386	21.8148	22.2484
010054	1.0674	0.8614	25.4209	24.6126	24.5639	24.8520
010055	1.5928	0.7972	25.3306	26.4706	26.7456	26.1757
010056	1.6143	0.8583	25.7290	28.5668	31.1851	28.4494
010058	0.9816	0.8583	31.1865	23.6860	24.6105	25.8253
010059	1.0664	0.8614	27.8613	29.5434	26.7428	27.9872
010061	0.9602	0.8563	25.7048	26.5035	26.1463	26.1214
010062	1.0748	0.7715	22.9491	20.8224	23.0559	22.2543
010064	1.6120	0.8583	26.6333	*	23.3954	24.8292
010065	1.4982	0.8396	24.4454	25.9433	27.7120	26.0207
010066	0.8151	0.7421	25.6052	25.9301	26.7367	26.0555
010069	0.9679	0.7421	27.3438	29.4662	25.8964	27.5684
010073	0.9744	0.7421	20.7833	19.9743	21.0063	20.5785
010078	1.7376	0.7869	25.2897	24.5429	26.5654	25.4734
010079	1.3594	0.8961	23.1025	25.4118	27.2463	25.2397
010083	1.1948	0.7870	25.0422	25.2405	25.2017	25.1655
010084	***	*	27.5069	*	*	27.5069
010085	1.4769	0.8614	24.0475	25.6072	26.5909	25.3882
010086	1.1077	0.7421	26.9753	24.9468	27.4146	26.3789
010087	2.4471	0.7870	27.4929	27.2725	26.8954	27.1988
010089	1.3862	0.8583	25.9719	26.9357	27.9079	26.8958
010090	1.8308	0.7870	25.6110	26.8029	28.3744	26.9471
010091	0.8685	0.7476	23.6555	27.8571	25.1201	25.3701
010092	1.5529	0.8194	28.8433	30.3263	28.7948	29.3311
010095	0.7991	0.8194	17.8248	21.6551	23.5564	21.0352
010097	0.8060	0.8475	18.4218	19.5147	21.2996	19.7766
010099	0.9382	0.7421	22.3686	20.8632	23.5835	22.2682
010100	1.7378	0.8114	25.4357	25.8178	26.8181	26.0446
010101	1.1605	0.8396	26.2744	25.0955	26.5747	25.9872

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
010102	0.9608	0.8475	26.6943	22.6883	22.4398	23.9594
010103	1.9636	0.8583	30.4032	27.9049	29.7010	29.3261
010104	1.6984	0.8583	30.4963	29.1001	30.1353	29.9264
010108	1.0545	0.8475	26.8900	27.7601	29.5101	28.1758
010109	1.0134	0.7826	21.9300	19.3990	23.0918	21.4719
010110	0.8328	0.7836	22.1175	17.9438	25.5691	21.8242
010112	0.9041	0.7421	21.3904	22.0927	20.9602	21.4581
010113	1.6548	0.7870	25.0704	25.7852	28.0528	26.3173
010114	1.5070	0.8583	25.3666	25.8015	25.6005	25.5885
010118	1.3294	0.7985	25.3689	25.7663	27.7362	26.2760
010120	0.9119	0.7421	22.8177	22.0809	*	22.4473
010125	1.1026	0.7850	23.6549	24.1942	25.4328	24.3975
010126	1.0242	0.8475	25.7254	28.8995	27.0770	27.1824
010128	0.9834	0.7476	25.9421	25.1022	25.7453	25.6021
010129	1.1598	0.7573	24.4816	25.2104	27.6767	25.7944
010130	1.0145	0.8583	25.2790	23.8895	31.2319	26.5261
010131	1.4270	0.8961	28.0487	28.6759	32.2481	29.7152
010137	1.5361	0.8583	30.4361	30.7312	33.4983	31.5313
010138	0.6398	0.7522	15.0815	16.7541	16.6144	16.1902
010139	1.6830	0.8583	29.3560	29.3626	30.7489	29.8142
010143	1.1691	0.8614	25.0871	25.1522	25.9745	25.3833
010144	1.7207	0.7870	23.8601	25.4614	26.4008	25.1949
010145	1.5795	0.8194	27.3296	30.2093	29.5558	29.0313
010146	0.9412	0.7869	23.8076	24.6572	25.2484	24.5514
010148	0.9563	0.7421	25.0960	24.8409	24.3699	24.7693
010149	1.3663	0.8475	26.8920	28.1328	29.5254	28.2683
010150	1.0187	0.7666	25.0070	26.3342	25.9401	25.7372
010152	1.3718	0.7870	26.0793	23.0248	26.8322	25.2347
010157	1.1568	0.7998	27.1793	27.5674	27.3487	27.3636
010158	1.3394	0.7555	26.2363	26.8821	27.7665	26.9653
010164	1.1777	0.8396	25.6759	24.4625	23.9304	24.6859
010167	1.5767	0.8583	*	24.7643	29.1631	26.8653
010168	1.6115	0.9077	*	30.2040	27.0185	28.8600
010169	1.0410	*	*	*	*	*
020001	1.8974	1.2578	38.1784	39.2651	40.8325	39.4363
020006	1.3723	1.2578	37.2853	40.5422	42.4838	40.2757

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
020008	1.2207	1.2578	40.6783	42.8075	44.8291	42.8366
020012	1.4672	1.2578	36.1911	37.0181	38.4880	37.2462
020014	***	*	30.6343	*	*	30.6343
020017	2.2168	1.2578	38.2157	41.2448	42.1762	40.5573
020018	0.9117	1.9255	*	*	*	*
020024	1.1323	1.2578	39.9943	35.9358	43.5298	39.9069
020026	1.5829	1.9255	*	*	*	*
020027	0.8544	1.9255	*	*	*	*
020028	***	*	*	*	42.1568	42.1568
030001	1.5123	1.0471	35.9083	38.1204	36.9465	37.0095
030002	2.1395	1.0471	32.9094	34.2998	35.5406	34.2817
030006	1.7866	0.9648	29.1248	32.1646	32.4565	31.2997
030007	1.5010	1.2262	35.5226	38.1199	40.1726	38.0212
030010	1.6899	0.9648	31.8640	33.3049	33.9522	33.0660
030011	1.6799	0.9648	30.2096	31.8532	32.9183	31.7320
030012	1.6785	1.2262	31.3068	33.4818	50.8525	36.5891
030013	1.5846	0.9412	31.9162	31.1767	33.0103	32.0532
030014	1.6003	1.0471	30.6308	31.8529	33.7100	32.1295
030016	1.3364	1.0471	31.1878	30.6196	34.0540	31.8987
030017	***	*	34.8488	34.9499	37.4893	35.7433
030018	***	*	31.7240	34.2870	35.7209	33.8731
030019	***	*	33.6553	36.3298	36.3760	35.4444
030022	1.6387	1.0471	35.0772	34.3377	34.4050	34.5355
030023	2.0211	1.2400	37.5523	41.8098	43.4901	40.9837
030024	2.1783	1.0471	35.3556	38.5575	40.6081	38.3107
030030	1.6996	1.0471	36.4772	38.9056	37.5980	37.7197
030033	1.3578	1.2093	32.0362	33.9716	35.7840	33.9594
030036	1.6971	1.0471	35.7464	37.1271	40.4842	37.7767
030037	1.9779	1.0471	35.1342	35.8129	37.1935	36.2152
030038	1.6840	1.0471	31.2928	33.8052	36.9266	34.1148
030043	1.3149	0.9078	28.3158	29.0816	31.0593	29.4840
030055	1.5838	1.0240	31.0806	37.2632	37.4315	35.3174
030061	1.7125	1.0471	33.0847	34.2000	35.3864	34.2660
030062	1.4495	0.9078	29.9359	30.3859	33.1874	31.2110
030064	2.1061	0.9648	31.6632	33.1535	35.0230	33.3240
030065	1.8343	1.0471	31.4602	33.8941	36.2534	33.8318

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
030067	1.0416	0.9406	27.0784	27.4410	31.2478	28.5865
030068	1.1142	0.9078	26.0296	26.8369	28.7966	27.2639
030069	1.5878	1.1377	30.7723	35.1793	35.6421	33.9927
030071	1.0518	1.4382	*	*	*	*
030073	1.2775	1.4382	*	*	*	*
030074	0.9561	1.4382	*	*	*	*
030077	0.9180	1.4382	*	*	*	*
030078	1.2123	1.4382	*	*	*	*
030080	***	*	30.7682	34.2723	*	32.4902
030083	1.5477	1.0471	35.8521	39.0888	39.9707	38.3254
030084	1.0830	1.4382	*	*	*	*
030085	1.6913	0.9648	29.0774	30.7160	33.4062	31.0315
030087	1.7697	1.0471	31.1094	33.0362	37.2751	33.9611
030088	1.4335	1.0471	30.5738	33.5408	34.6877	33.0355
030089	1.7404	1.0471	31.3179	32.8874	34.7343	33.0017
030092	1.6022	1.0471	30.4394	31.6471	33.8309	32.0855
030093	1.4573	1.0471	33.0720	33.5029	34.3015	33.6746
030094	1.6808	1.0471	34.2040	35.9213	36.9133	35.7448
030099	0.7231	*	24.9127	*	*	24.9127
030100	2.2953	0.9648	35.0981	36.9783	39.5385	37.2928
030101	1.4411	1.1757	33.2139	34.1060	33.6260	33.6535
030102	2.8130	1.0471	36.9539	39.4617	36.4149	37.5421
030103	1.8002	1.0471	34.2770	41.6469	41.1210	39.1558
030105	2.2878	1.0471	33.9875	37.6952	38.6741	36.8267
030106	***	*	40.1657	43.9022	*	41.9807
030107	2.1093	1.0471	35.4562	35.9171	37.6288	36.3377
030108	2.4034	1.0471	34.8507	33.2799	34.5124	34.1536
030110	1.7329	1.0471	36.2158	38.0468	39.0340	37.8801
030111	1.1668	0.9648	28.5146	33.3314	37.0123	33.6486
030112	2.0671	1.0471	33.4810	36.1513	40.1301	36.8711
030113	0.9505	1.4382	*	*	*	*
030114	1.4510	0.9648	28.8466	30.2128	30.3754	29.8451
030115	1.5083	1.0471	32.5885	34.8409	36.8225	35.0086
030117	1.3318	1.0240	*	34.5349	36.6725	35.7305
030118	1.3327	1.2262	*	28.2945	32.6116	30.4114
030119	1.6200	1.0471	*	38.2362	40.7172	39.6384

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
030120	0.8520	1.0471	*	39.7676	47.5037	43.8726
030121	1.6902	1.0471	*	*	36.6999	36.6999
030122	1.4640	1.0471	*	*	35.1781	35.1781
030123	1.4739	1.0471	*	*	*	*
030124	1.8948	1.0471	*	*	*	*
030125	2.0742	1.0471	*	*	*	*
030126	1.8635	1.0471	*	*	*	*
040001	1.0932	0.8608	24.4962	25.0147	25.5841	25.0463
040002	1.1071	0.7483	24.0487	26.2100	24.0639	24.7422
040004	1.7351	0.8608	29.2714	30.1320	31.6130	30.3580
040007	1.7451	0.8635	28.3305	29.3146	30.2051	29.2717
040010	1.4698	0.8608	28.2375	28.1618	29.2017	28.5990
040011	0.9266	0.7483	22.6327	25.6224	25.9642	24.7357
040014	1.3689	0.8451	34.8279	24.1271	24.6941	25.6001
040015	1.0662	0.7483	22.3148	23.2134	23.7403	23.0850
040016	1.7601	0.8635	26.4806	27.6568	28.6501	27.6411
040017	1.0990	0.8462	24.3772	25.3390	26.2509	25.3116
040018	1.2191	0.7707	26.2521	25.3362	26.6851	26.0819
040019	0.9918	0.7725	26.4932	25.5468	25.0491	25.6618
040020	1.6272	0.8871	26.1529	25.9754	26.6049	26.2463
040021	***	*	27.6799	28.7690	28.8903	28.4564
040022	1.4167	0.8608	30.0250	29.5992	29.4604	29.6905
040026	1.6410	0.9253	31.8588	32.2814	34.6944	32.9479
040027	1.5093	0.8375	25.7935	27.2441	28.4743	27.1878
040029	1.4958	0.8635	27.8882	27.8412	29.1988	28.3053
040036	1.6856	0.8635	30.4906	32.0772	33.1236	31.9038
040039	1.1753	0.8109	22.9807	23.4456	23.0760	23.1655
040041	1.1592	0.8451	26.4435	27.8594	27.4448	27.2474
040042	1.3566	0.9171	23.1661	23.5768	28.3874	25.0294
040047	0.9113	0.7520	23.3557	25.0102	27.5142	25.1265
040050	1.1590	0.7483	19.6946	21.0178	22.0146	20.9063
040051	0.9936	0.7483	22.1981	23.4783	24.9308	23.5416
040055	1.7558	0.7707	26.0150	26.3370	26.5702	26.3163
040062	1.6827	0.7707	25.6554	28.5888	28.4309	27.5460
040067	1.0555	0.7528	20.9700	21.3492	22.1772	21.5146
040069	0.9730	0.8109	23.3117	23.0880	22.6987	23.0306

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
040071	1.5474	0.8451	26.6645	25.0185	28.7130	26.7537
040072	1.1859	0.7483	22.9671	23.3205	24.0488	23.4429
040074	1.1781	0.8635	27.3897	27.4614	27.7915	27.5518
040076	1.0157	0.9030	24.7903	25.7464	25.0274	25.1722
040078	1.7507	0.9253	25.6886	27.9394	28.4481	27.3094
040080	1.0416	0.7797	26.5905	26.9354	26.1224	26.5524
040081	0.8641	0.7881	18.4759	18.5265	17.3969	18.1445
040084	1.3107	0.8635	28.1570	28.7379	29.9634	29.0185
040085	0.9358	0.8871	26.6987	25.4981	26.7545	26.3201
040088	1.5419	0.8085	24.7119	26.7050	28.8877	26.7762
040091	1.1940	0.7483	22.3311	27.7747	29.9029	26.3939
040100	***	*	24.5458	24.7712	*	24.6638
040114	1.9109	0.8635	28.5702	29.1200	30.6358	29.4351
040118	1.6136	0.7483	26.5783	27.3360	30.6065	28.2493
040119	1.5157	0.8451	25.6779	26.9632	28.2765	27.0150
040132	0.8021	0.9253	21.8140	*	22.6953	22.2510
040134	2.2362	0.8635	34.9673	35.2045	36.1627	35.4829
040137	1.3325	0.8635	27.7638	28.2123	31.3247	29.2690
040138	***	*	33.0073	31.1138	32.6001	32.2159
040141	***	*	33.8791	34.8500	*	34.4114
040142	1.5826	0.9253	23.1302	24.4876	27.5086	25.1151
040145	1.9580	0.7797	20.3878	22.1731	22.3687	21.7125
040147	1.9130	0.8635	35.7669	33.6215	30.4256	32.7938
040148	***	*	*	*	35.6031	35.6031
040149	***	*	*	*	29.0721	29.0721
040152	2.5966	0.8608	*	*	*	*
050002	1.5159	1.6178	43.1760	42.3825	45.4953	43.6748
050006	1.8102	1.3547	41.7714	43.8923	45.0094	43.5856
050007	1.5598	1.5576	49.5271	55.1636	52.2245	52.2511
050008	1.6354	1.5342	50.9569	50.4751	52.7669	51.4050
050009	1.7626	1.5482	49.7177	51.5510	53.0588	51.5292
050013	1.9184	1.5482	43.4906	46.3422	49.5453	46.5172
050014	1.2657	1.3486	42.2044	42.7255	41.0206	41.9545
050016	1.4193	1.2368	34.3863	36.3674	39.4584	36.8709
050017	2.1061	1.3486	44.4857	46.6209	48.7220	46.6321
050018	1.3007	1.2247	34.0338	34.7941	36.0324	34.9615

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
050022	1.7904	1.2247	36.6360	38.9203	41.5471	39.0977
050024	1.2891	1.2247	33.5247	34.6921	37.1807	34.9055
050025	1.9538	1.2247	36.9233	39.5330	42.5246	39.7669
050026	1.6191	1.2247	35.0306	36.3315	37.3290	36.2935
050028	1.2261	1.2247	28.1584	28.5839	*	28.3806
050030	1.2680	1.2247	33.5654	33.2455	34.4700	33.7632
050036	1.7457	1.2247	37.4298	39.2616	41.5393	39.4707
050038	1.7728	1.6386	55.2197	58.4851	61.3276	58.4346
050039	1.5400	1.2247	34.9262	37.8559	40.9213	37.8428
050040	1.3721	1.2247	38.1665	41.9767	44.2571	41.5266
050042	1.5785	1.3547	40.5791	45.6660	50.9908	45.8022
050043	1.7576	1.6178	51.9529	55.4677	53.5411	53.6961
050045	1.3696	1.2247	28.5952	27.8903	31.4860	29.3287
050046	1.2182	1.2247	34.2529	34.0106	37.1982	35.1676
050047	1.8545	1.5342	48.5961	51.4298	53.1141	51.0350
050054	1.2411	1.2247	27.1320	27.9082	32.4947	29.1694
050055	1.4904	1.5342	48.2796	51.9993	52.9342	51.0882
050056	1.5972	1.2247	34.7964	33.2655	39.4954	35.7797
050057	1.6940	1.2247	33.7574	35.6340	38.6138	36.0669
050058	1.8187	1.2247	38.9843	41.4811	43.4764	41.3510
050060	1.6287	1.2247	34.1183	35.3108	36.7750	35.4314
050063	1.6524	1.2247	36.6301	40.9558	43.3599	40.2753
050065	***	*	42.0085	*	*	42.0085
050067	1.3773	1.2247	41.8988	41.1549	34.0218	39.0746
050069	2.0169	1.2247	38.1339	40.0498	44.2637	40.8835
050070	1.4481	1.5576	48.9362	53.8300	55.6284	52.8293
050071	1.7718	1.6386	52.0696	55.3995	54.9153	54.1707
050072	1.5282	1.5852	51.4538	54.7774	55.8299	54.0528
050073	1.5376	1.5742	50.6523	54.2296	55.8359	53.6371
050075	1.6153	1.6178	51.1187	54.8332	56.6372	54.2184
050076	1.8135	1.5342	50.5761	53.8043	55.1835	53.2013
050077	1.6624	1.2247	37.4989	38.5242	38.0509	38.0339
050078	1.3299	1.2247	37.1940	38.9256	38.8489	38.3347
050079	1.5469	1.5852	48.3017	50.6578	65.1440	53.7676
050082	1.8234	1.2247	42.0181	41.8861	44.1069	42.6942
050084	1.6992	1.3486	41.1276	42.4418	46.0253	43.2693

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
050089	1.4757	1.2247	39.6297	39.9711	42.3990	40.7121
050090	1.4461	1.5742	41.6026	44.0838	44.4628	43.3851
050091	0.9802	1.2247	40.1063	34.8170	33.6732	36.0063
050093	1.5991	1.2247	37.7244	38.5686	41.6205	39.3792
050095	***	*	44.2400	*	*	44.2400
050096	1.4571	1.2247	33.3803	27.6236	33.2850	31.4278
050099	1.6444	1.2247	34.3507	35.4717	37.9297	35.9486
050100	1.8716	1.2247	34.2839	37.1606	39.4312	36.9821
050101	1.6391	1.5742	48.7495	54.5185	56.2550	53.2934
050102	1.4707	1.2247	33.2837	35.4740	35.1267	34.5871
050103	1.6949	1.2247	37.3608	38.8446	38.1720	38.1428
050104	1.5783	1.2247	37.4417	39.1121	41.8962	39.5439
050107	1.6748	1.2247	36.5843	40.5315	41.9627	39.7421
050108	2.0166	1.3486	45.3460	48.8199	53.1654	48.7805
050110	1.2043	1.2247	30.9054	32.3171	33.5933	32.2754
050111	1.0887	1.2247	31.9394	31.1160	32.2597	31.7697
050112	1.5483	1.2247	39.9951	41.8195	41.5924	41.1912
050113	1.4076	1.5576	46.3471	45.1998	42.4778	44.6111
050114	***	*	37.5924	36.6541	*	37.1115
050115	1.5983	1.2247	33.3013	37.7614	40.4397	37.1497
050116	1.7304	1.2247	45.7510	40.6863	42.7961	43.0779
050118	1.2522	1.2247	41.8191	43.4432	46.9088	44.0974
050121	1.2757	1.2247	35.1135	36.9069	41.8043	38.1805
050122	1.7509	1.2502	36.8821	40.4510	41.5112	39.6349
050124	1.3527	1.2247	31.7690	33.3080	34.6304	33.2610
050125	1.6861	1.6386	53.6300	57.6242	60.2474	57.1280
050126	1.6064	1.2247	35.1909	34.9807	36.0294	35.4292
050127	1.5461	1.3486	42.5226	46.9648	48.0928	46.1911
050128	1.6196	1.2247	34.2364	36.6986	39.3773	36.7615
050129	1.9659	1.2247	40.3786	41.4256	44.5762	42.1957
050131	1.4681	1.5742	52.8228	56.6586	53.6221	54.3340
050132	1.6276	1.2247	43.6747	42.8187	45.1737	43.9116
050133	1.4848	1.2412	35.2433	36.8254	37.6504	36.6555
050135	1.0726	1.2247	25.4431	28.5118	30.6553	28.0980
050136	1.4481	1.5742	51.8508	52.5398	57.3918	53.8780
050137	1.3773	1.2247	43.5305	45.2088	49.1420	45.8667

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
050138	1.9128	1.2247	45.1011	47.3839	51.2980	47.9183
050139	1.4368	1.2247	43.0734	44.5753	48.6963	45.4255
050140	1.4087	1.2247	42.7590	44.8911	46.8652	44.8787
050144	***	*	40.4760	*	*	40.4760
050145	1.6332	1.5827	49.4479	54.8909	58.5220	54.4145
050146	1.8322	*	*	*	*	*
050149	1.5052	1.2247	43.1926	42.8003	45.3498	43.7950
050150	1.3011	1.3486	43.5937	44.3354	48.0733	45.3350
050152	1.6955	1.5742	54.7176	55.9738	57.1905	55.9904
050153	1.5690	1.6386	50.4884	53.5925	57.8841	54.0652
050158	1.5055	1.2247	42.7874	42.9454	44.0747	43.2830
050159	1.3444	1.2247	35.0153	40.4701	42.5924	39.5664
050167	1.4923	1.2502	38.0742	39.9946	41.8816	40.0050
050168	1.6873	1.2247	40.8362	37.9746	43.4951	40.7650
050169	1.6805	1.2247	33.1130	35.4836	41.1246	36.5888
050173	1.3930	1.2247	32.3265	31.5434	32.8423	32.2554
050174	1.7399	1.5742	53.7113	54.7960	59.7549	56.0844
050179	1.2738	1.2247	34.6558	36.2060	33.9197	34.8615
050180	1.7149	1.5852	48.7425	51.1836	53.5567	51.2533
050188	1.4966	1.6386	45.8501	49.6669	54.1865	49.5983
050189	0.9575	1.5827	31.5805	27.5311	29.3459	29.4661
050191	1.6765	1.2247	41.7185	40.0694	41.5164	41.0746
050192	0.9069	1.2247	27.4611	29.4203	33.2102	30.1271
050193	1.2942	1.2247	36.7240	39.0111	43.0282	39.5133
050194	1.3701	1.6386	49.8539	49.9857	55.1169	51.6953
050195	1.6650	1.6178	57.6563	61.8312	65.0039	61.5445
050196	1.2008	1.2247	41.1300	43.7415	41.0270	41.9842
050197	1.9331	1.6178	55.3173	59.0280	63.2066	59.2051
050204	1.5451	1.2247	38.8689	37.5591	41.0566	39.2215
050205	1.5945	1.2247	30.6117	30.2818	31.5240	30.7776
050211	1.3252	1.6178	42.9254	44.8773	46.1770	44.5820
050219	1.3542	1.2247	26.7061	26.9022	26.0523	26.5448
050222	1.7729	1.2247	35.4045	36.0221	37.6975	36.4283
050224	1.7191	1.2247	37.3442	39.7119	41.8790	39.6769
050225	1.5650	1.2247	37.5252	38.9288	42.8450	39.8661
050226	1.5718	1.2247	36.5354	38.4952	39.4194	38.1228

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
050228	1.4239	1.5342	49.9063	54.5580	57.3422	54.0697
050230	1.7061	1.2247	38.8901	39.8582	42.1567	40.3322
050231	1.8460	1.2247	37.0245	38.7280	40.2191	38.7139
050232	1.7131	1.2368	35.4055	39.4290	42.5544	39.2518
050234	1.5381	1.2247	37.7125	37.6811	38.9602	38.1603
050235	1.7383	1.2247	39.1744	40.0962	40.2265	39.8347
050236	1.5208	1.2247	34.4257	42.5939	44.3842	40.4072
050238	1.7269	1.2247	35.1268	36.4272	37.0926	36.2576
050239	1.6695	1.2247	36.3257	37.2939	38.5937	37.4489
050242	1.4892	1.6386	53.8385	58.5684	59.7332	57.3859
050243	1.6103	1.2247	37.8538	40.0490	42.5305	40.1509
050245	1.3766	1.2247	34.7153	36.9270	37.1180	36.2906
050248	1.1998	1.5827	46.0329	47.7637	51.0500	48.2742
050254	1.3843	1.3486	33.5069	34.8262	39.7976	36.0829
050256	***	*	32.6841	*	*	32.6841
050257	0.8947	1.2247	29.2651	30.7766	29.8486	29.9463
050261	1.3026	1.2247	33.7196	34.8188	39.3041	36.0518
050262	2.3736	1.2247	43.7709	40.8071	44.0453	42.8188
050264	1.4655	1.6178	50.1691	54.4052	57.0188	53.7398
050272	1.5454	1.2247	32.2584	35.0624	37.3015	34.8914
050276	1.1140	1.5852	47.2432	53.7552	55.4715	52.2517
050277	1.2258	1.2247	*	48.9698	47.5707	48.2343
050278	1.7099	1.2247	38.5689	39.5929	42.8799	40.4121
050279	1.3099	1.2247	32.1695	31.0888	31.6803	31.6436
050280	1.8248	1.3547	43.6243	46.2628	50.0266	46.6861
050281	1.5342	1.2247	31.0706	31.4166	32.8623	31.7857
050283	1.7021	1.6178	45.1132	50.3066	51.3746	48.9680
050289	1.6807	1.5576	52.0918	53.8571	58.3774	54.8745
050290	1.7520	1.2247	42.0099	42.2249	42.6314	42.2987
050291	2.0918	1.5742	44.6102	49.6427	52.1353	48.7155
050292	1.1648	1.2247	35.0372	34.6404	39.9841	36.7557
050295	1.5834	1.2247	39.7399	39.3961	42.9356	40.7188
050296	1.1416	1.6371	44.8135	48.2583	50.4082	47.9062
050298	1.2079	1.2258	33.6947	31.7374	34.0150	33.1345
050300	1.4557	1.2247	37.1275	39.2722	43.0474	40.0013
050301	1.3483	1.2247	36.3681	36.7568	39.9485	37.7770

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
050305	1.5667	1.6178	56.9756	55.7229	54.6309	55.7281
050308	1.5864	1.6386	49.0132	51.0183	54.0475	51.4737
050309	1.5729	1.3486	42.9280	46.6901	47.4734	45.7112
050313	1.2453	1.2502	39.0663	42.3998	43.8913	41.8600
050315	1.4388	1.2247	37.3560	40.3132	47.1318	41.7255
050320	1.2324	1.6178	50.6708	50.9692	55.3663	52.3385
050324	1.8098	1.2247	37.1883	38.9511	41.1149	39.1426
050325	0.7767	1.2247	34.0343	*	47.6656	36.0502
050327	1.8597	1.2247	36.9550	37.7681	39.6815	38.2025
050329	1.3249	1.2247	36.7669	37.6975	37.0324	37.1628
050334	1.7820	1.6178	50.9834	54.9338	59.6727	55.2808
050335	1.4895	1.2247	37.2347	37.1670	39.1873	37.9135
050336	1.2295	1.2502	33.0325	35.3658	38.7257	35.7910
050342	1.2591	1.2247	29.8389	31.6852	33.8443	31.8494
050348	1.7579	1.2247	33.5276	35.1080	37.4660	35.3772
050349	0.7643	1.2247	23.1095	23.5190	24.5969	23.7436
050350	1.5328	1.2247	34.6747	36.1856	37.1989	35.9750
050351	1.5646	1.2247	35.0042	35.6083	34.8470	35.1393
050352	1.4182	1.3486	38.6265	41.5370	41.4294	40.5216
050353	1.5266	1.2247	37.1716	37.4560	38.3124	37.6445
050357	1.4556	1.2247	38.9244	40.9999	41.8008	40.6080
050359	1.1943	1.2247	30.3988	30.9732	33.5096	31.6303
050360	1.6360	1.5742	55.3738	59.2147	57.2879	57.3315
050366	1.1199	1.3486	41.8324	43.0169	43.1165	42.6581
050367	1.6146	1.5742	40.0453	41.1059	44.3506	41.9320
050369	***	*	33.3357	34.7337	37.3679	35.1733
050373	1.4497	1.2247	37.6695	40.8506	43.5055	40.7260
050376	1.6492	1.2247	36.7270	40.0354	42.4754	39.8599
050378	1.1137	1.2247	42.0480	50.0875	51.5092	47.5470
050380	1.8224	1.6386	52.5804	58.6395	60.9625	57.5372
050382	1.6019	1.2247	32.9248	34.3636	36.6641	34.7208
050385	1.4871	1.5742	36.5644	38.9773	44.3026	40.0228
050390	1.2847	1.2247	33.0463	31.4134	33.7927	32.7377
050393	1.4304	1.2247	35.1887	35.5678	38.9873	36.6236
050394	1.7929	1.2247	32.9572	37.2557	40.0176	36.7479
050396	1.5923	1.2247	38.9944	41.2602	41.6933	40.7032

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
050397	0.8415	1.2247	31.1621	32.3700	36.0861	33.4783
050407	1.2178	1.5342	47.5591	47.7943	48.9123	48.1149
050411	1.4376	1.2247	42.9884	44.3404	47.5402	44.9714
050414	1.3420	1.3486	45.1621	48.5863	51.1532	48.4113
050417	1.3322	1.2247	37.9951	38.8418	38.4087	38.4269
050423	1.0535	1.2247	32.4108	41.3130	43.7795	38.6501
050424	1.9481	1.2247	37.5246	39.8802	42.7414	40.2044
050425	1.4308	1.3486	45.3743	52.0378	53.7887	50.3034
050426	1.7182	1.2247	37.6505	*	37.1444	37.3893
050430	1.0514	*	25.9368	28.7102	*	27.6338
050433	***	*	23.0949	*	*	23.0949
050434	0.9730	1.2247	35.4807	34.4698	36.3651	35.4609
050435	1.2470	1.2247	35.7427	35.3040	36.3716	35.8152
050438	1.6093	1.2247	38.2855	36.8507	37.7652	37.6241
050441	2.0773	1.6386	49.2129	50.0652	56.1662	51.9914
050444	1.4821	1.2247	39.3947	39.4231	41.6899	40.2059
050447	***	*	27.1271	*	*	27.1271
050448	1.2055	1.2247	32.6682	32.9244	35.5744	33.7517
050454	2.1384	1.5342	43.5230	46.9602	50.6105	47.1838
050455	1.5674	1.2247	35.0232	38.9871	39.4869	37.8773
050456	***	*	27.9702	28.1444	*	28.0651
050457	1.7524	1.5342	53.3175	54.6802	57.1259	55.0565
050464	1.8533	1.2247	42.6699	44.9128	46.6301	44.6843
050468	1.5593	1.2247	37.3416	35.7136	37.0600	36.6946
050470	***	*	32.5041	*	*	32.5041
050471	1.6569	1.2247	36.8185	37.6641	40.5399	38.3240
050476	***	*	41.7566	*	*	41.7566
050478	0.9581	1.2247	41.5635	44.3775	46.6521	44.3460
050481	1.6201	1.2247	42.8536	47.2326	50.1977	46.8143
050485	1.7165	1.2247	34.7078	37.4203	39.3266	37.2228
050488	1.5157	1.6178	49.3604	53.8013	53.3366	52.2027
050492	1.4172	1.2247	32.6609	35.6838	39.4538	36.0641
050496	1.8243	1.5852	56.7446	57.1030	61.4808	58.5059
050498	1.4628	1.3486	45.3508	46.6560	47.6863	46.5454
050502	1.7474	1.2247	32.9791	40.2876	37.2580	36.7036
050503	1.5401	1.2247	37.7210	40.7324	43.1770	40.6385

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
050506	1.5155	1.2368	40.6534	42.3670	45.0204	42.6481
050510	1.4186	1.5742	51.3143	54.8690	55.9873	54.0800
050512	1.4447	1.6178	50.1470	53.9292	55.7732	53.3348
050515	1.4010	1.2247	42.0106	45.0972	48.0118	45.0227
050516	1.6158	1.3486	45.6228	48.5267	48.0618	47.4427
050517	1.4708	1.2247	29.3694	29.8385	27.5129	28.8628
050523	1.3871	1.5852	46.9870	49.5029	53.7305	50.2368
050526	1.4939	1.2247	35.5457	*	36.5894	36.0188
050528	1.1577	1.2247	38.3051	41.9922	43.2318	41.2013
050531	1.1682	1.2247	28.4890	28.4921	31.0366	29.3122
050534	1.6008	1.2247	38.1892	39.7655	42.3047	40.1251
050537	1.6440	1.3486	41.5275	43.1765	45.7187	43.4999
050541	1.6420	1.6178	51.4545	55.2594	56.3321	54.3652
050543	0.7871	1.2247	32.8367	29.0470	31.0801	30.9554
050545	0.9027	1.2247	*	27.4889	*	27.4889
050547	1.0068	1.5742	*	*	*	*
050548	0.7480	1.2247	*	*	*	*
050549	1.6820	1.2247	40.6796	44.6715	46.9107	44.1208
050550	***	*	39.2163	*	*	39.2163
050551	1.3889	1.2247	37.6223	39.4047	42.2041	39.7598
050552	0.9442	1.2247	35.3468	38.6658	41.1173	38.3633
050557	1.6479	1.2247	39.2224	41.9292	43.9916	41.7837
050561	1.3989	1.2247	40.1567	43.1147	46.9113	43.3701
050567	1.5237	1.2247	39.0114	41.7247	46.3879	42.4571
050568	1.1903	1.2247	26.7733	28.7691	30.1104	28.6056
050570	1.7113	1.2247	40.6761	40.3411	42.9671	41.3473
050573	1.6162	1.2247	36.8561	38.0175	41.0463	38.7328
050575	1.5692	1.2247	22.1018	32.1046	33.5745	29.0057
050578	***	*	43.4917	*	*	43.4917
050580	1.3315	1.2247	35.0966	36.7968	33.1767	35.0893
050581	1.6333	1.2247	40.0909	41.9698	45.2924	42.4394
050583	***	*	40.5845	41.3920	*	40.9835
050584	***	*	31.9910	30.8650	*	31.4271
050586	1.6278	1.2247	31.1932	32.7348	32.8095	32.2361
050588	1.4763	1.2247	39.4251	39.0347	41.0641	39.8351
050589	1.2827	1.2247	37.2056	39.2646	40.8842	39.1776

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
050590	1.4972	1.3486	44.3382	50.0371	49.7328	48.1461
050592	***	*	32.2376	*	*	32.2376
050597	1.4581	1.2247	32.8987	35.6567	37.5208	35.3960
050599	2.0012	1.3486	36.6146	38.9877	39.8105	38.5379
050601	***	*	43.2404	43.3329	46.0784	44.2186
050603	1.5047	1.2247	35.4809	37.4348	38.3834	37.1447
050604	1.6291	1.6386	49.6068	54.1687	55.6773	53.0805
050608	1.3872	1.2247	30.7280	28.3794	30.7212	29.9386
050609	1.4301	1.2247	43.4555	45.2475	49.1701	45.9890
050616	1.4949	1.2247	40.7388	45.2614	43.3018	43.0759
050618	0.9683	1.2247	34.9177	34.0584	35.2789	34.7493
050624	1.5075	1.2247	39.2553	40.2253	41.9206	40.5628
050625	1.8425	1.2247	44.8482	48.1826	46.7270	46.6153
050633	1.2030	1.2368	40.7383	41.1786	44.7463	42.2532
050636	1.4438	1.2247	35.4565	38.8844	39.6096	38.0088
050641	1.3049	1.2247	32.0508	33.1417	34.1849	33.1406
050644	1.0475	1.2247	33.2777	32.1513	32.5153	32.6132
050660	1.6423	*	*	*	*	*
050662	1.1129	1.6386	*	*	*	*
050663	1.3695	1.2247	17.7252	30.4117	33.0151	26.4022
050667	0.8006	1.4295	25.8460	30.1039	32.0624	28.9596
050668	1.0786	1.5742	52.7011	62.7714	65.4231	60.6295
050674	1.4993	1.3486	48.6880	51.3517	53.4854	51.2273
050677	1.5581	1.2247	41.8130	44.4567	47.7267	44.6382
050678	1.4527	1.2247	35.8411	38.3361	39.9167	38.1597
050680	1.4613	1.5742	39.0389	40.7514	44.0282	41.3411
050682	0.6944	1.2247	22.3903	22.4419	*	22.4133
050684	1.2570	1.2247	33.5915	33.0982	35.4682	34.0341
050686	1.3750	1.2247	42.1444	45.2231	48.0040	45.1124
050688	1.3358	1.6386	53.2741	54.5423	56.6466	54.9010
050689	1.5695	1.5852	48.9935	50.2942	53.7493	51.0590
050690	1.3287	1.5742	51.6179	55.1002	55.3847	54.0619
050693	1.4804	1.2247	42.8266	41.9594	44.4380	43.0972
050694	1.2375	1.2247	34.8486	33.8553	35.2422	34.6536
050696	2.5549	1.2247	39.4353	41.2315	44.0844	41.4935
050697	1.1148	1.3547	26.7600	29.0854	30.2726	28.7053

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
050701	1.3546	1.2247	37.2839	38.4382	42.7575	39.6135
050704	1.1342	1.2247	32.2017	31.7051	32.1670	32.0293
050707	***	*	44.0254	49.4684	*	46.9800
050708	1.8358	1.2247	28.3074	34.4063	34.8907	31.9717
050709	1.6404	1.2247	29.5364	30.4570	28.8514	29.5817
050710	1.4205	1.2247	46.2533	51.1460	52.8041	50.0857
050714	1.5922	1.6386	42.9797	45.2746	47.4228	45.3980
050717	1.5965	1.2247	37.0875	42.2736	41.8557	40.5623
050720	***	*	32.1173	33.8712	34.7221	33.4577
050722	0.9563	1.2247	35.6741	35.2177	37.3302	36.1210
050723	1.5436	1.2247	42.1571	43.3875	47.0388	44.1779
050724	1.9468	1.2247	35.1020	35.5224	39.0539	36.5017
050725	0.9517	1.2247	28.8389	27.8565	*	28.3307
050726	1.6175	1.2247	30.6105	35.3964	36.4404	34.1918
050727	1.3740	1.2247	33.0932	29.0789	35.3258	32.5219
050732	2.3923	1.2247	34.3475	37.4333	37.9684	36.6936
050733	1.7727	1.3547	40.6320	44.7509	44.5719	43.2177
050735	1.4534	1.2247	36.6081	34.3859	34.2886	35.0721
050736	1.3576	1.2247	41.8938	38.0913	36.6220	38.8361
050737	1.7443	1.2247	38.0424	36.4535	38.0483	37.5164
050738	1.6053	1.2247	43.9259	40.3081	39.1266	41.0361
050739	1.6999	1.2247	57.2480	44.0540	40.0074	45.3865
050740	1.7415	1.2247	54.0370	44.8439	37.0976	43.5160
050741	***	*	51.1526	44.0305	*	47.5915
050742	1.6473	1.2247	39.2532	41.0036	44.3972	41.4615
050744	1.7380	1.2247	48.4951	56.5911	54.9148	53.1646
050745	1.4481	1.2247	42.5523	48.2903	48.8922	46.5732
050746	1.8123	1.2247	43.2015	46.3622	45.1988	44.9325
050747	1.8632	1.2247	44.5887	47.8242	47.3968	46.5482
050748	1.2527	1.2247	43.1008	50.6390	54.1242	49.3277
050749	1.3796	1.2247	28.2000	39.6030	41.4811	35.7689
050750	***	*	33.9915	*	*	33.9915
050751	3.5931	1.2247	29.5488	34.0436	36.5150	33.0527
050752	1.4901	1.2247	39.8035	41.3783	42.4687	41.1950
050754	1.2220	1.5576	*	56.3628	*	56.3628
050755	1.6182	1.2247	*	36.5212	36.5251	36.5232

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
050756	***	*	*	33.4951	*	33.4951
050757	1.7470	1.2247	*	*	42.3546	42.3546
050758	1.5779	1.2247	*	17.6509	27.8366	21.8706
050759	***	*	*	*	36.7495	36.7495
050760	1.3958	1.5852	*	*	*	*
050761	1.6126	1.2247	*	*	*	*
050762	1.4125	1.2247	*	*	*	*
050763	0.9992	1.2247	*	*	*	*
050764	1.6615	1.3547	*	*	*	*
050765	1.1291	1.2247	*	*	*	*
050766	1.5412	1.2247	*	*	*	*
060001	1.4318	1.0393	32.4226	32.5239	33.5009	32.8211
060003	1.5346	1.0393	31.8637	33.6264	34.9819	33.5098
060004	1.2485	1.0576	34.8428	34.5727	36.3214	35.2917
060006	1.2988	0.9665	27.6453	30.5664	30.7361	29.6331
060008	1.5166	0.9665	27.2071	26.0851	28.6913	27.3573
060009	1.6004	1.0576	34.0151	35.8398	36.9037	35.5950
060010	1.5399	0.9665	30.6424	33.5549	32.9241	32.3981
060011	1.5301	1.0576	34.4171	34.6239	36.6800	35.2356
060012	1.5328	0.9665	29.4365	29.6957	31.4807	30.2506
060013	1.6156	0.9665	28.0800	29.5100	30.9706	29.5285
060014	2.0318	1.0576	33.0366	35.6231	36.9360	35.1981
060015	2.1471	1.0576	36.3296	36.6824	38.2231	37.1141
060016	1.1827	0.9665	28.3055	30.0601	30.4208	29.6098
060018	1.0992	*	26.5788	*	*	26.5788
060020	1.6397	0.9665	26.7362	27.3823	29.0073	27.7438
060022	1.6431	0.9665	31.9376	32.0594	31.6915	31.8828
060023	1.6909	1.0393	32.7922	33.4798	34.9894	33.7723
060024	1.9110	1.0576	32.8206	36.1736	37.9233	35.6626
060027	1.5428	1.0393	31.6134	33.4869	33.6616	32.8750
060028	1.6913	1.0576	33.4966	35.8222	37.1167	35.5436
060030	1.4475	0.9665	31.2932	31.2752	32.9330	31.8568
060031	1.5069	1.0393	30.7381	32.0153	33.2299	32.0027
060032	1.6656	1.0576	34.6447	35.6500	37.4582	35.9181
060034	1.8224	1.0576	33.3656	34.6615	36.1706	34.7283
060036	1.1704	0.9665	20.9370	24.8220	25.3568	23.6418

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
060041	***	*	31.4739	*	*	31.4739
060043	0.8976	0.9665	23.3908	19.9611	20.3282	21.2601
060044	1.2481	0.9665	28.9200	32.0455	32.7653	31.1835
060049	1.4153	0.9665	32.1589	34.5262	35.5353	34.0821
060054	1.4909	1.0138	24.6721	29.2998	32.8197	29.3593
060064	1.8838	1.0576	37.2407	34.7448	36.3099	36.0591
060065	1.4593	1.0576	34.9205	36.2377	37.7892	36.3163
060071	1.1608	0.9665	31.5388	32.1367	32.4497	32.0600
060075	1.4614	1.0138	35.8081	37.3019	40.1016	37.8404
060076	1.3290	0.9665	31.6044	31.5032	31.8373	31.6524
060096	1.8302	1.0393	38.2249	39.9302	42.6189	40.4330
060100	1.7950	1.0576	33.5356	35.7861	36.6803	35.3368
060103	1.4229	1.0393	33.7542	34.9964	36.7528	35.2095
060104	1.5478	1.0576	37.1434	37.4598	39.0604	37.9751
060107	2.0677	1.0576	30.3991	30.0308	30.5898	30.3552
060112	1.7503	1.0576	35.1308	36.4093	37.9928	36.6034
060113	1.5005	1.0576	35.2097	36.0794	38.0309	36.4956
060114	1.6645	1.0576	35.3056	37.1394	37.6554	36.8077
060115	0.9083	0.9665	*	*	*	*
060116	1.4913	1.0393	33.1547	36.3560	36.9071	35.6457
060117	1.3581	0.9665	28.3112	31.6734	31.3013	30.6152
060118	1.4926	1.0393	*	40.2136	39.9922	40.0904
060119	1.9646	0.9665	*	*	34.0822	34.0822
060121	2.1298	1.0393	*	*	38.3284	38.3284
060123	1.8589	1.0576	*	*	*	*
070001	1.6363	1.2242	37.9438	38.4864	39.3014	38.5781
070002	1.7996	1.1257	36.4269	36.6624	39.3490	37.4818
070003	1.1819	1.1257	36.0524	36.6553	37.6699	36.7817
070004	1.1875	1.1257	31.2115	34.3803	35.1037	33.5419
070005	1.6586	1.2242	36.5502	37.3430	38.3363	37.4209
070006	1.6560	1.2825	41.2165	41.9550	43.2602	42.1481
070007	1.4209	1.1360	37.0984	38.9830	40.3319	38.8215
070008	1.3351	1.1257	35.4969	34.0603	35.8161	35.1073
070009	***	*	36.6382	38.1380	*	37.4141
070010	1.6960	1.2825	38.6114	38.7345	41.3102	39.5949
070011	1.4801	1.1257	32.6835	33.7313	36.9466	34.4150

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
070012	1.4730	1.1257	33.2477	35.4738	37.5683	35.3833
070015	1.5810	1.2825	39.9249	42.4738	43.1481	41.8469
070016	1.5918	1.2242	34.1266	34.5418	36.2707	34.9884
070017	1.4503	1.2242	37.5855	38.1713	41.0077	38.9339
070018	1.4031	1.2825	42.4771	44.1370	45.8974	44.2078
070019	1.5997	1.2242	35.8618	37.0666	39.8743	37.6317
070020	1.3867	1.1358	35.6542	40.4989	40.6182	39.0618
070021	1.1794	1.1257	39.7793	41.9076	43.8622	41.8599
070022	1.7333	1.2242	41.4721	41.5553	43.2394	42.1299
070024	1.5050	1.1360	36.8997	38.6301	39.2511	38.2737
070025	1.7003	1.1257	36.1322	38.7067	38.9328	37.9080
070027	1.5868	1.1257	33.5979	35.7677	36.5223	35.3536
070028	1.5644	1.2825	40.9645	41.2950	42.0488	41.4517
070029	1.3443	1.1257	32.8504	35.4716	36.0406	34.8141
070031	1.3419	1.2242	30.5924	33.2618	33.5139	32.4882
070033	1.4782	1.2825	44.6717	46.5982	47.7688	46.3583
070034	1.5225	1.2825	42.4111	45.7694	44.0374	44.0855
070035	1.4095	1.1257	33.4047	38.2298	35.3357	35.6697
070036	1.7475	1.1661	43.6374	44.0756	46.4609	44.7773
070038	0.9441	1.2242	29.9516	33.5109	31.4454	31.4773
070039	1.0971	1.2242	32.7153	35.9137	36.2927	35.1271
070040	1.0743	1.1257	*	26.3824	30.5486	28.3408
080001	1.6907	1.0797	34.9507	37.4441	39.1835	37.2540
080002	***	*	33.0404	33.3472	35.2276	33.8892
080003	1.5403	1.0797	30.5132	29.0166	31.5225	30.4059
080004	1.6748	1.0641	34.3854	33.6190	35.0266	34.3423
080006	1.5520	1.0044	31.0327	30.7985	29.2411	30.3636
080007	1.7565	1.0853	33.4782	35.5425	37.5631	35.5927
090001	1.7104	1.0546	40.1658	38.3876	39.8134	39.3691
090003	1.3090	1.0546	34.4430	37.2088	37.3982	36.3730
090004	2.0589	1.0496	38.5681	39.9027	40.6216	39.7496
090005	1.3805	1.0546	35.2884	35.1327	36.9545	35.7927
090006	1.4341	1.0546	32.3654	32.5988	34.9946	33.3147
090008	1.5880	1.0546	36.6633	40.3260	41.7318	39.2644
090011	2.1681	1.0546	39.0111	39.5389	41.3036	39.9493
100001	1.6225	0.8875	27.8526	30.5213	30.2446	29.5877

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
100002	1.5581	1.0333	30.6668	33.1103	34.4039	32.7223
100006	1.6837	0.9150	28.9769	29.2697	31.1090	29.8250
100007	1.6560	0.9150	30.3379	30.6689	32.7648	31.2751
100008	1.6404	1.0191	32.1679	32.3397	34.9341	33.1587
100009	1.6764	1.0191	30.0492	32.0145	33.5623	31.8710
100012	1.6726	0.9139	30.8626	30.2066	32.0081	31.0290
100014	1.5567	0.9150	27.4064	28.8679	32.2443	29.5972
100015	***	*	28.6825	29.9757	31.5936	30.0347
100017	1.6037	0.9150	29.8705	31.2313	32.0601	31.0930
100018	1.7857	0.9779	32.8642	34.2077	34.9524	34.0313
100019	1.7306	0.9303	31.4549	32.2496	34.2627	32.6917
100022	1.7695	1.0333	36.3355	40.4664	42.4881	39.7952
100023	1.6827	0.9066	27.1032	27.7860	27.8953	27.6060
100024	1.2216	1.0191	29.8918	31.5160	30.5545	30.6338
100025	1.8056	0.8432	27.1665	28.7604	29.6928	28.5823
100026	1.6151	0.8432	27.3044	28.5877	27.8367	27.9162
100028	1.4448	0.9303	28.7801	28.1509	31.9846	29.6732
100029	1.3707	1.0191	31.6006	33.2920	34.8161	33.2424
100030	1.4694	0.9150	26.3113	27.0977	30.8824	28.0853
100032	1.7391	0.9066	27.8942	29.3641	30.3253	29.1887
100034	1.8674	1.0191	28.9387	29.8997	29.6114	29.4885
100035	1.5772	0.9237	32.5593	31.2325	31.4578	31.7203
100038	1.6264	1.0333	32.8392	37.0928	37.1884	35.7516
100039	1.9693	1.0333	29.0236	32.6863	32.2419	31.3704
100040	1.7070	0.8875	28.3366	29.8029	29.6297	29.2510
100043	1.4166	0.9066	26.8417	29.1014	31.1972	28.9417
100044	1.5653	1.0729	34.3920	34.4743	41.7922	37.0061
100045	1.3103	0.9150	25.5621	27.8526	28.1643	27.2127
100046	1.5558	0.9066	27.7878	29.7844	30.9730	29.5992
100047	1.6811	0.9237	31.4072	31.8998	32.2047	31.8452
100048	0.9614	0.8432	21.7693	22.7260	23.5379	22.6813
100049	1.3320	0.8601	27.6316	26.9145	27.7020	27.4184
100050	1.2458	1.0191	23.5222	23.7419	24.5868	23.9540
100051	1.4875	0.9150	30.1492	28.7367	30.6461	29.8530
100052	1.4003	0.8601	25.1110	27.6591	28.4807	27.1112
100053	1.4162	1.0191	31.9268	33.6936	35.2550	33.5895

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
100054	1.4027	0.8735	30.9840	33.2237	36.2168	33.5037
100055	1.4759	0.9066	29.7027	28.5830	30.4298	29.5982
100057	1.4780	0.9150	27.7045	30.4258	30.5235	29.5810
100061	1.5789	1.0191	31.9174	33.9803	34.8482	33.5811
100062	1.7148	0.8552	26.3067	28.0821	29.2949	27.9112
100063	1.4087	0.9066	27.0769	29.5864	31.2488	29.3363
100067	1.5488	0.9066	27.5501	30.0555	31.5618	29.6772
100068	1.7784	0.9150	27.7707	28.5177	28.0307	28.1041
100069	1.8450	0.9066	29.0486	33.4008	32.7796	31.7251
100070	1.6892	0.9237	29.1117	27.1313	27.9973	28.0427
100071	1.3529	0.9066	25.1883	25.6870	27.8655	26.2748
100072	1.4518	0.9150	27.6947	28.6435	29.6882	28.7088
100073	1.7399	1.0333	31.0395	33.8783	33.7457	32.8947
100075	1.5788	0.9066	26.7571	29.2992	31.2004	29.0714
100076	1.2234	1.0191	24.0280	23.7078	26.3433	24.4935
100077	1.3992	0.9237	27.9783	28.0178	29.5962	28.5634
100079	1.5106	*	*	*	*	*
100080	1.6204	1.0333	31.0516	33.2091	35.4485	33.2130
100081	1.0281	0.8539	19.7406	17.2548	17.7222	18.2774
100084	1.6551	0.9150	30.6301	30.7165	35.1858	32.1812
100086	1.5751	1.0333	31.3187	33.0726	33.7048	32.7154
100087	1.8405	0.9237	32.1314	33.4104	33.2328	32.9255
100088	1.7052	0.8875	29.4952	30.3481	30.9148	30.2877
100090	1.4563	0.8875	28.9581	27.4996	28.2012	28.2140
100092	1.5558	0.9303	28.6782	29.1433	29.6087	29.1462
100093	1.7452	0.8432	23.4847	24.9505	25.8345	24.7522
100099	1.1448	0.8601	28.0688	28.2871	30.0337	28.8423
100102	1.0551	0.8432	29.0396	30.0754	28.5248	29.1936
100105	1.5943	1.0252	30.8936	31.5294	33.0707	31.8950
100106	1.0979	0.8432	25.6288	20.6449	26.2560	24.0768
100107	1.2712	0.9139	31.2954	30.9662	32.4297	31.5714
100108	***	*	22.8153	17.9561	17.5426	19.1444
100109	1.3854	0.9150	26.7380	29.1403	29.2478	28.3934
100110	1.6147	0.9150	30.3758	32.4083	32.8616	31.9067
100113	2.0648	0.9377	30.6037	30.9741	33.2418	31.6327
100114	***	*	32.3956	34.3630	*	33.3214

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
100117	1.1720	0.8875	30.0281	30.6894	31.4492	30.7465
100118	1.4486	0.8432	28.3201	31.3833	28.6480	29.3969
100121	1.1958	0.8601	25.0320	20.0814	27.6294	24.2372
100122	1.2388	0.8735	27.6178	27.9970	28.5222	28.0534
100124	1.1993	0.8432	26.2329	28.2667	28.9298	27.8069
100125	1.2299	1.0191	33.3499	35.2588	37.2705	35.4531
100126	1.3809	0.9066	28.9164	30.3912	31.2105	30.1653
100127	1.6431	0.9066	27.0686	29.3856	31.1177	29.1793
100128	2.2037	0.9066	30.6202	29.6793	31.2298	30.5186
100130	1.3212	1.0333	29.5763	29.9727	29.8339	29.7970
100131	1.3800	1.0191	30.9614	32.2086	33.9594	32.3908
100132	1.3499	0.9066	27.6632	29.3380	30.9567	29.3475
100134	0.8526	0.8432	22.9635	24.7863	23.0684	23.5589
100135	1.6829	0.8954	29.8452	30.2093	34.2492	31.4439
100137	1.4023	0.8601	28.3000	27.8783	28.6777	28.2947
100139	0.9036	0.9377	21.4418	22.1683	21.4572	21.6824
100140	1.1241	0.8875	28.5485	29.7482	30.7155	29.6963
100142	1.2138	0.8432	26.8995	26.8829	25.1309	26.3144
100150	1.2062	1.0191	29.3711	33.0132	32.5785	31.6449
100151	1.9703	0.8875	31.3846	33.1725	34.9557	33.1543
100154	1.7005	1.0191	31.3640	32.3793	34.9899	32.9507
100156	1.1212	0.8432	28.3060	29.9029	31.1552	29.8254
100157	1.5825	0.9066	30.3359	30.4870	31.8594	30.8981
100160	1.1017	1.0191	32.3136	33.8433	35.2448	33.8503
100161	1.6418	0.9150	30.8984	32.6427	33.0240	32.1874
100166	1.6290	0.9237	31.9072	33.0019	34.8424	33.2088
100167	1.5548	1.0333	32.4740	34.8085	36.1348	34.4179
100168	1.7112	1.0333	28.0543	31.1427	32.5053	30.6385
100172	***	*	20.5518	*	*	20.5518
100173	1.7179	0.9066	30.2491	30.3599	30.9982	30.5313
100175	1.0188	0.8432	26.1723	26.8828	30.6970	27.8555
100176	1.7599	1.0333	35.5849	35.7433	37.0046	36.1156
100177	1.4618	0.9303	31.0085	31.3830	32.8491	31.7568
100179	1.7363	0.8875	30.5439	31.8790	33.3430	31.9272
100180	1.4792	0.9066	31.5485	32.3796	34.6817	32.8425
100181	1.4002	1.0191	26.0682	26.0880	26.4568	26.2189

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
100183	1.3902	1.0191	32.9893	31.6760	33.2466	32.6280
100187	1.4893	1.0191	31.6660	31.8020	34.2328	32.5967
100189	1.4419	1.0333	30.5516	32.8847	34.2447	32.5432
100191	1.3645	0.9066	30.9212	31.6024	33.7871	32.0675
100200	1.5295	1.0333	29.0731	32.5611	33.7050	31.7495
100204	1.6164	0.9377	29.9334	30.6252	31.4765	30.6899
100206	1.3259	0.9066	28.8625	30.4576	31.2653	30.2061
100209	1.6863	1.0191	29.0462	30.5582	32.8523	30.8033
100210	1.6173	1.0333	32.4566	33.3016	34.2993	33.3096
100211	1.2867	0.9066	28.8328	30.5902	31.6079	30.3679
100212	1.5679	0.8552	29.2500	30.5141	31.1368	30.3163
100213	1.5727	0.9237	30.2271	31.4309	33.1230	31.5995
100217	1.2905	1.0252	30.3325	33.5767	30.5641	31.4346
100220	1.6269	0.9139	30.8292	31.8393	33.1625	32.0038
100223	1.6223	0.8735	27.6775	28.6449	30.3741	28.8695
100224	1.3813	1.0333	29.2008	31.0307	33.6361	31.2128
100225	***	*	32.6906	31.8048	*	32.2587
100226	1.3734	0.8875	30.2857	30.8904	31.4361	30.8818
100228	1.4519	1.0333	31.0222	32.2672	34.6713	32.6412
100230	1.4348	1.0333	34.6133	35.9319	36.1673	35.6194
100231	1.6148	0.8432	28.3652	28.8912	29.8895	29.0352
100232	1.4309	0.9377	29.3797	30.3768	30.7940	30.1690
100234	1.3292	1.0333	29.7818	33.1508	35.3677	32.6857
100236	1.4897	0.9237	30.5719	31.4385	33.2992	31.8165
100237	***	*	33.9626	33.9696	34.7138	34.1878
100238	1.6561	0.9066	31.6353	32.8745	35.1867	33.2711
100239	1.5075	0.9066	30.3234	32.7150	33.9579	32.2861
100240	1.1030	1.0191	31.0951	35.3888	36.6032	34.5027
100242	1.5952	0.8432	27.8169	28.5034	29.7347	28.6980
100243	1.5542	0.9066	29.8323	31.4863	32.5227	31.3056
100244	1.4331	0.9139	29.8287	29.1611	30.3453	29.7743
100246	1.5614	1.0729	30.0467	32.5063	33.5469	32.0515
100248	1.5668	0.9066	32.4725	33.7659	36.0601	34.0862
100249	1.3514	0.9066	28.5117	29.7981	30.5240	29.6388
100252	1.2169	1.0252	29.1448	31.5631	33.8245	31.4852
100253	1.4998	1.0333	28.5617	29.4959	31.3059	29.8138

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
100254	1.5108	0.8954	28.5262	28.9095	30.8142	29.4282
100255	1.3545	0.9066	29.5172	30.0466	31.9271	30.4950
100256	1.6224	0.9066	33.3936	34.6637	34.8304	34.2928
100258	1.6613	1.0333	35.2225	34.2862	36.3146	35.2877
100259	1.2922	0.9066	29.9294	32.2273	33.8210	31.9723
100260	1.5192	1.0729	29.4907	31.5667	33.8328	31.6747
100264	1.5444	0.9066	30.1980	31.5050	33.9279	31.9530
100265	1.4504	0.9066	26.6940	28.6915	30.9790	28.8513
100266	1.4224	0.8432	25.6382	26.4488	27.7418	26.6590
100267	1.2849	0.9237	30.6051	32.3955	33.7231	32.2103
100268	1.2089	1.0333	33.6225	33.5314	34.5858	33.9080
100269	1.4107	1.0333	28.3745	30.9572	33.5064	30.8897
100271	2.2229	*	*	*	*	*
100275	1.3264	1.0333	31.0487	31.5424	33.3199	32.0064
100276	1.3326	1.0333	31.7067	32.3992	34.3287	32.8345
100277	1.3799	1.0191	25.5926	27.0942	28.4949	27.0616
100279	***	*	31.1951	31.6691	33.9735	32.3443
100281	1.4063	1.0333	32.8840	36.3173	36.3681	35.2827
100284	1.1512	1.0191	21.4420	24.4155	25.5819	23.7595
100285	1.2393	1.0333	34.7999	36.2107	37.2874	36.2349
100286	1.6176	0.9779	26.5809	26.1494	32.3293	29.0001
100287	1.4754	1.0333	30.3085	32.3704	34.0899	32.1810
100288	1.7381	1.0333	32.9587	35.3363	36.0630	34.7728
100289	1.5892	1.0333	31.4727	31.7699	33.2012	32.2125
100290	1.2699	0.9150	29.7588	31.7110	32.8039	31.5893
100291	1.2805	0.9303	28.3780	28.3455	28.7323	28.4870
100292	1.4540	0.8539	28.5807	29.8156	30.8473	29.8365
100296	1.4038	1.0191	31.1475	31.8730	34.2725	32.5067
100298	0.8558	0.8954	21.9247	17.8678	19.4952	19.4589
100299	1.4576	0.9237	31.6840	31.5048	31.4297	31.5278
100300	***	*	33.1693	*	*	33.1693
100301	***	*	*	33.6261	*	33.6261
100302	1.1221	0.9150	*	27.9362	29.7289	28.8052
100303	***	*	*	*	24.9650	24.9650
100307	1.5052	0.8875	*	*	*	*
100308	1.8792	0.9066	*	*	*	*

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
100309	2.7432	0.9794	*	*	*	*
100310	3.4842	0.9794	*	*	*	*
100311	2.4626	0.9066	*	*	*	*
110001	1.4636	0.8563	27.6480	28.5465	29.5684	28.6101
110002	1.3129	0.8929	28.9013	32.2910	31.4618	30.8489
110003	1.3324	0.7746	25.0089	26.0330	25.4762	25.5083
110004	1.3418	0.8754	27.2528	26.8828	29.0667	27.7197
110005	1.4382	0.9528	29.6009	30.4924	30.9276	30.4128
110006	1.6178	0.9305	30.8495	32.2597	34.4102	32.5400
110007	1.7505	0.9056	28.0684	29.8618	31.7901	29.9011
110008	1.4810	0.9528	31.8387	33.5616	31.8787	32.4273
110010	2.4555	0.9528	33.9848	33.7073	37.5179	35.0462
110011	1.4340	0.9528	30.3534	32.2028	34.6167	32.4547
110015	1.0789	0.9528	30.5016	31.7245	32.9437	31.7570
110016	1.3214	0.8582	25.9209	26.3449	27.9587	26.7064
110018	1.4095	0.9528	30.9422	30.8295	32.9879	31.5762
110020	***	*	29.4641	30.4725	31.6465	30.4885
110023	1.4384	0.9528	29.2018	31.1890	31.5376	30.6943
110024	1.5142	0.8817	28.5660	30.7207	31.0718	30.1390
110025	1.4691	0.9309	31.8968	31.0532	32.4958	31.8053
110026	1.1774	0.7746	24.3863	25.6943	25.5958	25.1969
110027	1.0792	0.7746	25.6532	26.2689	26.5342	26.1268
110028	1.8270	0.9527	32.8706	34.0699	34.0976	33.6914
110029	1.8427	0.9528	30.1146	31.6425	33.8978	31.8764
110030	1.4738	0.9528	32.0275	33.2158	35.3984	33.6145
110031	1.2980	0.9528	30.7462	30.4811	31.6496	30.9694
110032	1.2257	0.7746	24.4968	23.1156	25.3848	24.3265
110033	***	*	32.7039	31.9373	*	32.3312
110034	1.8212	0.9527	29.6819	30.4053	34.1394	31.4559
110035	1.6957	0.9528	31.5737	31.8545	33.7827	32.4229
110036	1.9192	0.8817	28.4041	29.4915	30.6530	29.5209
110038	1.6353	0.7804	23.3669	24.2742	26.0470	24.6113
110039	1.3610	0.9527	28.4376	28.9594	29.2688	28.9113
110040	1.0861	0.9528	21.5762	21.1939	23.4093	22.0778
110041	1.4490	0.9305	27.6609	29.2068	29.6983	28.8467
110042	1.0433	0.9528	34.5137	34.0568	35.6003	34.7521

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
110043	1.8463	0.8817	30.3728	31.1628	31.4697	31.0207
110044	1.1492	0.7746	27.0431	25.0449	25.2725	25.8029
110045	1.0749	0.9528	28.2232	31.6766	31.6090	30.4800
110046	1.1860	0.9528	28.6286	28.4212	30.3845	29.1786
110050	1.0846	0.8444	27.1533	29.2759	30.0217	28.7933
110051	1.1636	0.7746	22.1491	23.3866	25.5805	23.8633
110054	1.5235	0.9528	31.5798	27.9775	28.7220	29.3745
110059	1.1670	0.7746	24.9271	24.4436	25.3086	24.8831
110064	1.7636	0.9077	28.7296	30.0182	33.6996	30.7770
110069	1.4012	0.8929	30.6465	31.0168	29.2608	30.2522
110071	1.0603	0.7746	23.6499	22.6384	22.8137	23.0100
110073	1.1093	0.7746	23.0072	23.4570	24.6046	23.6849
110074	1.6250	0.9305	29.0310	30.4310	32.0070	30.5025
110075	1.3248	0.8817	26.1089	26.7302	27.8478	26.9319
110076	1.6273	0.9528	31.0661	30.4815	31.6821	31.0859
110078	2.1377	0.9528	32.0516	35.8457	34.2909	34.0297
110079	1.5730	0.9528	29.0905	28.9872	29.4495	29.1738
110082	2.0493	0.9528	31.1478	33.1144	35.7031	33.2771
110083	2.0957	0.9528	34.5798	34.7446	35.7676	35.0417
110086	1.3316	0.7746	23.4772	23.1298	23.4255	23.3429
110087	1.6146	0.9528	32.8029	33.9036	33.1508	33.2981
110089	1.0939	0.7746	26.0116	25.4960	27.7584	26.4217
110091	1.4186	0.9528	28.0637	29.4898	30.4058	29.2918
110092	1.1014	0.7746	22.8602	24.5262	28.2182	24.9164
110095	1.4911	0.8508	28.0480	31.2298	30.8338	30.0970
110100	0.9291	0.8556	20.0638	22.9014	22.3608	21.8873
110101	1.0901	0.7814	23.8601	25.5998	27.0115	25.5015
110104	1.2299	0.7746	22.2596	22.3707	22.3377	22.3206
110105	1.3045	0.8508	23.7752	24.6128	25.9808	24.8167
110107	1.9862	0.9325	31.5783	34.3508	31.8817	32.6134
110109	0.9841	0.7746	21.6019	22.5719	24.1377	22.7275
110111	1.2997	0.9527	27.6501	25.7188	26.1218	26.4751
110112	1.0053	0.8508	24.2935	23.2426	23.9046	23.7940
110113	0.9056	0.9527	22.0472	24.2980	23.8703	23.3793
110115	1.8784	0.9528	33.3902	34.4864	35.7096	34.5483
110121	1.0235	0.7746	24.5653	27.4406	28.0044	26.6723

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
110122	1.5890	0.8755	26.3071	28.0334	29.0791	27.8028
110124	0.9766	0.7746	24.8552	28.7544	30.2200	27.9406
110125	1.3181	0.8929	26.5006	29.4103	30.8516	28.8615
110128	1.3499	0.7746	24.5284	27.1987	29.1767	26.8886
110129	1.6241	0.9077	29.7332	26.8229	29.6690	28.7891
110130	0.8616	0.7746	21.7089	21.0352	21.7302	21.5091
110132	0.9942	0.7746	21.6039	22.3816	23.0261	22.3425
110135	1.4233	0.7746	25.1027	25.6594	25.4541	25.3958
110142	0.9519	0.7939	22.2164	21.2836	23.4220	22.2520
110143	1.4910	0.9528	30.9621	31.3623	33.8251	32.0572
110146	0.9949	0.9309	30.1181	32.7307	33.2928	32.0816
110150	1.3556	0.8929	27.7920	28.7549	25.9718	27.3903
110153	1.2669	0.8929	30.5108	30.2843	29.0378	29.9181
110161	1.6539	0.9528	32.0002	32.9894	34.2402	33.1043
110163	1.5743	0.9056	29.5693	30.7798	31.5968	30.6951
110164	1.7796	0.9325	31.2830	32.7865	34.6876	32.9571
110165	1.5814	0.9528	28.7925	28.4324	29.6512	28.9468
110168	1.8987	0.9528	30.8750	31.8921	32.9718	31.9136
110172	***	*	33.0452	34.0243	*	33.5073
110177	1.9707	0.9527	30.5526	31.9338	34.1139	32.1851
110183	1.3243	0.9528	29.6622	32.0200	32.3945	31.3716
110184	1.2816	0.9528	30.2920	30.8380	33.5282	31.6112
110186	1.3175	0.9077	29.6503	32.0599	32.7164	31.3889
110187	1.2145	0.9528	31.0164	27.6729	30.2062	29.5462
110189	1.0743	0.9528	27.4207	28.9465	30.6935	29.0587
110190	1.0617	0.8431	29.4198	28.7747	35.0710	30.9664
110191	1.4803	0.9528	28.7505	30.0142	32.1599	30.3011
110192	1.5471	0.9528	31.6627	32.6403	33.8949	32.7867
110194	0.8287	0.7746	20.5267	23.2382	22.8941	22.2276
110198	1.4509	0.9528	34.0050	33.2450	34.3576	33.8700
110200	2.3051	0.9077	29.4633	29.6256	31.9920	30.3302
110201	1.5909	0.9325	33.4292	35.8335	37.5429	35.6404
110203	1.0033	0.9528	32.0594	33.0119	39.2026	34.2394
110205	1.1254	0.8212	26.1973	25.5319	25.5795	25.7616
110209	0.8544	0.7746	22.4549	21.6681	24.1927	22.7937
110212	1.1580	0.8094	*	23.4398	24.7805	24.1197

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
110215	1.5772	0.9528	30.1793	31.2779	34.0438	31.9379
110219	1.5092	0.9528	33.4481	34.8875	35.5795	34.5964
110225	1.4407	0.9528	28.9773	29.6272	31.3111	30.0865
110226	1.2984	0.9528	32.1840	30.2150	31.1969	31.1849
110229	1.5914	0.9528	*	*	30.3562	30.3562
110230	1.4559	0.9528	*	*	35.0804	35.0804
110231	2.6459	0.9305	*	*	*	*
120001	1.9654	1.1582	39.0371	39.2838	41.7842	40.0704
120002	1.3903	1.1240	37.7287	38.3420	40.8461	39.0696
120004	1.4516	1.1582	32.5164	33.3874	34.8788	33.5345
120005	1.4037	1.1240	35.1996	38.2915	39.9388	37.8326
120006	1.3827	1.1582	35.7089	37.6360	38.8087	37.4368
120007	1.6959	1.1582	35.0193	34.8231	35.1439	34.9953
120010	2.0707	1.1582	34.3371	37.3680	38.3032	36.3762
120011	1.6395	1.1582	43.7527	45.9848	46.1156	45.3395
120014	1.3862	1.1240	34.2127	38.1372	37.5329	36.5854
120019	1.1857	1.1240	36.1879	37.4564	39.5249	37.7583
120022	1.8805	1.1582	34.9048	35.3877	38.3908	36.2596
120026	1.4967	1.1582	35.8413	38.2128	40.8061	38.3647
120027	1.4876	1.1582	31.8177	32.7112	36.4792	33.4996
120028	1.3976	1.1240	34.6354	34.7783	35.3970	34.9858
130002	1.4862	0.9027	24.3501	26.4728	25.9204	25.6067
130003	1.7141	0.9615	29.8793	31.4275	32.0498	31.1265
130006	1.7583	0.9262	29.0504	30.0002	31.6998	30.3256
130007	1.8904	0.9262	31.2268	33.4536	33.5741	32.8364
130013	1.4315	0.9262	33.8928	33.6160	34.7966	34.1028
130014	1.2836	0.9262	28.2831	29.1200	31.1589	29.5140
130018	1.7913	0.9632	30.2047	31.8735	34.0700	32.0682
130024	1.2438	0.8240	25.3197	24.4757	27.9247	25.9223
130025	1.2892	0.7552	23.8592	24.2424	25.4832	24.5583
130028	1.7322	0.9336	29.3374	30.5090	32.7435	30.8806
130049	1.6650	1.0336	29.7211	30.8293	32.3219	31.0108
130062	***	*	28.3419	38.1416	38.2016	35.1513
130063	1.5471	0.9262	27.7697	28.8897	30.6360	29.0590
130065	2.0187	0.9632	25.8998	29.4957	31.7109	28.7350
130066	2.3072	0.9539	28.1502	29.3049	30.2156	29.2289

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
130067	3.0407	0.9632	26.8285	28.6474	*	27.6699
130068	***	*	*	25.8399	*	25.8399
130069	2.8776	0.9262	*	*	*	*
130070	2.9727	0.9262	*	*	*	*
140001	1.2495	0.8663	23.2233	23.7481	24.5618	23.9087
140002	1.5362	0.9019	29.1097	29.6312	30.7187	29.8279
140007	1.5429	1.0455	32.4449	34.2607	34.4024	33.7444
140008	1.5089	1.0467	32.7618	33.2563	33.8475	33.2685
140010	1.5525	1.0467	39.3727	39.7245	41.6706	40.3259
140B10[3]	***	*	39.3727	39.7245	41.6706	40.3212
140011	1.1871	0.8342	26.2135	27.0019	27.8999	27.0776
140012	1.1826	1.0323	31.9613	33.0198	33.9621	33.0388
140013	1.3956	0.9247	26.4199	28.2787	29.7601	28.1742
140015	1.3818	0.8914	25.2504	25.8304	27.2800	26.1224
140018	1.4659	1.0467	31.5624	31.2535	32.8781	31.9237
140019	0.9025	0.8342	22.2907	22.9179	22.1774	22.4623
140026	1.2390	0.8638	28.1718	28.5497	28.8965	28.5453
140029	1.6147	1.0455	34.8938	37.7285	39.2923	37.4109
140030	1.6091	1.0455	32.1135	32.8927	34.5324	33.1540
140032	1.2724	0.8914	28.5242	28.4605	28.8062	28.6026
140033	0.8477	1.0687	31.4347	32.3417	37.3159	32.3454
140034	1.2373	0.8914	26.7250	27.6121	29.4226	27.8956
140040	1.2933	0.9137	28.5016	30.5814	29.5659	29.5161
140043	1.2977	0.8618	31.3754	34.4429	36.6352	34.1714
140046	1.5473	0.8914	25.7925	26.8384	27.7909	26.8011
140048	1.3808	1.0467	31.6290	34.4373	35.6153	33.9229
140049	1.5889	1.0467	32.0239	33.6104	35.1305	33.5575
140051	1.6022	1.0467	32.6517	32.7898	35.9661	33.8131
140052	1.4729	0.9019	26.7916	27.7932	28.3571	27.6322
140053	1.8431	0.8907	29.9487	32.7126	32.7073	31.7542
140054	1.5563	1.0467	34.5369	36.9786	37.5300	36.3814
140058	1.2163	0.8907	26.5671	28.6945	29.4589	28.2825
140059	1.1060	0.9019	22.8597	24.6248	27.1293	24.8684
140062	1.4327	1.0467	36.6718	38.3407	40.0353	38.3865
140063	1.5742	1.0467	31.1266	34.4732	34.2888	33.3236

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
140064	1.2440	0.9137	26.6249	28.5964	28.7175	28.0100
140065	1.5255	1.0467	32.4661	34.3988	34.8576	33.9264
140066	0.8358	0.9019	23.6304	24.3856	25.8813	24.6266
140067	1.8100	0.9247	30.6911	31.9470	33.6485	32.1175
140068	1.3473	1.0467	31.3463	32.8724	34.3346	32.8242
140075	***	*	33.6872	34.9376	37.0601	35.1205
140077	1.1765	0.9019	22.5074	24.2006	27.9915	24.7807
140080	1.6004	1.0467	30.3788	33.0275	33.9568	32.4504
140082	1.6828	1.0467	32.0562	33.4686	33.5580	33.0486
140083	1.0840	1.0467	26.1639	29.5034	26.0278	27.1377
140084	1.4066	1.0687	31.3307	32.1286	34.0802	32.4884
140088	2.0925	1.0467	34.4137	36.6991	39.5656	36.8355
140089	1.1697	0.8342	26.6955	27.5295	28.0437	27.4281
140091	1.7821	1.0115	29.7381	33.7851	35.7416	33.1415
140093	1.3604	0.9678	31.2973	29.3377	33.9418	31.5446
140094	0.7328	1.0467	28.8621	28.0819	31.7652	29.3420
140095	1.3861	1.0467	29.9626	35.7876	34.5168	33.4434
140100	1.5029	1.0687	37.3044	39.0405	53.2763	43.9761
140101	1.2867	1.0455	31.0070	32.4260	33.9464	32.5018
140103	1.1752	1.0467	25.3630	26.4236	27.1901	26.3291
140105	***	*	30.7154	*	*	30.7154
140110	1.0816	1.0323	31.3486	33.7263	37.0537	34.0414
140113	1.5438	1.0115	31.6191	33.2262	34.9622	33.3322
140114	1.5369	1.0467	31.1412	31.7038	31.4289	31.4242
140115	1.1726	1.0467	26.2606	30.2062	33.4032	29.8398
140116	1.4871	1.0467	34.2519	35.6726	37.3731	35.8074
140117	1.6529	1.0467	28.5809	34.6766	33.8389	32.2626
140118	1.5189	1.0467	33.8168	34.9352	35.7829	34.8477
140119	1.9388	1.0467	34.6543	35.5146	39.1814	36.4476
140120	1.2850	0.9247	26.2418	27.0681	28.1509	27.1802
140122	1.6620	1.0455	32.4750	34.2512	35.7240	34.1638
140124	1.2545	1.0467	38.8976	39.9267	42.6211	40.3601
140125	1.1748	0.9019	27.6352	28.3533	30.1443	28.6668
140127	1.5604	0.9523	29.3352	30.9124	32.7929	30.9550
140130	1.3285	1.0687	34.9907	35.8275	36.5321	35.7850
140133	1.3550	1.0467	32.8941	34.0222	33.5193	33.4793

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
140135	1.4489	0.9112	25.9057	26.6854	27.2912	26.6118
140137	1.0866	0.9019	*	27.0616	26.9569	27.0094
140143	1.1048	0.8342	27.0312	27.2878	28.8821	27.7646
140145	1.3204	0.9019	26.9344	28.3622	29.2121	28.2021
140147	1.0814	0.8342	22.1035	22.6508	23.5511	22.7827
140148	1.7060	0.8907	28.9471	30.1467	30.0605	29.7419
140150	1.6603	1.0467	39.0316	41.6125	42.0035	40.9013
140151	0.9472	1.0467	27.3552	28.0758	27.9212	27.7895
140152	***	*	32.2803	*	*	32.2803
140155	1.3206	1.0323	35.0825	36.2360	42.9342	38.0739
140158	1.4480	1.0467	32.0137	31.7570	32.5513	32.1276
140160	1.3230	0.9829	28.9043	30.0100	29.7281	29.5556
140161	1.4829	1.0323	28.8150	33.5158	34.2463	32.1524
140162	1.6404	0.9523	33.0995	33.2372	34.3289	33.5598
140164	1.7410	0.8342	27.3133	27.5981	28.8827	27.9483
140166	1.2438	0.9112	27.6725	27.5406	28.8318	28.0436
140167	1.1637	0.8342	24.2749	21.2479	26.4163	23.8760
140172	1.4264	1.0467	33.4616	36.8394	37.7898	35.9979
140174	1.6817	1.0455	33.9382	35.1535	37.2213	35.4862
140176	1.2563	1.0467	33.2235	34.3901	35.2474	34.3194
140177	1.0534	1.0467	26.0727	28.0720	30.3713	28.2119
140179	1.4032	1.0467	31.3624	30.6997	31.6593	31.2406
140180	1.4341	1.0467	29.8009	31.4683	33.1831	31.5677
140181	1.2767	1.0467	27.5414	29.0862	28.5827	28.4001
140182	1.5270	1.0467	26.4103	34.4971	35.0847	31.5371
140184	1.4579	0.8342	27.5858	28.2155	30.8810	28.8696
140185	1.4880	0.9019	27.9433	29.7742	31.1163	29.6209
140186	1.5823	1.0323	32.8063	32.5128	33.6497	32.9984
140187	1.5586	0.9019	26.9265	29.2345	29.0150	28.4359
140189	1.2512	0.8342	29.1371	25.9192	29.7443	28.2279
140191	1.4166	1.0467	29.7684	31.4076	32.4757	31.2541
140197	1.0537	1.0467	24.8715	26.9930	26.0614	25.9598
140200	1.5345	1.0455	31.3712	33.2897	34.0868	32.9105
140202	1.4834	1.0687	34.3789	38.4323	37.4214	36.7750
140206	1.1584	1.0467	31.1406	31.5212	27.6427	29.9651
140207	1.2953	1.0467	31.6818	25.8073	32.4874	29.9202

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
140208	1.8222	1.0467	26.1749	26.2434	36.5625	29.1083
140209	1.6452	0.9247	28.8774	31.5349	31.8673	30.7293
140210	1.0405	0.8342	22.2512	24.1193	24.7376	23.7498
140211	1.4102	1.0455	34.5917	36.0400	37.0954	35.9438
140213	1.2807	1.0455	33.3932	33.6351	35.2016	34.1074
140217	1.5985	1.0455	33.2172	34.8475	36.7916	35.0335
140223	1.6066	1.0467	34.6997	36.6437	38.4099	36.5719
140224	1.4303	1.0467	30.2241	34.4001	32.1594	32.1531
140228	1.4921	1.0006	28.7462	30.7381	33.1724	30.9914
140231	1.5719	1.0455	35.6724	36.3601	38.3032	36.8493
140233	1.7853	1.0006	32.3376	35.7752	36.3886	34.8790
140234	1.0863	0.8638	25.7660	26.9670	27.9382	26.9002
140239	1.7231	1.0006	33.7264	35.6391	35.7029	35.0237
140240	1.4344	1.0467	28.0986	32.9491	34.4714	31.9066
140242	1.6355	1.0455	36.8032	40.7474	41.8148	39.8954
140250	1.2990	1.0467	32.9414	33.7382	35.9552	34.1583
140251	1.4663	1.0467	29.5941	31.5378	33.9137	31.6519
140252	1.5144	1.0467	36.1531	37.6031	38.6010	37.4880
140258	1.7431	1.0467	34.5696	34.9198	36.5007	35.3489
140275	1.4119	0.8618	26.7394	26.7114	28.4089	27.3093
140276	2.0654	1.0467	32.7073	33.1620	35.5860	33.8463
140280	1.4890	0.8618	26.9835	28.0388	28.9833	28.0224
140281	1.7722	1.0467	37.5700	38.6663	40.3035	38.8921
140286	1.2278	1.0455	32.2246	38.2039	37.1421	35.9395
140288	1.6334	1.0455	32.5472	34.1167	37.2937	34.6391
140289	1.3772	0.9019	26.0872	26.7573	27.9748	26.9787
140290	1.5455	1.0467	35.9679	34.5766	36.0910	35.5293
140291	1.6451	1.0687	32.7884	34.2987	37.6820	34.9828
140292	1.3397	1.0455	32.4496	32.9675	34.8169	33.4335
140294	1.2039	0.8342	26.9789	27.4105	29.1291	27.8159
140300	1.0783	1.0467	37.4508	35.5837	50.8399	41.0132
140301	0.9779	1.0467	35.9742	*	25.6069	29.8693
140303	2.2113	1.0467	33.0359	31.4718	27.9269	30.4360
140304	1.4263	1.0455	*	*	*	*
150001	1.2764	0.9511	32.9804	32.5348	32.6297	32.7148
150002	1.6234	1.0323	28.1076	28.3271	29.6905	28.6820

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
150003	1.7222	0.9211	29.3660	30.1317	33.7073	30.8984
150004	1.5661	1.0323	31.7867	34.4889	35.7071	34.0029
150005	1.3511	0.9511	31.6090	32.6541	33.1179	32.4681
150006	1.4802	0.9445	28.3403	29.7289	30.6306	29.5973
150007	1.5994	0.8969	31.0384	32.4836	32.2298	31.9370
150008	1.4456	1.0323	29.1492	30.9426	33.9870	31.5695
150009	1.5710	0.8810	26.1517	25.9625	26.7891	26.3075
150010	1.6352	0.8969	28.2616	32.8116	30.3873	30.4161
150011	1.3841	0.9511	27.7870	27.8089	29.9431	28.4970
150012	1.5535	0.9844	31.6762	32.0116	33.6506	32.4574
150015	1.4932	0.9028	30.2516	32.6995	36.4154	32.8813
150017	1.7290	0.9203	27.1262	27.4538	30.5938	28.4044
150018	1.6443	0.9445	30.0928	30.9511	32.3280	31.1271
150021	1.7703	0.9203	31.1158	33.1505	34.1233	32.7891
150022	1.0676	0.8612	26.9525	29.7752	29.6975	28.8110
150023	1.5976	0.9511	30.3667	30.8457	32.8854	31.3908
150024	1.6680	0.9511	30.6154	32.1844	32.4374	31.8086
150026	1.2688	0.9445	31.9397	33.1225	34.1049	33.0885
150029	***	*	31.0692	32.1154	34.7470	32.5698
150030	1.1399	0.9511	31.1986	34.5137	33.5357	33.0658
150033	1.4780	0.9511	32.9469	31.7314	32.8768	32.5228
150034	1.5129	1.0323	30.0048	30.9961	32.0665	31.0341
150035	1.4857	0.9028	29.2039	27.9432	28.4279	28.5206
150037	1.4116	0.9511	30.4640	32.2960	34.2666	32.3692
150038	1.2551	0.9511	31.9552	32.2545	32.5543	32.2583
150042	1.3233	0.8687	25.2456	25.2218	26.7161	25.7175
150044	1.5944	0.8810	25.9284	26.6389	28.1622	26.9147
150045	0.9713	0.8361	29.4323	30.0052	30.9207	30.1025
150046	1.5593	0.9212	27.6228	29.7184	30.9654	29.3854
150047	1.6689	0.9203	27.1847	27.9365	31.6507	28.8997
150048	1.5145	0.9593	29.5588	30.5008	32.3958	30.8298
150051	1.6271	0.9511	30.3764	31.2746	32.2657	31.3278
150056	2.0215	0.9511	30.5777	30.8461	32.4031	31.2946
150057	1.8617	0.9511	29.2358	30.4490	32.1298	30.5843
150058	1.6714	0.9844	31.7558	32.4036	35.0250	33.0649
150059	1.4935	0.9511	36.2570	30.4189	32.7391	32.9236

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
150061	1.1637	0.8361	23.2427	24.7808	25.5354	24.5382
150064	1.1633	0.9511	28.9430	29.7898	31.2189	29.8692
150065	1.2812	0.9511	30.7970	31.7556	30.5764	31.0263
150069	1.1856	0.9593	27.0740	28.6514	29.6637	28.4852
150072	1.1231	0.8453	23.0619	24.6596	25.9259	24.5284
150074	1.4197	0.9511	29.4135	31.6043	32.2693	31.1351
150075	1.1147	0.9203	26.5987	27.1412	29.3253	27.5816
150076	1.3188	0.9445	30.2972	29.4643	30.9772	30.2388
150082	1.5964	0.8361	28.1302	28.0003	28.9121	28.3718
150084	1.8928	0.9511	35.0288	35.4818	35.6641	35.4130
150086	1.1942	0.9593	27.2580	28.8279	29.7408	28.6114
150088	1.3132	0.9511	30.2396	31.9171	33.4869	31.8591
150089	1.7163	0.8696	26.7290	28.0389	28.6143	27.7655
150090	1.4939	1.0323	30.9274	33.6812	32.6472	32.3780
150091	1.1504	0.9203	33.0421	32.9027	32.9069	32.9497
150097	1.2299	0.9511	29.4797	29.9967	31.3599	30.2962
150100	1.6908	0.8361	27.6339	30.0246	30.5792	29.4364
150101	1.0091	0.9203	31.6031	32.5860	33.5799	32.5996
150102	1.0478	0.9028	25.4717	30.4952	30.6858	28.7323
150104	1.2531	0.9511	30.8984	31.2245	32.6367	31.6520
150109	1.6020	0.9211	29.0076	31.0757	31.1542	30.3473
150112	1.5048	0.9511	31.7966	32.0659	33.0833	32.3322
150113	1.2748	0.9511	26.9098	29.0485	31.1284	29.0331
150115	1.3849	0.8361	22.3571	25.0221	22.3911	23.2176
150125	1.5510	1.0323	30.7113	31.6959	31.3249	31.2479
150126	1.3388	1.0323	32.6488	34.5086	34.8705	34.0137
150128	1.4381	0.9511	31.1071	30.7549	33.5421	31.8223
150129	1.4581	0.9511	32.9629	36.4709	35.4468	35.0559
150133	1.1372	0.9445	23.0662	25.1415	27.9662	25.3965
150134	***	*	27.3983	30.4440	*	28.8978
150146	1.1222	0.9414	31.8757	32.9491	33.5246	32.8186
150147	***	*	28.9269	28.9204	25.8261	28.0014
150149	0.9508	0.8361	25.3350	26.4595	28.5387	26.8755
150150	1.3103	0.9203	26.5984	26.5020	30.8735	28.0119
150153	2.2954	0.9511	37.3948	38.6948	40.7215	38.9628
150154	2.2826	0.9511	30.5775	32.3383	33.4212	32.1347

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
150157	1.7623	0.9511	32.9167	35.4134	36.4550	34.9919
150158	1.3123	0.9511	30.4355	31.5245	33.9116	32.0793
150159	***	*	27.5595	*	*	27.5595
150160	2.0703	0.9511	27.6375	31.2957	35.6878	31.9424
150161	1.6991	0.9511	*	32.3409	32.7880	32.5716
150162	1.8807	0.9511	*	32.2317	34.3034	33.2490
150163	1.0317	0.8810	*	26.0437	25.0146	25.4847
150164	1.2919	0.9245	*	*	34.3607	34.3607
150165	1.4820	1.0323	*	*	29.3019	29.3019
150166	0.9623	1.0323	*	*	22.9271	22.9271
150167	2.3686	0.9203	*	*	*	*
150168	2.1247	0.9203	*	*	*	*
150169	1.6356	0.9511	*	*	*	*
150170	1.3876	1.0323	*	*	*	*
150172	1.6329	0.8810	*	*	*	*
150173	1.6384	0.9211	*	*	*	*
150174	0.9714	0.9028	*	*	*	*
150175	2.3255	0.8361	*	*	*	*
150176	2.7334	0.8810	*	*	*	*
160001	1.3311	0.9485	25.8686	27.4207	28.7099	27.3326
160005	1.2769	0.8498	24.8597	25.6204	27.4917	26.1096
160008	0.9769	0.8498	24.1282	24.3704	24.4497	24.3155
160013	1.2219	0.8685	25.5162	26.6913	28.1891	26.7376
160016	1.5478	0.9235	26.6537	27.9879	28.8021	27.8144
160024	1.5796	0.9485	32.4253	32.7762	34.4365	33.1992
160028	1.4350	0.9510	29.8343	32.4639	33.7785	32.0904
160029	1.5442	0.9510	32.2035	33.7679	34.1917	33.3869
160030	1.3905	1.0016	30.4779	32.0333	35.0846	32.5833
160032	0.9942	0.8839	28.5645	29.0326	31.8085	29.8300
160033	1.6046	0.8618	27.4810	27.6537	29.9665	28.3732
160040	1.4565	0.8498	28.2982	27.9810	28.9805	28.4165
160045	1.7963	0.8763	28.1681	30.0063	30.1557	29.4747
160047	1.2816	0.9510	29.4286	31.2897	32.5410	31.0812
160057	1.5524	0.9383	27.7969	28.3640	29.9080	28.7095
160058	2.0933	0.9510	29.8975	31.2742	33.2320	31.5155
160064	1.4740	0.9104	33.6082	32.7787	33.3370	33.2334

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
160067	1.4190	0.8498	26.7679	27.2055	27.9863	27.3213
160069	1.5388	0.8527	28.4081	29.0981	30.1739	29.2235
160079	1.5326	0.8763	28.5034	29.8338	31.5836	30.0015
160080	1.2455	0.8618	27.8745	27.4136	29.4683	28.2508
160082	1.8108	0.9485	31.7508	34.0609	34.3141	33.3856
160083	1.7250	0.9485	29.9489	31.0514	33.2497	31.4494
160089	1.3913	0.8498	23.9194	25.0810	26.2942	25.0591
160101	1.1089	0.9485	26.8515	27.1889	27.7523	27.2723
160104	1.6136	0.8618	27.0538	27.8486	29.6187	28.2439
160110	1.5439	0.8498	29.9094	30.8876	32.2713	31.0216
160112	1.2738	0.8498	26.1721	26.7136	28.5427	27.1637
160117	1.4386	0.8527	24.3326	28.8434	29.5419	27.4138
160122	1.1901	0.8498	25.3192	26.6212	27.6209	26.5321
160124	1.0341	0.8498	25.5048	27.2937	27.7842	26.8757
160146	1.5275	0.8927	25.1834	27.1213	27.6992	26.6860
160147	1.1959	0.9235	33.6394	37.2058	33.7922	34.8361
160153	1.7431	0.8927	30.4356	32.1357	33.9188	32.1398
160155	***	*	*	30.2301	*	30.2301
160156	1.6040	0.8763	*	*	*	*
170001	1.1336	0.7990	24.5942	26.2914	27.4924	26.1347
170006	1.3107	0.8409	28.3527	30.5591	29.7039	29.5405
170009	1.1982	0.9514	32.2847	29.3342	35.8139	32.4214
170010	1.2280	0.7990	28.1802	28.6734	28.0225	28.2857
170012	1.6238	0.7990	28.7878	30.0388	31.3285	30.0679
170013	1.8476	0.8845	28.3051	29.6511	29.3136	29.1030
170014	1.0892	0.9514	25.8165	27.2909	28.6642	27.2564
170016	1.7045	0.9096	28.6817	31.9998	32.2154	30.9367
170017	1.1853	0.8819	29.1463	29.5447	30.5545	29.7618
170020	1.5234	0.8716	25.0561	26.1258	27.5267	26.2659
170023	1.4396	0.7990	24.8827	24.9932	23.5945	24.4631
170027	1.4459	0.7990	24.1133	24.6748	28.0618	25.5280
170033	1.2736	0.8716	25.0404	26.9830	28.5416	26.8290
170039	1.0418	0.8819	23.5975	24.1339	25.9946	24.6007
170040	1.9930	0.9514	30.0828	33.3813	34.7542	32.6359
170049	1.5816	0.9514	31.8595	34.8212	36.0453	34.2790
170058	1.0032	0.9514	28.1330	28.6239	28.3939	28.3847

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
170068	1.1495	0.8399	23.8509	25.6803	26.5991	25.3770
170074	1.1194	0.7990	24.8871	26.7280	27.0989	26.2418
170075	0.8374	0.7990	21.1965	20.9091	23.3361	21.8104
170086	1.5306	0.9096	28.5260	30.0102	31.6797	30.1229
170094	0.9016	0.7990	17.1719	26.4808	26.5182	22.5983
170103	1.4110	0.8819	25.5671	26.2628	27.2927	26.3968
170104	1.5054	0.9514	29.7793	31.7058	33.9851	31.8232
170105	1.0539	0.7990	23.4332	24.4249	25.3842	24.4229
170109	1.2001	0.9514	29.0197	33.0257	35.5902	32.6026
170110	0.9742	0.7990	24.7927	26.7359	27.8054	26.4654
170120	1.5992	0.7990	23.5287	24.9819	25.5442	24.7148
170122	1.7938	0.8819	29.6337	31.0839	31.6953	30.8189
170123	1.8214	0.8819	28.7627	29.1591	30.2106	29.3841
170133	1.0783	0.9514	25.7129	27.6138	29.6857	27.6809
170137	1.5460	0.7990	26.8029	28.6556	29.7218	28.4175
170142	1.4422	0.8907	25.5567	26.4060	27.8156	26.6242
170145	1.2223	0.7990	25.3745	26.5981	26.7895	26.2826
170146	1.6495	0.9514	31.7023	31.6451	33.8549	32.3707
170147	***	*	21.4581	*	*	21.4581
170150	1.1460	0.8133	22.0265	22.2379	22.4168	22.2250
170166	0.9627	0.7990	24.1079	24.4570	25.1569	24.5747
170175	1.2714	0.8716	31.7600	30.1456	32.3747	31.4397
170176	1.6710	0.9514	30.1135	31.4048	32.9892	31.5099
170182	1.4837	0.9514	30.3805	32.3903	32.5488	31.7971
170183	2.0144	0.8819	27.7207	27.5559	27.2280	27.4870
170185	1.3885	0.9514	29.3226	31.0813	31.8944	30.8239
170186	2.5662	0.8819	30.7673	36.3546	37.5555	34.8719
170187	1.8179	0.7990	24.6419	26.2236	27.0072	25.9990
170188	2.0192	0.9514	33.7247	34.0134	35.3969	34.4593
170190	1.0539	0.7990	27.3041	28.7392	29.4546	28.5196
170191	1.6762	0.7990	26.0305	26.2347	26.3239	26.2056
170192	1.8218	0.8819	30.9230	31.7531	31.2301	31.3156
170193	***	*	24.4131	21.9349	*	23.1732
170194	1.3210	0.9514	28.2004	29.8055	35.7190	31.0251
170195	2.6049	0.9514	29.1787	31.0187	31.1434	30.5894
170196	2.4657	0.8819	29.9671	29.9241	30.4796	30.1295

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
170197	2.3696	0.8819	*	*	33.5871	33.5871
170198	1.9628	0.7990	*	*	21.2698	21.2698
180001	1.3332	0.9593	29.9674	29.7832	30.9838	30.2388
180002	1.0159	0.8025	27.3344	28.4044	31.5452	29.0298
180004	1.1704	0.7957	22.0626	25.7454	24.9532	24.2670
180005	1.1872	0.7957	27.4317	27.9687	27.9438	27.7826
180007	***	*	26.9440	29.3465	27.5457	27.8795
180009	1.7787	0.8880	28.7048	28.9804	29.4309	29.0610
180010	2.0260	0.8760	28.2168	29.8818	30.7775	29.6381
180011	1.7841	0.8626	25.0372	26.6072	27.6650	26.5198
180012	1.5168	0.8810	27.2851	27.8386	29.2425	28.1376
180013	1.5078	0.9280	26.8108	28.6307	30.5698	28.7209
180016	1.3865	0.7957	26.9539	28.2975	29.3722	28.1740
180017	1.3206	0.8311	25.4174	26.0927	26.1053	25.8753
180018	1.4264	0.8626	24.9874	25.0082	26.1033	25.3849
180019	1.1841	0.7957	27.6801	27.5969	28.3775	27.8968
180020	1.0587	0.8025	26.8865	29.8100	32.2271	29.5397
180021	0.9701	0.7957	22.3768	24.2127	25.2066	23.9245
180024	1.2076	0.8353	26.9553	27.8181	29.6250	28.1394
180025	1.4648	0.8810	28.4172	30.2576	30.4293	29.7381
180027	1.1926	0.7957	23.3881	24.0032	25.5862	24.3439
180029	1.3851	0.8626	26.3907	29.1400	33.4416	29.5244
180035	1.5342	0.9593	34.0370	36.6577	38.6645	36.4402
180036	1.4322	0.8880	30.2643	31.9987	31.3634	31.1868
180037	***	*	33.1897	28.5734	*	30.8765
180038	1.6881	0.7957	28.2430	28.5219	29.7930	28.8753
180040	1.8998	0.8810	30.2471	28.9562	29.2132	29.3762
180043	1.0208	0.7957	24.0582	25.0444	25.3256	24.8642
180044	1.7655	0.8729	25.7990	27.7934	29.8308	27.8637
180045	1.4112	0.9593	29.9366	29.9395	30.5356	30.1379
180046	1.1858	0.8760	28.5568	30.0536	32.2894	30.3563
180048	1.3799	0.8810	24.6800	25.3490	26.8313	25.6487
180049	1.5640	0.8626	23.5756	25.8921	26.3445	25.2345
180050	1.0789	0.7957	26.7726	29.9911	31.6423	29.3799
180051	1.3473	0.7957	25.2369	26.2560	27.0283	26.1992
180053	0.9345	0.7957	23.0302	24.6694	23.9194	23.8815

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
180056	1.1784	0.8357	26.3973	26.6223	27.8825	26.9638
180064	1.3127	0.8168	21.9517	22.5090	22.7958	22.4385
180066	1.0981	0.8474	24.9542	27.2184	27.9417	26.6868
180067	2.0349	0.8760	29.6053	28.9896	30.0550	29.5697
180069	1.0562	0.8729	27.6785	29.9406	32.9994	30.0147
180070	1.3985	0.8078	21.3707	22.8450	24.2407	22.8589
180078	1.1477	0.8729	29.2136	27.4672	28.5438	28.3969
180079	1.1129	0.8131	24.9911	27.2710	26.6427	26.2944
180080	1.2983	0.7957	25.3013	27.2402	28.8798	27.1688
180087	1.3935	0.7957	22.1063	23.2617	24.6628	23.3436
180088	1.8784	0.8810	30.7954	31.8151	32.8838	31.8430
180092	1.2199	0.8760	25.2900	27.0330	26.1035	26.1598
180093	1.6163	0.8116	22.3330	23.5805	24.2302	23.4008
180095	0.9817	0.7957	21.2162	23.9869	25.2742	23.4675
180101	1.3075	0.8760	28.8772	29.6176	31.3685	30.0013
180102	1.5096	0.8325	27.3901	28.3445	26.8886	27.5244
180103	1.8987	0.8760	29.7648	31.7171	33.5024	31.6641
180104	1.5028	0.8325	27.1292	28.7669	29.7545	28.5731
180105	0.9798	0.7957	24.3663	22.9902	23.8783	23.7503
180106	0.8418	0.7957	21.2271	20.1899	21.6369	21.0328
180115	0.9093	0.7957	22.7095	24.9627	24.7222	24.1589
180116	1.3811	0.8325	26.8850	26.9052	28.8350	27.5313
180117	0.8909	0.7957	24.9571	25.9593	32.4322	27.4620
180124	1.4443	0.9280	27.1359	28.2511	30.0346	28.4149
180127	1.3104	0.9593	28.3635	29.8610	30.7333	29.6661
180128	0.9465	0.7957	23.7778	23.9098	25.5746	24.4176
180130	1.6650	0.8810	29.6751	31.2746	32.7395	31.2576
180132	1.3644	0.8626	29.0563	29.5884	29.0754	29.2355
180138	1.2014	0.8810	29.2603	30.7144	32.5413	30.8691
180139	1.0292	0.7957	26.2450	28.3450	28.6303	27.6831
180141	1.9520	0.8810	28.7329	29.5347	30.4173	29.5803
180143	1.7482	0.8760	28.0780	29.0323	30.9817	29.3864
180149	1.0602	0.7957	16.4918	16.3670	21.0293	17.8136
180150	***	*	*	27.9388	*	27.9388
180151	***	*	*	*	30.5548	30.5548
190001	1.2286	0.7910	22.5331	25.3862	29.4366	25.9390

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
190002	1.6804	0.8434	25.9387	27.1770	27.9755	27.0325
190003	1.4192	0.8434	28.0899	30.5381	32.3943	30.3019
190004	1.5130	0.7955	24.6563	27.0776	27.9541	26.6299
190005	1.6165	0.8964	28.3308	32.9927	37.7220	33.1294
190006	1.3802	0.8434	25.4826	28.9179	29.0341	27.9150
190007	1.1745	0.7910	24.0538	24.6117	25.6561	24.7757
190008	1.7700	0.7955	27.2683	28.1194	28.2325	27.8874
190009	1.0153	0.8127	25.0269	24.8263	26.5888	25.4978
190011	1.0472	0.8085	21.9174	24.2068	26.6802	24.1700
190013	1.5009	0.8164	22.8380	25.2468	25.4352	24.5312
190014	1.1793	0.7910	24.5410	25.6064	40.7501	28.3699
190015	1.4420	0.8964	26.9591	29.5241	30.0800	28.8947
190017	1.4652	0.8434	25.5477	26.9640	25.4720	25.9802
190019	1.7524	0.8127	27.6057	28.6311	28.7429	28.3536
190020	1.3278	0.8686	24.2361	25.9262	28.0273	26.1642
190025	1.3326	0.7910	26.5949	26.6296	28.3544	27.1661
190026	1.7583	0.8127	25.3752	27.0875	28.8897	27.0946
190027	1.6967	0.8164	31.5047	29.4789	30.4014	30.3905
190034	1.1283	0.8045	22.9920	24.3969	26.3116	24.6129
190036	1.7818	0.8964	29.1818	27.7969	28.4731	28.4470
190037	0.7254	0.8164	28.0463	19.5982	18.7972	23.3675
190039	1.6259	0.8964	24.6848	29.0738	29.9665	27.9939
190040	1.4743	0.8964	28.2444	29.0914	29.9696	29.1339
190041	1.5169	0.8611	28.7702	29.3296	30.0940	29.3847
190044	1.2801	0.8095	22.2462	23.1701	24.3770	23.2873
190045	1.5746	0.8964	27.5873	29.2569	30.1234	29.0388
190046	1.6328	0.8964	25.1890	30.9760	30.5410	29.0312
190050	1.2653	0.7966	22.7962	23.6921	25.5258	24.0045
190053	1.2074	0.8012	20.6289	22.1404	23.5988	22.1805
190054	1.3179	0.7971	23.5137	26.5586	26.1148	25.4390
190060	1.4983	0.8164	19.8911	25.1496	27.7720	23.8818
190064	1.7058	0.8686	26.9960	28.6273	31.9836	29.2661
190065	1.7366	0.8686	22.9861	24.3651	27.9398	25.1110
190078	1.1497	0.8044	25.6943	26.0185	29.3271	27.0437
190079	1.1235	0.8964	25.3344	28.0268	29.1127	27.5269
190081	0.8388	0.7910	20.4111	21.2224	19.7228	20.4547

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
190086	1.3020	0.8085	22.2852	24.2040	26.9719	24.3187
190088	1.0754	0.8191	24.7450	29.5999	28.2045	27.5180
190090	0.9838	0.7910	25.8610	25.0681	27.3204	26.0691
190098	1.7167	0.8611	27.5058	27.8846	30.6530	28.7025
190099	1.0253	0.8015	25.7488	25.7136	28.4919	26.6705
190102	1.5099	0.8434	28.3090	28.6165	29.3771	28.7633
190106	1.1005	0.8127	24.2759	25.5188	28.9361	26.2131
190111	1.7590	0.8611	27.3192	28.8406	30.5678	28.9640
190114	1.0703	0.7910	20.3651	21.1463	21.6231	21.0606
190115	***	*	26.0285	25.7014	26.8130	26.0523
190116	1.0753	0.7962	24.2154	24.4439	24.8437	24.4763
190118	1.0876	0.8611	22.6572	22.3386	23.2836	22.7652
190122	1.0958	0.8686	22.8681	24.5686	31.3913	26.4871
190124	***	*	28.6713	*	*	28.6713
190125	1.6466	0.8085	26.6269	26.9761	28.3593	27.4096
190128	1.0737	0.8686	31.1819	32.2095	33.7971	32.4200
190131	1.0333	0.8686	28.5946	29.9837	*	29.2828
190133	0.9268	0.7991	23.9550	27.2643	30.2477	27.1223
190135	1.4976	0.8964	35.0547	43.3956	30.1783	34.5478
190140	0.9443	0.7931	23.6713	23.2346	24.0204	23.6404
190144	1.3143	0.8611	24.8866	25.8501	28.3036	26.4021
190145	0.9783	0.7960	21.3988	22.1298	23.2156	22.2666
190146	1.5988	0.8964	28.5984	29.8336	31.9250	30.1773
190151	0.8796	0.7910	20.6970	23.0032	23.1695	22.2541
190152	***	*	34.6508	34.6962	*	34.6751
190158	***	*	21.5594	*	*	21.5594
190160	1.5857	0.8085	25.8646	26.4460	30.4379	27.3739
190161	1.1145	0.8164	23.8073	24.8249	29.2908	26.0454
190164	1.1621	0.7985	27.7265	28.2630	29.1501	28.3895
190167	1.1858	0.8434	27.1981	29.3971	31.7116	29.4476
190175	1.4156	0.8964	30.5948	31.4039	32.4181	31.4544
190176	1.8915	0.8964	28.2192	32.2906	33.3670	31.0851
190177	1.8394	0.8964	29.7252	30.9158	33.1157	31.2414
190182	***	*	30.7058	*	*	30.7058
190183	1.3719	0.7955	23.3462	25.0395	27.3509	25.2419
190184	0.9910	0.7985	22.6144	22.5006	23.5652	22.8901

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
190185	***	*	36.7317	*	*	36.7317
190190	0.9500	0.8085	27.5051	27.5875	28.9875	28.1199
190191	1.2692	0.8044	26.9656	28.1116	32.0257	28.8862
190196	0.8810	0.8434	27.7824	28.4697	30.6579	29.0035
190197	***	*	28.7044	29.4072	*	29.0218
190199	1.0401	0.8686	36.7128	29.8286	28.2996	31.3500
190201	1.1431	0.8164	26.8550	27.8244	29.9264	28.1877
190202	1.6103	0.8686	27.6463	27.8790	27.6445	27.7278
190204	1.5181	0.8964	32.9140	31.9034	33.9644	32.9173
190205	1.7463	0.8434	30.1687	31.6103	32.4248	31.3896
190206	***	*	32.0180	30.4228	*	31.2019
190208	0.8027	0.7910	24.9405	27.5238	30.0154	27.5723
190218	0.8614	0.8611	26.5251	26.9305	28.1252	27.1844
190236	1.4843	0.8611	26.9059	28.6472	30.3119	28.6612
190241	1.3729	0.7955	26.5320	27.5130	28.2954	27.5238
190242	1.3789	0.8686	26.9729	28.7307	28.2808	28.0344
190245	1.4118	0.8085	26.4166	26.6403	28.0180	26.9888
190246	2.1718	0.7985	31.7158	31.5003	31.9438	31.7321
190249	***	*	27.0975	28.3211	25.9997	26.9704
190250	2.2150	0.8964	32.8381	35.2699	34.8604	34.3606
190251	1.3719	0.8686	25.1594	27.3657	22.3853	24.6260
190253	***	*	22.2227	*	*	22.2227
190255	0.8263	0.8434	23.8035	27.8066	29.2058	26.9371
190256	1.0879	0.8964	25.9365	28.7148	28.7915	27.9122
190257	1.7222	0.8085	22.7512	24.2936	25.5176	24.1258
190258	1.8369	0.8611	25.1993	27.7948	22.8748	24.8290
190259	2.1986	0.8434	27.5518	28.9188	32.6301	29.7424
190260	***	*	33.6227	*	*	33.6227
190261	1.5307	0.8085	25.4757	28.7987	29.7560	28.0746
190263	2.3305	0.8434	29.7063	36.3082	35.0861	33.5957
190265	***	*	30.9260	*	*	30.9260
190266	2.9075	0.8686	24.3809	32.3423	32.8535	29.9624
190267	1.4667	0.8964	24.2794	27.6254	30.2475	27.6505
190268	1.5022	0.8434	29.1425	25.8619	27.3050	27.2594
190270	1.8564	0.8964	*	28.5382	29.0574	28.8214
190272	1.3915	0.8434	28.4558	28.4184	23.0702	27.0083

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
190273	1.8338	0.8686	*	22.7627	21.7837	22.2231
190274	1.8427	0.8964	*	*	28.1128	28.1128
190275	***	*	*	*	29.8209	29.8209
190278	2.3634	0.8611	*	*	23.8972	23.8972
190297	1.1631	0.7910	*	*	*	*
200001	1.3741	0.9651	28.1145	28.9839	29.1670	28.7667
200002	1.2267	0.9465	33.2695	30.4965	27.7502	29.9690
200008	1.4018	0.9885	29.3538	32.3955	34.1427	32.0121
200009	1.9252	0.9885	35.0743	36.9995	36.6216	36.2321
200018	1.3541	0.8550	24.6790	25.4228	25.7060	25.2725
200019	1.4200	0.9885	28.3413	30.1233	30.4156	29.6126
200020	1.2880	1.0171	34.5762	36.9185	40.2167	37.3309
200021	1.2139	0.9885	28.7614	31.8322	32.8539	31.2416
200024	1.6897	0.9465	31.0799	31.6913	31.9731	31.6024
200025	1.0822	0.9885	29.3607	30.2866	27.5904	29.0492
200031	1.2922	0.8550	23.7553	25.5973	25.9030	25.1172
200032	1.0966	0.8917	27.2276	27.8426	29.5270	28.2308
200033	1.8148	0.9651	33.6293	34.8017	34.8344	34.4346
200034	1.5798	0.9465	28.0417	28.5612	29.9180	28.9063
200037	1.1561	0.8550	26.7815	27.9167	29.6936	28.2024
200039	1.3319	0.9465	28.8043	29.9958	31.1083	30.0137
200040	1.0262	0.9885	25.5519	29.6104	29.7535	28.2949
200041	1.2990	0.8550	27.5067	28.7604	34.7992	30.1914
200050	1.1681	0.9651	30.1473	32.0363	34.1295	32.1599
200052	1.0602	0.8550	25.6238	24.4545	27.8885	25.8956
200063	1.1945	0.8550	28.2203	29.6832	30.0507	29.3664
210001	1.5177	0.9572	31.2355	30.9218	34.1438	32.0935
210002	2.0643	1.0151	36.0252	36.8782	37.3977	36.7890
210003	1.5893	1.0513	28.2566	34.4117	33.3073	31.8002
210004	1.4458	1.0496	33.9037	32.4548	34.4088	33.6063
210005	1.4195	1.0496	32.4081	32.2224	36.0013	33.5795
210006	1.1291	1.0151	27.9859	31.8510	33.3367	31.1101
210007	1.7980	1.0151	31.4125	35.3019	40.3645	35.4047
210008	1.4858	1.0151	31.8535	33.0343	33.6017	32.8716
210009	1.8265	1.0151	31.8273	34.4385	37.6659	34.7016
210011	1.4747	1.0151	30.7547	29.7694	28.5986	29.6638

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
210012	1.7244	1.0151	32.5327	33.8099	34.9535	33.8058
210013	1.3276	1.0151	32.1180	35.6347	35.7358	34.5777
210015	1.3298	1.0151	31.6903	34.7961	35.0662	33.9077
210016	1.8075	1.0496	35.3253	37.1478	38.1774	36.9059
210017	1.1984	0.9262	26.6208	27.9652	27.6553	27.4194
210018	1.2329	1.0496	31.5460	33.7284	36.4156	33.9785
210019	1.7439	0.9262	30.5485	30.8121	31.7957	31.0539
210022	1.5465	1.0496	36.1833	35.8394	37.6708	36.5871
210023	1.5697	1.0189	34.1664	35.8243	37.3156	35.8033
210024	1.7983	1.0151	34.5548	36.7920	36.9018	36.1089
210025	1.3682	0.9262	23.5175	28.3956	29.8053	27.1446
210027	1.4746	0.9262	25.2143	25.6339	27.5980	26.1526
210028	0.9952	0.9645	28.5214	31.7636	34.3131	31.6983
210029	1.3475	1.0151	32.9100	33.9139	34.5075	33.8223
210030	1.1460	0.9262	29.1790	33.8729	34.4330	32.5402
210032	1.2840	1.0753	29.2785	31.6516	32.2034	31.0732
210033	1.2494	1.0151	28.4350	33.0982	34.9230	32.1677
210034	1.3548	1.0151	33.0407	35.1533	36.2172	34.8437
210035	1.3316	1.0513	30.6692	28.7165	34.0007	31.1344
210037	1.2971	0.9262	28.8708	31.0096	32.7661	30.9387
210038	1.3568	1.0151	31.1563	32.7411	36.1404	33.3841
210039	1.1580	1.0513	35.1172	33.7557	36.9817	35.3260
210040	1.2899	1.0151	31.0882	30.5834	32.5361	31.4068
210043	1.3938	1.0189	29.2762	31.9196	36.7035	32.5832
210044	1.3943	1.0151	31.5463	31.9067	33.9671	32.5153
210045	0.9460	0.9262	19.6112	23.8454	23.8643	22.3580
210048	1.4049	1.0151	29.2464	30.6650	32.7111	30.9342
210049	1.3689	1.0151	28.5970	31.5740	32.8713	31.1060
210051	1.3877	1.0513	30.7954	33.0355	33.8704	32.6204
210054	1.3042	1.0513	28.6905	32.3079	30.9544	30.6912
210055	1.3146	1.0513	30.2010	36.7615	34.9377	33.7047
210056	1.4309	1.0151	33.2271	35.5593	36.1736	34.9799
210057	1.4422	1.0496	33.7287	34.3643	36.7381	34.9642
210058	1.3962	1.0151	32.0669	32.9569	31.3100	32.0828
210060	1.1535	1.0513	32.5141	34.1974	35.0184	33.9386
210061	1.3663	0.9450	26.6842	28.6561	29.3158	28.2516

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
220001	1.3129	1.1560	32.0843	34.3993	36.2517	34.3061
220002	1.3674	1.1560	35.9765	37.9204	41.2350	38.3812
220008	1.3871	1.1560	35.8680	37.3794	38.4715	37.2430
220010	1.2534	1.1560	33.7392	36.1759	37.2035	35.7194
220011	1.1936	1.1560	39.1234	41.0183	43.4600	41.2510
220012	1.4849	1.2766	41.7080	43.0551	45.5643	43.4397
220015	1.2957	1.0314	35.2373	36.6427	36.3548	36.1085
220016	1.1444	1.0314	33.1424	34.9714	36.4237	34.8489
220017	1.3175	1.2286	34.6575	38.0626	37.7006	36.8223
220019	1.1234	1.1560	26.3018	28.0084	29.0921	27.8076
220020	1.2029	1.1560	32.1528	33.6332	35.4990	33.7696
220024	1.3423	1.0314	33.0415	33.8692	34.5389	33.8318
220025	0.9616	1.1560	27.6973	26.6082	29.5458	27.9060
220029	1.2117	1.1560	32.6792	34.8311	36.1946	34.5999
220030	1.0618	1.0314	29.3714	28.8797	29.5814	29.2776
220031	1.5941	1.2286	39.4214	43.7983	46.0432	43.1210
220033	1.2423	1.1560	34.7005	36.1938	40.1729	37.0696
220035	1.4532	1.1560	36.1799	37.2879	39.7370	37.7407
220036	1.5744	1.2286	37.7301	37.0998	37.8321	37.5495
220046	1.5340	1.0435	33.8604	36.3356	37.2026	35.8565
220049	1.2222	1.1560	35.1134	35.7550	37.2433	36.0618
220050	1.1147	1.0314	30.3176	32.4636	33.3155	32.0704
220051	1.4962	0.9627	32.8693	34.7850	33.7650	33.7771
220052	1.2183	1.2286	34.9151	34.9505	36.2809	35.4000
220058	0.9958	1.1560	30.0344	31.9532	34.4760	32.1059
220060	1.1949	1.2286	36.8668	39.1180	41.3006	39.2150
220062	0.7353	1.1560	27.4755	27.3983	28.6128	27.8434
220063	1.3010	1.1560	32.2442	34.6004	35.5788	34.2281
220065	1.2968	1.0314	32.3814	33.6328	34.7541	33.5673
220066	1.4186	1.0314	*	32.6289	35.0834	33.8457
220067	1.2573	1.2286	33.9836	35.7611	37.4704	35.7586
220070	1.1469	1.1560	35.6271	37.4036	39.9838	37.7577
220071	1.8988	1.2286	40.0313	44.2752	46.1244	43.5120
220073	1.2200	1.1560	37.4249	38.9942	39.6789	38.7046
220074	1.3861	1.1560	33.2081	34.5531	36.8098	34.8867

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
220B74[4]	***	*	33.2082	34.5530	36.8098	34.8283
220075	1.6785	1.2286	33.3578	33.9698	34.7027	34.0072
220077	1.7243	1.1066	34.7345	36.4382	37.4924	36.2651
220080	1.2906	1.1560	33.1640	36.8086	36.4484	35.4648
220082	1.4119	1.1560	32.2124	33.0780	34.8104	33.3699
220083	1.1280	1.2286	35.2758	37.6415	40.5366	37.8780
220084	1.3987	1.1560	34.6275	36.1148	37.5379	36.1306
220086	1.8041	1.2286	36.2385	38.7853	41.1551	38.7907
220088	2.0559	1.2286	37.0840	37.3891	39.2279	37.9115
220090	1.2951	1.1560	35.8969	36.8628	39.5926	37.5164
220095	1.1067	1.1560	31.1644	34.1504	35.3675	33.6005
220098	1.1646	1.1560	31.1288	32.1864	33.5413	32.2804
220100	1.3340	1.2286	35.7309	36.5606	38.7440	37.0351
220101	1.4456	1.1560	37.7292	39.3939	41.7554	39.6905
220105	1.2292	1.1560	35.8179	36.6444	39.1029	37.2192
220108	1.2101	1.2286	35.7009	37.1981	38.4718	37.1647
220110	2.0616	1.2286	43.8444	45.3683	47.3232	45.5499
220111	1.2935	1.2286	35.6223	36.8788	39.2865	37.3009
220116	1.8798	1.2286	40.0982	44.6345	47.0582	43.9023
220119	1.1259	1.2286	33.7200	36.2751	37.4673	35.8320
220126	1.2307	1.2286	35.6278	40.5321	38.0733	38.0049
220135	1.4968	1.2766	39.0296	40.3011	42.8827	40.7443
220153	***	*	20.5063	17.4773	19.0273	19.2029
220154	***	*	*	*	43.7359	43.7359
220162	1.7710	*	*	*	*	*
220163	1.6759	1.1560	39.4893	41.6485	42.2659	41.1896
220171	1.6535	1.1560	36.4567	39.7385	38.8272	38.4029
220174	1.2280	1.1560	32.9140	35.8880	34.9007	34.5714
220175	1.3204	1.1560	34.1572	36.6376	38.0801	36.2674
220176	1.5591	1.1560	31.4220	36.2759	38.1158	35.1359
220177	0.9796	0.9627	*	*	*	*
230002	1.4172	0.9804	33.9708	34.2904	35.4085	34.5484
230003	1.4546	0.9343	28.9886	28.5041	30.5808	29.4057
230004	1.7665	0.9784	33.4644	33.1555	34.1260	33.5840
230005	1.3107	0.9054	29.0634	30.5550	31.3029	30.3037

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
230013	1.3464	1.0088	28.6430	29.9019	31.7651	29.9529
230015	1.1276	0.8880	28.9601	29.8884	32.5133	30.4506
230017	1.7269	1.0266	36.8045	35.5276	37.9122	36.7658
230019	1.6780	1.0088	35.1440	34.8302	36.2716	35.4350
230020	1.7393	0.9804	29.9492	30.4302	31.1906	30.5265
230021	1.6302	0.9933	29.5414	30.4315	31.6153	30.5478
230022	1.1397	0.9714	25.7846	29.5713	32.6757	29.2761
230024	1.7276	0.9804	34.5278	35.1416	35.9913	35.2122
230029	1.7576	1.0088	33.1482	35.5257	33.5106	34.0740
230030	1.3448	0.9060	25.1929	27.8555	29.6479	27.5704
230031	1.5302	0.9681	30.8870	30.9321	31.8722	31.2241
230034	1.3190	0.8566	29.1098	29.8711	29.1077	29.3790
230035	1.3229	0.9272	25.7099	27.0372	27.3075	26.6792
230036	1.4412	0.8850	31.0938	31.9872	32.2768	31.7900
230037	1.2616	0.9804	28.8547	31.4423	32.0467	30.7793
230038	1.7841	0.9343	30.1040	31.5536	32.5264	31.4308
230040	1.1548	0.9272	27.2850	27.6894	27.5684	27.5177
230041	1.6226	0.9438	30.3082	31.7229	32.9174	31.6784
230046	1.9829	1.0061	33.5304	34.3952	35.9760	34.6925
230047	1.6075	0.9731	32.0248	33.2300	33.7264	32.9936
230053	1.7703	0.9804	33.5440	34.1884	35.6490	34.5004
230054	1.8298	0.9207	28.1229	28.5274	28.7117	28.4479
230055	1.3352	0.8566	28.1881	28.2657	29.6910	28.7240
230058	1.2321	0.8566	27.9643	29.2185	29.8956	29.0455
230059	1.6857	0.9343	28.3602	30.3935	32.7833	30.4889
230060	1.2298	*	28.7760	30.7515	*	29.7837
230066	1.2837	0.9784	32.3582	32.8383	34.5386	33.2625
230069	1.2686	0.9804	31.9675	33.3136	33.1722	32.8338
230070	1.6133	0.9168	28.0366	32.2151	31.6902	30.6210
230071	1.2460	1.0088	28.8879	29.6172	29.7855	29.4320
230072	1.4884	0.9343	28.8024	29.3214	30.4713	29.5569
230075	1.5124	0.9781	32.1166	33.2981	33.0856	32.8458
230077	1.8634	1.0088	31.0123	32.2274	33.2565	32.1576
230078	1.1159	0.8566	27.0069	27.7143	28.9163	27.8714
230080	1.1863	0.8566	25.6204	25.9082	27.1896	26.2395
230081	1.3269	0.8566	27.8106	27.9649	28.8068	28.1980

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
230085	1.1525	1.0266	27.6474	28.1395	28.6603	28.1833
230089	1.4386	0.9804	32.2311	34.4092	*	33.3212
230092	1.4241	0.9423	30.5417	29.5262	32.3303	30.8026
230093	1.1780	0.8654	27.0572	27.7275	27.1808	27.3255
230095	1.1846	0.8850	25.9210	25.9787	26.7295	26.2107
230096	1.1720	0.9933	29.7225	30.9326	35.3084	32.0067
230097	1.6800	0.9272	31.5174	32.2990	31.8133	31.8763
230099	1.2400	0.9804	29.0975	30.7388	31.3316	30.3938
230100	1.4065	0.8566	25.6594	25.9480	27.1021	26.2240
230101	1.1279	0.8566	28.8608	29.4146	30.2722	29.5256
230104	1.7305	0.9804	34.0195	34.0176	35.3943	34.4648
230B04[5]	***	*	34.0195	34.0176	35.3943	34.4605
230106	1.1686	0.9343	30.0223	29.0344	31.2500	30.1013
230108	1.2433	0.8566	25.7477	25.4728	26.0197	25.7525
230110	1.3362	0.8566	27.0280	29.0921	30.1801	28.7817
230117	1.8114	1.0266	33.9176	33.6962	34.2863	33.9717
230118	1.2950	0.8566	24.8638	27.1359	28.4445	26.8191
230119	***	*	33.2050	33.6503	*	33.4472
230121	1.3766	1.0098	27.7512	28.9511	30.8615	29.1524
230130	1.7250	1.0088	32.5613	33.6704	34.9198	33.7273
230132	1.6023	1.1330	38.2454	39.2894	39.7151	39.0892
230133	1.3475	0.8566	25.8537	26.1806	25.7151	25.9203
230135	1.0031	0.9804	31.5194	32.6527	*	32.0720
230141	1.6878	1.1330	36.3124	36.2647	40.7648	37.7993
230142	1.4114	0.9804	29.9911	30.2157	31.2257	30.4794
230146	1.4359	0.9804	29.0218	29.3346	30.5060	29.6420
230151	1.4202	1.0088	28.6724	28.6413	30.4839	29.2693
230156	1.7070	1.0061	34.7865	35.1696	34.0537	34.6666
230165	1.6917	0.9804	32.2855	31.9887	33.4514	32.6026
230167	1.6598	1.0222	32.8092	35.8019	36.9076	35.1687
230174	1.4021	0.9343	31.2469	31.6387	31.5781	31.4917
230176	1.4667	0.9804	29.2688	29.5281	30.9173	29.9026
230180	1.2683	0.8566	24.6007	28.1401	29.3516	27.1906
230190	***	*	33.6724	30.7924	36.7558	33.6260
230193	1.4023	0.9681	28.4641	29.1474	31.5897	29.7561

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
230195	1.5647	0.9731	32.5549	33.4975	33.4337	33.2184
230197	1.7706	1.1330	34.8066	36.4129	39.0787	36.8022
230204	1.4815	0.9731	30.1982	31.5389	34.3475	31.9741
230207	1.4333	1.0088	26.8231	27.2054	27.4081	27.1461
230208	1.2571	0.9272	25.2481	25.8892	27.8814	26.3666
230212	1.0316	1.0061	33.4379	34.3917	34.3170	34.0488
230216	1.5184	0.9681	28.9586	30.7478	30.8494	30.1826
230217	1.5091	0.9781	33.0839	35.4957	36.9025	35.2407
230222	1.6616	0.8850	32.4404	30.6277	29.6522	30.8343
230223	***	*	31.8146	34.2971	*	33.0613
230227	1.5877	0.9731	34.2762	35.4364	37.2215	35.5888
230230	1.4717	1.0222	31.4953	31.2614	35.4132	32.7682
230236	1.5236	0.9343	31.9100	32.1973	33.9442	32.7342
230239	1.4068	0.8566	23.5461	26.8301	25.7446	25.3678
230241	1.2282	0.9681	30.0248	28.4771	28.1985	28.8297
230244	1.4335	0.9804	32.5586	33.0082	34.3841	33.3260
230254	1.5845	1.0088	31.6332	33.3035	35.0125	33.2978
230257	0.9982	0.9731	30.0674	32.6298	33.3636	32.2062
230259	1.4407	1.0061	27.9572	28.7672	29.1866	28.6444
230264	2.1717	0.9731	29.2202	35.0990	32.8671	32.3761
230269	1.4542	1.0088	34.2694	34.4514	35.2440	34.6832
230270	1.4328	0.9804	29.2408	29.0416	30.1197	29.4618
230273	1.5702	0.9804	32.5730	32.6874	34.8800	33.4102
230275	0.5916	0.9168	22.3740	*	22.6311	22.5224
230277	1.6115	1.0088	32.2545	33.8036	33.9308	33.3444
230279	0.6904	0.9804	26.8552	26.8567	28.8581	27.5609
230297	1.8559	0.9804	*	35.4246	38.9109	37.1670
230300	***	*	*	40.1731	*	40.1731
230301	1.2227	1.0088	*	*	29.1394	29.1394
230302	1.4906	1.0088	*	*	*	*
240001	1.5641	1.0976	37.2211	38.3979	41.1376	38.9343
240002	1.8190	1.0633	34.6368	36.8748	39.2785	37.0047
240004	1.8454	1.0976	33.4596	36.5476	38.0780	36.0985
240006	1.2478	1.0710	32.8229	29.6609	33.3951	31.7330
240010	2.0987	1.0710	35.9131	37.5473	37.9757	37.1825
240014	1.0711	1.0976	33.4492	35.0675	34.9155	34.4959

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
240018	1.3136	1.0027	30.5645	32.3271	33.2201	32.0521
240019	1.1884	1.0633	34.2547	36.7033	37.3681	36.1294
240020	1.1431	1.0976	34.5703	34.6135	36.6782	35.2976
240022	1.0184	0.9104	28.5905	29.9313	31.1852	29.9071
240030	1.5777	0.9104	27.6596	29.4253	30.4810	29.1808
240036	1.5881	1.0976	37.2207	39.2407	40.6853	39.1270
240038	1.5960	1.0976	34.7357	35.8365	37.8663	36.2048
240040	1.0412	1.0633	30.0255	31.3287	34.0437	31.7765
240043	1.2674	0.9104	25.7424	27.1539	28.4042	27.1230
240044	1.0396	0.9837	28.5705	29.8375	29.2879	29.2433
240047	1.5709	1.0633	35.6763	36.7122	36.2255	36.2136
240050	1.2531	1.0976	33.7964	34.6160	36.3370	34.9328
240052	1.2601	0.9104	31.0934	33.1438	33.8454	32.7273
240053	1.6040	1.0976	34.4210	35.4738	36.3414	35.4352
240056	1.3478	1.0976	35.8603	36.1085	32.7052	34.7799
240057	1.9154	1.0976	34.8374	35.4436	38.0303	36.0623
240059	1.1327	1.0976	32.5958	33.5784	33.2499	33.1597
240061	1.8971	1.0710	34.6031	36.2545	37.5561	36.1385
240063	1.6747	1.0976	36.9822	38.3735	38.3869	37.9467
240064	1.2584	0.9316	29.9917	34.2284	35.6462	33.1970
240066	1.6077	1.0976	39.6609	38.4941	39.9654	39.3787
240069	1.2417	1.0976	31.1673	31.6325	35.5345	32.8398
240071	1.1899	1.0976	32.5460	33.1094	35.2567	33.6586
240075	1.2925	1.1001	30.3230	31.5984	32.9126	31.6235
240076	1.1549	1.0976	33.7950	35.4135	37.1723	35.5183
240078	1.7615	1.0976	36.2276	37.3608	39.4962	37.7013
240080	2.0360	1.0976	36.5390	37.7353	39.9460	38.0844
240084	1.1431	1.0633	29.0275	30.3789	32.3263	30.5812
240088	1.2605	1.1001	30.7240	31.4165	32.7525	31.5969
240093	1.5139	1.0976	30.4744	31.3517	32.3639	31.4358
240100	1.3557	0.9104	30.9481	32.5307	33.0821	32.1908
240101	1.1930	0.9249	28.5503	28.7121	29.5095	28.9269
240104	1.3000	1.0976	35.8839	36.0711	40.4033	37.5188
240106	1.6415	1.0976	33.9984	36.8942	39.4450	36.7952
240115	1.5182	1.0976	36.2788	37.5802	38.9388	37.6716
240117	1.2305	0.9719	29.0894	30.4437	29.6594	29.7231

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
240132	1.4186	1.0976	36.4252	37.0941	37.9072	37.1624
240141	1.1176	1.0976	34.2473	35.8696	37.1809	35.6971
240166	1.2510	0.9104	26.1732	27.3184	28.1765	27.2416
240187	1.2545	1.0976	30.9646	33.5186	33.4717	32.6497
240196	0.8864	1.0976	35.0345	35.4472	38.7978	36.4399
240206	0.8428	1.4382	*	*	*	*
240207	1.3525	1.0976	36.4569	37.7179	39.4085	37.8940
240210	1.3728	1.0976	36.5950	37.7064	38.2195	37.5323
240211	0.6922	1.0108	16.6158	16.1460	16.5163	16.4219
240213	1.4249	1.0976	37.4608	38.4222	39.6158	38.5555
250001	2.1543	0.8088	24.3404	26.7079	28.0700	26.4339
250002	0.9292	0.7998	25.0342	31.2353	32.6776	29.5266
250004	1.8180	0.8871	24.8086	29.1096	30.0764	27.9177
250006	1.1385	0.8871	27.0511	26.9193	29.3899	27.7903
250007	1.1775	0.8882	29.3479	32.6672	31.9040	31.2803
250009	1.4344	0.8341	24.9118	25.9247	27.4133	26.1295
250010	1.0254	0.7703	22.7988	23.8749	24.5667	23.7460
250012	0.9436	0.9171	26.4110	29.8873	27.8154	28.0019
250015	1.3891	0.7703	22.3685	22.7775	24.6835	23.2714
250017	0.9972	0.7703	25.7404	25.5007	22.3075	24.4789
250018	0.7464	0.7703	19.1108	19.5527	20.4538	19.7094
250019	1.6160	0.8882	27.7230	28.4743	30.6079	28.9597
250020	0.9777	0.7703	23.1521	26.9602	27.3319	25.8108
250023	0.8903	0.8312	19.5081	22.2932	17.2321	19.5475
250025	1.1249	0.7703	23.0555	26.0579	25.2972	24.7574
250027	0.9255	0.7703	32.5451	26.7593	26.0044	28.1387
250031	1.3465	0.8088	26.7507	28.6356	29.2948	28.1906
250034	1.6373	0.8871	27.9279	29.3365	30.0088	29.1234
250035	0.7907	0.7703	20.5251	24.0653	21.6802	22.1592
250036	0.9473	0.8145	22.5676	22.6781	24.7319	23.3935
250038	0.8901	0.8088	30.7960	27.1958	27.6152	28.2419
250040	1.6037	0.8312	26.2268	28.4423	29.0586	27.8924
250042	1.2263	0.8871	27.4610	25.8791	30.3623	27.9247
250043	1.0488	0.7703	21.1265	22.4618	22.6912	22.0994
250044	0.9899	0.7703	26.1732	26.9451	27.9188	27.0217
250048	1.5964	0.8088	27.6339	27.4186	27.6442	27.5667

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
250049	0.9434	0.7703	24.2227	24.2129	21.5835	23.2761
250050	1.2840	0.7703	22.4429	22.6843	23.7790	23.0068
250051	0.7692	0.7703	14.1662	15.6982	15.7373	15.2520
250057	1.2695	0.7703	22.9683	22.5524	25.9738	23.8179
250058	1.2848	0.7703	19.6720	20.4748	22.1248	20.7697
250059	0.9412	0.7703	25.5982	24.8145	23.7995	24.7437
250060	0.8138	0.7703	27.0354	31.0689	32.3114	29.8012
250061	0.8353	0.7703	25.1495	23.3006	22.9622	23.7108
250067	1.1274	0.7703	23.8027	28.2894	27.2284	26.3793
250069	1.6226	0.7985	23.4495	25.8456	27.7173	25.6762
250072	1.7556	0.8088	27.5791	30.5382	33.2443	30.4790
250077	0.9612	0.7703	19.6333	19.3962	20.7217	19.9362
250078	1.7165	0.8312	23.9598	26.5481	27.5440	26.0252
250079	0.8236	0.8088	46.0349	32.3758	33.2547	37.9283
250081	1.4366	0.7985	24.8281	23.1385	25.6748	24.4935
250082	1.5383	0.8273	25.6218	27.8096	29.4889	27.6785
250084	1.1549	0.7703	19.5694	20.1192	21.2261	20.3028
250085	0.9389	0.7703	24.6757	24.5765	25.8783	25.0289
250093	1.2675	0.7703	26.4351	27.0937	28.9844	27.5340
250094	1.6566	0.8312	25.4232	26.1331	28.4550	26.7033
250095	1.1011	0.8088	25.9021	30.7505	25.2111	27.0637
250096	1.2779	0.8088	27.7291	27.5206	29.1993	28.1437
250097	1.5766	0.8541	22.7916	23.6607	24.1451	23.5520
250099	1.4358	0.8088	27.5757	25.0076	26.7877	26.4479
250100	1.4971	0.7985	27.5484	28.2019	29.4874	28.4283
250102	1.5878	0.8088	25.5327	27.8758	27.2188	26.8670
250104	1.4298	0.7985	25.4008	26.3140	25.7731	25.8274
250112	0.9397	0.7703	27.4162	29.6978	23.5300	26.6029
250117	1.0807	0.8312	24.5706	26.0965	24.8866	25.2046
250122	1.1551	0.7703	23.4908	27.3606	31.2642	27.3826
250123	1.3700	0.8882	29.8299	29.5520	32.4487	30.5969
250124	0.8592	0.8088	21.9420	22.4247	23.9262	22.8076
250125	***	*	32.7411	29.0819	31.9629	31.3858
250126	1.0391	0.9171	25.2581	26.8712	26.7811	26.3514
250127	0.8051	1.4382	*	*	*	*
250128	1.0195	0.8122	23.5918	24.7051	26.7124	25.1932

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
250134	0.9778	0.8088	22.0846	40.7995	30.5066	30.6943
250136	1.0796	0.8088	27.1479	27.8270	30.6565	28.5419
250138	1.3635	0.8088	27.3132	27.0688	29.2021	27.8594
250141	1.5961	0.9171	33.4413	32.1496	31.6915	32.3561
250149	0.8744	0.7703	17.0964	17.2423	20.1488	18.0903
250151	0.6315	0.7703	*	17.3962	25.0894	22.4010
250152	0.9097	0.8088	28.5526	29.8216	30.9016	29.7410
250161	***	*	*	26.0070	*	26.0070
250162	1.0038	0.8893	*	*	31.4828	31.4828
260001	1.7887	0.8409	31.1866	28.6690	30.0120	29.9052
260004	0.9453	0.8109	23.9584	24.1764	25.5508	24.5784
260005	1.6662	0.9019	31.1050	33.1020	35.2618	33.2207
260006	1.5176	0.8109	33.8253	34.3548	36.2278	34.8344
260009	1.1928	0.8566	26.6685	26.2248	26.1705	26.3503
260011	1.6596	0.8566	31.2612	31.4415	31.7034	31.4717
260015	1.1557	0.8109	25.0250	25.1585	26.2721	25.5036
260017	1.3354	0.8566	26.2621	27.4586	29.5743	27.7703
260020	1.7611	0.9019	30.9599	32.0889	31.9904	31.7069
260021	1.4447	0.9019	19.5810	19.3770	32.4283	21.7242
260022	1.4859	0.8223	25.9391	25.6866	26.7028	26.0941
260023	1.5492	0.9019	25.5899	26.7586	27.4201	26.6186
260024	1.1778	0.8109	20.7136	22.4347	22.9479	22.0397
260025	1.4225	0.8914	24.5042	24.4959	24.4546	24.4847
260027	1.8912	0.9514	31.0236	32.3066	33.7779	32.3722
260032	1.9415	0.9019	28.7183	29.8257	30.8428	29.7999
260034	0.9685	0.8109	28.7736	29.7821	29.4705	29.3435
260040	1.7603	0.8375	27.3680	28.5035	29.9909	28.6335
260047	1.4981	0.8109	27.2667	27.1986	27.8259	27.4384
260048	1.2788	0.9514	29.6969	30.1691	30.8650	30.2475
260050	1.0775	0.8109	27.8065	27.6085	33.8795	29.6615
260052	1.3299	0.9019	29.6998	31.5722	32.2076	31.2112
260057	1.0671	0.9514	23.8181	27.0128	27.1389	26.1324
260059	1.2757	0.8141	25.3025	26.9521	27.3419	26.5876
260061	1.1228	0.8109	23.6717	24.7824	27.0467	25.1434
260062	1.3726	0.9514	29.6156	30.7159	32.0976	30.8722
260064	1.4339	0.8149	21.4932	23.6002	25.8393	23.6092

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
260065	1.7126	0.8375	28.3411	29.9325	29.6384	29.3273
260068	1.7723	0.8223	28.1246	29.3972	29.5631	29.0347
260070	0.8779	0.8109	25.2997	26.2370	25.8550	25.8217
260074	1.2943	0.8223	28.6216	28.4171	29.3367	28.7901
260077	1.7066	0.9019	28.7204	28.9940	29.4958	29.0802
260078	1.2849	0.8109	23.1785	24.7794	25.1259	24.3417
260080	1.0588	0.8109	18.6813	19.0041	19.1541	18.9629
260081	1.6605	0.9019	32.0799	34.8761	40.1198	35.5606
260085	1.6239	0.9514	29.6514	30.4727	31.6239	30.5668
260091	1.5674	0.9019	30.2636	32.9623	33.9609	32.4273
260094	1.6223	0.8375	25.1491	27.0127	27.2078	26.4777
260095	1.5411	0.9514	29.9090	30.9142	30.5602	30.4766
260096	1.6341	0.9514	32.9383	33.1804	34.9570	33.7008
260097	1.1617	0.8471	27.3129	28.2444	28.5379	28.0218
260102	1.0526	0.9514	30.7678	29.1467	30.1752	29.9874
260104	1.7078	0.9019	29.5891	32.0122	33.6904	31.7812
260105	1.8595	0.9019	32.4292	33.4278	35.1672	33.6282
260107	***	*	29.7775	38.3668	*	33.8526
260108	1.8751	0.9019	28.5654	30.1064	31.5495	30.0747
260110	1.6558	0.8770	28.0381	28.5364	30.1062	28.9080
260113	1.2656	0.8342	23.0826	23.6758	25.6538	24.1544
260115	1.2365	0.9019	25.5658	26.5268	27.1964	26.4347
260116	1.0191	0.8342	22.5536	25.1758	27.7471	24.8978
260119	1.3362	0.8325	31.5003	26.4382	26.5894	27.9902
260137	1.7978	0.8409	31.4091	28.3521	29.0069	29.4979
260138	2.0048	0.9514	31.7582	33.4156	34.9809	33.4163
260141	2.0499	0.8223	26.6684	28.3492	28.1099	27.7524
260142	1.2469	0.8109	22.8205	25.0940	24.1327	24.0438
260147	0.8251	0.8109	22.9689	22.8326	25.3191	23.5737
260159	***	*	24.3027	25.5039	26.0684	25.2758
260160	1.0383	0.8253	26.6715	27.9585	25.0259	26.6874
260162	1.4325	0.9019	30.5761	32.3673	33.0717	32.0297
260163	1.2350	0.8204	23.8644	25.0443	26.1076	25.0496
260166	***	*	29.5259	30.6020	*	30.0575
260175	1.0460	0.9514	25.7069	26.5767	28.1661	26.8058
260176	1.7475	0.9019	30.6205	32.4957	33.1495	32.1198

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
260177	1.3018	0.9514	29.0815	31.1662	33.9925	31.4147
260178	1.9849	0.8223	26.9902	28.9170	29.8616	28.6265
260179	1.5711	0.9019	29.6316	30.3276	30.8119	30.2731
260180	1.7531	0.9019	30.7336	31.4721	32.7989	31.6539
260183	1.6167	0.8770	31.4916	32.2621	31.3742	31.7100
260186	1.5186	0.8566	29.1874	30.8706	32.4493	30.8711
260190	1.3538	0.9514	30.9003	32.2069	34.1815	32.3839
260191	1.5869	0.9019	27.8648	28.7185	29.0100	28.5516
260193	1.3548	0.9514	29.5436	30.5190	31.7196	30.5601
260195	1.4152	0.8109	25.0294	25.6697	26.6828	25.8073
260198	***	*	27.9093	31.4660	*	29.5529
260200	1.4152	0.9019	30.5032	32.0910	35.5276	32.9288
260207	1.1898	0.8375	23.6392	22.8308	22.7884	23.0797
260209	1.0738	0.8566	26.4203	33.7185	32.9213	30.8380
260210	1.2999	0.9019	36.4055	33.5701	35.4741	35.1652
260211	1.3016	0.9514	37.1557	42.4297	36.1850	38.3836
260214	1.3113	0.9514	31.0175	31.7957	34.1199	32.2663
260216	1.3206	0.9514	*	32.4039	33.4387	32.9968
260217	***	*	*	12.2879	*	12.2879
260219	1.3400	0.9019	*	*	30.7118	30.7118
260220	***	*	*	*	28.4885	28.4885
260221	2.0760	0.8375	*	*	*	*
260222	3.1344	0.9514	*	*	*	*
260223	2.1186	1.0330	*	*	*	*
270002	1.1098	1.0000	28.3379	26.9419	28.2480	27.8202
270003	1.2908	1.0000	28.0543	28.5127	29.8638	28.8333
270004	1.7281	1.0000	28.5869	29.4694	31.2252	29.8125
270012	1.6404	1.0000	28.0672	27.9087	28.8521	28.2738
270014	2.0243	1.0000	28.2582	30.1101	30.2981	29.5713
270017	1.3880	1.0000	29.3542	29.4260	31.2231	30.0045
270023	1.6600	1.0000	28.1896	30.9908	31.5012	30.2124
270032	1.0183	1.0000	21.6360	21.5106	23.5705	22.2266
270049	1.8451	1.0000	29.8891	31.3941	31.2349	30.8507
270051	1.4506	1.0000	29.3941	29.1163	30.1070	29.5459
270057	1.4282	1.0000	28.3627	29.5317	31.6476	29.8918
270074	0.9307	1.4382	*	*	*	*

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
270086	1.4090	1.0000	21.9017	27.3995	29.1257	26.4704
270087	1.5197	1.0000	24.9197	24.2168	24.9946	24.6957
280003	1.8427	0.9447	32.3780	33.7700	34.2000	33.4257
280009	1.8904	0.9447	28.1559	31.9280	33.6269	31.2504
280013	1.7682	0.9510	30.3120	31.9793	32.8493	31.7431
280020	1.6813	0.9447	29.4831	30.3731	32.3597	30.7314
280023	1.4338	0.9447	30.0717	31.9420	31.3884	31.1400
280030	1.8814	0.9510	31.8758	33.4544	34.0104	33.0874
280032	1.4305	0.8845	25.6549	25.8707	27.6089	26.3994
280040	1.6949	0.9510	30.7406	32.1005	32.7707	31.9093
280060	1.7924	0.9510	30.4625	32.0607	33.5256	32.0484
280061	1.4381	0.8845	28.9591	29.2231	30.8542	29.7095
280065	1.2973	0.9375	29.5470	30.1143	30.8900	30.1783
280077	1.3795	0.9447	29.9223	29.7362	31.3194	30.3231
280081	1.6286	0.9510	28.9696	31.0768	35.8382	31.9389
280105	1.2687	0.9510	30.0472	33.3196	33.1407	32.1834
280111	1.1463	0.8845	28.3541	29.0865	29.9691	29.1189
280119	0.8685	1.4382	*	*	*	*
280123	***	*	20.2741	20.6384	29.1514	22.7020
280125	1.5076	0.8927	24.7466	25.1212	30.7311	26.8386
280127	1.9295	0.9447	26.5659	28.4607	27.8198	27.6863
280128	2.7835	0.9447	27.1024	19.2781	30.1879	25.4888
280129	2.0282	0.9510	27.9511	30.4258	30.9589	29.8728
280130	1.4549	0.9510	29.9645	32.4243	33.1336	31.9744
280131	2.1542	0.9510	*	*	*	*
290001	1.7980	1.0391	33.3318	32.3610	34.3377	33.3434
290002	0.8656	1.0000	22.7362	25.4458	22.9980	23.6418
290003	1.8020	1.1757	34.6433	36.8494	40.5365	37.2945
290005	1.5573	1.1757	34.2373	34.2514	36.3971	34.9747
290006	1.1041	1.0391	33.3243	32.9232	35.2729	33.8405
290007	1.8733	1.1757	41.2395	44.0851	42.0134	42.4287
290008	1.2259	1.0000	33.2473	36.1620	38.0995	35.8471
290009	1.8183	1.0391	34.2103	38.6692	40.9685	37.9159
290012	1.3732	1.1757	38.3731	38.1494	39.8936	38.8324
290019	1.6158	1.0391	32.2817	34.3215	35.6893	34.1535
290020	0.9789	1.0000	27.2908	25.3592	28.1710	26.9891

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
290021	1.6573	1.1757	36.8728	39.5976	41.5629	39.3340
290022	1.7355	1.1757	38.8262	40.9896	41.3493	40.4278
290027	0.8303	1.0000	29.1123	25.1315	17.5194	22.5706
290032	1.4270	1.0391	36.9175	38.9632	37.5999	37.8103
290039	1.6578	1.1757	34.6359	37.5722	41.3057	37.8449
290041	1.4861	1.1757	38.4445	40.0602	42.8383	40.5654
290045	1.7861	1.1757	38.2560	38.5440	40.6077	39.1861
290046	1.5403	1.1757	38.3112	41.5550	42.1303	40.8035
290047	1.7100	1.1757	35.6381	38.6892	41.6528	38.6969
290049	1.4003	1.0391	33.4278	33.2014	34.9166	33.8543
290051	2.0280	1.0235	32.5277	37.2727	37.4812	35.6526
290053	1.7043	1.1757	*	*	41.7596	41.7596
290054	1.3973	1.1757	*	*	*	*
290055	1.5038	1.0235	*	*	*	*
300001	1.4814	1.0008	31.0122	31.4533	31.9222	31.4790
300003	2.0987	1.0008	37.7246	37.3007	37.8482	37.6390
300005	1.4367	1.0008	28.8402	29.4927	32.0379	30.1494
300011	1.3554	1.0940	33.0785	32.7459	35.9010	33.9466
300012	1.4793	1.0940	33.0569	34.8519	34.3089	34.0963
300014	1.2376	1.0171	30.7735	32.8211	33.7545	32.5359
300017	1.4332	1.0971	33.4164	35.2028	37.5444	35.3995
300018	1.3748	1.0171	31.5028	32.7008	33.9529	32.7460
300019	1.3351	1.0211	28.3114	30.5332	31.7382	30.2375
300020	1.4207	1.0940	32.4655	34.7678	36.3083	34.5838
300023	1.4607	1.0008	32.3202	34.2636	35.1291	33.9582
300029	1.8966	1.0971	32.0033	35.3112	36.0190	34.4466
300034	1.8501	1.0940	33.5537	33.7397	32.8443	33.3569
310001	1.8394	1.3094	41.4946	44.8619	50.6238	45.4383
310002	1.8317	1.2825	37.9484	39.7599	41.2456	39.6858
310003	1.3084	1.3094	40.1543	39.8679	42.8065	40.9664
310005	1.3923	1.1280	34.7657	34.4087	36.0844	35.0992
310006	1.4947	1.3094	30.4296	29.1025	36.9201	33.0307
310008	1.4134	1.3094	34.3268	36.2903	37.2702	35.9673
310009	1.4910	1.2825	35.4624	37.9098	37.8328	37.0580
310010	1.3390	1.1249	36.0823	34.1071	34.7174	34.9269
310011	1.3734	1.1249	37.4855	34.0850	38.0642	36.5086

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
310012	1.5578	1.3094	41.9630	41.3814	44.1956	42.5328
310013	***	*	32.9488	*	*	32.9488
310014	1.9878	1.1249	35.0124	39.7527	42.5981	39.1445
310015	1.9757	1.2825	40.8229	39.5076	41.0862	40.4747
310016	1.3519	1.3094	41.0363	39.7563	42.6321	41.1071
310017	1.3342	1.2825	35.9806	34.8881	36.6814	35.8577
310018	***	*	32.6956	33.5069	33.6869	33.3032
310019	1.5578	1.3094	31.8930	34.6618	36.9116	34.4783
310020	***	*	38.4266	34.8440	33.1591	35.6399
310021	1.5817	1.1249	32.2064	33.2554	32.9745	32.8103
310022	1.3683	1.1249	32.8079	32.8154	35.0037	33.5940
310024	1.4947	1.1280	36.8666	34.7011	38.7731	36.8133
310025	1.4049	1.3094	32.1481	35.2564	40.8475	35.5411
310026	***	*	30.1321	31.9905	*	31.0489
310027	1.5531	1.1280	34.6471	34.1653	35.4202	34.7452
310028	1.2605	1.1280	34.8332	37.2987	38.5629	36.9482
310029	1.7816	1.1249	35.2084	36.5179	37.3225	36.3377
310031	2.6733	1.1249	39.5911	38.2643	39.1387	39.0033
310032	1.4461	1.1249	35.2402	35.8019	38.1019	36.3949
310034	1.4950	1.1249	36.8614	37.1191	38.7316	37.5645
310037	***	*	40.4642	44.3134	40.6768	41.8620
310038	1.8962	1.2825	39.8707	40.7395	41.0737	40.5745
310039	1.3494	1.2825	32.6425	33.4253	37.6948	34.5052
310040	1.2885	1.3094	41.2246	38.3232	42.0647	40.5945
310041	1.3677	1.1249	35.2009	34.4308	35.9905	35.2159
310044	1.4058	1.1249	33.5868	35.9981	36.7851	35.4384
310045	1.6751	1.3094	39.2097	40.3222	39.4667	39.6718
310047	1.3605	1.1249	37.7220	38.1213	38.6544	38.1625
310048	1.3744	1.1280	34.5256	33.9641	35.1089	34.5372
310050	1.3717	1.2825	37.9214	32.5213	36.1607	35.4032
310051	1.5361	1.1280	39.7671	37.9104	41.4326	39.7291
310052	1.4235	1.1249	36.5494	36.2042	36.6736	36.4774
310054	1.3353	1.2825	38.2432	37.2851	38.6073	38.0262
310057	1.4774	1.1249	34.2052	32.8649	33.3760	33.4433
310058	1.0417	1.3094	30.4436	32.1349	27.4856	30.0784
310060	1.4272	1.1249	27.9134	30.4626	31.0602	29.7917

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
310061	1.3306	1.1249	33.5586	33.6084	36.9685	34.7294
310063	***	*	38.1481	36.7131	40.5744	38.4253
310064	1.6138	1.1249	39.8091	39.9456	39.4518	39.7314
310069	1.2782	1.1249	35.1376	36.9367	38.6358	36.8960
310070	1.4374	1.2825	36.9999	36.8951	38.3936	37.4045
310073	1.8090	1.1249	36.9249	37.5317	38.0676	37.5047
310074	1.3788	1.3094	39.0729	35.9044	36.5051	37.2159
310075	1.3708	1.1249	33.5253	33.8979	36.8738	34.7688
310076	1.7422	1.2825	38.1671	39.0325	41.7283	39.6466
310081	1.4281	1.1249	31.7981	32.1241	34.1491	32.7041
310083	1.5302	1.2825	28.3406	28.2875	32.3793	29.6429
310084	1.2977	1.1249	34.9626	34.3130	35.9514	35.1066
310086	1.2760	1.1249	30.9467	31.4837	32.6634	31.7177
310088	1.1089	1.1249	31.2437	28.1703	30.2907	29.8993
310090	***	*	33.9174	36.2502	39.0484	36.2524
310091	1.2160	1.1249	35.2913	34.8679	36.3009	35.4738
310092	1.5401	1.1249	32.8431	34.8028	35.8723	34.4902
310093	***	*	32.3860	33.4460	31.7831	32.5380
310096	1.7501	1.2825	34.2014	36.3201	35.9746	35.5053
310105	***	*	32.0277	31.3423	38.1225	33.7325
310108	1.5387	1.2825	36.2848	38.3403	40.4235	38.3602
310110	1.3629	1.1249	35.6825	36.5227	34.9354	35.6895
310111	1.3887	1.1249	36.0748	38.3519	38.6478	37.7170
310112	1.3763	1.1249	34.5337	33.6207	34.5131	34.2210
310113	1.3519	1.1249	35.0245	38.0066	38.4702	37.2154
310115	1.4081	1.1249	32.1197	33.7061	34.3696	33.4228
310116	1.3231	1.3094	27.8677	35.3805	35.7518	32.7295
310118	1.3491	1.3094	32.8286	33.2234	33.7344	33.2605
310119	1.9233	1.2825	41.2997	46.1339	47.1035	44.7858
310120	1.0481	1.1280	35.1661	36.3365	37.6331	36.3759
310126	***	*	34.3189	*	*	34.3189
310127	***	*	*	40.1255	*	40.1255
320001	1.8271	0.9594	31.4193	33.6433	35.9775	33.8378
320002	1.5849	1.0739	34.1610	35.6036	37.4477	35.7737
320003	1.0965	1.0352	31.5792	31.4445	34.6790	32.5200
320004	1.3353	0.8989	28.2407	30.5543	31.0096	29.9078

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
320005	1.6317	0.9462	25.2168	26.4658	27.9464	26.5665
320006	1.2566	0.9462	28.5177	31.6888	35.2623	31.7638
320009	1.7026	0.9594	31.3296	31.7240	33.1269	32.2269
320011	1.1092	0.9326	28.9951	30.6151	31.5915	30.3549
320013	1.2176	1.0352	31.2890	31.7159	31.8550	31.6268
320014	1.0148	0.9141	30.4803	29.8578	33.1461	31.2305
320016	1.1858	0.8989	26.6392	27.7121	27.8593	27.4337
320017	1.3865	0.9594	30.5787	30.9261	28.3807	29.6659
320018	1.5868	0.9141	28.3465	29.9038	32.8908	30.3587
320019	***	*	28.7067	31.8205	34.4963	30.4182
320021	1.5923	0.9594	29.6464	31.3577	32.8369	31.4496
320022	1.1128	0.8989	27.5152	28.7195	30.9229	28.9228
320030	0.9864	0.8989	25.5267	28.5145	29.5507	27.9621
320033	1.2665	1.0352	30.1846	32.8631	36.8262	33.1229
320037	1.1970	0.9594	27.8982	28.6968	29.0394	28.5512
320038	1.2537	0.8989	31.6526	33.2147	34.1644	33.0257
320057	0.8901	1.4382	*	*	*	*
320058	0.7912	1.4382	*	*	*	*
320059	1.0293	1.4382	*	*	*	*
320060	1.0719	1.4382	*	*	*	*
320061	1.0731	1.4382	*	*	*	*
320062	0.8817	1.4382	*	*	*	*
320063	1.2855	0.9233	27.4946	30.2997	31.3336	29.7847
320065	1.2319	0.9233	26.9130	27.9999	31.2804	28.6457
320067	0.8536	0.8989	25.4121	23.6677	26.3413	25.1468
320069	1.0613	0.8989	25.3151	26.5521	25.6533	25.8355
320070	0.9578	1.4382	*	*	*	*
320074	1.3254	0.9594	28.8088	29.8317	31.0548	30.0014
320079	***	*	31.5661	30.3600	*	30.9560
320083	2.2519	0.9594	32.9476	35.1125	33.6069	33.8474
320084	0.8797	0.8989	24.2902	25.9161	27.1350	25.8609
320085	1.7238	0.9141	28.4537	28.7114	30.1280	29.0969
320086	1.3497	0.8989	*	*	25.1198	25.1198
320087	1.6719	1.0739	*	*	42.5428	42.5428
320088	2.4348	0.9141	*	*	34.8348	34.8348
330002	1.7166	1.3094	34.7270	35.3553	37.0389	35.6963

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
330003	1.4425	0.8668	26.8363	27.7173	28.8520	27.8126
330004	1.3751	1.1022	30.3221	30.8305	31.6848	30.9524
330005	1.6498	0.9584	33.2851	34.1763	35.4979	34.3373
330006	1.4087	1.3094	36.3305	38.6645	38.8190	37.9639
330008	1.1596	0.9584	26.2141	26.7882	28.4993	27.1558
330009	1.4682	1.3094	41.3797	42.4137	43.3382	42.4122
330010	1.1603	0.8441	20.5805	24.3033	*	22.4266
330011	1.2668	0.8891	26.8269	29.2672	30.3716	28.8455
330013	1.9518	0.8668	28.8039	29.2399	30.3522	29.4870
330014	1.4172	1.3094	46.3170	48.1054	48.9173	47.8284
330019	1.2184	1.3094	44.5669	46.8153	47.5751	46.3311
330023	1.5195	1.2825	37.5135	40.9595	42.7458	40.4809
330024	1.8856	1.3094	44.8070	46.2954	46.9066	46.0301
330025	1.1126	0.9584	24.2702	26.5550	27.7959	26.2089
330027	1.3420	1.2825	45.9571	49.0573	51.4887	48.8103
330028	1.5496	1.3094	38.0149	38.7770	44.2973	40.0572
330029	0.6085	0.9584	22.9332	23.7555	23.2845	23.3244
330030	1.2366	0.8668	25.5089	27.4344	29.0646	27.3460
330033	1.1516	0.8560	25.0215	26.7551	25.6393	25.7911
330036	1.2446	1.3094	30.4659	31.2701	33.0839	31.6283
330037	1.1595	0.8668	23.4915	24.4428	25.1766	24.3854
330041	1.3783	1.3094	37.1651	41.2299	45.4010	40.9876
330043	1.5215	1.2533	40.6094	42.4560	43.3176	42.1465
330044	1.3451	0.8697	28.2638	29.4872	31.0628	29.6090
330045	1.5074	1.2533	41.6565	44.7551	43.4805	43.2898
330046	1.5094	1.3094	52.2397	53.4532	55.0516	53.5982
330047	1.3009	0.8441	22.9948	27.4392	27.9776	26.2104
330049	1.6219	1.1366	34.9740	38.0110	39.1050	37.4092
330053	1.0453	0.8668	20.1303	21.4837	22.9142	21.4899
330055	1.6466	1.3094	44.2343	44.6905	45.0891	44.6857
330056	1.5790	1.3094	39.9662	40.5499	43.3731	41.2870
330057	1.8056	0.8668	30.1821	30.5006	31.3091	30.6714
330058	1.4159	0.8668	23.6296	25.3712	26.6416	25.2427
330059	1.6093	1.3094	45.3691	47.7115	48.5102	47.2325
330061	1.2404	1.3094	37.8649	38.8790	38.2257	38.3275
330064	1.4200	1.3094	41.5737	39.5994	39.7532	40.3486

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
330065	1.1305	0.9584	26.2288	28.6809	29.2490	28.0535
330066	***	*	27.2085	30.7011	31.6665	29.8079
330067	1.4686	1.1366	30.7537	31.5572	33.4719	31.8968
330072	***	*	41.4605	40.5965	41.2397	41.0975
330073	1.1842	0.8668	25.1392	24.8055	27.0827	25.6766
330074	1.1789	0.8668	23.1016	24.6973	24.5262	24.0899
330075	1.1415	0.9666	23.7522	27.5360	29.7333	26.9519
330078	1.4769	0.9584	27.6682	30.8157	31.7996	30.0981
330079	1.4095	0.9285	27.9479	28.7349	30.3415	29.0021
330080	1.2278	1.3094	40.2067	47.4529	47.6661	45.2191
330084	1.0795	0.8381	27.3434	28.8661	32.3490	29.4885
330085	1.1543	0.8381	27.1707	27.7050	29.8188	28.2639
330086	1.4037	1.3094	40.9768	44.0362	43.8907	42.9617
330088	1.0424	1.2533	37.4716	41.8635	40.8115	40.0302
330090	1.5852	0.9145	27.7306	29.5626	31.1822	29.4923
330091	1.3864	0.9584	28.3034	30.9457	31.7515	30.3752
330094	1.2966	1.0112	28.6213	33.0706	34.7858	32.0911
330096	1.2839	0.8381	24.7895	24.8667	25.8292	25.1613
330100	1.0060	1.3094	39.3170	38.6625	42.2645	40.0975
330101	1.9953	1.3094	45.5412	49.6431	49.8588	48.3746
330102	1.5567	0.9584	27.2543	31.6270	31.8101	30.2074
330103	1.2588	0.8517	25.4919	26.1064	27.2392	26.3017
330104	1.4546	1.3094	36.5894	38.4254	39.2321	38.0457
330106	1.7129	1.2825	48.2903	47.2240	50.3199	48.5977
330107	1.2256	1.2533	38.0262	40.2541	42.4304	40.1994
330108	1.1028	0.8501	25.3023	25.5480	26.9810	25.9259
330111	0.9381	0.9584	23.2134	25.1572	26.0179	24.6747
330115	1.1378	0.9666	24.3898	27.0362	25.4507	25.6316
330119	1.8188	1.3094	41.2365	43.8894	44.0249	43.0193
330125	1.7757	0.8668	29.4817	30.4389	30.4103	30.1168
330126	1.3867	1.2825	37.7807	40.0542	41.7981	39.8971
330127	1.4712	1.3094	45.2554	51.8817	48.5274	48.5452
330128	1.2873	1.3094	43.3437	41.7875	46.9809	44.0332
330132	1.0753	0.8517	22.1452	23.4437	23.9298	23.1468
330133	***	*	39.9025	*	*	39.9025
330135	1.2525	1.1854	33.2314	35.3624	39.4523	36.0995

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
330136	1.6306	0.8668	25.4198	27.9525	28.3358	27.2668
330140	1.8705	0.9666	31.1333	32.7905	33.3826	32.4461
330141	1.3455	1.2533	39.1733	41.4127	44.4198	41.7713
330144	0.9644	0.8437	24.9304	26.0623	28.4224	26.4223
330151	1.2456	0.8437	21.6339	23.4664	23.7227	22.9394
330152	1.4485	1.3094	39.5754	45.9310	54.7885	46.5567
330153	1.7004	0.8668	28.9944	31.7611	31.6854	30.8216
330154	1.5936	*	*	*	*	*
330157	1.3987	0.9666	29.7622	30.2745	31.5462	30.5482
330158	1.8465	1.3094	39.5946	41.6800	45.4100	42.4088
330159	1.3174	0.9666	33.8484	35.6944	36.1910	35.2789
330160	1.5849	1.3094	39.0970	42.1789	42.6001	41.2794
330162	1.2954	1.3094	38.7638	39.3460	39.3481	39.1620
330163	1.0935	0.9584	28.6252	26.3050	28.3979	27.7803
330164	1.5397	0.8668	29.8458	30.3023	31.3949	30.5335
330166	0.8986	0.8381	22.8506	23.2773	24.1281	23.4282
330167	1.6650	1.2825	39.2421	40.8753	40.4764	40.2069
330169	1.4020	1.3094	47.5404	49.7924	52.6481	49.9729
330175	1.1395	0.8603	26.7883	28.2085	29.0736	28.0498
330177	0.9519	0.8381	23.4299	26.0397	26.3552	25.2331
330180	1.3073	0.8668	26.8658	28.0975	28.8360	27.9626
330181	1.4442	1.2825	46.2181	47.2523	47.5998	47.0087
330182	2.3077	1.2825	42.7962	46.6346	47.1719	45.5399
330184	1.4461	1.3094	39.7242	41.3935	44.1215	41.7428
330185	1.3245	1.2533	39.6724	41.3543	42.6846	41.2528
330188	1.3394	0.9584	29.7318	30.7222	31.9349	30.8079
330189	0.9639	0.8668	25.8125	26.4233	27.1290	26.4668
330191	1.3966	0.8668	28.2949	29.3753	30.8219	29.5362
330193	1.5971	1.3094	40.0280	40.7257	41.4653	40.7612
330194	1.7160	1.3094	49.8886	49.9208	51.5125	50.4577
330195	1.6426	1.3094	43.3213	46.0878	46.8783	45.3774
330196	1.3574	1.3094	38.6949	42.8106	47.1254	42.9572
330197	1.1361	0.8381	26.5525	27.6437	28.8743	27.7160
330198	1.5031	1.2825	35.8715	37.9641	39.0864	37.7000
330199	1.1339	1.3094	39.4076	47.5059	46.3505	44.4308
330201	1.8227	1.3094	46.5114	51.2179	54.5822	50.6852

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
330202	1.3722	1.3094	38.7624	42.1074	46.7852	42.6301
330203	1.5060	0.9666	34.6525	33.9161	34.8968	34.4914
330204	1.3905	1.3094	39.5324	44.8153	45.9057	43.4038
330205	1.3126	1.1854	35.3792	37.0171	39.7040	37.4547
330208	1.2411	1.3094	37.1735	38.7279	40.4900	38.7610
330211	1.2386	0.8381	24.9432	25.6929	25.1977	25.2864
330213	1.0549	0.8697	28.5370	30.0957	30.7737	29.8133
330214	1.9522	1.3094	43.3229	43.6872	45.3214	44.1777
330215	1.3738	0.8381	26.3978	28.0026	29.8652	28.0726
330218	1.1081	0.9666	28.4113	28.4369	28.6896	28.5177
330219	1.7911	0.9584	33.2147	38.3321	35.2787	35.5523
330221	1.6164	1.3094	42.5486	40.5201	40.5359	41.2446
330222	1.4126	0.8684	28.7858	30.5142	30.9231	30.1149
330223	0.9881	0.8381	27.1970	28.2638	29.7060	28.4078
330224	1.3051	1.1022	30.4784	32.4518	32.2402	31.7207
330225	1.2507	1.2825	32.9036	33.7052	32.9394	33.1790
330226	1.5413	0.8668	26.3685	25.7981	25.8056	25.9824
330229	1.2515	0.8381	23.9243	24.9977	25.8926	24.9413
330230	***	*	39.3863	39.5043	38.2724	39.1655
330231	1.1081	1.3094	48.9021	49.1983	55.0629	51.0168
330232	1.3400	0.8668	27.9615	28.7263	30.4424	29.0437
330233	1.7151	1.3094	40.8539	43.4873	45.0313	43.1279
330234	2.3642	1.3094	49.8804	55.2159	52.8431	52.7054
330235	1.1918	0.8381	30.8034	31.2218	32.2728	31.3938
330236	1.5342	1.3094	42.6205	45.0321	46.2233	44.6274
330238	1.1263	0.8668	23.3953	24.7086	25.0088	24.3863
330239	1.2644	0.8381	24.6391	24.7255	25.3756	24.9143
330240	1.2759	1.3094	41.6132	42.5871	39.9681	41.3705
330241	1.8864	0.9666	32.9275	34.7013	35.6452	34.4408
330242	***	*	38.7875	40.2224	38.6084	39.2370
330245	1.7049	0.8697	28.6698	29.3183	29.9976	29.3388
330246	1.4001	1.2533	35.9577	39.4705	37.8934	37.7571
330247	***	*	41.3465	39.8390	41.3991	40.8503
330249	1.3877	0.9666	26.9856	29.4003	31.3898	29.2579
330250	1.4215	1.0025	29.6186	32.1740	32.6642	31.4918
330259	1.4278	1.2825	39.0213	38.5914	37.9733	38.5494

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
330261	1.2872	1.3094	38.0216	37.9563	43.0206	39.7053
330263	0.9364	0.8381	24.2125	25.5991	27.1890	25.6737
330264	1.4015	1.1854	32.5050	35.1876	37.0730	34.9405
330265	1.2783	0.8668	22.7433	22.8141	23.4393	23.0082
330267	1.5186	1.3094	35.3907	38.1619	39.3105	37.7127
330268	0.9270	0.8381	23.9135	25.7738	27.2044	25.6557
330270	2.1604	1.3094	52.3154	55.7360	54.4915	54.2881
330273	1.4195	1.3094	39.7880	41.3568	43.8576	41.7263
330276	1.0974	0.8413	27.0445	28.5781	29.1322	28.2518
330277	1.3453	0.9145	30.8156	30.8543	30.9283	30.8668
330279	1.6990	0.9584	31.2393	33.7210	34.1573	33.0755
330285	1.9158	0.8668	31.8987	33.0830	34.8538	33.3318
330286	1.3682	1.2533	38.8556	40.3250	42.5791	40.6255
330290	1.6635	1.3094	39.8036	43.2989	45.9549	43.0520
330304	1.3128	1.3094	39.4632	39.7987	39.8891	39.7160
330306	1.5933	1.3094	39.0409	40.3216	43.4869	40.9711
330307	1.3162	0.9732	30.8121	33.6277	34.1345	32.8690
330314	***	*	22.6885	38.7241	*	24.3594
330316	1.3911	1.3094	37.9357	40.3783	41.6082	39.9746
330331	1.3669	1.2825	44.1734	44.3947	46.9048	45.1731
330332	1.3212	1.2825	38.6932	40.8557	43.4228	41.0514
330339	***	*	25.0057	26.8982	28.5075	26.7655
330340	1.2054	1.2533	38.4726	38.4180	42.2175	39.7075
330350	1.5307	1.3094	44.2389	47.8575	48.0009	46.7458
330353	1.4414	1.3094	46.0215	45.8432	49.5882	47.1722
330354	1.9646	*	*	*	*	*
330357	1.5294	1.3094	40.2132	45.4617	46.6428	43.1989
330372	1.3511	1.2825	37.0323	40.3348	43.4028	40.1441
330385	1.1384	1.3094	47.4017	51.5393	45.1489	48.1275
330386	1.3008	1.1280	32.9990	35.2560	36.5454	34.8018
330389	***	*	37.5908	39.3586	*	38.5126
330390	1.5026	1.3094	38.7652	35.4546	38.7532	37.4670
330393	1.7670	1.2533	38.9324	40.1511	41.2486	40.1584
330394	1.6358	0.8891	28.8074	30.5684	31.6244	30.3603
330395	1.3609	1.3094	50.1316	41.6484	45.4826	45.3889
330396	1.5484	1.3094	39.1956	41.6293	44.4691	41.8352

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
330397	1.4662	1.3094	41.1682	41.0651	42.6933	41.6049
330399	1.2742	1.3094	39.8023	41.7487	43.7557	41.7446
330401	1.3844	1.2533	41.7839	47.0780	45.2281	44.6412
330403	0.8761	0.8668	28.7282	26.7473	23.7571	26.0020
330404	1.1578	1.3094	36.1069	36.8792	36.7400	36.5676
330405	1.1290	1.3094	35.2720	38.6588	39.7124	37.3537
330406	1.1795	0.8668	28.2733	28.0950	29.0800	28.3975
330407	***	*	*	*	22.8305	22.8305
340001	1.5740	0.9257	29.9718	30.6910	31.4272	30.7359
340002	1.8308	0.9015	30.7403	31.6973	32.7669	31.7640
340003	1.4893	0.8438	26.6831	28.0732	28.5497	27.8127
340004	1.5876	0.8976	27.9200	30.6110	31.1689	29.9152
340008	1.2878	0.8729	29.0661	30.7569	34.1051	31.2995
340010	1.4897	0.8438	29.5232	31.0327	32.4035	31.0271
340011	1.1201	0.8438	22.5152	23.6040	24.0602	23.4067
340012	1.2071	*	24.9271	*	*	24.9271
340013	1.2699	0.9099	26.9152	29.2509	27.6445	27.9355
340014	1.6864	0.8976	29.5350	29.4771	30.8373	29.9760
340015	1.4756	0.9099	30.0979	30.7573	28.8959	29.8838
340016	1.4468	0.8438	27.9651	27.2226	28.5561	27.9443
340017	1.4517	0.9015	28.4866	28.4785	30.0523	29.0201
340020	1.2373	0.8601	28.3461	30.5510	32.0755	30.2875
340021	1.5313	0.9099	31.3630	32.5625	31.4752	31.8018
340023	1.4538	0.9086	27.6921	29.5911	30.1104	29.1815
340024	1.3148	0.8581	26.9001	27.4770	28.5059	27.6241
340025	***	*	25.2846	25.8195	27.0389	26.0605
340027	1.2773	0.9151	26.6528	27.2788	27.9469	27.2947
340028	1.5908	0.9411	31.9872	31.7634	33.0069	32.2702
340030	2.1669	0.9619	31.2051	31.5786	33.0418	31.9615
340032	1.5602	0.9257	29.2080	29.3927	31.1516	29.9329
340035	1.0454	0.8438	26.0846	26.8821	28.5418	27.1710
340036	1.1481	0.9670	29.0646	29.9160	32.2510	30.4372
340037	1.3488	0.9099	30.5362	32.0484	32.2585	31.6367
340038	1.2142	0.8767	26.2600	26.9487	27.5626	26.9249
340039	1.3643	0.8976	29.5069	30.2952	30.5891	30.1244
340040	1.9443	0.9301	30.1280	31.3866	32.6226	31.4428

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
340041	1.5949	0.8611	27.1285	27.8408	26.9709	27.3113
340042	1.2562	0.8438	27.0597	27.0729	27.4651	27.2070
340047	1.8790	0.8976	28.7620	30.6701	31.8492	30.4241
340049	1.9406	0.9619	31.5555	35.4171	37.3166	34.8797
340050	1.3906	0.9197	29.2290	30.4447	30.6267	30.1189
340051	1.3116	0.8499	25.4981	25.4162	27.3196	26.0657
340053	1.6844	0.9257	30.8342	30.9274	32.3100	31.3844
340055	1.3835	0.8611	29.0116	29.5040	29.9587	29.5167
340060	1.1756	0.8956	26.8387	27.3403	27.6220	27.2840
340061	1.8918	0.9619	31.2910	33.4821	35.0126	33.3710
340064	1.3481	0.8438	25.0814	27.2184	23.8863	25.2967
340068	1.3615	0.8641	24.7409	27.3499	29.9975	27.4065
340069	1.8686	0.9619	32.2171	32.5361	34.5413	33.1296
340070	1.3306	0.8807	27.7679	29.0391	30.6796	29.1889
340071	1.1590	0.9670	29.7343	31.3756	33.3407	31.6507
340073	1.8342	0.9619	33.1054	33.2705	35.0550	33.8504
340075	1.4189	0.8611	26.8315	29.1504	29.2000	28.3921
340084	1.2918	0.9257	25.6885	27.4289	28.6175	27.2158
340085	1.3401	0.8807	29.1095	29.9176	30.6564	29.9103
340087	1.2638	0.8438	23.8360	25.0091	24.8627	24.5696
340090	1.4562	0.9670	28.3615	28.6805	30.2246	29.1062
340091	1.6471	0.8976	30.4371	31.2643	32.1069	31.2828
340096	1.2936	0.8807	26.5814	26.8103	28.8274	27.3932
340097	1.2417	0.8438	27.9810	29.8702	31.1005	29.7098
340098	1.6521	0.9257	31.3916	31.8472	32.6891	31.9928
340099	1.3129	0.8438	26.0077	28.1143	27.2332	27.0988
340104	***	*	19.9492	20.2901	22.6845	20.9674
340106	1.1483	0.8438	24.5154	24.4254	24.4668	24.4681
340107	1.1997	0.9082	27.3565	28.5859	31.3986	29.1909
340109	1.3875	0.8914	26.6479	28.6310	29.6145	28.2997
340113	2.0509	0.9257	32.3786	32.4983	33.7477	32.8917
340114	1.6329	0.9619	30.1207	32.3730	33.9019	32.1940
340115	1.6196	0.9619	28.0974	28.9265	30.1329	29.0563
340116	1.6601	0.8611	29.9447	30.8834	31.7109	30.8405
340119	1.5385	0.9257	27.2938	28.1090	27.5712	27.6658
340120	1.1905	0.8438	26.1465	26.6358	25.4889	26.0896

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
340121	1.2056	0.8438	25.1577	25.7488	27.4932	26.1656
340123	1.4033	0.8956	28.7150	29.9077	30.2556	29.6505
340124	***	*	25.7294	25.2498	*	25.5286
340126	1.4018	0.9670	30.6902	31.7266	32.8511	31.7775
340127	1.3442	0.9619	28.8675	30.8152	29.2765	29.6601
340129	1.4724	0.9099	31.7863	27.7470	28.6231	29.2827
340130	1.3943	0.9257	29.5294	30.4887	31.5667	30.5985
340131	1.5012	0.9151	29.6571	32.1743	32.7180	31.5487
340132	1.2123	0.8438	25.3264	25.9153	27.9450	26.4203
340133	1.0352	0.8698	26.8850	27.2630	27.7506	27.3138
340137	***	*	27.0874	28.8723	*	27.9808
340138	0.7851	0.9619	*	*	*	*
340141	1.7657	0.9223	29.3372	30.8628	32.7734	31.0073
340142	1.3540	0.8438	28.2413	28.4951	28.8034	28.5181
340143	1.6608	0.8611	29.3861	30.7162	30.7369	30.3039
340144	1.3389	0.9099	27.6548	26.5581	28.9693	27.6935
340145	1.3578	0.9099	28.0647	28.4230	30.2759	28.9487
340147	1.4283	0.9670	29.6960	30.2620	31.9805	30.6482
340148	1.5162	0.8976	27.9136	28.6607	29.4141	28.6790
340151	1.2488	0.8522	24.5782	25.9633	27.4868	26.0151
340153	2.2501	0.9257	29.8278	30.9065	31.9428	30.9177
340155	1.5111	0.9619	31.7570	31.6719	33.3228	32.2613
340156	0.9566	1.4382	*	*	*	*
340158	1.2800	0.9223	29.4110	29.2570	30.5810	29.7971
340159	1.2531	0.9619	28.1706	27.8427	28.4492	28.1630
340160	1.3305	0.8438	24.2016	24.9127	26.6329	25.2921
340166	1.4619	0.9257	29.9122	31.0779	32.0934	31.0482
340168	0.6198	0.9223	*	*	*	*
340171	1.2836	0.9257	31.1954	31.7831	32.9707	32.0444
340173	1.3664	0.9619	30.9843	30.9025	33.6286	31.9191
340183	1.4456	0.9257	30.1261	31.4691	33.8741	32.0540
340184	1.2205	0.9015	*	*	*	*
350002	1.9786	1.0000	23.6051	25.2966	25.6152	24.8333
350003	1.3396	*	24.5812	27.3546	*	25.9392
350006	1.5896	1.0000	23.4343	26.6508	24.5023	24.8210
350009	1.1530	*	23.9795	*	*	23.9795

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
350011	1.9178	1.0000	26.0201	27.3884	28.6631	27.4053
350015	1.7512	1.0000	22.9120	27.6960	27.5676	26.0667
350017	***	*	24.0968	*	*	24.0968
350019	1.7575	1.0000	24.9890	27.0960	28.0496	26.7628
350030	***	*	23.1023	*	*	23.1023
350063	0.9324	1.4382	*	*	*	*
350064	0.7461	1.4382	*	*	*	*
350070	1.7884	1.0000	26.2871	28.1430	27.2743	27.2399
360001	1.6025	0.9593	30.1038	31.8522	32.7842	31.5960
360002	1.4501	0.8629	25.2209	26.7549	28.6674	26.8773
360003	1.8677	0.9593	31.8976	31.9294	33.1679	32.3384
360006	1.9087	1.0130	31.8814	35.3579	37.9929	35.0514
360008	1.5052	0.8729	28.0202	28.5988	29.5464	28.7459
360009	1.6126	0.9225	28.2423	30.2452	30.8841	29.8023
360010	1.3386	0.8585	26.6040	27.3194	29.0985	27.6697
360011	1.4401	0.9993	29.9882	31.3142	31.2797	30.8745
360012	1.4610	1.0130	31.9837	32.9127	33.7117	32.8731
360013	1.1783	0.9225	30.2406	30.9331	32.0183	31.0838
360014	1.2374	0.9993	28.1811	28.9635	31.9691	29.7242
360016	1.5885	0.9593	30.2190	30.5892	31.9656	30.9288
360017	1.8785	1.0130	32.6006	34.8774	37.9269	35.0847
360019	1.3519	0.9052	28.8568	29.3536	29.9006	29.3780
360020	1.5714	0.9052	27.8079	29.5312	30.6901	29.3408
360025	1.4669	0.9217	28.4761	29.5329	30.0999	29.3797
360026	1.6064	0.9142	27.5757	27.3618	26.3380	27.0570
360027	1.5697	0.9052	29.9449	30.8898	32.5281	31.0972
360029	1.1553	0.9344	28.0191	29.0633	29.4172	28.8392
360032	1.3121	0.8528	27.2636	27.4896	29.0836	27.9439
360035	1.7082	1.0130	32.0858	32.5622	33.7737	32.7945
360036	1.2891	0.8888	29.9410	31.5027	32.2558	31.2400
360037	1.6216	0.9052	30.6552	31.5221	32.0751	31.4189
360038	1.7378	0.9593	31.3776	32.3095	34.0962	32.4982
360039	1.5460	0.8528	25.8216	27.3636	28.7284	27.2681
360040	1.2153	0.8984	26.7450	28.4404	29.8190	28.4196
360041	1.3782	0.9052	28.4439	29.3331	29.9816	29.2239
360044	1.2307	0.8662	24.7698	25.7011	25.6594	25.3785

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
360046	1.3090	0.9593	28.2972	28.5624	28.9068	28.5940
360048	1.8571	0.9344	30.0390	33.3273	39.7450	34.2489
360051	1.7630	0.9142	29.4434	30.5937	31.1421	30.4107
360052	1.6740	0.9142	28.4731	29.8072	31.5097	29.8835
360054	1.5310	0.8729	23.6606	26.8828	27.5188	25.9621
360055	1.4571	0.9052	31.4794	31.2738	32.8952	31.8741
360056	1.5298	0.9593	31.3936	31.8378	33.3691	32.2230
360058	1.1411	0.8528	25.9295	27.7073	27.9521	27.1876
360059	1.7410	0.9052	30.6294	31.3956	32.6539	31.5860
360062	***	*	32.9025	35.2065	*	34.0497
360064	1.6958	0.8600	28.6101	28.5325	29.7002	28.9332
360065	1.2957	0.9052	31.5066	31.6781	32.9311	32.0490
360066	1.4780	0.9225	30.9652	32.1991	33.3925	32.2022
360068	1.9074	0.9344	28.6335	30.0212	30.0149	29.5525
360070	1.7211	0.8590	28.8739	30.0192	30.7774	29.8917
360071	1.1589	0.8597	25.7956	26.6139	29.0698	27.1686
360072	1.4371	1.0130	29.1514	29.8851	29.9298	29.6482
360074	1.4181	0.9344	28.0283	30.1333	30.4801	29.5360
360075	1.3041	0.9052	28.3930	29.8181	31.5315	29.9856
360076	1.6207	0.9593	29.5342	28.8462	39.7210	32.3956
360077	1.6129	0.9052	28.3022	26.2961	29.4388	28.0016
360078	1.3461	0.9052	27.3652	28.2973	29.8163	28.5296
360079	1.9369	0.9142	31.3132	32.0935	34.0345	32.4653
360080	1.2318	0.8528	21.8806	22.9825	23.4889	22.7871
360081	1.3978	0.9344	31.4293	33.2532	33.2079	32.6352
360082	1.3923	0.9052	30.5837	29.7447	31.0704	30.4761
360084	1.6721	0.8590	29.2489	29.2527	30.7559	29.7670
360085	1.9801	1.0130	33.1295	35.9664	36.9965	35.5221
360086	1.6162	0.9142	29.1579	31.9690	31.4898	30.8314
360087	1.5016	0.9052	28.6336	30.0084	31.6840	30.0619
360089	1.1498	0.8528	28.0779	28.5192	31.2561	29.2567
360090	1.4048	0.9344	29.2662	30.3175	30.9528	30.1599
360091	1.3254	0.9052	28.2009	29.6324	30.4266	29.4199
360092	1.3143	1.0130	28.0813	28.3576	30.1497	28.8462
360095	1.5618	0.9217	30.2138	30.0996	29.4352	29.8848
360096	1.1693	0.8551	27.9514	29.8687	30.9621	29.5853

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
360098	1.4382	0.9052	26.5839	27.6752	29.8125	28.0156
360100	***	*	25.8143	25.9628	25.6754	25.8206
360101	1.4306	0.9052	30.6650	29.4661	30.1728	30.0962
360107	1.0926	0.8698	26.8180	29.9869	30.3832	29.1302
360109	1.1223	0.9993	30.4643	30.7873	32.3056	31.1780
360112	1.8127	0.9622	32.4403	34.6063	34.7090	33.9241
360113	1.3049	0.9593	30.3914	33.3293	33.4370	32.4622
360115	1.4149	0.9052	27.9711	29.0971	30.1635	29.1065
360116	1.2562	0.9593	26.8632	29.3122	29.7886	28.5973
360118	1.5008	0.8888	29.9823	30.1189	30.7835	30.3015
360121	1.3059	0.9217	31.6766	22.1967	32.9106	28.0639
360123	1.5042	0.9052	28.5435	30.0862	31.5149	30.0236
360125	1.2614	0.8528	27.1776	28.8237	28.0379	28.0071
360130	1.3605	0.9052	28.1811	28.5433	29.7395	28.7979
360131	1.4918	0.8590	27.3426	28.3618	28.7700	28.1660
360132	1.4508	0.9593	29.8411	29.5751	31.5629	30.3076
360133	1.7092	0.9593	33.1812	33.9534	34.8154	33.9938
360134	1.7893	0.9593	29.9198	31.9438	32.3503	31.4241
360137	1.8571	0.9052	30.3116	32.2727	33.2378	32.0143
360141	1.7533	0.8600	31.9397	32.0733	32.7782	32.2474
360143	1.4331	0.9052	28.0693	27.0053	28.0817	27.7280
360144	1.4492	0.9052	29.6547	29.5081	31.0418	30.0723
360145	1.5767	0.9052	29.3271	29.8688	30.7653	29.9946
360147	1.4745	0.8528	29.2371	28.0794	29.5821	28.9716
360148	1.2665	0.8528	25.7460	28.4538	29.4819	27.8748
360150	1.4450	0.9052	27.8840	27.8860	28.7383	28.1724
360151	1.3858	0.8590	26.9672	28.3917	29.2479	28.3557
360152	1.6437	1.0130	33.1017	35.3636	38.6208	35.6295
360153	1.0408	0.8528	21.8416	22.3028	22.2992	22.1453
360155	1.5129	0.9052	29.1711	30.0263	31.6318	30.2212
360156	1.2161	0.8698	26.2268	27.4185	28.7732	27.4930
360159	1.5048	0.9993	29.0187	29.1683	31.7186	29.9873
360161	1.4352	0.8611	27.7423	29.4713	29.7974	29.0175
360163	1.8520	0.9593	31.2087	31.1214	35.9313	32.7672
360170	1.3566	1.0130	30.0688	30.9891	30.4758	30.5174
360172	1.4106	0.9052	30.2330	31.2620	33.1946	31.5024

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
360174	1.4016	0.9142	28.3769	29.2419	29.6556	29.0991
360175	1.3096	0.9993	29.7499	31.8340	31.7026	31.1036
360179	1.6158	0.9593	31.3540	30.6820	31.6922	31.2533
360180	2.5220	0.9052	32.0225	30.3025	32.9705	31.8017
360185	1.4175	0.8528	26.4210	27.4008	27.6522	27.1534
360187	***	*	27.3745	28.2630	31.4188	28.8678
360189	1.1225	1.0130	28.3738	28.8931	29.4708	28.9364
360192	1.4530	0.9052	29.1999	31.7957	32.2091	31.1258
360195	1.1421	0.9052	27.2630	28.4907	29.0980	28.3002
360197	1.3514	0.8528	28.5267	30.3316	31.0116	29.9915
360203	1.1956	0.8528	27.7569	28.7975	29.7199	28.7550
360210	1.4152	1.0130	31.8182	35.1678	37.5771	34.9693
360211	1.6242	0.8528	27.5081	26.9504	26.8677	27.1117
360212	1.4042	0.9052	28.5882	28.8865	31.1956	29.5446
360218	1.3838	1.0130	31.1641	31.4458	31.3310	31.3170
360230	1.5862	0.9052	30.5995	29.9181	31.6669	30.7266
360234	1.4362	0.9593	30.7926	29.5412	33.3664	31.1901
360236	1.4186	0.9593	29.9367	31.7585	32.1567	31.3134
360239	1.4331	0.9142	31.7938	32.3401	33.2718	32.5127
360241	***	*	25.8137	28.0304	29.5279	27.8946
360242	1.9199	*	*	*	*	*
360245	0.8463	0.9052	20.4589	20.8560	21.7637	21.1049
360247	0.6198	1.0130	*	*	20.0037	20.0037
360253	***	*	34.6887	33.3121	37.3905	35.0706
360259	1.3694	0.9344	28.0886	29.3681	31.0669	29.4823
360261	1.2686	0.8880	26.6262	28.2317	32.7931	29.2218
360262	1.3275	0.9344	31.5637	33.1908	34.1099	32.9417
360263	1.9512	0.9225	28.1671	25.5127	26.8628	26.7667
360266	2.2686	1.0130	29.8385	31.3706	33.4559	31.8486
360269	1.9619	0.9593	25.5191	26.3965	34.8464	29.0819
360270	1.1560	0.8528	28.8677	30.0580	32.1049	30.6384
360271	1.4738	0.9593	28.4353	30.8070	32.9727	30.7694
360272	***	*	38.1014	*	*	38.1014
360273	***	*	37.6645	*	*	37.6645
360274	1.6329	0.9142	*	*	41.5894	41.5894
360275	***	*	*	*	35.3416	35.3416

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
360276	1.3571	0.8600	*	*	30.8602	30.8602
360347	1.2052	1.0130	*	*	*	*
360348	1.6182	1.0130	*	*	*	*
360349	1.4026	0.9344	*	*	*	*
360350	1.8062	0.9593	*	*	*	*
360351	1.9867	0.8821	*	*	*	*
360352	1.0842	0.8600	*	*	*	*
360354	1.4011	0.9593	*	*	*	*
360355	1.5439	0.9054	*	*	*	*
370001	1.6993	0.8864	28.4907	27.2881	29.2907	28.3843
370002	1.2418	0.8017	26.2486	26.5804	28.5178	27.1335
370004	1.1751	0.8409	28.2804	27.2378	29.4714	28.3160
370006	1.2115	0.8760	25.2307	27.5299	28.6399	27.1064
370007	0.9619	0.8017	21.1260	25.7680	29.2831	25.4572
370008	1.4129	0.8861	27.9944	29.1467	29.2458	28.8413
370011	0.9562	0.8861	23.1761	24.5886	26.7301	24.8297
370013	1.4968	0.8861	28.3502	29.7899	32.8050	30.3615
370014	1.2150	0.8408	28.8962	29.3407	28.8058	29.0123
370015	0.9979	0.8760	27.8061	27.6086	27.9015	27.7724
370016	1.5857	0.8861	30.4672	29.6737	30.9822	30.3796
370018	1.5379	0.8760	31.2335	29.3285	29.9348	30.1154
370019	1.1741	0.8017	26.7613	30.4599	30.9046	29.3782
370020	1.5729	0.8861	24.7520	24.7484	26.5784	25.3619
370022	1.3858	0.8270	26.4836	24.4735	26.1508	25.6663
370023	1.3323	0.8089	24.9580	27.4272	27.9018	26.8583
370025	1.3829	0.8760	24.8336	27.0211	27.6951	26.4528
370026	1.4507	0.8861	26.0203	26.8057	28.1146	26.9937
370028	2.0270	0.8861	29.9849	31.9029	33.9521	31.9991
370029	1.1511	0.8017	30.0134	30.3712	31.0013	30.4602
370030	0.9910	0.8760	26.0831	26.5853	27.9552	26.8681
370032	1.4856	0.8861	28.0739	30.2497	29.6486	29.2901
370034	1.2867	0.8017	23.2192	23.9679	29.5364	25.5443
370036	1.0370	0.8017	21.1544	22.1686	21.3785	21.5609
370037	1.8563	0.8861	26.8992	28.9215	30.8721	28.8559
370039	1.1530	0.8864	25.3422	26.7579	27.7301	26.6250
370040	0.9917	0.8017	19.7644	21.6739	23.4331	21.6824

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
370041	0.8609	0.8864	29.5074	26.4346	25.4871	27.1154
370047	1.4945	0.8861	27.8937	29.6739	32.3165	30.0356
370048	0.9653	0.8017	23.4848	24.2668	24.1343	23.9599
370049	1.4371	0.8861	24.2099	22.8526	28.2783	25.0600
370051	1.0771	0.8017	21.8716	22.8411	25.2437	23.3375
370054	1.2593	0.8017	23.4644	25.4821	31.2786	26.7359
370056	1.7795	0.8579	27.6178	26.9562	31.0225	28.6018
370057	0.9892	0.8864	23.1814	21.0790	21.6866	21.9676
370060	***	*	25.5571	29.0333	*	27.1132
370065	1.0374	0.8119	24.0062	23.7889	27.6147	25.2679
370072	0.7840	0.8017	22.8598	17.3061	22.6081	20.6800
370078	1.6690	0.8864	30.4837	28.7496	30.0395	29.7756
370080	0.9537	0.8017	23.7231	22.4258	20.5624	22.2160
370083	0.8441	0.8017	21.9162	21.3677	19.0707	20.7313
370084	1.0783	0.8017	17.4202	17.7119	16.9006	17.3311
370089	1.5651	0.8017	22.0607	23.8318	25.9159	24.0554
370091	1.7197	0.8864	28.0487	28.3945	29.9801	28.8357
370093	1.9314	0.8861	26.7272	29.0161	30.3405	28.6784
370094	1.4661	0.8861	28.3512	29.5931	29.7407	29.2592
370097	1.3617	0.8579	28.0911	28.1234	28.0485	28.0899
370099	1.0863	0.8861	30.5437	28.8908	29.8196	29.7121
370100	0.8879	0.8017	20.6298	18.2493	20.4983	19.7870
370103	1.0503	0.8017	22.2675	23.4746	23.9559	23.2347
370105	2.1142	0.8861	30.5438	30.9068	36.1174	32.0645
370106	1.5245	0.8861	29.6797	31.4433	32.4747	31.2193
370112	1.0149	0.8017	19.0130	20.2239	20.4699	19.9447
370113	1.1529	0.8462	30.0061	28.3511	28.2888	28.8884
370114	1.7327	0.8864	27.1348	32.9928	34.7611	31.4511
370138	1.0298	0.8017	23.6348	24.7631	28.4293	25.7195
370139	0.9194	0.8017	21.0759	19.3691	22.7663	21.0194
370148	1.5057	0.8861	29.3447	30.8781	32.6383	30.9688
370149	1.3740	0.8861	23.0764	25.0025	27.3475	25.0933
370153	1.0947	0.8017	25.9238	30.0891	28.8427	28.2741
370156	1.0078	0.8114	22.7140	22.3940	23.9498	23.0193
370158	0.9116	0.8861	22.0056	22.2823	23.6271	22.6383
370166	0.9198	0.8864	26.3420	22.9735	24.2071	24.5055

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
370169	0.7920	0.8190	24.5389	20.5348	20.0430	21.8109
370170	0.9052	1.4382	*	*	*	*
370171	1.0000	1.4382	*	*	*	*
370172	0.8044	1.4382	*	*	*	*
370173	1.0007	1.4382	*	*	*	*
370176	***	*	26.6687	27.2899	*	26.9843
370178	0.9180	0.8017	15.6720	17.3536	21.1275	17.9568
370180	1.2523	1.4382	*	*	*	*
370183	0.9346	0.8864	30.3850	25.4218	25.6096	27.0506
370190	1.6477	0.8864	32.5635	35.6046	42.6067	37.1583
370192	1.9251	0.8861	19.1346	28.9574	32.6197	27.3274
370196	***	*	24.6984	*	*	24.6984
370199	0.9552	0.8861	23.9376	25.9775	26.7845	25.6708
370200	***	*	19.7060	27.9940	35.8719	26.8170
370201	1.5046	0.8861	25.5882	30.4213	30.9026	28.9180
370202	1.4666	0.8864	25.8261	29.3845	30.9936	28.8532
370203	1.8920	0.8861	30.3641	31.6266	32.1871	31.6717
370206	1.9178	0.8861	30.8151	28.9491	30.0585	29.9057
370210	1.9062	0.8864	25.7905	29.4082	29.9079	28.4566
370211	1.1934	0.8861	30.9656	32.7888	34.6101	32.9440
370212	1.9722	0.8861	20.0919	23.4166	27.1375	23.5295
370214	0.8377	0.8114	20.1495	22.3796	25.0447	22.5261
370215	2.2825	0.8861	32.0950	32.7257	33.2373	32.7263
370216	2.1658	0.8864	29.6658	29.1189	26.1707	28.1248
370218	1.4156	0.8864	23.7517	29.6378	28.7572	27.2714
370219	***	*	41.4392	*	*	41.4392
370220	2.2137	0.8861	21.3168	22.2077	20.9298	21.4203
370222	1.9360	0.8861	26.9175	28.6123	28.3453	27.9656
370223	***	*	24.0154	*	19.6604	21.4670
370224	***	*	*	21.5542	*	21.5542
370225	1.1413	0.8861	*	*	*	*
370226	***	*	*	*	37.1390	37.1390
370227	1.0250	0.8864	*	*	25.9830	25.9830
370228	1.1823	0.8864	*	*	29.2557	29.2557
370229	1.0257	0.8017	*	*	*	*
370231	0.9969	0.8864	*	*	*	*

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
370232	1.1109	0.8017	*	*	*	*
380001	1.2530	1.1173	33.8490	36.3316	37.7584	36.0275
380002	1.3507	1.0046	32.6830	32.7006	33.7907	33.0702
380004	1.6902	1.1173	36.1021	37.7310	38.7848	37.5392
380005	1.4128	1.0046	33.5765	33.5424	36.4765	34.5241
380007	1.9680	1.1173	36.4222	37.9358	39.2842	37.8818
380009	2.1862	1.1173	36.5688	36.8442	39.1393	37.5615
380014	1.9778	1.0296	35.7101	36.4373	36.1111	36.0952
380017	1.7902	1.1173	36.8103	37.5098	38.6492	37.6722
380018	2.0193	1.0046	32.4884	32.3945	33.4301	32.7883
380020	1.4677	1.1282	35.7392	37.4343	42.4903	38.6506
380021	1.5246	1.1173	33.0628	33.3855	35.2942	33.9333
380022	1.4159	1.0106	30.9181	32.6138	34.0849	32.6081
380025	1.2343	1.1173	38.1507	38.7401	40.2542	39.0981
380027	1.4336	1.0985	31.4398	33.7027	35.3681	33.5331
380029	1.3160	1.1071	33.3368	34.4907	36.3780	34.8151
380033	1.1325	1.1282	36.0798	36.6589	38.9026	37.2572
380037	1.4089	1.1173	34.0321	36.0715	37.8397	36.1223
380038	1.3228	1.1173	35.0350	36.3586	37.3367	36.2465
380040	1.5283	1.0046	34.4500	37.3200	39.0280	37.0491
380047	1.8942	1.0985	35.8165	37.9901	39.2864	37.8086
380050	1.4662	1.0046	31.3088	32.4377	35.5034	33.1746
380051	1.8579	1.1173	35.0114	37.3363	39.5771	37.3333
380052	1.2455	1.0046	27.7656	29.1449	30.5763	29.1627
380056	1.2401	1.1071	31.0210	31.9034	32.2946	31.7201
380060	1.5979	1.1173	35.1106	36.9581	37.6168	36.6196
380061	1.6961	1.1173	35.8922	37.9554	39.8524	37.8861
380071	1.5130	1.1173	31.6821	32.7466	36.1630	33.5296
380075	1.4781	1.0046	34.0197	36.0119	37.8963	35.9417
380082	1.3415	1.1173	37.7268	38.8914	40.5892	39.0683
380089	1.3650	1.1173	37.0017	37.7878	39.3331	38.0936
380090	1.3301	1.0985	41.4540	41.3541	36.1957	39.4825
380091	1.6124	1.1173	39.7431	47.7003	43.5979	43.8371
380100	***	*	45.3882	*	*	45.3882
380102	1.8467	1.1282	*	*	*	*
390001	1.5928	0.8509	25.4188	27.9772	27.1369	26.8091

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
390002	1.4560	0.8567	25.9827	26.9670	28.0217	26.9883
390003	1.1897	0.8509	26.2872	26.6558	28.5550	27.1598
390004	1.7151	0.9161	26.5054	29.3249	30.1116	28.6336
390006	1.9048	0.9161	30.9914	32.8108	34.0319	32.6975
390008	1.1052	0.8523	22.9417	25.0200	23.3722	23.7761
390009	1.7909	0.8509	29.0286	29.4416	29.4788	29.3179
390010	***	*	26.0966	27.8944	*	26.9767
390012	1.2900	1.0765	34.2004	35.6251	36.5075	35.4492
390013	1.4998	0.9161	28.3039	26.8792	28.6128	27.9375
390016	1.3710	0.8509	26.1802	25.6660	28.0791	26.6336
390019	1.2656	0.9405	25.3185	25.2047	27.4886	25.9672
390023	1.2198	1.0765	36.2618	37.9254	40.0307	38.0623
390024	***	*	37.4815	*	*	37.4815
390025	0.5715	1.0765	*	*	*	*
390026	1.2953	1.0765	36.0608	36.6927	37.8982	36.8748
390027	1.8176	1.0765	40.9110	42.5592	43.2863	42.2614
390028	1.7616	0.8567	29.6218	31.3868	29.7659	30.2416
390030	1.1774	0.9405	26.5678	26.9684	29.2589	27.6203
390031	1.2218	0.8843	26.1258	27.5747	30.8796	28.1344
390032	1.3312	0.8567	25.3756	27.3294	28.0123	26.9158
390035	1.2342	1.0765	27.2130	27.6331	30.9600	28.6617
390036	1.5866	0.8567	26.1956	30.1286	32.9773	29.7227
390037	1.4602	0.8567	27.0788	31.6832	31.5443	30.0435
390039	1.3655	0.8546	22.1531	23.3456	24.9694	23.4740
390041	1.2656	0.8567	25.1190	26.4415	26.5753	26.0714
390042	1.5148	0.8567	29.6213	30.6691	30.9971	30.4337
390043	1.2296	0.8509	24.3590	26.4451	27.6266	26.1527
390044	1.6128	1.0530	29.9959	30.6946	30.4850	30.4001
390045	1.4760	0.8509	25.8800	26.4450	25.4029	25.8954
390046	1.8301	0.9746	32.5273	32.1156	34.3559	33.0452
390048	1.1692	0.9161	28.4563	29.0278	30.0870	29.1884
390049	1.5518	0.9405	31.0290	32.7809	33.9546	32.6141
390050	2.1229	0.8567	29.6715	32.0935	32.6719	31.5014
390052	1.1984	0.8529	26.3700	27.4028	28.0662	27.3003
390054	***	*	27.5696	*	*	27.5696
390056	1.1238	0.8529	24.7038	25.5903	26.0944	25.4676

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
390057	1.3731	1.0765	31.0279	33.9576	34.1227	33.0166
390058	1.4268	0.9161	29.6620	29.4647	31.4346	30.2160
390061	1.5125	0.9746	30.9208	30.2319	33.2839	31.3678
390062	1.1590	0.8517	22.8856	37.2849	24.7403	28.3031
390063	1.9432	0.8509	28.3987	30.3687	29.6085	29.4599
390065	1.3869	1.0496	31.8841	31.2628	34.1509	32.4868
390066	1.4935	0.9161	29.0033	28.3747	28.4545	28.6018
390067	1.8047	0.9746	32.2891	30.5601	32.7009	31.8523
390068	1.2866	0.9746	29.6984	28.2183	31.3686	29.7350
390070	1.3814	1.0765	34.5501	33.4969	34.5022	34.1840
390071	1.0479	0.8509	26.3830	27.8695	29.4067	27.8637
390072	1.0365	0.8509	28.8145	28.0714	29.3008	28.7479
390073	1.7549	0.8517	27.0876	28.8519	30.4073	28.7640
390076	1.3590	1.0765	33.9908	34.0355	36.0337	34.6436
390079	1.8713	0.8750	26.0199	26.9676	29.0245	27.3480
390080	1.4522	1.0765	31.6210	33.0003	34.7963	33.0758
390081	1.3314	1.0765	36.4788	37.7643	37.7381	37.3396
390084	1.2793	0.8509	24.3191	24.8010	26.7795	25.2800
390086	1.5945	0.8509	24.7454	25.3096	25.8212	25.3007
390090	1.8764	0.8567	30.1256	31.9282	33.7323	31.8674
390091	1.2620	0.8509	23.2118	23.9434	24.9895	24.0598
390093	1.2290	0.8509	23.8846	23.5291	23.4916	23.6341
390095	1.2005	0.8509	25.3859	25.9594	25.8271	25.7150
390096	1.6264	1.0530	30.3910	31.7443	32.9599	31.7312
390097	1.2966	1.0765	28.1285	30.4946	31.2933	29.9565
390100	1.6541	0.9746	32.7836	32.8949	33.8098	33.1901
390101	1.3191	0.9526	25.9850	28.6622	30.5652	28.4498
390102	1.4762	0.8567	25.5336	26.3716	27.4078	26.4615
390104	1.0256	0.8509	20.4552	26.8407	25.5500	24.5842
390107	1.7718	0.8567	25.6790	26.6305	27.5113	26.6481
390108	1.3264	1.0765	34.3066	33.3017	33.0812	33.5657
390110	1.6616	0.8509	25.7159	28.5314	29.2114	27.8372
390111	2.3297	1.0765	37.7322	34.5571	37.4034	36.5385
390112	1.1114	0.8546	18.4185	19.5361	21.7618	19.8898
390113	1.3636	0.8509	24.8669	25.9952	27.3239	26.1026
390114	1.5335	0.8567	28.5336	28.2039	31.1727	29.3417

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
390115	1.4010	1.0765	32.5058	32.8427	32.4906	32.6138
390116	1.4090	1.0765	33.9295	34.5119	35.8124	34.7722
390117	1.2284	0.8510	22.2327	26.0642	29.4532	25.9021
390118	1.2756	0.8509	23.6535	23.7128	24.9150	24.0866
390119	1.3599	0.8509	25.3907	25.9784	27.7668	26.4246
390122	1.0543	0.8509	24.6434	24.0424	25.6753	24.7750
390123	1.2379	1.0765	35.1244	34.1121	36.2907	35.1769
390125	1.2563	0.8509	24.0199	24.4654	28.2329	25.5409
390127	1.5706	1.0765	33.1227	34.6488	37.2911	35.0077
390128	1.2760	0.8567	25.1858	26.0441	26.6048	25.9610
390130	1.2073	0.8509	30.7083	26.7324	27.8831	28.3944
390131	1.4113	0.8567	27.7146	26.9190	27.7765	27.4675
390132	1.6245	1.0765	30.0751	33.1853	34.6686	32.6204
390133	1.8571	1.0530	33.0604	35.0046	33.5858	33.8932
390137	1.5065	0.8509	26.9156	27.9033	28.8768	27.9121
390138	1.3244	1.0496	27.7565	29.0224	31.9340	29.6092
390139	1.3858	1.0765	36.5001	36.8337	38.9715	37.4666
390142	1.5812	1.0765	33.3509	38.1793	41.7965	37.8882
390145	1.4739	0.8567	26.9212	27.6510	28.4472	27.7026
390146	1.1970	0.8509	23.9878	27.5267	28.5944	26.6700
390147	1.4098	0.8567	29.0995	30.4797	29.9003	29.8258
390150	1.1325	0.8515	22.6483	27.2922	29.5097	26.6124
390151	1.4533	1.0496	31.8967	35.0627	36.1838	34.4568
390153	1.3662	1.0765	36.0287	37.0995	38.6509	37.2968
390154	1.2217	0.8509	23.9785	24.6857	26.5297	25.0858
390156	1.3617	1.0765	33.7057	34.9903	37.3076	35.3187
390157	1.2496	0.8567	23.0989	23.7167	25.3304	24.0528
390160	1.4641	0.8567	25.2043	27.5196	28.6869	27.1706
390162	1.5709	1.1280	35.1844	36.7008	37.4703	36.4185
390163	1.3306	0.8567	24.8761	25.4594	26.9809	25.7955
390164	2.2789	0.8567	29.7778	29.0556	30.3482	29.7279
390166	***	*	28.2178	*	*	28.2178
390168	1.6857	0.8567	27.3674	28.2578	30.9235	28.8822
390169	1.1762	0.8509	26.6063	28.4619	28.7411	27.9870
390173	1.3215	0.8546	27.6039	28.0999	29.4695	28.4211
390174	1.8138	1.0765	35.1118	36.5352	38.5670	36.7628

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
390176	1.0420	0.8567	*	27.5270	32.1051	29.5889
390178	1.4445	0.8600	23.9166	25.2325	26.0853	25.0756
390179	1.4701	1.0765	31.5498	33.9916	35.7591	33.8296
390180	1.4303	1.0765	38.2997	37.8677	39.2901	38.4851
390181	***	*	27.8833	*	*	27.8833
390183	1.1887	0.8509	28.2211	28.8361	29.9287	29.0390
390184	1.0458	0.8567	23.9973	24.1461	24.6116	24.2542
390185	1.3942	0.9405	25.5318	28.1346	29.5155	27.8683
390189	1.0954	0.8509	23.4902	25.3686	26.8189	25.2753
390192	1.0196	0.8509	23.7958	24.7427	25.0085	24.5203
390194	1.2336	0.9405	23.7367	27.8231	27.5260	26.2940
390195	1.6061	1.0765	37.2504	36.8626	39.5226	37.8846
390196	1.5301	*	*	*	*	*
390197	1.3716	0.9405	27.7303	28.1999	28.4855	28.1347
390198	1.0016	0.8509	21.0861	21.3574	23.6249	22.0336
390199	1.1525	0.8509	24.5469	24.9642	25.6275	25.0628
390201	1.5511	0.9460	28.5668	28.7755	33.2321	30.2676
390203	1.5230	1.0765	30.7244	33.0056	39.2667	34.4792
390204	1.3951	1.0765	32.0242	33.8120	31.6920	32.4668
390211	1.4122	0.8600	27.7875	28.0796	29.5567	28.4769
390217	1.2688	0.8567	26.2706	25.6917	27.0886	26.3518
390219	1.3817	0.8567	26.3263	27.2812	28.9463	27.5217
390220	1.2574	1.0765	32.0891	33.0323	34.0933	33.0447
390222	1.4380	1.0765	32.7077	34.5835	35.0162	34.1313
390223	2.1413	1.0765	36.5784	35.8030	36.4686	36.2827
390225	1.3671	0.9746	26.3642	*	37.2003	31.3972
390226	1.7682	1.0765	35.4683	35.5564	37.7252	36.2815
390228	1.5300	0.8567	25.5120	28.4321	28.7341	27.5570
390231	1.4535	1.0765	35.2312	35.0675	35.2479	35.1832
390233	1.4332	0.8509	28.3660	29.5938	31.2920	29.7908
390236	1.0294	0.8509	24.5574	25.1866	26.6442	25.4333
390237	1.6878	0.8509	29.9748	29.6917	29.3123	29.6520
390256	1.9907	0.9161	28.5887	31.6455	32.5650	30.9753
390258	1.4564	1.0765	32.0551	33.7330	37.1156	34.3523
390263	1.6615	0.9405	30.2069	31.1718	31.3913	30.9524
390265	1.6237	0.8567	27.7795	27.8241	30.8343	28.8119

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
390266	1.1383	0.8600	23.0142	23.5248	24.2255	23.5948
390267	1.5021	0.8567	25.7571	28.4250	30.7224	28.2795
390268	1.4705	0.8628	28.4200	30.0652	30.2637	29.6045
390270	1.7441	0.8509	27.0301	29.3622	31.2862	29.3404
390272	0.6330	1.0765	32.9918	29.4836	28.9815	30.3399
390278	0.7864	1.0765	28.8318	33.9596	32.6176	31.7776
390285	***	*	38.4703	43.0793	42.6411	41.2248
390286	***	*	31.7337	32.6998	34.3467	32.9330
390290	1.8432	1.0765	47.7663	41.9121	45.5855	45.0203
390304	1.4348	1.0765	33.4134	35.0741	31.4118	33.2717
390307	1.9281	0.8600	22.9474	27.2053	28.6025	26.1219
390311	***	*	49.9027	*	*	49.9027
390312	1.4452	1.0765	51.3372	42.3481	47.4912	46.6973
390313	1.1402	0.8843	*	27.3018	28.2730	27.7674
390314	1.9104	0.9405	*	*	31.2627	31.2627
390315	***	*	*	*	33.7886	33.7886
390316	2.1098	1.0530	*	*	27.5474	27.5474
390317	0.8038	1.0765	*	*	40.0462	40.0462
390318	1.4192	0.9405	*	*	28.8744	28.8744
390319	0.9481	0.8567	*	*	*	*
390320	2.7965	1.0765	*	*	*	*
390321	1.7804	0.9405	*	*	*	*
400001	1.3274	0.4282	15.4249	15.9192	16.7467	16.0408
400002	***	*	12.9793	14.2946	*	13.6163
400003	1.4027	0.4258	14.6859	15.8816	16.1022	15.5378
400004	1.1337	0.4282	13.5197	14.5542	15.6128	14.5649
400005	1.1494	0.4282	11.7590	12.6516	13.5902	12.6912
400006	1.2753	0.4282	*	*	11.3150	11.3150
400007	1.3194	0.4282	10.4934	10.7767	12.4403	11.1611
400009	1.0496	0.3561	10.1212	14.0016	12.1371	11.8594
400010	0.8029	0.3369	10.4206	12.8584	9.9686	10.7816
400011	1.2081	0.4282	9.4068	10.7620	11.2889	10.4922
400012	1.6634	0.4282	*	11.1553	12.3642	11.7247
400013	1.3877	0.4282	12.3073	12.7900	13.8665	13.0128
400014	1.4610	0.3595	12.3301	11.0722	11.8099	11.7048
400015	1.2566	0.4282	21.9225	17.6943	20.6014	19.9015

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
400016	1.5854	0.4282	17.9107	19.1577	18.3119	18.4599
400017	***	*	10.0590	*	*	10.0590
400018	1.3636	0.4282	13.1572	13.6091	14.0267	13.6205
400019	1.5566	0.4282	15.2364	15.0604	15.9353	15.3872
400021	1.5607	0.4549	14.9779	16.3677	16.9832	16.1033
400022	1.4793	0.4258	15.2124	15.3660	16.3760	15.6441
400024	0.7732	0.3595	13.7215	14.2708	12.9549	13.5783
400026	1.2407	0.3561	8.9064	9.8155	10.7169	9.7988
400028	***	*	9.6941	11.1923	10.2934	10.3638
400032	1.1343	0.4282	10.7844	11.9013	12.2669	11.6859
400044	1.7300	0.4258	12.1393	13.4579	14.6579	13.6085
400048	1.2979	0.3561	10.5176	11.5766	13.1850	11.7959
400061	2.1704	0.4282	17.4504	18.5327	20.5087	18.8372
400079	1.5588	0.3369	10.6127	11.3550	11.9824	11.3404
400087	1.2640	0.4282	12.0034	12.6233	13.4288	12.6871
400098	1.2431	0.4282	12.8756	13.2365	13.3671	13.1717
400102	1.2316	0.4282	12.1257	12.6314	10.9542	11.7721
400103	2.0761	0.3595	11.3314	12.7285	11.9853	12.0090
400104	1.3358	0.4282	12.6934	12.9616	11.8195	12.5011
400105	1.0711	0.4282	17.0463	25.3823	19.6129	19.9057
400106	1.1191	0.4282	14.8544	14.1766	15.1456	14.7145
400109	1.4847	0.4282	14.5713	15.4910	16.2304	15.4433
400110	1.2368	0.3528	10.8214	11.2311	12.3738	11.4462
400111	1.2060	0.3369	10.7892	11.0467	12.0683	11.3123
400112	1.2379	0.4282	11.2303	9.6181	13.0534	11.1342
400113	1.3390	0.4258	11.5948	11.9672	12.8788	12.1619
400114	1.2113	0.4282	11.6872	11.5514	12.7842	12.0298
400115	1.0598	0.4282	10.6809	12.0201	10.9564	11.2441
400117	1.0324	0.4282	12.1540	12.2159	13.0609	12.4850
400118	1.3323	0.4282	12.6199	13.3983	14.0618	13.3770
400120	1.4734	0.4282	14.5205	14.6591	15.3683	14.8571
400121	1.0669	0.4282	9.9713	11.7462	11.7441	11.2726
400122	2.2443	0.4282	10.0966	13.1851	13.6602	12.0852
400123	1.2369	0.3595	13.8601	13.4317	14.3030	13.8583
400124	2.8599	0.4282	19.1704	21.9082	22.0619	21.0750
400125	1.2425	0.3874	13.1078	12.7141	13.5864	13.1629

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
400126	1.2276	0.4549	*	14.2108	13.0372	13.5539
400127	2.2024	0.4282	*	12.0796	10.6621	11.1995
400128	1.0442	0.4282	*	23.6366	14.1088	17.2092
410001	1.3296	1.1560	30.5865	30.8038	33.6421	31.6567
410004	1.3994	1.1560	35.2384	33.7118	35.8403	34.9238
410005	1.2979	1.1560	34.2846	38.2842	38.0619	36.9368
410006	1.4558	1.0702	33.9961	35.4462	36.1985	35.2228
410007	1.7064	1.1560	34.4774	37.0287	38.3867	36.7006
410008	1.3757	1.0702	33.6384	34.6138	35.3809	34.5644
410009	1.3355	1.0702	34.3427	36.0892	36.4091	35.6362
410010	1.1199	1.1560	34.9330	38.4603	39.9638	37.7769
410011	1.4645	1.1560	36.7668	38.5007	37.6589	37.6665
410012	1.6248	1.1560	36.5207	37.5223	38.6851	37.5744
410013	1.2620	1.1360	39.8659	38.2253	38.6414	38.8940
420002	1.6629	0.9258	31.2247	32.3569	33.2952	32.2569
420004	2.1010	0.9252	30.0764	31.8610	34.1012	32.1498
420005	1.2940	0.8411	26.5044	28.0173	29.8412	28.1181
420006	2.1518	*	29.1404	31.5368	32.2965	30.9655
420007	1.7111	0.9086	28.9557	31.1080	31.3033	30.4861
420009	1.4017	0.9086	28.6648	29.1084	29.6808	29.1549
420010	1.1694	0.8439	26.5523	27.0435	27.8709	27.1665
420011	1.1720	0.9314	26.0585	25.9484	25.1689	25.7394
420015	1.3418	0.9314	27.4929	27.9759	29.5582	28.3316
420016	1.0027	0.8399	23.4323	23.2125	23.4618	23.3687
420018	1.9284	0.8759	29.0923	28.9660	30.2579	29.4553
420019	1.1621	0.8568	25.8119	23.7910	26.9977	25.5119
420020	1.3033	0.9252	29.2935	28.9093	30.9488	29.7089
420023	1.8241	0.9314	30.4492	31.2602	32.2488	31.4072
420026	1.9124	0.8759	29.5066	31.2504	32.5572	31.1347
420027	1.6300	0.9086	31.3797	30.6779	*	31.0258
420030	1.4921	0.9252	30.3424	31.3260	33.0987	31.5744
420033	1.3463	0.9314	32.4287	33.8157	33.5699	33.2702
420036	1.2688	0.9099	26.3480	27.1715	28.0250	27.1767
420037	1.4064	0.9314	32.7124	33.5291	34.1076	33.4635
420038	1.2847	0.9314	27.1524	29.5673	31.5388	29.4623
420039	1.0619	0.8929	26.3127	24.5270	26.0489	25.6075

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
420043	1.1861	0.8551	25.8366	24.2727	25.6018	25.2202
420048	1.3049	0.8759	27.4353	29.9094	30.5167	29.3111
420049	1.3260	0.8641	28.0920	28.4801	29.1163	28.5669
420051	1.8299	0.8439	27.6130	28.0711	29.6261	28.4477
420053	1.2963	0.8502	25.4820	26.4997	27.1081	26.3512
420054	1.1210	0.8401	26.7900	27.1580	28.2725	27.4120
420055	1.1416	0.8427	25.3144	25.9899	26.0255	25.7592
420056	1.3094	0.8399	29.7774	27.8175	29.3188	28.9542
420057	1.2963	0.8439	27.7137	29.5662	29.8897	29.0709
420062	1.0833	0.8524	27.2263	28.3129	29.4726	28.3826
420064	1.5616	0.8641	25.0654	26.4352	28.3216	26.6452
420065	1.5441	0.9252	28.1896	28.2922	28.9626	28.4895
420066	0.9570	0.8439	20.5743	26.0307	27.0504	24.3154
420067	1.4142	0.8817	27.7167	29.0379	29.2066	28.6526
420068	1.5378	0.9527	28.0316	28.1555	30.0666	28.7169
420069	1.2850	0.8399	24.4656	25.1993	25.9447	25.2155
420070	1.4122	0.8759	27.6431	28.4000	28.5579	28.2053
420071	1.5208	0.9086	28.1099	28.6098	30.2531	29.0105
420072	1.1647	0.8399	20.7716	24.4951	25.2077	23.5012
420073	1.4865	0.8759	28.2671	29.5999	30.4941	29.4818
420078	1.9867	0.9314	32.8731	34.3181	33.3691	33.5209
420079	1.5363	0.9252	30.5981	31.7686	32.4626	31.6252
420080	1.4096	0.8817	32.8712	33.8785	35.2949	34.0334
420082	1.5126	0.9529	34.8864	33.5290	33.6670	33.9910
420083	1.4791	0.9086	29.6587	29.2264	33.5329	30.7160
420085	1.5196	0.9223	29.9085	31.3391	32.5361	31.2837
420086	1.5308	0.8759	29.6349	30.1406	30.5884	30.1347
420087	1.8321	0.9252	28.4632	28.8860	29.6136	29.0043
420089	1.6898	0.9252	31.7367	33.0906	35.2407	33.3707
420091	1.5567	0.8439	27.9062	28.0471	30.7482	28.8706
420098	1.1976	0.8407	27.6722	28.2058	29.6500	28.5992
420100	***	*	29.2979	*	*	29.2979
420101	1.0052	0.8817	33.1995	33.5957	33.0451	33.2696
420102	1.8906	0.9314	*	*	34.3207	34.3207
420103	1.2387	0.9314	*	*	*	*
430005	1.4208	1.0000	25.4385	27.1759	29.2386	27.2448

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
430008	1.1323	1.0000	27.2275	27.2961	28.1278	27.5654
430012	1.3663	1.0000	27.0195	28.5808	28.9595	28.1941
430013	1.2067	1.0000	28.4962	28.3679	29.7388	28.8759
430014	1.5187	1.0000	28.9295	29.2921	30.3630	29.5359
430015	1.3611	1.0000	28.0414	28.0093	28.9296	28.3270
430016	1.6144	1.0000	31.1336	31.5894	34.2610	32.4635
430027	1.7295	1.0000	29.2617	29.2432	31.1835	29.9366
430048	1.2480	1.0355	25.6428	26.9537	28.6697	27.1026
430060	0.9026	1.0000	*	11.7801	*	11.7801
430064	0.9703	*	17.7334	*	*	17.7334
430077	1.7929	1.0940	31.1945	35.3480	39.6547	35.4000
430081	1.0199	1.4382	*	*	*	*
430082	0.7513	1.4382	*	*	*	*
430083	1.0550	1.4382	*	*	*	*
430084	0.8832	1.4382	*	*	*	*
430089	2.2827	1.0000	24.9060	28.3217	28.7338	27.4480
430090	2.0301	1.0000	32.7395	33.8350	34.0212	33.5658
430091	2.0885	1.0940	26.7258	28.3496	29.0916	28.0819
430092	2.0494	1.0000	23.2527	26.6750	28.3015	26.0017
430093	0.9808	1.0940	24.7426	30.7398	30.2337	28.4605
430094	1.7420	1.0355	23.6624	23.9005	24.9804	24.2133
430095	2.3107	1.0000	32.5881	31.8141	38.2085	34.0836
430096	2.3728	1.0000	24.9623	28.0608	28.3796	27.0773
440001	1.1423	0.7948	25.4855	23.9380	25.8019	25.0735
440002	1.7402	0.8871	26.9133	28.4828	28.7976	28.0851
440003	1.3257	0.9280	26.0115	31.4162	31.1666	29.3051
440006	1.6645	0.9280	31.7394	32.6924	33.2995	32.6609
440007	1.1248	0.8119	22.7571	23.4825	23.6870	23.3271
440008	1.0281	0.8210	26.8857	26.2003	28.2870	27.1392
440009	1.1708	0.7948	24.4423	25.1184	26.0040	25.1835
440010	0.9243	0.7948	20.2497	23.8087	24.9022	22.8411
440011	1.4425	0.7948	24.8300	25.7912	27.1600	25.9502
440012	1.5952	0.7957	24.9261	26.2076	26.5953	25.9396
440015	1.9977	0.7948	27.1603	28.1389	28.4467	27.9223
440016	1.0765	0.8032	25.2512	25.4197	27.4924	26.0451
440017	1.8177	0.7957	26.1820	28.6110	27.1081	27.3237

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
440018	1.1740	0.7948	24.8568	26.0748	26.3363	25.7740
440019	***	*	26.2464	28.0387	30.1931	28.0787
440020	1.0657	0.7948	27.5626	28.0269	28.6636	28.0709
440024	***	*	26.2534	25.4398	*	25.8750
440025	1.2561	0.8438	24.0289	25.5605	26.7642	25.4762
440026	***	*	28.4615	26.5911	29.9514	28.3617
440029	1.4714	0.9280	31.4652	31.8872	32.1072	31.8356
440030	1.3554	0.7948	22.3144	23.1116	23.2575	22.8992
440031	1.2845	0.7948	22.0711	23.0937	24.1851	23.1142
440032	1.2903	0.7948	23.8030	25.4122	25.3202	24.8770
440033	1.1176	0.7948	23.9792	24.3197	24.4996	24.2751
440034	1.7491	0.7948	25.9138	26.7987	27.0736	26.5997
440035	1.3762	0.9280	27.9217	26.8725	27.7533	27.5134
440039	2.2785	0.9280	30.1918	32.4190	32.3384	31.6681
440040	0.8602	0.7948	21.1288	21.3795	23.0134	21.8153
440046	1.5007	0.9280	30.7334	31.5146	32.8764	31.6731
440047	0.9783	0.8145	25.2150	26.8032	28.6702	26.9106
440048	1.8888	0.9171	30.6725	31.5584	32.5404	31.5872
440049	1.7063	0.9171	29.8623	31.7148	32.6356	31.4058
440050	1.4510	0.7957	26.3825	27.1284	29.3303	27.5657
440051	0.9297	0.7996	23.6560	23.1773	24.8037	23.8861
440052	1.0648	*	24.4071	28.1868	*	26.2378
440053	1.3950	0.9280	30.3907	31.3189	32.4503	31.4080
440054	1.2435	0.7948	21.9641	25.7785	25.9377	24.4630
440056	1.2204	0.7948	24.0635	25.2050	25.9743	25.0917
440057	1.1740	0.7948	19.3546	25.1519	22.9222	22.2785
440058	1.1492	0.8614	29.1184	28.5093	28.0299	28.5506
440059	1.5321	0.9280	29.4532	30.4489	30.5995	30.1903
440060	1.3363	0.8145	26.5867	26.5518	27.3024	26.8209
440061	1.1152	0.7948	25.4134	25.9969	26.5212	25.9931
440063	1.7344	0.7981	26.0763	25.4344	24.7803	25.4192
440064	0.9734	0.8754	26.7957	26.9014	28.9331	27.5492
440065	1.4389	0.9280	25.6111	27.3501	27.6328	26.8707
440067	1.0879	0.7948	26.0866	26.5062	27.4606	26.6924
440068	1.1836	0.8563	27.9082	27.2646	28.3925	27.8565
440070	0.9667	0.8011	23.2228	24.4477	23.7568	23.8061

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
440072	1.1077	0.7948	26.1661	27.6990	29.4625	27.8065
440073	1.4586	0.9280	27.5133	28.3950	33.8232	29.7943
440081	1.3267	0.7948	21.9681	23.3000	24.5259	23.2799
440082	1.9820	0.9280	32.8941	34.4535	34.2270	33.8164
440083	0.9678	0.7948	25.7074	25.5397	31.8133	27.4028
440084	1.1913	0.7948	19.8950	21.3873	22.1562	21.1576
440091	1.8112	0.8754	28.9697	30.0650	31.3375	30.1465
440102	1.0781	0.7948	22.1114	23.5525	24.5121	23.3354
440104	2.0266	0.8754	28.0905	29.7326	30.2301	29.3691
440105	0.9050	0.7981	23.7154	24.6039	25.1558	24.4882
440109	1.0319	0.7989	22.5878	23.8465	25.0329	23.8752
440110	1.2059	0.7948	23.6275	23.8010	25.2412	24.2401
440111	1.3708	0.9280	29.7461	33.0828	34.8033	32.5048
440115	1.0246	0.8145	24.9778	25.2508	26.5072	25.5829
440120	1.5835	0.7948	26.0621	28.0271	29.3067	27.8170
440125	1.7354	0.7948	24.0934	24.7908	25.9494	24.9465
440130	1.1307	0.7948	26.3192	27.5525	29.7509	27.8864
440131	1.1097	0.9171	28.3162	29.0546	29.2776	28.8882
440132	1.2404	0.7948	29.3377	26.1823	26.0031	27.0744
440133	1.7764	0.9280	32.5726	33.2319	32.4641	32.7486
440135	***	*	27.2094	28.7658	*	27.7843
440137	1.1024	0.8526	24.6143	25.6931	26.9374	25.7242
440141	1.0666	0.7948	24.8737	24.3575	26.3678	25.1500
440144	1.2612	0.8563	26.3225	26.6282	28.1527	27.0256
440147	***	*	36.6978	33.5900	37.8346	36.1793
440148	1.2607	0.8180	28.0708	26.2483	26.9352	27.0789
440150	1.5299	0.9280	30.5513	32.9854	32.8334	32.1424
440151	1.2054	0.9280	28.6585	28.8412	29.7082	29.0660
440152	2.5625	0.9171	29.0588	28.7357	30.1779	29.3307
440153	1.0707	0.7948	23.3790	23.8797	25.5049	24.2283
440156	1.6720	0.8754	30.5161	31.0506	31.6017	31.0718
440159	1.4664	0.9171	27.2785	26.2728	29.3516	27.6174
440161	2.1078	0.9280	31.0667	32.2343	33.4813	32.2916
440162	***	*	24.6425	27.8605	32.8708	28.2006
440168	0.9044	0.9171	31.3316	37.0865	35.6076	34.6194
440173	1.5174	0.7948	23.1370	23.5486	24.5617	23.7711

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
440174	0.9085	0.8871	27.4579	27.4578	29.2147	28.0222
440175	1.0307	0.7948	26.7705	29.2713	28.1637	28.0598
440176	1.4968	0.7957	24.9420	26.1477	25.8830	25.6676
440180	1.1625	0.7948	24.3376	26.9310	28.0126	26.4469
440181	1.1717	0.8244	26.4763	26.2247	26.8006	26.5057
440182	0.9173	0.8032	24.9899	24.4173	26.1132	25.1673
440183	1.5613	0.9171	30.9923	31.9159	33.2870	32.0523
440184	1.1262	0.7981	26.9086	25.3287	23.3322	25.0223
440185	1.2332	0.8563	26.3974	25.6005	27.2121	26.4383
440186	0.9656	0.9280	28.2840	30.0775	29.4231	29.3781
440187	1.1201	0.7948	27.4034	27.2669	29.4492	28.0330
440189	1.3670	0.8341	30.5786	29.9065	32.4791	31.0665
440192	1.1026	0.9280	30.6533	32.0772	30.4030	31.0183
440193	1.4241	0.9280	25.9726	27.8132	29.2015	27.6576
440194	1.3855	0.9280	32.3020	32.1073	33.3464	32.6095
440197	1.5649	0.9280	31.4317	32.3241	33.1604	32.2961
440200	1.1684	0.9280	23.8288	23.3049	25.6800	24.2881
440217	***	*	31.6650	33.8684	33.5264	33.0112
440218	2.3018	0.9280	36.9273	31.7847	34.8600	34.3070
440222	***	*	30.5148	32.4230	33.4779	32.1341
440225	0.8351	0.7948	26.9687	29.8273	31.2189	29.5476
440226	1.8051	0.7948	28.3199	28.4491	31.2423	29.3511
440227	1.4445	0.9280	31.9119	32.1862	33.3005	32.4840
440228	1.5313	0.9171	29.5372	31.2049	32.7230	31.2589
450002	1.5584	0.8559	29.7180	30.0562	31.6279	30.4327
450005	1.2589	0.8421	27.3473	27.9825	28.6433	28.0242
450007	1.2745	0.9033	24.4630	26.2568	27.9008	26.2410
450008	1.3007	0.8739	24.4372	26.1215	28.5492	26.3295
450010	1.6966	0.9888	30.1034	32.9053	35.9573	32.9324
450011	1.6446	0.9206	29.9302	30.9903	32.9877	31.3013
450015	1.7472	0.9693	30.3168	30.3228	30.4911	30.3779
450018	1.7997	0.9904	31.3131	32.9922	35.5712	33.2965
450021	2.0024	0.9693	31.7360	34.5462	35.7307	34.0291
450023	1.3908	0.8005	25.1683	25.6361	27.9984	26.2980
450024	1.7757	0.8559	27.3814	27.8816	27.1925	27.4827
450028	1.6425	0.9447	29.5689	29.8049	34.0997	31.2123

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
450029	1.5534	0.8278	28.6465	27.2662	28.3780	28.0928
450031	***	*	29.2141	28.8891	34.0104	30.5763
450032	1.3782	0.8558	26.3159	25.7989	24.7722	25.5859
450033	1.6415	0.9447	29.7668	31.6557	32.7706	31.4322
450034	1.5659	0.8421	29.6309	28.2761	30.5057	29.4205
450035	1.7041	0.9904	30.3369	30.8574	*	30.5883
450037	1.5611	0.8558	28.2622	26.8661	31.6332	28.8487
450039	1.6804	0.9547	29.8145	29.5097	31.1550	30.1911
450040	1.7943	0.8903	28.5469	30.0844	31.7878	30.1162
450042	1.7837	0.8612	27.6131	28.3649	29.9591	28.7245
450044	1.7955	0.9693	32.9921	36.3786	36.8350	35.4324
450046	1.6799	0.8541	27.2439	28.4297	29.1115	28.2783
450047	***	*	24.9670	24.6290	*	24.8091
450051	2.0476	0.9693	30.3976	31.0740	32.5581	31.3450
450052	1.1232	0.7985	24.3964	25.8142	26.8780	25.6896
450054	1.8685	0.8739	30.2211	30.7196	31.8152	30.9786
450055	0.9581	0.7985	24.1418	24.6436	24.1331	24.3059
450056	1.7335	0.9483	32.0902	33.7634	35.1758	33.7275
450058	1.6760	0.9033	27.7318	27.8963	29.3038	28.3582
450059	***	*	28.5645	29.9336	30.4251	29.6617
450064	1.6215	0.9547	29.0495	30.6704	31.2918	30.3637
450068	2.2983	0.9904	32.0372	34.9179	36.0902	34.3951
450072	1.2590	0.9904	28.0921	28.7063	30.1911	29.0674
450073	0.8084	0.7985	22.2322	23.1471	27.3607	24.1130
450076	1.7389	*	*	*	*	*
450078	0.9125	0.7985	20.7800	21.0876	22.8792	21.5781
450079	1.5567	0.9693	36.8936	34.1533	35.0924	35.3302
450080	1.2802	0.9547	26.8111	28.6334	28.2834	27.9102
450082	1.2045	0.7985	25.5654	27.1314	28.0686	26.8222
450083	1.8349	0.8225	30.2054	28.6628	27.8743	28.9055
450085	1.1963	0.7985	26.3610	28.1669	28.9441	27.8191
450087	1.5252	0.9547	32.6556	34.2493	35.5922	34.2084
450090	1.3411	0.8684	22.7822	22.2148	21.7004	22.2188
450092	1.4103	0.8278	28.2278	28.3891	30.5314	29.0936
450097	1.5643	0.9904	31.9782	33.8910	34.3604	33.4331
450099	1.3224	0.8399	29.8491	25.5799	25.4382	26.8735

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
450101	1.6811	0.8612	28.4220	29.3777	30.4843	29.3988
450102	1.7949	0.8225	27.3364	27.5145	28.5283	27.8122
450104	1.2249	0.9033	27.7851	30.4631	31.5834	29.9121
450107	1.7114	0.8559	29.0328	29.6790	31.5472	30.1274
450108	1.1643	0.9033	22.4293	21.7619	23.4651	22.5508
450119	1.6775	0.8851	34.4161	31.0699	34.4231	33.3604
450123	1.0012	0.8421	24.0433	27.6445	25.6415	25.8683
450124	1.8454	0.9483	31.9797	32.9774	34.3913	33.0155
450126	***	*	32.0370	32.9729	33.9635	33.0184
450128	1.3469	0.8851	28.3171	28.9733	25.6071	27.5150
450130	1.2316	0.9033	26.9208	28.3786	29.5020	28.2589
450132	1.6455	0.9387	31.1361	34.8719	33.2761	33.1083
450133	1.6806	0.9514	30.9622	31.3911	33.3058	31.9181
450135	1.7157	0.9547	30.7909	30.8734	32.1719	31.2968
450137	1.6678	0.9547	35.7775	33.8235	36.3832	35.3104
450143	1.0086	0.9483	24.4346	25.1702	26.2306	25.2759
450144	0.8810	0.9514	31.1552	31.4041	33.9298	32.1350
450147	1.4830	0.8541	26.3032	27.3607	28.1864	27.2675
450148	1.3368	0.9547	30.0542	29.9522	32.0315	30.7189
450151	***	*	22.8768	*	*	22.8768
450152	1.2507	0.8739	24.3442	25.7523	27.2981	25.8872
450154	1.3577	0.7985	24.2582	23.2210	26.8036	24.6426
450155	0.9518	0.7985	24.8773	25.2546	27.0261	25.7426
450162	1.1826	0.8903	33.7823	27.1453	27.1885	29.3979
450163	1.0821	0.8100	27.0967	27.6273	28.6735	27.8002
450165	1.1390	0.9033	30.2236	30.3796	31.6216	30.7510
450176	1.6011	0.8851	25.8587	28.4561	29.1369	27.9379
450177	1.1127	0.7985	26.0895	27.7791	28.5027	27.4708
450178	0.9348	0.9233	28.5990	27.5779	28.9534	28.3711
450184	1.7708	0.9904	30.9726	32.7090	34.0933	32.6058
450187	1.1680	0.9904	29.2749	29.3048	32.4972	30.4075
450188	0.9030	0.7985	24.6823	23.0844	23.5026	23.7701
450191	1.2449	0.9483	31.1339	30.0686	32.6122	31.2546
450192	1.0167	0.8299	26.9884	27.5539	29.0941	27.8974
450193	2.2410	0.9904	37.1906	38.2891	38.8688	38.1249
450194	1.2453	0.8037	30.4381	28.6816	28.5747	29.3155

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
450196	1.4787	0.9547	25.4842	29.8107	34.5610	29.7868
450200	1.5357	0.7985	27.9843	27.5112	27.4356	27.6508
450201	***	*	22.5464	*	*	22.5464
450203	1.3080	0.9388	28.0986	29.4706	30.6946	29.4199
450209	1.8635	0.8539	31.9882	30.4150	32.0113	31.4497
450210	1.0230	0.8113	22.9055	23.7777	24.1082	23.5571
450211	1.4423	0.8558	28.8485	27.7427	28.6208	28.3857
450213	1.9743	0.9033	28.0307	29.2061	31.8766	29.7730
450214	1.2952	0.9904	28.2261	27.0761	29.7013	28.2460
450219	0.9672	0.7985	24.7274	28.0584	26.5426	26.4061
450221	1.0166	0.7985	20.7118	23.9462	26.0548	23.4307
450222	1.8038	0.9904	31.9255	33.2164	35.4314	33.5503
450224	1.3332	0.8225	28.7931	29.8428	34.2896	30.7490
450229	1.6776	0.8381	26.8039	27.2189	28.6814	27.5782
450231	1.7396	0.8539	27.0545	27.7289	29.0463	27.9560
450234	1.1803	0.7985	21.6799	23.2715	24.5744	23.0923
450235	0.9372	0.7985	23.8001	24.3335	26.5480	24.8876
450236	1.2391	0.8403	24.5942	24.1409	24.7381	24.4954
450237	1.6644	0.9033	31.2197	36.8412	38.6993	35.7648
450239	0.9838	0.8739	18.4234	19.1203	20.1484	19.2749
450241	1.0529	0.7985	28.4948	24.3518	23.6473	25.3644
450243	1.0338	0.7985	19.0180	19.9804	19.3327	19.4422
450253	0.8658	0.9904	22.9918	24.3618	24.8454	24.0810
450270	1.2977	0.8299	12.9999	19.0341	23.1601	17.6868
450271	1.3816	0.9388	23.9534	27.4614	27.2326	26.3228
450272	1.2457	0.9483	29.0917	29.5124	30.9357	29.8687
450280	1.6447	0.9693	34.9349	33.8297	36.7763	35.1896
450283	1.1064	0.9547	28.2094	24.3428	26.0914	26.1061
450289	1.5582	0.9904	32.6137	32.4591	33.0717	32.7210
450292	1.2182	0.9693	29.0243	29.2485	29.9357	29.4213
450293	0.7961	0.7985	24.1556	23.7577	24.0607	23.9932
450296	1.0761	0.9904	33.4545	34.1708	36.4604	34.6820
450299	1.6942	0.9206	29.4593	30.3493	31.1239	30.4022
450306	0.8749	0.8381	22.6818	25.9877	26.8169	25.0749
450315	2.1271	0.9693	31.4227	32.3840	33.7842	32.7212
450324	1.6326	0.9547	27.9899	26.8023	29.4539	28.0902

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
450330	1.3508	0.9904	27.7419	29.4471	30.3251	29.1461
450340	1.4176	0.8444	29.6617	28.7672	30.5815	29.6840
450346	1.5986	0.8421	24.8434	26.7809	28.3085	26.7155
450347	1.2930	0.9904	28.5789	30.0644	39.0879	31.7620
450348	0.8857	0.7985	22.6828	23.1190	24.9786	23.5721
450351	1.1747	0.9388	29.9598	30.3441	31.5335	30.6264
450352	1.1455	0.9693	27.6480	29.3516	30.7631	29.2850
450358	2.1150	0.9904	33.9103	36.9859	37.7186	36.2668
450369	0.8990	0.7985	24.1953	22.7433	26.2247	24.2072
450370	1.1848	0.9904	29.0816	28.8348	29.9689	29.2856
450372	1.3896	0.9693	30.9345	33.7023	35.7078	33.4644
450373	0.8488	0.7985	27.4251	25.3691	24.2932	25.7191
450378	***	*	33.0583	33.9891	36.4075	34.4205
450379	1.4175	0.9693	35.0637	35.9067	32.6271	34.4741
450388	1.7639	0.9033	29.5386	30.3720	31.6070	30.5182
450389	1.2142	0.9547	26.8499	24.6733	25.7364	25.7517
450393	***	*	39.0266	12.9286	27.1107	24.0530
450395	1.1582	0.8455	28.4272	27.2714	29.8846	28.5726
450399	0.8847	0.7985	20.6307	23.2716	22.6787	22.2015
450400	1.0362	0.9206	29.5020	29.8965	30.9996	30.1497
450403	1.5366	0.9693	31.7065	33.1710	35.4782	33.5113
450411	1.0111	0.7985	21.7877	20.9108	22.4110	21.7020
450419	1.3410	0.9547	34.9972	33.6834	34.9747	34.5445
450422	1.2762	0.9693	32.4669	36.7309	34.1134	34.3580
450424	1.5450	0.9904	29.8290	32.4674	34.5569	32.3014
450431	1.7403	0.9483	28.5289	29.6446	30.6654	29.6328
450438	1.3139	0.9904	27.7734	25.1006	25.4692	26.1366
450446	0.8334	0.9904	15.4641	12.4405	15.5216	14.4421
450447	1.1936	0.9547	28.3724	29.9936	31.8935	29.9931
450451	1.0730	0.8507	25.8836	26.5422	31.4824	27.8675
450460	0.8984	0.8040	25.2165	27.6224	25.4765	26.1120
450462	1.7382	0.9693	30.6516	31.7311	33.7989	32.0439
450465	1.2421	0.9904	28.1853	28.0105	30.1955	28.8001
450469	1.5261	0.9547	31.1348	29.2172	29.6203	29.9824
450475	1.1705	0.8558	24.7037	25.0642	25.7533	25.1909
450484	1.5134	0.8558	27.7792	29.4306	31.9711	29.7496

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
450488	1.1850	0.8558	24.9109	26.6089	19.2414	24.1030
450489	1.0148	0.7985	26.9543	25.3695	27.9844	26.7321
450497	1.0021	0.8496	23.0712	24.6056	25.5912	24.4315
450498	0.9124	0.7985	20.6873	19.3077	20.7519	20.2120
450508	1.4192	0.8558	29.1519	30.4829	31.5816	30.4268
450514	***	*	26.4196	*	*	26.4196
450518	1.4458	0.8421	27.5880	28.9969	30.5901	29.0765
450530	1.3988	0.9904	30.7745	31.5033	33.7675	32.0278
450537	1.6268	0.9693	30.9167	33.1500	33.2793	32.4461
450539	1.2570	0.8123	25.0191	25.5268	27.9134	26.1684
450547	0.9127	0.9547	25.4140	24.6575	25.2773	25.1206
450558	1.7520	0.8381	28.7747	30.9433	32.3359	30.6894
450563	1.5978	0.9547	32.6875	35.8856	35.5273	34.6996
450565	1.3413	0.9388	27.4774	28.0400	20.2604	24.6775
450571	1.6736	0.8444	26.5313	26.2046	29.0276	27.1996
450573	1.0624	0.8116	24.6750	28.8508	27.5686	27.0771
450578	0.9388	0.7985	25.2478	25.7938	24.6928	25.2301
450580	0.9863	0.7985	25.9881	23.7932	24.3360	24.7329
450584	1.0404	0.7985	23.6044	23.7329	23.9279	23.7525
450586	1.0322	0.7985	18.3289	19.8656	21.2418	19.8421
450587	1.1286	0.7985	25.9364	27.1505	29.0095	27.3368
450591	1.2132	0.9904	27.9867	26.8802	27.3228	27.3932
450596	1.3215	0.9388	31.6590	30.9701	32.6451	31.7682
450597	0.9543	0.7988	24.8443	26.3300	28.5346	26.5850
450604	1.5282	0.9033	29.1543	27.9983	29.6711	28.9317
450605	1.0389	0.8541	14.8039	23.3169	25.9294	19.8604
450610	1.6708	0.9904	30.5977	32.1314	33.4177	32.0231
450615	0.9227	0.8018	22.6331	25.1269	24.9073	24.2185
450617	1.6748	0.9904	30.2923	31.5691	32.8524	31.6194
450620	0.8835	0.7985	21.2535	21.7871	21.8114	21.6178
450630	1.5995	0.9904	31.8014	32.3195	33.9731	32.6640
450634	1.6926	0.9693	31.8008	31.9667	35.0494	32.9472
450638	1.7216	0.9904	33.3237	34.1802	33.8596	33.7803
450639	1.5533	0.9547	34.3754	33.3962	35.2238	34.3245
450641	0.9255	0.8496	21.7292	20.0231	21.9208	21.2237
450643	1.4481	0.8278	27.2538	28.7747	28.9744	28.3464

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
450644	1.6896	0.9904	31.6874	33.5265	34.8463	33.3746
450646	1.6538	0.8559	27.4631	27.8352	29.9319	28.4242
450647	1.9676	0.9693	34.1016	35.2696	36.5367	35.3425
450651	1.6423	0.9693	33.6498	34.9917	35.6621	34.7071
450653	1.1352	0.7985	26.5361	27.8569	30.2644	28.1938
450654	0.9530	0.7985	25.0755	23.5856	24.5622	24.3772
450656	1.4433	0.8558	29.7290	30.0651	32.2787	30.6407
450658	1.0226	0.7985	22.7090	21.8183	23.5451	22.6654
450659	1.6318	0.9904	34.2657	35.0007	37.4041	35.4287
450661	1.6239	0.9387	29.2381	29.1701	32.8505	30.5685
450662	1.7067	0.9447	30.9630	32.8936	34.5875	32.8475
450668	1.5975	0.8559	30.2083	30.7673	32.0366	30.9613
450669	1.2140	0.9693	32.1244	32.6777	35.4345	33.3993
450670	1.6341	0.9904	26.2954	28.8285	30.3037	28.5168
450672	1.8489	0.9547	33.0858	34.5171	35.3309	34.3346
450674	0.9275	0.9904	31.9316	33.4719	34.3708	33.2937
450675	1.5462	0.9547	32.6380	34.4049	35.3618	34.1567
450677	1.3956	0.9547	27.1603	29.5819	31.0723	29.3313
450678	1.6140	0.9693	33.5513	33.6167	35.4020	34.2062
450683	1.2254	0.9693	24.8440	28.7984	29.3788	27.6756
450684	1.5209	0.9904	31.2765	31.8794	35.0768	32.7040
450686	1.7733	0.8903	26.4871	28.8211	30.3945	28.6469
450688	1.5690	0.9693	29.4393	30.4156	39.5212	33.4935
450690	1.4264	0.8225	30.0577	31.8607	33.2142	31.5431
450694	1.1250	0.7985	27.0862	28.3456	29.6365	28.3309
450697	1.6210	0.9033	28.3002	29.0148	30.4461	29.3085
450698	0.9036	0.8247	23.3062	21.5450	22.3625	22.2982
450702	1.6646	0.8558	27.1318	26.9753	30.2610	28.1063
450709	1.5374	0.9904	31.3239	31.0331	32.2101	31.5528
450711	1.6479	0.8851	28.1040	29.2934	31.1833	29.5133
450713	1.7474	0.9483	30.4933	31.3274	32.4793	31.4789
450715	***	*	*	27.0982	*	27.0982
450716	1.4846	0.9904	33.9926	33.4960	35.7265	34.4031
450718	1.6829	0.9483	29.7609	30.6623	32.6777	31.1373
450723	1.5586	0.9693	31.0481	32.1316	32.6655	31.9568
450730	1.5137	0.9693	32.8920	34.9137	33.1903	33.6228

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
450742	1.2662	0.9693	30.4204	31.4270	33.0463	31.6358
450743	1.4816	0.9693	29.5098	30.3302	31.3249	30.4344
450746	1.1292	0.7985	23.3484	22.7535	25.0694	23.7092
450747	1.2515	0.8225	28.3935	27.1975	28.8858	28.1491
450749	0.9107	0.7985	23.9269	23.0265	23.2733	23.4142
450754	0.9768	0.7985	22.8572	23.4607	24.3117	23.5585
450755	1.0767	0.8556	24.7428	22.4195	31.3204	25.7528
450758	***	*	28.3305	29.5013	28.2010	28.6514
450760	***	*	23.7157	24.0691	25.7775	24.3542
450766	1.9556	0.9693	31.2084	33.3435	35.1683	33.2474
450770	1.3684	0.9483	23.6093	25.5863	18.0459	22.2518
450771	1.6045	0.9693	32.5014	32.6206	33.7565	32.9584
450774	1.6654	0.9904	27.5065	29.1151	*	28.3542
450775	1.5260	0.9904	31.6656	33.1582	34.3654	33.1091
450779	1.4365	0.9547	32.0770	31.4350	31.9592	31.8179
450780	2.1639	0.9033	28.5560	29.4960	31.6556	29.8709
450788	1.6154	0.8541	29.7667	31.5593	32.7687	31.3701
450795	1.1190	0.9904	43.8574	31.1871	28.4802	34.7233
450796	2.6228	0.8539	39.4762	31.6590	33.6154	34.7499
450797	1.7663	0.9904	26.0302	29.7074	31.7739	29.3070
450801	1.6105	0.7985	25.6379	27.2635	26.6634	26.5192
450803	1.3194	0.9904	28.7041	28.4345	33.0146	29.9070
450804	2.0163	0.9904	31.1891	33.2767	34.1951	32.9236
450808	2.3057	0.9483	29.6476	27.4132	29.9055	29.0173
450809	1.7258	0.9483	29.4696	30.4031	31.4588	30.4836
450811	***	*	31.3007	32.5513	31.9859	31.9444
450813	1.1372	0.8016	26.5803	24.0804	20.6715	23.5616
450820	1.7477	0.9904	34.7445	36.4796	38.2108	36.6079
450822	1.3504	0.9693	34.4060	34.7760	36.6675	35.3212
450824	2.6197	0.9483	31.8413	34.8301	39.0190	35.1987
450825	1.6530	0.8851	25.8006	23.6674	24.3308	24.5730
450827	1.4304	0.9888	24.3659	23.6628	23.9496	23.9877
450828	1.3734	0.7985	26.9553	26.3231	28.2632	27.1681
450830	0.9681	*	28.4007	*	*	28.4007
450831	1.7089	0.9904	24.4141	24.2732	29.1549	25.8378
450832	1.5453	0.9904	28.1389	31.2830	32.4824	30.7550

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
450833	1.1420	0.9693	29.0256	30.3604	32.5010	30.7618
450834	1.7933	0.9206	26.7253	28.1564	29.1031	27.9224
450838	***	*	19.2949	20.3039	19.0487	19.5634
450839	1.0081	0.7985	27.5330	28.0060	28.5894	28.0255
450840	1.2748	0.9693	32.4162	34.1412	35.8725	34.2963
450841	1.6187	0.9447	24.4389	24.6321	23.9682	24.3370
450844	1.4764	0.9904	33.0758	34.7070	36.5371	34.8354
450845	1.8367	0.8559	28.5039	30.9556	31.2402	30.2207
450847	1.3939	0.9904	30.7431	31.6028	32.1869	31.6098
450848	1.4727	0.9904	31.1476	32.0471	33.4153	32.3022
450850	***	*	27.2653	*	*	27.2653
450851	2.0867	0.9693	32.8377	35.2085	38.8802	35.5622
450853	2.0083	0.9693	38.3600	37.5237	36.5101	37.2120
450855	1.8608	0.9447	30.7353	33.0196	32.9107	32.1835
450856	2.5479	0.9033	35.5006	35.5221	33.9274	34.9300
450860	1.8566	0.9904	33.3404	36.0060	39.5352	36.4526
450862	1.8415	0.9904	33.7962	34.2163	35.3982	34.5218
450864	2.6098	0.8225	25.3535	26.6579	27.1210	26.4353
450865	1.1060	0.9483	31.9200	34.6338	35.8513	34.1920
450867	1.2922	0.9483	31.4953	33.8712	34.7654	33.3974
450868	***	*	27.7501	28.4524	30.9119	29.0597
450869	1.9926	0.8851	28.7422	27.9532	33.2135	30.1400
450871	1.9451	0.9483	32.3990	35.2470	37.9738	35.1792
450872	1.3983	0.9547	31.7345	30.7510	30.9726	31.1239
450874	1.8676	0.9693	35.6839	37.4432	36.9974	36.7518
450875	1.9516	0.8539	23.2962	26.9904	20.1676	22.8117
450876	1.7122	0.8903	30.3515	30.7721	30.9806	30.7060
450877	1.5299	0.8559	29.2353	28.0504	28.0186	28.4103
450878	2.5973	0.9033	33.6269	33.5225	36.1310	34.4610
450879	***	*	36.4874	31.1510	33.9546	33.6692
450880	1.9228	0.9547	32.6713	32.1245	34.4319	33.1600
450883	1.9373	0.9693	37.1525	38.5954	37.3049	37.6847
450884	1.0402	0.8558	23.5799	25.0230	25.7645	24.7956
450885	1.5264	0.9693	36.0954	33.7612	36.0679	35.3127
450886	2.1922	0.9547	30.1571	33.2011	34.2513	32.5780
450887	***	*	25.5590	*	*	25.5590

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
450888	1.9205	0.9437	28.5995	26.3027	33.6718	29.5947
450889	1.3218	0.9693	35.6151	29.1149	37.7768	33.7885
450890	1.6403	0.9693	32.2000	33.9068	30.5718	32.1704
450891	1.8038	0.9693	39.0890	29.7832	28.6689	31.5429
450892	***	*	39.5333	*	*	39.5333
450893	1.6541	0.9693	36.2660	37.8279	38.4890	37.6102
450894	2.5125	0.9693	25.9441	34.3388	30.1201	30.2587
460001	2.0520	0.9231	30.7040	32.3262	33.1209	32.1021
460003	1.6576	0.9319	29.6450	31.8128	33.2304	31.5395
460004	1.8788	0.9319	29.8773	32.2759	33.1810	31.8222
460005	1.5680	0.9319	29.4188	29.6947	32.5526	30.5747
460006	1.7333	0.9319	28.9653	30.3798	31.5156	30.3358
460007	1.3358	0.9268	29.1191	30.8583	31.3963	30.5244
460008	***	*	27.6906	30.5351	31.2708	29.8198
460009	2.0509	0.9319	29.4705	31.5120	32.4915	31.2060
460010	2.0371	0.9319	30.9813	32.8157	33.5686	32.4990
460011	1.3290	0.8674	26.5486	27.0189	29.7484	27.7675
460013	1.5423	0.9231	29.7252	31.2945	33.2639	31.4115
460014	1.1697	0.9319	30.6450	30.0229	31.5876	30.7603
460015	1.4935	0.8803	28.8014	30.7369	31.4843	30.3806
460017	1.3823	0.8903	28.7126	29.8556	32.9922	30.5250
460018	1.0014	*	22.0935	24.7761	*	23.4535
460019	1.1788	0.8674	25.1615	24.9579	29.0338	26.4222
460021	1.9540	0.9268	29.7397	31.5207	32.5066	31.3092
460023	1.4134	0.9231	28.9473	30.5888	31.3338	30.3465
460026	0.9596	0.9230	29.2775	31.3552	32.2647	30.9963
460030	1.1661	0.8674	26.8979	30.0714	29.9269	28.9836
460033	0.9059	0.8674	27.9108	29.0346	30.0615	29.0242
460035	0.9434	0.8674	23.8682	23.4736	25.1957	24.1858
460039	1.1592	0.9311	30.0677	32.8010	35.0008	32.6853
460041	1.4984	0.9319	26.7356	29.4568	30.8887	29.0180
460042	1.5807	0.9319	36.2903	35.5686	32.3029	34.4949
460043	0.8631	0.9231	29.5660	31.2717	32.7481	31.2613
460044	1.4132	0.9319	29.5079	31.4469	32.6644	31.2589
460047	1.7647	0.9319	31.0020	33.0291	35.1263	33.0272
460049	2.1169	0.9319	28.6267	32.0329	32.9633	31.2669

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
460051	1.5507	0.9319	28.1140	28.6559	29.4759	28.9591
460052	1.7033	0.9231	28.7455	30.2613	31.8515	30.3626
460054	1.5710	0.8803	26.3939	28.1478	28.0120	27.5238
460055	***	*	*	*	23.1431	23.1431
460056	0.8224	0.8674	*	*	*	*
470001	1.3548	1.0025	32.2887	34.5891	33.5241	33.3804
470003	1.7940	1.0293	30.0535	35.8753	36.7362	34.6784
470005	1.3682	0.9422	33.9969	32.1087	32.9379	33.0059
470011	1.2239	0.9422	30.8742	32.1668	33.3394	32.1525
470012	1.2953	1.0112	29.8259	30.9839	32.7025	31.2202
470024	1.3785	1.0293	27.3106	28.9203	29.2657	28.4919
490001	1.1846	0.8025	24.6883	25.2705	26.8850	25.6328
490002	0.9564	0.8028	24.0672	26.2533	27.6367	26.0235
490004	1.4283	0.9203	28.8660	30.6657	32.4538	30.6807
490005	1.7029	1.0513	31.4909	32.7159	34.9053	33.0668
490007	2.0623	0.8914	30.7411	31.5954	32.4614	31.6048
490009	2.0440	0.9203	31.4260	30.5748	31.9496	31.3136
490011	1.7060	0.8914	28.8780	30.5522	31.9508	30.4122
490012	1.1797	0.8025	21.8322	22.3339	24.4301	22.9678
490013	1.3615	0.9619	27.3486	27.4108	28.5324	27.7697
490017	1.6019	0.8914	29.6784	29.5853	30.9047	30.0811
490018	1.3937	0.9203	27.8682	28.8491	29.5589	28.7713
490019	1.3345	1.0513	29.8891	33.5636	33.7765	32.4062
490020	1.3546	0.9494	30.6013	32.5621	33.3461	32.1198
490021	1.4713	0.8490	28.1254	28.1343	30.0869	28.7596
490022	1.5783	1.0513	31.7985	34.5366	33.3639	33.2694
490023	1.4038	1.0513	32.6308	33.4561	35.6316	33.9527
490024	1.7367	0.8981	29.0407	29.9188	31.4854	30.2069
490027	1.4257	0.8025	24.3834	23.6876	25.1699	24.4425
490032	2.0641	0.9494	28.0120	30.0331	32.8661	30.3741
490033	1.2418	1.0513	30.9910	32.1854	35.3543	32.8355
490037	1.1921	0.8025	26.2951	28.9020	27.7807	27.6377
490038	1.1365	0.8028	24.0852	25.7219	26.5823	25.5525
490040	1.6870	1.0513	35.6822	36.5546	38.2247	36.8591
490041	1.7419	0.8914	29.1244	30.4198	31.6506	30.4422
490042	1.3852	0.8825	26.6078	28.1989	28.6351	27.8261

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
490043	1.4528	1.0496	36.5982	33.4364	35.4380	35.1246
490044	1.5021	0.8914	24.1763	30.3606	31.1639	28.6723
490045	1.4362	1.0513	32.8774	34.0289	33.2301	33.3822
490046	1.5611	0.8914	29.3882	30.5445	32.0244	30.6581
490048	1.5181	0.8981	28.0320	29.1952	32.3457	29.8101
490050	1.6932	1.0513	31.1370	33.3979	35.3441	33.2738
490052	1.7570	0.8914	25.4179	26.5858	27.5800	26.5238
490053	1.2123	0.8025	24.6206	25.5300	27.6516	26.0148
490057	1.6341	0.8914	29.0700	30.5163	31.4342	30.3581
490059	1.7476	0.9494	32.1031	32.7894	33.7315	32.8906
490060	1.0988	0.8025	25.7765	26.2620	26.8764	26.2885
490063	1.9288	1.0496	34.1179	35.7722	36.5676	35.5145
490066	1.3993	0.9494	31.4298	31.1949	32.8018	31.8232
490067	1.3116	0.9494	26.7802	27.5172	28.6635	27.6322
490069	1.7572	0.9494	30.1482	33.1140	33.7580	32.4106
490071	***	*	33.7118	36.1311	37.5474	35.7436
490073	***	*	46.4210	*	*	46.4210
490075	1.4728	0.8133	27.3424	27.8663	28.5221	27.8788
490077	1.4245	0.9203	31.0016	33.5266	33.9868	32.8758
490079	1.2258	0.8807	24.2066	25.3814	26.8381	25.4605
490084	1.1514	0.8262	26.3234	28.0861	29.2001	27.8967
490088	1.0343	0.8490	26.0285	26.5138	27.3105	26.6200
490089	1.0904	0.8981	27.4587	28.7200	28.6746	28.3003
490090	1.1170	0.8025	27.0760	28.1280	30.1159	28.4491
490092	1.0905	0.8025	27.5277	26.9546	27.9480	27.4786
490093	1.5805	0.8914	28.7122	29.2159	30.8707	29.6194
490094	1.0446	0.9494	29.7990	33.4960	35.2427	32.9163
490097	1.1213	0.8025	27.4608	27.3832	30.3702	28.3815
490098	1.2490	0.8025	26.7152	29.1195	30.2724	28.7604
490101	1.5529	1.0496	32.9516	36.2501	37.1100	35.5137
490104	0.8635	0.9494	19.0056	21.5140	25.4797	21.5647
490105	0.7752	0.8028	*	*	*	*
490106	0.7217	*	26.2318	28.0073	29.6648	27.8955
490107	1.5612	1.0496	35.0272	36.5156	37.8948	36.4952
490108	0.9350	0.8490	27.8717	26.8474	28.1422	27.6252
490109	0.8360	0.8914	21.6711	26.3100	35.3956	26.6243

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
490110	1.4981	0.8433	26.3089	28.6114	30.4140	28.4403
490111	1.3002	0.8025	26.4297	25.9801	25.5933	26.0180
490112	1.8616	0.9494	31.2549	32.6940	34.4483	32.7850
490113	1.3453	1.0513	34.7841	34.3609	35.7020	34.9658
490114	1.2877	0.8025	23.0533	23.6217	24.3756	23.7176
490115	1.1261	0.8025	23.2118	24.2056	24.5732	24.0079
490116	1.1200	0.8025	25.0351	26.8981	27.6062	26.5245
490117	1.1400	0.8025	20.3038	19.0627	21.2554	20.2023
490118	1.7126	0.9494	31.2407	32.7697	34.4087	32.7699
490119	1.3791	0.8914	29.5222	30.2401	31.8001	30.5988
490120	1.5447	0.8914	27.1990	29.8199	31.3588	29.5073
490122	1.6804	1.0496	35.2234	36.8356	37.2409	36.4506
490123	1.1733	0.8025	24.6011	25.9018	26.5759	25.6908
490126	1.2835	0.8025	25.3294	26.4277	28.1112	26.5960
490127	1.1572	0.8025	23.1399	23.5161	25.8521	24.1618
490130	1.3539	0.8914	25.9782	27.8912	28.5506	27.5060
490134	0.8484	0.8025	31.1495	36.6290	38.4799	35.3431
490135	0.8329	0.8981	27.2795	29.4817	30.6983	29.1252
490136	1.5986	0.9494	31.2911	33.2256	33.6199	32.9138
490137	***	*	*	33.7203	*	33.7203
490138	***	*	*	*	29.6062	29.6062
490140	1.1707	1.0513	*	*	*	*
500001	1.6920	1.1353	37.5323	34.4057	36.7516	36.1864
500002	1.4064	1.0072	30.1872	32.8317	34.4481	32.6052
500003	1.3883	1.1232	32.7983	34.5869	35.4284	34.3657
500005	1.9139	1.1353	36.0918	36.7598	34.3832	35.6947
500007	1.3046	1.1232	31.0313	32.8189	34.5520	32.8250
500008	2.0942	1.1353	34.7810	37.6578	39.2151	37.2339
500011	1.5112	1.1353	38.3979	35.9571	39.3411	37.8813
500012	1.6682	1.0072	33.1685	34.1650	36.8979	34.8623
500014	1.7774	1.1353	37.2698	36.3915	39.1505	37.5950
500015	1.4145	1.1353	40.8683	41.8914	37.7765	39.9793
500016	1.7006	1.1232	34.2828	35.1946	36.9961	35.5244
500019	1.2954	1.0238	33.8882	33.3151	33.7113	33.6367
500021	1.2735	1.1232	33.5610	34.1696	35.5039	34.4442
500024	1.6970	1.1041	37.4529	38.1144	38.4388	38.0019

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
500025	2.0660	1.1353	44.7105	45.7929	46.4667	45.6979
500026	1.5246	1.1353	35.5080	38.9294	39.8935	38.0803
500027	1.5514	1.1353	42.4974	43.3521	46.0534	43.9702
500030	1.6107	1.1262	36.9489	37.8938	39.5003	38.1941
500031	1.3816	1.0977	34.1651	37.1418	39.3882	37.0143
500033	1.3025	1.0072	32.6753	33.5611	34.6180	33.6561
500036	1.3062	1.0072	31.9164	33.0937	34.4581	33.2430
500037	1.0522	1.0072	29.1773	31.5221	33.5698	31.4598
500039	1.6290	1.1232	34.5739	35.7525	36.9804	35.8188
500041	1.4539	1.1173	36.9273	37.1754	37.2841	37.1483
500044	1.8709	1.0552	32.0743	32.9066	37.2547	34.2357
500049	1.3589	1.0072	30.8135	32.9904	35.3710	33.0668
500050	1.6841	1.1173	35.7254	35.8576	38.7771	36.8297
500051	1.7983	1.1353	36.4764	38.1805	40.4444	38.4149
500052	0.5257	1.1353	*	*	*	*
500053	1.2927	1.0072	28.5664	35.5776	32.3889	32.3866
500054	2.0439	1.0552	34.8114	36.0163	37.0037	35.9970
500058	1.7819	1.0072	32.6843	33.9116	35.3683	34.0086
500060	1.3839	1.1353	40.3040	33.4139	36.1561	36.3222
500064	2.1038	1.1353	34.7925	36.5889	38.6388	36.7061
500072	1.2795	1.0362	33.1148	33.7689	34.6614	33.8664
500077	1.6554	1.0552	34.3114	35.6352	36.5941	35.5623
500079	1.4615	1.1232	34.2420	35.0285	39.6971	36.2958
500084	1.2299	1.1353	33.3072	35.9603	37.4223	35.5895
500088	1.5216	1.1353	38.5194	39.5328	42.2213	40.1754
500108	1.7135	1.1232	35.8918	36.9874	38.4486	37.1566
500119	1.3965	1.0552	31.7125	33.2862	37.1560	34.2985
500124	1.5615	1.1353	36.3338	36.2555	38.4951	37.0807
500129	1.7301	1.1232	37.3189	39.0479	40.9416	39.1501
500134	***	*	28.9759	27.6000	*	28.2473
500139	1.5940	1.1041	37.5709	37.3065	40.1626	38.3039
500141	1.3018	1.1353	34.2384	35.0996	36.5770	35.3417
500143	0.8345	1.1041	26.3893	27.6976	27.0786	27.0516
500148	1.2582	1.0072	24.6347	29.1435	29.3580	27.8028
500150	1.3469	1.1173	34.8480	37.1238	39.5124	37.2763
500151	1.2724	1.1224	*	*	*	*

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
510001	1.9015	0.8271	26.7924	27.6648	28.5579	27.6991
510002	1.3699	0.8825	24.8846	25.3769	26.9879	25.7394
510006	1.3756	0.8271	26.6421	27.5033	28.3986	27.5167
510007	1.7093	0.8880	28.5783	29.7125	31.3109	29.8649
510008	1.4922	0.9462	27.4709	30.6397	31.5292	29.9314
510012	0.9949	0.7650	22.9038	23.9222	23.9062	23.5707
510013	1.1575	0.7540	22.9612	22.1864	22.8779	22.6690
510018	1.1130	0.8098	23.7736	22.6582	24.2196	23.5313
510022	1.8567	0.8098	27.6119	28.4911	28.9389	28.3550
510023	1.1934	0.7540	23.1461	21.1483	23.2098	22.4635
510024	1.6521	0.8271	31.1327	32.3022	29.9740	31.1328
510026	1.0087	*	17.8275	18.6662	*	18.2486
510029	1.4261	0.8098	25.3925	24.6743	25.6860	25.2487
510030	1.1745	0.7540	25.5600	26.0174	26.6707	26.0891
510031	1.6207	0.8098	26.7872	29.5993	29.4024	28.5765
510033	1.5597	0.7540	24.2839	24.4150	24.9115	24.5148
510038	1.1536	0.7540	21.7545	21.1103	22.4112	21.7748
510039	1.3776	0.7540	21.3819	21.7158	22.0335	21.7116
510046	1.4481	0.8025	24.7187	23.2634	24.7177	24.2383
510047	1.2916	0.8271	28.8794	30.0461	31.1243	30.0454
510048	1.3054	0.7540	23.6396	25.0987	26.5418	25.1357
510050	1.8089	0.8446	23.5794	24.3081	24.5207	24.1225
510053	1.0042	0.7540	22.6288	24.3853	25.0147	24.0222
510055	1.6973	0.8880	30.7382	32.3284	33.3163	32.1773
510058	1.3980	0.7540	24.8770	24.9360	23.8781	24.5564
510059	***	*	21.9053	20.5651	23.5300	22.1135
510062	1.2221	0.8098	27.7971	30.4515	32.4834	30.2773
510067	***	*	25.2248	25.4499	*	25.3238
510070	1.3121	0.8098	25.4981	26.1227	28.1871	26.6091
510071	1.3504	0.7751	23.4553	21.7085	23.4390	22.8860
510072	1.0600	0.7540	20.2387	20.1981	21.4895	20.6336
510077	1.0537	0.8729	27.1611	24.7849	27.0319	26.3370
510082	1.2339	0.7540	21.1665	24.7558	22.7658	22.9281
510085	1.4818	0.8098	26.8133	27.6206	24.4240	26.3575
510086	1.1482	0.7540	20.1965	21.2628	20.3576	20.5850
510090	***	*	39.0787	*	*	39.0787

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
520002	1.3482	0.9071	28.3413	28.2765	26.7116	27.7254
520004	1.4996	0.9819	30.9212	32.9848	34.1865	32.6654
520008	1.6075	1.0179	33.6774	36.6697	38.2815	36.3308
520009	1.8579	0.9332	29.6290	31.0683	31.6106	30.8052
520011	1.3433	0.8978	29.5024	31.8421	33.2873	31.5935
520013	1.6336	1.0976	32.1721	33.9209	34.9944	33.6882
520017	1.2107	0.9556	31.0537	31.8512	33.6624	32.2031
520019	1.2522	0.8978	30.2189	28.8256	25.1409	27.9904
520021	1.3391	1.0323	29.7809	29.0525	30.3673	29.7460
520027	1.4301	1.0179	33.5836	33.5264	35.9033	34.3676
520028	1.3940	1.1045	29.4694	28.1055	30.4362	29.3795
520030	1.7246	0.9537	31.6807	32.0646	34.2167	32.6070
520033	1.3879	0.8978	30.2631	29.5690	31.1389	30.3366
520034	1.3078	0.8978	28.1819	30.4913	31.6386	30.1603
520035	1.5330	0.9367	29.4076	31.0972	32.7626	31.1082
520037	1.7279	0.9071	32.2206	33.1606	33.0449	32.8212
520038	1.2914	1.0179	30.5267	32.6502	32.9167	32.0875
520040	***	*	35.9652	*	*	35.9652
520041	1.0128	1.1264	26.1586	28.3889	30.2068	28.2350
520044	1.5130	0.9367	28.6620	*	31.9599	30.2726
520045	1.7890	0.9492	30.0856	29.6250	33.3652	30.9444
520048	1.6586	0.9492	30.1483	31.8604	33.1944	31.7313
520049	1.9727	0.9400	29.4238	29.8707	30.8224	30.0316
520051	1.5852	1.0179	32.4131	32.5510	35.4345	33.4292
520057	1.2057	0.9274	29.1597	31.7777	34.0671	31.7455
520059	1.4262	1.0179	31.1798	32.1905	33.6526	32.3663
520062	1.3557	1.0179	32.7015	37.5630	37.0520	35.8645
520063	1.2023	1.0179	31.5200	32.6383	34.1781	32.7561
520064	1.6643	1.0179	33.1269	34.1899	36.0924	34.4301
520066	1.4525	0.9650	31.6793	31.2257	33.7033	32.1994
520070	1.8311	0.9556	30.0475	30.2454	32.1644	30.8209
520071	1.2720	1.0179	31.5452	32.9974	33.3852	32.6894
520075	1.8243	0.9400	32.2773	33.5393	34.0973	33.3083
520076	1.2579	1.0179	26.8943	28.0857	30.1903	28.4165
520078	1.6147	1.0179	32.0200	32.8377	33.6214	32.8336
520083	1.6732	1.1264	34.7230	36.8165	38.2281	36.6451

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
520087	1.6998	0.9819	31.9771	33.5759	34.5519	33.3848
520088	1.3791	0.9427	30.7482	32.9061	32.7670	32.1576
520089	1.5783	1.1264	34.9357	36.3819	38.0516	36.4973
520091	1.3243	0.8978	28.7180	29.9318	31.2611	29.9703
520095	1.2864	1.1045	33.2426	33.3298	35.6079	34.0578
520096	1.4255	1.0179	29.2895	31.5023	37.8499	32.7151
520097	1.4507	0.9400	30.5442	32.2225	34.3493	32.3376
520098	2.0458	1.1264	38.0993	39.1444	41.0919	39.4919
520100	1.3212	0.9650	31.7772	32.4038	34.0159	32.7405
520102	1.2714	1.0179	31.5756	31.9275	34.1568	32.5763
520103	1.5487	1.0179	34.5640	35.3825	36.9411	35.6386
520107	1.3724	0.9136	30.0354	31.6500	31.1976	30.9724
520109	1.0287	0.8978	25.9740	27.2739	28.4742	27.2711
520113	1.4088	0.9207	33.3040	34.9718	35.6843	34.6401
520116	1.2781	1.0179	31.6702	32.7105	34.6508	33.0184
520136	1.8091	1.0179	32.3504	32.8906	33.7189	32.9955
520138	1.9849	1.0179	32.5677	33.5487	36.0676	34.0683
520139	1.4138	1.0179	31.7086	32.9369	34.1039	32.9713
520160	1.7449	0.9332	30.3052	31.0392	33.4129	31.5467
520170	1.6326	1.0179	31.7610	35.2627	33.8589	33.5756
520177	1.7357	1.0179	33.1243	34.6960	35.6005	34.5408
520189	1.3474	1.0323	29.2229	29.0333	31.6752	29.9942
520193	1.7818	0.9400	29.4737	30.8077	32.6949	31.0673
520194	1.7194	1.0179	31.0015	36.9520	35.9064	34.6592
520195	***	*	41.6120	37.8891	*	39.7179
520196	1.7921	0.9556	33.4890	32.0197	35.9711	33.8028
520198	1.4018	0.9492	29.9803	30.6303	32.9887	31.2354
520199	2.1323	1.0179	37.0128	45.5967	46.6518	43.7293
520202	1.7481	0.9537	*	33.6427	30.8076	32.2276
520203	***	*	*	*	44.8123	44.8123
520204	1.0509	1.0179	*	*	*	*
520205	2.1096	1.0179	*	*	*	*
530002	1.1686	1.0000	29.2418	32.5654	34.0190	32.0426
530006	1.2785	1.0000	30.3724	32.8615	33.0523	32.1254
530008	1.1051	1.0000	30.6010	30.6600	30.9960	30.7519
530009	0.8427	1.0000	27.0555	27.3359	30.2467	28.1948

Provider Number	Case-Mix Index[2]	FY 2011 Wage Index	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010	Average Hourly Wage FY 2011[1]	Average Hourly Wage** (3 years)
530010	1.2811	1.0000	28.5534	30.1134	32.0732	30.2646
530011	1.1057	1.0000	31.1329	31.8923	31.4146	31.4720
530012	1.6294	1.0000	30.6109	31.1738	32.9710	31.6237
530014	1.4706	1.0000	29.6724	31.2573	32.7666	31.2186
530015	1.2800	1.0000	33.4903	36.0871	37.1114	35.5281
530017	1.1557	*	25.8183	24.0911	*	24.8262
530025	1.2173	1.0000	28.8963	31.4614	30.9906	30.4574
530032	1.1632	1.0000	25.4267	26.7025	31.0922	27.6747
530033	2.0646	1.0000	*	*	*	*
640001	0.8536	*	*	*	*	*
650001	1.4006	*	*	*	*	*
660001	1.0796	*	*	*	*	*
670002	1.0505	0.9693	29.1376	29.9545	30.5438	29.8867
670003	***	*	33.8986	33.4713	33.2183	33.4927
670004	1.1660	0.7985	25.3706	25.5671	26.9631	25.9396
670005	1.7721	0.9904	31.9464	41.2085	29.7605	33.4908
670006	1.9552	0.9483	27.1064	34.6785	36.8199	32.5839
670007	***	*	*	29.5985	30.3445	30.0121
670008	1.5966	0.9904	*	30.3978	30.7957	30.6253
670009	***	*	*	31.8096	29.0715	30.1581
670010	0.8338	0.9693	*	35.6620	29.6612	31.5941
670011	1.0270	0.9483	*	32.1855	30.2158	30.9733
670012	2.2140	0.9904	*	24.1597	24.2305	24.1941
670013	***	*	*	29.4886	*	29.4886
670014	***	*	*	34.6108	*	34.6108
670015	***	*	*	35.3054	*	35.3054
670016	***	*	*	*	30.9543	30.9543
670017	***	*	*	*	30.4743	30.4743
670018	0.9687	0.9904	*	*	34.7939	34.7939
670019	1.5202	0.9904	*	*	42.1599	42.1599
670020	***	*	*	*	39.6181	39.6181
670022	***	*	*	32.9889	34.0570	33.5229
670023	1.4036	0.9388	*	*	32.5158	32.5158
670024	1.6178	0.9904	*	*	30.0165	30.0165
670025	3.0845	0.9693	*	*	39.9558	39.9558
670026	***	*	*	*	21.8681	21.8681
670027	1.9240	0.9904	*	*	19.3451	19.3451
670028	***	*	*	*	43.4052	43.4052
670029	1.7447	0.9904	*	*	24.7438	24.7438
670030	***	*	*	*	32.0527	32.0527
670031	1.3908	0.9904	*	*	32.9130	32.9130
670033	1.1449	0.9693	*	*	*	*
670034	1.4385	0.9483	*	*	31.7770	31.7770
670040	0.8256	0.9904	*	*	20.5126	20.5126
670041	1.5612	0.9483	*	*	*	*
670042	1.7645	0.9388	*	*	*	*
670043	1.2712	0.9483	*	*	*	*
670044	1.2345	0.9693	*	*	*	*
670046	1.2291	0.9388	*	*	*	*
670047	1.4178	0.8559	*	*	*	*
670048	1.2701	0.9904	*	*	*	*
670049	1.4828	0.9693	*	*	*	*
670050	1.2258	0.8903	*	*	*	*
670051	1.7132	0.9206	*	*	*	*
670052	0.9734	0.9388	*	*	*	*
670053	1.5075	0.9904	*	*	*	*
670054	2.1510	0.9033	*	*	*	*
670055	1.4073	0.9033	*	*	*	*

1. Based on salaries adjusted for occupational mix, according to the calculation in section XX of this proposed rule.
2. The case-mix index is based on the billed MS-DRGs in the FY 2009 MedPAR file. It is not transfer-adjusted.
3. Provider 140010 is part of a multi-campus provider (MCH) that is comprised of campuses that are located in two different CBSAs. The provider number with a "B" in the 4th position, 140B10, indicates the portion of the wage and hours of the MCH that is allocated to CBSA 29404; provider number 140010 indicates the portion of wages and hours of the MCH that is allocated to CBSA 16974.
4. Provider 220074 is part of a MCH that is comprised of campuses that are located in two different CBSAs. The provider number with a "B" in the 4th position, 220B74, indicates the portion of the wage and hours of the MCH that is allocated to CBSA 14484; provider number 220074 indicates the portion of wages and hours of the MCH that is allocated to CBSA 39300.
5. Provider 230104 is part of a MCH that is comprised of campuses that are located in two different CBSAs. The provider number with a "B" in the 4th position, 230B04, indicates the portion of the wage and hours of the MCH that is allocated to CBSA 47644; provider number 230104 indicates the portion of wages and hours of the MCH that is allocated to CBSA 19804.

Notes:

* Denotes wage data not available for the provider for that year.
** Based on the sum of the salaries and hours computed for Federal FYs 2009, 2010, and 2011.
*** Denotes MedPAR data not available for the provider for FY 2009.

TABLE 4A.—PROPOSED WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR ACUTE CARE HOSPITALS IN URBAN AREAS BY CBSA AND BY STATE--FY 2011
[Constituent counties are listed in Table 4E.]

(Wage Index Includes National Rural Floor Budget Neutrality Adjustment)

CBSA Code	Urban Area	State	Proposed Wage Index	Proposed GAF
10180	Abilene, TX	TX	0.8381	0.8861
10380	Aguadilla-Isabela-San Sebastián, PR	PR	0.3369	0.4747
10420	Akron, OH	OH	0.8821	0.9177
10500	Albany, GA	GA	0.9056	0.9344
10580	Albany-Schenectady-Troy, NY	NY	0.8668	0.9067
10740	Albuquerque, NM	NM	0.9594	0.9720
10780	Alexandria, LA	LA	0.8127	0.8676
10900	Allentown-Bethlehem-Easton, PA-NJ	NJ	1.1249	1.0839
10900	Allentown-Bethlehem-Easton, PA-NJ	PA	0.9405	0.9589
11020	Altoona, PA	PA	0.8517	0.8959
11100	Amarillo, TX	TX	0.8539	0.8975
11180	Ames, IA	IA	1.0003	1.0002
11260	Anchorage, AK	AK	1.2578	1.1701
11300	Anderson, IN	IN	0.9245	0.9477
11340	Anderson, SC	SC	0.8399	0.8874
11460	Ann Arbor, MI	MI	1.0061	1.0042
11500	Anniston-Oxford, AL	AL	0.7869	0.8486
11540	Appleton, WI	WI	0.9305	0.9519
11700	Asheville, NC	NC	0.9015	0.9315
12020	Athens-Clarke County, GA	GA	0.9305	0.9519
12060	Atlanta-Sandy Springs-Marietta, GA	GA	0.9528	0.9674
12100	Atlantic City-Hammonton, NJ	NJ	1.1249	1.0839
12220	Auburn-Opelika, AL	AL	0.7495	0.8208
12260	Augusta-Richmond County, GA-SC	GA	0.9527	0.9674
12260	Augusta-Richmond County, GA-SC	SC	0.9527	0.9674
12420	Austin-Round Rock-San Marcos, TX	TX	0.9483	0.9643
12540	Bakersfield-Delano, CA	CA	1.2247	1.1489
12580	Baltimore-Towson, MD	MD	1.0151	1.0103
12620	Bangor, ME	ME	0.9651	0.9760
12700	Barnstable Town, MA	MA	1.2766	1.1820
12940	Baton Rouge, LA	LA	0.8686	0.9080
12980	Battle Creek, MI	MI	0.9714	0.9803
13020	Bay City, MI	MI	0.9386	0.9575
13140	Beaumont-Port Arthur, TX	TX	0.8421	0.8890
13380	Bellingham, WA	WA	1.1262	1.0848
13460	Bend, OR	OR	1.1191	1.0801
13644	Bethesda-Rockville-Frederick, MD	MD	1.0496	1.0337
13740	Billings, MT	MT	1.0000	1.0000
13780	Binghamton, NY	NY	0.8891	0.9227
13820	Birmingham-Hoover, AL	AL	0.8583	0.9007
13900	Bismarck, ND	ND	1.0000	1.0000
13980	Blacksburg-Christiansburg-Radford, VA	VA	0.8257	0.8771
14020	Bloomington, IN	IN	0.9245	0.9477
14060	Bloomington-Normal, IL	IL	0.9523	0.9671
14260	Boise City-Nampa, ID	ID	0.9262	0.9489
14484	Boston-Quincy, MA	MA	1.2286	1.1514
14500	Boulder, CO	CO	1.0071	1.0049
14540	Bowling Green, KY	KY	0.8684	0.9079
14740	Bremerton-Silverdale, WA	WA	1.0544	1.0369
14860	Bridgeport-Stamford-Norwalk, CT	CT	1.2582	1.1703
15180	Brownsville-Harlingen, TX	TX	0.9447	0.9618
15260	Brunswick, GA	GA	0.9309	0.9521
15380	Buffalo-Niagara Falls, NY	NY	0.9584	0.9713
15500	Burlington, NC	NC	0.8748	0.9125
15540	Burlington-South Burlington, VT	VT	1.0293	1.0200
15764	Cambridge-Newton-Framingham, MA	MA	1.1242	1.0835
15804	Camden, NJ	NJ	1.1249	1.0839
15940	Canton-Massillon, OH	OH	0.8585	0.9008
15980	Cape Coral-Fort Myers, FL	FL	0.9139	0.9402
16020	Cape Girardeau-Jackson, MO-IL	IL	0.8770	0.9140
16020	Cape Girardeau-Jackson, MO-IL	MO	0.8770	0.9140
16180	Carson City, NV	NV	1.0235	1.0160
16220	Casper, WY	WY	1.0000	1.0000
16300	Cedar Rapids, IA	IA	0.8763	0.9135
16580	Champaign-Urbana, IL	IL	1.0115	1.0079
16620	Charleston, WV	WV	0.8098	0.8655
16700	Charleston-North Charleston-Summerville, SC	SC	0.9252	0.9482
16740	Charlotte-Gastonia-Rock Hill, NC-SC	NC	0.9257	0.9485

CBSA Code	Urban Area	State	Proposed Wage Index	Proposed GAF
16740	Charlotte-Gastonia-Rock Hill, NC-SC	SC	0.9257	0.9485
16820	Charlottesville, VA	VA	0.9203	0.9447
16860	Chattanooga, TN-GA	GA	0.8754	0.9129
16860	Chattanooga, TN-GA	TN	0.8754	0.9129
16940	Cheyenne, WY	WY	1.0000	1.0000
16974	Chicago-Joliet-Naperville, IL	IL	1.0455	1.0309
17020	Chico, CA	CA	1.2247	1.1489
17140	Cincinnati-Middletown, OH-KY-IN	IN	0.9593	0.9719
17140	Cincinnati-Middletown, OH-KY-IN	KY	0.9593	0.9719
17140	Cincinnati-Middletown, OH-KY-IN	OH	0.9593	0.9719
17300	Clarksville, TN-KY	KY	0.7957	0.8551
17300	Clarksville, TN-KY	TN	0.7948	0.8545
17420	Cleveland, TN	TN	0.7948	0.8545
17460	Cleveland-Elyria-Mentor, OH	OH	0.9052	0.9341
17660	Coeur d'Alene, ID	ID	0.9174	0.9427
17780	College Station-Bryan, TX	TX	0.9206	0.9449
17820	Colorado Springs, CO	CO	0.9665	0.9769
17860	Columbia, MO	MO	0.8223	0.8746
17900	Columbia, SC	SC	0.8759	0.9133
17980	Columbus, GA-AL	AL	0.9077	0.9358
17980	Columbus, GA-AL	GA	0.9077	0.9358
18020	Columbus, IN	IN	0.9433	0.9608
18140	Columbus, OH	OH	1.0130	1.0089
18580	Corpus Christi, TX	TX	0.8541	0.8976
18700	Corvallis, OR	OR	1.0296	1.0202
18880	Crestview-Fort Walton Beach-Destin, FL	FL	0.8735	0.9115
19060	Cumberland, MD-WV	MD	0.9262	0.9489
19060	Cumberland, MD-WV	WV	0.8201	0.8730
19124	Dallas-Plano-Irving, TX	TX	0.9693	0.9789
19140	Dalton, GA	GA	0.8444	0.8906
19180	Danville, IL	IL	0.9678	0.9778
19260	Danville, VA	VA	0.8133	0.8680
19340	Davenport-Moline-Rock Island, IA-IL	IL	0.8618	0.9032
19340	Davenport-Moline-Rock Island, IA-IL	IA	0.8618	0.9032
19380	Dayton, OH	OH	0.9142	0.9404
19460	Decatur, AL	AL	0.7555	0.8253
19500	Decatur, IL	IL	0.8342	0.8833
19660	Deltona-Daytona Beach-Ormond Beach, FL	FL	0.8746	0.9123
19740	Denver-Aurora-Broomfield, CO	CO	1.0576	1.0391

CBSA Code	Urban Area	State	Proposed Wage Index	Proposed GAF
19780	Des Moines-West Des Moines, IA	IA	0.9485	0.9644
19804	Detroit-Livonia-Dearborn, MI	MI	0.9731	0.9815
20020	Dothan, AL	AL	0.7715	0.8372
20100	Dover, DE	DE	1.0044	1.0030
20220	Dubuque, IA	IA	0.8527	0.8966
20260	Duluth, MN-WI	MN	1.0633	1.0429
20260	Duluth, MN-WI	WI	1.0633	1.0429
20500	Durham-Chapel Hill, NC	NC	0.9619	0.9737
20740	Eau Claire, WI	WI	0.9556	0.9694
20764	Edison-New Brunswick, NJ	NJ	1.1249	1.0839
20940	El Centro, CA	CA	1.2247	1.1489
21060	Elizabethtown, KY	KY	0.8353	0.8841
21140	Elkhart-Goshen, IN	IN	0.9414	0.9595
21300	Elmira, NY	NY	0.8501	0.8947
21340	El Paso, TX	TX	0.8559	0.8989
21500	Erie, PA	PA	0.8509	0.8953
21660	Eugene-Springfield, OR	OR	1.1282	1.0861
21780	Evansville, IN-KY	IN	0.8361	0.8846
21780	Evansville, IN-KY	KY	0.8357	0.8843
21820	Fairbanks, AK	AK	1.2578	1.1701
21940	Fajardo, PR	PR	0.3874	0.5224
22020	Fargo, ND-MN	MN	0.9104	0.9377
22020	Fargo, ND-MN	ND	1.0000	1.0000
22140	Farmington, NM	NM	0.8989	0.9296
22180	Fayetteville, NC	NC	0.9411	0.9593
22220	Fayetteville-Springdale-Rogers, AR-MO	AR	0.8608	0.9024
22220	Fayetteville-Springdale-Rogers, AR-MO	MO	0.8608	0.9024
22380	Flagstaff, AZ	AZ	1.2400	1.1587
22420	Flint, MI	MI	1.1330	1.0893
22500	Florence, SC	SC	0.8439	0.8903
22520	Florence-Muscle Shoals, AL	AL	0.7998	0.8581
22540	Fond du Lac, WI	WI	0.9343	0.9545
22660	Fort Collins-Loveland, CO	CO	0.9665	0.9769
22744	Fort Lauderdale-Pompano Beach-Deerfield Beach, FL	FL	1.0333	1.0227
22900	Fort Smith, AR-OK	AR	0.7707	0.8366
22900	Fort Smith, AR-OK	OK	0.8017	0.8595
23060	Fort Wayne, IN	IN	0.9203	0.9447
23104	Fort Worth-Arlington, TX	TX	0.9388	0.9577

CBSA Code	Urban Area	State	Proposed Wage Index	Proposed GAF
23420	Fresno, CA	CA	1.2247	1.1489
23460	Gadsden, AL	AL	0.7421	0.8153
23540	Gainesville, FL	FL	0.9377	0.9569
23580	Gainesville, GA	GA	0.9665	0.9769
23844	Gary, IN	IN	0.9028	0.9324
24020	Glens Falls, NY	NY	0.8788	0.9153
24140	Goldsboro, NC	NC	0.9239	0.9472
24220	Grand Forks, ND-MN	MN	0.9104	0.9377
24220	Grand Forks, ND-MN	ND	1.0000	1.0000
24300	Grand Junction, CO	CO	1.0138	1.0094
24340	Grand Rapids-Wyoming, MI	MI	0.9272	0.9496
24500	Great Falls, MT	MT	1.0000	1.0000
24540	Greeley, CO	CO	0.9665	0.9769
24580	Green Bay, WI	WI	0.9400	0.9585
24660	Greensboro-High Point, NC	NC	0.8956	0.9273
24780	Greenville, NC	NC	0.9301	0.9516
24860	Greenville-Mauldin-Easley, SC	SC	0.9314	0.9525
25020	Guayama, PR	PR	0.3561	0.4931
25060	Gulfport-Biloxi, MS	MS	0.8882	0.9220
25180	Hagerstown-Martinsburg, MD-WV	MD	0.9462	0.9628
25180	Hagerstown-Martinsburg, MD-WV	WV	0.9462	0.9628
25260	Hanford-Corcoran, CA	CA	1.2247	1.1489
25420	Harrisburg-Carlisle, PA	PA	0.9161	0.9418
25500	Harrisonburg, VA	VA	0.9253	0.9482
25540	Hartford-West Hartford-East Hartford, CT	CT	1.1257	1.0845
25620	Hattiesburg, MS	MS	0.7914	0.8520
25860	Hickory-Lenoir-Morganton, NC	NC	0.8611	0.9027
26100	Holland-Grand Haven, MI	MI	0.8756	0.9130
26180	Honolulu, HI	HI	1.1582	1.1058
26300	Hot Springs, AR	AR	0.9253	0.9482
26380	Houma-Bayou Cane-Thibodaux, LA	LA	0.7955	0.8550
26420	Houston-Sugar Land-Baytown, TX	TX	0.9904	0.9934
26580	Huntington-Ashland, WV-KY-OH	KY	0.8880	0.9219
26580	Huntington-Ashland, WV-KY-OH	OH	0.8880	0.9219
26580	Huntington-Ashland, WV-KY-OH	WV	0.8880	0.9219
26620	Huntsville, AL	AL	0.8961	0.9276
26820	Idaho Falls, ID	ID	0.9632	0.9747
26900	Indianapolis-Carmel, IN	IN	0.9511	0.9662
26980	Iowa City, IA	IA	0.9510	0.9662

CBSA Code	Urban Area	State	Proposed Wage Index	Proposed GAF
27060	Ithaca, NY	NY	0.9732	0.9816
27100	Jackson, MI	MI	0.9218	0.9458
27140	Jackson, MS	MS	0.8088	0.8647
27180	Jackson, TN	TN	0.8341	0.8832
27260	Jacksonville, FL	FL	0.8875	0.9215
27340	Jacksonville, NC	NC	0.8438	0.8902
27500	Janesville, WI	WI	0.9650	0.9759
27620	Jefferson City, MO	MO	0.8566	0.8994
27740	Johnson City, TN	TN	0.7948	0.8545
27780	Johnstown, PA	PA	0.8509	0.8953
27860	Jonesboro, AR	AR	0.7797	0.8433
27900	Joplin, MO	MO	0.8409	0.8881
28020	Kalamazoo-Portage, MI	MI	1.0266	1.0181
28100	Kankakee-Bradley, IL	IL	1.0523	1.0355
28140	Kansas City, MO-KS	KS	0.9514	0.9665
28140	Kansas City, MO-KS	MO	0.9514	0.9665
28420	Kennewick-Pasco-Richland, WA	WA	1.0072	1.0049
28660	Killeen-Temple-Fort Hood, TX	TX	0.8739	0.9118
28700	Kingsport-Bristol-Bristol, TN-VA	TN	0.7948	0.8545
28700	Kingsport-Bristol-Bristol, TN-VA	VA	0.8025	0.8601
28740	Kingston, NY	NY	0.9110	0.9382
28940	Knoxville, TN	TN	0.7948	0.8545
29020	Kokomo, IN	IN	0.8969	0.9282
29100	La Crosse, WI-MN	MN	0.9819	0.9876
29100	La Crosse, WI-MN	WI	0.9819	0.9876
29140	Lafayette, IN	IN	0.9211	0.9453
29180	Lafayette, LA	LA	0.8434	0.8899
29340	Lake Charles, LA	LA	0.8164	0.8703
29404	Lake County-Kenosha County, IL-WI	IL	1.0687	1.0466
29404	Lake County-Kenosha County, IL-WI	WI	1.0687	1.0466
29420	Lake Havasu City-Kingman, AZ	AZ	1.0240	1.0164
29460	Lakeland-Winter Haven, FL	FL	0.8601	0.9019
29540	Lancaster, PA	PA	0.9746	0.9825
29620	Lansing-East Lansing, MI	MI	1.0222	1.0151
29700	Laredo, TX	TX	0.8278	0.8786
29740	Las Cruces, NM	NM	0.9141	0.9403
29820	Las Vegas-Paradise, NV	NV	1.1757	1.1172
29940	Lawrence, KS	KS	0.8474	0.8928
30020	Lawton, OK	OK	0.8579	0.9004

CBSA Code	Urban Area	State	Proposed Wage Index	Proposed GAF
30140	Lebanon, PA	PA	0.8509	0.8953
30300	Lewiston, ID-WA	ID	0.9138	0.9401
30300	Lewiston, ID-WA	WA	1.0072	1.0049
30340	Lewiston-Auburn, ME	ME	0.8915	0.9244
30460	Lexington-Fayette, KY	KY	0.8760	0.9133
30620	Lima, OH	OH	0.9225	0.9463
30700	Lincoln, NE	NE	0.9447	0.9618
30780	Little Rock-North Little Rock-Conway, AR	AR	0.8635	0.9044
30860	Logan, UT-ID	ID	0.8803	0.9164
30860	Logan, UT-ID	UT	0.8803	0.9164
30980	Longview, TX	TX	0.8558	0.8989
31020	Longview, WA	WA	1.0630	1.0427
31084	Los Angeles-Long Beach-Glendale, CA	CA	1.2247	1.1489
31140	Louisville-Jefferson County, KY-IN	IN	0.8810	0.9169
31140	Louisville-Jefferson County, KY-IN	KY	0.8810	0.9169
31180	Lubbock, TX	TX	0.8903	0.9235
31340	Lynchburg, VA	VA	0.8490	0.8940
31420	Macon, GA	GA	0.9325	0.9533
31460	Madera-Chowchilla, CA	CA	1.2247	1.1489
31540	Madison, WI	WI	1.1264	1.0849
31700	Manchester-Nashua, NH	NH	1.0008	1.0005
31740	Manhattan, KS	KS	0.7990	0.8576
31860	Mankato-North Mankato, MN	MN	0.9228	0.9465
31900	Mansfield, OH	OH	0.8888	0.9224
32420	Mayagüez, PR	PR	0.3595	0.4963
32580	McAllen-Edinburg-Mission, TX	TX	0.8851	0.9198
32780	Medford, OR	OR	1.0046	1.0031
32820	Memphis, TN-MS-AR	AR	0.9171	0.9425
32820	Memphis, TN-MS-AR	MS	0.9171	0.9425
32820	Memphis, TN-MS-AR	TN	0.9171	0.9425
32900	Merced, CA	CA	1.2247	1.1489
33124	Miami-Miami Beach-Kendall, FL	FL	1.0191	1.0130
33140	Michigan City-La Porte, IN	IN	0.9356	0.9554
33260	Midland, TX	TX	0.9514	0.9665
33340	Milwaukee-Waukesha-West Allis, WI	WI	1.0179	1.0122
33460	Minneapolis-St. Paul-Bloomington, MN-WI	MN	1.0976	1.0659
33460	Minneapolis-St. Paul-Bloomington, MN-WI	WI	1.0976	1.0659
33540	Missoula, MT	MT	1.0000	1.0000
33660	Mobile, AL	AL	0.7870	0.8487

CBSA Code	Urban Area	State	Proposed Wage Index	Proposed GAF
33700	Modesto, CA	CA	1.2247	1.1489
33740	Monroe, LA	LA	0.8085	0.8645
33780	Monroe, MI	MI	0.9622	0.9740
33860	Montgomery, AL	AL	0.8475	0.8929
34060	Morgantown, WV	WV	0.8271	0.8781
34100	Morristown, TN	TN	0.7948	0.8545
34580	Mount Vernon-Anacortes, WA	WA	1.0072	1.0049
34620	Muncie, IN	IN	0.8361	0.8846
34740	Muskegon-Norton Shores, MI	MI	0.9784	0.9852
34820	Myrtle Beach-North Myrtle Beach-Conway, SC	SC	0.8641	0.9048
34900	Napa, CA	CA	1.4432	1.2856
34940	Naples-Marco Island, FL	FL	0.9779	0.9848
34980	Nashville-Davidson-Murfreesboro-Franklin, TN	TN	0.9280	0.9501
35004	Nassau-Suffolk, NY	NY	1.2533	1.1672
35084	Newark-Union, NJ-PA	NJ	1.1280	1.0860
35084	Newark-Union, NJ-PA	PA	1.1280	1.0860
35300	New Haven-Milford, CT	CT	1.1661	1.1110
35380	New Orleans-Metairie-Kenner, LA	LA	0.8964	0.9278
35644	New York-White Plains-Wayne, NY-NJ	NJ	1.3094	1.2027
35644	New York-White Plains-Wayne, NY-NJ	NY	1.3094	1.2027
35660	Niles-Benton Harbor, MI	MI	0.8949	0.9268
35840	North Port-Bradenton-Sarasota-Venice, FL	FL	0.9237	0.9471
35980	Norwich-New London, CT	CT	1.1360	1.0912
36084	Oakland-Fremont-Hayward, CA	CA	1.5852	1.3709
36100	Ocala, FL	FL	0.8552	0.8984
36140	Ocean City, NJ	NJ	1.1249	1.0839
36220	Odessa, TX	TX	0.9387	0.9576
36260	Ogden-Clearfield, UT	UT	0.9311	0.9523
36420	Oklahoma City, OK	OK	0.8861	0.9205
36500	Olympia, WA	WA	1.0977	1.0659
36540	Omaha-Council Bluffs, NE-IA	IA	0.9510	0.9662
36540	Omaha-Council Bluffs, NE-IA	NE	0.9510	0.9662
36740	Orlando-Kissimmee-Sanford, FL	FL	0.9150	0.9410
36780	Oshkosh-Neenah, WI	WI	0.9470	0.9634
36980	Owensboro, KY	KY	0.8495	0.8943
37100	Oxnard-Thousand Oaks-Ventura, CA	CA	1.2323	1.1538
37340	Palm Bay-Melbourne-Titusville, FL	FL	0.9303	0.9517
37380	Palm Coast, FL	FL	0.8432	0.8898
37460	Panama City-Lynn Haven-Panama City Beach, FL	FL	0.8432	0.8898

CBSA Code	Urban Area	State	Proposed Wage Index	Proposed GAF
37620	Parkersburg-Marietta-Vienna, WV-OH	OH	0.8528	0.8967
37620	Parkersburg-Marietta-Vienna, WV-OH	WV	0.7540	0.8242
37700	Pascagoula, MS	MS	0.8145	0.8689
37764	Peabody, MA	MA	1.0971	1.0655
37860	Pensacola-Ferry Pass-Brent, FL	FL	0.8432	0.8898
37900	Peoria, IL	IL	0.9247	0.9478
37964	Philadelphia, PA	PA	1.0765	1.0518
38060	Phoenix-Mesa-Glendale, AZ	AZ	1.0471	1.0320
38220	Pine Bluff, AR	AR	0.8273	0.8782
38300	Pittsburgh, PA	PA	0.8567	0.8995
38340	Pittsfield, MA	MA	1.0435	1.0296
38540	Pocatello, ID	ID	0.9336	0.9540
38660	Ponce, PR	PR	0.4258	0.5573
38860	Portland-South Portland-Biddeford, ME	ME	0.9885	0.9921
38900	Portland-Vancouver-Hillsboro, OR-WA	OR	1.1173	1.0789
38900	Portland-Vancouver-Hillsboro, OR-WA	WA	1.1173	1.0789
38940	Port St. Lucie, FL	FL	1.0729	1.0494
39100	Poughkeepsie-Newburgh-Middletown, NY	NY	1.1366	1.0916
39140	Prescott, AZ	AZ	1.2262	1.1499
39300	Providence-New Bedford-Fall River, RI-MA	MA	1.0702	1.0476
39300	Providence-New Bedford-Fall River, RI-MA	RI	1.0702	1.0476
39340	Provo-Orem, UT	UT	0.9230	0.9466
39380	Pueblo, CO	CO	0.9665	0.9769
39460	Punta Gorda, FL	FL	0.9042	0.9334
39540	Racine, WI	WI	1.0602	1.0408
39580	Raleigh-Cary, NC	NC	0.9670	0.9773
39660	Rapid City, SD	SD	1.0940	1.0635
39740	Reading, PA	PA	0.8843	0.9192
39820	Redding, CA	CA	1.3547	1.2311
39900	Reno-Sparks, NV	NV	1.0391	1.0266
40060	Richmond, VA	VA	0.9494	0.9651
40140	Riverside-San Bernardino-Ontario, CA	CA	1.2247	1.1489
40220	Roanoke, VA	VA	0.8981	0.9290
40340	Rochester, MN	MN	1.0710	1.0481
40380	Rochester, NY	NY	0.8668	0.9067
40420	Rockford, IL	IL	1.0006	1.0004
40484	Rockingham County-Strafford County, NH	NH	1.0171	1.0117
40580	Rocky Mount, NC	NC	0.9082	0.9362
40660	Rome, GA	GA	0.8720	0.9105

CBSA Code	Urban Area	State	Proposed Wage Index	Proposed GAF
40900	Sacramento-Arden-Arcade-Roseville, CA	CA	1.3486	1.2273
40980	Saginaw-Saginaw Township North, MI	MI	0.9168	0.9422
41060	St. Cloud, MN	MN	1.1601	1.1070
41100	St. George, UT	UT	0.9268	0.9493
41140	St. Joseph, MO-KS	KS	1.0330	1.0225
41140	St. Joseph, MO-KS	MO	1.0330	1.0225
41180	St. Louis, MO-IL	IL	0.9019	0.9317
41180	St. Louis, MO-IL	MO	0.9019	0.9317
41420	Salem, OR	OR	1.1071	1.0722
41500	Salinas, CA	CA	1.5827	1.3695
41540	Salisbury, MD	MD	0.9262	0.9489
41620	Salt Lake City, UT	UT	0.9319	0.9528
41660	San Angelo, TX	TX	0.8444	0.8906
41700	San Antonio-New Braunfels, TX	TX	0.9033	0.9327
41740	San Diego-Carlsbad-San Marcos, CA	CA	1.2247	1.1489
41780	Sandusky, OH	OH	0.8583	0.9007
41884	San Francisco-San Mateo-Redwood City, CA	CA	1.5342	1.3406
41900	San Germán-Cabo Rojo, PR	PR	0.4549	0.5831
41940	San Jose-Sunnyvale-Santa Clara, CA	CA	1.6371	1.4015
41980	San Juan-Caguas-Guaynabo, PR	PR	0.4282	0.5594
42020	San Luis Obispo-Paso Robles, CA	CA	1.2368	1.1567
42044	Santa Ana-Anaheim-Irvine, CA	CA	1.2247	1.1489
42060	Santa Barbara-Santa Maria-Goleta, CA	CA	1.2247	1.1489
42100	Santa Cruz-Watsonville, CA	CA	1.6386	1.4024
42140	Santa Fe, NM	NM	1.0739	1.0500
42220	Santa Rosa-Petaluma, CA	CA	1.5770	1.3661
42340	Savannah, GA	GA	0.8817	0.9174
42540	Scranton--Wilkes-Barre, PA	PA	0.8509	0.8953
42644	Seattle-Bellevue-Everett, WA	WA	1.1353	1.0908
42680	Sebastian-Vero Beach, FL	FL	0.9247	0.9478
43100	Sheboygan, WI	WI	0.9256	0.9484
43300	Sherman-Denison, TX	TX	0.8408	0.8880
43340	Shreveport-Bossier City, LA	LA	0.8611	0.9027
43580	Sioux City, IA-NE-SD	IA	0.8927	0.9252
43580	Sioux City, IA-NE-SD	NE	0.8927	0.9252
43580	Sioux City, IA-NE-SD	SD	1.0000	1.0000
43620	Sioux Falls, SD	SD	1.0000	1.0000
43780	South Bend-Mishawaka, IN-MI	IN	0.9844	0.9893
43780	South Bend-Mishawaka, IN-MI	MI	0.9844	0.9893

CBSA Code	Urban Area	State	Proposed Wage Index	Proposed GAF
43900	Spartanburg, SC	SC	0.9044	0.9335
44060	Spokane, WA	WA	1.0552	1.0375
44100	Springfield, IL	IL	0.8907	0.9238
44140	Springfield, MA	MA	1.0314	1.0214
44180	Springfield, MO	MO	0.8375	0.8856
44220	Springfield, OH	OH	0.8968	0.9281
44300	State College, PA	PA	0.8628	0.9039
44600	Steubenville-Weirton, OH-WV	OH	0.8528	0.8967
44600	Steubenville-Weirton, OH-WV	WV	0.7540	0.8242
44700	Stockton, CA	CA	1.2502	1.1652
44940	Sumter, SC	SC	0.8399	0.8874
45060	Syracuse, NY	NY	0.9666	0.9770
45104	Tacoma, WA	WA	1.1224	1.0823
45220	Tallahassee, FL	FL	0.8954	0.9271
45300	Tampa-St. Petersburg-Clearwater, FL	FL	0.9066	0.9351
45460	Terre Haute, IN	IN	0.9212	0.9453
45500	Texarkana, TX-Texarkana, AR	AR	0.7668	0.8337
45500	Texarkana, TX-Texarkana, AR	TX	0.7985	0.8572
45780	Toledo, OH	OH	0.9344	0.9546
45820	Topeka, KS	KS	0.9096	0.9372
45940	Trenton-Ewing, NJ	NJ	1.1249	1.0839
46060	Tucson, AZ	AZ	0.9648	0.9758
46140	Tulsa, OK	OK	0.8864	0.9207
46220	Tuscaloosa, AL	AL	0.8194	0.8725
46340	Tyler, TX	TX	0.8225	0.8748
46540	Utica-Rome, NY	NY	0.8697	0.9088
46660	Valdosta, GA	GA	0.8094	0.8652
46700	Vallejo-Fairfield, CA	CA	1.4496	1.2895
47020	Victoria, TX	TX	0.8005	0.8587
47220	Vineland-Millville-Bridgeton, NJ	NJ	1.1249	1.0839
47260	Virginia Beach-Norfolk-Newport News, VA	NC	0.8914	0.9243
47260	Virginia Beach-Norfolk-Newport News, VA	VA	0.8914	0.9243
47300	Visalia-Porterville, CA	CA	1.2247	1.1489
47380	Waco, TX	TX	0.8612	0.9027
47580	Warner Robins, GA	GA	0.8431	0.8897
47644	Warren-Troy-Farmington-Hills, MI	MI	0.9681	0.9780
47894	Washington-Arlington-Alexandria, DC-VA	DC	1.0513	1.0349
47894	Washington-Arlington-Alexandria, DC-VA	MD	1.0513	1.0349
47894	Washington-Arlington-Alexandria, DC-VA	VA	1.0513	1.0349
47894	Washington-Arlington-Alexandria, DC-VA	WV	1.0513	1.0349
47940	Waterloo-Cedar Falls, IA	IA	0.8498	0.8945
48140	Wausau, WI	WI	0.9537	0.9681
48300	Wenatchee-East Wenatchee, WA	WA	1.0072	1.0049
48424	West Palm Beach-Boca Raton-Boynton Beach, FL	FL	0.9794	0.9858
48540	Wheeling, WV-OH	OH	0.8528	0.8967
48540	Wheeling, WV-OH	WV	0.7540	0.8242
48620	Wichita, KS	KS	0.8819	0.9175
48660	Wichita Falls, TX	TX	0.9888	0.9923
48700	Williamsport, PA	PA	0.8509	0.8953
48864	Wilmington, DE-MD-NJ	DE	1.0753	1.0510
48864	Wilmington, DE-MD-NJ	MD	1.0753	1.0510
48864	Wilmington, DE-MD-NJ	NJ	1.1249	1.0839
48900	Wilmington, NC	NC	0.9223	0.9461
49020	Winchester, VA-WV	VA	0.9952	0.9967
49020	Winchester, VA-WV	WV	0.9952	0.9967
49180	Winston-Salem, NC	NC	0.8976	0.9287
49340	Worcester, MA	MA	1.1159	1.0780
49420	Yakima, WA	WA	1.0072	1.0049
49500	Yauco, PR	PR	0.3528	0.4899
49620	York-Hanover, PA	PA	0.9526	0.9673
49660	Youngstown-Warren-Boardman, OH-PA	OH	0.8600	0.9019
49660	Youngstown-Warren-Boardman, OH-PA	PA	0.8600	0.9019
49700	Yuba City, CA	CA	1.2247	1.1489
49740	Yuma, AZ	AZ	0.9412	0.9594

TABLE 4B.—PROPOSED WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR ACUTE CARE HOSPITALS IN RURAL AREAS BY CBSA AND BY STATE--FY 2011

(Wage Index Includes National Rural Floor Budget Neutrality Adjustment)

CBSA Code	Rural Area	State	Proposed Wage Index	Proposed GAF
01	Alabama	AL	0.7421	0.8153
02	Alaska	AK	1.2578	1.1701
03	Arizona	AZ	0.9078	0.9359

CBSA Code	Rural Area	State	Proposed Wage Index	Proposed GAF
04	Arkansas	AR	0.7483	0.8199
05	California	CA	1.2247	1.1489
06	Colorado	CO	0.9665	0.9769
07	Connecticut	CT	1.1257	1.0845
08	Delaware	DE	1.0044	1.0030
10	Florida	FL	0.8432	0.8898
11	Georgia	GA	0.7746	0.8395
12	Hawaii	HI	1.1240	1.0833
13	Idaho	ID	0.7552	0.8251
14	Illinois	IL	0.8342	0.8833
15	Indiana	IN	0.8361	0.8846
16	Iowa	IA	0.8498	0.8945
17	Kansas	KS	0.7990	0.8576
18	Kentucky	KY	0.7957	0.8551
19	Louisiana	LA	0.7910	0.8517
20	Maine	ME	0.8550	0.8983
21	Maryland	MD	0.9262	0.9489
22	Massachusetts	MA	0.9627	0.9743
23	Michigan	MI	0.8566	0.8994
24	Minnesota	MN	0.9104	0.9377
25	Mississippi	MS	0.7703	0.8363
26	Missouri	MO	0.8109	0.8663
27	Montana	MT	1.0000	1.0000
28	Nebraska	NE	0.8845	0.9194
29	Nevada	NV	1.0000	1.0000
30	New Hampshire	NH	1.0008	1.0005
31	New Jersey[1]	NJ	1.1249	1.0839
32	New Mexico	NM	0.8989	0.9296
33	New York	NY	0.8381	0.8861
34	North Carolina	NC	0.8438	0.8902
35	North Dakota	ND	1.0000	1.0000
36	Ohio	OH	0.8528	0.8967
37	Oklahoma	OK	0.8017	0.8595
38	Oregon	OR	1.0046	1.0031
39	Pennsylvania	PA	0.8509	0.8953
40	Puerto Rico[1]	PR	------	------
41	Rhode Island[1]	RI	------	------
42	South Carolina	SC	0.8399	0.8874
43	South Dakota	SD	1.0000	1.0000
44	Tennessee	TN	0.7948	0.8545
45	Texas	TX	0.7985	0.8572
46	Utah	UT	0.8674	0.9072
47	Vermont	VT	0.9422	0.9600
49	Virginia	VA	0.8025	0.8601
50	Washington	WA	1.0072	1.0049
51	West Virginia	WV	0.7540	0.8242
52	Wisconsin	WI	0.8978	0.9288
53	Wyoming	WY	1.0000	1.0000

[1] All counties in the State or Territory are classified as urban. The New Jersey floor is imputed as specified in §412.64 (h)(4) and discussed in the FY 2005 IPPS final rule (69 FR 49109).

TABLE 4C.—PROPOSED WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR ACUTE CARE HOSPITALS THAT ARE RECLASSIFIED BY CBSA AND BY STATE--FY 2011

(Wage Index Includes National Rural Floor Budget Neutrality Adjustment)

CBSA Code	Area	State	Proposed Wage Index	Proposed GAF
04	Arkansas	AR	0.7483	0.8199
05	California	CA	1.2247	1.1489
07	Connecticut	CT	1.1257	1.0845
10	Florida	FL	0.8432	0.8898
14	Illinois	IL	0.8342	0.8833
14	Illinois	MO	0.8342	0.8833
17	Kansas	KS	0.7990	0.8576
18	Kentucky	KY	0.7957	0.8551
22	Massachusetts	MA	0.9627	0.9743
23	Michigan	MI	0.8566	0.8994
24	Minnesota	IA	0.9104	0.9377
26	Missouri	AR	0.8109	0.8663
26	Missouri	MO	0.8109	0.8663
28	Nebraska	KS	0.8845	0.9194
33	New York	NH	1.0008	1.0005
33	New York	NY	0.8381	0.8861
34	North Carolina	NC	0.8438	0.8902
34	North Carolina	TN	0.8438	0.8902
36	Ohio	OH	0.8528	0.8967

CBSA Code	Area	State	Proposed Wage Index	Proposed GAF
37	Oklahoma	OK	0.8017	0.8595
38	Oregon	OR	1.0046	1.0031
39	Pennsylvania	PA	0.8509	0.8953
44	Tennessee	KY	0.7957	0.8551
45	Texas	LA	0.7985	0.8572
45	Texas	OK	0.8017	0.8595
45	Texas	TX	0.7985	0.8572
47	Vermont	NY	0.9285	0.9505
49	Virginia	KY	0.8025	0.8601
49	Virginia	VA	0.8025	0.8601
49	Virginia	WV	0.8025	0.8601
50	Washington	WA	1.0072	1.0049
10500	Albany, GA	AL	0.8508	0.8953
10500	Albany, GA	GA	0.8508	0.8953
10580	Albany-Schenectady-Troy, NY	NY	0.8668	0.9067
10740	Albuquerque, NM	NM	0.9462	0.9628
10780	Alexandria, LA	LA	0.8127	0.8676
10900	Allentown-Bethlehem-Easton, PA-NJ	PA	0.9405	0.9589
11100	Amarillo, TX	KS	0.8399	0.8874
11100	Amarillo, TX	TX	0.8399	0.8874
11180	Ames, IA	IA	0.9235	0.9470
11260	Anchorage, AK	AK	1.2578	1.1701
11300	Anderson, IN	IN	0.8696	0.9088
11460	Ann Arbor, MI	MI	0.9804	0.9865
12020	Athens-Clarke County, GA	GA	0.9305	0.9519
12060	Atlanta-Sandy Springs-Marietta, GA	AL	0.9528	0.9674
12060	Atlanta-Sandy Springs-Marietta, GA	GA	0.9528	0.9674
12260	Augusta-Richmond County, GA-SC	SC	0.9527	0.9674
12420	Austin-Round Rock-San Marcos, TX	TX	0.9483	0.9643
12620	Bangor, ME	ME	0.9651	0.9760
12940	Baton Rouge, LA	MS	0.8541	0.8976
12980	Battle Creek, MI	MI	0.9714	0.9803
13020	Bay City, MI	MI	0.8850	0.9197
13644	Bethesda-Rockville-Frederick, MD	DC	1.0496	1.0337
13644	Bethesda-Rockville-Frederick, MD	PA	1.0496	1.0337
13644	Bethesda-Rockville-Frederick, MD	VA	1.0496	1.0337
13780	Binghamton, NY	PA	0.8750	0.9126
13820	Birmingham-Hoover, AL	AL	0.8396	0.8872
13900	Bismarck, ND	ND	1.0000	1.0000

CBSA Code	Area	State	Proposed Wage Index	Proposed GAF
13980	Blacksburg-Christiansburg-Radford, VA	WV	0.7751	0.8399
14020	Bloomington, IN	IN	0.8687	0.9081
14260	Boise City-Nampa, ID	ID	0.9027	0.9323
14484	Boston-Quincy, MA	MA	1.1560	1.1044
14484	Boston-Quincy, MA	RI	1.1560	1.1044
14540	Bowling Green, KY	KY	0.8311	0.8810
14740	Bremerton-Silverdale, WA	WA	1.0362	1.0247
15260	Brunswick, GA	GA	0.9309	0.9521
15380	Buffalo-Niagara Falls, NY	NY	0.9584	0.9713
15540	Burlington-South Burlington, VT	NY	1.0025	1.0017
15540	Burlington-South Burlington, VT	VT	1.0025	1.0017
15764	Cambridge-Newton-Framingham, MA	NH	1.0940	1.0635
15940	Canton-Massillon, OH	OH	0.8585	0.9008
16020	Cape Girardeau-Jackson, MO-IL	IL	0.8342	0.8833
16020	Cape Girardeau-Jackson, MO-IL	KY	0.8325	0.8820
16020	Cape Girardeau-Jackson, MO-IL	MO	0.8325	0.8820
16180	Carson City, NV	NV	1.0000	1.0000
16580	Champaign-Urbana, IL	IL	0.9112	0.9383
16620	Charleston, WV	WV	0.8098	0.8655
16700	Charleston-North Charleston-Summerville, SC	SC	0.9252	0.9482
16740	Charlotte-Gastonia-Rock Hill, NC-SC	NC	0.9099	0.9374
16740	Charlotte-Gastonia-Rock Hill, NC-SC	SC	0.9099	0.9374
16820	Charlottesville, VA	VA	0.9203	0.9447
16860	Chattanooga, TN-GA	AL	0.8563	0.8992
16860	Chattanooga, TN-GA	GA	0.8563	0.8992
16860	Chattanooga, TN-GA	TN	0.8563	0.8992
16974	Chicago-Joliet-Naperville, IL	IL	1.0323	1.0220
16974	Chicago-Joliet-Naperville, IL	IN	1.0323	1.0220
16974	Chicago-Joliet-Naperville, IL	WI	1.0323	1.0220
17140	Cincinnati-Middletown, OH-KY-IN	IN	0.9593	0.9719
17140	Cincinnati-Middletown, OH-KY-IN	KY	0.9593	0.9719
17140	Cincinnati-Middletown, OH-KY-IN	OH	0.9593	0.9719
17300	Clarksville, TN-KY	KY	0.7957	0.8551
17460	Cleveland-Elyria-Mentor, OH	OH	0.9052	0.9341
17780	College Station-Bryan, TX	TX	0.9206	0.9449
17860	Columbia, MO	MO	0.8223	0.8746
17900	Columbia, SC	SC	0.8759	0.9133
17980	Columbus, GA-AL	AL	0.8582	0.9006

CBSA Code	Area	State	Proposed Wage Index	Proposed GAF
17980	Columbus, GA-AL	GA	0.8582	0.9006
18140	Columbus, OH	OH	0.9993	0.9995
18580	Corpus Christi, TX	TX	0.8541	0.8976
18700	Corvallis, OR	OR	1.0106	1.0072
18880	Crestview-Fort Walton Beach-Destin, FL	FL	0.8539	0.8975
19124	Dallas-Plano-Irving, TX	TX	0.9547	0.9688
19340	Davenport-Moline-Rock Island, IA-IL	IL	0.8618	0.9032
19340	Davenport-Moline-Rock Island, IA-IL	IA	0.8618	0.9032
19380	Dayton, OH	OH	0.9142	0.9404
19460	Decatur, AL	AL	0.7555	0.8253
19740	Denver-Aurora-Broomfield, CO	CO	1.0393	1.0267
19780	Des Moines-West Des Moines, IA	IA	0.9485	0.9644
19804	Detroit-Livonia-Dearborn, MI	MI	0.9731	0.9815
20100	Dover, DE	DE	1.0044	1.0030
20500	Durham-Chapel Hill, NC	NC	0.9619	0.9737
20500	Durham-Chapel Hill, NC	VA	0.9619	0.9737
20764	Edison-New Brunswick, NJ	NJ	1.1249	1.0839
21060	Elizabethtown, KY	KY	0.8353	0.8841
21140	Elkhart-Goshen, IN	IN	0.9414	0.9595
21500	Erie, PA	NY	0.8381	0.8861
21500	Erie, PA	PA	0.8509	0.8953
21660	Eugene-Springfield, OR	OR	1.0985	1.0664
21780	Evansville, IN-KY	KY	0.8116	0.8668
22180	Fayetteville, NC	NC	0.9197	0.9443
22220	Fayetteville-Springdale-Rogers, AR-MO	AR	0.8462	0.8919
22220	Fayetteville-Springdale-Rogers, AR-MO	OK	0.8462	0.8919
22380	Flagstaff, AZ	AZ	1.2093	1.1390
22420	Flint, MI	MI	1.0088	1.0060
22520	Florence-Muscle Shoals, AL	MS	0.7998	0.8581
22540	Fond du Lac, WI	WI	0.9136	0.9400
22660	Fort Collins-Loveland, CO	CO	0.9665	0.9769
22744	Fort Lauderdale-Pompano Beach-Deerfield Beach, FL	FL	1.0333	1.0227
23060	Fort Wayne, IN	IN	0.9203	0.9447
23104	Fort Worth-Arlington, TX	TX	0.9388	0.9577
23540	Gainesville, FL	FL	0.9377	0.9569
23844	Gary, IN	IN	0.9028	0.9324
24300	Grand Junction, CO	CO	1.0138	1.0094
24340	Grand Rapids-Wyoming, MI	MI	0.9272	0.9496
24500	Great Falls, MT	MT	1.0000	1.0000
24540	Greeley, CO	NE	0.9375	0.9568
24540	Greeley, CO	WY	1.0000	1.0000
24580	Green Bay, WI	MI	0.9207	0.9450
24580	Green Bay, WI	WI	0.9207	0.9450
24660	Greensboro-High Point, NC	NC	0.8807	0.9167
24660	Greensboro-High Point, NC	VA	0.8807	0.9167
24780	Greenville, NC	NC	0.9151	0.9411
24860	Greenville-Mauldin-Easley, SC	NC	0.9086	0.9365
24860	Greenville-Mauldin-Easley, SC	SC	0.9086	0.9365
25060	Gulfport-Biloxi, MS	MS	0.8312	0.8811
25420	Harrisburg-Carlisle, PA	PA	0.9161	0.9418
25540	Hartford-West Hartford-East Hartford, CT	CT	1.1257	1.0845
25540	Hartford-West Hartford-East Hartford, CT	MA	1.1066	1.0718
25860	Hickory-Lenoir-Morganton, NC	NC	0.8499	0.8946
26300	Hot Springs, AR	AR	0.9030	0.9325
26420	Houston-Sugar Land-Baytown, TX	TX	0.9904	0.9934
26580	Huntington-Ashland, WV-KY-OH	KY	0.8729	0.9111
26580	Huntington-Ashland, WV-KY-OH	NC	0.8729	0.9111
26580	Huntington-Ashland, WV-KY-OH	OH	0.8729	0.9111
26580	Huntington-Ashland, WV-KY-OH	WV	0.8729	0.9111
26620	Huntsville, AL	AL	0.8614	0.9029
26620	Huntsville, AL	TN	0.8614	0.9029
26820	Idaho Falls, ID	ID	0.9632	0.9747
26900	Indianapolis-Carmel, IN	IN	0.9511	0.9662
26980	Iowa City, IA	IA	0.9383	0.9573
27060	Ithaca, NY	NY	0.9145	0.9406
27140	Jackson, MS	MS	0.8088	0.8647
27180	Jackson, TN	MS	0.8341	0.8832
27620	Jefferson City, MO	MO	0.8566	0.8994
27860	Jonesboro, AR	AR	0.7797	0.8433
27900	Joplin, MO	KS	0.8409	0.8881
27900	Joplin, MO	OK	0.8409	0.8881
28020	Kalamazoo-Portage, MI	MI	0.9933	0.9954
28140	Kansas City, MO-KS	KS	0.9514	0.9665
28140	Kansas City, MO-KS	MO	0.9514	0.9665
28420	Kennewick-Pasco-Richland, WA	ID	0.9615	0.9735
28700	Kingsport-Bristol-Bristol, TN-VA	KY	0.7957	0.8551
28700	Kingsport-Bristol-Bristol, TN-VA	TN	0.7948	0.8545

CBSA Code	Area	State	Proposed Wage Index	Proposed GAF
28940	Knoxville, TN	KY	0.7957	0.8551
28940	Knoxville, TN	TN	0.7948	0.8545
29180	Lafayette, LA	LA	0.8434	0.8899
29404	Lake County-Kenosha County, IL-WI	IL	1.0467	1.0317
29460	Lakeland-Winter Haven, FL	FL	0.8601	0.9019
29540	Lancaster, PA	PA	0.9746	0.9825
29620	Lansing-East Lansing, MI	MI	1.0098	1.0067
29700	Laredo, TX	TX	0.8278	0.8786
29740	Las Cruces, NM	NM	0.9141	0.9403
29820	Las Vegas-Paradise, NV	AZ	1.1757	1.1172
30020	Lawton, OK	OK	0.8270	0.8780
30460	Lexington-Fayette, KY	KY	0.8626	0.9037
30620	Lima, OH	OH	0.9225	0.9463
30700	Lincoln, NE	NE	0.9447	0.9618
30780	Little Rock-North Little Rock-Conway, AR	AR	0.8451	0.8911
30980	Longview, TX	TX	0.8558	0.8989
31084	Los Angeles-Long Beach-Glendale, CA	CA	1.2247	1.1489
31140	Louisville-Jefferson County, KY-IN	KY	0.8810	0.9169
31420	Macon, GA	GA	0.8929	0.9254
31540	Madison, WI	WI	1.1045	1.0704
31900	Mansfield, OH	OH	0.8888	0.9224
32780	Medford, OR	OR	1.0046	1.0031
32820	Memphis, TN-MS-AR	AR	0.8871	0.9212
32820	Memphis, TN-MS-AR	MS	0.8871	0.9212
32820	Memphis, TN-MS-AR	TN	0.8871	0.9212
33124	Miami-Miami Beach-Kendall, FL	FL	1.0191	1.0130
33260	Midland, TX	TX	0.9514	0.9665
33340	Milwaukee-Waukesha-West Allis, WI	WI	1.0179	1.0122
33460	Minneapolis-St. Paul-Bloomington, MN-WI	MN	1.0976	1.0659
33460	Minneapolis-St. Paul-Bloomington, MN-WI	WI	1.0976	1.0659
33540	Missoula, MT	MT	1.0000	1.0000
33660	Mobile, AL	AL	0.7870	0.8487
33700	Modesto, CA	CA	1.2247	1.1489
33740	Monroe, LA	AR	0.8085	0.8645
33740	Monroe, LA	LA	0.8085	0.8645
33780	Monroe, MI	OH	0.9622	0.9740
33860	Montgomery, AL	AL	0.8475	0.8929
34060	Morgantown, WV	WV	0.8271	0.8781
34740	Muskegon-Norton Shores, MI	MI	0.9343	0.9545
34820	Myrtle Beach-North Myrtle Beach-Conway, SC	NC	0.8641	0.9048
34980	Nashville-Davidson-Murfreesboro-Franklin, TN	KY	0.9280	0.9501
34980	Nashville-Davidson-Murfreesboro-Franklin, TN	TN	0.9280	0.9501
35004	Nassau-Suffolk, NY	CT	1.2242	1.1486
35084	Newark-Union, NJ-PA	NJ	1.1280	1.0860
35084	Newark-Union, NJ-PA	NY	1.1280	1.0860
35084	Newark-Union, NJ-PA	PA	1.1280	1.0860
35300	New Haven-Milford, CT	CT	1.1661	1.1110
35380	New Orleans-Metairie-Kenner, LA	LA	0.8964	0.9278
35644	New York-White Plains-Wayne, NY-NJ	CT	1.2825	1.1858
35644	New York-White Plains-Wayne, NY-NJ	NJ	1.2825	1.1858
35644	New York-White Plains-Wayne, NY-NJ	NY	1.2825	1.1858
35840	North Port-Bradenton-Sarasota-Venice, FL	FL	0.9237	0.9471
35980	Norwich-New London, CT	RI	1.1360	1.0912
36084	Oakland-Fremont-Hayward, CA	CA	1.5742	1.3644
36140	Ocean City, NJ	DE	1.0853	1.0577
36220	Odessa, TX	NM	0.9233	0.9468
36220	Odessa, TX	TX	0.9233	0.9468
36260	Ogden-Clearfield, UT	UT	0.9311	0.9523
36420	Oklahoma City, OK	OK	0.8861	0.9205
36500	Olympia, WA	WA	1.0977	1.0659
36740	Orlando-Kissimmee-Sanford, FL	FL	0.9150	0.9410
37460	Panama City-Lynn Haven-Panama City Beach, FL	AL	0.7972	0.8562
37764	Peabody, MA	NH	1.0971	1.0655
37860	Pensacola-Ferry Pass-Brent, FL	AL	0.8114	0.8667
37900	Peoria, IL	IL	0.9137	0.9401
37964	Philadelphia, PA	NJ	1.1249	1.0839
37964	Philadelphia, PA	PA	1.0530	1.0360
38220	Pine Bluff, AR	MS	0.8273	0.8782
38300	Pittsburgh, PA	OH	0.8528	0.8967
38300	Pittsburgh, PA	PA	0.8509	0.8953
38300	Pittsburgh, PA	WV	0.8446	0.8908
38340	Pittsfield, MA	NY	1.0112	1.0077
38340	Pittsfield, MA	VT	1.0112	1.0077
38860	Portland-South Portland-Biddeford, ME	ME	0.9465	0.9630

CBSA Code	Area	State	Proposed Wage Index	Proposed GAF
38900	Portland-Vancouver-Hillsboro, OR-WA	OR	1.1173	1.0789
38900	Portland-Vancouver-Hillsboro, OR-WA	WA	1.1173	1.0789
38940	Port St. Lucie, FL	FL	1.0252	1.0172
39100	Poughkeepsie-Newburgh-Middletown, NY	NY	1.1022	1.0689
39340	Provo-Orem, UT	UT	0.9230	0.9466
39580	Raleigh-Cary, NC	NC	0.9670	0.9773
39740	Reading, PA	PA	0.8843	0.9192
39820	Redding, CA	CA	1.3547	1.2311
39900	Reno-Sparks, NV	NV	1.0391	1.0266
40060	Richmond, VA	VA	0.9494	0.9651
40140	Riverside-San Bernardino-Ontario, CA	AZ	1.1377	1.0924
40220	Roanoke, VA	VA	0.8825	0.9180
40220	Roanoke, VA	WV	0.8825	0.9180
40380	Rochester, NY	NY	0.8668	0.9067
40420	Rockford, IL	IL	0.9829	0.9883
40484	Rockingham County-Strafford County, NH	ME	1.0171	1.0117
40900	Sacramento-Arden-Arcade-Roseville, CA	CA	1.3486	1.2273
40980	Saginaw-Saginaw Township North, MI	MI	0.9060	0.9346
41060	St. Cloud, MN	MN	1.1001	1.0675
41100	St. George, UT	UT	0.9268	0.9493
41180	St. Louis, MO-IL	IL	0.8914	0.9243
41180	St. Louis, MO-IL	MO	0.8914	0.9243
41620	Salt Lake City, UT	UT	0.9319	0.9528
41700	San Antonio-New Braunfels, TX	TX	0.9033	0.9327
41940	San Jose-Sunnyvale-Santa Clara, CA	CA	1.6178	1.3902
42044	Santa Ana-Anaheim-Irvine, CA	CA	1.2247	1.1489
42100	Santa Cruz-Watsonville, CA	CA	1.6386	1.4024
42140	Santa Fe, NM	NM	1.0352	1.0240
42220	Santa Rosa-Petaluma, CA	CA	1.5482	1.3489
42340	Savannah, GA	GA	0.8817	0.9174
42340	Savannah, GA	SC	0.8817	0.9174
42644	Seattle-Bellevue-Everett, WA	WA	1.1232	1.0828
43300	Sherman-Denison, TX	OK	0.8408	0.8880
43340	Shreveport-Bossier City, LA	LA	0.8611	0.9027
43580	Sioux City, IA-NE-SD	NE	0.8927	0.9252
43620	Sioux Falls, SD	SD	1.0000	1.0000
43780	South Bend-Mishawaka, IN-MI	IN	0.9445	0.9617
43900	Spartanburg, SC	SC	0.8929	0.9254
44060	Spokane, WA	ID	1.0336	1.0229
44100	Springfield, IL	IL	0.8907	0.9238
44140	Springfield, MA	NH	1.0211	1.0144
44180	Springfield, MO	AR	0.8375	0.8856
44180	Springfield, MO	MO	0.8375	0.8856
44940	Sumter, SC	SC	0.8399	0.8874
45060	Syracuse, NY	NY	0.9666	0.9770
45220	Tallahassee, FL	GA	0.8755	0.9130
45300	Tampa-St. Petersburg-Clearwater, FL	FL	0.9066	0.9351
45780	Toledo, OH	OH	0.9217	0.9457
45820	Topeka, KS	KS	0.8907	0.9238
46140	Tulsa, OK	OK	0.8760	0.9133
46220	Tuscaloosa, AL	AL	0.7985	0.8572
46220	Tuscaloosa, AL	MS	0.7985	0.8572
46340	Tyler, TX	TX	0.8225	0.8748
46540	Utica-Rome, NY	NY	0.8697	0.9088
46660	Valdosta, GA	GA	0.7804	0.8438
46700	Vallejo-Fairfield, CA	CA	1.4295	1.2772
47260	Virginia Beach-Norfolk-Newport News, VA	NC	0.8914	0.9243
47580	Warner Robins, GA	GA	0.8431	0.8897
47894	Washington-Arlington-Alexandria, DC-VA	VA	1.0513	1.0349
48140	Wausau, WI	WI	0.9071	0.9354
48620	Wichita, KS	KS	0.8716	0.9102
48700	Williamsport, PA	PA	0.8509	0.8953
48864	Wilmington, DE-MD-NJ	DE	1.0641	1.0435
48900	Wilmington, NC	SC	0.9223	0.9461
49180	Winston-Salem, NC	NC	0.8976	0.9287
49660	Youngstown-Warren-Boardman, OH-PA	OH	0.8528	0.8967
49660	Youngstown-Warren-Boardman, OH-PA	PA	0.8509	0.8953

TABLE 4D-2.--URBAN AREAS WITH ACUTE CARE HOSPITALS RECEIVING THE PROPOSED STATEWIDE RURAL FLOOR OR IMPUTED FLOOR WAGE INDEX--FY 2011

[*Only hospitals that are geographically located in the specified State receive the State's rural or imputed floor wage index.]

(Wage Index Includes National Rural Floor Budget Neutrality Adjustment)

CBSA Code	Urban Area	State*	Proposed Rural or Imputed Floor Wage Index
27	Montana[1]	MT	1.0000
29	Nevada[1]	NV	1.0000
35	North Dakota[1]	ND	1.0000
43	South Dakota[1]	SD	1.0000
53	Wyoming[1]	WY	1.0000
10900	Allentown-Bethlehem-Easton, PA-NJ	NJ	1.1249
11260	Anchorage, AK	AK	1.2578
12100	Atlantic City-Hammonton, NJ	NJ	1.1249
12540	Bakersfield-Delano, CA	CA	1.2247
13740	Billings, MT	MT	1.0000
13900	Bismarck, ND	ND	1.0000
15804	Camden, NJ	NJ	1.1249
16220	Casper, WY	WY	1.0000
16940	Cheyenne, WY	WY	1.0000
17020	Chico, CA	CA	1.2247
17300	Clarksville, TN-KY	KY	0.7957
17300	Clarksville, TN-KY	TN	0.7948
17420	Cleveland, TN	TN	0.7948
17820	Colorado Springs, CO	CO	0.9665
19060	Cumberland, MD-WV	MD	0.9262
19500	Decatur, IL	IL	0.8342
20100	Dover, DE	DE	1.0044
20764	Edison-New Brunswick, NJ	NJ	1.1249
20940	El Centro, CA	CA	1.2247
21500	Erie, PA	PA	0.8509
21780	Evansville, IN-KY	IN	0.8361
21820	Fairbanks, AK	AK	1.2578
22020	Fargo, ND-MN	MN	0.9104
22020	Fargo, ND-MN	ND	1.0000
22140	Farmington, NM	NM	0.8989
22660	Fort Collins-Loveland, CO	CO	0.9665
22900	Fort Smith, AR-OK	OK	0.8017
23420	Fresno, CA	CA	1.2247
23460	Gadsden, AL	AL	0.7421
24220	Grand Forks, ND-MN	MN	0.9104
24220	Grand Forks, ND-MN	ND	1.0000
24500	Great Falls, MT	MT	1.0000
24540	Greeley, CO	CO	0.9665
25260	Hanford-Corcoran, CA	CA	1.2247
25540	Hartford-West Hartford-East Hartford, CT	CT	1.1257
27340	Jacksonville, NC	NC	0.8438
27740	Johnson City, TN	TN	0.7948
27780	Johnstown, PA	PA	0.8509
28420	Kennewick-Pasco-Richland, WA	WA	1.0072
28700	Kingsport-Bristol-Bristol, TN-VA	TN	0.7948
28700	Kingsport-Bristol-Bristol, TN-VA	VA	0.8025
28940	Knoxville, TN	TN	0.7948
30140	Lebanon, PA	PA	0.8509
30300	Lewiston, ID-WA	WA	1.0072
31084	Los Angeles-Long Beach-Glendale, CA	CA	1.2247
31460	Madera-Chowchilla, CA	CA	1.2247
31700	Manchester-Nashua, NH	NH	1.0008
31740	Manhattan, KS	KS	0.7990
32780	Medford, OR	OR	1.0046
32900	Merced, CA	CA	1.2247
33540	Missoula, MT	MT	1.0000
33700	Modesto, CA	CA	1.2247
34100	Morristown, TN	TN	0.7948
34580	Mount Vernon-Anacortes, WA	WA	1.0072
34620	Muncie, IN	IN	0.8361
36140	Ocean City, NJ	NJ	1.1249
37380	Palm Coast, FL	FL	0.8432
37460	Panama City-Lynn Haven-Panama City Beach, FL	FL	0.8432
37620	Parkersburg-Marietta-Vienna, WV-OH	OH	0.8528
37620	Parkersburg-Marietta-Vienna, WV-OH	WV	0.7540
37860	Pensacola-Ferry Pass-Brent, FL	FL	0.8432
39380	Pueblo, CO	CO	0.9665
40140	Riverside-San Bernardino-Ontario, CA	CA	1.2247
41540	Salisbury, MD	MD	0.9262
41740	San Diego-Carlsbad-San Marcos, CA	CA	1.2247
42044	Santa Ana-Anaheim-Irvine, CA	CA	1.2247
42060	Santa Barbara-Santa Maria-Goleta, CA	CA	1.2247

CBSA Code	Urban Area	State*	Proposed Rural or Imputed Floor Wage Index
42540	Scranton--Wilkes-Barre, PA	PA	0.8509
43580	Sioux City, IA-NE-SD	SD	1.0000
43620	Sioux Falls, SD	SD	1.0000
44600	Steubenville-Weirton, OH-WV	OH	0.8528
44600	Steubenville-Weirton, OH-WV	WV	0.7540
44940	Sumter, SC	SC	0.8399
45500	Texarkana, TX-Texarkana, AR	TX	0.7985
45940	Trenton-Ewing, NJ	NJ	1.1249
47220	Vineland-Millville-Bridgeton, NJ	NJ	1.1249
47300	Visalia-Porterville, CA	CA	1.2247
47940	Waterloo-Cedar Falls, IA	IA	0.8498
48300	Wenatchee-East Wenatchee, WA	WA	1.0072
48540	Wheeling, WV-OH	OH	0.8528
48540	Wheeling, WV-OH	WV	0.7540
48700	Williamsport, PA	PA	0.8509
48864	Wilmington, DE-MD-NJ	NJ	1.1249
49420	Yakima, WA	WA	1.0072
49700	Yuba City, CA	CA	1.2247

[1] Hospitals in the State receive a wage index floor of 1.0000 under section 10324 of Pub. L. 111-148.

TABLE 4J.—PROPOSED OUT-MIGRATION ADJUSTMENT FOR ACUTE CARE HOSPITALS--FY 2011

The following list represents all hospitals that are eligible to have their wage index increased by the out-migration adjustment listed in this table. Hospitals cannot receive the out-migration adjustment if they are reclassified under section 1886(d)(10) of the Act or redesignated under section 1886(d)(8)(B) of the Act. Hospitals that have already been reclassified under section 1886(d)(10) of the Act or redesignated under section 1886(d)(8)(B) of the Act are designated with an asterisk. We automatically assume that hospitals that have already been reclassified under section 1886(d)(10) of the Act or redesignated under section 1886(d)(8)(B) of the Act wish to retain their reclassification/redesignation status and waive the application of the out-migration adjustment. Section 1886(d)(10) hospitals that wish to receive the out-migration adjustment, rather than their reclassification, must follow the termination/withdrawal procedures specified in 42 CFR 412.273 and section III.I.3. of the preamble of the May 4, 2010 proposed rule (that is, notification by June 18, 2010). Otherwise, they are deemed to have waived the out-migration adjustment. Hospitals redesignated under section 1886(d)(8)(B) of the Act will be deemed to have waived the out-migration adjustment, unless they explicitly notify CMS that they elect to receive the out-migration adjustment instead within 45 days from the publication of the May 4, 2010 proposed rule (that is by June 18, 2010). Notifications are sent to the address listed in Table 4J of the May 4, 2010 proposed rule.

Provider Number	Reclassified for FY 2010	Proposed Out-Migration Adjustment	Qualifying County Name	County Code
010005	*	0.0315	MARSHALL	01470
010008		0.0336	CRENSHAW	01200
010010		0.0315	MARSHALL	01470
010012		0.0168	DE KALB	01240
010015		0.0055	CLARKE	01120
010021		0.0052	DALE	01220
010022	*	0.0695	CHEROKEE	01090
010025	*	0.0389	CHAMBERS	01080
010027		0.0026	COFFEE	01150
010029	*	0.0504	LEE	01400
010032		0.0315	RANDOLPH	01550
010035	*	0.0226	CULLMAN	01210
010040		0.0061	ETOWAH	01270
010045		0.0178	FAYETTE	01280
010046	*	0.0061	ETOWAH	01270
010047		0.0245	BUTLER	01060
010049		0.0026	COFFEE	01150
010052	*	0.0245	TALLAPOOSA	01610
010059	*	0.0071	LAWRENCE	01390
010061	*	0.0552	JACKSON	01350
010065	*	0.0245	TALLAPOOSA	01610
010083	*	0.0152	BALDWIN	01010
010091		0.0055	CLARKE	01120
010100	*	0.0152	BALDWIN	01010
010101	*	0.019	TALLADEGA	01600
010109		0.0405	PICKENS	01530
010110		0.0415	BULLOCK	01050
010125		0.0429	WINSTON	01660
010128		0.0055	CLARKE	01120
010129		0.0152	BALDWIN	01010
010138		0.0101	SUMTER	01590

Provider Number	Reclassified for FY 2010	Proposed Out-Migration Adjustment	Qualifying County Name	County Code
010143	*	0.0226	CULLMAN	01210
010150		0.0245	BUTLER	01060
010158	*	0.0103	FRANKLIN	01290
010164	*	0.019	TALLADEGA	01600
030067		0.0328	LAPAZ	03055
040014	*	0.0158	WHITE	04720
040019		0.0242	ST. FRANCIS	04610
040039	*	0.0055	GREENE	04270
040047		0.0037	RANDOLPH	04600
040067		0.0045	COLUMBIA	04130
040071	*	0.0067	JEFFERSON	04340
040076	*	0.0975	HOT SPRING	04290
040081		0.0398	PIKE	04540
050002	*	0.0056	ALAMEDA	05000
050007		0.0234	SAN MATEO	05510
050009	*	0.0174	NAPA	05380
050013	*	0.0174	NAPA	05380
050014	*	0.0138	AMADOR	05020
050042	*	0.0196	TEHAMA	05620
050043	*	0.0056	ALAMEDA	05000
050069	*	0.0013	ORANGE	05400
050070		0.0234	SAN MATEO	05510
050073	*	0.0297	SOLANO	05580
050075	*	0.0056	ALAMEDA	05000
050089	*	0.0011	SAN BERNARDINO	05460
050099	*	0.0011	SAN BERNARDINO	05460
050101	*	0.0297	SOLANO	05580
050113		0.0234	SAN MATEO	05510
050129	*	0.0011	SAN BERNARDINO	05460
050133		0.0165	YUBA	05680
050140	*	0.0011	SAN BERNARDINO	05460
050150	*	0.0318	NEVADA	05390
050168	*	0.0013	ORANGE	05400
050173	*	0.0013	ORANGE	05400
050193	*	0.0013	ORANGE	05400
050195	*	0.0056	ALAMEDA	05000
050197	*	0.0234	SAN MATEO	05510
050211	*	0.0056	ALAMEDA	05000
050224	*	0.0013	ORANGE	05400
050226	*	0.0013	ORANGE	05400
050230	*	0.0013	ORANGE	05400
050245	*	0.0011	SAN BERNARDINO	05460
050264	*	0.0056	ALAMEDA	05000
050272	*	0.0011	SAN BERNARDINO	05460
050279	*	0.0011	SAN BERNARDINO	05460
050283	*	0.0056	ALAMEDA	05000
050289		0.0234	SAN MATEO	05510
050298		0.0011	SAN BERNARDINO	05460
050300	*	0.0011	SAN BERNARDINO	05460
050305	*	0.0056	ALAMEDA	05000
050320	*	0.0056	ALAMEDA	05000
050327	*	0.0011	SAN BERNARDINO	05460
050348	*	0.0013	ORANGE	05400
050366	*	0.005	CALAVERAS	05040
050367	*	0.0297	SOLANO	05580
050426	*	0.0013	ORANGE	05400
050488	*	0.0056	ALAMEDA	05000
050512	*	0.0056	ALAMEDA	05000
050517	*	0.0011	SAN BERNARDINO	05460
050526	*	0.0013	ORANGE	05400
050541	*	0.0234	SAN MATEO	05510
050543	*	0.0013	ORANGE	05400
050548	*	0.0013	ORANGE	05400
050551	*	0.0013	ORANGE	05400
050567	*	0.0013	ORANGE	05400
050570	*	0.0013	ORANGE	05400
050580	*	0.0013	ORANGE	05400
050586	*	0.0011	SAN BERNARDINO	05460
050589	*	0.0013	ORANGE	05400
050603	*	0.0013	ORANGE	05400
050609	*	0.0013	ORANGE	05400
050618	*	0.0011	SAN BERNARDINO	05460
050667	*	0.0174	NAPA	05380
050678	*	0.0013	ORANGE	05400
050680	*	0.0297	SOLANO	05580
050693	*	0.0013	ORANGE	05400
050744	*	0.0013	ORANGE	05400
050745	*	0.0013	ORANGE	05400
050746	*	0.0013	ORANGE	05400
050747	*	0.0013	ORANGE	05400
050754		0.0234	SAN MATEO	05510
050758	*	0.0011	SAN BERNARDINO	05460
060001	*	0.0096	WELD	06610

Provider Number	Reclassified for FY 2010	Proposed Out-Migration Adjustment	Qualifying County Name	County Code
060003	*	0.0101	BOULDER	06060
060027	*	0.0101	BOULDER	06060
060103	*	0.0101	BOULDER	06060
060116	*	0.0101	BOULDER	06060
060121	*	0.0096	WELD	06610
070003	*	0.002	WINDHAM	07070
070004	*	0.0134	LITCHFIELD	07020
070011	*	0.0134	LITCHFIELD	07020
070015	*	0.0134	LITCHFIELD	07020
070020		0.0101	MIDDLESEX	07030
070021	*	0.002	WINDHAM	07070
080001		0.0044	NEW CASTLE	08010
080003		0.0044	NEW CASTLE	08010
090001		0.0033	THE DISTRICT	09000
090003		0.0033	THE DISTRICT	09000
090004	*	0.0033	THE DISTRICT	09000
090005		0.0033	THE DISTRICT	09000
090006		0.0033	THE DISTRICT	09000
090008		0.0033	THE DISTRICT	09000
090011		0.0033	THE DISTRICT	09000
100014	*	0.0055	VOLUSIA	10630
100017	*	0.0055	VOLUSIA	10630
100023	*	0.0031	CITRUS	10080
100045	*	0.0055	VOLUSIA	10630
100047	*	0.0028	CHARLOTTE	10070
100068	*	0.0055	VOLUSIA	10630
100072	*	0.0055	VOLUSIA	10630
100077	*	0.0028	CHARLOTTE	10070
100081	*	0.0022	WALTON	10650
100118	*	0.0251	FLAGLER	10170
100139	*	0.0006	LEVY	10370
100232	*	0.0068	PUTNAM	10530
100236	*	0.0028	CHARLOTTE	10070
100249	*	0.0031	CITRUS	10080
100252	*	0.0258	OKEECHOBEE	10460
100290	*	0.0338	SUMTER	10590
100292	*	0.0022	WALTON	10650
110023	*	0.0277	GORDON	11500
110040	*	0.1172	JACKSON	11610
110041	*	0.0768	HABERSHAM	11540
110100		0.081	JEFFERSON	11620

Provider Number	Reclassified for FY 2010	Proposed Out-Migration Adjustment	Qualifying County Name	County Code
110101		0.0068	COOK	11311
110142		0.0193	EVANS	11441
110146	*	0.0364	CAMDEN	11170
110150	*	0.019	BALDWIN	11030
110187	*	0.0792	LUMPKIN	11701
110189	*	0.0043	FANNIN	11450
110190	*	0.0094	MACON	11710
110205		0.0466	GILMER	11471
130003	*	0.0165	NEZ PERCE	13340
130024		0.0688	BONNER	13080
130049	*	0.0365	KOOTENAI	13270
130066		0.0365	KOOTENAI	13270
130067	*	0.1032	BINGHAM	13050
140001		0.0321	FULTON	14370
140026		0.0296	LA SALLE	14580
140043	*	0.0038	WHITESIDE	14988
140058	*	0.0119	MORGAN	14770
140110	*	0.0296	LA SALLE	14580
140116	*	0.0014	MC HENRY	14640
140160	*	0.0316	STEPHENSON	14970
140161	*	0.0178	LIVINGSTON	14610
140167	*	0.0768	IROQUOIS	14460
140176	*	0.0014	MC HENRY	14640
140234		0.0296	LA SALLE	14580
150022		0.0251	MONTGOMERY	15530
150030	*	0.0242	HENRY	15320
150072		0.0092	CASS	15080
150076	*	0.0297	MARSHALL	15490
150088	*	0.0038	MADISON	15470
150091	*	0.0089	HUNTINGTON	15340
150102	*	0.0174	STARKE	15740
150113	*	0.0038	MADISON	15470
150133	*	0.0212	KOSCIUSKO	15420
150146	*	0.0087	NOBLE	15560
160013		0.0187	MUSCATINE	16690
160030		0.0013	STORY	16840
160032		0.0341	JASPER	16490
160080	*	0.0019	CLINTON	16220
170137	*	0.0421	DOUGLAS	17220
170150		0.0143	COWLEY	17170
180012	*	0.0089	HARDIN	18460

Provider Number	Reclassified for FY 2010	Proposed Out-Migration Adjustment	Qualifying County Name	County Code
180017	*	0.0092	BARREN	18040
180049	*	0.0329	MADISON	18750
180064		0.0211	MONTGOMERY	18860
180066		0.0517	LOGAN	18700
180070		0.0121	GRAYSON	18420
180079		0.0174	HARRISON	18480
190003	*	0.0061	IBERIA	19220
190015	*	0.0238	TANGIPAHOA	19520
190017	*	0.0134	ST. LANDRY	19480
190034		0.0135	VERMILION	19560
190044		0.0185	ACADIA	19000
190050		0.0056	BEAUREGARD	19050
190053		0.0102	JEFFRSON DAVIS	19260
190054		0.0061	IBERIA	19220
190078		0.0134	ST. LANDRY	19480
190086	*	0.0038	LINCOLN	19300
190088		0.0281	WEBSTER	19590
190099		0.0105	AVOYELLES	19040
190106	*	0.0081	ALLEN	19010
190116		0.0052	MOREHOUSE	19330
190133		0.0081	ALLEN	19010
190140		0.0021	FRANKLIN	19200
190144	*	0.0281	WEBSTER	19590
190145		0.005	LA SALLE	19290
190184		0.0075	CALDWELL	19100
190190	*	0.0075	CALDWELL	19100
190191		0.0134	ST. LANDRY	19480
190246		0.0075	CALDWELL	19100
190257	*	0.0038	LINCOLN	19300
200024	*	0.013	ANDROSCOGGIN	20000
200032		0.0367	OXFORD	20080
200034	*	0.013	ANDROSCOGGIN	20000
200050	*	0.017	HANCOCK	20040
210001		0.011	WASHINGTON	21210
210023		0.0038	ANNE ARUNDEL	21010
210028		0.0383	ST. MARYS	21180
210043		0.0038	ANNE ARUNDEL	21010
210061		0.0188	WORCESTER	21230
220001	*	0.0072	WORCESTER	22170
220002	*	0.0446	MIDDLESEX	22090

Provider Number	Reclassified for FY 2010	Proposed Out-Migration Adjustment	Qualifying County Name	County Code
220010	*	0.031	ESSEX	22040
220011	*	0.0446	MIDDLESEX	22090
220019	*	0.0072	WORCESTER	22170
220025	*	0.0072	WORCESTER	22170
220029	*	0.031	ESSEX	22040
220033	*	0.031	ESSEX	22040
220035	*	0.031	ESSEX	22040
220049	*	0.0446	MIDDLESEX	22090
220058	*	0.0072	WORCESTER	22170
220062	*	0.0072	WORCESTER	22170
220063	*	0.0446	MIDDLESEX	22090
220070	*	0.0446	MIDDLESEX	22090
220080	*	0.031	ESSEX	22040
220082	*	0.0446	MIDDLESEX	22090
220084	*	0.0446	MIDDLESEX	22090
220090	*	0.0072	WORCESTER	22170
220095	*	0.0072	WORCESTER	22170
220098	*	0.0446	MIDDLESEX	22090
220101	*	0.0446	MIDDLESEX	22090
220105	*	0.0446	MIDDLESEX	22090
220163	*	0.0072	WORCESTER	22170
220171	*	0.0446	MIDDLESEX	22090
220174	*	0.031	ESSEX	22040
220175	*	0.0446	MIDDLESEX	22090
220176	*	0.0072	WORCESTER	22170
230002	*	0.0043	WAYNE	23810
230003	*	0.0314	OTTAWA	23690
230005		0.0488	LENAWEE	23450
230013	*	0.0021	OAKLAND	23620
230015		0.0314	ST. JOSEPH	23740
230019	*	0.0021	OAKLAND	23620
230020	*	0.0043	WAYNE	23810
230021	*	0.0159	BERRIEN	23100
230022	*	0.0213	BRANCH	23110
230024	*	0.0043	WAYNE	23810
230029	*	0.0021	OAKLAND	23620
230035	*	0.0143	MONTCALM	23580
230037	*	0.0235	HILLSDALE	23290
230041		0.0052	BAY	23080
230047	*	0.0017	MACOMB	23490
230053	*	0.0043	WAYNE	23810
230071	*	0.0021	OAKLAND	23620

Provider Number	Reclassified for FY 2010	Proposed Out-Migration Adjustment	Qualifying County Name	County Code
230072	*	0.0314	OTTAWA	23690
230075		0.0067	CALHOUN	23120
230078	*	0.0159	BERRIEN	23100
230089	*	0.0043	WAYNE	23810
230092		0.0205	JACKSON	23370
230093		0.0088	MECOSTA	23530
230096	*	0.0314	ST. JOSEPH	23740
230099	*	0.0074	MONROE	23570
230104	*	0.0043	WAYNE	23810
230121	*	0.0922	SHIAWASSEE	23770
230130	*	0.0021	OAKLAND	23620
230135	*	0.0043	WAYNE	23810
230142	*	0.0043	WAYNE	23810
230146	*	0.0043	WAYNE	23810
230151	*	0.0021	OAKLAND	23620
230165	*	0.0043	WAYNE	23810
230174	*	0.0314	OTTAWA	23690
230176	*	0.0043	WAYNE	23810
230195	*	0.0017	MACOMB	23490
230204	*	0.0017	MACOMB	23490
230207	*	0.0021	OAKLAND	23620
230208	*	0.0143	MONTCALM	23580
230217		0.0067	CALHOUN	23120
230222	*	0.0098	MIDLAND	23550
230227	*	0.0017	MACOMB	23490
230244	*	0.0043	WAYNE	23810
230254	*	0.0021	OAKLAND	23620
230257	*	0.0017	MACOMB	23490
230264	*	0.0017	MACOMB	23490
230269	*	0.0021	OAKLAND	23620
230270	*	0.0043	WAYNE	23810
230273	*	0.0043	WAYNE	23810
230277	*	0.0021	OAKLAND	23620
230297	*	0.0043	WAYNE	23810
230301	*	0.0021	OAKLAND	23620
230302	*	0.0021	OAKLAND	23620
240018		0.0923	GOODHUE	24240
240044		0.0733	WINONA	24840
240064		0.0212	ITASCA	24300
240069	*	0.0312	STEELE	24730
240071	*	0.0404	RICE	24650

Provider Number	Reclassified for FY 2010	Proposed Out-Migration Adjustment	Qualifying County Name	County Code
240101		0.0145	BECKER	24020
240117		0.0615	MOWER	24490
240211		0.1004	PINE	24570
250023	*	0.0722	PEARL RIVER	25540
250040	*	0.0225	JACKSON	25290
250117	*	0.0722	PEARL RIVER	25540
250128		0.0419	PANOLA	25530
250162		0.0011	HANCOCK	25220
260059		0.0032	LACLEDE	26520
260064		0.004	AUDRAIN	26030
260097		0.0362	JOHNSON	26500
260116	*	0.0095	ST. FRANCOIS	26930
260160		0.0144	STODDARD	26985
260163		0.0095	ST. FRANCOIS	26930
280077	*	0.0085	DODGE	28260
290002	*	0.015	LYON	29090
300011	*	0.0049	HILLSBOROUGH	30050
300012	*	0.0049	HILLSBOROUGH	30050
300017	*	0.0075	ROCKINGHAM	30070
300020	*	0.0049	HILLSBOROUGH	30050
300023	*	0.0075	ROCKINGHAM	30070
300029	*	0.0075	ROCKINGHAM	30070
300034	*	0.0049	HILLSBOROUGH	30050
310002	*	0.0312	ESSEX	31200
310009	*	0.0312	ESSEX	31200
310015	*	0.0199	MORRIS	31300
310017	*	0.0199	MORRIS	31300
310038	*	0.0232	MIDDLESEX	31270
310039	*	0.0232	MIDDLESEX	31270
310050	*	0.0199	MORRIS	31300
310054	*	0.0312	ESSEX	31200
310070	*	0.0232	MIDDLESEX	31270
310076	*	0.0312	ESSEX	31200
310083	*	0.0312	ESSEX	31200
310096	*	0.0312	ESSEX	31200
310108	*	0.0232	MIDDLESEX	31270
310119	*	0.0312	ESSEX	31200
320003	*	0.048	SAN MIGUEL	32230
320011		0.0337	RIO ARRIBA	32190
330004	*	0.0908	ULSTER	33740
330008	*	0.0064	WYOMING	33900

Provider Number	Reclassified for FY 2010	Proposed Out-Migration Adjustment	Qualifying County Name	County Code
330010		0.006	MONTGOMERY	33380
330027	*	0.0196	NASSAU	33400
330033		0.0179	CHENANGO	33080
330047		0.006	MONTGOMERY	33380
330073	*	0.0078	GENESEE	33290
330094	*	0.054	COLUMBIA	33200
330103		0.0136	CATTARAUGUS	33040
330106	*	0.0196	NASSAU	33400
330126	*	0.0488	ORANGE	33540
330132		0.0136	CATTARAUGUS	33040
330135		0.0488	ORANGE	33540
330144		0.0056	STEUBEN	33690
330151		0.0056	STEUBEN	33690
330167	*	0.0196	NASSAU	33400
330175		0.0222	CORTLAND	33210
330181	*	0.0196	NASSAU	33400
330182	*	0.0196	NASSAU	33400
330198	*	0.0196	NASSAU	33400
330205		0.0488	ORANGE	33540
330222		0.0016	SARATOGA	33640
330224	*	0.0908	ULSTER	33740
330225	*	0.0196	NASSAU	33400
330235	*	0.0246	CAYUGA	33050
330259	*	0.0196	NASSAU	33400
330264		0.0488	ORANGE	33540
330276		0.0032	FULTON	33280
330277	*	0.0056	STEUBEN	33690
330331	*	0.0196	NASSAU	33400
330332	*	0.0196	NASSAU	33400
330372	*	0.0196	NASSAU	33400
330386	*	0.082	SULLIVAN	33710
340020		0.0163	LEE	34520
340021	*	0.0143	CLEVELAND	34220
340024		0.0143	SAMPSON	34810
340027	*	0.0164	LENOIR	34530
340037	*	0.0143	CLEVELAND	34220
340038		0.0329	BEAUFORT	34060
340039	*	0.0091	IREDELL	34480
340068	*	0.0102	COLUMBUS	34230
340070	*	0.0289	ALAMANCE	34000
340071	*	0.0261	HARNETT	34420

Provider Number	Reclassified for FY 2010	Proposed Out-Migration Adjustment	Qualifying County Name	County Code
340085	*	0.027	DAVIDSON	34280
340096	*	0.027	DAVIDSON	34280
340126	*	0.013	WILSON	34970
340129	*	0.0091	IREDELL	34480
340133		0.026	MARTIN	34580
340144	*	0.0091	IREDELL	34480
340145	*	0.0305	LINCOLN	34540
340151		0.0084	HALIFAX	34410
360002		0.0101	ASHLAND	36020
360010	*	0.0023	TUSCARAWAS	36800
360013	*	0.0143	SHELBY	36760
360025	*	0.0065	ERIE	36220
360036	*	0.0164	WAYNE	36860
360040		0.0456	KNOX	36430
360044		0.0134	DARKE	36190
360055	*	0.0011	TRUMBULL	36790
360065	*	0.0061	HURON	36400
360070		0.0005	STARK	36770
360071		0.0069	VAN WERT	36820
360084		0.0005	STARK	36770
360086	*	0.0086	CLARK	36110
360096		0.0023	COLUMBIANA	36140
360107		0.017	SANDUSKY	36730
360125	*	0.0106	ASHTABULA	36030
360131		0.0005	STARK	36770
360151		0.0005	STARK	36770
360156		0.017	SANDUSKY	36730
360161		0.0011	TRUMBULL	36790
360175	*	0.02	CLINTON	36130
360185	*	0.0023	COLUMBIANA	36140
360245	*	0.0106	ASHTABULA	36030
360355		0.0086	CLARK	36110
370014	*	0.017	BRYAN	37060
370015	*	0.039	MAYES	37480
370023		0.0072	STEPHENS	37680
370065		0.0102	CRAIG	37170
370149	*	0.0242	POTTAWATOMIE	37620
370156		0.0097	GARVIN	37240
370169		0.0173	MCINTOSH	37450
370214		0.0097	GARVIN	37240

Provider Number	Reclassified for FY 2010	Proposed Out-Migration Adjustment	Qualifying County Name	County Code
380022	*	0.0126	LINN	38210
390008		0.0014	LAWRENCE	39450
390016	*	0.0014	LAWRENCE	39450
390030	*	0.0147	SCHUYLKILL	39650
390031	*	0.0147	SCHUYLKILL	39650
390039		0.0037	SOMERSET	39680
390044	*	0.025	BERKS	39110
390052		0.002	CLEARFIELD	39230
390056		0.002	HUNTINGDON	39380
390065	*	0.0471	ADAMS	39000
390066	*	0.0274	LEBANON	39460
390086	*	0.002	CLEARFIELD	39230
390096	*	0.025	BERKS	39110
390110	*	0.0002	CAMBRIA	39160
390112		0.0037	SOMERSET	39680
390117		0.0001	BEDFORD	39100
390130	*	0.0002	CAMBRIA	39160
390138	*	0.0208	FRANKLIN	39350
390150		0.0006	GREENE	39370
390151	*	0.0208	FRANKLIN	39350
390162	*	0.0217	NORTHAMPTON	39590
390173		0.0037	INDIANA	39390
390183	*	0.0147	SCHUYLKILL	39650
390201		0.0951	MONROE	39550
390313	*	0.0147	SCHUYLKILL	39650
390316	*	0.025	BERKS	39110
420002		0.0001	YORK	42450
420005		0.0012	DILLON	42160
420007	*	0.003	SPARTANBURG	42410
420019		0.0169	CHESTER	42110
420020	*	0.0008	GEORGETOWN	42210
420027	*	0.0231	ANDERSON	42030
420030	*	0.0148	COLLETON	42140
420036	*	0.0075	LANCASTER	42280
420039	*	0.011	UNION	42430
420043		0.0152	CHEROKEE	42100
420053		0.0103	NEWBERRY	42350
420054		0.0002	MARLBORO	42340
420055		0.0028	MARION	42330
420062		0.0125	CHESTERFIELD	42120

Provider Number	Reclassified for FY 2010	Proposed Out-Migration Adjustment	Qualifying County Name	County Code
420068	*	0.0068	ORANGEBURG	42370
420069	*	0.0005	CLARENDON	42130
420070	*	0.0051	SUMTER	42420
420082		0.0002	AIKEN	42010
420083	*	0.003	SPARTANBURG	42410
420098		0.0008	GEORGETOWN	42210
430048		0.0355	LAWRENCE	43400
430094		0.0355	LAWRENCE	43400
440007		0.0171	COFFEE	44150
440008		0.0262	HENDERSON	44380
440012		0.0009	SULLIVAN	44810
440016		0.0084	CARROLL	44080
440017		0.0009	SULLIVAN	44810
440025	*	0.0009	GREENE	44290
440035	*	0.0287	MONTGOMERY	44620
440047		0.0197	GIBSON	44260
440050		0.0009	GREENE	44290
440051		0.0048	MC NAIRY	44540
440060		0.0197	GIBSON	44260
440063		0.0033	WASHINGTON	44890
440070		0.0063	DECATUR	44190
440105		0.0033	WASHINGTON	44890
440109		0.0041	HARDIN	44350
440115		0.0197	GIBSON	44260
440137		0.0578	BEDFORD	44010
440144	*	0.0171	COFFEE	44150
440148		0.0232	DE KALB	44200
440174	*	0.0232	HAYWOOD	44370
440176		0.0009	SULLIVAN	44810
440181		0.0296	HARDEMAN	44340
440182		0.0084	CARROLL	44080
440184		0.0033	WASHINGTON	44890
440185	*	0.0234	BRADLEY	44050
450032	*	0.0216	HARRISON	45620
450039	*	0.0049	TARRANT	45910
450052	*	0.033	BOSQUE	45160
450064	*	0.0049	TARRANT	45910
450087	*	0.0049	TARRANT	45910
450090		0.0699	COOKE	45340
450099	*	0.0084	GRAY	45563

Provider Number	Reclassified for FY 2010	Proposed Out-Migration Adjustment	Qualifying County Name	County Code
450135	*	0.0049	TARRANT	45910
450137	*	0.0049	TARRANT	45910
450144	*	0.0446	ANDREWS	45010
450163		0.0115	KLEBERG	45743
450192		0.0314	HILL	45651
450194		0.0052	CHEROKEE	45281
450210		0.0128	PANOLA	45842
450224	*	0.0055	WOOD	45974
450236		0.0418	HOPKINS	45654
450270		0.0314	HILL	45651
450283	*	0.0415	VAN ZANDT	45947
450347	*	0.0395	WALKER	45949
450348	*	0.0093	FALLS	45500
450370	*	0.025	COLORADO	45312
450389	*	0.0405	HENDERSON	45640
450395		0.047	POLK	45850
450419	*	0.0049	TARRANT	45910
450438	*	0.025	COLORADO	45312
450451		0.0522	SOMERVELL	45893
450460		0.0055	TYLER	45942
450497		0.0511	MONTAGUE	45800
450539		0.0138	HALE	45582
450547	*	0.0055	WOOD	45974
450563	*	0.0049	TARRANT	45910
450565	*	0.0509	PALO PINTO	45841
450573		0.0131	JASPER	45690
450596	*	0.0724	HOOD	45653
450597		0.0003	DE WITT	45420
450615		0.0033	CASS	45260
450639	*	0.0049	TARRANT	45910
450641		0.0511	MONTAGUE	45800
450672	*	0.0049	TARRANT	45910
450675	*	0.0049	TARRANT	45910
450677	*	0.0049	TARRANT	45910
450698		0.0262	LAMB	45751
450747	*	0.0031	ANDERSON	45000
450755		0.0571	HOCKLEY	45652
450770	*	0.0218	MILAM	45795
450779	*	0.0049	TARRANT	45910
450813		0.0031	ANDERSON	45000

Provider Number	Reclassified for FY 2010	Proposed Out-Migration Adjustment	Qualifying County Name	County Code
450872	*	0.0049	TARRANT	45910
450880	*	0.0049	TARRANT	45910
450886	*	0.0049	TARRANT	45910
450888		0.0049	TARRANT	45910
460001		0.0001	UTAH	46240
460013		0.0001	UTAH	46240
460017		0.0229	BOX ELDER	46010
460023		0.0001	UTAH	46240
460039	*	0.0229	BOX ELDER	46010
460043		0.0001	UTAH	46240
460052		0.0001	UTAH	46240
490002		0.0003	RUSSELL	49830
490019	*	0.1041	CULPEPER	49230
490038		0.0003	SMYTH	49860
490084		0.0237	ESSEX	49280
490105		0.0003	SMYTH	49860
490110		0.0176	MONTGOMERY	49600
500003	*	0.027	SKAGIT	50280
500007	*	0.027	SKAGIT	50280
500019		0.0166	LEWIS	50200
500024		0.0064	THURSTON	50330
500039	*	0.0182	KITSAP	50170
500041	*	0.0055	COWLITZ	50070
500139		0.0064	THURSTON	50330
500143		0.0064	THURSTON	50330
510012		0.011	MASON	51260
510018	*	0.0107	JACKSON	51170
510047	*	0.0234	MARION	51240
520009		0.0027	OUTAGAMIE	52430
520028	*	0.0473	GREEN	52220
520035		0.0111	SHEBOYGAN	52580
520044		0.0111	SHEBOYGAN	52580
520045		0.0022	WINNEBAGO	52690
520048		0.0022	WINNEBAGO	52690
520057		0.0296	SAUK	52550
520071	*	0.0332	JEFFERSON	52270
520076	*	0.0275	DODGE	52130
520088		0.0084	FOND DU LAC	52190
520095	*	0.0296	SAUK	52550
520102	*	0.0714	WALWORTH	52630

Provider Number	Reclassified for FY 2010	Proposed Out-Migration Adjustment	Qualifying County Name	County Code
520116	*	0.0332	JEFFERSON	52270
520160		0.0027	OUTAGAMIE	52430
520198		0.0022	WINNEBAGO	52690

TABLE 9A.—HOSPITAL RECLASSIFICATIONS AND REDESIGNATIONS--FY 2011

Provider Number	Geographic CBSA	Reclassified CBSA	LUGAR
010001	20020	10500	
010005	01	13820	
010009	19460	26620	
010022	01	12060	
010025	01	17980	
010029	12220	17980	
010035	01	13820	
010046	23460	13820	
010052	01	33860	
010054	19460	26620	
010055	20020	37460	
010059	19460	26620	
010061	01	16860	
010065	01	13820	
010083	01	33660	
010085	19460	26620	
010100	01	37860	
010101	01	13820	
010102	01	33860	
010118	01	46220	
010126	01	33860	
010143	01	26620	
010158	01	19460	
010164	01	13820	
020008	02	11260	
030033	03	22380	
030069	29420	40140	
030101	29420	29820	
040014	04	30780	
040017	04	22220	
040020	27860	32820	
040027	04	44180	
040039	04	26	
040041	04	30780	
040069	04	26	
040071	38220	30780	
040076	04	26300	LUGAR
040080	04	27860	
040085	04	32820	
040088	04	33740	
040119	04	30780	
050002	36084	41940	
050006	05	39820	
050009	34900	42220	
050013	34900	42220	
050014	05	40900	
050022	40140	42044	
050038	41940	42100	
050042	05	39820	
050043	36084	41940	
050046	37100	31084	
050054	40140	42044	
050069	42044	31084	
050071	41940	42100	
050073	46700	36084	
050075	36084	41940	
050082	37100	31084	
050084	44700	40900	
050089	40140	31084	
050090	42220	36084	
050099	40140	31084	
050101	46700	36084	
050102	40140	42044	
050118	44700	33700	

Provider Number	Geographic CBSA	Reclassified CBSA	LUGAR
050125	41940	42100	
050129	40140	31084	
050131	41884	36084	
050136	42220	36084	
050140	40140	31084	
050150	05	40900	
050152	41884	36084	
050153	41940	42100	
050159	37100	31084	
050168	42044	31084	
050173	42044	31084	
050174	42220	36084	
050188	41940	42100	
050193	42044	31084	
050195	36084	41940	
050197	41884	41940	
050211	36084	41940	
050224	42044	31084	
050226	42044	31084	
050230	42044	31084	
050236	37100	31084	
050243	40140	42044	
050245	40140	31084	
050264	36084	41940	
050272	40140	31084	
050279	40140	31084	
050283	36084	41940	
050291	42220	36084	
050292	40140	42044	
050300	40140	31084	
050305	36084	41940	
050308	41940	42100	
050320	36084	41940	
050327	40140	31084	
050329	40140	42044	
050334	41500	41940	
050335	05	33700	

Provider Number	Geographic CBSA	Reclassified CBSA	LUGAR
050348	42044	31084	
050360	41884	36084	
050366	05	40900	
050367	46700	36084	
050380	41940	42100	
050385	42220	36084	
050390	40140	42044	
050394	37100	31084	
050423	40140	42044	
050426	42044	31084	
050441	41940	42100	
050488	36084	41940	
050510	41884	36084	
050512	36084	41940	
050517	40140	31084	
050526	42044	31084	
050534	40140	42044	
050541	41884	41940	
050543	42044	31084	
050547	42220	36084	
050548	42044	31084	
050549	37100	31084	
050551	42044	31084	
050567	42044	31084	
050570	42044	31084	
050573	40140	42044	
050580	42044	31084	
050586	40140	31084	
050589	42044	31084	
050603	42044	31084	
050604	41940	42100	
050609	42044	31084	
050616	37100	31084	
050662	41940	42100	
050667	34900	46700	
050668	41884	36084	
050678	42044	31084	

Provider Number	Geographic CBSA	Reclassified CBSA	LUGAR
050680	46700	36084	
050684	40140	42044	
050686	40140	42044	
050688	41940	42100	
050690	42220	36084	
050693	42044	31084	
050694	40140	42044	
050701	40140	42044	
050709	40140	31084	
050744	42044	31084	
050745	42044	31084	
050746	42044	31084	
050747	42044	31084	
050748	44700	33700	
050749	37100	31084	
050758	40140	31084	
060001	24540	19740	
060003	14500	19740	
060023	24300	19740	
060027	14500	19740	
060031	17820	19740	
060049	06	22660	
060075	06	24300	
060096	06	19740	
060103	14500	19740	
060116	14500	19740	
060118	06	19740	
060121	24540	19740	
070001	35300	35004	
070003	07	25540	LUGAR
070005	35300	35004	
070006	14860	35644	
070010	14860	35644	
070011	07	25540	LUGAR
070015	07	35644	
070016	35300	35004	
070017	35300	35004	

Provider Number	Geographic CBSA	Reclassified CBSA	LUGAR
070018	14860	35644	
070019	35300	35004	
070021	07	25540	LUGAR
070022	35300	35004	
070028	14860	35644	
070031	35300	35004	
070033	14860	35644	
070034	14860	35644	
070036	25540	35300	
070038	35300	35004	
070039	35300	35004	
080004	20100	48864	
080006	08	20100	
080007	08	36140	
090004	47894	13644	
100002	48424	22744	
100014	19660	36740	
100017	19660	36740	
100022	33124	22744	
100023	10	45300	
100024	10	33124	
100045	19660	36740	
100047	39460	35840	
100049	10	29460	
100068	19660	36740	
100072	19660	36740	
100077	39460	35840	
100080	48424	22744	
100081	10	18880	LUGAR
100105	42680	38940	
100109	10	36740	
100130	48424	22744	
100139	10	23540	LUGAR
100150	10	33124	
100157	29460	45300	
100160	10	33124	
100168	48424	22744	

Provider Number	Geographic CBSA	Reclassified CBSA	LUGAR
100176	48424	22744	
100217	42680	38940	
100232	10	23540	
100234	48424	22744	
100236	39460	35840	
100249	10	45300	
100252	10	38940	
100253	48424	22744	
100258	48424	22744	
100268	48424	22744	
100269	48424	22744	
100275	48424	22744	
100287	48424	22744	
100288	48424	22744	
100290	10	36740	
100292	10	18880	LUGAR
110001	19140	16860	
110002	11	31420	
110016	11	17980	
110023	11	12060	
110029	23580	12060	
110038	11	46660	
110040	11	12060	LUGAR
110041	11	12020	
110054	40660	12060	
110069	47580	31420	
110075	11	42340	
110095	11	10500	
110105	11	10500	
110112	11	10500	
110122	46660	45220	
110125	11	31420	
110146	11	15260	
110150	11	31420	
110153	47580	31420	
110168	40660	12060	
110187	11	12060	LUGAR

Provider Number	Geographic CBSA	Reclassified CBSA	LUGAR
110189	11	12060	
110190	11	47580	
130002	13	14260	
130003	30300	28420	
130049	17660	44060	
130067	13	26820	LUGAR
140008	16974	29404	
140010	16974	29404	
140012	14	16974	
140015	14	41180	
140018	16974	29404	
140032	14	41180	
140034	14	41180	
140040	14	37900	
140043	14	19340	
140046	14	41180	
140048	16974	29404	
140049	16974	29404	
140051	16974	29404	
140054	16974	29404	
140058	14	44100	
140062	16974	29404	
140063	16974	29404	
140064	14	37900	
140065	16974	29404	
140068	16974	29404	
140080	16974	29404	
140082	16974	29404	
140083	16974	29404	
140088	16974	29404	
140094	16974	29404	
140095	16974	29404	
140103	16974	29404	
140110	14	16974	
140114	16974	29404	
140115	16974	29404	
140116	16974	29404	

Provider Number	Geographic CBSA	Reclassified CBSA	LUGAR
140117	16974	29404	
140118	16974	29404	
140119	16974	29404	
140124	16974	29404	
140133	16974	29404	
140135	19500	16580	
140150	16974	29404	
140151	16974	29404	
140155	28100	16974	
140158	16974	29404	
140160	14	40420	
140161	14	16974	
140164	14	16020	
140166	19500	16580	
140172	16974	29404	
140176	16974	29404	
140177	16974	29404	
140179	16974	29404	
140180	16974	29404	
140181	16974	29404	
140182	16974	29404	
140186	28100	16974	
140191	16974	29404	
140197	16974	29404	
140206	16974	29404	
140207	16974	29404	
140208	16974	29404	
140223	16974	29404	
140224	16974	29404	
140240	16974	29404	
140250	16974	29404	
140251	16974	29404	
140252	16974	29404	
140258	16974	29404	
140276	16974	29404	
140281	16974	29404	
140290	16974	29404	

Provider Number	Geographic CBSA	Reclassified CBSA	LUGAR
140300	16974	29404	
140301	16974	29404	
140303	16974	29404	
150002	23844	16974	
150004	23844	16974	
150006	33140	43780	
150008	23844	16974	
150011	15	26900	
150015	33140	23844	
150018	21140	43780	
150023	45460	26900	
150026	21140	43780	
150030	15	26900	LUGAR
150034	23844	16974	
150042	15	14020	
150048	15	17140	
150051	14020	26900	
150064	15	26900	
150065	15	26900	
150069	15	17140	
150076	15	43780	
150088	11300	26900	
150089	34620	11300	
150090	23844	16974	
150091	15	23060	
150102	15	23844	LUGAR
150112	18020	26900	
150113	11300	26900	
150125	23844	16974	
150126	23844	16974	
150133	15	43780	
150146	15	21140	
150165	23844	16974	
150166	23844	16974	
150170	23844	16974	
160001	16	19780	
160016	16	11180	

Provider Number	Geographic CBSA	Reclassified CBSA	LUGAR
160057	16	26980	
160064	16	24	
160080	16	19340	
160147	16	11180	
170006	17	27900	
170013	17	28	
170020	17	48620	
170033	17	48620	
170058	17	28140	
170068	17	11100	
170142	31740	45820	
170175	17	48620	
180002	18	49	
180011	18	30460	
180012	21060	31140	
180013	14540	34980	
180017	18	14540	
180018	18	30460	
180020	18	49	
180024	18	21060	
180027	18	17300	
180029	18	30460	
180043	18	44	
180044	18	26580	
180048	18	31140	
180049	18	30460	
180050	18	28700	
180069	18	26580	
180078	18	26580	
180080	18	28940	
180093	18	21780	
180102	18	16020	
180104	18	16020	
180116	18	16020	
180124	14540	34980	
180127	18	17140	
180132	18	30460	

Provider Number	Geographic CBSA	Reclassified CBSA	LUGAR
190003	19	29180	
190015	19	35380	
190017	19	29180	
190086	19	33740	
190106	19	10780	
190144	19	43340	
190164	19	45	
190167	19	29180	
190190	19	33740	
190218	19	43340	
190257	19	33740	
200002	20	38860	
200020	38860	40484	
200024	30340	38860	
200034	30340	38860	
200039	20	38860	
200050	20	12620	
220001	49340	14484	
220002	15764	14484	
220008	39300	14484	
220010	37764	14484	
220011	15764	14484	
220019	49340	14484	
220020	39300	14484	
220025	49340	14484	
220029	37764	14484	
220033	37764	14484	
220035	37764	14484	
220049	15764	14484	
220058	49340	14484	
220062	49340	14484	
220063	15764	14484	
220070	15764	14484	
220073	39300	14484	
220074	39300	14484	
220077	44140	25540	
220080	37764	14484	

Provider Number	Geographic CBSA	Reclassified CBSA	LUGAR
220082	15764	14484	
220084	15764	14484	
220090	49340	14484	
220095	49340	14484	
220098	15764	14484	
220101	15764	14484	
220105	15764	14484	
220163	49340	14484	
220171	15764	14484	
220174	37764	14484	
220175	15764	14484	
220176	49340	14484	
230002	19804	11460	
230003	26100	34740	
230013	47644	22420	
230019	47644	22420	
230020	19804	11460	
230021	35660	28020	
230022	23	12980	
230024	19804	11460	
230029	47644	22420	
230030	23	40980	
230035	23	24340	LUGAR
230036	23	13020	
230037	23	11460	
230038	24340	34740	
230047	47644	19804	
230053	19804	11460	
230054	23	24580	
230059	24340	34740	
230069	47644	11460	
230071	47644	22420	
230072	26100	34740	
230077	40980	22420	
230089	19804	11460	
230095	23	13020	
230096	23	28020	

Provider Number	Geographic CBSA	Reclassified CBSA	LUGAR
230097	23	24340	
230099	33780	11460	
230104	19804	11460	
230105	23	24340	
230106	24340	34740	
230121	23	29620	LUGAR
230130	47644	22420	
230135	19804	11460	
230142	19804	11460	
230146	19804	11460	
230151	47644	22420	
230165	19804	11460	
230174	26100	34740	
230176	19804	11460	
230195	47644	19804	
230204	47644	19804	
230207	47644	22420	
230208	23	24340	LUGAR
230222	23	13020	
230227	47644	19804	
230236	24340	34740	
230244	19804	11460	
230254	47644	22420	
230257	47644	19804	
230264	47644	19804	
230269	47644	22420	
230270	19804	11460	
230273	19804	11460	
230277	47644	22420	
230279	47644	11460	
230297	19804	11460	
230301	47644	22420	
230302	47644	22420	
230B04	47644	22420	
230B95	19804	11460	
240036	41060	33460	
240069	24	33460	

Provider Number	Geographic CBSA	Reclassified CBSA	LUGAR
240071	24	33460	
240075	24	41060	
240088	24	41060	
240093	31860	33460	
240187	24	33460	
250002	25	22520	
250004	25	32820	
250006	25	32820	
250009	25	27180	
250023	25	25060	LUGAR
250031	25	27140	
250034	25	32820	
250040	37700	25060	
250042	25	32820	
250069	25	46220	
250078	25620	25060	
250079	25	27140	
250081	25	46220	
250082	25	38220	
250094	25620	25060	
250095	25	27140	
250097	25	12940	
250099	25	27140	
250100	25	46220	
250104	25	46220	
250117	25	25060	LUGAR
260009	26	27620	
260017	26	27620	
260022	26	17860	
260025	26	41180	
260074	26	17860	
260094	26	44180	
260113	26	14	
260116	26	14	
260119	26	16020	
260175	26	28140	
260186	26	27620	

Provider Number	Geographic CBSA	Reclassified CBSA	LUGAR
270003	27	24500	
270012	24500	33540	
270017	27	33540	
270051	27	33540	
280009	28	30700	
280023	28	30700	
280065	28	24540	
280077	28	30700	
280125	28	43580	
290002	29	16180	LUGAR
290006	29	39900	
290019	16180	39900	
300011	31700	15764	
300012	31700	15764	
300017	40484	37764	
300019	30	44140	
300020	31700	15764	
300029	40484	37764	
300034	31700	15764	
310002	35084	35644	
310009	35084	35644	
310014	15804	37964	
310015	35084	35644	
310017	35084	35644	
310022	15804	37964	
310029	15804	37964	
310031	15804	20764	
310038	20764	35644	
310039	20764	35644	
310048	20764	35084	
310050	35084	35644	
310054	35084	35644	
310070	20764	35644	
310076	35084	35644	
310081	15804	37964	
310083	35084	35644	
310086	15804	37964	

Provider Number	Geographic CBSA	Reclassified CBSA	LUGAR
310096	35084	35644	
310108	20764	35644	
310119	35084	35644	
320003	32	42140	
320005	22140	10740	
320006	32	10740	
320013	32	42140	
320014	32	29740	
320033	32	42140	LUGAR
320063	32	36220	
320065	32	36220	
330004	28740	39100	
330008	33	15380	LUGAR
330023	39100	35644	
330027	35004	35644	
330073	33	40380	LUGAR
330079	33	47	
330090	21300	27060	
330094	33	38340	
330106	35004	35644	
330126	39100	35644	
330136	33	10580	
330157	33	45060	
330167	35004	35644	
330181	35004	35644	
330182	35004	35644	
330191	24020	10580	
330198	35004	35644	
330213	33	46540	
330224	28740	39100	
330225	35004	35644	
330229	33	21500	
330239	33	21500	
330250	33	15540	
330259	35004	35644	
330277	33	27060	
330331	35004	35644	

Provider Number	Geographic CBSA	Reclassified CBSA	LUGAR
330332	35004	35644	
330372	35004	35644	
330386	33	35084	
340004	24660	49180	
340008	34	26580	
340013	34	16740	
340015	34	16740	
340021	34	16740	
340023	11700	24860	
340027	34	24780	
340037	34	16740	
340039	34	49180	
340050	34	22180	
340051	34	25860	
340068	34	34820	
340069	39580	20500	
340070	15500	24660	
340071	34	39580	LUGAR
340073	39580	20500	
340085	34	24660	LUGAR
340091	24660	49180	
340096	34	24660	LUGAR
340109	34	47260	
340114	39580	20500	
340115	34	20500	
340126	34	39580	
340127	34	20500	LUGAR
340129	34	16740	
340131	34	24780	
340138	39580	20500	
340144	34	16740	
340145	34	16740	LUGAR
340147	40580	39580	
340173	39580	20500	
350006	35	13900	
360008	36	26580	
360010	36	15940	

Provider Number	Geographic CBSA	Reclassified CBSA	LUGAR
360011	36	18140	
360013	36	30620	
360014	36	18140	
360019	10420	17460	
360020	10420	17460	
360025	41780	45780	
360027	10420	17460	
360036	36	31900	
360054	36	26580	
360055	49660	17460	
360065	36	17460	
360078	10420	17460	
360086	44220	19380	
360095	36	45780	
360109	36	18140	
360112	45780	33780	
360121	36	45780	
360133	19380	17140	
360150	10420	17460	
360159	36	18140	
360175	36	18140	
360185	36	49660	LUGAR
360211	44600	38300	
360245	36	17460	LUGAR
370004	37	27900	
370006	37	46140	
370014	37	43300	
370015	37	46140	
370016	37	36420	
370018	37	46140	
370019	37	45	
370020	37	36420	
370022	37	30020	
370025	37	46140	
370026	37	36420	
370030	37	46140	
370047	37	36420	

Provider Number	Geographic CBSA	Reclassified CBSA	LUGAR
370049	37	36420	
370099	37	36420	
370113	37	22220	
370149	37	36420	
380001	38	38900	
380022	38	18700	LUGAR
380027	38	21660	
380047	13460	21660	
380050	38	32780	
380051	41420	38900	
380090	38	21660	
390006	39	25420	
390013	39	25420	
390016	39	38300	
390030	39	10900	
390031	39	39740	LUGAR
390044	39740	37964	
390046	49620	29540	
390048	39	25420	
390065	39	13644	
390066	30140	25420	
390067	25420	29540	
390071	39	48700	LUGAR
390079	39	13780	
390086	39	38300	
390091	39	49660	
390093	39	49660	
390096	39740	37964	
390110	27780	38300	
390113	39	21500	
390133	10900	37964	
390138	39	13644	
390151	39	13644	
390162	10900	35084	
390185	42540	10900	
390313	39	39740	LUGAR
390316	39740	37964	

Provider Number	Geographic CBSA	Reclassified CBSA	LUGAR
410001	39300	14484	
410004	39300	14484	
410005	39300	14484	
410007	39300	14484	
410010	39300	14484	
410011	39300	14484	
410012	39300	14484	
410013	39300	35980	
420007	43900	24860	
420009	42	24860	LUGAR
420020	42	16700	
420027	11340	24860	
420030	42	16700	
420036	42	16740	
420039	42	43900	LUGAR
420067	42	42340	
420068	42	12260	
420069	42	44940	LUGAR
420070	44940	17900	
420071	42	24860	
420080	42	42340	
420083	43900	24860	
420085	34820	48900	
420101	42	42340	
430012	43	43620	
440002	27180	32820	
440018	27740	28700	
440025	44	34	
440035	17300	34980	
440056	34100	28940	
440058	44	26620	
440059	44	34980	
440067	34100	28700	
440068	44	16860	
440073	44	34980	
440144	44	16860	
440151	44	34980	

Provider Number	Geographic CBSA	Reclassified CBSA	LUGAR
440174	44	32820	
440185	17420	16860	
440192	44	34980	
450007	45	41700	
450032	45	30980	LUGAR
450039	23104	19124	
450064	23104	19124	
450080	45	19124	
450087	23104	19124	
450092	45	29700	
450099	45	11100	
450135	23104	19124	
450137	23104	19124	
450144	45	33260	
450147	47020	18580	
450148	23104	19124	
450178	45	36220	
450187	45	26420	
450196	45	19124	
450211	45	30980	
450214	45	26420	
450224	45	46340	
450283	45	19124	LUGAR
450324	43300	19124	
450347	45	26420	
450351	45	23104	
450370	45	26420	
450389	45	19124	LUGAR
450400	45	17780	
450419	23104	19124	
450438	45	26420	
450447	45	19124	
450465	45	26420	
450469	43300	19124	
450484	45	30980	
450508	45	30980	
450547	45	19124	

Provider Number	Geographic CBSA	Reclassified CBSA	LUGAR
450563	23104	19124	
450565	45	23104	
450596	45	23104	
450604	45	41700	
450639	23104	19124	
450656	45	30980	
450672	23104	19124	
450675	23104	19124	
450677	23104	19124	
450747	45	46340	
450770	45	12420	LUGAR
450779	23104	19124	
450872	23104	19124	
450880	23104	19124	
450886	23104	19124	
460004	36260	41620	
460005	36260	41620	
460007	46	41100	
460026	46	39340	
460039	46	36260	
460041	36260	41620	
460042	36260	41620	
470001	47	15540	
470012	47	38340	
490004	25500	16820	
490005	49020	47894	
490013	49	20500	
490018	49	16820	
490019	49	47894	
490042	13980	40220	
490043	47894	13644	
490063	47894	13644	
490066	47260	40060	
490079	49	24660	
490101	47894	13644	
490107	47894	13644	
490122	47894	13644	

Provider Number	Geographic CBSA	Reclassified CBSA	LUGAR
500003	34580	42644	
500007	34580	42644	
500016	48300	42644	
500021	45104	42644	
500031	50	36500	
500039	14740	42644	
500041	31020	38900	
500072	50	14740	
500079	45104	42644	
500108	45104	42644	
500129	45104	42644	
510002	51	40220	
510006	51	34060	
510018	51	16620	LUGAR
510046	51	49	
510047	51	34060	
510050	48540	38300	
510062	51	16620	
510070	51	16620	
510071	51	13980	
510077	51	26580	
520002	52	48140	
520013	20740	33460	
520021	29404	16974	
520028	52	31540	LUGAR
520037	52	48140	
520059	39540	33340	
520071	52	33340	LUGAR
520076	52	33340	
520095	52	31540	
520096	39540	33340	
520102	52	33340	LUGAR
520107	52	22540	
520113	52	24580	
520116	52	33340	LUGAR
520189	29404	16974	
530014	16940	24540	

TABLE 10.—GEOMETRIC MEAN PLUS THE LESSER OF .75 OF THE NATIONAL ADJUSTED OPERATING STANDARDIZED PAYMENT AMOUNT (INCREASED TO REFLECT THE DIFFERENCE BETWEEN COSTS AND CHARGES) OR .75 OF ONE STANDARD DEVIATION OF MEAN CHARGES BY MEDICARE SEVERITY DIAGNOSIS-RELATED GROUP (MS-DRG)—April 2010[1]

MS-DRG	Number of Cases	Threshold
1	865	$389,002
2	233	$195,055
3	23,101	$271,584
4	21,861	$164,651
5	933	$173,584
6	380	$103,557
7	406	$170,029
8	511	$105,156
9	1,567	$109,488
10	141	$90,875
11	1,384	$80,142
12	1,989	$58,972
13	1,062	$40,489
20	1,047	$157,823
21	487	$119,128
22	156	$85,632
23	4,272	$91,581
24	2,066	$63,368
25	10,196	$84,164
26	11,484	$58,591
27	12,446	$47,033
28	1,737	$83,542
29	3,431	$52,824
30	3,394	$34,633
31	1,089	$69,986
32	2,750	$40,237
33	3,263	$32,975
34	847	$63,512
35	2,388	$46,937
36	5,878	$40,712
37	5,356	$57,235
38	14,284	$36,825
39	46,412	$27,494
40	4,979	$65,463
41	7,598	$43,513
42	4,110	$37,771
52	1,391	$33,029
53	571	$22,196
54	6,584	$33,288
55	14,332	$28,166
56	10,308	$32,309
57	45,636	$21,051
58	869	$32,675
59	3,214	$24,364
60	3,702	$18,278
61	2,000	$59,680
62	2,944	$46,665
63	1,171	$41,261
64	63,659	$37,295
65	108,572	$29,516
66	71,747	$22,397
67	1,926	$32,904
68	11,692	$24,825
69	96,409	$20,405
70	10,189	$36,456
71	11,517	$28,259
72	5,232	$21,046
73	10,681	$29,802
74	31,053	$22,361
75	1,287	$37,876
76	694	$23,662
77	1,632	$36,701
78	1,688	$26,558
79	862	$20,557
80	1,706	$28,205
81	5,753	$18,865
82	2,249	$38,321
83	2,381	$31,174
84	2,569	$23,039
85	7,108	$38,811
86	12,830	$29,387

MS-DRG	Number of Cases	Threshold
87	12,297	$20,266
88	1,000	$33,298
89	2,949	$25,227
90	2,821	$19,387
91	9,861	$32,610
92	18,526	$23,203
93	14,820	$17,999
94	1,517	$60,965
95	1,163	$44,844
96	603	$39,770
97	1,317	$57,346
98	1,019	$39,110
99	508	$30,997
100	19,094	$31,833
101	55,560	$20,167
102	1,277	$26,479
103	12,792	$18,026
113	640	$38,393
114	462	$23,767
115	1,019	$29,721
116	532	$29,249
117	826	$18,459
121	752	$24,718
122	502	$16,035
123	2,794	$20,642
124	860	$27,880
125	4,051	$17,572
129	1,521	$44,659
130	939	$32,940
131	989	$42,025
132	826	$30,709
133	2,161	$34,737
134	2,857	$22,176
135	385	$40,095
136	414	$25,091
137	839	$32,424
138	798	$20,224
139	1,441	$22,174
146	825	$39,688
147	1,474	$28,097

MS-DRG	Number of Cases	Threshold
148	704	$18,711
149	35,070	$17,386
150	1,272	$28,072
151	6,133	$14,750
152	3,460	$24,044
153	16,897	$16,059
154	2,435	$31,064
155	5,504	$23,142
156	4,142	$16,627
157	1,414	$31,530
158	3,633	$23,578
159	1,885	$15,750
163	13,934	$86,849
164	18,517	$52,978
165	10,712	$42,098
166	24,135	$65,383
167	19,905	$43,668
168	4,947	$33,163
175	15,001	$36,971
176	36,290	$27,485
177	71,329	$40,597
178	72,866	$33,081
179	19,697	$25,265
180	22,810	$36,938
181	28,116	$29,874
182	3,624	$22,658
183	2,647	$33,447
184	4,846	$24,630
185	2,217	$17,427
186	10,555	$34,992
187	10,193	$27,682
188	3,657	$20,141
189	129,179	$32,232
190	125,804	$29,828
191	138,603	$24,810
192	152,980	$18,644
193	103,110	$32,561
194	217,767	$25,507
195	105,641	$18,329
196	6,665	$34,115

MS-DRG	Number of Cases	Threshold
197	6,890	$27,608
198	3,484	$21,389
199	3,757	$38,083
200	8,432	$25,132
201	2,979	$18,052
202	37,472	$21,725
203	34,621	$15,784
204	24,686	$18,264
205	6,810	$29,155
206	20,742	$19,694
207	38,118	$92,691
208	77,115	$46,531
215	138	$192,886
216	9,880	$176,137
217	6,447	$124,922
218	1,401	$107,186
219	12,500	$141,426
220	14,385	$102,673
221	4,929	$91,188
222	3,272	$160,691
223	4,418	$122,914
224	2,933	$145,113
225	4,763	$116,684
226	8,032	$120,871
227	33,159	$97,856
228	3,210	$137,160
229	3,325	$98,362
230	1,169	$80,433
231	1,566	$156,409
232	1,256	$122,233
233	17,622	$130,933
234	27,918	$98,208
235	10,517	$104,978
236	25,885	$77,822
237	23,974	$92,323
238	39,313	$61,432
239	11,664	$69,045
240	10,718	$44,505
241	1,917	$32,845
242	20,888	$68,433

MS-DRG	Number of Cases	Threshold
243	38,043	$55,177
244	50,838	$46,291
245	4,079	$78,539
246	30,411	$69,977
247	147,952	$51,453
248	19,736	$64,840
249	67,964	$47,426
250	8,184	$59,956
251	38,091	$45,146
252	44,196	$54,868
253	43,034	$49,388
254	44,467	$39,821
255	2,524	$44,250
256	3,032	$33,270
257	493	$23,340
258	829	$55,674
259	6,169	$40,146
260	1,763	$56,906
261	3,844	$33,612
262	2,818	$27,572
263	563	$32,196
264	24,723	$43,850
265	2,093	$44,334
280	78,326	$37,817
281	50,932	$30,379
282	40,796	$23,085
283	15,365	$34,174
284	3,208	$22,535
285	1,782	$16,046
286	29,351	$44,721
287	140,845	$31,560
288	3,008	$52,687
289	1,165	$38,592
290	299	$29,363
291	202,108	$32,007
292	207,580	$24,223
293	138,456	$17,654
294	1,558	$24,579
295	1,012	$14,868
296	2,158	$29,798

MS-DRG	Number of Cases	Threshold
297	721	$19,111
298	476	$12,936
299	23,052	$30,899
300	45,558	$22,596
301	31,295	$15,992
302	8,576	$25,387
303	58,979	$15,820
304	2,704	$27,043
305	31,624	$16,270
306	2,531	$29,095
307	5,817	$19,647
308	56,369	$29,328
309	92,446	$21,355
310	136,366	$15,302
311	18,509	$14,403
312	163,512	$19,476
313	187,903	$15,879
314	65,724	$34,098
315	30,253	$24,606
316	15,094	$16,812
326	11,455	$94,093
327	10,124	$53,346
328	7,997	$35,139
329	49,835	$87,713
330	60,038	$51,490
331	25,381	$38,779
332	1,999	$82,243
333	5,637	$50,536
334	3,306	$38,002
335	7,885	$75,081
336	12,356	$48,202
337	7,787	$36,303
338	1,610	$62,604
339	3,077	$43,706
340	3,324	$32,810
341	991	$47,740
342	2,722	$35,886
343	6,674	$26,294
344	1,004	$57,410
345	2,955	$37,377

MS-DRG	Number of Cases	Threshold
346	2,780	$29,277
347	1,626	$42,423
348	4,221	$31,942
349	4,416	$20,331
350	1,895	$46,247
351	4,428	$32,695
352	7,044	$21,873
353	3,646	$50,439
354	8,794	$35,573
355	13,646	$25,587
356	8,505	$67,077
357	7,508	$44,590
358	2,085	$33,785
368	3,735	$36,175
369	5,521	$27,556
370	2,222	$20,185
371	27,790	$36,388
372	28,853	$29,873
373	12,523	$21,164
374	9,731	$39,148
375	17,353	$30,128
376	3,102	$23,904
377	60,356	$34,387
378	123,093	$24,985
379	61,670	$18,619
380	3,316	$36,962
381	5,855	$28,390
382	3,184	$21,165
383	1,573	$31,850
384	7,276	$23,263
385	2,870	$35,732
386	7,834	$27,516
387	4,285	$21,199
388	22,261	$32,883
389	48,548	$24,225
390	42,991	$17,129
391	49,223	$27,759
392	243,035	$19,259
393	24,676	$33,183
394	48,045	$25,167

MS-DRG	Number of Cases	Threshold
395	21,085	$18,104
405	4,264	$90,728
406	5,198	$54,119
407	1,940	$40,799
408	1,579	$73,001
409	1,385	$49,902
410	494	$38,897
411	897	$75,484
412	865	$53,809
413	607	$40,589
414	5,219	$65,688
415	5,620	$44,561
416	4,525	$33,802
417	19,305	$51,931
418	25,675	$41,118
419	31,110	$31,502
420	797	$70,221
421	1,008	$39,140
422	247	$31,294
423	1,573	$72,588
424	790	$47,341
425	88	$37,270
432	14,494	$34,529
433	8,905	$24,409
434	582	$18,029
435	13,630	$37,203
436	12,090	$29,801
437	2,756	$25,102
438	17,093	$35,405
439	24,725	$27,440
440	20,936	$19,391
441	14,282	$34,046
442	15,240	$24,134
443	5,392	$17,965
444	13,747	$34,485
445	17,233	$28,729
446	13,796	$20,917
453	1,103	$174,699
454	2,376	$123,857
455	2,020	$93,614

MS-DRG	Number of Cases	Threshold
456	1,111	$152,504
457	2,826	$106,896
458	1,446	$89,213
459	4,130	$104,714
460	55,432	$71,392
461	990	$86,571
462	12,260	$66,379
463	5,234	$73,851
464	9,387	$49,906
465	3,238	$38,061
466	4,164	$80,194
467	17,434	$61,472
468	17,171	$52,558
469	33,437	$62,532
470	405,607	$47,182
471	2,762	$83,984
472	7,773	$56,834
473	23,363	$46,340
474	2,725	$56,667
475	3,450	$38,188
476	1,299	$26,054
477	2,908	$60,925
478	9,193	$47,455
479	9,268	$38,241
480	28,778	$56,381
481	75,926	$42,752
482	38,532	$36,612
483	9,156	$50,964
484	16,998	$44,087
485	1,106	$59,361
486	1,981	$45,599
487	1,096	$36,036
488	2,927	$37,774
489	5,313	$29,696
490	23,821	$39,912
491	48,360	$25,460
492	5,867	$55,234
493	18,534	$41,196
494	26,815	$32,105
495	1,394	$52,061

MS-DRG	Number of Cases	Threshold
496	4,662	$36,908
497	5,476	$27,045
498	1,330	$40,071
499	976	$22,908
500	1,791	$53,085
501	4,415	$35,105
502	5,864	$25,212
503	863	$43,136
504	2,363	$34,921
505	2,503	$26,368
506	725	$29,466
507	966	$40,240
508	2,043	$32,400
509	435	$30,513
510	1,183	$45,296
511	4,260	$35,239
512	9,343	$26,439
513	1,252	$31,396
514	1,014	$20,554
515	4,257	$56,742
516	11,688	$42,011
517	14,158	$34,589
533	863	$30,805
534	3,272	$16,944
535	8,149	$28,765
536	32,791	$16,530
537	838	$21,960
538	889	$14,522
539	2,724	$40,306
540	5,011	$30,395
541	1,457	$22,494
542	6,322	$37,535
543	16,638	$27,734
544	8,409	$18,768
545	4,398	$38,700
546	5,591	$27,325
547	3,906	$19,238
548	639	$37,106
549	1,145	$28,282
550	600	$18,033

MS-DRG	Number of Cases	Threshold
551	12,224	$33,082
552	78,714	$20,306
553	3,387	$26,679
554	17,367	$15,998
555	2,163	$24,276
556	16,208	$15,807
557	6,151	$32,945
558	16,353	$21,183
559	2,005	$32,817
560	5,078	$22,973
561	6,250	$14,590
562	6,665	$29,774
563	33,686	$16,574
564	1,861	$31,628
565	3,813	$22,875
566	2,157	$16,134
573	5,129	$50,163
574	10,013	$35,479
575	4,156	$26,619
576	604	$53,475
577	2,322	$36,026
578	2,806	$25,986
579	3,893	$48,735
580	10,376	$32,910
581	11,069	$23,619
582	5,398	$27,405
583	8,117	$21,470
584	777	$33,485
585	1,260	$23,632
592	5,008	$33,301
593	11,623	$24,271
594	1,978	$16,813
595	1,376	$32,998
596	4,982	$20,187
597	586	$33,406
598	1,329	$26,711
599	246	$16,205
600	955	$23,588
601	844	$14,665
602	24,663	$30,509

MS-DRG	Number of Cases	Threshold
603	129,540	$19,396
604	3,167	$28,218
605	20,019	$17,476
606	1,545	$26,520
607	6,551	$15,695
614	1,575	$51,040
615	1,442	$36,993
616	989	$72,716
617	6,847	$40,290
618	172	$30,496
619	799	$61,176
620	2,599	$42,714
621	9,718	$37,202
622	809	$56,692
623	3,190	$36,949
624	344	$24,840
625	1,341	$44,938
626	2,820	$30,681
627	13,010	$20,965
628	3,326	$58,340
629	4,419	$44,514
630	455	$34,307
637	21,119	$29,645
638	47,885	$20,408
639	29,351	$14,074
640	61,837	$26,159
641	187,535	$17,306
642	1,563	$25,170
643	6,566	$34,055
644	12,257	$26,452
645	7,099	$18,903
652	10,051	$65,236
653	1,843	$94,153
654	3,671	$58,851
655	1,336	$43,728
656	4,444	$62,458
657	7,561	$43,358
658	7,243	$35,012
659	4,953	$55,947

MS-DRG	Number of Cases	Threshold
660	7,085	$40,160
661	3,952	$34,109
662	954	$49,155
663	1,933	$32,617
664	3,709	$26,578
665	771	$52,781
666	2,122	$34,277
667	3,117	$19,813
668	4,635	$44,590
669	12,516	$31,500
670	10,021	$20,142
671	871	$33,039
672	765	$20,538
673	12,544	$49,448
674	10,170	$42,806
675	5,147	$35,918
682	97,609	$33,358
683	135,093	$26,095
684	33,583	$17,342
685	2,366	$21,566
686	1,953	$33,422
687	3,060	$27,399
688	921	$19,138
689	60,360	$28,626
690	201,231	$19,233
691	977	$36,052
692	416	$27,497
693	3,192	$29,780
694	16,029	$18,924
695	1,010	$27,707
696	9,929	$16,041
697	562	$21,291
698	26,265	$31,468
699	25,718	$23,792
700	10,193	$16,867
707	5,784	$40,132
708	17,747	$32,659
709	787	$37,965

MS-DRG	Number of Cases	Threshold
710	1,711	$32,470
711	757	$37,242
712	507	$20,275
713	10,501	$28,617
714	25,392	$16,607
715	523	$39,066
716	1,033	$31,946
717	790	$34,884
718	537	$20,367
722	846	$32,607
723	1,792	$25,510
724	386	$17,126
725	947	$25,634
726	3,285	$17,762
727	1,466	$29,718
728	5,687	$18,770
729	741	$24,092
730	343	$15,065
734	1,596	$47,611
735	1,032	$30,387
736	950	$78,765
737	3,230	$44,033
738	743	$30,874
739	1,074	$57,033
740	4,420	$36,843
741	5,510	$27,799
742	10,825	$33,779
743	29,288	$23,322
744	1,673	$33,440
745	1,389	$22,208
746	2,659	$31,489
747	8,067	$22,591
748	19,014	$23,182
749	1,018	$46,594
750	395	$27,294
754	1,267	$35,940
755	3,125	$27,616
756	528	$15,945

MS-DRG	Number of Cases	Threshold
757	1,533	$35,983
758	1,915	$28,019
759	1,238	$19,930
760	1,811	$20,574
761	1,317	$13,597
765	3,126	$21,732
766	2,802	$14,572
767	142	$17,038
768	9	$11,871
769	86	$33,922
770	225	$14,870
774	1,636	$13,499
775	5,854	$9,411
776	561	$16,686
777	232	$21,795
778	445	$8,995
779	130	$10,883
780	44	$4,578
781	3,131	$14,290
782	180	$10,164
799	613	$90,541
800	674	$52,255
801	399	$38,586
802	886	$59,143
803	1,136	$39,196
804	814	$28,065
808	7,551	$40,002
809	13,393	$28,993
810	2,471	$22,975
811	27,117	$28,363
812	90,161	$19,562
813	13,097	$29,154
814	1,861	$33,121
815	3,668	$26,057
816	1,821	$19,224
820	1,353	$94,032
821	2,170	$46,484
822	1,836	$31,412

MS-DRG	Number of Cases	Threshold
823	2,354	$70,969
824	2,894	$45,971
825	1,579	$32,071
826	637	$80,598
827	1,286	$43,877
828	785	$32,630
829	1,325	$48,015
830	399	$27,124
834	4,125	$61,164
835	2,720	$38,891
836	1,333	$26,678
837	1,196	$102,784
838	1,441	$51,401
839	1,413	$30,394
840	9,724	$47,069
841	9,715	$33,444
842	4,341	$26,409
843	1,795	$36,121
844	2,642	$29,302
845	586	$22,306
846	2,586	$41,103
847	22,609	$27,909
848	1,385	$23,861
849	1,077	$31,032
853	38,089	$87,911
854	8,081	$51,332
855	432	$38,188
856	5,807	$70,660
857	9,306	$39,484
858	2,623	$31,564
862	9,159	$36,191
863	21,321	$23,361
864	17,572	$21,559
865	2,846	$29,453
866	9,130	$17,839
867	5,370	$41,476
868	2,762	$26,597
869	953	$19,248

MS-DRG	Number of Cases	Threshold
870	24,761	$101,840
871	256,093	$37,509
872	90,163	$27,946
876	684	$44,822
880	8,529	$16,598
881	4,578	$12,659
882	1,690	$13,471
883	896	$20,508
884	19,075	$20,749
885	84,180	$16,352
886	500	$15,664
887	571	$19,686
894	4,259	$8,723
895	6,544	$17,041
896	6,711	$29,396
897	35,191	$14,348
901	916	$59,423
902	1,944	$35,534
903	1,109	$25,200
904	1,474	$46,815
905	824	$26,780
906	691	$25,655
907	8,699	$61,340
908	8,619	$38,851
909	4,982	$29,005
913	1,041	$29,478
914	5,773	$17,668
915	1,334	$27,602
916	5,203	$11,317
917	19,652	$31,716
918	34,844	$15,140
919	11,273	$32,228
920	14,556	$23,797
921	8,230	$15,851
922	1,257	$29,349
923	3,269	$16,721
927	167	$198,460
928	857	$70,268

MS-DRG	Number of Cases	Threshold
929	416	$37,400
933	153	$34,085
934	690	$26,282
935	2,055	$24,343
939	764	$49,622
940	1,674	$35,957
941	1,719	$30,016
945	6,545	$20,406
946	3,005	$18,303
947	12,021	$26,904
948	52,796	$17,145
949	704	$22,198
950	296	$12,931
951	903	$16,292
955	485	$99,347
956	4,236	$61,511
957	1,519	$109,945
958	1,177	$70,133
959	230	$48,166
963	1,892	$51,646
964	2,803	$34,903
965	961	$25,958
969	633	$85,446
970	122	$49,858
974	6,060	$43,025
975	4,375	$30,620
976	1,933	$23,242
977	3,968	$26,172
981	29,313	$83,501
982	19,558	$55,364
983	5,621	$39,841
984	752	$62,176
985	909	$41,122
986	539	$28,495
987	8,729	$57,928
988	10,785	$38,675
989	4,639	$27,294
999	26	$21,513

[1]Cases taken from the FY 2008 MedPAR file; MS-DRGs are from GROUPER Version 27.0.

TABLE 11.—PROPOSED MS-LTC-DRGS, RELATIVE WEIGHTS, GEOMETRIC AVERAGE LENGTH OF STAY, AND SHORT-STAY OUTLIER (SSO) THRESHOLD FOR DISCHARGES OCCURRING FROM OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2011 UNDER THE LTCH PPS

MS-LTC-DRG	Base MS-LTC-DRG	MS-LTC-DRG Title	FY 2009 LTCH Cases	Proposed Relative Weight	Proposed Geometric Average Length of Stay	Proposed Short-Stay Outlier (SSO) Threshold[1]
1	1	HEART TRANSPLANT OR IMPLANT OF HEART ASSIST SYSTEM W MCC	0	0.0000	0.0	0.0
2	1	HEART TRANSPLANT OR IMPLANT OF HEART ASSIST SYSTEM W/O MCC	0	0.0000	0.0	0.0
3	3	ECMO OR TRACH W MV 96+ HRS OR PDX EXC FACE, MOUTH & NECK W MAJ O.R.	270	4.6423	65.4	54.5
4	4	TRACH W MV 96+ HRS OR PDX EXC FACE, MOUTH & NECK W/O MAJ O.R.	1,536	2.9399	43.7	36.4
5	5	LIVER TRANSPLANT W MCC OR INTESTINAL TRANSPLANT	0	0.0000	0.0	0.0
6	5	LIVER TRANSPLANT W/O MCC	0	0.0000	0.0	0.0
7	7	LUNG TRANSPLANT	0	0.0000	0.0	0.0
8	8	SIMULTANEOUS PANCREAS/KIDNEY TRANSPLANT	0	0.0000	0.0	0.0
10	10	PANCREAS TRANSPLANT	0	0.0000	0.0	0.0
11	11	TRACHEOSTOMY FOR FACE,MOUTH & NECK DIAGNOSES W MCC	1	1.0834	28.9	24.1
12	11	TRACHEOSTOMY FOR FACE,MOUTH & NECK DIAGNOSES W CC	0	0.8745	23.3	19.4
13	11	TRACHEOSTOMY FOR FACE,MOUTH & NECK DIAGNOSES W/O CC/MCC	0	0.4878	18.1	15.1
14	14	ALLOGENEIC BONE MARROW TRANSPLANT	0	0.5579	19.4	16.2
15	15	AUTOLOGOUS BONE MARROW TRANSPLANT	0	0.5579	19.4	16.2
20	20	INTRACRANIAL VASCULAR PROCEDURES W PDX HEMORRHAGE W MCC	1	1.6496	36.4	30.3
21	20	INTRACRANIAL VASCULAR PROCEDURES W PDX HEMORRHAGE W CC	0	0.6041	22.1	18.4
22	20	INTRACRANIAL VASCULAR PROCEDURES W PDX HEMORRHAGE W/O CC/MCC	0	0.4878	18.1	15.1
23	23	CRANIO W MAJOR DEV IMPL/ACUTE COMPLEX CNS PDX W MCC OR CHEMO IMPLANT	0	1.0834	28.9	24.1
24	23	CRANIO W MAJOR DEV IMPL/ACUTE COMPLEX CNS PDX W/O MCC	0	0.4878	18.1	15.1

MS-LTC-DRG	Base MS-LTC-DRG	MS-LTC-DRG Title	FY 2009 LTCH Cases	Proposed Relative Weight	Proposed Geometric Average Length of Stay	Proposed Short-Stay Outlier (SSO) Threshold[1]
25	25	CRANIOTOMY & ENDOVASCULAR INTRACRANIAL PROCEDURES W MCC	2	1.0834	28.9	24.1
26	25	CRANIOTOMY & ENDOVASCULAR INTRACRANIAL PROCEDURES W CC	1	0.4878	18.1	15.1
27	25	CRANIOTOMY & ENDOVASCULAR INTRACRANIAL PROCEDURES W/O CC/MCC	0	0.4878	18.1	15.1
28	28	SPINAL PROCEDURES W MCC	11	1.0834	28.9	24.1
29	28	SPINAL PROCEDURES W CC OR SPINAL NEUROSTIMULATORS	16	0.8667	24.6	20.5
30	28	SPINAL PROCEDURES W/O CC/MCC	0	0.8667	24.6	20.5
31	31	VENTRICULAR SHUNT PROCEDURES W MCC	1	1.0834	28.9	24.1
32	31	VENTRICULAR SHUNT PROCEDURES W CC	0	1.0834	28.9	24.1
33	31	VENTRICULAR SHUNT PROCEDURES W/O CC/MCC	0	1.0834	28.9	24.1
34	34	CAROTID ARTERY STENT PROCEDURE W MCC	0	1.6496	36.4	30.3
35	34	CAROTID ARTERY STENT PROCEDURE W CC	0	1.6496	36.4	30.3
36	34	CAROTID ARTERY STENT PROCEDURE W/O CC/MCC	0	1.6496	36.4	30.3
37	37	EXTRACRANIAL PROCEDURES W MCC*	13	1.6496	36.4	30.3
38	37	EXTRACRANIAL PROCEDURES W CC	4	1.6496	36.4	30.3
39	37	EXTRACRANIAL PROCEDURES W/O CC/MCC	0	1.6496	36.4	30.3
40	40	PERIPH/CRANIAL NERVE & OTHER NERV SYST PROC W MCC	116	1.2681	34.0	28.3
41	40	PERIPH/CRANIAL NERVE & OTHER NERV SYST PROC W CC OR PERIPH NEUROSTIM	82	0.8898	29.0	24.2
42	40	PERIPH/CRANIAL NERVE & OTHER NERV SYST PROC W/O CC/MCC	3	0.4878	18.1	15.1
52	52	SPINAL DISORDERS & INJURIES W CC/MCC*	64	1.1124	41.2	34.3
53	52	SPINAL DISORDERS & INJURIES W/O CC/MCC	6	1.1124	41.2	34.3
54	54	NERVOUS SYSTEM NEOPLASMS W MCC	32	0.7989	27.3	22.8
55	54	NERVOUS SYSTEM NEOPLASMS W/O MCC	35	0.5858	19.2	16.0
56	56	DEGENERATIVE NERVOUS SYSTEM DISORDERS W MCC	1,122	0.8047	25.6	21.3
57	56	DEGENERATIVE NERVOUS SYSTEM DISORDERS W/O MCC	1,142	0.5744	23.7	19.8
58	58	MULTIPLE SCLEROSIS & CEREBELLAR ATAXIA W MCC	11	1.6496	36.4	30.3
59	58	MULTIPLE SCLEROSIS & CEREBELLAR ATAXIA W CC	14	0.6280	20.9	17.4
60	58	MULTIPLE SCLEROSIS & CEREBELLAR ATAXIA W/O CC/MCC	4	0.4878	18.1	15.1
61	61	ACUTE ISCHEMIC STROKE W USE OF THROMBOLYTIC AGENT W MCC	0	0.9205	23.3	19.4
62	61	ACUTE ISCHEMIC STROKE W USE OF THROMBOLYTIC AGENT W CC	0	0.6172	22.1	18.4
63	61	ACUTE ISCHEMIC STROKE W USE OF THROMBOLYTIC AGENT W/O CC/MCC	0	0.6172	22.1	18.4
64	64	INTRACRANIAL HEMORRHAGE OR CEREBRAL INFARCTION W MCC	145	0.8378	24.2	20.2
65	64	INTRACRANIAL HEMORRHAGE OR CEREBRAL INFARCTION W CC	52	0.6041	22.1	18.4
66	64	INTRACRANIAL HEMORRHAGE OR CEREBRAL INFARCTION W/O CC/MCC	9	0.4878	18.1	15.1
67	67	NONSPECIFIC CVA & PRECEREBRAL OCCLUSION W/O INFARCT W MCC	0	0.4878	18.1	15.1
68	67	NONSPECIFIC CVA & PRECEREBRAL OCCLUSION W/O INFARCT W/O MCC	3	0.4878	18.1	15.1
69	69	TRANSIENT ISCHEMIA	2	1.0834	28.9	24.1
70	70	NONSPECIFIC CEREBROVASCULAR DISORDERS W MCC	182	0.9205	23.3	19.4
71	70	NONSPECIFIC CEREBROVASCULAR DISORDERS W CC*	92	0.6172	22.1	18.4
72	70	NONSPECIFIC CEREBROVASCULAR DISORDERS W/O CC/MCC	9	0.6172	22.1	18.4
73	73	CRANIAL & PERIPHERAL NERVE DISORDERS W MCC	112	0.8684	24.9	20.8
74	73	CRANIAL & PERIPHERAL NERVE DISORDERS W/O MCC	111	0.6375	21.9	18.3
75	75	VIRAL MENINGITIS W CC/MCC	9	0.8667	24.6	20.5
76	75	VIRAL MENINGITIS W/O CC/MCC	0	0.8667	24.6	20.5
77	77	HYPERTENSIVE ENCEPHALOPATHY W MCC	2	0.8667	24.6	20.5
78	77	HYPERTENSIVE ENCEPHALOPATHY W CC	2	0.8667	24.6	20.5
79	77	HYPERTENSIVE ENCEPHALOPATHY W/O CC/MCC	0	0.6280	20.9	17.4
80	80	NONTRAUMATIC STUPOR & COMA W MCC	8	1.0834	28.9	24.1
81	80	NONTRAUMATIC STUPOR & COMA W/O MCC	6	0.4878	18.1	15.1
82	82	TRAUMATIC STUPOR & COMA, COMA >1 HR W MCC	15	0.8667	24.6	20.5
83	82	TRAUMATIC STUPOR & COMA, COMA >1 HR W CC	9	0.6280	20.9	17.4
84	82	TRAUMATIC STUPOR & COMA, COMA >1 HR W/O CC/MCC	1	0.4878	18.1	15.1
85	85	TRAUMATIC STUPOR & COMA, COMA <1 HR W MCC	92	0.9280	25.1	20.9
86	85	TRAUMATIC STUPOR & COMA, COMA <1 HR W CC	56	0.6866	23.9	19.9
87	85	TRAUMATIC STUPOR & COMA, COMA <1 HR W/O CC/MCC	8	0.4878	18.1	15.1

MS-LTC-DRG	Base MS-LTC-DRG	MS-LTC-DRG Title	FY 2009 LTCH Cases	Proposed Relative Weight	Proposed Geometric Average Length of Stay	Proposed Short-Stay Outlier (SSO) Threshold[1]
88	88	CONCUSSION W MCC	0	1.0834	28.9	24.1
89	88	CONCUSSION W CC	1	1.0834	28.9	24.1
90	88	CONCUSSION W/O CC/MCC	1	0.8667	24.6	20.5
91	91	OTHER DISORDERS OF NERVOUS SYSTEM W MCC	264	0.8776	24.3	20.3
92	91	OTHER DISORDERS OF NERVOUS SYSTEM W CC	98	0.7483	24.2	20.2
93	91	OTHER DISORDERS OF NERVOUS SYSTEM W/O CC/MCC	7	0.4878	18.1	15.1
94	94	BACTERIAL & TUBERCULOUS INFECTIONS OF NERVOUS SYSTEM W MCC	247	1.1111	29.4	24.5
95	94	BACTERIAL & TUBERCULOUS INFECTIONS OF NERVOUS SYSTEM W CC*	99	0.8204	25.3	21.1
96	94	BACTERIAL & TUBERCULOUS INFECTIONS OF NERVOUS SYSTEM W/O CC/MCC	22	0.8204	25.3	21.1
97	97	NON-BACTERIAL INFECT OF NERVOUS SYS EXC VIRAL MENINGITIS W MCC	70	0.9187	24.6	20.5
98	97	NON-BACTERIAL INFECT OF NERVOUS SYS EXC VIRAL MENINGITIS W CC	23	0.6280	20.9	17.4
99	97	NON-BACTERIAL INFECT OF NERVOUS SYS EXC VIRAL MENINGITIS W/O CC/MCC	4	0.4878	18.1	15.1
100	100	SEIZURES W MCC	32	0.7249	21.5	17.9
101	100	SEIZURES W/O MCC	36	0.6180	21.8	18.2
102	102	HEADACHES W MCC	2	0.8667	24.6	20.5
103	102	HEADACHES W/O MCC	0	0.4878	18.1	15.1
113	113	ORBITAL PROCEDURES W CC/MCC	1	1.0834	28.9	24.1
114	113	ORBITAL PROCEDURES W/O CC/MCC	0	1.0834	28.9	24.1
115	115	EXTRAOCULAR PROCEDURES EXCEPT ORBIT	0	1.0834	28.9	24.1
116	116	INTRAOCULAR PROCEDURES W CC/MCC	0	1.0834	28.9	24.1
117	116	INTRAOCULAR PROCEDURES W/O CC/MCC	0	1.0834	28.9	24.1
121	121	ACUTE MAJOR EYE INFECTIONS W CC/MCC	9	0.6280	20.9	17.4
122	121	ACUTE MAJOR EYE INFECTIONS W/O CC/MCC	3	0.4878	18.1	15.1
123	123	NEUROLOGICAL EYE DISORDERS	0	1.0834	28.9	24.1
124	124	OTHER DISORDERS OF THE EYE W MCC*	6	1.0834	28.9	24.1
125	124	OTHER DISORDERS OF THE EYE W/O MCC	3	1.0834	28.9	24.1
129	129	MAJOR HEAD & NECK PROCEDURES W CC/MCC OR MAJOR DEVICE	0	1.2635	27.1	22.6
130	129	MAJOR HEAD & NECK PROCEDURES W/O CC/MCC	0	0.4878	18.1	15.1
131	131	CRANIAL/FACIAL PROCEDURES W CC/MCC	1	1.6496	36.4	30.3
132	131	CRANIAL/FACIAL PROCEDURES W/O CC/MCC	0	0.8204	25.3	21.1
133	133	OTHER EAR, NOSE, MOUTH & THROAT O.R. PROCEDURES W CC/MCC	9	1.6496	36.4	30.3
134	133	OTHER EAR, NOSE, MOUTH & THROAT O.R. PROCEDURES W/O CC/MCC	0	0.4878	18.1	15.1
135	135	SINUS & MASTOID PROCEDURES W CC/MCC	0	1.6496	36.4	30.3
136	135	SINUS & MASTOID PROCEDURES W/O CC/MCC	0	0.4878	18.1	15.1
137	137	MOUTH PROCEDURES W CC/MCC	0	0.6280	20.9	17.4
138	137	MOUTH PROCEDURES W/O CC/MCC	0	0.6280	20.9	17.4
139	139	SALIVARY GLAND PROCEDURES	0	0.6280	20.9	17.4
146	146	EAR, NOSE, MOUTH & THROAT MALIGNANCY W MCC	39	1.2635	27.1	22.6
147	146	EAR, NOSE, MOUTH & THROAT MALIGNANCY W CC	31	0.8745	23.3	19.4
148	146	EAR, NOSE, MOUTH & THROAT MALIGNANCY W/O CC/MCC	3	0.4878	18.1	15.1
149	149	DYSEQUILIBRIUM	2	0.4878	18.1	15.1
150	150	EPISTAXIS W MCC	0	0.8588	25.4	21.2
151	150	EPISTAXIS W/O MCC	1	0.4878	18.1	15.1
152	152	OTITIS MEDIA & URI W MCC	31	0.8588	25.4	21.2
153	152	OTITIS MEDIA & URI W/O MCC	28	0.5982	19.9	16.6
154	154	OTHER EAR, NOSE, MOUTH & THROAT DIAGNOSES W MCC	49	1.0727	26.3	21.9
155	154	OTHER EAR, NOSE, MOUTH & THROAT DIAGNOSES W CC*	42	0.8204	25.3	21.1
156	154	OTHER EAR, NOSE, MOUTH & THROAT DIAGNOSES W/O CC/MCC	8	0.8204	25.3	21.1
157	157	DENTAL & ORAL DISEASES W MCC	9	1.0834	28.9	24.1
158	157	DENTAL & ORAL DISEASES W CC	24	0.6280	20.9	17.4
159	157	DENTAL & ORAL DISEASES W/O CC/MCC	4	0.6280	20.9	17.4
163	163	MAJOR CHEST PROCEDURES W MCC	28	2.4303	42.0	35.0
164	163	MAJOR CHEST PROCEDURES W CC	5	1.6496	36.4	30.3
165	163	MAJOR CHEST PROCEDURES W/O CC/MCC	0	1.5464	31.4	26.2
166	166	OTHER RESP SYSTEM O.R. PROCEDURES W MCC	1,742	2.5491	42.0	35.0
167	166	OTHER RESP SYSTEM O.R. PROCEDURES W CC*	174	1.5464	31.4	26.2
168	166	OTHER RESP SYSTEM O.R. PROCEDURES W/O CC/MCC	8	1.5464	31.4	26.2
175	175	PULMONARY EMBOLISM W MCC	105	0.7522	22.7	18.9
176	175	PULMONARY EMBOLISM W/O MCC	72	0.5489	18.8	15.7
177	177	RESPIRATORY INFECTIONS & INFLAMMATIONS W MCC	4,071	0.8896	22.9	19.1
178	177	RESPIRATORY INFECTIONS & INFLAMMATIONS W CC	1,912	0.7194	20.8	17.3
179	177	RESPIRATORY INFECTIONS & INFLAMMATIONS W/O CC/MCC	143	0.6009	17.1	14.3

MS-LTC-DRG	Base MS-LTC-DRG	MS-LTC-DRG Title	FY 2009 LTCH Cases	Proposed Relative Weight	Proposed Geometric Average Length of Stay	Proposed Short-Stay Outlier (SSO) Threshold[1]
180	180	RESPIRATORY NEOPLASMS W MCC	117	0.7511	20.1	16.8
181	180	RESPIRATORY NEOPLASMS W CC	64	0.6641	19.9	16.6
182	180	RESPIRATORY NEOPLASMS W/O CC/MCC	2	0.6280	20.9	17.4
183	183	MAJOR CHEST TRAUMA W MCC	0	2.4303	42.0	35.0
184	183	MAJOR CHEST TRAUMA W CC	0	1.6496	36.4	30.3
185	183	MAJOR CHEST TRAUMA W/O CC/MCC	0	1.5464	31.4	26.2
186	186	PLEURAL EFFUSION W MCC	147	0.7405	20.7	17.3
187	186	PLEURAL EFFUSION W CC	41	0.5700	18.8	15.7
188	186	PLEURAL EFFUSION W/O CC/MCC	3	0.4878	18.1	15.1
189	189	PULMONARY EDEMA & RESPIRATORY FAILURE	8,376	0.9738	23.5	19.6
190	190	CHRONIC OBSTRUCTIVE PULMONARY DISEASE W MCC	2,365	0.7422	20.2	16.8
191	190	CHRONIC OBSTRUCTIVE PULMONARY DISEASE W CC	1,129	0.6316	18.4	15.3
192	190	CHRONIC OBSTRUCTIVE PULMONARY DISEASE W/O CC/MCC	286	0.5081	16.4	13.7
193	193	SIMPLE PNEUMONIA & PLEURISY W MCC	2,120	0.7645	20.9	17.4
194	193	SIMPLE PNEUMONIA & PLEURISY W CC	1,554	0.6153	18.9	15.8
195	193	SIMPLE PNEUMONIA & PLEURISY W/O CC/MCC	162	0.4881	16.7	13.9
196	196	INTERSTITIAL LUNG DISEASE W MCC	96	0.7049	20.4	17.0
197	196	INTERSTITIAL LUNG DISEASE W CC	71	0.6056	18.6	15.5
198	196	INTERSTITIAL LUNG DISEASE W/O CC/MCC	20	0.4878	18.1	15.1
199	199	PNEUMOTHORAX W MCC	80	0.7749	21.5	17.9
200	199	PNEUMOTHORAX W CC	15	0.6280	20.9	17.4
201	199	PNEUMOTHORAX W/O CC/MCC	4	0.4878	18.1	15.1
202	202	BRONCHITIS & ASTHMA W CC/MCC	114	0.7237	20.9	17.4
203	202	BRONCHITIS & ASTHMA W/O CC/MCC	10	0.6280	20.9	17.4
204	204	RESPIRATORY SIGNS & SYMPTOMS	144	0.7769	21.1	17.6
205	205	OTHER RESPIRATORY SYSTEM DIAGNOSES W MCC	376	0.8291	22.1	18.4
206	205	OTHER RESPIRATORY SYSTEM DIAGNOSES W/O MCC	145	0.7031	20.7	17.3
207	207	RESPIRATORY SYSTEM DIAGNOSIS W VENTILATOR SUPPORT 96+ HOURS	14,744	2.0242	33.3	27.8
208	208	RESPIRATORY SYSTEM DIAGNOSIS W VENTILATOR SUPPORT <96 HOURS	1,828	1.0949	22.2	18.5
215	215	OTHER HEART ASSIST SYSTEM IMPLANT	0	0.6280	20.9	17.4
216	216	CARDIAC VALVE & OTH MAJ CARDIOTHORACIC PROC W CARD CATH W MCC	0	1.6496	36.4	30.3
217	216	CARDIAC VALVE & OTH MAJ CARDIOTHORACIC PROC W CARD CATH W CC	0	1.2501	30.4	25.3
218	216	CARDIAC VALVE & OTH MAJ CARDIOTHORACIC PROC W CARD CATH W/O CC/MCC	0	0.6280	20.9	17.4
219	219	CARDIAC VALVE & OTH MAJ CARDIOTHORACIC PROC W/O CARD CATH W MCC	0	1.6496	36.4	30.3
220	219	CARDIAC VALVE & OTH MAJ CARDIOTHORACIC PROC W/O CARD CATH W CC	1	1.6496	36.4	30.3
221	219	CARDIAC VALVE & OTH MAJ CARDIOTHORACIC PROC W/O CARD CATH W/O CC/MCC	0	0.6280	20.9	17.4
222	222	CARDIAC DEFIB IMPLANT W CARDIAC CATH W AMI/HF/SHOCK W MCC	0	1.6496	36.4	30.3
223	222	CARDIAC DEFIB IMPLANT W CARDIAC CATH W AMI/HF/SHOCK W/O MCC	0	0.8667	24.6	20.5
224	224	CARDIAC DEFIB IMPLANT W CARDIAC CATH W/O AMI/HF/SHOCK W MCC	0	1.6496	36.4	30.3
225	224	CARDIAC DEFIB IMPLANT W CARDIAC CATH W/O AMI/HF/SHOCK W/O MCC	1	0.6280	20.9	17.4
226	226	CARDIAC DEFIBRILLATOR IMPLANT W/O CARDIAC CATH W MCC	6	1.6496	36.4	30.3
227	226	CARDIAC DEFIBRILLATOR IMPLANT W/O CARDIAC CATH W/O MCC	2	1.6496	36.4	30.3
228	228	OTHER CARDIOTHORACIC PROCEDURES W MCC	0	1.3831	30.1	25.1
229	228	OTHER CARDIOTHORACIC PROCEDURES W CC	0	1.2501	30.4	25.3
230	228	OTHER CARDIOTHORACIC PROCEDURES W/O CC/MCC	0	0.6280	20.9	17.4
231	231	CORONARY BYPASS W PTCA W MCC	0	1.6496	36.4	30.3
232	231	CORONARY BYPASS W PTCA W/O MCC	0	0.6280	20.9	17.4
233	233	CORONARY BYPASS W CARDIAC CATH W MCC	0	1.6496	36.4	30.3
234	233	CORONARY BYPASS W CARDIAC CATH W/O MCC	0	0.6280	20.9	17.4
235	235	CORONARY BYPASS W/O CARDIAC CATH W MCC	0	1.6496	36.4	30.3
236	235	CORONARY BYPASS W/O CARDIAC CATH W/O MCC	1	0.6280	20.9	17.4
237	237	MAJOR CARDIOVASC PROCEDURES W MCC OR THORACIC AORTIC ANEURYSM REPAIR	6	1.6496	36.4	30.3
238	237	MAJOR CARDIOVASC PROCEDURES W/O MCC	0	0.6280	20.9	17.4

MS-LTC-DRG	Base MS-LTC-DRG	MS-LTC-DRG Title	FY 2009 LTCH Cases	Proposed Relative Weight	Proposed Geometric Average Length of Stay	Proposed Short-Stay Outlier (SSO) Threshold[1]
239	239	AMPUTATION FOR CIRC SYS DISORDERS EXC UPPER LIMB & TOE W MCC	142	1.5509	36.9	30.8
240	239	AMPUTATION FOR CIRC SYS DISORDERS EXC UPPER LIMB & TOE W CC	55	1.3459	35.0	29.2
241	239	AMPUTATION FOR CIRC SYS DISORDERS EXC UPPER LIMB & TOE W/O CC/MCC	0	0.6280	20.9	17.4
242	242	PERMANENT CARDIAC PACEMAKER IMPLANT W MCC	3	1.6496	36.4	30.3
243	242	PERMANENT CARDIAC PACEMAKER IMPLANT W CC	6	0.8667	24.6	20.5
244	242	PERMANENT CARDIAC PACEMAKER IMPLANT W/O CC/MCC	1	0.4878	18.1	15.1
245	245	AICD GENERATOR PROCEDURES	0	0.4878	18.1	15.1
246	246	PERC CARDIOVASC PROC W DRUG-ELUTING STENT W MCC OR 4+ VESSELS/STENTS	0	1.3831	30.1	25.1
247	246	PERC CARDIOVASC PROC W DRUG-ELUTING STENT W/O MCC	2	0.8667	24.6	20.5
248	248	PERC CARDIOVASC PROC W NON-DRUG-ELUTING STENT W MCC OR 4+ VES/STENTS	1	1.6496	36.4	30.3
249	248	PERC CARDIOVASC PROC W NON-DRUG-ELUTING STENT W/O MCC	1	0.6280	20.9	17.4
250	250	PERC CARDIOVASC PROC W/O CORONARY ARTERY STENT W MCC	3	1.0834	28.9	24.1
251	250	PERC CARDIOVASC PROC W/O CORONARY ARTERY STENT W/O MCC	0	1.0834	28.9	24.1
252	252	OTHER VASCULAR PROCEDURES W MCC	110	1.3831	30.1	25.1
253	252	OTHER VASCULAR PROCEDURES W CC	46	1.2501	30.4	25.3
254	252	OTHER VASCULAR PROCEDURES W/O CC/MCC	2	0.6280	20.9	17.4
255	255	UPPER LIMB & TOE AMPUTATION FOR CIRC SYSTEM DISORDERS W MCC	37	1.2192	33.9	28.3
256	255	UPPER LIMB & TOE AMPUTATION FOR CIRC SYSTEM DISORDERS W CC	22	1.0834	28.9	24.1
257	255	UPPER LIMB & TOE AMPUTATION FOR CIRC SYSTEM DISORDERS W/O CC/MCC	0	0.6280	20.9	17.4
258	258	CARDIAC PACEMAKER DEVICE REPLACEMENT W MCC	1	0.8667	24.6	20.5
259	258	CARDIAC PACEMAKER DEVICE REPLACEMENT W/O MCC	0	0.6280	20.9	17.4
260	260	CARDIAC PACEMAKER REVISION EXCEPT DEVICE REPLACEMENT W MCC	2	1.6496	36.4	30.3
261	260	CARDIAC PACEMAKER REVISION EXCEPT DEVICE REPLACEMENT W CC	3	1.0834	28.9	24.1
262	260	CARDIAC PACEMAKER REVISION EXCEPT DEVICE REPLACEMENT W/O CC/MCC	1	0.6280	20.9	17.4
263	263	VEIN LIGATION & STRIPPING	2	1.6496	36.4	30.3
264	264	OTHER CIRCULATORY SYSTEM O.R. PROCEDURES	594	1.0442	30.6	25.5
265	265	AICD LEAD PROCEDURES	0	1.0442	30.6	25.5
280	280	ACUTE MYOCARDIAL INFARCTION, DISCHARGED ALIVE W MCC	271	0.7703	22.2	18.5
281	280	ACUTE MYOCARDIAL INFARCTION, DISCHARGED ALIVE W CC	105	0.6663	20.9	17.4
282	280	ACUTE MYOCARDIAL INFARCTION, DISCHARGED ALIVE W/O CC/MCC	12	0.4878	18.1	15.1
283	283	ACUTE MYOCARDIAL INFARCTION, EXPIRED W MCC	46	0.9091	17.2	14.3
284	283	ACUTE MYOCARDIAL INFARCTION, EXPIRED W CC	6	0.6280	20.9	17.4
285	283	ACUTE MYOCARDIAL INFARCTION, EXPIRED W/O CC/MCC	0	0.6280	20.9	17.4
286	286	CIRCULATORY DISORDERS EXCEPT AMI, W CARD CATH W MCC	11	1.6496	36.4	30.3
287	286	CIRCULATORY DISORDERS EXCEPT AMI, W CARD CATH W/O MCC	5	0.8667	24.6	20.5
288	288	ACUTE & SUBACUTE ENDOCARDITIS W MCC	646	1.0264	26.3	21.9
289	288	ACUTE & SUBACUTE ENDOCARDITIS W CC	240	0.8452	26.2	21.8
290	288	ACUTE & SUBACUTE ENDOCARDITIS W/O CC/MCC	25	0.7600	27.8	23.2
291	291	HEART FAILURE & SHOCK W MCC	1,436	0.7773	21.5	17.9
292	291	HEART FAILURE & SHOCK W CC	872	0.6121	19.5	16.3
293	291	HEART FAILURE & SHOCK W/O CC/MCC	83	0.4418	16.9	14.1
294	294	DEEP VEIN THROMBOPHLEBITIS W CC/MCC	8	1.6496	36.4	30.3
295	294	DEEP VEIN THROMBOPHLEBITIS W/O CC/MCC	0	0.5157	20.0	16.7
296	296	CARDIAC ARREST, UNEXPLAINED W MCC	0	0.7773	21.5	17.9
297	296	CARDIAC ARREST, UNEXPLAINED W CC	0	0.6121	19.5	16.3
298	296	CARDIAC ARREST, UNEXPLAINED W/O CC/MCC	0	0.4418	16.9	14.1
299	299	PERIPHERAL VASCULAR DISORDERS W MCC	735	0.7977	23.7	19.8
300	299	PERIPHERAL VASCULAR DISORDERS W CC	696	0.5846	21.6	18.0
301	299	PERIPHERAL VASCULAR DISORDERS W/O CC/MCC	39	0.5157	20.0	16.7
302	302	ATHEROSCLEROSIS W MCC	49	0.8801	22.6	18.8
303	302	ATHEROSCLEROSIS W/O MCC	38	0.5651	21.5	17.9
304	304	HYPERTENSION W MCC	3	1.6496	36.4	30.3
305	304	HYPERTENSION W/O MCC	14	0.6280	20.9	17.4
306	306	CARDIAC CONGENITAL & VALVULAR DISORDERS W MCC	58	0.8633	24.3	20.3

MS-LTC-DRG	Base MS-LTC-DRG	MS-LTC-DRG Title	FY 2009 LTCH Cases	Proposed Relative Weight	Proposed Geometric Average Length of Stay	Proposed Short-Stay Outlier (SSO) Threshold[1]
307	306	CARDIAC CONGENITAL & VALVULAR DISORDERS W/O MCC	37	0.8144	24.4	20.3
308	308	CARDIAC ARRHYTHMIA & CONDUCTION DISORDERS W MCC	131	0.7120	20.7	17.3
309	308	CARDIAC ARRHYTHMIA & CONDUCTION DISORDERS W CC	55	0.5307	19.3	16.1
310	308	CARDIAC ARRHYTHMIA & CONDUCTION DISORDERS W/O CC/MCC	11	0.4878	18.1	15.1
311	311	ANGINA PECTORIS	1	0.8667	24.6	20.5
312	312	SYNCOPE & COLLAPSE	29	0.4995	17.3	14.4
313	313	CHEST PAIN	3	0.8667	24.6	20.5
314	314	OTHER CIRCULATORY SYSTEM DIAGNOSES W MCC	1,566	0.9069	23.1	19.3
315	314	OTHER CIRCULATORY SYSTEM DIAGNOSES W CC	314	0.6812	21.5	17.9
316	314	OTHER CIRCULATORY SYSTEM DIAGNOSES W/O CC/MCC	26	0.5395	19.2	16.0
326	326	STOMACH, ESOPHAGEAL & DUODENAL PROC W MCC	24	1.6496	36.4	30.3
327	326	STOMACH, ESOPHAGEAL & DUODENAL PROC W CC	3	0.8667	24.6	20.5
328	326	STOMACH, ESOPHAGEAL & DUODENAL PROC W/O CC/MCC	1	0.8667	24.6	20.5
329	329	MAJOR SMALL & LARGE BOWEL PROCEDURES W MCC	28	1.7889	41.2	34.3
330	329	MAJOR SMALL & LARGE BOWEL PROCEDURES W CC	8	1.6496	36.4	30.3
331	329	MAJOR SMALL & LARGE BOWEL PROCEDURES W/O CC/MCC	0	1.0834	28.9	24.1
332	332	RECTAL RESECTION W MCC	0	1.0834	28.9	24.1
333	332	RECTAL RESECTION W CC	0	0.8667	24.6	20.5
334	332	RECTAL RESECTION W/O CC/MCC	0	0.8667	24.6	20.5
335	335	PERITONEAL ADHESIOLYSIS W MCC	10	1.6496	36.4	30.3
336	335	PERITONEAL ADHESIOLYSIS W CC	1	1.0834	28.9	24.1
337	335	PERITONEAL ADHESIOLYSIS W/O CC/MCC	0	1.0834	28.9	24.1
338	338	APPENDECTOMY W COMPLICATED PRINCIPAL DIAG W MCC	0	0.7255	22.0	18.3
339	338	APPENDECTOMY W COMPLICATED PRINCIPAL DIAG W CC	0	0.7255	22.0	18.3
340	338	APPENDECTOMY W COMPLICATED PRINCIPAL DIAG W/O CC/MCC	0	0.5065	17.1	14.3
341	341	APPENDECTOMY W/O COMPLICATED PRINCIPAL DIAG W MCC	0	0.9537	24.3	20.3
342	341	APPENDECTOMY W/O COMPLICATED PRINCIPAL DIAG W CC	0	0.7255	22.0	18.3
343	341	APPENDECTOMY W/O COMPLICATED PRINCIPAL DIAG W/O CC/MCC	0	0.5065	17.1	14.3
344	344	MINOR SMALL & LARGE BOWEL PROCEDURES W MCC*	1	1.0834	28.9	24.1
345	344	MINOR SMALL & LARGE BOWEL PROCEDURES W CC*	1	1.0834	28.9	24.1
346	344	MINOR SMALL & LARGE BOWEL PROCEDURES W/O CC/MCC	0	1.0834	28.9	24.1
347	347	ANAL & STOMAL PROCEDURES W MCC	3	1.0834	28.9	24.1
348	347	ANAL & STOMAL PROCEDURES W CC	2	0.8667	24.6	20.5
349	347	ANAL & STOMAL PROCEDURES W/O CC/MCC	0	0.8667	24.6	20.5
350	350	INGUINAL & FEMORAL HERNIA PROCEDURES W MCC	1	1.6496	36.4	30.3
351	350	INGUINAL & FEMORAL HERNIA PROCEDURES W CC	0	0.4878	18.1	15.1
352	350	INGUINAL & FEMORAL HERNIA PROCEDURES W/O CC/MCC	0	0.4878	18.1	15.1
353	353	HERNIA PROCEDURES EXCEPT INGUINAL & FEMORAL W MCC	3	1.0834	28.9	24.1
354	353	HERNIA PROCEDURES EXCEPT INGUINAL & FEMORAL W CC	1	0.4878	18.1	15.1
355	353	HERNIA PROCEDURES EXCEPT INGUINAL & FEMORAL W/O CC/MCC	0	0.4878	18.1	15.1
356	356	OTHER DIGESTIVE SYSTEM O.R. PROCEDURES W MCC	141	1.7107	35.6	29.7
357	356	OTHER DIGESTIVE SYSTEM O.R. PROCEDURES W CC	26	1.1301	29.0	24.2
358	356	OTHER DIGESTIVE SYSTEM O.R. PROCEDURES W/O CC/MCC	3	1.0834	28.9	24.1
368	368	MAJOR ESOPHAGEAL DISORDERS W MCC	34	1.0401	22.4	18.7
369	368	MAJOR ESOPHAGEAL DISORDERS W CC	12	0.6280	20.9	17.4
370	368	MAJOR ESOPHAGEAL DISORDERS W/O CC/MCC*	1	0.6280	20.9	17.4
371	371	MAJOR GASTROINTESTINAL DISORDERS & PERITONEAL INFECTIONS W MCC	949	0.9537	24.3	20.3
372	371	MAJOR GASTROINTESTINAL DISORDERS & PERITONEAL INFECTIONS W CC	342	0.7255	22.0	18.3
373	371	MAJOR GASTROINTESTINAL DISORDERS & PERITONEAL INFECTIONS W/O CC/MCC	31	0.5065	17.1	14.3
374	374	DIGESTIVE MALIGNANCY W MCC	101	0.8269	21.0	17.5
375	374	DIGESTIVE MALIGNANCY W CC	56	0.6771	21.3	17.8
376	374	DIGESTIVE MALIGNANCY W/O CC/MCC	3	0.4878	18.1	15.1
377	377	G.I. HEMORRHAGE W MCC	88	0.7979	22.5	18.8
378	377	G.I. HEMORRHAGE W CC	43	0.6164	21.3	17.8
379	377	G.I. HEMORRHAGE W/O CC/MCC	8	0.4878	18.1	15.1

MS-LTC-DRG	Base MS-LTC-DRG	MS-LTC-DRG Title	FY 2009 LTCH Cases	Proposed Relative Weight	Proposed Geometric Average Length of Stay	Proposed Short-Stay Outlier (SSO) Threshold[1]
380	380	COMPLICATED PEPTIC ULCER W MCC	22	1.0834	28.9	24.1
381	380	COMPLICATED PEPTIC ULCER W CC	17	0.8667	24.6	20.5
382	380	COMPLICATED PEPTIC ULCER W/O CC/MCC	1	0.8667	24.6	20.5
383	383	UNCOMPLICATED PEPTIC ULCER W MCC	9	0.4878	18.1	15.1
384	383	UNCOMPLICATED PEPTIC ULCER W/O MCC*	5	0.4878	18.1	15.1
385	385	INFLAMMATORY BOWEL DISEASE W MCC	32	0.9126	23.3	19.4
386	385	INFLAMMATORY BOWEL DISEASE W CC	26	0.7395	25.5	21.3
387	385	INFLAMMATORY BOWEL DISEASE W/O CC/MCC	2	0.4878	18.1	15.1
388	388	G.I. OBSTRUCTION W MCC	218	0.9444	23.4	19.5
389	388	G.I. OBSTRUCTION W CC	83	0.6325	19.8	16.5
390	388	G.I. OBSTRUCTION W/O CC/MCC	10	0.4878	18.1	15.1
391	391	ESOPHAGITIS, GASTROENT & MISC DIGEST DISORDERS W MCC	342	0.9299	23.1	19.3
392	391	ESOPHAGITIS, GASTROENT & MISC DIGEST DISORDERS W/O MCC	194	0.6310	19.9	16.6
393	393	OTHER DIGESTIVE SYSTEM DIAGNOSES W MCC	970	1.0711	25.8	21.5
394	393	OTHER DIGESTIVE SYSTEM DIAGNOSES W CC	389	0.7561	21.8	18.2
395	393	OTHER DIGESTIVE SYSTEM DIAGNOSES W/O CC/MCC	17	0.6280	20.9	17.4
405	405	PANCREAS, LIVER & SHUNT PROCEDURES W MCC	17	1.6496	36.4	30.3
406	405	PANCREAS, LIVER & SHUNT PROCEDURES W CC	2	1.0834	28.9	24.1
407	405	PANCREAS, LIVER & SHUNT PROCEDURES W/O CC/MCC	0	0.6280	20.9	17.4
408	408	BILIARY TRACT PROC EXCEPT ONLY CHOLECYST W OR W/O C.D.E. W MCC	1	1.6496	36.4	30.3
409	408	BILIARY TRACT PROC EXCEPT ONLY CHOLECYST W OR W/O C.D.E. W CC	1	1.0834	28.9	24.1
410	408	BILIARY TRACT PROC EXCEPT ONLY CHOLECYST W OR W/O C.D.E. W/O CC/MCC	0	0.6280	20.9	17.4
411	411	CHOLECYSTECTOMY W C.D.E. W MCC	1	1.6496	36.4	30.3
412	411	CHOLECYSTECTOMY W C.D.E. W CC	0	1.6496	36.4	30.3
413	411	CHOLECYSTECTOMY W C.D.E. W/O CC/MCC	0	0.6280	20.9	17.4
414	414	CHOLECYSTECTOMY EXCEPT BY LAPAROSCOPE W/O C.D.E. W MCC	0	1.6496	36.4	30.3
415	414	CHOLECYSTECTOMY EXCEPT BY LAPAROSCOPE W/O C.D.E. W CC	0	1.6496	36.4	30.3
416	414	CHOLECYSTECTOMY EXCEPT BY LAPAROSCOPE W/O C.D.E. W/O CC/MCC	1	1.6496	36.4	30.3
417	417	LAPAROSCOPIC CHOLECYSTECTOMY W/O C.D.E. W MCC	10	1.6496	36.4	30.3
418	417	LAPAROSCOPIC CHOLECYSTECTOMY W/O C.D.E. W CC	2	1.6496	36.4	30.3
419	417	LAPAROSCOPIC CHOLECYSTECTOMY W/O C.D.E. W/O CC/MCC	1	0.6280	20.9	17.4
420	420	HEPATOBILIARY DIAGNOSTIC PROCEDURES W MCC	0	1.6496	36.4	30.3
421	420	HEPATOBILIARY DIAGNOSTIC PROCEDURES W CC	0	1.6496	36.4	30.3
422	420	HEPATOBILIARY DIAGNOSTIC PROCEDURES W/O CC/MCC	0	1.6496	36.4	30.3
423	423	OTHER HEPATOBILIARY OR PANCREAS O.R. PROCEDURES W MCC	17	1.6496	36.4	30.3
424	423	OTHER HEPATOBILIARY OR PANCREAS O.R. PROCEDURES W CC	3	1.6496	36.4	30.3
425	423	OTHER HEPATOBILIARY OR PANCREAS O.R. PROCEDURES W/O CC/MCC	0	1.6496	36.4	30.3
432	432	CIRRHOSIS & ALCOHOLIC HEPATITIS W MCC	80	0.6675	20.3	16.9
433	432	CIRRHOSIS & ALCOHOLIC HEPATITIS W CC	11	0.6280	20.9	17.4
434	432	CIRRHOSIS & ALCOHOLIC HEPATITIS W/O CC/MCC	0	0.6280	20.9	17.4
435	435	MALIGNANCY OF HEPATOBILIARY SYSTEM OR PANCREAS W MCC	41	0.8842	20.1	16.8
436	435	MALIGNANCY OF HEPATOBILIARY SYSTEM OR PANCREAS W CC	11	0.6280	20.9	17.4
437	435	MALIGNANCY OF HEPATOBILIARY SYSTEM OR PANCREAS W/O CC/MCC	1	0.4878	18.1	15.1
438	438	DISORDERS OF PANCREAS EXCEPT MALIGNANCY W MCC	310	1.0514	23.8	19.8
439	438	DISORDERS OF PANCREAS EXCEPT MALIGNANCY W CC	122	0.7551	21.1	17.6
440	438	DISORDERS OF PANCREAS EXCEPT MALIGNANCY W/O CC/MCC	13	0.4878	18.1	15.1
441	441	DISORDERS OF LIVER EXCEPT MALIG,CIRR,ALC HEPA W MCC	228	0.8012	22.2	18.5
442	441	DISORDERS OF LIVER EXCEPT MALIG,CIRR,ALC HEPA W CC*	72	0.7091	23.1	19.3
443	441	DISORDERS OF LIVER EXCEPT MALIG,CIRR,ALC HEPA W/O CC/MCC	8	0.7091	23.1	19.3
444	444	DISORDERS OF THE BILIARY TRACT W MCC	127	0.7729	21.5	17.9
445	444	DISORDERS OF THE BILIARY TRACT W CC*	47	0.5847	20.7	17.3
446	444	DISORDERS OF THE BILIARY TRACT W/O CC/MCC	12	0.5847	20.7	17.3
453	453	COMBINED ANTERIOR/POSTERIOR SPINAL FUSION W MCC	0	1.6496	36.4	30.3

MS-LTC-DRG	Base MS-LTC-DRG	MS-LTC-DRG Title	FY 2009 LTCH Cases	Proposed Relative Weight	Proposed Geometric Average Length of Stay	Proposed Short-Stay Outlier (SSO) Threshold[1]
454	453	COMBINED ANTERIOR/POSTERIOR SPINAL FUSION W CC	0	1.6496	36.4	30.3
455	453	COMBINED ANTERIOR/POSTERIOR SPINAL FUSION W/O CC/MCC	0	1.0834	28.9	24.1
456	456	SPINAL FUS EXC CERV W SPINAL CURV/MALIG/INFEC OR 9+ FUS W MCC	2	1.6496	36.4	30.3
457	456	SPINAL FUS EXC CERV W SPINAL CURV/MALIG/INFEC OR 9+ FUS W CC	0	1.6496	36.4	30.3
458	456	SPINAL FUS EXC CERV W SPINAL CURV/MALIG/INFEC OR 9+ FUS W/O CC/MCC	0	1.0834	28.9	24.1
459	459	SPINAL FUSION EXCEPT CERVICAL W MCC	2	1.6496	36.4	30.3
460	459	SPINAL FUSION EXCEPT CERVICAL W/O MCC	1	1.0834	28.9	24.1
461	461	BILATERAL OR MULTIPLE MAJOR JOINT PROCS OF LOWER EXTREMITY W MCC	0	1.6496	36.4	30.3
462	461	BILATERAL OR MULTIPLE MAJOR JOINT PROCS OF LOWER EXTREMITY W/O MCC	0	1.6496	36.4	30.3
463	463	WND DEBRID & SKN GRFT EXC HAND, FOR MUSCULO-CONN TISS DIS W MCC	845	1.4194	39.1	32.6
464	463	WND DEBRID & SKN GRFT EXC HAND, FOR MUSCULO-CONN TISS DIS W CC	306	1.0953	34.3	28.6
465	463	WND DEBRID & SKN GRFT EXC HAND, FOR MUSCULO-CONN TISS DIS W/O CC/MCC	23	0.8667	24.6	20.5
466	466	REVISION OF HIP OR KNEE REPLACEMENT W MCC	4	1.6496	36.4	30.3
467	466	REVISION OF HIP OR KNEE REPLACEMENT W CC	1	0.8667	24.6	20.5
468	466	REVISION OF HIP OR KNEE REPLACEMENT W/O CC/MCC*	0	0.8667	24.6	20.5
469	469	MAJOR JOINT REPLACEMENT OR REATTACHMENT OF LOWER EXTREMITY W MCC	2	1.6496	36.4	30.3
470	469	MAJOR JOINT REPLACEMENT OR REATTACHMENT OF LOWER EXTREMITY W/O MCC	2	1.6496	36.4	30.3
471	471	CERVICAL SPINAL FUSION W MCC	0	1.0834	28.9	24.1
472	471	CERVICAL SPINAL FUSION W CC	1	1.0834	28.9	24.1
473	471	CERVICAL SPINAL FUSION W/O CC/MCC	0	1.0834	28.9	24.1
474	474	AMPUTATION FOR MUSCULOSKELETAL SYS & CONN TISSUE DIS W MCC	140	1.3861	36.9	30.8
475	474	AMPUTATION FOR MUSCULOSKELETAL SYS & CONN TISSUE DIS W CC	51	1.0994	34.1	28.4
476	474	AMPUTATION FOR MUSCULOSKELETAL SYS & CONN TISSUE DIS W/O CC/MCC	4	0.6280	20.9	17.4
477	477	BIOPSIES OF MUSCULOSKELETAL SYSTEM & CONNECTIVE TISSUE W MCC	32	1.3917	38.2	31.8
478	477	BIOPSIES OF MUSCULOSKELETAL SYSTEM & CONNECTIVE TISSUE W CC	13	1.0834	28.9	24.1
479	477	BIOPSIES OF MUSCULOSKELETAL SYSTEM & CONNECTIVE TISSUE W/O CC/MCC*	1	1.0834	28.9	24.1
480	480	HIP & FEMUR PROCEDURES EXCEPT MAJOR JOINT W MCC*	13	1.6496	36.4	30.3
481	480	HIP & FEMUR PROCEDURES EXCEPT MAJOR JOINT W CC	6	1.6496	36.4	30.3
482	480	HIP & FEMUR PROCEDURES EXCEPT MAJOR JOINT W/O CC/MCC	1	1.6496	36.4	30.3
483	483	MAJOR JOINT & LIMB REATTACHMENT PROC OF UPPER EXTREMITY W CC/MCC	0	1.6496	36.4	30.3
484	483	MAJOR JOINT & LIMB REATTACHMENT PROC OF UPPER EXTREMITY W/O CC/MCC	0	1.6496	36.4	30.3
485	485	KNEE PROCEDURES W PDX OF INFECTION W MCC	11	1.0834	28.9	24.1
486	485	KNEE PROCEDURES W PDX OF INFECTION W CC	9	1.0834	28.9	24.1
487	485	KNEE PROCEDURES W PDX OF INFECTION W/O CC/MCC	2	0.6280	20.9	17.4
488	488	KNEE PROCEDURES W/O PDX OF INFECTION W CC/MCC	0	1.0834	28.9	24.1
489	488	KNEE PROCEDURES W/O PDX OF INFECTION W/O CC/MCC	0	0.6280	20.9	17.4
490	490	BACK & NECK PROC EXC SPINAL FUSION W CC/MCC OR DISC DEVICE/NEUROSTIM	9	1.0834	28.9	24.1
491	490	BACK & NECK PROC EXC SPINAL FUSION W/O CC/MCC	2	0.4878	18.1	15.1
492	492	LOWER EXTREM & HUMER PROC EXCEPT HIP,FOOT,FEMUR W MCC	11	1.6496	36.4	30.3
493	492	LOWER EXTREM & HUMER PROC EXCEPT HIP,FOOT,FEMUR W CC	17	1.6496	36.4	30.3
494	492	LOWER EXTREM & HUMER PROC EXCEPT HIP,FOOT,FEMUR W/O CC/MCC	1	0.8667	24.6	20.5
495	495	LOCAL EXCISION & REMOVAL INT FIX DEVICES EXC HIP & FEMUR W MCC	81	1.4625	37.6	31.3
496	495	LOCAL EXCISION & REMOVAL INT FIX DEVICES EXC HIP & FEMUR W CC	22	1.0834	28.9	24.1
497	495	LOCAL EXCISION & REMOVAL INT FIX DEVICES EXC HIP & FEMUR W/O CC/MCC	1	1.0834	28.9	24.1
498	498	LOCAL EXCISION & REMOVAL INT FIX DEVICES OF HIP & FEMUR W CC/MCC	18	1.6496	36.4	30.3
499	498	LOCAL EXCISION & REMOVAL INT FIX DEVICES OF HIP & FEMUR W/O CC/MCC	1	0.8667	24.6	20.5
500	500	SOFT TISSUE PROCEDURES W MCC	129	1.3545	36.4	30.3

MS-LTC-DRG	Base MS-LTC-DRG	MS-LTC-DRG Title	FY 2009 LTCH Cases	Proposed Relative Weight	Proposed Geometric Average Length of Stay	Proposed Short-Stay Outlier (SSO) Threshold[1]
501	500	SOFT TISSUE PROCEDURES W CC	38	0.9665	30.7	25.6
502	500	SOFT TISSUE PROCEDURES W/O CC/MCC	5	0.6280	20.9	17.4
503	503	FOOT PROCEDURES W MCC*	33	1.0106	31.5	26.3
504	503	FOOT PROCEDURES W CC	22	1.0106	31.5	26.3
505	503	FOOT PROCEDURES W/O CC/MCC	2	1.0106	31.5	26.3
506	506	MAJOR THUMB OR JOINT PROCEDURES	1	0.8667	24.6	20.5
507	507	MAJOR SHOULDER OR ELBOW JOINT PROCEDURES W CC/MCC	2	1.6496	36.4	30.3
508	507	MAJOR SHOULDER OR ELBOW JOINT PROCEDURES W/O CC/MCC	0	0.8667	24.6	20.5
509	509	ARTHROSCOPY	2	1.6496	36.4	30.3
510	510	SHOULDER,ELBOW OR FOREARM PROC,EXC MAJOR JOINT PROC W MCC	0	1.3469	31.7	26.4
511	510	SHOULDER,ELBOW OR FOREARM PROC,EXC MAJOR JOINT PROC W CC	0	0.8667	24.6	20.5
512	510	SHOULDER,ELBOW OR FOREARM PROC,EXC MAJOR JOINT PROC W/O CC/MCC	0	0.8667	24.6	20.5
513	513	HAND OR WRIST PROC, EXCEPT MAJOR THUMB OR JOINT PROC W CC/MCC	8	1.0834	28.9	24.1
514	513	HAND OR WRIST PROC, EXCEPT MAJOR THUMB OR JOINT PROC W/O CC/MCC	0	0.8667	24.6	20.5
515	515	OTHER MUSCULOSKELET SYS & CONN TISS O.R. PROC W MCC	83	1.3469	31.7	26.4
516	515	OTHER MUSCULOSKELET SYS & CONN TISS O.R. PROC W CC	23	0.8667	24.6	20.5
517	515	OTHER MUSCULOSKELET SYS & CONN TISS O.R. PROC W/O CC/MCC*	5	0.8667	24.6	20.5
533	533	FRACTURES OF FEMUR W MCC	3	1.0834	28.9	24.1
534	533	FRACTURES OF FEMUR W/O MCC	1	1.0834	28.9	24.1
535	535	FRACTURES OF HIP & PELVIS W MCC	26	0.7421	25.4	21.2
536	535	FRACTURES OF HIP & PELVIS W/O MCC	13	0.6280	20.9	17.4
537	537	SPRAINS, STRAINS, & DISLOCATIONS OF HIP, PELVIS & THIGH W CC/MCC	1	0.4878	18.1	15.1
538	537	SPRAINS, STRAINS, & DISLOCATIONS OF HIP, PELVIS & THIGH W/O CC/MCC	0	0.4878	18.1	15.1
539	539	OSTEOMYELITIS W MCC	1,932	1.0094	30.7	25.6
540	539	OSTEOMYELITIS W CC	962	0.7937	27.5	22.9
541	539	OSTEOMYELITIS W/O CC/MCC	148	0.6821	24.4	20.3
542	542	PATHOLOGICAL FRACTURES & MUSCULOSKELET & CONN TISS MALIG W MCC	37	0.9293	21.9	18.3
543	542	PATHOLOGICAL FRACTURES & MUSCULOSKELET & CONN TISS MALIG W CC	25	0.6938	22.1	18.4
544	542	PATHOLOGICAL FRACTURES & MUSCULOSKELET & CONN TISS MALIG W/O CC/MCC	4	0.6280	20.9	17.4
545	545	CONNECTIVE TISSUE DISORDERS W MCC	61	0.8812	21.8	18.2
546	545	CONNECTIVE TISSUE DISORDERS W CC	47	0.7162	24.1	20.1
547	545	CONNECTIVE TISSUE DISORDERS W/O CC/MCC	2	0.4878	18.1	15.1
548	548	SEPTIC ARTHRITIS W MCC	260	0.9215	27.2	22.7
549	548	SEPTIC ARTHRITIS W CC	214	0.7473	26.6	22.2
550	548	SEPTIC ARTHRITIS W/O CC/MCC	39	0.5740	25.1	20.9
551	551	MEDICAL BACK PROBLEMS W MCC	130	0.9178	26.4	22.0
552	551	MEDICAL BACK PROBLEMS W/O MCC	116	0.5947	21.7	18.1
553	553	BONE DISEASES & ARTHROPATHIES W MCC	6	0.4878	18.1	15.1
554	553	BONE DISEASES & ARTHROPATHIES W/O MCC*	17	0.4878	18.1	15.1
555	555	SIGNS & SYMPTOMS OF MUSCULOSKELETAL SYSTEM & CONN TISSUE W MCC*	15	0.6280	20.9	17.4
556	555	SIGNS & SYMPTOMS OF MUSCULOSKELETAL SYSTEM & CONN TISSUE W/O MCC	12	0.6280	20.9	17.4
557	557	TENDONITIS, MYOSITIS & BURSITIS W MCC	114	0.8794	26.1	21.8
558	557	TENDONITIS, MYOSITIS & BURSITIS W/O MCC	109	0.6295	21.9	18.3
559	559	AFTERCARE, MUSCULOSKELETAL SYSTEM & CONNECTIVE TISSUE W MCC	1,722	0.8472	25.6	21.3
560	559	AFTERCARE, MUSCULOSKELETAL SYSTEM & CONNECTIVE TISSUE W CC	1,411	0.6950	24.9	20.8
561	559	AFTERCARE, MUSCULOSKELETAL SYSTEM & CONNECTIVE TISSUE W/O CC/MCC	243	0.5789	23.0	19.2
562	562	FX, SPRN, STRN & DISL EXCEPT FEMUR, HIP, PELVIS & THIGH W MCC	13	0.8667	24.6	20.5
563	562	FX, SPRN, STRN & DISL EXCEPT FEMUR, HIP, PELVIS & THIGH W/O MCC	14	0.8667	24.6	20.5
564	564	OTHER MUSCULOSKELETAL SYS & CONNECTIVE TISSUE DIAGNOSES W MCC	384	0.8675	23.5	19.6
565	564	OTHER MUSCULOSKELETAL SYS & CONNECTIVE TISSUE DIAGNOSES W CC	207	0.6727	22.6	18.8
566	564	OTHER MUSCULOSKELETAL SYS & CONNECTIVE TISSUE DIAGNOSES W/O CC/MCC	25	0.5465	19.5	16.3
573	573	SKIN GRAFT &/OR DEBRID FOR SKN ULCER OR CELLULITIS W MCC	1,862	1.3703	38.2	31.8
574	573	SKIN GRAFT &/OR DEBRID FOR SKN ULCER OR CELLULITIS W CC	1,163	1.0313	34.5	28.8
575	573	SKIN GRAFT &/OR DEBRID FOR SKN ULCER OR CELLULITIS W/O CC/MCC	77	0.7628	28.0	23.3

MS-LTC-DRG	Base MS-LTC-DRG	MS-LTC-DRG Title	FY 2009 LTCH Cases	Proposed Relative Weight	Proposed Geometric Average Length of Stay	Proposed Short-Stay Outlier (SSO) Threshold[1]
576	576	SKIN GRAFT &/OR DEBRID EXC FOR SKIN ULCER OR CELLULITIS W MCC	44	1.4532	38.4	32.0
577	576	SKIN GRAFT &/OR DEBRID EXC FOR SKIN ULCER OR CELLULITIS W CC	26	0.9545	30.8	25.7
578	576	SKIN GRAFT &/OR DEBRID EXC FOR SKIN ULCER OR CELLULITIS W/O CC/MCC	3	0.4878	18.1	15.1
579	579	OTHER SKIN, SUBCUT TISS & BREAST PROC W MCC	626	1.3096	35.4	29.5
580	579	OTHER SKIN, SUBCUT TISS & BREAST PROC W CC	315	0.9380	31.5	26.3
581	579	OTHER SKIN, SUBCUT TISS & BREAST PROC W/O CC/MCC	12	0.8667	24.6	20.5
582	582	MASTECTOMY FOR MALIGNANCY W CC/MCC	0	1.6496	36.4	30.3
583	582	MASTECTOMY FOR MALIGNANCY W/O CC/MCC	0	0.5998	20.1	16.8
584	584	BREAST BIOPSY, LOCAL EXCISION & OTHER BREAST PROCEDURES W CC/MCC	4	0.6280	20.9	17.4
585	584	BREAST BIOPSY, LOCAL EXCISION & OTHER BREAST PROCEDURES W/O CC/MCC	0	0.6016	22.3	18.6
592	592	SKIN ULCERS W MCC	3,450	0.9187	26.5	22.1
593	592	SKIN ULCERS W CC	2,181	0.6858	25.1	20.9
594	592	SKIN ULCERS W/O CC/MCC	151	0.5644	23.1	19.3
595	595	MAJOR SKIN DISORDERS W MCC	48	0.9096	24.7	20.6
596	595	MAJOR SKIN DISORDERS W/O MCC	33	0.5998	20.1	16.8
597	597	MALIGNANT BREAST DISORDERS W MCC	15	1.6496	36.4	30.3
598	597	MALIGNANT BREAST DISORDERS W CC	11	0.6280	20.9	17.4
599	597	MALIGNANT BREAST DISORDERS W/O CC/MCC	0	0.4878	18.1	15.1
600	600	NON-MALIGNANT BREAST DISORDERS W CC/MCC	29	0.6626	24.0	20.0
601	600	NON-MALIGNANT BREAST DISORDERS W/O CC/MCC	5	0.4878	18.1	15.1
602	602	CELLULITIS W MCC	1,133	0.7277	22.1	18.4
603	602	CELLULITIS W/O MCC	1,519	0.5291	19.1	15.9
604	604	TRAUMA TO THE SKIN, SUBCUT TISS & BREAST W MCC	37	0.6494	23.4	19.5
605	604	TRAUMA TO THE SKIN, SUBCUT TISS & BREAST W/O MCC	50	0.6016	22.3	18.6
606	606	MINOR SKIN DISORDERS W MCC	94	0.8381	22.8	19.0
607	606	MINOR SKIN DISORDERS W/O MCC	98	0.5684	20.2	16.8
614	614	ADRENAL & PITUITARY PROCEDURES W CC/MCC	0	0.9744	28.6	23.8
615	614	ADRENAL & PITUITARY PROCEDURES W/O CC/MCC	0	0.8667	24.6	20.5
616	616	AMPUTAT OF LOWER LIMB FOR ENDOCRINE,NUTRIT,& METABOL DIS W MCC	104	1.5786	39.7	33.1
617	616	AMPUTAT OF LOWER LIMB FOR ENDOCRINE,NUTRIT,& METABOL DIS W CC	115	1.0153	31.1	25.9
618	616	AMPUTAT OF LOWER LIMB FOR ENDOCRINE,NUTRIT,& METABOL DIS W/O CC/MCC	0	1.0153	31.1	25.9
619	619	O.R. PROCEDURES FOR OBESITY W MCC	3	1.0834	28.9	24.1
620	619	O.R. PROCEDURES FOR OBESITY W CC	0	1.0834	28.9	24.1
621	619	O.R. PROCEDURES FOR OBESITY W/O CC/MCC	0	1.0834	28.9	24.1
622	622	SKIN GRAFTS & WOUND DEBRID FOR ENDOC, NUTRIT & METAB DIS W MCC	261	1.2545	35.9	29.9
623	622	SKIN GRAFTS & WOUND DEBRID FOR ENDOC, NUTRIT & METAB DIS W CC	352	0.9978	30.8	25.7
624	622	SKIN GRAFTS & WOUND DEBRID FOR ENDOC, NUTRIT & METAB DIS W/O CC/MCC	9	0.6280	20.9	17.4
625	625	THYROID, PARATHYROID & THYROGLOSSAL PROCEDURES W MCC	1	0.6280	20.9	17.4
626	625	THYROID, PARATHYROID & THYROGLOSSAL PROCEDURES W CC*	0	0.6280	20.9	17.4
627	625	THYROID, PARATHYROID & THYROGLOSSAL PROCEDURES W/O CC/MCC*	0	0.6280	20.9	17.4
628	628	OTHER ENDOCRINE, NUTRIT & METAB O.R. PROC W MCC	68	1.2314	32.7	27.3
629	628	OTHER ENDOCRINE, NUTRIT & METAB O.R. PROC W CC	108	0.9744	28.6	23.8
630	628	OTHER ENDOCRINE, NUTRIT & METAB O.R. PROC W/O CC/MCC	3	0.8667	24.6	20.5
637	637	DIABETES W MCC	687	0.8950	26.2	21.8
638	637	DIABETES W CC	1,035	0.7071	23.4	19.5
639	637	DIABETES W/O CC/MCC	32	0.4679	20.0	16.7
640	640	NUTRITIONAL & MISC METABOLIC DISORDERS W MCC	678	0.8741	23.1	19.3
641	640	NUTRITIONAL & MISC METABOLIC DISORDERS W/O MCC	465	0.6222	20.6	17.2
642	642	INBORN ERRORS OF METABOLISM	5	1.0834	28.9	24.1
643	643	ENDOCRINE DISORDERS W MCC	17	0.6280	20.9	17.4
644	643	ENDOCRINE DISORDERS W CC	18	0.6280	20.9	17.4
645	643	ENDOCRINE DISORDERS W/O CC/MCC	4	0.4878	18.1	15.1
652	652	KIDNEY TRANSPLANT	0	0.0000	0.0	0.0
653	653	MAJOR BLADDER PROCEDURES W MCC	1	1.6496	36.4	30.3
654	653	MAJOR BLADDER PROCEDURES W CC	0	1.0834	28.9	24.1
655	653	MAJOR BLADDER PROCEDURES W/O CC/MCC	0	1.0834	28.9	24.1

MS-LTC-DRG	Base MS-LTC-DRG	MS-LTC-DRG Title	FY 2009 LTCH Cases	Proposed Relative Weight	Proposed Geometric Average Length of Stay	Proposed Short-Stay Outlier (SSO) Threshold[1]
656	656	KIDNEY & URETER PROCEDURES FOR NEOPLASM W MCC	1	0.4878	18.1	15.1
657	656	KIDNEY & URETER PROCEDURES FOR NEOPLASM W CC	0	0.4878	18.1	15.1
658	656	KIDNEY & URETER PROCEDURES FOR NEOPLASM W/O CC/MCC	0	0.4878	18.1	15.1
659	659	KIDNEY & URETER PROCEDURES FOR NON-NEOPLASM W MCC*	4	1.0834	28.9	24.1
660	659	KIDNEY & URETER PROCEDURES FOR NON-NEOPLASM W CC	4	1.0834	28.9	24.1
661	659	KIDNEY & URETER PROCEDURES FOR NON-NEOPLASM W/O CC/MCC	0	1.0834	28.9	24.1
662	662	MINOR BLADDER PROCEDURES W MCC	0	1.0834	28.9	24.1
663	662	MINOR BLADDER PROCEDURES W CC	1	1.0834	28.9	24.1
664	662	MINOR BLADDER PROCEDURES W/O CC/MCC	0	1.0834	28.9	24.1
665	665	PROSTATECTOMY W MCC	2	1.0834	28.9	24.1
666	665	PROSTATECTOMY W CC	0	1.0834	28.9	24.1
667	665	PROSTATECTOMY W/O CC/MCC	0	1.0834	28.9	24.1
668	668	TRANSURETHRAL PROCEDURES W MCC	9	1.0834	28.9	24.1
669	668	TRANSURETHRAL PROCEDURES W CC	1	0.6280	20.9	17.4
670	668	TRANSURETHRAL PROCEDURES W/O CC/MCC	0	0.6280	20.9	17.4
671	671	URETHRAL PROCEDURES W CC/MCC	3	0.8667	24.6	20.5
672	671	URETHRAL PROCEDURES W/O CC/MCC	0	0.8667	24.6	20.5
673	673	OTHER KIDNEY & URINARY TRACT PROCEDURES W MCC	212	1.3837	32.9	27.4
674	673	OTHER KIDNEY & URINARY TRACT PROCEDURES W CC	44	0.9783	27.9	23.3
675	673	OTHER KIDNEY & URINARY TRACT PROCEDURES W/O CC/MCC	3	0.8667	24.6	20.5
682	682	RENAL FAILURE W MCC	1,584	0.9086	23.1	19.3
683	682	RENAL FAILURE W CC	538	0.6892	21.0	17.5
684	682	RENAL FAILURE W/O CC/MCC	28	0.6200	17.1	14.3
685	685	ADMIT FOR RENAL DIALYSIS	1	1.0834	28.9	24.1
686	686	KIDNEY & URINARY TRACT NEOPLASMS W MCC	15	0.8667	24.6	20.5
687	686	KIDNEY & URINARY TRACT NEOPLASMS W CC	14	0.6280	20.9	17.4
688	686	KIDNEY & URINARY TRACT NEOPLASMS W/O CC/MCC	0	0.6280	20.9	17.4
689	689	KIDNEY & URINARY TRACT INFECTIONS W MCC	942	0.6715	21.7	18.1
690	689	KIDNEY & URINARY TRACT INFECTIONS W/O MCC	682	0.5198	19.3	16.1
691	691	URINARY STONES W ESW LITHOTRIPSY W CC/MCC	0	0.8667	24.6	20.5
692	691	URINARY STONES W ESW LITHOTRIPSY W/O CC/MCC	0	0.4878	18.1	15.1
693	693	URINARY STONES W/O ESW LITHOTRIPSY W MCC	11	0.8667	24.6	20.5
694	693	URINARY STONES W/O ESW LITHOTRIPSY W/O MCC	1	0.4878	18.1	15.1
695	695	KIDNEY & URINARY TRACT SIGNS & SYMPTOMS W MCC	5	0.8667	24.6	20.5
696	695	KIDNEY & URINARY TRACT SIGNS & SYMPTOMS W/O MCC	4	0.4878	18.1	15.1
697	697	URETHRAL STRICTURE	1	0.8667	24.6	20.5
698	698	OTHER KIDNEY & URINARY TRACT DIAGNOSES W MCC	345	0.8847	22.9	19.1
699	698	OTHER KIDNEY & URINARY TRACT DIAGNOSES W CC	134	0.6314	20.2	16.8
700	698	OTHER KIDNEY & URINARY TRACT DIAGNOSES W/O CC/MCC	11	0.6280	20.9	17.4
707	707	MAJOR MALE PELVIC PROCEDURES W CC/MCC	0	1.0834	28.9	24.1
708	707	MAJOR MALE PELVIC PROCEDURES W/O CC/MCC	0	1.0834	28.9	24.1
709	709	PENIS PROCEDURES W CC/MCC	5	1.0834	28.9	24.1
710	709	PENIS PROCEDURES W/O CC/MCC	1	0.6280	20.9	17.4
711	711	TESTES PROCEDURES W CC/MCC	5	1.0834	28.9	24.1
712	711	TESTES PROCEDURES W/O CC/MCC	0	1.0834	28.9	24.1
713	713	TRANSURETHRAL PROSTATECTOMY W CC/MCC	4	0.8667	24.6	20.5
714	713	TRANSURETHRAL PROSTATECTOMY W/O CC/MCC	0	0.6280	20.9	17.4
715	715	OTHER MALE REPRODUCTIVE SYSTEM O.R. PROC FOR MALIGNANCY W CC/MCC	0	1.6496	36.4	30.3
716	715	OTHER MALE REPRODUCTIVE SYSTEM O.R. PROC FOR MALIGNANCY W/O CC/MCC	0	1.0834	28.9	24.1
717	717	OTHER MALE REPRODUCTIVE SYSTEM O.R. PROC EXC MALIGNANCY W CC/MCC	11	1.6496	36.4	30.3
718	717	OTHER MALE REPRODUCTIVE SYSTEM O.R. PROC EXC MALIGNANCY W/O CC/MCC	1	1.0834	28.9	24.1
722	722	MALIGNANCY, MALE REPRODUCTIVE SYSTEM W MCC	8	1.0834	28.9	24.1
723	722	MALIGNANCY, MALE REPRODUCTIVE SYSTEM W CC	9	0.6280	20.9	17.4
724	722	MALIGNANCY, MALE REPRODUCTIVE SYSTEM W/O CC/MCC	0	0.6280	20.9	17.4

MS-LTC-DRG	Base MS-LTC-DRG	MS-LTC-DRG Title	FY 2009 LTCH Cases	Proposed Relative Weight	Proposed Geometric Average Length of Stay	Proposed Short-Stay Outlier (SSO) Threshold[1]
725	725	BENIGN PROSTATIC HYPERTROPHY W MCC	2	1.6496	36.4	30.3
726	725	BENIGN PROSTATIC HYPERTROPHY W/O MCC	1	0.8667	24.6	20.5
727	727	INFLAMMATION OF THE MALE REPRODUCTIVE SYSTEM W MCC	75	0.8106	22.6	18.8
728	727	INFLAMMATION OF THE MALE REPRODUCTIVE SYSTEM W/O MCC	57	0.5026	17.3	14.4
729	729	OTHER MALE REPRODUCTIVE SYSTEM DIAGNOSES W CC/MCC	68	0.8981	26.5	22.1
730	729	OTHER MALE REPRODUCTIVE SYSTEM DIAGNOSES W/O CC/MCC	3	0.4878	18.1	15.1
734	734	PELVIC EVISCERATION, RAD HYSTERECTOMY & RAD VULVECTOMY W CC/MCC	0	1.0834	28.9	24.1
735	734	PELVIC EVISCERATION, RAD HYSTERECTOMY & RAD VULVECTOMY W/O CC/MCC	0	1.0834	28.9	24.1
736	736	UTERINE & ADNEXA PROC FOR OVARIAN OR ADNEXAL MALIGNANCY W MCC	0	1.0834	28.9	24.1
737	736	UTERINE & ADNEXA PROC FOR OVARIAN OR ADNEXAL MALIGNANCY W CC	0	0.6280	20.9	17.4
738	736	UTERINE & ADNEXA PROC FOR OVARIAN OR ADNEXAL MALIGNANCY W/O CC/MCC	0	0.6280	20.9	17.4
739	739	UTERINE,ADNEXA PROC FOR NON-OVARIAN/ADNEXAL MALIG W MCC	0	1.2314	32.7	27.3
740	739	UTERINE,ADNEXA PROC FOR NON-OVARIAN/ADNEXAL MALIG W CC*	0	0.9743	28.6	23.8
741	739	UTERINE,ADNEXA PROC FOR NON-OVARIAN/ADNEXAL MALIG W/O CC/MCC	0	0.8667	24.6	20.5
742	742	UTERINE & ADNEXA PROC FOR NON-MALIGNANCY W CC/MCC*	0	0.9743	28.6	23.8
743	742	UTERINE & ADNEXA PROC FOR NON-MALIGNANCY W/O CC/MCC	0	0.8667	24.6	20.5
744	744	D&C, CONIZATION, LAPAROSCOPY & TUBAL INTERRUPTION W CC/MCC	0	1.0834	28.9	24.1
745	744	D&C, CONIZATION, LAPAROSCOPY & TUBAL INTERRUPTION W/O CC/MCC	0	1.0834	28.9	24.1
746	746	VAGINA, CERVIX & VULVA PROCEDURES W CC/MCC	4	1.0834	28.9	24.1
747	746	VAGINA, CERVIX & VULVA PROCEDURES W/O CC/MCC	0	1.0834	28.9	24.1
748	748	FEMALE REPRODUCTIVE SYSTEM RECONSTRUCTIVE PROCEDURES	0	1.0834	28.9	24.1
749	749	OTHER FEMALE REPRODUCTIVE SYSTEM O.R. PROCEDURES W CC/MCC	7	1.0834	28.9	24.1
750	749	OTHER FEMALE REPRODUCTIVE SYSTEM O.R. PROCEDURES W/O CC/MCC	0	1.0834	28.9	24.1
754	754	MALIGNANCY, FEMALE REPRODUCTIVE SYSTEM W MCC	17	1.0834	28.9	24.1
755	754	MALIGNANCY, FEMALE REPRODUCTIVE SYSTEM W CC	11	0.6280	20.9	17.4
756	754	MALIGNANCY, FEMALE REPRODUCTIVE SYSTEM W/O CC/MCC*	0	0.6279	20.9	17.4
757	757	INFECTIONS, FEMALE REPRODUCTIVE SYSTEM W MCC	72	0.7745	24.6	20.5
758	757	INFECTIONS, FEMALE REPRODUCTIVE SYSTEM W CC	40	0.6839	23.9	19.9
759	757	INFECTIONS, FEMALE REPRODUCTIVE SYSTEM W/O CC/MCC	7	0.4878	18.1	15.1
760	760	MENSTRUAL & OTHER FEMALE REPRODUCTIVE SYSTEM DISORDERS W CC/MCC*	4	0.8667	24.6	20.5
761	760	MENSTRUAL & OTHER FEMALE REPRODUCTIVE SYSTEM DISORDERS W/O CC/MCC*	2	0.8667	24.6	20.5
765	765	CESAREAN SECTION W CC/MCC	0	1.0834	28.9	24.1
766	765	CESAREAN SECTION W/O CC/MCC	0	1.0834	28.9	24.1
767	767	VAGINAL DELIVERY W STERILIZATION &/OR D&C	0	1.0834	28.9	24.1
768	768	VAGINAL DELIVERY W O.R. PROC EXCEPT STERIL &/OR D&C	0	1.0834	28.9	24.1
769	769	POSTPARTUM & POST ABORTION DIAGNOSES W O.R. PROCEDURE	2	1.6496	36.4	30.3
770	770	ABORTION W D&C, ASPIRATION CURETTAGE OR HYSTEROTOMY	0	1.0834	28.9	24.1
774	774	VAGINAL DELIVERY W COMPLICATING DIAGNOSES	0	1.0834	28.9	24.1
775	775	VAGINAL DELIVERY W/O COMPLICATING DIAGNOSES	0	1.0834	28.9	24.1
776	776	POSTPARTUM & POST ABORTION DIAGNOSES W/O O.R. PROCEDURE	1	0.6280	20.9	17.4
777	777	ECTOPIC PREGNANCY	0	0.6280	20.9	17.4
778	778	THREATENED ABORTION	0	0.6280	20.9	17.4
779	779	ABORTION W/O D&C	0	0.6280	20.9	17.4
780	780	FALSE LABOR	0	0.6280	20.9	17.4
781	781	OTHER ANTEPARTUM DIAGNOSES W MEDICAL COMPLICATIONS	3	0.4878	18.1	15.1
782	782	OTHER ANTEPARTUM DIAGNOSES W/O MEDICAL COMPLICATIONS	0	0.4878	18.1	15.1

MS-LTC-DRG	Base MS-LTC-DRG	MS-LTC-DRG Title	FY 2009 LTCH Cases	Proposed Relative Weight	Proposed Geometric Average Length of Stay	Proposed Short-Stay Outlier (SSO) Threshold[1]
789	789	NEONATES, DIED OR TRANSFERRED TO ANOTHER ACUTE CARE FACILITY	0	0.4878	18.1	15.1
790	790	EXTREME IMMATURITY OR RESPIRATORY DISTRESS SYNDROME, NEONATE	0	0.4878	18.1	15.1
791	791	PREMATURITY W MAJOR PROBLEMS	0	0.4878	18.1	15.1
792	792	PREMATURITY W/O MAJOR PROBLEMS	0	0.4878	18.1	15.1
793	793	FULL TERM NEONATE W MAJOR PROBLEMS	0	0.4878	18.1	15.1
794	794	NEONATE W OTHER SIGNIFICANT PROBLEMS	0	0.4878	18.1	15.1
795	795	NORMAL NEWBORN	0	0.4878	18.1	15.1
799	799	SPLENECTOMY W MCC	0	1.0834	28.9	24.1
800	799	SPLENECTOMY W CC	0	1.0834	28.9	24.1
801	799	SPLENECTOMY W/O CC/MCC	0	1.0834	28.9	24.1
802	802	OTHER O.R. PROC OF THE BLOOD & BLOOD FORMING ORGANS W MCC	1	1.0834	28.9	24.1
803	802	OTHER O.R. PROC OF THE BLOOD & BLOOD FORMING ORGANS W CC	0	1.0834	28.9	24.1
804	802	OTHER O.R. PROC OF THE BLOOD & BLOOD FORMING ORGANS W/O CC/MCC	0	1.0834	28.9	24.1
808	808	MAJOR HEMATOL/IMMUN DIAG EXC SICKLE CELL CRISIS & COAGUL W MCC	12	0.8667	24.6	20.5
809	808	MAJOR HEMATOL/IMMUN DIAG EXC SICKLE CELL CRISIS & COAGUL W CC	14	0.6280	20.9	17.4
810	808	MAJOR HEMATOL/IMMUN DIAG EXC SICKLE CELL CRISIS & COAGUL W/O CC/MCC	0	0.5579	19.4	16.2
811	811	RED BLOOD CELL DISORDERS W MCC	65	0.8442	21.1	17.6
812	811	RED BLOOD CELL DISORDERS W/O MCC	38	0.5579	19.4	16.2
813	813	COAGULATION DISORDERS	35	0.7444	20.8	17.3
814	814	RETICULOENDOTHELIAL & IMMUNITY DISORDERS W MCC	29	0.8804	24.8	20.7
815	814	RETICULOENDOTHELIAL & IMMUNITY DISORDERS W CC	14	0.6280	20.9	17.4
816	814	RETICULOENDOTHELIAL & IMMUNITY DISORDERS W/O CC/MCC	0	0.6280	20.9	17.4
820	820	LYMPHOMA & LEUKEMIA W MAJOR O.R. PROCEDURE W MCC	0	0.4878	18.1	15.1
821	820	LYMPHOMA & LEUKEMIA W MAJOR O.R. PROCEDURE W CC	1	0.4878	18.1	15.1
822	820	LYMPHOMA & LEUKEMIA W MAJOR O.R. PROCEDURE W/O CC/MCC	0	0.4878	18.1	15.1
823	823	LYMPHOMA & NON-ACUTE LEUKEMIA W OTHER O.R. PROC W MCC	3	1.6496	36.4	30.3
824	823	LYMPHOMA & NON-ACUTE LEUKEMIA W OTHER O.R. PROC W CC	1	0.4878	18.1	15.1
825	823	LYMPHOMA & NON-ACUTE LEUKEMIA W OTHER O.R. PROC W/O CC/MCC	0	0.4878	18.1	15.1
826	826	MYELOPROLIF DISORD OR POORLY DIFF NEOPL W MAJ O.R. PROC W MCC	0	0.8667	24.6	20.5
827	826	MYELOPROLIF DISORD OR POORLY DIFF NEOPL W MAJ O.R. PROC W CC	1	0.8667	24.6	20.5
828	826	MYELOPROLIF DISORD OR POORLY DIFF NEOPL W MAJ O.R. PROC W/O CC/MCC	0	0.8667	24.6	20.5
829	829	MYELOPROLIF DISORD OR POORLY DIFF NEOPL W OTHER O.R. PROC W CC/MCC	7	1.6496	36.4	30.3
830	829	MYELOPROLIF DISORD OR POORLY DIFF NEOPL W OTHER O.R. PROC W/O CC/MCC	0	1.6496	36.4	30.3
834	834	ACUTE LEUKEMIA W/O MAJOR O.R. PROCEDURE W MCC	22	0.8667	24.6	20.5
835	834	ACUTE LEUKEMIA W/O MAJOR O.R. PROCEDURE W CC	12	0.8667	24.6	20.5
836	834	ACUTE LEUKEMIA W/O MAJOR O.R. PROCEDURE W/O CC/MCC	1	0.6280	20.9	17.4
837	837	CHEMO W ACUTE LEUKEMIA AS SDX OR W HIGH DOSE CHEMO AGENT W MCC	0	1.3821	29.1	24.3
838	837	CHEMO W ACUTE LEUKEMIA AS SDX W CC OR HIGH DOSE CHEMO AGENT	0	1.3026	28.6	23.8
839	837	CHEMO W ACUTE LEUKEMIA AS SDX W/O CC/MCC	0	1.3026	28.6	23.8
840	840	LYMPHOMA & NON-ACUTE LEUKEMIA W MCC	91	0.8902	22.1	18.4
841	840	LYMPHOMA & NON-ACUTE LEUKEMIA W CC	38	0.6737	18.8	15.7
842	840	LYMPHOMA & NON-ACUTE LEUKEMIA W/O CC/MCC	4	0.4878	18.1	15.1
843	843	OTHER MYELOPROLIF DIS OR POORLY DIFF NEOPL DIAG W MCC	7	0.8667	24.6	20.5
844	843	OTHER MYELOPROLIF DIS OR POORLY DIFF NEOPL DIAG W CC	7	0.8667	24.6	20.5
845	843	OTHER MYELOPROLIF DIS OR POORLY DIFF NEOPL DIAG W/O CC/MCC	1	0.4878	18.1	15.1
846	846	CHEMOTHERAPY W/O ACUTE LEUKEMIA AS SECONDARY DIAGNOSIS W MCC	57	1.3821	29.1	24.3
847	846	CHEMOTHERAPY W/O ACUTE LEUKEMIA AS SECONDARY DIAGNOSIS W CC	54	1.3026	28.6	23.8
848	846	CHEMOTHERAPY W/O ACUTE LEUKEMIA AS SECONDARY DIAGNOSIS W/O CC/MCC	0	1.3026	28.6	23.8
849	849	RADIOTHERAPY	119	0.7731	22.7	18.9
853	853	INFECTIOUS & PARASITIC DISEASES W O.R. PROCEDURE W MCC	1,059	1.7414	37.6	31.3

MS-LTC-DRG	Base MS-LTC-DRG	MS-LTC-DRG Title	FY 2009 LTCH Cases	Proposed Relative Weight	Proposed Geometric Average Length of Stay	Proposed Short-Stay Outlier (SSO) Threshold[1]
854	853	INFECTIOUS & PARASITIC DISEASES W O.R. PROCEDURE W CC	96	1.1086	30.2	25.2
855	853	INFECTIOUS & PARASITIC DISEASES W O.R. PROCEDURE W/O CC/MCC	2	0.8667	24.6	20.5
856	856	POSTOPERATIVE OR POST-TRAUMATIC INFECTIONS W O.R. PROC W MCC	361	1.4572	34.1	28.4
857	856	POSTOPERATIVE OR POST-TRAUMATIC INFECTIONS W O.R. PROC W CC	194	1.0416	30.5	25.4
858	856	POSTOPERATIVE OR POST-TRAUMATIC INFECTIONS W O.R. PROC W/O CC/MCC	10	0.8667	24.6	20.5
862	862	POSTOPERATIVE & POST-TRAUMATIC INFECTIONS W MCC	1,722	0.9662	25.3	21.1
863	862	POSTOPERATIVE & POST-TRAUMATIC INFECTIONS W/O MCC	1,019	0.6985	23.0	19.2
864	864	FEVER	3	0.4878	18.1	15.1
865	865	VIRAL ILLNESS W MCC	26	0.8013	21.3	17.8
866	865	VIRAL ILLNESS W/O MCC*	13	0.8013	21.3	17.8
867	867	OTHER INFECTIOUS & PARASITIC DISEASES DIAGNOSES W MCC	450	1.0444	23.7	19.8
868	867	OTHER INFECTIOUS & PARASITIC DISEASES DIAGNOSES W CC	64	0.6882	19.5	16.3
869	867	OTHER INFECTIOUS & PARASITIC DISEASES DIAGNOSES W/O CC/MCC	2	0.4878	18.1	15.1
870	870	SEPTICEMIA OR SEVERE SEPSIS W MV 96+ HOURS	1,282	2.1406	31.7	26.4
871	871	SEPTICEMIA OR SEVERE SEPSIS W/O MV 96+ HOURS W MCC	5,885	0.8725	23.1	19.3
872	871	SEPTICEMIA OR SEVERE SEPSIS W/O MV 96+ HOURS W/O MCC	1,275	0.6256	20.3	16.9
876	876	O.R. PROCEDURE W PRINCIPAL DIAGNOSES OF MENTAL ILLNESS	3	1.6496	36.4	30.3
880	880	ACUTE ADJUSTMENT REACTION & PSYCHOSOCIAL DYSFUNCTION	9	0.6280	20.9	17.4
881	881	DEPRESSIVE NEUROSES	34	0.3912	21.9	18.3
882	882	NEUROSES EXCEPT DEPRESSIVE	10	0.4878	18.1	15.1
883	883	DISORDERS OF PERSONALITY & IMPULSE CONTROL	7	0.6280	20.9	17.4
884	884	ORGANIC DISTURBANCES & MENTAL RETARDATION	76	0.5154	25.7	21.4
885	885	PSYCHOSES	877	0.3977	24.2	20.2
886	886	BEHAVIORAL & DEVELOPMENTAL DISORDERS	38	0.4205	24.7	20.6
887	887	OTHER MENTAL DISORDER DIAGNOSES	2	0.4878	18.1	15.1
894	894	ALCOHOL/DRUG ABUSE OR DEPENDENCE, LEFT AMA	0	0.4878	18.1	15.1
895	895	ALCOHOL/DRUG ABUSE OR DEPENDENCE W REHABILITATION THERAPY	0	0.4878	18.1	15.1
896	896	ALCOHOL/DRUG ABUSE OR DEPENDENCE W/O REHABILITATION THERAPY W MCC	12	0.8667	24.6	20.5
897	896	ALCOHOL/DRUG ABUSE OR DEPENDENCE W/O REHABILITATION THERAPY W/O MCC	8	0.4878	18.1	15.1
901	901	WOUND DEBRIDEMENTS FOR INJURIES W MCC	292	1.3897	34.4	28.7
902	901	WOUND DEBRIDEMENTS FOR INJURIES W CC	138	1.0411	29.9	24.9
903	901	WOUND DEBRIDEMENTS FOR INJURIES W/O CC/MCC	6	0.6280	20.9	17.4
904	904	SKIN GRAFTS FOR INJURIES W CC/MCC	100	1.3724	38.3	31.9
905	904	SKIN GRAFTS FOR INJURIES W/O CC/MCC	2	0.8667	24.6	20.5
906	906	HAND PROCEDURES FOR INJURIES	3	0.6280	20.9	17.4
907	907	OTHER O.R. PROCEDURES FOR INJURIES W MCC	135	1.4581	34.3	28.6
908	907	OTHER O.R. PROCEDURES FOR INJURIES W CC	57	0.9544	28.7	23.9
909	907	OTHER O.R. PROCEDURES FOR INJURIES W/O CC/MCC	4	0.6280	20.9	17.4
913	913	TRAUMATIC INJURY W MCC	49	0.7653	24.3	20.3
914	913	TRAUMATIC INJURY W/O MCC	79	0.5688	20.1	16.8
915	915	ALLERGIC REACTIONS W MCC	1	0.4878	18.1	15.1
916	915	ALLERGIC REACTIONS W/O MCC	0	0.4878	18.1	15.1
917	917	POISONING & TOXIC EFFECTS OF DRUGS W MCC	8	1.0834	28.9	24.1
918	917	POISONING & TOXIC EFFECTS OF DRUGS W/O MCC	3	0.4878	18.1	15.1
919	919	COMPLICATIONS OF TREATMENT W MCC	1,547	1.0957	26.7	22.3
920	919	COMPLICATIONS OF TREATMENT W CC	888	0.8190	24.9	20.8
921	919	COMPLICATIONS OF TREATMENT W/O CC/MCC	53	0.5150	18.4	15.3
922	922	OTHER INJURY, POISONING & TOXIC EFFECT DIAG W MCC	7	0.8667	24.6	20.5
923	922	OTHER INJURY, POISONING & TOXIC EFFECT DIAG W/O MCC	11	0.4878	18.1	15.1
927	927	EXTENSIVE BURNS OR FULL THICKNESS BURNS W MV 96+ HRS W SKIN GRAFT	0	1.0834	28.9	24.1
928	928	FULL THICKNESS BURN W SKIN GRAFT OR INHAL INJ W CC/MCC	11	1.0834	28.9	24.1
929	928	FULL THICKNESS BURN W SKIN GRAFT OR INHAL INJ W/O CC/MCC	1	1.0834	28.9	24.1
933	933	EXTENSIVE BURNS OR FULL THICKNESS BURNS W MV 96+ HRS W/O SKIN GRAFT	11	0.6280	20.9	17.4

MS-LTC-DRG	Base MS-LTC-DRG	MS-LTC-DRG Title	FY 2009 LTCH Cases	Proposed Relative Weight	Proposed Geometric Average Length of Stay	Proposed Short-Stay Outlier (SSO) Threshold[1]
934	934	FULL THICKNESS BURN W/O SKIN GRFT OR INHAL INJ	31	0.6455	23.9	19.9
935	935	NON-EXTENSIVE BURNS	64	0.6801	22.2	18.5
939	939	O.R. PROC W DIAGNOSES OF OTHER CONTACT W HEALTH SERVICES W MCC	225	1.4033	33.6	28.0
940	939	O.R. PROC W DIAGNOSES OF OTHER CONTACT W HEALTH SERVICES W CC	98	1.0076	31.1	25.9
941	939	O.R. PROC W DIAGNOSES OF OTHER CONTACT W HEALTH SERVICES W/O CC/MCC	9	0.6280	20.9	17.4
945	945	REHABILITATION W CC/MCC	1,338	0.6483	21.1	17.6
946	945	REHABILITATION W/O CC/MCC	89	0.4068	17.2	14.3
947	947	SIGNS & SYMPTOMS W MCC	41	0.8226	23.5	19.6
948	947	SIGNS & SYMPTOMS W/O MCC	51	0.4846	19.9	16.6
949	949	AFTERCARE W CC/MCC	3,264	0.7152	22.1	18.4
950	949	AFTERCARE W/O CC/MCC	194	0.4500	17.1	14.3
951	951	OTHER FACTORS INFLUENCING HEALTH STATUS	66	1.5230	27.2	22.7
955	955	CRANIOTOMY FOR MULTIPLE SIGNIFICANT TRAUMA	0	1.0834	28.9	24.1
956	956	LIMB REATTACHMENT, HIP & FEMUR PROC FOR MULTIPLE SIGNIFICANT TRAUMA	0	1.6496	36.4	30.3
957	957	OTHER O.R. PROCEDURES FOR MULTIPLE SIGNIFICANT TRAUMA W MCC	1	0.6280	20.9	17.4
958	957	OTHER O.R. PROCEDURES FOR MULTIPLE SIGNIFICANT TRAUMA W CC*	0	0.6280	20.9	17.4
959	957	OTHER O.R. PROCEDURES FOR MULTIPLE SIGNIFICANT TRAUMA W/O CC/MCC*	0	0.6280	20.9	17.4
963	963	OTHER MULTIPLE SIGNIFICANT TRAUMA W MCC*	8	1.0834	28.9	24.1
964	963	OTHER MULTIPLE SIGNIFICANT TRAUMA W CC	8	1.0834	28.9	24.1
965	963	OTHER MULTIPLE SIGNIFICANT TRAUMA W/O CC/MCC	1	0.4878	18.1	15.1
969	969	HIV W EXTENSIVE O.R. PROCEDURE W MCC	12	1.6496	36.4	30.3
970	969	HIV W EXTENSIVE O.R. PROCEDURE W/O MCC	2	0.8667	24.6	20.5
974	974	HIV W MAJOR RELATED CONDITION W MCC	210	1.0513	23.2	19.3
975	974	HIV W MAJOR RELATED CONDITION W CC	58	0.6394	18.6	15.5
976	974	HIV W MAJOR RELATED CONDITION W/O CC/MCC	7	0.4878	18.1	15.1
977	977	HIV W OR W/O OTHER RELATED CONDITION	30	0.6746	19.9	16.6
981	981	EXTENSIVE O.R. PROCEDURE UNRELATED TO PRINCIPAL DIAGNOSIS W MCC	1,045	2.1789	41.6	34.7
982	981	EXTENSIVE O.R. PROCEDURE UNRELATED TO PRINCIPAL DIAGNOSIS W CC	219	1.1315	30.7	25.6
983	981	EXTENSIVE O.R. PROCEDURE UNRELATED TO PRINCIPAL DIAGNOSIS W/O CC/MCC	6	0.6280	20.9	17.4
984	984	PROSTATIC O.R. PROCEDURE UNRELATED TO PRINCIPAL DIAGNOSIS W MCC	19	1.6496	36.4	30.3
985	984	PROSTATIC O.R. PROCEDURE UNRELATED TO PRINCIPAL DIAGNOSIS W CC	8	1.0834	28.9	24.1
986	984	PROSTATIC O.R. PROCEDURE UNRELATED TO PRINCIPAL DIAGNOSIS W/O CC/MCC	0	1.0834	28.9	24.1
987	987	NON-EXTENSIVE O.R. PROC UNRELATED TO PRINCIPAL DIAGNOSIS W MCC	467	1.8331	38.5	32.1
988	987	NON-EXTENSIVE O.R. PROC UNRELATED TO PRINCIPAL DIAGNOSIS W CC	172	1.0343	30.2	25.2
989	987	NON-EXTENSIVE O.R. PROC UNRELATED TO PRINCIPAL DIAGNOSIS W/O CC/MCC	4	0.6280	20.9	17.4
998	998	PRINCIPAL DIAGNOSIS INVALID AS DISCHARGE DIAGNOSIS	0	0.0000	0.0	0.0
999	999	UNGROUPABLE	0	0.0000	0.0	0.0

[1] The SSO Threshold is calculated as 5/6th of the geometric average length of stay of the MS-LTC-DRG (as specified in §412.529(a) in conjunction with §412.503).

* In determining the proposed MS-LTC-DRG relative weights for FY 2011, these MS-LTC-DRGs were adjusted for nonmonotonicity as discussed in section VII.B.3.g. (step 6) of the preamble of the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule (75 FR 24042).

Appendix: Regulatory Impact Analysis

I. Overall Impact

We have examined the impacts of this proposed rule as required by Executive Order 12866 (September 1993, Regulatory Planning and Review) and the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), Executive Order 13132 on Federalism, and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year).

We have determined that this proposed rule is a major rule as defined in 5 U.S.C. 804(2). We estimate that the proposed changes for FY 2011 acute care hospital operating and capital payments will redistribute in excess of $100 million among different types of inpatient cases. The proposed applicable percentage increase to the IPPS rates required by the statute, in conjunction with other proposed payment changes in this proposed rule, would result in an estimated $929 million decrease in FY 2011 operating payments (or −0.9 percent increase), and an estimated $20 million decrease in FY 2011 capital payments (or −0.2 percent change). The impact analysis of the capital payments can be found in section VIII. of this Appendix. In addition, as described in section IX. of this Appendix, LTCHs are expected to experience an increase in payments by $12.9 million (or 0.3 percent).

Our operating impact estimate includes the proposed −2.9 percent documentation and coding adjustment applied to the hospital-specific rates, the proposed −2.4 percent documentation and coding adjustment applied to the Puerto Rico-specific rates and the proposed −2.9 percent adjustment for documentation and coding changes to the IPPS standardized amounts, which was discussed in the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule (75 FR 24288). In addition, our operating impact estimate includes the proposed 2.15 percent market basket update to the standardized amount (which includes the proposed 2.4 percent update with the 0.25 reduction required under the Affordable Care Act). The estimates of IPPS operating payments to acute care hospitals do not reflect any changes in hospital admissions or real case-mix intensity, which would also affect overall payment changes.

The RFA requires agencies to analyze options for regulatory relief of small businesses. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small government jurisdictions. Most hospitals and most other providers and suppliers are considered to be small entities, either by being nonprofit organizations or by meeting the Small Business Administration definition of a small business (having revenues of $34.5 million or less in any 1 year). (For details on the latest standards for health care providers, we refer readers to the Table of Small Business Size Standards for NAIC 622 found on the Small Business Administration Office of Size Standards Web site at: *http://www.sba.gov/contractingopportunities/officials/size/GC-SMALL-BUS-SIZE-STANDARDS.html*.) For purposes of the RFA, all hospitals and other providers and suppliers are considered to be small entities. Individuals and States are not included in the definition of a small entity. We believe that the provisions of this proposed rule relating to acute care hospitals would have a significant impact on small entities as explained in this Appendix. Because we lack data on individual hospital receipts, we cannot determine the number of small proprietary LTCHs. Therefore, we are assuming that all LTCHs are considered small entities for the purpose of the analysis in section IX. of this Appendix. Medicare fiscal intermediaries and MACs are not considered to be small entities. Because we acknowledge that many of the affected entities are small entities, the analysis discussed throughout the preamble of this proposed rule constitutes our proposed regulatory flexibility analysis. Therefore, we are soliciting public comments on our estimates and analysis of the impact of this proposed rule on those small entities.

The Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Public Law 104–121, as amended by section 8302 of Public Law 110–28, requires an agency to provide compliance guides for each rule or group of related rules for which an agency is required to prepare a final regulatory flexibility analysis. The compliance guides associated with this proposed rule are available on the CMS IPPS Web page at *http://www.cms.hhs.gov/AcuteInpatientPPS/01_overview.asp*. We also note that the Hospital Center Web page at *http://www.cms.hhs.gov/center/hospital.asp* was developed to assist hospitals in understanding and adapting to changes in Medicare regulations and in billing and payment procedures. This Web page provides hospitals with substantial downloadable explanatory materials.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis for any proposed or final rule that may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 603 of the RFA. With the exception of hospitals located in certain New England counties, for purposes of section 1102(b) of the Act, we now define a small rural hospital as a hospital that is located outside of an urban area and has fewer than 100 beds. Section 601(g) of the Social Security Amendments of 1983 (Pub. L. 98–21) designated hospitals in certain New England counties as belonging to the adjacent urban area. Thus, for purposes of the IPPS and the LTCH PPS, we continue to classify these hospitals as urban hospitals. (We refer readers to Table 1 and section VI. of this Appendix for the quantitative effects of the proposed policy changes under the IPPS for operating costs.)

Section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. That threshold level is currently approximately $133 million. This proposed rule would not mandate any requirements for State, local, or Tribal governments, nor would it affect private sector costs.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. As stated above, this proposed rule would not have a substantial effect on State and local governments.

The following analysis, in conjunction with the remainder of this document, demonstrates that this proposed rule is consistent with the regulatory philosophy and principles identified in Executive Order 12866, the RFA, and section 1102(b) of the Act. The proposed rule would affect payments to a substantial number of small rural hospitals, as well as other classes of hospitals, and the effects on some hospitals may be significant.

II. Objectives of the IPPS

The primary objective of the IPPS is to create incentives for hospitals to operate efficiently and minimize unnecessary costs while at the same time ensuring that payments are sufficient to adequately compensate hospitals for their legitimate costs. In addition, we share national goals of preserving the Medicare Hospital Insurance Trust Fund.

We believe the proposed changes in this proposed rule would further each of these goals while maintaining the financial viability of the hospital industry and ensuring access to high quality health care for Medicare beneficiaries. We expect that these proposed changes would ensure that the outcomes of the prospective payment systems are reasonable and equitable while avoiding or minimizing unintended adverse consequences.

III. Limitations of Our Analysis

The following quantitative analysis presents the projected effects of our proposed policy changes, as well as statutory changes effective for FY 2011, on various hospital groups. We estimate the effects of individual policy changes by estimating payments per case while holding all other payment policies constant. We use the best data available, but, generally, we do not attempt to make adjustments for future changes in such variables as admissions, lengths of stay, or case-mix.

IV. Hospitals Included in and Excluded From the IPPS

The prospective payment systems for hospital inpatient operating and capital-related costs of acute care hospitals

encompass most general short-term, acute care hospitals that participate in the Medicare program. There were 33 Indian Health Service hospitals in our database, which we excluded from the analysis due to the special characteristics of the prospective payment methodology for these hospitals. Among other short-term, acute care hospitals, only the 46 such hospitals in Maryland remain excluded from the IPPS pursuant to the waiver under section 1814(b)(3) of the Act.

As of March 2010, there are 3,472 IPPS acute care hospitals to be included in our analysis. This represents about 64 percent of all Medicare-participating hospitals. The majority of this impact analysis focuses on this set of hospitals. There are also approximately 1,338 CAHs. These small, limited service hospitals are paid on the basis of reasonable costs rather than under the IPPS. (We refer readers to section VII. of this Appendix for a further description of the impact of CAH-related proposed policy changes.) There are also 1,270 IPPS-excluded hospitals and 2,169 IPPS-excluded hospital units. These IPPS-excluded hospitals and units include IPFs, IRFs, LTCHs, RNHCIs, children's hospitals, and cancer hospitals, which are paid under separate payment systems. Changes in the prospective payment systems for IPFs and IRFs are made through separate rulemaking. Payment impacts for these IPPS-excluded hospitals and units are not included in this proposed rule. The impact of the proposed update and policy changes to the LTCH PPS for FY 2011 are discussed in section IX. of this Appendix.

V. Effects on Hospitals and Hospital Units Excluded From the IPPS

As of March 2010, there were 3,439 hospitals and hospital units excluded from the IPPS. Of these, 78 children's hospitals, 11 cancer hospitals, and 17 RNHCIs are being paid on a reasonable cost basis subject to the rate-of-increase ceiling under § 413.40. The remaining providers, 228 rehabilitation hospitals and 961 rehabilitation units, and 429 LTCHs, are paid the Federal prospective per discharge rate under the IRF PPS and the LTCH PPS, respectively, and 507 psychiatric hospitals and 1,208 psychiatric units are paid the Federal per diem amount under the IPF PPS. As stated above, IRFs and IPFs are not affected by rate updates discussed in this proposed rule. The impacts of the changes to LTCHs are discussed in section IX. of this Appendix.

In the past, certain hospitals and units excluded from the IPPS have been paid based on their reasonable costs subject to limits as established by the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA). Cancer and children's hospitals continue to be paid on a reasonable cost basis subject to TEFRA limits for FY 2011. For these hospitals (cancer and children's hospitals), consistent with the authority provided in section 1886(b)(3)(B)(ii) of the Act, the update is the percentage increase in the FY 2011 IPPS operating market basket. In compliance with section 404 of the MMA, in the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 43930), we replaced the FY 2002-based IPPS operating and capital market baskets with the revised and rebased FY 2006-based IPPS operating and capital market baskets. Therefore, consistent with current law, based on IHS Global Insight, Inc.'s 2010 first quarter forecast, with historical data through the 2009 fourth quarter, we are estimating that the proposed FY 2011 update to the IPPS operating market basket would be 2.4 percent (that is, the current estimate of the market basket rate-of-increase) which was included in the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule. However, the Affordable Care Act requires a 0.25 reduction to the market basket update resulting in a proposed 2.15 percent applicable percentage increase for IPPS hospitals. RNCHIs, children's hospitals and cancer hospitals are not subject to the reduction in the applicable percentage increase required under the Affordable Care Act. In accordance with § 403.752(a) of the regulations, RNHCIs are paid under § 413.40. Therefore, for RNHCIs, the proposed update is the same as for children's and cancer hospitals, which is the percentage increase in the FY 2011 IPPS operating market basket increase (which was included in the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule) without the reductions required under the Affordable Care Act, estimated to be 2.4 percent.

The impact of the proposed update in the rate-of-increase limit on those excluded hospitals depends on the cumulative cost increases experienced by each excluded hospital since its applicable base period. For excluded hospitals that have maintained their cost increases at a level below the rate-of-increase limits since their base period, the major effect is on the level of incentive payments these excluded hospitals receive. Conversely, for excluded hospitals with per-case cost increases above the cumulative update in their rate-of-increase limits, the major effect is the amount of excess costs that will not be reimbursed.

We note that, under § 413.40(d)(3), an excluded hospital that continues to be paid under the TEFRA system, whose costs exceed 110 percent of its rate-of-increase limit receives its rate-of-increase limit plus 50 percent of the difference between its reasonable costs and 110 percent of the limit, not to exceed 110 percent of its limit. In addition, under the various provisions set forth in § 413.40, cancer and children's hospitals can obtain payment adjustments for justifiable increases in operating costs that exceed the limit.

VI. Quantitative Effects of the Policy Changes Under the IPPS for Operating Costs

A. Basis and Methodology of Estimates

In this proposed rule, we are announcing proposed policy changes and payment rate updates for the IPPS for operating costs of acute care hospitals. Updates to the capital payments to acute care hospitals are discussed in section VIII. of this Appendix. Based on the overall percentage change in payments per case estimated using our payment simulation model, we estimate that total FY 2011 operating payments would decrease by 0.9 percent compared to FY 2010, largely due to the documentation and coding adjustments and the applicable percentage increase applied to the IPPS rates. This amount reflects the proposed FY 2011 documentation and coding adjustments described in the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule: −2.9 percent for the IPPS national standardized amounts, −2.9 percent for the IPPS hospital-specific rates, and −2.4 percent for the IPPS Puerto Rico-specific standardized amount. The impacts do not illustrate changes in hospital admissions or real case-mix intensity, which will also affect overall payment changes.

We have prepared separate impact analyses of the proposed changes to each system. This section deals with changes to the operating prospective payment system for acute care hospitals. Our payment simulation model relies on the most recent available data to enable us to estimate the impacts on payments per case of certain proposed changes in this proposed rule. However, there are other proposed changes for which we do not have data available that would allow us to estimate the payment impacts using this model. For those proposed changes, we have attempted to predict the payment impacts based upon our experience and other more limited data.

The data used in developing the quantitative analyses of changes in payments per case presented below are taken from the FY 2009 MedPAR file and the most current Provider-Specific File that is used for payment purposes. Although the analyses of the proposed changes to the operating PPS do not incorporate cost data, data from the most recently available hospital cost report were used to categorize hospitals. Our analysis has several qualifications. First, in this analysis, we do not make adjustments for future changes in such variables as admissions, lengths of stay, or underlying growth in real case-mix. Second, due to the interdependent nature of the IPPS payment components, it is very difficult to precisely quantify the impact associated with each change. Third, we use various sources for the data used to categorize hospitals in the tables. In some cases, particularly 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 source overall. However, for individual hospitals, some miscategorizations are possible.

Using cases from the FY 2009 MedPAR file, we simulated payments under the operating IPPS given various combinations of payment parameters. Any short-term, acute care hospitals not paid under the IPPS (Indian Health Service hospitals and hospitals in Maryland) were excluded from the simulations. The impact of payments under the capital IPPS, or the impact of payments for costs other than inpatient operating costs, are not analyzed in this section. Estimated payment impacts of the capital IPPS for FY 2011 are discussed in section VIII. of this Appendix.

The changes discussed separately below are the following:

- The effects of the proposed annual reclassification of diagnoses and procedures, full implementation of the MS–DRG system and 100 percent cost-based MS–DRG relative weights.
- The effects of the proposed changes in hospitals' wage index values reflecting wage

data from hospitals' cost reporting periods beginning during FY 2007, compared to the FY 2006 wage data.

- The effects of the recalibration of the MS–DRG relative weights as required by section 1886(d)(4)(C) of the Act, including the proposed wage and recalibration budget neutrality factors.
- The effects of geographic reclassifications by the MGCRB that will be effective in FY 2011.
- The effects of the Frontier wage index provision that requires that hospitals located in States that qualify as frontier States cannot have a wage index less than 1.0. This is a nonbudget neutral provision.
- The effects of the rural floor and imputed floor with a national budget neutrality applied to the wage index, as required by the Affordable Care Act the Affordable Care Act.
- The effects of section 505 of Public Law 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 indexes.
- The total estimated change in payments based on the proposed FY 2011 policies relative to payments based on FY 2010 policies that include the applicable percentage increase of 2.15 (or 2.4 percent market basket with a 0.25 percentage reduction, as required under the Affordable Care Act). The FY 2010 operating payments also account for provisions under the Affordable Care Act that were effective for FY 2010.

To illustrate the impacts of the proposed FY 2011 changes, our analysis begins with a FY 2010 baseline simulation model using: the proposed FY 2011 applicable percentage increase of 2.15 percent; the FY 2010 MS–DRG GROUPER (Version 27.0); the most current CBSA designations for hospitals based on OMB's MSA definitions; the FY 2010 wage index; and no MGCRB reclassifications. Outlier payments are set at 5.1 percent of total operating MS–DRG and outlier payments.

Section 1886(b)(3)(B)(viii) of the Act, as added by section 5001(a) of Public Law 109–171, provides that, for FY 2007 and subsequent years, the update factor will be reduced by 2.0 percentage points for any hospital that does not submit quality data in a form and manner and at a time specified by the Secretary. At the time that this impact was prepared, 104 hospitals did not receive the full market basket rate-of-increase for FY 2010 because they failed the quality data submission process or did not choose to participate. For purposes of the simulations shown below, we modeled the proposed payment changes for FY 2011 using a reduced update for these 104 hospitals. However, we do not have enough information at this time to determine which hospitals will not receive the full market basket rate-of-increase for FY 2011.

Each policy change, statutory or otherwise, is then added incrementally to this baseline, finally arriving at an FY 2011 model incorporating all of the changes. This simulation allows us to isolate the effects of each proposed change.

Our final comparison illustrates the proposed percent change in payments per case from FY 2010 to FY 2011. Three factors not discussed separately have significant impacts here. The first factor is the update to the standardized amount. In accordance with section 1886(b)(3)(B)(i) of the Act, we are proposing to update the standardized amounts for FY 2011 using an applicable percentage increase of 2.15 percent. In addition, we are updating the Puerto Rico specific amount by an applicable percentage increase of 2.15 percent. This includes our forecasted hospital market basket increase of 2.4 percent with a 0.25 percentage reduction as required under the Affordable Care Act. (Hospitals that fail to comply with the quality data submission requirements to receive the full update will receive an update reduced by 2.0 percentage points from 2.15 percent to 0.15 percent.) Under section 1886(b)(3)(B)(iv) of the Act, the updates to the hospital-specific amounts for SCHs and for MDHs are also equal to the market basket percentage increase, or 2.15 percent.

A second significant factor that affects the changes in hospitals' payments per case from FY 2010 to FY 2011 is the change in a hospital's geographic reclassification status from one year to the next. That is, payments may be reduced for hospitals reclassified in FY 2010 that are no longer reclassified in FY 2011. Conversely, payments may increase for hospitals not reclassified in FY 2010 that are reclassified in FY 2011.

A third significant factor is that we currently estimate that actual outlier payments during FY 2010 will be 4.9 percent of total MS–DRG payments. Our FY 2010 outlier estimate accounts for changes to the FY 2010 IPPS payments required under the Affordable Care Act. When the FY 2010 final rule was published, we projected FY 2010 outlier payments would be 5.1 percent of total MS–DRG plus outlier payments; the average standardized amounts were offset correspondingly. The effects of the lower than expected outlier payments during FY 2010 (as discussed in the Addendum to this proposed rule) are reflected in the analyses below comparing our current estimates of FY 2010 payments per case to estimated FY 2011 payments per case (with outlier payments projected to equal 5.1 percent of total MS–DRG payments).

B. Analysis of Table I

Table I displays the results of our analysis of the proposed changes for FY 2011. The table 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 3,472 acute care 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 2,502 hospitals located in urban areas included in our analysis. Among these, there are 1,365 hospitals located in large urban areas (populations over 1 million), and 1,137 hospitals in other urban areas (populations of 1 million or fewer). In addition, there are 970 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 2011 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 numbers 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 that have implications for capital payments) are 2,555; 1,403; 1,152; and 917, 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 2,434 nonteaching hospitals in our analysis, 798 teaching hospitals with fewer than 100 residents, and 240 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 together hospitals considered urban or rural, 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 (SCHs, RRCs, and MDHs). There were 183 RRCs, 340 SCHs, 187 MDHs, and 108 hospitals that are both SCHs and RRCs, and 13 hospitals that are both an MDH and an RRC.

The next series of groupings are based on the type of ownership and the hospital's Medicare utilization expressed as a percent of total patient days. These data were taken from the FY 2008 or FY 2007 Medicare cost reports.

The next two groupings concern the geographic reclassification status of hospitals. The first grouping displays all urban hospitals that were reclassified by the MGCRB for FY 2011. The second grouping shows the MGCRB rural reclassifications. These groupings account for the change in the MGCRB reclassification policy as required under the Affordable Care Act.

The final category shows the impact of the proposed policy changes on the 19 cardiac hospitals in our analysis.

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TABLE I.--IMPACT ANALYSIS OF PROPOSED CHANGES TO THE IPPS FOR OPERATING COSTS FOR FY 2011

	No. of Hospitals	Proposed FY 2011 Weights & MS-DRG Changes (1)	Application of Recalibration Budget Neutrality (2)	Proposed FY 2011 Wage Data (3)	Application of Wage Budget Neutrality (4)	Proposed FY 2011 MS-DRG, Relative Weights & Wage Index Changes, with Wage & Recalibration Budget Neutrality (5)	FY 2011 MGCRB Reclassif-ications (6)	Proposed Rural Floor Budget Neutrality and Within State Rural Floor Budget Neutrality (7)	Proposed Application of the Frontier Wage Index (8)	Proposed FY 2011 Out-Migration Adjustment (9)	All Proposed FY 2011 Changes Prior to the CMI Adjustment (10)	All Proposed FY 2011 Changes w/CMI Adjustment (11)
All Hospitals	3472	0.3	0	0	0	0	0	0	0	0	2	-0.9
By Geographic Location:												
Urban hospitals	2502	0.3	0	0	0	0	-0.2	0	0	0	2.1	-0.8
Large urban areas	1365	0.2	0	0	0.1	0	-0.3	0	0	0	2.1	-0.8
Other urban areas	1137	0.4	0.1	-0.1	-0.1	0	0	0.1	0.1	0	2.1	-0.8
Rural hospitals	970	0.3	0	0	0	0	1.6	-0.1	0	0.1	1.5	-1.4
Bed Size (Urban):												
0-99 beds	635	0.6	0.2	0	0	0.3	-0.5	0	0.1	0	2.2	-0.7
100-199 beds	791	0.2	-0.1	0	0	0	0	0.2	0.1	0	2	-0.9
200-299 beds	461	0.3	0	0	0	0	-0.1	0	0.1	0	2.2	-0.7
300-499 beds	425	0.3	0	0	0	0	-0.2	0.1	0.1	0	2.1	-0.8
500 or more beds	190	0.3	0	-0.1	-0.1	0	-0.3	-0.2	0	0	2	-0.9
Bed Size (Rural):												
0-49 beds	337	0.6	0.3	0.1	0.1	0.3	0.6	-0.1	0.1	0.2	1.8	-1.1
50-99 beds	366	0.3	0	0	0	0	0.6	-0.1	0	0.1	1.1	-1.8
100-149 beds	164	0.3	0	0	0	0	2.2	-0.2	0	0	1.7	-1.1
150-199 beds	61	0.3	0	0	0	0.1	2.5	-0.2	0	0	1.8	-1.1
200 or more beds	42	0.2	-0.1	0	0.1	-0.1	2.4	-0.1	0	0	1.5	-1.3
Urban by Region:												
New England	121	0.1	-0.2	-0.4	-0.4	-0.6	0.9	-0.2	0	0	0.9	-2
Middle Atlantic	330	0.3	0	-0.3	-0.3	-0.3	0.3	0.1	0	0	1.5	-1.4

	No. of Hospitals	Proposed FY 2011 Weights & MS-DRG Changes (1)	Application of Recalibration Budget Neutrality (2)	Proposed FY 2011 Wage Data (3)	Application of Wage Budget Neutrality (4)	Proposed FY 2011 MS-DRG, Relative Weights & Wage Index Changes, with Wage & Recalibration Budget Neutrality (5)	FY 2011 MGCRB Reclassif-ications (6)	Proposed Rural Floor Budget Neutrality and Within State Rural Floor Budget Neutrality (7)	Proposed Application of the Frontier Wage Index (8)	Proposed FY 2011 Out-Migration Adjustment (9)	All Proposed FY 2011 Changes Prior to the CMI Adjustment (10)	All Proposed FY 2011 Changes w/CMI Adjustment (11)
South Atlantic	383	0.1	-0.2	0	0	-0.2	-0.4	-0.2	0	0	1.9	-1
East North Central	403	0.1	-0.1	0.2	0.2	0.1	-0.3	-0.2	0	0	1.8	-1.1
East South Central	155	0.4	0.2	-0.5	-0.6	-0.4	-0.2	0	0	0	1.8	-1.1
West North Central	166	0.5	0.2	-0.1	-0.1	0.1	-0.7	-0.2	0.5	0	2.5	-0.4
West South Central	342	0.5	0.2	0.2	0.2	0.4	-0.6	-0.2	0	0	2.4	-0.5
Mountain	162	0.3	0	0	0	0	-0.3	-0.1	0.2	0	2.4	-0.5
Pacific	390	0.6	0.2	0.4	0.4	0.5	-0.3	0.9	0	0	3.6	0.6
Puerto Rico	50	0.9	0.7	-0.3	-0.3	0.4	-0.8	-0.1	0	0	2.4	-0.4
Rural by Region:												
New England	24	0.2	-0.2	0	0	-0.2	0.5	-0.1	0	0	0.6	-2.3
Middle Atlantic	70	-0.1	-0.4	0.4	0.4	0	1.5	-0.1	0	0	1.5	-1.4
South Atlantic	165	-0.2	-0.5	-0.3	-0.4	-0.9	2.1	-0.2	0	0.1	1.1	-1.8
East North Central	120	0.3	0	-0.1	-0.1	-0.2	1.3	-0.1	0	0.1	1.6	-1.3
East South Central	175	0.6	0.3	0.2	0.2	0.5	2.3	-0.2	0	0.1	1.1	-1.7
West North Central	100	0.7	0.4	0	0	0.4	0.5	-0.1	0.1	0	2.3	-0.6
West South Central	214	0.7	0.5	0.3	0.4	0.8	2.2	-0.2	0	0.1	2	-0.9
Mountain	71	0.7	0.4	0	0	0.4	0.3	-0.1	0.5	0	2.5	-0.4
Pacific	31	0	-0.4	0.3	0.3	-0.1	0.9	-0.1	0	0	1	-1.9
By Payment Classification:												
Urban hospitals	2555	0.3	0	0	0	0	-0.2	0	0	0	2.1	-0.8
Large urban areas	1403	0.2	0	0	0.1	0	-0.3	0	0	0	2.1	-0.8
Other urban areas	1152	0.4	0.1	-0.1	-0.1	0	0	0.1	0.1	0	2.1	-0.8
Rural areas	917	0.3	0	0	0	0	1.4	-0.1	0	0.1	1.5	-1.4
Teaching Status:												
Nonteaching	2434	0.4	0	0.1	0.1	0.2	0.2	0.1	0	0	2.1	-0.8

	No. of Hospitals	Proposed FY 2011 Weights & MS-DRG Changes (1)	Application of Recalibration Budget Neutrality (2)	Proposed FY 2011 Wage Data (3)	Application of Wage Budget Neutrality (4)	Proposed FY 2011 MS-DRG, Relative Weights & Wage Index Changes, with Wage & Recalibration Budget Neutrality (5)	FY 2011 MGCRB Reclassif-ications (6)	Proposed Rural Floor Budget Neutrality and Within State Rural Floor Budget Neutrality (7)	Proposed Application of the Frontier Wage Index (8)	Proposed FY 2011 Out-Migration Adjustment (9)	All Proposed FY 2011 Changes Prior to the CMI Adjustment (10)	All Proposed FY 2011 Changes w/CMI Adjustment (11)
Fewer than 100 residents	798	0.3	0	-0.1	-0.1	-0.1	-0.1	0	0.1	0	2	-0.9
100 or more residents	240	0.3	0	-0.1	-0.1	-0.1	-0.2	-0.1	0	0	1.9	-1
Urban DSH:												
Non-DSH	834	0.5	0.1	0	0	0	0.1	0	0.1	0	2.1	-0.8
100 or more beds	1510	0.3	0	0	0	0	-0.2	0	0	0	2.1	-0.8
Less than 100 beds	340	0.2	-0.1	0	0	0	-0.3	0	0.2	0	2	-0.9
Rural DSH:												
SCH	407	0.3	0	0	0	0	0.2	-0.1	0	0.1	0.9	-2
RRC	209	0.2	-0.1	0.1	0.1	0	2.4	-0.2	0	0	1.7	-1.2
100 or more beds	30	0.1	-0.2	-0.3	-0.3	-0.5	1.1	-0.2	0	0.3	1.2	-1.6
Less than 100 beds	142	0.4	0.2	0	0.1	0.2	1	-0.2	0	0.4	1.4	-1.5
Urban teaching and DSH:												
Both teaching and DSH	806	0.3	0	-0.1	-0.1	-0.1	-0.3	-0.1	0.1	0	2	-0.9
Teaching and no DSH	169	0.3	-0.1	-0.2	-0.2	-0.2	0.4	0	0.1	0	1.7	-1.1
No teaching and DSH	1044	0.3	0	0.2	0.2	0.2	0	0.2	0	0	2.3	-0.6
No teaching and no DSH	536	0.6	0.2	0	0	0.2	-0.2	0	0	0	2.3	-0.6
Special Hospital Types:												
RRC	183	0.4	0.1	0	0	0.2	3.1	-0.2	0.1	0	2	-0.9

	No. of Hospitals	Proposed FY 2011 Weights & MS-DRG Changes (1)	Application of Recalibration Budget Neutrality (2)	Proposed FY 2011 Wage Data (3)	Application of Wage Budget Neutrality (4)	Proposed FY 2011 MS-DRG, Relative Weights & Wage Index Changes, with Wage & Recalibration Budget Neutrality (5)	FY 2011 MGCRB Reclassif-ications (6)	Proposed Rural Floor Budget Neutrality and Within State Rural Floor Budget Neutrality (7)	Proposed Application of the Frontier Wage Index (8)	Proposed FY 2011 Out-Migration Adjustment (9)	All Proposed FY 2011 Changes Prior to the CMI Adjustment (10)	All Proposed FY 2011 Changes w/CMI Adjustment (11)
SCH	340	0.3	0	0	0	0	0.1	0	0.1	0	1	-1.8
MDH	187	0.2	-0.1	0	0	-0.1	0.4	-0.1	0	0.2	1.7	-1.1
SCH and RRC	108	0.2	-0.2	-0.1	-0.1	-0.2	0.7	0	0	0	1.7	-1.2
MDH and RRC	13	0.4	0	0.2	0.2	0.2	0.3	-0.1	0	0	1.8	-1.1
Type of Ownership:												
Voluntary	1978	0.3	0	0	0	0	0	0	0.1	0	1.9	-1
Proprietary	837	0.4	0.1	0.2	0.2	0.3	-0.1	0	0	0	2.4	-0.5
Government	577	0.3	0	-0.1	-0.1	0	0	0.1	0	0	2.1	-0.8
Medicare Utilization as a Percent of Inpatient Days:												
0-25	353	0.2	-0.1	0	0	0	-0.4	0	0	0	2.3	-0.6
25-50	1593	0.3	0	0	0	0	-0.3	0	0.1	0	2.1	-0.8
50-65	1202	0.3	0	0	-0.1	-0.1	0.6	0	0	0	1.7	-1.2
Over 65	237	0.4	0.2	-0.1	-0.2	0	0.7	0.1	0	0	2.1	-0.8
FY 2011 Reclassifications by the Medicare Geographic Classification Review Board:												
All Reclassified Hospitals	825	0.3	0	0	0	0	1.8	-0.1	0	0	1.9	-1

	No. of Hospitals	Proposed FY 2011 Weights & MS-DRG Changes (1)	Application of Recalibration Budget Neutrality (2)	Proposed FY 2011 Wage Data (3)	Application of Wage Budget Neutrality (4)	Proposed FY 2011 MS-DRG, Relative Weights & Wage Index Changes, with Wage & Recalibration Budget Neutrality (5)	FY 2011 MGCRB Reclassif-ications (6)	Proposed Rural Floor Budget Neutrality and Within State Rural Floor Budget Neutrality (7)	Proposed Application of the Frontier Wage Index (8)	Proposed FY 2011 Out-Migration Adjustment (9)	All Proposed FY 2011 Changes Prior to the CMI Adjustment (10)	All Proposed FY 2011 Changes w/CMI Adjustment (11)
Non-Reclassified Hospitals	2647	0.3	0	0	0	0	-0.7	0	0.1	0	2.1	-0.8
Urban Hospitals Reclassified	494	0.3	0	0	0	0	1.6	-0.1	0	0	2	-0.9
Urban Nonreclassified Hospitals, FY 2011:	1979	0.3	0	0	0	0	-0.7	0.1	0.1	0	2.1	-0.8
All Rural Hospitals Reclassified FY 2011:	331	0.3	0	0.1	0.1	0.1	2.7	-0.2	0	0	1.9	-1
Rural Nonreclassified Hospitals FY 2011:	576	0.3	0	0	0	0	-0.3	-0.1	0	0.2	1	-1.9
All Section 401 Reclassified Hospitals:	37	-0.1	-0.4	-0.1	-0.1	-0.5	-0.3	0	0	0	1.3	-1.5
Other Reclassified Hospitals (Section 1886(d)(8)(B))	63	-0.2	-0.5	-0.2	-0.2	-0.6	2.9	-0.2	0	0	1.1	-1.8
Specialty Hospitals												
Cardiac specialty Hospitals	19	1.1	0.8	0.3	0.3	1.1	-0.8	-0.1	0.2	0	3.2	0.3

[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 2009, and hospital cost report data are from reporting periods beginning in FY 2008 and FY 2007.

[2] This column displays the payment impact of the proposed changes to the Version 28 GROUPER and the recalibration of the MS-DRG weights based on FY 2009 MedPAR data in accordance with section 1886(d)(4)(C)(iii) of the Act.

[3] This column displays the application of the recalibration budget neutrality factor of 0.996867, in accordance with section 1886(d)(4)(C)(iii) of the Act.

[4] This column displays the proposed payment impact of the update to wage index data using FY 2007 cost report data.

[5] This column displays the payment impact of the application of the wage budget neutrality factor, which is calculated separately from the recalibration budget neutrality factor, and will be calculated in accordance with section 1886(d)(3)(E)(i) of the Act. The wage budget neutrality factor is 1.000070.

[6] This column displays the combined payment impact of the proposed changes in Columns 1 through 4 and the proposed cumulative budget neutrality factor for MS-DRG and wage changes in accordance with section 1886(d)(4)(C)(iii) of the Act and section 1886(d)(3)(E) of the Act. The cumulative wage and recalibration budget neutrality factor of 0.996937is the product of the wage budget neutrality factor and the recalibration budget neutrality factor.

[7] Shown here are the effects of geographic reclassifications by the Medicare Geographic Classification Review Board (MGCRB). The effects demonstrate the FY 2011 payment impact of going from no reclassifications to the reclassifications scheduled to be in effect for FY 2011. Reclassification for prior years has no bearing on the payment impacts shown here. This column reflects the geographic budget neutrality factor of 0.991476

[8] This column displays the effects of the rural floor and the imputed floor, including the Affordable Care Act requirement that the floor budget neutrality is at a 100 percent national level adjustment. The rural and imputed floor budget neutrality factor is 0.995425.

[9] This column shows the impact of the new proposal required under Section 10324 of Pub. L. 111-148 that hospitals located in Frontier states have a wage index no less than 1.0 beginning in FY 2011.

[10] This column displays the impact 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 indexes.

[11] This column shows the proposed changes in payments from FY 2010 to FY 2011. It reflects the impact of the proposed FY 2011 market basket update, and the proposed reductions to the FY 2011 standardized amount due to the documentation and coding effect. The proposed FY 2011 documentation and coding adjustment is -2.9 percent to the IPPS standardized amounts, -2.9 percent to the hospital-specific rates, and -2.4 percent to the Puerto Rico-specific amount. It also reflects changes in hospitals' reclassification status in FY 2011 compared to FY 2010. It incorporates all of the proposed changes displayed in Columns 5, 6, 7, and 8 (the changes displayed in Columns 2 and 4 are included in Column 5). The sum of these impacts may be different from the percentage changes shown here due to rounding and interactive effects..

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C. Effects of the Proposed Changes to the MS–DRG Reclassifications and Relative Cost-Based Weights (Column 1)

In Column 1 of Table I, we present the effects of the proposed MS–DRG reclassifications, as discussed in section II. of the preamble to this supplemental proposed rule. 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 May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule, the proposed FY 2011 MS–DRG relative weights will be 100 percent cost-based and 100 percent MS–DRGs. For FY 2011, the MS–DRGs are calculated using the FY 2009 MedPAR data grouped to the Version 28.0 (FY 2011) MS–DRGs. The methods of calculating the proposed relative weights and the reclassification changes to the grouper are described in more detail in the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule. The proposed changes to the relative weights and MS–DRGs shown in Column 2 are prior to any offset for budget neutrality. Overall, hospitals will experience a 0.3 percent increase in payments due to the changes in the MS–DRGs and relative weights prior to budget neutrality. Urban hospitals and rural hospitals will experience a 0.3 percent increase in payments under the updates to the relative weights and MS–DRGs.

D. Effects of the Application of Recalibration Budget Neutrality (Column 2)

Column 2 shows the effects of the changes to the MS–DRGs and relative weights with the application of the recalibration budget neutrality factor to the standardized amounts. Consistent with section 1886(d)(4)(C)(iii) of the Act, we are calculating a recalibration budget neutrality factor to account for the changes in MS–DRGs and relative weights to ensure that the overall payment impact is budget neutral. We revised the recalibration budget neutrality factor in this notice because we applied a 0.25 reduction to the market basket update to the standardized amount as required under the Affordable Care Act.

The "All Hospitals" line in Column 1 indicates that proposed changes due to MS–DRGs and relative weights will increase payments by 0.3 percent before application of the budget neutrality factor. The proposed recalibration budget neutrality factor is 0.996867, which is applied to the standardized amount. Thus, the impact after accounting only for budget neutrality for changes to the MS–DRG relative weights and classification is somewhat lower than the figures shown in Column 1 (approximately 0.3 percent). Consequentially, urban and rural hospitals will not experience a change in payments when recalibration budget neutrality is applied.

E. Effects of Proposed 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 proposed wage index for acute care hospitals for FY 2011 is based on data submitted for hospital cost reporting periods beginning on or after October 1, 2006 and before October 1, 2007. The estimated impact of the updated wage data on hospital payments is isolated in Column 3 by holding the other payment parameters constant in this simulation. That is, Column 3 shows the percentage change in payments when going from a model using the FY 2010 wage index, based on FY 2006 wage data, and having a 100-percent occupational mix adjustment applied, to a model using the FY 2011 pre-reclassification wage index, also having a 100-percent occupational mix adjustment applied, based on FY 2007 wage data (while holding other payment parameters such as use of the Version 28.0 MS–DRG GROUPER constant). The occupational mix adjustment is based on the FY 2008/2009 occupational mix survey. The wage data was not affected by any of the provisions under the Affordable Care Act for FY 2011.

Column 3 shows the impacts of updating the wage data using FY 2007 cost reports. Overall, the new wage data will lead to a 0.0 percent change for all hospitals before being combined with the wage budget neutrality adjustment shown in Column 5. Among the regions, the largest increase is in the rural Middle Atlantic region, which experiences a 0.4 percent increase before applying an adjustment for budget neutrality. The largest decline from updating the wage data is seen in Urban East South Central (0.5 percent decrease).

F. Application of the Wage Budget Neutrality Factor (Column 4)

Column 4 shows the impact of the new wage data with the application of the wage budget neutrality factor. In FY 2010, we began calculating separate wage budget neutrality and recalibration budget neutrality factors, in accordance with section 1886(d)(3)(E) of the Act, which specifies that budget neutrality to account for wage changes or updates made under that subparagraph must be made without regard to the 62 percent labor-related share guaranteed under section 1886(d)(3)(E)(ii) of the Act. Therefore, for FY 2011, we are calculating the wage budget neutrality factor to ensure that payments under updated wage data are budget neutral without regard to the lower labor-related share of 62 percent applied to hospitals with a wage index less than or equal to 1. In other words, the wage budget neutrality is calculated under the assumption that all hospitals receive the higher labor-related share of the standardized amount. The wage budget neutrality factor is revised because the market basket update to the standardized amount was reduced by 0.25 percent under the Affordable Care Act. Because the wage data changes did not change overall payments (displayed in Column 3), the revised wage budget neutrality factor is 1.00007, and the overall payment change is 0.0 percent.

G. Combined Effects of Proposed MS–DRG and Wage Index Changes (Column 5)

Section 1886(d)(4)(C)(iii) of the Act requires that changes to MS–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. We computed a proposed wage budget neutrality factor of 1.00007, and a proposed recalibration budget neutrality factor of 0.996867 (which is applied to the Puerto Rico specific standardized amount and the hospital-specific rates). The product of the two budget neutrality factors is the cumulative wage and recalibration budget neutrality factor. The proposed cumulative wage and recalibration budget neutrality adjustment is 0.996937, or approximately −0.3 percent, which is applied to the national standardized amounts. Because the wage budget neutrality and the recalibration budget neutrality are calculated under different methodologies according to the statute, when the two budget neutralities are combined and applied to the standardized amount, the overall payment impact is not necessarily budget neutral. However, in this proposed rule, we are estimating that the proposed changes in the MS–DRG relative weights and updated wage data with wage and budget neutrality applied will result in a 0.0 change in payments.

We estimate that the combined impact of the proposed changes to the relative weights and MS–DRGs and the proposed updated wage data with budget neutrality applied will result in no change in payments for urban or rural hospitals. Urban New England would experience a 0.6 decrease in payments due to reductions in their case-mix and wages compared to the national average, while the urban Pacific area would experience a 0.5 percent increase in payments because of above average increases in wages and case-mix. Among the rural hospital categories, rural South Atlantic hospitals would experience the greatest decline in payment (−0.9 percent) primarily due to the changes to MS–DRGs and the relative cost weights.

H. Effects of MGCRB Reclassifications (Column 6)

Our impact analysis to this point has assumed acute care 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). 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 2011 which affect hospitals' wage index area assignments.

By spring 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. Hospitals may appeal denials of MGCRB decisions to the CMS Administrator. Further, hospitals have 45 days from publication of the IPPS rule in the **Federal Register** to decide whether to withdraw or terminate an approved geographic reclassification for the following year. Provisions in the Affordable Care Act required us to revert to FY 2008 average

hourly wage reclassification criteria for reclassifications effective in FY 2011. Therefore, additional hospitals will qualify for MGCRB reclassification compared to the FY 2011 IPPS/LTCH PPS proposed rule (or will qualify for their primary reclassification), published on May 4, 2010. This column reflects an expectation that these additional hospitals will qualify for geographic reclassification.

The overall effect of geographic reclassification is required by section 1886(d)(8)(D) of the Act to be budget neutral. Therefore, for the purposes of this impact analysis, we are applying an adjustment of 0.995425 to ensure that the effects of the section 1886(d)(10) reclassifications are budget neutral (section II.A. of the Addendum to this supplemental proposed rule). Geographic reclassification generally benefits hospitals in rural areas. We estimate that geographic reclassification will increase payments to rural hospitals by an average of 1.6 percent. By region, all the rural hospital categories will experience increases in payments due to MGCRB reclassification where rural hospitals in the Mountain region will experience a 0.1 percent increase in payments and rural hospitals in the East South Central region will experience a 2.4 percent increase in payments.

Table 9A of the Addendum to this proposed rule reflects the approved reclassifications for FY 2011.

I. Effects of the Rural Floor and Imputed Floor, Including Application of National Budget Neutrality (Column 7)

As discussed in section III.B. of the preamble of the FY 2009 IPPS final rule, the FY 2010 IPPS/RY 2010 LTCH final rule and this proposed rule, section 4410 of Public Law 105–33 established the rural floor by requiring that the wage index for a hospital in any urban area cannot be less than the wage index received by rural hospitals in the same State. In FY 2008, we changed how we applied budget neutrality to the rural floor. Rather than applying a budget neutrality adjustment to the standardized amount, a uniform budget neutrality adjustment is applied to the wage index. In the FY 2009 final rule, we finalized the policy to apply the rural floor budget neutrality at the State level with a 3-year transition. In FY 2009, hospitals received a blended wage index that is 20 percent of a wage index with the State level rural and imputed floor budget neutrality adjustment and 80 percent of a wage index with the national budget neutrality adjustment. In FY 2010, hospitals received a blended wage index that is 50 percent of a wage index with the State level rural and imputed floor budget neutrality and 50 percent of a wage index with the national budget neutrality adjustment. For FY 2011, the Affordable Care Act requires that we apply one rural floor budget neutrality to the wage index, nationally. The proposed FY 2011 rural floor budget neutrality factor applied to the wage index is 0.995425.

Furthermore, the FY 2005 IPPS final rule (69 FR 49109) established a temporary imputed floor for all urban States from FY 2005 to FY 2007. The rural floor requires that an urban wage index cannot be lower than the wage index for any rural hospital in that State. Therefore, an imputed floor was established for States that do not have rural areas or rural IPPS hospitals. In the FY 2008 IPPS final rule with comment period (72 FR 47321), we finalized our proposal to extend the imputed floor for 1 additional year. In the FY 2009 IPPS final rule (73 FR 48573), we extended the imputed floor for an additional 3 years through FY 2011. In the FY 2011 IPPS/LTCH PPS proposed rule published on May 4, 2010, we applied rural floor budget neutrality at the State-level. However, the Affordable Care Act requires that, effective for FY 2011, we apply rural floor and imputed floor budget neutrality at the national level, as we did in FY 2008.

Column 7 shows the projected impact of the rural floor and the imputed floor with the national rural and imputed floor budget neutrality factor applied to the wage index. The column compares the proposed post-reclassification FY 2011 wage index of providers before the rural floor adjustment and the post-reclassification FY 2011 wage index of providers with the rural floor and imputed floor adjustment. Only urban hospitals can benefit from the rural floor provision. Because the provision is budget neutral, all other hospitals (that is, all rural hospitals and those urban hospitals to which the adjustment is not made) experience a decrease in payments due to the budget neutrality adjustment applied nationally to their wage index.

We project that, in aggregate, rural hospitals will experience a 0.1 percent decrease in payments as a result of the application of rural floor budget neutrality because the rural hospitals located in States with a rural floor do not benefit from the rural floor, but have their wage indexes downwardly adjusted to ensure that the application of the rural floor is budget neutral overall within the State. We project hospitals located in other urban areas (populations of 1 million or fewer) will experience a 0.1 percent increase in payments because those providers benefit from the rural floor. Urban hospitals in the Pacific region can expect 0.9 percent increase in payments because a large percentage of hospitals in this region receive the rural floor. Urban hospitals in the Middle Atlantic can expect a 0.1 percent increase in payments because New Jersey hospitals receive the imputed floor with a national budget neutrality adjustment. Rural hospitals in all regions can expect a 0.1 to 0.2 percent decrease in payments because the rural and imputed floors only benefit urban hospitals.

J. Effects of the Proposed Application of the Frontier Wage Index (Column 8)

Section 10324(a) of Affordable Care Act requires that we establish a minimum post-reclassified wage-index of 1.00 for all hospitals located in Frontier States. Frontier States are defined in the statute as States with at least 50 percent of its counties with a population density lesser than 6 persons per square mile. Based on these criteria, five States (Montana, North Dakota, Nevada, South Dakota, and Wyoming) are considered Frontier States and 51 hospitals located in those States would receive a frontier wage index of 1.0. This provision is not budget neutral and is estimated to increase IPPS operating payments by approximately $48 million.

Urban hospitals located in the West North Central region and urban hospitals located in the Mountain region will experience an increase in payments by 0.5 percent and 0.2, respectively, because many of the hospitals located in this region are frontier hospitals. Similarly, rural hospitals located in the West North Central and rural hospitals in the Mountain region will experience an increase in payments by 0.1 and 0.5, respectively.

K. Effects of the Proposed Wage Index Adjustment for Out-Migration (Column 9)

Section 1886(d)(13) of the Act, as added by section 505 of Public Law 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, post-reclassification 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. With the out-migration adjustment, small rural providers with less than 100 beds will experience a 0.5 percent increase in payments in FY 2011 relative to no adjustment at all. We included these additional payments to providers in the impact table shown above, and we estimate the impact of these providers receiving the out-migration increase to be approximately $20 million.

L. Effects of All Proposed Changes Prior to Documentation and Coding (or CMI) Adjustment (Column 10)

Column 10 shows our estimate of the changes in payments per discharge from FY 2010 and FY 2011, resulting from all proposed changes reflected in this supplemental rule and the May 4, 2010 IPPS/LTCH PPS proposed rule for FY 2011 (including statutory changes), other than the proposed documentation and coding adjustment. Column 10 reflects the impact of all other FY 2011 changes relative to FY 2010, including those shown in Columns 1 through 9. We note that our baseline FY 2010 operating estimates account for the provisions under the Affordable Care Act that affected the FY 2010 operating payments. The average increase in payments under the IPPS for all hospitals is approximately 2.0 percent. This includes the 2.15 percent applicable percentage increase (including the −0.25 reduction to the market basket increase required under the Affordable Care Act). In addition, it reflects the estimated 0.2 percentage point difference between the projected outlier payments in FY 2010 (5.1 percent of total MS–DRG payments), the current estimate of the percentage of actual outlier payments in FY 2010 (4.9 percent) as described in the introduction to this Appendix and the Addendum to this

proposed rule. Finally, it accounts for −0.2 percent decrease in payments due to the expiration of Section 508 reclassifications that had been extended for FY 2010 under the Affordable Care Act.

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 10 may not equal the sum of the percentage changes described above.

M. Effects of All FY 2011 Proposed Changes With CMI Adjustment (Column 11)

Column 11 shows our estimate of the changes in payments per discharge from FY 2010 and FY 2011, resulting from all proposed changes reflected in the May 4, 2010 IPPS/LTCH PPS proposed rule for FY 2011 and provisions described in this supplemental proposed rule required under the Affordable Care (including statutory changes). The FY 2010 baseline estimates account for the provisions under the Affordable Care Act that affected the FY 2010 operating payments. Specifically, the FY 2010 baseline payment estimates account for the additional −0.25 reduction in the applicable percentage increase applied to discharges for FY 2010 discharges occurring on or after April 1, 2010 and accounts for the extension of Section 508 reclassifications for FY 2010. As discussed in the FY 2011 IPPS/LTCH PPS proposed rule, this column includes the proposed FY 2011 documentation and coding adjustment of −2.9 percent on the national standardized amount, −2.9 percent on the hospital-specific rates, and −2.4 percent on the Puerto Rico-specific standardized amount, which overall accounts for a 2.9 percent decrease in payments.

The average decrease in payments under the IPPS for all hospitals is approximately −0.9 percent. As described in Column 10, this average decrease includes the effects of the 2.15 percent market basket update (including the −0.25 reduction in the applicable percentage increase required under the Affordable Care Act), the 0.2 percentage point difference between the projected outlier payments in FY 2011 (5.1 percent of total MS–DRG payments), and the current estimate of the percentage of actual outlier payments in FY 2010 (4.9 percent). In addition, it includes a −0.2 percent decrease in payments due to the expiration of Section 508 reclassifications that had been extended for FY 2010 under the Affordable Care Act. Section 508 reclassification was not a budget-neutral provision. 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 11 may not equal the sum of the percentage changes described above.

The overall proposed change in payments per discharge for hospitals paid under the IPPS in FY 2011 is estimated to decrease by 0.9 percent. The payment decreases among the hospital categories are largely attributed to the proposed documentation and coding adjustments. Hospitals in urban areas would experience an estimated 0.8 percent decrease in payments per discharge in FY 2011 compared to FY 2010. Hospital payments per discharge in rural areas are estimated to decrease by 1.4 percent in FY 2011 as compared to FY 2010. The decreases larger than the national average for rural areas are largely attributed to the differential impact of the MS–DRGs and wage data and due to the −2.9 percent documentation and coding adjustment applied to the national standardized amount and the −2.9 percent documentation and coding adjustment to the hospital-specific rate applied to SCHs and MDHs, which generally are classified as rural hospitals.

Among urban census divisions, the largest estimated payment decreases will be 2.0 percent in the New England region and 1.4 percent in the Middle Atlantic region because many of the urban providers in these regions had benefited from Section 508 reclassification in FY 2010 that has expired for FY 2011. Urban hospitals in the Pacific will see the largest payment increases (0.6 percent) because urban providers in this region will benefit from the rural floor and application of a national rural floor budget neutrality factor. Among the rural regions, the providers in the New England region will experience the largest decrease in payments (2.3 percent) because of the expiration of Section 508 reclassifications while rural hospitals in the Mountain region will experience the smallest decreases in payments by 0.4 percent because the rural providers in this region benefit from MGCRB reclassification and the Frontier wage index provision, required under the Affordable Care Act.

Among special categories of rural hospitals, MDHs will receive an estimated payment decrease of 1.1 percent. MDHs are paid the higher of the IPPS rate based on the national standardized amount, that is, the Federal rate, or, if the hospital-specific rate exceeds the Federal rate, the Federal rate plus 75 percent of the difference between the Federal rate and the hospital-specific rate. MDHs will experience a decrease in payments because of the proposed documentation and coding adjustments applied to both the hospital-specific rate and the Federal rate. SCHs are also paid the higher of their hospital-specific rate or the Federal rate. Overall, SCHs will experience an estimated decrease in payments by 1.8 percent due to the proposed documentation and coding adjustments to the national standardized amount and the hospital-specific rates.

Rural hospitals reclassified for FY 2011 are anticipated to receive a 1.0 percent payment decrease, and rural hospitals that are not reclassifying are estimated to receive a payment decrease of 1.9 percent.

Cardiac hospitals are expected to experience a payment increase of 0.3 percent in FY 2011 relative to FY 2010 due to increases in payments attributable to changes in the MS–DRGs and relative weights.

N. Impact Analysis of Table II

Table II presents the projected impact of the proposed changes for FY 2011 as published in the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule and the provisions required under the Affordable Care Act in this notice for urban and rural hospitals and for the different categories of hospitals shown in Table I. It compares the estimated average payments per discharge for FY 2010 with the proposed payments per discharge for FY 2011, as calculated under our models. The estimated FY 2010 payments per discharge incorporate the provisions in the Affordable Care Act. Thus, this table presents, in terms of the average dollar amounts paid per discharge, the combined effects of the proposed changes presented in Table I. The estimated percentage changes shown in the last column of Table II equal the estimated percentage changes in average payments per discharge from Column 11 of Table I.

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TABLE II.--IMPACT ANALYSIS OF PROPOSED CHANGES FOR FY 2011 ACUTE CARE HOSPITAL OPERATING PROSPECTIVE PAYMENT SYSTEM (PAYMENTS PER DISCHARGE)

	Number of Hospitals	Average FY 2010 Payment Per Discharge (2)	Average Proposed FY 2011 Payment Per Discharge (3)	All Proposed FY 2011 Changes (4)
All hospitals	3472	10,203	10,114	-0.9
By Geographic Location:				
Urban hospitals	2502	10,631	10,544	-0.8
Large urban areas (populations over 1 million)	1365	11,215	11,125	-0.8
Other urban areas (populations of 1 million or fewer)	1137	9,915	9,832	-0.8
Rural hospitals	970	7,597	7,493	-1.4
Bed Size (Urban):				
0-99 beds	635	8,076	8,019	-0.7
100-199 beds	791	8,949	8,866	-0.9
200-299 beds	461	9,876	9,804	-0.7
300-499 beds	425	11,022	10,934	-0.8
500 or more beds	190	13,138	13,026	-0.9
Bed Size (Rural):				
0-49 beds	337	6,176	6,108	-1.1
50-99 beds	366	7,118	6,990	-1.8
100-149 beds	164	7,498	7,412	-1.1
150-199 beds	61	8,291	8,198	-1.1
200 or more beds	42	9,405	9,279	-1.3
Urban by Region:				
New England	121	11,075	10,854	-2
Middle Atlantic	330	11,725	11,561	-1.4
South Atlantic	383	9,853	9,753	-1
East North Central	403	10,001	9,894	-1.1
East South Central	155	9,517	9,415	-1.1
West North Central	166	10,151	10,110	-0.4
West South Central	342	9,939	9,887	-0.5
Mountain	162	10,851	10,793	-0.5
Pacific	390	13,054	13,137	0.6
Puerto Rico	50	5,137	5,114	-0.4
Rural by Region:				
New England	24	9,989	9,761	-2.3
Middle Atlantic	70	7,943	7,832	-1.4
South Atlantic	165	7,354	7,223	-1.8
East North Central	120	7,851	7,751	-1.3
East South Central	175	6,922	6,802	-1.7
West North Central	100	8,008	7,964	-0.6

	Number of Hospitals	Average FY 2010 Payment Per Discharge (2)	Average Proposed FY 2011 Payment Per Discharge (3)	All Proposed FY 2011 Changes (4)
West South Central	214	6,861	6,801	-0.9
Mountain	71	8,225	8,196	-0.4
Pacific	31	10,346	10,154	-1.9
By Payment Classification:				
Urban hospitals	2555	10,608	10,521	-0.8
Large urban areas (populations over 1 million)	1403	11,193	11,103	-0.8
Other urban areas (populations of 1 million or fewer)	1152	9,885	9,803	-0.8
Rural areas	917	7,659	7,553	-1.4
Teaching Status:				
Non-teaching	2434	8,562	8,496	-0.8
Fewer than 100 Residents	798	10,114	10,020	-0.9
100 or more Residents	240	15,083	14,938	-1
Urban DSH:				
Non-DSH	834	8,894	8,821	-0.8
100 or more beds	1510	11,187	11,096	-0.8
Less than 100 beds	340	7,598	7,528	-0.9
Rural DSH:				
SCH	407	7,087	6,947	-2
RRC	209	8,413	8,314	-1.2
100 or more beds	30	6,603	6,495	-1.6
Less than 100 beds	142	5,907	5,816	-1.5
Urban teaching and DSH:				
Both teaching and DSH	806	12,220	12,109	-0.9
Teaching and no DSH	169	9,750	9,638	-1.1
No teaching and DSH	1044	9,139	9,083	-0.6
No teaching and no DSH	536	8,490	8,437	-0.6
Rural Hospital Types:				
RRC	183	8,532	8,456	-0.9
SCH	340	8,069	7,923	-1.8
MDH	187	6,320	6,248	-1.1
SCH and RRC	108	9,472	9,362	-1.2
MDH and RRC	13	8,003	7,914	-1.1
Type of Ownership:				
Voluntary	1978	10,359	10,259	-1
Proprietary	837	9,136	9,086	-0.5
Government	577	10,702	10,620	-0.8
Medicare Utilization as a Percent of Inpatient Days:				

	Number of Hospitals	Average FY 2010 Payment Per Discharge (2)	Average Proposed FY 2011 Payment Per Discharge (3)	All Proposed FY 2011 Changes (4)
0-25	353	13,597	13,515	-0.6
25-50	1593	11,119	11,035	-0.8
50-65	1202	8,536	8,433	-1.2
Over 65	237	7,462	7,404	-0.8
Hospitals Reclassified by the Medicare Geographic Classification Review Board: FY 2011 Reclassifications:				
All Reclassified Hospitals FY 2011	825	9,920	9,825	-1
All Non-Reclassified Hospitals FY 2011	2647	10,311	10,224	-0.8
Urban Reclassified Hospitals FY 2011:	494	10,585	10,486	-0.9
Urban Non-reclassified Hospitals FY 2011	:1979	10,656	10,573	-0.8
Rural Reclassified Hospitals FY 2011	331	8,183	8,100	-1
Rural Nonreclassified Hospitals FY 2011:	576	6,868	6,738	-1.9
All Section 401 Reclassified Hospitals:	37	8,915	8,778	-1.5
Other Reclassified Hospitals (Section 1886(d)(8)(B))	63	7,274	7,145	-1.8
Specialty Hospitals				
Cardiac Hospitals	19	11,488	11,523	0.3

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VII. Effects of Other Supplemental Proposed Policy Changes

In addition to those supplemental proposed policy changes discussed above that we are able to model using our IPPS payment simulation model, we are proposing to make various other changes in this supplemental proposed rule. Generally, we have limited or no specific data available with which to estimate the impacts of these changes. Our estimates of the likely impacts associated with these other supplemental proposed changes are discussed below.

A. Effects of the Supplemental Proposed Low-Volume Hospital Payment Adjustment: Changes for FYs 2011 and 2012

The low-volume hospital payment adjustment changes for FYs 2011 and 2012, as discussed in section II.C. of the preamble to this supplemental proposed rule, expands eligibility for the low-volume hospital payment adjustment to hospitals with less than 1,600 Medicare discharges (instead of the prior requirement of less than 800 total, Medicare and non-Medicare, discharges) and more than 15 miles from other IPPS hospitals (rather than the prior requirement of more than 25 miles). The payment adjustment is changed also, from an empirically determined (69 FR 49099 through 49102 and 70 FR 47432 through 47434) additional 25 percent payment adjustment to qualifying hospitals with less than 200 total discharges, to a continuous, linear sliding scale adjustment ranging from an additional 25 percent payment adjustment to hospitals with 200 or less Medicare discharges to no additional payment to hospitals with 1,600 or more Medicare discharges.

We estimate, based on FY 2009 claims (MedPAR) data, an additional 1,524 hospitals would meet the Medicare discharges criterion to qualify as a low-volume hospital. However, we are not able to estimate the number of these 1,524 hospitals that would also meet the distance criterion. The actual number of hospitals that would also meet the distance criterion to qualify as a low-volume hospital would be less, very likely much less, than the estimated 1,524 maximum number of potential low-volume hospitals for FY 2011. If all 1,524 hospitals that meet the Medicare discharge requirement also meet the distance requirement, the additional Medicare IPPS dollars the temporary change to the low-volume hospital payment adjustment would require, at most, based on each hospital's number of Medicare discharges and the corresponding payment adjustment amount, an estimated $877 million for FY 2011. At this time, we are not able to estimate the impact of the change for FY 2012.

B. Effects of the Supplemental Proposed Change for Medicare-Dependent, Small Rural Hospitals

As discussed in section II.D. of the preamble to this supplemental proposed rule, section 3124 of Public Law 111–148 extends the MDH program for 1 additional year, from the end of FY 2011 (that is, for discharges before October 1, 2011) to the end of FY 2012 (that is, for discharges before October 1, 2012). The extension has no impact on FY 2011. For FY 2012, the extension allows the continuation of MDH status and the payment methodology, for an MDH to be paid its hospital-specific rate, based on its FY 1982, 1987, or 2002 costs per discharge, rather than the Federal rate, if this results in a greater aggregate payment (section II.D. of the preamble to this supplemental proposed rule). Therefore, the impact of the extension is one additional year of hospital-specific rate payments for MDHs rather than Federal rate payments for IPPS hospitals without special treatment as an MDH.

C. Effects of the Supplemental Proposed Additional Payments to Qualifying Hospitals in Low Medicare Spending Counties

Under section 1109 of Public Law 111–152, Congress has allocated $400 million to be spent for FYs 2011 and 2012 to qualifying hospitals located in the bottom quartile of counties with the lowest Medicare Part A and Part B spending per enrollee. In our proposal described in section II.E. of the preamble to this supplemental proposed rule, we have identified the list of eligible counties and the qualifying hospitals located in those counties that would receive the $400 million. We are proposing to spend $200 million in FY 2011 and $200 million in FY 2012. This money will be given to the qualifying hospitals by the FI or A/B MAC through a one-time annual payment. In section II.E. of the preamble to this supplemental proposed rule, Table 2 lists the distribution of payments among the proposed list of qualifying hospitals. In addition, Table 3 in section II.E. of the preamble to this supplemental

proposed rule lists the distribution of payment by State for FY 2011.

D. Effects of the Supplemental Proposed Implementation of the Rural Community Hospital Demonstration Program

In section II.F. of the preamble of this supplemental rule, we discuss our implementation of section 410A of Public Law 108–173, which required the Secretary to establish a demonstration that would modify reimbursement for inpatient services for up to 15 small rural hospitals. Section 410A(c)(2) Public Law 108–173 requires that "[i]n conducting the demonstration program under this section, the Secretary shall ensure that the aggregate payments made by the Secretary do not exceed the amount which the Secretary would have paid if the demonstration program under this section was not implemented." As discussed in section II.F. of the preamble of this supplemental rule, in the IPPS final rule for each of the previous 6 fiscal years, we have estimated the additional payments as a result of the demonstration for each of the participating hospitals. In order to achieve budget neutrality, we are proposing to adjust the national IPPS rates by an amount sufficient to account for the added costs of this demonstration. In other words, we are proposing to apply budget neutrality across the payment system as a whole rather than merely across the participants of this demonstration. We believe that the language of the statutory budget neutrality requirement permits the agency to implement the budget neutrality provision in this manner. The statutory language requires that "aggregate payments made by the Secretary do not exceed the amount which the Secretary would have paid if the demonstration * * * was not implemented" but does not identify the range across which aggregate payments must be held equal.

An extension of this demonstration has been mandated by the Affordable Care Act. The demonstration will be extended for an additional 5 years and expanded to up to 30 hospitals. We are proposing to make an adjustment in the FY 2011 IPPS/LTCH PPS final rule of $69,279,673 to the national IPPS rates. This amount ($69,279,673) accounts for the following: (1) An estimate of the demonstration cost for FY 2011 for the 10 hospitals that are currently participating in the demonstration; (2) an estimate of the cost of the continuation of the 7 hospitals that have participated in the demonstration since its inception and that are still participating—for the portions of their cost reporting periods in FY 2010 that are not covered in the estimated cost of the demonstration in the FY 2010 IPPS final rule because we formulated these estimates under the assumption that the demonstration would end in FY 2010; and (3) an estimate of the cost of participation in the demonstration for 20 additional hospitals in FY 2011. Not included in this amount is an adjustment that we proposed to make in addition for the FY 2011 IPPS/LTCH PPS final rule to account for any differences between the cost of the demonstration program for hospitals participating in the demonstration during FY 2007, as indicated by their settled cost reports beginning in FY 2007, and the amount that was offset by the budget neutrality adjustment for FY 2007. The specific numeric value associated with this component of the proposed adjustment to the national IPPS rates cannot be known until cost reports beginning in FY 2007 for the hospitals participating during FY 2007 in the demonstration are settled. We expect those cost reports to be settled prior to the publication of the FY 2011 IPPS/LTCH PPS final rule, and that we will be able to incorporate the estimated amount in the FY 2011 IPPS/LTCH PPS final rule.

E. Effects of the Supplemental Proposed Payment for Critical Access Hospital Outpatient Services and Ambulance Services

In section II.H. of the preamble of this supplemental proposed rule, we discuss our proposal to implement section 3128 of Public Law 111–148 by amending the regulations at § 413.70(b)(3)(ii)(A) to state that, effective for cost reporting periods beginning on or after January 1, 2004, payment for outpatient facility services under the optional method will also be made at 101 percent of reasonable costs. We are also proposing to amend the regulations at § 413.70(b)(5)(i) to state that effective for cost reporting periods beginning on or after January 1, 2004, payment for ambulance services furnished by a CAH or an entity that is owned and operated by a CAH is 101 percent of the reasonable costs of the CAH or the entity in furnishing those services, but only if the CAH or the entity is the only provider or supplier of ambulance services located within a 35-mile drive of the CAH or the entity. We do not believe these proposals will result in additional payments to CAHs for prior periods because we believe that in fact we have paid CAHs for these services at 101 percent of reasonable costs during these prior periods.

VIII. Effects of Proposed Changes in the Capital IPPS

A. General Considerations

Provisions of Public Law 111–148 necessitated revising the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule. While the proposed IPPS payment rates for capital-related costs were not directly affected by provisions of Public Law 111–148, changes to the wage index as well as to the outlier payment adjustment factor were required by the law. Changes to the wage index affect the geographic adjustment factor (GAF) under the capital IPPS which is used in conjunction with a factor for changes in DRG classifications and weights to determine a proposed budget neutrality adjustment factor in calculating the proposed capital IPPS rate. A revision of the proposed outlier payment adjustment factor was required because both inpatient operating and inpatient capital-related payments use a single set of thresholds to identify outlier cases. Changes resulting from the provisions of Public Law 111–148 are discussed in more detail in section II.A. of the preamble of this supplemental proposed rule.

The data used in developing the impact analysis presented below are the same as that used for the impact analysis in the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule—the December 2009 update of the FY 2009 MedPAR file and the December 2009 update of the Provider-Specific File (PSF) 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 December 2009 update of the most recently available hospital cost report data (FYs 2006 and 2007) to categorize hospitals. Our analysis has several qualifications. We use the best data available and make assumptions about case-mix and beneficiary enrollment as described below. In addition, as discussed in section V.E. of the Preamble to the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule, we are proposing a −2.9 percent documentation and coding adjustment to the national capital rate for FY 2011 in addition to the −0.6 percent adjustment established for FY 2008, and the −0.9 percent adjustment for FY 2009. This results in a cumulative adjustment factor of 0.957 that we are proposing to apply to the national capital rate to account for improvements in documentation and coding under the MS–DRGs in FY 2011. We also are proposing to adjust the Puerto Rico-specific capital rate in FY 2011 to account for changes in documentation and coding resulting from the adoption of the MS–DRGs.

Due to the interdependent nature of the IPPS, it is very difficult to precisely quantify the impact associated with each change. In addition, 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 December 2009 update of the FY 2009 MedPAR file, we simulated payments under the capital IPPS for revised FY 2010 and revised FY 2011 (both years have been revised to account for provisions in the Affordable Care Act that required changes to the wage index and outlier threshold, as discussed above in this section) 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.

The basic methodology for determining a capital IPPS payment is set forth at § 412.312. The basic methodology for calculating capital IPPS payments in FY 2011 is as follows:

(Standard Federal Rate) × (DRG weight) × (GAF) × (COLA for hospitals located in Alaska and Hawaii) × (1 + DSH Adjustment Factor + IME adjustment factor, if applicable).

In addition to the other adjustments, hospitals may also receive outlier payments for those cases that qualify under the threshold established for each fiscal year. 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, and outliers, if applicable. For purposes of

this impact analysis, the model includes the following assumptions (we note that these are the same assumptions used for the impact analysis in the FY 2011 IPPS/LTCH PPS proposed rule (75 FR 24310):

- We estimate that the Medicare case-mix index will increase by 1.0 percent in both FYs 2010 and 2011.
- We estimate that the Medicare discharges will be approximately 11.8 million in FY 2010 and 12 million FY 2011.
- 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 proposed factors used in the update framework are not affected by the provisions of Pub. L. 111–148, as amended, and therefore, remains at the proposed 1.5 percent for FY 2011, as discussed in section III.A.1. of the May 4, 2010 FY 2011 I PPS/LTCH PPS proposed rule.
- In addition to the proposed FY 2011 update factor, the proposed FY 2011 capital Federal rate was calculated based on a proposed GAF/DRG budget neutrality factor of 1.0015, a proposed outlier adjustment factor of 0.9432, and a proposed (special) exceptions adjustment factor of 0.9997.
- For FY 2011, as discussed above and in section V.E. of the preamble to the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule, we are proposing to apply a 0.957 adjustment to the proposed FY 2011 national capital rate for changes in documentation and coding that are expected to increase case-mix under the MS–DRGs.

B. Results

We used the actuarial model described above to estimate the potential impact of our proposed changes for FY 2011 on total capital payments per case, using a universe of 3,472 hospitals. As described above, the individual hospital payment parameters are taken from the best available data, including the December 2009 update of the FY 2009 MedPAR file, the December 2009 update to the PSF, and the most recent cost report data from the December 2009 update of HCRIS. In Table III, we present a comparison of estimated total payments per case for FY 2010, as revised per the Affordable Care Act, compared to FY 2011 based on the proposed FY 2011 payment policies. Column 2 shows estimates of payments per case under our model for FY 2010 (as revised). Column 3 shows estimates of payments per case under our model for FY 2011. Column 4 shows the total percentage change in payments from revised FY 2010 to FY 2011. The change represented in Column 4 includes the proposed 1.5 percent update to the capital Federal rate and other proposed changes in the adjustments to the capital Federal rate. 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 in FY 2011 are expected to decrease as compared to capital payments per case in FY 2010. The proposed capital rate for FY 2011 would increase 1.5 percent as compared to the FY 2010 capital rate. The proposed changes to the GAFs are expected to result, on average, in a slight decrease in capital payments, although, for rural regions, it is more of a contributing factor to the overall decrease in capital payments than to urban areas mostly due to the application of the rural floor to the wage index. We also are estimating an increase in outlier payments from FY 2010 to FY 2011 due primarily to an estimated decrease in capital IPPS payments per discharge. Since capital payments per discharge are projected to be slightly lower in FY 2011 compared to FY 2010, more cases would qualify for outlier payments. Because our impact analysis includes actuarial assumptions of growth from FY 2010 to FY 2011, the analysis shows a slight increase in capital payments. However, the net impact of these proposed changes is an estimated −0.2 percent change in capital payments per discharge from FY 2010 to FY 2011 for all hospitals (as shown below in Table III).

The geographic comparison shows that, on average, all urban hospitals, as well as hospitals in large urban areas, are expected to experience a 0.1 percent decrease in capital IPPS payments per case in FY 2011 as compared to FY 2010. Capital IPPS payments per case for rural hospitals are expected to decrease 0.6 percent.

The change comparisons by regions show some regions experiencing slight increases in total capital payments, while other regions are estimated to experience slight decreases in capital payments from FY 2010 to FY 2011. For the urban regions, changes in capital payments range from a −1.6 percent in the New England region to an increase of 1.4 percent for the Pacific region. The rural regions show estimates of a −2.4 percent change in capital payments from FY 2010 to FY 2011 in the New England rural region to a 2.1 percent increase for the Mountain rural region.

By type of ownership, proprietary hospitals are estimated to experience a 0.2 percent change in capital payments, voluntary hospitals are estimated to experience a 0.3 percent decrease in capital payments per case, while there is no change estimated for government hospitals in capital payments per case from FY 2010 to FY 2011.

Section 1886(d)(10) of the Act established the MGCRB. Hospitals may apply for reclassification for purposes of the wage index for FY 2011. Reclassification for wage index purposes also affects the GAFs because that factor is constructed from the hospital wage index.

To present the effects of the hospitals being reclassified for FY 2011, we show the average capital payments per case for reclassified hospitals for FY 2010, as revised per the Affordable Care Act. All classifications of reclassified hospitals are expected to experience a decrease in capital payments in FY 2011 as compared to FY 2010. Urban reclassified and rural reclassified hospitals are expected to have a decrease in capital payments of −0.4 percent and −0.3 percent, respectively. No change is estimated in capital payments for urban non-reclassified hospitals, while rural non-reclassified hospital capital payments are estimated to decrease 0.9 percent. Other reclassified hospitals (that is, hospitals reclassified under section 1886(d)(8)(B) of the Act) are expected to experience a decrease of 1.6 percent in capital payments from FY 2010 to FY 2011.

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TABLE III.—COMPARISON OF TOTAL PAYMENTS PER CASE
[FY 2010 Payments Compared To FY 2011 Payments]

	Number of hospitals	Average FY 2010 payments/ case	Average FY 2011 payments/ case	Change
By Geographic Location:				
All hospitals	3,472	793	791	-0.2
Large urban areas (populations over 1 million)	1,365	874	873	-0.1
Other urban areas (populations of 1 million of fewer)	1,137	782	781	-0.2
Rural areas	970	550	547	-0.6
Urban hospitals	2,502	833	832	-0.1
0-99 beds	635	657	657	0.0
100-199 beds	791	716	713	-0.3
200-299 beds	461	783	782	-0.2
300-499 beds	425	856	855	-0.1
500 or more beds	190	1,007	1,007	0.0
Rural hospitals	970	550	547	-0.6
0-49 beds	337	443	444	0.2
50-99 beds	366	511	505	-1.1
100-149 beds	164	555	553	-0.3
150-199 beds	61	601	601	0.0
200 or more beds	42	672	664	-1.2
By Region:				
Urban by Region	2,502	833	832	-0.1
New England	121	866	852	-1.6
Middle Atlantic	330	890	883	-0.8
South Atlantic	383	784	781	-0.3
East North Central	403	809	806	-0.4
East South Central	155	743	740	-0.5
West North Central	166	818	822	0.5
West South Central	342	776	778	0.3
Mountain	162	857	859	0.3
Pacific	390	988	1,001	1.4
Puerto Rico	50	373	375	0.3
Rural by Region	970	550	547	-0.6
New England	24	725	708	-2.4
Middle Atlantic	70	566	559	-1.2
South Atlantic	165	541	534	-1.1
East North Central	120	576	569	-1.3
East South Central	175	498	495	-0.6
West North Central	100	565	566	0.2
West South Central	214	515	519	0.8
Mountain	71	554	566	2.1
Pacific	31	697	689	-1.2
By Payment Classification:				
All hospitals	3,472	793	791	-0.2
Large urban areas (populations over 1 million)	1,403	873	872	-0.1
Other urban areas (populations of 1 million of fewer)	1,152	781	780	-0.2
Rural areas	917	547	544	-0.6
Teaching Status:				
Non-teaching	2,434	675	674	-0.1
Fewer than 100 Residents	798	796	793	-0.3
100 or more Residents	240	1,124	1,123	-0.1
Urban DSH:				
100 or more beds	1,510	861	860	-0.1
Less than 100 beds	340	594	592	-0.4
Rural DSH:				
Sole Community (SCH/EACH)	407	481	480	-0.3

TABLE III.—COMPARISON OF TOTAL PAYMENTS PER CASE
[FY 2010 Payments Compared To FY 2011 Payments]

	Number of hospitals	Average FY 2010 payments/ case	Average FY 2011 payments/ case	Change
Referral Center (RRC/EACH)	209	604	599	-0.8
Other Rural:				
100 or more beds	30	502	495	-1.3
Less than 100 beds	142	455	449	-1.3
Urban teaching and DSH:				
Both teaching and DSH	806	932	931	-0.1
Teaching and no DSH	169	810	806	-0.5
No teaching and DSH	1,044	718	718	0.0
No teaching and no DSH	536	733	733	0.0
Rural Hospital Types:				
Non special status hospitals	2,435	836	835	-0.1
RRC/EACH	59	748	748	0.1
SCH/EACH	38	690	703	1.9
Medicare-dependent hospitals (MDH)	10	473	468	-1.0
SCH, RRC and EACH	13	830	825	-0.7
Hospitals Reclassified by the Medicare Geographic Classification Review Board:				
FY2011 Reclassifications:				
All Urban Reclassified	494	838	835	-0.4
All Urban Non-Reclassified	1,979	833	832	0.0
All Rural Reclassified	331	592	590	-0.3
All Rural Non-Reclassified	576	494	490	-0.9
Other Reclassified Hospitals (Section 1886(d)(8)(B))	55	557	548	-1.6
Type of Ownership:				
Voluntary	1,978	809	807	-0.3
Proprietary	837	720	721	0.2
Government	577	795	796	0.0
Medicare Utilization as a Percent of Inpatient Days:				
0-25	353	967	970	0.3
25-50	1,593	861	861	0.0
50-65	1,202	680	676	-0.6
Over 65	237	585	582	-0.4

IX. Effects of Supplemental Proposed Payment Rate Changes and Policy Changes Under the LTCH PPS

A. Introduction and General Considerations

In section II.J. of the preamble and section III. of the Addendum of this proposed rule, we are setting forth the proposed annual update to the payment rates for the LTCH PPS for FY 2011. In the preamble, we specify the statutory authority for the proposed provisions that are presented, identify those proposed policies and present rationale for our decisions as well as alternatives that were considered. In this section IX. of Appendix to this supplemental proposed rule, we discuss the impact of the proposed changes to the payment rates, factors, and other payment rate policies related to the LTCH PPS that are presented in the preamble of this proposed rule in terms of their estimated fiscal impact on the Medicare budget and on LTCHs.

A number of the provisions of the Affordable Care Act affect the IPPS and the LTCH PPS and the providers and suppliers addressed in the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule and this supplemental proposed rule. The impacts of the Appendix to this supplemental proposed rule include the provisions from these laws effective for FY 2011.

Currently, our database of 421 LTCHs includes the data for 77 nonprofit (voluntary ownership control) LTCHs and 301 proprietary LTCHs. Of the remaining 43 LTCHs, 12 LTCHs are government-owned and operated and the ownership type of the other 31 LTCHs is unknown. In the impact analysis, we are using the proposed rates, factors, and policies presented in this supplemental proposed rule, including the 0.50 percentage point reduction to the market basket update required by sections 1886(m)(3) and (4) of the Act and the proposed updated wage index values and the labor-related share (presented in the May 4, 2010 FY 2010 IPPS/LTCH PPS proposed rule), and the best available claims and CCR data to estimate the change in payments for FY 2011. The standard Federal rate for RY 2010 is $39,794.95, which reflects the 0.25 percentage point reduction applied to the RY 2010 market basket update required under sections 1886(m)(3) and (4) of the Act (as established in a separate notice published elsewhere in this **Federal Register**). Discharges in RY 2010 occurring on or after April 1, 2010 are aid under the revised RY 2010 standard Federal rate consistent with section 3401(p) of Public Law 111–148. Discharges in RY 2010 occurring on or after October 1, 2009 and on or before March 31, 2010 are paid under the standard Federal rate of $39,896.65 (*see* 74 FR 44022).

As discussed in section III.A.3. of the Addendum to this proposed rule, consistent with our historical practice, we are proposing to update the standard Federal rate for FY 2011 by −0.59 percent in order to establish the proposed FY 2011 standard Federal rate at $39,560.16. This includes a proposed market basket update of 2.4 percent with a 0.50 percentage point reduction as required under sections 1886(m)(3) and (4) of the Act, and a proposed documentation and coding adjustment of −2.5 percent to account for increases in case-mix associated with the adoption of the MS–LTC–DRGs. Based on the best available data for the 421 LTCHs in our database, we estimate that the proposed update to the standard Federal rate for FY 2011 (discussed in section III.A.3. of the Addendum of this supplemental proposed rule) and the proposed changes to the area wage adjustment for FY 2011 (discussed in section V.B. of the Addendum to the May 4, 2010 IPPS/LTCH PPS FY 2011 IPPS/LTCH PPS proposed rule (75 FR 24085 through 24086)), in addition to an estimated increase in HCO payments and an estimated increase in SSO payments, would result in an increase in estimated payments from RY 2010 of approximately $12.9 million (or about 0.3 percent). Based on the 421 LTCHs in our database, we estimate RY 2011 LTCH PPS payments to be approximately $4.913 billion, an increase from FY 2010 LTCH PPS

payments of approximately $4.901 billion. Because the combined distributional effects and estimated changes to the Medicare program payments would be greater than $100 million, this proposed rule, in conjunction with the May 4, 2010 IPPS/LTCH PPS FY 2011 IPPS/LTCH PPS proposed rule, is considered a major economic rule, as defined in this section. We note the approximately $12.9 million for the projected increase in estimated aggregate LTCH PPS payments from RY 2010 to FY 2011 does not reflect changes in LTCH admissions or case-mix intensity in estimated LTCH PPS payments, which also would affect overall payment changes.

The projected 0.3 percent increase in estimated payments per discharge from RY 2010 to FY 2011 is attributable to several factors, including the proposed −0.59 percent decrease to the standard Federal rate, proposed changes in the wage index values (including the proposed change to the labor-related share) presented in the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule (75 FR 24085 through 24086) and projected increases in estimated HCO and SSO payments. As Table IV shows, the proposed change attributable solely to the standard Federal rate is projected to result in a decrease of 0.5 percent in estimated payments per discharge from RY 2010 to FY 2011, on average, for all LTCHs, while the proposed changes to the area wage adjustment are projected to result in an increase in estimated payments of 0.1 percent, on average, for all LTCHs.

As discussed in the May 4, 2010 FY 2011 IPPS/LTCH proposed rule (75 FR 24085 through 24086), we are proposing to update the wage index values for FY 2011 based on the most recent available data. In addition, we are proposing to decrease the labor-related share slightly from 75.779 percent to 75.407 percent under the LTCH PPS for FY 2011 based on the most recent available data on the relative importance of the labor-related share of operating and capital costs of the RPL market basket. Consistent with the May 4, 2010 FY 2011 IPPS/LTCH proposed rule, the wage data and the labor-related share is expected to increase LTCH PPS payments by 0.1 percent (75 FR 24317 through 27318).

Table IV below shows the impact of the proposed payment rate and proposed policy changes on LTCH PPS payments for FY 2011 presented in this supplemental proposed rule, in conjunction with the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule, by comparing RY 2010 estimated payments to FY 2011 estimated payments. The projected increase in payments per discharge from RY 2010 to FY 2011 is 0.3 percent (shown in Column 8). This projected increase in payments is attributable to the impacts of the proposed change to the standard Federal rate (−0.5 percent in Column 6) and the proposed change due to the area wage adjustment (0. percent in Column 7), as well as the effect of the estimated increase in payments for HCO cases and SSO cases in FY 2011 as compared to RY 2010 (0.5 percent and 0.3 percent, respectively). That is, estimated total HCO payments are projected to increase from RY 2010 to FY 2011 in order to ensure that estimated HCO payments will be 8 percent of total estimated LTCH PPS payments in FY 2011. An analysis of the most recent available LTCH PPS claims data (that is, FY 2009 claims from the December 2009 update of the MedPAR files) indicates that the RY 2010 HCO threshold of $18,615 (as established in a separate notice published elsewhere in this **Federal Register**) may result in HCO payments in RY 2010 that fall below the estimated 8 percent. Specifically, we currently estimate that HCO payments will be approximately 7.5 percent of estimated total LTCH PPS payments in RY 2010. We note that the RY 2010 outlier payment estimate in this impact analysis takes into account for the revised RY 2010 rate and outlier threshold determined consistent with sections 1886(m)(3) and (4) of the Act and section 3401(p) of Public Law 111–148 that are used to make payments for discharges in RY 2010 that occur on or after April 1, 2010. Consistent with our estimate in the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule, we estimate that the impact of the increase in HCO payments would result in approximately a 0.5 percent increase in estimated payments from RY 2010 to FY 2011 on average for all LTCHs. Furthermore, in calculating the estimated increase in payments from RY 2010 to FY 2011 for HCO and SSO cases, we increased estimated costs by the applicable market basket percentage increase as projected by our actuaries, which increases payments by 0.3 percent relative to last year. We note that estimated payments for all SSO cases comprise approximately 14 percent of estimated total LTCH PPS payments, and estimated payments for HCO cases comprise approximately 8 percent of estimated total LTCH PPS payments. Payments for HCO cases are based on 80 percent of the estimated cost of the case above the HCO threshold, while the majority of the payments for SSO cases (over 65 percent) are based on the estimated cost of the SSO case.

As we discuss in detail throughout this supplemental proposed rule, based on the most recent available data, we believe that the provisions of this supplemental proposed rule in conjunction with the provisions of the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule, relating to the LTCH PPS will result in an increase in estimated aggregate LTCH PPS payments and that the resulting LTCH PPS payment amounts result in appropriate Medicare payments.

B. Impact on Rural Hospitals

For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of an urban area and has fewer than 100 beds. As shown in Table IV, we are projecting a 0.7 percent increase in estimated payments per discharge for FY 2011 as compared to RY 2010 for rural LTCHs that would result from the proposed changes presented in this supplemental proposed rule and those changes in the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule as well as the effect of estimated changes to HCO and SSO payments. This estimated impact is based on the data for the 26 rural LTCHs in our database of 421 LTCHs, for which complete data were available. The RY 2010 average payment per case in Table IV accounts for the changes required by sections 1886(m)(3) and (4) of the Act and section 3401(p) of Public Law 111–148 which affects payments for discharges occurring on or after April 1, 2010, as described below in section IX.C.3. of the Appendix to this supplemental proposed rule.

Consistent with the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule, the estimated increase in LTCH PPS payments from RY 2010 to FY 2011 for rural LTCHs is primarily due to the higher than average impacts from the proposed changes to the area wage adjustment and the proposed reduction in the labor-related share from 75.779 to 75.407, which results in a estimated 0.6 percent increase in payments.

C. Anticipated Effects of Proposed LTCH PPS Payment Rate Change and Policy Changes

We discuss the impact of the proposed changes to the payment rates, factors, and other payment rate policies under the LTCH PPS for FY 2011 (in terms of their estimated fiscal impact on the Medicare budget and on LTCHs) in section II.I. of the preamble of this supplemental proposed rule.

1. Budgetary Impact

Section 123(a)(1) of the BBRA requires that the PPS developed for LTCHs "maintain budget neutrality." We believe that the statute's mandate for budget neutrality applies only to the first year of the implementation of the LTCH PPS (that is, FY 2003). Therefore, in calculating the FY 2003 standard Federal rate under § 412.523(d)(2), we set total estimated payments for FY 2003 under the LTCH PPS so that estimated aggregate payments under the LTCH PPS were estimated to equal the amount that would have been paid if the LTCH PPS had not been implemented.

As discussed in section IX.A. of this Appendix, we project an increase in aggregate LTCH PPS payments in FY 2011 of approximately $12.9 million (or 0.3 percent) based on the 421 LTCHs in our database.

2. Impact of Moratorium and Other Provisions

Section 114(c) and (d) of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (MMSEA) as amended by section 4302 of the American Recovery and Reinvestment Act of 2009 (ARRA) provided for a 3-year delay in certain payment policies relating to LTCHs and LTCH satellite facilities. Section 3106 of Public Law 111–148 and section 10312 of Public Law 111–148 together provide for a 2-year extension of the 3-year delay in implementation of certain payment policies relating to LTCHs and LTCH satellite facilities. Specifically, these provisions affect payment adjustments for "very" short stay outliers (SSOs), the one-time adjustment to the standard Federal rate, the 25 percent payment threshold policy, and the moratorium on the establishment of new LTCHs and LTCH satellite facilities and the moratorium on the increase on LTCH beds in existing LTCHs or satellite facilities.

Sections 3106 and 10312 of Public Law 111–148 together provide for a 2-year extension of the 3-year delay in implementation of the revision to the SSO

policy at § 412.529(c)(3)(i) that was finalized in the RY 2008 final rule. We estimate that the extension of the SSO provision will result in a projected increase in estimated aggregate LTCH PPS payments of approximately $20 million in FY 2011. Sections 3106 and 10312 of Public Law 111–148 together provide for a 2-year extension to several modifications to the regulations at § 412.534 and § 412.536 required by section 114(c) of MMSEA as amended by section 4302 of the ARRA, which addressed the percentage thresholds between referring hospitals and LTCHs and satellites of LTCHs. We estimate that the implementation of this extension of the MMSEA provisions, as amended by the ARRA, pertaining to § 412.534 and § 412.536 will result in a projected increase in estimated aggregate LTCH PPS payments of approximately $20 million for FY 2011.

Regarding the 2-year extension of the moratorium on the development of new LTCHs and LTCH satellites and the increase in beds in existing LTCHs and LTCH satellites, as we noted in the May 22, 2008 interim final rule with comment period when the original 3-year delay required by section 114(d) of the MMSEA as amended by the ARRA, was implemented, we are unable to quantify the impact of the additional 2 year moratorium on the establishment of LTCHs, LTCH satellite facilities, and on the increase of LTCH beds in existing LTCHs or satellite facilities with limited exceptions. We are unable to provide an estimate of the impact of the 2-year extension of this provision because we have no way of determining how many LTCHs would have opened in the absence of the moratorium, nor do we have sufficient information at this time to determine how many new LTCHs will meet the exceptions criteria provided for in the statute.

3. Impact on Providers

The basic methodology for determining a per discharge LTCH PPS payment is set forth in § 412.515 through § 412.536. In addition to the basic MS–LTC–DRG payment (standard Federal rate multiplied by the MS–LTC–DRG relative weight), we make adjustments for differences in area wage levels, COLA for Alaska and Hawaii, and SSOs. Furthermore, LTCHs may also receive HCO payments for those cases that qualify based on the threshold established each year.

To understand the impact of the proposed changes to the LTCH PPS payments presented in this supplemental proposed rule on different categories of LTCHs for FY 2011, it is necessary to estimate payments per discharge for RY 2010 using the rates, factors, including the FY 2010 GROUPER (Version 27.0) and relative weights, and policies established in the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 43945 through 43994 and 44021 through 44030) and to include any changes to payments due to the provisions under sections 1886(m)(3) and (4) of the Act and section 3401(p) of Public Law 111–148 which affects payments for discharges occurring on or after April 1, 2010 in RY 2010 (as established in a separate notice published elsewhere in this **Federal Register**). It is also necessary to estimate the payments per discharge that would be made under the proposed revised LTCH PPS rates, factors, policies, and GROUPER (Version 28.0) for FY 2011 (as discussed in II.J. of the preamble and section III.A. of the Addendum to this supplemental proposed rule and section VII. of the preamble and section V. of the Addendum of the May 4, 2011 IPPS/LTCH PPS FY 2011 proposed rule). These estimates of RY 2010 and FY 2011 LTCH PPS payments are based on the best available LTCH claims data and other factors, such as the application of inflation factors to estimate costs for SSO and HCO cases in each year. We also evaluated the change in estimated RY 2010 payments to estimated FY 2011 payments (on a per discharge basis) for each category of LTCHs.

Hospital groups were based on characteristics provided in the OSCAR data, FY 2006 through FY 2007 cost report data in HCRIS, and PSF data. Hospitals with incomplete characteristics were grouped into the "unknown" category. Hospital groups include the following:

- Location: Large urban/other urban/rural.
- Participation date.
- Ownership control.
- Census region.
- Bed size.

To estimate the impacts of the payment rates and policy changes among the various categories of existing providers, we used LTCH cases from the FY 2009 MedPAR file to estimate payments for RY 2010 and to estimate payments for FY 2011 for 421 LTCHs. We believe that the discharges based on the FY 2009 MedPAR data for the 421 LTCHs in our database, which includes 301 proprietary LTCHs, provide sufficient representation in the MS–LTC–DRGs containing discharges for patients who received LTCH care for the most commonly treated LTCH patients' diagnoses.

4. Calculation of Prospective Payments

For purposes of this impact analysis, to estimate per discharge payments under the LTCH PPS, we simulated payments on a case-by-case basis using LTCH claims from the FY 2009 MedPAR files. For modeling estimated LTCH PPS payments for RY 2010, we calculated a blended RY 2010 payment to account for changes in the rate in accordance with sections 1886(m)(3) and (4) of the Act and section 3401(p) of Public Law 111–148. Specifically, we applied the RY 2010 standard Federal rate (that is, $39,896.65, under which LTCH discharges occurring on or after October 1, 2009, and through March 31, 2010 are paid, and $39,794.95, under which LTCH discharges occurring on or after April 1, 2010 to September 30, 2010 are paid). For modeling estimated LTCH PPS payments for FY 2011, we applied the proposed FY 2011 standard Federal rate of $39,560.16, which would be effective for LTCH discharges occurring on or after October 1, 2010, and through September 30, 2011.

Furthermore, in modeling estimated LTCH PPS payments for both RY 2010 and FY 2011 in this impact analysis, we applied the RY 2010 and proposed FY 2011 adjustments for area wage differences and the COLA for Alaska and Hawaii. Specifically, we adjusted for area wage differences for estimated RY 2010 payments using the current LTCH PPS labor-related share of 75.779 percent (74 FR 43968), the wage index values established in the Tables 12A and 12B of the Addendum to the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44192 through 44213) and the RY 2010 COLA factors shown in the table in section V. of the Addendum to that final rule (74 FR 44026). Similarly, we adjusted for area wage differences for estimated FY 2011 payments using the proposed LTCH PPS FY 2011 labor-related share of 75.407 percent (section VII.C.2.d. in the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule), the FY 2011 proposed wage index values presented in Tables 12A and 12B of the Addendum to this proposed rule, and the FY 2011 COLA factors shown in the table in section V.B.5. of the Addendum to the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule.

As discussed above, our impact analysis reflects an estimated change in payments for SSO cases as well as an estimated increase in payments for HCO cases (as described in section V.C. of the Addendum to this proposed rule). In modeling proposed payments for SSO and HCO cases in RY 2010, we applied an inflation factor of 1.024 percent (determined by OACT) to the estimated costs of each case determined from the charges reported on the claims in the FY 2009 MedPAR files and the best available CCRs from the December 2009 update of the PSF. In modeling proposed payments for SSO and HCO cases in FY 2011, we applied an inflation factor of 1.049 (determined by OACT) to the estimated costs of each case determined from the charges reported on the claims in the FY 2009 MedPAR files and the best available CCRs from the December 2009 update of the PSF. Furthermore, in modeling estimated LTCH PPS payments for both RY 2010 and FY 2011 in this impact analysis, we applied the RY 2010 HCO fixed-loss amount of $18,425 (74 FR 44029) for the first half of RY 2010, the revised RY 2010 HCO fixed-loss amount of $18,615 established in conjunction with implementing the provisions of sections 1886(m)(3) and (4) of the Act and section 3401(p) of Public Law 111–148 for the second half of RY 2010, and the proposed FY 2011 fixed loss amount of $19,254 (as discussed in section III.A. of the Addendum of this supplemental proposed rule).

These impacts reflect the estimated "losses" or "gains" among the various classifications of LTCHs from the RY 2010 to FY 2011 based on the proposed payment rates and policy changes presented in this proposed rule. Table IV illustrates the estimated aggregate impact of the LTCH PPS among various classifications of LTCHs.

- The first column, LTCH Classification, identifies the type of LTCH.
- The second column lists the number of LTCHs of each classification type.
- The third column identifies the number of LTCH cases.
- The fourth column shows the estimated payment per discharge for RY 2010 (as described above).
- The fifth column shows the estimated payment per discharge for FY 2011 (as described above).
- The sixth column shows the percentage change in estimated payments per discharge from RY 2010 to FY 2011 for proposed changes to the standard Federal rate (as

discussed in section III.A.3. of the Addendum to this supplemental proposed rule).

• The seventh column shows the percentage change in estimated payments per discharge from RY 2010 to FY 2011 for proposed changes to the area wage adjustment at § 412.525(c) (as discussed in section V.B. of the Addendum to the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule).

• The eighth column shows the percentage change in estimated payments per discharge from RY 2010 (Column 4) to FY 2011 (Column 5) for all proposed and statutory changes (and includes the effect of estimated changes to HCO and SSO payments).

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TABLE IV: Impact of Proposed Payment Rate and Policy Changes to LTCH PPS Payments for FY 2011 (Estimated RY 2010 Payments Compared to Estimated FY 2011 Payments*)

LTCH Classification (1)	Number of LTCHs (2)	Number of LTCH PPS Cases (3)	Average RY 2010 LTCH PPS Rate Year Payment Per Case[1] (4)	Average FY 2011 LTCH PPS Rate Year Proposed Payment Per Case[2] (5)	Percent Change in Estimated Payments Per Discharge from RY 2010 to FY 2011 for Proposed Changes to the Federal Rate[3] (6)	Percent Change in Estimated Payments Per Discharge from RY 2010 to FY 2011 for Proposed Changes to the Area Wage Adjustment[4] (7)	Percent Change in Payments Per Discharge from RY 2010 to FY 2011 for All Proposed Changes[5] (8)
ALL PROVIDERS	421	131,490	$37,271	$37,369	-0.5	0.1	0.3
BY LOCATION:							
RURAL	26	5,610	$31,666	$31,900	-0.6	0.6	0.7
URBAN	395	125,880	$37,521	$37,613	-0.5	0.1	0.2
LARGE	204	75,855	$38,990	$39,111	-0.5	0.1	0.3
OTHER	191	50,025	$35,292	$35,341	-0.5	0.1	0.1
BY PARTICIPATION DATE:							
BEFORE OCT. 1983	17	6,244	$32,031	$32,218	-0.5	0.2	0.6
OCT. 1983 - SEPT. 1993	44	16,824	$38,180	$38,331	-0.5	0.1	0.4
OCT. 1993 - SEPT. 2002	189	63,987	$36,747	$36,808	-0.5	0.1	0.2
AFTER OCTOBER 2002	161	41,657	$38,467	$38,574	-0.5	0.1	0.3
UNKNOWN PARTICIPATION DATE	10	2,778	$37,678	$37,966	-0.6	0.4	0.8
BY OWNERSHIP TYPE:							
VOLUNTARY	77	19,922	$37,363	$37,579	-0.5	0.2	0.6
PROPRIETARY	301	105,986	$37,178	$37,246	-0.5	0.1	0.2
GOVERNMENT	12	1,588	$38,931	$39,194	-0.5	-0.2	0.7
UNKNOWN OWNERSHIP TYPE	31	3,994	$38,609	$38,866	-0.5	0.1	0.7

LTCH Classification (1)	Number of LTCHs (2)	Number of LTCH PPS Cases (3)	Average RY 2010 LTCH PPS Rate Year Payment Per Case[1] (4)	Average FY 2011 LTCH PPS Rate Year Proposed Payment Per Case[2] (5)	Percent Change in Estimated Payments Per Discharge from RY 2010 to FY 2011 for Proposed Changes to the Federal Rate [3] (6)	Percent Change in Estimated Payments Per Discharge from RY 2010 to FY 2011 for Proposed Changes to the Area Wage Adjustment[4] (7)	Percent Change in Payments Per Discharge from RY 2010 to FY 2011 for All Proposed Changes[5] (8)
BY REGION:							
NEW ENGLAND	15	7,584	$32,820	$33,006	-0.5	0.1	0.6
MIDDLE ATLANTIC	29	7,742	$38,051	$38,074	-0.5	-0.2	0.1
SOUTH ATLANTIC	55	14,665	$40,487	$40,505	-0.5	-0.2	0.0
EAST NORTH CENTRAL	68	19,194	$40,268	$40,389	-0.5	0.2	0.3
EAST SOUTH CENTRAL	31	7,909	$37,348	$37,319	-0.5	-0.2	-0.1
WEST NORTH CENTRAL	24	5,178	$38,573	$38,582	-0.5	0.0	0.0
WEST SOUTH CENTRAL	142	50,537	$32,893	$33,010	-0.6	0.3	0.4
MOUNTAIN	32	6,268	$40,324	$40,464	-0.5	0.0	0.3
PACIFIC	25	12,413	$46,758	$46,929	-0.5	0.3	0.4
BY BED SIZE:							
BEDS: 0-24	42	5,288	$32,939	$33,207	-0.6	0.6	0.8
BEDS: 25-49	192	41,372	$37,047	$37,049	-0.5	0.1	0.0
BEDS: 50-74	101	32,024	$38,196	$38,312	-0.5	0.1	0.3
BEDS: 75-124	50	22,652	$39,478	$39,699	-0.5	0.3	0.6
BEDS: 125-199	21	15,145	$35,265	$35,433	-0.5	0.2	0.5
BEDS: 200 +	15	15,009	$36,134	$36,144	-0.5	0.0	0.0

[1] Estimated RY 2010 payments based on a blend of the rates, factors and policies established in the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 43945 through 43994 and 44021 through 44030), including the FY 2010 GROUPER (Version 27.0) and relative weights, and the RY 2010 rates and factors that reflect the provisions of sections 1886(m)(3) and (4) of the Act and section 3401(p) of Pub. L. 111-148 established in a separate notice published elsewhere in this **Federal Register**.

[2] Estimated FY 2011 LTCH PPS payments based on the proposed payment rates and policy changes presented in the preamble and the Addendum of this supplemental proposed rule, in conjunction with those presented in the May 4, 2010 IPPS/LTCH PPS FY 2001 proposed rule (75 FR 23852).

[3] Percent change in estimated payments per discharge from RY 2010 to FY 2011 for the proposed changes to the standard Federal rate, as discussed in section III.A.3. of the Addendum to this supplemental proposed rule.

[4] Percent change in estimated payments per discharge from RY 2010 to FY 2011 for proposed changes to the area wage adjustment at §412.525(c) (as discussed in section V.B. of the Addendum to the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule).

[5] Percent change in estimated payments per discharge from RY 2010 LTCH PPS (shown in Column 4) to FY 2011 LTCH PPS (shown in Column 5), including all of the proposed changes presented in the preamble of this supplemental proposed rule, in conjunction with those presented in the May 4, 2010 IPPS/LTCH PPS FY 2001 proposed rule. Note, this column, which shows the percent change in estimated payments per discharge for all proposed changes, does not equal the sum of the percent changes in estimated payments per discharge for proposed changes to the standard Federal rate (column 6) and the proposed changes to the area wage adjustment (Column 7) due to the effect of estimated changes in both estimated payments to SSO cases that are paid based on estimated costs and aggregate HCO payments (as discussed in this impact analysis), as well as other interactive effects that cannot be isolated.

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5. Results

Based on the most recent available data (as described previously for 421 LTCHs, we have prepared the following summary of the impact (as shown in Table IV) of the proposed LTCH PPS payment rate and policy changes presented in this supplemental proposed rule. The impact analysis in Table IV shows that estimated payments per discharge are expected to increase approximately 0.3 percent, on average, for all LTCHs from RY 2010 to FY 2011 as a result of the proposed payment rate and policy changes presented in this supplemental proposed rule and the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule, as well as estimated increases in HCO and SSO payments. We note that we are proposing a −0.59 percent increase to the standard Federal rate for FY 2011, based on the latest proposed market basket estimate (2.4 percent), the −0.50 percent reduction to the annual update required under of sections 1886(m)(3) and (4) of the Act, and the proposed adjustment for the cumulative effect of changes in documentation and coding in FYs 2008 and 2009 (−2.5 percent). We noted earlier in this section that for most categories of LTCHs, as shown in Table IV (Column 6), the impact of the proposed decrease of approximately −0.6 percent to the standard Federal rate is projected to result in approximately a −0.5 percent decrease in estimated payments per discharge for all LTCHs from RY 2010 to FY 2011. Because payments to cost-based SSO cases and a portion of payments to SSO cases that are paid based on the "blend" option of

the SSO payment formula at § 412.529(c)(2)(iv) are not affected by the proposed update to the standard Federal rate, we estimate that the effect of the proposed 0.59 percent reduction to the standard Federal rate would result in a 0.5 percent reduction on estimated aggregate LTCH PPS payments to *all* LTCH PPS cases, including SSO cases. Furthermore, as discussed previously in this regulatory impact analysis, the average increase in estimated payments per discharge from the RY 2010 to FY 2011 for all LTCHs of approximately 0.3 percent (as shown in Table IV) was determined by comparing estimated FY 2011 LTCH PPS payments (using the proposed rates, proposed policies and statutory changes discussed in this supplemental proposed rule and in the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule) to estimated RY 2010 LTCH PPS payments (as described above in section IX.C.3. of this Appendix).

a. Location

Based on the most recent available data, the vast majority of LTCHs are located in urban areas. Only approximately 6 percent of the LTCHs are identified as being located in a rural area, and approximately 4 percent of all LTCH cases are treated in these rural hospitals. The impact analysis presented in Table IV shows that the average percent increase in estimated payments per discharge from RY 2010 to FY 2011 for all hospitals is 0.3 percent for all proposed changes. For rural LTCHs, the percent change for all proposed changes is estimated to be 0.7 percent, while for urban LTCHs, we estimate the increase to be 0.2 percent. Large urban LTCHs are projected to experience an increase of 0.3 percent in estimated payments per discharge from RY 2010 to FY 2011, while other urban LTCHs are projected to experience an increase of 0.1 percent in estimated payments per discharge from RY 2010 to FY 2011, as shown in Table IV.

b. Participation Date

LTCHs are grouped by participation date into four categories: (1) Before October 1983; (2) between October 1983 and September 1993; (3) between October 1993 and September 2002; and (4) after October 2002. Based on the most recent available data, the majority (approximately 49 percent) of the LTCH cases are in hospitals that began participating between October 1993 and September 2002, and are projected to experience nearly the average increase (0.2 percent) in estimated payments per discharge from RY 2010 to FY 2011, as shown in Table IV.

In the participation category where LTCHs began participating in Medicare before October 1983, LTCHs are projected to experience a higher than average percent increase (0.6 percent) in estimated payments per discharge from RY 2010 to FY 2011, as shown in Table IV. Approximately 4 percent of LTCHs began participating in Medicare before October 1983. The LTCHs in this category are projected to experience a higher than average increase in estimated payments because of increases in their wage data, increase under the proposed MS–LTC–DRG GROUPER (Version 28) and relative weights, and also because of estimated increases in their SSO payments relative to last year. Approximately 10 percent of LTCHs began participating in Medicare between October 1983 and September 1993. These LTCHs are projected to experience a slightly above average increase (0.4 percent) in estimated payments from RY 2010 to FY 2011. LTCHs that began participating in Medicare after October 2002 currently represent approximately 38 percent of all LTCHs, and are projected to experience an average increase (0.3 percent) in estimated payments from RY 2010 to FY 2011.

c. Ownership Control

Other than LTCHs whose ownership control type is unknown, LTCHs are grouped into three categories based on ownership control type: voluntary, proprietary, and government. Based on the most recent available data, approximately 18 percent of LTCHs are identified as voluntary (Table IV). We expect that, for these LTCHs in the voluntary category, estimated FY 2011 LTCH payments per discharge will increase higher than the average (0.6 percent) in comparison to estimated payments in RY 2010 primarily because we project an increase in estimated HCO payments and SSO payments to be higher than the average for these LTCHs. The majority (71 percent) of LTCHs are identified as proprietary and these LTCHs are projected to experience an average increase (0.2 percent) in estimated payments per discharge from RY 2010 to FY 2011. Finally, government-owned and operated LTCHs (3 percent) are expected to experience a higher than the average increase (0.7 percent) in estimated payments primarily due to a larger than the average increase in estimated HCO payments and increases under the proposed MS–LTC–DRG GROUPER (Version 28) and relative weights.

d. Census Region

Estimated payments per discharge for FY 2011 are projected to increase for LTCHs located in all regions in comparison to RY 2010. Of the 9 census regions, we project that the increase in estimated payments per discharge will have the largest positive impact on LTCHs in the New England region (0.6 percent, as shown in Table IV). The estimated percent increase in payments per discharge from RY 2010 to FY 2011 for New England is largely attributable to the projected increase in estimated HCO and SSO payments (explained in greater detail above in section IX.A. of this Appendix).

In contrast, LTCHs located in the East South Central region are projected to experience a slight decrease in estimated payments per discharge from RY 2010 to FY 2011. The average estimated decrease in payments of 0.1 percent for LTCHs in the East South Central region is primarily due to estimated decreases in payments associated with the proposed wage index because 50 percent of LTCHs located in this region will have a proposed FY 2011 wage index value that is less than their RY 2010 wage index value. Similarly, LTCHs in the South Atlantic and West North Central are expect to experience no change in payments primarily due to an estimated decrease in payment because of the proposed FY 2011 wage index changes and the decrease in the Federal rate.

e. Bed Size

LTCHs were grouped into six categories based on bed size: 0–24 beds; 25–49 beds; 50–74 beds; 75–124 beds; 125–199 beds; and greater than 200 beds.

We project that payments for small LTCHs (0–24 beds) would experience a 0.8 percent increase in payments due to increases in their wage index while large LTCHs (200+ beds) would experience no change in payments. LTCHs with between 75 and 124 beds and between 125 and 199 beds are expected to experience an above average increase in payments per discharge from RY 2010 to FY 2011 (0.6 percent and 0.5 percent, respectively) primarily due to a larger than average estimated increase in payments from the proposed FY 2011 changes to the area wage adjustment.

D. Effect on the Medicare Program

As noted previously, we project that the provisions of this supplemental proposed rule would result in an increase in estimated aggregate LTCH PPS payments in FY 2011 of approximately $12.9 million (or about 0.3 percent) for the 421 LTCHs in our database.

E. Effect on Medicare Beneficiaries

Under the LTCH PPS, hospitals receive payment based on the average resources consumed by patients for each diagnosis. We do not expect any changes in the quality of care or access to services for Medicare beneficiaries under the LTCH PPS, but we expect that paying prospectively for LTCH services would enhance the efficiency of the Medicare program.

X. Alternatives Considered

This supplemental proposed rule contains a range of policies. The preamble of this supplemental proposed rule provides descriptions of the statutory provisions that are addressed, identifies policies and presents rationales for our decisions and, where relevant, alternatives that were considered.

XI. Overall Conclusion

A. Acute Care Hospitals

Table I of section VI. of this Appendix demonstrates the estimated distributional impact of the IPPS budget neutrality requirements for the proposed MS–DRG and wage index changes, and for the wage index reclassifications under the MGCRB. Table I also shows an overall decrease of 0.9 percent in operating payments. We estimate that operating payments will decrease by approximately $929 million in FY 2011. In addition, we estimates the reporting of hospital quality data program costs at $2.4 million, a savings of $23 million associated with the proposed HACs policies discussed in the May 4, 2010 FY 2011 IPPS/LTCH PPS proposed rule, an additional $150 million to hospitals that qualify for an additional payment as provided under section 1109 of Public Law 111–152, and all other proposed operating payment policies described in section VII. of this Appendix . These estimates added to our FY 2011 operating estimate of −$929 million results in a decrease of $800 million for FY 2011. We estimate that capital payments will

experience −0.2 percent change in payments per case, as shown in Table III of section VIII. of this Appendix. We project that there will be a $20 million decrease in capital payments in FY 2011 compared to FY 2010. The proposed cumulative operating and capital payments should result in a net decrease of $820 million to IPPS providers. The discussions presented in the previous pages, in combination with the rest of this proposed rule and the May 10, 2010 FY 2011 IPPS/LTCH PPS proposed rule, constitute a regulatory impact analysis.

B. LTCHs

Overall, LTCHs are projected to experience an increase in estimated payments per discharge in FY 2011. In the impact analysis, we are using the proposed rates, factors, and policies presented in this supplemental proposed rule, including proposed updated wage index values and relative weights, and the best available claims and CCR data to estimate the change in payments under the LTCH PPS for FY 2011. Accordingly, based on the best available data for the 421 LTCHs in our database, we estimate that FY 2011 LTCH PPS payments will increase approximately $13 million (or about 0.3 percent).

XII. Accounting Statements

A. Acute Care Hospitals

As required by OMB Circular A–4 (available at *http://www.whitehousegov/omb/circulars/a004/a-4.pdf*), in Table V below, we have prepared an accounting statement showing the classification of the expenditures associated with the provisions of this proposed rule as they relate to acute care hospitals. This table provides our best estimate of the change in Medicare payments to providers as a result of the proposed changes to the IPPS presented in this supplemental proposed rule and the May 10, 2010 FY 2011 IPPS/LTCH PPS proposed rule. All expenditures are classified as transfers to Medicare providers.

TABLE V—ACCOUNTING STATEMENT: CLASSIFICATION OF ESTIMATED EXPENDITURES UNDER THE IPPS FROM FY 2010 TO FY 2011

Category	Transfers
Annualized Monetized Transfers	−$820 million.
From Whom to Whom	Federal Government to IPPS Medicare Providers.
Total	−$820 million.

B. LTCHs

As discussed in section IX. of this Appendix, the impact analysis for the proposed changes under the LTCH PPS for this proposed rule projects an increase in estimated aggregate payments of approximately $13 million (or about 0.3 percent) for the 421 LTCHs in our database that are subject to payment under the LTCH PPS. Therefore, as required by OMB Circular A–4 (available at *http://www.whitehouse.gov/omb/circulars/a004/a-4.pdf*), in Table VI below, we have prepared an accounting statement showing the classification of the expenditures associated with the provisions of this supplemental proposed rule and the May 10, 2010 FY 2011 IPPS/LTCH PPS proposed rule as they relate to changes to the LTCH PPS. Table VI provides our best estimate of the proposed increase in Medicare payments under the LTCH PPS as a result of the proposed provisions presented in this proposed rule based on the data for the 421 LTCHs in our database. All expenditures are classified as transfers to Medicare providers (that is, LTCHs).

TABLE VI—ACCOUNTING STATEMENT: CLASSIFICATION OF ESTIMATED EXPENDITURES FROM THE 2010 LTCH PPS RATE YEAR TO THE FY 2011 LTCH PPS

Category	Transfers
Annualized Monetized Transfers	Positive transfer—Estimated increase in expenditures: $13 million.
From Whom to Whom	Federal Government to LTCH PPS Medicare Providers.
Total	$13 million.

XIII. Executive Order 12866

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

[FR Doc. 2010–12567 Filed 5–21–10; 4:15 pm]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–1406–N]

RIN 0938–AQ03

Medicare Program; Hospital Inpatient Prospective Payment Systems for Acute Care Hospitals and Fiscal Year 2010 Rates and to the Long-Term Care Hospital Prospective Payment System and Rate Year 2010 Rates: Final Fiscal Year 2010 Wage Indices and Payment Rates Implementing the Affordable Care Act

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

ACTION: Notice.

SUMMARY: This notice contains the final wage indices, hospital reclassifications, payment rates, impacts, and other related tables effective for the fiscal year (FY) 2010 hospital inpatient prospective payment systems (IPPS) and rate year 2010 long-term care hospital (LTCH) prospective payment system (PPS). The rates, tables, and impacts included in this notice reflect changes required by or resulting from the implementation of several provisions of the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010. These provisions require the extension of the expiration date for certain geographic reclassifications and special exception wage indices through September 30, 2010; and certain market basket updates for the IPPS and LTCH PPS.

DATES: *Effective Date:* The revised standard Federal rates described in this notice are effective for payment years beginning October 1, 2009. Hospitals are paid based on the rates published in this notice for discharges on or after April 1, 2010.

FOR FURTHER INFORMATION CONTACT: Tzvi Hefter, (410) 786–4487.

SUPPLEMENTARY INFORMATION:

I. Background

The final rule setting forth the Medicare fiscal year (FY) 2010 hospital inpatient prospective payment systems (IPPS) for acute care hospitals and the rate year (RY) 2010 long-term care hospital (LTCH) prospective payment system (PPS) final rule (hereinafter referred to as the FY 2010 IPPS/RY 2010 LTCH PPS final rule) was published in the August 27, 2009 **Federal Register** (74 FR 43754) and subsequently corrected in an October 7, 2009 notice (74 FR 51496).

On March 23, 2010, the Patient Protection and Affordable Care Act (Pub. L. 111–148) was enacted. Following enactment of Public Law 111–148, the Health Care and Education Reconciliation Act of 2010, Public Law 111–152 (enacted on March 30, 2010), amended certain provisions of Public Law 111–148. (These public laws are collectively known as the Affordable Care Act.) Several of the provisions of the Affordable Care Act affect the FY 2010 IPPS and the RY 2010 LTCH PPS. However, due to the timing of the passage of the legislation, we noted in the FY 2011 IPPS and LTCH PPS proposed rule published in the May 4, 2010 **Federal Register** (75 FR 23852) that we would issue separate **Federal Register** documents addressing the provisions of the Affordable Care Act that affect our final policies and payment rates for FY 2010 IPPS and the RY 2010 LTCH PPS and proposed policies for FY 2011 under the IPPS and the LTCH PPS.

This notice addresses the provisions of the Affordable Care Act that impact the FY 2010 IPPS/RY 2010 LTCH PPS final wage index tables, rates, and impacts.

II. Final FY 2010 Wage Indices and Payment Rates

A. Final FY 2010 Hospital Wage Index Reclassifications/Redesignations

1. Section 508 Extension

Section 3137(a) of Public Law 111–148, as amended by section 10317 of Public Law 111–148, extends through the end of FY 2010 wage index reclassifications under section 508 of the Medicare Prescription Drug Improvement and Modernization Act of 2003 (MMA) (Pub. L. 108–173) and certain special exceptions (for example, those special exceptions contained in the final rule promulgated in the **Federal Register** on August 11, 2004 (69 FR 49105 and 49107) extended under section 117 of the Medicare, Medicaid, and SCHIP Extension Act of 2007 (MMSEA) (Pub. L. 110–173)) and further extended under section 124 of the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA) (Pub. L. 110–275).

Under section 508 of Public Law 108–173, a qualifying hospital could appeal the wage index classification otherwise applicable to the hospital and apply for reclassification to another area of the State in which the hospital is located (or, at the discretion of the Secretary), to an area within a contiguous State. We implemented this process through notices published in the **Federal Register** on January 6, 2004 (69 FR 661), and February 13, 2004 (69 FR 7340). Such reclassifications were applicable to discharges occurring during the 3-year period beginning April 1, 2004, and ending March 31, 2007. Section 106(a) of the Medicare Improvements and Extension Act, Division B of the Tax Relief and Health Care Act of 2006 (MIEA–TRHCA) extended any geographic reclassifications of hospitals that were made under section 508 and that would expire on March 31, 2007. In the March 23, 2007 **Federal Register** (72 FR 3799), we published a notice that indicated how we were implementing section 106(a) of the MIEA–TRHCA through September 30, 2007. Section 117 of the MMSEA further extended section 508 reclassifications and certain special exceptions through September 30, 2008. On February 22, 2008 in the **Federal Register** (73 FR 9807), we published a notice regarding our implementation of section 117 of the MMSEA. Section 124 of MIPPA, Public Law 110–275, then further extended section 508 reclassifications and certain special exceptions through September 30, 2009. Final rates incorporating these MIPPA extensions were published in a **Federal Register** notice on October 3, 2008 (73 FR 57888).

Section 3137(a) of Public Law 111–148, as amended by section 10317 of Public Law 111–148 has now extended the hospital reclassification provisions of section 508 and certain special exceptions through September 30, 2010 (FY 2010). Furthermore, section 3137(a)(2)(B) of Public Law 111–148 contains a new provision not previously included in prior mid-year extensions to section 508 requiring that "beginning on April 1, 2010, in determining the wage index applicable to hospitals that qualify for wage index reclassification, the Secretary shall include the average hourly wage data of hospitals whose reclassification was extended pursuant to the amendment made by paragraph (1) only if including such data results in a higher applicable reclassified wage index." Finally, section 3401 of Public Law 111–148, as amended by section 10319 of Public Law 111–148 and section 1105 of Public Law 111–152, imposes a 0.25 percent decrease in the market basket calculated under section 1886(b)(3)(B) of the Social Security Act. As a result of these changes, we have recalculated certain wage indexes, recalculated the standardized amounts, and revised budget neutrality factors (including rural floor budget neutrality) to account for the new legislation.

For hospitals receiving an extension of their section 508 reclassifications or special exceptions, we have used the rates contained in the August 27, 2009

Federal Register, and as corrected in the October 7, 2009 **Federal Register**, unless the rates published in this notice result in a higher applicable wage index. Those section 508 and special exception providers that are receiving an extension through September 30, 2010 are shown in Table 9B of the Addendum to this notice. Please note we are not making reclassification decisions on behalf of hospitals in this extension as we did with the MIPPA provision. (Because MIPPA was enacted prior to the finalization of the FY 2009 rates, we were able to modify reclassifications that had not yet taken effect. In contrast, the Affordable Care Act has been enacted in the middle of the fiscal year, and reclassifications are already in effect). As explained in this notice, the intervening Affordable Care Act legislation affects only those labor market areas including hospitals whose reclassifications/special exceptions are extended, or areas to which such hospitals were reclassified for FY 2010.

When originally implementing section 508 of the MMA, we required each hospital to submit a request in writing by February 15, 2004, to the Medicare Geographic Classification Review Board (MGCRB), with a copy to CMS. We will neither require nor accept written requests for the extension required by the Affordable Care Act, since that legislation simply provides a 1-year continuation through the end of FY 2010 for any section 508 reclassifications and special exceptions wage indexes that expired September 30, 2009.

2. FY 2010 Final Wage Indices

The final wage index values for FY 2010 (except those for hospitals receiving wage index adjustments under section 505 of Pub. L. 108–173) are included in Tables 4A, 4B, and 4C 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 Public Law 108–173, only one county's adjustment factor changed due to the implementation of section 3137(a)(2)(B) of Public Law 111–148; therefore only that revised factor is shown in abbreviated Table 4J of the Addendum to this notice. In addition, Table 2 of the Addendum to this notice includes the final wage index values and occupational mix adjusted average hourly wage (from the FYs 2004, 2005, and 2006 cost reporting periods) for each hospital. Table 4D–1 of the Addendum of this notice lists the State rural floor budget neutrality factors for FY 2010. Table 4D–2 of this Addendum of this notice lists the urban areas with hospitals receiving the State rural floor or imputed rural floor wage index. Table 9B of the Addendum of this notice lists hospitals that are section 508 and special exception providers which have their reclassifications extended until September 30, 2010.

B. Inpatient Hospital Market Basket Update

1. FY 2010 Inpatient Hospital Update

In accordance with section 1886(b)(3)(B)(i) of the Act, each year we update the national standardized amount for inpatient operating costs by a factor called the "applicable percentage increase." Prior to enactment of the Affordable Care Act, section 1886(b)(3)(B)(i)(XX) of the Act set the applicable percentage increase for FY 2007 and each subsequent fiscal year as equal to the rate-of-increase in the hospital market basket for IPPS hospitals in all areas, subject to the hospital submitting quality information under rules established by the Secretary in accordance with section 1886(b)(3)(B)(viii) of the Act. For hospitals that do not provide these data, the update is equal to the market basket percentage increase less an additional 2.0 percentage points. In accordance with these statutory provisions, in the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 43850), we finalized an applicable percentage increase equal to the full market basket update of 2.1 percent based on IHS Global Insight, Inc.'s second quarter 2009 forecast of the FY 2010 market basket increase, provided the hospital submits quality data in accordance with our rules. For hospitals that do not submit quality data, the FY 2010 update to the operating standardized amount equals 0.1 percent (that is, the FY 2010 estimate of the market basket rate-of-increase minus 2.0 percentage points).

Sections 3401(a) and 10319(a) of Public Law 111–148 and section 1105 of Public Law 111–152, amend section 1886(b)(3)(B) of the Act. Specifically, section 1886(b)(3)(B)(xii)(I) of the Act, as added and amended by these sections of the Affordable Care Act, requires the Secretary to reduce the applicable percentage increase for FY 2010 by 0.25 percentage point, subject to the hospital submitting quality information under rules established by the Secretary in accordance with section 1886(b)(3)(B)(viii) of the Act. For hospitals that do not provide these data, the update is equal to the market basket percentage increase minus 0.25 percentage point less an additional 2.0 percentage points. Section 1886(b)(3)(B)(xii) of the Act, as added and amended by these sections of the Affordable Care Act, further states that the application of this adjustment "may result in the applicable percentage increase described in clause (i) being less than 0.0 for a fiscal year." Although these amendments modify the applicable percentage increase applicable to the FY 2010 rates under the IPPS, section 3401(p) of Public Law 111–148 states that the amendments made by section 3401(a) of Public Law 111–148 shall not apply to discharges occurring prior to April 1, 2010. In other words, for discharges occurring on or after October 1, 2009 and prior to April 1, 2010, payment for a hospital's inpatient operating costs under the IPPS will be based on the applicable percentage increase set forth in the FY 2010 IPPS/RY 2010 LTCH PPS final rule.

Consistent with section 3401(p) of Public Law 111–148, for the first half of FY 2010 (that is, discharges on or after October 1, 2009 through March 30, 2010), payment will be made based on the applicable percentage increase equaling the market basket index for IPPS hospitals (which is defined in 42 CFR 413.40(a)(3)) in all areas for hospitals that submit quality data in accordance with our rules, and the market basket index for IPPS hospitals in all areas less 2.0 percentage for hospitals that fail to submit quality data in accordance with our rules. As noted previously, in the FY 2010 IPPS/RY 2010 LTCH PPS final rule, we calculated that the full market basket update equals 2.1 percent based on IHS Global Insight, Inc.'s second quarter 2009 forecast of the FY 2010 market basket increase. Consistent with section 1886(b)(3)(B)(xii) of the Act, as added and amended by sections 3401(a) and 10319(a) of Public Law 111–148 and section 1105 of Public Law 111–152, and section 3401(p) of Public Law 111–148, payment for discharges during the second half of FY 2010 (discharges on or after April 1, 2010 through September 30, 2010), will reflect the revised FY 2010 rate, which includes the 0.25 percentage point reduction for hospitals that submit quality data in accordance with our rules. For those hospitals that fail to submit quality data in accordance with our rules, we are reducing the market basket index for IPPS hospitals by an additional 2.0 percentage points (which is in addition to the 0.25 percentage point reduction required by section 1886(b)(3)(B)(xii) of the Act, as added and amended by sections 3401(a) and 10319(a) of Pub. L. 111–148 and section 1105 of Pub. L. 111–152).

Therefore, based on IHS Global Insight, Inc.'s second quarter 2009 forecast of the FY 2010 market basket increase, the FY 2010 applicable percentage increase, on which payment for discharges occurring in the second half of FY 2010 is based, is 1.85 percent (that is, the FY 2010 estimate of the market basket rate-of-increase of 2.1 percent minus 0.25 percentage points) for hospitals in all areas, provided the hospital submits quality data in accordance with our rules. For hospitals that do not submit quality data, the payment update to the operating standardized amount is −0.15 percent (that is, the adjusted FY 2010 estimate of the market basket rate-of-increase of 1.85 percent minus 2.0 percentage points). As provided by these provisions, we are proposing to revise 42 CFR 412.64(d) in a supplemental proposed rule published elsewhere in this **Federal Register**.

Section 1886(b)(3)(B)(iv)(IV) of the Act provides that the applicable percentage increase applicable to the hospital-specific rates for SCHs and MDHs equals the applicable percentage increase set forth in section 1886(b)(3)(B)(i) of the Act (that is, the same update factor as for all other hospitals subject to the IPPS). Because the statute defines the applicable percentage increase for SCHs and MDHs as equal to the applicable percentage increase under section 1886(b)(3)(B)(i) of the Act for other IPPS hospitals, the update to the hospital specific rates for SCHs and MDHs is also subject to the amendments to section 1886(b)(3)(B)(i) of the Act made by sections 3401(a) and 10319(a) of Public Law 111–148 and section 1105 of Public Law 111–152, as well as to section 3401(p) of Public Law 111–148. Accordingly, for hospitals paid for their inpatient operating costs on the basis of a hospital-specific rate, the rates paid to such hospitals for discharges occurring during the first half of FY 2010 will be based on an annual update estimated to be 2.1 percent for hospitals submitting quality data or 0.1 percent for hospitals that fail to submit quality data; and the rates paid to such hospitals for the second half of FY 2010 will be based on the revised FY 2010 applicable percentage increase that is estimated to be 1.85 percent for hospitals submitting quality data or −0.15 percent for hospitals that fail to submit quality data. Similarly, we are proposing to revise 42 CFR 412.73(c)(15), 42 CFR 412.75(d), 42 CFR 412.77(e), 42 CFR 412.78(e), and 42 CFR 412.79(d) to reflect the changes made to section 1886(b)(3)(B) by sections 3401(a) and 10319(a) of Public Law 111–148 and section 1105 of Public Law 111–152, in a supplemental proposed rule published elsewhere in this **Federal Register**.

2. FY 2010 Puerto Rico Hospital Update

Puerto Rico hospitals are paid a blended rate for their inpatient operating costs based on 75 percent of the national standardized amount and 25 percent of the Puerto Rico-specific standardized amount. Section 1886(d)(9)(C)(i) of the Act is the basis for determining the annual adjustment to the Puerto Rico-specific standardized amount. Section 1886(d)(9)(C)(i) of the Act provides that the Puerto Rico standardized amount shall be adjusted in accordance with the final determination of the Secretary under section 1886(e)(4) of the Act. Section 1886(e)(4)(A) of the Act in turn directs the Secretary to recommend an appropriate change factor for inpatient hospital services for discharges in that fiscal year, taking in to account amounts necessary for the efficient and effective delivery of medically appropriate and necessary care of high quality, as well as the recommendations of MedPAC. In order to maintain consistency between the portion of the rates paid to Puerto Rico hospitals based on the national standardized amount and the portion based on the Puerto Rico-specific standardized rate, beginning in FY 2004 we have set the update to the Puerto Rico-specific operating standardized amount equal to the update to the national operating standardized amount for all IPPS hospitals. This policy is reflected in our regulations at 42 CFR 412.211.

The amendments to section 1886(b)(3)(B) of the Act by sections 3401(a) and 10319(a) of Public Law 111–148 and section 1105 of Public Law 111–152, affect only the update factor applicable to the national standardized rate for IPPS hospitals and the hospital-specific rates; they do not mandate any revisions to the update factor applicable to the Puerto Rico-specific standardized amount. Rather, as noted above, sections 1886(d)(9)(C)(i) and (e)(4) of the Act direct us to adopt an appropriate change factor for the FY 2010 Puerto Rico-specific standardized amount, which we did in the FY 2010 IPPS/LTCH PPS final rule after notice and comment rulemaking. Therefore, we do not believe we have the authority to revise the FY 2010 update factor for the Puerto Rico-specific operating standardized amount equal to the update factor applicable to the national standardized amount or the hospital-specific rates (that is the market basket minus 0.25 percentage points). Accordingly, the FY 2010 update to the Puerto Rico-specific operating standardized amount remains 2.1 percent (that is, the FY 2010 estimate of the market basket rate-of-increase).

C. Changes to Payment Rates for IPPS for Capital-Related Costs for FY 2010

Although the Affordable Care Act does not directly the amend provisions regarding payment for the IPPS for capital-related costs, in section II.E.2. of this notice we are establishing revised capital IPPS standard Federal rates for FY 2010. The revised FY 2010 capital Federal rates are effective for discharges occurring on or after April 1, 2010, consistent with section 3401(p) of Public Law 111–148. This is necessary because the operating IPPS market basket and wage index changes required by the provisions of this legislation (discussed above in section II.A. of this notice) affect the budget neutrality adjustment factor for changes in DRG classifications and weights and the geographic adjustment factor (GAF) since the GAF values are derived from the wage index values (see § 412.316(a)). In addition, these changes necessitate a revision to the outlier payment adjustment factor since a single set of thresholds is used to identify outlier cases for both inpatient operating and inpatient capital-related payments (see § 412.312(c)). The outlier thresholds are set so that operating outlier payments are projected to be 5.1 percent of total operating IPPS DRG payments. Section 412.308(c)(2) provides that the standard Federal rate for inpatient capital-related costs be reduced by an adjustment factor equal to the estimated proportion of capital-related outlier payments to total inpatient capital-related PPS payments. The revised capital IPPS standard Federal rates for FY 2010 (effective for discharges occurring on or after April 1, 2010) are discussed in section II.E.2. of this notice.

D. Long-Term Care Hospital Market Basket Update and Other Changes

1. Background

In the FY 2010 IPPS/RY 2010 LTCH PPS final rule that appeared in the August 27, 2009 **Federal Register** (74 FR 43754), we established policies, payment rates, and factors for determining payments under the LTCH PPS for RY 2010 (October 1, 2009 through September 30, 2010). Below we discuss revised RY 2010 LTCH PPS rates and factors consistent with the provisions of section 1886(m)(3) as added by section 3401(c) of Public Law 111–148, section 1886(m)(4) as added by section 3401(c) of Public Law 111–148 and amended by section 10319(b) of

Public Law 111–148, as further amended by section 1105(b) of Public Law 111–152, as well as section 3401(p) of Public Law 111–148. Section 1886(m)(3)(A) of the Act provides that in implementing the system described in paragraph (1) [of 1886(m) of the Act] for rate year 2010 and each subsequent rate year, any annual update to the standard Federal rate for discharges for the hospital during the rate year, shall be reduced (i) for rate year 2012 and each subsequent rate year, by the productivity adjustment described in section 1886(b)(3)(B)(xi)(II) [of the Act]; and (ii) for each of the rate years 2010 through 2019, by the other adjustment described in paragraph (4) [of 1886(m) of the Act]. Section 1886(m)(3)(A) of the Act on its face explicitly provides for a revised annual update to the standard Federal rate beginning RY 2010, thus resulting in a single revised RY 2010 standard Federal rate. With respect to section 3401(p) of Public Law 111–148, this section provides that, notwithstanding the previous provisions of this section, the amendments made by subsections (a), (c), and (d) shall not apply to discharges occurring before April 1, 2010. When read in conjunction we believe section 1886(m)(3)(A) of the Act and section 3401(p) of Public Law 111–148 provide for a single revised RY 2010 standard Federal rate; however, for payment purposes, discharges occurring on or after October 1, 2009 and before April 1, 2010, simply will not be based on the revised RY 2010 standard Federal rate. In other words, for discharges occurring on or after October 1, 2009 through March 31, 2010, LTCH PPS payments will be based on the payment rates and factors established in the FY 2010 IPPS/RY 2010 LTCH PPS final rule (*see* (74 FR 43754)).

2. Market Basket Update for LTCHs for RY 2010

As discussed in section VII.C.2. of the preamble of the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 43967 through 43968), we continued to use the FY 2002-based rehabilitation, psychiatric, long-term care (RPL) hospital market basket under the LTCH PPS for RY 2010. Also, in that final rule, we stated that at that time, the most recent estimate of the increase in the LTCH PPS market basket for RY 2010 was 2.5 percent. This increase is based on IHS Global Insight, Inc.'s second quarter 2009 forecast of the FY 2002-based RPL market basket increase for RY 2010. We note, as discussed in the FY 2010 IPPS/RY 2010 final rule (74 FR 44022), in determining the update to the standard Federal rate for RY 2010, in addition to the full market basket increase, we also applied a −0.5 percent adjustment to account for the increase in case-mix due to changes in documentation and coding practices that do not reflect increased patient severity of illness from a prior period (that is, FY 2007).

As indicated above, section 3401(c) of Public Law 111–148 adds section 1886(m)(3)(A)(ii) of the Act which specifies that for RY 2010 and subsequent rate years, any update to the standard Federal rate shall be reduced, for each of RYs 2010 through 2019, by the other adjustment specified in new section 1886(m)(4) of the Act. Specifically, newly added section 1886(m)(4)(A) of the Act requires a 0.25 percentage point reduction to the annual update for RY 2010. Consequently, the market basket update under the LTCH PPS for RY 2010 is 2.25 percent (that is, the second quarter 2009 forecast estimate of the RY 2010 LTCH PPS market basket increase of 2.5 percent minus the 0.25 percentage points required by sections 1886(m)(3)(A)(ii) and (m)(4)(A) of the Act). (We note that to determine the revised standard Federal rate for RY 2010 in this notice, we applied the reduced market basket update (2.25 percent) as well as a −0.5 percent adjustment to account for the increase in case-mix due to changes in documentation and coding practices that do not reflect increased patient severity of illness from a prior period (FY 2007) that we established in the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 43972).) In addition, in section II.F. of the Addendum of this notice, this revision to the standard Federal rate for RY 2010 requires us to revise the high cost outlier fixed-loss amount for RY 2010, under which the discharges occurring on or after April 1, 2010 will be evaluated, in order to maintain the requirement that the fixed-loss amount will result in estimated total outlier payments being projected to be equal to 8 percent of projected total LTCH PPS payments. (We also note that we determined that it is not necessary to revise the FY 2010 MS–LTC–DRG relative weights as a result of the change to the RY 2010 LTCH PPS standard Federal rate resulting from the revision to the RY 2010 annual update required by the Affordable Care Act. Although the standard Federal rate is used in our established methodology for updating the annual update to the MS–LTC–DRG classifications and relative weights in a manner such that estimated aggregate LTCH PPS payments would be unaffected, our payment simulations using the same budget neutrality methodology used in the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 43966 through 43967) show that this revision to the RY 2010 LTCH PPS standard Federal rate resulting from the revision to the RY 2010 annual update required by the Affordable Care Act, would not change the RY 2010 budget neutrality factor originally established in the FY 2010 IPPS/RY 2010 LTCH PPS final rule. Therefore, the FY 2010 MS–LTC–DRG relative weights remain unchanged from those established in Table 11 of the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44183 through 44192).)

E. Final FY 2010 Prospective Payment Systems Payment Rates for Hospital Inpatient Operating and Capital Related Costs

1. Final FY 2010 Prospective Payment Rates for Hospital Inpatient Operating Costs

In the FY 2010 IPPS and RY 2010 LTCH PPS final rule published in the **Federal Register** on August 27, 2009 (74 FR 43754), we established our methodology to determine the policies, payment rates and factors for determining payments under the IPPS for the entire FY 2010 (74 FR 44002 through 44014). Some of these rates also were corrected, as reflected in an October 7, 2009 correction notice (74 FR 51496). Below we establish revised FY 2010 IPPS rates and factors consistent with the provisions of section 3137(a) of Public Law 111–148, as amended by section 10319(a) of Public Law 111–148 and section 1105 of Public Law 111–152, and section 1886(b)(3)(B), as amended by sections 3401(a) and 10310(a) of Public Law 111–148 and section 1105 of Public Law 111–152. Although these changes modify the FY 2010 rates under the IPPS, in accordance with section 3401(p) of Public Law 111–148, the revised IPPS payment rates and factors do not apply to discharges occurring prior to April 1, 2010. In other words, for discharges occurring on or after October 1, 2009 through discharges on or before March 31, 2010, IPPS payments will be based on the payment rates and factors established in the FY 2010 IPPS/RY 2010 LTCH PPS final rule, and for discharges on or after April 1, 2010 through discharges on or before September 30, 2010 payments will be based on the FY 2010 payment rates and factors outlined in this notice.

The 0.25 percentage point reduction to the applicable percentage increase for FY 2010 (as required by section 1886(b)(3)(B)(xii), as added and amended by sections 3401(a) and

section 10319(a) of Pub. L. 111–148 and section 1105 of Pub. L. 111–152) affects all the budget neutrality factors described below. In general, to compute the budget neutrality factors that are applied to the standardized amounts, in our simulations of FY 2010 payments we used the standardized amount updated by the market basket update percentage (for FY 2010). Because the statute now requires a reduction to the FY 2010 market basket update, it is necessary to recompute the FY 2010 budget neutrality factors applied to the standardized amount by resimulating payments with the revised FY 2010 market basket update.

To calculate the FY 2010 revised payment rates and factors, we used the same methodology from the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44002 through 44014) incorporating the additional reduction required by section 1886(b)(3)(B)(xii) of the Act (as discussed below). We note that in calculating the budget neutrality factors discussed below, we included the wage data corrections discussed in the FY 2010 IPPS/LTCH PPS final rule correction notice (74 FR 51497 through 51498).

a. Updating the Average Standardized Amounts

As explained in section II.B. of this notice, in accordance with section 3401(p) of Public Law 111–148, for the first half of FY 2010 (that is, discharges on or after October 1, 2009 through March 30, 2010), payments will be based on an applicable percentage increase that is equal to the market basket index for IPPS hospitals (which is defined in 42 CFR 413.40(a)(3)) in all areas for hospitals that submit quality data in accordance with our rules, and the market basket index for IPPS hospitals in all areas less 2.0 percentage for hospitals that fail to submit quality data in accordance with our rules. In the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44235), we calculated that the full market basket update equals 2.1 percent based on IHS Global Insight, Inc.'s second quarter 2009 forecast of the FY 2010 market basket increase. For the second half of FY 2010 (discharges on or after April 1, 2010 through September 30, 2010), in accordance with section 1886(b)(3)(B)(xii) of the Act, as added and amended by sections 3401(a) and 10319(a) of Public Law 111–148 and section 1105 of Public Law 111–152, as well as section 3401(p) of Public Law 111–148, hospitals are paid based on the revised FY 2010 applicable percentage increase. That amount is equal to the market basket index for IPPS hospitals in all areas reduced by 0.25 percentage points for hospitals that submit quality data in accordance with our rules. For those hospitals that fail to submit quality data in accordance with our rules, the market basket index for IPPS hospitals will continue to be reduced by an additional 2.0 percentage points (which is in addition to the 0.25 percentage point reduction required by new section 1886(b)(3)(B)(xii) of the Act). Therefore, based on IHS Global Insight, Inc.'s second quarter 2009 forecast of the FY 2010 market basket increase, the revised FY 2010 applicable percentage increase is 1.85 percent (that is, the FY 2010 estimate of the market basket rate-of-increase of 2.1 percent minus 0.25 percentage points) for hospitals in all areas, provided the hospital submits quality data in accordance with our rules. For hospitals that do not submit quality data, the payment update to the operating standardized amount is −0.15 percent (that is, the adjusted FY 2010 estimate of the market basket rate-of-increase of 1.85 percent minus 2.0 percentage points). Hospitals will be paid based on these revised payment update amounts for discharges occurring in the second half of FY 2010. We note that in order to implement the requirements of section 1886(b)(3)(B) of the Act, as amended by sections 3401(a) and 10319(a) of Public Law 111–148 and section 1105 of Public Law 111–152, we are proposing to revise 42 CFR 412.64(d) in a supplemental proposed rule published elsewhere in this **Federal Register**.

The amendments to section 1886(b)(3)(B) of the Act by sections 3401(a) and 10319(a) of Public Law 111–148 and section 1105 of Public Law 111–152, affect only the update factor applicable to the national standardized rate for IPPS hospitals and the hospital-specific rates; they do not mandate any revisions to the update factor applicable to the Puerto Rico-specific standardized amount. Rather, sections 1886(d)(9)(C)(i) and (e)(4) of the Act direct us to adopt an appropriate change factor for the FY 2010 Puerto Rico-specific standardized amount, which we did in the FY 2010 IPPS/RY 2010 LTCH PPS final rule after notice and consideration of public comments. Therefore, we do not believe that we have the authority to revise the FY 2010 update factor for the Puerto Rico-specific operating standardized amount equal to the update factor applicable to the national standardized amount or the hospital-specific rates (that is the market basket minus 0.25 percentage points). Accordingly, the FY 2010 update to the Puerto Rico-specific operating standardized amount remains 2.1 percent (that is, the FY 2010 estimate of the market basket rate-of-increase).

b. Final FY 2010 Budget Neutrality Adjustments Factors for Recalibration of DRG Weights and Updated Wage Index

Using the methodology finalized in the FY 2010 IPPS/LTCH PPS final rule for calculating budget neutrality, for FY 2010 (74 FR 44005), we are setting the following budget neutrality factors in order to account for the changes made by the Affordable Care Act: A DRG reclassification and recalibration factor of 0.997935 and a budget neutrality factor of 1.000418 for changes to the wage index. We multiplied the DRG reclassification and recalibration budget neutrality factor of 0.997935 by the budget neutrality factor of 1.000418 for changes to the wage index to determine the DRG reclassification and recalibration and updated wage index budget neutrality factor of 0.998352 (as required by sections 1886(d)(4)(C)(iii) and 1886(d)(3)(E)(i) of the Act). Consistent with section 3401(p) of Public Law 111–148, we applied these revised factors to the Federal rate on which payments are made for discharges occurring on or after April 1, 2010.

c. Final FY 2010 Reclassified Hospitals-Budget Neutrality Adjustment

Using the methodology finalized in the FY 2010 IPPS/LTCH PPS final rule for calculating reclassification budget neutrality (74 FR 44005 through 44006), we computed the following factor in order to account for the changes made by the Affordable Care Act: A 0.991985 factor for reclassification budget neutrality, as required by section 1886(d)(8)(D) of the Act. Consistent with sections 3137(a) and 3401(p) of the Public Law 111–148, we applied this factor to the Federal rate that is applied in determining payments for FY 2010 discharges occurring on or after April 1, 2010.

We note, as discussed in section II.A. of this notice, section 3137(a) of Public Law 111–148, as amended by section 10317 of Public Law 111–148 has now extended the hospital reclassification provisions of section 508 and certain special exceptions through September 30, 2010 (FY 2010). Consistent with section 106(a) of Public Law 109–432, payments for providers reclassified under section 508 and under the special exception policy are not budget neutral. However, section 3137(a)(2)(B) of Public Law 111–148 requires us to also recalculate the reclassification wage indices of areas by excluding those hospitals whose section 508

reclassifications and special exceptions wage indices have been extended, if doing so would increase the reclassification wage index. These payments of providers located in section 508 and special exception areas (that are not section 508 or special exception providers), as well as hospitals reclassified to those areas, are subject to budget neutrality. Therefore, we included the additional payments associated with the increased payments being made to such hospitals as a result of section 3137(a) of Public Law 111–148 in our calculation of the reclassified wage index budget neutrality factor, pursuant to section 1886(d)(8)(D) of the Act. This section requires that aggregate payments under section 1886 of the Act do not increase as a result of the costs associated with reclassifications. Our analysis relied on the most up-to-date wage data, that is, the corrected wage indexes from the FY 2010 IPPS/RY 2010 LTCH PPS correction notice (74 FR 51497 through 51498) in the calculation of the reclassified wage index budget neutrality factor. Guidance to FIs and A/B MACs will be issued separate from this notice for hospital wage indexes that are increasing as a result of the extension of section 508 reclassifications and special exceptions.

d. Final FY 2010 Rural and Imputed Floor Budget Neutrality

We make an adjustment to the wage index to ensure that aggregate payments to hospitals are not affected by the rural floor under section 4410 of the Balanced Budget Act of 1997 (BBA) (Pub. L. 105–33) and the imputed floor under § 412.64(h)(4) of the regulations. As discussed in section III.B. of the preamble to the FY 2009 IPPS final rule (73 FR 48570 through 48574), we adopted State-level budget neutrality for the rural and imputed floors, effective beginning with the FY 2009 wage index. In response to the public's concerns and taking into account the potentially significant payment cuts that could occur to hospitals in some States if we implemented this change with no transition, we phased in, over a 3-year period, the transition from a national rural floor budget neutrality adjustment on the wage index to a State-level rural floor budget neutrality adjustment on the wage index. For FY 2010, the blended wage index was determined by adding 50 percent of the wage index adjusted by applying the State-level rural and imputed floor budget neutrality adjustment and 50 percent of the wage index adjusted by applying the national budget neutrality adjustment.

Similar to the budget neutrality factors above, we included the corrected wage data from the FY 2010 IPPS/LTCH PPS final rule correction notice and the post reclassified wage index changes that resulted from the extension of the hospital reclassification provisions of section 508 and certain special exceptions in our calculation of the FY 2010 rural and imputed floor budget neutrality factors. We note that section 3137(a)(2)(B) of Public Law 111–148, as amended by section 10317 of Public Law 111–148, requires that beginning April 1, 2010, we include the average hourly wage data of hospitals whose section 508 reclassifications and special exception wage indices were extended, only if doing so results in a higher reclassification wage index. We interpret this language as referring to the reclassification wage index that is calculated pursuant to section 1886(d)(8)(C) of the Act, as that is the reclassification wage index calculation that employs average hourly wage data. We do not interpret the language as referring to the reclassification wage index after it is subsequently adjusted for rural/imputed floor budget neutrality, as that budget neutrality adjustment is not based upon average hourly wage data, and is not made to adjust for the effects of reclassifications.

Using the methodology finalized in the FY 2010 IPPS/LTCH PPS final rule (74 FR 44006), we calculated a national rural and imputed floor budget neutrality adjustment factor of 0.996686. Each State's rural or imputed floor budget neutrality adjustment can be found in table 4D–1 of the Addendum of this notice. Additionally, in order to ensure that national payments overall remain budget neutral after application of the blended national and state rural and imputed floors, an additional adjustment factor of 1.000010 must be applied to the blended post reclassified, post-floor (including budget neutrality) wage indices. Consistent with section 3401(p) of Public Law 111–148, we applied these factors to the wage indexes that are applied in determining payments for FY 2010 discharges occurring on or after April 1, 2010.

e. Final FY 2010 Rural Community Hospital Demonstration Program Adjustment

Using the methodology finalized in the FY 2010 IPPS/LTCH PPS final rule and accounting for the projected total annual impact of $27,141,815 for FY 2010 (74 FR 44012; and reflecting the provisions of the Affordable Care Act) we computed a budget neutrality adjustment of 0.999739 for the rural community hospital demonstration, in order to satisfy section 410A(c)(2) of Public Law 108–173. We note, after re-simulating payments reflecting the provisions of the Affordable Care Act, the adjustment factor in this notice is the same as the adjustment factor computed in the FY 2010 IPPS/LTCH PPS final rule. Consistent with section 3401(p) of Public Law 111–148, we applied this factor to the Federal rate that is applied in determining payments for FY 2010 discharges occurring on or after April 1, 2010.

f. Final FY 2010 Outlier Fixed-Loss Cost Threshold

We are revising the FY 2010 outlier fixed-loss cost threshold due to the change in the market basket and other budget neutrality factors described above. Using the methodology we finalized in the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44007 through 44011) and taking into account the provisions of the Affordable Care Act as discussed above, we are finalizing an outlier fixed-loss cost threshold for FY 2010 equal to the prospective payment rate for the DRG, plus any IME and DSH payments, and any add-on payments for new technology, plus $23,135. Consistent with section 3401(p) of the Public Law 111–148, we are applying this threshold for FY 2010 discharges occurring on or after April 1, 2010.

g. Final FY 2010 Outlier Adjustment Factors

The FY 2010 outlier adjustment factors that are applied to the FY 2010 standardized amount for the FY 2010 outlier threshold are as follows:

	Operating standardized amounts	Capital federal rate
National	0.948998	0.947766
Puerto Rico	0.957417	0.935787

Consistent with section 3401(p) of Public Law 111–148, we applied these revised factors to the Federal rate on which payments are made for discharges occurring on or after April 1, 2010.

h. FY 2010 Standardized Amount

We recalculated the FY 2010 final standardized amounts using the methodology finalized in the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44002 through 44014) and taking into account the changes required by the provisions of the Affordable Care Act as discussed above. Tables 1A and 1B of 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 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 68.8 percent, and the labor-related share applied to the final standardized amounts in Table 1B is 62 percent.

In addition, Tables 1A and 1B include the final standardized amounts reflecting the FY 2010 adjusted market basket update of 1.85 percent update and final standardized amounts reflecting the additional 2.0 percentage point reduction to the update applicable for hospitals that fail to submit quality data consistent with section 1886(b)(3)(B)(viii) of the Act (resulting in a −0.15 percent update). Below is a revised table reflecting the changes required by the provisions of the Affordable Care Act that details the calculation of the final FY 2010 standardized amounts. Consistent with section 3401(p) of Public Law 111–148, hospitals are paid based on these rates for discharges occurring on or after April 1, 2010.

COMPARISON OF FY 2009 STANDARDIZED AMOUNTS TO THE FY 2010 STANDARDIZED AMOUNT WITH FULL AND REDUCED UPDATE

	Full update (1.85 percent); wage index is greater than 1.0000	Full update (1.85 percent); wage index is less than or equal to 1.0000	Reduced update (−0.15 percent); wage index is greater than 1.0000	Reduced update (−0.15 percent); wage index is less than or equal to 1.0000
FY 2009 Base Rate, after removing geographic reclassification budget neutrality, demonstration budget neutrality and outlier offset (based on the labor-related share percentage for FY 2010).	Labor: $3,748.52 Nonlabor: $1,699.91	Labor: $3,378.03 Nonlabor: $2,070.40	Labor: $3,748.52 Nonlabor: $1,699.91	Labor: $3,378.03. Nonlabor: $2,070.40.
FY 2010 Update Factor	1.0185	1.0185	0.9985	0.9985.
FY 2010 DRG Recalibration and Wage Index Budget Neutrality Factor.	0.998352	0.998352	0.998352	0.998352.
FY 2010 Reclassification Budget Neutrality Factor.	0.991985	0.991985	0.991985	0.991985.
FY 2010 Outlier Factor	0.948998	0.948998	0.948998	0.948998.
Rural Demonstration Budget Neutrality Factor.	0.999739	0.999739	0.999739	0.999739.
Rate for FY 2010	Labor: $3,587.24 Nonlabor: $1,626.78	Labor: $3,232.69 Nonlabor: $1,981.33	Labor: $3,516.80 Nonlabor: $1,594.84	Labor: $3,169.22. Nonlabor: $1,942.42.

The labor-related and nonlabor-related portions of the national average standardized amounts for Puerto Rico hospitals for FY 2010 are set forth in Table 1C in this notice. (The labor-related share applied to the Puerto Rico-specific standardized amount is either 62.1 percent or 62 percent, depending on which is more advantageous to the hospital.)

i. Final FY 2010 Adjustments for Area Wage Levels

The following wage index tables were revised in this notice as a result of the provisions of the Affordable Care Act: Tables 2, 4A, 4B, 4C, 4D–1, 4D–2, 4J, and 9B. (These tables can be found in the Addendum to this notice and are also available on the CMS Web site at *http://www.cms.gov/AcuteInpatientPPS/WIFN/itemdetail.asp?filterType=none&filterByDID=0&sortByDID=3&sortOrder=descending&itemID=CMS1234175&intNumPerPage=10.*)

2. FY 2010 Prospective Payment Rates for Acute Care Hospital Inpatient Capital-Related Costs

Although the provisions of the Affordable Care Act do not directly affect the payment rates and policies for the IPPS for capital-related costs, as discussed in section II.C. of this notice, we are revising the capital IPPS standard Federal rates for FY 2010. The revised FY 2010 capital Federal rates are effective for discharges occurring on or after April 1, 2010, consistent with section 3401(p) of Public Law 111–148. The revision to the FY 2010 capital Federal rates is necessary because the operating IPPS market basket and wage index changes required by the provisions of the Affordable Care Act (discussed in section II.A. of this notice) affect the budget neutrality adjustment factor for changes in DRG classifications and weights and the geographic adjustment factor (GAF) since the GAF values are derived from the wage index values (see § 412.316(a)). In addition, the provisions of the Affordable Care Act also necessitate a revision to the outlier payment adjustment factor for FY 2010 since a single set of thresholds is used to identify outlier cases for both inpatient operating and inpatient capital-related payments (*see* § 412.312(c)).

In this notice, we have calculated the final FY 2010 capital Federal rates, offsets, and budget neutrality factors using the same methodology we adopted in the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44014 through 44021), as revised by the FY 2010 IPPS/RY 2010 LTCH PPS correction notice (October 7, 2009; (74 FR 51496 through 51499)), that was used to calculate the final rates and factors included in that rule which did not reflect the provisions of the Affordable Care Act. For a complete description of this methodology, please

see the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44014 through 44021), as revised by the FY 2010 IPPS/RY 2010 LTCH PPS correction notice (74 FR 51496 through 51499).

a. Capital Standard Federal Rate Update for FY 2010

The final factors used in the FY 2010 update framework are not affected by the provisions of the Affordable Care Act. Therefore, the final update factor for FY 2010 is not being revised from the final capital IPPS standard Federal rate update factor discussed in section III.A.1. of the FY 2010 IPPS/RY 2010 LTCH PPS final rule, as revised by the FY 2010 IPPS/RY 2010 LTCH PPS correction notice and remains at 1.2 percent for FY 2010. A full discussion of the update framework is provided in the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44015 through 44017) in conjunction with the FY 2010 IPPS/RY 2010 LTCH PPS correction notice (74 FR 51498 through 51499).

b. Outlier Payment Adjustment Factor

Based on the thresholds as set forth in section II.E.2. of this notice, we estimate that outlier payments for capital-related costs will equal 5.22 percent for inpatient capital-related payments based on the final capital Federal rate in FY 2010. Therefore, we are applying an outlier adjustment factor of 0.9478 in determining the FY 2010 capital Federal rate. For FY 2009, we estimated that outlier payments for capital will equal 5.35 percent of inpatient capital-related payments, and we established an outlier adjustment factor of 0.9465 for FY 2009 based on the capital Federal rate in FY 2009 (73 FR 57891). Thus, we estimate that the percentage of capital outlier payments to total capital standard payments for FY 2010 will be lower than the percentage for FY 2009. This decrease in capital outlier payments is primarily due to the estimated increase in capital IPPS payments per discharge. That is, because capital payments per discharge are projected to increase in FY 2010 compared to FY 2009, as shown in Table III. in section IV.C. of this notice, fewer cases will qualify for outlier payments.

The outlier reduction factors are not built permanently into the capital rates; that is, they are not applied cumulatively in determining the capital Federal rate. The FY 2010 outlier adjustment of 0.9478 is a 0.14 percent change from the FY 2009 outlier adjustment of 0.9465. Therefore, the net change in the outlier adjustment to the capital Federal rate for FY 2010 is 1.0014 (0.9478/0.9465). Thus, the outlier adjustment increases the FY 2010 capital Federal rate by 0.14 percent compared to the FY 2009 outlier adjustment.

A single set of thresholds is used to identify outlier cases for both inpatient operating and inpatient capital-related payments (see § 412.312(c)). The outlier thresholds are set so that operating outlier payments are projected to be 5.1 percent of total operating IPPS DRG payments. The outlier thresholds for FY 2010 are in section II.E.1. of this notice. For FY 2010, for discharges occurring on or after April 1, 2010, a case qualifies as a cost outlier if the cost for the case plus the IME and DSH payments is greater than the prospective payment rate for the MS–DRG plus the fixed-loss amount of $23,135.

c. Budget Neutrality Adjustment Factor for Changes in DRG Classifications and Weights and the GAF

Using the methodology discussed in section III.A.3. of the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44018 through 44019), for FY 2010, we are establishing a GAF/DRG budget neutrality factor of 0.9994, which is the product of the incremental GAF budget neutrality factor of 0.9999 and the DRG budget neutrality factor of 0.9995 (the DRG budget neutrality factor remains unchanged from the FY 2010 IPPS/RY 2010 LTCH PPS final rule). 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 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 GAFs. The incremental change in the adjustment from FY 2009 to FY 2010 is 0.9994. The cumulative change in the FY 2010 capital Federal rate due to this adjustment is 0.9911 (the product of the incremental factors for FYs 1995 though 2009 and the incremental factor of 0.9994 for FY 2010). (We note that averages of the incremental factors that were in effect during FYs 2005 and 2006, respectively, and the revised FY 2010 factor of 0.9994 that reflect the effect of the provisions of the Affordable Care Act (as discussed in section II.C. of this notice) were used in the calculation of the cumulative adjustment of 0.9911 for FY 2010.) The cumulative adjustments for MS–DRG classifications and changes in relative weights and for changes in the national GAFs through FY 2010 is 0.9911. The following table summarizes the adjustment factors for each fiscal year:

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BUDGET NEUTRALITY ADJUSTMENT FOR DRG RECLASSIFICATIONS AND RECALIBRATION AND THE GEOGRAPHIC ADJUSTMENT FACTORS

	National Incremental Adjustment				Puerto Rico Incremental Adjustment			
Fiscal Year	Geographic Adjustment Factor	DRG Reclassifications and Recalibration	Combined	Cumulative	Geographic Adjustment Factor	DRG Reclassifications and Recalibration	Combined	Cumulative
1992	—	—	—	1.00000	—	—	—	—
1993	—	—	0.99800	0.99800	—	—	—	—
1994	—	—	1.00531	1.00330	—	—	—	—
1995	—	—	0.99980	1.00310	—	—	—	—
1996	—	—	0.99940	1.00250	—	—	—	—
1997	—	—	0.99873	1.00123	—	—	—	—
1998	—	—	0.99892	1.00015	—	—	—	1.00000
1999	0.99944	1.00335	1.00279	1.00294	0.99898	1.00335	1.00233	1.00233
2000	0.99857	0.99991	0.99848	1.00142	0.99910	0.99991	0.99901	1.00134
2001[1]	0.99782	1.00009	0.99791	0.99933	1.00365	1.00009	1.00374	1.00508
2001[2]	0.99771[3]	1.00009[3]	0.99780[3]	0.99922	1.00365[3]	1.00009[3]	1.00374[3]	1.00508
2002	0.99666[4]	0.99668[4]	0.99335[4]	0.99268	0.98991[4]	0.99668[4]	0.99662[4]	0.99164
2003[5]	0.99915	0.99662	0.99577	0.98848	1.00809	0.99662	1.00468	0.99628
2003[6]	0.99896[7]	0.99662[7]	0.99558[7]	0.98830	1.00809	0.99662	1.00468	0.99628
2004[8]	1.00175[9]	1.00081[9]	1.00256[9]	0.99083	1.00028	1.00081	1.00109	0.99736
2004[10]	1.00164[9]	1.00081[9]	1.00245[9]	0.99072	1.00028	1.00081	1.00109	0.99736
2005[11]	0.99967[12]	1.00094	1.00061[12]	0.99137	0.99115	1.00094	0.99208	0.98946
2005[13]	0.99946[12]	1.00094	1.00040[12]	0.99117	0.99115	1.00094	0.99208	0.98946
2006	1.00185[14]	0.99892	1.00076[14]	0.99198	1.00762	0.99892	1.00653	0.99592
2007	1.00000	0.99858	0.99858	0.99057	1.00234	0.99858	1.00092	0.99683
2008	1.00172	0.99792	0.99963	0.99021	1.00079	0.99792	0.99870	0.99554
2009[15]	1.00206	0.99945	1.00150	0.99170	1.00097	0.99945	1.00041	0.99595
2010[16]	0.99989	0.99953	0.99941	0.99112	1.00141	0.99953	1.00094	0.99688

[1]Factors effective for the first half of FY 2001 (October 2000 through March 2001).
[2] Factors effective for the second half of FY 2001 (April 2001 through September 2001).
[3]Incremental factors are applied to FY 2000 cumulative factors.
[4]Incremental factors are applied to the cumulative factors for the first half of FY 2001.
[5]Factors effective for the first half of FY 2003 (October 2002 through March 2003).
[6]Factors effective for the second half of FY 2003 (April 2003 through September 2003).
[7]Incremental factors are applied to FY 2002 cumulative factors.
[8]Factors effective for the first half of FY 2004 (October 2003 through March 2004).
[9]Incremental factors are applied to the cumulative factors for the second half of FY 2003.
[10]Factors effective for the second half of FY 2004 (April 2004 through September 2004).
[11]Factors effective for the first quarter of FY 2005 (September 2004 through December 2004).
[12]Incremental factors are applied to average of the cumulative factors for the first half (October 1, 2003 through March 31, 2004) and second half (April 1, 2004 through September 30, 2004) of FY 2004.
[13]Factors effective for the last three quarters of FY 2005 (January 2005 through September 2005).
[14]Incremental factors are applied to average of the cumulative factors for 2005.
[15]Final factors for FY 2009, including the implementation of section 124 of Public Law 110-275, which affects wage indices and GAFs for FY 2009,
[16] Final revised factors for FY 2010, which reflect the effect of the provisions of the Affordable Care Act (as discussed in this notice).

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The factor accounts for the MS–DRG reclassifications and recalibration and for changes in the GAFs, which include the changes to the operating IPPS market basket update and wage index as required by the provisions of the Affordable Care Act (as discussed in section II.A. of this notice). It also incorporates the effects on the GAFs of FY 2010 geographic reclassification decisions made by the MGCRB compared to FY 2009 decisions. However, it does not account for changes in payments due to changes in the DSH and IME adjustment factors.

d. Exceptions Payment Adjustment Factor

The provisions of the Affordable Care Act have no effect on capital exceptions

payments. Therefore, the special exceptions adjustment factor remains at 0.9998 as discussed in section III.A.4. of the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44019).

e. Capital Standard Federal Rate for FY 2010

As a result of the 1.2 percent update and other budget neutrality factors discussed above, we are establishing a national capital Federal rate of $429.56 for FY 2010. As stated above, this rate will apply to discharges occurring on or after April 1, 2010, consistent with section 3401(p) of Public Law 111–148. We are providing the following chart that shows how each of the factors and adjustments for FY 2010 affects the computation of the FY 2010 national capital Federal rate in comparison to the FY 2009 national capital Federal rate. The FY 2010 update factor has the effect of increasing the capital Federal rate by 1.2 percent compared to the FY 2009 capital Federal rate. The GAF/DRG budget neutrality factor of 0.9994 has the effect of decreasing the capital Federal rate by 0.06 percent compared to the FY 2009 capital Federal rate. The FY 2010 outlier adjustment factor has the effect of increasing the capital Federal rate by 0.14 percent compared to the FY 2009 capital Federal rate. The FY 2010 exceptions payment adjustment factor has the effect of decreasing the capital Federal rate by 0.01 percent compared to the FY 2009 capital Federal rate. As discussed in section VI.E.1. of the preamble of the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 43926 through 43928), we did not apply an additional adjustment to the FY 2010 capital Federal rate for changes in documentation and coding that do not reflect real changes in patients' severity of illness. A permanent cumulative adjustment of −1.5 percent (that is, a factor of 0.985) was applied in determining the FY 2009 capital Federal rate for changes in documentation and coding that do not reflect real changes in patients' severity of illness. The combined effect of all the changes increase the national capital Federal rate by approximately 1.27 percent compared to the FY 2009 national capital Federal rate.

COMPARISON OF FACTORS AND ADJUSTMENTS: FY 2009 CAPITAL FEDERAL RATE AND FY 2010 CAPITAL FEDERAL RATE

	FY 2009	FY 2010	Change	Percent change
Update Factor [1]	1.0090	1.0120	1.0120	1.20
GAF/DRG Adjustment Factor [1]	1.0004	0.9994	0.9994	−0.06
Outlier Adjustment Factor [2]	0.9465	0.9478	1.0014	0.14
Exceptions Adjustment Factor [2]	0.9999	0.9998	0.9999	−0.01
MS–DRG Documentation and Coding Adjustment Factor	[3] 0.9850	[3] 0.9850	1.0000	0.00
Capital Federal Rate	$424.17	$429.56	1.0127	1.27

[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 2009 to FY 2010 resulting from the application of the 0.9994 GAF/DRG budget neutrality factor for FY 2010 is a net change of 0.9994.

[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 FY 2010 outlier adjustment factor is 0.9478//0.9465, or 1.0014.

[3] The documentation and coding adjustment factor includes the −0.6 percent in FY 2008, −0.9 percent in FY 2009, and no additional reduction in FY 2010.

We are also providing a chart that shows how the revised FY 2010 capital Federal rate, which reflects the effect of the provisions of the Affordable Care Act differs from the FY 2010 capital Federal rate as presented in the FY 2010 IPPS final rule (74 FR 44020), as revised by the FY 2010 IPPS/RY 2010 LTCH PPS correction notice (74 FR 52499).

COMPARISON OF FACTORS AND ADJUSTMENTS: FY 2010 CAPITAL FEDERAL RATE PRIOR TO THE ENACTMENT OF THE AFFORDABLE CARE ACT AND REVISED FY 2010 CAPITAL FEDERAL RATE REFLECTING THE EFFECT OF THE PROVISIONS OF THE AFFORDABLE CARE ACT

	FY 2010 *	Revised FY 2010 **	Change	Percent change
Update Factor	1.0120	1.0120	1.0000	0.00
GAF/DRG Adjustment Factor	0.9990	0.9994	1.0004	0.04
Outlier Adjustment Factor	0.9475	0.9478	1.0003	0.03
Exceptions Adjustment Factor	0.9998	0.9998	1.0000	0.00
MS–DRG Documentation and Coding Adjustment Factor	1.0000	1.0000	1.0000	0.00
Capital Federal Rate	$429.26	$429.56	1.0007	0.07

* FY 2010 capital IPPS rates and factors established in the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44020), as revised by the FY 2010 IPPS/RY 2010 LTCH PPS correction notice (74 FR 52499), developed prior to the enactment of the Affordable Care Act.

** Final FY 2010 capital IPPS rates and factors reflecting the effect of the provisions of the Affordable Care Act.

f. Special Capital Rate for Puerto Rico Hospitals

Using the methodology discussed in the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44020), with the changes we are making to the factors used to determine the capital rate, the FY 2010 special capital rate for hospitals in Puerto Rico is $203.57. (See the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44015 through 44020) and FY 2010 IPPS/RY 2010 LTCH PPS correction notice (74 FR 51499) for additional information on the calculation of the FY 2010 capital Puerto Rico specific rate.)

F. Changes to the Payment Rates for the LTCH PPS for RY 2010

1. LTCH PPS Standard Federal Rate for RY 2010

a. Revision of Certain Market Basket Updates as Required by the Affordable Care Act

In section V. of the Addendum of the FY 2010 IPPS/RY 2010 final rule (74 FR 44021 through 44022), we discuss the changes to the payment rates and factors under the LTCH PPS for RY 2010. Below we establish revised RY 2010 LTCH PPS rates and factors consistent with the provisions of section 1886(m)(3) of the Act as added by section 3401(c) of Public Law 111–148, and section 1886(m)(4) as added by section 3401(c) of Public Law 111–148 and amended by section 10319(b) of Public Law 111–148, as further amended by section 1105(b) of Public Law 111–152, as well as section 3401(p) of Public Law 111–148. Section 1886(m)(3)(A) of the Act provides that in implementing the system described in paragraph (1) [of 1886(m) of the Act] for rate year 2010 and each subsequent rate year, any annual update to the standard Federal rate for discharges for the hospital during the rate year, shall be reduced (i) for rate year 2012 and each subsequent rate year, by the productivity adjustment described in section 1886(b)(3)(B)(xi)(II) [of the Act]; and (ii) for each of the rate years 2010 through 2019, by the other adjustment described in paragraph (4) [of 1886(m) of the Act]. As explained above in section II.D. of this notice, section 1886(m)(3)(A) of the Act on its face explicitly provides for a revised annual update to the standard Federal rate beginning RY 2010, thus resulting in a single revised RY 2010 standard Federal rate. Under section 1886(m)(3)(A)(ii), the annual update to the standard Federal rate shall be reduced for each of the rate years 2010 through 2019, by the other adjustment described in paragraph (4) [of 1886(m) of the Act]. Section 1886(m)(4)(A) of the Act provides for a 0.25 percentage point reduction to the annual update for RY 2010. Therefore, we are reducing the applicable market basket update for RY 2010 by 0.25 percentage points, as described in greater detail below. With respect to section 3401(p) of Public Law 111–148, this section provides that, notwithstanding the previous provisions of this section, the amendments made by subsections (a), (c) and (d) shall not apply to discharges occurring before April 1, 2010. When read in conjunction, we believe section 1886(m)(3)(A)(ii) of the Act and section 3401(p) of Public Law 111–148 provide for a single revised RY 2010 standard Federal rate; however, for payment purposes, discharges occurring on or after October 1, 2009 and before April 1, 2010, simply will not be based on the revised RY 2010 standard Federal rate. (In other words, for discharges occurring on or after October 1, 2009 and on or before March 31, 2010, the update to the LTCH PPS Federal rate will be based on the applicable update factor set forth in the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44022).) For discharges occurring on or after April 1, 2010 through September 30, 2010, payment is based on the revised RY 2010 standard Federal rate established below in this notice.

b. Development of the RY 2010 LTCH PPS Standard Federal Rate

As discussed in section V.A. of the Addendum of the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44022), while we continue to believe that an update to the LTCH PPS standard Federal rate should be based on the most recent estimate of the increase in the LTCH PPS market basket, we also believe it is appropriate that the standard Federal rate be offset by an adjustment to account for any changes in documentation and coding practices that do not reflect increased patient severity of illness. Such an adjustment protects the integrity of the Medicare Trust Funds by ensuring that the LTCH PPS payment rates better reflect the true costs of treating LTCH patients.

As discussed in section II.D. of this notice, consistent with sections 1886(m)(3)(A)(ii) and (4)(A) of the Act, the market basket update under the LTCH PPS for RY 2010 is 2.25 percent (that is, the second quarter 2009 forecast estimate of the RY 2010 LTCH PPS market basket increase of 2.5 percent minus the 0.25 percentage points required by sections 1886(m)(3)(A)(ii) and (4)(A) of the Act. Furthermore, as discussed in greater detail in the FY 2010 IPPS/RY 2010 final rule (74 FR 44022), while we continued to believe that an update to the LTCH PPS standard Federal rate should be based on the most recent estimate of the increase in the LTCH PPS market basket, we also believed it is appropriate that the standard Federal rate be offset by an adjustment to account for any changes in documentation and coding practices that do not reflect increased patient severity of illness. Therefore, in determining the update to the standard Federal rate for RY 2010 in that same final rule, based on an analysis of FY 2007 claims data, we established a -0.5 adjustment to account for the increase in case-mix due to changes in documentation and coding practices that do not reflect increased patient severity of illness from a prior period (FY 2007).

Consistent with our historical practice and the methodology used in the FY 2010 IPPS/RY 2010 final rule, in this notice, we are establishing an update to the LTCH PPS standard Federal rate for RY 2010 based on the full forecasted estimated increase in the LTCH PPS market basket of 2.5 percent, adjusted by the 0.25 percentage point reduction required by sections 1886(m)(3)(A)(ii) and (4)(A) of the Act and an adjustment to account for the increase in case-mix in a prior period (FY 2007) resulting from changes in documentation and coding practices of -0.5 percent. Consequently, the update factor to the standard Federal rate for RY 2010 is 1.74 percent (that is, we are applying a factor of 1.0174 in determining the LTCH PPS standard Federal rate for RY 2010, calculated as 1.0225×1 divided by 1.005 = 1.0174 or 1.74 percent).) Furthermore, consistent with our historical practice of updating the standard Federal rate for the previous rate year, in determining the standard Federal rate for RY 2010 in this notice, we are applying the update factor of 1.0174 to the RY 2009 standard Federal rate of $39,114.36 (established in the RY 2009 LTCH PPS final rule (73 FR 26788)). Furthermore, consistent with section 3401(p) of Public Law 111–148, this update factor to the standard Federal rate for RY 2010 will not be applied in determining LTCH PPS payments for discharges occurring prior to April 1, 2010. In other words, for discharges occurring on or after October 1, 2009 through March 31, 2010, LTCH PPS payments will be based on the standard Federal rate established in the FY 2010 IPPS/RY 2010 LTCH PPS final rule (that is, 2.0 percent).

Therefore, in this notice, under the authority of sections 1886(m)(3)(A)(ii)

and (4)(A) of the Act, we are specifying that the standard Federal rate for the LTCH PPS rate year beginning October 1, 2009 and ending September 30, 2010, is the standard Federal rate for the previous rate year updated by 1.74 percent. In a supplemental proposed rule published elsewhere in this **Federal Register**, we are proposing to revise the regulations text at § 412.523(c)(3)(vi) consistent with the 1.74 percent update for RY 2010 that we are establishing in this notice. In determining the standard Federal rate for RY 2010, we are applying the 1.0174 update factor to the RY 2009 Federal rate of $39,114.36 (73 FR 26812). Consequently, the standard Federal rate for RY 2010, developed consistent with sections 1886(m)(3)(A)(ii) and (4)(A) of the Act is $39,794.95. Furthermore, consistent with section 3401(p) of Public Law 111–148, we are proposing to revise § 412.523(c)(3)(vi)(B) in a supplemental proposed rule published elsewhere in this **Federal Register**. Section 412.523(c)(3(vi)(B) would specify that with respect to discharges occurring on or after October 1, 2009 and before April 1, 2010, payments are based on the standard Federal rate in § 412.523(c)(v) updated by 2.0 percent (that is, a standard Federal rate of $39,896.65 (see 74 FR 44022).

2. Adjustment for LTCH PPS High-Cost Outlier (HCO) Cases

a. Background

When we implemented the LTCH PPS in the FY 2003 LTCH PPS final rule, in the regulations at § 412.525(a), we established an adjustment for additional payments for outlier cases that have extraordinarily high costs relative to the costs of most discharges (see (67 FR 56022 through 56027)). We refer to these cases as high cost outliers (HCOs). Providing additional payments for outliers strongly improves the accuracy of the LTCH PPS in determining resource costs at the patient and hospital level. These additional payments reduce the financial losses that would otherwise be incurred when treating patients who require more costly care and, therefore, reduce the incentives to underserve these patients. We set the outlier threshold before the beginning of the applicable rate year so that total estimated outlier payments are projected to equal 8 percent of total estimated payments under the LTCH PPS.

Under § 412.525(a) in the regulations (in conjunction with § 412.503), we make outlier payments for any discharges if the estimated cost of a case exceeds the adjusted LTCH PPS payment for the MS–LTC–DRG plus a fixed-loss amount. Specifically, in accordance with § 412.525(a)(3) (in conjunction with § 412.503), we pay outlier cases 80 percent of the difference between the estimated cost of the patient case and the outlier threshold, which is the sum of the adjusted Federal prospective payment for the MS–LTC–DRG and the fixed-loss amount. The fixed-loss amount is the amount used to limit the loss that a hospital will incur under the outlier policy for a case with unusually high costs. This results in Medicare and the LTCH sharing financial risk in the treatment of extraordinarily costly cases. Under the LTCH PPS HCO policy, the LTCH's loss is limited to the fixed-loss amount and a fixed percentage of costs above the outlier threshold (MS–LTC–DRG payment plus the fixed-loss amount). The fixed percentage of costs is called the marginal cost factor. We calculate the estimated cost of a case by multiplying the Medicare allowable covered charge by the hospital's overall hospital cost-to-charge ratio (CCR).

Under the LTCH PPS, we determine a fixed-loss amount, that is, the maximum loss that a LTCH can incur under the LTCH PPS for a case with unusually high costs before the LTCH will receive any additional payments. We calculate the fixed-loss amount by estimating aggregate payments with and without an outlier policy. The fixed-loss amount results in estimated total outlier payments being projected to be equal to 8 percent of projected total LTCH PPS payments. Currently, MedPAR claims data and CCRs based on data from the most recent provider specific file (PSF) (or from the applicable statewide average CCR if a LTCH's CCR data are faulty or unavailable) are used to establish a fixed-loss threshold amount under the LTCH PPS.

As discussed in section II.F.1.c. of this notice, various sections of Public Law 111–148 and Public Law 111–152 amended section 1886(m) of the Act by adding new paragraphs (3) and (4). Consistent with the provisions of sections 1886(m)(3)(A)(ii) and (4)(A) of the Act, we are establishing a revised standard Federal rate for RY 2010 by applying the required 0.25 percentage point reduction to the annual update for RY 2010. Notwithstanding these provisions, section 3401(p) of Public Law 111–148 provides that the amendments made by subsections (a), (c) and (d) of section 3401 of of Public Law 111–148 shall not apply to discharges occurring before April 1, 2010. When read in conjunction we believe section 1886(m)(3)(A) of the Act and section 3401(p) of Public Law 111–148 provide for a single revised RY 2010 standard Federal rate; however, for payment purposes, discharges occurring on or after October 1, 2009 and before April 1, 2010, simply will not be based on the revised RY 2010 standard Federal rate.

This legislative change to the standard Federal rate for RY 2010 requires us to revise the HCO fixed-loss amount for RY 2010 discharges occurring on or after April 1, 2010. This is necessary in order to maintain the requirement that the fixed-loss amount results in estimated total outlier payments being projected to be equal to 8 percent of projected total LTCH PPS payments since projected total payments LTCH PPS for RY 2010 have changed relative to the projected total LTCH PPS payments for RY 2010 when we established the original RY 2010 fixed-loss amount in the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44029) due to the legislative change to the standard Federal rate for RY 2010. Specifically, the original RY 2010 HCO fixed-loss amount of $18,425 was determined based on the RY 2010 update of 2.0 percent and the standard Federal rate of $39,896.65 (as established in the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44022)). However, for RY 2010 LTCH discharges occurring on or after April 1, 2010, LTCH PPS payments are based on the revised update of 1.74 percent and the revised standard Federal rate of $39,794.95 (as established in this notice). In order to maintain that estimated total outlier payments are projected to be equal to 8 percent of projected total LTCH PPS payments in RY 2010, as adopted in the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44028 though 44030), we are revising the HCO fixed-loss amount for RY 2010 discharges occurring on or after April 1, 2010 (as discussed below in the next section). (For an explanation of our rationale for establishing an HCO payment "target" of 8 percent of total estimated LTCH payments, we refer readers to the August 30, 2002 LTCH PPS final rule (67 FR 56022 through 56024).) Consistent with section 3401(p) of Public Law 111–148, the revised HCO fixed-loss amount established in this notice will not apply to discharges occurring prior to April 1, 2010. In other words, for discharges occurring on or after October 1, 2009 through March 31, 2010, LTCH PPS payments will be based on the HCO fixed-loss amount established in the FY 2010 IPPS/RY 2010 LTCH PPS final rule (that is, $18,425 (*see* 74 FR 44029)).

b. The LTCH PPS Fixed-Loss Amount for RY 2010 Discharges Occurring On or After April 1, 2010

For this notice, to calculate a fixed-loss amount that will maintain estimated HCO payments at the projected 8 percent of total estimated LTCH PPS payments for RY 2010 discharges occurring on or after April 1, 2010, we used the same methodology and data that we used to establish the original RY 2010 HCO fixed-loss amount in the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44028). Specifically, we used LTCH claims data from the March 2009 update of the FY 2008 MedPAR files and CCRs from the March 2009 update of the PSF to determine a fixed-loss amount that would result in estimated outlier payments projected to be equal to 8 percent of total estimated payments in RY 2010. In addition, we continued to use the MS–LTC–DRG classifications and relative weights from the version of the GROUPER that is in effect as of the beginning of RY 2010, that is, Version 27.0 of the GROUPER and the FY 2010 MS–LTC–DRG relative weights (discussed in section VIII.B. of the preamble of the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 43951 through 43967) to determine the revised fixed-loss amount for RY 2010 discharges occurring on or after April 1, 2010.

In order to maintain estimated HCO payments at the projected 8 percent of total estimated LTCH PPS payments for RY 2010, in this notice, under the broad authority of section 123(a)(1) of the BBRA and section 307(b)(1) of BIPA, we are revising the HCO fixed-loss amount for RY 2010 from $18,425 (as established in the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44028)) to $18,615 for RY 2010 discharges occurring on or after April 1, 2010 (consistent with section 3401(p) of Pub. L. 111–148). Thus, for RY 2010 discharges occurring on or after April 1, 2010, we will pay an outlier case 80 percent of the difference between the estimated cost of the case and the outlier threshold (the sum of the adjusted Federal LTCH payment for the MS–LTC–DRG and the fixed-loss amount of $18,615). The revised HCO fixed-loss amount of $18,615 results in estimated total HCO payments being projected to be equal to 8 percent of projected total LTCH PPS payments for RY 2010 discharges occurring on or after April 1, 2010.

The revised fixed-loss amount of $18,615 for RY 2010 discharges occurring on or after April 1, 2010 is slightly higher than the original RY 2010 fixed-loss amount of $18,425 (established in the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44029)). Because of the 0.25 percentage point reduction to the annual update to the standard Federal rate for RY 2010 required by sections 1886(m)(3)(A)(i) and (4)(A) of the Act, the slight increase in the fixed-loss amount for RY 2010 is necessary to maintain the existing requirement that estimated outlier payments would equal 8 percent of estimated total LTCH PPS payments. (For further information on the existing 8 percent HCO "target" requirement, we refer readers to the August 30, 2002 LTCH PPS final rule (67 FR 56022 through 56024.) Maintaining the fixed-loss amount at the level established in the FY 2010 IPPS/RY 2010 LTCH PPS final rule would result in HCO payments that are greater than the current 8 percent regulatory requirement because a lower fixed-loss amount would result in more cases qualifying as outlier cases as well as increases the amount of the additional payment for a HCO case because the maximum loss that a LTCH must incur before receiving an HCO payment (that is, the fixed-loss amount) would be smaller. For these reasons, we believe that raising the fixed-loss amount is appropriate and necessary to maintain that estimated outlier payments would equal 8 percent of estimated total LTCH PPS payments as required under § 412.525(a).

As we noted in the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44030), under some rare circumstances, a LTCH discharge could qualify as a SSO case (as defined in the regulations at § 412.529 in conjunction with § 412.503) and also as a HCO case. In this scenario, a patient could be hospitalized for less than five-sixths of the geometric average length of stay for the specific MS–LTC–DRG, and yet incur extraordinarily high treatment costs. If the costs exceeded the HCO threshold (that is, the SSO payment plus the fixed-loss amount), the discharge is eligible for payment as a HCO. Thus, effective for discharges occurring on or after April 1, 2010 in RY 2010 for a SSO case, the HCO payment would be 80 percent of the difference between the estimated cost of the case and the outlier threshold (the sum of the fixed-loss amount of $18,615 and the amount paid under the SSO policy as specified in § 412.529).

3. Computing the Adjusted LTCH PPS Federal Prospective Payments for RY 2010

In accordance with § 412.525, the standard Federal rate is adjusted to account for differences in area wages by multiplying the labor-related share of the standard Federal rate by the appropriate LTCH PPS wage index (as shown in Tables 12A and 12B of the Addendum of the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44192 through 44213)). The standard Federal rate is also adjusted to account for the higher costs of hospitals in Alaska and Hawaii by multiplying the nonlabor-related share of the standard Federal rate by the appropriate cost-of-living factor (shown in the chart in section V.C.5. of the Addendum of the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44026). In this notice, we are establishing a standard Federal rate for RY 2010 of $39,794.95, as discussed above in section II.F.1.c. of this notice. (As discussed above in that section, discharges occurring on or after April 1, 2010 will be paid under the revised RY 2010 standard Federal rate established in this notice, consistent with section 3401(p) of Pub. L. 111–148.) We illustrate the methodology to adjust the LTCH PPS Federal rate for RY 2010 in the following example:

Example:

During RY 2010, a Medicare patient is in a LTCH located in Chicago, Illinois (CBSA 16974). The RY 2010 LTCH PPS wage index value for CBSA 16974 is 1.0573 (Table 12A of the Addendum of the FY 2010 IPPS/RY 2010 LTCH PPS final rule(74 FR 44196)). The Medicare patient is classified into MS–LTC–DRG 28 (Spinal Procedures with MCC), which has a relative weight for FY 2010 of 1.0834 (Table 11 of the Addendum of the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44183)).

To calculate the LTCH's total adjusted Federal prospective payment for this Medicare patient, we compute the wage-adjusted Federal prospective payment amount by multiplying the unadjusted standard Federal rate ($39,794.95) by the labor-related share (75.779 percent) and the wage index value (1.0471). This wage-adjusted amount is then added to the nonlabor-related portion of the unadjusted standard Federal rate (24.221 percent; adjusted for cost of living, if applicable) to determine the adjusted Federal rate, which is then multiplied by the MS–LTC–DRG relative weight (1.0933) to calculate the total adjusted Federal LTCH PPS prospective payment for RY 2010 ($45,060.59). The table below illustrates the components of the calculations in this example.

Unadjusted Standard Federal Prospective Payment Rate	$39,794.95
Labor-Related Share	× 0.75779
Labor-Related Portion of the Federal Rate	= $30,156.22
Wage Index (CBSA 16974)	× 1.0471
Wage-Adjusted Labor Share of Federal Rate	= $31,576.57
Nonlabor-Related Portion of the Federal Rate ($39,794.95 × 0.24221)	+ $9,638.73
Adjusted Federal Rate Amount	= $41,215.30
MS–LTC–DRG 28 Relative Weight	× 1.0933
Total Adjusted Federal Prospective Payment	= $45,060.59

III. Other Required Information

A. 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 (44 U.S.C. Chapter 35).

B. Waiver of Proposed Rulemaking and Delay of Effective Date

We ordinarily publish a notice of proposed rulemaking in the **Federal Register** and invite public comment prior to a rule taking effect in accordance with section 553(b) of the Administrative Procedure Act (APA) and section 1871 of the Act. In addition, in accordance with section 553(d) of the APA and section 1871(e)(1)(B)(i) of the Act, we ordinarily provide a 30-day delay to a substantive rule's effective date. For substantive rules that constitute major rules, in accordance with 5 U.S.C. 801, we ordinarily provide a 60-day delay in the effective date.

None of the above processes or effective date requirements apply, however, when the rule in question is interpretive, a general statement of policy, or a rule of agency organization, procedure or practice. They also do not apply, when Congress, itself, has created the rules that are to be applied, leaving no discretion or gaps for an agency to fill in through rulemaking.

In addition, an agency may waive notice and comment rulemaking, as well as any delay in effective date, when the agency for good cause finds that notice and public comment on the rule as well the effective date delay are impracticable, unnecessary, or contrary to the public interest. In cases where an agency finds good cause, the agency must incorporate a statement of this finding and its reasons in the rule issued.

The policies being publicized in this notice do not constitute agency rulemaking. Rather, Congress, in the Affordable Care Act, has already required that the agency make these changes, and we are simply notifying the public of certain required revisions to standard Federal rates that are effective for payment years beginning October 1, 2009 and their implication on payments made for discharges on or after April 1, 2010. We also are notifying the public of the extension of section 508 reclassifications and special exception wage indexes for FY 2010, as well as the wage indexes resulting from Congress' requirement that certain reclassification wage indexes be recalculated (effective April 1, 2010) to account for such extensions. As this notice merely informs the public of these required modifications to the payment rates under the IPPS and LTCH PPS, it is not a rule and does not require any notice and comment rulemaking. To the extent any of the policies articulated in this notice constitute interpretations of Congress's requirements or procedures that will be used to implement Congress's directive, they are interpretive rules, general statements of policy, and/or rules of agency procedure or practice, which are not subject to notice-and-comment rulemaking or a delayed effective date.

However, to the extent that notice and comment rulemaking or a delay in effective date or both would otherwise apply, we find good cause to waive such requirements. Specifically, we find it unnecessary to undertake notice and comment rulemaking in this instance as this notice does not propose to make any substantive changes to IPPS or LTCH PPS policies or methodologies already in effect as a matter of law, but simply applies rate adjustments required by Public Law 111–148 and Public Law 111–152 to these existing policies and methodologies. Therefore, we would be unable to change any of the policies governing the IPPS for FY 2010 or the LTCH PPS for RY 2010 in response to public comment on this notice. As the changes outlined in this notice have already taken effect, it would also be impracticable to undertake notice and comment rulemaking. For these reasons, we also find that a waiver of any delay in effective date, if it were otherwise applicable, is necessary to comply with the requirements of sections 1886(b)(3)(B)(xii) and 1886(m)(3)(A)(ii) and (4), as added and amended by Public Law 111–148 and Public Law 111–152, and sections 3137(a) and 3401(p) of Public Law 111–148, which require that hospitals be paid on the basis of revised rates for discharges on or after April 1, 2010. Therefore, we find good cause to waive notice and comment procedures as well as any delay in effective date, if such procedures or delays are required at all.

IV. Regulatory Impact Analysis

A. Overall Impact

Although this notice merely reflects the implementation of provisions of the Affordable Care Act and does not constitute a substantive rule, we are nevertheless preparing this impact analysis in the interest of ensuring that the impacts of these changes are fully understood. The changes in this notice are already in effect with changes made to PRICER and announced through a Joint-Signature Memorandum. We have examined the impacts of this notice as required by Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), the Regulatory Flexibility Act (RFA) (September 19, 1980, Pub. L. 96–354), section 1102(b) of the Social Security Act, section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999), and the Congressional Review Act (5 U.S.C. 804(2)).

Executive Order 12866 directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). A regulatory impact analysis (RIA) must be prepared for major rules with economically significant effects ($100 million or more in any 1 year). We have determined that the rates announced in this notice are "economically significant" as measured by the $100 million threshold. Therefore, although we do not consider this notice to constitute a substantive rule, we have prepared a Regulatory Impact Analysis, that to the best of our ability, presents the costs and benefits of this notice.

The RFA requires agencies to analyze options for regulatory relief of small businesses, if a rule has a significant impact on a substantial number of small entities. For purposes of the RFA, small entities include small businesses, nonprofit organizations, and small government jurisdictions. We estimate that most hospitals and most other providers and supplies are small entities as that term is used in the RFA. The great majority of hospitals and most other health care providers and suppliers are small entities, either by being nonprofit organizations or by meeting the SBA definition of a small business (having revenues of less than $34.5 million in any 1 year). (For details on the latest standard for health care providers, we refer readers to page 33 of the Table of Small Business Size Standards at the Small Business Administration's Web site at *http://www.sba.gov/services/contractingopportunities/sizestandardstopics/tableofsize/index.html*.) For purposes of the RFA, all hospitals and other providers and suppliers are considered to be small entities. Individuals and States are not included in the definition of a small entity. We believe that this notice will have a significant impact on small entities. Because we acknowledge that many of the affected entities are small entities, the analysis discussed in this section would fulfill any requirement for a final regulatory flexibility analysis.

In addition, section 1102(b) of the Act requires us to prepare a regulatory impact analysis if a rule may have a significant impact on the operations of a substantial number of small rural hospitals. This analysis must conform to the provisions of section 604 of the RFA. With the exception of hospitals located in certain New England counties, for purposes of section 1102(b) of the Act, we now define a small rural hospital as a hospital that is located outside of an urban area and has fewer than 100 beds. Section 601(g) of the Social Security Amendments of 1983 (Pub. L. 98–21) designated hospitals in certain New England counties as belonging to the adjacent urban area. Thus, for purposes of the IPPS, we continue to classify these hospitals as urban hospitals.

Section 202 of the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) also requires that agencies assess anticipated costs and benefits before issuing any rule whose mandates require spending in any 1 year of $100 million in 1995 dollars, updated annually for inflation. In 2010, that threshold is approximately $135 million. This notice will not mandate any requirements for State, local, or tribal governments, nor will it affect private sector costs.

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a proposed rule (and subsequent final rule) that imposes substantial direct requirement costs on State and local governments, preempts State law, or otherwise has Federalism implications. This notice will not have a substantial effect on State and local governments.

The following analysis, in conjunction with the remainder of this document, demonstrates that this notice is consistent with the regulatory philosophy and principles identified in Executive Order 12866, the RFA, and section 1102(b) of the Act. The notice will affect payments to a substantial number of small rural hospitals, as well as other classes of hospitals, and the effects on some hospitals may be significant.

The FY 2010 IPPS/RY 2010 LTCH PPS final rule included an impact analysis for the changes to the IPPS included in that rule. This notice updates those impacts to the IPPS operating payment system as to reflect certain changes required by the Affordable Care Act. Because provisions in the Affordable Care Act were non-budget neutral, the overall estimates for hospitals have changed from our estimate that was published in the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44215). We estimate that the changes in the FY 2010 IPPS/RY 2010 LTCH PPS final rule, in conjunction with the final IPPS rates and wage index included in this notice, will result in an approximate $1.8 billion increase in operating payments relative to FY 2009 or an additional 0.1 billion relative to what was projected in the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44215). Capital payments are estimated to increase by $173 million relative to FY 2009 due to the changes under the Affordable Care Act or an additional 19 million relative to what was published in the FY 2010 IPPS/RY 2010 LTCH PPS correction notice (74 FR 51507).

B. Revised FY 2010 Impacts on IPPS Operating Costs

1. Analysis of Table I

Table I displays the results of our analysis of the payment changes for FY 2010 after implementing provisions of the Affordable Care Act, which extended section 508 reclassifications and special exception wage indices through FY 2010 and which reduced the market basket update to the standardized amount by 0.25 percent for discharges occurring on or after April 1, 2010. In this notice, we describe these revisions to the wage index, standardized amounts, outlier thresholds and budget neutrality factors resulting from implementation of the Affordable Care Act. Because of these revisions, we are displaying all of the impact columns that were affected by the market basket reduction and the section 508/special exception extension. In addition, we are adding a column to display the impact of the section 508/special exception extension. These columns show the impact of the FY 2010 changes in this notice compared to the FY 2010 impacts as published in the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44216).

Table I displays the results of our analysis of the changes for FY 2010 resulting from the Affordable Care Act provisions. The table 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 3,517 acute care 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 2,525 hospitals located in urban areas included in our analysis. Among these, there are 1,377 hospitals located in large urban areas (populations over 1 million), and 1,148 hospitals in other urban areas (populations of 1 million or fewer). In addition, there are 992 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 2010 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 numbers of hospitals paid based on these categorizations after consideration of geographic reclassifications (including reclassifications under sections 1886(d)(8)(B) and (d)(8)(E) of the Act) are 2,593; 1,422; 1,171; and 924, 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 2,475 nonteaching hospitals in our analysis, 804 teaching hospitals with fewer than 100 residents, and 238 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 together hospitals considered urban or rural, 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 (SCHs, RRCs, and MDHs). There were 187 RRCs, 337 SCHs, 186 MDHs, and 106 hospitals that are both SCHs and RRCs, and 15 hospitals that are both an MDH and an RRC.

The next series of groupings are based on the type of ownership and the hospital's Medicare utilization expressed as a percent of total patient days. These data were taken from the FY 2007 or FY 2006 Medicare cost reports.

The next two groupings concern the geographic reclassification status of hospitals. The first grouping displays all urban hospitals that were reclassified by the MGCRB for FY 2010. The second grouping shows the MGCRB rural reclassifications. The last row of this section identifies the 104 section 508 and special exception hospitals.

The final category shows the impact of the policy changes on the 20 cardiac hospitals in our analysis.

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TABLE I.--REVISED IMPACT ANALYSIS OF CHANGES FOR FY 2010

	Number of Hospitals	FY 2010 Weights and MS-DRG Change with Application of Recalibration Budget Neutrality [1] (1)	FY 2010 Wage Data and Labor-Related Share Changes with Application of Wage Budget Neutrality [2] (2)	FY 2010 MS-DRG, Relative Weights, Wage Index Changes, and Labor-Related Share with Wage and Recalibration Budget Neutrality [3] (3)	FY 2010 MGCRB Reclassifications [4] (4)	Transitional 1/2 Within State Rural Floor Budget Neutrality and 1/2 National Rural Floor Budget Neutrality [5] (5)	FY 2010 Out-Migration Adjustment [6] (6)	FY 2010 Section 508 Reclassification [7] (7)	Net Effect of All Changes for FY 2010 [8] (8)
All Hospitals	3517	0.0	0.0	0.0	0.0	0.0	0.0	0.2	0.1
By Geographic Location:									
Urban hospitals	2525	0.0	0.0	0.0	0.0	0.0	0.0	0.3	0.1
Large urban areas	1377	0.0	0.0	0.0	0.0	0.0	0.0	0.2	0.1
Other urban areas	1148	0.0	0.0	-0.1	-0.1	-0.1	0.0	0.4	0.1
Rural hospitals	992	0.0	0.1	0.0	0.0	0.0	0.0	0.1	-0.1
Bed Size (Urban):									
0-99 beds	634	0.0	0.0	0.0	0.0	0.0	0.0	0.2	0.0
100-199 beds	808	0.0	0.0	0.0	0.0	0.0	0.0	0.3	0.1
200-299 beds	466	0.0	0.0	0.0	0.0	-0.1	0.0	0.2	0.0
300-499 beds	426	0.0	0.0	0.0	0.0	0.1	0.0	0.3	0.0
500 or more beds	191	0.0	0.0	0.0	0.0	0.0	0.0	0.2	0.1
Bed Size (Rural):									
0-49 beds	349	0.0	0.0	0.0	0.0	0.0	0.0	0.1	-0.3
50-99 beds	370	0.0	0.0	0.0	0.1	0.0	0.0	0.1	-0.1
100-149 beds	164	0.0	0.1	0.0	0.0	0.0	0.0	0.1	0.0
150-199 beds	62	0.0	0.0	0.0	0.1	0.0	0.0	0.0	-0.1
200 or more beds	42	0.0	0.1	0.0	0.0	0.0	0.0	0.1	-0.1
Urban by Region:									
New England	120	0.0	-0.1	0.0	-0.3	-0.1	0.0	0.8	0.2
Middle Atlantic	344	0.0	0.0	0.0	0.0	0.0	0.0	0.6	0.3
South Atlantic	388	0.0	0.0	0.0	0.1	0.0	0.0	0.1	0.0
East North Central	397	0.0	-0.1	0.0	0.0	0.0	0.0	0.4	0.2
East South Central	160	0.0	0.0	0.0	0.1	0.0	0.0	0.1	0.0
West North Central	165	-0.1	0.0	0.0	0.0	0.0	0.0	0.1	0.0
West South Central	346	0.0	0.0	0.0	0.1	0.0	0.0	0.0	-0.1

	Number of Hospitals	FY 2010 Weights and MS-DRG Change with Application of Recalibration Budget Neutrality [1] (1)	FY 2010 Wage Data and Labor-Related Share Changes with Application of Wage Budget Neutrality [2] (2)	FY 2010 MS-DRG, Relative Weights, Wage Index Changes, and Labor-Related Share with Wage and Recalibration Budget Neutrality [3] (3)	FY 2010 MGCRB Reclassifications [4] (4)	Transitional 1/2 Within State Rural Floor Budget Neutrality and 1/2 National Rural Floor Budget Neutrality [5] (5)	FY 2010 Out-Migration Adjustment [6] (6)	FY 2010 Section 508 Reclassification [7] (7)	Net Effect of All Changes for FY 2010 [8] (8)
Mountain	163	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-0.1
Pacific	391	0.0	-0.1	0.0	0.0	-0.1	0.0	0.1	-0.1
Puerto Rico	51	0.0	0.0	0.0	0.1	0.0	0.0	0.0	0.0
Rural by Region:									
New England	24	0.0	0.2	0.1	-0.1	0.0	0.0	0.0	-0.1
Middle Atlantic	70	0.0	0.0	0.0	0.1	0.0	0.0	0.1	-0.1
South Atlantic	171	0.0	0.1	0.0	0.0	0.0	0.0	0.0	-0.1
East North Central	122	0.0	0.1	0.0	0.1	0.0	0.0	0.0	-0.2
East South Central	176	0.0	0.1	0.0	0.1	0.0	0.0	0.1	-0.1
West North Central	101	0.0	0.0	0.0	0.0	0.0	0.0	0.2	-0.1
West South Central	224	0.0	0.1	0.0	0.0	0.0	0.0	0.0	-0.2
Mountain	72	0.0	0.0	0.1	0.0	0.0	0.0	0.0	-0.5
Pacific	32	0.0	0.0	0.0	-0.2	0.0	0.0	0.6	0.2
By Payment Classification:									
Urban hospitals	2593	0.0	0.0	0.0	0.0	0.0	0.0	0.3	0.1
Large urban areas	1422	0.0	0.0	0.0	0.0	0.0	0.0	0.2	0.1
Other urban areas	1171	0.0	0.0	0.0	0.0	-0.1	0.0	0.4	0.1
Rural areas	924	0.0	0.1	0.0	0.0	0.0	0.0	0.1	-0.1
Teaching Status:									
Nonteaching	2475	0.0	0.0	0.0	0.0	0.0	0.0	0.2	-0.1
Fewer than 100 residents	804	0.0	0.0	0.0	0.1	0.0	0.0	0.2	0.1
100 or more residents	238	0.0	0.0	0.0	-0.1	0.0	0.0	0.3	0.1
Urban DSH:									
Non-DSH	845	0.0	0.0	0.0	-0.1	-0.1	0.0	0.4	0.1
100 or more beds	1538	0.0	0.0	0.0	0.0	0.0	0.0	0.2	0.0
Less than 100 beds	346	0.0	0.0	0.0	0.1	0.0	0.0	0.1	0.0
Rural DSH:		0.0	0.0	0.0	0.0	0.0	0.0		0.0
SCH	397	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-0.2
RRC	207	0.0	0.1	0.0	0.0	0.0	0.0	0.1	-0.1
100 or more beds	34	0.0	0.1	0.0	0.0	0.1	0.0	0.2	0.0
Less than 100 beds	150	0.0	0.0	0.0	0.1	0.0	0.0	0.2	0.1

	Number of Hospitals	FY 2010 Weights and MS-DRG Change with Application of Recalibration Budget Neutrality [1] (1)	FY 2010 Wage Data and Labor-Related Share Changes with Application of Wage Budget Neutrality [2] (2)	FY 2010 MS-DRG, Relative Weights, Wage Index Changes, and Labor-Related Share with Wage and Recalibration Budget Neutrality [3] (3)	FY 2010 MGCRB Reclassifications [4] (4)	Transitional 1/2 Within State Rural Floor Budget Neutrality and 1/2 National Rural Floor Budget Neutrality [5] (5)	FY 2010 Out-Migration Adjustment [6] (6)	FY 2010 Section 508 Reclassification [7] (7)	Net Effect of All Changes for FY 2010 [8] (8)
Urban teaching and DSH:									
Both teaching and DSH	802	0.0	0.0	0.0	0.0	0.0	0.0	0.3	0.1
Teaching and no DSH	178	0.0	0.0	0.0	0.0	-0.1	0.0	0.5	0.3
No teaching and DSH	1082	0.0	0.0	0.0	0.0	0.0	0.0	0.1	0.0
No teaching and no DSH	531	0.0	0.0	0.0	0.0	-0.2	0.0	0.3	0.0
Special Hospital Types:									
RRC	187	0.0	0.1	0.0	0.0	0.0	0.0	0.1	0.0
SCH	337	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-0.3
MDH	186	0.0	0.1	0.0	0.0	0.0	0.0	0.0	-0.2
SCH and RRC	106	0.0	0.0	0.0	-0.1	0.0	0.0	0.1	-0.1
MDH and RRC	15	0.0	0.0	0.0	0.0	0.0	0.0	0.0	-0.2
Type of Ownership:									
Voluntary	2014	0.0	0.0	0.0	0.0	0.0	0.0	0.3	0.0
Proprietary	860	0.0	0.0	0.0	0.0	-0.1	0.0	0.1	-0.1
Government	583	0.0	0.0	0.0	0.0	0.0	0.0	0.1	-0.1
Medicare Utilization as a Percent of Inpatient Days:									
0-25	317	0.0	0.0	0.0	0.1	0.0	0.0	0.0	0.0
25-50	1433	0.0	-0.1	0.0	0.0	0.0	0.0	0.2	0.0
50-65	1331	0.0	0.0	0.0	-0.1	0.0	0.0	0.4	0.1
Over 65	308	0.0	0.0	0.0	0.0	-0.1	0.0	0.3	0.1
FY 2010 Reclassifications by the Medicare Geographic Classification Review Board:									
All Reclassified Hospitals	766	0.0	0.1	0.1	0.1	0.1	0.0	0.1	0.2
Non-Reclassified Hospitals	2751	0.0	0.0	0.0	0.1	0.0	0.0	0.3	0.0
Urban Hospitals Reclassified	418	0.0	0.0	0.1	0.1	0.1	0.0	0.1	0.3
Urban Nonreclassified Hospitals, FY 2010:	2083	0.0	0.0	0.0	0.0	0.0	0.0	0.3	0.0

	Number of Hospitals	FY 2010 Weights and MS-DRG Change with Application of Recalibration Budget Neutrality [1] (1)	FY 2010 Wage Data and Labor-Related Share Changes with Application of Wage Budget Neutrality [2] (2)	FY 2010 MS-DRG, Relative Weights, Wage Index Changes, and Labor-Related Share with Wage and Recalibration Budget Neutrality [3] (3)	FY 2010 MGCRB Reclassifications [4] (4)	Transitional 1/2 Within State Rural Floor Budget Neutrality and 1/2 National Rural Floor Budget Neutrality [5] (5)	FY 2010 Out-Migration Adjustment [6] (6)	FY 2010 Section 508 Reclassification [7] (7)	Net Effect of All Changes for FY 2010 [8] (8)
All Rural Hospitals Reclassified FY 2010:	348	0.0	0.1	0.0	0.0	0.0	0.0	0.1	-0.1
Rural Nonreclassified Hospitals FY 2010:	582	-0.1	0.0	0.0	0.0	0.0	0.0	0.1	-0.2
All Section 401 Reclassified Hospitals:	32	0.0	0.0	-0.1	0.0	0.1	0.0	0.0	-0.2
Other Reclassified Hospitals (Section 1886(d)(8)(B))	62	0.0	0.1	0.1	0.0	0.0	0.0	0.0	-0.2
Section 508 Hospitals	104	NA	NA	NA	NA	NA	NA	4.6	NA
Specialty Hospitals									
Cardiac specialty Hospitals	20	0.0	0.0	0.0	0.1	0.0	0.0	0.0	-0.1

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 2008, and hospital cost report data are from reporting periods beginning in FY 2007 and FY 2006.

[1] This column displays the net effect of the application of the recalibration budget neutrality factor of 0.997935, in accordance with 1886(d)(4)(C)(iii) of the Act relative to the FY 2010 IPPS/RY 2010 LTCH PPS final rule.

[2] This column displays the net effect of the impact of the update to wage index data using FY 2006 cost report data and the update to the labor-related share for providers with a wage index greater than 1 as compared to the FY 2010 IPPS/RY 2010 LTCH PPS final rule. Based on FY 2006 data, the labor related share, or the proportion of the standardized amount that the wage index is applied to, was reduced for FY 2010 from 69.7 percent (FY 2009) to 68.8 percent (FY 2010).

[3] This column displays the net payment impact of the application of the wage budget neutrality factor relative to the FY 2010 IPPS/RY 2010 LTCH PPS final rule. The wage budget neutrality factor was calculated separately from the recalibration budget neutrality factor, in accordance with section 1886(d)(3)(E)(i) of the Act. The wage budget neutrality factor is 1.000418.

[4] This column displays the net effect of the combined payment impact of the changes in Columns 2 through 5 and the cumulative budget neutrality factor for MS-DRG and wage changes in accordance with section 1886(d)(4)(C)(iii) of the Act and section 1886(d)(3)(E) of the Act relative to the FY 2010 IPPS/RY 2010 LTCH PPS final rule. The cumulative wage and recalibration budget neutrality factor of 0.998352 is the product of the wage budget neutrality factor and the recalibration budget neutrality factor.

[5] Shown here are the effects of geographic reclassifications by the Medicare Geographic Classification Review Board (MGCRB) compared to the FY 2010 IPPS/RY 2010 LTCH PPS final rule. Reclassification for prior years has no bearing on the payment impacts shown here. This column reflects the geographic reclassification budget neutrality factor of 0.991985.

[6] This column displays the effects of the rural floor and the imputed floor, including the transition to the rural floor budget neutrality adjustment at the State level compared to the impact in the FY 2010 IPPS/RY 2010 LTCH PPS final rule. Under the transition, hospitals receive a blended wage index that is 50 percent of a wage index with the State level rural and imputed floor budget neutrality adjustment and 50 percent of a wage index with the national budget neutrality adjustment.

[7] This column displays the impact 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 indexes.

[8] This column displays the impact of the extension of section 508 reclassifications and special exceptions for FY 2010 relative to no section 508 reclassifications/special exceptions. This is a non-budget neutral provision.

[9] This column shows the changes in payments from the FY 2010 IPPS/RY 2010 LTCH PPS final rule to the FY 2010 rates in this notice. It incorporates all of the changes displayed in Columns 5, 6, 7, and 8 (the changes displayed in Columns 2 and 4 are included in Column 5). It also reflects the impact of the decrease to the FY 2010 market basket update, and changes in hospitals' reclassification status in FY 2010 and the extension of section 508 reclassifications special exceptions. The sum of these impacts may be different from the percentage changes shown here due to rounding and interactive effects.

BILLING CODE 4120–01–C

1. Effects of the Changes to the MS–DRG Reclassifications and Relative Cost-Based Weights With the Application of Recalibration Budget Neutrality (Column 1)

Column 1 shows the effects of the changes to the MS–DRGs and relative weights with the application of the recalibration budget neutrality factor to the standardized amounts as compared to the FY 2010 IPPS/RY 2010 LTCH PPS final rule. The recalibration budget neutrality factor was revised due to the 0.25 percentage point reduction to the applicable percentage increase applied to the Federal standardized amount, as required by section 1886(b)(3)(B) of the Act, as amended by the Affordable Care Act. The recalibration budget neutrality factor published in the FY 2010 IPPS/RY 2010 LTCH PPS final rule was 0.997941, which is applied to the standardized amount as determined in the final rule. The revised recalibration budget neutrality is now 0.997935, applied to the revised FY 2010 standardized amount. Consistent with section 1886(d)(4)(C)(iii) of the Act, we have calculated a recalibration budget neutrality factor to account for the changes in MS–DRGs and relative weights to ensure that the overall payment impact is budget neutral. The change in the budget neutrality factor did not change the impact to most hospital categories as compared to the FY 2010 IPPS/RY 2010 LTCH PPS final rule.

2. Effect of the Wage Index Changes With the Application of the Wage Budget Neutrality Factor (Column 2)

Column 2 shows the impact of the FY 2010 wage data, FY 2010 labor share with the application of the wage budget neutrality factor. For FY 2010, we calculate the wage budget neutrality factor without regard to the lower labor share of 62 percent for hospitals with a wage index less than or equal to 1, in accordance with section 1886(d)(3)(E)(i) of the Act. We refer readers to our FY 2010 final rule (74 FR 44005) for a discussion of this policy. Because the market basket update to the standardized amount was reduced by 0.25 percent as required under the Affordable Care Act, the wage budget neutrality factor was revised. The wage budget neutrality factor published in the FY 2010 IPPS/RY 2010 LTCH PPS final rule was 1.000407. For this notice, the wage budget neutrality factor is revised to 1.000418. This column shows the impact of the revised wage budget neutrality factor relative to the impact in the FY 2010 IPPS/RY 2010 LTCH PPS final rule. The change in the budget neutrality factor did not change the impact to most hospital categories as compared to the FY 2010 IPPS/RY 2010 LTCH PPS final rule.

3. Combined Effects of MS–DRG and Wage Index Changes (Column 3)

Section 1886(d)(4)(C)(iii) of the Act requires that changes to MS–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. The FY 2010 MS–DRG reclassification, relative weights and wage index have not changed in this notice. As required by section 1886(b)(3)(B)(xii), as added by the Affordable Care Act, the market basket update was reduced by −0.25 percent and applied to the Federal standardized amount and the hospital-specific rates for SCHs and MDHs. Consequentially, the wage and recalibration budget neutrality factors were revised. In the FY 2010 IPPS/RY 2010 LTCH PPS final rule, we computed a wage budget neutrality factor of 1.000411, and a recalibration budget neutrality factor of 0.997926 (which is applied to the Puerto Rico specific standardized amount and the hospital-specific rates). The product of the two budget neutrality factors is the cumulative wage and recalibration budget neutrality factor. The cumulative wage and recalibration budget neutrality adjustment is 0.998347 or approximately −0.2 percent which is applied to the national standardized amounts. In this notice, the recalibration budget neutrality factor is revised to 0.997935 and the wage budget neutrality factor has been revised to 1.000418, so the cumulative wage and recalibration budget neutrality factor has been revised to 0.998352. This impact column shows the impact of these changes for FY 2010 relative to the impact of these changes as published in the FY 2010 IPPS/RY 2010 LTCH PPS final rule.

4. Effects of MGCRB Reclassifications (Column 4)

Because section 3137(a) of Public Law 111–148 extended certain special exceptions and section 508 reclassifications through FY 2010, we analyzed the data of hospitals in labor market areas affected by legislation, including hospitals with Lugar redesignations, and made our best effort to give those extended hospitals a wage index value that we believe results in the highest FY 2010 wage index for which they are eligible.

The impacts shown in Column 4 of Table 1 reflect the effects of MGCRB reclassifications (and excludes the effects of extending the section 508 reclassifications and special exception wage indices). The overall effect of geographic reclassification is required by section 1886(d) (8) (D) of the Act to be budget neutral. For the purposes of this impact analysis, we apply an adjustment of 0.991985, which ensures that the effects of the section 1886(d) (10) reclassifications are budget neutral. The number of providers receiving a geographic reclassification has been reduced from 807 providers in the FY 2010 IPPS/RY 2010 LTCH PPS final rule to 766 hospitals because many of the providers that received geographic reclassification will now be reclassified as a section 508 or receive a special exception wage index. Urban New England hospitals and rural Pacific hospitals will experience a −0.3 and −0.2 percent change in payments, respectively due to reclassification changes compared to the FY 2010 IPPS Final rule because many of the New England and Pacific hospitals that had been reclassified in the FY 2010 IPPS/RY 2010 LTCH PPS final rule are no longer reclassified, and are instead section 508 hospitals.

5. Effects of the Rural Floor and Imputed Floor (Column 5)

As discussed in the FY 2009 IPPS/RY 2010 LTCH PPS final rule (73 FR 49070), for FY 2010, hospitals receive a blended wage index that is 50 percent of a wage index with the State level rural and imputed floor budget neutrality adjustment and 50 percent of a wage index with the national budget neutrality adjustment.

The column compares the revised post-reclassification FY 2010 wage index of providers with the rural floor and imputed floor adjustment with the transitional rural floor budget neutrality factors applied to the post-reclassification FY 2010 wage index of providers with the rural floor and imputed floor adjustment with the transitional rural floor budget neutrality factors applied as published in the FY 2010 IPPS final rule. Many of the section 508 and special exception providers had been eligible for the rural floor, but they are no longer eligible for the rural floor because of the higher section 508/special exception wage index they now receive. As a result, the rural floor budget neutrality figures have been revised. (The revised figures are calculated using the corrected wage data published October 7, 2009). The revised national rural floor budget neutrality factor is 0.996686. The revised State

rural floor budget neutrality factors are listed in Table 4D–1in this notice. The budget neutrality factors are blended where the transitional rural floor budget neutrality factor is based on 50 percent of the State rural floor budget neutrality factor and 50 percent of the national rural floor budget neutrality factor. A smoothing factor of 1.000010 is applied to the blended rural floor budget neutrality factor to ensure that the blended budget neutrality factors achieve overall budget neutrality.

Generally, the decreases in this column can be attributed to section 508 hospitals that had been receiving the rural floor in the FY 2010 IPPS/RY 2010 LTCH PPS final no longer needing a rural floor due to their section 508 reclassification. Urban New England and Pacific hospitals will experience a −0.1 percent decrease in payments compared to the payment estimates published in the FY 2010 IPPS/RY 2010 LTCH PPS final rule due to the floor because many of the hospitals in these regions had been receiving the rural floor but are now receiving a section 508 reclassification.

6. Effects of the Application of Section 508 Reclassification (Column 6)

This column displays the impact of the section 508/special exception extensions through FY 2010. Because this provision is not budget neutral, hospitals, overall, will experience a 0.2 percent increase in payments. All the hospital categories, depending on whether section 508 and special exception providers are represented in those categories, will either experience an increase or no change in payments. Providers in urban New England and Middle Atlantic can expect increases in payments by 0.8 and 0.6 percent respectively because those regions have section 508 and special exception providers. Similarly, rural Pacific will experience a 0.6 percent increase in payments due to the extensions.

7. Effects of the Wage Index Adjustment for Out-Migration (Column 7)

Section 1886(d) (13) of the Act, as added by section 505 of Public Law 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 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, post-reclassification, post-floor (including budget neutrality), 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. Section 508 providers and special exception providers that may have qualified for the out-migration adjustment in the FY 2010 IPPS/RY 2010 LTCH PPS final rule will now receive their section 508 reclassification or special exception wage index instead. This column shows the impact of the out-migration adjustment in this notice compared to the out-migration adjustment in the FY 2010 IPPS/RY 2010 LTCH PPS final rule. The provisions in the Affordable Care Act did not have a significant impact on the section 505 outmigration adjustment which is reflected in the 0.0 percent change in payments compared to the FY 2010 IPPS/RY 2010 LTCH PPS final rule.

8. Effects of All Changes for FY 2010 (Column 8)

Column 8 compares our estimate of the percent change in payments per case for FY 2010 including the provisions in this notice compared to our percent change in payments per case for FY 2010 as published in the FY 2010 IPPS/RY 2010 LTCH PPS final rule. The average increase for all hospitals is approximately 0.1 percent compared to the original estimated increase of payments per case for FY 2010 published in the FY 2010 IPPS/RY 2010 LTCH PPS final rule. This increase includes the effects of the 0.25 percent reduction to the market basket update for FY 2010, which is used for determining payment for discharges on or after April 1, 2010, reducing FY 2010 payments by 0.1 percent. This analysis accounts for the impact of the extension of certain special exceptions and section 508 reclassifications for FY 2010. This non-budget neutral provision, which increases the wage index for 104 providers, results in an estimated increase in payments by 0.2 percent. There might also be interactive effects among the various factors comprising the payment system that we are not able to isolate.

The overall change in payments per case for hospitals in FY 2010 as specified in this notice is estimated to increase by 0.1 percent compared to the payment estimates published in the FY 2010 IPPS/RY 2010 LTCH PPS final rule. Hospitals in urban areas will experience an estimated 0.1 percent increase in payments per case compared to the estimate published FY 2010 IPPS/RY 2010 LTCH PPS final rule. Hospital payments per case in rural areas are estimated to decrease 0.1 percent. Urban hospitals experience increases under the Affordable Care Act due to the extension of section 508 reclassifications, which offset the 0.25 market basket reduction; while rural hospitals experience decreases under the Affordable Care Act due to the -0.25 market basket reduction.

Among urban census divisions, the largest estimated payment increases compared to the FY 2010 IPPS/RY 2010 LTCH PPS final rule will be 0.2 in New England and 0.3 percent in the Middle Atlantic region, generally attributed to section 508 reclassifications and special exception wage indexes. Urban hospitals located in the West South Central, West North Central, and Mountain region will experience a 0.1 percent decrease in payments compared to the FY 2010 IPPS/RY 2010 LTCH PPS final rule because of the 0.25 market basket reduction applied to the second half of FY 2010.

Among the rural regions in Column 8, rural mountain hospitals can expect a -0.5 percent decrease in payments due to the market basket reduction and changes in the outlier estimates under the Affordable Care Act. Rural Pacific hospitals can expect a 0.2 percent increase in payments compared to the FY 2010 IPPS/RY 2010 LTCH PPS final rule because of higher wage indexes as a result of section 508 reclassification.

Among special categories of rural hospitals in Column 8, the MDHs will receive an estimated decrease in payments of 0.2 percent, and the SCHs will experience an estimated decrease in payments by 0.3 percent due to the market basket reduction.

Urban hospitals reclassified for FY 2010 are anticipated to receive an increase of 0.2 percent, while urban hospitals that are not reclassified for FY 2010 will not experience a change in payments. Rural hospitals reclassifying for FY 2010 are anticipated to receive a 0.1 percent payment decrease and rural hospitals that are not reclassifying are estimated to receive a payment decrease of 0.2 percent compared to the FY 2010 IPPS/RY 2010 LTCH PPS final rule.

9. Analysis of Table II

Table II presents the projected impact of the changes for FY 2010 for urban and rural hospitals and for the different categories shown in Table I. It compares the estimated payments per case for FY 2010 including the provisions in this notice with the average estimated payments per case for FY 2010 as published in the FY 2010 IPPS/RY 2010 LTCH PPS final rule. Thus, the table presents, in terms of 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.

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Table II--Impact Analysis of Changes for FY 2010 Operating Prospective Payment System (Payments per Case)

	Number of Hospitals	Average FY 2010 Payment Per Case (1)	Current Average FY 2010 Payment Per Case (2)	Net Effect of All Changes for FY 2010 (3)
All Hospitals	3517	$10,158	$10,164	0.1
By Geographic Location:				
Urban hospitals	2525	$10,605	$10,611	0.1
Large urban areas	1377	$11,192	$11,196	0.1
Other urban areas	1148	$9,895	$9,905	0.1
Rural hospitals	992	$7,516	$7,517	-0.1
Bed Size (Urban):				
0-99 beds	634	$8,008	$8,013	0.0
100-199 beds	808	$8,935	$8,946	0.1
200-299 beds	466	$9,825	$9,824	0.0
300-499 beds	426	$11,048	$11,055	0.0
500 or more beds	191	$13,149	$13,159	0.1
Bed Size (Rural):				
0-49 beds	349	$6,128	$6,129	-0.3
50-99 beds	370	$7,005	$7,005	-0.1
100-149 beds	164	$7,445	$7,448	0.0
150-199 beds	62	$8,246	$8,242	-0.1
200 or more beds	42	$9,363	$9,366	-0.1
Urban by Region:				
New England	120	$11,055	$11,083	0.2
Middle Atlantic	344	$11,651	$11,687	0.3
South Atlantic	388	$9,920	$9,914	0.0
East North Central	397	$9,954	$9,973	0.2
East South Central	160	$9,491	$9,486	0.0
West North Central	165	$10,198	$10,196	0.0
West South Central	346	$9,863	$9,855	-0.1
Mountain	163	$10,846	$10,839	-0.1
Pacific	391	$13,004	$12,993	-0.1
Puerto Rico	51	$5,126	$5,123	0.0
Rural by Region:				
New England	24	$9,810	$9,805	-0.1
Middle Atlantic	70	$7,872	$7,879	-0.1
South Atlantic	171	$7,349	$7,346	-0.1
East North Central	122	$7,677	$7,675	-0.2

	Number of Hospitals	Average FY 2010 Payment Per Case (1)	Current Average FY 2010 Payment Per Case (2)	Net Effect of All Changes for FY 2010 (3)
East South Central	176	$6,831	$6,829	-0.1
West North Central	101	$7,939	$7,950	-0.1
West South Central	224	$6,747	$6,743	-0.2
Mountain	72	$8,337	$8,337	-0.5
Pacific	32	$10,088	$10,130	0.2
By Payment Classification:				
Urban hospitals	2593	$10,578	$10,584	0.1
Large urban areas	1422	$11,165	$11,170	0.1
Other urban areas	1171	$9,865	$9,875	0.1
Rural areas	924	$7,583	$7,584	-0.1
Teaching Status:				
Nonteaching	2475	$8,536	$8,534	-0.1
Fewer than 100 residents	804	$10,112	$10,123	0.1
100 or more residents	238	$15,091	$15,111	0.1
Urban DSH:				
Non-DSH	845	$8,930	$8,939	0.1
100 or more beds	1538	$11,146	$11,152	0.0
Less than 100 beds	346	$7,532	$7,533	0.0
Rural DSH:				0.0
SCH	397	$6,922	$6,921	-0.2
RRC	207	$8,326	$8,327	-0.1
100 or more beds	34	$7,124	$7,129	0.0
Less than 100 beds	150	$5,841	$5,847	0.1
Urban teaching and DSH:				
Both teaching and DSH	802	$12,217	$12,229	0.1
Teaching and no DSH	178	$9,788	$9,818	0.3
No teaching and DSH	1082	$9,122	$9,119	0.0
No teaching and no DSH	531	$8,503	$8,500	0.0
Special Hospital Types:				
RRC	187	$8,458	$8,453	0.0
SCH	337	$7,842	$7,844	-0.3
MDH	186	$6,279	$6,277	-0.2
SCH and RRC	106	$9,459	$9,470	-0.1
MDH and RRC	15	$8,310	$8,308	-0.2
Type of Ownership:				
Voluntary	2014	$10,308	$10,319	0.0
Proprietary	860	$9,158	$9,151	-0.1
Government	583	$10,601	$10,597	-0.1
Medicare Utilization as a Percent of Inpatient Days:				
0-25	317	$14,358	$14,349	0.0
25-50	1433	$11,293	$11,296	0.0
50-65	1331	$8,593	$8,604	0.1
Over 65	308	$7,549	$7,556	0.1
FY 2010 Reclassifications by the Medicare Geographic Classification Review Board:				
All Reclassified Hospitals	766	$9,765	$9,650	0.2
Non-Reclassified Hospitals	2751	$10,302	$10,330	0.0
Urban Hospitals Reclassified	418	$10,476	$10,408	0.3
Urban Nonreclassified Hospitals, FY 2010:	2083	$10,646	$10,665	0.0

	Number of Hospitals	Average FY 2010 Payment Per Case (1)	Current Average FY 2010 Payment Per Case (2)	Net Effect of All Changes for FY 2010 (3)
All Rural Hospitals Reclassified FY 2010:	348	$8,122	$8,094	-0.1
Rural Nonreclassified Hospitals FY 2010:	582	$6,665	$6,737	-0.2
All Section 401 Reclassified Hospitals:	32	$9,335	$9,336	-0.2
Other Reclassified Hospitals (Section 1886(d)(8)(B))	62	$7,333	$7,330	-0.2
Section 508 Hospitals	104	NA	$10,710	NA
Specialty Hospitals				
Cardiac specialty Hospitals	20	$11,645	$11,637	-0.1

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D. Effects of Payment Rate Changes and Policy Changes Under the LTCH PPS

1. Introduction and General Considerations

In section II.F. of this notice, we are setting forth the revised payment rates for the RY 2010 LTCH PPS in accordance with the Affordable Care Act. In this section of the notice, we discuss the impact of the changes to the payment rates, factors, and other payment rate policies related to the LTCH PPS that are presented in the notice in terms of their estimated fiscal impact on the Medicare budget and on LTCHs.

Currently, our database of 399 LTCHs includes the data for 81 nonprofit (voluntary ownership control) LTCHs and 267 proprietary LTCHs. Of the remaining 51 LTCHs, 12 LTCHs are government-owned and operated and the ownership type of the other 39 LTCHs is unknown. In the impact analysis, we are using the rates, factors, and policies presented in this notice, including the revised RY 2010 rate that accounts for the 0.25 reduction to the market basket update under which discharges on or after April 1, 2010 are paid. As discussed in the FY 2010 IPPS/RY 2010 LTCH PPS final rule (74 FR 44022), we updated the RY 2009 standard Federal rate by 2.0 percent to establish the RY 2010 standard Federal rate at $39,896.65. As required under Public Law 111–148 and Public Law 111–152, we have reduced the annual update to the standard Federal rate by 0.25 percentage points such that that RY 2010 standard Federal rate is $39,794.95. Discharges occurring on or after April 1, 2010 are paid under the revised standard Federal rate consistent with section 3401(p) of Public Law 111–148. In the FY 2010 IPPS/RY 2010 LTCH final rule (74 FR 44233), we had estimated that LTCH payments would increase by 3.3 percent relative to RY 2009. Because only discharges for half of RY 2010 (that is, discharges occurring on or after April 1, 2010) are paid under the revised RY 2010 standard Federal rate which incorporates the 0.25 percentage point reduction, we estimate that LTCH payments will increase by 3.2 percent relative to RY 2009. In other words, we estimate that LTCH payments will be reduced by 0.1 percent relative to our estimates published in the FY 2010 IPPS/RY 2010 LTCH final rule.

In the FY 2010 IPPS/RY 2010 LTCH final rule (74 FR 44230), we had estimated RY 2009 LTCH PPS payments to be approximately $4.609 billion and RY 2010 LTCH PPS payments to be approximately $4.762 billion which resulted in a $153 million projected increase in estimated aggregate LTCH PPS payments from RY 2009 to RY 2010. Based on the changes in this notice, we now estimate RY 2010 LTCH PPS payments to be approximately $4.752 billion, which results in a projected increase in aggregate LTCH PPS payments of $142 million in RY 2010 relative to RY 2009. Our RY 2010 estimate is approximately $11 million less than our estimate in the FY 2010 IPPS/RY 2010 LTCH final rule.

Table IV shows the payment impact of the changes described in this notice required under the Affordable Care Act effective for RY 2010. Table IV shows the impact of the payments as projected in the FY 2010 IPPS/RY 2010 LTCH final rule and the change in payments effective in this notice for RY 2010. We estimate a 0.1 percent decrease in payments per discharge in this notice compared to the RY 2010 estimated payments per discharge published in the FY 2010 IPPS/RY 2010 LTCH final rule. This decrease is attributable to the 0.25 percentage point reduction to the annual update applied to the standard Federal rate as required by sections 1886(m)(3)(ii) and (4) of the Act. As Table IV shows, the change attributable solely to the standard Federal rate is projected to result in a decrease of 0.2 percent in estimated RY 2010 payments per discharge from the FY 2010 IPPS/RY 2010 LTCH final rule to the revised RY 2010 payments per discharge in this notice.

The projected change in payments per discharge from the RY 2010 published in the FY 2010 IPPS/RY 2010 LTCH final rule to estimated RY 2010 payments per discharge in this notice is −0.1 percent (shown in Column 7). This projected decrease in payments is attributable to the impacts of the change to the standard Federal rate required under the Affordable Care Act under which discharges occurring on or after April 1, 2010 (−0.2 percent in Column 6) are paid.

2. Impact on Rural Hospitals

For purposes of section 1102(b) of the Act, we define a small rural hospital as a hospital that is located outside of a Metropolitan Statistical Area and has fewer than 100 beds. As shown in Table IV, we are projecting a 0.1 decrease in estimated payments per discharge for the RY 2010 LTCH as compared to the RY 2010 estimated payments per discharge published in the FY 2010 IPPS/RY 2010 LTCH final rule for rural LTCHs that will result from the changes presented in this notice (that is, the revised update to the standard Federal rate discussed in section II.F.1. of this notice). This estimated impact is based on the data for the 26 rural LTCHs in our database of 399 LTCHs, for which complete data were available.

3. Anticipated Effects of LTCH PPS Payment Rate Change and Policy Changes

We discuss the impact of the changes to the payment rates, factors, and other payment rate policies under the LTCH PPS for RY 2010 (in terms of their estimated fiscal impact on the Medicare budget and on LTCHs) in section II.F. of this notice.

a. Budgetary Impact

Section 123(a)(1) of the BBRA requires that the PPS developed for LTCHs "maintain budget neutrality." We believe that the statute's mandate for budget neutrality applies only to the first year of the implementation of the LTCH PPS (that is, FY 2003). Therefore, in calculating the FY 2003 standard Federal rate under § 412.523(d)(2), we set total estimated payments for FY 2003 under the LTCH PPS so that estimated aggregate payments under the LTCH PPS were estimated to equal the amount that would have been paid if the LTCH PPS had not been implemented.

As discussed in section IV.D.1. of this notice, we project an increase in aggregate LTCH PPS payments in RY 2010 of approximately $142 million based on the 399 LTCHs in our database.

b. Impact on Providers

The basic methodology for determining a per discharge LTCH PPS payment is set forth in § 412.515 through § 412.536. In addition to the basic MS–LTC–DRG payment (standard Federal rate multiplied by the MS–LTC–DRG relative weight), we make adjustments for differences in area wage levels, COLA for Alaska and Hawaii, and short-stay outliers (SSOs). Furthermore, LTCHs may also receive high cost outlier (HCO) payments for those cases that qualify based on the threshold established each rate year.

Hospital groups were based on characteristics provided in the OSCAR data, FY 2004 through FY 2006 cost report data in HCRIS, and PSF data. Hospitals with incomplete characteristics were grouped into the "unknown" category. Hospital groups include the following:

- Location: Large urban/other urban/rural.
- Participation date.
- Ownership control.
- Census region.
- Bed size.

To estimate the impacts of the payment rates and policy changes among the various categories of existing providers, we used LTCH cases from the FY 2008 MedPAR file to estimate payments for RY 2010 published in the FY 2010 IPPS/RY 2010 LTCH final rule and to estimate revised payments for RY 2010 in accordance with the changes in this notice for 399 LTCHs.

c. Calculation of Prospective Payments

For purposes of this impact analysis, to estimate per discharge payments under the LTCH PPS, we simulated payments on a case-by-case basis using LTCH claims from the FY 2008 MedPAR files. For modeling estimated LTCH PPS payments for RY 2010 in this notice, we applied the revised RY 2010 standard Federal rate (that is, $39,794.95, under which LTCH discharges occurring on or after April 1, 2010, and through September 30, 2010 are paid). For modeling estimated LTCH PPS payments for RY 2010 as published in the FY 2010 IPPS/RY 2010 LTCH final rule, we applied the published RY 2010 standard Federal rate of $39,896.65, under which LTCH discharges occurring on or after October 1, 2009 through March 31, 2010 are paid).

These impacts reflect the estimated "losses" or "gains" among the various classifications of LTCHs from the previously published 2010 LTCH PPS rate year to the revised 2010 LTCH PPS rate year based on the payment rates and policy changes presented in this notice. Table IV illustrates the estimated aggregate impact of the LTCH PPS among various classifications of LTCHs.

- The first column, LTCH Classification, identifies the type of LTCH.
- The second column lists the number of LTCHs of each classification type.
- The third column identifies the number of LTCH cases.
- The fourth column shows the estimated original RY 2010 payment per discharge (that is, prior to the enactment of the Affordable Care Act, as described above).
- The fifth column shows the estimated revised RY 2010 payment per discharge (that is, reflecting the provisions of the Affordable Care Act, as described above).
- The sixth column shows the percentage change in estimated payments per discharge due to changes to the standard Federal rate (as discussed in section II.F. of this notice). It compares the percent change in estimated payments per discharge in the originally published FY 2010 IPPS/RY 2010 LTCH PPS final rule (prior to the enactment of the Affordable Care Act) to the revised estimated payments per discharge in this RY 2010 LTCH PPS notice (reflecting the provisions of the Affordable Care Act).
- The seventh column shows the percentage change in estimated payments per discharge from the originally published RY 2010 LTCH PPS (prior to the enactment of the Affordable Care Act, as shown in Column 4) to the revised RY 2010 LTCH PPS (reflecting the provisions of the Affordable Care Act, as shown in Column 5) for all changes.

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TABLE IV: Impact of Payment Rate and Payment Rate Policy Changes to LTCH PPS Payments for RY 2010 (Estimated 2010 LTCH PPS Rate Year Payments published in the FY 2010 IPPS/RY 2010 LTCH Final Rule Compared to Revised Estimated 2010 LTCH PPS Rate Year Payments*)

LTCH Classification (1)	Number of LTCHs (2)	Number of LTCH PPS Cases (3)	Old Average RY 2010 LTCH PPS Rate Year Payment Per Case[1] (4)	Revised Average RY 2010 LTCH PPS Rate Year Payment Per Case[2] (5)	Net Effect of the Percent Change in Estimated Payments Per Discharge from old RY 2010 to revised RY 2010 for Changes to the Federal Rate (6)	Net Effect of the Percent Change in Payments Per Discharge from old RY 2010 to revised RY 2010 for All Changes (7)
ALL PROVIDERS	399	131,214	$36,293	$36,253	-0.2	-0.1
BY LOCATION:						
RURAL	26	5,844	$31,597	$31,559	-0.2	-0.1
URBAN	373	125,370	$36,512	$36,471	-0.2	-0.1
LARGE	191	75,370	$37,979	$37,937	-0.2	-0.1
OTHER	182	50,000	$34,301	$34,262	-0.2	-0.1
BY PARTICIPATION DATE:						
BEFORE OCT. 1983	17	6,666	$32,535	$32,501	-0.2	-0.1
OCT. 1983 - SEPT. 1993	44	18,426	$36,829	$36,789	-0.2	-0.1
OCT. 1993 - SEPT. 2002	191	66,503	$35,791	$35,750	-0.2	-0.1
AFTER OCTOBER 2002	140	38,506	$37,474	$37,431	-0.2	-0.1
UNKNOWN PARTICIPATION DATE	7	1,113	$39,155	$39,112	-0.2	-0.1
BY OWNERSHIP TYPE:						
VOLUNTARY	81	21,655	$36,810	$36,769	-0.2	-0.1
PROPRIETARY	267	99,479	$35,839	$35,799	-0.2	-0.1
GOVERNMENT	12	1,904	$42,674	$42,630	-0.2	-0.1
UNKNOWN OWNERSHIP TYPE	39	8,176	$38,969	$38,924	-0.2	-0.1
BY REGION:						
NEW ENGLAND	15	7,916	$32,030	$31,995	-0.2	-0.1
MIDDLE ATLANTIC	29	8,180	$37,172	$37,131	-0.2	-0.1
SOUTH ATLANTIC	49	13,555	$41,175	$41,131	-0.2	-0.1

LTCH Classification (1)	Number of LTCHs (2)	Number of LTCH PPS Cases (3)	Old Average RY 2010 LTCH PPS Rate Year Payment Per Case[1] (4)	Revised Average RY 2010 LTCH PPS Rate Year Payment Per Case[2] (5)	Net Effect of the Percent Change in Estimated Payments Per Discharge from old RY 2010 to revised RY 2010 for Changes to the Federal Rate (6)	Net Effect of the Percent Change in Payments Per Discharge from old RY 2010 to revised RY 2010 for All Changes (7)
EAST NORTH CENTRAL	67	19,630	$39,870	$39,826	-0.2	-0.1
EAST SOUTH CENTRAL	31	8,345	$36,739	$36,697	-0.2	-0.1
WEST NORTH CENTRAL	21	5,199	$38,094	$38,052	-0.2	-0.1
WEST SOUTH CENTRAL	138	50,413	$31,420	$31,383	-0.2	-0.1
MOUNTAIN	25	5,988	$39,415	$39,371	-0.2	-0.1
PACIFIC	24	11,988	$44,977	$44,928	-0.2	-0.1
BY BED SIZE:						
BEDS: 0-24	41	5,455	$32,442	$32,403	-0.2	-0.1
BEDS: 25-49	191	44,459	$36,581	$36,540	-0.2	-0.1
BEDS: 50-74	82	27,914	$36,160	$36,119	-0.2	-0.1
BEDS: 75-124	49	24,540	$38,562	$38,520	-0.2	-0.1
BEDS: 125-199	23	16,598	$34,892	$34,854	-0.2	-0.1
BEDS: 200 +	13	12,248	$34,622	$34,584	-0.2	-0.1

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d. Results

Based on the most recent available data (as described previously for 399 LTCHs), we have prepared the following summary of the impact (as shown in Table IV) of the LTCH PPS payment rate and policy changes presented in this notice. The impact analysis in Table IV shows that estimated payments per discharge are expected to decrease approximately 0.1 percent, on average, for all LTCHs comparing the RY 2010 estimated LTCH PPS payments published in the FY 2010 IPPS/RY 2010 LTCH PPS final rule to the RY 2010 estimated LTCH PPS payments as a result of the payment rate and policy changes presented in this notice. The 0.1 percent decrease is due to the 0.25 percentage point reduction to the annual update to the standard Federal rate required under the Affordable Care Act. Because only discharges on or after April 1, 2010 will be paid under the revised standard Federal rate, which incorporates the 0.25 percentage point reduction to the annual update for RY 2010, the required 0.25 percentage point reduction will only reduce aggregate RY 2010 payments by 0.1 percent. All hospital categories are equally affected by the provision and will all experience an approximate 0.1 percent decrease in payments relative to the payment estimates in the FY 2010 IPPS/RY 2010 LTCH final rule.

4. Effect on the Medicare Program

As noted previously, we project that the provisions of this notice will result in an increase in estimated aggregate LTCH PPS payments in RY 2010 of approximately $142 million (or about 0.1 percent less than previously estimated in the FY 2010 IPPS/RY 2010 LTCH final rule) for the 399 LTCHs in our database.

5. Effect on Medicare Beneficiaries

Under the LTCH PPS, hospitals receive payment based on the average resources consumed by patients for each diagnosis. We do not expect any changes in the quality of care or access to services for Medicare beneficiaries under the LTCH PPS, but we expect that paying prospectively for LTCH services would enhance the efficiency of the Medicare program.

E. Alternatives Considered

This notice provides descriptions of the statutory provisions that are addressed, identifies policies, and presents rationales for our decisions and, where relevant, alternatives that were considered.

F. Overall Conclusion

1. Acute Care Hospitals

Table I of section IV.B. of this notice demonstrates the estimated distributional impact of the IPPS budget neutrality requirements for the MS–DRG and wage index changes, and for the wage index reclassifications under the MGCRB. Table I also shows an overall increase of 0.1 percent in operating payments in this notice relative to the operating payments published in the FY 2010 IPPS/RY 2010 LTCH PPS final rule. We estimate that operating payments will increase by approximately $75.7 million in FY 2010

relative to our published FY 2010 estimate in the FY 2010 IPPS/RY 2010 LTCH PPS final rule. This accounts for the projected savings associated with the 0.25 percentage point reduction to the market basket required by section 1886(b)(3)(B) of the Act, as amended by the Affordable Care Act, and the extension of section 508 reclassification (a non-budget neutral provision) required under the Affordable Care Act. We estimate that capital payments will increase by 1.9 percent per case relative to FY 2009, as shown in Table III of section IV.C. of this notice. Therefore, we project that the increase in capital payments in FY 2010 compared to FY 2009 will be approximately $173 million, which is $19 million higher than what was published in the FY 2010 IPPS/RY 2010 LTCH PPS correction notice (74 FR 51507). The cumulative operating and capital payments should result in a net increase of $94.7 million to IPPS providers under the changes in this notice relative to our previously published estimates in the FY 2010 IPPS/RY 2010 LTCH PPS final rule and correction notice. The discussions presented in the previous pages, in combination with the rest of this notice, constitute a regulatory impact analysis.

2. LTCHs

Overall, LTCHs are projected to experience an increase in estimated payments per discharge in RY 2010 relative to RY 2009. However, our projected increase in estimated payments per discharge in RY 2010 has decreased due to the applicable changes specified under the Affordable Care Act. Specifically, the decrease in our RY 2010 payment estimates is primarily due to the −0.25 percentage point reduction to annual update applied to the standard Federal rate under which discharges occurring on or after April 1, 2010 are paid. In the impact analysis, we are using the rates, factors, and policies presented in this notice to estimate the change in payments for the 2010 LTCH PPS rate year. Accordingly, based on the best available data for the 399 LTCHs in our database, we estimate that RY 2010 LTCH PPS payments will increase $142 million relative to RY 2009, which is a decrease of approximately $11 million (or about 0.1 percent) relative to the estimates of RY 2010 LTCH PPS payments previously published in the FY 2010 IPPS/RY 2010 LTCH PPS final rule.

G. Accounting Statements

1. Acute Care Hospitals

As required by OMB Circular A–4 (available at *http://www.whitehousegov/omb/circulars/a004/a-4.pdf*), in Table V. below, we have prepared an accounting statement showing the classification of the expenditures associated with the provisions of this notice as they relate to acute care hospitals. This table provides our best estimate of the change in Medicare payments to providers as a result of the changes to the IPPS presented in this notice. All expenditures are classified as transfers to Medicare providers.

TABLE V—ACCOUNTING STATEMENT: CLASSIFICATION OF ESTIMATED EXPENDITURES UNDER THE IPPS FROM PUBLISHED FY 2010 TO REVISED FY 2010

Category	Transfers
Annualized Monetized Transfers	$94.7 million.
From Whom to Whom	Federal Government to IPPS Medicare Providers.
Total	$94.7 million.

2. LTCHs

As discussed in section IV.D. of this notice, the impact analysis for the changes under the LTCH PPS for this notice projects an increase in estimated aggregate payments of approximately $142 million compared to RY 2009, a decrease of $11 million compared our previously published estimates for the 399 LTCHs in our database that are subject to payment under the LTCH PPS. Therefore, as required by OMB Circular A–4 (available at *http://www.whitehouse.gov/omb/circulars/a004/a-4.pdf*), in Table VI below, we have prepared an accounting statement showing the classification of the expenditures associated with the provisions of this notice as they relate to changes to the LTCH PPS. Table VI provides our best estimate of the increase in Medicare payments under the LTCH PPS as a result of the provisions presented in this notice based on the data for the 399 LTCHs in our database. All expenditures are classified as transfers to Medicare providers (that is, LTCHs).

TABLE VI—ACCOUNTING STATEMENT: CLASSIFICATION OF ESTIMATED EXPENDITURES FROM THE PUBLISHED 2010 LTCH PPS RATE YEAR TO THE REVISED 2010 LTCH PPS RATE YEAR

Category	Transfers
Annualized Monetized Transfers	Positive transfer—Estimated increase in expenditures: $11 million.
From Whom to Whom	LTCH PPS Medicare Providers to Federal Government.
Total	$11 million.

H. Executive Order 12866

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

Authority: (Catalog of Federal Domestic Assistance Program No. 93.773, Medicare—Hospital Insurance; and Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: May 13, 2010.

Marilyn Tavenner,

Acting Administrator, Centers for Medicare & Medicaid Services.

Approved: May 18, 2010.

Kathleen Sebelius,

Secretary.

Addendum

This addendum includes tables referred to throughout the notice which contain data relating to the final FY 2010 wage indices and the hospital reclassifications and payment amounts for operating and capital-related costs 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); Applicable to payments made for discharges on or after October 1, 2009 through discharges on or before September 30, 2010

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); Applicable to payments made for discharges on or after October 1, 2009 through discharges on or before September 30, 2010

Table 1C—Adjusted Operating Standardized Amounts for Puerto Rico, Labor/Nonlabor; Applicable to payments made for discharges on or after October 1, 2009 through discharges on or before September 30, 2010

Table 1D—Capital Standard Federal Payment Rate: Applicable to payments made for discharges on or after October 1, 2009 through discharges on or before September 30, 2010

Table 1E.—LTCH Standard Federal Prospective Payment Rate; Applicable to payments made for discharges on or after October 1, 2009 through discharges on or before September 30, 2010

Table 2.—Hospital Case-Mix Indexes For Discharges Occurring In Federal Fiscal Year 2008; Hospital Wage Indexes For Federal Fiscal Year 2010 (April 1, 2010 through September 30, 2010); Hospital Average Hourly Wages For Federal Fiscal Years 2008 (2004 Wage Data), 2009 (2005 Wage Data), And 2010 (2006 Wage Data); and 3–Year Average of Hospital Average Hourly Wages

Table 4A.—Wage Index and Capital Geographic Adjustment Factor (GAF) for Urban Areas by CBSA—FY 2010 (April 1, 2010 through September 30, 2010)

Table 4B.—Wage Index and Capital Geographic Adjustment Factor (GAF) for Rural Areas by CBSA—FY 2010 (April 1, 2010 through September 30, 2010)

Table 4C.—Wage Index and Capital Geographic Adjustment Factor (GAF) for Hospitals That Are Reclassified by CBSA—FY 2010 (April 1, 2010 through September 30, 2010)

Table 4D–1.—State Specific Rural Floor Budget Neutrality Factors—FY 2010 (April 1, 2010 through September 30, 2010)

Table 4D–2.—Urban Areas with Hospitals Receiving the Statewide Rural Floor or Imputed Wage Index— FY 2010 (April 1, 2010 through September 30, 2010)

Table 4J.—Out-Migration Adjustment—FY 2010 (April 1, 2010 through September 30, 2010)

Table 9B.—Hospital Reclassifications and Redesignations by Individual Hospital Under Section 508 of Pub. L. 108–173 for FY 2010 (Revised as of April 1, 2010 and Effective October 1, 2009 through September 30, 2010)

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)—April 2010 (Applicable to Applications for FY 2011 New Technology Add-On Payments)

TABLE 1A.—NATIONAL ADJUSTED OPERATING STANDARDIZED AMOUNTS, LABOR/NONLABOR (68.8 PERCENT LABOR SHARE/31.2 PERCENT NONLABOR SHARE IF WAGE INDEX IS GREATER THAN 1)
[Applicable to Payments made for Discharges on or after October 1, 2009 through Discharges on or before September 30, 2010]

Full Update (1.85 Percent)		Reduced Update (-0.15 Percent)	
Labor-related	Nonlabor-related	Labor-related	Nonlabor-related
$3,587.24	$1,626.78	$3,516.80	$1,594.84

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)
[Applicable to Payments made for Discharges on or after October 1, 2009 through Discharges on or before September 30, 2010]

Full Update (1.85 Percent)		Reduced Update (-0.15 Percent)	
Labor-related	Nonlabor-related	Labor-related	Nonlabor-related
$3,232.69	$1,981.33	$3,169.22	$1,942.42

TABLE 1C.--ADJUSTED OPERATING STANDARDIZED AMOUNTS FOR PUERTO RICO, LABOR/NONLABOR
[Applicable to Payments made for Discharges on or after October 1, 2009 through Discharges on or before September 30, 2010]

	Rates if Wage Index is Greater Than 1		Rates if Wage Index is Less Than or Equal to 1	
	Labor	Nonlabor	Labor	Nonlabor
National	$3,587.24	$1,626.78	$3,232.69	1,981.33
Puerto Rico	$1,543.61	$942.07	$1,541.12	$944.56

TABLE 1D.--CAPITAL STANDARD FEDERAL PAYMENT RATE
[Applicable to Payments made for Discharges on or after October 1, 2009 through Discharges on or before September 30, 2010]

	Rate
National	$429.56
Puerto Rico	$203.57

TABLE 1E.—LTCH STANDARD FEDERAL PROSPECTIVE PAYMENT RATE
[Applicable to Payments made for Discharges on or after October 1, 2009 through Discharges on or before September 30, 2010]

	Rate
Standard Federal Rate	$39,794.95

TABLE 2--HOSPITAL CASE-MIX INDEXES FOR DISCHARGES OCCURRING IN FEDERAL FISCAL YEAR 2008; HOSPITAL WAGE INDEXES FOR FEDERAL FISCAL YEAR 2010 (April 1, 2010 through September 30, 2010); HOSPITAL AVERAGE HOURLY WAGES FOR FEDERAL FISCAL YEARS 2008 (2004 WAGE DATA), 2009 (2005 WAGE DATA), AND 2010 (2006 WAGE DATA); AND 3-YEAR AVERAGE OF HOSPITAL AVERAGE HOURLY WAGES

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
010001	1.5845	0.8387	23.2195	25.0592	24.8712	24.3914
010005	1.1409	0.8558	23.0203	25.7771	24.9052	24.5783
010006	1.4912	0.7932	23.7502	25.1401	26.7013	25.1568
010007	1.0370	0.7389	21.3492	22.0185	20.0565	21.1223
010008	1.0647	0.7563	22.0793	23.2572	22.8443	22.7502
010009	0.9770	0.8558	25.9011	25.8420	26.1396	25.9552
010010	1.1371	0.8512	22.8602	24.8390	26.2416	24.6360
010011	1.6352	0.8512	27.4668	27.1997	28.6140	27.7686
010012	1.1886	0.8665	25.5767	26.4989	24.8944	25.6315
010015	0.9860	0.7435	27.0806	23.6821	22.9857	24.4256
010016	1.6043	0.8512	26.8611	28.9724	28.7392	28.1982

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
010018	1.3280	0.8512	24.8974	26.9514	26.7633	26.2058
010019	1.2610	0.7932	23.3460	25.0170	26.0567	24.7916
010021	1.3432	0.7441	21.0624	21.7601	24.3385	22.3603
010022	1.0016	0.9581	27.4318	28.7529	26.5348	27.4919
010023	1.7857	0.8459	26.1739	28.2135	30.0684	28.2501
010024	1.6439	0.8459	25.0715	26.6636	28.1766	26.6932
010025	1.3410	0.8454	23.6186	23.8617	20.1873	22.4609
010027	0.7493	0.7415	17.0513	18.2508	19.7740	18.4084
010029	1.5941	0.8454	25.0468	24.3622	28.3184	25.8259
010032	0.8590	0.7714	18.5545	20.8458	24.7706	21.8594
010033	2.2169	0.8512	29.1471	29.2036	29.3762	29.2486
010034	1.1255	0.8459	19.1549	21.3728	21.0565	20.5456
010035	1.2858	0.8512	24.2746	26.5299	28.0534	26.2286
010036	1.1369	0.7389	24.2887	23.3876	25.0011	24.2323
010038	1.3696	0.7650	27.0752	28.9646	29.7948	28.5749
010039	1.7148	0.8924	28.6462	29.8034	30.6619	29.7273
010040	1.6267	0.8411	24.7657	25.9856	25.2840	25.3460
010043	1.2118	0.8512	23.9121	25.3633	27.3636	25.4551
010044	1.0798	0.7389	24.4276	23.4020	27.3403	25.0195
010045	1.0348	0.7611	23.1695	24.2450	25.1108	24.1973
010046	1.5412	0.8411	25.9105	25.4465	33.3112	27.8297
010047	0.8784	0.7516	19.7542	21.7349	17.0984	19.5638
010049	1.1617	0.7415	22.4248	23.1194	25.4446	23.6306
010050	1.0933	0.8512	24.4060	25.3678	27.0365	25.5736
010051	0.8953	0.8942	18.0305	20.0765	21.4140	19.7507
010052	0.8833	0.8459	36.3638	22.7571	22.1386	27.5747
010054	1.1018	0.8558	24.4810	25.4209	24.6126	24.8365
010055	1.5977	0.8320	22.4145	25.3306	26.4706	24.7201
010056	1.5700	0.8512	24.5754	25.7290	28.5668	26.3145
010058	1.0845	0.8512	17.0150	31.1865	23.6860	22.7031
010059	1.0250	0.8558	24.8199	27.8613	29.5434	27.4641
010061	0.9502	0.8676	25.2454	25.7048	26.5035	25.8287
010062	1.0314	0.7499	21.7112	22.9491	20.8224	21.7809
010064	1.8036	0.8512	27.6149	26.6333	*	27.1325
010065	1.5107	0.8512	24.3346	24.4454	25.9433	24.9230
010066	0.8171	0.7389	25.4612	25.6052	25.9301	25.6623
010068	***	*	24.4145	*	*	24.4145
010069	0.9767	0.7389	23.6272	27.3438	29.4662	26.6107

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
010073	0.8929	0.7389	19.0046	20.7833	19.9743	19.9252
010078	1.6528	0.7650	24.3828	25.2897	24.5429	24.7419
010079	1.1836	0.8924	22.3034	23.1025	25.4118	23.6280
010083	1.1724	0.8068	24.0036	25.0422	25.2405	24.7843
010084	***	*	26.5079	27.5069	*	26.9470
010085	1.3476	0.8558	23.6280	24.0475	25.6072	24.4035
010086	1.1096	0.7389	21.5584	26.9753	24.9468	24.3212
010087	2.3204	0.7735	24.8320	27.4929	27.2725	26.4865
010089	1.2856	0.8512	26.2628	25.9719	26.9357	26.4004
010090	1.7636	0.8156	26.3957	25.6110	26.8029	26.2723
010091	0.9073	0.7435	22.5272	23.6555	27.8571	24.4933
010092	1.5002	0.8942	26.9959	28.8433	30.3263	28.7996
010095	0.8259	0.8942	17.0024	17.8248	21.6551	18.8630
010097	0.8004	0.8459	19.2481	18.4218	19.5147	19.0354
010099	0.9884	0.7389	20.6736	22.3686	20.8632	21.3012
010100	1.6800	0.8068	25.1460	25.4357	25.8178	25.4803
010101	1.1744	0.8512	25.0974	26.2744	25.0955	25.4896
010102	0.9450	0.8459	26.9859	26.6943	22.6883	25.4344
010103	1.9052	0.8512	28.9636	30.4032	27.9049	29.0899
010104	1.8083	0.8512	28.3126	30.4963	29.1001	29.2733
010108	1.1551	0.8459	25.4325	26.8900	27.7601	26.7696
010109	1.0126	0.7794	21.0449	21.9300	19.3990	20.6952
010110	0.8051	0.7604	19.8738	22.1175	17.9438	20.0583
010112	0.9695	0.7389	20.4027	21.3904	22.0927	21.3256
010113	1.6342	0.7735	24.7170	25.0704	25.7852	25.1927
010114	1.4449	0.8512	25.7090	25.3666	25.8015	25.6243
010118	1.2792	0.8512	22.7191	25.3689	25.7663	24.5849
010120	0.9724	0.7389	22.1868	22.8177	22.0809	22.3630
010125	1.0728	0.7865	22.8911	23.6549	24.1942	23.5860
010126	1.0958	0.8459	24.4957	25.7254	28.8995	26.2594
010128	0.8926	0.7435	24.9881	25.9421	25.1022	25.3655
010129	1.0914	0.7523	21.8502	24.4816	25.2104	23.9306
010130	0.9779	0.8512	24.5644	25.2790	23.8895	24.5175
010131	1.3668	0.8924	27.2707	28.0487	28.6759	28.0337
010137	1.3484	0.8512	28.5843	30.4361	30.7312	29.9815
010138	0.6311	0.7455	14.5551	15.0815	16.7541	15.5094
010139	1.5991	0.8512	28.1473	29.3560	29.3626	28.9577
010143	1.2004	0.8558	24.0674	25.0871	25.1522	24.7496

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
010144	1.6314	0.7735	22.3916	23.8601	25.4614	23.9059
010145	1.5498	0.8942	25.8293	27.3296	30.2093	27.7345
010146	1.0598	0.7650	22.6879	23.8076	24.6572	23.7085
010148	0.8908	0.7389	23.5714	25.0960	24.8409	24.4809
010149	1.3063	0.8459	25.4354	26.8920	28.1328	26.9313
010150	0.9874	0.8454	24.4098	25.0070	26.3342	25.2209
010152	1.2783	0.7735	23.7803	26.0793	23.0248	24.2087
010157	1.1477	0.7932	24.2206	27.1793	27.5674	26.1833
010158	1.3024	0.7932	25.5905	26.2363	26.8821	26.2368
010163	***	*	34.0325	*	*	34.0325
010164	1.1968	0.8512	23.2447	25.6759	24.4625	24.4744
010165	***	*	28.8040	*	*	28.8040
010166	***	*	29.7256	*	*	29.7256
010167	1.5552	0.8512	*	*	24.7643	24.7643
010168	1.4982	0.8781	*	*	30.2040	30.2040
010169	1.0218	*	*	*	*	*
020001	1.8167	1.1920	36.5298	38.1784	39.2651	38.0206
020006	1.3328	1.1920	37.0211	37.2853	40.5422	38.4153
020008	1.2471	1.2747	39.3432	40.6783	42.8075	40.9881
020012	1.4164	1.1636	33.9375	36.1911	37.0181	35.7416
020014	1.1716	*	30.9722	30.6343	*	30.7977
020017	2.1444	1.1920	35.8804	38.2157	41.2448	38.4881
020018	0.9300	1.9311	*	*	*	*
020024	1.1745	1.1636	38.6934	39.9943	35.9358	38.1698
020026	1.5704	1.9311	*	*	*	*
020027	1.0148	1.9311	*	*	*	*
020028	1.2652	1.1920	*	*	*	*
030001	1.5332	1.0472	33.4178	35.9083	38.1204	35.8255
030002	2.1075	1.0472	31.0818	32.9094	34.2998	32.7833
030006	1.7793	0.9686	27.7421	29.1248	32.1646	29.7571
030007	1.3822	1.1887	33.7213	35.5226	38.1199	35.8227
030010	1.5704	0.9686	30.6261	31.8640	33.3049	31.9861
030011	1.6034	0.9686	28.8203	30.2096	31.8532	30.3461
030012	1.5765	1.0169	29.1042	31.3068	33.4818	31.4121
030013	1.5440	0.9284	31.2815	31.9162	31.1767	31.4583
030014	1.5999	1.0472	29.8296	30.6308	31.8529	30.8215
030016	1.3369	1.0472	30.7896	31.1878	30.6196	30.8673
030017	2.1804	1.0472	34.4852	34.8488	34.9499	34.7649
030018	***	*	31.8056	31.7240	34.2870	32.6101
030019	1.2752	1.0472	30.1934	33.6553	36.3298	33.3216
030022	1.8479	1.0472	30.3746	35.0772	34.3377	33.3702
030023	1.8996	1.2450	35.8287	37.5523	41.8098	38.3552
030024	2.1838	1.0472	33.1797	35.3556	38.5575	35.8571
030027	0.9841	*	*	*	*	*
030030	1.7560	1.0472	34.4166	36.4772	38.9056	36.6612
030033	1.3387	1.1887	29.9383	32.0362	33.9716	32.0575
030036	1.4973	1.0472	33.0523	35.7464	37.1271	35.4196
030037	1.9164	1.0472	34.1079	35.1342	35.8129	35.0008
030038	1.7202	1.0472	31.7238	31.2928	33.8052	32.3972
030043	1.3165	0.8801	27.3856	28.3158	29.0816	28.2528
030055	1.5121	1.0590	27.1621	31.0806	37.2632	31.8399
030061	1.6594	1.0472	28.1337	33.0847	34.2000	31.8030
030062	1.2990	0.8801	28.9587	29.9359	30.3859	29.7832
030064	2.0752	0.9686	29.8226	31.6632	33.1535	31.6021
030065	1.6659	1.0472	31.0817	31.4602	33.8941	32.1759
030067	1.0036	0.9099	27.4497	27.0784	27.4410	27.3241
030068	1.1336	0.8801	23.8792	26.0296	26.8369	25.6216
030069	1.4754	1.1147	29.7802	30.7723	35.1793	32.0595
030071	0.9382	1.4424	*	*	*	*
030073	1.1721	1.4424	*	*	*	*
030074	0.8683	1.4424	*	*	*	*
030077	0.8290	1.4424	*	*	*	*
030078	1.2740	1.4424	*	*	*	*
030080	***	*	28.6568	30.7682	34.2723	31.2782
030083	1.4547	1.0472	33.5302	35.8521	39.0888	36.1864
030084	1.0279	1.4424	*	*	*	*
030085	1.5874	0.9686	28.1388	29.0774	30.7160	29.2792
030087	1.7637	1.0472	31.2331	31.1094	33.0362	31.8921
030088	1.3982	1.0472	29.9758	30.5738	33.5408	31.4072
030089	1.6261	1.0472	30.1591	31.3179	32.8874	31.4849
030092	1.5069	1.0472	30.6343	30.4394	31.6471	30.9450
030093	1.3713	1.0472	27.8821	33.0720	33.5029	31.6305
030094	1.5484	1.0472	33.4050	34.2040	35.9213	34.5882
030099	1.0041	*	26.9227	24.9127	*	25.9405
030100	2.1888	0.9686	34.7532	35.0981	36.9783	35.6058
030101	1.4298	1.1523	30.6764	33.2139	34.1060	32.7119

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
030102	2.5350	1.0472	33.6247	36.9539	39.4617	36.7168
030103	1.7849	1.0472	32.2833	34.2770	41.6469	36.2802
030105	2.4535	1.0472	32.7449	33.9875	37.6952	34.8549
030106	***	*	36.4667	40.1657	43.9022	40.0063
030107	2.0233	1.0472	35.5386	35.4562	35.9171	35.6334
030108	2.3003	1.0472	29.9395	34.8507	33.2799	33.1021
030110	1.6728	1.0472	29.7949	36.2158	38.0468	34.7295
030111	1.1217	0.9686	33.3711	28.5146	33.3314	31.7560
030112	2.0296	1.0472	36.6601	33.4810	36.1513	35.3527
030113	0.9902	1.4424	*	*	*	*
030114	1.3424	0.9686	*	28.8466	30.2128	29.5486
030115	1.5005	1.0472	*	32.5885	34.8409	33.8326
030117	1.4722	1.0590	*	*	34.5349	34.5349
030118	1.2518	1.0169	*	*	28.2945	28.2945
030119	1.4947	1.0472	*	*	38.2362	38.2362
030120	0.8758	1.0472	*	*	39.7676	39.7676
030121	1.4550	1.0472	*	*	*	*
030122	1.3140	1.0472	*	*	*	*
030123	1.5497	1.0472	*	*	*	*
030124	2.6277	1.0472	*	*	*	*
030125	3.2446	1.0472	*	*	*	*
040001	1.1460	0.8787	22.9948	24.4962	25.0147	24.1493
040002	1.2229	0.7559	25.0000	24.0487	26.2100	25.0839
040004	1.7027	0.8787	28.1117	29.2714	30.1320	29.1917
040007	1.7278	0.8683	29.1941	28.3305	29.3146	28.9264
040010	1.4340	0.8787	26.5287	28.2375	28.1618	27.6655
040011	0.9797	0.7559	22.2431	22.6327	25.6224	23.4885
040014	1.3398	0.8455	28.9855	34.8279	24.1271	27.0301
040015	1.1006	0.7559	20.1061	22.3148	23.2134	21.9435
040016	1.7116	0.8683	26.5911	26.4806	27.6568	26.9328
040017	1.0997	0.8164	23.8768	24.3772	25.3390	24.5297
040018	1.1868	0.7994	25.6751	26.2521	25.3362	25.7513
040019	1.0300	0.8936	24.9113	26.4932	25.5468	25.6449
040020	1.6095	0.8936	23.9470	26.1529	25.9754	25.3556
040021	1.4842	0.8683	26.1853	27.6799	28.7690	27.5158
040022	1.4773	0.8787	27.9902	30.0250	29.5992	29.1801
040026	1.5873	0.9115	29.5299	31.8588	32.2814	31.2252
040027	1.5645	0.8586	23.8220	25.7935	27.2441	25.6461

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
040029	1.4566	0.8683	25.1479	27.8882	27.8412	26.9707
040036	1.6862	0.8683	29.7150	30.4906	32.0772	30.7579
040039	1.2327	0.8164	21.4819	22.9807	23.4456	22.6302
040041	1.1879	0.8455	26.4964	26.4435	27.8594	26.9329
040042	1.2983	0.9265	19.8709	23.1661	23.5768	22.1179
040047	1.0151	0.7676	23.0358	23.3557	25.0102	23.8201
040050	1.2063	0.7559	18.5119	19.6946	21.0178	19.7283
040051	0.9553	0.7559	22.0394	22.1981	23.4783	22.5835
040054	***	*	19.5353	*	*	19.5353
040055	1.5801	0.7994	24.9164	26.0150	26.3370	25.7592
040062	1.6460	0.7994	25.2303	25.6554	28.5888	26.4624
040067	1.1206	0.7566	18.9872	20.9700	21.3492	20.3711
040069	1.0228	0.8936	24.9996	23.3117	23.0880	23.7806
040071	1.5589	0.8455	25.2840	26.6645	25.0185	25.6335
040072	1.2213	0.7559	22.1058	22.9671	23.3205	22.8095
040074	1.2546	0.8683	26.2661	27.3897	27.4614	27.0447
040076	1.0391	0.8972	23.0954	24.7903	25.7464	24.5137
040078	1.7561	0.9115	26.1937	25.6886	27.9394	26.5898
040080	1.0191	0.7796	24.8760	26.5905	26.9354	26.1946
040081	0.8928	0.7916	17.2536	18.4759	18.5265	18.0707
040084	1.1838	0.8683	26.6449	28.1570	28.7379	27.8412
040085	0.9628	0.8936	25.7215	26.6987	25.4981	25.9791
040088	1.6482	0.7925	23.6276	24.7119	26.7050	25.0332
040091	1.2277	0.8153	23.1913	22.3311	27.7747	24.3759
040100	***	*	22.6131	24.5458	24.7712	24.0053
040114	1.8912	0.8683	27.7928	28.5702	29.1200	28.4889
040118	1.4432	0.7559	26.8908	26.5783	27.3360	26.9375
040119	1.4207	0.8455	24.2419	25.6779	26.9632	25.6908
040126	***	*	17.3715	*	*	17.3715
040132	***	*	22.0054	21.8140	*	21.8932
040134	2.3335	0.8683	32.2832	34.9673	35.2045	34.1832
040137	1.3572	0.8683	27.7360	27.7638	28.2123	27.9174
040138	1.4653	0.8787	28.3342	33.0073	31.1138	30.8620
040141	***	*	30.3475	33.8791	34.8500	33.1069
040142	1.5793	0.9115	23.8620	23.1302	24.4876	23.8493
040145	2.0152	0.7796	24.4367	20.3878	22.1731	22.2323
040146	***	*	33.7876	*	*	33.7876
040147	1.9243	0.8683	*	35.7669	33.6215	34.5458

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
040149	2.8606	0.7758	*	*	*	*
040150	3.5552	0.8683	*	*	*	*
040151	0.8493	*	*	*	*	*
050002	1.5196	1.6043	41.7336	43.1760	42.3825	42.4362
050006	1.6996	1.3415	37.1639	41.7714	43.8923	40.7743
050007	1.5151	1.5585	45.8773	49.5271	55.1636	50.1454
050008	1.4465	1.5439	46.8706	50.9569	50.4751	49.4532
050009	1.7181	1.4459	46.2186	49.7177	51.5510	49.2875
050013	1.9116	1.4459	43.5623	43.4906	46.3422	44.4978
050014	1.2225	1.3341	37.4135	42.2044	42.7255	40.8879
050016	1.3829	1.1979	31.0653	34.3863	36.3674	34.0765
050017	2.0091	1.3581	42.2200	44.4857	46.6209	44.4925
050018	1.3631	1.1878	31.8310	34.0338	34.7941	33.4827
050022	1.6861	1.1820	33.0592	36.6360	38.9203	36.3343
050024	1.1893	1.1820	33.4334	33.5247	34.6921	33.8896
050025	1.8351	1.1820	32.7476	36.9233	39.5330	36.4669
050026	1.6001	1.1820	33.1277	35.0306	36.3315	34.8703
050028	1.2936	1.1820	28.5736	28.1584	28.5839	28.4402
050030	1.2416	1.1820	30.9014	33.5654	33.2455	32.5839
050036	1.6646	1.1820	36.0905	37.4298	39.2616	37.6682
050038	1.6570	1.6043	48.7483	55.2197	58.4851	54.2999
050039	1.5904	1.1820	36.6943	34.9262	37.8559	36.4390
050040	1.4532	1.1878	35.7054	38.1665	41.9767	38.6398
050042	1.5233	1.3415	40.3326	40.5791	45.6660	42.2088
050043	1.6918	1.6043	48.2283	51.9529	55.4677	51.9199
050045	1.3659	1.1820	27.0676	28.5952	27.8903	27.8521
050046	1.2228	1.2204	29.1125	34.2529	34.0106	32.3249
050047	1.8073	1.5439	45.1675	48.5961	51.4298	48.4721
050054	1.2588	1.1820	24.0338	27.1320	27.9082	26.4594
050055	1.4222	1.5439	44.2926	48.2796	51.9993	48.1322
050056	1.4442	1.1878	32.7693	34.7964	33.2655	33.6015
050057	1.7461	1.1820	31.7467	33.7574	35.6340	33.7435
050058	1.6682	1.1878	37.2538	38.9843	41.4811	39.3075
050060	1.5631	1.1820	32.0196	34.1183	35.3108	33.8337
050063	1.5708	1.1878	36.3085	36.6301	40.9558	37.9234
050065	***	*	38.2421	42.0085	*	40.1992
050067	1.2534	1.2325	40.1393	41.8988	41.1549	41.0569
050069	1.7808	1.1820	35.3850	38.1339	40.0498	37.8939

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
050070	1.2439	1.5585	46.4009	48.9362	53.8300	49.9343
050071	1.4802	1.6043	49.6495	52.0696	55.3995	52.4757
050072	1.4521	1.5841	50.0343	51.4538	54.7774	52.2508
050073	1.3603	1.5841	49.0069	50.6523	54.2296	51.3925
050075	1.3951	1.6043	49.8290	51.1187	54.8332	52.0419
050076	1.7639	1.5841	50.2039	50.5761	53.8043	51.6052
050077	1.6289	1.1820	36.5384	37.4989	38.5242	37.6430
050078	1.3063	1.1878	30.4274	37.1940	38.9256	35.3281
050079	1.6133	1.5841	48.8994	48.3017	50.6578	49.2639
050082	1.7923	1.2204	37.8905	42.0181	41.8861	40.5697
050084	1.5813	1.3341	39.5748	41.1276	42.4418	41.0939
050089	1.3725	1.1820	36.4018	39.6297	39.9711	38.6925
050090	1.4013	1.5526	37.7421	41.6026	44.0838	41.1606
050091	1.0100	1.1878	37.1223	40.1063	34.8170	37.2721
050093	1.5711	1.1820	36.8486	37.7244	38.5686	37.7313
050095	***	*	*	44.2400	*	44.2400
050096	1.4421	1.1878	33.1322	33.3803	27.6236	31.3753
050099	1.5777	1.1820	32.0650	34.3507	35.4717	33.9237
050100	1.7931	1.1820	33.3959	34.2839	37.1606	34.9452
050101	1.4703	1.5841	47.9327	48.7495	54.5185	50.5640
050102	1.3981	1.1820	32.8434	33.2837	35.4740	33.8520
050103	1.6019	1.1878	35.6773	37.3608	38.8446	37.3578
050104	1.4962	1.1878	33.6204	37.4417	39.1121	36.8286
050107	1.5857	1.1960	33.5687	36.5843	40.5315	36.9068
050108	1.9026	1.3581	42.0131	45.3460	48.8199	45.3586
050110	1.2987	1.1960	28.0670	30.9054	32.3171	30.4533
050111	1.1580	1.1878	31.8766	31.9394	31.1160	31.6503
050112	1.5420	1.1878	38.9483	39.9951	41.8195	40.3254
050113	1.2549	1.5585	42.8884	46.3471	45.1998	44.8244
050114	***	*	35.7274	37.5924	36.6541	36.6705
050115	1.5039	1.1820	32.5257	33.3013	37.7614	34.4870
050116	1.6781	1.1878	37.6018	45.7510	40.6863	41.4893
050117	***	*	35.0531	*	*	35.0531
050118	1.1957	1.2365	41.6701	41.8191	43.4432	42.3359
050121	1.2641	1.1820	34.6244	35.1135	36.9069	35.7123
050122	1.5158	1.2365	34.0259	36.8821	40.4510	37.0790
050124	1.2944	1.1878	29.9944	31.7690	33.3080	31.7155
050125	1.4989	1.6043	47.7578	53.6300	57.6242	53.5759

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
050126	1.5931	1.1878	32.6686	35.1909	34.9807	34.3233
050127	1.4551	1.3581	40.7610	42.5226	46.9648	43.5687
050128	1.5539	1.1820	33.4233	34.2364	36.6986	34.8511
050129	1.9164	1.1820	36.9887	40.3786	41.4256	39.6589
050131	1.4334	1.5841	47.5257	52.8228	56.6586	52.5377
050132	1.5288	1.1878	39.6807	43.6747	42.8187	42.0853
050133	1.5143	1.3341	33.1814	35.2433	36.8254	35.2410
050135	0.9807	1.1878	25.3209	25.4431	28.5118	26.3905
050136	1.4274	1.5526	46.6619	51.8508	52.5398	50.5779
050137	1.4648	1.1878	40.2457	43.5305	45.2088	43.0519
050138	1.8689	1.1878	40.6343	45.1011	47.3839	44.4017
050139	1.3088	1.1878	38.7385	43.0734	44.5753	42.1915
050140	1.4429	1.1820	39.4954	42.7590	44.8911	42.4513
050144	***	*	38.2424	40.4760	*	39.2990
050145	1.6200	1.5286	48.0796	49.4479	54.8909	50.8987
050146	1.8067	*	*	*	*	*
050149	1.5452	1.1878	37.3616	43.1926	42.8003	41.2044
050150	1.2599	1.3341	37.9946	43.5937	44.3354	41.9111
050152	1.5144	1.5841	51.6567	54.7176	55.9738	54.2085
050153	1.5122	1.6043	47.6374	50.4884	53.5925	50.7672
050155	***	*	16.7756	*	*	16.7756
050158	1.3845	1.1878	39.9160	42.7874	42.9454	41.9375
050159	1.4248	1.2204	34.6915	35.0153	40.4701	36.9374
050167	1.5002	1.2365	34.0418	38.0742	39.9946	37.4081
050168	1.6098	1.1820	40.5973	40.8362	37.9746	39.7308
050169	1.5655	1.1878	31.4115	33.1130	35.4836	33.4714
050173	1.4207	1.1820	31.6717	32.3265	31.5434	31.8479
050174	1.6658	1.5526	48.1740	53.7113	54.7960	52.3550
050175	***	*	35.0152	*	*	35.0152
050179	1.2229	1.2325	31.6651	34.6558	36.2060	34.2237
050180	1.6323	1.5841	45.7099	48.7425	51.1836	48.6966
050188	1.5131	1.6043	43.7381	45.8501	49.6669	46.1928
050189	1.0309	1.5286	28.7580	31.5805	27.5311	29.3162
050191	1.6446	1.1878	37.8756	41.7185	40.0694	39.9276
050192	0.9710	1.1820	27.8386	27.4611	29.4203	28.2565
050193	1.2713	1.1820	29.0623	36.7240	39.0111	34.3157
050194	1.3831	1.6175	49.0030	49.8539	49.9857	49.6231
050195	1.6096	1.6043	53.5583	57.6563	61.8312	57.7939

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
050196	1.1775	1.1820	32.8293	41.1300	43.7415	39.0851
050197	2.0396	1.6043	52.9998	55.3173	59.0280	55.8935
050204	1.4472	1.1878	35.3954	38.8689	37.5591	37.3221
050205	1.4418	1.1878	30.6322	30.6117	30.2818	30.5103
050207	***	*	31.3431	*	*	31.3431
050211	1.3307	1.6043	35.0289	42.9254	44.8773	41.1567
050215	***	*	50.7578	*	*	50.7578
050219	1.4820	1.1878	25.8378	26.7061	26.9022	26.4629
050222	1.6843	1.1820	33.7510	35.4045	36.0221	35.1304
050224	1.6925	1.1820	35.7280	37.3442	39.7119	37.6583
050225	1.5265	1.1820	35.1227	37.5252	38.9288	37.2722
050226	1.5128	1.1820	35.4597	36.5354	38.4952	36.8620
050228	1.3094	1.5439	47.1430	49.9063	54.5580	50.6395
050230	1.7510	1.1820	35.8490	38.8901	39.8582	38.1992
050231	1.8197	1.1878	33.7139	37.0245	38.7280	36.5662
050232	1.6133	1.1979	34.3242	35.4055	39.4290	36.5180
050234	1.5286	1.1820	34.8308	37.7125	37.6811	36.8277
050235	1.4931	1.1878	37.0858	39.1744	40.0962	38.8107
050236	1.4684	1.2204	32.6462	34.4257	42.5939	36.3695
050238	1.6730	1.1878	34.0823	35.1268	36.4272	35.2648
050239	1.6564	1.1878	35.9041	36.3257	37.2939	36.5336
050240	***	*	40.7427	*	*	40.7427
050242	1.4639	1.6175	50.9882	53.8385	58.5684	54.5402
050243	1.6149	1.1820	36.1209	37.8538	40.0490	37.9780
050245	1.3581	1.1820	33.2556	34.7153	36.9270	35.0229
050248	1.1522	1.5286	40.4941	46.0329	47.7637	44.8139
050254	1.3280	1.3581	33.0865	33.5069	34.8262	33.8455
050256	***	*	32.7159	32.6841	*	32.7009
050257	0.8700	1.1820	24.0737	29.2651	30.7766	28.1655
050261	1.2833	1.1820	30.8704	33.7196	34.8188	33.2168
050262	2.1742	1.1878	41.4835	43.7709	40.8071	41.9324
050264	1.4465	1.6043	43.4181	50.1691	54.4052	49.3536
050270	***	*	36.0111	*	*	36.0111
050272	1.4714	1.1820	30.9290	32.2584	35.0624	32.7944
050276	1.0620	1.5841	43.7943	47.2432	53.7552	48.2806
050277	1.2188	1.1878	35.0079	*	48.9698	41.4641
050278	1.5881	1.1878	34.3798	38.5689	39.5929	37.5509
050279	1.3431	1.1820	31.6738	32.1695	31.0888	31.6403

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
050280	1.8076	1.3415	41.3912	43.6243	46.2628	43.8671
050281	1.4591	1.1878	31.6639	31.0706	31.4166	31.3825
050283	1.6751	1.6043	43.6855	45.1132	50.3066	46.4248
050289	1.6482	1.5585	50.1762	52.0918	53.8571	52.0937
050290	1.7628	1.1878	40.6192	42.0099	42.2249	41.6247
050291	2.1154	1.5526	41.2100	44.6102	49.6427	45.3868
050292	1.0695	1.1820	27.3365	35.0372	34.6404	32.6120
050295	1.4457	1.1820	38.4256	39.7399	39.3961	39.2311
050296	1.1929	1.6043	42.5405	44.8135	48.2583	45.2607
050298	1.2155	1.1831	33.7864	33.6947	31.7374	33.0204
050299	***	*	32.3707	*	*	32.3707
050300	1.3876	1.1820	33.6821	37.1275	39.2722	36.7802
050301	1.3188	1.5018	37.1103	36.3681	36.7568	36.7455
050305	1.4748	1.6043	48.5339	56.9756	55.7229	53.7704
050308	1.5475	1.6043	46.4180	49.0132	51.0183	48.9172
050309	1.4681	1.3581	40.1499	42.9280	46.6901	43.2658
050313	1.1794	1.2365	37.5024	39.0663	42.3998	39.6954
050315	1.4955	1.1820	32.5538	37.3560	40.3132	36.9209
050320	1.2617	1.6043	46.2071	50.6708	50.9692	49.3657
050324	1.7981	1.1820	36.3474	37.1883	38.9511	37.5499
050325	0.7197	1.1853	37.0441	34.0343	*	35.3296
050327	1.7444	1.1820	35.9349	36.9550	37.7681	36.9187
050329	1.3362	1.1820	33.0390	36.7669	37.6975	35.8747
050333	1.8307	*	18.6534	*	*	18.6534
050334	1.6541	1.6043	47.2968	50.9834	54.9338	51.1753
050335	1.4391	1.2190	34.7192	37.2347	37.1670	36.4047
050336	1.2541	1.2365	31.5480	33.0325	35.3658	33.3909
050342	1.3022	1.1820	30.4226	29.8389	31.6852	30.6669
050348	1.8134	1.1820	32.7107	33.5276	35.1080	33.7908
050349	0.9151	1.1820	25.4266	23.1095	23.5190	23.9313
050350	1.3978	1.1878	31.7908	34.6747	36.1856	34.1757
050351	1.5717	1.1878	33.3064	35.0042	35.6083	34.6718
050352	1.4089	1.3581	37.0807	38.6265	41.5370	39.0816
050353	1.5551	1.1878	30.4206	37.1716	37.4560	34.8185
050357	1.4846	1.1960	36.2089	38.9244	40.9999	38.6827
050359	1.2193	1.1820	31.3391	30.3988	30.9732	30.8940
050360	1.5683	1.5841	52.3811	55.3738	59.2147	55.9372
050366	1.1372	1.1835	37.1527	41.8324	43.0169	40.6263

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
050367	1.5054	1.5841	40.1904	40.0453	41.1059	40.4546
050369	1.4846	1.1878	32.2467	33.3357	34.7337	33.4803
050373	1.4160	1.1878	34.3737	37.6695	40.8506	37.5947
050376	1.7385	1.1878	35.2837	36.7270	40.0354	37.4530
050378	1.0804	1.1878	40.1923	42.0480	50.0875	43.7435
050380	1.7334	1.6043	49.4258	52.5804	58.6395	53.6461
050382	1.5274	1.1878	32.6683	32.9248	34.3636	33.3497
050385	1.3823	1.5526	36.4188	36.5644	38.9773	37.2273
050390	1.2352	1.1820	27.9359	33.0463	31.4134	30.7029
050393	1.4095	1.1878	35.6356	35.1887	35.5678	35.4632
050394	1.7539	1.2204	32.1894	32.9572	37.2557	34.1198
050396	1.6051	1.1960	37.3972	38.9944	41.2602	39.2611
050397	0.8791	1.1820	29.6825	31.1621	32.3700	31.2139
050407	1.1109	1.5439	44.6839	47.5591	47.7943	46.7101
050411	1.3188	1.1878	38.6328	42.9884	44.3404	42.1148
050414	1.2606	1.3581	41.8688	45.1621	48.5863	45.3571
050417	1.3676	1.1820	36.1222	37.9951	38.8418	37.6627
050420	***	*	39.9237	*	*	39.9237
050423	0.9097	1.1820	31.9751	32.4108	41.3130	35.2260
050424	1.8835	1.1820	36.6091	37.5246	39.8802	38.1014
050425	1.4006	1.3581	46.6628	45.3743	52.0378	48.0395
050426	1.5848	1.1820	34.9855	37.6505	*	36.2570
050430	1.0024	1.1820	24.5327	25.9368	28.7102	26.6632
050432	***	*	35.2416	*	*	35.2416
050433	***	*	21.1287	23.0949	*	21.8861
050434	1.0072	1.1820	33.7794	35.4807	34.4698	34.5577
050435	1.2399	1.1820	33.0372	35.7427	35.3040	34.7304
050438	1.5712	1.1878	36.2044	38.2855	36.8507	37.1089
050441	2.0461	1.6043	46.6160	49.2129	50.0652	48.7409
050444	1.4405	1.2075	37.6821	39.3947	39.4231	38.9035
050447	***	*	29.0780	27.1271	*	28.1938
050448	1.3163	1.1820	32.7748	32.6682	32.9244	32.7905
050454	2.0707	1.5439	40.2811	43.5230	46.9602	43.7234
050455	1.5338	1.1820	34.5445	35.0232	38.9871	36.1689
050456	***	*	27.7659	27.9702	28.1444	27.9251
050457	1.6229	1.5439	50.0282	53.3175	54.6802	52.7341
050464	1.8237	1.2325	41.6235	42.6699	44.9128	43.0400
050468	1.6473	1.1878	35.7409	37.3416	35.7136	36.2585

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
050470	***	*	31.0466	32.5041	*	31.8030
050471	1.7355	1.1878	36.8680	36.8185	37.6641	37.1228
050476	1.4978	*	41.1042	41.7566	*	41.4396
050477	***	*	40.1566	*	*	40.1566
050478	0.9651	1.1960	41.1668	41.5635	44.3775	42.4263
050481	1.6084	1.1878	38.8650	42.8536	47.2326	43.0173
050485	1.6760	1.1878	34.6219	34.7078	37.4203	35.6422
050488	1.5050	1.6043	45.0630	49.3604	53.8013	49.5790
050492	1.3426	1.1820	30.7718	32.6609	35.6838	33.0853
050494	1.3521	*	40.6384	*	*	40.6384
050496	1.8005	1.5841	51.6363	56.7446	57.1030	55.2305
050498	1.3732	1.3581	41.0350	45.3508	46.6560	44.2998
050502	1.6773	1.1878	31.8872	32.9791	40.2876	34.8874
050503	1.5669	1.1820	37.3605	37.7210	40.7324	38.6886
050506	1.4880	1.1979	39.8586	40.6534	42.3670	40.9594
050510	1.2416	1.5841	49.4533	51.3143	54.8690	52.0438
050512	1.4151	1.6043	48.8057	50.1470	53.9292	51.1330
050515	1.3519	1.1820	40.2957	42.0106	45.0972	42.4993
050516	1.5617	1.3581	43.0249	45.6228	48.5267	45.8170
050517	1.3003	1.1820	22.4096	29.3694	29.8385	27.1486
050523	1.3076	1.5841	43.4579	46.9870	49.5029	46.8182
050526	1.3356	1.1820	33.3964	35.5457	*	34.4882
050528	1.1847	1.1820	36.2908	38.3051	41.9922	38.8610
050531	1.1644	1.1878	28.3348	28.4890	28.4921	28.4411
050534	1.4960	1.1820	36.6447	38.1892	39.7655	38.2236
050535	***	*	37.8174	*	*	37.8174
050537	1.5653	1.3581	38.2145	41.5275	43.1765	40.9277
050541	1.5957	1.6043	48.0867	51.4545	55.2594	51.6557
050543	0.7581	1.1820	24.4913	32.8367	29.0470	28.4715
050545	0.8643	1.1878	35.3209	*	27.4889	30.7617
050546	0.9013	1.1820	36.5099	*	*	36.5099
050547	1.0661	1.5526	33.8036	*	*	33.8036
050548	0.8853	1.1820	41.1075	*	*	41.1075
050549	1.6842	1.0533	38.3927	40.6796	44.6715	41.2518
050550	***	*	34.9476	39.2163	*	37.0016
050551	1.3734	1.1820	37.2506	37.6223	39.4047	38.1084
050552	0.9575	1.1878	33.9810	35.3468	38.6658	35.9958
050557	1.6013	1.2325	35.7023	39.2224	41.9292	38.9741

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
050561	1.3332	1.1878	38.2543	40.1567	43.1147	40.5698
050567	1.4772	1.1820	37.6384	39.0114	41.7247	39.5088
050568	1.2403	1.1820	26.0908	26.7733	28.7691	27.2379
050570	1.6746	1.1820	38.4373	40.6761	40.3411	39.7870
050571	***	*	39.0649	*	*	39.0649
050573	1.5704	1.1820	35.2842	36.8561	38.0175	36.7515
050575	1.3669	1.1878	23.7990	22.1018	32.1046	25.7398
050578	***	*	31.3639	43.4917	*	37.7526
050580	1.2357	1.1820	34.1531	35.0966	36.7968	35.3668
050581	1.4706	1.1878	37.7567	40.0909	41.9698	39.9280
050583	***	*	37.4450	40.5845	41.3920	39.8225
050584	***	*	30.7839	31.9910	30.8650	31.2225
050586	1.5377	1.1820	31.3513	31.1932	32.7348	31.7623
050588	1.4009	1.1878	37.7387	39.4251	39.0347	38.7483
050589	1.2342	1.1820	37.6886	37.2056	39.2646	38.0657
050590	1.4082	1.3581	41.7519	44.3382	50.0371	45.4193
050591	***	*	34.7133	*	*	34.7133
050592	***	*	31.8053	32.2376	*	31.9918
050594	***	*	42.0788	*	*	42.0788
050597	1.3924	1.1878	31.5625	32.8987	35.6567	33.3968
050599	1.9445	1.3581	34.7187	36.6146	38.9877	36.8236
050601	1.5350	1.1878	39.7717	43.2404	43.3329	42.1191
050603	1.4831	1.1820	35.0279	35.4809	37.4348	36.0743
050604	1.3745	1.6043	49.4446	49.6068	54.1687	51.1383
050608	1.3372	1.1820	31.2909	30.7280	28.3794	30.0916
050609	1.5110	1.1820	39.7397	43.4555	45.2475	42.8887
050613	***	*	42.9930	*	*	42.9930
050615	***	*	39.1299	*	*	39.1299
050616	1.5516	1.2204	37.1200	40.7388	45.2614	40.9054
050618	0.9849	1.1820	33.1472	34.9177	34.0584	34.0420
050624	1.4376	1.1878	35.9346	39.2553	40.2253	38.5781
050625	1.8200	1.1878	41.0439	44.8482	48.1826	44.7873
050633	1.2200	1.1979	38.4916	40.7383	41.1786	40.1476
050636	1.3104	1.1820	33.0718	35.4565	38.8844	35.8008
050641	1.1910	1.1878	32.3586	32.0508	33.1417	32.5223
050644	1.0129	1.1878	30.7981	33.2777	32.1513	32.1019
050660	1.7720	*	*	*	*	*
050662	***	*	38.3017	*	*	38.3017

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
050663	1.3408	1.1878	17.7035	17.7252	30.4117	21.1168
050667	0.9232	1.4459	25.9161	25.8460	30.1039	27.2382
050668	1.2168	1.5841	51.6049	52.7011	62.7714	55.8802
050674	1.3224	1.3581	47.0720	48.6880	51.3517	49.1852
050677	1.4663	1.1878	39.2161	41.8130	44.4567	41.9179
050678	1.3068	1.1820	33.7633	35.8411	38.3361	36.1388
050680	1.3167	1.5841	37.9856	39.0389	40.7514	39.2907
050682	0.9113	1.1820	22.2193	22.3903	22.4419	22.3441
050684	1.2784	1.1820	28.8378	33.5915	33.0982	31.9255
050686	1.3842	1.1820	39.7757	42.1444	45.2231	42.4511
050688	1.2433	1.6043	49.4062	53.2741	54.5423	52.4920
050689	1.5846	1.5841	48.8533	48.9935	50.2942	49.4089
050690	1.2351	1.5526	49.0226	51.6179	55.1002	52.0146
050693	1.3762	1.1820	39.6838	42.8266	41.9594	41.4885
050694	1.1180	1.1820	32.1065	34.8486	33.8553	33.6246
050695	***	*	49.0340	*	*	49.0340
050696	2.3948	1.1878	39.8963	39.4353	41.2315	40.1546
050697	1.1598	1.3415	22.1441	26.7600	29.0854	25.7538
050699	***	*	21.5725	*	*	21.5725
050701	1.3618	1.1820	34.9876	37.2839	38.4382	36.9906
050704	1.0676	1.1878	31.6097	32.2017	31.7051	31.8425
050707	***	*	43.5555	44.0254	49.4684	45.9236
050708	1.7654	1.1820	31.8442	28.3074	34.4063	31.2579
050709	1.5764	1.1820	24.5621	29.5364	30.4570	28.2554
050710	1.4735	1.1820	44.2482	46.2533	51.1460	47.3139
050713	***	*	21.4825	*	*	21.4825
050714	1.4691	1.6175	34.1542	42.9797	45.2746	40.9203
050717	1.6051	1.1878	38.8773	37.0875	42.2736	39.4753
050718	***	*	31.9622	*	*	31.9622
050720	1.5874	1.1820	30.3595	32.1173	33.8712	32.0728
050722	0.9344	1.1820	33.7991	35.6741	35.2177	34.9402
050723	1.4007	1.1878	38.7140	42.1571	43.3875	41.4779
050724	1.9522	1.1820	35.2344	35.1020	35.5224	35.2811
050725	0.9466	1.1878	30.0580	28.8389	27.8565	28.8141
050726	1.5877	1.2325	28.6361	30.6105	35.3964	31.5331
050727	1.2979	1.1878	32.7783	33.0932	29.0789	31.5703
050728	***	*	41.8263	*	*	41.8263
050729	***	*	38.1882	*	*	38.1882

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
050730	***	*	39.2046	*	*	39.2046
050732	2.3521	1.1820	33.6831	34.3475	37.4333	35.2452
050733	1.6232	1.3415	40.1517	40.6320	44.7509	41.6960
050734	***	*	31.2883	*	*	31.2883
050735	1.4251	1.1878	*	36.6081	34.3859	35.4553
050736	1.3360	1.1878	*	41.8938	38.0913	39.9668
050737	1.6114	1.1878	*	38.0424	36.4535	37.2372
050738	1.6097	1.1878	*	43.9259	40.3081	42.0920
050739	1.7028	1.1878	*	57.2480	44.0540	49.3570
050740	1.6572	1.1878	*	54.0370	44.8439	48.6228
050741	***	*	*	51.1526	44.0305	47.5915
050742	1.5424	1.1878	*	39.2532	41.0036	40.1164
050744	1.8433	1.1820	*	48.4951	56.5911	52.3032
050745	1.4422	1.1820	*	42.5523	48.2903	45.4522
050746	1.7960	1.1820	*	43.2015	46.3622	44.7916
050747	1.6108	1.1820	*	44.5887	47.8242	46.1426
050748	1.2906	1.2365	*	43.1008	50.6390	46.9312
050749	1.3957	1.2204	*	28.2000	39.6030	32.7016
050750	***	*	*	33.9915	*	33.9915
050751	3.0315	1.1878	*	29.5488	34.0436	31.4112
050752	1.3624	1.1878	*	39.8035	41.3783	40.5970
050753	1.5385	1.1878	*	*	*	*
050754	1.2776	1.5585	*	*	56.3628	56.3628
050755	1.6247	1.1878	*	*	36.5212	36.5212
050756	***	*	*	*	33.4951	33.4951
050757	1.7287	1.1820	*	*	*	*
050758	1.5404	1.1820	*	*	17.6509	17.6509
050759	3.0472	1.1820	*	*	*	*
050760	***	1.5841	*	*	*	*
050761	***	1.1878	*	*	*	*
060001	1.4560	1.0394	31.0018	32.4226	32.5239	31.9803
060003	1.4711	1.0394	31.3616	31.8637	33.6264	32.3000
060004	1.1952	1.0563	32.0095	34.8428	34.5727	33.8316
060006	1.3126	0.9642	27.2057	27.6453	30.5664	28.4711
060008	1.4079	0.9642	26.5175	27.2071	26.0851	26.5793
060009	1.4709	1.0563	32.4208	34.0151	35.8398	34.0845
060010	1.4511	0.9818	29.5304	30.6424	33.5549	31.2886
060011	1.5392	1.0563	32.1001	34.4171	34.6239	33.7555

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
060012	1.5450	0.9642	28.7724	29.4365	29.6957	29.2971
060013	1.5050	0.9642	27.9145	28.0800	29.5100	28.5157
060014	1.9395	1.0563	31.9389	33.0366	35.6231	33.5243
060015	1.9029	1.0563	32.2927	36.3296	36.6824	35.0115
060016	1.2360	0.9642	27.1430	28.3055	30.0601	28.4777
060018	1.2844	*	25.3897	26.5788	*	25.9769
060020	1.6066	0.9642	25.9147	26.7362	27.3823	26.6923
060022	1.6032	0.9642	29.3379	31.9376	32.0594	31.1472
060023	1.6803	1.0394	31.1556	32.7922	33.4798	32.4804
060024	1.9044	1.0563	31.5411	32.8206	36.1736	33.5876
060027	1.5644	1.0394	30.9212	31.6134	33.4869	31.9215
060028	1.5999	1.0563	32.1656	33.4966	35.8222	33.8025
060030	1.4402	0.9818	29.9513	31.2932	31.2752	30.8371
060031	1.5476	1.0394	29.3907	30.7381	32.0153	30.6967
060032	1.6158	1.0563	32.7383	34.6447	35.6500	34.2970
060034	1.7000	1.0563	32.1252	33.3656	34.6615	33.3888
060036	1.1593	0.9642	22.8256	20.9370	24.8220	22.8343
060041	0.8805	*	25.9710	31.4739	*	28.4919
060043	0.9166	0.9642	21.9955	23.3908	19.9611	21.8475
060044	1.1810	0.9642	24.8352	28.9200	32.0455	28.3597
060049	1.3879	0.9818	30.2192	32.1589	34.5262	32.3656
060054	1.4378	0.9923	25.0980	24.6721	29.2998	26.5646
060064	1.7366	1.0563	33.2428	37.2407	34.7448	35.0351
060065	1.4969	1.0563	33.8538	34.9205	36.2377	35.0099
060071	1.1517	0.9642	28.1762	31.5388	32.1367	30.7106
060075	1.3373	1.1061	37.6023	35.8081	37.3019	36.8955
060076	1.2429	0.9642	30.7808	31.6044	31.5032	31.2855
060096	1.8177	1.0394	37.8243	38.2249	39.9302	38.7551
060100	1.7223	1.0563	33.2145	33.5356	35.7861	34.1636
060103	1.4470	1.0394	32.9690	33.7542	34.9964	33.9347
060104	1.3977	1.0563	35.4409	37.1434	37.4598	36.7028
060107	0.7177	1.0563	28.0660	30.3991	30.0308	29.5183
060112	1.7334	1.0563	34.7116	35.1308	36.4093	35.4983
060113	1.4690	1.0563	32.6073	35.2097	36.0794	34.6716
060114	1.5251	1.0563	34.8536	35.3056	37.1394	35.8915
060115	0.9100	0.9642	*	*	*	*
060116	1.4165	1.0394	*	33.1547	36.3560	34.9043
060117	1.4845	0.9642	*	28.3112	31.6734	30.1751

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
060118	1.5547	0.9642	*	*	40.2136	40.2136
060119	1.9723	0.9818	*	*	*	*
060120	1.1273	*	*	*	*	*
060121	1.6971	1.0394	*	*	*	*
070001	1.6437	1.2486	37.0403	37.9438	38.4864	37.8311
070002	1.7686	1.2252	34.7636	36.4269	36.6624	35.9556
070003	1.1240	1.2252	35.6320	36.0524	36.6553	36.1198
070004	1.2203	1.2252	29.9557	31.2115	34.3803	31.8426
070005	1.5631	1.2486	34.9404	36.5502	37.3430	36.3145
070006[6]	1.5739	1.2678	39.3935	41.2165	41.9550	40.8714
070007	1.3316	1.2252	36.2914	37.0984	38.9830	37.4764
070008	1.2975	1.2252	30.7305	35.4969	34.0603	33.4306
070009	***	*	35.5670	36.6382	38.1380	36.8177
070010	1.6536	1.2678	36.7227	38.6114	38.7345	38.0240
070011	1.4419	1.2252	31.6843	32.6835	33.7313	32.7182
070012	1.3909	1.2252	31.9345	33.2477	35.4738	33.5967
070015	1.5383	1.2678	37.3454	39.9249	42.4738	39.9522
070016	1.5279	1.2486	33.2391	34.1266	34.5418	33.9804
070017	1.4330	1.2486	35.6456	37.5855	38.1713	37.1482
070018[6]	1.4603	1.2678	41.8460	42.4771	44.1370	42.8524
070019	1.4701	1.2486	33.7246	35.8618	37.0666	35.5301
070020	1.3518	1.2252	32.9714	35.6542	40.4989	36.5717
070021	1.1698	1.2252	38.5623	39.7793	41.9076	40.0655
070022	1.6796	1.2486	40.2283	41.4721	41.5553	41.1102
070024	1.4602	1.2252	34.7419	36.8997	38.6301	36.7528
070025	1.7451	1.2252	34.5887	36.1322	38.7067	36.4407
070027	1.5357	1.2252	30.4433	33.5979	35.7677	33.3449
070028	1.5644	1.2678	38.0855	40.9645	41.2950	40.1488
070029	1.3106	1.2252	31.0662	32.8504	35.4716	33.1552
070031	1.3370	1.2486	30.4054	30.5924	33.2618	31.4426
070033	1.4800	1.2678	41.7955	44.6717	46.5982	44.4108
070034[6]	1.4667	1.2678	40.1685	42.4111	45.7694	42.8155
070035	1.3288	1.2252	32.2766	33.4047	38.2298	34.6855
070036	1.6717	1.2252	42.3391	43.6374	44.0756	43.3656
070038	***	*	35.8053	29.9516	33.5109	32.5913
070039	1.0328	1.2486	34.7219	32.7153	35.9137	34.6139
070040	1.0864	1.2252	*	*	26.3824	26.3824
080001	1.6614	1.0786	33.5310	34.9507	37.4441	35.3708

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
080002	***	*	31.3391	33.0404	33.3472	32.5972
080003	1.5758	1.0786	34.3048	30.5132	29.0166	31.2316
080004	1.6244	1.0636	32.2443	34.3854	33.6190	33.4391
080006	1.3945	0.9998	28.8862	31.0327	30.7985	30.2661
080007	1.6231	1.0402	31.1645	33.4782	35.5425	33.4433
090001	1.7367	1.0733	38.3043	40.1658	38.3876	38.8906
090003	1.3179	1.0733	32.1960	34.4430	37.2088	34.4929
090004	2.0841	1.0771	37.3798	38.5681	39.9027	38.6823
090005	1.4076	1.0733	33.7448	35.2884	35.1327	34.7213
090006	1.4218	1.0733	31.3562	32.3654	32.5988	32.1073
090008	1.4753	1.0733	33.7471	36.6633	40.3260	36.5403
090011	2.0832	1.0771	38.0654	39.0111	39.5389	38.8946
100001	1.6239	0.9102	27.2809	27.8526	30.5213	28.6108
100002	1.5154	1.0378	28.7068	30.6668	33.1103	30.8336
100006	1.6602	0.8961	28.3673	28.9769	29.2697	28.8874
100007	1.6163	0.8961	29.0472	30.3379	30.6689	30.0329
100008	1.7215	1.0026	30.3392	32.1679	32.3397	31.6247
100009	1.4498	1.0026	27.8618	30.0492	32.0145	29.9172
100012	1.6667	0.9047	29.8353	30.8626	30.2066	30.3142
100014	1.5339	0.8961	27.4019	27.4064	28.8679	27.9044
100015	1.2213	0.9006	27.2483	28.6825	29.9757	28.5511
100017	1.5765	0.8961	28.2402	29.8705	31.2313	29.7997
100018	1.7327	0.9751	30.6545	32.8642	34.2077	32.6158
100019	1.6305	0.9156	30.3008	31.4549	32.2496	31.3486
100022	1.6564	1.0378	36.7912	36.3355	40.4664	37.8232
100023	1.6300	0.8961	25.4270	27.1032	27.7860	26.8374
100024	1.3715	1.0026	29.5423	29.8918	31.5160	30.2756
100025	1.7470	0.8594	26.7013	27.1665	28.7604	27.5658
100026	1.6150	0.8594	26.0147	27.3044	28.5877	27.3355
100028	1.4075	0.9156	27.5664	28.7801	28.1509	28.1569
100029	1.3318	1.0026	30.5382	31.6006	33.2920	31.7927
100030	1.3934	0.8961	25.3513	26.3113	27.0977	26.2741
100032	1.7893	0.9006	26.9275	27.8942	29.3641	28.0673
100034	1.8072	1.0026	27.2915	28.9387	29.8997	28.7371
100035	1.5991	0.9490	30.2382	32.5593	31.2325	31.3320
100038	1.6243	1.0378	31.6657	32.8392	37.0928	33.8741
100039	1.7946	1.0378	29.3699	29.0236	32.6863	30.4312
100040	1.6868	0.9102	27.2835	28.3366	29.8029	28.4733

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
100043	1.3901	0.9006	27.0054	26.8417	29.1014	27.5705
100044	1.5505	0.9899	33.1141	34.3920	34.4743	34.0036
100045	1.3385	0.8961	26.5413	25.5621	27.8526	26.6565
100046	1.5479	0.9006	26.7702	27.7878	29.7844	28.2311
100047	1.6638	0.9490	29.9729	31.4072	31.8998	31.1099
100048	0.9362	0.8594	20.2657	21.7693	22.7260	21.5702
100049	1.3363	0.8594	24.5571	27.6316	26.9145	26.3320
100050	1.2006	1.0026	25.3354	23.5222	23.7419	24.1608
100051	1.4271	0.8961	28.6225	30.1492	28.7367	29.1645
100052	1.4136	0.8594	23.4036	25.1110	27.6591	25.4475
100053	1.3706	1.0026	31.7415	31.9268	33.6936	32.4323
100054	1.3650	0.8653	30.5515	30.9840	33.2237	31.6007
100055	1.4441	0.9006	27.3826	29.7027	28.5830	28.5119
100057	1.4403	0.8961	26.3134	27.7045	30.4258	28.1682
100061	1.5941	1.0026	30.4528	31.9174	33.9803	32.1190
100062	1.6563	0.8647	25.9597	26.3067	28.0821	26.7679
100063	1.3785	0.9006	26.4139	27.0769	29.5864	27.7069
100067	1.4230	0.9006	27.4762	27.5501	30.0555	28.3302
100068	1.7586	0.8961	27.6576	27.7707	28.5177	27.9887
100069	1.5924	0.9006	27.2108	29.0486	33.4008	29.8085
100070	1.6608	0.9490	29.2005	29.1117	27.1313	28.4651
100071	1.3154	0.9006	25.3667	25.1883	25.6870	25.4259
100072	1.4374	0.8961	27.1889	27.6947	28.6435	27.8655
100073	1.7718	1.0378	29.4165	31.0395	33.8783	31.4675
100075	1.5331	0.9006	27.6534	26.7571	29.2992	27.8937
100076	1.2369	1.0026	24.0412	24.0280	23.7078	23.9205
100077	1.3998	0.9490	30.7564	27.9783	28.0178	28.9147
100079	1.6119	*	*	*	*	*
100080	1.5873	1.0378	29.5346	31.0516	33.2091	31.2493
100081	1.0165	0.8594	19.5711	19.7406	17.2548	18.8849
100084	1.6823	0.8961	32.7503	30.6301	30.7165	31.3018
100086	1.4021	1.0378	29.9072	31.3187	33.0726	31.4531
100087	1.8527	0.9490	30.5938	32.1314	33.4104	32.0461
100088	1.6483	0.9102	28.2825	29.4952	30.3481	29.4746
100090	1.4460	0.9102	27.6175	28.9581	27.4996	28.0357
100092	1.5851	0.9156	26.6315	28.6782	29.1433	28.1632
100093	1.7028	0.8594	22.5555	23.4847	24.9505	23.6782
100099	1.0617	0.8594	26.2395	28.0688	28.2871	27.5669

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
100102	1.0999	0.8594	27.8551	29.0396	30.0754	29.0002
100105	1.5979	0.9761	30.9915	30.8936	31.5294	31.1583
100106	1.0802	0.8594	24.8098	25.6288	20.6449	23.6268
100107	1.2020	0.9047	30.5764	31.2954	30.9662	30.9644
100108	0.8283	0.8594	22.6270	22.8153	17.9561	20.9190
100109	1.3250	0.8961	26.2446	26.7380	29.1403	27.4371
100110	1.5831	0.8961	29.5985	30.3758	32.4083	30.8327
100113	2.0689	0.9197	29.2429	30.6037	30.9741	30.3025
100114	***	*	30.2544	32.3956	34.3630	32.2185
100117	1.2538	0.9102	28.4928	30.0281	30.6894	29.7963
100118	1.4293	0.8594	27.0981	28.3201	31.3833	29.0176
100121	1.1867	0.8594	27.9353	25.0320	20.0814	24.0503
100122	1.2620	0.8653	26.7175	27.6178	27.9970	27.4499
100124	1.1606	0.8594	24.8880	26.2329	28.2667	26.4077
100125	1.2889	1.0026	31.7749	33.3499	35.2588	33.5418
100126	1.3306	0.9006	28.3213	28.9164	30.3912	29.1646
100127	1.5987	0.9006	27.4632	27.0686	29.3856	27.9821
100128	2.1643	0.9006	30.0324	30.6202	29.6793	30.1051
100130	1.1574	1.0378	28.3651	29.5763	29.9727	29.3222
100131	1.4319	1.0026	29.7647	30.9614	32.2086	31.0762
100132	1.2971	0.9006	27.8180	27.6632	29.3380	28.2861
100134	0.8177	0.8594	21.6544	22.9635	24.7863	23.1451
100135	1.6606	0.8594	29.1856	29.8452	30.2093	29.7510
100137	1.4036	0.8594	26.8391	28.3000	27.8783	27.6855
100139	0.8320	0.9197	21.1310	21.4418	22.1683	21.5302
100140	1.1339	0.9102	27.8352	28.5485	29.7482	28.7313
100142	1.1823	0.8594	25.6999	26.8995	26.8829	26.5041
100150	1.2240	1.0026	27.7740	29.3711	33.0132	29.9693
100151	1.8286	0.9102	29.7267	31.3846	33.1725	31.4093
100154	1.6366	1.0026	29.7332	31.3640	32.3793	31.1658
100156	1.1428	0.9197	28.3927	28.3060	29.9029	28.8988
100157	1.6070	0.9006	30.3086	30.3359	30.4870	30.3793
100160	1.2338	1.0026	30.6902	32.3136	33.8433	32.3363
100161	1.5819	0.8961	29.5673	30.8984	32.6427	31.0405
100166	1.5769	0.9490	30.1811	31.9072	33.0019	31.6499
100167	1.3065	1.0378	31.7813	32.4740	34.8085	32.9889
100168	1.6446	1.0378	27.0938	28.0543	31.1427	28.8706
100172	***	*	22.2183	20.5518	*	21.5848

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
100173	1.6179	0.9006	28.6402	30.2491	30.3599	29.7634
100175	1.0537	0.8594	25.0913	26.1723	26.8828	26.0429
100176	1.8175	1.0378	33.3181	35.5849	35.7433	34.8922
100177	1.4181	0.9156	29.6284	31.0085	31.3830	30.6944
100179	1.7523	0.9102	29.2795	30.5439	31.8790	30.5809
100180	1.4569	0.9006	31.0099	31.5485	32.3796	31.6678
100181	1.3100	1.0026	23.9656	26.0682	26.0880	25.3723
100183	1.2700	1.0026	30.5042	32.9893	31.6760	31.7110
100187	1.4704	1.0026	30.7705	31.6660	31.8020	31.4228
100189	1.4257	1.0378	29.9376	30.5516	32.8847	31.1338
100191	1.3320	0.9006	29.4533	30.9212	31.6024	30.6364
100200	1.3674	1.0378	29.6400	29.0731	32.5611	30.4188
100204	1.5813	0.9197	27.2819	29.9334	30.6252	29.3190
100206	1.3174	0.9006	27.7551	28.8625	30.4576	29.0688
100209	1.6080	1.0026	28.5336	29.0462	30.5582	29.3607
100210	1.5330	1.0378	32.0830	32.4566	33.3016	32.6013
100211	1.1826	0.9006	26.2859	28.8328	30.5902	28.5407
100212	1.5297	0.8647	27.7960	29.2500	30.5141	29.1925
100213	1.5712	0.9490	29.5218	30.2271	31.4309	30.3993
100217	1.2729	0.9761	27.7683	30.3325	33.5767	30.4921
100220	1.6219	0.9047	29.3601	30.8292	31.8393	30.6702
100223	1.5879	0.8653	26.1115	27.6775	28.6449	27.4851
100224	1.2677	1.0378	28.0455	29.2008	31.0307	29.4168
100225	***	*	30.8782	32.6906	31.8048	31.8054
100226	1.3583	0.9102	28.8791	30.2857	30.8904	30.0365
100228	1.4394	1.0378	30.1635	31.0222	32.2672	31.1510
100230	1.3169	1.0378	31.9448	34.6133	35.9319	34.2793
100231	1.6836	0.8594	26.6773	28.3652	28.8912	27.9680
100232	1.3171	0.9102	28.3892	29.3797	30.3768	29.3630
100234	1.3548	1.0378	28.8835	29.7818	33.1508	30.5618
100236	1.4614	0.9490	28.3017	30.5719	31.4385	30.1218
100237	1.8253	1.0378	33.1536	33.9626	33.9696	33.6775
100238	1.6104	0.9006	31.4198	31.6353	32.8745	31.9925
100239	1.4042	0.9006	29.0650	30.3234	32.7150	30.7136
100240	1.1217	1.0026	29.7000	31.0951	35.3888	32.1535
100242	1.5321	0.8594	26.1988	27.8169	28.5034	27.5143
100243	1.5327	0.9006	28.3894	29.8323	31.4863	29.8852
100244	1.4475	0.9047	28.2881	29.8287	29.1611	29.0937

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
100246	1.5751	0.9899	30.1061	30.0467	32.5063	30.8914
100248	1.5512	0.9006	30.2133	32.4725	33.7659	32.1364
100249	1.3608	0.9006	26.4676	28.5117	29.7981	28.2850
100252	1.2125	0.9761	27.1639	29.1448	31.5631	29.2785
100253	1.4480	1.0378	28.7770	28.5617	29.4959	28.9507
100254	1.5411	0.8594	27.4900	28.5262	28.9095	28.3137
100255	1.2773	0.9006	27.3866	29.5172	30.0466	29.0076
100256	1.7058	0.9006	30.2093	33.3936	34.6637	32.6784
100258	1.6302	1.0378	33.8630	35.2225	34.2862	34.4746
100259	1.2698	0.9006	29.0612	29.9294	32.2273	30.4192
100260	1.4306	0.9899	28.2301	29.4907	31.5667	29.7570
100264	1.5318	0.9006	28.0370	30.1980	31.5050	29.9424
100265	1.3376	0.9006	26.3326	26.6940	28.6915	27.3172
100266	1.4423	0.8594	24.2517	25.6382	26.4488	25.5169
100267	1.2193	0.9490	28.9674	30.6051	32.3955	30.6391
100268	1.2375	1.0378	30.5750	33.6225	33.5314	32.5801
100269	1.3939	1.0378	27.8407	28.3745	30.9572	29.0345
100271	2.1578	*	*	*	*	*
100275	1.3788	1.0378	28.7797	31.0487	31.5424	30.5143
100276	1.3254	1.0378	30.5720	31.7067	32.3992	31.5729
100277	1.5878	1.0026	24.1122	25.5926	27.0942	25.7527
100279	5.1231	*	29.2257	31.1951	31.6691	30.7706
100281	1.3398	1.0378	30.9131	32.8840	36.3173	33.4685
100284	1.1491	1.0026	25.2637	21.4420	24.4155	23.4784
100285	1.2090	1.0378	41.9481	34.7999	36.2107	38.5420
100286	1.5263	0.9751	25.8085	26.5809	26.1494	26.1933
100287	1.4739	1.0378	29.7536	30.3085	32.3704	30.7631
100288	1.5913	1.0378	31.0506	32.9587	35.3363	33.0536
100289	1.6516	1.0378	31.9011	31.4727	31.7699	31.7109
100290	1.2455	0.8932	28.7111	29.7588	31.7110	30.1639
100291	1.3472	0.9156	28.1515	28.3780	28.3455	28.3036
100292	1.4035	0.8594	27.7644	28.5807	29.8156	28.7769
100296	1.3598	1.0026	29.3870	31.1475	31.8730	30.8675
100297	***	*	32.1536	*	*	32.1536
100298	0.9638	0.8594	19.0297	21.9247	17.8678	19.3037
100299	1.3862	0.9490	34.3697	31.6840	31.5048	32.5820
100300	***	*	*	33.1693	*	33.1693
100301	***	*	*	*	33.6261	33.6261

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
100302	1.1378	0.8961	*	*	27.9362	27.9362
100303	3.3572	0.8594	*	*	*	*
100305	2.9508	0.9197	*	*	*	*
100306	2.1590	0.8594	*	*	*	*
100307	1.3368	0.9102	*	*	*	*
100308	3.5561	0.9006	*	*	*	*
100309	2.8615	0.9746	*	*	*	*
110001	1.4065	0.8676	26.5640	27.6480	28.5465	27.5849
110002	1.3243	0.9581	26.2228	28.9013	32.2910	29.1013
110003	1.3116	0.7819	24.2097	25.0089	26.0330	25.0922
110004	1.3526	0.8856	25.1846	27.2528	26.8828	26.3972
110005	1.3270	0.9581	27.2826	29.6009	30.4924	29.3130
110006	1.5835	0.9205	*	30.8495	32.2597	31.5854
110007	1.6372	0.8931	26.3133	28.0684	29.8618	28.0712
110008	1.4386	0.9581	30.9757	31.8387	33.5616	32.1916
110010	2.3056	0.9581	33.2396	33.9848	33.7073	33.6507
110011	1.3616	0.9581	28.5892	30.3534	32.2028	30.4315
110015	1.0999	0.9581	28.8796	30.5016	31.7245	30.4450
110016	1.3018	0.8454	24.3563	25.9209	26.3449	25.5338
110018	1.3150	0.9581	30.1849	30.9422	30.8295	30.6726
110020	***	*	27.5559	29.4641	30.4725	29.2903
110023	1.3954	0.9581	29.3282	29.2018	31.1890	29.9364
110024	1.4809	0.8967	27.3357	28.5660	30.7207	28.8740
110025	1.5127	0.9338	30.2845	31.8968	31.0532	31.0790
110026	1.1131	0.7819	22.8820	24.3863	25.6943	24.2843
110027	1.0277	0.7819	25.5291	25.6532	26.2689	25.7981
110028	1.7942	0.9445	31.4568	32.8706	34.0699	32.8134
110029	1.7961	0.9581	29.2134	30.1146	31.6425	30.2862
110030	1.4207	0.9581	29.9531	32.0275	33.2158	31.8235
110031	1.2725	0.9581	29.5533	30.7462	30.4811	30.2708
110032	1.2052	0.7819	25.1896	24.4968	23.1156	24.2208
110033	***	*	32.4178	32.7039	31.9373	32.3600
110034	1.7484	0.9445	28.7915	29.6819	30.4053	29.6396
110035	1.7606	0.9581	30.1852	31.5737	31.8545	31.2344
110036	1.9336	0.8967	27.2280	28.4041	29.4915	28.3976
110038	1.5425	0.8205	22.9685	23.3669	24.2742	23.5610
110039	1.3284	0.9445	26.2485	28.4376	28.9594	27.7614
110040	1.0813	0.9581	23.9526	21.5762	21.1939	22.1282

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
110041	1.2739	0.9581	26.1948	27.6609	29.2068	27.6866
110042	1.0764	0.9581	33.4391	34.5137	34.0568	34.0168
110043	1.7850	0.8967	28.8551	30.3728	31.1628	30.1291
110044	1.1359	0.7819	24.3772	27.0431	25.0449	25.4614
110045	1.1037	0.9581	27.7619	28.2232	31.6766	29.1573
110046	1.2115	0.9581	*	28.6286	28.4212	28.5202
110050	1.0606	0.8526	27.0651	27.1533	29.2759	27.8460
110051	1.1292	0.7819	21.4898	22.1491	23.3866	22.3993
110054	1.4414	0.9581	29.4691	31.5798	27.9775	29.6364
110059	1.1390	0.7819	24.7838	24.9271	24.4436	24.7137
110064	1.6805	0.8781	26.9363	28.7296	30.0182	28.5621
110069	1.3820	0.9873	29.9098	30.6465	31.0168	30.5353
110071	1.0432	0.7819	21.2041	23.6499	22.6384	22.5381
110073	1.1060	0.7819	23.3571	23.0072	23.4570	23.2749
110074	1.5120	0.9205	31.0062	29.0310	30.4310	30.1231
110075	1.3815	0.8967	24.8244	26.1089	26.7302	25.8772
110076	1.5636	0.9581	29.4344	31.0661	30.4815	30.2901
110078	2.1084	0.9581	30.5196	32.0516	35.8457	32.7726
110079	1.5339	0.9581	27.3274	29.0905	28.9872	28.4653
110082	1.9797	0.9581	30.1072	31.1478	33.1144	31.5010
110083	2.0534	0.9581	34.0610	34.5798	34.7446	34.4671
110086	1.1613	0.7819	22.9959	23.4772	23.1298	23.1991
110087	1.5144	0.9581	31.0403	32.8029	33.9036	32.6448
110089	1.1643	0.7819	24.3327	26.0116	25.4960	25.2777
110091	1.3568	0.9581	27.0994	28.0637	29.4898	28.2142
110092	1.0634	0.7819	21.4168	22.8602	24.5262	22.8788
110095	1.4660	0.8387	28.0526	28.0480	31.2298	29.1793
110100	0.9836	0.8609	20.8201	20.0638	22.9014	21.4346
110101	0.9840	0.7886	21.0983	23.8601	25.5998	23.4706
110104	1.2142	0.7819	21.8966	22.2596	22.3707	22.1787
110105	1.2672	0.8387	23.4010	23.7752	24.6128	23.9332
110107	1.9376	1.0175	30.1027	31.5783	34.3508	32.0385
110109	1.0740	0.7819	21.6023	21.6019	22.5719	21.9327
110111	1.2026	0.9445	25.7084	27.6501	25.7188	26.3264
110112	1.0229	0.8387	26.4089	24.2935	23.2426	24.5677
110113	0.9454	0.9445	22.0793	22.0472	24.2980	22.7809
110115	1.8004	0.9581	32.7927	33.3902	34.4864	33.5520
110121	1.0646	0.8205	23.4571	24.5653	27.4406	25.1438

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
110122	1.5890	0.8205	25.4439	26.3071	28.0334	26.5715
110124	1.0579	0.7819	22.9571	24.8552	28.7544	25.5342
110125	1.2945	0.9873	24.7347	26.5006	29.4103	26.8341
110128	1.2492	0.8967	25.4190	24.5284	27.1987	25.6825
110129	1.5637	0.8781	30.0444	29.7332	26.8229	28.8295
110130	0.8834	0.7819	20.4349	21.7089	21.0352	21.0505
110132	1.0641	0.7819	21.2642	21.6039	22.3816	21.7486
110135	1.3125	0.7819	24.0945	25.1027	25.6594	24.9435
110142	0.9770	0.8004	21.6286	22.2164	21.2836	21.6949
110143	1.4290	0.9581	29.9139	30.9621	31.3623	30.7702
110146	0.9861	0.9338	29.0193	30.1181	32.7307	30.6287
110150	1.3165	0.9581	26.9884	27.7920	28.7549	27.8353
110153	1.1832	0.9873	29.3305	30.5108	30.2843	30.0411
110161	1.5735	0.9581	31.5001	32.0002	32.9894	32.1748
110163	1.4631	0.8931	27.7679	29.5693	30.7798	29.3945
110164	1.7364	1.0175	30.0145	31.2830	32.7865	31.3967
110165	1.5150	0.9581	28.7902	28.7925	28.4324	28.6750
110168	1.7935	0.9581	29.7774	30.8750	31.8921	30.8530
110172	***	*	31.3999	33.0452	34.0243	32.7861
110177	1.8711	0.9445	29.7079	30.5526	31.9338	30.7334
110183	1.3392	0.9581	28.3505	29.6622	32.0200	30.0208
110184	1.2398	0.9581	29.4071	30.2920	30.8380	30.2222
110186	1.3207	0.8781	28.2880	29.6503	32.0599	29.9580
110187	1.2008	0.9581	26.9638	31.0164	27.6729	28.5075
110189	1.0914	0.9581	26.2799	27.4207	28.9465	27.5873
110190	1.0719	0.8060	24.5224	29.4198	28.7747	27.3870
110191	1.3815	0.9581	30.9481	28.7505	30.0142	29.8296
110192	1.4382	0.9581	30.0843	31.6627	32.6403	31.5162
110194	0.8548	0.7819	21.0826	20.5267	23.2382	21.6185
110198	1.4743	0.9581	32.8171	34.0050	33.2450	33.3630
110200	2.1135	0.8781	27.2974	29.4633	29.6256	28.8416
110201	1.5189	1.0175	32.0967	33.4292	35.8335	33.7728
110203	0.9714	0.9581	32.3441	32.0594	33.0119	32.4903
110205	1.1841	0.8326	23.9738	26.1973	25.5319	25.2426
110209	0.7357	0.7819	21.2428	22.4549	21.6681	21.7985
110212	1.2022	0.8126	*	*	23.4398	23.4398
110215	1.4674	0.9581	29.5238	30.1793	31.2779	30.3933
110219	1.4192	0.9581	32.2603	33.4481	34.8875	33.5273

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
110223	***	*	25.3071	*	*	25.3071
110224	***	*	33.6464	*	*	33.6464
110225	1.3692	0.9581	29.5373	28.9773	29.6272	29.3773
110226	1.2006	0.9581	*	32.1840	30.2150	31.1782
110229	1.3761	0.9581	*	*	*	*
110230	1.4757	0.8676	*	*	*	*
110231	1.4634	0.9205	*	*	*	*
120001	1.8604	1.1467	39.6348	39.0371	39.2838	39.3027
120002	1.3740	1.1282	34.1709	37.7287	38.3420	36.8633
120004	1.3430	1.1467	31.3555	32.5164	33.3874	32.4396
120005	1.2475	1.1282	33.6942	35.1996	38.2915	35.7843
120006	1.3846	1.1467	34.2231	35.7089	37.6360	35.9117
120007	1.6210	1.1467	30.8773	35.0193	34.8231	33.5196
120010	2.0845	1.1467	30.8526	34.3371	37.3680	33.7959
120011	1.6378	1.1467	39.1941	43.7527	45.9848	43.2167
120014	1.3808	1.1282	30.9839	34.2127	38.1372	34.3370
120019	1.1661	1.1282	33.0114	36.1879	37.4564	35.6050
120022	1.9295	1.1467	32.5326	34.9048	35.3877	34.3087
120026	1.5069	1.1467	34.2244	35.8413	38.2128	36.1112
120027	1.4759	1.1467	29.5825	31.8177	32.7112	31.3717
120028	1.3762	1.1282	34.0451	34.6354	34.7783	34.4982
120029	***	*	44.6382	*	*	44.6382
130002	1.4568	0.9140	24.7266	24.3501	26.4728	25.2150
130003	1.6576	0.9989	28.6136	29.8793	31.4275	29.9302
130006	1.7740	0.9324	28.0048	29.0504	30.0002	29.0488
130007	1.7510	0.9324	30.4958	31.2268	33.4536	31.7981
130013	1.4063	0.9324	36.1570	33.8928	33.6160	34.5447
130014	1.2651	0.9324	27.5936	28.2831	29.1200	28.3409
130018	1.7751	0.9418	28.4041	30.2047	31.8735	30.1395
130024	1.2050	0.8318	24.8035	25.3197	24.4757	24.8603
130025	1.2542	0.7643	22.7962	23.8592	24.2424	23.6580
130028	1.6133	0.9085	28.4934	29.3374	30.5090	29.4688
130049	1.6098	1.0242	29.0185	29.7211	30.8293	29.8725
130062	***	*	29.1925	28.3419	38.1416	32.3995
130063	1.4761	0.9324	27.7607	27.7697	28.8897	28.1397
130065	2.0455	0.9418	30.4547	25.8998	29.4957	28.2273
130066	2.1453	0.9380	28.9883	28.1502	29.3049	28.8031
130067	2.0677	0.9418	21.3867	26.8285	28.6474	25.2321

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
130068	***	*	*	*	25.8399	25.8399
130069	2.0001	0.9324	*	*	*	*
130070	2.0028	0.9324	*	*	*	*
140001	1.1968	0.8691	22.2003	23.2233	23.7481	23.0887
140002	1.4373	0.9043	27.4779	29.1097	29.6312	28.7974
140007	1.4343	1.0385	31.4024	32.4449	34.2607	32.7585
140008	1.5299	1.0394	31.8008	32.7618	33.2563	32.5978
140010	1.5470	1.0394	40.1360	39.3727	39.7245	39.7446
140B10[3]	***	*	40.1360	39.3727	39.7245	39.7440
140011	1.2026	0.8322	25.8864	26.2135	27.0019	26.4070
140012	1.2222	1.0385	31.8213	31.9613	33.0198	32.3072
140013	1.4258	0.9268	25.0951	26.4199	28.2787	26.6085
140015	1.3548	0.8924	24.6409	25.2504	25.8304	25.2467
140018	1.3811	1.0394	30.7398	31.5624	31.2535	31.1810
140019	0.9180	0.8322	22.3179	22.2907	22.9179	22.5132
140026	1.1635	0.8637	26.0493	28.1718	28.5497	27.6099
140029	1.5829	1.0385	36.7722	34.8938	37.7285	36.4684
140030	1.5871	1.0385	31.6822	32.1135	32.8927	32.2094
140032	1.2418	0.8924	27.5367	28.5242	28.4605	28.1777
140033	***	*	29.5256	31.4347	32.3417	30.3318
140034	1.2070	0.8924	24.4653	26.7250	27.6121	26.2891
140040	1.2491	0.9268	24.5589	28.5016	30.5814	27.6351
140043	1.2990	0.8471	29.8633	31.3754	34.4429	31.9224
140046	1.4501	0.8924	25.6230	25.7925	26.8384	26.0834
140048	1.3597	1.0394	30.6686	31.6290	34.4373	32.2714
140049	1.5303	1.0394	30.8617	32.0239	33.6104	32.1312
140051	1.5483	1.0394	32.1730	32.6517	32.7898	32.5476
140052	1.3745	0.9043	26.9907	26.7916	27.7932	27.1869
140053	1.7906	0.9323	28.4513	29.9487	32.7126	30.2918
140054	1.4833	1.0394	34.2378	34.5369	36.9786	35.2609
140058	1.2026	0.9323	25.2568	26.5671	28.6945	26.8636
140059	1.0395	0.9043	21.6230	22.8597	24.6248	23.0779
140062	1.4017	1.0394	36.8271	36.6718	38.3407	37.2993
140063	1.4656	1.0394	30.5465	31.1266	34.4732	32.0675
140064	1.2770	0.9268	25.7551	26.6249	28.5964	27.0196
140065	1.4644	1.0394	31.5510	32.4661	34.3988	32.8042
140066	1.0275	0.9043	22.0225	23.6304	24.3856	23.3522
140067	1.8393	0.9268	29.8982	30.6911	31.9470	30.8766

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
140068	1.3420	1.0394	26.7166	31.3463	32.8724	30.2088
140075	1.1673	1.0394	35.9507	33.6872	34.9376	34.7952
140077	1.0274	0.9043	21.6468	22.5074	24.2006	22.7805
140080	1.4942	1.0394	29.9067	30.3788	33.0275	31.0912
140082	1.5906	1.0394	31.0516	32.0562	33.4686	32.1963
140083	1.0481	1.0394	27.2189	26.1639	29.5034	27.6508
140084	1.3364	1.0394	30.7251	31.3307	32.1286	31.4293
140088	1.9984	1.0394	32.6866	34.4137	36.6991	34.6171
140089	1.2277	0.8322	24.9120	26.6955	27.5295	26.3995
140091	1.7572	1.0003	28.2095	29.7381	33.7851	30.5790
140093	1.2900	0.8737	28.6709	31.2973	29.3377	29.8076
140094	0.8432	1.0394	28.7647	28.8621	28.0819	28.5752
140095	1.2220	1.0394	29.7385	29.9626	35.7876	31.7401
140100	1.3593	1.0394	37.2961	37.3044	39.0405	37.8906
140101	1.2669	1.0385	28.9723	31.0070	32.4260	30.8211
140103	1.1553	1.0394	24.0926	25.3630	26.4236	25.3201
140105	***	*	29.6590	30.7154	*	30.0527
140110	1.0813	1.0385	30.3432	31.3486	33.7263	31.8466
140113	1.5529	1.0003	30.2542	31.6191	33.2262	31.7291
140114	1.5397	1.0394	29.8316	31.1412	31.7038	30.9086
140115	1.2560	1.0394	25.4576	26.2606	30.2062	27.2029
140116	1.4609	1.0399	34.3876	34.2519	35.6726	34.7900
140117	1.5999	1.0394	30.9679	28.5809	34.6766	31.2737
140118	1.4773	1.0394	33.1987	33.8168	34.9352	33.9822
140119	1.8620	1.0394	32.2185	34.6543	35.5146	34.1040
140120	1.2800	0.9268	25.9275	26.2418	27.0681	26.4505
140122	1.5436	1.0385	30.2888	32.4750	34.2512	32.3347
140124	1.2526	1.0394	38.2191	38.8976	39.9267	39.0079
140125	1.1804	0.9043	26.5801	27.6352	28.3533	27.5158
140127	1.5423	0.9475	27.8363	29.3352	30.9124	29.3654
140130	1.2912	1.0394	32.5425	34.9907	35.8275	34.4126
140133	1.3502	1.0394	30.3259	32.8941	34.0222	32.4207
140135	1.4166	0.9055	24.6645	25.9057	26.6854	25.7583
140137	1.0416	0.9043	31.4349	*	27.0616	28.6011
140143	1.1345	1.0385	26.1126	27.0312	27.2878	26.8345
140145	1.1239	0.9043	25.2040	26.9344	28.3622	26.8720
140147	1.1010	0.8322	21.1817	22.1035	22.6508	21.9892
140148	1.6734	0.9323	27.0038	28.9471	30.1467	28.7501

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
140150	1.7461	1.0394	35.5951	39.0316	41.6125	38.7627
140151	0.8556	1.0394	26.0825	27.3552	28.0758	27.2000
140152	***	*	29.8647	32.2803	*	31.0650
140155	1.3090	1.0385	32.7960	35.0825	36.2360	34.7289
140158	1.3728	1.0394	30.4445	32.0137	31.7570	31.4181
140160	1.2165	1.0000	27.6905	28.9043	30.0100	28.8966
140161	1.2955	1.0385	28.8266	28.8150	33.5158	30.3906
140162	1.6006	0.9475	32.1810	33.0995	33.2372	32.8580
140164	1.7393	0.8924	25.9726	27.3133	27.5981	26.9922
140166	1.2159	0.9055	26.2875	27.6725	27.5406	27.1929
140167	1.1516	0.8322	24.9904	24.2749	21.2479	23.4239
140172	1.3717	1.0394	33.0926	33.4616	36.8394	34.4712
140174	1.6566	1.0385	31.2231	33.9382	35.1535	33.4959
140176	1.2318	1.0399	32.6145	33.2235	34.3901	33.4294
140177	0.9941	1.0394	25.5725	26.0727	28.0720	26.6128
140179	1.3153	1.0394	30.2944	31.3624	30.6997	30.7730
140180	1.3265	1.0394	29.1352	29.8009	31.4683	30.1021
140181	1.2527	1.0394	27.6835	27.5414	29.0862	28.0913
140182	1.4679	1.0394	32.8972	26.4103	34.4971	30.8740
140184	1.3467	0.8322	26.6104	27.5858	28.2155	27.4911
140185	1.4600	0.9043	26.5398	27.9433	29.7742	28.0814
140186	1.5201	1.0385	30.7212	32.8063	32.5128	32.0087
140187	1.5738	0.9043	25.5873	26.9265	29.2345	27.2917
140189	1.1746	0.8322	24.7013	29.1371	25.9192	26.5401
140191	1.3429	1.0394	31.9943	29.7684	31.4076	31.0261
140197	1.0562	1.0394	24.9103	24.8715	26.9930	25.5643
140200	1.5427	1.0385	30.6641	31.3712	33.2897	31.7654
140202	1.5085	1.0394	32.9433	34.3789	38.4323	35.3556
140206	1.1540	1.0394	29.6275	31.1406	31.5212	30.7437
140207	1.0074	1.0394	28.2262	31.6818	25.8073	28.4469
140208	1.7124	1.0394	31.4035	26.1749	26.2434	27.6869
140209	1.5941	0.9268	29.7965	28.8774	31.5349	30.0575
140210	1.0347	0.8322	19.2053	22.2512	24.1193	21.9390
140211	1.3464	1.0385	31.4539	34.5917	36.0400	34.0479
140213	1.2507	1.0385	32.1031	33.3932	33.6351	33.0750
140217	1.5109	1.0385	32.9404	33.2172	34.8475	33.7201
140223	1.5276	1.0394	33.5083	34.6997	36.6437	34.9323
140224	1.3933	1.0394	31.2237	30.2241	34.4001	31.8217

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
140228	1.4678	1.0142	28.2855	28.7462	30.7381	29.3359
140231	1.5434	1.0385	34.8291	35.6724	36.3601	35.6613
140233	1.6775	1.0142	31.5168	32.3376	35.7752	33.2487
140234	1.0951	0.8637	25.7353	25.7660	26.9670	26.1658
140239	1.6308	1.0142	31.0918	33.7264	35.6391	33.4299
140240	1.4039	1.0394	32.7986	28.0986	32.9491	31.2555
140242	1.6003	1.0385	35.2351	36.8032	40.7474	37.6454
140250	1.2801	1.0394	31.2533	32.9414	33.7382	32.6355
140251	1.4311	1.0394	28.3598	29.5941	31.5378	29.7910
140252	1.4971	1.0394	35.8762	36.1531	37.6031	36.5794
140258	1.6797	1.0394	33.0093	34.5696	34.9198	34.1878
140275	1.3417	0.8471	28.5064	26.7394	26.7114	27.2977
140276	1.9321	1.0394	32.1048	32.7073	33.1620	32.6640
140280	1.5051	0.8471	26.6536	26.9835	28.0388	27.2536
140281	1.7385	1.0394	35.6589	37.5700	38.6663	37.3671
140286	1.1924	1.0385	32.0048	32.2246	38.2039	34.1757
140288	1.5250	1.0385	31.5944	32.5472	34.1167	32.7523
140289	1.3211	0.9043	25.6847	26.0872	26.7573	26.1899
140290	1.4213	1.0394	32.5247	35.9679	34.5766	34.3723
140291	1.5611	1.0394	33.8706	32.7884	34.2987	33.6506
140292	1.2497	1.0385	30.6917	32.4496	32.9675	32.0376
140294	1.1689	0.8322	26.1595	26.9789	27.4105	26.8897
140300	1.1828	1.0394	42.5240	37.4508	35.5837	38.3752
140301	1.1272	1.0394	39.4295	35.9742	*	37.7232
140303	2.1772	1.0394	*	33.0359	31.4718	32.2202
140304	1.4432	1.0385	*	*	*	*
150001	1.1725	0.9593	31.8089	32.9804	32.5348	32.4652
150002	1.5533	1.0383	27.6481	28.1076	28.3271	28.0250
150003	1.5959	0.9115	26.9771	29.3660	30.1317	28.7552
150004	1.5569	1.0383	30.9626	31.7867	34.4889	32.3386
150005	1.3308	0.9593	30.5367	31.6090	32.6541	31.6209
150006	1.4297	0.9269	27.1364	28.3403	29.7289	28.4270
150007	1.5164	0.9710	30.0500	31.0384	32.4836	31.2119
150008	1.4773	1.0383	27.0525	29.1492	30.9426	29.0487
150009	1.5117	0.8900	25.7616	26.1517	25.9625	25.9561
150010	1.5927	0.9710	28.4118	28.2616	32.8116	29.7583
150011	1.3847	0.9593	26.7686	27.7870	27.8089	27.4399
150012	1.5407	0.9599	31.2282	31.6762	32.0116	31.6382

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
150015	1.4286	0.9210	27.3811	30.2516	32.6995	29.9450
150017	1.7920	0.8950	26.3379	27.1262	27.4538	26.9906
150018	1.6508	0.9463	29.1137	30.0928	30.9511	30.0858
150021	1.7310	0.8950	30.0030	31.1158	33.1505	31.4248
150022	1.0299	0.8671	23.8971	26.9525	29.7752	26.7675
150023	1.5518	0.9593	27.7520	30.3667	30.8457	29.6790
150024	1.5122	0.9593	28.4170	30.6154	32.1844	30.3874
150026	1.2976	0.9463	30.4967	31.9397	33.1225	31.8955
150029	1.2806	0.9599	29.9307	31.0692	32.1154	31.0199
150030	1.2271	0.9593	29.3588	31.1986	34.5137	31.7256
150033	1.4617	0.9593	29.7744	32.9469	31.7314	31.4591
150034	1.4759	1.0383	28.0434	30.0048	30.9961	29.7427
150035	1.4912	0.9168	27.8904	29.2039	27.9432	28.3404
150037	1.4136	0.9593	29.0161	30.4640	32.2960	30.6163
150038	1.1309	0.9593	33.0112	31.9552	32.2545	32.3824
150042	1.3349	0.8637	25.1403	25.2456	25.2218	25.2017
150044	1.4816	0.8900	25.2685	25.9284	26.6389	25.9821
150045	1.0021	0.8950	27.5340	29.4323	30.0052	28.9703
150046	1.5321	0.9078	26.5876	27.6228	29.7184	27.9614
150047	1.7080	0.8950	25.8497	27.1847	27.9365	26.9811
150048	1.4729	0.9397	28.1525	29.5588	30.5008	29.4322
150051	1.6481	0.9593	28.9157	30.3764	31.2746	30.2060
150056	2.0611	0.9593	29.3500	30.5777	30.8461	30.2665
150057	2.1160	0.9593	30.3287	29.2358	30.4490	30.0007
150058	1.5993	0.9599	29.1255	31.7558	32.4036	31.0853
150059	1.4572	0.9593	31.3362	36.2570	30.4189	32.4855
150061	1.1780	0.8513	22.6746	23.2427	24.7808	23.6139
150064	1.2134	0.8513	28.7978	28.9430	29.7898	29.1791
150065	1.2860	0.9593	30.2053	30.7970	31.7556	30.9459
150069	1.1710	0.9397	26.0909	27.0740	28.6514	27.3010
150072	1.1684	0.8618	21.7644	23.0619	24.6596	23.1412
150074	1.4549	0.9593	28.5655	29.4135	31.6043	29.9527
150075	1.0841	0.8950	25.7245	26.5987	27.1412	26.5061
150076	1.2653	0.9269	30.1120	30.2972	29.4643	29.9429
150082	1.5853	0.8513	26.4544	28.1302	28.0003	27.5653
150084	1.8740	0.9593	33.1784	35.0288	35.4818	34.5825
150086	1.2710	0.9397	26.6745	27.2580	28.8279	27.6085
150088	1.3096	0.9593	29.1509	30.2396	31.9171	30.3919

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
150089	1.6750	0.8709	24.8045	26.7290	28.0389	26.5237
150090	1.4701	1.0383	30.6412	30.9274	33.6812	31.7075
150091	1.1835	0.8950	32.1627	33.0421	32.9027	32.7076
150097	1.2026	0.9593	29.1359	29.4797	29.9967	29.5450
150100	1.6289	0.8513	26.9724	27.6339	30.0246	28.2157
150101	1.0273	0.8950	30.5475	31.6031	32.5860	31.5849
150102	1.1055	0.9168	25.8742	25.4717	30.4952	27.1707
150104	1.1612	0.9593	28.7788	30.8984	31.2245	30.3310
150109	1.5142	0.9115	26.8464	29.0076	31.0757	28.8914
150112	1.4838	0.9546	29.8540	31.7966	32.0659	31.2591
150113	1.2401	0.9593	25.9814	26.9098	29.0485	27.3194
150115	1.3437	0.8513	22.5793	22.3571	25.0221	23.3536
150125	1.5271	1.0383	29.3596	30.7113	31.6959	30.6163
150126	1.3364	1.0383	29.4300	32.6488	34.5086	32.1231
150128	1.4890	0.9593	29.5008	31.1071	30.7549	30.4978
150129	1.3316	0.9593	31.4317	32.9629	36.4709	33.7020
150133	1.1303	0.9269	24.2538	23.0662	25.1415	24.1509
150134	***	*	21.6740	27.3983	30.4440	25.8409
150146	1.1710	0.9463	30.3343	31.8757	32.9491	31.7507
150147	***	*	26.1646	28.9269	28.9204	28.1172
150149	1.0401	0.8513	24.9629	25.3350	26.4595	25.6422
150150	1.3415	0.8950	26.7700	26.5984	26.5020	26.6087
150153	2.3006	0.9593	35.0617	37.3948	38.6948	37.2023
150154	2.5281	0.9593	29.8894	30.5775	32.3383	30.9924
150157	1.7766	0.9593	32.3106	32.9167	35.4134	33.5906
150158	1.3191	0.9593	*	30.4355	31.5245	31.0109
150159	***	*	*	27.5595	*	27.5595
150160	2.0916	0.9593	*	27.6375	31.2957	29.5436
150161	1.6725	0.9593	*	*	32.3409	32.3409
150162	1.8560	0.9593	*	*	32.2317	32.2317
150163	1.0425	0.8900	*	*	26.0437	26.0437
150164	1.1932	0.9311	*	*	*	*
150165	1.5320	1.0383	*	*	*	*
150166	1.1615	1.0383	*	*	*	*
150167	2.3410	0.8950	*	*	*	*
150168	2.1329	0.8950	*	*	*	*
150169	1.5371	0.9593	*	*	*	*
150171	1.8740	0.8950	*	*	*	*

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
150174	***	0.9168	*	*	*	*
160001	1.3686	0.9522	25.7255	25.8686	27.4207	26.3437
160005	1.2953	0.8565	24.7755	24.8597	25.6204	25.1248
160008	1.0200	0.8565	22.4758	24.1282	24.3704	23.6309
160013	1.2284	0.8744	24.4099	25.5162	26.6913	25.5251
160016	1.6000	0.9276	27.1460	26.6537	27.9879	27.2616
160024	1.5372	0.9522	29.3756	32.4253	32.7762	31.5361
160028	1.4010	0.9542	30.0576	29.8343	32.4639	30.8418
160029	1.5012	0.9409	30.6687	32.2035	33.7679	32.2197
160030	1.3995	0.9547	30.9415	30.4779	32.0333	31.1630
160032	1.0291	0.8800	26.2935	28.5645	29.0326	28.0265
160033	1.6484	0.8565	27.2060	27.4810	27.6537	27.4485
160040	1.3622	0.8910	26.8110	28.2982	27.9810	27.6998
160045	1.6809	0.8910	27.5289	28.1681	30.0063	28.6143
160047	1.3087	0.9542	28.1280	29.4286	31.2897	29.5490
160057	1.4489	0.9153	25.6274	27.7969	28.3640	27.2815
160058	2.0218	0.9409	28.9924	29.8975	31.2742	30.0761
160064	1.5270	0.9756	28.4209	33.6082	32.7787	31.5360
160067	1.4504	0.8910	26.0243	26.7679	27.2055	26.6734
160069	1.4998	0.8627	27.6157	28.4081	29.0981	28.3339
160079	1.4987	0.8910	26.1618	28.5034	29.8338	28.1658
160080	1.2451	0.8565	27.2370	27.8745	27.4136	27.5090
160082	1.7794	0.9522	28.7831	31.7508	34.0609	31.5753
160083	1.6421	0.9522	28.3921	29.9489	31.0514	29.8208
160089	1.3192	0.9153	23.2888	23.9194	25.0810	24.0885
160101	1.1734	0.9522	25.4740	26.8515	27.1889	26.5158
160104	1.5904	0.8565	29.8126	27.0538	27.8486	28.1145
160110	1.5327	0.8910	28.8134	29.9094	30.8876	29.9205
160112	1.2320	0.8565	25.2886	26.1721	26.7136	26.0920
160117	1.3972	0.8627	27.3927	24.3326	28.8434	26.7322
160122	1.1643	0.8565	24.4996	25.3192	26.6212	25.5052
160124	1.0816	0.8565	24.3063	25.5048	27.2937	25.7008
160146	1.4455	0.8939	24.8485	25.1834	27.1213	25.7257
160147	1.2432	0.9276	29.8992	33.6394	37.2058	33.4681
160153	1.6868	0.8939	30.6173	30.4356	32.1357	31.0451
160155	***	*	*	*	30.2301	30.2301
170001	1.1832	0.8183	23.8863	24.5942	26.2914	24.9283
170006	1.3263	0.8485	27.1033	28.3527	30.5591	28.7050

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
170009	1.1077	0.9554	29.6386	32.2847	29.3342	30.3537
170010	1.1872	0.8183	25.5573	28.1802	28.6734	27.4651
170012	1.5885	0.8743	27.1195	28.7878	30.0388	28.6598
170013	1.6593	0.8743	26.7124	28.3051	29.6511	28.2216
170014	1.0016	0.9554	24.2322	25.8165	27.2909	25.7779
170016	1.6196	0.9180	26.7536	28.6817	31.9998	29.0858
170017	1.1826	0.8961	27.2925	29.1463	29.5447	28.7248
170020	1.5366	0.8743	24.1149	25.0561	26.1258	25.1235
170023	1.4632	0.8743	23.9812	24.8827	24.9932	24.6412
170027	1.4283	0.8183	23.4037	24.1133	24.6748	24.0688
170033	1.2548	0.8743	24.1882	25.0404	26.9830	25.3537
170039	0.9519	0.8961	26.0952	23.5975	24.1339	24.5119
170040	1.9435	0.9554	30.2468	30.0828	33.3813	31.2065
170049	1.4916	0.9554	26.4086	31.8595	34.8212	31.1346
170058	1.0749	0.8183	26.5949	28.1330	28.6239	27.7857
170068	1.1475	0.8468	23.8812	23.8509	25.6803	24.4755
170074	1.2012	0.8183	23.0567	24.8871	26.7280	24.8946
170075	0.8714	0.8183	19.9351	21.1965	20.9091	20.6679
170086	1.5733	0.9180	26.3615	28.5260	30.0102	28.3717
170094	0.9310	0.8183	16.5136	17.1719	26.4808	19.4257
170103	1.3484	0.8961	24.2003	25.5671	26.2628	25.3582
170104	1.4224	0.9554	27.6211	29.7793	31.7058	29.7314
170105	1.0731	0.8183	22.7412	23.4332	24.4249	23.5400
170109	1.0775	0.9554	23.8515	29.0197	33.0257	28.8409
170110	0.9253	0.8183	23.9572	24.7927	26.7359	25.1733
170120	1.4309	0.8485	22.2805	23.5287	24.9819	23.6378
170122	1.7614	0.8961	28.7175	29.6337	31.0839	29.8194
170123	1.7329	0.8961	27.0843	28.7627	29.1591	28.3587
170133	1.0294	0.9554	25.2301	25.7129	27.6138	26.1892
170137	1.4194	0.8183	25.3395	26.8029	28.6556	26.9670
170142	1.4654	0.8962	24.6019	25.5567	26.4060	25.5260
170145	1.1012	0.8183	23.3967	25.3745	26.5981	25.1199
170146	1.5770	0.9554	29.0720	31.7023	31.6451	30.7933
170147	***	*	24.3268	21.4581	*	23.4961
170150	1.1485	0.8349	19.6160	22.0265	22.2379	21.2881
170166	0.9665	0.8183	22.6968	24.1079	24.4570	23.7582
170175	1.3259	0.8743	26.7229	31.7600	30.1456	29.5409
170176	1.6402	0.9554	29.0735	30.1135	31.4048	30.2116

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
170182	1.5125	0.9554	28.9710	30.3805	32.3903	30.5959
170183	2.0035	0.8961	26.1890	27.7207	27.5559	27.1528
170185	1.3066	0.9554	28.1780	29.3226	31.0813	29.6228
170186	2.4251	0.8961	30.2613	30.7673	36.3546	32.4429
170187	1.6254	0.8183	24.1461	24.6419	26.2236	25.0537
170188	1.9992	0.9554	32.2573	33.7247	34.0134	33.3628
170190	1.0256	0.8183	26.2625	27.3041	28.7392	27.4713
170191	1.8703	0.8183	24.3813	26.0305	26.2347	25.6315
170192	1.8190	0.8961	27.7421	30.9230	31.7531	30.3002
170193	***	*	24.8531	24.4131	21.9349	23.8067
170194	1.4669	0.9554	27.6989	28.2004	29.8055	28.4794
170195	2.3084	0.9554	29.5947	29.1787	31.0187	30.0282
170196	2.3898	0.8961	32.1832	29.9671	29.9241	30.5752
170197	2.2189	0.8961	*	*	*	*
170198	1.9441	0.8183	*	*	*	*
180001	1.2683	0.9399	29.7423	29.9674	29.7832	29.8319
180002	1.0743	0.8101	26.5488	27.3344	28.4044	27.4059
180004	1.1352	0.7961	20.8805	22.0626	25.7454	22.8633
180005	1.1988	0.8725	25.6159	27.4317	27.9687	27.0218
180007	***	*	27.1924	26.9440	29.3465	27.7484
180009	1.7730	0.9036	27.3228	28.7048	28.9804	28.3804
180010	1.9559	0.8842	27.7600	28.2168	29.8818	28.6059
180011	1.6685	0.8732	24.9909	25.0372	26.6072	25.6014
180012	1.4949	0.8902	26.7279	27.2851	27.8386	27.2889
180013	1.5314	0.9351	24.8125	26.8108	28.6307	26.7348
180016	1.2951	0.8902	24.7091	26.9539	28.2975	26.6063
180017	1.3225	0.8080	21.9715	25.4174	26.0927	24.4704
180018	1.4070	0.7961	23.3035	24.9874	25.0082	24.4724
180019	1.1812	0.7961	24.6279	27.6801	27.5969	26.6718
180020	1.0377	0.8101	25.9975	26.8865	29.8100	27.5353
180021	0.9692	0.7961	22.0740	22.3768	24.2127	22.8931
180024	1.1508	0.8902	26.3532	26.9553	27.8181	27.0434
180025	1.3182	0.8902	28.5935	28.4172	30.2576	29.1127
180027	1.2165	0.8143	21.7639	23.3881	24.0032	22.9965
180029	1.4620	0.8732	26.1528	26.3907	29.1400	27.1461
180035	1.4925	0.9399	32.8461	34.0370	36.6577	34.5502
180036	1.3978	0.9036	25.6959	30.2643	31.9987	29.1866
180037	***	*	27.8506	33.1897	28.5734	29.8984

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
180038	1.6241	0.7961	26.9752	28.2430	28.5219	27.9439
180040	1.8495	0.8902	28.5162	30.2471	28.9562	29.1990
180043	1.0886	0.7961	20.6439	24.0582	25.0444	23.2147
180044	1.6560	0.8725	25.8060	25.7990	27.7934	26.4853
180045	1.4039	0.9399	29.4127	29.9366	29.9395	29.7644
180046	1.1591	0.8842	27.0962	28.5568	30.0536	28.5844
180048	1.3827	0.8902	24.3696	24.6800	25.3490	24.8076
180049	1.4334	0.8732	24.3699	23.5756	25.8921	24.5960
180050	1.1349	0.8123	25.9557	26.7726	29.9911	27.5275
180051	1.3017	0.8143	24.3916	25.2369	26.2560	25.3289
180053	0.9566	0.7961	22.1921	23.0302	24.6694	23.3444
180056	1.1811	0.8456	24.5326	26.3973	26.6223	25.8492
180064	1.2187	0.8275	20.1799	21.9517	22.5090	21.5833
180066	1.1276	0.9351	23.7860	24.9542	27.2184	25.3439
180067	1.8774	0.8842	27.9852	29.6053	28.9896	28.8949
180069	1.0872	0.8725	26.6714	27.6785	29.9406	27.9869
180070	1.2363	0.8201	20.2189	21.3707	22.8450	21.5185
180078	1.0786	0.8725	28.2762	29.2136	27.4672	28.3056
180079	1.1090	0.8220	23.6005	24.9911	27.2710	25.2310
180080	1.3026	0.7961	23.7788	25.3013	27.2402	25.4627
180087	1.2455	0.7961	22.0302	22.1063	23.2617	22.4636
180088	1.7132	0.8902	28.6107	30.7954	31.8151	30.4217
180092	1.1404	0.8842	23.7866	25.2900	27.0330	25.4093
180093	1.6091	0.8152	21.4392	22.3330	23.5805	22.4845
180095	1.0495	0.7961	21.5639	21.2162	23.9869	22.3006
180101	1.2826	0.8842	28.1621	28.8772	29.6176	28.9237
180102	1.4734	0.8143	25.2343	27.3901	28.3445	26.9882
180103	1.9527	0.8842	28.1734	29.7648	31.7171	29.8793
180104	1.5623	0.8143	25.9689	27.1292	28.7669	27.3214
180105	0.9802	0.7961	23.1917	24.3663	22.9902	23.5224
180106	0.8947	0.7961	20.7220	21.2271	20.1899	20.7142
180115	0.9015	0.7961	20.3089	22.7095	24.9627	22.6495
180116	1.2135	0.8143	25.8927	26.8850	26.9052	26.5806
180117	0.9102	0.7961	24.7378	24.9571	25.9593	25.1973
180124	1.3557	0.9351	25.4664	27.1359	28.2511	26.9378
180127	1.2937	0.8902	26.3947	28.3635	29.8610	28.2066
180128	0.9315	0.7961	23.8144	23.7778	23.9098	23.8348
180130	1.7038	0.8902	29.1712	29.6751	31.2746	30.0638

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
180132	1.4745	0.8732	25.3789	29.0563	29.5884	28.0465
180138	1.1991	0.8902	28.6871	29.2603	30.7144	29.5828
180139	1.0549	0.7961	24.7575	26.2450	28.3450	26.3761
180141	1.8400	0.8902	27.5912	28.7329	29.5347	28.6370
180143	1.7056	0.8842	30.8734	28.0780	29.0323	29.2275
180147	***	*	31.1615	*	*	31.1615
180148	***	*	30.1250	*	*	30.1250
180149	1.0505	0.7961	*	16.4918	16.3670	16.4254
180150	***	*	*	*	27.9388	27.9388
180151	1.4008	0.8842	*	*	*	*
190001	1.1659	0.7824	22.1569	22.5331	25.3862	23.4848
190002	1.6796	0.8569	24.6984	25.9387	27.1770	25.9332
190003	1.3683	0.8569	26.7844	28.0899	30.5381	28.4594
190004	1.4950	0.8006	25.0803	24.6563	27.0776	25.6360
190005	1.5995	0.9010	24.2899	28.3308	32.9927	27.0163
190006	1.3700	0.8569	24.8836	25.4826	28.9179	26.6118
190007	1.1835	0.7824	23.1426	24.0538	24.6117	23.9473
190008	1.6815	0.8006	26.3638	27.2683	28.1194	27.2574
190009	1.1266	0.8151	24.0696	25.0269	24.8263	24.6631
190011	1.0093	0.7925	21.6991	21.9174	24.2068	22.5652
190013	1.5045	0.7971	23.7333	22.8380	25.2468	23.9478
190014	1.1670	0.7824	22.6405	24.5410	25.6064	24.1852
190015	1.3378	0.9010	25.1767	26.9591	29.5241	27.2784
190017	1.4681	0.8569	24.7537	25.5477	26.9640	25.8080
190019	1.7143	0.8151	25.4624	27.6057	28.6311	27.3149
190020	1.3331	0.8239	23.4602	24.2361	25.9262	24.6042
190025	1.2924	0.7824	24.5024	26.5949	26.6296	25.8633
190026	1.6151	0.8151	24.1556	25.3752	27.0875	25.5388
190027	1.6608	0.7971	26.7132	31.5047	29.4789	29.1954
190034	1.1465	0.8013	21.2130	22.9920	24.3969	22.8818
190036	1.7573	0.9010	25.6551	29.1818	27.7969	27.4252
190037	0.6682	0.7971	20.7271	28.0463	19.5982	23.0593
190039	1.5103	0.9010	25.4003	24.6848	29.0738	26.5099
190040	1.4304	0.9010	28.0169	28.2444	29.0914	28.4723
190041	1.4935	0.8465	28.0050	28.7702	29.3296	28.7072
190044	1.3050	0.8085	21.2604	22.2462	23.1701	22.2470
190045	1.6126	0.9010	27.1996	27.5873	29.2569	28.0483
190046	1.5640	0.9010	24.7370	25.1890	30.9760	27.0736

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
190050	1.2007	0.7868	20.9142	22.7962	23.6921	22.4518
190053	1.2337	0.7925	18.5819	20.6289	22.1404	20.4292
190054	1.3269	0.7909	22.7011	23.5137	26.5586	24.2996
190060	1.4394	0.7971	22.6291	19.8911	25.1496	22.3800
190064	1.6731	0.8239	23.7298	26.9960	28.6273	26.5224
190065	1.6818	0.8239	23.1202	22.9861	24.3651	23.5078
190078	1.0789	0.8011	22.2346	25.6943	26.0185	24.7759
190079	1.1872	0.9010	23.8192	25.3344	28.0268	25.8258
190081	0.8642	0.7824	21.4510	20.4111	21.2224	21.0111
190086	1.2487	0.7925	22.2895	22.2852	24.2040	22.8667
190088	1.1204	0.8465	23.1638	24.7450	29.5999	25.8159
190090	0.9966	0.7824	24.3303	25.8610	25.0681	25.0724
190098	1.7782	0.8465	25.7449	27.5058	27.8846	27.0710
190099	1.0635	0.8013	23.2343	25.7488	25.7136	24.9054
190102	1.5406	0.8569	26.9700	28.3090	28.6165	27.9315
190106	1.0697	0.8151	26.6227	24.2759	25.5188	25.4707
190111	1.7194	0.8465	26.5722	27.3192	28.8406	27.6044
190114	1.0893	0.7824	19.1586	20.3651	21.1463	20.2391
190115	0.7557	0.8465	26.0797	26.0285	25.7014	25.9440
190116	1.1912	0.7909	23.4013	24.2154	24.4439	24.0256
190118	1.0069	0.8465	21.2580	22.6572	22.3386	22.1127
190122	1.2753	0.8239	22.2371	22.8681	24.5686	23.3145
190124	***	*	27.9484	28.6713	*	28.2761
190125	1.5619	0.7925	24.8256	26.6269	26.9761	26.2656
190128	1.0861	0.8239	29.6682	31.1819	32.2095	31.0707
190131	1.3145	0.8239	28.6795	28.5946	29.9837	29.0885
190133	0.8928	0.7926	22.4311	23.9550	27.2643	24.6327
190135	1.4861	0.9010	30.5646	35.0547	43.3956	32.5962
190140	0.9899	0.7859	23.0485	23.6713	23.2346	23.3096
190144	1.2770	0.8465	23.7875	24.8866	25.8501	24.8635
190145	0.9612	0.7914	20.8579	21.3988	22.1298	21.4711
190146	1.6525	0.9010	28.7200	28.5984	29.8336	29.0734
190151	0.9246	0.7824	18.8391	20.6970	23.0032	20.7532
190152	***	*	30.8512	34.6508	34.6962	33.2471
190158	***	*	30.6450	21.5594	*	28.7353
190160	1.5983	0.7925	24.7822	25.8646	26.4460	25.6888
190161	1.1846	0.7971	22.9035	23.8073	24.8249	23.8713
190164	1.2139	0.8151	26.6207	27.7265	28.2630	27.5624

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
190167	1.2453	0.8569	25.3283	27.1981	29.3971	27.2483
190175	1.3371	0.9010	27.4256	30.5948	31.4039	29.7933
190176	1.8725	0.9010	26.2596	28.2192	32.2906	28.5344
190177	1.6458	0.9010	28.2751	29.7252	30.9158	29.6564
190182	***	*	29.8656	30.7058	*	30.2958
190183	1.2897	0.8006	22.0119	23.3462	25.0395	23.5195
190184	0.9825	0.7925	24.1626	22.6144	22.5006	23.1018
190185	***	*	28.9759	36.7317	*	32.3103
190190	0.9308	0.7925	26.7043	27.5051	27.5875	27.2778
190191	1.3231	0.8569	26.1628	26.9656	28.1116	27.0708
190196	0.8194	0.8569	25.8472	27.7824	28.4697	27.3957
190197	***	*	26.4825	28.7044	29.4072	28.0869
190199	1.1099	0.8239	32.0194	36.7128	29.8286	32.8655
190200	***	*	27.4781	*	*	27.4781
190201	1.1055	0.7971	24.4563	26.8550	27.8244	26.4092
190202	1.4668	0.8239	29.6612	27.6463	27.8790	28.2439
190203	***	*	29.9753	*	*	29.9753
190204	1.4472	0.9010	30.5140	32.9140	31.9034	31.7471
190205	1.6616	0.8569	28.2484	30.1687	31.6103	30.0145
190206	***	*	29.2371	32.0180	30.4228	30.5599
190208	0.8276	0.7824	27.9908	24.9405	27.5238	26.7290
190218	0.8972	0.8465	28.1039	26.5251	26.9305	27.1540
190236	1.4436	0.8465	26.4614	26.9059	28.6472	27.3614
190241	1.8680	0.8006	25.7906	26.5320	27.5130	26.6421
190242	1.2094	0.8239	25.0035	26.9729	28.7307	27.0159
190245	1.7537	0.7925	26.7642	26.4166	26.6403	26.6021
190246	2.0632	0.7899	22.7833	31.7158	31.5003	28.9108
190249	1.2200	0.8239	25.2523	27.0975	28.3211	26.8144
190250	2.0955	0.9010	33.3302	32.8381	35.2699	33.8515
190251	1.3383	0.8239	23.8389	25.1594	27.3657	25.6325
190253	***	*	23.8037	22.2227	*	23.2564
190255	0.7839	0.8569	16.1593	23.8035	27.8066	21.9255
190256	0.8683	0.9010	25.9577	25.9365	28.7148	27.0062
190257	1.7413	0.7925	26.5505	22.7512	24.2936	24.5515
190258	1.4357	0.8465	26.1141	25.1993	27.7948	26.2674
190259	2.1970	0.8569	26.5084	27.5518	28.9188	27.6659
190260	***	*	29.3947	33.6227	*	31.1721
190261	1.5148	0.7925	27.0441	25.4757	28.7987	27.1183

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
190262	***	*	30.3719	*	*	30.3719
190263	2.2819	0.8569	26.4202	29.7063	36.3082	30.5072
190264	***	*	26.5842	*	*	26.5842
190265	***	*	22.6231	30.9260	*	27.1327
190266	2.7287	0.8239	*	24.3809	32.3423	28.2715
190267	1.5630	0.9010	*	24.2794	27.6254	26.0704
190268	1.7733	0.8569	*	29.1425	25.8619	27.2296
190270	1.8922	0.9010	*	*	28.5382	28.5382
190272	1.3385	0.8569	*	28.4558	28.4184	28.4326
190273	1.7562	0.8239	*	*	22.7627	22.7627
190274	1.6650	0.9010	*	*	*	*
190275	1.4932	0.9010	*	*	*	*
190278	2.0229	0.8465	*	*	*	*
190297	1.1945	0.7824	*	*	*	*
200001	1.3760	1.0025	26.3045	28.1145	28.9839	27.8234
200002	1.1755	0.9743	27.1151	33.2695	30.4965	30.1504
200008	1.3944	1.0200	29.1836	29.3538	32.3955	30.3491
200009	1.9174	1.0200	32.5812	35.0743	36.9995	34.8195
200018	1.2559	0.8555	22.5027	24.6790	25.4228	24.2178
200019	1.2986	1.0200	27.7896	28.3413	30.1233	28.7407
200020	1.3309	1.0206	34.0916	34.5762	36.9185	35.2227
200021	1.2135	1.0200	29.2054	28.7614	31.8322	29.9786
200024	1.7091	0.9743	29.7817	31.0799	31.6913	30.8971
200025	1.1787	1.0200	28.5750	29.3607	30.2866	29.4788
200031	1.2947	0.8555	22.2151	23.7553	25.5973	23.8951
200032	1.1200	0.8922	26.8993	27.2276	27.8426	27.3337
200033	1.8345	1.0025	31.7007	33.6293	34.8017	33.4076
200034	1.4504	0.9743	27.0103	28.0417	28.5612	27.9041
200037	1.1852	0.8555	24.9418	26.7815	27.9167	26.6737
200039	1.3100	0.9743	26.6409	28.8043	29.9958	28.5071
200040	1.1326	1.0200	27.8053	25.5519	29.6104	27.6215
200041	1.2416	0.8555	26.6777	27.5067	28.7604	27.6482
200050	1.2105	1.0025	29.5033	30.1473	32.0363	30.6029
200052	1.0760	0.8555	24.4204	25.6238	24.4545	24.8152
200063	1.2086	0.8555	27.9748	28.2203	29.6832	28.6815
210001	1.4210	0.9433	29.3471	31.2355	30.9218	30.5135
210002	1.9785	1.0148	33.7388	36.0252	36.8782	35.5860
210003	1.6023	1.0718	30.7334	28.2566	34.4117	31.0346

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
210004	1.4965	1.0789	31.7132	33.9037	32.4548	32.7027
210005	1.3091	1.0789	29.5835	32.4081	32.2224	31.4417
210006	1.0998	1.0148	27.3620	27.9859	31.8510	29.1144
210007	1.7809	1.0148	30.7124	31.4125	35.3019	32.4455
210008	1.4329	1.0148	28.8850	31.8535	33.0343	31.3102
210009	1.8235	1.0148	30.2661	31.8273	34.4385	32.2369
210011	1.4984	1.0148	31.0966	30.7547	29.7694	30.5113
210012	1.6726	1.0148	31.1778	32.5327	33.8099	32.5669
210013	1.3739	1.0148	28.9917	32.1180	35.6347	32.2733
210015	1.3195	1.0148	32.2774	31.6903	34.7961	32.9816
210016	1.7595	1.0789	33.5493	35.3253	37.1478	35.3017
210017	1.2898	0.9246	26.8592	26.6208	27.9652	27.1544
210018	1.2384	1.0789	29.6521	31.5460	33.7284	31.6501
210019	1.7723	0.9246	28.7844	30.5485	30.8121	30.0658
210022	1.5208	1.0789	37.3092	36.1833	35.8394	36.4007
210023	1.5173	1.0227	33.0212	34.1664	35.8243	34.3707
210024	1.8013	1.0148	32.9434	34.5548	36.7920	34.8149
210025	1.2731	0.9246	24.8570	23.5175	28.3956	25.5473
210027	1.3801	0.9246	24.4821	25.2143	25.6339	25.1369
210028	1.0688	0.9629	26.7462	28.5214	31.7636	29.1286
210029	1.3454	1.0148	31.8539	32.9100	33.9139	32.9337
210030	1.2154	0.9246	32.2033	29.1790	33.8729	31.7470
210032	1.2238	1.0760	27.9359	29.2785	31.6516	29.6480
210033	1.2363	1.0148	29.2504	28.4350	33.0982	30.2708
210034	1.3227	1.0148	32.3827	33.0407	35.1533	33.5681
210035	1.2998	1.0718	27.3901	30.6692	28.7165	28.8774
210037	1.2209	0.9246	27.8394	28.8708	31.0096	29.2713
210038	1.3087	1.0148	32.3206	31.1563	32.7411	32.0849
210039	1.1428	1.0718	32.4139	35.1172	33.7557	33.7766
210040	1.2377	1.0148	29.2390	31.0882	30.5834	30.3223
210043	1.3476	1.0227	32.6961	29.2762	31.9196	31.2197
210044	1.3966	1.0148	30.3349	31.5463	31.9067	31.2823
210045	0.9757	0.9246	16.3724	19.6112	23.8454	19.7628
210048	1.4318	1.0148	26.0650	29.2464	30.6650	28.6045
210049	1.2521	1.0148	27.0161	28.5970	31.5740	29.2139
210051	1.3607	1.0718	29.5219	30.7954	33.0355	31.1733
210054	1.2815	1.0718	27.7607	28.6905	32.3079	29.6218
210055	1.2774	1.0718	31.4905	30.2010	36.7615	32.6861

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
210056	1.3575	1.0148	32.3518	33.2271	35.5593	33.6946
210057	1.3739	1.0789	32.8299	33.7287	34.3643	33.6471
210058	1.2373	1.0148	31.1988	32.0669	32.9569	32.0727
210060	1.2126	1.0718	29.9626	32.5141	34.1974	32.3005
210061	1.4139	0.9434	25.0253	26.6842	28.6561	26.8377
220001	1.2996	1.1577	31.2316	32.0843	34.3993	32.6222
220002	1.3969	1.1577	33.6649	35.9765	37.9204	35.9189
220006	***	*	33.6438	*	*	33.6438
220008	1.3364	1.1577	34.7924	35.8680	37.3794	36.0313
220010	1.2171	1.1577	32.0925	33.7392	36.1759	34.0029
220011	1.1564	1.1577	36.5640	39.1234	41.0183	38.9805
220012	1.4525	1.2580	39.7564	41.7080	43.0551	41.5126
220015	1.3026	1.0433	32.4903	35.2373	36.6427	34.8288
220016	1.0694	1.0433	32.5863	33.1424	34.9714	33.5941
220017	1.2802	1.2293	33.3020	34.6575	38.0626	35.3429
220019	1.1270	1.1577	25.7855	26.3018	28.0084	26.7035
220020	1.1520	1.1577	30.8458	32.1528	33.6332	32.2145
220024	1.2872	1.0433	31.9491	33.0415	33.8692	32.9848
220025	1.0399	1.1577	30.4369	27.6973	26.6082	28.1395
220028	***	*	39.3089	*	*	39.3089
220029	1.2058	1.1577	31.6363	32.6792	34.8311	33.0952
220030	1.1143	1.0433	28.1347	29.3714	28.8797	28.7955
220031	1.5285	1.2293	38.9433	39.4214	43.7983	40.7963
220033	1.1898	1.1577	32.3495	34.7005	36.1938	34.4472
220035	1.4387	1.1577	34.8739	36.1799	37.2879	36.2777
220036	1.5378	1.2293	35.9124	37.7301	37.0998	36.9160
220046	1.4893	1.1577	31.4510	33.8604	36.3356	33.9253
220049	1.2094	1.1577	32.4652	35.1134	35.7550	34.4838
220050	1.0888	1.0433	29.5194	30.3176	32.4636	30.8095
220051	1.3228	1.0358	30.1022	32.8693	34.7850	32.5322
220052	1.2230	1.2293	32.3532	34.9151	34.9505	34.0652
220058	0.9683	1.1577	27.8893	30.0344	31.9532	29.9443
220060	1.1933	1.2293	34.7336	36.8668	39.1180	37.0242
220062	0.6748	1.1577	25.4224	27.4755	27.3983	26.7764
220063	1.1771	1.1577	32.9283	32.2442	34.6004	33.2997
220065	1.2214	1.0433	30.1103	32.3814	33.6328	32.0471
220066	1.3670	1.0433	29.9736	*	32.6289	31.2823
220067	1.2580	1.2293	32.4019	33.9836	35.7611	34.0837

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
220070	1.1593	1.1577	34.2598	35.6271	37.4036	35.7788
220071	1.8640	1.2293	37.4087	40.0313	44.2752	40.5175
220073	1.2461	1.1577	36.0289	37.4249	38.9942	37.4751
220074	1.3644	1.1577	31.4730	33.2081	34.5531	33.1069
220B74[4]	***	*	31.4731	33.2082	34.5530	33.1105
220075	1.4356	1.2293	32.2957	33.3578	33.9698	33.2086
220077	1.6077	1.1178	34.0168	34.7345	36.4382	35.0974
220080	1.2605	1.1577	31.1268	33.1640	36.8086	33.6188
220082	1.2811	1.1577	30.8230	32.2124	33.0780	32.0614
220083	1.0634	1.2293	34.5969	35.2758	37.6415	35.9286
220084	1.2120	1.1577	31.6955	34.6275	36.1148	34.1424
220086	1.7507	1.2293	35.3451	36.2385	38.7853	36.8569
220088	1.9620	1.2293	34.7637	37.0840	37.3891	36.4653
220089	***	*	34.8205	*	*	34.8205
220090	1.2313	1.1577	34.1963	35.8969	36.8628	35.7062
220095	1.1639	1.1577	30.8626	31.1644	34.1504	32.0797
220098	1.1179	1.1577	31.5403	31.1288	32.1864	31.6182
220100	1.3276	1.2293	34.6599	35.7309	36.5606	35.6866
220101	1.3167	1.1577	37.7809	37.7292	39.3939	38.3297
220105	1.2140	1.1577	34.4029	35.8179	36.6444	35.6432
220108	1.2329	1.2293	33.8854	35.7009	37.1981	35.6375
220110	2.0220	1.2293	40.7382	43.8444	45.3683	43.3739
220111	1.2485	1.2293	34.2498	35.6223	36.8788	35.6103
220116	1.9010	1.2293	38.8799	40.0982	44.6345	41.1705
220119	1.1248	1.2293	32.0863	33.7200	36.2751	34.0555
220126	1.2024	1.2293	32.6938	35.6278	40.5321	36.1633
220133	***	*	34.9182	*	*	34.9182
220135	1.3106	1.2580	37.5189	39.0296	40.3011	38.9703
220153	***	*	19.8085	20.5063	17.4773	19.4282
220154	***	*	28.7680	*	*	28.7680
220162	1.6601	*	*	*	*	*
220163	1.6658	1.1577	37.4968	39.4893	41.6485	39.6071
220171	1.6226	1.1577	35.9948	36.4567	39.7385	37.4768
220174	1.2524	1.1577	30.9503	32.9140	35.8880	33.2586
220175	1.3049	1.1577	*	34.1572	36.6376	35.3624
220176	1.6163	1.1577	*	31.4220	36.2759	33.7046
220177	0.9179	1.0358	*	*	*	*
230002	1.3653	1.0023	32.7578	33.9708	34.2904	33.7044

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
230003	1.3339	0.9900	28.4716	28.9886	28.5041	28.6494
230004	1.7143	0.9900	31.5136	33.4644	33.1555	32.7274
230005	1.2516	0.9270	27.7463	29.0634	30.5550	29.1517
230013	1.2969	1.0672	27.2075	28.6430	29.9019	28.5291
230015	1.0886	0.9092	27.2541	28.9601	29.8884	28.7179
230017	1.6711	1.0251	32.5396	36.8045	35.5276	34.9899
230019	1.6269	1.0672	34.3213	35.1440	34.8302	34.7681
230020	1.7176	1.0023	29.5324	29.9492	30.4302	29.9707
230021	1.6015	0.9899	28.6169	29.5414	30.4315	29.5378
230022	1.1811	0.9564	30.1195	25.7846	29.5713	28.3420
230024	1.6944	1.0023	32.5892	34.5278	35.1416	34.0899
230029	1.6738	1.0672	32.3845	33.1482	35.5257	33.7375
230030	1.3489	0.9407	25.1100	25.1929	27.8555	26.0258
230031	1.4455	0.9858	30.0120	30.8870	30.9321	30.6162
230034	1.2847	0.8797	24.4141	29.1098	29.8711	27.6510
230035	1.2673	0.9293	25.6715	25.7099	27.0372	26.1408
230036	1.3868	1.0672	29.9642	31.0938	31.9872	31.0261
230037	1.2270	1.0023	28.5311	28.8547	31.4423	29.6304
230038	1.7965	0.9900	29.1263	30.1040	31.5536	30.2925
230040	1.1648	0.9293	26.3190	27.2850	27.6894	27.1137
230041	1.5679	0.9498	27.9569	30.3082	31.7229	29.9993
230046	1.9506	1.0243	32.2924	33.5304	34.3952	33.4461
230047	1.5115	0.9879	31.7075	32.0248	33.2300	32.3335
230053	1.6981	1.0023	32.1566	33.5440	34.1884	33.3299
230054	1.8082	0.9326	26.3251	28.1229	28.5274	27.6386
230055	1.2584	0.8797	28.4787	28.1881	28.2657	28.3130
230058	1.1460	0.8797	27.3156	27.9643	29.2185	28.1648
230059	1.5781	0.9900	28.5875	28.3602	30.3935	29.1235
230060	1.2083	0.8797	27.0288	28.7760	30.7515	28.9062
230066	1.3615	0.9900	30.2104	32.3582	32.8383	31.8144
230069	1.2825	1.0672	31.3406	31.9675	33.3136	32.2349
230070	1.6531	0.9594	26.8315	28.0366	32.2151	28.9911
230071	1.0770	1.0672	29.6728	28.8879	29.6172	29.3892
230072	1.4691	0.9900	27.4742	28.8024	29.3214	28.5566
230075	1.3842	1.0121	30.9525	32.1166	33.2981	32.1337
230077	1.8322	1.0672	30.5567	31.0123	32.2274	31.2649
230078	1.1465	0.8797	25.7232	27.0069	27.7143	26.7677
230080	1.2636	0.9176	24.5432	25.6204	25.9082	25.3732

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
230081	1.2772	0.8797	26.4337	27.8106	27.9649	27.4001
230085	1.2079	1.0251	25.4289	27.6474	28.1395	27.1055
230089	1.3866	1.0023	32.8450	32.2311	34.4092	33.1529
230092	1.4181	1.0023	29.3442	30.5417	29.5262	29.8010
230093	1.2002	0.8855	27.4463	27.0572	27.7275	27.4120
230095	1.2581	0.9176	25.1854	25.9210	25.9787	25.6964
230096	1.1833	0.9899	31.7399	29.7225	30.9326	30.7841
230097	1.6992	0.9900	29.8962	31.5174	32.2990	31.2518
230099	1.2143	1.0192	29.3720	29.0975	30.7388	29.7558
230100	1.2821	0.8797	25.2118	25.6594	25.9480	25.6153
230101	1.1829	0.8797	28.4372	28.8608	29.4146	28.9075
230104	1.6700	1.0023	32.4125	34.0195	34.0176	33.4534
230B04[5]	***	*	*	34.0195	34.0176	34.0188
230105	1.7865	0.9176	30.5515	32.1124	33.0444	31.9349
230106	1.1444	0.9900	27.8584	30.0223	29.0344	28.9557
230108	1.1871	0.8797	24.4337	25.7477	25.4728	25.2396
230110	1.2150	0.8797	25.7196	27.0280	29.0921	27.2910
230117	1.8015	1.0251	33.0602	33.9176	33.6962	33.5649
230118	1.0293	0.8797	24.8890	24.8638	27.1359	25.6364
230119	***	*	31.9696	33.2050	33.6503	32.9903
230121	1.3052	0.9564	26.8361	27.7512	28.9511	27.8628
230130	1.7088	1.0672	31.2744	32.5613	33.6704	32.5257
230132	1.6088	1.1086	35.5304	38.2454	39.2894	37.6683
230133	1.3924	0.8797	25.0647	25.8537	26.1806	25.7150
230135	0.9986	1.0023	23.6005	31.5194	32.6527	28.8400
230141	1.5949	1.1086	33.2553	36.3124	36.2647	35.2763
230142	1.2859	1.0023	29.7417	29.9911	30.2157	29.9906
230144	1.8441	1.0243	*	*	*	*
230146	1.4613	1.0023	27.2621	29.0218	29.3346	28.5595
230151	1.3841	1.0672	29.8366	28.6724	28.6413	29.0208
230156	1.6904	1.0243	33.9034	34.7865	35.1696	34.6253
230165	1.6175	1.0023	31.4242	32.2855	31.9887	31.9046
230167	1.5521	0.9719	31.0657	32.8092	35.8019	33.2354
230174	1.3602	0.9900	29.7488	31.2469	31.6387	30.8815
230176	1.3618	1.0023	28.9798	29.2688	29.5281	29.2638
230180	1.1855	0.8797	24.9696	24.6007	28.1401	25.7940
230190	***	*	33.8229	33.6724	30.7924	32.8153
230193	1.4013	0.9858	26.4728	28.4641	29.1474	28.0426

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
230195	1.4731	0.9879	30.9702	32.5549	33.4975	32.3707
230197	1.6702	1.1086	33.7128	34.8066	36.4129	35.0114
230204	1.4671	0.9879	32.2882	30.1982	31.5389	31.3353
230207	1.3807	1.0672	25.1983	26.8231	27.2054	26.4037
230208	1.1715	0.9293	24.3476	25.2481	25.8892	25.1748
230212	1.0373	1.0243	32.8567	33.4379	34.3917	33.5662
230216	1.4786	0.9858	29.2061	28.9586	30.7478	29.6388
230217	1.4588	1.0121	31.9732	33.0839	35.4957	33.5972
230222	1.6119	0.9176	30.6482	32.4404	30.6277	31.2239
230223	***	*	29.8430	31.8146	34.2971	31.9711
230227	1.5648	0.9879	33.6716	34.2762	35.4364	34.4510
230230	1.4716	0.9719	31.1712	31.4953	31.2614	31.3109
230236	1.5563	0.9900	30.8556	31.9100	32.1973	31.6842
230239	1.3079	0.8797	22.1579	23.5461	26.8301	24.1527
230241	1.2163	0.9858	28.5516	30.0248	28.4771	28.9836
230244	1.4512	1.0023	30.0405	32.5586	33.0082	31.8915
230254	1.5715	1.0672	29.5874	31.6332	33.3035	31.5673
230257	1.0951	0.9879	30.6372	30.0674	32.6298	31.1727
230259	1.4025	1.0243	27.5982	27.9572	28.7672	28.1194
230264	2.2388	0.9879	28.5416	29.2202	35.0990	30.9139
230269	1.4995	1.0672	31.3800	34.2694	34.4514	33.4474
230270	1.3974	1.0023	28.8173	29.2408	29.0416	29.0333
230273	1.4572	1.0023	31.5396	32.5730	32.6874	32.2769
230275	0.5680	0.9594	25.2133	22.3740	*	23.7200
230277	1.5259	1.0672	31.4023	32.2545	33.8036	32.5016
230279	0.6319	1.0672	27.9726	26.8552	26.8567	27.1888
230296	***	*	34.2107	*	*	34.2107
230297	1.8300	1.0023	*	*	35.4246	35.4246
230300	***	*	*	*	40.1731	40.1731
230301	1.1204	0.9883	*	*	*	*
240001	1.5407	1.0945	34.7673	37.2211	38.3979	36.7859
240002	1.8403	1.0641	33.1051	34.6368	36.8748	34.9314
240004	1.7019	1.0945	32.5777	33.4596	36.5476	34.2387
240006	1.2343	1.0912	33.4777	32.8229	29.6609	31.0326
240010	1.9915	1.0912	32.7261	35.9131	37.5473	35.4660
240014	1.0912	1.0945	30.7519	33.4492	35.0675	33.1203
240018	1.3882	1.0071	29.4995	30.5645	32.3271	30.8453
240019	1.1417	1.0641	32.7052	34.2547	36.7033	34.5893

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
240020	1.0989	1.0945	33.2449	34.5703	34.6135	34.1497
240022	1.0878	0.9266	27.3137	28.5905	29.9313	28.5917
240030	1.5345	1.0773	27.1312	27.6596	29.4253	28.0679
240036	1.6080	1.1685	34.2980	37.2207	39.2407	37.0501
240038	1.5699	1.0945	33.0554	34.7357	35.8365	34.5707
240040	1.0499	1.0641	28.9009	30.0255	31.3287	30.1186
240043	1.2037	0.9266	24.0708	25.7424	27.1539	25.6889
240044	1.0928	0.9891	26.8681	28.5705	29.8375	28.4489
240047	1.4761	1.0641	29.7835	35.6763	36.7122	33.8642
240050	1.1785	1.0945	30.9805	33.7964	34.6160	33.2043
240052	1.1849	0.9266	29.4617	31.0934	33.1438	31.2545
240053	1.5445	1.0945	33.1148	34.4210	35.4738	34.3708
240056	1.3198	1.0945	34.0845	35.8603	36.1085	35.3780
240057	1.8467	1.0945	33.4713	34.8374	35.4436	34.6122
240059	1.1242	1.0945	32.4803	32.5958	33.5784	32.9078
240061	1.8540	1.0912	32.0828	34.6031	36.2545	34.3976
240063	1.6095	1.0945	35.2877	36.9822	38.3735	36.9562
240064	1.2967	1.0641	27.2407	29.9917	34.2284	30.3948
240066	1.6088	1.0945	36.0705	39.6609	38.4941	38.1098
240069	1.1933	1.0945	30.9719	31.1673	31.6325	31.2685
240071	1.1508	1.0945	31.7754	32.5460	33.1094	32.4820
240075	1.2475	1.0773	29.1171	30.3230	31.5984	30.3834
240076	1.0247	1.0945	33.1439	33.7950	35.4135	34.1353
240078	1.6596	1.0945	34.6118	36.2276	37.3608	36.1114
240080	2.0358	1.0945	34.8064	36.5390	37.7353	36.3766
240084	1.0372	1.0641	27.0995	29.0275	30.3789	28.7998
240088	1.3085	1.0773	29.1387	30.7240	31.4165	30.4498
240093	1.5000	1.0945	29.1717	30.4744	31.3517	30.3876
240100	1.3149	0.9266	31.5774	30.9481	32.5307	31.6817
240101	1.2397	0.9266	26.8849	28.5503	28.7121	28.0867
240104	1.2748	1.0945	35.0736	35.8839	36.0711	35.7066
240106	1.6319	1.0945	32.8156	33.9984	36.8942	34.5764
240115	1.4874	1.0945	33.5288	36.2788	37.5802	35.9017
240117	1.1412	0.9793	27.6950	29.0894	30.4437	29.0767
240132	1.3479	1.0945	34.6191	36.4252	37.0941	36.0429
240141	1.1588	1.0945	32.8689	34.2473	35.8696	34.3409
240166	1.1875	0.9266	26.5328	26.1732	27.3184	26.6990
240187	1.2635	0.9266	29.1582	30.9646	33.5186	31.2458

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
240196	0.9062	1.0945	34.3743	35.0345	35.4472	34.9598
240206	0.8906	1.4424	*	*	*	*
240207	1.3031	1.0945	34.6792	36.4569	37.7179	36.3413
240210	1.3246	1.0945	34.4184	36.5950	37.7064	36.2868
240211	0.9904	1.0078	17.4044	16.6158	16.1460	16.7321
240213	1.3869	1.0945	35.7818	37.4608	38.4222	37.2899
250001	2.0968	0.8191	23.7773	24.3404	26.7079	24.9396
250002	0.9022	0.8462	25.4201	25.0342	31.2353	27.1180
250004	1.7651	0.8936	25.8722	24.8086	29.1096	26.5101
250006	1.1447	0.8936	25.9199	27.0511	26.9193	26.6467
250007	1.2274	0.8722	27.7665	29.3479	32.6672	29.9107
250009	1.4375	0.8410	23.4866	24.9118	25.9247	24.7825
250010	1.0238	0.7717	21.8665	22.7988	23.8749	22.8452
250012	0.9577	0.9265	23.4837	26.4110	29.8873	26.3678
250015	1.2101	0.7717	22.2803	22.3685	22.7775	22.4806
250017	1.0550	0.7717	33.6840	25.7404	25.5007	27.8779
250018	0.8861	0.7717	17.9025	19.1108	19.5527	18.8720
250019	1.5888	0.8722	26.2199	27.7230	28.4743	27.4559
250020	0.9937	0.7717	23.7245	23.1521	26.9602	24.6041
250023	0.8371	0.8462	18.5067	19.5081	22.2932	20.2223
250025	1.1810	0.7717	23.1738	23.0555	26.0579	24.0627
250027	0.9354	0.7717	26.9922	32.5451	26.7593	28.6729
250031	1.3374	0.8191	25.9189	26.7507	28.6356	27.0954
250034	1.6208	0.8936	26.7996	27.9279	29.3365	28.0767
250035	0.8389	0.7717	19.1038	20.5251	24.0653	21.2787
250036	1.0214	0.8284	19.7951	22.5676	22.6781	21.6096
250038	0.9810	0.8191	26.9621	30.7960	27.1958	28.1719
250040	1.5419	0.8462	27.3366	26.2268	28.4423	27.3181
250042	1.2623	0.8936	26.1190	27.4610	25.8791	26.4753
250043	1.0002	0.7717	20.8841	21.1265	22.4618	21.5024
250044	1.0099	0.7717	24.9199	26.1732	26.9451	26.0337
250048	1.6049	0.8191	24.7659	27.6339	27.4186	26.5927
250049	0.9197	0.7717	20.4775	24.2227	24.2129	22.8505
250050	1.2726	0.7717	21.1657	22.4429	22.6843	22.1187
250051	0.8114	0.7717	13.9532	14.1662	15.6982	14.6375
250057	1.1770	0.7717	24.3654	22.9683	22.5524	23.2120
250058	1.2723	0.7717	18.9970	19.6720	20.4748	19.7237
250059	0.9451	0.7717	26.7491	25.5982	24.8145	25.7285

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
250060	0.8105	0.7717	25.4779	27.0354	31.0689	27.5302
250061	0.8608	0.7717	18.7413	25.1495	23.3006	22.3052
250067	1.0828	0.7717	25.2189	23.8027	28.2894	25.7080
250069	1.5677	0.8402	22.4194	23.4495	25.8456	23.9255
250072	1.6307	0.8191	25.5337	27.5791	30.5382	27.8695
250077	1.0270	0.7717	19.0416	19.6333	19.3962	19.3590
250078[6]	1.5964	0.8462	22.8430	23.9598	26.5481	24.4597
250079	0.8380	0.8191	43.0845	46.0349	32.3758	41.1228
250081	1.4224	0.8402	25.6808	24.8281	23.1385	24.4903
250082	1.4526	0.7767	23.5399	25.6218	27.8096	25.8047
250084	1.1762	0.7717	19.1604	19.5694	20.1192	19.6259
250085	0.9510	0.7717	24.2915	24.6757	24.5765	24.5152
250093	1.2290	0.7717	23.9128	26.4351	27.0937	25.9270
250094	1.5708	0.8462	24.7718	25.4232	26.1331	25.4563
250095	1.0321	0.7717	23.6140	25.9021	30.7505	26.6686
250096	1.2796	0.8191	26.3743	27.7291	27.5206	27.2328
250097	1.5772	0.8239	22.0211	22.7916	23.6607	22.8668
250099	1.3926	0.8191	21.5656	27.5757	25.0076	24.6030
250100	1.3860	0.8402	27.0286	27.5484	28.2019	27.5965
250102	1.5609	0.8191	25.4050	25.5327	27.8758	26.2726
250104	1.4240	0.8402	24.4311	25.4008	26.3140	25.3901
250112	0.9669	0.7717	26.3357	27.4162	29.6978	27.8332
250117	1.1609	0.8462	23.7337	24.5706	26.0965	24.8279
250120	***	*	26.6522	*	*	26.6522
250122	1.1460	0.8462	27.4424	23.4908	27.3606	26.0897
250123	1.3636	0.8722	27.9058	29.8299	29.5520	29.0976
250124	0.8867	0.8191	20.5667	21.9420	22.4247	21.6647
250125	1.3275	0.8722	26.7687	32.7411	29.0819	29.1808
250126	0.9988	0.9265	25.0019	25.2581	26.8712	25.8035
250127	0.8968	1.4424	*	*	*	*
250128	0.9732	0.8163	21.7882	23.5918	24.7051	23.6810
250134	0.9334	0.8191	21.0211	22.0846	40.7995	27.2256
250136	0.9910	0.8191	25.2241	27.1479	27.8270	26.7373
250138	1.3815	0.8191	25.2642	27.3132	27.0688	26.5405
250141	1.5321	0.9265	30.5112	33.4413	32.1496	32.0762
250149	0.9588	0.7717	17.2268	17.0964	17.2423	17.1921
250151	0.6092	0.7717	22.8238	*	17.3962	20.4556
250152	0.9322	0.8191	26.4559	28.5526	29.8216	28.1432

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
250156	***	*	16.8659	*	*	16.8659
250157	***	*	29.6398	*	*	29.6398
250161	***	*	*	*	26.0070	26.0070
250162	1.0984	0.8736	*	*	*	*
260001	1.7138	0.8486	29.5271	31.1866	28.6690	29.7450
260004	0.9623	0.8164	21.3629	23.9584	24.1764	23.2419
260005	1.6825	0.9043	27.9477	31.1050	33.1020	30.8375
260006	1.4754	0.8164	27.3754	33.8253	34.3548	32.0541
260009	1.1937	0.9555	25.7546	26.6685	26.2248	26.2216
260011	1.6354	0.8868	27.5762	31.2612	31.4415	30.1665
260015	1.1583	0.8164	25.0640	25.0250	25.1585	25.0839
260017	1.3478	0.8868	25.0461	26.2621	27.4586	26.2580
260020	1.7345	0.9043	29.3080	30.9599	32.0889	30.8198
260021	1.5210	0.9043	32.6735	19.5810	19.3770	22.9709
260022	1.2836	0.8570	24.8713	25.9391	25.6866	25.4984
260023	1.4153	0.9043	25.4314	25.5899	26.7586	25.9551
260024	1.1686	0.8164	19.2199	20.7136	22.4347	20.7987
260025	1.4287	0.8924	24.0358	24.5042	24.4959	24.3405
260027	1.7446	0.9555	29.3811	31.0236	32.3066	30.8152
260032	1.8891	0.9043	27.4857	28.7183	29.8257	28.6938
260034	0.9891	0.8164	27.1685	28.7736	29.7821	28.6040
260040	1.7348	0.8586	25.9074	27.3680	28.5035	27.2455
260047	1.4174	0.8164	26.6343	27.2667	27.1986	27.0392
260048	1.2162	0.9555	28.1515	29.6969	30.1691	29.3742
260050	1.1266	0.8164	26.2346	27.8065	27.6085	27.2807
260052	1.3082	0.9043	27.6360	29.6998	31.5722	29.7020
260057	1.1162	0.9555	21.5925	23.8181	27.0128	24.3353
260059	1.3213	0.8241	22.3885	25.3025	26.9521	24.9482
260061	1.1521	0.8164	22.8589	23.6717	24.7824	23.7431
260062	1.2852	0.9555	28.4975	29.6156	30.7159	29.6514
260064	1.3734	0.8444	23.3498	21.4932	23.6002	22.8283
260065	1.7136	0.8586	29.3564	28.3411	29.9325	29.2185
260068	1.6419	0.8571	27.3475	28.1246	29.3972	28.2866
260070	0.9228	0.8164	21.9701	25.2997	26.2370	24.6742
260074	1.1892	0.8444	28.0468	28.6216	28.4171	28.3743
260077	1.6916	0.9043	27.6624	28.7204	28.9940	28.4720
260078	1.2647	0.8164	21.1539	23.1785	24.7794	23.0607
260080	1.1006	0.8164	18.6070	18.6813	19.0041	18.7557
260081	1.5997	0.9043	29.1890	32.0799	34.8761	32.0815
260085	1.5578	0.9555	28.0306	29.6514	30.4727	29.3632
260091	1.5380	0.9043	28.5473	30.2636	32.9623	30.6422
260094	1.7350	0.8586	23.8654	25.1491	27.0127	25.3574
260095	1.5171	0.9555	27.6196	29.9090	30.9142	29.4345
260096	1.5480	0.9555	30.7267	32.9383	33.1804	32.3036
260097	1.1909	0.8464	25.5634	27.3129	28.2444	27.0631
260102	1.0197	0.9555	26.7624	30.7678	29.1467	28.8755
260104	1.6558	0.9043	28.0235	29.5891	32.0122	29.9289
260105	1.7897	0.9043	29.4766	32.4292	33.4278	31.7109
260107	***	*	27.9710	29.7775	38.3668	31.7478
260108	1.8342	0.9043	27.0758	28.5654	30.1064	28.5847
260110	1.6498	0.8940	26.6030	28.0381	28.5364	27.7426
260113	1.2035	0.8322	21.8884	23.0826	23.6758	22.8417
260115	1.1975	0.9043	24.6389	25.5658	26.5268	25.5835
260116	1.0586	0.8322	20.7479	22.5536	25.1758	22.7061
260119	1.3354	0.8684	31.5490	31.5003	26.4382	29.7128
260137	1.8051	0.8486	27.6592	31.4091	28.3521	29.1269
260138	1.9625	0.9555	30.6284	31.7582	33.4156	31.9600
260141	2.0088	0.8571	25.5663	26.6684	28.3492	26.9580
260142	1.1792	0.8164	21.7609	22.8205	25.0940	23.3047
260147	0.8853	0.8164	22.1928	22.9689	22.8326	22.6481
260159	***	*	23.9515	24.3027	25.5039	24.5914
260160	1.0657	0.8308	25.5096	26.6715	27.9585	26.8675
260162	1.4366	0.9043	28.4660	30.5761	32.3673	30.4711
260163	1.2937	0.8251	21.5566	23.8644	25.0443	23.5119
260166	***	*	28.5858	29.5259	30.6020	29.5760
260175	1.0799	0.9555	24.6064	25.7069	26.5767	25.6404
260176	1.6938	0.9043	31.1056	30.6205	32.4957	31.4251
260177	1.2460	0.9555	28.7942	29.0815	31.1662	29.7008
260178	2.0287	0.8571	27.1201	26.9902	28.9170	27.7063
260179	1.5715	0.9043	28.3234	29.6316	30.3276	29.4304
260180	1.6616	0.9043	29.3820	30.7336	31.4721	30.5093
260183	1.6669	0.8940	29.2684	31.4916	32.2621	31.0410
260186	1.4540	0.8868	28.8610	29.1874	30.8706	29.6519
260190	1.2417	0.9555	30.5343	30.9003	32.2069	31.2048
260191	1.5435	0.9043	26.3244	27.8648	28.7185	27.6896
260193	1.2592	0.9555	28.1060	29.5436	30.5190	29.3869

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
260195	1.3064	0.8164	24.0411	25.0294	25.6697	24.9047
260198	***	*	27.2555	27.9093	31.4660	28.7621
260200	1.4024	0.9043	27.4784	30.5032	32.0910	30.2458
260207	1.1350	0.8586	22.9579	23.6392	22.8308	23.1539
260209	1.1108	0.8868	25.0749	26.4203	33.7185	28.4829
260210	1.2388	0.9043	30.5975	36.4055	33.5701	33.2794
260211	1.3993	0.9555	35.9113	37.1557	42.4297	38.2821
260213	***	*	34.8953	*	*	34.8953
260214	1.2467	0.9555	*	31.0175	31.7957	31.3933
260216	1.3063	0.9555	*	*	32.4039	32.4039
260217	***	*	*	*	12.2879	12.2879
260219	1.2780	0.9043	*	*	*	*
260220	3.6835	0.8486	*	*	*	*
260221	2.3337	0.8586	*	*	*	*
260222	2.2476	0.9555	*	*	*	*
270002[6]	1.2003	0.8916	25.2907	28.3379	26.9419	26.8653
270003	1.2487	0.8364	29.1938	28.0543	28.5127	28.5447
270004	1.6838	0.9021	26.6779	28.5869	29.4694	28.2746
270011	1.1209	*	24.4696	*	*	24.4696
270012[6]	1.5883	0.8916	26.5854	28.0672	27.9087	27.5357
270014	1.9544	0.9066	27.4811	28.2582	30.1101	28.6210
270017	1.2846	0.8916	27.4150	29.3542	29.4260	28.6983
270023	1.5407	0.9066	26.3076	28.1896	30.9908	28.4312
270032	1.0024	0.9021	20.4330	21.6360	21.5106	21.2040
270049	1.7989	0.9021	28.6880	29.8891	31.3941	30.0459
270051	1.5007	0.8916	24.9371	29.3941	29.1163	27.7801
270057	1.3472	0.9021	27.1838	28.3627	29.5317	28.4309
270074	0.9280	1.4424	*	*	*	*
270081	1.0515	*	20.0438	*	*	20.0438
270086	1.4294	0.8364	20.7976	21.9017	27.3995	23.1322
270087	1.5455	0.8296	24.8022	24.9197	24.2168	24.6113
270088	1.6143	0.9021	*	*	*	*
280003	1.7510	0.9405	30.1057	32.3780	33.7700	32.0041
280009	1.8003	0.9257	29.3634	28.1559	31.9280	29.8086
280013	1.7312	0.9547	27.9523	30.3120	31.9793	30.1149
280020	1.6230	0.9405	32.3896	29.4831	30.3731	30.6730
280023	1.3434	0.9257	29.5132	30.0717	31.9420	30.5140
280030	1.8262	0.9547	30.6991	31.8758	33.4544	31.9803

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
280032	1.3492	0.9257	24.7539	25.6549	25.8707	25.4247
280040	1.6103	0.9547	29.5276	30.7406	32.1005	30.7877
280060	1.7504	0.9547	30.3049	30.4625	32.0607	30.9598
280061	1.4769	0.9209	26.4824	28.9591	29.2231	28.2494
280065	1.2898	0.9439	28.0132	29.5470	30.1143	29.2024
280077	1.3185	0.9257	28.2206	29.9223	29.7362	29.3142
280081	1.6725	0.9547	31.1212	28.9696	31.0768	30.3818
280105	1.2192	0.9547	29.8488	30.0472	33.3196	31.1284
280111	1.1563	0.8662	27.4853	28.3541	29.0865	28.3037
280119	0.8360	1.4424	*	*	*	*
280123	***	*	22.2185	20.2741	20.6384	20.8926
280125	1.5106	0.8662	23.2900	24.7466	25.1212	24.4228
280127	1.8858	0.9405	25.6806	26.5659	28.4607	27.0728
280128	2.8447	0.9405	28.8734	27.1024	19.2781	24.8563
280129	2.0467	0.9547	27.8793	27.9511	30.4258	28.8742
280130	1.4113	0.9547	29.8588	29.9645	32.4243	30.8836
280131	***	0.9547	*	*	*	*
290001	1.7319	1.0270	35.5113	33.3318	32.3610	33.6801
290002	0.9345	1.0145	23.9348	22.7362	25.4458	24.0582
290003	1.7724	1.1812	32.8182	34.6433	36.8494	34.8131
290005	1.5214	1.1812	31.7107	34.2373	34.2514	33.3753
290006	1.0892	1.0270	31.9838	33.3243	32.9232	32.7695
290007	1.7953	1.1812	39.7323	41.2395	44.0851	41.7270
290008	1.2515	1.0026	31.1116	33.2473	36.1620	33.5079
290009	1.6985	1.0270	32.3348	34.2103	38.6692	34.8333
290012	1.4489	1.1812	35.7988	38.3731	38.1494	37.4471
290019	1.5018	1.0315	30.5964	32.2817	34.3215	32.5048
290020	0.9720	1.0026	27.6277	27.2908	25.3592	26.7660
290021	1.6492	1.1812	36.7310	36.8728	39.5976	37.7346
290022	1.7381	1.1812	33.5330	38.8262	40.9896	37.6742
290027	0.8915	1.0026	23.9818	29.1123	25.1315	25.7779
290032	1.4063	1.0270	34.6589	36.9175	38.9632	36.8201
290039	1.5566	1.1812	34.9622	34.6359	37.5722	35.7977
290041	1.5093	1.1812	37.6077	38.4445	40.0602	38.7894
290042	***	*	22.4859	*	*	22.4859
290045	1.7766	1.1812	34.4584	38.2560	38.5440	37.1800
290046	1.4656	1.1812	38.7966	38.3112	41.5550	39.6568
290047	1.5656	1.1812	33.4695	35.6381	38.6892	35.9431

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
290049	1.4106	1.0270	26.0725	33.4278	33.2014	31.1789
290051	2.0373	1.0315	*	32.5277	37.2727	34.7328
290053	1.6839	1.1812	*	*	*	*
290054	1.2788	1.1812	*	*	*	*
290055	***	1.0315	*	*	*	*
300001	1.5197	1.0525	29.8145	31.0122	31.4533	30.8159
300003	2.0504	1.0525	37.0886	37.7246	37.3007	37.3733
300005	1.4019	1.0525	27.8431	28.8402	29.4927	28.7597
300011	1.3668	1.0961	31.8928	33.0785	32.7459	32.5825
300012	1.3995	1.0961	31.2655	33.0569	34.8519	33.1365
300014	1.2275	1.0525	29.1847	30.7735	32.8211	30.9923
300017	1.2612	1.0867	31.6699	33.4164	35.2028	33.4385
300018	1.3426	1.0525	31.7891	31.5028	32.7008	32.0403
300019	1.2770	1.0961	28.2287	28.3114	30.5332	29.1012
300020	1.2596	1.0961	30.9783	32.4655	34.7678	32.8202
300023	1.4921	1.0525	31.2726	32.3202	34.2636	32.6727
300029	1.8723	1.0867	31.4429	32.0033	35.3112	32.9675
300034	1.8110	1.0961	31.6880	33.5537	33.7397	33.0325
310001	1.8211	1.3025	39.3391	41.4946	44.8619	41.9014
310002	1.8480	1.2752	37.8652	37.9484	39.7599	38.5483
310003	1.2851	1.3025	39.0785	40.1543	39.8679	39.7203
310005	1.3653	1.1358	33.6311	34.7657	34.4087	34.2878
310006	1.4778	1.3025	28.7321	30.4296	29.1025	29.4421
310008	1.4124	1.3025	33.3172	34.3268	36.2903	34.6668
310009	1.4222	1.2752	33.6165	35.4624	37.9098	35.6657
310010	1.3029	1.1358	33.7009	36.0823	34.1071	34.6216
310011	1.2635	1.1358	34.3497	37.4855	34.0850	35.2683
310012	1.5820	1.3025	39.8568	41.9630	41.3814	41.0788
310013	***	*	35.6260	32.9488	*	34.3351
310014	1.8604	1.1358	32.9016	35.0124	39.7527	35.9945
310015	1.9526	1.2752	39.2928	40.8229	39.5076	39.8655
310016	1.3298	1.3025	38.2740	41.0363	39.7563	39.6602
310017	1.3448	1.2752	35.7308	35.9806	34.8881	35.5276
310018	1.1786	1.2752	32.9704	32.6956	33.5069	33.0673
310019	1.5544	1.3025	30.6369	31.8930	34.6618	32.3826
310020	***	*	37.3372	38.4266	34.8440	36.8977
310021	1.6643	1.2752	31.6562	32.2064	33.2554	32.3743
310022	1.3422	1.1358	31.1951	32.8079	32.8154	32.2740

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
310024	1.4475	1.1358	33.8622	36.8666	34.7011	35.1512
310025	1.4099	1.3025	32.2630	32.1481	35.2564	33.1779
310026	1.2488	1.3025	30.1392	30.1321	31.9905	30.7353
310027	1.5509	1.1358	31.5967	34.6471	34.1653	33.4733
310028	1.1675	1.2752	33.9911	34.8332	37.2987	35.4152
310029	1.8232	1.1358	33.6695	35.2084	36.5179	35.1406
310031	2.8500	1.1358	39.3783	39.5911	38.2643	39.0903
310032	1.3727	1.1358	33.0258	35.2402	35.8019	34.6881
310034	1.4456	1.1358	32.7523	36.8614	37.1191	35.5466
310037	1.3090	1.3025	38.2865	40.4642	44.3134	40.8592
310038	1.9228	1.2752	36.3344	39.8707	40.7395	39.0018
310039	1.3348	1.2752	33.2100	32.6425	33.4253	33.0853
310040	1.2607	1.3025	37.7945	41.2246	38.3232	39.0618
310041	1.3298	1.1358	33.9799	35.2009	34.4308	34.5396
310044	1.3853	1.1358	33.7614	33.5868	35.9981	34.4361
310045	1.6244	1.3025	38.4424	39.2097	40.3222	39.3542
310047	1.3194	1.1358	37.3695	37.7220	38.1213	37.7451
310048	1.4282	1.1358	33.9506	34.5256	33.9641	34.1448
310050	1.3393	1.2752	32.3686	37.9214	32.5213	34.0930
310051	1.5305	1.2752	38.1174	39.7671	37.9104	38.5967
310052	1.3898	1.1358	33.5849	36.5494	36.2042	35.4734
310054	1.4187	1.2752	36.9095	38.2432	37.2851	37.4826
310057	1.4337	1.1358	31.8933	34.2052	32.8649	32.9659
310058	1.0839	1.3025	30.4080	30.4436	32.1349	30.9797
310060	1.2940	1.2752	27.8242	27.9134	30.4626	28.7274
310061	1.2783	1.1358	39.0538	33.5586	33.6084	35.5102
310063	1.4103	1.1358	33.8519	38.1481	36.7131	36.1697
310064	1.5678	1.1358	38.6310	39.8091	39.9456	39.4895
310069	1.2298	1.1358	34.4669	35.1376	36.9367	35.5109
310070	1.4413	1.2752	36.3279	36.9999	36.8951	36.7447
310073	1.7924	1.1358	34.2858	36.9249	37.5317	36.2733
310074	1.3726	1.3025	39.6196	39.0729	35.9044	38.2126
310075	1.3970	1.1358	32.5338	33.5253	33.8979	33.3200
310076	1.7144	1.2752	37.5163	38.1671	39.0325	38.2365
310081	1.3099	1.1358	31.0699	31.7981	32.1241	31.6676
310083	1.3697	1.2752	31.9151	28.3406	28.2875	29.3819
310084	1.2852	1.1358	32.6051	34.9626	34.3130	33.9543
310086	1.2532	1.1358	29.8794	30.9467	31.4837	30.7820

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
310088	1.1450	1.1358	30.3552	31.2437	28.1703	29.9380
310090	***	*	33.4615	33.9174	36.2502	34.5191
310091	1.1575	1.1358	31.9762	35.2913	34.8679	34.0174
310092	1.5445	1.1358	32.7054	32.8431	34.8028	33.4700
310093	1.2441	1.2752	30.2860	32.3860	33.4460	32.0464
310096	1.8766	1.2752	35.0707	34.2014	36.3201	35.2111
310105	1.2394	1.3025	32.5672	32.0277	31.3423	31.9709
310108	1.4508	1.2752	34.5866	36.2848	38.3403	36.4174
310110	1.3335	1.1358	33.4809	35.6825	36.5227	35.2678
310111	1.2838	1.1358	34.8284	36.0748	38.3519	36.4531
310112	1.3354	1.1358	32.2676	34.5337	33.6207	33.4521
310113	1.3080	1.1358	33.6771	35.0245	38.0066	35.6459
310115	1.3215	1.2752	31.9208	32.1197	33.7061	32.6067
310116	1.2914	1.3025	29.8144	27.8677	35.3805	30.7994
310118	1.4057	1.3025	31.2296	32.8286	33.2234	32.4388
310119	1.8872	1.2752	41.5702	41.2997	46.1339	42.9802
310120	1.1045	1.2752	33.3861	35.1661	36.3365	34.9295
310122	***	*	41.9029	*	*	41.9029
310123	***	*	37.1022	*	*	37.1022
310124	***	*	41.8827	*	*	41.8827
310125	***	*	36.2186	*	*	36.2186
310126	***	*	*	34.3189	*	34.3189
310127	***	*	*	*	40.1255	40.1255
320001	1.7469	0.9554	30.0077	31.4193	33.6433	31.7555
320002	1.4888	1.0574	33.1342	34.1610	35.6036	34.3278
320003	1.1527	1.0144	31.4473	31.5792	31.4445	31.4921
320004	1.2873	0.8964	26.2073	28.2407	30.5543	28.3918
320005	1.5147	0.9371	28.7893	25.2168	26.4658	26.7181
320006	1.2953	0.9371	28.0964	28.5177	31.6888	29.4892
320009	1.6468	0.9554	27.8084	31.3296	31.7240	30.2848
320011	1.2204	0.9301	27.9522	28.9951	30.6151	29.1908
320013	1.1896	1.0144	30.5865	31.2890	31.7159	31.2149
320014	1.0312	0.8964	28.7089	30.4803	29.8578	29.6819
320016	1.1768	0.8964	27.1492	26.6392	27.7121	27.1840
320017	1.3330	0.9554	33.3496	30.5787	30.9261	31.4180
320018	1.5219	0.8988	25.9248	28.3465	29.9038	28.0213
320019	***	*	35.0217	28.7067	31.8205	32.0035
320021	1.6334	0.9554	28.8504	29.6464	31.3577	30.0573

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
320022	1.1405	0.8964	25.3707	27.5152	28.7195	27.2388
320030	1.0707	0.8964	24.4497	25.5267	28.5145	26.3182
320033	1.2166	1.0144	30.1471	30.1846	32.8631	31.0776
320037	1.2619	0.9554	25.2876	27.8982	28.6968	27.3028
320038	1.2265	0.8964	32.7192	31.6526	33.2147	32.5293
320057	0.8499	1.4387	*	*	*	*
320058	0.8144	1.4387	*	*	*	*
320059	1.0060	1.4387	*	*	*	*
320060	1.0476	1.4387	*	*	*	*
320061	0.9434	1.4387	*	*	*	*
320062	0.9142	1.4387	*	*	*	*
320063	1.3091	0.9458	26.0104	27.4946	30.2997	27.9382
320065	1.2953	0.9458	25.7945	26.9130	27.9999	26.9172
320067	0.9186	0.8964	24.7025	25.4121	23.6677	24.5902
320069	1.0456	0.8964	23.9863	25.3151	26.5521	25.2741
320070	0.9494	1.4387	*	*	*	*
320074	1.3074	0.9554	28.4396	28.8088	29.8317	29.0615
320079	***	*	27.6877	31.5661	30.3600	29.9031
320083	2.2696	0.9554	29.5483	32.9476	35.1125	32.3921
320084	0.9736	0.8964	22.7706	24.2902	25.9161	24.4550
320085	1.6864	0.8988	27.4100	28.4537	28.7114	28.2195
320086	1.3534	0.8964	*	*	*	*
320087	1.7232	1.0574	*	*	*	*
320088	2.6497	0.8988	*	*	*	*
330002	1.6978	1.3190	32.1956	34.7270	35.3553	34.1020
330003	1.4220	0.8804	25.2223	26.8363	27.7173	26.5905
330004	1.3373	1.0983	30.2236	30.3221	30.8305	30.4614
330005	1.6639	0.9809	31.5030	33.2851	34.1763	32.9954
330006	1.3884	1.3190	34.2001	36.3305	38.6645	36.3822
330008	1.1656	0.9809	25.2005	26.2141	26.7882	26.0607
330009	1.4044	1.3190	38.9166	41.3797	42.4137	40.9294
330010	1.0215	0.8541	19.7098	20.5805	24.3033	21.5043
330011	1.3068	0.8965	27.4747	26.8269	29.2672	27.8770
330013	1.9166	0.8804	26.8382	28.8039	29.2399	28.3223
330014	1.3853	1.3190	45.7619	46.3170	48.1054	46.7312
330016	***	*	23.0769	*	*	23.0769
330019	1.2623	1.3190	39.7429	44.5669	46.8153	43.6523
330023[6]	1.5109	1.2914	36.4736	37.5135	40.9595	38.3939

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
330024	1.9004	1.3190	43.2342	44.8070	46.2954	44.8044
330025	1.0358	0.9809	23.2424	24.2702	26.5550	24.6990
330027	1.3567	1.2914	45.1920	45.9571	49.0573	46.6599
330028	1.6539	1.3190	36.2901	38.0149	38.7770	37.7002
330029	0.5859	0.9809	24.0679	22.9332	23.7555	23.5734
330030	1.2250	0.8813	25.3454	25.5089	27.4344	26.1077
330033	1.1279	0.8697	24.8022	25.0215	26.7551	25.5245
330036	1.2319	1.3190	30.3757	30.4659	31.2701	30.7186
330037	1.1440	0.8813	21.9246	23.4915	24.4428	23.2696
330041	1.4242	1.3190	36.9934	37.1651	41.2299	38.3061
330043	1.4450	1.2718	38.8060	40.6094	42.4560	40.5594
330044	1.3944	0.8695	28.2293	28.2638	29.4872	28.6660
330045	1.4592	1.2718	40.0326	41.6565	44.7551	42.1422
330046	1.4134	1.3190	47.4975	52.2397	53.4532	50.9912
330047	1.2124	0.8541	24.9934	22.9948	27.4392	25.1831
330049	1.5474	1.2914	34.8585	34.9740	38.0110	36.0057
330053	1.1418	0.8813	21.8383	20.1303	21.4837	21.0993
330055	1.6065	1.3190	42.2007	44.2343	44.6905	43.7371
330056	1.6186	1.3190	38.8910	39.9662	40.5499	39.7928
330057	1.6698	0.8804	27.7121	30.1821	30.5006	29.4794
330058	1.2904	0.8813	22.6852	23.6296	25.3712	23.9194
330059	1.5820	1.3190	44.9162	45.3691	47.7115	46.0330
330061	1.2140	1.3190	37.8828	37.8649	38.8790	38.2197
330064	1.3838	1.3190	38.2332	41.5737	39.5994	39.8301
330065	1.0754	0.9809	24.4004	26.2288	28.6809	26.4269
330066	1.3306	0.8804	25.8174	27.2085	30.7011	27.8429
330067[6]	1.4022	1.2914	29.2571	30.7537	31.5572	30.4995
330072	1.4768	1.3190	39.6996	41.4605	40.5965	40.5759
330073	1.1738	0.8813	23.4020	25.1392	24.8055	24.4584
330074	1.1760	0.8813	23.4576	23.1016	24.6973	23.7220
330075	1.1863	0.9854	24.2552	23.7522	27.5360	25.1965
330078	1.4914	0.9809	27.2870	27.6682	30.8157	28.5988
330079	1.3765	0.9403	24.9941	27.9479	28.7349	27.2020
330080	1.2022	1.3190	38.9405	40.2067	47.4529	42.2944
330084	1.1086	0.8474	25.6880	27.3434	28.8661	27.3153
330085	1.1677	0.9492	26.6235	27.1707	27.7050	27.1897
330086	1.5104	1.3190	35.5269	40.9768	44.0362	40.2496
330088	1.0072	1.2718	35.3871	37.4716	41.8635	38.1566

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
330090	1.4753	0.9261	26.8730	27.7306	29.5626	28.0577
330091	1.3851	0.9809	27.0040	28.3034	30.9457	28.7618
330094	1.2726	1.0260	26.9148	28.6213	33.0706	29.5088
330096	1.1944	0.8474	24.2422	24.7895	24.8667	24.6342
330100	1.0959	1.3190	39.6244	39.3170	38.6625	39.1932
330101	1.9607	1.3190	43.7944	45.5412	49.6431	46.3448
330102	1.4768	0.9809	26.6887	27.2543	31.6270	28.4487
330103	1.2692	0.8605	24.5585	25.4919	26.1064	25.3901
330104	1.4086	1.3190	35.1076	36.5894	38.4254	36.6691
330106	1.6464	1.4062	46.3657	48.2903	47.2240	47.2955
330107	1.2407	1.2718	35.7384	38.0262	40.2541	37.9769
330108	1.1153	0.8474	23.9368	25.3023	25.5480	24.9093
330111	0.9946	0.9809	40.4349	23.2134	25.1572	27.3535
330115	1.2014	0.9854	23.8235	24.3898	27.0362	25.1062
330119	1.8425	1.3190	42.2901	41.2365	43.8894	42.4467
330125	1.8230	0.8813	28.0584	29.4817	30.4389	29.3549
330126	1.3626	1.2914	36.5689	37.7807	40.0542	38.1472
330127	1.3966	1.3190	45.2993	45.2554	51.8817	47.4771
330128	1.2789	1.3190	41.7790	43.3437	41.7875	42.2926
330132	1.1340	0.8605	21.7648	22.1452	23.4437	22.4489
330133	1.3595	1.3190	38.5228	39.9025	*	39.1945
330135	1.2423	1.2914	32.0525	33.2314	35.3624	33.5938
330136	1.5602	0.9492	26.6680	25.4198	27.9525	26.6853
330140	1.8110	0.9854	29.3461	31.1333	32.7905	31.1114
330141	1.3420	1.2718	39.3741	39.1733	41.4127	40.0138
330144	0.9667	0.8530	23.3874	24.9304	26.0623	24.7483
330151	1.3372	0.8530	19.7959	21.6339	23.4664	21.6185
330152	1.3918	1.3190	38.2079	39.5754	45.9310	40.9912
330153	1.6674	0.8804	28.4446	28.9944	31.7611	29.7361
330154	1.6868	*	*	*	*	*
330157	1.3318	0.9492	27.1432	29.7622	30.2745	29.0548
330158	1.8491	1.3190	41.7010	39.5946	41.6800	40.9928
330159	1.3442	0.9854	31.7835	33.8484	35.6944	33.7894
330160	1.5891	1.3190	37.1915	39.0970	42.1789	39.4648
330162	1.3012	1.3190	37.6226	38.7638	39.3460	38.6041
330163	1.1499	0.9809	28.3910	28.6252	26.3050	27.7728
330164	1.5125	0.8813	27.8746	29.8458	30.3023	29.3919
330166	0.9895	0.8474	20.7121	22.8506	23.2773	22.2899

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
330167	1.6734	1.2914	39.1251	39.2421	40.8753	39.7618
330169	1.4033	1.3190	46.4939	47.5404	49.7924	47.8578
330171	***	*	35.1577	*	*	35.1577
330175	1.1400	0.8734	24.1005	26.7883	28.2085	26.3622
330177	1.0241	0.8474	22.9834	23.4299	26.0397	24.1397
330180	1.2656	0.8804	25.4170	26.8658	28.0975	26.8172
330181	1.3412	1.2914	43.0977	46.2181	47.2523	45.4811
330182	2.2325	1.2914	41.3033	42.7962	46.6346	43.5697
330184	1.4050	1.3190	39.0437	39.7242	41.3935	40.0548
330185	1.3391	1.2718	38.4002	39.6724	41.3543	39.8210
330188	1.2661	0.9809	27.5988	29.7318	30.7222	29.3714
330189	0.9949	0.8804	22.4383	25.8125	26.4233	24.9033
330191	1.3428	0.8804	26.4328	28.2949	29.3753	28.0871
330193	1.4968	1.3190	39.8910	40.0280	40.7257	40.2246
330194	1.7547	1.3190	46.8880	49.8886	49.9208	48.9052
330195	1.6714	1.3190	41.7885	43.3213	46.0878	43.7114
330196	1.4204	1.3190	38.2525	38.6949	42.8106	39.9769
330197	1.0795	0.8474	25.9872	26.5525	27.6437	26.7546
330198	1.4522	1.2914	34.8985	35.8715	37.9641	36.3109
330199	1.1689	1.3190	40.3948	39.4076	47.5059	42.4501
330201	1.7436	1.3190	42.6707	46.5114	51.2179	46.8656
330202	1.3173	1.3190	37.4158	38.7624	42.1074	39.4801
330203	1.4671	0.9854	34.0499	34.6525	33.9161	34.2036
330204	1.4490	1.3190	41.9953	39.5324	44.8153	42.1096
330205	1.2381	1.2914	33.9418	35.3792	37.0171	35.4769
330208	1.2740	1.3190	33.5287	37.1735	38.7279	36.4281
330211	1.1795	0.8474	25.8752	24.9432	25.6929	25.5080
330213	1.0900	0.8474	27.4890	28.5370	30.0957	28.7098
330214	1.8808	1.3190	42.1339	43.3229	43.6872	43.1105
330215	1.3047	0.8695	23.9583	26.3978	28.0026	26.0582
330218	1.0903	0.9854	26.9982	28.4113	28.4369	27.9701
330219	1.7322	0.9809	32.5658	33.2147	38.3321	34.6200
330221	1.4805	1.3190	40.0514	42.5486	40.5201	41.0685
330222	1.3615	0.8804	27.7198	28.7858	30.5142	29.0607
330223	0.9895	0.8474	26.1264	27.1970	28.2638	27.2171
330224	1.2541	1.0983	29.1738	30.4784	32.4518	30.6996
330225	1.2075	1.2914	35.7651	32.9036	33.7052	34.1540
330226	1.4006	0.8813	24.8471	26.3685	25.7981	25.6774

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
330229	1.2695	0.8474	23.0577	23.9243	24.9977	23.9950
330230	***	*	38.6569	39.3863	39.5043	39.1837
330231	1.1030	1.3190	44.9422	48.9021	49.1983	47.6814
330232	1.2198	0.8804	27.4639	27.9615	28.7263	28.0514
330233	1.5719	1.3190	52.7070	40.8539	43.4873	44.8326
330234	2.3835	1.3190	49.3219	49.8804	55.2159	51.5786
330235	1.1996	0.8474	29.4346	30.8034	31.2218	30.4554
330236	1.5677	1.3190	42.8981	42.6205	45.0321	43.5088
330238	1.2127	0.8813	21.8386	23.3953	24.7086	23.3363
330239	1.2587	0.8474	23.1885	24.6391	24.7255	24.1734
330240	1.2517	1.3190	40.5001	41.6132	42.5871	41.6001
330241	1.8174	0.9854	32.7683	32.9275	34.7013	33.4609
330242	1.3282	1.3190	36.9015	38.7875	40.2224	38.6288
330245	1.6935	0.8695	27.4326	28.6698	29.3183	28.5061
330246	1.3355	1.2718	35.7416	35.9577	39.4705	37.0856
330247	1.0217	1.3190	39.0219	41.3465	39.8390	40.0457
330249	1.3619	0.9854	24.6091	26.9856	29.4003	27.0031
330250	1.3872	1.0206	29.0080	29.6186	32.1740	30.2746
330259	1.5187	1.2914	36.4788	39.0213	38.5914	37.9800
330261	1.2797	1.3190	40.2579	38.0216	37.9563	38.6164
330263	1.0225	0.8474	24.1333	24.2125	25.5991	24.6614
330264	1.4062	1.2718	31.0557	32.5050	35.1876	32.9336
330265	1.2565	0.8813	23.9081	22.7433	22.8141	23.1292
330267	1.5240	1.3190	34.9885	35.3907	38.1619	36.2725
330268	0.8926	0.8474	23.8793	23.9135	25.7738	24.5382
330270	2.1208	1.3190	55.2136	52.3154	55.7360	54.4653
330273	1.3931	1.3190	35.9298	39.7880	41.3568	39.0446
330276	1.0990	0.8510	26.0935	27.0445	28.5781	27.2435
330277	1.1935	0.9261	30.9053	30.8156	30.8543	30.8592
330279	1.7026	0.9809	29.6385	31.2393	33.7210	31.5272
330285	1.9061	0.8813	31.1235	31.8987	33.0830	32.0621
330286	1.3472	1.2718	37.6040	38.8556	40.3250	38.9536
330290	1.6594	1.3190	40.6933	39.8036	43.2989	41.2518
330304	1.3013	1.3190	37.3537	39.4632	39.7987	38.9114
330306	1.4666	1.3190	38.7713	39.0409	40.3216	39.3904
330307	1.2798	1.0013	29.5885	30.8121	33.6277	31.3238
330314	***	*	28.1788	22.6885	38.7241	26.5095
330316	1.3040	1.3190	37.1766	37.9357	40.3783	38.5215

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
330331	1.3291	1.2914	41.2694	44.1734	44.3947	43.3044
330332	1.3587	1.2914	37.0111	38.6932	40.8557	38.8521
330339	1.3992	0.8804	24.3066	25.0057	26.8982	25.3891
330340	1.2799	1.2718	37.4161	38.4726	38.4180	38.0983
330350	1.5276	1.3190	44.4617	44.2389	47.8575	45.5826
330353	1.3608	1.3190	45.0977	46.0215	45.8432	45.6691
330354	2.0360	*	*	*	*	*
330357	1.4087	1.3190	40.3850	40.2132	45.4617	41.4880
330372	1.2862	1.2914	35.1297	37.0323	40.3348	37.4455
330385	1.1438	1.3190	49.0859	47.4017	51.5393	49.3819
330386	1.3174	1.1237	33.3216	32.9990	35.2560	33.8458
330389	1.7997	1.3190	39.6871	37.5908	39.3586	38.8672
330390	1.3413	1.3190	35.5562	38.7652	35.4546	36.5011
330393	1.7006	1.2718	39.2186	38.9324	40.1511	39.4590
330394	1.6089	0.8965	28.4597	28.8074	30.5684	29.2988
330395	1.4434	1.3190	37.5791	50.1316	41.6484	42.5301
330396	1.4391	1.3190	39.4904	39.1956	41.6293	40.1402
330397	1.5843	1.3190	41.4448	41.1682	41.0651	41.2407
330399	1.2438	1.3190	36.7626	39.8023	41.7487	39.4273
330401	1.3730	1.2718	40.4485	41.7839	47.0780	43.0587
330403	0.9708	0.8813	25.2937	28.7282	26.7473	26.7852
330404	1.0396	1.3190	*	36.1069	36.8792	36.4853
330405	1.0229	1.3190	*	35.2720	38.6588	36.5260
330406	1.0353	0.8804	*	28.2733	28.0950	28.1837
330407	1.0352	0.8804	*	*	*	*
340001	1.5066	0.9321	29.5709	29.9718	30.6910	30.1025
340002	1.7529	0.9321	29.6622	30.7403	31.6973	30.7139
340003	1.3269	0.8605	26.0888	26.6831	28.0732	27.0128
340004	1.4984	0.9151	27.5283	27.9200	30.6110	28.7026
340008	1.2936	0.9311	27.7206	29.0661	30.7569	29.2058
340010	1.4513	0.8605	28.7544	29.5232	31.0327	29.8051
340011	1.1552	0.8605	22.0047	22.5152	23.6040	22.7123
340012	1.2986	*	24.7576	24.9271	*	24.8430
340013	1.2840	0.9321	26.3607	26.9152	29.2509	27.5121
340014	1.6688	0.8960	27.8384	29.5350	29.4771	28.9759
340015	1.4709	0.9321	28.3928	30.0979	30.7573	29.7457
340016	1.3780	0.8605	27.2365	27.9651	27.2226	27.4702
340017	1.3498	0.9082	27.5672	28.4866	28.4785	28.1787

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
340020	1.2554	0.8761	27.5473	28.3461	30.5510	28.8310
340021	1.4180	0.9321	29.3835	31.3630	32.5625	31.1411
340023	1.4340	0.9309	26.2716	27.6921	29.5911	27.8946
340024	1.2572	0.8782	26.4001	26.9001	27.4770	26.9269
340025	1.2846	0.9082	24.0101	25.2846	25.8195	25.0532
340027	1.2932	0.9242	26.3840	26.6528	27.2788	26.7742
340028	1.5251	0.9458	30.7591	31.9872	31.7634	31.4999
340030	2.0257	0.9590	30.4591	31.2051	31.5786	31.1002
340032	1.5629	0.9321	28.7636	29.2080	29.3927	29.1302
340035	1.0591	0.8605	24.6262	26.0846	26.8821	25.8659
340036	1.2453	0.9535	27.3860	29.0646	29.9160	28.8281
340037	1.2327	0.8767	29.0618	30.5362	32.0484	30.6131
340038	1.2027	0.8858	24.2111	26.2600	26.9487	25.8553
340039	1.2981	0.8960	27.8228	29.5069	30.2952	29.2140
340040	1.8720	0.9346	28.7434	30.1280	31.3866	30.1209
340041	1.4092	0.8937	26.8314	27.1285	27.8408	27.2766
340042	1.2511	0.8605	25.6349	27.0597	27.0729	26.6107
340047	1.7947	0.8960	28.4968	28.7620	30.6701	29.2970
340049	1.8486	0.9590	29.6826	31.5555	35.4171	32.3050
340050	1.3256	0.9311	27.5274	29.2290	30.4447	29.1009
340051	1.2515	0.8741	24.4561	25.4981	25.4162	25.1278
340053	1.5897	0.9321	28.9355	30.8342	30.9274	30.2606
340055	1.3259	0.8937	26.5752	29.0116	29.5040	28.3036
340060	1.1252	0.9151	25.1791	26.8387	27.3403	26.4757
340061	1.7855	0.9590	29.8574	31.2910	33.4821	31.5724
340064	1.2448	0.8605	23.9701	25.0814	27.2184	25.4849
340068	1.3681	0.8692	23.6757	24.7409	27.3499	25.3073
340069	1.8150	0.9590	31.4951	32.2171	32.5361	32.1086
340070	1.2650	0.9042	26.6546	27.7679	29.0391	27.8531
340071	1.1624	0.9535	27.9748	29.7343	31.3756	29.8358
340072	***	*	24.1350	*	*	24.1350
340073	1.7585	0.9590	31.6803	33.1054	33.2705	32.6950
340075	1.3200	0.8937	25.1438	26.8315	29.1504	27.0648
340084	1.1597	0.9321	23.1300	25.6885	27.4289	25.3764
340085	1.2417	0.9151	27.9572	29.1095	29.9176	29.0170
340087	1.2422	0.8605	25.4730	23.8360	25.0091	24.7827
340090	1.3516	0.9535	26.7428	28.3615	28.6805	27.9903
340091	1.6405	0.9151	28.8044	30.4371	31.2643	30.1852

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
340096	1.3172	0.9151	26.5438	26.5814	26.8103	26.6494
340097	1.2054	0.8605	29.8005	27.9810	29.8702	29.2104
340098	1.5287	0.9321	29.7180	31.3916	31.8472	31.0114
340099	1.3223	0.8605	23.9702	26.0077	28.1143	26.0182
340104	0.5942	0.8767	17.0165	19.9492	20.2901	19.1559
340106	1.1370	0.8605	26.1340	24.5154	24.4254	24.9477
340107	1.2404	0.8910	26.5626	27.3565	28.5859	27.5258
340109	1.2682	0.8930	26.6383	26.6479	28.6310	27.3195
340113	1.9563	0.9321	30.3841	32.3786	32.4983	31.7837
340114	1.5702	0.9590	28.1311	30.1207	32.3730	30.2667
340115	1.6831	0.9590	27.2781	28.0974	28.9265	28.1064
340116	1.6608	0.8937	29.3698	29.9447	30.8834	30.0672
340119	1.3211	0.9321	29.4470	27.2938	28.1090	28.2335
340120	1.1057	0.8605	25.5399	26.1465	26.6358	26.1106
340121	1.2208	0.9125	23.8854	25.1577	25.7488	24.9492
340123	1.3839	0.9151	28.5669	28.7150	29.9077	29.0909
340124	***	*	23.5480	25.7294	25.2498	24.6686
340126	1.3640	0.9535	28.2247	30.6902	31.7266	30.2633
340127	1.2348	0.9590	28.2161	28.8675	30.8152	29.3516
340129	1.3579	0.9321	26.7606	31.7863	27.7470	28.6367
340130	1.3664	0.9321	28.1594	29.5294	30.4887	29.4624
340131	1.4244	0.9242	28.8542	29.6571	32.1743	30.2582
340132	1.2471	0.8605	24.6162	25.3264	25.9153	25.3007
340133	1.0373	0.8865	24.8579	26.8850	27.2630	26.4263
340137	***	*	28.9672	27.0874	28.8723	28.3105
340138	0.8080	0.9590	*	*	*	*
340141	1.7271	0.9125	29.3171	29.3372	30.8628	29.8506
340142	1.2764	0.8605	27.7555	28.2413	28.4951	28.1780
340143	1.5556	0.8937	27.9777	29.3861	30.7162	29.3957
340144	1.2884	0.9321	27.0150	27.6548	26.5581	27.0662
340145	1.3595	0.9321	26.7482	28.0647	28.4230	27.7569
340147	1.3647	0.9535	28.2626	29.6960	30.2620	29.4121
340148	1.6298	0.8960	25.8325	27.9136	28.6607	27.5044
340151	1.2296	0.8657	23.2158	24.5782	25.9633	24.6026
340153	2.0094	0.9321	28.5979	29.8278	30.9065	29.7927
340155	1.5164	0.9590	30.9501	31.7570	31.6719	31.4648
340156	0.9295	1.4424	*	*	*	*
340158	1.1630	0.9125	27.6526	29.4110	29.2570	28.8163

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
340159	1.2553	0.9590	25.3108	28.1706	27.8427	27.1175
340160	1.3943	0.8605	23.4631	24.2016	24.9127	24.2270
340166	1.4417	0.9321	28.5395	29.9122	31.0779	29.8321
340168	0.6145	0.9125	*	*	*	*
340171	1.2285	0.9321	27.4701	31.1954	31.7831	30.2724
340173	1.3175	0.9590	30.2815	30.9843	30.9025	30.7396
340183	1.2409	0.9321	*	30.1261	31.4691	30.8592
340184	1.2239	0.9082	*	*	*	*
350002	1.8663	0.8360	23.5869	23.6051	25.2966	24.1518
350003	1.2813	0.8360	24.9975	24.5812	27.3546	25.6245
350006	1.5976	0.8360	22.4626	23.4343	26.6508	24.1391
350009	1.1664	*	24.5737	23.9795	*	24.2883
350010	***	*	20.4198	*	*	20.4198
350011	1.9612	0.8339	24.1135	26.0201	27.3884	25.8527
350014	***	*	17.5837	*	*	17.5837
350015	1.8126	0.8360	21.3342	22.9120	27.6960	24.0856
350017	1.2005	*	21.6187	24.0968	*	22.8560
350019[6]	1.6853	0.8360	24.9615	24.9890	27.0960	25.7249
350030	1.0422	*	22.5976	23.1023	*	22.8546
350063	0.9123	1.4424	*	*	*	*
350064	0.6955	1.4424	*	*	*	*
350070	1.8205	0.8339	26.2454	26.2871	28.1430	26.9107
360001	1.5607	0.9395	28.8623	30.1038	31.8522	30.2849
360002	1.3364	0.8657	25.4859	25.2209	26.7549	25.8270
360003	1.8114	0.9395	30.7812	31.8976	31.9294	31.5538
360006	1.8697	1.0105	30.9806	31.8814	35.3579	32.7573
360008	1.3625	0.8720	27.5683	28.0202	28.5988	28.0813
360009	1.5514	0.9340	27.0618	28.2423	30.2452	28.5199
360010	1.2748	0.8839	24.7352	26.6040	27.3194	26.2399
360011	1.3533	0.9837	31.5587	29.9882	31.3142	30.9277
360012	1.4002	1.0105	31.0526	31.9837	32.9127	31.9734
360013	1.1420	0.9340	29.8412	30.2406	30.9331	30.3466
360014	1.1103	0.9837	27.0743	28.1811	28.9635	28.1263
360016	1.5707	0.9395	29.6298	30.2190	30.5892	30.1502
360017	1.7815	1.0105	31.7081	32.6006	34.8774	33.0507
360019	1.3183	0.8934	27.2997	28.8568	29.3536	28.5126
360020	1.6075	0.8934	25.6328	27.8079	29.5312	27.6267
360025	1.4739	0.9281	27.1546	28.4761	29.5329	28.3991

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
360026	1.3689	0.9220	25.2945	27.5757	27.3618	26.7443
360027	1.5095	0.8934	28.2923	29.9449	30.8898	29.7347
360029	1.1798	0.9456	26.4208	28.0191	29.0633	27.8577
360032	1.2136	0.8516	25.9916	27.2636	27.4896	26.9184
360035	1.6664	1.0105	31.3181	32.0858	32.5622	31.9776
360036	1.2235	0.9073	29.3514	29.9410	31.5027	30.2756
360037	1.5599	0.8934	30.0446	30.6552	31.5221	30.7317
360038	1.5793	0.9395	31.0611	31.3776	32.3095	31.5427
360039	1.4810	0.9837	24.7873	25.8216	27.3636	25.9921
360040	1.1869	0.8903	25.5337	26.7450	28.4404	26.9606
360041	1.4027	0.8934	26.6755	28.4439	29.3331	28.1333
360044	1.1592	0.8643	24.3840	24.7698	25.7011	24.9522
360046	1.2922	0.9395	26.2417	28.2972	28.5624	27.7330
360048	1.7868	0.9456	29.4378	30.0390	33.3273	30.9512
360051	1.7014	0.9220	28.1167	29.4434	30.5937	29.3959
360052	1.6230	0.9220	26.8806	28.4731	29.8072	28.3725
360054	1.3757	0.8720	24.8248	23.6606	26.8828	25.1265
360055	1.4300	0.8934	30.0143	31.4794	31.2738	30.9021
360056	1.5521	0.9395	30.3677	31.3936	31.8378	31.2300
360058	1.1201	0.8516	24.5003	25.9295	27.7073	26.0470
360059	1.6226	0.8934	30.6173	30.6294	31.3956	30.8917
360062	***	*	32.8893	32.9025	35.2065	33.6855
360064	1.6626	0.8662	27.7795	28.6101	28.5325	28.3117
360065	1.2596	0.9281	29.7155	31.5066	31.6781	30.9852
360066	1.4393	0.9340	29.7605	30.9652	32.1991	31.0056
360068	1.8538	0.9456	26.6933	28.6335	30.0212	28.4128
360070	1.7423	0.8666	27.8891	28.8739	30.0192	28.9289
360071	1.1536	0.8551	26.4081	25.7956	26.6139	26.2769
360072	1.4856	1.0105	27.2286	29.1514	29.8851	28.7621
360074	1.3374	0.9456	27.5328	28.0283	30.1333	28.5615
360075	1.3141	0.8934	26.1657	28.3930	29.8181	28.1928
360076	1.6092	0.9395	29.0148	29.5342	28.8462	29.1307
360077	1.5667	0.8934	28.0133	28.3022	26.2961	27.4910
360078	1.3208	0.8934	27.4689	27.3652	28.2973	27.7267
360079	1.8157	0.9220	30.1230	31.3132	32.0935	31.1869
360080	1.1597	0.8516	22.7020	21.8806	22.9825	22.5189
360081	1.3545	0.9456	29.5312	31.4293	33.2532	31.4016
360082	1.3992	0.8934	28.7925	30.5837	29.7447	29.6929

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
360084	1.6359	0.8666	28.5402	29.2489	29.2527	29.0256
360085	1.9807	1.0105	32.8502	33.1295	35.9664	34.0304
360086	1.6056	0.9220	27.3124	29.1579	31.9690	29.4342
360087	1.4318	0.8934	28.4185	28.6336	30.0084	29.0053
360089	1.2023	0.8516	25.5608	28.0779	28.5192	27.3210
360090	1.4398	0.9456	30.7530	29.2662	30.3175	30.0982
360091	1.3141	0.8934	27.6809	28.2009	29.6324	28.5131
360092	1.2645	1.0105	25.4055	28.0813	28.3576	27.2592
360095	1.5273	0.9340	29.3787	30.2138	30.0996	29.9024
360096	1.1435	0.8587	26.8653	27.9514	29.8687	28.2194
360098	1.4309	0.8934	26.6382	26.5839	27.6752	26.9749
360100	***	*	23.6167	25.8143	25.9628	25.0982
360101	1.4105	0.8934	29.7817	30.6650	29.4661	29.9666
360107	1.1328	0.8635	26.0534	26.8180	29.9869	27.6997
360109	1.0726	0.9837	30.1382	30.4643	30.7873	30.4698
360112	1.7901	0.9956	31.1356	32.4403	34.6063	32.7300
360113	1.2521	0.9395	30.2871	30.3914	33.3293	31.3812
360115	1.3555	0.8934	26.1821	27.9711	29.0971	27.7753
360116	1.3242	0.9395	26.4968	26.8632	29.3122	27.5366
360118	1.4846	0.9073	28.5643	29.9823	30.1189	29.5131
360121	1.2447	0.9281	28.3835	31.6766	22.1967	26.6669
360123	1.4144	0.8934	28.0334	28.5435	30.0862	28.9076
360125	1.2911	0.8516	25.9067	27.1776	28.8237	27.2834
360130	1.3791	0.8934	26.3986	28.1811	28.5433	27.6935
360131	1.4538	0.8666	26.6635	27.3426	28.3618	27.4679
360132	1.4465	0.9395	29.4070	29.8411	29.5751	29.6107
360133	1.6852	0.9395	31.7521	33.1812	33.9534	32.9691
360134	1.7627	0.9395	28.5141	29.9198	31.9438	30.1677
360137	1.7979	0.8934	27.6894	30.3116	32.2727	30.1259
360141	1.6707	0.8662	31.1778	31.9397	32.0733	31.7211
360143	1.3738	0.8934	26.9394	28.0693	27.0053	27.3502
360144	1.3538	0.8934	28.9177	29.6547	29.5081	29.3657
360145	1.6090	0.8934	28.1835	29.3271	29.8688	29.1441
360147	1.3579	0.8516	27.5548	29.2371	28.0794	28.2825
360148	1.2348	0.8516	26.3399	25.7460	28.4538	26.8308
360150	1.4290	0.8934	28.2561	27.8840	27.8860	27.9972
360151	1.3190	0.8666	26.5636	26.9672	28.3917	27.3628
360152	1.5536	1.0105	31.5377	33.1017	35.3636	33.3224

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
360153	1.0022	0.8516	20.2147	21.8416	22.3028	21.4281
360155	1.4579	0.8934	28.9521	29.1711	30.0263	29.3869
360156	1.1646	0.8635	25.0833	26.2268	27.4185	26.2854
360159	1.3993	0.9837	28.6174	29.0187	29.1683	28.9556
360161	1.3911	0.8673	27.0875	27.7423	29.4713	28.1236
360163	1.8912	0.9395	30.0724	31.2087	31.1214	30.8091
360170	1.2489	1.0105	29.5954	30.0688	30.9891	30.2518
360172	1.3460	0.8934	28.8283	30.2330	31.2620	30.0981
360174	1.2888	0.9220	28.3143	28.3769	29.2419	28.6559
360175	1.3249	0.9837	28.3054	29.7499	31.8340	29.9866
360179	1.5580	0.9395	29.8299	31.3540	30.6820	30.6192
360180	2.3340	0.8934	31.4342	32.0225	30.3025	31.2206
360185	1.3620	0.8516	26.1080	26.4210	27.4008	26.6480
360187	1.4761	0.9220	25.7600	27.3745	28.2630	27.0966
360189	1.0867	1.0105	27.5097	28.3738	28.8931	28.2762
360192	1.3888	0.8934	27.5991	29.1999	31.7957	29.6356
360195	1.1185	0.8934	27.6155	27.2630	28.4907	27.7976
360197	1.1653	0.9837	28.9207	28.5267	30.3316	29.2815
360203	1.1852	0.8516	25.3692	27.7569	28.7975	27.3127
360210	1.2436	1.0105	29.6476	31.8182	35.1678	32.3199
360211	1.5170	0.8589	26.5459	27.5081	26.9504	27.0034
360212	1.3260	0.8934	26.6976	28.5882	28.8865	28.0376
360218	1.2766	1.0105	30.0101	31.1641	31.4458	30.9017
360230	1.5326	0.8934	30.0661	30.5995	29.9181	30.1959
360234	1.4273	0.9395	31.0656	30.7926	29.5412	30.4544
360236	1.3148	0.9395	29.5321	29.9367	31.7585	30.4372
360239	1.3753	0.9220	30.7728	31.7938	32.3401	31.6831
360241	***	*	25.7290	25.8137	28.0304	26.4969
360242	1.9371	*	*	*	*	*
360245	0.7356	0.8934	20.3426	20.4589	20.8560	20.5755
360247	0.6145	1.0105	*	*	*	*
360253	2.1310	0.9220	34.3347	34.6887	33.3121	34.1048
360259	1.3348	0.9456	27.2902	28.0886	29.3681	28.2511
360261	1.1020	0.9031	25.6332	26.6262	28.2317	26.8712
360262	1.2865	0.9456	30.1559	31.5637	33.1908	31.6648
360263	1.9394	0.9340	25.4864	28.1671	25.5127	26.3376
360266	2.1261	1.0105	31.7565	29.8385	31.3706	30.9187
360267	***	*	34.0936	*	*	34.0936

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
360268	***	*	34.0526	*	*	34.0526
360269	1.9404	0.9395	24.8552	25.5191	26.3965	25.7802
360270	1.1419	0.8516	*	28.8677	30.0580	29.6018
360271	1.7291	0.9395	*	28.4353	30.8070	29.6451
360272	***	*	*	38.1014	*	38.1014
360273	***	*	*	37.6645	*	37.6645
360274	1.6487	0.9220	*	*	*	*
360275	2.8444	0.9456	*	*	*	*
360276	1.1953	0.8662	*	*	*	*
360346	3.5298	1.0105	*	*	*	*
360347	1.2385	1.0105	*	*	*	*
360348	1.1501	1.0105	*	*	*	*
360349	***	0.9456	*	*	*	*
370001	1.6674	0.8758	26.8884	28.4907	27.2881	27.5718
370002	1.1318	0.7807	23.6886	26.2486	26.5804	25.5063
370004	1.1954	0.8486	26.8521	28.2804	27.2378	27.4661
370006	1.2536	0.8744	23.9935	25.2307	27.5299	25.4487
370007	0.9573	0.7807	20.3706	21.1260	25.7680	22.4658
370008	1.3634	0.8895	26.6563	27.9944	29.1467	27.9828
370011	0.9976	0.8895	22.3391	23.1761	24.5886	23.3707
370013	1.5272	0.8895	27.2667	28.3502	29.7899	28.5378
370014	1.1835	0.8299	26.4488	28.8962	29.3407	28.2695
370015	1.0245	0.8758	25.5815	27.8061	27.6086	27.0204
370016	1.5401	0.8734	29.8284	30.4672	29.6737	29.9892
370018	1.4891	0.8758	24.6868	31.2335	29.3285	28.4555
370019	1.1668	0.7807	25.2814	26.7613	30.4599	27.4907
370020	1.5207	0.8734	22.7566	24.7520	24.7484	24.0786
370022	1.2432	0.7926	22.2289	26.4836	24.4735	24.2826
370023	1.3253	0.7897	24.0376	24.9580	27.4272	25.5131
370025	1.3266	0.8758	24.5547	24.8336	27.0211	25.4187
370026	1.4828	0.8734	25.5172	26.0203	26.8057	26.1087
370028	1.9032	0.8895	28.5619	29.9849	31.9029	30.1958
370029	1.1436	0.7807	28.5309	30.0134	30.3712	29.6060
370030	1.0184	0.8758	25.8212	26.0831	26.5853	26.1546
370032	1.5257	0.8895	26.2642	28.0739	30.2497	28.1093
370034	1.2292	0.7807	20.4106	23.2192	23.9679	22.5773
370036	1.1324	0.7807	19.8162	21.1544	22.1686	21.1526
370037	1.6188	0.8895	25.2350	26.8992	28.9215	27.0269

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
370039	1.0938	0.8758	23.5745	25.3422	26.7579	25.2075
370040	1.0031	0.7994	26.7395	19.7644	21.6739	22.8162
370041	0.8542	0.8758	22.9834	29.5074	26.4346	26.0969
370047	1.4823	0.8734	24.4766	27.8937	29.6739	27.4387
370048	0.9921	0.7807	22.0627	23.4848	24.2668	23.2504
370049	1.3679	0.8734	22.8755	24.2099	22.8526	23.2828
370051	1.0644	0.7807	19.3222	21.8716	22.8411	21.2867
370054	1.2403	0.7807	25.2142	23.4644	25.4821	24.7146
370056	1.7228	0.8153	25.5453	27.6178	26.9562	26.7144
370057	1.0595	0.8758	22.1337	23.1814	21.0790	22.1008
370060	***	*	23.3858	25.5571	29.0333	25.8847
370065	0.9985	0.7903	23.5815	24.0062	23.7889	23.7851
370072	0.8313	0.8065	13.0963	22.8598	17.3061	16.6167
370078	1.6683	0.8758	26.6972	30.4837	28.7496	28.5901
370080	0.9725	0.7807	22.4113	23.7231	22.4258	22.8236
370083	0.9363	0.7858	20.9878	21.9162	21.3677	21.4243
370084	1.0542	0.7807	20.7326	17.4202	17.7119	18.5269
370089	1.4348	0.7807	22.1523	22.0607	23.8318	22.7670
370091	1.6433	0.8758	25.8697	28.0487	28.3945	27.4516
370093	1.8009	0.8895	27.5356	26.7272	29.0161	27.7529
370094	1.3942	0.8895	26.5265	28.3512	29.5931	28.1559
370097	1.3342	0.8153	26.8138	28.0911	28.1234	27.6650
370099	1.0499	0.8734	26.7206	30.5437	28.8908	28.7274
370100	0.8729	0.7907	19.4002	20.6298	18.2493	19.4124
370103	1.0384	0.7807	19.4273	22.2675	23.4746	21.6719
370105	2.0833	0.8895	26.6399	30.5438	30.9068	29.1242
370106	1.4250	0.8895	28.5957	29.6797	31.4433	29.9106
370112	1.0152	0.7994	16.7888	19.0130	20.2239	18.7064
370113	1.1336	0.8787	26.4608	30.0061	28.3511	28.2682
370114	1.6767	0.8758	25.9841	27.1348	32.9928	28.5435
370138	1.1124	0.7807	22.1675	23.6348	24.7631	23.4792
370139	0.9455	0.7807	20.5156	21.0759	19.3691	20.2992
370148	1.4441	0.8895	28.1933	29.3447	30.8781	29.5564
370149	1.2955	0.8734	23.3423	23.0764	25.0025	23.7862
370153	1.0986	0.7807	24.1667	25.9238	30.0891	26.7605
370156	0.9997	0.7928	23.0104	22.7140	22.3940	22.7035
370158	0.9448	0.8895	21.5228	22.0056	22.2823	21.9440
370166	0.8775	0.8758	24.7251	26.3420	22.9735	24.6756

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
370169	0.8182	0.7970	16.6752	24.5389	20.5348	20.8469
370170	0.8438	1.4424	*	*	*	*
370171	1.0650	1.4424	*	*	*	*
370172	0.8359	1.4682	*	*	*	*
370173	0.9508	1.4424	*	*	*	*
370176	***	*	24.9650	26.6687	27.2899	26.3288
370178	0.9123	0.7807	16.0747	15.6720	17.3536	16.3476
370180	1.1032	1.4424	*	*	*	*
370183	0.9814	0.8758	23.8419	30.3850	25.4218	26.6338
370190	1.3985	0.8758	34.6942	32.5635	35.6046	34.2861
370192	1.9077	0.8895	19.0638	19.1346	28.9574	22.5251
370196	***	*	20.8296	24.6984	*	23.0172
370199	0.9892	0.8895	23.7412	23.9376	25.9775	24.6248
370200	***	*	21.7153	19.7060	27.9940	23.0346
370201	1.6485	0.8895	24.2364	25.5882	30.4213	26.6553
370202	1.4854	0.8758	25.7966	25.8261	29.3845	27.0814
370203	2.0990	0.8895	25.7770	30.3641	31.6266	29.8623
370206	1.8396	0.8895	27.5752	30.8151	28.9491	29.1050
370210	1.9798	0.8758	27.2111	25.7905	29.4082	27.4918
370211	1.1954	0.8895	28.6537	30.9656	32.7888	31.0654
370212	1.9460	0.8895	20.3495	20.0919	23.4166	21.3383
370214	1.2047	0.7928	21.0732	20.1495	22.3796	21.2113
370215	2.2509	0.8895	32.4087	32.0950	32.7257	32.4238
370216	2.1463	0.8758	25.8260	29.6658	29.1189	28.3021
370218	1.3377	0.8758	30.3445	23.7517	29.6378	27.5214
370219	***	*	*	41.4392	*	41.4392
370220	1.8290	0.8895	*	21.3168	22.2077	21.7751
370222	1.8621	0.8895	*	26.9175	28.6123	27.7662
370223	***	*	*	24.0154	*	24.0154
370224	***	*	*	*	21.5542	21.5542
370225	1.4917	0.8895	*	*	*	*
370227	1.0366	0.8758	*	*	*	*
370228	1.2798	0.8758	*	*	*	*
370229	1.0388	0.7807	*	*	*	*
380001	1.3168	1.1195	32.0770	33.8490	36.3316	34.1194
380002	1.2815	1.0235	31.5246	32.6830	32.7006	32.3180
380004	1.6919	1.1195	34.5432	36.1021	37.7310	36.1451
380005	1.4524	1.0235	33.2849	33.5765	33.5424	33.4667

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
380007	2.0141	1.1195	35.1697	36.4222	37.9358	36.5037
380009	2.1647	1.1195	34.5635	36.5688	36.8442	36.0281
380014	1.8988	1.0836	33.1928	35.7101	36.4373	35.1436
380017	1.8124	1.1195	35.3734	36.8103	37.5098	36.5843
380018	1.8952	1.0235	31.8181	32.4884	32.3945	32.2400
380020	1.4172	1.0974	34.6183	35.7392	37.4343	35.9319
380021	1.5544	1.1195	32.6142	33.0628	33.3855	33.0383
380022	1.2889	1.0460	29.6224	30.9181	32.6138	31.0757
380025	1.2048	1.1195	36.4910	38.1507	38.7401	37.8082
380027	1.3998	1.0974	28.0247	31.4398	33.7027	31.1047
380029	1.3234	1.0915	29.4461	33.3368	34.4907	32.6100
380033	1.7495	1.0974	34.0094	36.0798	36.6589	35.6170
380037	1.4160	1.1195	32.7922	34.0321	36.0715	34.4785
380038	1.3481	1.1195	35.1105	35.0350	36.3586	35.5130
380040	1.4954	1.0235	32.9081	34.4500	37.3200	34.9724
380047	1.8726	1.1268	32.8188	35.8165	37.9901	35.6494
380050	1.4313	1.0235	29.7329	31.3088	32.4377	31.2351
380051	1.7773	1.1195	32.8545	35.0114	37.3363	35.1032
380052	1.3051	1.0235	28.6119	27.7656	29.1449	28.5104
380056	1.2196	1.0915	29.1686	31.0210	31.9034	30.6364
380060	1.4828	1.1195	33.8863	35.1106	36.9581	35.3642
380061	1.6939	1.1195	34.5230	35.8922	37.9554	36.1277
380071	1.3673	1.1195	31.0901	31.6821	32.7466	31.8311
380075	1.4129	1.0235	31.6884	34.0197	36.0119	33.9209
380082	1.3018	1.1195	35.7821	37.7268	38.8914	37.4976
380089	1.3615	1.1195	35.4850	37.0017	37.7878	36.7926
380090	1.3115	1.2299	35.5535	41.4540	41.3541	39.4545
380091	1.4122	1.1195	40.5066	39.7431	47.7003	42.8601
380100	***	*	*	45.3882	*	45.3882
380101	1.3251	1.1195	*	*	*	*
380102	1.7411	1.0974	*	*	*	*
390001	1.6169	0.9813	24.3251	25.4188	27.9772	25.8495
390002	1.4033	0.8594	25.0860	25.9827	26.9670	26.0296
390003	1.2336	0.9813	24.5099	26.2872	26.6558	25.7801
390004	1.6450	0.9188	25.2424	26.5054	29.3249	26.9235
390006	1.9180	0.9188	28.6926	30.9914	32.8108	30.9565
390008	1.0760	0.8425	22.6297	22.9417	25.0200	23.5268
390009	1.7957	0.8749	26.7234	29.0286	29.4416	28.4123

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
390010	1.1457	0.8594	24.8196	26.0966	27.8944	26.2532
390011	***	*	20.2291	*	*	20.2291
390012	1.2596	1.0710	32.4856	34.2004	35.6251	34.0781
390013	1.4529	0.9188	26.2323	28.3039	26.8792	27.1583
390016	1.2851	0.8594	24.3488	26.1802	25.6660	25.3793
390019	1.1517	0.9813	25.7515	25.3185	25.2047	25.4375
390022	***	*	29.6308	*	*	29.6308
390023	1.2533	1.0710	34.7787	36.2618	37.9254	36.3142
390024	***	*	38.8750	37.4815	*	38.0669
390025	0.5781	1.0710	20.3878	*	*	20.3878
390026	1.2082	1.0710	31.8309	36.0608	36.6927	34.7727
390027	1.7604	1.0710	39.2158	40.9110	42.5592	40.8743
390028	1.6878	0.8594	27.1451	29.6218	31.3868	29.2906
390030	1.1978	0.8986	24.6343	26.5678	26.9684	26.1031
390031	1.2183	0.8986	27.2033	26.1258	27.5747	26.9778
390032	1.3069	0.8594	24.5243	25.3756	27.3294	25.7500
390035	1.1997	1.0710	29.5417	27.2130	27.6331	28.0697
390036	1.5305	0.8594	24.4917	26.1956	30.1286	26.8856
390037	1.4665	0.8594	25.2296	27.0788	31.6832	27.9152
390039	1.3053	0.8402	23.2300	22.1531	23.3456	22.8928
390041	1.2718	0.8594	24.2257	25.1190	26.4415	25.2981
390042	1.4569	0.8594	28.0996	29.6213	30.6691	29.4884
390043	1.2182	0.8365	24.2087	24.3590	26.4451	25.0113
390044	1.5285	1.0547	29.4057	29.9959	30.6946	30.0647
390045	1.5159	0.9813	24.6495	25.8800	26.4450	25.6635
390046	1.7411	0.9468	30.5115	32.5273	32.1156	31.7491
390048	1.1562	0.9188	28.3152	28.4563	29.0278	28.6089
390049	1.5732	0.9813	30.7431	31.0290	32.7809	31.5286
390050	2.0707	0.8594	27.3481	29.6715	32.0935	29.7214
390052	1.1760	0.8412	25.1462	26.3700	27.4028	26.3426
390054	***	*	27.4805	27.5696	*	27.5206
390056	1.1684	0.8401	23.5821	24.7038	25.5903	24.6309
390057	1.3193	1.0710	30.9198	31.0279	33.9576	31.9635
390058	1.3916	0.9188	27.7296	29.6620	29.4647	28.9793
390061	1.5690	0.9614	30.0597	30.9208	30.2319	30.4038
390062	1.2310	0.8823	21.0713	22.8856	37.2849	27.1978
390063	1.8685	0.8749	26.8381	28.3987	30.3687	28.5723
390065	1.3538	1.0771	29.5654	31.8841	31.2628	30.9315

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
390066	1.4364	0.9188	25.4407	29.0033	28.3747	27.6160
390067	1.8037	0.9468	30.6128	32.2891	30.5601	31.1554
390068	1.3698	0.9614	29.0962	29.6984	28.2183	28.9555
390070	1.3003	1.0710	34.4935	34.5501	33.4969	34.1776
390071	0.9975	0.8365	24.8467	26.3830	27.8695	26.3372
390072	1.0792	0.9813	26.2568	28.8145	28.0714	27.6866
390073	1.6900	0.8823	26.4083	27.0876	28.8519	27.4781
390074	***	*	25.4098	*	*	25.4098
390076	1.3445	1.0710	32.7671	33.9908	34.0355	33.5972
390079	1.8256	0.8747	24.4452	26.0199	26.9676	25.8133
390080	1.4385	1.0710	29.2645	31.6210	33.0003	31.3027
390081	1.3085	1.0710	33.6247	36.4788	37.7643	35.9769
390084	1.1829	0.8365	24.3372	24.3191	24.8010	24.4832
390086	1.6557	0.8365	25.0992	24.7454	25.3096	25.0504
390090	1.8906	0.8594	27.0122	30.1256	31.9282	29.6513
390091	1.2331	0.8406	23.3562	23.2118	23.9434	23.5151
390093	1.2064	0.8406	22.6023	23.8846	23.5291	23.3370
390095	1.1995	0.9813	24.6290	25.3859	25.9594	25.3026
390096	1.6052	1.0547	28.6055	30.3910	31.7443	30.2624
390097	1.2827	1.0710	27.9858	28.1285	30.4946	28.8540
390100	1.6602	0.9614	30.0234	32.7836	32.8949	31.9670
390101	1.3166	0.9313	24.8377	25.9850	28.6622	26.5229
390102	1.4447	0.8594	24.4589	25.5336	26.3716	25.4804
390103	***	*	20.4446	*	*	20.4446
390104	1.0655	0.8365	19.6630	20.4552	26.8407	22.6287
390107	1.6613	0.8594	24.6565	25.6790	26.6305	25.7184
390108	1.3060	1.0710	28.5928	34.3066	33.3017	32.0204
390110	1.6335	0.8594	25.3407	25.7159	28.5314	26.6592
390111	2.3129	1.0710	34.8756	37.7322	34.5571	35.7144
390112	1.2372	0.8402	21.5439	18.4185	19.5361	19.7345
390113	1.3526	0.8406	24.2593	24.8669	25.9952	25.0517
390114	1.5644	0.8594	27.9184	28.5336	28.2039	28.2309
390115	1.4438	1.0710	30.8063	32.5058	32.8427	32.0867
390116	1.3384	1.0710	33.2562	33.9295	34.5119	33.9072
390117	1.1540	0.8367	21.5038	22.2327	26.0642	23.2899
390118	1.2083	0.8365	21.8917	23.6535	23.7128	23.0909
390119	1.3594	0.9813	24.3245	25.3907	25.9784	25.2330
390122	1.1601	0.8418	23.3220	24.6434	24.0424	23.9972

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
390123	1.2056	1.0710	34.0062	35.1244	34.1121	34.4185
390125	1.2420	0.8387	22.8816	24.0199	24.4654	23.8055
390127	1.4603	1.0710	33.6557	33.1227	34.6488	33.7924
390128	1.2836	0.8594	24.1390	25.1858	26.0441	25.1413
390130	1.2719	0.8365	23.2504	30.7083	26.7324	26.7544
390131	1.3964	0.8594	23.5783	27.7146	26.9190	26.1180
390132	1.4785	1.0710	31.1168	30.0751	33.1853	31.4335
390133	1.7733	1.0547	32.9812	33.0604	35.0046	33.7377
390137	1.5165	0.9813	26.1457	26.9156	27.9033	27.0044
390138	1.2426	0.9178	27.4231	27.7565	29.0224	28.0890
390139	1.3995	1.0710	34.0836	36.5001	36.8337	35.8435
390142	1.5455	1.0710	34.5773	33.3509	38.1793	35.3739
390145	1.6077	0.8594	25.6980	26.9212	27.6510	26.7671
390146	1.1785	0.8387	25.1805	23.9878	27.5267	25.5615
390147	1.4284	0.8594	28.6606	29.0995	30.4797	29.4247
390150	1.0895	0.8396	22.7668	22.6483	27.2922	24.3319
390151	1.4035	1.0771	31.4067	31.8967	35.0627	32.8283
390153	1.3781	1.0710	33.2427	36.0287	37.0995	35.5230
390154	1.2729	0.8365	23.3559	23.9785	24.6857	24.0198
390156	1.4011	1.0710	32.8999	33.7057	34.9903	33.8533
390157	1.2643	0.8594	22.1112	23.0989	23.7167	22.9916
390160	1.3626	0.8594	22.9696	25.2043	27.5196	25.2346
390162	1.5460	1.1237	34.5809	35.1844	36.7008	35.4805
390163	1.2612	0.8594	22.8341	24.8761	25.4594	24.4071
390164	2.1723	0.8594	27.1950	29.7778	29.0556	28.6758
390166	***	*	23.3255	28.2178	*	25.5801
390168	1.5829	0.8594	26.9816	27.3674	28.2578	27.5467
390169	1.4104	0.9813	26.2643	26.6063	28.4619	27.1533
390173	1.2404	0.8402	25.6455	27.6039	28.0999	27.1414
390174	1.7449	1.0710	34.8999	35.1118	36.5352	35.5394
390176	1.1253	0.8594	24.1247	*	27.5270	25.5558
390178	1.4030	0.8667	23.1452	23.9166	25.2325	24.0960
390179	1.4269	1.0710	30.1219	31.5498	33.9916	31.9587
390180	1.4618	1.0710	35.5291	38.2997	37.8677	37.2529
390181	***	*	26.6021	27.8833	*	27.2407
390183	1.1518	0.8365	27.8358	28.2211	28.8361	28.3030
390184	1.0990	0.8594	23.9736	23.9973	24.1461	24.0406
390185	1.2411	0.9813	27.1119	25.5318	28.1346	26.9989

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
390189	1.1261	0.8365	23.6215	23.4902	25.3686	24.1728
390192	1.0514	0.9813	23.6171	23.7958	24.7427	24.0524
390194	1.2334	0.9813	26.3152	23.7367	27.8231	25.8739
390195	1.5690	1.0710	34.5594	37.2504	36.8626	36.2345
390196	1.5711	*	*	*	*	*
390197	1.3634	0.9813	27.2455	27.7303	28.1999	27.7343
390198	1.0232	0.8749	20.4350	21.0861	21.3574	20.9627
390199	1.1065	0.8365	23.0046	24.5469	24.9642	24.1863
390201	1.5128	0.9535	27.3542	28.5668	28.7755	28.2475
390203	1.5048	1.0710	29.1370	30.7244	33.0056	30.9850
390204	1.3453	1.0710	30.7346	32.0242	33.8120	32.1643
390211	1.3591	0.8667	26.5052	27.7875	28.0796	27.4549
390217	1.2357	0.8594	24.1886	26.2706	25.6917	25.3900
390219	1.3585	0.8594	26.1196	26.3263	27.2812	26.5785
390220	1.1379	1.0710	30.7435	32.0891	33.0323	31.9318
390222	1.3721	1.0710	31.7361	32.7077	34.5835	33.0510
390223	1.9067	1.0710	34.3280	36.5784	35.8030	35.5960
390225	1.3113	0.9614	27.2555	26.3642	*	26.7274
390226	1.7263	1.0710	32.6508	35.4683	35.5564	34.5675
390228	1.4809	0.8594	24.2242	25.5120	28.4321	26.0658
390231	1.4354	1.0710	32.8353	35.2312	35.0675	34.4329
390233	1.4672	0.8365	27.2597	28.3660	29.5938	28.4432
390236	1.0126	0.8368	23.1290	24.5574	25.1866	24.2548
390237	1.6731	0.9813	28.4337	29.9748	29.6917	29.3990
390246	***	*	26.0179	*	*	26.0179
390256	1.9014	0.9188	28.8970	28.5887	31.6455	29.7471
390258	1.4759	1.0710	31.7164	32.0551	33.7330	32.5224
390263	1.5401	0.9813	29.9850	30.2069	31.1718	30.5040
390265	1.5596	0.8594	25.0166	27.7795	27.8241	26.8716
390266	1.1766	0.8667	22.2228	23.0142	23.5248	22.9191
390267	1.3552	0.8594	24.8309	25.7571	28.4250	26.3307
390268	1.4249	0.8953	26.7342	28.4200	30.0652	28.4460
390270	1.6993	0.9468	26.5010	27.0301	29.3622	27.7268
390272	0.6254	1.0710	*	32.9918	29.4836	31.1010
390278	0.6753	1.0710	28.6323	28.8318	33.9596	30.4976
390285	***	*	37.6669	38.4703	43.0793	39.5197
390286	***	*	31.3393	31.7337	32.6998	31.9284
390287	***	*	42.2401	*	*	42.2401

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
390290	1.8452	1.0710	41.1426	47.7663	41.9121	43.5142
390304	1.3235	1.0710	32.1633	33.4134	35.0741	33.5411
390305	***	*	29.3217	*	*	29.3217
390306	***	*	40.3789	*	*	40.3789
390307	2.0351	0.8667	24.5393	22.9474	27.2053	24.8304
390308	***	*	36.1737	*	*	36.1737
390309	***	*	37.8924	*	*	37.8924
390310	***	*	44.3991	*	*	44.3991
390311	***	*	*	49.9027	*	49.9027
390312	1.3269	1.0710	*	51.3372	42.3481	46.0946
390313	1.1428	0.8986	*	*	27.3018	27.3018
390314	1.9236	0.9813	*	*	*	*
390316	2.0583	0.9405	*	*	*	*
390317	0.9463	1.0710	*	*	*	*
390318	1.2983	0.9813	*	*	*	*
390319	0.8794	0.8594	*	*	*	*
390320	1.1450	1.0710	*	*	*	*
400001	1.3957	0.4355	14.9151	15.4249	15.9192	15.4274
400002	***	*	12.9440	12.9793	14.2946	13.3765
400003	1.4540	0.4216	15.7906	14.6859	15.8816	15.4534
400004	1.2236	0.4355	12.5928	13.5197	14.5542	13.5879
400005	1.2316	0.4355	11.1152	11.7590	12.6516	11.8653
400006	1.2983	0.4355	8.1381	*	*	8.1381
400007	1.3357	0.4355	12.0743	10.4934	10.7767	11.1306
400009	1.1438	0.3533	9.5114	10.1212	14.0016	10.9165
400010	0.9453	0.3364	10.7993	10.4206	12.8584	11.2364
400011	1.1843	0.4355	8.5503	9.4068	10.7620	9.5779
400012	1.5766	0.4355	10.1156	*	11.1553	10.6502
400013	1.3294	0.4355	11.4222	12.3073	12.7900	12.1954
400014	1.4402	0.3664	9.9395	12.3301	11.0722	11.0731
400015	1.3375	0.4355	22.2017	21.9225	17.6943	20.4554
400016	1.5904	0.4355	16.1931	17.9107	19.1577	17.7512
400017	***	*	9.9185	10.0590	*	9.9834
400018	1.2773	0.4355	12.3942	13.1572	13.6091	13.0714
400019	1.4801	0.4355	14.7133	15.2364	15.0604	14.9878
400021	1.4966	0.4735	13.9217	14.9779	16.3677	15.0813
400022	1.5237	0.4216	15.3625	15.2124	15.3660	15.3143
400024	0.9101	0.3664	12.6226	13.7215	14.2708	13.3756

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
400026	1.2146	0.3533	7.1179	8.9064	9.8155	8.5696
400028	1.0865	0.4216	10.6711	9.6941	11.1923	10.4831
400032	1.1891	0.4355	10.7141	10.7844	11.9013	11.1571
400044	1.5933	0.4216	11.3551	12.1393	13.4579	12.3287
400048	1.4706	0.3533	9.6860	10.5176	11.5766	10.6023
400061	2.2278	0.4355	18.0093	17.4504	18.5327	17.9900
400079	1.2798	0.3364	10.4599	10.6127	11.3550	10.8205
400087	1.3984	0.4355	11.4162	12.0034	12.6233	12.0137
400098	1.2954	0.4355	13.7878	12.8756	13.2365	13.2769
400102	1.1382	0.4355	12.1761	12.1257	12.6314	12.3094
400103	1.9028	0.3664	11.7488	11.3314	12.7285	11.9274
400104	1.2065	0.4355	12.8404	12.6934	12.9616	12.8320
400105	1.1950	0.4355	16.9029	17.0463	25.3823	18.7978
400106	1.2536	0.4355	12.9272	14.8544	14.1766	13.9717
400109	1.4018	0.4355	14.8208	14.5713	15.4910	14.9662
400110	1.2776	0.3344	9.9278	10.8214	11.2311	10.6665
400111	1.1860	0.3364	10.2141	10.7892	11.0467	10.6893
400112	1.3018	0.4355	13.5177	11.2303	9.6181	11.3251
400113	1.2682	0.4216	10.9503	11.5948	11.9672	11.5248
400114	1.2012	0.4355	10.8913	11.6872	11.5514	11.3986
400115	1.1375	0.4355	9.6200	10.6809	12.0201	10.9084
400117	1.1338	0.4355	11.6258	12.1540	12.2159	11.9944
400118	1.3427	0.4355	12.7861	12.6199	13.3983	12.9418
400120	1.3341	0.4355	14.0817	14.5205	14.6591	14.4292
400121	1.0481	0.4355	9.1826	9.9713	11.7462	10.4349
400122	2.0582	0.4355	9.5814	10.0966	13.1851	10.6819
400123	1.2393	0.3664	12.5609	13.8601	13.4317	13.2749
400124	2.6950	0.4355	17.9140	19.1704	21.9082	19.6595
400125	1.2469	0.3786	13.5394	13.1078	12.7141	13.0689
400126	1.2047	0.4735	16.5726	*	14.2108	15.0677
400127	1.7226	0.4355	20.7775	*	12.0796	14.9826
400128	1.0695	0.4355	12.3520	*	23.6366	16.5277
410001	1.3432	1.1577	30.0315	30.5865	30.8038	30.4772
410004	1.3679	1.1577	31.3023	35.2384	33.7118	33.4391
410005	1.2848	1.1577	31.4387	34.2846	38.2842	34.6404
410006	1.3437	1.0783	32.8456	33.9961	35.4462	34.0980
410007	1.5997	1.1577	32.0730	34.4774	37.0287	34.5460
410008	1.3264	1.0783	32.5889	33.6384	34.6138	33.6230

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
410009	1.2503	1.0783	32.8422	34.3427	36.0892	34.4520
410010	1.1448	1.1577	32.7379	34.9330	38.4603	35.3886
410011	1.4804	1.1577	30.1941	36.7668	38.5007	35.1203
410012	1.5315	1.1577	37.0299	36.5207	37.5223	37.0259
410013	1.2162	1.1562	41.0010	39.8659	38.2253	39.6688
420002	1.5952	0.9316	30.5111	31.2247	32.3569	31.3720
420004	1.9950	0.9212	28.9250	30.0764	31.8610	30.3408
420005	1.2093	0.8391	24.6968	26.5044	28.0173	26.3085
420006	1.2439	0.9212	27.7764	29.1404	31.5368	29.4536
420007	1.6919	0.9303	29.0901	28.9557	31.1080	29.7356
420009	1.4100	0.9303	29.9378	28.6648	29.1084	29.2186
420010	1.1520	0.8391	25.5710	26.5523	27.0435	26.3875
420011	1.1710	0.9733	25.5130	26.0585	25.9484	25.8446
420015	1.2753	0.9733	26.3499	27.4929	27.9759	27.2837
420016	0.9421	0.8391	22.5681	23.4323	23.2125	23.0759
420018	1.8675	0.8850	27.5563	29.0923	28.9660	28.5545
420019	1.0673	0.8549	25.4954	25.8119	23.7910	25.0571
420020	1.3243	0.9212	27.5000	29.2935	28.9093	28.5788
420023	1.7895	0.9733	28.9321	30.4492	31.2602	30.2902
420026	1.8472	0.8850	28.0647	29.5066	31.2504	29.6183
420027	1.6396	0.9303	28.5621	31.3797	30.6779	30.1900
420030	1.4016	0.9212	28.4433	30.3424	31.3260	30.0576
420033	1.1867	0.9733	31.1608	32.4287	33.8157	32.4529
420036	1.2522	0.9315	24.6505	26.3480	27.1715	26.0603
420037	1.4533	0.9733	30.9556	32.7124	33.5291	32.3771
420038	1.3251	0.9733	26.6435	27.1524	29.5673	27.7906
420039	1.0882	0.8985	26.5582	26.3127	24.5270	25.7896
420043	1.1537	0.8548	25.7951	25.8366	24.2727	25.2822
420048	1.2904	0.8850	26.9625	27.4353	29.9094	28.1511
420049	1.3235	0.8668	25.7060	28.0920	28.4801	27.4734
420051	1.7878	0.8391	26.4710	27.6130	28.0711	27.3913
420053	1.1780	0.8426	24.4793	25.4820	26.4997	25.4881
420054	1.1731	0.8393	25.6444	26.7900	27.1580	26.5075
420055	1.0934	0.8391	25.1738	25.3144	25.9899	25.4736
420056	1.3359	0.8391	28.4512	29.7774	27.8175	28.6759
420057	1.2491	0.8391	26.2489	27.7137	29.5662	27.7788
420062	1.0594	0.9315	25.9569	27.2263	28.3129	27.1885
420064	1.5168	0.8668	24.6507	25.0654	26.4352	25.4019

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
420065	1.4283	0.9212	26.8118	28.1896	28.2922	27.7787
420066	1.0159	0.8391	25.0932	20.5743	26.0307	23.6377
420067	1.3662	0.8962	26.5658	27.7167	29.0379	27.7867
420068	1.4370	0.9332	27.7315	28.0316	28.1555	27.9645
420069	1.2663	0.8391	23.7494	24.4656	25.1993	24.4928
420070	1.3418	0.8850	27.5988	27.6431	28.4000	27.8833
420071	1.4302	0.9303	27.6371	28.1099	28.6098	28.1257
420072	1.0532	0.8391	21.6587	20.7716	24.4951	22.3025
420073	1.4257	0.8850	26.1120	28.2671	29.5999	28.0384
420078	1.9124	0.9733	30.9001	32.8731	34.3181	32.6841
420079	1.5300	0.9212	28.6374	30.5981	31.7686	30.3654
420080	1.4118	0.8962	31.5670	32.8712	33.8785	32.7544
420082	1.4714	0.9442	33.9874	34.8864	33.5290	34.1123
420083	1.4280	0.9303	28.9007	29.6587	29.2264	29.2667
420085	1.5563	0.9120	29.1127	29.9085	31.3391	30.1473
420086	1.5261	0.8850	27.9523	29.6349	30.1406	29.2824
420087	1.7716	0.9212	26.8409	28.4632	28.8860	28.0631
420089	1.4538	0.9212	29.5862	31.7367	33.0906	31.5000
420091	1.4931	0.8391	27.2520	27.9062	28.0471	27.7467
420093	***	*	33.0474	*	*	33.0474
420098	1.2157	0.8668	27.1939	27.6722	28.2058	27.7548
420099	***	*	30.3089	*	*	30.3089
420100	***	*	*	29.2979	*	29.2979
420101	1.1099	0.8962	*	33.1995	33.5957	33.3852
420102	1.8338	0.9733	*	*	*	*
430005	1.4026	1.0279	23.8694	25.4385	27.1759	25.4879
430008[6]	1.1374	0.9040	26.0873	27.2275	27.2961	26.9056
430012	1.3131	0.9040	25.2030	27.0195	28.5808	26.9442
430013[6]	1.2349	0.9040	27.0427	28.4962	28.3679	27.9783
430014	1.5014	0.8360	27.9288	28.9295	29.2921	28.7277
430015	1.3340	0.9040	26.5787	28.0414	28.0093	27.5536
430016	1.6001	0.9040	32.8765	31.1336	31.5894	31.8077
430027	1.7563	0.9040	27.5759	29.2617	29.2432	28.7331
430048	1.2370	0.9040	25.1715	25.6428	26.9537	25.9320
430060	0.7994	0.9040	*	*	11.7801	11.7801
430064	1.0087	*	16.4916	17.7334	*	17.1129
430077	1.7546	1.0279	27.2116	31.1945	35.3480	31.1559
430081	0.7923	1.4424	*	*	*	*

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
430082	0.8617	1.4424	*	*	*	*
430083	0.9252	1.4424	*	*	*	*
430084	0.8708	1.4424	*	*	*	*
430089	1.9427	0.8943	23.2467	24.9060	28.3217	25.6660
430090	1.8687	0.9040	29.0197	32.7395	33.8350	31.9285
430091	2.1343	1.0279	24.7274	26.7258	28.3496	26.5869
430092	1.9037	0.8360	21.9197	23.2527	26.6750	23.8829
430093	1.0219	1.0279	26.0232	24.7426	30.7398	27.0442
430094	1.9087	0.8489	23.2894	23.6624	23.9005	23.6313
430095	2.4076	0.9040	32.2326	32.5881	31.8141	32.2115
430096	2.0558	0.8360	24.6041	24.9623	28.0608	25.8247
440001	1.1681	0.7889	21.5755	25.4855	23.9380	23.6551
440002	1.7170	0.8923	26.3802	26.9133	28.4828	27.2894
440003	1.3870	0.9588	28.3557	26.0115	31.4162	28.4431
440006	1.5532	0.9588	31.5533	31.7394	32.6924	32.0216
440007	0.9755	0.8108	18.8273	22.7571	23.4825	21.6106
440008	0.9856	0.8338	27.3732	26.8857	26.2003	26.7710
440009	1.2062	0.7889	23.8148	24.4423	25.1184	24.4601
440010	0.9257	0.7889	19.6231	20.2497	23.8087	21.0805
440011	1.3574	0.7889	23.6698	24.8300	25.7912	24.7898
440012	1.5621	0.8120	23.7871	24.9261	26.2076	25.0346
440015	1.9489	0.7889	26.0601	27.1603	28.1389	27.1257
440016	1.0608	0.8033	24.5812	25.2512	25.4197	25.0955
440017	1.8022	0.8120	24.6707	26.1820	28.6110	26.5714
440018	1.1314	0.7889	25.0780	24.8568	26.0748	25.3481
440019	1.7874	0.7889	25.2230	26.2464	28.0387	26.4696
440020	1.0614	0.8545	24.7785	27.5626	28.0269	26.7501
440024	***	*	24.7705	26.2534	25.4398	25.5222
440025	1.2362	0.8592	22.6571	24.0289	25.5605	24.1012
440026	***	*	26.8153	28.4615	26.5911	27.3434
440029	1.4909	0.9588	31.2310	31.4652	31.8872	31.5392
440030	1.3360	0.7889	22.2607	22.3144	23.1116	22.5589
440031	1.1971	0.7908	22.6790	22.0711	23.0937	22.6115
440032	1.2087	0.8111	21.0380	23.8030	25.4122	23.4923
440033	1.0945	0.7916	22.7991	23.9792	24.3197	23.7153
440034	1.6950	0.7889	25.5061	25.9138	26.7987	26.0831
440035	1.4003	0.9337	26.2451	27.9217	26.8725	26.9978
440039	2.0964	0.9588	30.1790	30.1918	32.4190	30.9651

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
440040	0.8811	0.7889	20.8817	21.1288	21.3795	21.1297
440046	1.3511	0.9588	29.7377	30.7334	31.5146	30.6878
440047	0.9600	0.8227	22.8323	25.2150	26.8032	24.9297
440048	1.8069	0.9251	29.3187	30.6725	31.5584	30.5016
440049	1.6962	0.9251	28.8742	29.8623	31.7148	30.1520
440050	1.3689	0.7898	24.9694	26.3825	27.1284	26.2037
440051	0.9664	0.7971	23.4866	23.6560	23.1773	23.4345
440052	1.0071	0.7889	22.6128	24.4071	28.1868	24.9007
440053	1.3336	0.9588	27.8180	30.3907	31.3189	29.8831
440054	1.1938	0.7889	23.7931	21.9641	25.7785	23.7447
440056	1.2197	0.7889	23.2313	24.0635	25.2050	24.1764
440057	1.2124	0.7910	17.2176	19.3546	25.1519	20.2005
440058	1.1849	0.8663	26.0706	29.1184	28.5093	27.9179
440059	1.5133	0.9337	27.9467	29.4532	30.4489	29.3316
440060	1.1743	0.8227	25.0795	26.5867	26.5518	26.0649
440061	1.1467	0.7889	23.7360	25.4134	25.9969	25.0583
440063	1.6800	0.7922	23.9644	26.0763	25.4344	25.1913
440064	0.9901	0.8843	26.1246	26.7957	26.9014	26.5999
440065	1.3793	0.9588	25.8536	25.6111	27.3501	26.2562
440067	1.1389	0.8111	24.6553	26.0866	26.5062	25.7727
440068	1.1768	0.8663	26.1071	27.9082	27.2646	27.0984
440070	1.0041	0.7998	21.9166	23.2228	24.4477	23.1577
440072	1.0622	0.7889	25.7089	26.1661	27.6990	26.5274
440073	1.3762	0.9337	27.6154	27.5133	28.3950	27.8396
440081	1.2013	0.7941	20.7688	21.9681	23.3000	22.0280
440082	1.9325	0.9588	32.2479	32.8941	34.4535	33.1514
440083	0.9661	0.7889	23.6356	25.7074	25.5397	24.9485
440084	1.2160	0.7914	18.8699	19.8950	21.3873	20.0620
440091	1.7700	0.8843	28.1989	28.9697	30.0650	29.0959
440102	1.0501	0.7889	21.6762	22.1114	23.5525	22.4271
440104	1.9269	0.8843	27.9756	28.0905	29.7326	28.6019
440105	0.9836	0.7922	22.7962	23.7154	24.6039	23.7339
440109	1.0056	0.7959	21.4629	22.5878	23.8465	22.7050
440110	1.0908	0.7889	22.5929	23.6275	23.8010	23.4286
440111	1.3335	0.9588	28.8453	29.7461	33.0828	30.4705
440115	1.0344	0.8227	23.7107	24.9778	25.2508	24.6327
440120	1.5542	0.7889	24.7572	26.0621	28.0271	26.2971
440125	1.7960	0.7889	23.6328	24.0934	24.7908	24.1753

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
440130	1.0491	0.7889	25.1262	26.3192	27.5525	26.3049
440131	1.1167	0.9251	26.9649	28.3162	29.0546	28.0858
440132	1.2305	0.7889	24.0708	29.3377	26.1823	26.4549
440133	1.7145	0.9588	29.6093	32.5726	33.2319	31.7113
440135	***	*	27.7037	27.2094	28.7658	27.7531
440137	1.0334	0.8627	22.9547	24.6143	25.6931	24.4010
440141	1.0392	0.7889	24.9917	24.8737	24.3575	24.7396
440144	1.2864	0.9337	25.2293	26.3225	26.6282	26.0759
440147	***	*	34.8199	36.6978	33.5900	35.1193
440148	1.1629	0.9337	22.6188	28.0708	26.2483	25.5461
440150	1.5147	0.9588	29.4381	30.5513	32.9854	31.0235
440151	1.2049	0.9337	28.2203	28.6585	28.8412	28.5703
440152	2.0822	0.9251	28.4612	29.0588	28.7357	28.7553
440153	1.1009	0.7889	24.9388	23.3790	23.8797	24.0473
440156	1.7122	0.8843	28.5645	30.5161	31.0506	30.0399
440159	1.4313	0.9251	25.8289	27.2785	26.2728	26.4630
440161	1.9816	0.9588	29.9894	31.0667	32.2343	31.0945
440162	***	*	24.8705	24.6425	27.8605	25.6835
440168	0.9921	0.9251	29.4028	31.3316	37.0865	32.5354
440173	1.4718	0.7889	24.0621	23.1370	23.5486	23.5411
440174	0.8237	0.8923	26.2087	27.4579	27.4578	27.0580
440175	1.0356	0.7889	24.7869	26.7705	29.2713	26.9024
440176	1.3859	0.8120	23.7695	24.9420	26.1477	24.9622
440180	1.1931	0.7916	22.3070	24.3376	26.9310	24.4679
440181	0.9704	0.8254	25.9450	26.4763	26.2247	26.2208
440182	0.9597	0.8033	25.0111	24.9899	24.4173	24.7842
440183	1.6032	0.9251	30.6599	30.9923	31.9159	31.1964
440184	1.1026	0.7922	23.3970	26.9086	25.3287	25.1937
440185	1.1910	0.8663	26.7473	26.3974	25.6005	25.9994
440186	1.0070	0.9588	28.9124	28.2840	30.0775	29.2175
440187	1.0742	0.7889	25.8238	27.4034	27.2669	26.8312
440189	1.3762	0.8516	28.8974	30.5786	29.9065	29.8102
440192	1.0644	0.9337	29.6272	30.6533	32.0772	30.7921
440193	1.3049	0.9588	25.2124	25.9726	27.8132	26.3285
440194	1.3381	0.9588	30.8593	32.3020	32.1073	31.7956
440197	1.4319	0.9588	30.1184	31.4317	32.3241	31.2730
440200	1.0491	0.9588	23.8654	23.8288	23.3049	23.6647
440203	***	*	17.9041	*	*	17.9041

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
440217	1.4535	0.9251	29.8888	31.6650	33.8684	31.8214
440218	2.2276	0.9588	18.7275	36.9273	31.7847	28.6646
440222	0.4461	0.9251	29.0062	30.5148	32.4230	30.6504
440225	0.9600	0.7889	27.8860	26.9687	29.8273	28.4540
440226	1.6528	0.7889	27.1348	28.3199	28.4491	27.9540
440227	1.3377	0.9588	30.7785	31.9119	32.1862	31.6656
440228	1.5956	0.9251	28.3687	29.5372	31.2049	29.8345
450002	1.5341	0.8640	28.8521	29.7180	30.0562	29.5206
450005	1.1780	0.8325	24.5405	27.3473	27.9825	26.6743
450007	1.3224	0.8913	23.9490	24.4630	26.2568	24.8938
450008	1.4626	0.8756	24.5965	24.4372	26.1215	25.0328
450010	1.6138	0.9519	25.5582	30.1034	32.9053	29.4001
450011	1.6453	0.9133	28.5329	29.9302	30.9903	29.8097
450015	1.6528	0.9731	29.4919	30.3168	30.3228	30.0599
450018	1.6259	0.9933	30.7852	31.3131	32.9922	31.6815
450021	1.9128	0.9731	31.3107	31.7360	34.5462	32.5704
450023	1.3772	0.7944	25.5346	25.1683	25.6361	25.4489
450024	1.6424	0.8640	28.2047	27.3814	27.8816	27.8238
450028	1.6054	0.9300	29.5792	29.5689	29.8049	29.6529
450029	1.5777	0.8378	26.9361	28.6465	27.2662	27.6085
450031	***	*	30.3542	29.2141	28.8891	29.4756
450032	1.2893	0.8239	25.5785	26.3159	25.7989	25.8817
450033	1.6290	0.9300	27.8680	29.7668	31.6557	29.7124
450034	1.5775	0.8325	27.6929	29.6309	28.2761	28.5871
450035	1.5658	0.9933	28.8049	30.3369	30.8574	29.9707
450037	1.5618	0.8239	28.3403	28.2622	26.8661	27.7968
450039	1.7271	0.9578	28.2081	29.8145	29.5097	29.2092
450040	1.7040	0.8813	26.8412	28.5469	30.0844	28.4892
450042	1.7439	0.8608	26.5429	27.6131	28.3649	27.5546
450044	1.7966	0.9731	29.4293	32.9921	36.3786	32.9373
450046	1.6278	0.8660	25.5903	27.2439	28.4297	27.1379
450047	1.4946	0.9300	23.8457	24.9670	24.6290	24.4417
450051	1.9896	0.9731	29.9038	30.3976	31.0740	30.4714
450052	1.0420	0.7944	23.0007	24.3964	25.8142	24.3377
450054	1.7644	0.8756	26.5599	30.2211	30.7196	29.1912
450055	1.0273	0.7944	23.6382	24.1418	24.6436	24.1474
450056	1.7042	0.9515	31.4971	32.0902	33.7634	32.4957
450058	1.6192	0.8913	26.9918	27.7318	27.8963	27.5664

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
450059	1.2657	0.8988	27.3856	28.5645	29.9336	28.6174
450064	1.5627	0.9578	28.2786	29.0495	30.6704	29.3616
450068	2.1541	0.9933	30.5001	32.0372	34.9179	32.5258
450072	1.2471	0.9933	27.1081	28.0921	28.7063	28.0049
450073	0.8985	0.7944	26.1567	22.2322	23.1471	23.7807
450076	1.6978	*	*	*	*	*
450078	0.8990	0.7944	20.0758	20.7800	21.0876	20.6891
450079	1.6161	0.9731	30.5968	36.8936	34.1533	33.8021
450080	1.2896	0.9578	26.2439	26.8111	28.6334	27.2075
450082	1.1750	0.7944	24.2018	25.5654	27.1314	25.5425
450083	1.7873	0.8449	32.6462	30.2054	28.6628	30.4147
450085	1.0884	0.7944	25.6440	26.3610	28.1669	26.7018
450087	1.5138	0.9578	31.2668	32.6556	34.2493	32.7595
450090	1.2553	0.8594	21.8839	22.7822	22.2148	22.3070
450092	1.3425	0.7944	26.2781	28.2278	28.3891	27.6760
450096	***	*	28.1902	*	*	28.1902
450097	1.5629	0.9933	29.8734	31.9782	33.8910	31.8839
450099	1.3638	0.8469	31.7829	29.8491	25.5799	28.9998
450101	1.6205	0.8608	26.7457	28.4220	29.3777	28.2179
450102	1.7298	0.8449	26.4161	27.3364	27.5145	27.1220
450104	1.1987	0.8913	28.8063	27.7851	30.4631	28.9966
450107	1.6306	0.8640	27.8177	29.0328	29.6790	28.8492
450108	1.2102	0.8913	19.3245	22.4293	21.7619	21.2044
450119	1.5818	0.8883	31.1026	34.4161	31.0699	31.9515
450121	***	*	27.7472	*	*	27.7472
450123	1.1626	0.8325	26.2469	24.0433	27.6445	26.0567
450124	1.8022	0.9515	30.9140	31.9797	32.9774	32.0199
450126	1.4041	0.9933	30.5540	32.0370	32.9729	31.9011
450128	1.3154	0.8883	26.3296	28.3171	28.9733	27.8237
450130	1.2560	0.8913	24.3842	26.9208	28.3786	26.6105
450132	1.5872	0.9836	31.9981	31.1361	34.8719	32.6641
450133	1.5731	0.9347	30.0648	30.9622	31.3911	30.7940
450135	1.6951	0.9578	30.1385	30.7909	30.8734	30.6150
450137	1.6389	0.9578	31.9644	35.7775	33.8235	33.9369
450143	1.0079	0.9515	23.6834	24.4346	25.1702	24.4377
450144	1.0148	0.9347	29.2987	31.1552	31.4041	30.6148
450147	1.5111	0.8660	24.7221	26.3032	27.3607	26.1124
450148	1.2965	0.9578	29.6777	30.0542	29.9522	29.8983

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
450151	***	*	26.2011	22.8768	*	24.4313
450152	1.2361	0.8756	23.1056	24.3442	25.7523	24.4538
450154	1.3803	0.7944	22.9357	24.2582	23.2210	23.4578
450155	0.9665	0.7944	24.8052	24.8773	25.2546	24.9665
450162	1.2136	0.8813	32.9317	33.7823	27.1453	31.3191
450163	1.0701	0.7998	24.7857	27.0967	27.6273	26.4577
450165	1.1140	0.8913	29.1839	30.2236	30.3796	29.9469
450176	1.5142	0.8883	24.4338	25.8587	28.4561	26.3668
450177	1.1276	0.7944	24.4064	26.0895	27.7791	26.1268
450178	0.9422	0.9482	27.1184	28.5990	27.5779	27.7487
450184	1.6571	0.9933	29.5940	30.9726	32.7090	31.0735
450187	1.2029	0.9933	27.7374	29.2749	29.3048	28.7781
450188	0.9059	0.7944	23.2280	24.6823	23.0844	23.6821
450191	1.2724	0.9515	28.3937	31.1339	30.0686	29.8492
450192	1.0798	0.8215	26.4722	26.9884	27.5539	27.0243
450193	2.1739	0.9933	36.4793	37.1906	38.2891	37.3364
450194	1.2833	0.8157	24.3531	30.4381	28.6816	27.5562
450196	1.4613	0.7944	23.4577	25.4842	29.8107	26.1490
450200	1.6242	0.8152	25.6413	27.9843	27.5112	27.0045
450201	0.8832	*	23.2800	22.5464	*	22.8923
450203	1.2705	0.9434	27.8795	28.0986	29.4706	28.5080
450209	1.8398	0.8594	30.6146	31.9882	30.4150	30.9801
450210	1.0572	0.8095	22.5736	22.9055	23.7777	23.0259
450211	1.3669	0.8239	28.3770	28.8485	27.7427	28.3006
450213	1.8582	0.8913	26.8566	28.0307	29.2061	28.0652
450214	1.2733	0.9933	27.9913	28.2261	27.0761	27.7693
450219	0.9895	0.7944	23.9636	24.7274	28.0584	25.5336
450221	1.0409	0.7944	21.3721	20.7118	23.9462	21.9168
450222	1.7247	0.9933	30.3801	31.9255	33.2164	31.8255
450224	1.3848	0.8449	28.4382	28.7931	29.8428	29.0119
450229	1.6517	0.8336	25.1370	26.8039	27.2189	26.3503
450231	1.6810	0.8594	26.9783	27.0545	27.7289	27.2535
450234	0.9997	0.7944	20.4659	21.6799	23.2715	22.0290
450235	0.9717	0.7944	21.8967	23.8001	24.3335	23.3234
450236	1.1613	0.8333	22.9622	24.5942	24.1409	23.8937
450237	1.7146	0.8913	30.5885	31.2197	36.8412	32.7355
450239	0.9716	0.8756	19.1359	18.4234	19.1203	18.8870
450241	1.0885	0.7944	21.3641	28.4948	24.3518	24.7248

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
450243	0.9550	0.7944	17.2966	19.0180	19.9804	18.7968
450253	0.8958	0.9933	24.1056	22.9918	24.3618	23.8228
450270	1.2553	0.8215	19.8180	12.9999	19.0341	16.6811
450271	1.4195	0.9434	24.1269	23.9534	27.4614	25.2835
450272	1.1688	0.9515	27.0521	29.0917	29.5124	28.5634
450280	1.5642	0.9731	31.6575	34.9349	33.8297	33.4749
450283	1.0776	0.9578	24.1754	28.2094	24.3428	25.4325
450289	1.4997	0.9933	32.6533	32.6137	32.4591	32.5747
450292	1.2632	0.9731	26.8110	29.0243	29.2485	28.3699
450293	0.8881	0.7944	24.0827	24.1556	23.7577	23.9982
450296	1.0740	0.9933	31.5596	33.4545	34.1708	33.0235
450299	1.5616	0.9133	28.4171	29.4593	30.3493	29.4809
450306	0.9008	0.8336	22.9486	22.6818	25.9877	23.7667
450315	1.9177	0.9731	*	31.4227	32.3840	31.9584
450324	1.6449	0.9578	26.6093	27.9899	26.8023	27.1406
450330	1.2720	0.9933	27.1100	27.7419	29.4471	28.1010
450340	1.3442	0.8067	25.6791	29.6617	28.7672	28.0047
450346	1.5153	0.8325	23.8720	24.8434	26.7809	25.2176
450347	1.2846	0.9933	30.7825	28.5789	30.0644	29.8229
450348	0.9987	0.7944	21.0484	22.6828	23.1190	22.2864
450351	1.1913	0.9434	29.2560	29.9598	30.3441	29.8443
450352	1.1072	0.9731	27.2983	27.6480	29.3516	28.1235
450353	***	*	27.9576	*	*	27.9576
450358	2.0165	0.9933	32.5922	33.9103	36.9859	34.5038
450369	0.9205	0.7944	22.8525	24.1953	22.7433	23.2001
450370	1.3004	0.9933	26.3235	29.0816	28.8348	28.0415
450372	1.4118	0.9731	29.5022	30.9345	33.7023	31.4119
450373	0.8443	0.7944	27.0726	27.4251	25.3691	26.6276
450378	1.2317	0.9933	32.2278	33.0583	33.9891	33.0955
450379	1.3439	0.9731	35.3807	35.0637	35.9067	35.4398
450388	1.7199	0.8913	27.8155	29.5386	30.3720	29.2611
450389	1.1353	0.9578	26.9638	26.8499	24.6733	26.1617
450393	0.6145	0.8299	*	39.0266	12.9286	23.0125
450395	1.0959	0.8385	26.7743	28.4272	27.2714	27.4941
450399	0.9053	0.7944	22.1731	20.6307	23.2716	22.0164
450400	1.0937	0.7944	26.2871	29.5020	29.8965	28.4062
450403	1.3474	0.9731	29.8643	31.7065	33.1710	31.6519
450411	1.0156	0.7944	21.5746	21.7877	20.9108	21.4211

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
450419	1.4465	0.9578	34.2427	34.9972	33.6834	34.2792
450422	1.0342	0.9731	31.3454	32.4669	36.7309	33.3794
450424	1.4314	0.9933	30.7228	29.8290	32.4674	31.0243
450431	1.7394	0.9515	27.3926	28.5289	29.6446	28.5457
450438	1.1937	0.9933	26.5223	27.7734	25.1006	26.4737
450446	0.7700	0.9933	17.2871	15.4641	12.4405	15.0188
450447	1.1800	0.9578	26.5238	28.3724	29.9936	28.3029
450451	1.1077	0.8480	26.5477	25.8836	26.5422	26.3265
450460	0.9546	0.7997	24.9870	25.2165	27.6224	25.9432
450462	1.6663	0.9731	30.1466	30.6516	31.7311	30.8439
450465	1.2032	0.9933	27.0835	28.1853	28.0105	27.7846
450469	1.4654	0.9578	26.3445	31.1348	29.2172	28.8575
450475	1.2340	0.8239	24.5176	24.7037	25.0642	24.7745
450484	1.4622	0.8239	28.3913	27.7792	29.4306	28.5230
450488	1.3668	0.8239	23.7985	24.9109	26.6089	24.9764
450489	0.9673	0.7944	25.2680	26.9543	25.3695	25.8549
450497	1.0350	0.8319	23.1860	23.0712	24.6056	23.6315
450498	0.9862	0.7944	20.2475	20.6873	19.3077	20.0710
450508	1.4188	0.8239	27.2850	29.1519	30.4829	29.0025
450514	***	*	27.3043	26.4196	*	26.8548
450518	1.4298	0.8325	29.1322	27.5880	28.9969	28.5032
450530	1.3209	0.9933	29.9720	30.7745	31.5033	30.7512
450537	1.5827	0.9731	28.7448	30.9167	33.1500	30.8952
450539	1.1649	0.8011	24.2151	25.0191	25.5268	24.9160
450547	0.9435	0.9578	34.3349	25.4140	24.6575	27.5535
450558	1.7672	0.8336	28.0655	28.7747	30.9433	29.2592
450563	1.5301	0.9578	32.0507	32.6875	35.8856	33.5364
450565	1.2719	0.9434	28.1741	27.4774	28.0400	27.8916
450571	1.6075	0.8067	27.4605	26.5313	26.2046	26.7210
450573	1.1286	0.8070	22.1492	24.6750	28.8508	25.2439
450578	0.9834	0.7944	25.0498	25.2478	25.7938	25.3861
450580	1.0385	0.7944	23.9004	25.9881	23.7932	24.5461
450584	1.0287	0.7944	22.5204	23.6044	23.7329	23.2726
450586	0.9974	0.7944	20.6699	18.3289	19.8656	19.6250
450587	1.1871	0.7944	25.0174	25.9364	27.1505	26.0061
450591	1.1634	0.9933	27.1744	27.9867	26.8802	27.3410
450596	1.2725	0.9434	29.8462	31.6590	30.9701	30.8601
450597	0.9831	0.7944	24.2586	24.8443	26.3300	25.1065

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
450604	1.4107	0.7944	25.9133	29.1543	27.9983	27.7150
450605	1.0350	0.8660	23.9332	14.8039	23.3169	20.2003
450610	1.5957	0.9933	28.3713	30.5977	32.1314	30.2856
450615	1.0208	0.7977	24.1902	22.6331	25.1269	23.9621
450617	1.5930	0.9933	28.8323	30.2923	31.5691	30.2388
450620	1.0663	0.7944	20.3723	21.2535	21.7871	21.1315
450630	1.5593	0.9933	29.8431	31.8014	32.3195	31.3152
450634	1.6794	0.9731	30.3274	31.8008	31.9667	31.3593
450638	1.6656	0.9933	32.4911	33.3237	34.1802	33.2981
450639	1.5194	0.9578	32.6255	34.3754	33.3962	33.4626
450641	0.9429	0.8319	20.2483	21.7292	20.0231	20.6572
450643	1.3395	0.8378	24.4999	27.2538	28.7747	26.8447
450644	1.5683	0.9933	30.7815	31.6874	33.5265	32.0374
450646	1.5571	0.8640	26.8060	27.4631	27.8352	27.3616
450647	1.9320	0.9731	32.4236	34.1016	35.2696	33.9611
450651	1.7455	0.9731	31.9261	33.6498	34.9917	33.4903
450653	1.1436	0.7944	26.1756	26.5361	27.8569	26.8554
450654	0.9489	0.7944	22.5447	25.0755	23.5856	23.7098
450656	1.4697	0.8239	28.1493	29.7290	30.0651	29.2769
450658	0.9753	0.7944	24.7856	22.7090	21.8183	23.0156
450659	1.5238	0.9933	34.2380	34.2657	35.0007	34.4823
450661	1.5198	0.9836	30.0751	29.2381	29.1701	29.4733
450662	1.6918	0.9300	29.0532	30.9630	32.8936	31.0032
450668	1.5626	0.8640	30.6114	30.2083	30.7673	30.5246
450669	1.2242	0.9731	30.2374	32.1244	32.6777	31.6620
450670	1.5707	0.9933	26.4266	26.2954	28.8285	27.2168
450672	1.7704	0.9578	31.8420	33.0858	34.5171	33.1836
450674	1.0249	0.9933	29.8971	31.9316	33.4719	31.8222
450675	1.4724	0.9578	30.9562	32.6380	34.4049	32.7257
450677	1.2959	0.9578	27.2760	27.1603	29.5819	28.0301
450678	1.5536	0.9731	33.3386	33.5513	33.6167	33.5018
450683	1.1546	0.9731	21.1737	24.8440	28.7984	24.1904
450684	1.3944	0.9933	30.2139	31.2765	31.8794	31.1227
450686	1.6274	0.8813	25.8530	26.4871	28.8211	27.1416
450688	1.4836	0.9731	26.9897	29.4393	30.4156	28.8321
450690	1.4246	0.8449	26.1743	30.0577	31.8607	29.0551
450694	1.1525	0.7944	24.0031	27.0862	28.3456	26.2524
450697	1.5110	0.8913	26.4132	28.3002	29.0148	27.9322

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
450698	0.9076	0.8071	21.5742	23.3062	21.5450	22.0600
450702	1.5383	0.8239	26.3696	27.1318	26.9753	26.8294
450709	1.5117	0.9933	27.1077	31.3239	31.0331	29.8756
450711	1.5475	0.8883	27.5622	28.1040	29.2934	28.3187
450713	1.6625	0.9515	29.4980	30.4933	31.3274	30.4671
450715	1.2672	0.9731	17.0235	*	27.0982	20.6530
450716	1.4238	0.9933	33.7096	33.9926	33.4960	33.7318
450718	1.5519	0.9515	28.1560	29.7609	30.6623	29.5783
450723	1.4975	0.9731	30.1704	31.0481	32.1316	31.1335
450730	1.3480	0.9731	32.7293	32.8920	34.9137	33.4736
450742	1.2318	0.9731	30.0583	30.4204	31.4270	30.6452
450743	1.4610	0.9731	28.4736	29.5098	30.3302	29.5107
450746	1.0168	0.7944	22.7873	23.3484	22.7535	22.9663
450747	1.2242	0.8449	25.8175	28.3935	27.1975	27.1094
450749	0.9484	0.7944	22.1562	23.9269	23.0265	23.0070
450751	***	*	21.4223	*	*	21.4223
450754	0.9626	0.7944	24.7797	22.8572	23.4607	23.6054
450755	0.9619	0.8220	22.2006	24.7428	22.4195	23.0470
450758	***	*	28.2803	28.3305	29.5013	28.6021
450760	***	*	25.1637	23.7157	24.0691	24.3311
450766	1.9124	0.9731	30.2341	31.2084	33.3435	31.5447
450770	1.2334	0.9515	24.3244	23.6093	25.5863	24.5042
450771	1.5931	0.9731	32.0500	32.5014	32.6206	32.4010
450774	1.7583	0.9933	25.7436	27.5065	29.1151	27.5419
450775	1.4383	0.9933	29.8230	31.6656	33.1582	31.6041
450779	1.3582	0.9578	31.8403	32.0770	31.4350	31.7632
450780	2.1986	0.8913	27.0084	28.5560	29.4960	28.3799
450788	1.5370	0.8660	28.3759	29.7667	31.5593	29.8889
450795	1.2428	0.9933	32.9803	43.8574	31.1871	36.0870
450796	1.9000	0.8594	37.6274	39.4762	31.6590	36.0571
450797	***	0.9933	24.8598	26.0302	29.7074	26.8190
450801	1.5512	0.8152	23.6072	25.6379	27.2635	25.5050
450803	1.2318	0.9933	29.0106	28.7041	28.4345	28.7228
450804	1.9634	0.9933	29.1282	31.1891	33.2767	31.2471
450808	1.9079	0.9515	23.0312	29.6476	27.4132	26.6467
450809	1.6269	0.9515	27.3080	29.4696	30.4031	29.0998
450811	1.0131	0.8883	31.2208	31.3007	32.5513	31.6760
450813	1.0733	0.8070	22.9289	26.5803	24.0804	24.5011

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
450820	1.6399	0.9933	33.9030	34.7445	36.4796	35.1468
450822	1.4897	0.9731	32.2145	34.4060	34.7760	33.8531
450824	2.6241	0.9515	33.3653	31.8413	34.8301	33.3115
450825	1.4589	0.8883	25.1521	25.8006	23.6674	24.8630
450827	1.4259	0.9519	24.1984	24.3659	23.6628	24.0692
450828	1.3210	0.7944	24.8236	26.9553	26.3231	25.9968
450829	***	*	19.5842	*	*	19.5842
450830	1.0676	*	27.8005	28.4007	*	28.0974
450831	1.5344	0.9933	23.9467	24.4141	24.2732	24.1921
450832	1.4673	0.9933	27.3290	28.1389	31.2830	29.0578
450833	1.2357	0.9731	27.9649	29.0256	30.3604	29.1582
450834	1.5917	0.9133	27.4844	26.7253	28.1564	27.4378
450838	0.9160	0.8070	18.9620	19.2949	20.3039	19.4912
450839	0.9870	0.7944	27.2199	27.5330	28.0060	27.5802
450840	1.3170	0.9731	32.2538	32.4162	34.1412	33.0764
450841	2.0854	0.9300	20.9424	24.4389	24.6321	23.4298
450844	1.3785	0.9933	33.7978	33.0758	34.7070	33.8874
450845	1.8836	0.8640	29.9265	28.5039	30.9556	29.7787
450847	1.3062	0.9933	29.7356	30.7431	31.6028	30.7341
450848	1.3685	0.9933	30.5546	31.1476	32.0471	31.2633
450850	***	*	31.9606	27.2653	*	29.4295
450851	2.1789	0.9731	35.1102	32.8377	35.2085	34.3481
450853	1.9978	0.9731	37.1043	38.3600	37.5237	37.6872
450855	1.6791	0.9300	32.6916	30.7353	33.0196	32.0840
450856	2.2420	0.8913	37.7362	35.5006	35.5221	36.2139
450860	1.8054	0.9933	29.1075	33.3404	36.0060	32.7588
450862	1.6682	0.9933	31.8095	33.7962	34.2163	33.3748
450864	2.2651	0.8449	24.5049	25.3535	26.6579	25.6140
450865	1.1199	0.9515	29.9559	31.9200	34.6338	32.2797
450867	1.2503	0.9515	29.5879	31.4953	33.8712	31.6906
450868	***	*	25.3486	27.7501	28.4524	27.1225
450869	2.0556	0.8883	26.1616	28.7422	27.9532	28.0482
450871	1.8884	0.9515	28.9150	32.3990	35.2470	32.1760
450872	1.4202	0.9578	27.2833	31.7345	30.7510	30.2016
450873	***	*	14.8821	*	*	14.8821
450874	2.0151	0.9731	34.6083	35.6839	37.4432	36.0736
450875	1.8486	0.8594	23.2763	23.2962	26.9904	24.4507
450876	1.8214	0.8813	28.4343	30.3515	30.7721	29.9322

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
450877	1.5117	0.8640	26.1867	29.2353	28.0504	27.8234
450878	2.5628	0.8913	31.6750	33.6269	33.5225	32.9489
450879	***	*	35.5672	36.4874	31.1510	34.0526
450880	1.7282	0.9578	35.9572	32.6713	32.1245	33.3470
450881	***	*	24.5464	*	*	24.5464
450882	***	*	26.6910	*	*	26.6910
450883	2.9981	0.9731	35.2646	37.1525	38.5954	37.1234
450884	0.9428	0.8288	27.8213	23.5799	25.0230	25.3642
450885	1.4667	0.9731	34.1148	36.0954	33.7612	34.6323
450886	1.4731	0.9578	*	30.1571	33.2011	31.7408
450887	***	*	*	25.5590	*	25.5590
450888	1.8917	0.9458	*	28.5995	26.3027	27.2930
450889	2.0193	0.9731	*	35.6151	29.1149	31.7649
450890	1.5522	0.9731	*	32.2000	33.9068	33.1681
450891	1.7321	0.9731	*	39.0890	29.7832	33.7188
450892	***	*	*	39.5333	*	39.5333
450893	1.5130	0.9731	*	36.2660	37.8279	37.0922
450894	2.2251	0.9731	*	25.9441	34.3388	30.3271
450895	***	*	18.4142	*	*	18.4142
460001	1.9740	0.9444	30.0040	30.7040	32.3262	31.0505
460003	1.6340	0.9450	32.3427	29.6450	31.8128	31.2758
460004	1.7841	0.9450	29.6342	29.8773	32.2759	30.6290
460005	1.5557	0.9450	26.0731	29.4188	29.6947	28.4160
460006	1.6503	0.9450	28.3678	28.9653	30.3798	29.2376
460007	1.2729	0.9386	28.0035	29.1191	30.8583	29.3990
460008	***	*	31.5485	27.6906	30.5351	29.9030
460009	1.9058	0.9450	28.3836	29.4705	31.5120	29.8433
460010	2.0519	0.9450	30.4606	30.9813	32.8157	31.4456
460011	1.3313	0.8442	24.9677	26.5486	27.0189	26.1914
460013	1.4545	0.9444	29.2731	29.7252	31.2945	30.1031
460014	1.1400	0.9450	29.5963	30.6450	30.0229	30.0846
460015	1.4607	0.9014	29.1318	28.8014	30.7369	29.5808
460017	1.3646	0.8825	26.1589	28.7126	29.8556	28.2650
460018	1.0089	0.8442	22.8028	22.0935	24.7761	23.2405
460019	1.1464	0.8442	23.2202	25.1615	24.9579	24.4662
460021	1.8769	1.1523	29.5761	29.7397	31.5207	30.3172
460023	1.3298	0.9444	28.5884	28.9473	30.5888	29.4321
460026	0.9996	0.9443	27.9487	29.2775	31.3552	29.5594

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
460030	1.1111	0.8442	24.4218	26.8979	30.0714	27.0882
460033	0.8479	0.8442	26.6606	27.9108	29.0346	27.8794
460035	0.9356	0.8442	21.9115	23.8682	23.4736	23.0722
460039	1.0362	0.9414	30.4912	30.0677	32.8010	31.1589
460041	1.4614	0.9450	26.3807	26.7356	29.4568	27.5035
460042	1.5794	0.9450	26.8389	36.2903	35.5686	32.5483
460043	1.1877	0.9444	28.6668	29.5660	31.2717	29.8856
460044	1.3504	0.9450	28.7023	29.5079	31.4469	29.9083
460047	1.6969	0.9450	29.9990	31.0020	33.0291	31.3339
460049	2.0061	0.9450	28.4884	28.6267	32.0329	29.8125
460051	1.4927	0.9450	27.8841	28.1140	28.6559	28.2613
460052	1.6830	0.9444	27.1995	28.7455	30.2613	28.8219
460054	1.6314	0.9014	25.7870	26.3939	28.1478	26.7778
470001	1.2744	1.0004	29.7540	32.2887	34.5891	32.0548
470003	1.8557	1.1577	30.1973	30.0535	35.8753	32.2869
470005	1.3232	0.9590	33.1981	33.9969	32.1087	33.0909
470011	1.1987	0.9590	29.6269	30.8742	32.1668	30.9241
470012	1.2633	1.0260	27.0751	29.8259	30.9839	29.3181
470024	1.2604	1.0456	26.6351	27.3106	28.9203	27.6164
490001	1.0881	0.8323	24.0368	24.6883	25.2705	24.6827
490002	0.9770	0.8104	21.7092	24.0672	26.2533	23.9078
490004	1.3432	0.9141	27.5890	28.8660	30.6657	29.0473
490005	1.6316	1.0700	30.5349	31.4909	32.7159	31.6193
490007	2.0639	0.8930	29.3098	30.7411	31.5954	30.5805
490009	2.0365	0.9245	28.4642	31.4260	30.5748	30.1489
490011	1.5989	0.8930	27.4764	28.8780	30.5522	28.9359
490012	1.0707	0.8101	22.9922	21.8322	22.3339	22.3878
490013	1.3957	0.9590	25.5560	27.3486	27.4108	26.7616
490017	1.5008	0.8930	27.5902	29.6784	29.5853	28.9560
490018	1.3696	0.9141	27.2644	27.8682	28.8491	28.0010
490019	1.1960	1.0700	25.8264	29.8891	33.5636	29.5310
490020	1.3234	0.9369	29.3468	30.6013	32.5621	30.8119
490021	1.4594	0.8323	27.0641	28.1254	28.1343	27.7739
490022	1.4481	1.0700	30.1203	31.7985	34.5366	32.2948
490023	1.3489	1.0700	30.9920	32.6308	33.4561	32.3822
490024	1.6983	0.8840	27.9689	29.0407	29.9188	28.9972
490027	1.2394	0.8101	23.0017	24.3834	23.6876	23.5951
490032	2.0591	0.9369	28.5897	28.0120	30.0331	28.8893

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
490033	1.1536	1.0700	31.8282	30.9910	32.1854	31.6637
490037	1.2278	0.8101	25.2859	26.2951	28.9020	26.8443
490038	1.1734	0.8104	22.6504	24.0852	25.7219	24.1531
490040	1.5211	1.0700	34.1841	35.6822	36.5546	35.4761
490041	1.6040	0.8930	27.1613	29.1244	30.4198	28.9376
490042	1.3335	0.8721	25.7333	26.6078	28.1989	26.8374
490043	1.3812	1.0771	35.8872	36.5982	33.4364	35.2326
490044	1.4387	0.8930	23.3793	24.1763	30.3606	25.9954
490045	1.3576	1.0700	30.3772	32.8774	34.0289	32.4468
490046	1.5600	0.8930	27.9604	29.3882	30.5445	29.3251
490048	1.4892	0.8840	27.0620	28.0320	29.1952	28.0886
490050	1.5406	1.0700	32.2993	31.1370	33.3979	32.2722
490052	1.7255	0.8930	25.0046	25.4179	26.5858	25.6598
490053	1.2093	0.8123	23.8004	24.6206	25.5300	24.6561
490057	1.6632	0.8930	27.4918	29.0700	30.5163	29.0742
490059	1.7112	0.9369	30.8669	32.1031	32.7894	31.9415
490060	1.0553	0.8101	24.3192	25.7765	26.2620	25.4412
490063	1.8888	1.0771	31.6069	34.1179	35.7722	33.8561
490066	1.4008	0.9369	29.5917	31.4298	31.1949	30.7538
490067	1.2778	0.9369	25.9497	26.7802	27.5172	26.7391
490069	1.6622	0.9369	29.1527	30.1482	33.1140	30.8306
490071	1.4811	0.9369	31.7061	33.7118	36.1311	33.8122
490073	***	*	34.5774	46.4210	*	38.3199
490075	1.3989	0.8298	25.7323	27.3424	27.8663	26.9133
490077	1.4740	0.9245	28.1506	31.0016	33.5266	30.9254
490079	1.3080	0.8960	25.2340	24.2066	25.3814	24.9293
490084	1.2031	0.8288	25.7657	26.3234	28.0861	26.7498
490088	1.0737	0.8323	25.0619	26.0285	26.5138	25.8817
490089	1.1556	0.8840	25.9902	27.4587	28.7200	27.4152
490090	1.1096	0.8101	25.5418	27.0760	28.1280	26.9253
490092	1.0140	0.8101	25.7405	27.5277	26.9546	26.7455
490093	1.5421	0.8930	26.7886	28.7122	29.2159	28.2637
490094	1.0235	0.9369	28.9155	29.7990	33.4960	30.8345
490097	1.0939	0.9369	27.1470	27.4608	27.3832	27.3345
490098	1.2631	0.8101	25.1625	26.7152	29.1195	27.0537
490101	1.4788	1.0771	32.3695	32.9516	36.2501	33.9005
490104	0.8552	0.9369	17.0548	19.0056	21.5140	19.0764
490105	0.7736	0.8104	26.3827	*	*	26.3827
490106	0.8850	0.8101	25.7352	26.2318	28.0073	26.6295
490107	1.4508	1.0771	33.5430	35.0272	36.5156	35.0651
490108	1.0375	0.8323	23.3204	27.8717	26.8474	26.0300
490109	0.8876	0.8930	24.2296	21.6711	26.3100	24.0657
490110	1.4059	0.8534	24.9861	26.3089	28.6114	26.6064
490111	1.1788	0.8101	22.7336	26.4297	25.9801	24.8668
490112	1.8421	0.9369	29.0816	31.2549	32.6940	30.9721
490113	1.3312	1.0700	32.4547	34.7841	34.3609	33.8935
490114	1.2331	0.8101	22.1387	23.0533	23.6217	22.9871
490115	1.1689	0.8101	23.5718	23.2118	24.2056	23.6642
490116	1.1350	0.8101	24.3853	25.0351	26.8981	25.4473
490117	1.0820	0.8101	18.1138	20.3038	19.0627	19.1474
490118	1.6707	0.9369	29.0569	31.2407	32.7697	30.9818
490119	1.3137	0.8930	27.8866	29.5222	30.2401	29.2569
490120	1.4783	0.8930	25.9610	27.1990	29.8199	27.7041
490122	1.6156	1.0771	33.3719	35.2234	36.8356	35.1656
490123	1.1418	0.8101	24.2254	24.6011	25.9018	24.9121
490126	1.2742	0.8101	24.0908	25.3294	26.4277	25.2588
490127	1.1263	0.8101	23.5161	23.1399	23.5161	23.3911
490130	1.2723	0.8930	25.3352	25.9782	27.8912	26.4178
490134	0.8132	0.8101	33.2405	31.1495	36.6290	33.6266
490135	0.7928	0.8840	25.9998	27.2795	29.4817	27.5770
490136	1.4979	0.9369	*	31.2911	33.2256	32.4123
490137	***	*	*	*	33.7203	33.7203
490138	2.2840	0.8323	*	*	*	*
490139	2.7551	0.9369	*	*	*	*
500001	1.6102	1.1384	33.0901	37.5323	34.4057	34.9332
500002	1.4327	1.0119	29.1448	30.1872	32.8317	30.8058
500003	1.3632	1.1236	32.1262	32.7983	34.5869	33.2512
500005	1.8826	1.1384	35.0997	36.0918	36.7598	35.9756
500007	1.3163	1.1236	30.5263	31.0313	32.8189	31.4980
500008	1.9890	1.1384	33.5666	34.7810	37.6578	35.3344
500011	1.4404	1.1384	32.6223	38.3979	35.9571	35.5224
500012	1.6881	1.0119	33.8101	33.1685	34.1650	33.7191
500014	1.7126	1.1384	36.5833	37.2698	36.3915	36.7438
500015	1.4132	1.1384	37.5724	40.8683	41.8914	40.1038
500016	1.6525	1.1236	32.9177	34.2828	35.1946	34.1760
500019	1.2624	1.0250	31.6242	33.8882	33.3151	32.9645

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
500021	1.3087	1.1236	32.4702	33.5610	34.1696	33.4270
500024	1.6981	1.1174	36.1647	37.4529	38.1144	37.2454
500025	1.9310	1.1384	40.6369	44.7105	45.7929	43.8482
500026	1.5367	1.1384	34.5881	35.5080	38.9294	36.2903
500027	1.5037	1.1384	39.2906	42.4974	43.3521	41.7614
500030	1.6550	1.1279	34.9174	36.9489	37.8938	36.6136
500031	1.3350	1.1174	33.2391	34.1651	37.1418	34.9064
500033	1.2905	1.0119	31.8891	32.6753	33.5611	32.7471
500036	1.3216	1.0119	30.5938	31.9164	33.0937	31.9624
500037	1.0778	1.0119	31.2654	29.1773	31.5221	30.6541
500039	1.5611	1.1236	33.5606	34.5739	35.7525	34.6892
500041	1.4894	1.1205	34.2017	36.9273	37.1754	36.2462
500044	1.9133	1.0435	31.0936	32.0743	32.9066	32.0639
500049	1.4338	1.0119	29.8189	30.8135	32.9904	31.2359
500050	1.6242	1.1205	33.7713	35.7254	35.8576	35.1367
500051	1.8035	1.1384	34.7610	36.4764	38.1805	36.4718
500052	1.3105	1.1384	*	*	*	*
500053	1.2195	1.0266	30.2811	28.5664	35.5776	31.7702
500054	1.9866	1.0435	32.5105	34.8114	36.0163	34.4612
500058	1.6170	1.0266	30.7034	32.6843	33.9116	32.4979
500060	1.3185	1.1384	38.7682	40.3040	33.4139	37.1003
500064	2.0432	1.1384	32.3581	34.7925	36.5889	34.6273
500072	1.3287	1.0482	32.5269	33.1148	33.7689	33.1475
500077	1.5291	1.0435	33.2223	34.3114	35.6352	34.4322
500079	1.4138	1.1236	32.5809	34.2420	35.0285	33.9265
500084	1.2876	1.1384	32.7883	33.3072	35.9603	34.0376
500088	1.4753	1.1384	36.7953	38.5194	39.5328	38.3346
500108	1.6440	1.1236	34.3872	35.8918	36.9874	35.7469
500119	1.4085	1.0435	31.2233	31.7125	33.2862	32.1744
500124	1.5218	1.1384	34.4790	36.3338	36.2555	35.7223
500129	1.6514	1.1236	34.4447	37.3189	39.0479	36.9829
500134	***	*	28.1374	28.9759	27.6000	28.2147
500138	2.5522	*	*	*	*	*
500139	1.5705	1.1174	34.6412	37.5709	37.3065	36.4397
500141	1.3048	1.1384	33.7532	34.2384	35.0996	34.3749
500143	0.6636	1.1174	25.3099	26.3893	27.6976	26.4518
500148	1.2444	1.0119	37.7830	24.6347	29.1435	30.5542
500150	1.3442	1.1205	*	34.8480	37.1238	36.0045

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
510001	1.8311	0.8583	25.8693	26.7924	27.6648	26.8130
510002	1.2656	0.8710	23.7270	24.8846	25.3769	24.6482
510006	1.3698	0.8571	24.8777	26.6421	27.5033	26.3125
510007	1.6741	0.9025	27.1149	28.5783	29.7125	28.4782
510008	1.3748	0.9167	27.5241	27.4709	30.6397	28.6009
510012	0.9673	0.7593	20.8455	22.9038	23.9222	22.5456
510013	1.1468	0.7469	22.8779	22.9612	22.1864	22.6740
510018	1.1290	0.8183	23.1043	23.7736	22.6582	23.1832
510022	1.8740	0.8297	26.8328	27.6119	28.4911	27.6593
510023	1.2667	0.7469	21.0940	23.1461	21.1483	21.7758
510024	1.7025	0.8583	26.6621	31.1327	32.3022	30.0824
510026	0.9969	0.7469	19.2025	17.8275	18.6662	18.5424
510029	1.3627	0.8297	24.0872	25.3925	24.6743	24.7016
510030	1.1655	0.7469	24.2007	25.5600	26.0174	25.2793
510031	1.5328	0.8297	24.0237	26.7872	29.5993	26.6802
510033	1.5122	0.7656	24.0796	24.2839	24.4150	24.2598
510038	1.0712	0.7469	20.9180	21.7545	21.1103	21.2664
510039	1.2959	0.7469	20.4719	21.3819	21.7158	21.2010
510046	1.3878	0.7522	22.2935	24.7187	23.2634	23.4223
510047	1.2046	0.8583	27.6859	28.8794	30.0461	28.9178
510048	1.2529	0.7469	22.7930	23.6396	25.0987	23.8227
510050	1.6608	0.8583	21.9009	23.5794	24.3081	23.2370
510053	0.9858	0.7469	21.5338	22.6288	24.3853	22.8597
510055	1.5437	0.9025	29.4111	30.7382	32.3284	30.8687
510058	1.3729	0.7656	25.3248	24.8770	24.9360	25.0450
510059	0.7523	0.8297	20.8847	21.9053	20.5651	21.0652
510062	1.1932	0.7469	26.7066	27.7971	30.4515	28.3064
510067	***	*	25.2130	25.2248	25.4499	25.2847
510070	1.2990	0.8183	23.9742	25.4981	26.1227	25.1763
510071	1.3043	0.7522	23.2954	23.4553	21.7085	22.8403
510072	1.0095	0.7469	19.4370	20.2387	20.1981	19.9461
510077	1.0677	0.8714	25.9515	27.1611	24.7849	25.9584
510082	1.1525	0.7469	20.3279	21.1665	24.7558	22.2109
510085	1.3595	0.8297	26.2617	26.8133	27.6206	26.8691
510086	1.1870	0.7469	19.2606	20.1965	21.2628	20.1982
510090	***	*	*	39.0787	*	39.0787
520002	1.2941	0.9467	29.0501	28.3413	28.2765	28.5003
520004	1.5470	0.9943	28.9857	30.9212	32.9848	30.9710

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
520008	1.5742	1.0158	33.8057	33.6774	36.6697	34.8261
520009	1.6203	0.9245	28.8591	29.6290	31.0683	29.8748
520011	1.3143	0.9226	28.0224	29.5024	31.8421	29.7770
520013	1.5238	1.0943	30.1834	32.1721	33.9209	32.1439
520017	1.1684	0.9496	29.3278	31.0537	31.8512	30.7715
520019	1.2905	0.9226	29.8640	30.2189	28.8256	29.5186
520021	1.3449	1.0392	29.1129	29.7809	29.0525	29.3150
520027	1.4473	1.0158	32.4137	33.5836	33.5264	33.1918
520028	1.3295	1.0990	28.0813	29.4694	28.1055	28.5736
520030	1.6907	0.9644	30.5724	31.6807	32.0646	31.4365
520033	1.2332	0.9226	29.0236	30.2631	29.5690	29.6252
520034	1.3278	0.9226	26.8886	28.1819	30.4913	28.5675
520035	1.5013	0.9334	28.1048	29.4076	31.0972	29.5916
520037	1.7070	0.9467	32.2144	32.2206	33.1606	32.5445
520038	1.2120	1.0158	29.6339	30.5267	32.6502	30.9444
520040	***	*	31.2038	35.9652	*	33.6870
520041	1.1136	1.1221	25.3764	26.1586	28.3889	26.6401
520044	1.2966	0.9334	28.2382	28.6620	*	28.4590
520045	1.6508	0.9248	29.2556	30.0856	29.6250	29.6558
520048	1.5494	0.9248	29.1870	30.1483	31.8604	30.3220
520049	1.9346	0.9447	28.0936	29.4238	29.8707	29.1461
520051	1.5293	1.0158	31.5974	32.4131	32.5510	32.2842
520057	1.2514	0.9419	29.1158	29.1597	31.7777	30.0703
520059	1.4089	1.0031	30.4491	31.1798	32.1905	31.2796
520062	1.3074	1.0158	32.8584	32.7015	37.5630	34.4572
520063	1.1993	1.0158	30.3391	31.5200	32.6383	31.5371
520064	1.5393	1.0158	31.5723	33.1269	34.1899	32.9715
520066	1.4451	0.9448	31.0644	31.6793	31.2257	31.3101
520070	1.7850	0.9496	28.2059	30.0475	30.2454	29.5398
520071	1.2686	1.0031	30.6930	31.5452	32.9974	31.7906
520075	1.7166	0.9447	30.1582	32.2773	33.5393	31.9871
520076	1.2100	1.0031	27.4423	26.8943	28.0857	27.4825
520078	1.4660	1.0158	31.6606	32.0200	32.8377	32.1530
520083	1.7208	1.1221	32.7728	34.7230	36.8165	34.8180
520087	1.7034	0.9943	30.5659	31.9771	33.5759	32.0481
520088	1.3258	0.9797	30.6657	30.7482	32.9061	31.4556
520089	1.5580	1.1221	33.4098	34.9357	36.3819	34.9244
520091	1.3038	0.9226	27.3442	28.7180	29.9318	28.6971

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
520095	1.2320	1.0990	32.0381	33.2426	33.3298	32.8475
520096	1.3908	1.0031	29.5985	29.2895	31.5023	30.1746
520097	1.3771	0.9447	29.9998	30.5442	32.2225	30.9341
520098	2.0135	1.1221	36.5776	38.0993	39.1444	37.9718
520100	1.3408	0.9448	29.9458	31.7772	32.4038	31.3812
520102	1.2398	1.0031	30.7990	31.5756	31.9275	31.4306
520103	1.5202	1.0158	32.6269	34.5640	35.3825	34.2275
520107	1.3548	0.9641	29.4178	30.0354	31.6500	30.3663
520109	1.0568	0.9226	25.0697	25.9740	27.2739	26.1298
520113	1.3020	0.9325	33.3475	33.3040	34.9718	33.8684
520116	1.2949	1.0031	30.2156	31.6702	32.7105	31.5573
520132	***	*	27.3431	*	*	27.3431
520136	1.6767	1.0158	32.1479	32.3504	32.8906	32.4683
520138	1.9040	1.0158	31.6581	32.5677	33.5487	32.6101
520139	1.3339	1.0158	30.4903	31.7086	32.9369	31.7704
520140	***	*	31.1315	*	*	31.1315
520160	1.8053	0.9245	29.5582	30.3052	31.0392	30.2940
520170	1.4915	1.0158	31.4710	31.7610	35.2627	32.7660
520173	1.1280	*	31.0599	*	*	31.0599
520177	1.6716	1.0158	32.5714	33.1243	34.6960	33.5326
520189	1.2359	1.0392	29.0295	29.2229	29.0333	29.0965
520193	1.8217	0.9447	29.2007	29.4737	30.8077	29.8928
520194	1.6744	1.0158	31.4379	31.0015	36.9520	33.1944
520195	0.4461	*	36.2900	41.6120	37.8891	38.5598
520196	1.8260	0.9496	31.1175	33.4890	32.0197	32.2468
520197	***	*	30.1917	*	*	30.1917
520198	1.3475	0.9248	28.5975	29.9803	30.6303	29.7432
520199	2.0244	1.0158	36.5699	37.0128	45.5967	40.3607
520202	1.6987	0.9644	*	*	33.6427	33.6427
520204	***	1.0158	*	*	*	*
530002	1.1129	0.9390	29.2069	29.2418	32.5654	30.3686
530006	1.2627	0.9390	29.2104	30.3724	32.8615	30.7746
530008[6]	1.0872	0.9390	26.5180	30.6010	30.6600	29.2133
530009	0.8947	0.9390	26.0490	27.0555	27.3359	26.8083
530010[6]	1.3091	0.9390	27.4121	28.5534	30.1134	28.7213
530011	1.1542	0.9390	27.8613	31.1329	31.8923	30.1412
530012	1.6535	0.9390	28.7524	30.6109	31.1738	30.2056
530014	1.5359	0.9439	28.5469	29.6724	31.2573	29.8902

Provider Number	Case-Mix Index[2]	FY 2010 Wage Index	Average Hourly Wage FY 2008	Average Hourly Wage FY 2009	Average Hourly Wage FY 2010[1]	Average Hourly Wage** (3 years)
530015	1.3590	1.0746	29.8306	33.4903	36.0871	33.1263
530017	0.9126	0.9390	31.1105	25.8183	24.0911	26.6137
530025	1.2867	0.9390	29.4346	28.8963	31.4614	29.9296
530032	1.0953	0.9390	24.6580	25.4267	26.7025	25.6150
530033	1.4679	0.9390	*	*	*	*
640001	0.8517	*	*	*	*	*
650001	1.3472	*	*	*	*	*
660001	0.9578	*	*	*	*	*
670002	1.2742	0.9731	*	29.1376	29.9545	29.5441
670003	***	*	*	33.8986	33.4713	33.6770
670004	1.1443	0.7944	*	25.3706	25.5671	25.4623
670005	1.2663	0.9933	*	31.9464	41.2085	36.4120
670006	2.2324	0.9515	*	27.1064	34.6785	30.1948
670007	***	*	*	*	29.5985	29.5985
670008	1.5756	0.9933	*	*	30.3978	30.3978
670009	***	*	*	*	31.8096	31.8096
670010	0.7783	0.9731	*	*	35.6620	35.6620
670011	1.0303	0.9515	*	*	32.1855	32.1855
670012	2.0379	0.9933	*	*	24.1597	24.1597
670013	***	*	*	*	29.4886	29.4886
670014	***	*	*	*	34.6108	34.6108
670015	***	*	*	*	35.3054	35.3054
670017	1.0751	0.9933	*	*	*	*
670018	0.9086	0.9933	*	*	*	*
670019	1.8140	0.9933	*	*	*	*
670021	1.4912	0.8913	*	*	*	*
670022	***	*	*	*	32.9889	32.9889
670023	1.3728	0.9434	*	*	*	*
670024	1.4630	0.9933	*	*	*	*
670025	3.1528	0.9731	*	*	*	*
670026	1.3704	0.8640	*	*	*	*
670027	1.8146	0.9933	*	*	*	*
670028	0.7323	0.8813	*	*	*	*
670029	1.2035	0.9933	*	*	*	*
670030	2.2698	0.8756	*	*	*	*
670031	1.3282	0.9933	*	*	*	*
670032	1.2566	0.9933	*	*	*	*
670033	1.3535	0.9731	*	*	*	*
670034	1.3447	0.9515	*	*	*	*
670038	1.5668	0.9933	*	*	*	*
670039	1.2235	0.9731	*	*	*	*
670040	1.0329	0.9933	*	*	*	*
670041	1.4480	0.9515	*	*	*	*
670042	2.3956	0.9434	*	*	*	*
670043	1.2067	0.9515	*	*	*	*
670044	1.3399	0.9731	*	*	*	*
670046	1.1866	0.9434	*	*	*	*
670047	1.2390	0.8640	*	*	*	*
670048	1.1884	0.9933	*	*	*	*
670049	1.3626	0.9731	*	*	*	*
670051	***	0.9133	*	*	*	*

1. Based on salaries adjusted for occupational mix, according to the calculation in section III.H of the FY 2010 IPPS/RY 2010 final rule.

2. The case-mix index is based on the billed MS-DRGs in the FY 2008 MedPAR file. It is not transfer-adjusted.

3. Provider 140010 is part of a multi-campus provider (MCH) that is comprised of campuses that are located in two different CBSAs. The provider number with a "B" in the 4th position, 140B10, indicates the portion of the wage and hours of the MCH that is allocated to CBSA 29404; provider number 140010 indicates the portion of wages and hours of the MCH that is allocated to CBSA 16974.

4. Provider 220074 is part of a MCH that is comprised of campuses that are located in two different CBSAs. The provider number with a "B" in the 4th position, 220B74, indicates the portion of the wage and hours of the MCH that is allocated to CBSA 14484; provider number 220074 indicates the portion of wages and hours of the MCH that is allocated to CBSA 39300.

5. Provider 230104 is part of a MCH that is comprised of campuses that are located in two different CBSAs. The provider number with a "B" in the 4th position, 230B04, indicates the portion of the wage and hours of the MCH that is allocated to CBSA 47644; provider number 230104 indicates the portion of wages and hours of the MCH that is allocated to CBSA 19804.

[6] Special Exception Providers.

Notes:

* Denotes wage data not available for the provider for that year.

** Based on the sum of the salaries and hours computed for Federal FYs 2008, 2009, and 2010.

*** Denotes MedPAR data not available for the provider for FY 2008.

TABLE 4A.--WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR ACUTE CARE HOSPITALS IN URBAN AREAS BY CBSA AND BY STATE--FY 2010 (April 1, 2010 through September 30, 2010)

[Constituent counties are listed in Table 4E.]

(Wage Index Includes Rural Floor Budget Neutrality Adjustment)

CBSA Code	Urban Area	State	Wage Index	GAF
10180	Abilene, TX	TX	0.8336	0.8828
10380	Aguadilla-Isabela-San Sebastián, PR	PR	0.3364	0.4742
10420	Akron, OH	OH	0.8839	0.9190
10500	Albany, GA	GA	0.8931	0.9255
10580	Albany-Schenectady-Troy, NY	NY	0.8804	0.9165
10740	Albuquerque, NM	NM	0.9554	0.9692
10780	Alexandria, LA	LA	0.8151	0.8694
10900	Allentown-Bethlehem-Easton, PA-NJ	NJ	1.1358	1.0911
10900	Allentown-Bethlehem-Easton, PA-NJ	PA	0.9813	0.9872
11020	Altoona, PA	PA	0.8823	0.9178
11100	Amarillo, TX	TX	0.8594	0.9014
11180	Ames, IA	IA	0.9534	0.9678
11260	Anchorage, AK	AK	1.1920	1.1278
11300	Anderson, IN	IN	0.9116	0.9386
11340	Anderson, SC	SC	0.9130	0.9396
11460	Ann Arbor, MI	MI	1.0243	1.0166
11500	Anniston-Oxford, AL	AL	0.7603	0.8289
11540	Appleton, WI	WI	0.9245	0.9477
11700	Asheville, NC	NC	0.9082	0.9362
12020	Athens-Clarke County, GA	GA	0.9205	0.9449
12060	Atlanta-Sandy Springs-Marietta, GA	GA	0.9581	0.9711
12100	Atlantic City-Hammonton, NJ	NJ	1.1358	1.0911
12220	Auburn-Opelika, AL	AL	0.8432	0.8898
12260	Augusta-Richmond County, GA-SC	GA	0.9445	0.9617
12260	Augusta-Richmond County, GA-SC	SC	0.9440	0.9613
12420	Austin-Round Rock, TX	TX	0.9515	0.9665
12540	Bakersfield, CA	CA	1.1820	1.1213
12580	Baltimore-Towson, MD	MD	1.0148	1.0101
12620	Bangor, ME	ME	1.0025	1.0017
12700	Barnstable Town, MA	MA	1.2580	1.1702
12940	Baton Rouge, LA	LA	0.8239	0.8758
12980	Battle Creek, MI	MI	1.0074	1.0051
13020	Bay City, MI	MI	0.9446	0.9617
13140	Beaumont-Port Arthur, TX	TX	0.8325	0.8820
13380	Bellingham, WA	WA	1.1279	1.0859
13460	Bend, OR	OR	1.1268	1.0852
13644	Bethesda-Frederick-Rockville, MD	MD	1.0789	1.0534
13740	Billings, MT	MT	0.9021	0.9319
13780	Binghamton, NY	NY	0.8965	0.9279
13820	Birmingham-Hoover, AL	AL	0.8512	0.8955
13900	Bismarck, ND	ND	0.7982	0.8570
13980	Blacksburg-Christiansburg-Radford, VA	VA	0.8349	0.8838
14020	Bloomington, IN	IN	0.9311	0.9523
14060	Bloomington-Normal, IL	IL	0.9475	0.9637
14260	Boise City-Nampa, ID	ID	0.9324	0.9532
14484	Boston-Quincy, MA	MA	1.2293	1.1519
14500	Boulder, CO	CO	1.0244	1.0166
14540	Bowling Green, KY	KY	0.8499	0.8946
14600	Bradenton-Sarasota-Venice, FL	FL	0.9490	0.9648
14740	Bremerton-Silverdale, WA	WA	1.0642	1.0435
14860	Bridgeport-Stamford-Norwalk, CT	CT	1.2609	1.1720
15180	Brownsville-Harlingen, TX	TX	0.9300	0.9515
15260	Brunswick, GA	GA	0.9338	0.9542
15380	Buffalo-Niagara Falls, NY	NY	0.9809	0.9869
15500	Burlington, NC	NC	0.8647	0.9052
15540	Burlington-South Burlington, VT	VT	1.0456	1.0310
15764	Cambridge-Newton-Framingham, MA	MA	1.1286	1.0864
15804	Camden, NJ	NJ	1.1358	1.0911
15940	Canton-Massillon, OH	OH	0.8661	0.9062
15980	Cape Coral-Fort Myers, FL	FL	0.9047	0.9337
16020	Cape Girardeau-Jackson, MO-IL	IL	0.8940	0.9261
16020	Cape Girardeau-Jackson, MO-IL	MO	0.8940	0.9261
16180	Carson City, NV	NV	1.0315	1.0215
16220	Casper, WY	WY	0.9390	0.9578
16300	Cedar Rapids, IA	IA	0.8910	0.9240
16580	Champaign-Urbana, IL	IL	1.0003	1.0002
16620	Charleston, WV	WV	0.8297	0.8800

CBSA Code	Urban Area	State	Wage Index	GAF
16700	Charleston-North Charleston-Summerville, SC	SC	0.9212	0.9453
16740	Charlotte-Gastonia-Concord, NC-SC	NC	0.9321	0.9530
16740	Charlotte-Gastonia-Concord, NC-SC	SC	0.9315	0.9526
16820	Charlottesville, VA	VA	0.9245	0.9477
16860	Chattanooga, TN-GA	GA	0.8856	0.9202
16860	Chattanooga, TN-GA	TN	0.8843	0.9192
16940	Cheyenne, WY	WY	0.9390	0.9578
16974	Chicago-Naperville-Joliet, IL	IL	1.0385	1.0262
17020	Chico, CA	CA	1.1820	1.1213
17140	Cincinnati-Middletown, OH-KY-IN	IN	0.9397	0.9583
17140	Cincinnati-Middletown, OH-KY-IN	KY	0.9399	0.9584
17140	Cincinnati-Middletown, OH-KY-IN	OH	0.9395	0.9582
17300	Clarksville, TN-KY	KY	0.8143	0.8688
17300	Clarksville, TN-KY	TN	0.8131	0.8679
17420	Cleveland, TN	TN	0.7889	0.8501
17460	Cleveland-Elyria-Mentor, OH	OH	0.8934	0.9257
17660	Coeur d'Alene, ID	ID	0.9061	0.9347
17780	College Station-Bryan, TX	TX	0.9133	0.9398
17820	Colorado Springs, CO	CO	0.9642	0.9753
17860	Columbia, MO	MO	0.8571	0.8998
17900	Columbia, SC	SC	0.8850	0.9197
17980	Columbus, GA-AL	AL	0.8781	0.9148
17980	Columbus, GA-AL	GA	0.8781	0.9148
18020	Columbus, IN	IN	0.9546	0.9687
18140	Columbus, OH	OH	1.0105	1.0072
18580	Corpus Christi, TX	TX	0.8660	0.9062
18700	Corvallis, OR	OR	1.0836	1.0565
19060	Cumberland, MD-WV	MD	0.9246	0.9477
19060	Cumberland, MD-WV	WV	0.8062	0.8628
19124	Dallas-Plano-Irving, TX	TX	0.9731	0.9815
19140	Dalton, GA	GA	0.8526	0.8965
19180	Danville, IL	IL	0.8737	0.9117
19260	Danville, VA	VA	0.8298	0.8801
19340	Davenport-Moline-Rock Island, IA-IL	IL	0.8471	0.8926
19340	Davenport-Moline-Rock Island, IA-IL	IA	0.8565	0.8994
19380	Dayton, OH	OH	0.9220	0.9459
19460	Decatur, AL	AL	0.7694	0.8357
19500	Decatur, IL	IL	0.8322	0.8818
19660	Deltona-Daytona Beach-Ormond Beach, FL	FL	0.8869	0.9211
19740	Denver-Aurora-Broomfield, CO	CO	1.0563	1.0382
19780	Des Moines-West Des Moines, IA	IA	0.9522	0.9670
19804	Detroit-Livonia-Dearborn, MI	MI	0.9777	0.9847

CBSA Code	Urban Area	State	Wage Index	GAF
20020	Dothan, AL	AL	0.7499	0.8211
20100	Dover, DE	DE	1.0011	1.0008
20220	Dubuque, IA	IA	0.8627	0.9038
20260	Duluth, MN-WI	MN	1.0641	1.0435
20260	Duluth, MN-WI	WI	1.0639	1.0433
20500	Durham-Chapel Hill, NC	NC	0.9590	0.9717
20740	Eau Claire, WI	WI	0.9496	0.9652
20764	Edison-New Brunswick, NJ	NJ	1.1358	1.0911
20940	El Centro, CA	CA	1.1820	1.1213
21060	Elizabethtown, KY	KY	0.8289	0.8794
21140	Elkhart-Goshen, IN	IN	0.9463	0.9629
21300	Elmira, NY	NY	0.8474	0.8928
21340	El Paso, TX	TX	0.8640	0.9047
21500	Erie, PA	PA	0.8749	0.9125
21660	Eugene-Springfield, OR	OR	1.0974	1.0657
21780	Evansville, IN-KY	IN	0.8513	0.8956
21780	Evansville, IN-KY	KY	0.8456	0.8915
21820	Fairbanks, AK	AK	1.1636	1.1093
21940	Fajardo, PR	PR	0.3786	0.5142
22020	Fargo, ND-MN	MN	0.9266	0.9491
22020	Fargo, ND-MN	ND	0.8339	0.8830
22140	Farmington, NM	NM	0.8964	0.9278
22180	Fayetteville, NC	NC	0.9458	0.9626
22220	Fayetteville-Springdale-Rogers, AR-MO	AR	0.8787	0.9153
22220	Fayetteville-Springdale-Rogers, AR-MO	MO	0.8787	0.9153
22380	Flagstaff, AZ	AZ	1.2450	1.1619
22420	Flint, MI	MI	1.1086	1.0732
22500	Florence, SC	SC	0.8391	0.8868
22520	Florence-Muscle Shoals, AL	AL	0.7932	0.8533
22540	Fond du Lac, WI	WI	0.9797	0.9861
22660	Fort Collins-Loveland, CO	CO	0.9818	0.9875
22744	Fort Lauderdale-Pompano Beach-Deerfield Beach, FL	FL	1.0378	1.0257
22900	Fort Smith, AR-OK	AR	0.7994	0.8579
22900	Fort Smith, AR-OK	OK	0.7994	0.8579
23020	Fort Walton Beach-Crestview-Destin, FL	FL	0.8653	0.9057
23060	Fort Wayne, IN	IN	0.8950	0.9268
23104	Fort Worth-Arlington, TX	TX	0.9434	0.9609
23420	Fresno, CA	CA	1.1820	1.1213
23460	Gadsden, AL	AL	0.8350	0.8838
23540	Gainesville, FL	FL	0.9197	0.9443
23580	Gainesville, GA	GA	0.9422	0.9600
23844	Gary, IN	IN	0.9168	0.9422

CBSA Code	Urban Area	State	Wage Index	GAF
24020	Glens Falls, NY	NY	0.8748	0.9125
24140	Goldsboro, NC	NC	0.9241	0.9474
24220	Grand Forks, ND-MN	MN	0.9266	0.9491
24220	Grand Forks, ND-MN	ND	0.8069	0.8634
24300	Grand Junction, CO	CO	0.9923	0.9947
24340	Grand Rapids-Wyoming, MI	MI	0.9293	0.9510
24500	Great Falls, MT	MT	0.8364	0.8848
24540	Greeley, CO	CO	0.9644	0.9755
24580	Green Bay, WI	WI	0.9447	0.9618
24660	Greensboro-High Point, NC	NC	0.9151	0.9411
24780	Greenville, NC	NC	0.9346	0.9547
24860	Greenville-Mauldin-Easley, SC	SC	0.9733	0.9816
25020	Guayama, PR	PR	0.3533	0.4904
25060	Gulfport-Biloxi, MS	MS	0.8722	0.9106
25180	Hagerstown-Martinsburg, MD-WV	MD	0.9246	0.9477
25180	Hagerstown-Martinsburg, MD-WV	WV	0.9167	0.9422
25260	Hanford-Corcoran, CA	CA	1.1820	1.1213
25420	Harrisburg-Carlisle, PA	PA	0.9188	0.9437
25500	Harrisonburg, VA	VA	0.9132	0.9397
25540	Hartford-West Hartford-East Hartford, CT	CT	1.2252	1.1492
25620	Hattiesburg, MS	MS	0.7877	0.8492
25860	Hickory-Lenoir-Morganton, NC	NC	0.8937	0.9259
26100	Holland-Grand Haven, MI	MI	0.8830	0.9183
26180	Honolulu, HI	HI	1.1467	1.0983
26300	Hot Springs, AR	AR	0.9115	0.9385
26380	Houma-Bayou Cane-Thibodaux, LA	LA	0.8006	0.8587
26420	Houston-Sugar Land-Baytown, TX	TX	0.9933	0.9954
26580	Huntington-Ashland, WV-KY-OH	KY	0.9036	0.9329
26580	Huntington-Ashland, WV-KY-OH	OH	0.9031	0.9326
26580	Huntington-Ashland, WV-KY-OH	WV	0.9025	0.9322
26620	Huntsville, AL	AL	0.8924	0.9250
26820	Idaho Falls, ID	ID	0.9418	0.9598
26900	Indianapolis-Carmel, IN	IN	0.9593	0.9719
26980	Iowa City, IA	IA	0.9409	0.9591
27060	Ithaca, NY	NY	1.0013	1.0009
27100	Jackson, MI	MI	0.8797	0.9160
27140	Jackson, MS	MS	0.8191	0.8723
27180	Jackson, TN	TN	0.8516	0.8958
27260	Jacksonville, FL	FL	0.9102	0.9376
27340	Jacksonville, NC	NC	0.8605	0.9022
27500	Janesville, WI	WI	0.9448	0.9619
27620	Jefferson City, MO	MO	0.8868	0.9210

CBSA Code	Urban Area	State	Wage Index	GAF
27740	Johnson City, TN	TN	0.7889	0.8501
27780	Johnstown, PA	PA	0.8468	0.8924
27860	Jonesboro, AR	AR	0.7796	0.8432
27900	Joplin, MO	MO	0.8486	0.8937
28020	Kalamazoo-Portage, MI	MI	1.0251	1.0171
28100	Kankakee-Bradley, IL	IL	1.0095	1.0065
28140	Kansas City, MO-KS	KS	0.9554	0.9692
28140	Kansas City, MO-KS	MO	0.9555	0.9693
28420	Kennewick-Pasco-Richland, WA	WA	1.0266	1.0181
28660	Killeen-Temple-Fort Hood, TX	TX	0.8756	0.9130
28700	Kingsport-Bristol-Bristol, TN-VA	TN	0.8111	0.8664
28700	Kingsport-Bristol-Bristol, TN-VA	VA	0.8123	0.8673
28740	Kingston, NY	NY	0.9413	0.9594
28940	Knoxville, TN	TN	0.7889	0.8501
29020	Kokomo, IN	IN	0.9710	0.9800
29100	La Crosse, WI-MN	MN	0.9945	0.9962
29100	La Crosse, WI-MN	WI	0.9943	0.9961
29140	Lafayette, IN	IN	0.9115	0.9385
29180	Lafayette, LA	LA	0.8569	0.8996
29340	Lake Charles, LA	LA	0.7971	0.8562
29404	Lake County-Kenosha County, IL-WI	IL	1.0394	1.0268
29404	Lake County-Kenosha County, IL-WI	WI	1.0392	1.0267
29420	Lake Havasu City-Kingman, AZ	AZ	1.0590	1.0400
29460	Lakeland-Winter Haven, FL	FL	0.8594	0.9014
29540	Lancaster, PA	PA	0.9614	0.9734
29620	Lansing-East Lansing, MI	MI	0.9719	0.9807
29700	Laredo, TX	TX	0.8378	0.8859
29740	Las Cruces, NM	NM	0.8964	0.9278
29820	Las Vegas-Paradise, NV	NV	1.1812	1.1208
29940	Lawrence, KS	KS	0.8532	0.8970
30020	Lawton, OK	OK	0.8153	0.8695
30140	Lebanon, PA	PA	0.8449	0.8910
30300	Lewiston, ID-WA	ID	0.9359	0.9556
30300	Lewiston, ID-WA	WA	1.0119	1.0081
30340	Lewiston-Auburn, ME	ME	0.9110	0.9382
30460	Lexington-Fayette, KY	KY	0.8842	0.9192
30620	Lima, OH	OH	0.9340	0.9543
30700	Lincoln, NE	NE	0.9405	0.9589
30780	Little Rock-North Little Rock-Conway, AR	AR	0.8683	0.9078
30860	Logan, UT-ID	ID	0.9014	0.9314
30860	Logan, UT-ID	UT	0.9014	0.9314
30980	Longview, TX	TX	0.8239	0.8758

CBSA Code	Urban Area	State	Wage Index	GAF
31020	Longview, WA	WA	1.1065	1.0718
31084	Los Angeles-Long Beach-Glendale, CA	CA	1.1878	1.1251
31140	Louisville-Jefferson County, KY-IN	IN	0.8900	0.9233
31140	Louisville-Jefferson County, KY-IN	KY	0.8902	0.9234
31180	Lubbock, TX	TX	0.8813	0.9171
31340	Lynchburg, VA	VA	0.8323	0.8819
31420	Macon, GA	GA	1.0175	1.0120
31460	Madera-Chowchilla, CA	CA	1.1820	1.1213
31540	Madison, WI	WI	1.1221	1.0821
31700	Manchester-Nashua, NH	NH	1.0525	1.0357
31740	Manhattan, KS	KS	0.8183	0.8717
31860	Mankato-North Mankato, MN	MN	0.9336	0.9540
31900	Mansfield, OH	OH	0.9073	0.9356
32420	Mayagüez, PR	PR	0.3664	0.5028
32580	McAllen-Edinburg-Mission, TX	TX	0.8883	0.9221
32780	Medford, OR	OR	1.0235	1.0160
32820	Memphis, TN-MS-AR	AR	0.9265	0.9491
32820	Memphis, TN-MS-AR	MS	0.9265	0.9491
32820	Memphis, TN-MS-AR	TN	0.9251	0.9481
32900	Merced, CA	CA	1.1842	1.1227
33124	Miami-Miami Beach-Kendall, FL	FL	1.0026	1.0018
33140	Michigan City-La Porte, IN	IN	0.9210	0.9452
33260	Midland, TX	TX	0.9347	0.9548
33340	Milwaukee-Waukesha-West Allis, WI	WI	1.0158	1.0108
33460	Minneapolis-St. Paul-Bloomington, MN-WI	MN	1.0945	1.0638
33460	Minneapolis-St. Paul-Bloomington, MN-WI	WI	1.0943	1.0637
33540	Missoula, MT	MT	0.9066	0.9351
33660	Mobile, AL	AL	0.7735	0.8387
33700	Modesto, CA	CA	1.2325	1.1539
33740	Monroe, LA	LA	0.7925	0.8528
33780	Monroe, MI	MI	0.9961	0.9973
33860	Montgomery, AL	AL	0.8459	0.8917
34060	Morgantown, WV	WV	0.8571	0.8998
34100	Morristown, TN	TN	0.7889	0.8501
34580	Mount Vernon-Anacortes, WA	WA	1.0127	1.0087
34620	Muncie, IN	IN	0.8513	0.8956
34740	Muskegon-Norton Shores, MI	MI	0.9830	0.9883
34820	Myrtle Beach-North Myrtle Beach-Conway, SC	SC	0.8668	0.9067
34900	Napa, CA	CA	1.4226	1.2730
34940	Naples-Marco Island, FL	FL	0.9751	0.9829
34980	Nashville-Davidson-Murfreesboro-Franklin, TN	TN	0.9588	0.9716
35004	Nassau-Suffolk, NY	NY	1.2718	1.1790

CBSA Code	Urban Area	State	Wage Index	GAF
35084	Newark-Union, NJ-PA	NJ	1.1358	1.0911
35084	Newark-Union, NJ-PA	PA	1.1237	1.0831
35300	New Haven-Milford, CT	CT	1.2252	1.1492
35380	New Orleans-Metairie-Kenner, LA	LA	0.9010	0.9311
35644	New York-White Plains-Wayne, NY-NJ	NJ	1.3025	1.1984
35644	New York-White Plains-Wayne, NY-NJ	NY	1.3190	1.2088
35660	Niles-Benton Harbor, MI	MI	0.8992	0.9298
35980	Norwich-New London, CT	CT	1.2252	1.1492
36084	Oakland-Fremont-Hayward, CA	CA	1.5841	1.3703
36100	Ocala, FL	FL	0.8647	0.9052
36140	Ocean City, NJ	NJ	1.1358	1.0911
36220	Odessa, TX	TX	0.9836	0.9887
36260	Ogden-Clearfield, UT	UT	0.9414	0.9595
36420	Oklahoma City, OK	OK	0.8895	0.9229
36500	Olympia, WA	WA	1.1174	1.0790
36540	Omaha-Council Bluffs, NE-IA	IA	0.9542	0.9684
36540	Omaha-Council Bluffs, NE-IA	NE	0.9547	0.9688
36740	Orlando-Kissimmee, FL	FL	0.8961	0.9276
36780	Oshkosh-Neenah, WI	WI	0.9226	0.9463
36980	Owensboro, KY	KY	0.8493	0.8942
37100	Oxnard-Thousand Oaks-Ventura, CA	CA	1.2204	1.1461
37340	Palm Bay-Melbourne-Titusville, FL	FL	0.9156	0.9414
37380	Palm Coast, FL	FL	0.9338	0.9542
37460	Panama City-Lynn Haven-Panama City Beach, FL	FL	0.8594	0.9014
37620	Parkersburg-Marietta-Vienna, WV-OH	OH	0.8516	0.8958
37620	Parkersburg-Marietta-Vienna, WV-OH	WV	0.7656	0.8328
37700	Pascagoula, MS	MS	0.8284	0.8790
37764	Peabody, MA	MA	1.0882	1.0596
37860	Pensacola-Ferry Pass-Brent, FL	FL	0.8594	0.9014
37900	Peoria, IL	IL	0.9268	0.9493
37964	Philadelphia, PA	PA	1.0710	1.0481
38060	Phoenix-Mesa-Scottsdale, AZ	AZ	1.0472	1.0321
38220	Pine Bluff, AR	AR	0.7767	0.8411
38300	Pittsburgh, PA	PA	0.8594	0.9014
38340	Pittsfield, MA	MA	1.0735	1.0498
38540	Pocatello, ID	ID	0.9085	0.9364
38660	Ponce, PR	PR	0.4216	0.5535
38860	Portland-South Portland-Biddeford, ME	ME	1.0200	1.0137
38900	Portland-Vancouver-Beaverton, OR-WA	OR	1.1195	1.0804
38900	Portland-Vancouver-Beaverton, OR-WA	WA	1.1205	1.0810
38940	Port St. Lucie, FL	FL	0.9899	0.9931
39100	Poughkeepsie-Newburgh-Middletown, NY	NY	1.1266	1.0851

CBSA Code	Urban Area	State	Wage Index	GAF
39140	Prescott, AZ	AZ	1.0169	1.0115
39300	Providence-New Bedford-Fall River, RI-MA	MA	1.0783	1.0530
39300	Providence-New Bedford-Fall River, RI-MA	RI	1.0783	1.0530
39340	Provo-Orem, UT	UT	0.9443	0.9615
39380	Pueblo, CO	CO	0.9642	0.9753
39460	Punta Gorda, FL	FL	0.9062	0.9348
39540	Racine, WI	WI	0.9406	0.9589
39580	Raleigh-Cary, NC	NC	0.9535	0.9679
39660	Rapid City, SD	SD	1.0279	1.0190
39740	Reading, PA	PA	0.9214	0.9455
39820	Redding, CA	CA	1.3415	1.2229
39900	Reno-Sparks, NV	NV	1.0270	1.0184
40060	Richmond, VA	VA	0.9369	0.9563
40140	Riverside-San Bernardino-Ontario, CA	CA	1.1820	1.1213
40220	Roanoke, VA	VA	0.8840	0.9190
40340	Rochester, MN	MN	1.0912	1.0616
40380	Rochester, NY	NY	0.8813	0.9171
40420	Rockford, IL	IL	1.0142	1.0097
40484	Rockingham County-Strafford County, NH	NH	1.0525	1.0357
40580	Rocky Mount, NC	NC	0.8910	0.9240
40660	Rome, GA	GA	0.8843	0.9192
40900	Sacramento--Arden-Arcade--Roseville, CA	CA	1.3581	1.2332
40980	Saginaw-Saginaw Township North, MI	MI	0.9594	0.9720
41060	St. Cloud, MN	MN	1.1685	1.1125
41100	St. George, UT	UT	0.9386	0.9575
41140	St. Joseph, MO-KS	KS	1.0229	1.0156
41140	St. Joseph, MO-KS	MO	1.0230	1.0157
41180	St. Louis, MO-IL	IL	0.9043	0.9334
41180	St. Louis, MO-IL	MO	0.9043	0.9334
41420	Salem, OR	OR	1.0915	1.0618
41500	Salinas, CA	CA	1.5286	1.3372
41540	Salisbury, MD	MD	0.9246	0.9477
41620	Salt Lake City, UT	UT	0.9450	0.9620
41660	San Angelo, TX	TX	0.8067	0.8632
41700	San Antonio, TX	TX	0.8913	0.9242
41740	San Diego-Carlsbad-San Marcos, CA	CA	1.1820	1.1213
41780	Sandusky, OH	OH	0.8790	0.9155
41884	San Francisco-San Mateo-Redwood City, CA	CA	1.5439	1.3464
41900	San Germán-Cabo Rojo, PR	PR	0.4735	0.5993
41940	San Jose-Sunnyvale-Santa Clara, CA	CA	1.6043	1.3822
41980	San Juan-Caguas-Guaynabo, PR	PR	0.4355	0.5660
42020	San Luis Obispo-Paso Robles, CA	CA	1.1979	1.1316
42044	Santa Ana-Anaheim-Irvine, CA	CA	1.1820	1.1213
42060	Santa Barbara-Santa Maria-Goleta, CA	CA	1.1960	1.1304
42100	Santa Cruz-Watsonville, CA	CA	1.6175	1.3900
42140	Santa Fe, NM	NM	1.0574	1.0390
42220	Santa Rosa-Petaluma, CA	CA	1.5468	1.3481
42340	Savannah, GA	GA	0.8967	0.9281
42540	Scranton--Wilkes-Barre, PA	PA	0.8365	0.8849
42644	Seattle-Bellevue-Everett, WA	WA	1.1384	1.0928
42680	Sebastian-Vero Beach, FL	FL	0.9524	0.9672
43100	Sheboygan, WI	WI	0.9258	0.9486
43300	Sherman-Denison, TX	TX	0.8299	0.8801
43340	Shreveport-Bossier City, LA	LA	0.8465	0.8922
43580	Sioux City, IA-NE-SD	IA	0.8939	0.9261
43580	Sioux City, IA-NE-SD	NE	0.8943	0.9264
43580	Sioux City, IA-NE-SD	SD	0.8943	0.9264
43620	Sioux Falls, SD	SD	0.9040	0.9332
43780	South Bend-Mishawaka, IN-MI	IN	0.9599	0.9724
43780	South Bend-Mishawaka, IN-MI	MI	0.9601	0.9725
43900	Spartanburg, SC	SC	0.9138	0.9401
44060	Spokane, WA	WA	1.0435	1.0296
44100	Springfield, IL	IL	0.9323	0.9531
44140	Springfield, MA	MA	1.0433	1.0295
44180	Springfield, MO	MO	0.8586	0.9009
44220	Springfield, OH	OH	0.8939	0.9261
44300	State College, PA	PA	0.8953	0.9271
44700	Stockton, CA	CA	1.2233	1.1480
44940	Sumter, SC	SC	0.8452	0.8912
45060	Syracuse, NY	NY	0.9854	0.9900
45104	Tacoma, WA	WA	1.1089	1.0734
45220	Tallahassee, FL	FL	0.8594	0.9014
45300	Tampa-St. Petersburg-Clearwater, FL	FL	0.9006	0.9308
45460	Terre Haute, IN	IN	0.9078	0.9359
45500	Texarkana, TX-Texarkana, AR	AR	0.8153	0.8695
45500	Texarkana, TX-Texarkana, AR	TX	0.8152	0.8694
45780	Toledo, OH	OH	0.9456	0.9624
45820	Topeka, KS	KS	0.9180	0.9431
45940	Trenton-Ewing, NJ	NJ	1.1358	1.0911
46060	Tucson, AZ	AZ	0.9686	0.9784
46140	Tulsa, OK	OK	0.8758	0.9132
46220	Tuscaloosa, AL	AL	0.8942	0.9263
46340	Tyler, TX	TX	0.8449	0.8910
46540	Utica-Rome, NY	NY	0.8695	0.9087

CBSA Code	Urban Area	State	Wage Index	GAF
46660	Valdosta, GA	GA	0.8126	0.8675
46700	Vallejo-Fairfield, CA	CA	1.4459	1.2872
47020	Victoria, TX	TX	0.7944	0.8542
47220	Vineland-Millville-Bridgeton, NJ	NJ	1.1358	1.0911
47260	Virginia Beach-Norfolk-Newport News, VA	NC	0.8930	0.9254
47260	Virginia Beach-Norfolk-Newport News, VA	VA	0.8930	0.9254
47300	Visalia-Porterville, CA	CA	1.1820	1.1213
47380	Waco, TX	TX	0.8608	0.9024
47580	Warner Robins, GA	GA	0.9202	0.9446
47644	Warren-Troy-Farmington-Hills, MI	MI	0.9858	0.9903
47894	Washington-Arlington-Alexandria, DC-VA	DC	1.0700	1.0474
47894	Washington-Arlington-Alexandria, DC-VA	MD	1.0718	1.0486
47894	Washington-Arlington-Alexandria, DC-VA	VA	1.0700	1.0474
47894	Washington-Arlington-Alexandria, DC-VA	WV	1.0687	1.0466
47940	Waterloo-Cedar Falls, IA	IA	0.8565	0.8994
48140	Wausau, WI	WI	0.9644	0.9755
48260	Weirton-Steubenville, WV-OH	OH	0.8516	0.8958
48260	Weirton-Steubenville, WV-OH	WV	0.7469	0.8189
48300	Wenatchee-East Wenatchee, WA	WA	1.0119	1.0081
48424	West Palm Beach-Boca Raton-Boynton Beach, FL	FL	0.9746	0.9825
48540	Wheeling, WV-OH	OH	0.8516	0.8958
48540	Wheeling, WV-OH	WV	0.7469	0.8189
48620	Wichita, KS	KS	0.8961	0.9276
48660	Wichita Falls, TX	TX	0.9519	0.9668
48700	Williamsport, PA	PA	0.8365	0.8849
48864	Wilmington, DE-MD-NJ	DE	1.0742	1.0502
48864	Wilmington, DE-MD-NJ	MD	1.0760	1.0514
48864	Wilmington, DE-MD-NJ	NJ	1.1358	1.0911
48900	Wilmington, NC	NC	0.9125	0.9392
49020	Winchester, VA-WV	VA	0.9742	0.9823
49020	Winchester, VA-WV	WV	0.9730	0.9814
49180	Winston-Salem, NC	NC	0.8960	0.9276
49340	Worcester, MA	MA	1.1251	1.0841
49420	Yakima, WA	WA	1.0119	1.0081
49500	Yauco, PR	PR	0.3344	0.4723
49620	York-Hanover, PA	PA	0.9313	0.9524
49660	Youngstown-Warren-Boardman, OH-PA	OH	0.8662	0.9063
49660	Youngstown-Warren-Boardman, OH-PA	PA	0.8667	0.9067
49700	Yuba City, CA	CA	1.1820	1.1213
49740	Yuma, AZ	AZ	0.9284	0.9504

TABLE 4B.--WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR ACUTE CARE HOSPITALS IN RURAL AREAS BY CBSA AND BY STATE--FY 2010 (April 1, 2010 through September 30, 2010)

(Wage Index Includes Rural Floor Budget Neutrality Adjustment)

CBSA Code	Rural Area	State	Wage Index	GAF
01	Alabama	AL	0.7389	0.8128
02	Alaska	AK	1.1636	1.1093
03	Arizona	AZ	0.8801	0.9163
04	Arkansas	AR	0.7559	0.8256
05	California	CA	1.1820	1.1213
06	Colorado	CO	0.9642	0.9753
07	Connecticut	CT	1.2252	1.1492
08	Delaware	DE	0.9998	0.9999
10	Florida	FL	0.8594	0.9014
11	Georgia	GA	0.7819	0.8449
12	Hawaii	HI	1.1282	1.0861
13	Idaho	ID	0.7643	0.8319
14	Illinois	IL	0.8322	0.8818
15	Indiana	IN	0.8513	0.8956
16	Iowa	IA	0.8565	0.8994
17	Kansas	KS	0.8183	0.8717
18	Kentucky	KY	0.7961	0.8554
19	Louisiana	LA	0.7824	0.8453
20	Maine	ME	0.8555	0.8986
21	Maryland	MD	0.9246	0.9477
22	Massachusetts	MA	1.0358	1.0244
23	Michigan	MI	0.8797	0.9160
24	Minnesota	MN	0.9266	0.9491
25	Mississippi	MS	0.7717	0.8374
26	Missouri	MO	0.8164	0.8703
27	Montana	MT	0.8296	0.8799
28	Nebraska	NE	0.8662	0.9063
29	Nevada	NV	1.0026	1.0018
30	New Hampshire	NH	1.0525	1.0357
31	New Jersey[1]	NJ	1.1358	1.0911
32	New Mexico	NM	0.8964	0.9278
33	New York	NY	0.8474	0.8928
34	North Carolina	NC	0.8605	0.9022
35	North Dakota	ND	0.7982	0.8570
36	Ohio	OH	0.8516	0.8958
37	Oklahoma	OK	0.7807	0.8441
38	Oregon	OR	1.0235	1.0160
39	Pennsylvania	PA	0.8365	0.8849

CBSA Code	Rural Area	State	Wage Index	GAF
40	Puerto Rico[1]	PR	-----	-----
41	Rhode Island[1]	RI	-----	-----
42	South Carolina	SC	0.8391	0.8868
43	South Dakota	SD	0.8360	0.8846
44	Tennessee	TN	0.7889	0.8501
45	Texas	TX	0.7944	0.8542
46	Utah	UT	0.8442	0.8905
47	Vermont	VT	0.9590	0.9717
49	Virginia	VA	0.8101	0.8657
50	Washington	WA	1.0119	1.0081
51	West Virginia	WV	0.7469	0.8189
52	Wisconsin	WI	0.9226	0.9463
53	Wyoming	WY	0.9390	0.9578

[1] All counties in the State or Territory are classified as urban. The New Jersey floor is imputed as specified in §412.64 (h)(4) and discussed in the FY 2005 IPPS final rule (69 FR 49109) and in section III.B.2 of the preamble of FY 2009 IPPS final rule (73 FR 48567).

TABLE 4C.--WAGE INDEX AND CAPITAL GEOGRAPHIC ADJUSTMENT FACTOR (GAF) FOR ACUTE CARE HOSPITALS THAT ARE RECLASSIFIED BY CBSA AND BY STATE--FY 2010 (April 1, 2010 through September 30, 2010)
(Wage Index Includes Rural Floor Budget Neutrality Adjustment)

CBSA Code	Area	State	Wage Index	GAF
04	Arkansas	AR	0.7559	0.8256
05	California	CA	1.1820	1.1213
07	Connecticut	CT	1.2252	1.1492
10	Florida	FL	0.8594	0.9014
14	Illinois	IL	0.8322	0.8818
14	Illinois	MO	0.8322	0.8818
16	Iowa	MO	0.8570	0.8997
17	Kansas	KS	0.8183	0.8717
18	Kentucky	KY	0.7961	0.8554
22	Massachusetts	MA	1.0358	1.0244
23	Michigan	MI	0.8797	0.9160
24	Minnesota	IA	0.9261	0.9488
25	Mississippi	MS	0.7717	0.8374
26	Missouri	AR	0.8164	0.8703
26	Missouri	MO	0.8164	0.8703
30	New Hampshire	VT	1.0004	1.0003
33	New York	NH	1.0525	1.0357
33	New York	NY	0.8474	0.8928
34	North Carolina	NC	0.8605	0.9022
34	North Carolina	TN	0.8592	0.9013
36	Ohio	OH	0.8516	0.8958
37	Oklahoma	OK	0.7807	0.8441
38	Oregon	OR	1.0235	1.0160
39	Pennsylvania	PA	0.8365	0.8849
44	Tennessee	KY	0.7961	0.8554
45	Texas	TX	0.7944	0.8542
47	Vermont	NY	0.9403	0.9587
49	Virginia	KY	0.8101	0.8657
49	Virginia	VA	0.8101	0.8657
50	Washington	WA	1.0119	1.0081
53	Wyoming	NE	0.9209	0.9451
10420	Akron, OH	OH	0.8839	0.9190
10500	Albany, GA	AL	0.8387	0.8865
10500	Albany, GA	GA	0.8387	0.8865
10580	Albany-Schenectady-Troy, NY	NY	0.8804	0.9165
10740	Albuquerque, NM	NM	0.9371	0.9565
10780	Alexandria, LA	LA	0.8151	0.8694
10900	Allentown-Bethlehem-Easton, PA-NJ	PA	0.9813	0.9872
11100	Amarillo, TX	KS	0.8468	0.8924
11100	Amarillo, TX	TX	0.8469	0.8924
11180	Ames, IA	IA	0.9276	0.9498
11260	Anchorage, AK	AK	1.1920	1.1278
11300	Anderson, IN	IN	0.8709	0.9097
11460	Ann Arbor, MI	MI	1.0023	1.0016
12060	Atlanta-Sandy Springs-Marietta, GA	AL	0.9581	0.9711
12060	Atlanta-Sandy Springs-Marietta, GA	GA	0.9581	0.9711
12260	Augusta-Richmond County, GA-SC	SC	0.9332	0.9538
12420	Austin-Round Rock, TX	TX	0.9515	0.9665
12620	Bangor, ME	ME	1.0025	1.0017
12940	Baton Rouge, LA	MS	0.8239	0.8758
13020	Bay City, MI	MI	0.9176	0.9428
13644	Bethesda-Frederick-Rockville, MD	DC	1.0771	1.0522
13644	Bethesda-Frederick-Rockville, MD	PA	1.0771	1.0522
13644	Bethesda-Frederick-Rockville, MD	VA	1.0771	1.0522
13780	Binghamton, NY	PA	0.8747	0.9124
13820	Birmingham-Hoover, AL	AL	0.8512	0.8955
13980	Blacksburg-Christiansburg-Radford, VA	WV	0.7522	0.8228

CBSA Code	Area	State	Wage Index	GAF
14020	Bloomington, IN	IN	0.8637	0.9045
14260	Boise City-Nampa, ID	ID	0.9140	0.9403
14484	Boston-Quincy, MA	MA	1.1577	1.1055
14484	Boston-Quincy, MA	RI	1.1577	1.1055
14600	Bradenton-Sarasota-Venice, FL	FL	0.9490	0.9648
14740	Bremerton-Silverdale, WA	WA	1.0482	1.0328
14860	Bridgeport-Stamford-Norwalk, CT	NY	1.2515	1.1661
15260	Brunswick, GA	GA	0.9338	0.9542
15380	Buffalo-Niagara Falls, NY	NY	0.9809	0.9869
15540	Burlington-South Burlington, VT	NY	1.0206	1.0141
15764	Cambridge-Newton-Framingham, MA	NH	1.0961	1.0649
16020	Cape Girardeau-Jackson, MO-IL	MO	0.8684	0.9079
16180	Carson City, NV	NV	1.0145	1.0099
16580	Champaign-Urbana, IL	IL	0.9055	0.9343
16620	Charleston, WV	WV	0.8183	0.8717
16700	Charleston-North Charleston-Summerville, SC	SC	0.9212	0.9453
16740	Charlotte-Gastonia-Concord, NC-SC	NC	0.9321	0.9530
16740	Charlotte-Gastonia-Concord, NC-SC	SC	0.9315	0.9526
16820	Charlottesville, VA	VA	0.9141	0.9403
16860	Chattanooga, TN-GA	AL	0.8676	0.9073
16860	Chattanooga, TN-GA	GA	0.8676	0.9073
16860	Chattanooga, TN-GA	TN	0.8663	0.9064
16974	Chicago-Naperville-Joliet, IL	IL	1.0385	1.0262
16974	Chicago-Naperville-Joliet, IL	IN	1.0383	1.0261
17140	Cincinnati-Middletown, OH-KY-IN	IN	0.9397	0.9583
17140	Cincinnati-Middletown, OH-KY-IN	OH	0.9395	0.9582
17300	Clarksville, TN-KY	KY	0.8143	0.8688
17460	Cleveland-Elyria-Mentor, OH	OH	0.8934	0.9257
17820	Colorado Springs, CO	CO	0.9642	0.9753
17860	Columbia, MO	MO	0.8444	0.8906
17900	Columbia, SC	SC	0.8850	0.9197
17980	Columbus, GA-AL	AL	0.8454	0.8914
17980	Columbus, GA-AL	GA	0.8454	0.8914
18140	Columbus, OH	OH	0.9837	0.9888
18580	Corpus Christi, TX	TX	0.8660	0.9062
18700	Corvallis, OR	OR	1.0460	1.0313
19124	Dallas-Plano-Irving, TX	TX	0.9578	0.9709
19340	Davenport-Moline-Rock Island, IA-IL	IL	0.8471	0.8926
19340	Davenport-Moline-Rock Island, IA-IL	IA	0.8565	0.8994
19380	Dayton, OH	OH	0.9220	0.9459
19740	Denver-Aurora-Broomfield, CO	CO	1.0394	1.0268
19780	Des Moines-West Des Moines, IA	IA	0.9522	0.9670

CBSA Code	Area	State	Wage Index	GAF
20100	Dover, DE	DE	0.9998	0.9999
20260	Duluth, MN-WI	MN	1.0641	1.0435
20500	Durham-Chapel Hill, NC	NC	0.9590	0.9717
20500	Durham-Chapel Hill, NC	VA	0.9590	0.9717
20764	Edison-New Brunswick, NJ	NJ	1.1358	1.0911
21060	Elizabethtown, KY	KY	0.8080	0.8642
21140	Elkhart-Goshen, IN	IN	0.9463	0.9629
21500	Erie, PA	NY	0.8474	0.8928
21660	Eugene-Springfield, OR	OR	1.0974	1.0657
21780	Evansville, IN-KY	IN	0.8513	0.8956
21780	Evansville, IN-KY	KY	0.8152	0.8694
22020	Fargo, ND-MN	SD	0.8360	0.8846
22180	Fayetteville, NC	NC	0.9311	0.9523
22220	Fayetteville-Springdale-Rogers, AR-MO	OK	0.8787	0.9153
22380	Flagstaff, AZ	AZ	1.1887	1.1257
22420	Flint, MI	MI	1.0672	1.0455
22520	Florence-Muscle Shoals, AL	AL	0.7932	0.8533
22540	Fond du Lac, WI	WI	0.9641	0.9753
22660	Fort Collins-Loveland, CO	CO	0.9818	0.9875
22744	Fort Lauderdale-Pompano Beach-Deerfield Beach, FL	FL	1.0378	1.0257
23020	Fort Walton Beach-Crestview-Destin, FL	FL	0.8594	0.9014
23060	Fort Wayne, IN	IN	0.8950	0.9268
23104	Fort Worth-Arlington, TX	TX	0.9434	0.9609
23540	Gainesville, FL	FL	0.9197	0.9443
23844	Gary, IN	IN	0.9168	0.9422
24300	Grand Junction, CO	CO	0.9923	0.9947
24340	Grand Rapids-Wyoming, MI	MI	0.9293	0.9510
24500	Great Falls, MT	MT	0.8364	0.8848
24540	Greeley, CO	NE	0.9439	0.9612
24540	Greeley, CO	WY	0.9439	0.9612
24580	Green Bay, WI	MI	0.9326	0.9533
24580	Green Bay, WI	WI	0.9325	0.9533
24660	Greensboro-High Point, NC	NC	0.9151	0.9411
24780	Greenville, NC	NC	0.9242	0.9475
24860	Greenville-Mauldin-Easley, SC	NC	0.9309	0.9521
24860	Greenville-Mauldin-Easley, SC	SC	0.9303	0.9517
25060	Gulfport-Biloxi, MS	MS	0.8462	0.8919
25180	Hagerstown-Martinsburg, MD-WV	PA	0.9178	0.9430
25420	Harrisburg-Carlisle, PA	PA	0.9188	0.9437
25540	Hartford-West Hartford-East Hartford, CT	CT	1.2252	1.1492
25540	Hartford-West Hartford-East Hartford, CT	MA	1.1178	1.0792
25860	Hickory-Lenoir-Morganton, NC	NC	0.8741	0.9120

CBSA Code	Area	State	Wage Index	GAF
26300	Hot Springs, AR	AR	0.8972	0.9284
26420	Houston-Sugar Land-Baytown, TX	TX	0.9933	0.9954
26580	Huntington-Ashland, WV-KY-OH	KY	0.8725	0.9108
26580	Huntington-Ashland, WV-KY-OH	OH	0.8720	0.9105
26580	Huntington-Ashland, WV-KY-OH	WV	0.8714	0.9100
26620	Huntsville, AL	AL	0.8558	0.8989
26620	Huntsville, AL	TN	0.8545	0.8979
26820	Idaho Falls, ID	ID	0.9418	0.9598
26900	Indianapolis-Carmel, IN	IN	0.9593	0.9719
26980	Iowa City, IA	IA	0.9153	0.9412
27060	Ithaca, NY	NY	0.9261	0.9488
27140	Jackson, MS	MS	0.8191	0.8723
27180	Jackson, TN	MS	0.8410	0.8882
27260	Jacksonville, FL	FL	0.9102	0.9376
27620	Jefferson City, MO	MO	0.8868	0.9210
27860	Jonesboro, AR	AR	0.7796	0.8432
27900	Joplin, MO	KS	0.8485	0.8936
27900	Joplin, MO	OK	0.8486	0.8937
28020	Kalamazoo-Portage, MI	MI	0.9899	0.9931
28140	Kansas City, MO-KS	MO	0.9555	0.9693
28420	Kennewick-Pasco-Richland, WA	ID	0.9989	0.9992
28420	Kennewick-Pasco-Richland, WA	WA	1.0119	1.0081
28700	Kingsport-Bristol-Bristol, TN-VA	KY	0.8123	0.8673
28700	Kingsport-Bristol-Bristol, TN-VA	TN	0.8111	0.8664
28940	Knoxville, TN	KY	0.7961	0.8554
28940	Knoxville, TN	TN	0.7889	0.8501
29180	Lafayette, LA	LA	0.8569	0.8996
29404	Lake County-Kenosha County, IL-WI	IL	1.0394	1.0268
29460	Lakeland-Winter Haven, FL	FL	0.8594	0.9014
29540	Lancaster, PA	PA	0.9468	0.9633
29620	Lansing-East Lansing, MI	MI	0.9564	0.9699
29740	Las Cruces, NM	NM	0.8964	0.9278
29820	Las Vegas-Paradise, NV	AZ	1.1523	1.1019
29820	Las Vegas-Paradise, NV	UT	1.1523	1.1019
30020	Lawton, OK	OK	0.7926	0.8528
30460	Lexington-Fayette, KY	KY	0.8732	0.9113
30620	Lima, OH	OH	0.9340	0.9543
30700	Lincoln, NE	NE	0.9257	0.9485
30780	Little Rock-North Little Rock-Conway, AR	AR	0.8455	0.8914
30980	Longview, TX	TX	0.8239	0.8758
31084	Los Angeles-Long Beach-Glendale, CA	CA	1.1820	1.1213
31140	Louisville-Jefferson County, KY-IN	KY	0.8902	0.9234

CBSA Code	Area	State	Wage Index	GAF
31420	Macon, GA	GA	0.9873	0.9913
31540	Madison, WI	WI	1.0990	1.0668
31700	Manchester-Nashua, NH	NH	1.0525	1.0357
31900	Mansfield, OH	OH	0.9073	0.9356
32780	Medford, OR	OR	1.0235	1.0160
32820	Memphis, TN-MS-AR	AR	0.8936	0.9259
32820	Memphis, TN-MS-AR	MS	0.8936	0.9259
32820	Memphis, TN-MS-AR	TN	0.8923	0.9249
33124	Miami-Miami Beach-Kendall, FL	FL	1.0026	1.0018
33260	Midland, TX	TX	0.9347	0.9548
33340	Milwaukee-Waukesha-West Allis, WI	WI	1.0031	1.0021
33460	Minneapolis-St. Paul-Bloomington, MN-WI	MN	1.0945	1.0638
33460	Minneapolis-St. Paul-Bloomington, MN-WI	WI	1.0943	1.0637
33540	Missoula, MT	MT	0.8916	0.9244
33700	Modesto, CA	CA	1.2190	1.1452
33740	Monroe, LA	AR	0.7925	0.8528
33740	Monroe, LA	LA	0.7925	0.8528
33780	Monroe, MI	OH	0.9956	0.9970
33860	Montgomery, AL	AL	0.8459	0.8917
34060	Morgantown, WV	WV	0.8571	0.8998
34740	Muskegon-Norton Shores, MI	MI	0.9369	0.9563
34820	Myrtle Beach-North Myrtle Beach-Conway, SC	SC	0.8668	0.9067
34980	Nashville-Davidson-Murfreesboro-Franklin, TN	KY	0.9351	0.9551
34980	Nashville-Davidson-Murfreesboro-Franklin, TN	TN	0.9337	0.9541
35004	Nassau-Suffolk, NY	CT	1.2486	1.1642
35084	Newark-Union, NJ-PA	NJ	1.1358	1.0911
35084	Newark-Union, NJ-PA	NY	1.1237	1.0831
35084	Newark-Union, NJ-PA	PA	1.1237	1.0831
35380	New Orleans-Metairie-Kenner, LA	LA	0.9010	0.9311
35644	New York-White Plains-Wayne, NY-NJ	CT	1.2678	1.1764
35644	New York-White Plains-Wayne, NY-NJ	NJ	1.2752	1.1811
35644	New York-White Plains-Wayne, NY-NJ	NY	1.2914	1.1914
35980	Norwich-New London, CT	RI	1.1562	1.1045
36084	Oakland-Fremont-Hayward, CA	CA	1.5841	1.3703
36140	Ocean City, NJ	DE	1.0402	1.0274
36220	Odessa, TX	NM	0.9458	0.9626
36220	Odessa, TX	TX	0.9482	0.9642
36260	Ogden-Clearfield, UT	UT	0.9414	0.9595
36420	Oklahoma City, OK	OK	0.8734	0.9115
36500	Olympia, WA	WA	1.1174	1.0790
36740	Orlando-Kissimmee, FL	FL	0.8961	0.9276
37460	Panama City-Lynn Haven-Panama City Beach, FL	AL	0.8320	0.8817

CBSA Code	Area	State	Wage Index	GAF
37700	Pascagoula, MS	AL	0.8156	0.8697
37764	Peabody, MA	NH	1.0867	1.0586
37860	Pensacola-Ferry Pass-Brent, FL	AL	0.8068	0.8633
37900	Peoria, IL	IL	0.9268	0.9493
37964	Philadelphia, PA	NJ	1.1358	1.0911
37964	Philadelphia, PA	PA	1.0547	1.0371
38220	Pine Bluff, AR	MS	0.7767	0.8411
38300	Pittsburgh, PA	OH	0.8589	0.9011
38300	Pittsburgh, PA	PA	0.8594	0.9014
38300	Pittsburgh, PA	WV	0.8583	0.9007
38340	Pittsfield, MA	NY	1.0260	1.0177
38340	Pittsfield, MA	VT	1.0260	1.0177
38860	Portland-South Portland-Biddeford, ME	ME	0.9743	0.9823
38900	Portland-Vancouver-Beaverton, OR-WA	OR	1.1195	1.0804
38900	Portland-Vancouver-Beaverton, OR-WA	WA	1.1205	1.0810
38940	Port St. Lucie, FL	FL	0.9761	0.9836
39100	Poughkeepsie-Newburgh-Middletown, NY	NY	1.0983	1.0663
39340	Provo-Orem, UT	UT	0.9443	0.9615
39580	Raleigh-Cary, NC	NC	0.9535	0.9679
39740	Reading, PA	PA	0.8986	0.9294
39820	Redding, CA	CA	1.3415	1.2229
39900	Reno-Sparks, NV	NV	1.0270	1.0184
40060	Richmond, VA	VA	0.9369	0.9563
40140	Riverside-San Bernardino-Ontario, CA	AZ	1.1147	1.0772
40220	Roanoke, VA	VA	0.8721	0.9105
40220	Roanoke, VA	WV	0.8710	0.9098
40380	Rochester, NY	NY	0.8813	0.9171
40420	Rockford, IL	IL	1.0000	1.0000
40484	Rockingham County-Strafford County, NH	ME	1.0206	1.0141
40660	Rome, GA	AL	0.8665	0.9065
40900	Sacramento--Arden-Arcade--Roseville, CA	CA	1.3341	1.2182
40980	Saginaw-Saginaw Township North, MI	MI	0.9407	0.9590
41060	St. Cloud, MN	MN	1.0773	1.0523
41100	St. George, UT	UT	0.9386	0.9575
41180	St. Louis, MO-IL	IL	0.8924	0.9250
41180	St. Louis, MO-IL	MO	0.8924	0.9250
41620	Salt Lake City, UT	UT	0.9450	0.9620
41700	San Antonio, TX	TX	0.8913	0.9242
41940	San Jose-Sunnyvale-Santa Clara, CA	CA	1.6043	1.3822
42044	Santa Ana-Anaheim-Irvine, CA	CA	1.1820	1.1213
42140	Santa Fe, NM	NM	1.0144	1.0098
42220	Santa Rosa-Petaluma, CA	CA	1.5018	1.3211
42340	Savannah, GA	GA	0.8967	0.9281
42340	Savannah, GA	SC	0.8962	0.9277
42644	Seattle-Bellevue-Everett, WA	WA	1.1236	1.0831
43300	Sherman-Denison, TX	OK	0.8299	0.8801
43340	Shreveport-Bossier City, LA	LA	0.8465	0.8922
43580	Sioux City, IA-NE-SD	NE	0.8662	0.9063
43620	Sioux Falls, SD	SD	0.9040	0.9332
43780	South Bend-Mishawaka, IN-MI	IN	0.9269	0.9493
43900	Spartanburg, SC	SC	0.8985	0.9293
44060	Spokane, WA	ID	1.0242	1.0165
44100	Springfield, IL	IL	0.9323	0.9531
44180	Springfield, MO	AR	0.8586	0.9009
44180	Springfield, MO	MO	0.8586	0.9009
44300	State College, PA	PA	0.8365	0.8849
44940	Sumter, SC	SC	0.8391	0.8868
45060	Syracuse, NY	NY	0.9492	0.9649
45220	Tallahassee, FL	GA	0.8205	0.8733
45300	Tampa-St. Petersburg-Clearwater, FL	FL	0.9006	0.9308
45500	Texarkana, TX-Texarkana, AR	AR	0.8153	0.8695
45780	Toledo, OH	OH	0.9281	0.9502
45820	Topeka, KS	KS	0.8962	0.9277
46140	Tulsa, OK	OK	0.8758	0.9132
46220	Tuscaloosa, AL	MS	0.8402	0.8876
46340	Tyler, TX	TX	0.8449	0.8910
46700	Vallejo-Fairfield, CA	CA	1.4459	1.2872
47260	Virginia Beach-Norfolk-Newport News, VA	NC	0.8930	0.9254
47894	Washington-Arlington-Alexandria, DC-VA	VA	1.0700	1.0474
48140	Wausau, WI	WI	0.9467	0.9632
48620	Wichita, KS	KS	0.8743	0.9121
48620	Wichita, KS	OK	0.8744	0.9122
48700	Williamsport, PA	PA	0.8365	0.8849
48864	Wilmington, DE-MD-NJ	DE	1.0636	1.0431
48864	Wilmington, DE-MD-NJ	NJ	1.1358	1.0911
48900	Wilmington, NC	SC	0.9120	0.9389
49180	Winston-Salem, NC	NC	0.8960	0.9276
49180	Winston-Salem, NC	VA	0.8960	0.9276
49660	Youngstown-Warren-Boardman, OH-PA	OH	0.8516	0.8958
49660	Youngstown-Warren-Boardman, OH-PA	PA	0.8406	0.8879

TABLE 4D-1.—RURAL FLOOR BUDGET NEUTRALITY FACTORS FOR ACUTE CARE HOSPITALS—FY 2010 (April 1, 2010 through September 30, 2010)

[The rural floor budget neutrality adjustment factor reflects a blend of a State factor (weighted at 50 percent) and a nationwide factor (50 percent).]

State	Rural Floor Budget Neutrality Adjustment Factor
Alabama	0.99835
Alaska	0.99835
Arizona	0.99835
Arkansas	0.99835
California	0.99317
Colorado	0.99413
Connecticut	0.98016
Delaware	0.99835
Washington, D.C.	0.99835
Florida	0.99756
Georgia	0.99835
Hawaii	0.99835
Idaho	0.99835
Illinois	0.99835
Indiana	0.99813
Iowa	0.99783
Kansas	0.99827
Kentucky	0.99835
Louisiana	0.99834
Maine	0.99835
Maryland*	------
Massachusetts	0.99834
Michigan	0.99833
Minnesota	0.99835
Mississippi	0.99834
Missouri	0.99835
Montana	0.99835
Nebraska	0.99835
Nevada	0.99835
New Hampshire	0.99699
New Jersey **	0.98587
New Mexico	0.99577
New York	0.99835
North Carolina	0.99834
North Dakota	0.99833
Ohio	0.99784
Oklahoma	0.99835
Oregon	0.99708
Pennsylvania	0.99834
Puerto Rico	0.99835
Rhode Island	0.99835
South Carolina	0.99779
South Dakota	0.99834
Tennessee	0.99690
Texas	0.99832
Utah	0.99835
Vermont	0.99835
Virginia	0.99835
Washington	0.99792
West Virginia	0.99712
Wisconsin	0.99816
Wyoming	0.99835

* Maryland hospitals, under section 1814(b)(3) of the Act, are waived from the IPPS ratesetting. Therefore, the rural floor budget neutrality adjustment does not apply.
** The rural floor budget neutrality factor for New Jersey is based on an imputed floor (see TABLE 4B).

TABLE 4D-2.--URBAN AREAS WITH ACUTE CARE HOSPITALS RECEIVING THE STATEWIDE RURAL FLOOR OR IMPUTED FLOOR WAGE INDEX--FY 2010 (April 1, 2010 through September 30, 2010)

[*Only hospitals that are geographically located in the specified State receive the State's rural or imputed floor wage index.]

(Wage Index Includes Rural Floor Budget Neutrality Adjustment)

CBSA Code	Urban Area	State*	Rural or Imputed Floor Wage Index
10900	Allentown-Bethlehem-Easton, PA-NJ	NJ	1.1358
12100	Atlantic City-Hammonton, NJ	NJ	1.1358
12540	Bakersfield, CA	CA	1.1820
13900	Bismarck, ND	ND	0.7982
15804	Camden, NJ	NJ	1.1358
16220	Casper, WY	WY	0.9390
16940	Cheyenne, WY	WY	0.9390

CBSA Code	Urban Area	State*	Rural or Imputed Floor Wage Index
17020	Chico, CA	CA	1.1820
17420	Cleveland, TN	TN	0.7889
17820	Colorado Springs, CO	CO	0.9642
19060	Cumberland, MD-WV	MD	0.9246
19340	Davenport-Moline-Rock Island, IA-IL	IA	0.8565
19500	Decatur, IL	IL	0.8322
20764	Edison-New Brunswick, NJ	NJ	1.1358
20940	El Centro, CA	CA	1.1820
21300	Elmira, NY	NY	0.8474
21780	Evansville, IN-KY	IN	0.8513
21820	Fairbanks, AK	AK	1.1636
22020	Fargo, ND-MN	MN	0.9266
22140	Farmington, NM	NM	0.8964
22500	Florence, SC	SC	0.8391
23420	Fresno, CA	CA	1.1820
24220	Grand Forks, ND-MN	MN	0.9266
25180	Hagerstown-Martinsburg, MD-WV	MD	0.9246
25260	Hanford-Corcoran, CA	CA	1.1820
25540	Hartford-West Hartford-East Hartford, CT	CT	1.2252
27100	Jackson, MI	MI	0.8797
27340	Jacksonville, NC	NC	0.8605
27740	Johnson City, TN	TN	0.7889
28940	Knoxville, TN	TN	0.7889
29460	Lakeland-Winter Haven, FL	FL	0.8594
29740	Las Cruces, NM	NM	0.8964
30300	Lewiston, ID-WA	WA	1.0119
31460	Madera-Chowchilla, CA	CA	1.1820
31700	Manchester-Nashua, NH	NH	1.0525
31740	Manhattan, KS	KS	0.8183
32780	Medford, OR	OR	1.0235
34100	Morristown, TN	TN	0.7889
34620	Muncie, IN	IN	0.8513
35084	Newark-Union, NJ-PA	NJ	1.1358
35300	New Haven-Milford, CT	CT	1.2252
35980	Norwich-New London, CT	CT	1.2252
36140	Ocean City, NJ	NJ	1.1358
36780	Oshkosh-Neenah, WI	WI	0.9226
37460	Panama City-Lynn Haven-Panama City Beach, FL	FL	0.8594
37620	Parkersburg-Marietta-Vienna, WV-OH	OH	0.8516
37860	Pensacola-Ferry Pass-Brent, FL	FL	0.8594
39380	Pueblo, CO	CO	0.9642
40140	Riverside-San Bernardino-Ontario, CA	CA	1.1820
40484	Rockingham County-Strafford County, NH	NH	1.0525
41540	Salisbury, MD	MD	0.9246
41740	San Diego-Carlsbad-San Marcos, CA	CA	1.1820
42044	Santa Ana-Anaheim-Irvine, CA	CA	1.1820
42540	Scranton--Wilkes-Barre, PA	PA	0.8365
45220	Tallahassee, FL	FL	0.8594
45940	Trenton-Ewing, NJ	NJ	1.1358
47020	Victoria, TX	TX	0.7944
47220	Vineland-Millville-Bridgeton, NJ	NJ	1.1358
47300	Visalia-Porterville, CA	CA	1.1820
47940	Waterloo-Cedar Falls, IA	IA	0.8565
48260	Weirton-Steubenville, WV-OH	OH	0.8516
48260	Weirton-Steubenville, WV-OH	WV	0.7469
48300	Wenatchee-East Wenatchee, WA	WA	1.0119
48540	Wheeling, WV-OH	OH	0.8516
48540	Wheeling, WV-OH	WV	0.7469
48700	Williamsport, PA	PA	0.8365
48864	Wilmington, DE-MD-NJ	NJ	1.1358
49420	Yakima, WA	WA	1.0119
49700	Yuba City, CA	CA	1.1820

TABLE 4J.—ABBREVIATED OUT-MIGRATION ADJUSTMENT FOR ACUTE CARE HOSPITALS--FY 2010 (April 1, 2010 through September 30, 2010)

The following list represents all hospitals that are eligible to have their wage index increased by the out-migration adjustment. Hospitals cannot receive the out-migration adjustment if they are reclassified under section 1886(d)(10) of the Act or redesignated under section 1886(d)(8)(B) of the Act. Hospitals that have already been reclassified under section 1886(d)(10) of the Act or redesignated under section 1886(d)(8)(B) of the Act are designated with an asterisk.

Provider Number	Reclassified for FY 2010	Final Out-Migration Adjustment	Qualifying County Name	County Code
420062	*	0.0124	CHESTERFIELD	42120

Table 9B.--Hospital Reclassifications and Redesignations by Individual Hospital Under Section 508 of Pub. L. 108-173
[Revised as of April 1, 2010 and Effective October 1, 2009 through September 30, 2010]

Provider Number	Note	Geographic CBSA	Wage Index CBSA Section 508 Reclassification	Own Wage Index
010150		17980	0.8454	
020008		02	----------	1.2747
050549		42220	1.5033	
060075		06	----------	1.1061
070001		35004	1.2486	
070005		35004	1.2486	
070006	*	35644	1.2678	
070016		35004	1.2486	
070017		35004	1.2486	
070018	*	35644	1.2678	
070019		35004	1.2486	
070022		35004	1.2486	
070031		35004	1.2486	
070034	*	35644	1.2678	
070036		25540		1.2886
070039		35004	1.2486	
150034		16974	1.0383	
160040		16300	0.8910	
160064		16	----------	0.9756
160067		16300	0.8910	
160110		16300	0.8910	
190218		43340	0.8465	
220046		14484	1.1577	
230003		28020	0.9900	
230004		28020	0.9900	
230013		22420	1.0672	
230019		22420	1.0672	
230020		11460	1.0023	
230024		11460	1.0023	
230029		22420	1.0672	
230036		22420	1.0672	
230038		28020	0.9900	
230053		11460	1.0023	
230059		28020	0.9900	
230066		28020	0.9900	
230071		22420	1.0672	
230072		28020	0.9900	
230089		11460	1.0023	
230097		28020	0.9900	
230104		11460	1.0023	
230106		28020	0.9900	
230130		22420	1.0672	
230135		11460	1.0023	
230146		11460	1.0023	
230151		22420	1.0672	
230165		11460	1.0023	
230174		28020	0.9900	
230176		11460	1.0023	
230207		22420	1.0672	
230236		28020	0.9900	
230254		22420	1.0672	
230269		22420	1.0672	
230270		11460	1.0023	
230273		11460	1.0023	
230277		22420	1.0672	
250002		25060	0.8462	
250078	*	25060	0.8462	
250122		25060	0.8462	
270002	*	33540	0.8916	
270012	*	33540	0.8916	
270032		13740	0.9021	
270057		13740	0.9021	
310021		35644	1.2752	
310028		35644	1.2752	
310050		35644	1.2752	
310051		35644	1.2752	
310060		35644	1.2752	
310115		35644	1.2752	
310120		35644	1.2752	
330023	*	35644	1.2914	
330049		35644	1.2914	
330067	*	35644	1.2914	
330106		35004	----------	1.4062
330126		35644	1.2914	
330135		35644	1.2914	
330205		35644	1.2914	
330264		35004	1.2718	
340002		16740	0.9321	
350002		22020	0.8360	
350003		22020	0.8360	
350006		22020	0.8360	
350015		22020	0.8360	
350019	*	22020	0.8360	
380090		38	----------	1.2299
390001		10900	0.9813	

Provider Number	Note	Geographic CBSA	Wage Index CBSA Section 508 Reclassification	Own Wage Index
390003		10900	0.9813	
390045		10900	0.9813	
390072		10900	0.9813	
390095		10900	0.9813	
390119		10900	0.9813	
390137		10900	0.9813	
390169		10900	0.9813	
390192		10900	0.9813	
390237		10900	0.9813	
390270		29540	0.9468	
430005		39660	1.0279	
430008	*	43620	0.9040	
430013	*	43620	0.9040	
430015		43620	0.9040	
430048		43620	0.9040	
430060		43620	0.9040	
470003		14484	1.1577	
490001		31340	0.8323	
530015		53	----------	1.0746

*These hospitals are assigned a wage index value under a special exceptions policy (see FY 2005 IPPS final rule, 69 FR 49105).

TABLE 10.—GEOMETRIC MEAN PLUS THE LESSER OF .75 OF THE NATIONAL ADJUSTED OPERATING STANDARDIZED PAYMENT AMOUNT (INCREASED TO REFLECT THE DIFFERENCE BETWEEN COSTS AND CHARGES) OR .75 OF ONE STANDARD DEVIATION OF MEAN CHARGES BY MEDICARE SEVERITY DIAGNOSIS-RELATED GROUP (MS-DRG)—April 2010[1] (Applicable to Applications for FY 2011 New Technology Add-On Payments)

MS-DRG	Number of Cases	Threshold
1	865	$389,002
2	233	$195,055
3	23,101	$271,584
4	21,861	$164,651
5	933	$173,584
6	380	$103,557
7	406	$170,029
8	511	$105,156
9	1,567	$109,488
10	141	$90,875
11	1,384	$80,142
12	1,989	$58,972
13	1,062	$40,489
20	1,047	$157,823
21	487	$119,128
22	156	$85,632
23	4,272	$91,581
24	2,066	$63,368
25	10,196	$84,164
26	11,484	$58,591
27	12,446	$47,033
28	1,737	$83,542
29	3,431	$52,824
30	3,394	$34,633
31	1,089	$69,986
32	2,750	$40,237
33	3,263	$32,975
34	847	$63,512
35	2,388	$46,937
36	5,878	$40,712
37	5,356	$57,235
38	14,284	$36,825
39	46,412	$27,494
40	4,979	$65,463
41	7,598	$43,513
42	4,110	$37,771
52	1,391	$33,029
53	571	$22,196
54	6,584	$33,288
55	14,332	$28,166
56	10,308	$32,309
57	45,636	$21,051
58	869	$32,675
59	3,214	$24,364
60	3,702	$18,278
61	2,000	$59,680
62	2,944	$46,665
63	1,171	$41,261
64	63,659	$37,295
65	108,572	$29,516
66	71,747	$22,397
67	1,926	$32,904
68	11,692	$24,825

MS-DRG	Number of Cases	Threshold
69	96,409	$20,405
70	10,189	$36,456
71	11,517	$28,259
72	5,232	$21,046
73	10,681	$29,802
74	31,053	$22,361
75	1,287	$37,876
76	694	$23,662
77	1,632	$36,701
78	1,688	$26,558
79	862	$20,557
80	1,706	$28,205
81	5,753	$18,865
82	2,249	$38,321
83	2,381	$31,174
84	2,569	$23,039
85	7,108	$38,811
86	12,830	$29,387
87	12,297	$20,266
88	1,000	$33,298
89	2,949	$25,227
90	2,821	$19,387
91	9,861	$32,610
92	18,526	$23,203
93	14,820	$17,999
94	1,517	$60,965
95	1,163	$44,844
96	603	$39,770
97	1,317	$57,346
98	1,019	$39,110
99	508	$30,997
100	19,094	$31,833
101	55,560	$20,167
102	1,277	$26,479
103	12,792	$18,026
113	640	$38,393
114	462	$23,767
115	1,019	$29,721
116	532	$29,249
117	826	$18,459
121	752	$24,718
122	502	$16,035

MS-DRG	Number of Cases	Threshold
123	2,794	$20,642
124	860	$27,880
125	4,051	$17,572
129	1,521	$44,659
130	939	$32,940
131	989	$42,025
132	826	$30,709
133	2,161	$34,737
134	2,857	$22,176
135	385	$40,095
136	414	$25,091
137	839	$32,424
138	798	$20,224
139	1,441	$22,174
146	825	$39,688
147	1,474	$28,097
148	704	$18,711
149	35,070	$17,386
150	1,272	$28,072
151	6,133	$14,750
152	3,460	$24,044
153	16,897	$16,059
154	2,435	$31,064
155	5,504	$23,142
156	4,142	$16,627
157	1,414	$31,530
158	3,633	$23,578
159	1,885	$15,750
163	13,934	$86,849
164	18,517	$52,978
165	10,712	$42,098
166	24,135	$65,383
167	19,905	$43,668
168	4,947	$33,163
175	15,001	$36,971
176	36,290	$27,485
177	71,329	$40,597
178	72,866	$33,081
179	19,697	$25,265
180	22,810	$36,938
181	28,116	$29,874
182	3,624	$22,658

MS-DRG	Number of Cases	Threshold
183	2,647	$33,447
184	4,846	$24,630
185	2,217	$17,427
186	10,555	$34,992
187	10,193	$27,682
188	3,657	$20,141
189	129,179	$32,232
190	125,804	$29,828
191	138,603	$24,810
192	152,980	$18,644
193	103,110	$32,561
194	217,767	$25,507
195	105,641	$18,329
196	6,665	$34,115
197	6,890	$27,608
198	3,484	$21,389
199	3,757	$38,083
200	8,432	$25,132
201	2,979	$18,052
202	37,472	$21,725
203	34,621	$15,784
204	24,686	$18,264
205	6,810	$29,155
206	20,742	$19,694
207	38,118	$92,691
208	77,115	$46,531
215	138	$192,886
216	9,880	$176,137
217	6,447	$124,922
218	1,401	$107,186
219	12,500	$141,426
220	14,385	$102,673
221	4,929	$91,188
222	3,272	$160,691
223	4,418	$122,914
224	2,933	$145,113
225	4,763	$116,684
226	8,032	$120,871
227	33,159	$97,856
228	3,210	$137,160
229	3,325	$98,362
230	1,169	$80,433

MS-DRG	Number of Cases	Threshold
231	1,566	$156,409
232	1,256	$122,233
233	17,622	$130,933
234	27,918	$98,208
235	10,517	$104,978
236	25,885	$77,822
237	23,974	$92,323
238	39,313	$61,432
239	11,664	$69,045
240	10,718	$44,505
241	1,917	$32,845
242	20,888	$68,433
243	38,043	$55,177
244	50,838	$46,291
245	4,079	$78,539
246	30,411	$69,977
247	147,952	$51,453
248	19,736	$64,840
249	67,964	$47,426
250	8,184	$59,956
251	38,091	$45,146
252	44,196	$54,868
253	43,034	$49,388
254	44,467	$39,821
255	2,524	$44,250
256	3,032	$33,270
257	493	$23,340
258	829	$55,674
259	6,169	$40,146
260	1,763	$56,906
261	3,844	$33,612
262	2,818	$27,572
263	563	$32,196
264	24,723	$43,850
265	2,093	$44,334
280	78,326	$37,817
281	50,932	$30,379
282	40,796	$23,085
283	15,365	$34,174
284	3,208	$22,535
285	1,782	$16,046
286	29,351	$44,721

MS-DRG	Number of Cases	Threshold
287	140,845	$31,560
288	3,008	$52,687
289	1,165	$38,592
290	299	$29,363
291	202,108	$32,007
292	207,580	$24,223
293	138,456	$17,654
294	1,558	$24,579
295	1,012	$14,868
296	2,158	$29,798
297	721	$19,111
298	476	$12,936
299	23,052	$30,899
300	45,558	$22,596
301	31,295	$15,992
302	8,576	$25,387
303	58,979	$15,820
304	2,704	$27,043
305	31,624	$16,270
306	2,531	$29,095
307	5,817	$19,647
308	56,369	$29,328
309	92,446	$21,355
310	136,366	$15,302
311	18,509	$14,403
312	163,512	$19,476
313	187,903	$15,879
314	65,724	$34,098
315	30,253	$24,606
316	15,094	$16,812
326	11,455	$94,093
327	10,124	$53,346
328	7,997	$35,139
329	49,835	$87,713
330	60,038	$51,490
331	25,381	$38,779
332	1,999	$82,243
333	5,637	$50,536
334	3,306	$38,002
335	7,885	$75,081
336	12,356	$48,202
337	7,787	$36,303

MS-DRG	Number of Cases	Threshold
338	1,610	$62,604
339	3,077	$43,706
340	3,324	$32,810
341	991	$47,740
342	2,722	$35,886
343	6,674	$26,294
344	1,004	$57,410
345	2,955	$37,377
346	2,780	$29,277
347	1,626	$42,423
348	4,221	$31,942
349	4,416	$20,331
350	1,895	$46,247
351	4,428	$32,695
352	7,044	$21,873
353	3,646	$50,439
354	8,794	$35,573
355	13,646	$25,587
356	8,505	$67,077
357	7,508	$44,590
358	2,085	$33,785
368	3,735	$36,175
369	5,521	$27,556
370	2,222	$20,185
371	27,790	$36,388
372	28,853	$29,873
373	12,523	$21,164
374	9,731	$39,148
375	17,353	$30,128
376	3,102	$23,904
377	60,356	$34,387
378	123,093	$24,985
379	61,670	$18,619
380	3,316	$36,962
381	5,855	$28,390
382	3,184	$21,165
383	1,573	$31,850
384	7,276	$23,263
385	2,870	$35,732
386	7,834	$27,516
387	4,285	$21,199
388	22,261	$32,883

MS-DRG	Number of Cases	Threshold
389	48,548	$24,225
390	42,991	$17,129
391	49,223	$27,759
392	243,035	$19,259
393	24,676	$33,183
394	48,045	$25,167
395	21,085	$18,104
405	4,264	$90,728
406	5,198	$54,119
407	1,940	$40,799
408	1,579	$73,001
409	1,385	$49,902
410	494	$38,897
411	897	$75,484
412	865	$53,809
413	607	$40,589
414	5,219	$65,688
415	5,620	$44,561
416	4,525	$33,802
417	19,305	$51,931
418	25,675	$41,118
419	31,110	$31,502
420	797	$70,221
421	1,008	$39,140
422	247	$31,294
423	1,573	$72,588
424	790	$47,341
425	88	$37,270
432	14,494	$34,529
433	8,905	$24,409
434	582	$18,029
435	13,630	$37,203
436	12,090	$29,801
437	2,756	$25,102
438	17,093	$35,405
439	24,725	$27,440
440	20,936	$19,391
441	14,282	$34,046
442	15,240	$24,134
443	5,392	$17,965
444	13,747	$34,485
445	17,233	$28,729

MS-DRG	Number of Cases	Threshold
446	13,796	$20,917
453	1,103	$174,699
454	2,376	$123,857
455	2,020	$93,614
456	1,111	$152,504
457	2,826	$106,896
458	1,446	$89,213
459	4,130	$104,714
460	55,432	$71,392
461	990	$86,571
462	12,260	$66,379
463	5,234	$73,851
464	9,387	$49,906
465	3,238	$38,061
466	4,164	$80,194
467	17,434	$61,472
468	17,171	$52,558
469	33,437	$62,532
470	405,607	$47,182
471	2,762	$83,984
472	7,773	$56,834
473	23,363	$46,340
474	2,725	$56,667
475	3,450	$38,188
476	1,299	$26,054
477	2,908	$60,925
478	9,193	$47,455
479	9,268	$38,241
480	28,778	$56,381
481	75,926	$42,752
482	38,532	$36,612
483	9,156	$50,964
484	16,998	$44,087
485	1,106	$59,361
486	1,981	$45,599
487	1,096	$36,036
488	2,927	$37,774
489	5,313	$29,696
490	23,821	$39,912
491	48,360	$25,460
492	5,867	$55,234
493	18,534	$41,196

MS-DRG	Number of Cases	Threshold
494	26,815	$32,105
495	1,394	$52,061
496	4,662	$36,908
497	5,476	$27,045
498	1,330	$40,071
499	976	$22,908
500	1,791	$53,085
501	4,415	$35,105
502	5,864	$25,212
503	863	$43,136
504	2,363	$34,921
505	2,503	$26,368
506	725	$29,466
507	966	$40,240
508	2,043	$32,400
509	435	$30,513
510	1,183	$45,296
511	4,260	$35,239
512	9,343	$26,439
513	1,252	$31,396
514	1,014	$20,554
515	4,257	$56,742
516	11,688	$42,011
517	14,158	$34,589
533	863	$30,805
534	3,272	$16,944
535	8,149	$28,765
536	32,791	$16,530
537	838	$21,960
538	889	$14,522
539	2,724	$40,306
540	5,011	$30,395
541	1,457	$22,494
542	6,322	$37,535
543	16,638	$27,734
544	8,409	$18,768
545	4,398	$38,700
546	5,591	$27,325
547	3,906	$19,238
548	639	$37,106
549	1,145	$28,282
550	600	$18,033

MS-DRG	Number of Cases	Threshold
551	12,224	$33,082
552	78,714	$20,306
553	3,387	$26,679
554	17,367	$15,998
555	2,163	$24,276
556	16,208	$15,807
557	6,151	$32,945
558	16,353	$21,183
559	2,005	$32,817
560	5,078	$22,973
561	6,250	$14,590
562	6,665	$29,774
563	33,686	$16,574
564	1,861	$31,628
565	3,813	$22,875
566	2,157	$16,134
573	5,129	$50,163
574	10,013	$35,479
575	4,156	$26,619
576	604	$53,475
577	2,322	$36,026
578	2,806	$25,986
579	3,893	$48,735
580	10,376	$32,910
581	11,069	$23,619
582	5,398	$27,405
583	8,117	$21,470
584	777	$33,485
585	1,260	$23,632
592	5,008	$33,301
593	11,623	$24,271
594	1,978	$16,813
595	1,376	$32,998
596	4,982	$20,187
597	586	$33,406
598	1,329	$26,711
599	246	$16,205
600	955	$23,588
601	844	$14,665
602	24,663	$30,509
603	129,540	$19,396
604	3,167	$28,218

MS-DRG	Number of Cases	Threshold
605	20,019	$17,476
606	1,545	$26,520
607	6,551	$15,695
614	1,575	$51,040
615	1,442	$36,993
616	989	$72,716
617	6,847	$40,290
618	172	$30,496
619	799	$61,176
620	2,599	$42,714
621	9,718	$37,202
622	809	$56,692
623	3,190	$36,949
624	344	$24,840
625	1,341	$44,938
626	2,820	$30,681
627	13,010	$20,965
628	3,326	$58,340
629	4,419	$44,514
630	455	$34,307
637	21,119	$29,645
638	47,885	$20,408
639	29,351	$14,074
640	61,837	$26,159
641	187,535	$17,306
642	1,563	$25,170
643	6,566	$34,055
644	12,257	$26,452
645	7,099	$18,903
652	10,051	$65,236
653	1,843	$94,153
654	3,671	$58,851
655	1,336	$43,728
656	4,444	$62,458
657	7,561	$43,358
658	7,243	$35,012
659	4,953	$55,947
660	7,085	$40,160
661	3,952	$34,109
662	954	$49,155
663	1,933	$32,617

MS-DRG	Number of Cases	Threshold
664	3,709	$26,578
665	771	$52,781
666	2,122	$34,277
667	3,117	$19,813
668	4,635	$44,590
669	12,516	$31,500
670	10,021	$20,142
671	871	$33,039
672	765	$20,538
673	12,544	$49,448
674	10,170	$42,806
675	5,147	$35,918
682	97,609	$33,358
683	135,093	$26,095
684	33,583	$17,342
685	2,366	$21,566
686	1,953	$33,422
687	3,060	$27,399
688	921	$19,138
689	60,360	$28,626
690	201,231	$19,233
691	977	$36,052
692	416	$27,497
693	3,192	$29,780
694	16,029	$18,924
695	1,010	$27,707
696	9,929	$16,041
697	562	$21,291
698	26,265	$31,468
699	25,718	$23,792
700	10,193	$16,867
707	5,784	$40,132
708	17,747	$32,659
709	787	$37,965
710	1,711	$32,470
711	757	$37,242
712	507	$20,275
713	10,501	$28,617
714	25,392	$16,607
715	523	$39,066
716	1,033	$31,946

MS-DRG	Number of Cases	Threshold
717	790	$34,884
718	537	$20,367
722	846	$32,607
723	1,792	$25,510
724	386	$17,126
725	947	$25,634
726	3,285	$17,762
727	1,466	$29,718
728	5,687	$18,770
729	741	$24,092
730	343	$15,065
734	1,596	$47,611
735	1,032	$30,387
736	950	$78,765
737	3,230	$44,033
738	743	$30,874
739	1,074	$57,033
740	4,420	$36,843
741	5,510	$27,799
742	10,825	$33,779
743	29,288	$23,322
744	1,673	$33,440
745	1,389	$22,208
746	2,659	$31,489
747	8,067	$22,591
748	19,014	$23,182
749	1,018	$46,594
750	395	$27,294
754	1,267	$35,940
755	3,125	$27,616
756	528	$15,945
757	1,533	$35,983
758	1,915	$28,019
759	1,238	$19,930
760	1,811	$20,574
761	1,317	$13,597
765	3,126	$21,732
766	2,802	$14,572
767	142	$17,038
768	9	$11,871
769	86	$33,922

MS-DRG	Number of Cases	Threshold
770	225	$14,870
774	1,636	$13,499
775	5,854	$9,411
776	561	$16,686
777	232	$21,795
778	445	$8,995
779	130	$10,883
780	44	$4,578
781	3,131	$14,290
782	180	$10,164
799	613	$90,541
800	674	$52,255
801	399	$38,586
802	886	$59,143
803	1,136	$39,196
804	814	$28,065
808	7,551	$40,002
809	13,393	$28,993
810	2,471	$22,975
811	27,117	$28,363
812	90,161	$19,562
813	13,097	$29,154
814	1,861	$33,121
815	3,668	$26,057
816	1,821	$19,224
820	1,353	$94,032
821	2,170	$46,484
822	1,836	$31,412
823	2,354	$70,969
824	2,894	$45,971
825	1,579	$32,071
826	637	$80,598
827	1,286	$43,877
828	785	$32,630
829	1,325	$48,015
830	399	$27,124
834	4,125	$61,164
835	2,720	$38,891
836	1,333	$26,678
837	1,196	$102,784
838	1,441	$51,401

MS-DRG	Number of Cases	Threshold
839	1,413	$30,394
840	9,724	$47,069
841	9,715	$33,444
842	4,341	$26,409
843	1,795	$36,121
844	2,642	$29,302
845	586	$22,306
846	2,586	$41,103
847	22,609	$27,909
848	1,385	$23,861
849	1,077	$31,032
853	38,089	$87,911
854	8,081	$51,332
855	432	$38,188
856	5,807	$70,660
857	9,306	$39,484
858	2,623	$31,564
862	9,159	$36,191
863	21,321	$23,361
864	17,572	$21,559
865	2,846	$29,453
866	9,130	$17,839
867	5,370	$41,476
868	2,762	$26,597
869	953	$19,248
870	24,761	$101,840
871	256,093	$37,509
872	90,163	$27,946
876	684	$44,822
880	8,529	$16,598
881	4,578	$12,659
882	1,690	$13,471
883	896	$20,508
884	19,075	$20,749
885	84,180	$16,352
886	500	$15,664
887	571	$19,686
894	4,259	$8,723
895	6,544	$17,041
896	6,711	$29,396
897	35,191	$14,348

MS-DRG	Number of Cases	Threshold
901	916	$59,423
902	1,944	$35,534
903	1,109	$25,200
904	1,474	$46,815
905	824	$26,780
906	691	$25,655
907	8,699	$61,340
908	8,619	$38,851
909	4,982	$29,005
913	1,041	$29,478
914	5,773	$17,668
915	1,334	$27,602
916	5,203	$11,317
917	19,652	$31,716
918	34,844	$15,140
919	11,273	$32,228
920	14,556	$23,797
921	8,230	$15,851
922	1,257	$29,349
923	3,269	$16,721
927	167	$198,460
928	857	$70,268
929	416	$37,400
933	153	$34,085
934	690	$26,282
935	2,055	$24,343
939	764	$49,622
940	1,674	$35,957
941	1,719	$30,016
945	6,545	$20,406
946	3,005	$18,303
947	12,021	$26,904
948	52,796	$17,145
949	704	$22,198
950	296	$12,931
951	903	$16,292
955	485	$99,347
956	4,236	$61,511
957	1,519	$109,945
958	1,177	$70,133
959	230	$48,166

MS-DRG	Number of Cases	Threshold
963	1,892	$51,646
964	2,803	$34,903
965	961	$25,958
969	633	$85,446
970	122	$49,858
974	6,060	$43,025
975	4,375	$30,620
976	1,933	$23,242
977	3,968	$26,172
981	29,313	$83,501
982	19,558	$55,364
983	5,621	$39,841
984	752	$62,176
985	909	$41,122
986	539	$28,495
987	8,729	$57,928
988	10,785	$38,675
989	4,639	$27,294
999	26	$21,513

[1]Cases taken from the FY 2008 MedPAR file; MS-DRGs are from GROUPER Version 27.0.

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Part III

Department of Energy

10 CFR Part 430

Energy Conservation Program for Consumer Products: Test Procedure for Residential Central Air Conditioners and Heat Pumps; Proposed Rule

DEPARTMENT OF ENERGY

10 CFR Part 430

[Docket No. EERE–2009–BT–TP–0004]

RIN 1904–AB94

Energy Conservation Program for Consumer Products: Test Procedure for Residential Central Air Conditioners and Heat Pumps

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Notice of proposed rulemaking and public meeting.

SUMMARY: The U.S. Department of Energy (DOE) proposes amendments to its test procedure for residential central air conditioners and heat pumps. The proposed amendments would add requirements for the calculation of sensible heat ratio, incorporate a method to evaluate off mode power consumption, and add parameters for establishing regional measures of energy efficiency. DOE will hold a public meeting to receive and discuss comments on the proposal.

DATES: DOE will hold a public meeting in Washington, DC on Friday, June 11, 2010 from 9 a.m. to 4 p.m. The purpose of the meeting is to receive comments and to help DOE understand potential issues associated with this proposed rulemaking. DOE must receive requests to speak at the meeting before 4 p.m. Friday, June 4, 2010. DOE must receive a signed original and an electronic copy of statements to be given at the public meeting before 4 p.m. Friday, June 4, 2010.

DOE will accept comments, data, and other information regarding this notice of proposed rulemaking (NOPR) before or after the public meeting, but no later than August 16, 2010. See section V., "Public Participation," of this NOPR for details.

ADDRESSES: The public meeting will be held at the U.S. Department of Energy, Forrestal Building, Room 8E–089. You may submit comments, identified by docket number EERE–2009–BT–TP–0004 and/or Regulation Identifier Number (RIN) 1904–AB94, by any of the following methods:

- *Federal eRulemaking Portal http://www.regulations.gov.:* Follow the instructions for submitting comments.
- *E-mail: RCAC-HP-2009-TP-0004@ee.doe.gov.* Include the docket number EERE–2009–BT–TP–0004 and/or RIN number 1904–AB94 in the subject line of the message.
- *Postal Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, 1000 Independence Avenue, SW., Washington, DC 20585–0121. Please submit one signed paper original.
- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 6th Floor, 950 L'Enfant Plaza, SW., Washington, DC 20024. Telephone: (202) 586–2945. Please submit one signed paper original.

Instructions: All submissions must include the agency name and docket number or RIN for this rulemaking. For detailed instructions on submitting comments and additional information on the rulemaking process, see section V., "Public Participation," of this document.

Docket: For access to the docket to read background documents or comments received, visit the U.S. Department of Energy, 6th Floor, 950 L'Enfant Plaza, SW., Washington, DC 20024, (202) 586–2945, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays. Please call Ms. Brenda Edwards at (202) 586–2945 for additional information regarding visiting the Resource Room. Please note: DOE's Freedom of Information Reading Room (Forrestal Building, Room 1E–190) no longer houses rulemaking materials.

FOR FURTHER INFORMATION CONTACT: Mr. Wes Anderson, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE–2J, 1000 Independence Avenue, SW., Washington, DC 20585–0121. Telephone: (202) 586–7335. E-mail: *Wes.Anderson@ee.doe.gov.*

Ms. Francine Pinto, U.S. Department of Energy, Office of the General Counsel, GC–71, 1000 Independence Avenue, SW., Washington, DC 20585. Telephone: (202) 586–7432. E-mail: *Francine.Pinto@hq.doe.gov.*

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I. Authority and Background

A. Authority

Title III of the Energy Policy and Conservation Act (42 U.S.C. 6291 *et seq.;* EPCA or the Act) sets forth a variety of provisions designed to improve energy efficiency. Part A of Title III (42 U.S.C. 6291–6309) establishes the "Energy Conservation Program for Consumer Products Other Than Automobiles." (This part was originally titled Part B; however, it was redesignated Part A in the United States Code for editorial reasons.) The program covers consumer products and certain commercial products (collectively "covered products"), including residential central air conditioners and heat pumps having rated cooling capacities less than 65,000 British thermal units/hour (Btu/h). (42 U.S.C. 6291(1)–(2), (21) and 6292(a)(3))

Under the Act, the overall program consists of testing, labeling, and Federal energy conservation standards. Manufacturers of covered products must use the test procedures prescribed under EPCA to measure energy efficiency, to certify to DOE that products comply with EPCA's energy conservation standards, and for representing the energy efficiency of their products. Similarly, DOE must use these test procedures when determining whether the equipment complies with energy conservation standards adopted pursuant to EPCA.

Section 323 of EPCA (42 U.S.C. 6293) sets forth generally applicable criteria and procedures for DOE's adoption and amendment of such test procedures. For example, the Act states that "[a]ny test procedures prescribed or amended under this section shall be reasonably designed to produce test results which measure energy efficiency, energy use * * * or estimated annual operating cost of a covered product during a representative average use cycle or period of use, as determined by the Secretary [of Energy], and shall not be unduly burdensome to conduct." (42 U.S.C. 6293(b)(3)) DOE's existing test procedures for central air conditioners and heat pumps adopted pursuant to these provisions appear under Title 10 of the Code of Federal Regulations (CFR) part 430, subpart B, appendix M ("Uniform Test Method for Measuring the Energy Consumption of Central Air Conditioners and Heat Pumps").

Further, if any rulemaking amends a test procedure, DOE must determine "to what extent, if any, the proposed test procedure would alter the measured energy efficiency * * * of any covered product as determined under the existing test procedure." (42 U.S.C. 6293(e)(1)) If it determines that the amended test procedure would alter the measured efficiency of a covered product, DOE must amend the applicable energy conservation standard accordingly. (42 U.S.C. 6293(e)(2)) The amendments proposed in today's rulemaking will not alter the measured efficiency, as represented in the regulating metrics of SEER and HSPF. Thus, today's proposed test procedure changes can be adopted without amending the standards for SEER and HSPF.

On December 19, 2007, the President signed the Energy Independence and Security Act of 2007 (EISA 2007; Pub. L. 110–140), which contains numerous amendments to EPCA. Section 310 of EISA 2007 established that the Department's test procedures for all covered products must account for standby and off mode energy consumption. (42 U.S.C. 6295(gg)(2)(A)) DOE must modify the test procedures to integrate such energy consumption into the energy descriptor(s) for each product, unless the Secretary determines that "(i) the current test procedures for a covered product already fully account for and incorporate the standby mode and off mode energy consumption of the covered product; or (ii) such an integrated test procedure is technically infeasible * * * in which case the Secretary shall prescribe a separate standby mode and off mode energy use test for the covered product, if technically feasible. (42 U.S.C. 6295 (gg)(2)(A)) In addition, section 306(a) of EISA 2007 amended EPCA section 325(o)(6) to consider one or two regional standards for central air conditioners and heat pumps (among other products) in addition to a base national standard. (42 U.S.C. 6295(o)(6)(B)) EPCA 325(o)(6)(C)(i) requires that DOE consider only regions made up of contiguous States. (42 U.S.C. 6295(o)(6)(C)(i)) Accordingly, today's proposed test procedure rulemaking includes additions that specifically address sections 306 and 310 of EISA 2007.

B. Background

Most portions of the existing test procedure for central air conditioners and heat pumps were originally published as a final rule in the **Federal Register** on December 27, 1979. 44 FR 76700. DOE modified the test procedure on March 14, 1988, to expand coverage to variable-speed central air conditioners and heat pumps, to address testing of split non-ducted units, and to change the method for crediting heat pumps that provide a demand defrost capability. 53 FR 8304.

The next revision of the central air conditioners and heat pumps test procedure was published as a final rule on October 11, 2005, and became effective on April 10, 2006. 70 FR 59122. The October 2005 final rule provided a much needed updating to reference current standards, adopted improved measurement capabilities, and presented more detail on how to conduct the laboratory testing. The 2005 final rule also expanded coverage for equipment features previously not covered (*e.g.,* two-capacity northern heat pumps, heat comfort controllers, triple-split systems, etc.). During this revision process, the test procedure was significantly reorganized in an effort to improve its readability.

On July 20, 2006, DOE published a proposed rule to consider additional changes to the test procedure in response to issues interested parties submitted before the October 2005 publication of the final rule. 71 FR 41320. DOE determined that it was appropriate to consider additional modifications to the test procedure for the following reasons: (1) To implement test procedure revisions for new energy conservation standards for small-duct, high-velocity (SDHV) systems; (2) to address test procedure waivers for multi-split systems; and (3) to address interested parties' concerns about sampling and rating after new energy conservation standards became effective on January 23, 2006. (10 CFR 432.32(c)(2)) DOE issued a final rule adopting relevant amendments to the central air conditioner and heat pump test procedures on October 22, 2007, which became effective on April 21, 2008. 72 FR 59906. This latter final rule was published before EISA's implementation on December 19, 2007; therefore, the test procedures did not incorporate the requirements in sections 306 and 310 of EISA 2007.

While making changes necessary to comply with the amendments in EISA 2007, DOE is considering additional changes to the test procedure that were identified after finalizing the prior rulemaking.

II. Summary of the Proposed Rule

DOE proposes amendments to its test procedure for residential central air conditioners and heat pumps. The amendments would add calculations for determination of sensible heat ratio (SHR), would incorporate a method to evaluate off mode power consumption, and would add parameters for establishing regional measures of energy efficiency.

In addition to statutory requirements for amended test procedures, EISA 2007 has three separate provisions regarding the inclusion of standby mode and off mode energy use in any energy conservation standard that have bearing on the current test procedure rulemaking. First, test procedure amendments to include standby mode and off mode energy consumption shall not be used to determine compliance with standards established prior to the adoption of such test procedure amendments. (42 U.S.C. 6295(gg)(2)(C)) Second, standby mode and off mode energy use must be included into a single amended or new standard for a covered product adopted in a final rule after July 1, 2010. Finally, a separate standard for standby mode and off mode energy consumption is required if a single amended or new standard is not feasible. (42 U.S.C. 6295(gg)(3)(B))

In order to accommodate the above-mentioned first provision, DOE clarifies that today's proposed amended test procedure would not alter the measure of energy efficiency used in existing energy conservation standards; therefore, this proposal would neither affect a manufacturer's ability to demonstrate compliance with previously established standards nor require retesting and rerating of existing units that are already certified. These amended test procedures would become effective, in terms of adoption into the CFR, 30 days after the date of publication in the **Federal Register** of the final rule in this test procedure rulemaking. However, DOE is proposing added language to the regulations codified in the CFR that would state that any added procedures and calculations for determining off mode energy consumption and regional cooling mode performance being proposed in order to satisfy the relevant provisions of EISA 2007 need not be performed at this time to determine compliance with the current energy conservation standards. Subsequently, and consistent with the second provision above, manufacturers would be required to use the amended test procedures' off mode and regional cooling mode provisions to demonstrate compliance with DOE's energy conservation standards on the effective date of a final rule establishing amended energy conservation standards for these products that address off mode energy consumption and/or regional cooling mode performance, at which time the limiting statement in the DOE test procedure would be revised or removed. Further clarification would also be provided that as of 180 days after publication of a test procedure final rule, any representations as to the off mode energy consumption and regional cooling mode performance of the products that are the subject of this rulemaking would need to be based upon results generated under the applicable provisions of this test procedure. (42 U.S.C. 6293(c)(2)) A separate standard for off-mode energy consumption is required if a single amended or new standard is not feasible. (42 U.S.C. 6295(gg)(3)(B))

III. Discussion

The current standards rulemaking preliminary analysis for residential central air conditioners and heat pumps is ready for stakeholder review and comment. This preliminary analysis follows the first step in the standards rulemaking process, the release of the framework document (*http://www1.eere.energy.gov/buildings/appliance_standards/residential/pdfs/cac_framework.pdf*) and the subsequent June 12, 2008 public meeting. At and following this latter meeting, stakeholder comments were received, some of which apply to today's proposed test procedure.

In formulating today's notice of proposed rulemaking (NOPR), DOE considered these test procedure related comments and, where appropriate, proposed changes to the test procedure. Moreover, DOE responses to stakeholder comments are provided in the following subject areas:

1. Test Procedure Schedule
2. Bench Testing of Third Party coils
3. Defaults for Fan Power
4. Changes to External Static Pressure Values
5. Fan Time Delay Relays
6. Inverter-Driven Compressors
7. Addition of Calculation for Sensible Heat Ratio
8. Regional Rating Procedure
9. Address Testing Inconsistencies for Ductless Mini- and Multi-Splits
10. Standby Power Consumption and Measurement

Section III. A. provides a more in-depth discussion on those comments that questioned or disagreed with DOE's positions in the framework document.

Section III. B. provides a summary of the proposed changes to the test procedure, including

1. Modify the definition of "tested combination" for residential multi-split systems
2. Add Alternative Minimum External Static Pressure Requirements for Testing Ducted Multi-Split Systems
3. Clarify that Optional Tests May Be Conducted Without Forfeiting Use of the Default Value(s)
4. Allow a Wider Tolerance on Air Volume Rate to Yield More Repeatable Laboratory Setups
5. Change the Magnitude of the Test Operating Tolerance Specified for the External Resistance to Airflow and the Nozzle Pressure Drop
6. Modify Third-Party Testing Requirements when Charging the Test Unit
7. Clarify Unit Testing Installation Instruction and Address Manufacturer and Third-Party Testing Laboratory Interactions
8. When Determining the Cyclic Degradation Coefficient C_D, Correct the Indoor-Side Temperature Sensors Used During the Cyclic Test to Align with the Temperature Sensors Used During the Companion Steady-State Test, If Applicable
9. Clarify Inputs for the Demand Defrost Credit Equation
10. Add Calculations for Sensible Heat Ratio
11. Incorporate Changes to Cover Testing and Rating of Ducted Systems Having More than One Indoor Blower
12. Add Changes To Cover Triple-Capacity, Northern Heat Pumps.
13. Specify Requirements for the Low-Voltage Transformer Used when Testing Coil-Only Air Conditioners and Heat Pumps and Require Metering of All Sources of Energy Consumption During All Tests
14. Add Testing Procedures and Calculations for Off Mode Energy Consumption
15. Add Parameters for Establishing Regional Standards

As part of today's rulemaking, DOE provides the specific proposed changes to 10 CFR part 430, subpart B, appendix M, "Uniform Test Method for Measuring the Energy Consumption of Central Air Conditioners and Heat Pumps."

A. Framework Comment Summary and DOE Responses

A notation in the form "Southern Company Systems (SCS), No. 13 at p. 105" identifies a written comment DOE

has received and has included in the docket of this rulemaking. This particular notation refers to a comment (1) by the Southern Company Systems (SCS); (2) in document number 13 in the docket of this rulemaking; and (3) appearing on page 105 of document number 13.

1. Test Procedure Schedule

Several interested parties commented that DOE should consider the timeline necessary when modifying this test procedure, and how the publication of the test procedure coincides with publication of the revised standard. (Southern Company Systems (SCS), No. 13 at p. 105; Air-Conditioning, Heating and Refrigeration Institute (AHRI), No. 13 at p. 116; the American Council for an Energy Efficient Economy (ACEEE), No. 13 at p. 117; Trane, No. 13 at p. 123)

DOE is coordinating the publication timelines of both the test procedure and the amended standard. The test procedure NOPR will be open for public comments. DOE will then address those comments and publish a final test procedure rule. The associated standard will proceed concurrently with the test procedure rulemaking to maximize the time interval between the test procedure final rule and the revised energy standards final rule.

2. Bench Testing of Third-Party Coils

The Northeast Energy Efficiency Partnerships (NEEP) comment stated that test procedures should require laboratory/bench testing for independent coil manufacturers' (ICM) indoor units. (NEEP, No. 37 at p. 3) NEEP includes representatives from the Connecticut Office of Policy and Management, New Hampshire Office of Energy and Planning, Efficiency Maine, and Department of Energy Resources for the Commonwealth of Massachusetts.

As amended, EPCA makes all residential central air conditioners and heat pumps sold in the United States subject to specific testing, rating, minimum efficiency, and labeling requirements. These requirements apply to complete systems, including those split systems where the outdoor components are provided by one manufacturer, while the indoor components are provided by a separate manufacturer. The typical two-manufacturer split system is where the indoor unit is provided by an ICM and the outdoor unit is provided by an original equipment manufacturer (OEM). Because the ICM wants to advertise the performance of its indoor coils with various OEM outdoor units, the ICM is responsible for obtaining the system seasonal energy efficiency ratio (SEER) and heating seasonal performance factor (HSPF) ratings according to DOE requirements. In obtaining these ratings, the ICM can either test complete systems or use a DOE-approved alternative rating method (ARM) to calculate the rating. Approval of the ARM requires laboratory test results for complete systems, but inputs to the ARM may or may not require testing of just the indoor unit. (10 CFR 430.24)

Although DOE does not have the authority to regulate a component of an air conditioner or heat pump system, it does regulate the complete systems. The system ratings published by ICMs must be obtained in accordance with DOE requirements summarized above.

3. Defaults for Fan Power

A Joint Comment stated that the present rating method does not credit advanced air handler designs adequately because the default value is much lower than the average air handler energy use observed in the field. (Joint Comment, No. 25 at pp. 4, 6–7) According to the Joint Comment, a low default value for fan power reduces the incentive to improve fan efficiency. The Joint Comment includes representatives from ACEEE, Appliance Standards Awareness Project (ASAP), the California Energy Commission (CEC), the Northwest Power and Conservation Council (NPCC), and the Western Cooling Efficiency Center (WCEC).

Proctor Engineering Group (Proctor) stated that the inside coil fan energy needs to represent the median values from actual installations, and also provided input on the methodology for evaluating fan power based on air volume rate and equipment tonnage. (Proctor, No. 38 at p. 1)

NEEP stated that testing should be required for motors in actual operation and that the procedure should include provisions for testing while air handler fans are running. (NEEP, No. 37 at p. 3)

Split-system ducted air conditioners and heat pumps are primarily designed for two different applications. These applications depend on whether the air conditioner or heat pump is installed with a hot-air furnace and share a common duct system. Air conditioners and heat pumps not designed for installation with a hot-air furnace must contain a blower to circulate air through the indoor coil and ductwork. Systems that include the integral or modular indoor blower are typically referred to as blower-coil units. Coil-only units—air conditioners and heat pumps designed for installation with a hot-air furnace—rely on the furnace blower to circulate air through the indoor coil, ductwork, and the furnace section when the compressor and outdoor fan are operating.

The Joint Comment pertains to coil-only units, so discussion in the following paragraphs is limited to those products. This comment does not apply to blower-coil units within the test procedure because there is no required default assumption for the average air handler. With regard to the NEEP comment, the ratings for blower coil units already reflect the performance of the system's particular indoor blower. When blower coils are tested, the indoor blower operates, and its performance is accounted for in the measured system capacity and power consumption values and ultimately in SEER and HSPF.

A coil-only air conditioner or heat pump can be installed with a multitude of new and existing furnaces. The key considerations for matching a coil-only unit with a furnace are (1) the furnace blower's ability to provide the necessary air volume rate for the system; and (2) whether the outlet flange dimensions of the furnace are compatible with the inlet flanges on the indoor coil-only section of the air conditioner or heat pump. Another factor for field application is whether the overall height (length) of the furnace and coil-only indoor section will fit into the available building space.

The SEER and HSPF ratings represent the seasonal efficiencies of a complete, functioning air conditioner or heat pump system. However, coil-only split systems in laboratory testing are incomplete because a hot-air furnace is not part of the setup. Instead of the furnace blower, the exhaust fan in the test facility pulls air through the indoor unit of the coil-only system. The exhaust fan is located downstream of the test unit's indoor section, outlet instrumentation, and air volume measurement station. When the hot-air furnace and blower are removed from testing, the associated power consumption and measured cooling or heating capacity are adjusted to account for the hypothetical hot-air furnace blower. The Joint Comment asserted that the test procedure default value is too low and should require additional real-time blower testing. Proctor Engineering Group agreed and offered an alternative default equation based on data collected from actual installations.

Given the variety of furnaces within which a coil-only unit may be installed, the range of blower sizes and associated efficiency of a complete installed system are unknown. As a result, there are several options for calculating the assumed power and heat contributions for the hypothetical hot-air furnace

blower. To obtain a SEER (and for heat pumps, an HSPF) rating for each coil-only split system, the hot-air furnace blower receives a default value. According to the DOE test procedure, the hypothetical hot-air furnace blower contribution is expressed in terms of power (watts) and heat (Btu/h) per unit of air volume rate (in this case, 1,000 standard cubic feet per minute [scfm]).

Since it was issued in 1979, the DOE test procedure for central air conditioners and heat pumps has used the same default fan power and heat for rating coil-only air conditioners and heat pumps: 365 watts per 1,000 scfm and 1,250 Btu/h per 1,000 scfm. These default values result in the adjustment range from approximately 220 watts (750 Btu/h) for a 1.5-ton unit to approximately 730 watts (2,500 Btu/h) for a 5-ton unit.

The default value does not indicate the efficiency of blowers in furnaces; it simply provides a means of comparing products on a complete system basis. The long-standing default values represent a typical furnace blower while not being overly conservative. Changing the default values would shift the SEER and HSPF ratings, but the ranking among most comparably sized equipment would change minimally, if at all. DOE evaluated the worst-case scenario: multiple units with the same SEER calculated using the existing fan power and heat defaults, but with degradation coefficients (C_D) varying from 0.01 and 0.25, and capacities differing up to 10 percent. If the SEER calculation uses a higher default like 500 watts per 1,000 scfm (1,700 Btu/h per 1,000 scfm), the new SEER ratings would all decrease but lie within a range that spans less than 0.20 points (on the SEER rating scale). The minimal impact on the ranking lessens the need for better defaults. To determine whether higher default values better represent actual installations, DOE must address three questions:

- What data can accurately represent the typical installation?
- What coordination will ensure that blower coils and coil-only units are evaluated on a common basis?
- Should poor duct systems affect equipment ratings?

DOE expects that addressing these questions will require additional data collection, analysis, and input from interested parties. With minimal impact on altering the relative ranking among competing products combined with the need to answer the above questions, DOE chose not to propose alternative default values for the power and heat contribution of the hypothetical furnace blower used when calculating the SEER and HSPF for coil-only air conditioners and heat pumps.

4. Changes to External Static Pressure Values

A Joint Comment stated that the current assumed inches of water column (in wc) values are lower than those typically found in the field and unrealistically deemphasize the importance of fan efficiency as a part of overall system effectiveness. (Joint Comment, No. 25 at pp. 4, 6) The discrepancy often leads to less airflow in a field application, which generally improves latent (at the expense of sensible) capacity.

The Joint Utility Comment suggested that new test conditions for external static pressure and default fan power should be consistent with current field research findings. (Joint Utility Comment, No. 30 at pp. 1, 21) The Joint Utility Comment includes representatives from Pacific Gas and Electric Company (PG&E), Southern California Edison, Sempra Energy Utilities (Southern California Gas Company and San Diego Gas and Electric Company; hereafter "Sempra"), Sacramento Municipal Utility District, the Nevada Power Company, and Sierra Pacific Power.

DOE received a number of comments requesting that the minimum external static pressure levels be increased. (Florida Solar Energy Center (FSEC), No. 31 at p. 4; Sempra, No. 13 at p. 121; SCS, No. 39 at p. 2) Additionally, Proctor Engineering Group (Proctor) provided a formula for estimating the static pressure based on the rated cfm/ton (Proctor, No. 38 at p. 2).

Some split system and all single-package system air conditioners and heat pumps are sold with integral indoor blowers. Split systems with integral indoor blowers (*i.e.,* blower-coil units) may be designed for ducted or non-ducted installation. The integral indoor blower may be located either upstream (push-through configuration) or downstream (draw-through configuration) of the indoor refrigerant-to-air heat coil.

To mimic a field installation, single-package and blower-coil split air conditioners and heat pumps are laboratory tested with installed components to include the most restrictive filter(s), supplementary heating coils, and other equipment specified as part of the unit. The DOE test procedure allows testing of a ducted unit without an indoor air filter but requires a compensatory increase of 0.08 in wc for the minimum external static pressure requirement. Otherwise, the test procedure requires that the unit be installed and configured in accordance with the manufacturer's instructions.

The DOE test procedure requires that a minimum external static pressure be equaled or exceeded during the wet-coil cooling mode test. If this requirement is not met initially, the configuration of the indoor unit is incrementally changed (*e.g.,* switched to the next highest speed tap), and the wet-coil test is repeated until the measured external static pressure meets or surpasses the applicable DOE test procedure minimum value.

Since its issuance in 1980, the DOE test procedure for central air conditioners and heat pumps has used the same set of minimum external static pressure values (except for SDHV systems): 0.10 in wc for systems with a rated cooling capacity less than or equal to 28,800 Btu/h, 0.15 in wc for 29,000 to 42,500 Btu/h, and 0.20 in wc for 43,000 to 64,500 Btu/h. The laboratory static pressure measurement tries to account for the supply and return home or building duct system unit flow resistance.

Limited field testing reports and the general decline in the quality of installed duct systems (in part from the proliferation of the flexible duct) would support an increase in the minimum external static pressure. Efforts by building trades and code compliance communities to improve the quality of installed duct systems would support smaller increases in the minimum statics prescribed in the DOE test procedure. More field data would be helpful but would likely never be acquired to the level needed to provide a definitive basis for selecting new minimums. The greater impact of higher minimum external static pressures will be on lowering the SEER and HSPF of all units equally. Lacking a basis to propose new values or reference a consensus standard where alternatives to the current minimums are established, DOE chose not to propose an alternative to the existing minimum values as part of today's NOPR.

5. Fan Time Delay Relays

FSEC and SCS commented that the fan time delay relays should be disabled for the SEER test procedure. (FSEC, No. 31 at p. 3; SCS, No. 39 at p. 2)

Many air conditioners and heat pumps employ a fan-off delay feature on the indoor blower. This delay, which is usually active for both the cooling and heating modes, is used to extract stored energy from the indoor coil immediately after the compressor has cycled off. The indoor blower typically continues to operate for 45 to 90 seconds after the compressor cycles off.

The DOE test procedure seeks to evaluate the performance of central air conditioners and heat pumps without making the process overly burdensome or expensive. The test procedure includes optional cyclic tests used to quantify the degradation in performance from the system cycling (predominantly in field installation) compared with operating continuously (as in most laboratory tests). During these cyclic tests, the fan-off delay feature is not disabled. The evaluation thus accounts for an incremental increase in total delivered capacity at the expense of increased electrical energy consumption in extending the indoor blower operation.

Disabling the fan time delay from central air conditioners and heat pumps during the cooling season will prevent re-evaporation of moisture on the indoor coil and in the condensation pan. Substantial re-evaporation can occur if the indoor blower continues for an extended period after compressor shutoff. Because of this evaporative mechanism, continuous fan operation is discouraged during the cooling season. However, DOE is not aware of definitive data that show significant re-evaporation during short fan-off delays. Part of the data void is due to the challenge of measuring rapidly changing values (humidity and temperature) during the relatively short fan-off delay period. Because of this difficulty, the cyclic cooling mode test, used in establishing the SEER, is conducted at an indoor wet bulb (wb) temperature that results in a dry coil. This also explains why this test cannot be used to address the concern about re-evaporation.

In a related comment, Proctor recommended conducting the cooling mode cyclic tests with the indoor conditions set to the same values used for the steady-state tests, 80 degrees Fahrenheit (°F) dry bulb (db)/67 °F wb (Proctor, No. 38 at p. 2). Proctor stated that such a change to wet-coil cooling mode cyclic tests is well within the reach of today's measurement technologies.

DOE needs additional information to quantify the potential benefits of converting from dry-coil to wet-coil cyclic testing. DOE must evaluate any potential benefits relative to any laboratory upgrades that would be needed to achieve acceptably accurate and repeatable results across the industry, and the impact of changing the time required to run a cyclic test. DOE seeks data and information that would aid efforts to quantify the relative performance impact and associated expense of laboratory upgrades in combination with achievable measurement uncertainty. Until more is known about the impact of changing from the long-standing dry-coil tests to a wet-coil cyclic test, DOE has tentatively decided not to modify this test procedure to convert to wet-coil cyclic testing.

6. Inverter-Driven Compressors

Mitsubishi Electric and Electronics USA, Inc. (MEUS) commented that new systems incorporating inverter-driven compressor technology require a modification to the test procedure. (MEUS, No. 13 at p. 19)

Since 1988, the DOE test procedure has covered air conditioners and heat pumps with variable-speed compressors, single indoor units, and single outdoor units. The October 2007 final rule extended coverage to variable-speed multi-split systems. 72 FR 59906. Before DOE can offer a more substantive evaluation of the comment, DOE will need specific examples, including laboratory data, of how the test procedure fails to capture the performance characteristics of an air conditioner or heat pump that uses "new inverter-driven compressor technology."

7. Addition of Calculation for Sensible Heat Ratio

The Joint Comment contended that the latent heat removal capability of CAC equipment should be measured under typical operating conditions, as opposed to high temperature conditions, and should be certified for all models sold in hot and humid climates. (Joint Comment, No. 25 at p. 4) FSEC expressed similar views and suggested that the latent heat ratio should be measured under different test conditions for single speed and multi-speed equipment. (FSEC, No. 31 at p. 2) Ice Energy suggested that the dehumidification capability of CAC equipment under hot and humid conditions be included in the standard, and any regional standard for the Southeast region should address this issue. (Ice Energy, No. 33 at p. 3) On the other hand, the Edison Electric Institute (EEI) wants dehumidification capability to be included in the standards for all regions. (EEI, No. 20 at p. 4) SCS stated that for hot and humid climates, a higher dehumidification capacity should be incorporated in the standard. (SCS, No. 13 at p. 42) SCS also stated that any regional air conditioning standard should provide for minimum dehumidification performance that should be measured at normal operating conditions and not at a higher temperature like 95 °F. (SCS, No. 39 at p. 1) The Joint Utilities Comment stated that DOE should require that all units be certified and rated for SHR at 82 °F ambient db temperature. (Joint Comment, No. 30 at pp. 1, 21) Proctor stated that the rating for humid climates should include information about what portion of the capacity is latent. (Proctor, No. 38 at p. 2)

DOE proposes including the calculation for the SHR within the revised DOE test procedure. (10 CFR part 430, subpart B, appendix M, revised section 3.3c and proposed section 4.5) The Federal Trade Commission (FTC) could then consider incorporating this information in labels for these products.

8. Regional Rating Procedure

DOE received some comments that were supportive and others that were neutral on the development of regional ratings. The Joint Comment noted that DOE already applies regional rating methods in the current test procedure for residential central air conditioners and heat pumps. (Joint Comment, No. 25 at pp. 3–4) It further noted that adoption of regional rating methods might allow DOE to set standards of comparable stringency, but using different rating conditions. (Joint Comment, No. 25 at p. 8) Ice Energy stated that the test protocol should be comprehensive and should span outdoor ambient conditions over the complete range of expected operating conditions. (Ice Energy, No. 33 at p. 3) FSEC stated that DOE should develop new cooling season bin temperature profiles using 2008 typical meteorological year (TMY) data from the National Renewable Energy Laboratory (NREL). (FSEC, No. 31 at pp. 3–4) The National Rural Electric Cooperative Association (NRECA) commented that DOE should evaluate whether its test procedures account for the vast differences in ambient humidity levels in different regions. The air conditioner and heat pump standards should also take into account the effects of humidity on different regional standards. (NRECA, No. 35 at p. 1)

A second Joint Comment (Joint Comment 2) from the National Resources Defense Council, National Consumer Law Center, Inc., and Enterprise stated that DOE should strengthen the SEER test procedure to provide a more robust measure of actual performance in varying conditions in different regions. (Joint Comment 2, No. 36 at p. 2) PG&E noted that DOE needs to reevaluate test procedures to determine the performance of this equipment in the various climate zones. (PG&E, No. 13 at p. 116) EEI suggested

that the test procedure be updated to account for ambient conditions in hot-dry and hot-humid climates. (EEI, No. 20 at p. 3) Proctor commented that the temperature bins used for the rating calculation are not representative of the hotter portions of the United States and provided data representative of specific hot climates. Proctor also commented that the ratings for dry climates should be based only on the sensible capacities measured in the test, and suggested that the sensible capacities and latent capacities, as well as the appropriate watt draws, be measured in the existing 115 °F test. Further, the results of that test should be used in conjunction with any intermediate tests to establish the relationship between the energy efficiency ratio (EER) and outdoor temperature. Proctor also suggested that in defining regions, DOE start with examination of the existing DOE climate map (currently used in the DOE Building Energy Codes Program), which defines dry and humid regions of the United States. (Proctor, No. 38 at pp. 1, 2) SCS also commented that measuring performance at 115 °F would allow the design of temperature bin profiles that better reflect the actual climate of the desert Southwest. SCS supports the concept of a regional rating that reflects actual weather conditions, stating that for a "hot-dry" regional standard, setting the performance rating at 115 °F would be of great value to consumers and would not put an unreasonable burden on manufacturers. (SCS, No. 39 at p. 2) SCS stated, however, that it is neutral at this time on whether a hot-humid regional standard should be established, due to uncertainties about changes in test procedures, future design options manufacturers could use to reach higher efficiency, of the ability of local jurisdictions to limit use of equipment with poor dehumidification performance, and changes in consumer repair versus replacement or substitute behavior due to higher standards. (SCS, No. 39 at pp. 2, 3, 4)

Regarding the comments that favor region-specific cooling mode performance evaluations, DOE proposes changes that will allow the calculation of a region-specific SEER. (10 CFR 430, subpart B, appendix M, proposed section 2.2e and revised sections 3.2.1, 3.2.2.1, 3.2.3, and 3.2.4) The calculation parameters that permit this proposed region-specific SEER are the fractional bin hour distribution and the outdoor design temperature. DOE proposes modifying the indoor wet bulb temperature as part of additional required and optional testing. (10 CFR part 430, subpart B, appendix M, revised sections 3.2.1 (table 3A), 3.2.2.1 (table 4A), and 3.2.2 (table 5A)) These test procedure proposed changes will complement efforts to evaluate the merit of a regional standard for a cooling-dominated region with dry climate. DOE believes that similar changes are not needed for cooling-dominated States with humid climates. The current indoor side entering wet-bulb test condition of 67 °F, fractional bin-hour distribution, and outdoor design temperature sufficiently represent the conditions for a humid climate. Calculation of the SHR from such existing tests, however, is proposed in today's NOPR to quantify the product's dehumidification capabilities.

Section 306(a) of EISA amended section 325(o) of EPCA to require that regions defined for the purposes of regional standards are required to be composed of contiguous States. (42 U.S.C. 6295(o)(6)(C)(i)) In addition, individual States shall be placed only into a single region. (42 U.S.C. 6295(o)(6)(C)(iii)) DOE is proposing an alternative regional efficiency metric, a region-specific SEER (SEER–HD) for a four-State region consisting of Arizona, California, Nevada, and New Mexico. The proposed SEER–HD reflects equipment performance in this region.

DOE does not endorse the recommendation to add testing at 115 °F outdoor temperature. A linear fit of data collected from the cooling mode tests at 82 °F and 95 °F can sufficiently estimate capacity and power consumption at 105 °F, 110 °F, and even 115 °F. Interested parties have not provided, and DOE has not identified, examples where a SEER rating or the proposed region-specific SEER was statistically different as a result of being evaluated based on laboratory data at 115 °F as opposed to 95 °F.

In other related comments, ACEEE asked how DOE would capture and evaluate the efficiency of continuous ventilation for regional standards, as it is provided and used in a reasonable fraction of houses. (ACEEE, No. 13 at p. 138) Sempra indicated that the test protocols should be able to accommodate technologies other than air-cooled expansion unitary equipment. Sempra also commented that DOE should consider using the time value of energy in the new test procedures. (Sempra, No. 13 at p. 121) WCEC contended that certain changes in the test procedures could result in energy savings: (1) A 24-hour test protocol that can measure and characterize the energy and peak demand implications of control and thermal storage technologies; (2) a test protocol that provides different types of evaporative-cooled equipment with directly comparable SEER ratings; and (3) a test protocol that seriously addresses installation and performance-longevity issues. (WCEC, No. 41 at p. 2) ACEEE stated that DOE could use an alternative rating route to deal with enhanced dehumidification products. (ACEEE, No. 13 at p. 154)

Regarding installation and performance longevity issues, DOE does not have the authority to implement new performance metrics for characterizing such features at this time. Presently, the only metrics available for representing performance are SEER and HSPF. These are seasonal performance metrics and are not useful for characterizing installation issues, performance longevity, or quantifying performance at peak demand.

DOE notes that while there may be value in defining a test procedure that can provide consistent, comparable rating of alternative cooling systems, including evaporative cooling technologies and technologies incorporating thermal storage, such expansion of the test procedure is beyond the scope of this rulemaking. This rulemaking seeks to address changes mandated in EISA and otherwise improve upon coverage of comparatively conventional air conditioners and heat pumps. Determining additions and changes needed to allow testing and rating of thermal storage technologies, for example, is a formidable task, one that requires significant investigation. Such an investigation is difficult to pursue until such equipment is readily available as a commercial product.

9. Address Testing Inconsistencies for Ductless Mini- and Multi-Splits

Two interested parties commented that there are inconsistencies within the central air conditioning test procedure for mini- and multi-split systems. (MEUS, No. 13 at p. 21 and 22; Daikin, No. 28 at p. 6)

The proposed changes to items 1 through 3 of Appendix M, cover test procedure changes addressing inconsistencies for ductless mini- and multi-splits. In response to the comments, DOE proposes three changes to the test procedure to address these inconsistencies: (1) Modify the definition of tested combination for multi-split systems. DOE proposes to use the term "nominal cooling capacity" within the definition of "tested combination" (proposed change to 10 CFR 430, subpart A, section 430.2, Definitions, Tested Combination) and to simplify the requirements for multi-split systems with cooling capacities of

24,000 Btu/h or lower; (2) add an alternative minimum static pressure requirement for use when testing ducted multi-split systems (10 CFR 430, subpart B, appendix M, proposed table 2); (3) clarify within the test procedure that optional testing may be conducted without forfeiting the use of default values (10 CFR 430, subpart B, appendix M, proposed section 3.6.4d).

10. Standby Power Consumption and Measurement

Interested parties submitted comments refuting the need to revise the test procedure to consider standby power consumption when EISA does not explicitly call for its revision, and noting that standby power consumption is already addressed in the standard. (AHRI, No. 13 at p. 105; Sempra, No. 13 at p. 133; Energy Solutions, No. 13 at p. 108; Emerson, No. 13 at p. 111) Some contended that the test procedure's accounting of standby power consumption is adequate and does not require modification. (Trane, No. 16 at p. 3; Carrier Corporation (Carrier), No. 18 at p. 1; ASAP, No. 13 at p. 114; MEUS, No. 19 at p. 1; AHRI, No. 24 at p. 2). Trane and Carrier representatives both stated that the standby power consumption calculation is already captured in the degradation coefficient, C_D calculation. (Trane, No. 16 at p. 3; Carrier, No. 18 at p. 1)

SEER reflects all modes of climate control energy consumption that occur during the cooling season, as HSPF does for the heating season. SEER does not capture the time that an air conditioner could be energized but idle during the non-cooling season. Similarly, the current test procedure does not capture energy consumed by a heat pump during the non-cooling and non-heating seasons. These are the shoulder seasons that occur between the cooling and heating seasons and can be quantified by converting the cooling and heating load hours for any location into actual hours. In each case, the actual site or region-specific cooling and heating season hours always sum to less than 8,760. To calculate annual energy consumption or annual operating cost, all 8,760 hours of the year must be accounted for. Until now, these annual quantities have been based on energy consumption of fewer than 8,760 hours. The DOE test procedure must account for the idle mode energy consumption of the air conditioner and heat pump during the shoulder seasons and the idle mode energy consumption of an air conditioner during the heating season.

Several interested parties commented that although the current standard does address standby power consumption, standby and off mode power need to be better defined. (Joint Comment, No. 25 at p. 6; CFM Equipment Distributors, No. 13 at p. 129; Lennox, No. 13 at pp. 113, 134; Carrier, No. 13 at p. 113; the Unico System, No. 13 at p. 129; Trane, No. 13 at pp. 130, 131, 136; PG&E, No. 13 at pp. 132, 137; General Electric, No. 13 at p. 135; EEI, No. 20 at p. 5; ASAP, No. 13 at p. 132)

DOE concurs with the commenters. The definitions of standby and off mode as provided in EPCA section 325(gg) were amended by section 310 of EISA and are purposely generic so that they can apply to all covered products. (42 U.S.C. 6295(gg)(1)(A)(iii), (42 U.S.C. 6295(gg)(1)(A)(ii), respectively) EPCA section 325 allows DOE to redefine these definitions, including off mode, as part of this rulemaking. (42 U.S.C. 6295(gg)(1)(B)) The proposed definition is as follows:

The term "off mode" means:

(1) For air conditioners, all times during the non-cooling season of an air conditioner. This mode includes the "shoulder seasons" between the cooling and heating seasons when the unit provides no cooling to the building and the entire heating season, when the unit is idle. The air conditioner is assumed to be connected to its main power source at all times during the off mode; and

(2) For heat pumps, all times during the non-cooling and non-heating seasons of a heat pump. This mode includes the "shoulder seasons" between the cooling and heating seasons when the unit provides neither heating nor cooling to the building. The heat pump is assumed to be connected to its main power source at all times during the off mode.

DOE requests comments on this proposed definition (10 CFR, subpart B, appendix M, proposed section 1.48).

B. Summary of the Test Procedure Revisions

Today's proposed rule contains the following proposed changes to the test procedure in 10 CFR part 430, subpart B, appendix M.

1. Modify the Definition of "Tested Combination" for Residential Multi-Split Systems

DOE procedures require testing a complete system, not just its components. For multi-split systems, each model of outdoor unit may be installed with numerous indoor unit combinations. Systems may differ in the number of connected indoor units, their physical type (*e.g.,* wall-mounted versus ceiling cassette, ducted versus non-ducted), and individual capacities.

As part of the October 2007 final rule, multi-split units with rated cooling capacities less than 65,000 Btu/h were newly covered in the DOE central air conditioner and heat pump test procedure. As part of this coverage, manufacturers are required to test each model of a multi-split outdoor unit with at least one set of non-ducted (and at least one set of ducted, if applicable) indoor units. DOE placed limits on the set of indoor units selected to meet this testing requirement for each multi-split outdoor unit. These limits are prescribed in 10 CFR 430.2 definition for "tested combination." During the previous test procedure rulemaking, DOE refined the "tested combination" definition from the version published in the July 20, 2006 NOPR to the version published in the October 2007 final rule. After implementing the new test procedures, manufacturers of multi-split systems requested additional changes.

In its May 27, 2008 letter to DOE, the Air-Conditioning, Heating, and Refrigeration Institute (AHRI) recommended three changes to the "tested combination" definition. First, AHRI supported changing specific references to "capacity" and "nominal capacity" to "nominal cooling capacity." AHRI argued that "this correction is necessary to clarify that the test procedures are based on the cooling (rather than heating) capacity of the equipment and to recognize that the nominal means the cooling capacity of the system at 95 °F ambient, 80/67 °F indoor conditions."

Second, AHRI requested that the requirement preventing the use of an indoor unit having a nominal cooling capacity that exceeds 50 percent of the nominal cooling capacity of the outdoor unit be waived for outdoor units with a nominal cooling capacity of 24,000 Btu/h or lower. AHRI noted that it is not always possible to meet this requirement, especially because of the additional DOE requirement that the nominal cooling capacities of the indoor units, when summed, must fall between 95 and 105 percent of the outdoor unit's nominal capacity. AHRI gave the example of an outdoor unit rated for 20,000 Btu/h that is designed to be used with indoor units having nominal capacities of 9,000 and 12,000 Btu/h. In this case, the only combination that meets the 95 to 105 percent indoor-outdoor capacity criteria is where two indoor units are used, one having a capacity of 12,000 Btu/h and one having a capacity of 9,000 Btu/h. The current definition for tested combination, however, does not allow this combination because the 12,000 Btu/h indoor unit exceeds the 50 percent limit on the capacity of the indoor unit to the capacity of the outdoor unit.

AHRI's final suggested change pertains to multi-split systems with nominal capacities greater than 150,000

Btu/h. The current limit of five indoor units to complete the system is often insufficient for the required 95 to 105 percent match with the outdoor unit. As AHRI stated in its letter, AHRI recognizes that "this capacity is beyond the cooling capacity limit of 65,000 Btu/h * * * but many manufacturers have been granted waivers in which this tested combination definition applies."

DOE concurs with two of the three changes AHRI requested. DOE proposes to adopt the wording "nominal cooling capacity" within the definition of "tested combination." (10 CFR 430.2) DOE will also waive the restriction that no indoor unit shall have a nominal cooling capacity exceeding 50 percent of the outdoor unit's nominal cooling capacity for multi-split systems having a nominal cooling capacity of 24,000 Btu/h or less. (10 CFR 430.2(2)(iii)) Additionally, DOE proposes to modify the definition for "tested combination" to indicate that the allowed range for the indoor to outdoor capacity percentages is 95 to 105 percent, inclusive. (10 CFR 430.2(2)(ii) The current wording calls for the match to be "between" (*i.e.,* not "including") these bounds. Especially with the above switch to using "nominal cooling capacity," specifying a set of indoor units that yields an indoor to outdoor capacity percentage of either 95 or 105 percent increases should be allowed.

With regard to the third change requested by AHRI, DOE will not establish a different limit on the number of indoor units used when testing multi-split systems with nominal capacities greater than 150,000 Btu/h because these systems are outside the scope of this residential test procedure rulemaking.

2. Add Alternative Minimum External Static Pressure Requirements for Testing Ducted Multi-Split Systems

Since the inception of DOE central air conditioner and heat pump test procedures, the majority of covered products have used a single indoor unit designed to work with a multi-branch duct system to distribute air within a building. This system imposes an additional load (quantified as external static pressure (ESP)) on the indoor blower as it distributes and returns air to and from the conditioned space.

When a system is laboratory tested according to the DOE test procedure, airflow resistance imposed on the blower by external attachments is measured when the indoor blower and the laboratory's airflow measurement apparatus maintain the manufacturer-specified air volume rate. To constitute a valid setup for ducted indoor units, this external resistance measurement must equal or exceed a value—the minimum ESP expressed in wc—specified in the DOE test procedure. The minimum ESP value depends on one of three minimum rated cooling capacities of the tested system: 0.1 in wc for units up to 28,800 Btu/h, 0.15 in wc for units between 29,000 and 42,500 Btu/h, and 0.2 in wc for units 43,000 Btu/h and above. These minimums were adopted from industry standards that were in place when the test procedure was developed and that have remained unchanged.

The majority of multi-split systems use non-ducted indoor units. In laboratory testing following the DOE test procedure, these free discharge units are tested with an ESP of 0 in wc. Multi-splits are also offered where one or more of the indoor units is ducted. Compared with conventional ducted units, indoor unit ducting for multi-splits is shorter and used on the return or supply, or both.

In its May 27, 2008 letter, AHRI stated that "many ductless manufacturers have 'ducted' indoor units that are intended for a minimum (less than a few feet) or no duct runs and as a result have a rated external static pressure capability of less than 0.1 ESP and usually around 0.02 ESP." AHRI recommended a mechanism and language for addressing this issue in the DOE test procedure. Specifically, AHRI suggested that DOE amend its test procedure by adding the following footnote to Table 2 of Appendix M (shown as Table III.1 below): "If the manufacturer's rated external static pressure is less than 0.10 in wc (25 Pascals (Pa)), then the indoor unit should be tested at that rated external static pressure."

TABLE III.1—MINIMUM EXTERNAL STATIC PRESSURE FOR DUCTED SYSTEMS TESTED WITH AN INDOOR FAN INSTALLED *

Rated cooling or heating capacity ** *Btu/h*	Minimum External Resistance † *in wc*	
	SDHV Systems ††	All other systems
≤ 28,800	1.10	0.10
29,000 to 42,500	1.15	0.15
43,000 ≥	1.20	0.20

* Source: Table 2 from 10 CFR 430, modified for today's NOPR.

** For air conditioners and heat pumps, this is the value the manufacturer cites in published literature for the unit's capacity when operated at the *A* or A_2 test conditions. For heating-only heat pumps, this is the value the manufacturer cites in published literature for the unit's capacity when operated at the *H1* or $H1_2$ test conditions.

† For ducted units tested without an air filter installed, increase the applicable tabular value by 0.08 in wc.

†† See definition 1.35 to determine if equipment qualifies as an SDHV system. If a closed-loop air-enthalpy test apparatus is used on the indoor side, limit the resistance to airflow on the inlet side of the indoor blower coil to a maximum of 0.1 in wc. Impose the balance of airflow resistance on the outlet side of the indoor blower.

In the field, ducted multi-split systems are installed using lower pressure duct systems than are typically used to install a conventional ducted central air conditioner or heat pump. Consequently, DOE recognizes that ducted multi-split systems should not be subject to the same minimum ESP requirements as conventional central systems. Specifying appropriate minimums, however, is difficult.

One problem with the language AHRI proposed is that a manufacturer could choose an unrealistically low value for the rated external static pressure. Because this would likely be a secondary concern (if not completely overlooked) when a system is selected, the manufacturer lacks an incentive to choose a representative rating. Additionally, because the manufacturer is not allowed to select the minimum external static pressure when testing a conventional unit, allowing the manufacturer to select the minimum when testing a ducted multi-split systems would create an unjustifiable inconsistency.

DOE considered three related factors before formulating an alternative to the AHRI proposal. First, the following approach appears in the Draft International Standard (DIS) ballot of

ISO Standard 15402, "Multi-Split System Air Conditioners and Air-to-Air Heat Pumps: Testing and Rating for Performance."

This ESP shall be greater than the minimum value given in Table 1 but not greater than 80% of the maximum external static pressure specified by the manufacturer. * * * If the maximum ESP of the unit is lower than the minimum ESP given in Table 1, then the airflow rate is lowered to achieve an ESP equal to 80% of the maximum ESP of the manufacturer. In case this ESP is lower than 25 Pa, the unit can be considered as a free delivery unit.

Where the ISO approach ties the tested minimum external static pressure to a manufacturer published maximum value while approximating the smallest indoor units as non-ducted, the two other inputs suggest that the current test procedure requirements are manageable. Specifically, manufacturers of single indoor blower coil units that use short ducts —sometimes referred to as "furred down or ceiling mounted air handling units"—have never requested that DOE lower the minimum static pressure requirements. Further, DOE has received no evidence showing that any multi-split indoor unit could not achieve the applicable DOE minimum external static pressure when delivering its air volume rate.

DOE proposes an approach that does not require publication of the maximum external static pressure. For the systems meeting the definition of "multiple-split air conditioner and heat pumps" in the test procedure (10 CFR part 430, subpart B, appendix M, section 1.30), DOE proposes a new set of minimum external static pressures. The proposed minimums will be listed in table 2 of appendix M of the test procedure, along with the current values for SDHV and all other systems. The proposed values are 0.03 in wc for units through 28,800 Btu/h, 0.05 in wc for units between 29,000 and 42,500 Btu/h, and 0.07 in wc for units 43,000 Btu/h and above. The proposed minimums seek to capture the relative differences between a conventional central ducted system and one with the shorter ducts of a typical multi-split system installation. Because ducts add resistance, DOE will not adopt the ISO approach of testing the smallest systems at zero static pressure. For multi-split systems, the applicable minimum external static pressure will be assigned based on the nominal/rated cooling capacity of the outdoor unit. A static pressure equal to or higher that this minimum will be achieved in each outlet duct upstream of the point where they connect to the common plenum that leads to the test room's airflow measuring apparatus. In addition to ducted multi-split systems, DOE proposes applying this new set of minimum external static pressures to ducted mini-splits or 1-to-1 systems where the indoor air handler is a ducted furred down/ceiling-mounted unit. To limit the 1-to-1 products that qualify for the lower minimum static pressures, the single indoor unit must not exceed specified dimensions (*e.g.,* no more than 11 in high and less than 24 in deep), the indoor unit must use a single slab coil that is perpendicular to the flow stream, and the system's rated capacity must not exceed 39,000 Btu/h.

DOE requests comment from interested parties on the proposed lower external static pressure levels for certain equipment as described above and on the proposed language for ensuring that these levels are used only for testing the intended products: ducted multi-splits, ducted mini-splits, and ducted furred down/ceiling mounted one-to-one units.

3. Clarify That Optional Tests May Be Conducted Without Forfeiting Use of the Default Value(s)

In the DOE test procedure, the manufacturer has two options for obtaining a required parameter within the SEER or HSPF calculation algorithm: (1) Run one or two additional tests to obtain the necessary data; or (2) use a "default value," which may be fixed or derived from an approximating equation. For certain frost accumulation tests, the DOE test procedure gives the manufacturer the option of conducting the test or using default equations to determine the pump's power consumption and space heating capacity at 35 °F outdoor temperature and at the designated compressor capacity. The test procedure is not clear whether defaults are forfeited if the manufacturer conducts the optional laboratory test. This matter is clarified here.

As stated in the DOE test procedure (10 CFR part 430, subpart B, appendix M, sections 3.2.1, 3.2.2.1, and 3.2.3), the manufacturer may run the optional test(s) for determining a cyclic degradation coefficient but still use the default if it is lower than the tested value. DOE proposes allowing manufacturers to run the optional test(s), with the understanding that they can still use the default value if it is more favorable for optional frost accumulation tests. Specifically, the manufacturer may use the power consumption and heating capacity values derived from conducting the optional frost accumulation test or the values calculated using the default equations, whichever set contributes to a higher Region IV HSPF based on the minimum design heating requirement.

4. Allow a Wider Tolerance on Air Volume Rate To Yield More Repeatable Laboratory Setups

A goal of the DOE test procedure is specifying a consistent equipment configuration to obtain repeatable laboratory test results. For example, the indoor blower of a particular model should be consistently set to the same blower speed setting for a given test configuration. More generally, the blower speed setting should be the same when performing the same test on all units of the same equipment model.

As part of the equipment setup requirements for most blower-coil units, the testing entity (*e.g.,* manufacturer or third party) turns on both the indoor unit blower and the test facility exhaust fan. The exhaust fan and/or an airflow damper are adjusted until the manufacturer-specified indoor air volume rate is obtained. If the measured external static pressure equals or exceeds the test procedure specified minimum value, testing proceeds without adjustment to the indoor unit configuration.

If the measured external static pressure is below the DOE minimum, the setup requires additional effort. The first step is to reduce the air volume rate until the measured external static pressure equals the DOE minimum. As currently specified in the test procedure, if the measured external static pressure does not equal the DOE minimum by the time the air volume rate has been reduced to 95 percent of the rated value, then the indoor unit blower is turned off, and the indoor unit's setup is adjusted to the next highest speed setting.

The above setup procedure will typically result in the indoor blower-coil set to the same speed setting for testing all units of the same model. In essence, the procedure handles the inherent variability in the external static pressure and air volume rate produced and measured for multiple equipment setups. This variability is due to manufacturing tolerances and lab measurement uncertainties.

In its May 27, 2008 letter, AHRI requested that the 5-percent tolerance on air volume rate be increased to 10 percent. In addition, AHRI recommended that the language for the indoor blower coil setup procedure be refined to recognize that some incremental setting changes may affect more than fan speed. AHRI gives the example that "some speed tap settings may equate to a specific duration of fan delay whereas other settings may translate to no fan delay." To address this issue, AHRI recommends that DOE

make incremental changes to the indoor blower setting among settings that provide similar operating features.

AHRI offers two reasons in its May 27, 2008 letter for supporting a greater tolerance on air volume rate during the initial setup process: The expanding use of constant torque motors for central air conditioners and heat pumps blower coils, and the effect of barometric pressure. AHRI states that "for a given speed tap, the air volume rate achieved using a constant torque motor is comparatively more variable; also the change in power draw as a function of an incremental change in the speed tap is also comparatively greater so the impact on efficiency will be more pronounced." Barometric pressure affects air density and the water vapor content for a given db/wb combination. Thus, barometric pressure affects capacity through both the air volume rate and the enthalpy change of the air. As referenced in the AHRI letter, barometric pressure effects are especially important, as most manufacturers' in-house testing is conducted at a lower elevation and typically higher barometric pressure than at the industry's primary independent certification testing facility.

In response to AHRI's May 27, 2008 letter, DOE proposes to increase the tolerance on air volume rate from 5 to 10 percent. In addition, DOE proposes to adopt AHRI's recommendation to refine the indoor blower coil setup procedure to recognize that some incremental changes to the setting may affect more than the fan speed. DOE used computer modeling and laboratory data to determine that a 10 percent difference in air volume rate will cause total capacity to decrease between 1.3 to 2 percent, while having the total system power consumption fall between 1 to 1.8 percent for a minimally compliant system. Because capacity and power impacts are similar, the EER and SEER impacts are less. SEER is projected to decrease between 0.2 and 0.4 percent. Thus, this proposed change has the potential to affect the measured capacity such that it may make it more difficult to meet the industry certification program's 95 percent capacity tolerance. The impact on the DOE regulated descriptor of SEER, however, is well within the measurement uncertainty, even for the limiting case of a 10-percent departure.

DOE requests data and comments from interested parties on the impact of the change from 5 to 10 percent tolerance on air volume rate.

5. Change the Magnitude of the Test Operating Tolerance Specified for the External Resistance to Airflow and the Nozzle Pressure Drop

The DOE test procedure specifies both test operating and condition tolerances. Test operating tolerances indicate the maximum range that a parameter may vary during the data collection interval. For any given test, operating tolerances are specified for a few different parameters. For each parameter, the difference between the highest and lowest instantaneous measurement for the data collection interval must not exceed the specified operating tolerance in order to constitute a valid test.

The test operating tolerance for external resistance to airflow is 0.05 in wc. The test operating tolerance for nozzle pressure drop is 2.0 percent. Both tolerances, which apply for all cooling and heating tests were included in industry standards (*e.g.,* ASHRAE Standard 37) that pre-date the first publication of the DOE central air conditioner and heat pump test procedure. The DOE test procedure adopted the two tolerances at its inception and has not changed it. For current industry standards, the tolerances appear in the 2009 version of ASHRAE Standard 37.

The two test operating tolerances are often exceeded when an electronic pressure transducer is used to measure differential pressure instantaneously. The likelihood of exceeding the tolerance increases with higher sampling rates and when testing indoor blowers whose controls actively regulate operation of the blower's motor. One example is a blower with a variable-speed motor designed to maintain the air volume rate regardless of the airflow resistance. In contrast, these test operating tolerances are usually satisfied if the differential pressures are measured using liquid manometers. The fluid provides mechanical damping that tends to stabilize readings.

DOE proposes to loosen the existing tolerances from 0.05 to 0.12 in wc for the test operating tolerance assigned to the external resistance to airflow and from 2.0 percent to 8.0 percent for the nozzle pressure drop tolerance because the pressure fluctuations are real (10 CFR, subpart B, appendix M, revised tables 7, 8, 13, 14 and 15). The proposed changes in the magnitude of the tolerances are based on limited data obtained from laboratory testing of a variable-speed, constant air-volume-rate blower using electronic pressure transducers with a 5-second sampling rate. This data indicated that the current tolerances could rarely be achieved when using and electronic pressure transducer instead of a liquid manometer. Matching or remaining within the proposed tolerances, by comparison, was far more achievable.

At this stage, DOE proposes amended values for the two tolerances rather than their complete elimination because they still help assure data is taken during a period of relatively steady operation. Additional steps, however, may be warranted. For example, a prescribed algorithm for identifying outliers and/or establishing minimum intervals over which all instantaneous measurements are averaged (*e.g.,* minutely averages) may also be needed to strike the necessary balance between defining test tolerances that promote repeatable test results while not extending test times. Another option may be to introduce a mechanical means for damping the high frequency pressure fluctuations that are fed to the electronic pressure transducer to mimic a liquid manometer. Such damping would be acceptable because the measurements would still reveal whether the flow was steady or trending higher or lower.

DOE seeks comments from interested parties about the proposal to increase the test operating tolerance for the external resistance to airflow from 0.05 to 0.12 in wc and increase the test operating tolerance for the nozzle pressure drop from 2.0 percent to 8.0 percent. In addition, comments on alternative or additional steps to assure the capacity and electrical power data are collected over a 30-minute period of consistent operation are encouraged.

6. Modify Third-Party Testing Requirements When Charging the Test Unit

DOE proposes to revise section 2.2.5, "Additional refrigerant charging requirements," of the test procedure. Most of the proposed revisions originate from the requirements listed in section 9.8.1.1 of the 2008 ARI General Operations Manual for AHRI Certification Programs. DOE adopted the current language in section 2.2.5 of the DOE test procedure in the October 2005 final rule. The section 2.2.5 text covers details not addressed in the test procedure prior to the October 2005 rule, such as charging instructions that differ for field installations versus laboratory testing and the procedure for manufacturers and third-party testing entities to resolve questions on charging a particular system. In the months following publication of that rule, AHRI members reconsidered refrigerant charging, mainly within the context of implementing its third-party certification program. During the August

23, 2006 public meeting, Rheem Manufacturing Company shared AHRI's view of key shortcomings. These include provisions in section 2.2.5 regarding available options when a unit is charged and tested by a third party. These provisions failed to disallow charge manipulation during the testing process (*e.g.,* different charging criteria for the cooling mode tests versus the heating mode tests).

AHRI provided language from the current version of the AHRI General Operations Manual so that all or part of it may be considered for incorporation into the DOE test procedure. The specific AHRI text of interest is as follows:

9.8.1.1 *Test Sample Refrigerant Charge.* All test samples will be charged in accordance with the following instructions and those provided in the manufacturers' Installation and Operational (I/O) Manuals.

Determine refrigerant charge at the Standard Rating Condition in accordance with instructions from I/O Manual. For a given specified range for superheat, sub-cooling, or refrigerant pressure, the average of the range shall be used to determine the refrigerant charge. If multiple instructions are given, the manufacturer will be asked to sign off on the preferred method.

The testing laboratory will then add or subtract the correct amount of refrigerant to achieve the pre-determined superheat, sub-cooling, or refrigerant pressure. This single charge will then be used to conduct all cooling cycle and heating cycle tests.

Once the correct refrigerant charge is determined, the test will run until completion without interruption.

DOE proposes to adopt selected elements of the above AHRI procedures. (10 CFR part 430, subpart B, appendix M, section 2.2.5) The proposed changes promote consistency with current AHRI certification practices, including explicitly disallowing charge manipulation once the initial charging procedure is completed, while differing on the approach of addressing cases where a manufacturer either provides no instructions or provides more than one set of charging instructions. In particular, DOE chose not to implement a "sign off" option as AHRI uses because the proposed approach of specifically addressing the setup procedure in these two special cases is effective and less burdensome.

7. Clarify Unit Testing Installation Instruction and Address Manufacturer and Third-Party Testing Laboratory Interactions

DOE proposes to add language to section 2.2 of the test procedure. The additions seek to clarify installation instructions and, when third-party testing is conducted, to clarify that interaction with the manufacturer is allowed.

The AHRI Certification Program and the DOE test procedure focus on different aspects of the rating process. The AHRI program conducts verification testing of full production of randomly sampled units taken from the manufacturer's inventory. By comparison, the DOE test procedure is typically conducted before a new model of air conditioner or heat pump is introduced into the market. Therefore, testing is usually performed on first production or pre-production units, each of which meets the requirement in 10 CFR 430.24 that testing be done on "units which are production units, or are representative of production units." When testing pre-production units, the installation instructions are not packaged with the unit or perhaps not even finalized. DOE proposes adding language on how to handle such cases. (appendix M, revised section 2.2) Some of the restrictions on interactions between third-party testing laboratories and manufacturers, imposed as part of the AHRI Certification Program, do not apply to the DOE test procedure. One example is AHRI's General Operations Manual requirement that "only laboratory personnel shall install test units." The policy is useful to AHRI because certification testing checks DOE ratings. AHRI does not want individual manufacturers to slow the testing process or reveal information about a competitor. On the other hand, DOE will not prohibit a manufacturer from interacting with a third-party testing laboratory if the latter is contracted to perform work similar to in-house manufacturers. (10 CFR part 430, subpart B, appendix M, revised section 2.2a) In the event of a DOE enforcement action, DOE places no restrictions on manufacturer involvement as long as the test unit installation and laboratory testing are conducted in complete compliance with all other requirements in the DOE test procedure. The highest order of these other requirements is to install the unit according "the manufacturer's installation instructions," as stated in section 8.2 of ASHRAE Standard 37, where the first source for those instructions is the published literature that comes packaged with the unit.

This second issue on the allowed interactions between third-party testing laboratory and the manufacturer was addressed in a previous rulemaking (70 FR 59122) but only as it pertained to the specific installation step of refrigerant charging (section 2.2.5 of the test procedure). Because the interaction applies to the entire installation process, DOE proposes to address the issue in section 2.2 and, as a result, existing section 2.2.5 language on this topic is proposed for deletion.

8. When Determining the Cyclic Degradation Coefficient C_D, Correct the Indoor-Side Temperature Sensors Used During the Cyclic Test to Align With the Temperature Sensors Used During the Companion Steady-State Test, If Applicable

In the DOE test procedure, the results from two optional dry-coil cooling mode tests—one steady-state, one cyclic—provide the inputs to calculate cooling mode cyclic degradation coefficient(s), C^c_D. For the heating mode, the results from one of the required steady-state tests plus the results from an optional cyclic test are used to calculate the heating mode cyclic degradation coefficient, C^h_D. In all cases, the two tests for calculating a cyclic degradation coefficient are conducted consecutively, with the steady-state test conducted first.

Both the steady-state (10 CFR part 430, subpart B, appendix M, sections 3.4 and 3.7) and cyclic (10 CFR part 430, subpart B, appendix M, sections 3.5 and 3.8) C_D tests require calculating the change in the db temperature on the indoor side. To complete these measurements, the laboratory test setup includes redundant sets of temperature sensors and associated instrumentation. In many cases, one set of temperature sensors provides the primary measurement of the change in db temperature for all steady-state tests, while the second set provides the same primary measurement for all transient tests, including the cyclic C_D test. Using two sets of temperature sensors allows highly accurate measurements during the steady-state test; comparatively less accurate but necessarily faster-responding measurements are achieved during the transient tests. The DOE test procedure refers to ASHRAE Standard 41.1–1986 (RA 2001) for recommendations and requirements on making these temperature measurements.

Cyclic degradation coefficients are used to obtain a relationship between part-load factor (PLF) and the percent on-time of the unit. PLF is a ratio of the cyclic to the steady-state EER. The consecutive C_D tests are used to obtain one point on the PLF versus percent on-time plot. Because the results of the consecutive C_D tests define a ratio, the preferred testing approach is to limit differences between the two tests. Using one set of instrumentation to measure the change in the db air temperature entering and leaving the indoor unit

during the steady-state C_D test and a different set for the companion cyclic C_D test is a source of potential bias.

To avoid conflict, DOE may require that the same temperature measurement instrumentation be used for both consecutive C_D tests. The Standards Project Committee revising ASHRAE Standard 116, "Methods of Testing for Rating Seasonal Efficiency of Unitary Air Conditioners and Heat Pumps," considered this alternative but chose to make it a recommendation, not a requirement (see clause 5.1.4 of ASHRAE Standard 116–1995R, "Method of Testing for Rating Seasonal Efficiency of Unitary Air Conditioners and Heat Pumps," First Public Review draft). A second option is to correlate the instrumentation used for the primary measurement of the temperature difference of the cyclic C_D test to that used for the primary measurement during the steady-state C_D test. Some industry members have implemented this correlation approach and found that it improves repeatability.

DOE proposes to require a correlation step for testing laboratories that use different instrumentation to measure the change in the db temperature of the air entering and leaving the indoor unit during the steady-state C_D test versus the cyclic C_D test. This correlation step is conducted during the steady-state C_D test. During the test, both sets of instrumentation—those sensors providing the primary measurement during the steady-state (set SS) and during the cyclic (set CYC) tests—measure the indoor-side air db temperature difference. For both sets of instrumentation, measurements made at equal intervals that span 5 minutes or less determine the temperature difference. Once the 30-minute data collection period begins for the steady-state C_D test, an average temperature difference is calculated based on the sets SS and CYC instrumentation after a minimum of 7 data samples and 6 minutes or more. The average temperature differences are then used to calculate the C_D correlation factor, F_{CD}:

$$F_{CD} = \Delta T(\text{Set SS})/\Delta T(\text{Set CYC})$$

An updated F_{CD} value shall be recalculated every minute or after each data sample, whichever occurs later. In addition, each recalculated ratio shall be based on the same number of data samples and same elapsed time as used for the first F_{CD}. For the example case of a sampling rate of 1 minute or less, the first F_{CD} shall be based on data collected from elapsed time of 0 to 6 minutes, the second from 1 to 7 minutes, the third from 2 to 8 minutes, and so on.

Upper and lower limits are proposed for F_{CD} to provide a uniform basis as to how much the two temperature measurements may deviate. The proposed allowable range of F_{CD} is 0.94 to 1.06. Laboratories that sample at a rate of every minute or less can evaluate the first F_{CD} as soon as 6 minutes after the start of the normal 30-minute data collection period. If this first or any subsequent value of F_{CD} is outside the proposed application range of 0.94 to 1.06, then the testing laboratory can make a decision to abort the test in advance of completing the 30-minute data collection period. By comparison, if a 5-minute sample rate is used, F_{CD} falling within the allowed range will remain unknown until the 30-minute data collection period is completed. In this case, up to 24 minutes of laboratory testing time may be lost from a longer wait to evaluate compliance.

If the value of F_{CD} at the conclusion of the 30-minute period (saved F_{CD}) falls outside the range of 1.0 ± 0.6, then the test sequence must be terminated, and steps taken to improve the agreement between the sets SS and CYC instrumentation. Calibration of one or both sets of instrumentation in accordance with ASHRAE Standard 41.1 may be necessary. Once the remedial steps are complete, the steady-state C_D test shall be repeated. For cases within the accepted range, the saved F_{CD} shall thereafter be used during the cyclic C_D test to adjust the indoor-side temperature difference or a time-integrated value of the same determined using the set CYC instrumentation. For example, with respect to section 3.5 of Appendix M, the equation for the integrated, indoor-side air temperature difference will be written as follows:

$$\Gamma = F_{CD} \int_{\tau_1}^{\tau_2} \left[T_{a1}(\tau) - T_{a2}(\tau) \right] d\tau$$

The value of F_{CD} shall be used only to adjust the set CYC temperature difference measurement from the cyclic C_D test that immediately follows the steady-state C_D test that yields the correlation factor. The F_{CD} determined and applied for one set of consecutive C_D tests shall not be used to adjust the set CYC temperature difference measured during a second cyclic C_D test or during a frost accumulation test.

DOE proposes to decrease the minimum sampling rate of the db temperature difference from the current value of every 10 minutes to every 5 minutes to obtain a more representative value of F_{CD}. As an extension of this modification, DOE proposes to change the long-standing minimum sampling rate for all steady-state tests from 10 to 5 minutes. The 10-minute sampling interval rate allows time for some measurements to be hand-recorded. Improved test quality and results, advances in electronic instrumentation, and the low cost of computer-based versus manual recording justify the minimum sampling rate change.

DOE seeks comments from interested parties on the introduction and calculation of the cyclic degradation correlation factor. DOE also seeks comments on the change in sampling rate from 10 to 5 minutes.

9. Clarify Inputs for the Demand Defrost Credit Equation

The demand defrost credit (F_{def}) is a direct multiplier within the HSPF calculation Eq. 4.2–1 in the DOE test procedure. The factor provides nominal credit for heat pumps with a demand defrost control system. Systems that meet DOE requirements in test procedure definition 1.21, "demand defrost control system," qualify for this credit. The multiplier has a value between 1.00 and 1.03, which is a 0 to 3 percent increase in the HSPF rating. The credit is evaluated using the following equation from section 3.9.2 of the DOE test procedure:

$$F_{def} = 1 + 0.03 \times \left[1 - \frac{\Delta\tau_{def} - 1.5}{\Delta\tau_{\max} - 1.5} \right]$$

Where:

$\Delta\tau_{def}$ = time between defrost terminations (in hours) or 1.5, whichever is greater, and

$\Delta\tau_{max}$ = maximum time between defrosts as allowed by the controls (in hours) or 12, whichever is less.

The demand defrost credit was incorporated into the test procedure during the rulemaking completed in March 1988 and has remained unchanged. 53 FR 8319. DOE mistakenly overlooked inputs to this equation during the most recent test procedure final rulemaking, in which DOE shortened the maximum duration of all frost accumulation tests from 12 to 6 hours. DOE has since considered two options for calculating the credit: (1) Update the evaluation of $\Delta\tau_{max}$ to read "maximum time between defrosts as allowed by the controls (in hours) or 6 hours, whichever is less;" and (2) reinforce that the current form of the equation still applies and, when a defrost cycle is not completed before the maximum time, assign $\Delta\tau_{def}$ the value of 6 hours. DOE proposes to adopt this second option in today's notice.

As discussed in the October 2007 final rule, the change from a maximum

test duration of 12 to 6 hours rarely affected testing; when it did, there was a negligible impact on the calculation of the average heating capacity and power consumption at a 35 °F outdoor temperature. The main reason for changing the maximum limit to 6 hours was to reduce the test burden when frost did not build on the outdoor coil. The frost accumulation tests at low-capacity for two-capacity heat pumps and at the intermediate compressor speed for variable-speed units are the two leading cases where this revision may help reduce that burden. Since the institution of this change, DOE has not received any comments or information about the effects on heating capacity or power.

Shortening the maximum duration of the frost accumulation test affects heat pumps that would otherwise conduct a defrost after 6 but before 12 hours in two ways. First, as recognized during the October 2007 final rule process, such heat pumps benefit slightly from not having a defrost cycle factored into their average heating capacity calculation. Second, they earn a higher demand defrost credit than they would have earned previously. As a worst case (*e.g.,* unit's demand defrost controls actuate at 11.999 hours while the unit's maximum duration is 12 hours or more), the approximated demand defrost credit is now 1.017 compared to the "true" value of 1.000.

In summary, the proposed rule includes additional language clarifying that manufacturers must assign $\Delta\tau_{def}$ the value of 6 hours if this limit is reached during a frost accumulation test and the heat pump has not completed a defrost cycle. A sentence is also added to indicate that the manufacturer must provide the value of $\Delta\tau_{max}$.

DOE seeks comments from interested parties on this proposal for calculating the demand defrost credit (F_{def}) for cases where the Frost Accumulation Test is terminated because the heat pump does not initiate a defrost within the maximum allowed 6-hour heating interval.

10. Add Calculations for Sensible Heat Ratio

SHR is a parameter that indicates the relative contributions of the air conditioner's or heat pump's cooling output that reduces the db temperature of the air (*i.e.,* sensible cooling) to the cooling output that reduces the moisture content in the air (*i.e.,* latent cooling). The parameter is calculated by dividing the sensible cooling capacity by the total cooling capacity. Total cooling capacity is the sum of the sensible and latent cooling capacities. For example, an SHR of 0.75 indicates that 75 percent of the cooling is sensible and 25 percent is latent.

The DOE test procedure considers total building cooling loads and total cooling equipment capacities as part of the SEER calculation. The cooling load and capacity are not divided into their sensible and latent components. Based on historical data, equipment SHRs have remained relatively unchanged as equipment SEER ratings have increased. In addition, cooling equipment has historically provided a reasonable match to the sensible and latent loads of the building or residence. However, better insulation of homes and small commercial buildings has helped reduce sensible building loads. Particularly in more humid climates, this reduction in the sensible building load can make the latent building load more prominent.

SHR differences among equipment having approximately the same SEER have always existed. For example, 2001 Amrane, Hourahan, and Potts data reported in the January 2003 *ASHRAE Journal* (pp. 28–31) show SHR values that vary by at least 0.10 for a given SEER value. When humidity control is a concern, consumers and their contractors may wish to know the SHRs of different units to make a more informed decision.

The measurements required to calculate the SHR from a DOE wet-coil cooling mode test are taken as part of the DOE test procedure. In fact, manufacturers and independent testing laboratories routinely determine SHR. DOE proposes to add the SHR calculation to its test procedure to endorse the calculation and its continued use explicitly. (10 CFR part 430, subpart B, appendix M, revised section 3.3c and proposed section 4.5)

11. Incorporate Changes to Cover Testing and Rating of Ducted Systems Having More Than One Indoor Blower

The majority of residential central air conditioners and heat pumps employ a single blower and a single refrigerant-to-air coil. Typical multi- and some mini-splits use more than one indoor unit, with the indoor units using one blower and one coil. However, a newer type of residential central system that uses more indoor blowers than indoor coils does not follow this one-to-one blower-to-coil ratio.

The multi-blower design facilitates zoning when the system responds to more than one thermostat. Associated with the zoning feature are capacity modulation and variations in electrical power consumption. The first and more limited means of affecting capacity and power use is controlling the number of indoor blowers that are turned on and, where applicable, altering the blower's speed (if equipped with a multi-stage or variable-speed motor). The second and broader means of affecting power consumption occurs in systems that use a single outdoor unit equipped with a two-stage compressor or in systems consisting of two outdoor units, each having single-speed compressors.

DOE proposes modifications to cover the testing and rating of systems using a multi-blower indoor unit. These systems will be treated as if all zones depend on outdoor temperature such that they respond to the same load profile as a single-zone system. DOE test procedure algorithms for covering two-capacity units and systems having a single-speed compressor with a variable-air-volume rate indoor blower would provide the basis for the algorithms that address systems with a multi-blower indoor unit (10 CFR 430, subpart B, appendix M, revised sections 2.2.3, 2.4.1, 3.1.4.1.1, 3.1.4.2, 3.1.4.4.2, 3.1.4.5, 3.2.2, 3.2.2.1, and 3.6.2; proposed sections 3.2.6, 3.6.7, 4.1.5, and 4.2.7; and revised tables 4 and 10).

On August 28, 2008, DOE published a decision and order granting a waiver from the DOE Residential Central Air Conditioner and Heat Pump Test Procedure for a line of multi-blower indoor units that may be combined with one single-speed heat pump outdoor unit, one two-capacity heat pump outdoor unit, or two separate single-speed heat pump outdoor units. 73 FR 50787–50797. For the two separate single-speed outdoor units, the chosen indoor coil contains two independent refrigeration circuits, each fed by one of the outdoor units.

The above-referenced waiver covers products that use two to eight indoor blowers with a single- or dual-circuit indoor coil. To simplify the testing and rating algorithm, DOE structured the waiver so that each system was evaluated with all and with half of the indoor blowers operating. DOE did not consider any other potential blower combinations. For systems offering compressor modulation, a high-stage compressor operation was evaluated only when all blowers were on, and the low-stage was evaluated with half the blowers on.

DOE proposes to amend the test procedure to allow the coverage of systems that use a multi-blower indoor unit to address the same type of equipment covered by the test procedure waiver granted to Cascade Group, LLC.

12. Add Changes To Cover Triple-Capacity, Northern Heat Pumps

On February 5, 2010, DOE granted Hallowell International a waiver from the DOE test procedure on how to test and rate its line of boosted compression heat pumps. (24 FR 6014–6018) These heat pumps offer three stages of compressor capacity when heating, with the third stage being designed to provide greater heating capacity at the lowest outdoor temperatures. The approved waiver contained additional laboratory tests and calculations steps that were specific to obtaining an HSPF rating for the Hallowell heat pumps. No changes to the DOE test procedure were required to evaluate the SEER for these heat pumps. The test procedure sections covering two-capacity systems when operating in a cooling mode are applicable for the Hallowell heat pumps.

Proposed test procedure amendments are offered as part of this rulemaking to cover heat pumps that provide three levels or stages of heating capacity like the Hallowell units. The proposals seek to cover the more generic case of such technology.. The proposal includes, additional laboratory testing to capture the effect on both capacity and power of the additional stage of heating operations.. The proposed building load assigned by HSPF calculations requires evaluation based on the application in which high-stage compressor capacity for heating exceeds that for cooling. Finally, the proposed coverage accounts for controls that lock out one or two heating mode capacity levels at any given outdoor temperature. Once these proposals are incorporated into the test procedure, the need for a waiver will be eliminated and the requirements will apply to all manufacturers who offer equipment with this technology.

DOE proposes adding two required steady-state tests to quantify the heating capacity and power consumption characteristics of the third stage of heating. One test would be conducted at the existing outdoor temperature test condition of 17 °F db/15 °F wb temperature ($H3_3$). The second test would be at a new outdoor test condition ($H4_3$), 2 °F db/1 °F wb. This proposed outdoor temperature condition is slightly higher than the 0 °F db/ − 2 °F wb condition proposed by Hallowell and cited in the approved waiver. The alternative condition is proposed with the intent of specifying a test condition that is marginally more achievable for testing laboratories. Finally, two optional tests are proposed, a Frost Accumulation Test and a cyclic test with the heat pump operating at its third or boosted compression stage (10 CFR part 430, subpart B, appendix M, proposed section 3.6.6).

DOE is proposing equations for calculating the capacity and electrical power consumption of the heat pump as a function of the outdoor temperature when operating at its highest stage of compressor capacity. As part of the proposal, the heating building load used in the HSPF calculation, would also be based on the capacity measured during the *H1* test condition (47 °F db/43 °F wb outdoor temperatures). The compressor would operate at the same speed or stage as in the (A_2) cooling mode test at 95 °F outdoor db. The HSPF calculation algorithm would be an extension of the approach currently used in the DOE test procedure for two-capacity heat pumps. The active stages of heating capacity available for each bin temperature calculation would be based on the control logic of the unit (10 CFR part 430, subpart B, appendix M, proposed section 4.2.6).

DOE seeks comments from interested parties on the inclusion of test procedure amendments to cover heat pumps that offer three stages of compressor capacity when heating.

13. Specify Requirements for the Low-Voltage Transformer Used when Testing Coil-Only Air Conditioners and Heat Pumps and Require Metering of All Sources of Energy Consumption During All Tests

The transformer that powers the low-voltage components of a field-installed hot-air furnace and add-on (coil-only) air conditioner or heat pump resides in the furnace. A coil-only air conditioner or heat pump with a hot-air furnace is not typically laboratory tested. As a result, the DOE test procedure does not specify the low-voltage source of power for the compressor contactor, control boards, and most heat pump reversing valves. Because the test procedure does not stipulate metering requirements, the associated power consumption is typically unmetered, which makes the choice of the transformer used inconsequential. A 100 volt amp (VA) transformer powered by a 230 V input works as well as a 40 VA model powered by a 115 V input.

Because coil-only equipment mainly competes against like equipment, not accounting for low-voltage components' power consumption in the past was not a glaring deficiency as the comparable impact on SEER and HSPF ratings. However, in seeking to account for all modes and sources of energy consumption as per section 310 of EISA 2007, DOE proposes that the energy consumption of low-voltage components of coil-only systems be measured and included in the applicable rating descriptors. DOE anticipates needing to specify a VA rating for the transformer used for laboratory testing, while requiring that the input voltage be the same as that provided to the outdoor unit (*e.g.,* 230 V).

An indoor wall thermostat is not typically used for laboratory testing of a central air conditioner or heat pump. For this rulemaking, DOE considered but decided against assigning a default power value to account for the absence of the wall thermostat. Some thermostats use no power or are battery powered. If a low-voltage-powered electronic thermostat is used, its power consumption is often low, usually less than a watt or two. In most cases, an air conditioner or heat pump can be installed in a system that includes a variety of wall thermostats. It is not possible to know the type of thermostat that will be used or its power consumption.

For testing coil-only air conditioners and heat pumps, DOE proposes that the power consumption of the low-voltage system components be metered. Additionally, the transformer would be rated to provide 24 V, have a load rating of either 40 or 50 VA, and would be designed to operate with a primary input of 230 V, single phase, 60 hertz. The transformer may be powered by the same source as the outdoor unit or a separate 230 V source. The key requirement is that the instrument measuring the transformer's power consumption during the off mode power or any other test must do so within the prescribed measurement accuracy.

14. Add Testing Procedures and Calculations for Off Mode Energy Consumption

SEER is a seasonal descriptor that accounts for all (modes of) energy consumption that occurs during the cooling season, including times when the air conditioner or heat pump is cycled off because the building thermostat is satisfied. HSPF is a seasonal descriptor for heat pumps that accounts for all (modes of) energy consumption during the heating season. The current test procedure does not cover the energy consumption of an air conditioner during the heating season when the unit is typically turned off at the thermostat but its controls and protective devices remain energized. The current test procedure also does not account for a complete 8,760-hour year as part of the annual cost calculation. As documented in appendix A of ASHRAE Standard 137–2009, "Method of Testing

for Efficiency of Space-Conditioning/Water Heating Appliances that Include a Desuperheater Water Heater," the combination of the location-specific cooling and heating load hours used in the annual cost calculation is less than 8,760. The missing hours correspond to the intervals during which space conditioning is not required because the outdoor temperature is moderate, as during the shoulder seasons that occur between the cooling and heating seasons. Neither SEER nor HSPF account for energy consumed during the shoulder seasons.

To provide a means for more clearly accounting for the energy consumption during the shoulder seasons and, for air conditioners, the energy consumption during the heating season, DOE proposes to define that such times occur when the air conditioner or heat pump is in an "off mode." DOE proposes the following definition.

The term "off mode" means:

(1) For air conditioners, all times during the non-cooling season of an air conditioner. This mode includes the "shoulder seasons" between the cooling and heating seasons when the unit provides neither heating nor cooling to the building plus the entire heating season, when the unit is idle. The air conditioner is assumed to remain connected to its main power source at all times during the off mode; and

(2) For heat pumps, all times during the non-cooling and non-heating seasons of a heat pump. This mode includes the "shoulder seasons" between the cooling and heating seasons when the unit provides neither heating nor cooling to the building. The heat pump is assumed to remain connected to its main power source at all times during the off mode.

Notably, the above proposed definition differs from the one provided in section 310 of EISA 2007, which amended section 325(gg)(1)(A) of EPCA. (42 U.S.C. 6295(gg)(1)(A)) This section of EPCA applies to a wide range of covered products, and as a result, the definitions for off-mode, active mode, and standby mode are relatively general in order to address all possible energy consuming modes. Rather than introduce alternative definitions for all of these modes within the central air conditioner and heat pump test procedure, DOE proposes modifying only the definition for off-mode as part of this rulemaking.

DOE proposes new laboratory tests and a separate calculation algorithm for estimating the energy consumption during the off-mode season. The new tests and calculations are used to determine an average power consumption for the collective shoulder seasons and, for air conditioners, an average power consumption during the heating season. The shoulder season's off-mode power consumption will be designated as *P1,* which affects both air conditioner and heat pump energy usage. The heating season off-mode power consumption will be designated as *P2,* which only affects air conditioner energy usage.

(10 CFR part 430, subpart B, appendix M, proposed section 3.13)

DOE has determined that it is not technically feasible to integrate off-mode energy use into the SEER and HSPF metrics because they are both seasonal descriptors. These seasonal descriptors should not be used to account for the out-of-season of off-mode energy consumption—i.e., the energy consumed during the shoulder seasons and during the heating season. To do so would alter the basis of SEER and HSPF. The basis for the integrated SEER for an air conditioner would be annual performance, while the basis for the integrated SEER and HSPF for a heat pump would be part-year performance. Annual and part-year bases for SEER and HSPF are inconsistent with the definitions of these regulating metrics. Moreover, the difference in bases, annual for the air conditioner versus part-year for the heat pump, disallows the use of the integrated SEER for comparing an air conditioner to a heat pump. Therefore, to maintain the technical integrity of SEER and HSPF and to account for off-mode (off season) energy consumption, DOE has developed a separate algorithm to calculate the off-mode (off season) energy consumption.

The proposed *P1* and *P2* parameters are used to evaluate the off-mode energy consumption for any generalized climatic region or specific location.

The shoulder season average off-mode power *P1* (for air conditioners and heat pumps) would be multiplied by the appropriate shoulder season hours to obtain the energy consumed during the collective shoulder seasons. For air conditioners during the heating season, the average off-mode power *P2* would be multiplied by the applicable heating season hours to obtain the energy consumed. The calculation of an air conditioner's annual energy consumption and annual operating cost would include both the shoulder season energy consumption and the energy consumed during the heating season. For heat pumps, the energy consumption during the shoulder seasons would be included in the calculation of the annual energy consumption and annual operating cost.

As part of today's notice, DOE provides the actual hours associated with cooling, heating, and the collective shoulder seasons for six generalized climatic regions currently defined in the test procedure. DOE also includes actual hours that correspond to the 1,000 cooling load and the 2,080 heating load hours referenced in 10 CFR 430.23(m), "Test procedures for the measurement of energy and water consumption—central air conditioners and heat pumps," as the representative average use cycles. Additionally, DOE provides equations for calculating the actual hours for the cooling, heating, and collective shoulder seasons corresponding to any cooling and heating load hour combination.

As noted above, it is not technically feasible to use SEER and HSPF to account for the off-mode energy use. SEER and HSPF are the seasonal performance descriptors for the cooling and heating seasons, respectively. Moreover, such changes would have a deleterious impact on the manufacturer and confuse the consumer. Air conditioners and heat pumps would no longer be comparable and their energy efficiency values would only apply to similar climactic regions (*i.e.* one specific combination of cooling season hours, heating season hours, and shoulder season hours). If these energy efficiency values were integrated, SEER would be different in Maine than in Florida for similar air conditioner design. Therefore, additional precautions would be required to make sure the manufacturer only labels the units with a "locally integrated" SEER when selling a unit. This new complexity would require the consumer to have a technically pertinent knowledge to make an informed purchasing decision.

DOE seeks comments from interested parties about off-mode power consumption, its definition, and how DOE proposes to add it to the test procedure.

15. Add Parameters for Establishing Regional Standards

Implementation of regional standards for central air conditioners and heat pumps is allowed if justified. (42 U.S.C. 6295(o)(6)(D)(i)) Before DOE can establish regional standards it must fulfill two statutory requirements: (1) That the establishment of additional regional standards will produce significant energy savings in comparison to establishing only a single national standard; and (2) that the additional regional standards are economically justified. DOE has considered regional standards from two perspectives: (1) Using the existing SEER and/or HSPF rating but setting the regional standard higher than the national standard; and (2) evaluating the

regional SEER and/or HSPF using a different algorithm and establishing a standard based on this region-specific SEER and/or HSPF. As part of its standards rulemaking, DOE is considering the merits of both alternatives. Notably, DOE does not have authority to use a performance metric other than SEER and HSPF to quantify performance, either as part of a national rating or as part of a regional rating. EER and COP, for example, cannot be used.

To consider a standard based on a region-specific SEER and/or HSPF, DOE must implement changes to the test procedure. Proposed test procedure changes are itemized below. These proposed changes were formulated based on the framework specified in EISA 2007 and from the results of the preliminary analysis conducted as part of the standards rulemaking. For that framework, section 306 of EISA 2007 permits DOE to establish up to two regional standards for cooling products in addition to the national standard. (42 U.S.C. 6295(o)(6)(B)) Further, individual States shall be placed only into a single region. (42 U.S.C. 6295(o)(6)(C)(iii)) In response, DOE has tentatively decided to limit its consideration of regional standards to cooling-dominated contiguous States and, in addition, to focus only on a region-specific SEER, not HSPF. The natural division of the cooling-dominated region is an east-west partitioning where the eastern region generically qualifies as having a hot, humid climate, where the western region may be generically categorized as hot and dry.

SEER, which has and will continue to be used to establish the national standard, is evaluated based on indoor test conditions of 80 °F db/67 °F wb. These conditions would be suitable to evaluate performance when the equipment is applied in the proposed hot-humid region. As a result, test procedure changes are not necessary to complement a potential hot-humid regional standard. As currently planned, any hot-humid regional standard would be based on the current SEER algorithm. The final SEER assigned to the hot-humid regional standard, however, could be higher than the value assigned for the national standard.

As for the proposed hot-dry region, DOE identified States that could be included in this region. These States and the basis for their selection is described in the technical support document (TSD) prepared as part of the development of the residential central air conditioners and heat pumps standards. For this region, DOE is considering the option of establishing a regional SEER standard based on a region-specific SEER rating (*i.e.,* SEER or SEER Hot-Dry (SEER–HD)). The subsections that follow discuss test procedure elements that offer mechanisms for capturing equipment performance in a climate that differs from the average climate represented in the national SEER rating. Until DOE finalizes the list of States in the targeted region, some numbers and inputs are subject to change.

a. Use a Bin Method for Single-Speed SEER Calculations for the Hot-Dry Region and National Rating

The bin calculation structure currently used in the DOE test procedure for calculating the SEER of two-capacity and variable-speed systems accounts for the effects of outdoor db temperature (including a shift in the frequency of occurrence), the equipment sizing criteria, and an alternative building load profile. The bin calculation method allows a mechanism to evaluate the relative impact of installing an air conditioner or heat pump in different climates, including a hot climate.

The simple short-cut equation provided in the DOE test procedure for rating most single-speed systems typically yields a SEER value that is close to the SEER value obtained using the temperature bin method; *i.e.,* if the fractional bin hour distribution, the sizing criteria, and the building load line algorithm are the national average values. As deviations to this specific case are introduced, however, the bin calculated SEER will change accordingly while the short-cut SEER will remain unchanged and equal to the value that results from the calculations in 10 CFR part 430, subpart B, appendix M, section 4.1.1. Thus, the current short-cut SEER method cannot be used if any calculation parameter changes.

Three potentially differentiating parameters of the proposed hot-dry region are the addition of operating hours at bin temperatures above the current maximum of 102 °F, an appreciable redistribution in the percentage of hours occurring in each 5 °F outdoor temperature bin, and a different outdoor design temperature. To account for the dryness of the region, in addition, cooling capacity and electrical power can be based on performance achieved when operating with comparatively drier indoor conditions. Because of these projected departures, DOE proposes a bin calculation method for evaluating the region-specific SEER for all types of systems, including those units having a single-speed compressor.

The proposed SEER–HD temperature bin method will use a single set of new fractional bin hours representative of the applicable contiguous States. A revised outdoor design temperature would be used in defining the building load for each temperature bin. The zero-load balance point will remain at 65 °F, and the assumed oversizing would remain at 10 percent. The assumed linear relationship between outdoor db temperature and building load would also remain. The performance of the air conditioner or heat pump as a function of outdoor db temperature would be based on operating at indoor ambient conditions comparatively drier than those used for the national rating.

With the planned institution of a bin calculation method for all systems when determining the SEER–HD, DOE proposes to eliminate the use of the short-cut method for all single-speed systems when determining the national SEER, replacing it with the bin calculation algorithm on which the short-cut method is based. The benefits of this proposed transition include consistency between rating fixed speed and modulating systems, an increase in the potential impact of the *A* Test relative to the *B* Test, avoidance of potential confusion about the validity and basis of the short-cut method, elimination of concerns that the short-cut method often yields a slightly higher SEER than the bin method for current equipment, and consistency between the calculation of the national SEER and regional SEER–HD (10 CFR part 430, subpart B, appendix M, revised sections 4.1 and 4.1.1).

b. Add New Hot-Dry Region Bin Data

An important component for implementing a new SEER–HD rating is defining a representative set of outdoor temperature data for the cooling season. This data set is the fractional bin hours assigned to each 5 °F temperature bin. Using TMY2 weather data combined with the calculated building load for each temperature bin (based on using the ASHRAE 1 percent design dry-bulb temperature for specific location in place of the 95 °F used in the DOE test procedure), DOE generated cooling load profiles for cities within those States being considered as part of the hot-dry region. Using population-based weighting factors for each TMY location, DOE calculated a population-averaged annual cooling load profile and a corresponding fractional bin hour distribution.

Table III.2 lists the proposed cooling season fractional bin hour distribution for the hot-dry region under the column heading SEER–HD (for basis of this

table, see chapter 7 of the preliminary TSD of the central air conditioner standards rulemaking). For comparison, the current DOE test procedure cooling season fractional bin hour distribution is shown along with the cooling load profiles calculated from each bin hour distribution. To three decimal places, the cooling season fractional bin hours for the SEER–HD in the 110 to 114 °F temperature bin is shown as 0.000; however, the actual bin hour fraction, 0.0002, resulted in a 0.001 annual cooling load fraction as shown in the rightmost column. DOE requests comments on the chart below.

TABLE III.2—PROPOSED FOUR-STATE HOT-DRY REGION: ARIZONA, CALIFORNIA, NEW MEXICO, NEVADA

Temperature °*F*	Cooling season fractional bin hours		Resulting cooling load profile	
	DOE PT.430	SEER–HD	DOE PT.430	SEER–HD
65–69	0.214	0.477	0.036	0.115
70–74	0.231	0.208	0.137	0.175
75–79	0.216	0.119	0.220	0.172
80–84	0.161	0.086	0.232	0.176
85–89	0.104	0.047	0.194	0.124
90–94	0.052	0.027	0.119	0.088
95–99	0.018	0.021	0.049	0.082
100–104	0.004	0.011	0.013	0.050
105–109	0.000	0.004	0.000	0.018
110–114	0.000	0.000	0.000	0.001

c. Add Optional Testing at the *A* and *B* Test Conditions With the Unit in a Hot-Dry Region Setup

Bin calculations account for how the air conditioner or heat pump's total cooling capacity and electrical power consumption change with outdoor temperature (and, for modulating systems, with the compressor's capacity or speed). During the cooling season for the proposed hot-dry region, the air conditioner or heat pump will operate mostly when comparatively less latent cooling is needed. By comparison, the performance data from the currently required laboratory tests (Tests *A* and *B* for single-speed systems) correspond to indoor test conditions that result in a fully wetted coil and a significant amount of latent cooling (typically 20 to 30 percent of the total capacity). The electrical power consumption and EER of a system operating with a fully wetted coil also differ slightly from the values obtained from operating with a partially wetted or dry coil.

In addition to evaluating the SEER–HD using the same performance data used to calculate the national SEER, at least two other options are available: specify hot-dry, steady-state cooling mode tests (where indoor conditions are representative of such an installation), or test at the same indoor conditions currently specified for the dry-coil tests used to determine the cooling mode cyclic degradation coefficient(s).

To determine the potential impact that the indoor conditions (wb temperature) may have on the new SEER–HD rating, DOE conducted sample calculations for the bracketing cases. A unit with a tested national SEER of 13.6 would earn a SEER–HD of 13 using the 80 °F/67 °F data and a SEER–HD of 11 using the dry-coil data. The first drop reflects the effects of the fractional bin hour distribution and a different outdoor design temperature for the hot-dry region. The second drop captures the impact of using dry- instead of wet-coil data. The magnitude of the latter drop persuaded DOE to explore a different option. Acknowledging the greater test burden, DOE seeks to specify conditions more representative of a hot-dry region installation.

Lacking any contrary data or comments supporting an indoor db temperature for the hot-dry region tests greater than the 80 °F db temperature used for standard SEER tests, DOE proposes to use the 80 °F db temperature to minimize the increased test burden. For the companion wb test condition, DOE considered four values: 63 °F, 64 °F, 64.5 °F, and 65 °F. These candidate wb temperatures were selected based upon published reports of field data collected in California drier climate zones, a review of indoor test conditions selected for hot-dry testing by private and university researchers, and the practical aspect of differentiating from the current test condition of 67 °F wb temperature (Proctor Engineering Group, Ltd., "Hot Dry Climate Air Conditioner [HDAC] Proof of Concept [POC]—Final 3-Ton Laboratory Test Analysis Report," Draft Report, July 13, 2006 and Southern California Edison, Proctor Engineering Group Ltd., and Bevilacqua-Knight, Inc., "Energy Performance of Hot, Dry Optimized Air-Conditioning Systems," PIER Final Project Report, CEC–500–2008–056, July 2008). DOE today proposes to use an indoor wb temperature of 64 °F because it lies at the midpoint of the considered range.

The effect of outdoor temperature on cooling capacity and power consumption can be approximated by a linear fit when calculating the national SEER using a bin method. As such, DOE prefers testing at two different outdoor temperatures, with all other operating parameters constant. Ideally, the two temperatures should provide a range of application to maximize interpolation values and minimize extrapolation. The national SEER test pair of 82 °F and 95 °F approach the specified criterion for singlespeed units, for the high capacity of two-capacity units, and for the maximum speed of variable-speed systems. The test pair of 67 °F and 82 °F for the low capacity performance of two-capacity units and for the minimum speed performance of variable-speed systems provide the same utility.

Because of the availability of the national SEER wet-coil test data, the need to minimize the test burden, and the fact that the performance ratings only apply to the hot-dry regional climate, DOE seeks to minimize the number of new required tests. Therefore, DOE proposes a combination of required and optional tests. Instead of conducting optional tests, DOE proposes using simplified approximating equations to capture the change in performance as the outdoor temperature changes.

As proposed, single-speed systems will have a single required SEER–HD test, which will occur at an outdoor temperature of 95 °F and be designated "the *AD* Test." Systems having a modulating capability will have two

required tests: one (AD_2) occurring at a 95 °F outdoor temperature with the unit operating at high capacity or maximum speed, and the other (BD_1) occurring at a 82 °F outdoor temperature with the unit operating at low capacity or minimum compressor speed. Before conducting the first SEER–HD tests, the system shall be (re)configured, as applicable, in accordance with any published instructions from the manufacturer that pertain to installations in a hot-dry region.

As proposed, single-speed systems will have a single optional SEER–HD test (*BD*) that would occur at an outdoor temperature of 82 °F. Systems with a modulating capability would have two optional tests: one (BD_2) occurring at a 82 °F outdoor temperature with the unit operating at high capacity or maximum compressor speed, and the other (FD_1) occurring at a 67 °F outdoor temperature with the unit operating at low capacity or minimum compressor speed. These optional tests provide the additional data necessary to determine how the cooling capacity and power consumption change with outdoor temperature.

Instead of conducting the optional test(s), manufacturers can use the capacity and power data collected from the national SEER cooling mode tests conducted using 80 °F db/67 °F wb as the indoor entering air conditions to approximate how the hot-dry region capacity and power consumption change with outdoor temperature for a given compressor capacity. Specifically, the slope of the capacity (or power consumption) versus outdoor temperature relationship for the comparable 80 °F db/67 °F wb tests will be scaled by multiplying the ratio of the capacity (or power consumption) determined from the SEER–HD test by the capacity (power consumption) determined from the national SEER test conducted at the same outdoor temperature. Using a single-speed system as an example, the slope based on the *A* and *B* Tests is multiplied by the ratio of the *AD* Test capacity (or power consumption) to the *A* Test capacity (or power consumption).

For approximating the capacity and power consumption dependency with outdoor temperature, DOE proposes global adjustment factors to assist in obtaining a conservative SEER–HD. Applying the approximated slope, estimated capacities for temperatures above the single-test temperature point will be over-predicted, while capacities for temperatures below will be under-predicted. Given the proposed required tests for the hot-dry region, the calculated weighted energy consumption for temperature bins below the required test temperature (*e.g.,* 95 °F) should be higher than the bin-weighted total energy consumed for temperature bins above the test temperature. Conversely, the total bin-weighted cooling delivered for temperature bins less than the test temperature should exceed the cooling contribution from temperature bins above the test temperature. As a result, a conservative rating would be achieved if the capacity at the lower temperatures is under-predicted and the power consumption at these temperatures is over-predicted. To determine the under-prediction of capacity, the magnitude of the negative slope for the approximated capacity versus temperature relationship should be reduced slightly. DOE proposes a capacity slope adjustment factor of 0.95. Similarly, the magnitude of the positive slope for the approximated power consumption versus temperature relationship should be reduced slightly. DOE proposes a power consumption slope adjustment factor of 0.95. These adjustment factors are assigned based on the goal of safeguarding against the default equations yielding a higher SEER–HD than the tested values. DOE specifically requests data showing whether the magnitudes of these adjustment factors should be changed.

Collectively, the approximation approach that includes the proposed adjustment factors should yield a SEER–HD equal to or slightly less than the SEER–HD determined from the optional test(s). DOE wants the approximation to provide a conservative rating, which will avoid over-predicting the actual value. When the optional testing is conducted but yields a poorer outcome, a manufacturer shall not be penalized for having conducted the optional SEER tests. If the SEER–HD determined using the approximations defined above is higher than the SEER–HD determined using the data from the optional test(s), the manufacturer may use the higher value. (10 CFR part 430, subpart B, appendix M, revised sections 3.6.2, 3.6.3, and 3.6.4)

DOE considered additional options for modifying the laboratory testing to differentiate equipment installed in a hot-dry region. For example, DOE considered setting higher minimum external static pressure requirements for the required and optional SEER–HD laboratory tests, as some interested parties have advocated increasing the current minimums. DOE elected not to change these minimums as part of the SEER–HD tests to maximize consistency between the SEER–HD and national SEER tests. This consistency is necessary given the above-described method for approximating the relationship between cooling capacity (power consumption) and outdoor temperature for the hot-dry condition. DOE also considered ways to account for an extended indoor fan time delay mode designed to re-evaporate condensate trapped on the coil or lying in the pan. Because the current C_D tests are dry-coil tests, DOE was unable to conceive of a change that would permit measurement of such an evaporative cooling (latent recovery) mechanism if employed in the field.

d. Add a New Equation for Building Load Line in the Hot-Dry Region

As part of the evaluation of the newly proposed region-specific performance rating, SEER–HD, DOE must establish a building load line for the SEER–HD (just as used for evaluating the national SEER):

$$BL\left(T_j\right) = \frac{\left(T_j - T_{ZB}\right)}{\left(T_{OD} - T_{ZB}\right)} \times \frac{\dot{Q}^k_{c,HD}\left(T_{OD}\right)}{F_{OS}}$$

Where:

T_j = the bin temperature,

T_{ZB} = the zero load balance point,

T_{OD} = the outdoor design temperature,

$\dot{Q}^k_{c,HD}$ (T_{OD}) = the unit's capacity at the design outdoor temperature, and

F_{OS} = the oversizing factor.

As with the calculation of the national SEER, the building load is assumed to vary linearly with outdoor temperature. Other parameters common to the two building load calculations are the zero load balance point, the outdoor design temperature, and the oversizing factor: 65 °F, 95 °F and 10 percent (*i.e.,* F_{OS} = 1.1), respectively. As for the 95 °F outdoor design temperature, DOE arrived at it by calculating the population-weighted average of the ASHRAE Handbook 1 percent design dry-bulb temperature for multiple cities located within the proposed hot-dry region. DOE recognizes that across the hot-dry region there are significant differences in cooling design conditions by location but has proposed 95 °F for establishing the load line.

DOE requests comments from interested parties on the introduction of regional standards, the use of the bin method for determining regional and national SEER, the proposed hot-dry regional bin data, and the addition of required and optional testing in a hot-dry region setup.

16. Add References to ASHRAE 116–1995 (RA 2005) for Equations That Calculate SEER and HSPF for Variable-Speed Systems

DOE proposes to reference specific language and equations within ASHRAE Standard 116–1995 (RA 2005) that provide greater detail in determining the three balance point temperatures needed when calculating the SEER of an air conditioner or heat pump having a variable-speed compressor. DOE proposes to do the same for the HSPF variable-speed algorithm.

The DOE test procedure does not include the equations used for calculating the outdoor temperatures at which the unit's cooling or heating capacity matches the building's cooling or heating load when operating at minimum, intermediate, or maximum compressor speeds. (Intermediate speed is used for laboratory testing.) The DOE test procedure defines these three outdoor temperatures and how they are evaluated. ASHRAE Standard 116–1995 (RA 2005) provides explicit equations for calculating the three outdoor temperatures for cooling and the three outdoor temperatures for heating. Referencing this standard within the DOE test procedure is worthwhile, as it may be especially helpful for those new to either test procedures or testing and rating variable-speed products.

DOE proposes adding a sentence within test procedure sections 4.1.4.2 and 4.2.4.2 to reference the applicable sections of the ASHRAE Standard that provide the exact equations, along with explanatory text and figures.

DOE seeks comments on this proposal.

17. Update Test Procedure References to the Current Standards of AHRI and ASHRAE

Since the October 2007 final rule, ARI has merged with the Gas Appliance Manufacturers Association to become AHRI. References to ARI within Appendix M need to be updated accordingly, as documented below.

IV. Regulatory Review

A. Review Under Executive Order 12866

Today's regulatory action is not a "significant regulatory action" under Executive Order (E.O.) 12866, "Regulatory Planning and Review." 58 FR 51735 (October 4, 1993). Accordingly, this action was not subject to review by the Office of Management and Budget under the Executive Order.

B. Review Under the National Environmental Policy Act of 1969

In this proposed rule, DOE proposes amendments to test procedures that may be used to implement future energy conservation standards for central air conditioners. These amendments will not affect the quality or distribution of energy usage and, therefore, will not result in any environmental impacts. DOE has determined that this rule falls into a class of actions that are categorically excluded from review under the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*) and the Department's implementing regulations at 10 CFR part 1021. More specifically, this rule is covered by the Categorical Exclusion in paragraph A5, to subpart D, 10 CFR part 1021. Accordingly, neither an environmental assessment nor an environmental impact statement is required.

C. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis (IRFA) for any rule that by law must be proposed for public comment, unless the agency certifies that the rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by E.O. 13272, "Proper Consideration of Small Entities in Agency Rulemaking" (67 FR 53461 (August 16, 2002)), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's Web site (*http://www.gc.doe.gov*).

DOE reviewed today's proposed rule, which would amend the test procedures for residential central air conditioners and heat pumps, under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003. DOE tentatively concludes and certifies that the proposed rule, if adopted, would not result in a significant impact on a substantial number of small entities. The factual basis for this certification is set forth below.

As defined by the Small Business Administration (SBA) for the Air-Conditioning and Warm Air Heating Equipment manufacturing industry, small businesses are manufacturing enterprises with 750 employees or fewer. DOE used the small business size standards published on January 31, 1996, as amended, by the SBA to determine whether any small entities would be required to comply with the rule. 61 FR 3286, January 31, 1996, as amended at 67 FR 3045, January 23, 2002 and at 69 FR 29203, May 21, 2004; see also 65 FR 30836, 30850 (May 15, 2000), as amended at 65 FR 53533, 53545 (September 5, 2000). The size standards are codified at 13 CFR part 121. The standards are listed by North American Industry Classification System (NAICS) code and industry description and are available at *http://www.sba.gov/idc/groups/public/documents/sba_homepage/serv_sstd_tablepdf.pdf*.

Residential central air conditioner and heat pump equipment manufacturing is classified under NAICS 333415, "Air-Conditioning and Warm Air Heating Equipment and Commercial and Industrial Refrigeration Equipment Manufacturing." 70 FR 12395 (March 11, 2005). DOE reviewed AHRI's listing of residential central air conditioner and heat pump equipment manufacturer members and surveyed the industry to develop a list of domestic manufacturers. As a result of this review, DOE identified 22 manufacturers of residential central air conditioners and heat pumps, of which 15 would be considered small manufacturers with a total of approximately 3 percent of the market sales. DOE seeks comment on its estimate of the number of small entities that may be impacted by the proposed test procedure.

Potential impacts of the proposed test procedures on all manufacturers, including small businesses, come from impacts associated with the cost of proposed additional testing. DOE estimates the incremental cost of the proposed additional tests described in 10 CFR part 430, subpart B, appendix M (revised sections 3.1, 4.3.1, and 4.3.2; and proposed sections 3.13 and 4.2.7) to be an increase of $1,000 to $1,500 per unit tested. This estimate is based on private testing services quoted on behalf of DOE in the last two years for central air conditioners and heat pumps. Typical costs for running the cooling tests appear to be approximately $5,000. DOE estimated that the additional activities required by the revised test procedure would introduce a 20 to 30 percent increase in testing time resulting in approximately $1,000 to $1,500 additional cost. The largest additional cost would be associated with conducting steady-state cooling mode tests and the dry climate tests (for SEER–HD).

Because the incremental cost of running the extra tests is the same for all manufacturers, DOE believes that all manufacturers would incur comparable costs for testing of individual basic models as a result of the proposed test procedures. DOE expects that small manufacturers will incur less testing expense compared with larger manufacturers as a result of the proposed testing requirements because they have fewer basic models and thus require proportionally less testing when compared with large manufacturers that have many basic models. DOE recognizes, however, that smaller manufacturers may have less capital available over which to spread the increased costs of testing.

DOE compared the cost of the testing to the total value added by the manufacturers to determine whether the impact of the proposed test procedure amendments is significant. The value added represents the net economic value that a business creates when it takes manufacturing inputs (*e.g.* materials) and turns them into manufacturing outputs (*e.g.* manufactured goods). Specifically as defined by the U.S. Census, the value added statistic is calculated as the total value of shipments (products manufactured plus receipts for services rendered) minus the cost of materials, supplies, containers, fuel, purchased electricity, and contract work expenses.

DOE analyzed the impact on the smallest manufacturers of central air conditioners and heat pumps because these manufacturers would likely be the most vulnerable to cost increases. DOE calculated the additional testing expense as a percentage of the average value added statistic for the five individual firms in the 25 to 49 employee size category in NAICS 333415 as reported by the U.S. Census (U.S. Bureau of the Census, American Factfinder, 2002 Economic Census, Manufacturing, Industry Series, Industry Statistics by Employment Size) *http://factfinder.census.gov/servlet/EconSectorServlet?_lang=en&ds_name=EC0200A1&_SectorId=31&_ts=288639767147*>). The average annual value for manufacturers in this size range from the census data was 1.26 million dollars in 2001$, per the 2002 Economic Census, or approximately 1.52 million dollars per year in 2009$ after adjusting for inflation using the implicit price deflator for gross domestic product (U.S. Department of Commerce Bureau of Economic Analysis *http://www.bea.gov/national/nipaweb/SelectTable.asp*).

DOE also examined the average value added statistic provided by census for all manufacturers with less than 500 employees in this NAICS classification as the most representative value from the 2002 Economic Census data of the CAC manufacturers with less than 750 employees that are considered small businesses by the SBA (15 manufacturers). The average annual value added statistic for all small manufacturers with less than 500 employees was 7.88 million dollars (2009$).

Given this data, and assuming the high-end estimate of $1,500 for the additional testing costs, DOE concluded that the additional costs for testing of a single basic model product under the proposed requirements would be approximately 0.1% of annual value added for the five smallest firms, and approximately 0.02% of the average annual value added for all small CAC manufacturers (15 firms). DOE estimates that testing of basic models may not have to be updated more than once every five years, and therefore the average incremental burden of testing one basic model may be one fifth of these values when the cost is spread over several years.

DOE requires that only the highest sales volume split system combinations be lab tested (10 CFR 430.24(m)). The majority of air conditioners and heat pumps offered by a manufacturer are typically split systems that are not required to be lab tested but can be certified using an alternative rating method which does not require DOE testing of these units. DOE reviewed the available data for five of the smallest manufacturers to estimate the incremental testing cost burden for those small firms that might experience the greatest relative burden from the revised test procedures. These manufacturers had an average of 10 models requiring testing (AHRI Directory of Certified Product Performance *http://www.ahridirectory.org/ahridirectory/pages/home.aspx*), while large manufacturers will have well over a hundred such models. The additional testing cost for final certification for 10 models was estimated at $15,000. Meanwhile these certifications would be expected to last the product life, estimated to be at least five years based on the time frame established in EPCA for DOE review of CAC efficiency standards. This test burden is therefore estimated to be approximately 0.2% of the estimated five-year value added for the smallest five manufacturers. DOE believes that these costs are not significant given other, much more significant costs that the small manufacturers of central air conditioners and heat pumps incur in the course of doing business. DOE seeks comment on its estimate of the impact of the proposed test procedure amendments on small entities and its conclusion that this impact is not significant.

Accordingly, as stated above, DOE tentatively concludes and certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities. Accordingly, DOE has not prepared an IRFA for this rulemaking. DOE will provide its certification and supporting statement of factual basis to the Chief Counsel for Advocacy of the SBA for review under 5 U.S.C. 605(b).

D. Review Under the Paperwork Reduction Act

This rule contains a collection-of-information requirement subject to the Paperwork Reduction Act (PRA) and which has been approved by OMB under control number 1910–1400. Public reporting burden for the collection of test information and maintenance of records on regulated residential central air conditioners and heat pumps based on the certification and reporting requirements is estimated to average 30 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate, or any other aspect of this data collection, including suggestions for reducing the burden, to DOE (see **ADDRESSES**) and by e-mail to *Christine_Kymn@omb.eop.gov*.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB control number.

E. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA; Pub. L. 104–4, codified at 2 U.S.C. 1501 *et seq.*) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. For proposed regulatory actions likely to result in a rule that may cause expenditures by State, local, and Tribal governments in the aggregate or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency

to publish estimates of the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a), (b)) The UMRA also requires a Federal agency to develop an effective process to permit timely input by elected officers of State, local, and Tribal governments on a proposed "significant intergovernmental mandate" and requires an agency plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820. (This policy is also available at *http://www.gc.doe.gov.*) Today's proposed rule contains neither an intergovernmental mandate, nor a mandate that may result in the expenditure of $100 million or more in any year, so these requirements do not apply.

F. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any proposed rule that may affect family well-being. Today's proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is unnecessary to prepare a Family Policymaking Assessment.

G. Review Under Executive Order 13132

Executive Order 13132, "Federalism," 64 FR 43255 (August 10, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have Federalism implications. The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to assess carefully the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations. 65 FR 13735. DOE examined today's proposed rule and has determined that it does not preempt State law and does 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. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of today's proposed rule. States can petition DOE for a waiver of such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297) No further action is required by E.O. 13132.

H. Review Under Executive Order 12988

With respect to the review of existing regulations and the promulgation of new regulations, section 3(a) of E.O. 12988, "Civil Justice Reform" (61 FR 4729, February 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) Eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Section 3(b) of E.O. 12988 specifically requires that Executive agencies make every reasonable effort so that the regulation: (1) Clearly specifies the preemptive effect, if any; (2) clearly specifies any effect on existing Federal law or regulation; (3) provides a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) specifies the retroactive effect, if any; (5) adequately defines key terms; and (6) addresses other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of E.O. 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or it is unreasonable to meet one or more of them. DOE has completed the required review and determined that to the extent permitted by law, the proposed rule meets the relevant standards of E.O. 12988.

I. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under information quality guidelines established by each agency pursuant to general OMB guidelines. The OMB's guidelines were published at 67 FR 8452 (February 22, 2002), and DOE's guidelines were published at 67 FR 62446 (October 7, 2002). DOE has reviewed today's proposed rule under the OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

J. Review Under Executive Order 13211

Executive Order 13211, "Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use," 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, a Statement of Energy Effects for any proposed significant energy action. A "significant energy action" is defined as any action by an agency that promulgated or is expected to lead to promulgation of a final rule, and that (1) is a significant regulatory action under E.O. 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposal be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use. Today's regulatory action would not have a significant adverse effect on the supply, distribution, or use of energy and, therefore, it is not a significant energy action. Accordingly, DOE has not prepared a Statement of Energy Effects.

K. Review Under Executive Order 12630

DOE has determined, under E.O. 12630, "Governmental Actions and Interference with Constitutionally Protected Property Rights," 53 FR 8859 (March 15, 1988), that this proposed regulation, if promulgated as a final rule, would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

L. Review Under Section 32 of the Federal Energy Administration (FEA) Act of 1974

Under section 301 of the Department of Energy Organization Act (Pub. L. 95–91), DOE must comply with section 32 of the Federal Energy Administration Act of 1974, as amended by the Federal Energy Administration Authorization Act of 1977. When a proposed rule

contains or involves use of commercial standards, the rulemaking must inform the public of the use and background of such standards. 15 U.S.C. 788 Section 32.

The proposed rule incorporates testing methods contained in the following commercial standards: (1) ASHRAE Standard 23–2005, "Methods of Testing for Rating Positive Displacement Refrigerant Compressors and Condensing Units;" (2) ASHRAE Standard 37–2005, "Methods of Testing for Rating Electrically Driven Unitary Air-Conditioning and Heat Pump Equipment," sections 7.3.3.1, 7.3.3.3, 7.3.4.1, 7.3.4.3, 7.4, 8.2, 8.2.5, and Table 3; (3) ASHRAE Standard 41.1–1986 (RA 2006), "Standard Method for Temperature Measurement," sections 4, 5, 6, 9, 10, and 11; (4) ASHRAE 41.6–1994 (RA 2006), "Standard Method for Measurement of Moist Air Properties," sections 5 and 8; (5) ASHRAE 41.9–2000 (RA 2006), "Calorimeter Test Methods for Mass Flow Measurements of Volatile Refrigerants;" (6) ASHRAE Standard 116–1995 (RA 2005), "Methods of Testing for Rating Seasonal Efficiency of Unitary Air Conditioners and Heat Pumps," section 10.2.4; (7) ANSI/AMCA 210–07 (ANSI/ASHRAE 51–07), "Laboratory Methods of Testing Fans for Certified Aerodynamic Performance Rating," Figures 2A and 12; and (8) AHRI Standard 210/240–2008 "Standard for Performance Rating of Unitary Air-Conditioning & Air-Source Heat Pump Equipment," sections 6.1.3.2, 6.1.3.4, and 6.1.3.5 and Figures D1, D2, and D4. DOE has evaluated these standards and is unable to conclude whether they fully comply with the requirements of section 323(b) of the Federal Energy Administration Act (*i.e.,* whether they were developed in a manner that fully provides for public participation, comment, and review).

As required by section 32(c) of the Federal Energy Administration Act of 1974 as amended, DOE will consult with the Attorney General and the Chairman of the FTC before prescribing a final rule about the impact on competition of using the methods contained in these standards.

V. Public Participation

A. Attendance at Public Meeting

The time and date of the public meeting are listed in the **DATES** section at the beginning of this NOPR. The public meeting will be held at the U.S. Department of Energy, Forrestal Building, Room 1E–245. To attend the public meeting, please notify Ms. Brenda Edwards at (202) 586–2945. Foreign nationals visiting DOE Headquarters are subject to advance security screening procedures requiring a 30-day advance notice. Any foreign national wishing to participate in the meeting should advise DOE of this fact as soon as possible by contacting Ms. Brenda Edwards to initiate the necessary procedures.

B. Procedure for Submitting Requests To Speak

Any person who has an interest in today's notice or who is a representative of a group or class of persons that has an interest in these issues may request an opportunity to make an oral presentation. Such persons may hand-deliver requests to speak, along with a computer diskette or CD in WordPerfect, Microsoft Word, PDF, or text (ASCII) file format to the address shown in the **ADDRESSES** section at the beginning of this NOPR between 9 a.m. and 4 p.m. Monday through Friday, except Federal holidays. Requests may also be sent by mail or e-mail to *Brenda.Edwards@ee.doe.gov.*

Persons requesting to speak should briefly describe the nature of their interest in this rulemaking, provide a telephone number for contact, and submit an advance copy of their statements at least one week before the public meeting. At its discretion, DOE may permit any person who cannot supply an advance copy of their statement to participate, if that person has made advance alternative arrangements with the Building Technologies Program. The request to give an oral presentation should ask for such alternative arrangements.

C. Conduct of Public Meeting

DOE will designate a DOE official to preside at the public meeting and may also employ a professional facilitator to aid discussion. The meeting will not be a judicial or evidentiary-type public hearing, but DOE will conduct it in accordance with section 336 of EPCA (42 U.S.C. 6306). A court reporter will record the proceedings and prepare a transcript. DOE reserves the right to schedule the order of presentations and to establish the procedures governing the conduct of the public meeting. After the public meeting, interested parties may submit further comments on the proceedings as well as on any aspect of the rulemaking until the end of the comment period.

The public meeting will be conducted in an informal conference style. DOE will present summaries of comments received before the public meeting, allow time for presentations by participants, and encourage all interested parties to share their views on issues affecting this rulemaking. Each participant will be allowed to make a prepared general statement (within DOE-determined time limits) prior to the discussion of specific topics. DOE will permit other participants to comment briefly on any general statements.

At the end of all prepared statements on a topic, DOE will permit participants to clarify their statements briefly and comment on statements made by others. Participants should be prepared to answer questions from DOE and other participants concerning these issues. DOE representatives may also ask questions of participants concerning other matters relevant to this rulemaking. The official conducting the public meeting will accept additional comments or questions from those attending, as time permits. The presiding official will announce any further procedural rules or modification of the above procedures that may be needed for the proper conduct of the public meeting.

DOE will make the entire record of this proposed rulemaking, including the transcript from the public meeting, available for inspection at the U.S. Department of Energy, 6th Floor, 950 L'Enfant Plaza, SW., Washington, DC 20024, (202) 586–2945, between 9 a.m. and 4 p.m. Monday through Friday, except Federal holidays. Any person may purchase a copy of the transcript from the transcribing reporter.

D. Submission of Comments

DOE will accept comments, data, and other information regarding the proposed rule before or after the public meeting, but no later than the date provided at the beginning of this NOPR. Please submit comments, data, and other information electronically to *RCAC–HP–2009–TP–0004@ee.doe.gov.* Submit electronic comments in WordPerfect, Microsoft Word, PDF, or text (ASCII) file format and avoid the use of special characters or any form of encryption. Comments in electronic format should be identified by the docket number EERE–2009–BT–TP–0004 and/or RIN number 1904–AB94 and wherever possible carry the electronic signature of the author. No telefacsimiles (faxes) will be accepted.

According to 10 CFR 1004.11, any person submitting information that he or she believes to be confidential and exempt by law from public disclosure should submit two copies: one copy of the document including all the information believed to be confidential and one copy of the document with the information believed to be confidential deleted. DOE will make its own

determination as to the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat submitted information as confidential include (1) a description of the items; (2) whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) a date upon which such information might lose its confidential nature due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest.

E. Issues on Which DOE Seeks Comment

Although comments are welcome on all aspects of this rulemaking, DOE is particularly interested in receiving comments on following issues:

1. Specific examples, including laboratory data, that address a stakeholder's comment on the failure of the test procedure to capture the performance characteristics of an air conditioner or heat pump that uses "new inverter-driven compressor technology."

2. Do the proposed definitions for off mode air conditioners and off mode heat pumps clarify the meaning of off mode power?

3. What is the impact of proposed lower external static pressure levels and the proposed language for making sure that these levels are limited to testing ducted multi-split systems?

4. What is the impact of the change to the air volume rate setup tolerance? Information on real cases where the indoor unit was adversely affected by the current 5 percent tolerance would be especially helpful.

5. What is the proposed magnitude of the test operating tolerance for the external static pressure relative to its ability to provide an indication of steady, repeatable performance?

6. Do manufacturers foresee obtaining a SEER–HD rating for all of their products? If not, what is an approximate percentage of systems that will likely have a SEER–HD rating?

7. Do manufacturers foresee specifying installation instructions that would result in systems being configured differently for the hot-dry tests than for the normal SEER tests? If so, please provide examples of the likely differences in the setups.

8. Will the proposed hot-dry indoor test condition of 80 °F db/64 °F wb create less stable or less repeatable testing because the indoor coil will likely be only partially wetted? DOE is particularly interested in receiving laboratory data that quantify the relative differences in performance from testing conducted at 80 °F db/64 °F wb versus 80 °F db/67 °F wb.

9. Is it necessary for DOE to develop and incorporate a regional hot-dry SEER rating within the test procedure?

10. Are the proposed changes to cover systems similar to Hallowell cold-climate heat pumps adequate to address testing concerns for these products?

11. Are modifications needed, within the test procedure, for the laboratory set-up of through-the-wall air conditioners and heat pumps?

VI. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of today's NOPR.

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Energy conservation test procedures, Household appliances, Incorporation by reference.

Issued in Washington, DC on February 12, 2010.

Cathy Zoi,

Assistant Secretary, Energy Efficiency and Renewable Energy.

For the reasons set forth in the preamble, DOE proposes to amend part 430 of chapter II of Title 10, Code of Federal Regulations, to read as follows:

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

1. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

2. Section 430.2 is amended by revising the definition of "tested combination" to read as follows:

§ 430.2 Definitions.

* * * * *

Tested combination means a multi-split system with multiple indoor coils having the following features:

(1) The basic model of a system used as a tested combination shall consist of one outdoor unit with one or more compressors matched with between two and five indoor units; for the multi-split system, each indoor unit shall be designed for individual operation.

(2) The indoor units shall:

(i) Collectively, have a nominal cooling capacity greater than or equal to 95 percent and less than or equal to 105 percent of the nominal cooling capacity of the outdoor unit;

(ii) Represent the highest sales volume model family [**Note:** another indoor model family may be used if five indoor units from the highest sales volume model family do not provide sufficient capacity to meet the 95 percent threshold level specified in paragraph (2)(i) of this section];

(iii) Individually not have a nominal cooling capacity greater than 50 percent of the nominal cooling capacity of the outdoor unit, unless the nominal cooling capacity of the outdoor unit is 24,000 Btu/h or less;

(iv) Operate at fan speeds consistent with manufacturer's specifications; and

(v) All be subject to the same minimum external static pressure requirement (*i.e.,* 0 in wc for non-ducted; see entries in the column labeled "Short Duct Systems" of Table 2 in Appendix M to subpart B of this part for ducted indoor units) while able to produce the same static pressure at the exit of each outlet plenum when connected in a manifold configuration as per section 2.4.1 of Appendix M.

* * * * *

3. Section 430.3 is amended:

a. By removing, in paragraph (b)(1), "210/240–2006" and adding in its place "210/240–2008."

b. By removing, in paragraph (e)(3), "(Reaffirmed 2001)" and adding in its place "(Reaffirmed 2006)."

c. By revising paragraph (e)(7).

The revisions read as follows:

§ 430.3 Materials incorporated by reference.

* * * * *

(e) * * *

(7) ANSI/AMCA 210–07 (ANSI/ASHRAE 51–07), Laboratory Methods of Testing Fans for Certified Aerodynamic Performance Rating approved August 17, 2007, IBR approved for Appendix M to Subpart B.

* * * * *

Appendix M [Amended]

4. Appendix M to subpart B of part 430:

(a) In section 1, Definitions by:

1. Removing, in section 1.2, "ARI means Air-Conditioning and Refrigeration Institute" and adding in its place "AHRI means Air-Conditioning, Heating and Refrigeration Institute."

2. Removing, in section 1.3, "ARI" and adding in its place "AHRI" in two locations.

3. Removing, in section 1.7, "RA 01" and adding in its place "RA 06;" and removing "2001" and adding in its place "2006."

4. Removing, in section 1.9, "RA 01" and adding in its place "RA 06;" and by removing "2001" and adding in its place "2006."

5. Adding, in section 1.10, "(RA 06)" after "41.6–00" and adding "and reaffirmed in 2006" after "2000."

6. Removing, in section 1.11, "51–99" and adding in its place "51–07;" and by removing "1999" and adding in its place "2007" in two locations.

7. Redesignating sections 1.32 through 1.33 as 1.33 through 1.34 respectively; 1.34 through 1.43 as 1.36 through 1.45 respectively; and 1.44 through 1.47 as 1.48 through 1.51 respectively.

8. Adding new sections 1.32, 1.35, 1.46, and 1.47.

(b) In section 2, Testing Conditions, by:

1. Removing, in section 2.1, "430.22" and adding in its place "430.3."

2. Revising, in section 2.2 paragraph a., and adding new paragraphs d, e, and f.

3. Revising section 2.2.1.

4. Revising section 2.2.3, and adding new sections 2.2.3.1 and 2.2.3.2.

5. Revising section 2.2.5 and section 2.4.1 paragraph b., first sentence.

6. Removing, in section 2.4.1d, "430.22" and adding in its place "430.3" in two locations.

7. Removing, in section 2.4.2, "430.22" and adding in its place "430.3" in two locations.

8. Removing, in section 2.5, "430.22" and adding in its place "430.3."

9. Removing, in section 2.5.3, "430.22" and adding in its place "430.3" in two locations. and in the second sentence by removing "–99" and adding in its place "–07" in two locations.

10. Removing, in section 2.5.4.2, "430.22" and adding in its place "430.3" in two locations and in the last sentence by removing "RA 01" and adding in its place "RA 06."

11. Revising section 2.5.5a.

12. Removing, in section 2.5.6, third, fourth, and fifth sentences "RA 01" and adding in its place "RA 06," and by removing "430.22" and adding "430.3" in its place in the three locations.

13. Removing, in section 2.6, paragraph a, "–99" and adding in its place "–07" in two locations; and by removing "430.22" and adding in its place "430.3" in three locations.

14. Removing, in section 2.6, paragraph b. "ARI Standard" and adding in its place "AHRI Standard" in one location; and by removing "430.22" and adding in its place "430.3" in three locations.

15. Removing, in section 2.7, "ARI Standard" and adding in its place "AHRI Standard," and by removing "430.22" and adding in its place "430.3."

16. Removing, in section 2.10.2, "430.22" and adding in its place "430.3" in two locations.

17. Removing, in section 2.10.3, "430.22" and adding in its place "430.3" in two locations.

18. Removing, in section 2.11, paragraph a. "430.22" and adding in its place "430.3."

19. Removing, in section 2.11, paragraph b. "RA 01" and adding in its place "RA 06," and by removing "430.22" and adding in its place "430.3."

20. Removing, in section 2.11, paragraph c. "RA 01" and adding in its place "RA 06," and by removing "430.22" and adding in its place "430.3."

21. Removing, in section 2.13, "430.22" and adding in its place "430.3."

(c) In section 3, Testing Procedures, by:

1. Adding three new sentences at the end of section 3.1.

2. Removing, in section 3.1.1, "430.22" and adding in its place "430.3."

3. Removing, in section 3.1.3, "ARI Standard" and adding in its place "AHRI Standard," and by removing "430.22" and adding in its place "430.3."

4. Removing "95" and adding in its place "90" in section 3.1.4.1.1, paragraph a.4b.

5. Revising the first sentence of paragraph a.6 in section 3.1.4.1.1.

6. Revising Table 2 in section 3.1.4.1.1.

7. Adding new paragraphs d. and e. in section 3.1.4.1.1.

8. Adding a new paragraph e. in section 3.1.4.2 .

9. Revising in section 3.1.4.4.2 paragraph c. and adding new paragraphs d. and e.

10. Removing, in section 3.1.4.4.3, paragraph 4b, "95" and adding in its place "90" and revising the first sentence of paragraph a.6.

11. Adding, in section 3.1.4.5, a new paragraph f.

12. Removing, in section 3.1.5, "430.22" and adding in its place "430.3."

13. Removing, in section 3.1.6, "430.22" and adding in its place "430.3."

14. Adding, in section 3.2.1 following Table 3 footnotes, undesignated text, a new Table 3a and additional undesignated text. .

15. Revising sections 3.2.2, 3.2.2.1, and 3.2.2.2.

16. Revising section 3.2.3 introductory sentence and paragraph c., and adding a new paragraph e.

17. Adding a new paragraph d. in section 3.2.4, and adding new sections 3.2.5 and 3.2.6.

18. Revising section 3.3, paragraphs b. and c., and redesignating the second paragraph d. as paragraph e.

19. Removing "0.05" in section 3.3 Table 7 column "Test Operating Tolerance," and adding in its place "0.12."

20. Removing "2.0" in section 3.3 Table 7 row "Nozzle pressure drop, % of rdg", and adding in its place "8.0."

21. Removing "See Definition 1.41" in section 3.3 Table 7 footnote (1), and adding in its place "See Definition 1.43."

22. Removing "See Definition 1.40" in section 3.3 Table 7 footnote (2), and adding in its place "See Definition 1.42."

23. Redesignating paragraph b. as c. in section 3.4, and adding a new paragraph b.

24. Removing "0.05" in section 3.3 Table 8 column "Test Operating Tolerance," and adding in its place "0.12."

25. Removing "2.0" in section 3.3 Table 8 row "Airflow nozzle pressure difference or velocity pressure[3], % of reading", and adding in its place "8.0."

26. Removing "See Definition 1.41" in section 3.3 Table 8 footnote (1), and adding in its place "See Definition 1.43."

27. Removing "See Definition 1.40" in section 3.3 Table 8 footnote (2), and adding in its place "See Definition 1.42."

28. Revising, in section 3.5, the text following equation (3.5–1) in paragraph i.

29. Revising, in section 3.6.2, the first sentence of the first paragraph, Table 10 heading, and adding text following Table 10 footnotes.

30. Adding in section 3.6.3 paragraph a., 2 sentences at the end of the paragraph.

31. Removing, in section 3.6.4, paragraph a last sentence and two unnumbered equations, revising paragraphs b and c, and adding new paragraph d.

32. Adding new sections 3.6.6 and 3.6.7.

33. Revising, in section 3.7, paragraph a., the first sentence of paragraphs b. and d., and adding a new paragraph e.

34. Revising the introductory sentence in section 3.8 and paragraph a.

35. Removing, in section 3.8.1, "430.22" and adding in its place "430.3", and revising Table 14.

36. Adding "$H2_3$" between "$H2$" and "$H2_2$." in section 3.9 introductory sentence, revising the last sentence of paragraph e, and by removing "430.22" and adding in its place "430.3" in paragraph f.

37. Removing, in section 3.9c. "(see Definition 1.42)" from the third sentence and adding in its place "(see Definition 1.44)."

38. Removing "0.05" in section 3.9f Table 15 column "Test Operating Tolerance," and adding in its place "0.12."

39. Removing "2.0" in section 3.9f Table 15 row "External resistance to

airflow, inches of water", and adding in its place "8.0."

40. Removing "See Definition 1.41" in section 3.9f. Table 15 footnote (1), and adding in its place "See Definition 1.43."

41. Removing "See Definition 1.40" in section 3.9f. Table 15 footnote (2), and adding in its place "See Definition 1.42."

42. Removing, in section 3.9.1a., "430.22" and adding in its place "430.3."

43. Revising section 3.9.2 paragraph a., section 3.10, section 3.11.1.1 paragraph a., and 3.11.1.3 paragraph a.

44. Removing, in section 3.11.1.3, paragraph b., "430.22" and adding in its place "430.3" in three locations.

45. Revising, in section 3.11.2, paragraph a.

46. Removing, in section 3.11.2, paragraph b., "430.22" and adding in its place "430.3."

47. Removing, in section 3.11.3, "430.22" and adding in its place "430.3."

48. Adding new sections 3.13, 3.13.1, 3.13.2, 3.13.2.1, 3.13.2.2, 3.13.3, 3.13.3.1, 3.13.3.2, 3.13.3.3, 3.13.3.4, 3.13.3.5, 3.13.4, 3.13.4.1, 3.13.4.2, 3.13.4.3, 3.13.4.4.1, 3.13.4.4.2, 3.13.4.4.3, 3.13.4.4.4, 3.13.4.4.5, 3.13.4.4.6, 3.13.4.4.7, 3.13.4.4.8, 3.13.4.5, 3.13.4.6, 3.13.5, 3.13.5.1, 3.13.5.2, 3.13.5.33.13.5.4, 3.13.5.4.1, 3.13.5.4.2, 3.13.5.43, 3.13.5.4.4, 3.13.5.4.5, 3.13.5.5, 3.13.5.5.1, 3.13.5.5.2, 3.13.5.5.3, 3.13.5.6, and 3.13.5.7.

(d) In section 4, Calculations of Seasonal Performance Descriptors, by:

1. Revising, in section 4.1, the introductory text before equation (4.1–2), and the text following equation (4.1–2).

2. Revising section 4.1.1.

3. Adding, in section 4.1.3, at the end of the first sentence ", including triple-capacity northern heat pumps".

4. Revising, in section 4.1.4.2, the definitions of T_1 and T_2 following equation for calculating B.

5. Adding new sections 4.1.5, 4.1.5.1, 4.1.5.2, 4.1.6, 4.1.6.1, 4.1.6.2, 4.1.6.2.1, 4.1.6.2.2, 4.1.6.3, and 4.1.6.4.

6. Adding, in section 4.2, item 4 in the numbered list following the equation for DHR_{max}, and revising the sentence preceding Table 18.

7. Revising, in section 4.2.4.2, the definition of T_4 following the equation for A.

8. Adding new sections 4.2.6, 4.2.6.1, 4.2.6.2, 4.2.6.3, 4.2.6.4, 4.2.6.5, 4.2.6.6, 4.2.6.7, 4.2.6.8, 4.2.7, 4.2.7.1, 4.2.7.2, 4.2.8, 4.2.8.1, 4.2.8.1.1, 4.2.8.1.2, 4.2.8.1.3, 4.2.8.2, 4.2.8.2.1, 4.2.8.2.2, 4.2.8.3, 4.2.8.3.1, and 4.2.8.3.2.

9. Revising, in section 4.3.1, the equation which immediately follows the introductory text, and adding new text at the end of the last sentence.

10. Revising sections 4.3.2 and 4.4, and adding a new section 4.5.

The additions and revisions read as follows:

Appendix M to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Central Air Conditioners and Heat Pumps

* * * * *

1. Definitions

* * * * *

1.32 Off mode means:

(1) For air conditioners, all times during the non-cooling season of an air conditioner. This mode includes the "shoulder seasons" between the cooling and heating seasons when the unit provides no cooling to the building and the entire heating season, when the unit is idle. The air conditioner is assumed to be connected to its main power source at all times during the off mode; and

(2) For heat pumps, all times during the non-cooling and non-heating seasons of a heat pump. This mode includes the "shoulder seasons" between the cooling and heating seasons when the unit provides neither heating nor cooling to the building. The heat pump is assumed to be connected to its main power source at all times during the off mode.

* * * * *

1.35 Seasonal Energy Efficiency Ratio—Hot Dry (SEER–HD) means the total heat removed from the conditioned space during the annual cooling season for the designated hot-dry climatic region, expressed in Btus, divided by the total electrical energy consumed by the air conditioner or heat pump during the same season, expressed in watt-hours. Calculate SEER–HD as specified in section 4.1.6 of this Appendix.

* * * * *

1.46 Triple-capacity (or triple-stage) compressor means an air conditioner or heat pump with one of the following:

(1) A three-speed compressor,

(2) Two compressors where one is a two-capacity compressor—as defined in section 1.45—and one is a single-speed compressor where the two-capacity compressor operates at both low and high capacity with the single-speed compressor turned off and then operates exclusively at high capacity when the single speed compressor is turned on, or

(3) A compressor capable of cylinder or scroll unloading to provide a total of three levels of compressor capacity.

For such systems, low capacity means:

(1) Operating at the low compressor speed,

(2) Operating the two-capacity compressor at low capacity with the single-speed compressor turned off, and

(3) Operating with the compressor fully unloaded.

For such systems, high capacity means:

(1) Operating at the high compressor speed,

(2) Operating the two-capacity compressor at high capacity with the single-speed compressor turned off, and

(3) Operating with the compressor partially unloaded.

For such systems, booster capacity means:

(1) Operating at the booster compressor speed,

(2) Operating the two-capacity compressor at high capacity with the single-speed compressor turned on, and

(3) Operating the compressor fully loaded.

1.47 Triple-capacity northern heat pump means a heat pump that provides two stages of cooling and three stages of heating. The two common stages for both the cooling and heating modes are the low capacity stage and the high capacity stage. The additional heating mode stage is called the booster capacity stage. Of the three heating mode stages, the booster capacity stage offers the highest heating capacity output for a given set of ambient operating conditions.

* * * * *

2. Testing Conditions

* * * * *

2.2 Test unit installation requirements.

a. Except as noted in this appendix, install the unit according to section 8.2 of ASHRAE Standard 37–2005 (incorporated by reference, see § 430.3) where references to "manufacturer's installation instructions" shall mean the installation instructions that come packaged with the unit. If the particular model of air conditioner or heat pump is not yet in production, the installation instructions used must be written and saved until they are confirmed as being consistent with the instructions that are thereafter packaged with the full production model. With respect to interconnecting tubing used when testing split systems, follow the requirements in section 6.1.3.5 of AHRI Standard 210/240–2008 (incorporated by reference, see § 430.3). When testing triple-split systems (see Definition 1.48), use the tubing length specified in section 6.1.3.5 of AHRI Standard 210/240–2008 (incorporated by reference, see § 430.3) to connect the outdoor coil, indoor compressor section, and indoor coil while still meeting the requirement of exposing 10 feet of the tubing to outside conditions. When testing split systems having multiple indoor coils, connect each indoor fan-coil to the outdoor unit using 25 feet of tubing or manufacturer-furnished tubing, whichever is longer. If needed to make a secondary measurement of capacity, install refrigerant pressure measuring instruments as described in section 8.2.5 of ASHRAE Standard 37–2005 (incorporated by reference, see § 430.3). Refer to section 2.10 of this Appendix to learn which secondary methods require refrigerant pressure measurements. At a minimum, insulate the low-pressure line(s) of a split system with insulation having an inside diameter that matches the refrigerant tubing and a nominal thickness of 0.5 inch.

* * * * *

d. When testing coil-only air conditioners and heat pumps, install a nominal 24–V transformer to power the low-voltage components of the system. The transformer must have a load rating of either 40 or 50 V-amps and must be designed to operate with a primary input that is 230 V, single phase, 60 Hz. The transformer may be powered from the same source as supplies powered to the outdoor unit or powered by a separate 230–V source. The power consumption of the added low-voltage transformer must be measured as part of the total system power consumption during all tests.

e. If the manufacturer's installation instructions include steps that apply to a hot-dry climate different from the steps that apply for a mixed climate, apply these differing installation steps in advance of conducting the laboratory tests that apply for the respective climates.

f. For third-party testing conducted to meet DOE certification requirements, the working relationship between the test laboratory and the manufacturer shall not be restricted as long as the test unit installation and laboratory testing are conducted in complete compliance with the procedures specified in this appendix.

* * * * *

2.2.1 Defrost control settings. Set heat pump defrost controls at the normal settings which most typify those encountered in generalized climactic region IV. (Refer to Figure 2 and Table 17 of section 4.2 for information on region IV.) For heat pumps that use a time-adaptive defrost control system (see Definition 1.44), the manufacturer must specify the frosting interval to be used during the Frost Accumulation tests and provide the procedure for manually initiating the defrost at the specified time. To ease testing of any unit, the manufacturer should provide information and any necessary hardware to manually initiate a defrost cycle.

* * * * *

2.2.3 Special requirements for systems that would normally operate using two or more indoor thermostats, including multi-split air conditioners and heat pumps, systems composed of multiple mini-split units (outdoor units located side-by-side), and ducted systems using a single indoor section containing multiple blowers. Because these types of systems will have more than one indoor fan and possibly multiple outdoor fans and compressor systems, references in this test procedure to a single indoor fan, outdoor fan, and compressor mean all indoor fans, all outdoor fans, and all compressor systems turned on during the test.

2.2.3.1 Additional requirements for multi-split air conditioners and heat pumps and systems composed of multiple mini-split units. For any test where the system is operated at part load (*i.e.,* one or more compressors "off," operating at the intermediate or minimum compressor speed or at low compressor capacity), the manufacturer shall designate the particular indoor coils that are turned off during the test. For variable-speed systems, the manufacturer must designate at least one indoor unit that is turned off for all tests conducted at minimum compressor speed. For all other part-load tests, the manufacturer shall choose to turn off zero, one, two, or more indoor units. The chosen configuration shall remain unchanged for all tests conducted at the same compressor speed/capacity. For any indoor coil turned off during a test, take steps to cease forced airflow through this indoor coil and block its outlet duct.

2.2.3.2 Additional requirements for ducted systems with a single indoor section containing multiple blowers where the blowers are designed to cycle on and off independently of one another and are not controlled such that all blowers are modulated to always operate at the same air volume rate or speed. This Appendix covers systems with a single-speed compressor or systems offering two fixed stages of compressor capacity (*e.g.,* a two-speed compressor, two single-speed compressors). For any test where the system is operated at its lowest capacity—*i.e.,* the lowest total air volume rate allowed when operating the single-speed compressor or when operating at low compressor capacity—blowers accounting for at least one-third of the full-load air volume rate must be turned off unless prevented by the controls of the unit. In such cases, turn off as many blowers as permitted by the unit's controls. Where more than one option exists for meeting this "off" blower requirement, the manufacturer shall choose which blower(s) are turned off. The chosen configuration shall remain unchanged for all tests conducted at the same lowest capacity configuration. For any indoor coil turned off during a test, take steps to cease forced airflow through any outlet duct connected to an "off" blower.

* * * * *

2.2.5 Additional refrigerant charging requirements. The test unit shall be charged in accordance with both the following instructions and the manufacturer's installation instructions described in section 2.2.

If the manufacturer's installation instructions specify as part of a standard installation and/or commissioning practice to either alter or check the refrigerant charge while the unit is operating, the testing laboratory shall do so in conjunction with establishing the cooling full-load air volume rate (see section 3.1.4.1) and operating entering air conditions specified in the *A* (or A_2) Test. For heating-only heat pumps, this refrigerant charge evaluation and potential adjustment step shall be done in conjunction with establishing the heating full-load air volume rate (see section 3.1.4.4) and operating entering air conditions specified for the *H1* (or $H1_2$) Test. For the entering db and wb air temperature conditions noted above, determine from the manufacturer's installation instructions the target value(s) for the system's measurable operating parameter(s)—*e.g.,* suction superheat temperature, liquid line subcooling temperature, refrigerant suction pressure, etc. If the manufacturer's installation instructions list a range for a particular parameter, use the midpoint value as the target value. The testing laboratory shall add or subtract the correct amount of refrigerant to achieve as closely as possible the target value(s).

If a unit requires charging but the manufacturer's installation instructions do not specify a charging procedure, then evacuate the unit and add the nameplate refrigerant charge. Where the manufacturer's installation instructions contain two or more sets of refrigerant charging criteria, use the set most appropriate for a normal field installation.

Once the test unit has been properly charged with refrigerant, all cooling mode and, if a heat pump, all heating mode-laboratory tests shall be conducted, and the testing laboratory shall not add or subtract any more refrigerant to or from the test unit.

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2.4.1 * * *

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b. For systems having multiple indoor coils or multiple indoor blowers within a single indoor section, attach a plenum to each indoor coil or blower outlet. * * *

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2.5.5 * * *

a. Measure dry bulb temperatures as specified in sections 4, 5, 6.1–6.10, 9, 10, and 11 of ASHRAE Standard 41.1–86 (RA 06) (incorporated by reference, see § 430.3). The transient testing requirements cited in section 4.3 of ASHRAE Standard 41.1–86 (RA 06) apply if conducting a cyclic or frost accumulation test. If the temperature sensors used to measure the indoor-side dry bulb temperature difference are different for steady-state tests and cyclic tests; in addition, the two sets of instrumentation must be correlated as described in section 3.4 for cooling mode tests and section 3.8 for heating mode tests.

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3. Testing Procedures

3.1 * * * Use the testing procedures in this section to collect the data used for calculating (1) the seasonal performance ratings for air conditioners and heat pumps during the cooling season; (2) the seasonal performance ratings for heat pumps during the heating season; and (3) the seasonal off-mode power consumption rating(s) for air conditioners and heat pumps during the parts of the year not captured by the cooling and heating seasonal performance descriptors. For air conditioners, the non-cooling seasons are the heating season and the shoulder seasons that separate the cooling and heating seasons. For heat pumps, the collective shoulder season is the only time of the year where a seasonal off-mode power consumption rating applies.

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3.1.4.1.1 * * *

a. * * *

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6. If the conditions of step 4b occur first, make an incremental change to the set-up of the indoor fan that increases air volume rate while maintaining the same operating features (*e.g.,* next highest fan motor pin setting that maintains the same fan delay interval, next highest fan motor speed) and repeat the evaluation process beginning with the above step 1. * * *

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TABLE 2—MINIMUM EXTERNAL STATIC PRESSURE FOR DUCTED SYSTEMS TESTED WITH AN INDOOR FAN INSTALLED

Rated Cooling [1] or Heating [2] Capacity *Btu/h*	Minimum external resistance [3] *in wc*		
	SDHV [4,5]	Multi-split systems	All other systems
≤28,800	1.10	0.03	0.10
29,000–42,500	1.15	0.05	0.15
≥43,000	1.20	0.07	0.20

[1] For air conditioners and heat pumps, the value cited by the manufacturer in published literature for the unit's capacity when operated at the *A* or A_2 Test conditions.
[2] For heating-only heat pumps, the value the manufacturer cites in published literature for the unit's capacity when operated at the *H1* or $H1_2$ Test conditions.
[3] For ducted units tested without an air filter installed, increase the applicable tabular value by 0.08 inch of water.
[4] See Definition 1.37 to determine if the equipment qualifies as a small-duct, high-velocity system.
[5] If a closed-loop, air-enthalpy test apparatus is used on the indoor side, limit the resistance to airflow on the inlet side of the indoor blower coil to a maximum value of 0.1 inch of water. Impose the balance of the airflow resistance on the outlet side of the indoor blower.

d. For systems having multiple blower coil indoor units, conduct the above section 3.1.4.1.1 setup steps for each indoor unit separately. If two or more indoor units are connected to a common duct as per section 2.4.1, either turn off the other indoor units connected to the same common duct or temporarily divert their air volume to the test room when confirming or adjusting the setup configuration of individual indoor units. If the indoor units are all the same size or model, the target air volume rate for each indoor unit equals the full-load air volume rate divided by the number of indoor units. If different size indoor units are used, the manufacturer must allocate the system's full-load air volume rate assigned to each indoor unit during this set-up phase.

e. For ducted systems having multiple indoor blowers within a single indoor section, obtain the full-load air volume rate with all blowers operating unless prevented by the controls of the unit. In such cases, turn on the maximum number of blowers permitted by the unit's controls. Where more than one option exists for meeting this "on" blower requirement, the manufacturer shall choose which blower(s) are turned on. Conduct section 3.1.4.1.1 setup steps for each blower separately. If two or more indoor blowers are connected to a common duct as per section 2.4.1, either turn off the other indoor blowers connected to the same common duct or temporarily divert their air volume to the test room when confirming or adjusting the setup configuration of individual blowers. If the indoor blowers are all the same size or model, the target air volume rate for each blower plenum equals the full-load air volume rate divided by the number of "on" blowers. If different size blowers are used within the indoor section, the manufacturer must allocate the system's full-load air volume rate assigned to each "on" blower.

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3.1.4.2 * * *

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e. For ducted systems having multiple indoor blowers within a single indoor section, operate the indoor blowers such that the lowest air volume rate allowed by the unit's controls is obtained when operating the lone single-speed compressor or when operating at low compressor capacity while meeting the requirements of section 2.2.3.2 for the minimum number of blowers that must be turned off. The air volume rate for each "on" blower must then be determined using the first section 3.1.4.2 equation if the blower operates at fixed fan speeds or must be specified by the manufacturer if the blower is designed to provide a constant air volume rate. The sum of the individual "on" blowers' air volume rates is the cooling minimum air volume rate for the system.

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3.1.4.4.2 * * *

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c. When testing ducted, two-capacity northern heat pumps (see Definition 1.50), use the appropriate approach of the above two cases for units that are installed with an indoor fan installed. For coil-only (fanless) northern heat pumps, the Heating Full-Load Air Volume Rate is the lesser of the rate specified by the manufacturer or 133 percent of the Cooling Full-Load Air Volume Rate. For this latter case, obtain the Heating Full-Load Air Volume Rate regardless of the pressure drop across the indoor coil assembly.

d. For systems having multiple indoor blower coil units where individual blowers regulate the speed (as opposed to the cfm) of the indoor fan, use the first section 3.1.4.4.2 equation for each blower coil individually. Sum the individual blower coil air volume rates to obtain the heating full-load air volume rate for the system.

e. For ducted systems having multiple indoor blowers within a single indoor section, obtain the heating full-load air volume rate using the same "on" blowers as used for the cooling full-load air volume rate. For systems where individual blowers regulate the speed (as opposed to the cfm) of the indoor fan, use the first section 3.1.4.4.2 equation for each blower individually. Sum the individual blower air volume rates to obtain the heating full-load air volume rate for the system.

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3.1.4.4.3 * * *

a. * * *

6. If the conditions of step 4b occur first, make an incremental change to the set-up of the indoor fan that increases air volume rate while maintaining the same operating features (*e.g.,* next highest fan motor pin setting that maintains the same fan delay interval, next highest fan motor speed) and repeat the evaluation process beginning with the above step 1. * * *

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3.1.4.5 * * *

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f. For ducted systems with multiple indoor blowers within a single indoor section, obtain the heating minimum air volume rate using the same "on" blowers as used for the cooling minimum air volume rate. For systems where individual blowers regulate the speed (as opposed to the cfm) of the indoor fan, use the first section 3.1.4.5 equation for each blower individually. Sum the individual blower air volume rates to obtain the heating minimum air volume rate for the system.

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3.2.1 * * *

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In order to evaluate the cooling season performance of the test unit when applied in a hot-dry climate, conduct one steady-state test, the *AD* Test. Conducting an additional steady-state, dry climate test (the *BD* Test) is optional. Test conditions for the two dry climate tests are specified in Table 3A.

TABLE 3a—DRY CLIMATE COOLING MODE TEST CONDITIONS FOR UNITS HAVING A SINGLE-SPEED COMPRESSOR AND A FIXED-SPEED INDOOR FAN, A CONSTANT AIR VOLUME RATE INDOOR FAN, OR NO INDOOR FAN

Test description	Air entering indoor unit temperature °F		Air entering outdoor unit temperature °F		Dry climate air volume rate
	Dry bulb	Wet bulb	Dry bulb	Wet bulb [1]	
AD Test—required (steady)	80	64	95	75	Dry-Climate Full-Load.
BD Test—optional (steady)	80	64	82	65	Dry-Climate Full-Load.

[1]The specified test condition only applies if the unit rejects condensate to the outdoor coil.

As an alternative to conducting the optional *BD* Test, use the following equations to approximate the capacity and electrical power of the test unit at the *BD* test conditions:

$$\dot{Q}_{HD}(82) = \dot{Q}_{HD}(95) + MD_Q \times (82 - 95)$$

$$\dot{E}_{HD}(82) = \dot{E}_{HD}(95) + MD_E \times (82 - 95)$$

Where:

$$MD_Q = 0.95 \times \left[\frac{\dot{Q}_c(95) - \dot{Q}_c(82)}{95 - 82}\right] \times \left[\frac{\dot{Q}_{HD}(95)}{\dot{Q}_c(95)}\right]$$

$$MD_E = 0.95 \times \left[\frac{\dot{E}_c(95) - \dot{E}_c(82)}{95 - 82}\right] \times \left[\frac{\dot{E}_{HD}(95)}{\dot{E}_c(95)}\right]$$

In evaluating the above equations, determine the quantities $\dot{Q}_{HD}$ (95) and $\dot{E}_{HD}$ (95) from the *AD* Test. Determine the quantities $\dot{Q}_c$ (82) and $\dot{E}_c$ (82) from the *B* Test and the quantities $\dot{Q}_c$ (95) and $\dot{E}_c$ (95) from the *A* Test. Evaluate all six quantities according to section 3.3. If the manufacturer conducts the *BD* Test, the option of using the above default equations is not forfeited. Use the paired values of $\dot{Q}_{HD}$ (82) and $\dot{E}_{HD}$ (82) derived from conducting the *BD* Test and evaluated as specified in section 3.3 or use the paired values calculated using the above default equations, whichever contribute to a higher SEER–HD.

Determine and obtain the dry-climate full-load air volume rate used for the *AD* and *BD* Tests as specified in section 3.1.4.1 for the cooling full-load air volume rate, only now replacing references to the *A* Test and cooling full-load with references to the *AD* Test and the dry-climate full load.

3.2.2 Tests for a unit with a single-speed compressor where the indoor section uses a single variable-speed variable-air-volume rate indoor fan or multiple blowers.

3.2.2.1 Indoor fan capacity modulation that correlates with outdoor dry-bulb temperature or systems with a single indoor coil but multiple blowers. Conduct four steady-state wet-coil tests: the A_2, A_1, B_2, and B_1 Tests. Use the two optional dry-coil tests, the steady-state C_1 Test and the cyclic D_1 Test to determine the cooling mode cyclic-degradation coefficient, $C_D{}^c$. If the two optional tests are conducted but yield a tested $C_D{}^c$ that exceeds the default $C_D{}^c$ or if the two optional tests are not conducted, assign $C_D{}^c$ the default value of 0.25. Table 4 specifies test conditions for these six tests.

TABLE 4—COOLING MODE TEST CONDITIONS FOR AIR CONDITIONERS AND HEAT PUMPS WITH A SINGLE-SPEED COMPRESSOR THAT MEET THE SECTION 3.2.2.1 INDOOR UNIT REQUIREMENTS

Test description	Air entering indoor unit temperature °F		Air entering outdoor unit temperature °F		Cooling air volume rate
	Dry bulb	Wet bulb	Dry bulb	Wet bulb	
A_2 Test—required (steady, wet coil)	80	67	95	[1] 75	Cooling Full-Load.[2]
A_1 Test—required (steady, wet coil)	80	67	95	[1] 75	Cooling Minimum.[3]
B_2 Test—required (steady, wet coil)	80	67	82	[1] 65	Cooling Full-Load.[2]
B_1 Test—required (steady, wet coil)	80	67	82	[1] 65	Cooling Minimum.[3]
C_1 Test[4]—optional (steady, dry coil)	80	([4])	82	—	Cooling Minimum.[3]
D_1 Test[4]—optional (cyclic, dry coil)	80	([4])	82	—	([5])

[1]The specified test condition only applies if the unit rejects condensate to the outdoor coil.
[2] Defined in section 3.1.4.1.
[3] Defined in section 3.1.4.2.
[4]The entering air must have a low enough moisture content so no condensate forms on the indoor coil. (It is recommended that an indoor wet-bulb temperature of 57 °F or less be used.)
[5] Maintain the airflow nozzles static pressure difference or velocity pressure during the ON period at the same pressure difference or velocity pressure as measured during the C_1 Test.

In order to evaluate the cooling season performance of the test unit when applied in a hot-dry climate, conduct two steady-state tests (the AD_2 and the AD_1). Two additional steady-state, hot-dry-climate tests (the BD_2 Test and the BD_1 Test) are optional. Test conditions for the four dry climate tests are specified in Table 4a. As an alternative to conducting the optional BD_2 and BD_1 Tests, use the following equations to approximate the capacity and electrical power of the test unit at the BD_2 (k=2) and BD_1 (k=1) test conditions:

$$\dot{Q}_{HD}^{k}(82) = \dot{Q}_{HD}^{k}(95) + MD_{Q}^{k} \times (82-95)$$

$$\dot{E}_{HD}^{k}(82) = \dot{E}_{HD}^{k}(95) + MD_{E}^{k} \times (82-95)$$

Where:

$$MD_{Q}^{k} = 0.95 \times \left[\frac{\dot{Q}_{c}^{k}(95) - \dot{Q}_{c}^{k}(82)}{95-82}\right] \times \left[\frac{\dot{Q}_{HD}^{k}(95)}{\dot{Q}_{c}^{k}(95)}\right]$$

$$MD_{E}^{k} = 0.95 \times \left[\frac{\dot{E}_{c}^{k}(95) - \dot{E}_{c}^{k}(82)}{95-82}\right] \times \left[\frac{\dot{E}_{HD}^{k}(95)}{\dot{E}_{c}^{k}(95)}\right]$$

In evaluating the above equations for k=2 (dry-climate full-load air volume rate) and k=1 (dry-climate minimum air volume rate), determine the quantities $\dot{Q}_{HD}^{k=2}$ (95) and $\dot{E}_{HD}^{k=2}$ (95) from the AD_2 Test and the quantities $\dot{Q}_{HD}^{k=1}$ (95) and $\dot{E}_{HD}^{k=1}$ (95) from the AD_1 Test. Determine the quantities $\dot{Q}_{c}^{k=2}$ (95) and $\dot{E}_{c}^{k=2}$ (95) from the A_2 Test, the quantities $\dot{Q}_{c}^{k=1}$ (95) and $\dot{E}_{c}^{k=1}$ (95) from the A_1 Test, the quantities $\dot{Q}_{c}^{k=2}$ (82) and $\dot{E}_{c}^{k=2}$ (82) from the B_2 Test, and the quantities $\dot{Q}_{c}^{k=1}$ (82) and $\dot{E}_{c}^{k=1}$ (82) from the B_1 Test. Evaluate all 12 quantities according to section 3.3. If the manufacturer conducts either or both the BD_2 and BD_1 Tests, the option of using the above default equations is not forfeited. Use the paired values of $\dot{Q}_{HD}^{k=2}$ (82) and $\dot{E}_{HD}^{k=2}$ (82) derived from conducting the BD_2 Test and evaluated as specified in section 3.3 or use the paired values calculated using the above default equations, whichever contribute to a higher SEER–HD. Similarly, use the paired values of $\dot{Q}_{HD}^{k=1}$ (82) and $\dot{E}_{HD}^{k=1}$ (82) derived from conducting the BD_1 Test and evaluated as specified in section 3.3 or use the paired values calculated using the above default equations, whichever contribute to a higher SEER–HD.

Determine and obtain the dry-climate full-load air volume rate used for the AD_2 and BD_2 Tests as specified in section 3.1.4.1 for the cooling full-load air volume rate, only now replacing references to the A_2 Test and cooling full-load with references to the AD_2 Test and the dry-climate full-load. Similarly, determine and obtain the dry-climate minimum air volume rate used for the AD_1 and BD_1 Tests specified in section 3.1.4.2 for the cooling minimum air volume rate, only now replacing references to the A_1 Test, B_1 Test, A_2 Test, B_2 Test, cooling full-load, cooling minimum, and $\Delta P_{st,A_2}$ with references to the AD_1 Test, BD_1 Test, AD_2 Test, BD_2 Test, dry-climate full-load, dry-climate minimum, and $\Delta P_{st,AD_2}$, respectively.

TABLE 4a—DRY CLIMATE COOLING MODE TEST CONDITIONS FOR AIR CONDITIONERS AND HEAT PUMPS WITH A SINGLE-SPEED COMPRESSOR THAT MEETS THE SECTION 3.2.2.1 INDOOR UNIT REQUIREMENTS

Test description	Air entering indoor unit temperature °F		Air entering outdoor unit temperature °F		Dry climate air volume rate
	Dry bulb	Wet bulb	Dry bulb	Wet bulb	
AD_2 Test–required (steady)	80	64	95	75	Dry-Climate Full-Load.
AD_1 Test–required (steady)	80	64	95	75	Dry-Climate Minimum.
BD_2 Test–optional (steady)	80	64	82	65	Dry-Climate Full-Load.
BD_1 Test–optional (steady)	80	64	82	65	Dry-Climate Minimum.

[1] The specified test condition only applies if the unit rejects condensate to the outdoor coil.

3.2.2.2 Indoor fan capacity modulation based on adjusting the sensible to total (S/T) cooling capacity ratio. The testing requirements are the same as specified in section 3.2.1 and Table 3. Use a cooling full-load air volume rate that represents a normal residential installation. If performed, conduct the steady-state *C* Test and the cyclic *D* Test with the unit operating in the same S/T capacity control mode as used for the *B* Test.

3.2.3 Tests for a unit having a two-capacity compressor (see Definition 1.49).

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c. Test two-capacity, northern heat pumps (see Definition 1.50) in the same way as a single speed heat pump with the unit operating exclusively at low compressor capacity (see section 3.2.1 and Table 3).

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e. In order to evaluate the cooling season performance of the test unit when applied in a hot-dry climate, conduct two steady-state tests, the AD_2 and the BD_1. Conducting two additional steady-state, dry-climate tests (the BD_2 and the FD_1) are optional. Test conditions for the four dry climate tests are specified in Table 5a. As an alternative to conducting the optional BD_2 Test, use the following equations to approximate the capacity and electrical power of the test unit at the BD_2 test conditions:

$$\dot{Q}_{HD}^{k=2}(82) = \dot{Q}_{HD}^{k=2}(95) + MD_{Q}^{k=2} \times (82-95)$$

$$\dot{E}_{HD}^{k=2}(82) = \dot{E}_{HD}^{k=2}(95) + MD_{E}^{k=2} \times (82-95)$$

Where:

$$MD_{Q}^{k=2} = 0.95 \times \left[\frac{\dot{Q}_{c}^{k=2}(95) - \dot{Q}_{c}^{k=2}(82)}{95-82}\right] \times \left[\frac{\dot{Q}_{HD}^{k=2}(95)}{\dot{Q}_{c}^{k=2}(95)}\right]$$

$$MD_{E}^{k=2} = 0.95 \times \left[\frac{\dot{E}_{c}^{k=2}(95) - \dot{E}_{c}^{k=2}(82)}{95-82}\right] \times \left[\frac{\dot{E}_{HD}^{k=2}(95)}{\dot{E}_{c}^{k=2}(95)}\right]$$

In evaluating the above equations, determine the quantities $\dot{Q}_{HD}^{k=2}$ (95) and $\dot{E}_{HD}^{k=2}$ (95) from the AD_2 Test. Determine the quantities $\dot{Q}_c^{k=2}$ (95) and $\dot{E}_C^{k=2}$ (95) from the A_2 Test and the quantities $\dot{Q}_c^{k=2}$ (82) and $\dot{E}_c^{k=2}$ (82) from the B_2 Test. Evaluate all six quantities according to section 3.3. If the manufacturer conducts the BD_2 Test, the option of using the above default equations is not forfeited. Use the paired values of $\dot{Q}_{HD}^{k=2}$ (82) and $\dot{E}_{HD}^{k=2}$ (82) derived from conducting the BD_2 Test and evaluated as specified in section 3.3 or use the paired values calculated using the above default equations, whichever paired values contribute to a higher SEER–HD.

As an alternative to conducting the optional FD_1 Test, use the following equations to approximate the capacity and electrical power of the test unit at the FD_1 Test conditions:

$$\dot{Q}_{HD}^{k=1}(67) = \dot{Q}_{HD}^{k=1}(82) + MD_Q^{k=1} \times (67-82)$$

$$\dot{E}_{HD}^{k=1}(67) = \dot{E}_{HD}^{k=1}(82) + MD_E^{k=1} \times (67-82)$$

Where:

$$MD_Q^{k=1} = 0.95 \times \left[\frac{\dot{Q}_c^{k=1}(82) - \dot{Q}_c^{k=1}(67)}{82-67}\right] \times \left[\frac{\dot{Q}_{HD}^{k=1}(82)}{\dot{Q}_c^{k=1}(82)}\right]$$

$$MD_E^{k=1} = 0.95 \times \left[\frac{\dot{E}_c^{k=1}(82) - \dot{E}_c^{k=1}(67)}{82-67}\right] \times \left[\frac{\dot{E}_{HD}^{k=1}(82)}{\dot{E}_c^{k=1}(82)}\right]$$

In evaluating the above equations, determine the quantities $\dot{Q}_{HD}^{k=1}$ (82) and $\dot{E}_{HD}^{k=1}$ (82) from the BD_1 Test. Determine the quantities $\dot{Q}_c^{k=1}$ (82) and $\dot{E}_C^{k=1}$ (82) from the B_1 Test and the quantities $\dot{Q}_c^{k=1}$ (67) and $\dot{E}_c^{k=1}$ (67) from the F_1 Test. Evaluate all six quantities according to section 3.3. If the manufacturer conducts the FD_1 Test, the option of using the above default equations is not forfeited. Use the paired values of $\dot{Q}_{HD}^{k=1}$ (67) and $\dot{E}_{HD}^{k=1}$ (67) derived from conducting the FD_1 Test and evaluated as specified in section 3.3 or use the paired values calculated using the above default equations, whichever contribute to a higher SEER–HD.

Determine and obtain the dry-climate full-load air volume rate used for the AD_2 and BD_2 Tests as specified in section 3.1.4.1 for the cooling full-load air volume rate, only now replacing references to the A_2 Test and cooling full-load with references to the AD_2 Test and the dry-climate full-load. Similarly, determine and obtain the dry-climate minimum air volume rate used for the BD_1 and FD_1 Tests as specified in section 3.1.4.2 for the cooling minimum air volume rate, only now replacing references to the B_1 Test, F_1 Test, A_2 Test, cooling full load, cooling minimum, and $\Delta P_{st,A_2}$ with references to the BD_1 Test, FD_1 Test, AD_2 Test, dry-climate full-load, dry-climate minimum, and $\Delta P_{st,AD_2}$, respectively.

TABLE 5a—DRY CLIMATE COOLING MODE TEST CONDITIONS FOR AIR CONDITIONERS AND HEAT PUMPS HAVING A TWO-CAPACITY COMPRESSOR

Test description	Air entering indoor unit temperature °F		Air entering outdoor unit temperature °F		Compressor capacity	Dry climate air volume rate
	Dry bulb	Wet bulb	Dry bulb	Wet bulb		
AD_2 Test—required (steady).	80	64	95	75	High	Dry-Climate Full-Load.
BD_2 Test—optional (steady).	80	64	82	65	High	Dry-Climate Full-Load.
BD_1 Test—required (steady).	80	64	82	65	Low	Dry-Climate Minimum.
FD_1 Test—optional (steady).	80	64	67	53.5	Low	Dry-Climate Minimum.

[1] The specified test condition only applies if the unit rejects condensate to the outdoor coil.

3.2.4 * * *

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d. In order to evaluate the cooling season performance of the test unit when applied in a hot-dry climate, conduct two steady-state tests, the AD_2 Test and the BD_1 Test. Conducting two additional steady-state, dry climate tests (the BD_2 and the FD_1) are optional. Test conditions for the four dry climate tests are specified in Table 5a, only now substituting "Maximum" and "Minimum" for the Compressor Capacity entries of "High" and "Low," respectively. As an alternative to conducting the optional BD_2 and FD_1 Tests, use the equations given in section 3.2.3 to approximate the capacity and electrical power of the test unit at the BD_2 and FD_1 test conditions.

3.2.5 Tests for a unit having a triple-capacity compressor (Definition 1.46). With the exception of triple-capacity northern heat pumps (Definition 1.47), no other units having a triple-capacity compressor are currently addressed within this test procedure. Test triple-capacity, northern heat pumps for the cooling mode in the same way as specified in section 3.2.3 for units having a two-capacity compressor.

3.2.6 Tests for an air conditioner or heat pump having a single indoor unit having multiple blowers and offering two stages of compressor modulation. Conduct the cooling mode tests specified in section 3.2.3. Covered multiple blower systems have a single indoor coil connected to a single outdoor unit offering two stages of capacity modulation, and ones with a single indoor coil having two refrigerant circuits where each circuit is connected

to separate but identical outdoor units, each having a single-speed compressor.

3.3 * * *

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b. After satisfying the pretest equilibrium requirements, make the measurements specified in Table 3 of ASHRAE Standard 37–2005 (incorporated by reference, see § 430.3) for the Indoor Air Enthalpy method and the user-selected secondary method. Make the Table 3 measurements at equal intervals that span 5 minutes or less. Continue data sampling until reaching a 30-minute period (*e.g.,* seven consecutive 5-minute samples) where the test tolerances specified in Table 7 are satisfied. For those continuously recorded parameters, use the entire data set from the 30-minute interval to evaluate Table 7 compliance. Determine the average electrical power consumption of the air conditioner or heat pump over the same 30-minute interval.

c. Calculate indoor-side total cooling and sensible cooling capacity as specified in sections 7.3.3.1 and 7.3.3.3 of ASHRAE Standard 37–2005 (incorporated by reference, see § 430.3). Do not adjust the parameters used in calculating the capacities for the permitted variations in test conditions. Evaluate air enthalpies based on the measured barometric pressure for calculation of the total cooling capacity. Use the values of the specific heat of air given in section 7.3.3.1 for calculation of the sensible cooling capacities. Assign the average total space cooling capacity, average sensible cooling capacity, and average electrical power consumption over the 30-minute data collection interval to the variables $\dot{Q}_c^k(T)$, $\dot{Q}_{sc}^k(T)$, and $\dot{E}_c^k(T)$, respectively. For these three variables, replace T with the nominal outdoor temperature at which the test was conducted. The superscript k is used only when testing multi-capacity units. Use the superscript k=2 to denote a test with the unit operating at high capacity or maximum speed, k=1 to denote low capacity or minimum speed, and k=v to denote the intermediate speed.

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3.4 * * *

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b. If the temperature sensors used to provide the primary measurement of the indoor-side dry bulb temperature difference during the steady-state dry-coil test and the subsequent cyclic dry-coil test are different, include measurements of the latter sensors among the regularly sampled data. Beginning at the start of the 30-minute data collection period, measure and compute the indoor-side air dry-bulb temperature difference using both sets of instrumentation, ΔT (*Set SS*) and ΔT (*Set CYC*), for each equally spaced data sample. If using a consistent data sampling rate that is less than 1 minute, calculate and record minutely averages for the two temperature differences. If using a consistent sampling rate of one minute or more, calculate and record the two temperature differences from each data sample. After having recorded the seventh (i=7) set of temperature differences, calculate the following ratio using the first seven sets of values:

$$F_{CD} = \frac{1}{7}\sum_{i-6}^{i}\frac{\Delta T(Set\ SS)}{\Delta T(Set\ CYC)}$$

Each time a subsequent set of temperature differences is recorded (if sampling more frequently than every 5 minutes), calculate F_{CD} using the most recent seven sets of values. Continue these calculations until the 30-minute period is completed or until a value for F_{CD} is calculated that falls outside the allowable range of 0.94–1.06. If the latter occurs, immediately suspend the test and identify the cause for the disparity in the two temperature difference measurements. Recalibration of one or both sets of instrumentation may be required. If all the values for F_{CD} are within the allowable range, save the final value of the ratio from the 30-minute test as F_{CD}^*.

If the temperature sensors used to provide the primary measurement of the indoor-side dry bulb temperature difference during the steady-state dry-coil test and the subsequent cyclic dry-coil test are the same, set $F_{CD}^* = 1$.

* * * * *

3.5 * * *

* * * * *

i. * * *

Where:

$$\Gamma = F_{CD}^* \int_{\tau_1}^{\tau_2} \left[T_{a1}(\tau) - T_{a2}(\tau)\right]\delta\tau, \text{hr}\times{}^\circ\text{F},$$

and, $\dot{V}$, $C_{p,a}$, V_n (or v_n), W_n, and F_{CD}^* = the values recorded during the section 3.4 dry coil steady-state tests,

and $T_{a1}(\tau)$ = dry-bulb temperature of the air entering the indoor coil at time τ, °F.

* * * * *

3.6.2 Tests for a heat pump having a single-speed compressor and a single indoor unit having either (1) a variable-speed, variable-air-rate indoor fan whose capacity modulation correlates with outdoor dry bulb temperature or (2) multiple blowers. * * *

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Table 10—Heating Mode Test Conditions for Heat Pumps With a Single-Speed Compressor That Meet the Section 3.6.2 Indoor Unit Requirements

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As an alternative to conducting the optional $H2_1$ Frost Accumulation Test, use the following equations to approximate the capacity and electrical power of the heat pump at the $H2_1$ test conditions:

$$\dot{Q}_h^{k=1}(35) = QR_h^{k=2}\times\left\{\dot{Q}_h^{k=1}(17) + 0.6\times\left[\dot{Q}_h^{k=1}(47) - \dot{Q}_h^{k=1}(17)\right]\right\}$$

$$\dot{E}_h^{k=1}(35) = PR_h^{k=2}\times\left\{\dot{E}_h^{k=1}(17) + 0.6\times\left[\dot{E}_h^{k=1}(47) - \dot{E}_h^{k=1}(17)\right]\right\}$$

Where:

$$QR_h^{k=2}(35) = \frac{\dot{Q}_h^{k=2}(35)}{\dot{Q}_h^{k=2}(17) + 0.6 \times \left[\dot{Q}_h^{k=2}(47) - \dot{Q}_h^{k=2}(17)\right]}$$

$$PR_h^{k=2}(35) = \frac{\dot{E}_h^{k=2}(35)}{\dot{E}_h^{k=2}(17) + 0.6 \times \left[\dot{E}_h^{k=2}(47) - \dot{E}_h^{k=2}(17)\right]}$$

In evaluating the above equations, determine the quantities $\dot{Q}_h^{k=2}(47)$ and $\dot{E}_h^{k=2}(47)$ from the $H1_2$ Test, determine the quantities $\dot{Q}_h^{k=1}(47)$ and $\dot{E}_h^{k=1}(47)$ from the $H1_1$ Test, and evaluate all four quantities according to section 3.7. Determine the quantities $\dot{Q}_h^{k=2}(35)$ and $\dot{E}_h^{k=2}(35)$ from the $H2_2$ Test and evaluate them according to section 3.9. Determine the quantities $\dot{Q}_h^{k=2}(17)$ and $\dot{E}_h^{k=2}(17)$ from the $H3_2$ Test, determine the quantities $\dot{Q}_h^{k=1}(17)$ and $\dot{E}_h^{k=1}(17)$ from the $H3_1$ Test, and evaluate all four quantities according to Section 3.10. If the manufacturer conducts the $H2_1$ Test, the option of using the above default equations is not forfeited. Use the paired values of $\dot{Q}_h^{k=1}(35)$ and $\dot{E}_h^{k=1}(35)$ derived from conducting the $H2_1$ Frost Accumulation Test and evaluated as specified in section 3.9 or use the paired values calculated using the above default equations, whichever contribute to a higher Region IV HSPF based on the DHR_{min}.

* * * * *

3.6.3 * * *

a. * * * If the manufacturer conducts the $H2_1$ Test, the option of using the above default equations is not forfeited. Use the paired values of $\dot{Q}_h^{k=1}(35)$ and $\dot{E}_h^{k=1}(35)$ derived from conducting the $H2_1$ Frost Accumulation Test and calculated as specified in section 3.9 or use the paired values calculated using the above default equations, whichever contribute to a higher Region IV HSPF based on the DHR_{min}.

* * * * *

3.6.4 * * *

a. * * *

b. As an alternative to conducting the optional $H2_2$ Frost Accumulation Test, use the following equations to approximate the capacity and electrical power of the heat pump at the $H2_2$ test conditions:

$$\dot{Q}_h^{k=2}(35) = 0.90 \times \left\{\dot{Q}_h^{k=2}(17) + 0.6 \times \left\lfloor \dot{Q}_h^{k=2}(47) - \dot{Q}_h^{k=2}(17) \right\rfloor\right\}$$

$$\dot{E}_h^{k=2}(35) = 0.985 \times \left\{\dot{E}_h^{k=2}(17) + 0.6 \times \left\lfloor \dot{E}_h^{k=2}(47) - \dot{E}_h^{k=2}(17) \right\rfloor\right\}$$

In evaluating the above equations, determine the quantities $\dot{Q}_h^{k=2}(47)$ and $\dot{E}_h^{k=2}(47)$ from the $H1_2$ Test and evaluate them according to section 3.7. Determine the quantities $\dot{Q}_h^{k=2}(17)$ and $\dot{E}_h^{k=2}(17)$ from the $H3_2$ Test and evaluate them according to section 3.10. If the manufacturer conducts the $H2_2$ Test, the option of using the above default equations is not forfeited. Use the paired values of $\dot{Q}_h^{k=2}(35)$ and $\dot{E}_h^{k=2}(35)$ derived from conducting the $H2_2$ Frost Accumulation Test and evaluated as specified in section 3.9 or use the paired values calculated using the above default equations, whichever contribute to a higher Region IV HSPF based on the DHR_{min}.

c. For heat pumps where the heating mode maximum compressor speed exceeds their cooling mode maximum compressor speed, conduct the $H1_N$ Test if the manufacturer requests it. If the $H1_N$ Test is done, operate the heat pump's compressor at the same speed as used for the cooling mode A_2 Test. Refer to the last sentence of section 4.2 for how the results of the $H1_N$ Test may be used in calculating the HSPF.

d. For multiple-split heat pumps (only), the following procedures supersede the above requirements.

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3.6.6 Tests for a heat pump having a triple-capacity compressor (Definition 1.46). With the exception of triple-capacity northern heat pumps (Definition 1.47), no other heat pumps having a triple-capacity compressor are currently addressed within this test procedure. Test triple-capacity, northern heat pumps for the heating mode as follows:

(a) Conduct one maximum-temperature test ($H0_1$), two high-temperature tests ($H1_2$ and $H1_1$), one Frost Accumulation test ($H2_2$), two low-temperature tests ($H3_2$, $H3_3$), and one minimum-temperature test ($H4_3$). Conduct an additional Frost Accumulation test ($H2_1$) and low-temperature test ($H3_1$) if both of the following conditions exist: (1) Knowledge of the heat pump's capacity and electrical power at low compressor capacity for outdoor temperatures of 37 °F and less is needed to complete the section 4.2.6 seasonal performance calculations; and (2) the heat pump's controls allow low-capacity operation at outdoor temperatures of 37 °F and less.

If the above two conditions are met, an alternative to conducting the $H2_1$ Frost Accumulation Test to determine $\dot{Q}_h^{k=1}(35)$ and $\dot{E}_h^{k=1}(35)$ is to use the following equations to approximate this capacity and electrical power:

$$\dot{Q}_h^{k=1}(35) = 0.90 \times \left\{\dot{Q}_h^{k=1}(17) + 0.6 \times \left\lfloor \dot{Q}_h^{k=1}(47) - \dot{Q}_h^{k=1}(17) \right\rfloor\right\}$$

$$\dot{E}_h^{k=1}(35) = 0.985 \times \left\{\dot{E}_h^{k=1}(17) + 0.6 \times \left\lfloor \dot{E}_h^{k=1}(47) - \dot{E}_h^{k=1}(17) \right\rfloor\right\}$$

In evaluating the above equations, determine the quantities $\dot{Q}_h^{k=1}(47)$ and $\dot{E}_h^{k=1}(47)$ from the $H1_1$ Test and evaluate them according to section 3.7. Determine the quantities $\dot{Q}_h^{k=1}(17)$ and $\dot{E}_h^{k=1}(17)$ from the $H3_1$ Test and evaluate them according to section 3.10. If the manufacturer conducts the $H2_1$ Test, the option of using the above default

equations is not forfeited. Use the paired values of $\dot{Q}_h^{k=1}(35)$ and $\dot{E}_h^{k=1}(35)$ derived from conducting the $H2_1$ Frost Accumulation Test and evaluated as specified in section 3.9.1 or use the paired values calculated using the above default equations, whichever contribute to a higher Region IV HSPF based on the DHR_{min}.

(b) Conducting a Frost Accumulation Test ($H2_3$) with the heat pump operating at its booster capacity is optional. If this optional test is not conducted, determine $\dot{Q}_h^{k=3}(35)$ and $\dot{E}_h^{k=3}(35)$ using the following equations to approximate this capacity and electrical power:

$$\dot{Q}_h^{k=3}(35) = QR_h^{k=2}(35) \times \left\{ \dot{Q}_h^{k=3}(17) + 1.20 \times \left\lfloor \dot{Q}_h^{k=3}(17) - \dot{Q}_h^{k=3}(2) \right\rfloor \right\}$$

$$\dot{E}_h^{k=3}(35) = PR_h^{k=2}(35) \times \left\{ \dot{E}_h^{k=3}(17) + 1.20 \times \left\lfloor \dot{E}_h^{k=3}(17) - \dot{E}_h^{k=3}(2) \right\rfloor \right\}$$

Where:

$$QR_h^{k=2}(35) = \frac{\dot{Q}_h^{k=2}(35)}{\dot{Q}_h^{k=2}(17) + 0.6 \times \left[\dot{Q}_h^{k=2}(47) - \dot{Q}_h^{k=2}(17) \right]}$$

$$PR_h^{k=2}(35) = \frac{\dot{E}_h^{k=2}(35)}{\dot{E}_h^{k=2}(17) + 0.6 \times \left[\dot{E}_h^{k=2}(47) - \dot{E}_h^{k=2}(17) \right]}$$

Determine the quantities $\dot{Q}_h^{k=2}(47)$ and $\dot{E}_h^{k=2}(47)$ from the $H1_2$ Test and evaluate them according to section 3.7. Determine the quantities $\dot{Q}_h^{k=2}(35)$ and $\dot{E}_h^{k=2}(35)$ from the $H2_2$ Test and evaluate them according to section 3.9.1. Determine the quantities $\dot{Q}_h^{k=2}(17)$ and $\dot{E}_h^{k=2}(17)$ from the $H3_2$ Test, determine the quantities $\dot{Q}_h^{k=3}(17)$ and $\dot{E}_h^{k=3}(17)$ from the $H3_3$ Test, and determine the quantities $\dot{Q}_h^{k=3}(2)$ and $\dot{E}_h^{k=3}(2)$ from the $H4_3$ Test. Evaluate all six quantities according to section 3.10. If the manufacturer conducts the $H2_3$ Test, the option of using the above default equations is not forfeited. Use the paired values of $\dot{Q}_h^{k=3}(35)$ and $\dot{E}_h^{k=3}(35)$ derived from conducting the $H2_3$ Frost Accumulation Test and calculated as specified in section 3.9.1 or use the paired values calculated using the above default equations, whichever contribute to a higher Region IV HSPF based on the DHR_{min}.

(c) Conduct the optional high-temperature cyclic test ($H1C_1$) to determine the heating-mode cyclic-degradation coefficient, C_D^h. If this optional test is conducted but yields a tested C_D^h that exceeds the default C_D^h or if the optional test is not conducted, assign C_D^h the default value of 0.25. If a triple-capacity heat pump locks out low capacity operation at lower outdoor temperatures, conduct the optional high-temperature cyclic test ($H1C_2$) to determine the high-capacity heating-mode cyclic-degradation coefficient, $C_D^h(k=2)$. If this optional test at high capacity is conducted but yields a tested $C_D^h(k=2)$ that exceeds the default $C_D^h(k=2)$ or if the optional test is not conducted, assign $C_D^h(k=2)$ the default value. The default $C_D^h(k=2)$ is the same value as determined or assigned for the low-capacity cyclic-degradation coefficient, C_D^h [or equivalently, $C_D^h(k=1)$]. Finally, if a triple-capacity heat pump locks out both low and high capacity operation at the lowest outdoor temperatures, conduct the optional low-temperature cyclic test ($H3C_3$) to determine the booster-capacity heating-mode cyclic-degradation coefficient, $C_D^h(k=3)$. If this optional test at the booster capacity is conducted but yields a tested $C_D^h(k=3)$ that exceeds the default $C_D^h(k=3)$ or if the optional test is not conducted, assign $C_D^h(k=3)$the default value. The default $C_D^h(k=3)$ is the same value as determined or assigned for the high-capacity cyclic-degradation coefficient, C_D^h [or equivalently, $C_D^h(k=2)$]. Table A specifies test conditions for all 13 tests.

TABLE A—HEATING MODE TEST CONDITIONS FOR UNITS WITH A TRIPLE-CAPACITY COMPRESSOR

Test description	Air entering indoor unit temperature °F		Air entering outdoor unit temperature °F		Compressor capacity	Heating air volume rate
	Dry bulb	Wet bulb	Dry bulb	Wet bulb		
$H0_1$ Test (required, steady)	70	60(max)	62	56.5	Low	Heating Minimum.[1]
$H1_2$ Test (required, steady)	70	60(max)	47	43	High	Heating Full-Load.[2]
$H1C_2$ Test (optional, cyclic)	70	60(max)	47	43	High	[3]
$H1_1$ Test (required)	70	60(max)	47	43	Low	Heating Minimum.[1]
$H1C_1$ Test (optional, cyclic)	70	60(max)	47	43	Low	[4]
$H2_3$ Test (optional, steady)	70	60(max)	35	33	Booster	Heating Full-Load.[2]
$H2_2$ Test (required)	70	60(max)	35	33	High	Heating Full-Load.[2]
$H2_1$ Test[5 6] (required)	70	60(max)	35	33	Low	Heating Minimum.[1]
$H3_3$ Test (required, steady)	70	60(max)	17	15	Booster	Heating Full-Load.[2]
$H3C_3$ Test (optional, cyclic)	70	60(max)	17	15	Booster	[7]
$H3_2$ Test (required, steady)	70	60(max)	17	15	High	Heating Full-Load.[2]

TABLE A—HEATING MODE TEST CONDITIONS FOR UNITS WITH A TRIPLE-CAPACITY COMPRESSOR—Continued

Test description	Air entering indoor unit temperature °F		Air entering outdoor unit temperature °F		Compressor capacity	Heating air volume rate
	Dry bulb	Wet bulb	Dry bulb	Wet bulb		
$H3_1$ Test[5] (required, steady)	70	60(max)	17	15	Low	Heating Minimum.[1]
$H4_3$ Test (required, steady)	70	60(max)	2	1	Booster	Heating Full-Load.[2]

[1] Defined in section 3.1.4.5.
[2] Defined in section 3.1.4.4.
[3] Maintain the airflow nozzle(s) static pressure difference or velocity pressure during the ON period at the same pressure or velocity as measured during the $H1_2$ Test.
[4] Maintain the airflow nozzle(s) static pressure difference or velocity pressure during the ON period at the same pressure or velocity as measured during the $H1_1$ Test.
[5] Required only if the heat pump's performance when operating at low compressor capacity and outdoor temperatures less than 37 °F is needed to complete the section 4.2.6 *HSPF* calculations.
[6] If table note [5] applies, the section 3.6.6 equations for $\dot{Q}_h^{k=1}(35)$ and $\dot{E}_h^{k=1}(17)$ may be used in lieu of conducting the $H2_1$ Test.
[7] Maintain the airflow nozzle(s) static pressure difference or velocity pressure during the ON period at the same pressure or velocity as measured during the $H3_3$ Test.

3.6.7 Tests for a heat pump having a single indoor unit having multiple blowers and offering two stages of compressor modulation. Conduct the heating mode tests specified in section 3.6.3. Covered multiple blower systems have a single indoor coil connected to a single outdoor unit offering two stages of capacity modulation and ones having a single indoor coil having two refrigerant circuits where each circuit is connected to separate but identical outdoor units, each having a single-speed compressor.

3.7 * * *

a. For the pretest interval, operate the test room reconditioning apparatus and the heat pump until equilibrium conditions are maintained for at least 30 minutes at the specified section 3.6 test conditions. Use the exhaust fan of the airflow measuring apparatus and, if installed, the indoor fan of the heat pump to obtain and then maintain the indoor air volume rate and/or external static pressure specified for the particular test. Continuously record the dry-bulb temperature of the air entering the outdoor coil. Refer to section 3.11 for additional requirements that depend on the selected secondary test. After satisfying the pretest equilibrium requirements, make the measurements specified in Table 3 of ASHRAE Standard 37–2005 (incorporated by reference, see § 430.3) for the Indoor Air Enthalpy method and the user-selected secondary method. Make the Table 3 measurements at equal intervals that span 5 minutes or less. Continue data sampling until a 30-minute period (*e.g.,* seven consecutive 5-minute samples) is reached where the test tolerances specified in Table 13 are satisfied. For those continuously recorded parameters, use the entire data set for the 30-minute interval when evaluating Table 13 compliance. Determine the average electrical power consumption of the heat pump over the same 30-minute interval.

TABLE 13—TEST OPERATING AND TEST CONDITION TOLERANCES FOR SECTION 3.7 AND SECTION 3.10 STEADY-STATE HEATING MODE TESTS

	Test operating tolerance[1]	Test condition tolerance[2]
Indoor dry-bulb, °F		
Entering temperature	2.0	0.5
Leaving temperature	2.0	
Indoor wet-bulb, °F		
Entering temperature	1.0	
Leaving temperature	1.0	
Outdoor dry-bulb, °F		
Entering temperature	2.0	0.5
Leaving temperature	[2] 2.0	
Outdoor wet-bulb, °F		
Entering temperature	1.0	0.3
Leaving temperature	[3] 1.0	
External resistance to airflow, inches of water	0.12	[4] 0.02
Electrical voltage, % of rdg	2.0	1.5
Nozzle pressure drop, % of rdg	8.0	

[1] See Definition 1.43.
[2] See Definition 1.42.
[3] Only applies when the Outdoor Air Enthalpy Method is used.
[4] Only applies when testing non-ducted units.

b. Calculate indoor-side total heating capacity as specified in sections 7.3.4.1 and 7.3.4.3 of ASHRAE Standard 37–2005 (incorporated by reference, see § 430.3). * * *

* * * * *

d. If conducting the optional cyclic heating mode test described in section 3.8, record the average indoor-side air volume rate, $\dot{V}$, specific heat of the air,

$C_{p,a}$ (expressed on a dry air basis), specific volume of the air at the nozzles, v_n' (or v_n), humidity ratio at the nozzles, W_n, and either pressure difference or velocity pressure for the flow nozzles.

If the temperature sensors used to provide the primary measurement of the indoor-side dry bulb temperature difference during the steady-state dry-coil test and the subsequent cyclic dry-coil test are different, include measurements of the latter sensors among the regularly sampled data during the steady-state test. Beginning at the start of the 30-minute data collection period, measure and compute the indoor-side air dry bulb temperature difference using both sets of instrumentation, $\Delta T(Set\ SS)$ and $\Delta T(Set\ CYC)$, for each equally spaced data sample. If using a consistent data sampling rate that is less than 1 minute, calculate and record minutely averages for the two temperature differences. If using a consistent sampling rate of one minute or more, calculate and record the two temperature differences from each data sample. After having recorded the seventh (i=7) set of temperature differences, calculate the following ratio using the first seven sets of values:

$$F_{CD} = \frac{1}{7}\sum_{i-6}^{i}\frac{\Delta T(Set\ SS)}{\Delta T(Set\ CYC)}$$

Each time a subsequent set of temperature differences is recorded (if sampling more frequently than every 5 minutes), calculate F_{CD} using the most recent seven sets of values. Continue these calculations until the 30-minute period is completed or until a value for F_{CD} is calculated that falls outside the allowable range of 0.94–1.06. If the latter occurs, immediately suspend the test and identify the cause for the disparity in the two temperature difference measurements. Recalibration of one or both sets of instrumentation may be required. If all the values for F_{CD} are within the allowable range, save the final value of the ratio from the 30-minute test as F_{CD}^*.

If the temperature sensors used to provide the primary measurement of the indoor-side dry bulb temperature difference during the steady-state dry-coil test and the subsequent cyclic dry-coil test are the same, set $F_{CD}^* = 1$.

e. If either or both of the below criteria apply, determine the average, steady-state, electrical power consumption of the indoor fan motor ($\dot{E}_{fan,1}$):

1. The section 3.8 cyclic test will be conducted and the heat pump has a variable-speed indoor fan that is expected to be disabled during the cyclic test; or

2. The heat pump has a (variable-speed) constant-air volume-rate indoor fan and during the steady-state test the average external static pressure (ΔP_1) exceeds the applicable section 3.1.4.4 minimum (or targeted) external static pressure (ΔP_{min}) by 0.03 in wc or more.

Determine $\dot{E}_{fan,1}$ by making measurements during the 30-minute data collection interval, or immediately following the test and prior to changing the test conditions. When the above "2" criteria applies, conduct the following four steps after determining $\dot{E}_{fan,1}$ (which corresponds to ΔP_1):

1. While maintaining the same test conditions, adjust the exhaust fan of the airflow measuring apparatus until the external static pressure increases to approximately $\Delta P_1 + (\Delta P_1 - \Delta P_{min})$.

2. After re-establishing steady readings for fan motor power and external static pressure, determine average values for the indoor fan power ($\dot{E}_{fan,2}$) and the external static pressure (ΔP_2) by making measurements over a 5-minute interval.

3. Approximate the average power consumption of the indoor fan motor if the 30-minute test had been conducted at ΔP_{min} using linear extrapolation:

$$\dot{E}_{fan,\min} = \frac{\dot{E}_{fan,2} - \dot{E}_{fan,1}}{\Delta P_2 - \Delta P_1}\left(\Delta P_{\min} - \Delta P_1\right) + \dot{E}_{fan,1}$$

4. Decrease the total space heating capacity, $\dot{Q}_h^k(T)$, by the quantity ($\dot{E}_{fan,1} - \dot{E}_{fan,}$min), when expressed on a Btu/h basis. Decrease the total electrical power, $\dot{E}_h^k(T)$ by the same fan power difference, now expressed in watts.

3.8 Test procedures for the optional cyclic heating mode tests (the $H0C_1$, $H1C$, $H1C_1$, $H1C_2$, and $H3C_3$ Tests). a. Except as noted below, conduct the cyclic heating mode test as specified in section 3.5. As adapted to the heating mode, replace section 3.5 references to "the steady-state dry coil test" with "the heating mode steady-state test conducted at the same test conditions as the cyclic heating mode test." Use the test tolerances in Table 14 rather than Table 8. Record the outdoor coil entering wet-bulb temperature according to the requirements given in section 3.5 for the outdoor coil entering wet-bulb temperature.

Drop the subscript "dry" used in variables cited in section 3.5 when referring to quantities from the cyclic heating mode test. Determine the total space heating delivered during the cyclic heating test, $q_{cyc,}$ as specified in section 3.5 except for making the following changes:

(1) When evaluating Eq. 3.5–1, use the values of $\dot{V}$, $C_{p,a,}$ v_n' (or v_n), and W_n that were recorded during the section 3.7 steady state test conducted at the same test conditions.

(2) Calculate Γ using

$$\Gamma = F_{CD}^* \int_{\tau_1}^{\tau_2}\left[T_{a2}(\tau) - T_{a1}(\tau)\right]\delta\tau, \text{hr}\cdot{}^\circ\text{F},$$

Where:

F_{CD}^* = recorded during the section 3.7 steady state test conducted at the same test conditions.

* * * * *

3.8.1 * * *

TABLE 14—TEST OPERATING AND TEST CONDITION TOLERANCES FOR CYCLIC HEATING MODE TESTS

	Test operating tolerance [1]	Test condition tolerance [2]
Indoor entering dry-bulb temperature, ° F	2.0	0.5
Indoor entering wet-bulb temperature, ° F	1.0	
Outdoor entering dry-bulb temperature, ° F	2.0	0.5
Outdoor entering wet-bulb temperature, ° F	2.0	1.0
External resistance to air-flow,[3] inches of water	0.12	

TABLE 14—TEST OPERATING AND TEST CONDITION TOLERANCES FOR CYCLIC HEATING MODE TESTS—Continued

	Test operating tolerance [1]	Test condition tolerance [2]
Airflow nozzle pressure difference or velocity pressure, [3] % of reading	2.0	[4] 2.0
Electrical voltage,[5] % of rdg	8.0	1.5

[1] See Definition 1.43.
[2] See Definition 1.42.
[3] Applies during the interval that air flows through the indoor (outdoor) coil except for the first 30 seconds after flow initiation. For units having a variable-speed indoor fan that ramps, the tolerances listed for the external resistance to airflow shall apply from 30 seconds after achieving full speed until ramp down begins.
[4] The test condition shall be the average nozzle pressure difference or velocity pressure measured during the steady-state test conducted at the same test conditions.
[5] Applies during the interval that at least one of the following—the compressor, the outdoor fan, or, if applicable, the indoor fan—are operating, except for the first 30 seconds after compressor start-up.

* * * * *

3.9 * * *

e. * * * Sample the remaining parameters listed in Table 15 at equal intervals that span 5 minutes or less.

* * * * *

3.9.2 * * *

a. Assign the demand defrost credit F_{def} used in section 4.2 to the value of 1 in all cases except for heat pumps having a demand-defrost control system (Definition 1.21). For such qualifying heat pumps, evaluate F_{def} using

$$F_{def} = 1 + 0.03 \cdot \left[1 - \frac{\Delta\tau_{def} - 1.5}{\Delta\tau_{\max} - 1.5} \right],$$

Where:

ΔT_{def} = the time between defrost terminations (in hours) or 1.5, whichever is greater. A value of 6 must be assigned to ΔT_{def} if this limit is reached during a frost accumulation test and the heat pump has not completed a defrost cycle.

ΔT_{max} = maximum time between defrosts as allowed by the controls (in hours) or 12, whichever is less. The value of ΔT_{max} must be provided by the manufacturer.

* * * * *

3.10 Test procedures for steady-state low and minimum temperature heating mode tests (the *H3, H3₃, H3₂, H3₁,* and *H4₃* Tests). Except for modifications noted in this section, conduct the low temperature and minimum temperature heating mode tests using the same approach as specified in section 3.7 for the maximum and high temperature tests. After satisfying the section 3.7 requirements for the pretest interval but before beginning to collect data to determine $\dot{Q}_h^k$ (17) or $\dot{Q}_h^k$ (2) and $\dot{E}_h^k$ (17) or $\dot{E}_h^k$ (2) , conduct a defrost cycle that can be initiated manually or automatically. The defrost sequence must be terminated by the action of the heat pump's defrost controls. Begin the 30-minute data collection interval described in section 3.7 from which $\dot{Q}_h^k$ (17) and $\dot{E}_h^k$ (17) or $\dot{Q}_h^k$ (2) and $\dot{E}_h^k$ (2) are determined, no sooner than 10 minutes after defrost termination. Defrosts should be prevented over the 30-minute data collection interval.

* * * * *

3.11.1.1 * * *

a. The test conditions for the preliminary test are the same as specified for the official test. Connect the indoor air-side apparatus to the indoor coil; disconnect the outdoor air-side test apparatus. Allow the test room reconditioning apparatus and the unit being tested to operate for at least 1 hour. After attaining equilibrium conditions, measure the following quantities at equal intervals that span 5 minutes or less:

1. The section 2.10.1 evaporator and condenser temperatures or pressures;

2. Parameters required according to the indoor air enthalpy method.

Continue these measurements until a 30-minute period (*e.g.,* seven consecutive 5-minute samples) is obtained where the Table 7 or Table 13, whichever applies, test tolerances are satisfied.

* * * * *

3.11.1.3 * * *

a. Continue (preliminary test was conducted) or begin (no preliminary test) the official test by making measurements for both the indoor and outdoor air enthalpy methods at equal intervals that span 5 minutes or less. Discontinue these measurements only after obtaining a 30-minute period where the specified test condition and operating tolerances are satisfied. To constitute a valid official test:

1. Achieve the energy balance specified in section 3.1.1; and,

2. For cases where a preliminary test is conducted, the capacities determined using the Indoor Air Enthalpy Method from the official and preliminary test periods must agree within 2 percent.

* * * * *

3.11.2 * * *

a. Conduct separate calibration tests using a calorimeter to determine the refrigerant flow rate. Or for cases where the superheat of the refrigerant leaving the evaporator is less than 5 °F, use the calorimeter to measure total capacity rather than refrigerant flow rate. Conduct these calibration tests at the same test conditions as specified for the tests in this Appendix. Operate the unit for at least one hour or until obtaining equilibrium conditions before collecting data that will be used in determining the average refrigerant flow rate or total capacity. Sample the data at equal intervals that span 5 minutes or less. Determine average flow rate or average capacity from data sampled over a 30-minute period where the Table 7 (cooling) or the Table 13 (heating) tolerances are satisfied. Otherwise, conduct the calibration tests according to ASHRAE Standard 23–05 (incorporated by reference, see § 430.3), ASHRAE Standard 41.9–2000 (incorporated by reference, see § 430.3), and section 7.4 of ASHRAE Standard 37–2005 (incorporated by reference, see § 430.3).

* * * * *

3.13 Laboratory testing to determine off-mode energy consumption. The below laboratory testing is used to estimate the energy consumption of an air conditioner during the non-cooling seasons, the heating and shoulder seasons that separate the cooling and heating seasons. Testing to estimate the energy consumption of a heat pump during the collective shoulder seasons is also described. The extent of the testing strongly depends on whether the test unit includes a compressor crankcase heater, the heater is thermostatically controlled, and the heater is provided on an air conditioner or heat pump.

3.13.1 Determine if the air conditioner or heat pump has a compressor crankcase heater. If so equipped, turn off the power to the outdoor unit, isolate the leads that supply power to the crankcase heater, measure the resistance of the heater circuit, record the value as

R_{CC}, reconnect the heater's leads, and resupply power to the outdoor unit.

Determine from the manufacturer if the compressor crankcase heater is thermostatically controlled. If the heater is thermostatically controlled, the manufacturer must provide:

a. A value for the outdoor temperature, *T00,* at which the crankcase heater is expected to begin heating if the indoor temperature is above 75 °F and no space conditioning has been needed for a long enough time that the compressor's shell temperature equals the outdoor air temperature; and

b. A value for the outdoor temperature, *T100,* at which the crankcase heater is expected to begin continuous heating if the indoor temperature is above 75 °F and no space conditioning is needed.

3.13.2 For air conditioners not having a compressor crankcase heater, conduct the following off-mode power test.

3.13.2.1 Conduct the test immediately following the final cooling mode test. No requirements are placed on the ambient conditions within the indoor and outdoor test rooms. The room conditions are allowed to change for the duration of this particular test. Configure the controls of the air conditioner to mimic the operating mode if connected to a building thermostat that is set to the OFF mode.

3.13.2.2 Integrate the power consumption of the air conditioner over a 5-minute interval. Calculate the average power consumption rate for the interval. Round this value to the nearest even wattage value and record it as both *P1* and *P2*. Assign R_{CC}=0.

3.13.3 For heat pumps not having a compressor crankcase heater, conduct the following off-mode power test.

3.13.3.1 Conduct the test immediately following the final cooling mode test. No requirements are placed on the ambient conditions within the indoor and outdoor test rooms. The room conditions are allowed to change for the duration of this particular test. Configure the controls of the heat pump to mimic the operating mode if connected to a building thermostat that is set to the COOL mode but whose temperature setpoint is satisfied.

3.13.3.2 Integrate the power consumption of the heat pump over a 5-minute interval. Calculate the average power consumption rate for the interval. Record this value as *P1C*.

3.13.3.3 Re-configure the controls of the heat pump to mimic the operating mode if connected to a building thermostat that is set to the HEAT mode but whose temperature setpoint is satisfied.

3.13.3.4 Integrate the power consumption of the heat pump over a 5-minute interval. Calculate the average power consumption rate for the interval. Record this value as *P1H*.

3.13.3.5 Calculate *P1* = (*P1C* + *P1H*)/2 and round to the nearest even wattage. Assign R_{CC}=0 and *P2*=0.

3.13.4 For air conditioners having a compressor crankcase heater, conduct the following off-mode power test.

3.13.4.1 Conduct the test immediately following the final cooling mode test.

3.13.4.2 If the compressor crankcase heater is not thermostatically controlled, then (1) configure the controls of the air conditioner to mimic the operating mode if connected to a building thermostat set to the OFF mode; (2) assign *T00* = *T100* = 75 °F; and (3) skip to section 3.13.4.5.9.

3.13.4.3 If the compressor crankcase heater is thermostatically controlled and the manufacturer-provided *T100* is greater than or equal to 75 °F, then (1) *T00* and *T100* are deemed verified; (2) configure the controls of the air conditioner to mimic the operating mode if connected to a building thermostat that is set to the OFF mode; and (3) skip to section 3.13.4.5.9.

3.13.4.4.1 Configure the controls of the air conditioner to mimic the operating mode if connected to a building thermostat that is set to the OFF mode. Maintain the dry bulb temperature in the indoor test room between 75 °F and 85 °F.

3.13.4.4.2 Monitor the power consumption of the air conditioner and denote two operating states: (1) Power draw is at a lower level corresponding to no current flowing to the compressor crankcase heater (power-low) and (2) power draw is at the higher level corresponding to the compressor crankcase heater operating (power-high).

3.13.4.4.3 As needed, temporarily depart from the end of test cooling rate (EOTCR) until the outdoor temperature is at least 3 °F higher than *T100* for at least 15 minutes or, if the crankcase heater is observed to cycle on (power-high) at this temperature, keep increasing the outdoor temperature until the compressor crankcase heater remains off (power-low) for at least 15 minutes. The compressor must have cycled off prior to beginning either 15 minute count.

3.13.4.4.4 Re-establish cooling the outdoor test room with the reconditioning system set to provide EOTCR. As the outdoor temperature decreases, monitor the test unit's electrical power and record the outdoor temperature when the first power-high reading is measured. If this measured temperature is equal to or less than *T00* + 2.5 °F, then the manufacturer-provided *T00* is verified. If the measured temperature is greater than *T00* + 2.5 °F, round the measured outdoor temperature to the nearest 2.5 °F increment relative to a 65 °F reference (*e.g.,* 67.5 °F, 70.0 °F, 72.5 °F, * * * or 65.0 °F, 62.5 °F, 60.0 °F, * * *) and designate this rounded value as the new *T00.*

3.13.4.4.5 If the manufacturer-provided *T100* is greater than or equal to *T00* − 10 °F then *T100* is deemed verified. If *T100* > *T00,* then set *T100* = *T00.* Skip to section 3.13.4.5.

3.13.4.4.6 As needed, depart from the EOTCR to obtain and then maintain within ±1.0 °F an outdoor dry bulb temperature that is between 10 °F and 15 °F less than *T00.* During the time that the outdoor temperature is maintained within the ±1.0 °F tolerance, monitor the elapsed time of each power-high interval ($\Delta\tau_{PH}$) and the elapsed time of the power-low interval ($\Delta\tau_{PL}$) that immediately follows. Also monitor the outdoor temperature. Start data collection at the beginning of a power-high interval—elapsed time = 0. If one or more power-high + power-low cycles is completed when the elapsed time equals 20 minutes, discontinue the data collection and proceed to section 3.13.4.4.7. If a power-high interval is completed before the elapsed time equals 30 minutes, monitor until the subsequent power-low interval is finished before discontinuing the data collection and proceeding to section 3.13.4.4.7. If a power-low condition has not started at an elapsed time of 30 minutes or within 45 minutes of first obtaining outdoor conditions that meet the ±1.0 °F tolerance, then assign *T100* = *T00* − 10 °F and skip to section 3.13.4.5.

3.13.4.4.7 Designate the total number of completed power-high + power-low intervals from section 3.13.4.4.6 as N_{CC}. Calculate the average outdoor temperature recorded over the corresponding interval of complete cycles and designate it as T_{CC}. Calculate the average percent on-time of the crankcase heater, F_{CC}, using

$$F_{CC} = \frac{\sum_{1}^{N_{HL}} \Delta\tau_{PH}}{\sum_{1}^{N_{HL}} \left(\Delta\tau_{PH} + \Delta\tau_{PL}\right)} \times 100\%$$

Using the *T00* from section 3.13.4.4.4, F_{CC}, and T_{CC}, estimate the outdoor temperature at which the crankcase

heater would first begin to operate continuously:

$$T100(Lab) = \frac{(T_{CC} - T00)°\mathrm{F}}{(F_{CC} - 0)\%} \times (100 - 0)\% + T00$$

$$= T00 - \frac{100}{F_{CC}} \times (T00 - T_{CC})$$

If *T100*(*Lab*) ≤ *T100* + 2.5 °F, then the manufacturer-provided *T100* is verified. If *T100*(*Lab*) > *T100* + 2.5 °F, round *T100*(*Lab*) to the nearest 2.5 °F increment relative to a 65 °F reference (*e.g.,* 67.5 °F, 70.0 °F, 72.5 °F, * * * or 65.0 °F, 62.5 °F, 60.0 °F, * * *) and designate this rounded value as the new *T100.*

3.13.4.4.8 Approximate the percent time on of the crankcase heater at any outdoor temperatures between *T00* and *T100* using

$$F_{CC}(T_j) = \frac{(100 - 0)\%}{(T100 - T00)°\mathrm{F}} \times (T_j - T00) = \frac{T00 - T_j}{T00 - T100} \times 100\%.$$

For outdoor temperatures T_j that are greater than or equal to *T00,* assign $F_{CC}(T_j)$=0. For outdoor temperatures that are less than or equal to *T100,* assign $F_{CC}(T_j)$=100 percent.

3.13.4.5 At this point in the off-mode power test, no requirements are placed on the ambient conditions within the indoor and outdoor test rooms. The room conditions are allowed to change for the duration of this particular test. Temporarily turn off the power to the outdoor unit and safely disable the compressor crankcase heater to prevent it from consuming any electrical power. Re-energize the outdoor unit.

3.13.4.6 Integrate the power consumption of the air conditioner over a 5-minute interval. Calculate the average power consumption rate for the interval. Record the value as *P0.*

3.13.5 For heat pumps having a compressor crankcase heater, conduct the following off-mode power test.

3.13.5.1 The test shall be conducted immediately following the final cooling mode test. Configure the controls of the heat pump to mimic the operating mode if connected to a building thermostat set to the COOL mode but whose temperature setpoint is satisfied.

3.13.5.2 If the compressor crankcase heater is not thermostatically controlled, assign F_{CC}(65 °F) = 100 percent, and skip to section 3.13.5.5.

3.13.5.3 If the compressor crankcase heater is thermostatically controlled and the manufacturer-provided *T100* is greater than or equal to 65 °F, then assign F_{CC}(65 °F) = 100 percent and skip to section 3.13.5.5.

3.13.5.4 If the compressor crankcase heater is thermostatically controlled and the manufacturer-provided *T100* is less than 65 °F, obtain and then maintain the outdoor dry bulb temperature between 64 °F and 66 °F. Maintain the dry bulb temperature in the indoor test room between 75 °F and 85 °F.

3.13.5.4.1 Monitor the power consumption of the heat pump and denote the two operating states: (1) Power draw is at a lower level corresponding to no current flowing to the compressor crankcase heater (power-low); and (2) power draw is at the higher level corresponding to the compressor crankcase heater operating (power-high).

3.13.5.4.2 After the compressor has been off for a minimum of 15 minutes and while the outdoor temperature is between 64 °F and 66 °F, monitor the elapsed time of each power-high interval ($\Delta\tau_{PH}$) and the elapsed time of the power low interval ($\Delta\tau_{PH}$) that immediately follows. Continue monitoring the outdoor temperature.

Start the data collection at the beginning of a power-high interval—elapsed time = 0. If one or more power-high + power-low cycles is completed when the elapsed time equals 20 minutes, discontinue the data collection and proceed to section 3.13.5.4.3. If a power-high interval is completed before the elapsed time equals 30 minutes, monitor until the subsequent power-low interval is finished before discontinuing the data collection and proceeding to section 3.13.5.4.3. If a power-low condition has not started at an elapsed time of 30 minutes or within 45 minutes of first obtaining an outdoor temperature between 64 °F and 66 °F, then assign F_{CC}(65 °F) = 100 percent and skip to section 3.13.5.5.

3.13.5.4.3 Designate the total number of completed power-high + power-low intervals as N_{CC}. Calculate the average outdoor temperature over the corresponding interval of complete cycles and designate it as T_{CC}. Calculate the average percent on-time of the crankcase heater, F_{CC}, using

$$F_{CC}(Lab) = \frac{\sum_{1}^{N_{HL}} \Delta\tau_{PH}}{\sum_{1}^{N_{HL}} (\Delta\tau_{PH} + \Delta\tau_{PL})} \times 100\%.$$

3.13.5.4.4 Using the manufacturer-provided *T00* and *T100,* along with lab-measured T_{CC}, calculate the expected value of F_{CC}. If $T_{CC} \geq T00$, then F_{CC} = 0; if $T_{CC} \leq T100$, then F_{CC} = 100 percent; and if $T100 < T_{CC} < T00$, then use:

$$F_{CC} = \frac{(T_{CC} - T00)}{(T100 - T00)} \times (100 - 0)\% + 0\% = \frac{(T00 - T_{CC})}{(T00 - T100)} \times 100$$

3.13.5.4.5 If $F_{CC}(Lab) \leq F_{CC} + 5$ percent, then solve the section 3.13.5.4.4 equation for T_{CC} = 65 °F and assign the result as being F_{CC}(65 °F). If $F_{CC}(Lab) > F_{CC} + 5$ percent, round $F_{CC}(Lab)$ to the nearest 5 percent increment (*e.g.,* 5, 10, 15, * * * 95 percent) and designate this rounded value as F_{CC}(65 °F).

3.13.5.5 At this point in the off-mode power test, no requirements are placed on the ambient conditions within the indoor and outdoor test rooms. The room conditions are allowed to change for the duration of this particular test. Temporarily turn off the power to the outdoor unit and safely disable the compressor crankcase heater to prevent it from consuming any electrical power. Re-energize the outdoor unit.

3.13.5.5.1 Integrate the power consumption of the heat pump over a 5-minute interval. Calculate the average power consumption rate for the interval. Record this value as *P0C.*

3.13.5.5.2 Configure the controls of the heat pump to mimic the operating mode if connected to a building thermostat set to the HEAT mode but whose temperature setpoint is satisfied.

3.13.5.5.3 Integrate the power consumption of the heat pump over a 5-minute interval. Calculate the average power consumption rate for the interval. Record this value as *P0H.* Assign *P0* = (*P0C* + *P0H*)/2.

3.13.5.6 Calculate *P1* = *P0* + (F_{CC}(65 °F)/100%) × [(230 V)²/R_{CC}] and round to the nearest even wattage. Assign *P2* = 0.

3.13.5.7 Re-enable the compressor crankcase heater so that it may operate in its normal manner.

4. Calculations of Seasonal Performance Descriptors

* * * * *

4.1 * * *

When referenced, evaluate BL(T_j) for cooling using * * *

* * * Where:

$\dot{Q}_c^k(95)$ = the space cooling capacity determined from the *A* or A_2 Test, whichever applies, Btu/h.

1.1 = sizing factor, dimensionless.

The temperatures 95 ° and 65 ° in the building load equation represent the selected outdoor design temperature and the zero-load base temperature, respectively.

* * * * *

4.1.1 SEER calculations for an air conditioner or heat pump having a single-speed compressor that was tested with a fixed-speed indoor fan installed, a constant-air-volume-rate indoor fan installed, or with no indoor fan installed. a. Calculate the seasonal energy efficiency ratio, SEER, using Eq. 4.1–1. Evaluate the quantity $q_c(T_j)/N$ in Eq. 4.1–1 using

$$\frac{q_c(T_j)}{N} = X(T_j) \times \dot{Q}_c(T_j) \times \frac{n_j}{N}$$

Where:

$X(T_j)$ = the cooling mode load factor for temperature bin j, dimensionless,

$\dot{Q}_c(T_j)$ = space cooling capacity of the test unit when operating at outdoor temperature T_j, Btu/h, and

$$\frac{n_j}{N} =$$

fractional bin hours for the cooling season; the ratio of the number of hours during the cooling season when the outdoor temperature fell within the range represented by bin temperature T_j to the total number of hours in the cooling season, dimensionless.

Assign

$$\frac{n_j}{N}$$

using the fractional bin hours listed in Table 16. Calculate the space cooling capacity at outdoor temperature T_j using

$$\dot{Q}_c(T_j) = \dot{Q}_c(82) + \frac{\dot{Q}_c(95) - \dot{Q}_c(82)}{95-82} \times (T_j - 82).$$

Determine $\dot{Q}_c(82)$ from the *B* Test, $\dot{Q}_c(95)$, from the *A* Test, and evaluate both in accordance with section 3.3.

Calculate the cooling mode load factor using

$$X(T_j) = \left\{ \begin{matrix} BL(T_j) / \dot{Q}_c(T_j) \\ or \\ 1 \end{matrix} \right\}, \text{ whichever is less.}$$

Use Eq. 4.1–2 to calculate the building load, $BL(T_j)$.

b. Evaluate the quantity $e_c(T_j)/N$ in Eq. 4.1–1 using

$$\frac{e_c(T_j)}{N} = \frac{X(T_j) \cdot \dot{E}_c(T_j)}{PLF_j} \times \frac{n_j}{N}$$

Where:

$\dot{E}_c(T_j)$ = the electrical power consumption of the test unit when operating at outdoor temperature T_j, Btu/h, and

PLF_f = the part load factor for temperature bin *j*, dimensionless.

The quantities $X(T_j)$ and

$$\frac{n_j}{N}$$

are the same quantities as used for calculating

$$\frac{q_c(T_j)}{N}.$$

Calculate the electrical power consumption at outdoor temperature T^j using

$$\dot{E}_c(T_j) = \dot{E}_c(82) + \frac{\dot{E}_c(95) - \dot{E}_c(82)}{95-82} \times (T_j - 82).$$

Determine $\dot{E}_c$ (82) from the *B* Test, $\dot{E}_c$ (95) from the *A* Test, and evaluate both in accordance with section 3.3. Calculate the part load factor using

$$PLF_j = 1 - C_D^c \cdot \left[1 - X\left(T_j\right)\right]$$

c. If the optional tests described in section 3.2.1 are not conducted, set the cooling mode cyclic degradation coefficient, $C_D{}^c$, to the default value specified in section 3.5.3.

* * * * *

4.1.4.2 * * *

T_1 = the outdoor temperature at which the unit, when operating at minimum compressor speed, provides a space cooling capacity that is equal to the building load ($\dot{Q}_c{}^{k=1}(T_1)$)=$BL(T_1)$), °F. Determine T_1 by equating Eqs. 4.1.3–1 and 4.1–2 and solving for outdoor temperature. Alternatively, T_1 may be determined as specified in section 10.2.4 of ASHRAE Standard 116–95 (RA 05) (incorporated by reference, see § 430.3).

T_2 = the outdoor temperature at which the unit, when operating at the intermediate compressor speed used during the section 3.2.4 E_V Test, provides a space cooling capacity that is equal to the building load ($\dot{Q}_c{}^{k=2}$ (T_2) = BL (T_2)), °F. Determine T_2 by equating Eqs. 4.1.4–1 and 4.1–2 and solving for outdoor temperature. Alternatively, T_2 may be determined as specified in section 10.2.4 of ASHRAE Standard 116–95 (RA 05) (incorporated by reference, see § 430.3).

* * * * *

4.1.5 SEER calculations for an air conditioner or heat pump having a single indoor unit with multiple blowers. Calculate SEER using Eq. 4.1–1, where q_c (T_j)/N and e_c (T_j)/N are evaluated as specified in applicable below subsection.

4.1.5.1 For multiple blower systems that are connected to a lone, single-speed outdoor unit.

a. Calculate the space cooling capacity, $\dot{Q}_c{}^{k=1}$ (T_j), and electrical power consumption, $\dot{E}_c{}^{k=1}$ (T_j), of the test unit when operating at the cooling minimum air volume rate and outdoor temperature T_j using the equations given in section 4.1.2.1. Calculate the space cooling capacity, $\dot{Q}_c{}^{k=2}$ (T_j), and electrical power consumption, $\dot{E}_c{}^{k=2}$ (T_j), of the test unit when operating at the cooling full-load air volume rate and outdoor temperature T_j using the equations given in section 4.1.2.1. In evaluating the section 4.1.2.1 equations, determine the quantities $\dot{Q}_c{}^{k=1}$ (82) and $\dot{E}_c{}^{k=1}$ (82) from the B_1 Test, $\dot{Q}_c{}^{k=1}$ (95) and $\dot{E}_c{}^{k=1}$ (95) from the A_1 Test, $\dot{Q}_c{}^{k=2}$ (82) and $\dot{E}_c{}^{k=2}$ (82) from the B_2 Test, and $\dot{Q}_c{}^{k=2}$ (95) and from the A_2 Test. Evaluate all eight quantities as specified in section 3.3. Refer to section 3.2.2.1 and Table 4 for additional information on the four referenced laboratory tests.

b. Determine the cooling mode cyclic degradation coefficient, $C^c{}_D$, as per sections 3.2.2.1 and 3.5 to 3.5.3. Assign this same value to $C^c{}_D(K{=}2)$.

c. Except for using the above values of $\dot{Q}_c{}^{k=1}$ (T_j), $\dot{E}_c{}^{k=1}$ (T_j), $\dot{Q}_c{}^{k=2}$ (T_j), $\dot{E}_c{}^{k=2}$ (T_j), $C^c{}_D$, and $C^c{}_D$ (k = 2), calculate the quantities q_c (T_j)/N and e_c (T_j)/N as specified in section 4.1.3.1 for cases where $\dot{Q}_c{}^{k=1}$ (T_j) ≥ BL (T_j). For all other outdoor bin temperatures, T_j, calculate q_c (T_j)/N and e_c (T_j)/N as specified in section 4.1.3.3 if $\dot{Q}_c{}^{k=2}$ (T_j) > BL (T_j) or as specified in section 4.1.3.4 if $\dot{Q}_c{}^{k=2}$ (T_j) ≤ BL (T_j).

4.1.5.2 For multiple blower systems that are connected to either a lone outdoor unit having a two-capacity compressor or to two separate but identical model single-speed outdoor units.

Calculate the quantities q_c (T_j)/N and e_c (T_j)/N as specified in section 4.1.3.

* * * * *

4.1.6 Region-specific SEER calculations for a hot-dry climatic region, SEER–HD. Calculate SEER–HD, expressed in units of Btu/W×h, using:

$$SEER-HD = \frac{\sum_{j=1}^{10} q_{HD}\left(T_j\right)}{\sum_{j=1}^{10} e_{HD}\left(T_j\right)} = \frac{\sum_{j=1}^{10} \frac{q_{HD}\left(T_j\right)}{N}}{\sum_{j=1}^{10} \frac{e_{HD}\left(T_j\right)}{N}} \qquad \text{Eq. 4.1.6-1}$$

Where:

$$\frac{q_{HD}\left(T_j\right)}{N} =$$

for the hot-dry climatic region, the ratio of the total space cooling delivered during periods of the space cooling season when the outdoor temperature fell within the range represented by bin temperature T_j to the total number of hours in the cooling season (N), Btu/h.

$$\frac{e_{HD}\left(T_j\right)}{N} =$$

for the hot-dry climatic region, the ratio of the total electrical energy consumed by the test unit during periods of the space cooling season when the outdoor temperature fell within the range represented by bin temperature T_j to the total number of hours in the cooling season (N), W.

T_j = the outdoor bin temperature, °F. Outdoor temperatures are grouped or "binned." Use bins of 5 °F with the 10 dry climate bin temperatures being 67, 72, 77, 82, 87, 92, 97, 102, 107, and 112 °F.

j = the bin number. For dry climate seasonal calculations, j ranges from 1 to 10.

When referenced, evaluate the dry climate building load $BL_{HD}(T_j)$ using

$$BL_{HD}\left(T_j\right) = \frac{\left(T_j - 65\right)}{90 - 65} \times \frac{\dot{Q}^*_{HD}(95)}{1.1} \qquad \text{Eq. 4.1.6-2}$$

Where:

$\dot{Q}^*{}_{HD}$ (95) = the space cooling capacity determined from the *AD* or AD_2 Test, whichever applies, Btu/h, and

1.1 = sizing factor, dimensionless.

The temperatures 95 °F and 65 °F in the building load equation represent the outdoor design temperature and the zero-load temperature, respectively, for the hot-dry climatic region.

4.1.6.1 SEER–HD calculations for an air conditioner or heat pump having a single-speed compressor that was tested with a fixed-speed indoor fan installed, a constant-air-volume-rate fan installed, or with no indoor fan installed.

Calculate SEER–HD using Eq. 4.1.6–1. Evaluate the quantities $q_{HD}(T_j)/N$ and $e_{HD}(T_j)/N$ in Eq. 4.1.6–1 as specified in section 4.1.1 for $q_c(T_j)/N$ and $e_c(T_j)/N$, respectively, only now replacing the

quantities $\dot{Q}_c(T_j)$ and $\dot{E}_c(T_j)$ with $\dot{Q}_{HD}(T_j)$ and $\dot{E}_{HD}(T_j)$. Also, use the fractional bin hours, n_j/N, given in Table 16a rather than the values listed in Table 16.

Calculate $\dot{Q}_{HD}(T_j)$ using the section 4.1.1 equation for $\dot{Q}_c(T_j)$, replacing $\dot{Q}_c(95)$ and $\dot{Q}_c(82)$ with $\dot{Q}_{HD}(95)$ and $\dot{Q}_{HD}(82)$, respectively. Calculate $\dot{E}_{HD}(T_j)$ using the section 4.1.1 equation for $\dot{E}_c(T_j)$, replacing $\dot{E}_c(95)$ and $\dot{E}_c(82)$ with $\dot{E}_{HD}(95)$ and $\dot{E}_{HD}(82)$, respectively. Determine $\dot{Q}_{HD}(95)$ and $\dot{E}_{HD}(95)$ from the *AD* Test described in section 3.2.1 and conducted in accordance with section 3.3. Determine $\dot{Q}_{HD}(82)$ and $\dot{E}_{HD}(82)$ using the section 3.2.1 default equations or from the *BD* Test described in section 3.2.1 and conducted in accordance with section 3.3.

Replace section 4.1.1 references to $BL(T_j)$ with $BL_{HD}(T_j)$, as evaluated using Eq. 4.1.6–2. In evaluating Eq. 4.1.6–2, set $\dot{Q}_{HD}^*(90)$ equal to the value obtained from solving the equation for $\dot{Q}_{HD}(T_j)$ at $T_j = 90\,°F$.

If it helps the user, the remaining section 4.1.1 calculation parameters of $X(T_j)$ and PLF_j may also be designated as their dry climate versions by adding a subscript "HD" when calculating SEER–HD. Finally, use the section 4.1.1 value of $C_D{}^c$ that was used to calculate SEER to also calculate SEER–HD.

4.1.6.2 SEER–HD calculations for an air conditioner or heat pump having a single-speed compressor and a variable-speed variable-air-volume rate indoor fan.

4.1.6.2.1 Units covered by section 3.2.2.1 where the indoor fan capacity modulation correlates with the outdoor dry bulb temperature. The manufacturer must provide information on how the indoor air volume rate or the indoor fan speed varies over the outdoor temperature range of 67 °F to 112 °F. Calculate SEER–HD using Eq. 4.1.6–1. Evaluate the quantities $q_{HD}(T_j)/N$ and $e_{HD}(T_j)/N$ in Eq. 4.1.6–1 as specified in section 4.1.2.1 for $q_c(T_j)/N$ and $e_c(T_j)/N$, respectively, only now replacing the quantities $\dot{Q}_c(T_j)$ and $\dot{E}_c(T_j)$ with $\dot{Q}_{HD}(T_j)$ and $\dot{E}_{HD}(T_j)$. Also, use the fractional bin hours, n_j/N, given in Table 16a rather than the values listed in Table 16.

Calculate $\dot{Q}_{HD}(T_j)$ using Eq. 4.1.2–2, where $\dot{Q}_{HD}(T_j)$, $\dot{Q}_{HD}{}^{k=2}(T_j)$, and $\dot{Q}_{HD}{}^{k=1}(T_j)$ replace $\dot{Q}_c(T_j)$, $\dot{Q}_c{}^{k=2}(T_j)$, and $\dot{Q}_c{}^{k=1}(T_j)$, respectively. Use the section 4.1.2.1 equations for $\dot{Q}_c{}^{k=1}(T_j)$ and $\dot{Q}_c{}^{k=2}(T_j)$ to calculate $\dot{Q}_{HD}{}^{k=1}(T_j)$ and $\dot{Q}_{HD}{}^{k=2}(T_j)$, respectively. In evaluating these equations, use $\dot{Q}_{HD}{}^{k=1}(82)$, $\dot{Q}_{HD}{}^{k=1}(95)$, $\dot{Q}_{HD}{}^{k=2}(82)$, and $\dot{Q}_{HD}{}^{k=2}(95)$. Determine $\dot{Q}_{HD}{}^{k=2}(95)$, and $\dot{Q}_{HD}{}^{k=1}(95)$ from the AD_2 and AD_1 Tests described in section 3.2.2.1 and conducted in accordance with section 3.3. Determine $\dot{Q}_{HD}{}^{k=2}(82)$ and $\dot{Q}_{HD}{}^{k=1}(82)$ using the section 3.2.2.1 default equations or from the BD_2 and BD_1 Tests described in section 3.2.2.1 and conducted in accordance with section 3.3.

Calculate $\dot{E}_{HD}(T_j)$ using Eq. 4.1.2–4, where $\dot{E}_{HD}(T_j)$, $\dot{E}_{HD}{}^{k=2}(T_j)$, and $\dot{E}_{HD}{}^{k=1}(T_j)$ replace $\dot{E}_c(T_j)$, $\dot{E}_c{}^{k=2}(T_j)$, and $\dot{E}_c{}^{k=1}(T_j)$, respectively. Use the section 4.1.2.1 equations for $\dot{E}_c{}^{k=1}(T_j)$ and $\dot{E}_c{}^{k=2}(T_j)$ to calculate $\dot{E}_{HD}{}^{k=1}(T_j)$ and $\dot{E}_{HD}{}^{k=2}(T_j)$, respectively. In evaluating these equations, use $\dot{E}_{HD}{}^{k=1}(82)$, $\dot{E}_{HD}{}^{k=1}(95)$, $\dot{E}_{HD}{}^{k=2}(82)$, and $\dot{E}_{HD}{}^{k=2}(95)$. Determine $\dot{E}_{HD}{}^{k=2}(95)$ and $\dot{E}_{HD}{}^{k=1}(95)$ from the AD_2 and AD_1 Tests described in section 3.2.2.1 and conducted in accordance with section 3.3. Determine $\dot{E}_{HD}{}^{k=2}(82)$ and $\dot{E}_{HD}{}^{k=1}(82)$ using the section 3.2.2.1 default equations or from the BD_2 and BD_1 Tests described in section 3.2.2.1 and conducted in accordance with section 3.3.

Replace section 4.1.2.1 references to $BL(T_j)$ with $BL_{HD}(T_j)$, as evaluated using Eq. 4.1.6–2. In evaluating Eq. 4.1.6–2, set $\dot{Q}_{HD}^*(90)$ equal to the value obtained from solving the equation for $\dot{Q}_{HD}{}^{k=2}(T_j)$ at $T_j = 90\,°F$. The parameters $FP_c{}^{k=1}$, $FP_c{}^{k=2}$, and $FP_c(T_j)$ denote the fan speeds described in section 4.1.2.1, only now as applied to the dry climate configuration and, in the case of the first two variables, as used for the AD_1 and AD_2 Tests.

If it helps the user, the remaining section 4.1.2.1 calculation parameters of $X(T_j)$ and PLF_j may also be designated as their dry climate versions by adding a subscript "HD" when calculating SEER–HD. Finally, use the section 4.1.2.1 value of $c_D{}^c$ used to calculate SEER to also calculate SEER–HD.

4.1.6.2.2 Units covered by section 3.2.2 where indoor fan capacity modulation is used to adjust the sensible to total cooling capacity ratio. Calculate SEER–HD as specified in section 4.1.6.1.

4.1.6.3 SEER–HD calculations for an air conditioner or heat pump having a two-capacity compressor.

Calculate SEER–HD using Eq. 4.1.6–1. Evaluate the quantities $q_{HD}(T_j)/N$ and $e_{HD}(T_j)/N$ in Eq. 4.1.6–1 as specified for $q_c(T_j)/N$ and $e_c(T_j)/N$, respectively, in sections 4.1.3.1, 4.1.3.2, 4.1.3.3, and 4.1.3.4, as appropriate, only now replacing the quantities $\dot{Q}_c{}^k(T_j)$ and $\dot{E}_c{}^k(T_j)$ with $\dot{Q}_{HD}{}^k(T_j)$ and $\dot{E}_{HD}{}^k(T_j)$. Also, use the fractional bin hours, n_j/N, given in Table 16a rather than the values listed in Table 16.

Calculate $\dot{Q}_{HD}{}^{k=1}(T_j)$ using Eq. 4.1.3–1, where $\dot{Q}_{HD}{}^{k=1}(T_j)$, $\dot{Q}_{HD}{}^{k=1}(82)$, and $\dot{Q}_{HD}{}^{k=1}(67)$, replace $\dot{Q}_c{}^{k=1}(T_j)$, $\dot{Q}_c{}^{k=1}(82)$, and $\dot{Q}_c{}^{k=1}(67)$, respectively. Calculate $\dot{Q}_{HD}{}^{k=2}(T_j)$ using Eq. 4.1.3–3 where $\dot{Q}_{HD}{}^{k=2}(T_j)$, $\dot{Q}_{HD}{}^{k=2}(95)$, and $\dot{Q}_{HD}{}^{k=2}(82)$ replace $\dot{Q}_c{}^{k=2}(T_j)$, $\dot{Q}_c{}^{k=2}(95)$, and $\dot{Q}_c{}^{k=2}(82)$, respectively. Determine $\dot{Q}_{HD}{}^{k=2}(95)$ and $\dot{Q}_{HD}{}^{k=1}(82)$ from the AD_2 and BD_1 Tests described in section 3.2.3 and conducted in accordance with section 3.3. Determine $\dot{Q}_{HD}{}^{k=2}(82)$ and $\dot{Q}_{HD}{}^{k=1}(67)$ using the section 3.2.3 default equations or from the BD_2 and FD_1 Tests described in section 3.2.3 and conducted in accordance with section 3.3.

Calculate $\dot{E}_{HD}{}^{k=1}(T_j)$ using Eq. 4.1.3–2, where $\dot{E}_{HD}{}^{k=1}(T_j)$, $\dot{E}_{HD}{}^{k=1}(82)$, and $\dot{E}_{HD}{}^{k=1}(67)$, replace $\dot{E}_c{}^{k=1}(T_j)$, $\dot{E}_c{}^{k=1}(82)$, and $\dot{E}_c{}^{k=1}(67)$, respectively. Calculate $\dot{E}_{HD}{}^{k=2}(T_j)$ using Eq. 4.1.3–4, where $\dot{E}_{HD}{}^{k=2}(T_j)$, $\dot{E}_{HD}{}^{k=2}(95)$, and $\dot{E}_{HD}{}^{k=2}(82)$, replace $\dot{E}_c{}^{k=2}(T_j)$,$\dot{E}_c{}^{k=2}(95)$, and $\dot{E}_c{}^{k=2}(82)$, respectively. Determine $\dot{E}_{HD}{}^{k=2}(95)$ and $\dot{E}_{HD}{}^{k=1}(82)$ from the AD_2 and BD_1 Tests described in section 3.2.3 and conducted in accordance with section 3.3. Determine $\dot{E}_{HD}{}^{k=2}(82)$ and $\dot{E}_{HD}{}^{k=1}(67)$ using the section 3.2.3 default equations or from the BD_2 and FD_1 Tests described in section 3.2.3 and conducted in accordance with section 3.3.

Replace section 4.1.3 to 4.1.3.4 references to $BL(T_j)$ with $BL_{HD}(T_j)$, as evaluated using Eq. 4.1.6–2. In evaluating Eq. 4.1.6–2, set $\dot{Q}^*{}_{HD}(90)$ equal to the value obtained from solving the equation for $\dot{Q}_{HD}{}^{k=2}(T_j)$ at $T_j = 90\,°F$.

If it helps the user, the remaining section 4.1.3 to 4.1.3.4 calculation parameters of $X^{k=1}(T_j)$, $X^{k=2}(T_j)$, and PLF_j may also be designated as their dry climate versions by adding a subscript "HD" when calculating SEER–HD. Finally, use the section 4.1.3.1 value of $C_D{}^c$ and the section 4.1.3.3 value of $C_D{}^c(k = 2)$ that were used to calculate SEER to also calculate SEER–HD.

4.1.6.4 SEER–HD calculations for an air conditioner or heat pump having a variable-speed compressor.

Calculate SEER–HD using Eq. 4.1.6–1. Evaluate the quantities $q_{HD}(T_j) / N$ and $e_{HD}(T_j) / N$ in Eq. 4.1.6–1 as specified for $q_c(T_j) / N$, and $e_c(T_j) / N$, respectively, in sections 4.1.4.1, 4.1.4.2, and 4.1.4.3, as appropriate only now replacing the quantities $\dot{Q}^k{}_c(T_j)$ and $\dot{E}^k{}_c(T_j)$ with $\dot{Q}^k{}_{HD}(T_j)$ and $\dot{E}^k{}_{HD}(T_j)$. Also, use the fractional bin hours, n_j/N, given in Table 16a rather than the values listed in Table 16.

Calculate $\dot{Q}_{HD}{}^{k=1}(T_j)$ using Eq. 4.1.3–1, where $\dot{Q}_{HD}{}^{k=1}(T_j)$, $\dot{Q}_{HD}{}^{k=1}(82)$, and $\dot{Q}_{HD}{}^{k=1}(67)$, replace $\dot{Q}_c{}^{k=1}(T_j)$, $\dot{Q}_c k^{=1}(82)$, and $\dot{Q}_c{}^{k=1}(67)$, respectively. Calculate $\dot{Q}_{HD}{}^{k=2}(T_j)$ using Eq. 4.1.3–3 where $\dot{Q}_{HD}{}^{k=2}(T_j)$, $\dot{Q}_{HD}{}^{k=2}(82)$ replace $\dot{Q}_c{}^{k=2}(T_j)$, $\dot{Q}_{ck}{}^{=2}(95)$, and $\dot{Q}_c{}^{k=2}(82)$, respectively. Determine $\dot{Q}_{HD}{}^{k=2}(95)$ and $\dot{Q}_{HD}{}^{k=1}(82)$ from the AD_2 and BD^1 Tests described in section 3.2.4 and conducted in accordance with section 3.3. Determine $\dot{Q}_{HD}{}^{k=2}(82)$ and $\dot{Q}_{HD}{}^{k=1}(67)$ using the section 3.2.3 default

equations or from the BD_2 and FD^1 Tests described in section 3.2.4 and conducted in accordance with section 3.3.

Calculate $\dot{E}_{HD}^{k=1}(T_j)$ using Eq. 4.1.3–2, where $\dot{E}_{HD}^{k=1}(T_j)$, $\dot{E}_{HD}^{k=1}(82)$, and $\dot{E}_{HD}^{k=1}(67)$, replace $\dot{E}_c^{k=1}(T_j)$, $\dot{E}_c^{k=1}(82)$, and $\dot{E}_c^{k=1}(67)$, respectively. Calculate $\dot{E}_{HD}^{k=2}(T_j)$, using Eq. 4.1.3–4, where $\dot{E}_{HD}^{k=2}(T_j)$, $\dot{E}_{HD}^{k=2}(95)$, and $\dot{E}_{HD}^{k=2}(82)$ replace $\dot{E}_c^{k=2}(T_j)$, $\dot{E}_c^{k=2}(95)$, and $\dot{E}_c^{k=2}(82)$, respectively. Determine $\dot{E}_{HDk}^{=2}(95)$ and $\dot{E}_{HD}^{k=2}(82)$ from the AD_2 and BD^1 Tests described in section 3.2.4 and conducted in accordance with section 3.3. Determine $\dot{E}_{HD}^{k=2}(82)$ and $\dot{E}_{HD}^{k=1}(67)$ using the section 3.2.3 default equations or from the BD_2 and FD_3 Tests described in section 3.2.4 and conducted in accordance with section 3.3.

Approximate the performance of the air conditioner and heat pump had it been tested for its steady-state, dry climate, intermediate speed ($k = v$) performance at an outdoor dry bulb temperature of 87 °F using the following equations.

$$\dot{Q}_{HD}^{k=v}(87) = \dot{Q}_{HD}^{k=1}(87) + \frac{1}{3}\times\left[\dot{Q}_{HD}^{k=2}(87) - \dot{Q}_{HD}^{k=1}(87)\right]$$

$$\dot{E}_{HD}^{k=v}(87) = \dot{E}_{HD}^{k=1}(87) + \frac{1}{3}\times\left[\dot{E}_{HD}^{k=2}(87) - \dot{E}_{HD}^{k=1}(87)\right]$$

Where:

$\dot{Q}_{HD}^{k=1}(87)$ and $\dot{Q}_{HD}^{k=2}(87)$ = obtained by solving the equations for $\dot{Q}_{HD}^{k=1}(T_j)$ and $\dot{Q}_{HD}^{k=2}(T_j)$ for T_j = 87 °F, and $\dot{E}_{HD}^{k=1}(87)$, and

$\dot{E}_{HD}^{k=2}(87)$ = obtained by solving the equations for $\dot{E}_{HD}^{k=1}(T_j)$ and $\dot{E}_{HD}^{k=2}(T_j)$ for T_j = 87 °F.

Calculate $\dot{Q}_{HD}^{k=v}(T_j)$ using Eq. 4.1.4–1, where $\dot{Q}_{HD}^{k=v}(T_j)$ and $\dot{Q}_{HD}^{k=v}(87)$ replace $\dot{Q}_c^{k=v}(T_j)$ and $\dot{Q}_c^{k=v}(87)$, respectively. Calculate $\dot{E}_{HD}^{k=v}(T_j)$ using Eq. 4.1.4–2, where $\dot{E}_{HD}^{k=v}(T_j)$ and $\dot{E}_{HD}^{k=v}(87)$ replace $\dot{E}_c^{k=v}(T_j)$ and $\dot{E}_c^{k=v}(87)$, respectively.

Replace section 4.1.4 to 4.1.4.3 references to $BL(T_j)$ with $BL_{HD}(T_j)$, as evaluated using Eq. 4.1.6–2. In evaluating Eq. 4.1.6–2, set $\dot{Q}_{HD}(90)$ equal to the value obtained from solving the equation for $\dot{Q}_{HD}^{k=2}(T_j)$ at T_j = 90 °F.

If it helps the user, the remaining section 4.1.4 to 4.1.4.3 calculation parameters of M_Q, M_E, N_Q, N_E, $ERR^{k=1}(T_j)$, A, B, C, D, T_1, T_v, T_2, $EER^{k=1}(T_1)$, $EER^{k=v}(T_v)$, $EER^{k=2}(T_2)$, $X^{k=1}(T_j)$, and PLF_j may also be designated as their dry climate versions by adding a subscript "HD" when calculating SEER–HD. Finally, use the section 4.1.4.1 value of C^c_D used to calculate SEER to also calculate SEER–HD.

TABLE 16a—DISTRIBUTION OF FRACTIONAL BIN HOURS WITHIN THE HOT-DRY CLIMATIC REGION

Bin No. j	Bin temperature range °F	Representative temperature for bin j °F	Fraction of total temperature bin hours n_j/N
1	65–69	67	0.477
2	70–74	72	0.208
3	75–79	77	0.119
4	80–84	82	0.086
5	85–89	87	0.047
6	90–94	92	0.027
7	95–99	97	0.021
8	100–104	102	0.011
9	105–109	107	0.004
10	110–114	112	0.000

* * * * *

4.2 * * *

4. For triple-capacity, northern heat pumps (Definition 1.47), $\dot{Q}_h^k(47) = \dot{Q}_h^{k=2}(47)$, the space heating capacity determined from the $H1_2$ Test.

For HSPF calculations for all heat pumps, see either section 4.2.1, 4.2.2, 4.2.3, 4.2.4, or 4.2.6, whichever applies.

* * * * *

4.2.4.2 * * *

T_4 = the outdoor temperature at which the heat pump, when operating at maximum compressor speed, provides a space heating capacity equal to the building load ($\dot{Q}_h^{k=2}(T_4) = BL(T_4)$), °F. Determine T_4 by equating Eqs. 4.2.2–3 (k=2) and 4.2–2 and solving for outdoor temperature. Alternatively T_4 may be determined as specified in section 10.2.4 of ASHRAE Standard 116–95 (RA 05) (incorporated by reference, see § 430.3).

* * * * *

4.2.6 Additional steps for calculating the HSPF of a heat pump having a triple-capacity compressor. The only triple-capacity heat pumps covered at this time are triple-capacity, northern heat pumps as defined in section 1.45. For such heat pumps, the calculation of the Eq. 4.2–1 quantities

$$\frac{e_h(T_j)}{N} \text{ and } \frac{RH(T_j)}{N}$$

differ depending on whether the heat pump would cycle on and off at low capacity (section 4.2.6.1), cycle on and off at high capacity (section 4.2.6.2), cycle on and off at booster capacity (4.2.6.3), cycle between low and high capacity (section 4.2.6.4), cycle between high and booster capacity (section 4.2.6.5), operate continuously at low capacity (4.2.6.6), operate continuously at high capacity (section 4.2.6.7), operate continuously at booster capacity (4.2.6.8), or heat solely using resistive heating (also section 4.2.6.8) in responding to the building load. As applicable, the manufacturer must supply information regarding the outdoor temperature range at which each stage of compressor capacity is active. Information of the type shown in

the example table below is required in such cases.

Compressor capacity	Outdoor temperature range of operation
Low (k=1)	40 °F ≤ T ≤ 65 °F
High (k=2)	20 °F ≤ T ≤ 50 °F
Booster (k=3)	−20 °F ≤ T ≤ 30 °F

a. Evaluate the space heating capacity and electrical power consumption of the heat pump when operating at low compressor capacity and outdoor temperature T_j using the equations given in section 4.2.3 for $\dot{Q}_h^{k=1}(T_j)$ and $\dot{E}_h^{k=1}(T_j)$ In evaluating the section 4.2.3 equations, determine the inputs $\dot{Q}_h^{k=1}$ (62) and $\dot{E}_h^{k=1}$ (62) from the HO_1 Test and determine $\dot{Q}_h^{k=1}$ (47) and $\dot{E}_h^{k=1}$ (47) from the $H1_1$ Test. Calculate all four quantities as specified in section 3.7. If, in accordance with section 3.6.6, the $H3_1$ Test is conducted, calculate $\dot{Q}_h^{k=1}$ (17) and $\dot{E}_h^{k=1}$ (17) as specified in section 3.10 and determine $\dot{Q}_h^{k=1}$ (35) and $\dot{E}_h^{k=1}$ (35) as specified in section 3.6.6.

b. Evaluate the space heating capacity and electrical power consumption of the heat pump when operating at high compressor capacity and outdoor temperature T_j [$\dot{Q}_h^{k=2}(T_j)$ and $\dot{E}_h^{k=2}(T_j)$] by solving Eqs. 4.2.2–3 and 4.2.2–4, respectively, for k = 2. Determine the equation inputs $\dot{Q}_h^{k=2}$ (47) and $\dot{E}_h^{k=2}$ (47) from the $H1_2$ Test, evaluated as specified in section 3.7. Determine the equation inputs $\dot{Q}_h^{k=2}$ (35) and $\dot{E}_h^{k=2}$ (35) from the $H2_2$ Test, evaluated as specified in section 3.9.1. Also, determine the equation inputs $\dot{Q}_h^{k=2}$ (17) and $\dot{E}_h^{k=2}$ (17) from the $H3_2$ Test, evaluated as specified in section 3.10.

c. Evaluate the space heating capacity and electrical power consumption of the heat pump when operating at booster compressor capacity and outdoor temperature T_j using

$$\dot{Q}_h^{k=3}(T_j) = \begin{cases} \dot{Q}_h^{k=3}(17) + \dfrac{\left[\dot{Q}_h^{k=3}(35) - \dot{Q}_h^{k=3}(17)\right] \times (T_j - 17)}{35 - 17}, & if\ 17 < T_j \le 45°F \\ \dot{Q}_h^{k=3}(2) + \dfrac{\left[\dot{Q}_h^{k=3}(17) - \dot{Q}_h^{k=3}(2)\right] \times (T_j - 2)}{17 - 2}, & if\ T_j \le 17°F \end{cases}$$

$$\dot{E}_h^{k=3}(T_j) = \begin{cases} \dot{E}_h^{k=3}(17) + \dfrac{\left[\dot{E}_h^{k=3}(35) - \dot{E}_h^{k=3}(17)\right] \times (T_j - 17)}{35 - 17}, & if\ 17 < T_j \le 45°F \\ \dot{E}_h^{k=3}(2) + \dfrac{\left[\dot{E}_h^{k=3}(17) - \dot{E}_h^{k=3}(2)\right] \times (T_j - 2)}{17 - 2}, & if\ T_j \le 17°F \end{cases}$$

Determine the inputs $\dot{Q}_h^{k=3}$ (17) and $\dot{E}_h^{k=3}$ (17) from the $H3_3$ Test and determine $\dot{Q}_h^{k=3}$ (2) and $\dot{E}_h^{k=3}$ (2) from the $H4_3$ Test. Calculate all four quantities as specified in section 3.10. Determine the inputs $\dot{Q}_h^{k=3}$ (35) and $\dot{E}_h^{k=3}$ (35) as specified in section 3.6.6.

4.2.6.1 Steady-state space heating capacity when operating at low compressor capacity is greater than or equal to the building heating load at temperature T_j, $\dot{Q}_h^{k=1}(T_j) \ge BL(T_j)$, and the heat pump permits low compressor capacity operation at T_j. Evaluate the quantities

$$\frac{e_h(T_j)}{N} \text{ and } \frac{RH(T_j)}{N}$$

using Eqs. 4.2.3–1 and 4.2.3–2, respectively. Determine the equation inputs $X^{k=1}(T_j)$, PLF_j, and $\delta'(T_j)$ as specified in section 4.2.3.1. In calculating the part load factor, PLF_j, use the low-capacity cyclic-degradation coefficient $C_D{}^h$ [or equivalently, $C_D{}^h(k = 1)$] determined in accordance with section 3.6.6.

4.2.6.2 Heat pump only operates at high (k = 2) compressor capacity at temperature T_j and its capacity is greater than or equal to the building heating load, $\dot{Q}_h^{k=1}(T_j) \ge BL(T_j)$. Evaluate the quantities

$$\frac{e_h(T_j)}{N} \text{ and } \frac{RH(T_j)}{N}$$

as specified in section 4.2.3.3. Determine the equation inputs $X^{k=2}(T_j)$, PLF_j, and $\delta'(T_j)$ as specified in section 4.2.3.3. In calculating the part load factor, PLF_j, use the high-capacity cyclic-degradation coefficient, $C_D{}^h(k = 2)$] determined in accordance with section 3.6.6.

4.2.6.3 Heat pump only operates at booster (k = 3) capacity at temperature T_j and its capacity is greater than or equal to the building heating load, $\dot{Q}_h^{k=3}(T_j) \ge BL(T_j)$.

Calculate $\dfrac{RH(T_j)}{N}$ using Eq. 4.2.3-2. Evaluate $\dfrac{e_h(T_j)}{N}$ using

$$\frac{e_h(T_j)}{N} = \frac{X^{k=3}(T_j) \times \dot{E}_h^{k=3}(T_j) \times \delta'(T_j)}{PLF_j} \times \frac{n_j}{N}$$

Where:

$$X^{k=3}(T_j) = BL(T_j) / \dot{Q}_h^{k=3}(T_j), \text{ and } PLF_j = 1 - C_D^h(k=3) \times \left[1 - X^{k=3}(T_j)\right]$$

Determine the low temperature cut-out factor, $\delta'(T_j)$, using Eq. 4.2.3–3. Use the booster-capacity cyclic-degradation coefficient, $C_D{}^h(k = 3)$, determined in accordance with section 3.6.6.

4.2.6.4 Heat pump alternates between low ($k = 1$) and high ($k = 2$) compressor capacity to satisfy the building heating load at temperature T_j, $\dot{Q}_h{}^{k=1}(T_j) < BL(T_j) < \dot{Q}_h{}^{k=2}(T_j)$.

Evaluate the quantities

$$\frac{e_h(T_j)}{N} \text{ and } \frac{RH(T_j)}{N}$$

as specified in section 4.2.3.2. Determine the equation inputs $X^{k=1}(T_j)$, $X^{k=2}(T_j)$, and $\delta'(T_j)$ as specified in section 4.2.3.2.

4.2.6.5 Heat pump alternates between high ($k = 2$) and booster ($k = 3$) compressor capacity to satisfy the building heating load at temperature T_j, $\dot{Q}_h{}^{k=2}(T_j) < BL(T_j) < \dot{Q}_h{}^{k=3}(T_j)$.

Calculate $\frac{RH(T_j)}{N}$ using Eq. 4.2.3-2. Evaluate $\frac{e_h(T_j)}{N}$ using

$$\frac{e_h(T_j)}{N} = \left[X^{k=2}(T_j) \cdot \dot{E}_h^{k=2}(T_j) + X^{k=3}(T_j) \cdot \dot{E}_h^{k=3}(T_j)\right] \cdot \delta'(T_j) \cdot \frac{n_j}{N}$$

Where:

$$X^{k=2}(T_j) = \frac{\dot{Q}_h^{k=3}(T_j) - BL(T_j)}{\dot{Q}_h^{k=3}(T_j) - \dot{Q}_h^{k=2}(T_j)}, \text{ and}$$

$X^{k=3}(T_j) = X^{k=2}(T_j) =$ the heating mode, booster capacity load factor for temperature bin j, dimensionless.

Determine the low temperature cut-out factor, $\delta'(T_j)$, using Eq. 4.2.3–3.

4.2.6.6 Heat pump only operates at low ($k = 1$) capacity at temperature T_j and its capacity is less than the building heating load, $BL(T_j) > \dot{Q}_h{}^{k=1}(T_j)$.

$$\frac{e_h(T_j)}{N} = \dot{E}_h^{k=1}(T_j) \times \delta'(T_j) \times \frac{n_j}{N} \text{ and } \frac{RH(T_j)}{N} = \frac{BL(T_j) - \left[\dot{Q}_h^{k=1}(T_j) \times \delta'(T_j)\right]}{3.413 \frac{\text{Btu/h}}{\text{W}}} \times \frac{n_j}{N}$$

where the low temperature cut-out factor, $\delta'(T_j)$, is calculated using Eq. 4.2.3–3.

4.2.6.7 Heat pump only operates at high ($k = 2$) capacity at temperature T_j and its capacity is less than the building heating load, $BL(T_j) > \dot{Q}_h{}^{k=2}(T_j)$. Evaluate the quantities

$$\frac{e_h(T_j)}{N} \text{ and } \frac{RH(T_j)}{N}$$

as specified in section 4.2.3.4. Calculate $\delta''(T_j)$ using the equation given in section 4.2.3.4.

4.2.6.8 Heat pump only operates at booster ($k = 3$) capacity at temperature T_j and its capacity is less than the building heating load, $BL(T_j) > \dot{Q}_h{}^{k=3}(T_j)$, or the system converts to using only resistive heating.

$$\frac{e_h(T_j)}{N} = \dot{E}_h^{k=3}(T_j) \times \delta'(T_j) \times \frac{n_j}{N} \text{ and } \frac{RH(T_j)}{N} = \frac{BL(T_j) - \left[\dot{Q}_h^{k=3}(T_j) \times \delta'(T_j)\right]}{3.413 \frac{\text{Btu/h}}{\text{W}}} \times \frac{n_j}{N}$$

where $\delta''(T_j)$ is calculated as specified in section 4.2.3.4 if the heat pump is operating at its booster compressor capacity. If the heat pump system coverts to using only resistive heating at outdoor temperature T_j, set $\delta''(T_j)$ equal to zero.

* * * * *

4.2.7 Additional steps for calculating the HSPF of a heat pump having a single indoor unit with multiple blowers. The calculation of the

Eq. 4.2–1 quantities $e_h(T_j)/N$ and $RH(T_j)/N$ are evaluated as specified in applicable below subsection.

4.2.7.1 For multiple blower heat pumps that are connected to a lone, single-speed outdoor unit.

a. Calculate the space heating capacity, $\dot{Q}_h^{k=1}(T_j)$, and electrical power consumption, $\dot{E}_h^{k=1}(T_j)$, of the heat pump when operating at the heating minimum air volume rate and outdoor temperature T_j using Eqs. 4.2.2–3 and 4.2.2–4, respectively. Use these same equations to calculate the space heating capacity, $\dot{Q}_h^{k=2}(T_j)$ and electrical power consumption, $\dot{E}_h^{k=2}(T_j)$, of the test unit when operating at the heating full-load air volume rate and outdoor temperature T_j. In evaluating Eqs. 4.2.2–3 and 4.2.2–4, determine the quantities $\dot{Q}_h^{k=1}(47)$ and $\dot{E}_h^{k=1}(47)$ from the $H1_1$ Test; determine $\dot{Q}_h^{k=2}(47)$ and $\dot{E}_h^{k=2}(47)$ from the $H1_2$ Test. Evaluate all four quantities according to section 3.7. Determine the quantities $\dot{Q}_h^{k=1}(35)$ and $\dot{E}_h^{k=1}(35)$ as specified in section 3.6.2. Determine $\dot{Q}_h^{k=2}(35)$ and $\dot{E}_h^{k=2}(35)$ from the $H2_2$ Frost Accumulation Test as calculated according to section 3.9.1. Determine the quantities $\dot{Q}_h^{k=1}(17)$ and $\dot{E}_h^{k=1}(17)$ from the $H3_1$ Test, and $\dot{Q}_h^{k=2}(17)$ and $\dot{E}_h^{k=2}(17)$ from the $H3_2$ Test. Evaluate all four quantities according to section 3.10. Refer to section 3.6.2 and Table 10 for additional information on the referenced laboratory tests.

b. Determine the heating mode cyclic degradation coefficient, C_D^h, as per sections 3.6.2 and 3.8 to 3.8.1. Assign this same value to $C_D^h(k = 2)$.

c. Except for using the above values of $\dot{Q}_h^{k=1}(T_j)$, $\dot{E}_h^{k=1}(T_j)$, $\dot{Q}_h^{k=2}(T_j)$, $\dot{E}_h^{k=2}(T_j)$, C_D^h, and $C_D^h(k = 2)$, calculate the quantities $e_h(T_j)/N$ as specified in section 4.2.3.1 for cases where $\dot{Q}_h^{k=1}(T_j) \geq BL(T_j)$. For all other outdoor bin temperatures, T_j, calculate $e_h(T_j)/N$ and $RH_h(T_j)/N$ as specified in section 4.2.3.3 if $\dot{Q}_h^{k=2}(T_j) > BL(T_j)$ or as specified in section 4.2.3.4 if $\dot{Q}_h^{k=2}(T_j) \leq BL(T_j)$.

4.2.7.2 For multiple blower heat pumps connected to either a lone outdoor unit with a two-capacity compressor or to two separate but identical model single-speed outdoor units.

Calculate the quantities $e_h(T_j)/N$ and $RH(T_j)/N$ as specified in section 4.2.3.

* * * * *

4.2.8 Off-mode seasonal power and energy consumption calculations. Evaluate the off-mode seasonal power consumption for the collective shoulders seasons, *P1,* which applies to air conditioners and heat pumps. For air conditioners, determine the off-mode seasonal power consumption for the heating season, *P2.* Once *P1* and, for air conditioners, *P2,* are evaluated, use the SSH and the HSH to calculate the site specific seasonal energy consumption values.

4.2.8.1 Off-mode seasonal power consumption for the collective shoulder seasons, *P1.* For air conditioners and heat pumps, the off-mode power consumption for the shoulder seasons is a single value that applies for all locations. The calculation of *P1* varies for different types of systems.

4.2.8.1.1 Air conditioners and heat pumps that do not have a compressor crankcase heater. For air conditioners and heat pumps not having a compressor crankcase heater, assign *P1* as specified in sections 3.13.2.2 and 3.13.3.5, respectively.

4.2.8.1.2 Air conditioners that have a compressor crankcase heater. For air conditioners having a compressor crankcase heater, evaluate *P1* using

$$P1 = \frac{P1(57) + P1(62) + P1(67) + P1(72)}{4}$$

Where:

$$P1(T_j) = P0 + \left[\frac{F_{CC}(T_j)}{100} \cdot \frac{(230\ \mathrm{V})^2}{R_{CC}}\right].$$

Obtain R_{CC}, the measured resistance of crankcase heater element, and *P0,* the average off-mode power consumption of all other air conditioner components except the crankcase heater, as specified in sections 3.13.1 and 3.13.4.6, respectively. Calculate the percent time on of the crankcase heater for outdoor bin temperatures T_j = 57, 62, 67, and 72 °F as specified in section 3.13.4.4.8.

4.2.8.1.3 Heat pumps that have a compressor crankcase heater. For heat pumps having a compressor crankcase heater, evaluate *P1* using

$$P1 = P0 + \left[\frac{F_{CC}(65)}{100} \cdot \frac{(230\ \mathrm{V})^2}{R_{CC}}\right],$$

rounded to the nearest even wattage.

Obtain R_{CC}, the measured resistance of crankcase heater element, and *P0,* the average off-mode power consumption of all other heat pump components except the crankcase heater, as specified in sections 3.13.1 and 3.13.5.5.3, respectively. Calculate the percent time on of the crankcase heater at a 65 °F outdoor temperature, $F_{CC}(65)$, as specified in section 3.13.5.4.5.

4.2.8.2 Off-mode seasonal power consumption for air conditioners during the heating season, *P2.* For air conditioners, *P2* is non-zero and evaluated as specified below. For heat pumps, *P2* equals zero.

4.2.8.2.1 For air conditioners that do not have a compressor crankcase heater. The off-mode power consumption for the heating season is a single value that applies for all locations. Assign *P2 = P1,* as determined in section 3.13.2.2.

4.2.8.2.2 For air conditioners that have compressor crankcase heater. The off-mode power consumption for the heating season depends on the fractional bin hour distribution, for which a different distribution is specified for each of the six generalized climatic regions, Figure 2. Calculate *P2* using

$$P2 = P0 + \sum_{j}^{J}\left[\frac{n_j}{N} \cdot \frac{F_{CC}(T_j)}{100} \cdot \frac{(230\ \mathrm{V})^2}{R_{CC}}\right]$$

rounded to the nearest even wattage. Obtain R_{CC}, the measured resistance of crankcase heater element, and *P0,* the average off-mode power consumption of all other air conditioner components except the crankcase heater, as specified in sections 3.13.1 and 3.13.4.6, respectively. Calculate $F_{CC}(T_j)$, the percent time on of the crankcase heater for outdoor bin temperatures T_j as specified in section 3.13.4.4.8. Obtain n_j/N, the heating season fractional bin hours, from Table 17.

4.2.8.3 Off-mode seasonal energy consumption.

4.2.8.3.1 For the shoulder seasons. Calculate the off-mode energy consumption for the collective shoulder seasons, *E1,* using

$E1 = P1 \times SSH$

Where:

P1 = determined as specified in section 4.2.7.1 and the SSH are determined from Table 19.

TABLE 19—REPRESENTATIVE COOLING AND HEATING LOAD HOURS AND THE CORRESPONDING SET OF SEASONAL HOURS FOR EACH GENERALIZED CLIMATIC REGION

Climatic region	Cooling load hours CLR_R	Heating load hours HLH_R	Cooling season hours CSH_R	Heating Season Hours HSH_R	Shoulder Season Hours SSH_R
I	2400	750	6731	1826	203
II	1800	1250	5048	3148	564
III	1200	1750	3365	4453	942
IV	800	2250	2244	5643	873
Rating Values	1000	2080	2805	5216	739
V	400	2750	1122	6956	682
VI	200	2750	561	6258	1941

4.2.8.3.2 For the heating season—air conditioners only. Calculate the off-mode energy consumption of an air conditioner during the heating season, *E2,* using

$E2 = P2 \times HSH$

Where:

P2 = determined as specified in section 4.2.7.2 and the HSH are determined from Table 19.

* * * * *

4.3.1 * * *

$$APF_A = \frac{CLH_A \times \dot{Q}_c^k(95) + HLH_A \times DHR \times C}{\frac{CLH_A \times \dot{Q}_c^k(95)}{SEER} + \frac{HLH_A \times DHR \times C}{HSPF} + P1 \times SSH + P2 \times HSH}$$

* * *

P1 = the off-mode seasonal power consumption for the collective shoulders seasons, as determined in section 4.2.7.1, W, and

P2 = the off-mode seasonal power consumption for the heating season, as determined in section 4.2.7.2, W.

Evaluate the HSH using

$$HSH = \frac{HLH \times (65 - T_{OD})}{\sum_{j=1}^{J} (65 - T_j) \times \frac{n_j}{N}}$$

Where:

T_{OD} and n_j/N = listed in Table 19 and depend on the location of interest relative to Figure 2. For the six generalized climatic regions, this equation simplifies to the following set of equations:

Region I $HSH = 2.4348 \times HLH$
Region II $HSH = 2.5182 \times HLH$
Region III $HSH = 2.5444 \times HLH$
Region IV $HSH = 2.5078 \times HLH$
Region V $HSH = 2.5295 \times HLH$
Region VI $HSH = 2.2757 \times HLH$

Evaluate the shoulder season hours using

$SSH = 8760 - (CSH + HSH)$

Where:

CSH = the cooling season hours calculated from $CSH = 2.8045 \times CLH$

* * * * *

4.3.2 Calculation of representative regional annual performance factors (APF_R) for each generalized climatic region and for each standardized design heating requirement.

$$APF_R = \frac{CLH_R \times \dot{Q}_c^k(95) + HLH_R \times DHR \times C}{\frac{CLH_R \times \dot{Q}_c^k(95)}{SEER} + \frac{HLH_R \times DHR \times C}{HSPF} + P1 \times SSH + P2 \times HSH}$$

Where:

CLH_R = the representative cooling hours for each generalized climatic region, *Table 19,* hr,

HLH_R = the representative heating hours for each generalized climatic region, *Table 19,* hr, and

HSPF = the heating seasonal performance factor calculated as specified in section 4.2 for each generalized climatic region and for each standardized design heating requirement within each region, Btu/W × h.

The SEER, $\dot{Q}_c^k$ (95), *DHR, C, P1, P2, SSH,* and *HSH* are the same quantities as defined in section 4.3.1. *Figure 2* shows the generalized climatic regions. *Table 18* lists standardized design heating requirements.

TABLE 19—REPRESENTATIVE COOLING AND HEATING LOAD HOURS FOR EACH GENERALIZED CLIMATIC REGION

Region	CLH_R	HLH_R
I	2400	750
II	1800	1250
III	1200	1750
IV	800	2250
V	400	2750

TABLE 19—REPRESENTATIVE COOLING AND HEATING LOAD HOURS FOR EACH GENERALIZED CLIMATIC REGION—Continued

Region	CLH_R	HLH_R
VI	200	2750

4.4 Rounding of SEER, HSPF, SHR, and APF for reporting purposes. After calculating SEER according to section 4.1, round it off as specified in subpart B 430.23(m)(3)(i) of Title 10 of the CFR. Round section 4.2 HSPF values and section 4.3 APF values as per § 430.23(m)(3)(ii) and (iii) of Title 10 of the CFR. Round section 4.5 SHR values to 2 decimal places.

4.5 Calculations of the SHR, which should be computed for different equipment configurations and test conditions specified in Table 20.

TABLE 20—APPLICABLE TEST CONDITIONS FOR CALCULATION OF THE SENSIBLE HEAT RATIO

Equipment configuration	Reference Table No. of Appendix M	SHR computation with results from	Computed values
Single-Speed Compressor and a Fixed-Speed Indoor Fan, a Constant Air Volume Rate Indoor Fan, or No Indoor Fan.	3	*B* Test	SHR(B)
Single-Speed Compressor and a Variable Air Volume Rate Indoor Fan.	4	*B2* and *B1* Tests	SHR(B1), SHR(B2)
Units Having a Two-Capacity Compressor	5	*B2* and *B1* Tests	SHR(B1), SHR(B2)
Units Having a Variable-Speed Compressor	6	*B2* and *B1* Tests	SHR(B1), SHR(B2)

The SHR is defined and calculated as follows:

$$\mathrm{SHR} = \frac{\text{Sensible Cooling Capacity}}{\text{Total Cooling Capacity}}$$

$$= \frac{\dot{Q}_{sc}^{k}(T)}{\dot{Q}_{c}^{k}(T)}$$

Where both the total and sensible cooling capacities are determined from the same cooling mode test and calculated from data collected over the same 30-minute data collection interval.

* * * * *

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H.R. 1442/P.L. 111–168
To provide for the sale of the Federal Government's reversionary interest in approximately 60 acres of land in Salt Lake City, Utah, originally conveyed to the Mount Olivet Cemetery Association under the Act of January 23, 1909. (May 24, 2010; 124 Stat. 1190)

H.R. 2802/P.L. 111–169
To provide for an extension of the legislative authority of the Adams Memorial Foundation to establish a commemorative work in honor of former President John Adams and his legacy, and for other purposes. (May 24, 2010; 124 Stat. 1192)

H.R. 5148/P.L. 111–170
To amend title 39, United States Code, to clarify the instances in which the term "census" may appear on mailable matter. (May 24, 2010; 124 Stat. 1193)

H.R. 5160/P.L. 111–171

Haiti Economic Lift Program Act of 2010 (May 24, 2010; 124 Stat. 1194)

S. 1067/P.L. 111–172

Lord's Resistance Army Disarmament and Northern Uganda Recovery Act of 2009 (May 24, 2010; 124 Stat. 1209)

H.R. 5014/P.L. 111–173

To clarify the health care provided by the Secretary of Veterans Affairs that constitutes minimum essential coverage. (May 27, 2010; 124 Stat. 1215)

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